



RESPECT & DIGNITY IN THE WORKPLACE POLICY 5.55

RESPECT & DIGNITY IN THE WORKPLACE

DIVISION: GOVERNANCE

PILLAR: GOVERNANCE

FILE / BINDER: TC/4732

PREAMBLE / BACKGROUND:

A policy developed to assist in the Council's commitment to increased structural efficiency and the provision of an appropriate work environment.

POLICY STATEMENT:

Camden Council is committed to all staff being polite, professional and responsive, and ensuring that all have a work environment free from behaviour that is humiliating, offensive or intimidating to other employees.

This policy provides guidelines on the interaction between all Council personnel, Council committee members and Councillors and is designed to maintain a work environment that is free of harassment, bullying or unacceptable behaviour.

Camden Council is committed to providing a pleasant work environment, which is conducive to good workplace relations. Harassment, bullying and unacceptable behaviour in the workplace is against the law, and will not be tolerated by Camden Council employees and Councillors.

POLICY OBJECTIVES:

- To strengthen Camden Council's commitment to anti-discrimination legislation and to establish a workplace that is free from harassment, bullying and unacceptable behaviour. This policy will complement Council's Equal Employment Opportunity Policy.
- To have in place a reporting mechanism that will encourage employees to seek help and resolve harassment issues at the local workplace level, with support of Council or the external Employee Assistance Program, if needed.
- To provide ongoing training for all staff in the prevention of bullying, harassment and discrimination and to encourage staff participation in positive team building development, assertiveness, interpersonal skills and confidence building.

RECOGNISED CONSEQUENCES OF UNACCEPTABLE BEHAVIOUR:

Workplace harassment imposes substantial effects on any organisation in terms of:

1. Loss of confidence or self esteem
2. Lowered morale
3. Reluctance to attend work and absenteeism
4. Stress related symptoms – grief, fear, anxiety, depression
5. Loss of job satisfaction
6. Impact on personal/family relationships
7. Difficulty concentrating
8. Difficulty in decision making and problem solving
9. Reduced productivity
10. High staff turnover

11. Undesirable work environment
12. A bad reputation as an employer and as a service provider

DEFINITIONS:

Bullying – Bullying is a form of harassment. A bully is a person who uses strength or power to coerce others by 'fear' and to 'oppress, persecute, physically or morally by (threat of) superior force'. Examples of bullying behaviour may include, but are not limited to, unjustified and excessive criticism, initiation ceremonies, publicly or privately insulting other people or not listening to their point of view, and constantly changing or setting unrealistic work.

Contact Officer (CO) – an contact officer who may be the first point of contact and whose role is to provide support and information to employees, help staff identify options to deal with harassment, assist in reporting the harassment to management and continue to act in a support role if required. COs are nominated by the Consultative Committee.

Council personnel – for the purpose of this policy means a person employed/engaged by Council on a permanent, part-time, casual or contract basis.

Discrimination – Direct discrimination means treatment that is obviously unfair or unequal. Indirect discrimination means a requirement (or directive) that is the same for everyone, but has an effect or result that is unequal and unreasonable in all the circumstances.

Harassment – is any form of behaviour that you do not want, that offends, humiliates or intimidates you or targets you because of your sex, pregnancy, race, marital status, disability, age, carer's responsibilities, homosexuality, transgender (trans-sexuality), appearance or attire.

Unacceptable Behaviour – is behaving in any way that may offend, humiliate, intimidate, discriminate, physically or psychologically hurt any person. Any behaviour that is not consistent with Council's Code of Conduct including, but not limited to:

- Inappropriate use of performance management process
- Unethical conduct
- Breaching confidentiality
- Inappropriate verbal abuse
- Written abuse
- Ganging up or bullying
- Threats
- Physical or sexual assault
- Unwanted physical behaviour
- Any behaviour that humiliates, offends or intimidates
- Showing discrimination or victimising an individual
- Inappropriate behaviour influenced by alcohol or other drugs at work or during work related social activity
- The use of inappropriate power derived from job position or length of service
- Malicious damage to the property of staff or property of the organisation that is utilised by staff.

ORGANISATIONAL STRATEGIES:

- Advice regarding grievance procedures will be offered for any employee that reports to have been bullied or harassed by another person while at work or during work related social activity.

- Where Council personnel, Councillors or Council committee members proceeds with a claim of harassment, bullying or unacceptable behaviour and that claim is substantiated, formal discipline procedures will be applied.
- Ensure the principles of this policy are inherent core values within the performance appraisal system and are built into the assessment mechanism.
- Establish, train and support a network of contact officers (COs) throughout Camden Council in all work locations. Camden Council will ensure COs are released from their usual duties to attend to their CO duties.
- Provide training and support to Managers, supervisors and Contact Officers to implement the policy, in particular the identification and management of bullying and harassment in the workplace.

