

Western Parkland City Authority

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Prevention and Management of Bullying and Harassment Policy

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Document approval

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Version	Objective ID	Status	Date	Prepared By	Comments
1		Final	07.2019	Tom Kwok	New policy
2	A5335394	Final	November 2021	Jenny Au (endorsed by ED Governance)	Minor review on legislation and update to new policy template

Review date

The Authority will review this Policy every two years or more frequently if required. It may be reviewed earlier in response to a change in the Australian Government or NSW guidelines.

Contents

Scope	4
Summary	4
Policy.....	5
1. Policy Principles	5
2. Definitions	5
3. Victimisation.....	7
4. The impact of bullying and harassment	7
5. Preventing bullying and harassment.....	8
6. Responsibilities.....	10
7. Procedure for managing incidents of bullying and harassment.....	11
8. Consequences of breaching this Policy	12
9. Internal and External Assistance	13
10. Reviews.....	13
11. Sources of Authority	13
Contact	13

Scope

This Policy applies to all WPCA employees and contractors¹. It applies to behaviours that occur:

- in connection with work, even outside normal working hours;
 - during work activities, including when dealing with colleagues and clients;
 - at work-related events, for example at conferences and work-related social functions; and
 - on social media in interacting with colleagues or clients.
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Summary

Item	Topic	Key points
1	Policy Principles	WPCA will not tolerate bullying and harassment
2	Definitions	<ul style="list-style-type: none"> • What is workplace bullying? • What is not workplace bullying? • What is harassment?
3	Victimisation	It is against the law to victimise complainants or witnesses
4	The impact of bullying	Bullying and harassment impact on individuals and organisations on harassment
5	Preventing bullying and harassment	WPCA has practices in place to prevent and manage the risks of bullying and harassment
6	Responsibilities	Responsibilities of the Chief Executive Officer, Executives, Managers and employees

¹ Note that throughout this Policy any reference to the term 'employee' also applies to contractors.

7	Procedure for managing incidents of bullying and harassment	<ul style="list-style-type: none"> • Reporting bullying and harassment • Responding to a report • Consequences of breaching this Policy
8	Consequences of breaching this Policy	Consequences range from an apology to disciplinary action or prosecution
9	Internal and external assistance	Assistance is available for complainants and respondents
10	Reviews	An employee may seek a review of the resolution of a case
11	Sources of authority	Relevant legislation and policy

Policy

1. Policy Principles

- WPCA has a zero tolerance towards bullying and harassment in the workplace.
- Executives and managers have a responsibility to model ethical behaviour and to promote a positive working environment that is free from bullying and harassment.
- All employees should treat each other with courtesy and respect.
- Bullying and harassment are health and safety issues that must be managed.
- WPCA treats reports of workplace bullying seriously.
- All employees have a right to expect that incidents of bullying and harassment will be responded to promptly, impartially and confidentially.

2. Definitions

What is workplace bullying?

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating,

intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are **repeated, unreasonable and create a risk to health and safety** include but are not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from workplace 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
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular employee or employees.

What is not workplace bullying?

A single incident of unreasonable behaviour is not considered to be bullying, however it will not be ignored, if identified. WPCA will intervene to ensure such incidents do not escalate. If the bullying behaviour involves violence, for example physical assault or the threat of physical assault, it will be immediately reported to the police.

Reasonable management action taken to direct and control the way work is carried out is not considered to be bullying if the action is taken in a reasonable and lawful way. It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on an employee's performance. Examples of reasonable management action can include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours where the requirements are reasonable
- deciding not to select a worker for promotion where a reasonable process is followed
- informing an employee of their unsatisfactory work performance
- informing an employee of their unreasonable or inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- taking disciplinary action including suspension or termination of employment.

Differences of opinion and disagreements are generally not considered to be bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

What is harassment?

WPCA employees are subject to anti-discrimination laws regarding harassment in relation to employment. Under the *Anti-Discrimination Act 1977* harassment is defined as any form of unwanted behaviour that offends, humiliates or intimidates a person because of their:

- sex
- pregnancy
- breastfeeding
- race
- age
- marital or domestic status
- homosexuality
- disability
- transgender status
- carer's responsibilities.

If a person finds a particular behaviour offensive, humiliating or intimidating, irrespective of how it was intended, and it relates to their sex, race, age etc. as described above, then it is considered harassment. Such behaviour may include making offensive jokes, ignoring, isolating or segregating a person.

Sexual harassment involves unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature that, in the circumstances, a reasonable person would expect you to be offended, humiliated or intimidated. It can include material displayed or circulated in the workplace either physically or electronically.

Harassment may be an ongoing pattern of behaviour, or it may be just a single act. It may be perpetrated by a person in a position of power, such as their supervisor, or it may occur where there is no power relationship, for example among work colleagues.

Harassing a person because of the sex, pregnancy etc. of any of their relatives, friends, work colleagues or associates is also against the law.

