



Discrimination, Bullying & Harassment HR AGED CARE POLICY

Policy Version 3.0

Category: Administrative *(Required by Legislation)*

Adopted: June 2025



Discrimination, Bullying & Harassment HR Aged Care Policy

Purpose

Winton Shire Council aims to ensure that all those participating in the workplace are treated with respect, dignity and fairness to create an environment that promotes positive working relationships and a diverse workforce. This policy outlines the expected standards of conduct of all employees, volunteers and contractors to prevent unfair treatment of people and ensure all grievances are dealt with in a timely, confidential and unbiased manner.

By effectively implementing this policy Winton Shire Council will attract and retain talented staff who are kind, caring and respectful of our consumers and create a positive and safe working environment.

Scope

This Policy applies to:

- All Community Care Services team members,
- Their volunteers,
- Students on placement,
- Contractors and consultants, whether or not they are employees,
- Any other brokered service providers and
- Winton Shire Council Councillors,

It applies at all times when they are working for, acting on behalf of or representing Winton Shire Council regardless of the location such as on-site, off-site or after hours work, work-related social functions and conferences and includes all forms of written and verbal communication and social media.

Definitions

Term	What it means / refers to
Discrimination	Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law
Bullying	Bullying is repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety.
Harassment	Harassment is defined as derogatory or discriminatory remarks, verbal abuse or physical or sexual advances which: • are offensive to the individual • cause the person to feel threatened, humiliated, patronised or embarrassed • interferes with job performance or • are irrelevant to the workplace.



Term	What it means / refers to
Sexual harassment	A specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated.
Victimisation	Victimisation is treating someone unfairly or threatening them because they have asserted their rights, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

Policy statement

Winton Shire Council is committed to providing a positive and safe work environment free from discrimination, harassment, bullying, or unfair treatment by:

- understanding and complying with applicable laws and regulations
- taking steps to ensure practices including human resource management reflect the diversity of consumer needs and community demographics
- providing training to the workforce on their obligations under the regulations, identifying and responding to inappropriate behaviour they may witness or become aware of and how to report incidents of this
- identifying and assessing risks in consultation with the workforce and implementing strategies to minimise the likelihood of these eventuating
- providing options for incidents of discrimination, bullying or harassment to be confidentially reported and ensuring these are handled sensitively, in a timely and confidential manner that minimises stress to those involved
- commencing performance management and/or disciplinary action if unacceptable behaviour is identified through an investigation including notifying the relevant external authorities should the behaviour constitute a criminal offence and
- offering, and/or facilitating access to appropriate support to people who experience discrimination, bullying or harassment.

An employee who believes they are experiencing discrimination, harassment, bullying or unfair treatment must take actions described in the Grievance Resolution Process. Employees who witness or have knowledge of inappropriate behaviour are required to report it to their manager or Human Resources representative. Failure to do so may result in disciplinary action.

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law which includes:

- race, colour, descent, national origin or ethnic background
- age, whether young or old or because of age in general
- religion
- sex
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship



- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- pregnancy and breastfeeding
- a disability, disease or injury, including work-related injury
- medical record
- social origin
- political beliefs/activities
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity or deciding not to join a union and/or
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is against the law to treat someone unfavourably because a person is known or assumed to have or may have any of these personal characteristics in the future. It is also illegal to request, demand, provoke, encourage, permit or aid another person to discriminate regardless of the intention and doing so could result in action against both parties. Discrimination can result from a person acting alone, in collaboration with others, by inaction or exclusion.

Discrimination can occur:

- directly, when a person or group is treated less favourably than another person or group in a similar situation e.g. an employee is refused a promotion because they are 'too old' or
- indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (listed above) e.g. staff who receive a redundancy is decided based on those who have had workers compensation claim rather than on merit.

Bullying and Harassment

Bullying is repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Examples of bullying may include:

- abusive, insulting or offensive language or comments
- aggressive and intimidating conduct
- belittling or humiliating comments
- victimisation
- practical jokes
- unjustified criticism or complaints
- deliberately excluding someone from work-related activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the employee
- spreading misinformation or malicious rumours and/or



- changing work arrangements such as rosters and leave to deliberately inconvenience a particular employee or employees.

