



Gladstone Regional Council

Council Policy

Title	ANTI-HARASSMENT POLICY
Policy Number	P-2013/32
Responsible Directorate	OFFICE OF THE CHIEF EXECUTIVE OFFICER
Responsible Officer	MANAGER PEOPLE AND PERFORMANCE
Date of Adoption	6 MAY 2014
Resolution Number	G/14/1976
Date Review Due	6 MAY 2017

1.0 Purpose:

The purpose of this policy is to assist Gladstone Regional Council in complying with the requirements of the *Fair Work Act 2009* and *Anti-Discrimination Act 1991* and related legislation to promote a safe work environment and workplace harmony.

2.0 Scope:

This policy applies to workplace participants (as defined in the definition section of this policy) while in Council's workplace and work sites, at work-related functions (including social functions and celebrations), while on business trips and attending training courses and conferences.

3.0 Related Legislation:

- Workplace Health and Safety Act Queensland 2011
- Prevention of Workplace Harassment Code of Practice 2004
- Equal Employment Opportunity Regulations 1995
- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- Sex Discrimination Act 1984
- Racial Discrimination Act 1975
- Disability Discrimination Act 1992

4.0 Related Documents:

- Gladstone Regional Council Certified Agreement 2012 - CA/2013/25
- Code of Conduct for Employees
- Disciplinary Policy
- Anti-Discrimination Policy
- Employee Assistance Program Corporate Standard

- Employees attending Conferences, Meetings or Training Corporate Standard
- Social Media Policy Anti-Discrimination Corporate Standard.
- Individual Contracts
- Formal Grievance Form
- Lodging a Formal Grievance Factsheet
- Steps to Consider Before Lodging a Formal Grievance Factsheet
- Contact Officer Fact Sheet

5.0 Definitions:

To assist in interpretation of this policy the following definitions apply:

"Harassment" is where a person is subjected to behaviour - physical or psychological, other than [sexual harassment](#), that:

- is repeated, unwelcome and unsolicited
- the person considers to be offensive, intimidating, humiliating or threatening
- a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

Note: Harassment is not a single incident type behaviour.

Examples of behaviour that may constitute harassment include:-

- (a) a co-worker sabotages your work by giving you glaringly incorrect information and making you look incompetent in front of others;
- (b) your supervisor scathingly calls you a 'wog' in front of the entire work team and humiliates you;
- (c) a colleague emails you, leaves you voice mail messages and then sends you an SMS message, all messages make offensive remarks about your Jewish religious beliefs;
- (d) you are Japanese and you are never invited to the work team's social functions, when you ask why you are excluded they reply that you would not be interested in attending an 'Aussie' barbecue.

Harassment in any form is repeated, unreasonable and inappropriate behaviour directed towards an individual or group in the workplace which creates a risk to health and safety and undermines an individual's right to dignity.

Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

Single incidents of unreasonable behaviour can also create a risk to health and safety and may escalate into harassment. There is no requirement that harassment be intentional.

It is not harassment for a manager or supervisor to take reasonable management action in a reasonable way such as counselling a workplace participant about their performance or behaviour.

Counselling for performance management is a necessary part of ensuring that workplace participants meet Council's standards of work and behaviour. Other reasonable managerial actions such as disciplinary action, work

directions and orders, and allocation of work in compliance with business needs and systems do not constitute harassment.

If you believe that you have been subject to the following "Discrimination - indirect and direct" "Vilification" and/or "Victimisation" - Please refer to Anti-Discrimination Policy.

"Sexual Harassment" (according to the *Anti-Discrimination Act 1991*) happens if a person-

- a. subjects another person to an unsolicited act of physical intimacy;
or
- b. makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
- c. makes a remark with sexual connotations relating to the other person; or
- d. engages in any other unwelcome conduct of a sexual nature in relation to the other person;

and the person engaging in the conduct described in paragraphs above, does so—

- a. with the intention of offending, humiliating or intimidating the other person; or
- b. in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Examples of sexual harassment include:-

- physical contact such as pinching, touching, grabbing, kissing or hugging;
- staring or leering at a person or parts of their body;
- sexual jokes or comments;
- requests for sexual favours;
- persistent requests to go out where they are refused;
- sexually explicit conversations;
- displays of offensive and pornographic material;
- accessing or downloading sexually explicit material from the internet;
- suggestive comments about a person's body or appearance;
- sending rude or offensive emails, attachments, text messages or other social media;
- talking about your sex life or asking about the other person's sex life.

