

Prevention of Bullying & Harassment in the Workplace

Policy

Contents

1.	POLICY STATEMENT	3
2.	WHO DOES THIS POLICY APPLY TO?	3
3.	KEY RESPONSIBILITIES.....	3
4.	WHAT IS WORKPLACE BULLYING?.....	4
4.1.	WHAT IS NOT CONSIDERED WORKPLACE BULLYING?	5
5.	WHAT IS WORKPLACE HARASSMENT?.....	6
6.	WHAT IS DISCRIMINATION?.....	7
6.1.	VILIFICATION	7
6.2.	VICTIMISATION.....	7
7.	PROMOTING A CULTURE OF RESPECT AND INCLUSION	7
8.	REPORTING INSTANCES OF BULLYING AND/OR HARASSMENT	8
9.	BREACHES OF THE PREVENTION OF BULLYING AND HARASSMENT IN THE WORKPLACE POLICY	8
10.	MANAGING REPORTS OF BULLYING AND/OR HARASSMENT	9
10.1.	CONFIDENTIALITY	9
10.2.	PROCEDURAL FAIRNESS.....	9
11.	FURTHER INFORMATION AND RESOURCES	9
11.1.	INTERNAL POLICIES	9
11.2.	LEGISLATION.....	10
11.3.	OTHER RESOURCES.....	11
11.4.	SUPPORT AND/OR ADVICE.....	11
12.	DOCUMENT MANAGEMENT.....	11

1. Policy statement

The Greater Cities Commission (Commission) does not accept workplace bullying or harassment in any form from any of its staff. All staff have a right to work in a workplace free of bullying and harassment.

The Commission takes seriously its obligations under work, health and safety laws and all other relevant laws and regulations, and its obligations to provide good stewardship of public resources through the maintenance of a constructive workplace.

The objectives of this Prevention of Bullying and Harassment in the Workplace Policy (Policy) are to:

- ensure that all staff are treated fairly and equitably;
- foster a culture that does not tolerate any form of bullying, harassment, or discrimination;
- educate staff about the nature and effects of discriminatory or threatening behaviour;
- clearly define what constitutes as bullying or harassment and what does not;
- communicate the process of disciplining staff who demonstrate such conduct; and
- ensure the work environment is free from all forms of harassment and bullying.

This Policy supports the principles of equity, diversity, and inclusion. It is the responsibility of everyone at the Commission to ensure that bullying, harassment, or discrimination do not occur. Any such perceived behaviour should be reported as early as possible to ensure it does not escalate and can be addressed as a priority.

This Policy should be read in conjunction with the Commission's Code of Ethics and Conduct – Staff along with the Public Interest Disclosures Policy and Procedure.

2. Who does this Policy apply to?

This Policy applies to all staff including:

- permanent staff;
- temporary staff;
- casual staff;
- other Government sector employees who are on secondment or assigned to the Commission;
- contractors;
- consultants;
- volunteers; and
- employees of organisations who provide services under contract to the Commission.

For the purposes of this Policy, “staff” refers to all people to whom this Policy applies.

In this Policy, a reference to a senior executive manager means:

- Chief Executive Officer;
- Executive Director; and
- Director.

3. Key responsibilities

Under the Work Health and Safety Act 2011 (WHS Act), the Commission as an employer has a

primary duty of care to ensure, so far as is reasonably practicable, the health and safety of its staff is not put at risk from work carried out. Health means both physical and psychological health.

Senior executive managers and managers

A senior executive manager or a manager responsible for supervising or managing an individual or group of staff, is responsible for:

- ensuring effective implementation of this Policy within their area of responsibility;
- ensuring their behaviour models the standards required;
- making all staff in their business area aware of their rights and responsibilities as detailed in this Policy;
- actively promoting and supporting strategies for bullying prevention;
- monitoring the workplace and taking appropriate action in circumstances where they become aware of behaviour that may constitute bullying and harassment, whether or not a complaint has been lodged;
- managing allegations of workplace bullying and/or harassment in accordance the Commission's Procedures; and
- ensuring that staff are not victimised or penalised for raising issues or reporting bullying or acting as a witness in connection to lodging a grievance or complaint about bullying and/or harassment.