RESPONSIBILITIES:

All employees of Camden Council have a responsibility for the implementation of this Policy and the following specific responsibilities:

All parties to maintain confidentiality throughout the process.

Management Responsibilities:

- Ensure all Council personnel are aware of the policy and its implications.
-
- Treat people equally and in a fair and reasonable manner.
- Create a work environment where employees are treated with dignity and respect
- Provide a psychologically safe and desirable work environment that encourages all personnel interaction to be of an appropriate manner.
- Refer any complaint of a breach of the Respect and Dignity in the Workplace Policy to the Manager, Employee Relations or General Manager and treat any claim under this policy professionally and with confidentiality.

Employee Relations Responsibilities:

- Investigate any allegations of a breach of the Dignity and Respect in the Workplace Policy.
- Treat any complaint of a breach of this policy confidentially, seriously, promptly and in an appropriate manner in accordance with Camden Council's established Grievance Procedures.
- Provide annual training and awareness strategies.
- Review the policy, procedures and ensure the performance management system reflects the objectives of this policy on an annual basis in consultation with staff.
- Statistical reporting.

Employee Responsibilities:

- Have full consideration for other staff member's nature, health and well being.

- Respect the rights of others and never encourage or participate in harassment, bullying or any forms of unacceptable behaviour; and exhibit a commitment to a teamwork approach where member's contributions are valued.
- Report any behaviour that they observe or become aware of that is in breach of the Respect and Dignity in the Workplace Policy.

Consultative Committee Responsibilities:

- Develop and review this policy in consultation with Council personnel, Councillors and others engaged by Council. Note: Members of the Consultative Committee do not undertake any form of review of any complaints.
- Establish and maintain an accessible listing of current Contact Officers.

REPORTING A CLAIM OF BULLYING, HARASSMENT OR UNACCEPTABLE BEHAVIOUR: (Appendix 1)

If a person is being harassed, they may choose to handle the matter in a number of ways. Camden Council encourages its employees to resolve bullying, harassment and unacceptable behaviour issues at the local workplace level, with support from their supervisor, work colleagues, Employee Relations Manager, a Contact Officer or the external Employee Assistance Program, if needed; or a direct approach to the General Manager.

Confidentiality is to be maintained by all parties in this process and is not to be discussed with any person. All parties are to be made aware of their responsibility to maintain confidentiality.

The focus is to attempt to resolve issues at a local workplace level. At this level, options available to the individual include:

- Approaching the alleged offender (with or without support from an appropriate person). Approaching the person may be very effective, particularly if the person is unaware of the impact of their behaviour.
- Making a verbal or written complaint (on the Incident Report Form – Appendix 2). The individual has the right to make a formal written complaint at any time. A person being harassed may make known their grievance to their own Team Leader or Manager, Employee Relations Manager, other senior managers or to a contact officer.

Team Leaders and Managers receiving a complaint shall:

- Always take the complaint seriously.
- Discuss the complaint and help the complainant to decide if the situation can be resolved at the local workplace level.
- Inform the complainant of the need to maintain confidentiality in relation to their complaint.
- Reassure the complainant that all effort will be made to ensure that their complaint will remain confidential and will not be disclosed outside the investigation process.
- Assist the complainant in understanding options and steps in the complaints procedure.

Whilst all internal strategies should be exhausted, a complainant may also contact external organisations which have relevant jurisdiction, such as the Anti-Discrimination Board (ADB),

the Human Rights and Equal Opportunity Commission (HREOC), Australian Industrial Relations Commission (AIRC) and the appropriate Union. The ADB, HREOC and AIRC have legislative power to investigate complaints. Individuals also have the option of reporting acts of harassment, bullying or unacceptable behaviour directly to the Police Service if they wish to do so. Advice can also be obtained from Council's Employee Assistance Program. Note: referral of the matter to external investigations may mean that the complaint may no longer remain confidential.

The Contact Officer's Role:

Council will establish a network of trained Contact Officers (COs) throughout the organisation. The role of the CO is to:

- Provide support and information to employees with enquiries or complaints about harassment.
- Help staff identify options to deal with the harassment.
- Assist applicant in reporting the harassment and act as a support person at the workplace level if requested.

Note: COs will not be required to resolve any disputes or make recommendations on matters.

Employees with complaints or enquires about harassment can get immediate advice and support from any CO within the Council, not just the CO in their own work area.

COs are generally appointed for up to two years. Lists of current COs will be published and distributed to all employees regularly by the Consultative Committee.