Notes: Sexual harassment has nothing to do with mutual attraction and such friendships are a private matter. Some sexual harassment is also a criminal offence and Council may be obligated to report such matters to the authorities.

"Workplace Participants" means

- all employees appointed or engaged under a contract of service or a contract for services (whether permanent full time or part time, temporary fixed term including apprentices and trainees, contract staff including executive contracts and casual employees);
 - all labour hire workers;
 - all vocational and work experience placements;
 - all volunteers;
 - elected Councillors;
 - all other authorised agents;
- of Gladstone Regional Council.

6.0 Policy Statement:

6.1 Key Principles

Gladstone Regional Council:

- is committed to ensuring that the work environment is free from harassment
- will not tolerate harassment in the workplace under any circumstances
- will ensure action will be taken against any employee (or agent) who breaches the policy
- will promote and maintain a work environment where Workplace Participants treat each other, with dignity, courtesy, trust, equity and respect.

Gladstone Regional Council aims to:

- create a work environment which is free from harassment and where all Workplace Participants are treated with dignity, courtesy and respect
- implement training and awareness raising strategies to ensure that all Workplace Participants know their rights and responsibilities
- provide an effective procedure for complaints based on the principles of natural justice
- treat all complaints in a sensitive, fair, timely and confidential manner
- provide protection from any victimisation or reprisals
- encourage the reporting of behaviour which breaches the Harassment policy
- promote appropriate standards of conduct and behaviour at all times.

Gladstone Regional Council will also seek to ensure that its Workplace Participants do not engage in indirect or direct behaviour deemed to be harassment.

Gladstone Regional Council will not tolerate any conduct which offends, humiliates, intimidates, insults or ridicules another person in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

6.2 Managers and Supervisors Responsibilities

Supervisors shall promote this Policy, monitor the work environment to ensure compliance with this Policy within their area of accountability, treat all complaints seriously and attend to them promptly and impartially and generally ensure that the principles of *Fair Work Act 2009* and this policy are

applied during the course of their work-related dealings in all matters pertaining to the employment relationship.

Managers and Supervisors are expected to behave in an exemplary manner and to set a good standard for their employees to follow as per the Code of Conduct for Employees. Managers and Supervisors have a responsibility to offer support to anyone who claims that they are experiencing harassment and let them know where they can get help and advice, and consult with relevant senior officers on reports of harassment.

6.3 Workplace Participants Responsibilities

All Workplace Participants are expected to behave in an exemplary manner and to set a good standard for their colleagues to follow as per the Code of Conduct for Employees. Workplace Participants have a responsibility to offer support to anyone who claims that they are experiencing harassment and let them know where they can get help and advice, and consult with relevant senior officers on reports of harassment.

6.4 Training

Gladstone Regional Council will implement and conduct training and awareness activities at the workplace. The aim of the training will be to ensure that all employees understand their obligations under this Policy and related legislation. Employees in supervisory and management roles will receive additional job-specific training appropriate to their leadership roles. Refresher training in harassment will be delivered to Workplace Participants every two to three years.

6.5 Complaints Procedure

Council encourages Workplace Participants to attempt to resolve the matter informally before progressing to formal processes. Council has an established grievance and dispute settling procedure as per Gladstone Regional Council Certified Agreement 2012 to address these matters formally.

6.6 Consequences of Breaches of this Policy

Harassment is considered serious and any complaint will be addressed in accordance with the Disciplinary Policy or in accordance with individual contracts.

7.0 Attachments:

Nil.

8.0 Review Trigger:

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council
3. Periodic Review – 3 years from date of adoption.

TABLE OF AMENDMENTS		
Originally Adopted	24 th FEBRUARY 2009	09/101
Amendment 1	6 MAY 2014	G/14/1976
Amendment 2	<INSERT DATE COUNCIL MEETING>	<INSERT RESOLUTION NUMBER>
Amendment 3	<INSERT DATE COUNCIL MEETING>	<INSERT RESOLUTION NUMBER>

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STUART RANDLE
CHIEF EXECUTIVE OFFICER