



two ways :: one outcome

## Anti-Workplace Bullying and Violence Policy

**REFERENCE NUMBER:** P38  
**ORGANISATION UNIT:** Corporate Services  
**RESPONSIBLE POSITION:** Chief Executive Officer  
**RELEVANT DELEGATIONS:** Nil  
**DATE ADOPTED:** 06 June 2014 (CRN 088/2014)  
**REVIEW DATE:** Every three years

### Objectives:

Central Desert Regional Council is committed to providing all Officers, Person/s Conducting a Business Undertaking/s (PCBUs), Managers, Supervisors and Workers (inc. employees, contractors, subcontractors, labour hire employees, outworkers, apprentices or volunteers) with a healthy and safe work environment free from workplace bullying.

### Legislation and Reference:

- NT Local Government Act,
- Work Health and Safety (National Uniform Legislation) Act 2011 (WHS (NUL) Act),
- Fair Work Act 2009 as amended,
- Local Government Award,
- Central Desert Regional Council's current and subsequent Enterprise Agreement,
- Central Desert Regional's Council Guide to Identifying and Eliminating Workplace Bullying, Sexual Harassment and Discrimination Policy and Procedures Handbook.

### Definition:

**Bullying** is repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

**Repeated behaviour** refers to the persistent nature of the behaviour and can involve a range of behaviours overtime.

**Unreasonable behaviour** means behaviour that a reasonable person, having considered circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

**Note:** Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated. This clause forms part of this policy.

## Scope:

This policy applies to all PCBU/s, workers (inc. an employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company who has been assigned to work within the Regional Council, an apprentice or trainee, a student gaining work experience and a volunteer), Supervisors, Managers and Executives (Officers) of the Regional Council.

## Policy:

**1. Workplace Bullying**, is not an acceptable part of Central Desert Regional Council's work culture, all PCBUs, officers, managers, supervisors and workers must avoid it at all times.

Examples of workplace bullying behaviour include but are not limited to the following:-

- aggressive or Intimidating conduct;
- belittling or humiliating comments;
- Spreading malicious rumour;;
- Teasing, practical jokes or 'workplace initiation ceremonies';
- Deliberately excluding or isolating employees from work-related events;
- Unjustified criticism or complaints which are not part of a performance management process;
- Assigning meaningless tasks unrelated to the job;
- Verbal and/or physical abuse, e.g. shouting, throwing things, or similar actions;
- Withholding information that is vital for effective work performance;
- Setting unreasonable timelines or constantly changing deadline;
- Setting tasks that are unreasonably below or beyond a person's skill level;
- Setting unachievable targets with the intent of causing employees to fail.

**2. Occupational aggression** is defined as any incident where a worker, officer, supervisor or PCBU is abused, threatened or assaulted in circumstances arising out of, or in the course of their employment.

Examples of aggressive behaviour include but are not limited to the following:

- verbal, physical or psychological abuse (including bullying);
- threats or other intimidating behaviours (e.g. spitting, gesticulating);
- intentional physical attack (e.g. hitting, pinching, biting or scratching) and
- threats or attacks with weapons or objects.

**Lateral violence** is a verbal form of bullying which can occur in many forms from making faces and raising eyebrows to malicious gossip, shaming, backstabbing, broken confidences and social exclusion.

**3. If a workplace behaviour involves violence**, for example physical assault or threat of physical assault, it must be reported to the police by the worker's immediate manager/HR or by the worker within 24 hours of the incident.

## 4. What is not Workplace Bullying:

Reasonable management action carried out in a reasonable manner does not constitute bullying. Examples of reasonable management action are:

- Performance management process,
- Disciplinary action for misconduct,
- Informing a worker about unsatisfactory work performance or inappropriate work behaviour,
- Directing a worker to perform duties in keeping with their job and
- Maintaining reasonable workplace goals and standards.

**5. Note: Differences of opinion and disagreements** are generally not considered to be workplace 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.

#### **6. Expected Behaviours:**

Central Desert Regional Council (PCBU) expects all workers, other persons at work, PCBUs, Managers, Supervisors and officers to:

- behave in a responsible and professional manner at all times,
- to treat each other with dignity and respect,
- be fair and honest in their dealings with others so that they do not adversely affect the health and safety of others.

#### **7. Responsibilities:**

7.1 All Regional Council's PCBUs, workers, officers, managers, supervisors and other persons at the workplace (visitors and clients) are responsible for ensuring that breaches of this policy do not occur at all times.

7.2 Officers, PCBUs, supervisors and managers have a leadership role and are responsible so far as is reasonably practicable for preventing incidents and taking prompt action if breaches do occur.

**Note:** By not acting to deal with workplace bullying case/s in their departments/sections the above personnel may by implication be deemed complicit, consenting or neglecting their primary duty of care obligations.

7.3 Specific workers, officers, PCBUS and management's responsibilities in relation to implementing this policy are included in the Central Desert Regional Council's Policy and Guidelines pertaining to workplace bullying, sexual harassment, discrimination and workplace violence which must be issued to all new workers and explained by HR and the worker's manager during the first week of commencement of employment or contractual relationship.

#### **8. What can you do if you believe you have been bullied:**

8.1 Employees and Officers who feel that they are being bullied and do not feel comfortable dealing with the problem themselves or their attempts to do so have not been successful,

must first raise the issue with their manager/immediate supervisor if there is no conflict of interest (to contact the next in line or HR if there is a perceived conflict of interest), Health & Safety Officers/Anti-Workplace Bullying Contact Officers within 24 hours of the alleged incident.

8.2 Anyone who witnesses workplace bullying must report it to the Council Services Manager/Regional Services Manager/Manager, their relevant Director, Manager, Supervisor or to the HR Manager within 24 hours of the occurrence of the alleged incident detailing the time, date, place of the incident, what they actually observed, witnesses, context etc.

8.3 Employees who are members of a union may also raise any issues with their union delegates.

8.4 If workplace bullying or unreasonable behaviour is reported or observed the Regional Council will deal with the matter as stipulated in the Regional Council's Regional Council Workplace Policy and guidelines pertaining to workplace bullying, sexual harassment, discrimination and workplace violence within a reasonable time period.

8.5 Once reported, the incident will be investigated promptly and in accordance with established procedures. Where necessary, a formal investigation will be undertaken and disciplinary action may result.

**9. Consequences of Breaching this policy:**

Appropriate and reasonable disciplinary action will be taken against a person who is found to have breached this policy.

**10. If the bullying has not been substantiated:**

If the investigation finds that bullying has not occurred or cannot be substantiated, Central Desert Regional Council may still take appropriate action within a reasonable time period to address any workplace issues leading to the report.

**11. Information and Training:**

The Regional Council's managers and officers partnered by HR must provide information and training to all workers under their chain of command upon within 5 days of their commencement of work and thereafter during reasonable intervals.

**History:**

Adopted: 12 April 2013

Review: Review and adopted on 06 June 2014 on Ordinary Council Meeting