HR05: Anti-Discrimination (Bullying)

Policy Title	Anti-Discrimination (Bullying)	**Policy Number**	HR05
Status	Endorsed	**Category**	Human Resource
Endorsement Date	29th September 2026	**Resolution**	14.01.09.26
Version	2		

Background

The Belyuen Community Government Council (the Council) is committed to providing a safe, flexible and respectful environment, free from all forms of discrimination, harassment and bullying.

Objectives

The objectives of this policy are:

- to ensure all individuals treat others with dignity, courtesy and respect
- to inform individuals what constitutes discrimination, bullying and harassment
- to inform all parties of their responsibility as individuals regarding discrimination, bullying and harassment
- to guide the Council in their responsibility as an organisation regarding discrimination, bullying and harassment
- to create a safe, positive and healthy work environment

Scope and Application

The policy applies to Elected and Committee members, CEO and other employees, volunteers, and contractors.

The policy is applicable when:

- working at any of the Council premises; working off-site or after hours for the Council; attending a work-related social function; representing the Council at a conference or function – wherever and whenever an individual may be because of their Local Government duties.
- some interactions happen between colleagues outside of the workplace
- any aspect of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport are undertaken.

Legislative and Policy References

Legislation

- Section 172 of *the Local Gov Act 2019*
- *Work Health and Safety Act 2011 Regulations 55A - 55D*
- *Anti-Discrimination Act 1992*

- *Equal Employment Opportunity Act 2010 (Cmth)*
- *Fair Work Act 2009 (Cmth)*
- *Australian Human Rights Commission Act 1986 (Cmth)*
- *Age Discrimination Act 2004 (Cmth)*
- *Disability Discrimination Act 1992 (Cmth)*
- *Racial Discrimination Act 1975 (Cmth)*
- *Sex Discrimination Act 1984 (Cmth)*

Related Policies

- Code of Conduct (Elected Members)
- Code of Conduct (CEO and Staff)
- Breaches of the Code of Conduct (Elected Members)
- Employment Related Grievances

Definitions

NIL

Policy Statement

The Council aims to achieve a harmonious workplace and recognises the right of all people who interact with us to be treated with dignity and respect.

The Council aims to provide a safe, positive, and healthy work environment for all, which is free from discrimination, bullying, and harassment. Anyone covered under this policy must not engage in unacceptable conduct in the workplace.

Unacceptable conduct is defined below as: discrimination, harassment, and bullying. Just because someone does not object to inappropriate behaviour in the workplace at the time the behaviour occurs, does not mean that they are consenting to the behaviour.

The Council will promote appropriate standards of conduct in accordance with the code of conduct at all times, take appropriate action against any person who breaches this policy and implement strategies and support systems to ensure all parties know their rights and responsibilities and are protected in relation to those rights.

Unlawful discrimination

An employee is directly discriminated against if they are treated less favorably than another person in the same or similar circumstance, because of any one of the grounds of discrimination outlined below. Indirect discrimination can occur where a practice or requirement is imposed upon all employees but where a high proportion of employees with a protected ground cannot comply with, or are affected by, that practice or requirement.

Grounds of discrimination

The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

- age
- family responsibility or status
- race, colour or ethnic origin
- sex including gender identity, sexual orientation and intersex status
- physical or mental disability
- marital status
- political or religious conviction
- pregnancy
- criminal record
- breastfeeding
- gender history
- impairment
- national extraction or social origin, and
- trade union activity.

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. Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work. A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

The Council recognises that comments and behaviour that do not offend one person can offend another.

Sexual harassment 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, sexually explicit or suggestive emails or text messages
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites

- behaviour that may also 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.

Bullying

Bullying is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying behaviour is generally any repeated, unreasonable or less favourable treatment of a person or group by another or others in the workplace, ranging from overt physical abuse to more covert psychological abuse.

Bullying can be physical, verbal, in writing and/or online (e.g. via text, internet chat rooms, instant messaging, SMS or MMS), is repeated and unreasonable, and can cause a risk to health and safety. It includes behaviour that intimidates, offends, degrades, or humiliates an individual.