Bullying or harassment **does not** include:

- objective comments made with the intention to provide constructive feedback and assist a staff member with their work
- legitimate performance management, management direction or implementation of policy
- expressing differences of opinion
- making a complaint about a manager or other employees' conduct if the complaint is made in line with grievance management processes and in good faith and/or
- poor communication or disagreements between employees or management.

Harassment is defined as derogatory or discriminatory remarks, verbal abuse or physical or sexual advances which:

- are offensive to the individual
- cause the person to feel threatened, humiliated, patronised or embarrassed
- interferes with job performance or
- are irrelevant to the workplace.

It is important to recognise that what one person may find acceptable, another may find totally unacceptable and that the essence of harassment is that the words or behaviour are unwelcome to the particular recipient. Consequently, all employees will establish for themselves whether the words or behaviour of others is acceptable to them and whether it is appropriate to bring a complaint of bullying or harassment. However, the determination of whether a complaint of bullying or harassment is upheld and subsequent action to be taken will be made by Management.

Employees should be aware that, as well as harassment being a safety and disciplinary matter, an individual can have action brought against them by another employee for harassment and may be personally liable to compensate the victim under relevant legislation.

Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life



- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour. A single incident is enough to constitute sexual harassment.

All incidents of sexual harassment, no matter how large or small or who is involved, will be responded to quickly and appropriately.

Victimisation

Victimisation is treating someone unfairly or threatening them because they have asserted their rights, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

Victimisation is against the law and is likely (depending on the severity and circumstances) to result in formal disciplinary action against the person carrying it out.

Operational Need

To deliver on the consumer outcome of:

“I get quality care and services when I need them from people who are knowledgeable, capable and caring” in accordance with the Aged Care Quality Standards.

Roles and Responsibilities

Winton Shire Council

The Winton Shire Council has ultimate accountability for oversight of risk and compliance management and ensuring systems, processes and financial resources are in place to support the workforce achieve these obligations. It provides leadership and builds a culture where any form of discrimination, harassment, bullying, or unfair treatment is not tolerated.

Management

Management is responsible for ensuring this policy and related processes are implemented including that there are sufficient resources, guidance and support to effectively minimise the likelihood of discrimination, bullying or harassment occurring and appropriately respond if it does. Management is responsible for the implementation, review and continuous improvement of this policy including ensuring related systems and processes meet regulatory and best practice requirements and provides reports to the Governing Body on the performance of workforce management activities when required.

Human Resources

The Human Resources Team (however named) are responsible for providing guidance and support to implement the requirements of this policy, maintaining accurate records and providing reports as required.

Staff, volunteers and contractors

All staff, volunteers and contractors are responsible for understanding and following the requirements of this policy and related policies and procedures. They are required to participate in all training and undertake their duties as directed.



Communication

This document will be published on the Winton Shire Council website and will be made available to all employees involved in the delivery of Community Care services provided by Winton Shire Council.

Related Council Documentation

Aged care records including:

- Consumer files,
- Incident reports,
- Incident register,
- Consumer feedback,
- Employee training records and
- Risk register,

Legislation, Recognised Authorities and Other Sources

- Aged Discrimination Act 2004
- Disability Discrimination Act 1992
- Fair Work Act 2009
- Racial Discrimination Act 1975
- Sex Discrimination Act 1975
- Standard 7 (3)(d) Workforce Recruitment, training, equipping and support
- Standard 8 (3)(c) Organisation wide governance systems
- Australia's Anti-Discrimination Law – *Attorney General's Department*
- New Workplace Sexual Harrassment Laws – *Fair Work Ombudsman*
- Sexual Harrassment – *Fair Work Commission*
- Workplace Bullying – Violence, Harrassment and Bullying Fact Sheet – *Australian Human Rights Commission*

Review of Policy

This policy will be reviewed every two years or when legislation or standards change and remains in force until amended or repealed by resolution of Council.

Record of Amendments and Adoptions

Date	Revision No	Reason for amendment	Date adopted by Council
December 2021	Version 1.0	Initial policy	16 December 2021
October 2023	Version 2.0	Updated quality standards	
June 2025	Version 3.0	SDAP update	