3. Victimisation

It is against the law for anyone to victimise, discriminate or otherwise treat a person unfairly because they have made a complaint, supported someone who has made a complaint or acted as a witness regarding bullying or harassment in the workplace.

4. The impact of bullying and harassment

Effects on individual employees

Workplace bullying can be harmful to the person experiencing it and to those who witness it. The effects will vary depending on circumstances and the individual's characteristics and may include one or more of the following:

- distress, anxiety, panic attacks or sleep disturbance
- physical illness for example muscular tension, headaches and digestive problems
- reduced work performance
- loss of self-esteem and feelings of isolation
- deteriorating relationships with colleagues, family and friends
- depression
- thoughts of suicide.

The risks of bullying and harassment

Different forms of workplace bullying and harassment can constitute breaches of work health and safety, anti-discrimination or other legislation or even a criminal offence.

Bullying and harassment can have a negative impact on the work environment and the reputation of the organisation, leading to:

- low levels of morale, productivity and employee engagement
- increased absenteeism
- high staff turnover and associated costs
- disruption to work
- workers' compensation claims or legal action.

The risks of bullying and harassment to individuals and our workplace culture can be eliminated or minimised so far as is reasonably practicable by taking the approach adopted in this Policy involving:

- early identification of unreasonable behaviour and situations likely to increase risks
- implementing control measures to manage the risks
- monitoring and reviewing the effectiveness of the control measures.

5. Preventing bullying and harassment

WPCA has practices in place to prevent and manage the risks of workplace bullying and harassment:

Monitoring for early indicators of risk

Executives and managers use the following information sources in monitoring risk:

- Consultation with employees
 - formally through the officer in charge of human resources
 - informally through team and performance development discussions
- Workforce information
 - incident reports, grievances, workers compensation claims
 - rates of absenteeism, sick leave, staff turnover
 - diversity group data

- The presence of work stressors
 - unreasonable expectations or timeframes
 - inadequate resources
 - limited control
 - poor or little delegation
 - organisational restructures or frequent changes of management
- Incidence of work relationships issues
 - poor communication
 - inappropriate behaviour or hostility
- Staff survey data
- Feedback at exit interviews.

Building productive and respectful workplace relationships

All WPCA employees contribute to building productive and respectful relationships by:

- encouraging respectful working relationships by promoting awareness of acceptable behaviour through organisational policies and practices:
 - Code of Ethics and Conduct
 - leadership training
 - orientation, face-to-face and online training
 - team discussions.
- promoting positive leadership styles by providing professional development for managers on:
 - effective communication
 - providing constructive feedback
 - managing workloads effectively
 - performance management.
- identifying and addressing capability gaps through the performance development program and targeted training on:
 - preventing workplace bullying
 - workplace communication
 - workplace ethics
 - cultural or disability awareness
 - time and stress management
 - managing change.

Review and audit procedures

Periodically reviewing the effectiveness of this Policy using similar indicators as for monitoring (above) that also include:

- management surveys
- analysis of workforce data over time
- consultation with relevant committees and employee groups
- internal audit.

6. Responsibilities

All WPCA employees have a responsibility to take reasonable care not to adversely affect the health and safety of others and to do their best to ensure that there is no bullying or harassment in the workplace.

The Chief Executive Officer

- models WPCA values consistent with the Code of Ethics and Conduct and promotes a positive working environment; and
- ensures that policies and procedures meet legislative requirements and provide a safe and healthy workplace that is free from bullying and harassment.

All Executives (Senior Executive Band 1 – Band 3) and managers

- model WPCA values consistent with the Code of Ethics and Conduct and promote a positive working environment;
- ensure employees are aware of their rights and obligations regarding bullying and harassment in the workplace;
- ensure policies and procedures are properly implemented;
- monitor risk indicators and act to prevent workplace bullying and harassment; and
- ensure that any allegation of bullying and harassment is responded to in accordance with this Policy.

Employees

- demonstrate WPCA values consistent with the Code of Ethics and Conduct and contribute to a positive working environment;
- make the person responsible for the offending behaviour aware of the impact of their behaviour, if it is safe to do so; and
- report incidents of bullying or harassment (either experienced or witnessed) to prevent further impact on themselves or others in the workplace.

7. Procedure for managing incidents of bullying and harassment

Reporting bullying and harassment

If you believe you are being bullied you are encouraged to ask the person to stop the offending behaviour.

If you are not comfortable dealing with the problem yourself, or your attempts to do so have been unsuccessful, you can raise the issue either with your manager or the officer in People and Culture. If you are a member of a union you may also raise any issues with your delegate.

The target of bullying and harassment in workplaces is often one of the more vulnerable employees, for example a person with a disability, from an ethnic minority, or a less senior employee. WPCA employees will not be victimised for reporting incidents of bullying or harassment and can discuss any incident confidentially with their immediate or next line manager.