There is a variety of ways bullying behaviour can occur in the workplace such as verbally, through email or text message or via social media. Bullying can be directed at an individual or a group and can be carried out by one or more people. Bullying can occur between employees, downwards from managers to employees, or upwards from employees to supervisors and managers.

Direct bullying behaviours can include (but are not limited to):

- physical or verbal abuse or insults
- yelling screaming, or offensive language
- psychological harassment including belittling, offensive or degrading remarks
- Intimidation, manipulation, and/or unreasonable and persistent criticism.
- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- deliberately denying access to information or other resources
- withholding information that is vital for effective work performance
- setting tasks that are unreasonably above or below an employee's ability
- deliberately changing work rosters to inconvenience particular employees
- setting timelines that are very difficult to achieve
- excessive scrutiny at work
- repeatedly failing to give due credit for work and ideas.

Examples indirect of bullying behaviour are:

- aggressive or intimidating conduct
- belittling or humiliating comments
- spreading malicious rumours
- teasing, practical jokes or 'initiation ceremonies'

- exclusion from work-related events
- unreasonable work expectations, including too much or too little work, or work below or beyond an employee's skill level
- displaying offensive material
- pressure to behave in an inappropriate manner.
- Victimisation

Reasonable management action

The Council has the right to take reasonable management action to direct the way in which work is conducted and to give employees lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to:

- the establishment and regular use of performance management systems
- the setting of reasonable performance targets and deadlines
- providing employees with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour
- issuing a lawful and reasonable direction to an employee to complete a work task
- preparing and amending a roster for employees
- transferring an employee to a different work location for operational reasons
- implementing organisational change
- informing an employee about inappropriate behaviour in a confidential manner, and
- taking disciplinary action against an employee.

Other behaviours not considered to be bullying

Where two or more employees have a difference of opinion and disagree on an issue, this is not usually considered to be workplace bullying. However, where conflict escalates and is repeated, it may meet the definition of workplace bullying.

Bullying does not occur where bullying behaviour is a one-off occurrence and if that behaviour does not create a risk to health or safety.

What should you do if you think you are being discriminated against, sexually harassed or bullied?

If you are an employee (including CEO) contractor or volunteer refer to the Employment Related Grievances Policy and procedure for steps to take if you think you are being discriminated against, sexually harassed or bullied, or if you suspect another employee is experiencing any of those things. If you are an Elected Member or Committee member refer to the complaints handling provisions of the Local Government Legislation.

Roles and responsibilities

To ensure the intent of this policy is realised, various roles within the Council must assume certain responsibilities.

The Council will endeavour to:

- provide all workplace participants with a workplace free from discrimination, sexual harassment and bullying
- provide and maintain safe systems of work
- provide a fair and effective procedure to investigate and resolve complaints of sexual harassment, discrimination and bullying
- treat all employees fairly, and
- take suitable disciplinary action against any employee who is found to have sexually harassed, discriminated, bullied or victimised another employee.

All Local Government employees, contractors and volunteers are required to:

- report any incidents of sexual harassment, discrimination or bullying they may see happening around them to the employee's line manager or other appropriate manager
- follow all policies and procedures of the Council
- ensure they do not victimise any person making a complaint of sexual harassment, discrimination or bullying, and
- treat all employees fairly and with respect.

Employees should be aware that discrimination, bullying and sexual harassment may expose them individually to legal action.

Support

The Council may engage in the services of an external Employee Assistance Provider who can provide employees with confidential counseling. Please see the CEO for details of the Employee Assistance Provider.

What to do if you have a complaint

If the complainant believes they are the subject of behavior that is inconsistent with the Local Government's Code of Conduct, policies and procedures, the complainant may raise a complaint by following the process in the Grievance Procedure.

If a complaint is about the Chief Executive Officer

If the complaint is about the CEO, the employment related Grievance Policy and procedure do not apply. A complaint about the CEO must be raised directly with the Mayor.

Consequences of breaching this policy

Any breach of this policy may result in disciplinary action up to and including termination of employment.

Document Control

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Endorsed by	BCGC
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Amendments	
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