Resolving Informal Complaints:

Issues affecting all staff in a section or team shall be discussed at a group meeting to find ways of resolving the issue to all the staff's satisfaction, eg. 'this is happening – what will we do about this'.

It is often possible to resolve informal complaints at the local workplace level by personal interaction between the parties involved.

If the incident was minor and all parties are satisfied with the outcome, formal documentation on the offending employee's personnel file may not be required.

Investigating a Claim of Bullying, Harassment or Unacceptable Behaviour: (as outlined in Appendix 1)

Complaints of bullying, harassment or unacceptable behaviour may be investigated within Council by a single officer, ie General Manager, Director, ER Manager and some instances a Manager or a panel. The mediation panel may consist of the Employee Relations Manager, Team Leader/Manager responsible for the alleged offender, CO, union representative or an independent staff member, by agreement of the complainant and accused.

Investigations should be fully completed, including the sign-off of any reports, as quickly as possible and ideally within five (5) working days.

In carrying out an investigation, the single officer or the mediation panel shall:

- Be fair and impartial.
- Discuss the allegations with the complainant and obtain as much information as possible including a description of events, times/dates and the names of any witnesses.

- Advise the alleged offender that a complaint has been made, describe the nature of the complaint and also obtain a full description of the events and names of any witnesses.
- Explain the investigative process to the complainant and alleged offender.
- Establish the facts by interviewing any witnesses or other relevant parties, taking written statements as required.
- Remind all parties they are not to discuss the matter and assure them that all effort will be made to ensure confidentiality will be maintained.
- Keep factual notes on all discussions, meetings and interviews.
- Assess whether or not the allegations are substantiated.

Depending on the nature of the complaint, the mediation panel shall consider whether one or both parties should be given alternative work arrangements for the duration of the investigation. In most instances this will not be necessary.

In some cases an independent and external investigation process may be established by Council and/or agencies such as the Anti-Discrimination Board.

The outcome of the investigation process is usually a report that summarises the key events and issues and recommends a course of action to resolve the complaint.

Resolving Formal Complaints:

The mediation panel asks the offended employee to describe any actions that they consider the offender and/or the organisation should carry out before he/she is satisfied. The panel shall take into account these suggestions when it recommends a course of action for approval and adoption. The General Manager or another senior manager shall make a determination on the recommendation.

Any disciplinary action which is recommended shall be appropriate to the nature of the offence, such as consideration as to whether it is a first or a repeated offence, the severity of the behaviour and so on. If the allegation was substantiated, appropriate actions may include some combination of:

- A verbal or written apology from the offender.
- Mediation between the parties.
- Training on harassment (or other skills development for one or both parties).
- Temporarily moving the offender to other work assignments so that they no longer work with the offended person.
- A formal warning.
- Introduction of formal discipline procedures in accordance with Council's Disciplinary Policy.

Vexatious Claims

If the claim is found to be vexatious, the complainant shall be subject to disciplinary action relative to the circumstances.

CONTACT OFFICERS:

RESPECT & DIGNITY IN THE WORKPLACE

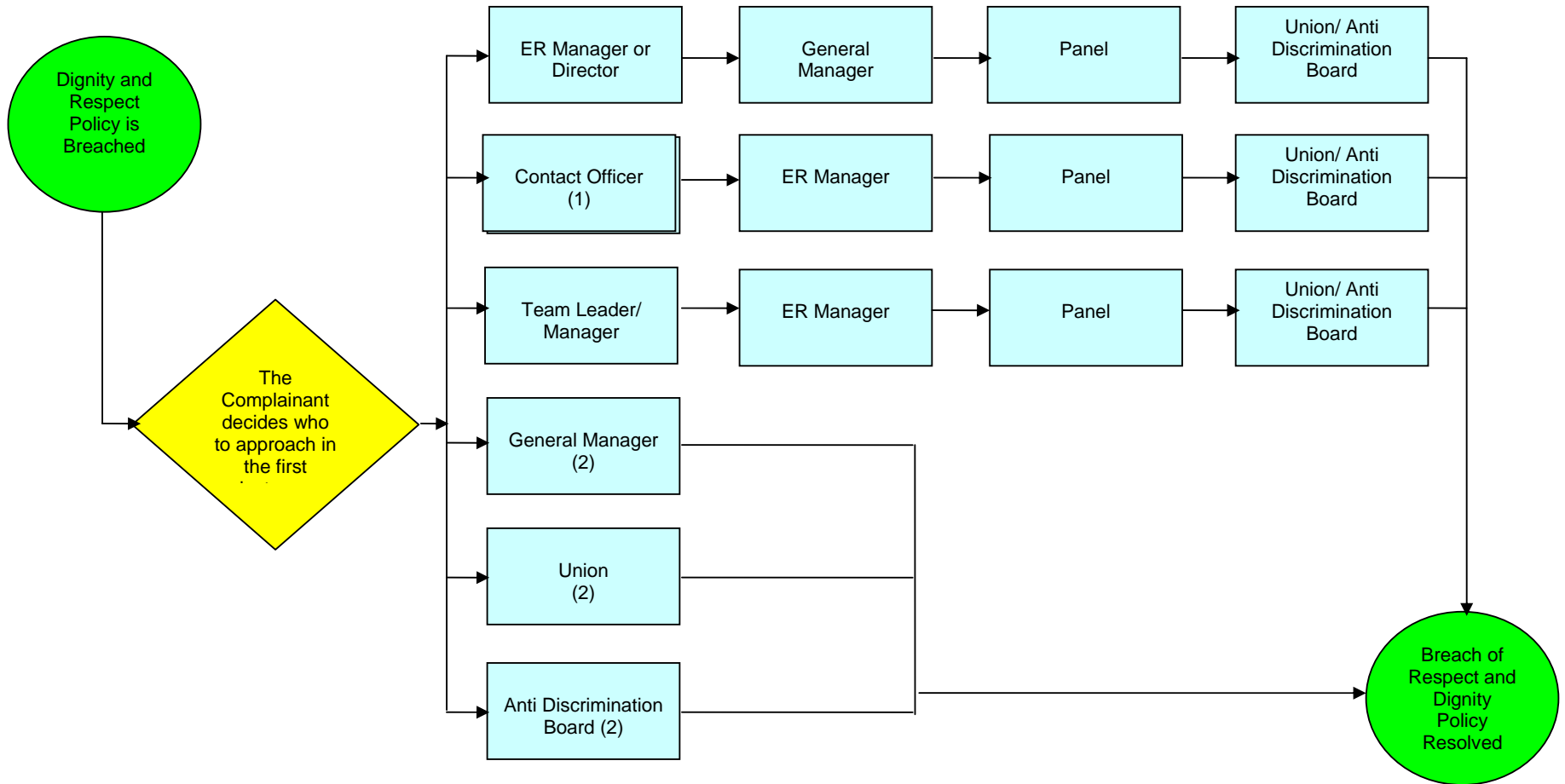
POLICY 5.55

Adopted by Council: 24 February 2009

Minute No: ORD49/09

[Link to Current Listing.](#)

Steps to Follow to Report an Incident



Notes:

1. A Contact Officer is a staff member trained to offer support and information to employees.
2. The General Manager, the Union or The Anti Discrimination Board can be contacted by the complainant at any time during the process.

WORKPLACE HARASSMENT, BULLYING AND INTIMIDATION INCIDENT REPORT FORM

<u>Date of Incident:</u>	Time:
Complainant:	Department/Section
Current Council Position:	
Place Incident Occurred:	
Work Phone Extension:	
Alleged Offender:	Department/Section
Witnesses:	Department/Section

INCIDENT DETAILS

1. Fully describe what happened (lead-up, work process being undertaken, who was present and any other relevant information):

2. Your opinion as to why it happened:

3. Describe how this has affected you:

4. How can this be resolved:

Signed:.....
Employee

Date:

Copies forwarded to:

Employee Relations Manager

* * *

RELEVANT LEGISLATION:

Racial Discrimination Act – 1975
Racial Hatred Act – 1995
Sex Discrimination Act – 1984
Disability Discrimination Act – 1992
Disability Services Act – 1993
Human Rights and Equal Opportunity
Commission Act & Regulations – 1986
Human Rights (Sexual Conduct) Act –
1994
Affirmative Action (Equal Opportunity for
Women) Act – 1986
Industrial Relations Act – 1996
NSW Anti-Discrimination Act – 1977
Privacy and Personal Information
Protection Act – 1998
Privacy Act – 1988

RELATED POLICIES:

EEO/Anti-Discrimination Policy.
Internet and E-Mail Policy
Occupational Health and Safety Policy
Discipline Procedure
Grievance Handling Procedure
Code of Conduct
Customer Service Policy (under
development)
Human Resources Procedure Manual (under
development)

DELEGATIONS:

N

SUSTAINABILITY ELEMENT:

N

STAFF TRAINING REQUIRED?

Y

**NEXT REVIEW DATE: September
2010**

PREVIOUS POLICIES

ADOPTED: 14 June 2005
MINUTE: RS038/05
ADOPTED: 8 September 2003
MINUTE: RS061/03