All staff

All staff have a responsibility to:

- reflect the NSW Public Sector values under the Government Sector Employment Act 2013 (GSE Act), including integrity, trust, service, and accountability;
- behave in a manner consistent with the Commission's Values and Behaviours Framework;
- comply with the WHS Act to "take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons";
- ensure their behaviour at all times supports efforts to provide workplaces that are free of bullying and harassment;
- participate in mandatory training on bullying and harassment prevention;
- treat work colleagues fairly, with dignity and respect;
- report (to a manager, senior executive manager or People and Culture), any instances of behaviour by others that they reasonably consider may be in breach of this Policy; and
- maintain confidentiality if a matter is being investigated.

4. What is workplace bullying?

Workplace bullying can be directed at an individual staff member or group of staff, occurring at the place of work or outside work and may be deemed bullying if it affects workplace relationships. Depending on the particular circumstances, behaviour which occurs outside of ordinary working hours and work-related activities may be deemed workplace bullying if it affects workplace relationships.

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a work 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 involve a range of behaviours over time.

Unreasonable behaviour means that which 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 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 worker;
- spreading misinformation or malicious rumours; and
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

Workplace bullying can be carried out in a variety of forums, including:

- in person;
- through email;
- text messages;
- internet chat rooms;
- instant messaging; and
- other social media channels.

Bullying behaviour can be by one or more persons against any other person or persons. Staff at any level can either be responsible for carrying out bullying or be the recipient of bullying conduct.

All bullying complaints must be treated seriously and confidentially and acted on promptly. The above points are considered guidelines and should not be applied rigidly or without regard to all relevant factors.

4.1. What is not considered workplace bullying?

A single incident of unreasonable behaviour is not considered to be workplace bullying. However, it may have the potential to escalate and should not be ignored.

Bullying does not include genuine and acceptable management action conducted in a reasonable manner, such as:

- following a disciplinary procedure;
- constructively delivering feedback or counselling, including negative feedback (the fact that a staff member may find the feedback upsetting, does not on its own constitute bullying);
- setting reasonable performance goals, standards, and deadlines;
- raising concerns about workplace attendance;
- transferring a staff member or taking action to make a staff member redundant where the process is conducted fairly and equitably;

- making justifiable decisions related to recruitment, selection and other development opportunities;
- informing staff about inappropriate behaviour in an objective and confidential way;
- overseeing injury and illness processes in accordance with work, health and safety, injury management and workers compensation laws and policies;
- implementing organisational change or business restructures; and/or
- terminating employment, following a reasonable and documented process.

It is also not workplace bullying for senior executive managers, managers, or supervisors to, within the framework of the Commission's Policies and Procedures:

- address poor performance;
- suggest ways of improving performance;
- deal with complaints; or
- commence unsatisfactory performance or misconduct processes.

There is also the potential for workplace conflict. Differences of opinion and disagreements are generally not considered to be workplace bullying. Staff can have differences and disagreements in the workplace without engaging in bullying. However, in some cases, conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

5. What is workplace harassment?

Harassment can include a series of acts and/or omissions, or just one. Behaviour does not need to be repeated or continuous to constitute harassment, nor does it have to be intentional.

Harassment will not be tolerated in the Commission's workplace. Certain forms of harassment, such as physical contact, assault and/or stalking, can be unlawful, and in extreme cases may be referred to external agencies for possible criminal prosecution.

Examples of harassment could include, but are not limited to:

- physical factors such as uninvited touching, intruding in another's personal space, and/or damaging another's possessions;
- sexual harassment;
- singling out those who are from a minority group;
- displaying negative behaviour that is based on discrimination; and/or
- making vexatious, baseless complaints against an individual (where the complaints are false and made with the intention to harm an individual).