Responding to a report

All reports of bullying and harassment will be treated seriously and managed promptly in accordance with this, other relevant WPCA policies and the *Government Sector Employment Act 2013 (GSE Act)*.

On observing or receiving a report of workplace bullying, harassment or unreasonable behaviour, the manager will:

1. Speak to the parties involved as soon as possible, gather information and seek local resolution to satisfactorily address the issue for all parties.
 - Hear all sides of the story. Discuss the issue with a view to identifying the cause and resolution.
 - Treat the person who is alleged to have perpetrated the bullying behaviour as innocent unless the allegations are proven to be true. Allegations must be put to the person they are made against and they must be given a chance to explain their version of events.
 - Note the history, frequency, severity, duration and the impact of the incident or behaviour on individuals or the workplace to determine the level of seriousness.
 - In determining the response required, consider the following questions:
 - Is the behaviour bullying or harassment?
 - Does the situation warrant measures to minimise the risk of ongoing harm? (e.g. separating the parties or granting leave)
 - Do I have a clear understanding of the issues? (It may be necessary to ask further questions or speaking to other observers or participants)
 - Do I need additional information or assistance? (from people with specialist roles or skills such as a coach or mediator)
 - Can the matter be safely resolved between the parties or at a local level?
 - Should the matter be progressed to an investigation?
 - Consider and resolve any stressors, patterns, systemic issues or other root causes contributing to the complaint that may be overcome, for example inefficient processes, lack of empowerment or gaps in leadership capability.

- Where the allegation is substantiated, inform the employee of the next steps to be followed if the behaviour continues. The manager should make a written record noting:
 - the date, time and location and names of those present at the meeting
 - bullying and harassment behaviour issues
 - actions agreed by each party and timeframe
 - any issue on which agreement was not reached
 - date of next meeting
 - any other outcomes.
- 2. Consult with the relevant officer in People and Culture if an issue cannot be resolved, the offending behaviour reoccurs or the unreasonable behaviour is considered serious. Options may include further discussion with the involved parties at the local level, mediation or investigation.
 - People and Culture will assess the matter and may appoint an impartial person to investigate. If this occurs, both sides will be given the opportunity to state their case and relevant information will be considered before a recommendation is made. People and Culture will manage any matter that requires investigation.
- 3. Where an investigation report does not substantiate the occurrence of bullying or harassment, the manager may still need to address the particular circumstances that led to the investigation and any continuing interpersonal conflict or tension, for example, through informal mediation.

Where an investigation finds bullying or harassment has occurred, the Chief Executive Officer will carefully consider the report's findings and determine the outcome in accordance with section 69 of the GSE Act.

All complaints and reports are to be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it are to have access to the information. Inappropriate release of information to any third party with no legitimate involvement in the process may be dealt with as misconduct.

There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith will result in disciplinary action.

8. Consequences of breaching this Policy

Employees found to have engaged in bullying, harassment and/or victimisation as defined in this Policy will be in breach of the Code of Ethics and Conduct and this Policy.

WPCA will take disciplinary action against a person who is found to have breached this Policy. These measures will depend on the nature and circumstance of each breach and may include:

- a verbal or written apology
- one or more parties agreeing to participate in counselling or training
- a verbal or written reprimand
- disciplinary action such as demotion or dismissal.

A matter managed as misconduct will be subject to the requirements of Part 8 of the Government

Sector Employment Rules 2014 and section 69 of the *Government Sector Employment Act 2013*.
Note that breaches of the law may lead to prosecution.

9. Internal and External Assistance

There are a range of internal and external services that can provide assistance with bullying and harassment issues.

Complainants and respondents may have support people present during information gathering or mediation sessions. This may include union representatives.

The Employee Assistance Program (**EAP**) counselling service provides confidential, 24 hour support to all employees, telephone 1300 687 327.

[SafeWork NSW](#) provides information for employees and managers on workplace bullying.

The [NSW Anti-Discrimination Board](#) and the [Australian Human Rights Commission](#) provide information and assistance to deal with harassment and discrimination within their jurisdictions.

10. Reviews

Where a matter is not managed under the department's misconduct procedures, employees may request a review of the outcome of a bullying and harassment incident by the officer in People and Culture.

11. Sources of Authority

- [Work Health and Safety Act 2011](#)
 - [Anti-Discrimination Act 1977](#)
 - [Crimes Act 1900](#)
 - [Government Sector Employment Act 2013](#)
 - [Government Sector Employment Rules 2014](#)
 - M2007-02 Dignity and Respect: Policy and Guidelines on Preventing and Managing Workplace Bullying, Department of Premier and Cabinet
 - [Public Service Commission *Positive and Productive Workplaces Guidelines*](#)
 - [SafeWork Guide for preventing and responding to workplace bullying](#)
 - WPCA Code of Ethics and Conduct
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Contact

For assistance with this Policy, please contact Director, People and Culture.

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