Sexual harassment is not behaviour based on mutual attraction, friendship, or respect. Sexual harassment may include, but is not limited to:

- gestures, comments, innuendo, taunts, propositions, jokes, or enquiries about a person's sex life;
- the physical or electronic display or circulation of sexual material;
- repeating sexual or social invitations when a person invited has already indicated they are not interested;
- attempting to coerce a person into any form of sexual activity; and/or
- punishing a person for refusing any form of sexual activity.

6. What is discrimination?

There are two forms of discrimination:

- direct – where someone is treated less favourably because of their sex, age, race, disability, pregnancy, or any of the other grounds covered in anti-discrimination legislation (for further detail refer to section 11.2 of this Policy); and
- indirect – when a requirement or practice that is the same for everyone has an effect or result that is, or is likely to, disadvantage an individual staff member because of their sex, race, disability, or any of the other grounds covered in anti-discrimination legislation.

Both forms of discrimination are breaches of this Policy and anti-discrimination legislation.

6.1. Vilification

Vilification is unlawful under anti-discrimination legislation and will not be tolerated by the Commission.

No staff member shall, by a public act, incite hatred, serious contempt, or severe ridicule against a particular individual or group on the basis of their race, colour, nationality, descent, ethnic, ethno-religious or national origin, transgender status, homosexuality or HIV or AIDS status.

Allegations of vilification will be treated seriously and are an unlawful act under anti-discrimination legislation.

6.2. Victimisation

Victimisation is also an unlawful act under anti-discrimination legislation, and the Commission will not tolerate such conduct against any other employee.

No employee making a complaint of discrimination, or assisting in the investigation of a complaint, is to be victimised.

Allegations of victimisation will be treated as seriously as the investigation of the original behaviour that gave rise to the complaint, and if proven, will be the basis for disciplinary action.

7. Promoting a culture of respect and inclusion

Managers and supervisors should take opportunities to consult with staff to identify and assess the potential for bullying and harassment in the workplace.

Minimising the risk of bullying will involve implementing the Commission's preventative and management policies and procedures, and training to eliminate, avoid or minimise the risk of harm occurring from bullying.

Strategies can include:

- ensuring that all staff understand what constitutes bullying and have an awareness of their obligations not to engage in bullying behaviour;
- promoting a bullying free workplace environment by their own conduct and behaviour in the workplace;
- valuing diversity in the workforce and promoting inclusion;
- encouraging and supporting staff in the self-resolution of conflict and workplace grievances by providing appropriate information and training where necessary;

- providing a clear and simple process for reporting bullying;
- ensuring support is offered and provided to the complainant and the person subject to the complaints;
- ensuring induction programs and other training assert that bullying is not acceptable behaviour;
- reviewing related training to ensure its appropriateness; and
- promoting a positive workplace culture, including communicating and discussing the Commission's Values and Behaviour Framework and its Code of Conduct.

Promoting and enforcing compliance with this Policy will considerably reduce the risk of behaviours that may constitute bullying continuing to be unaddressed or being addressed in a haphazard and inconsistent manner. It will also reduce corporate risk in relation to compliance with the law and government requirements.

8. Reporting instances of bullying and/or harassment

Reports and/or complaints of harassment and bullying are treated seriously by the Commission and will be investigated promptly.

All inquiries will be conducted sensitively, thoroughly, and confidentially to ensure that complainants and witnesses are not victimised. The process will be documented, and records will be kept securely.

Further information about reporting and management of grievances can be found in the Commission's Grievance Resolution Policy.

9. Breaches of the Prevention of Bullying and Harassment in the Workplace Policy

Behaviour that is contrary to this Policy should be reported to a supervisor or manager (unless reporting as a public interest disclosure – see Public Interest Disclosure Policy and Procedure).

Each report will be evaluated to determine whether a formal process is required, and action may be taken in relation to any conduct that contravenes this Policy.

The matters that will be considered when deciding what action to take include:

- the seriousness of the breach;
- the likelihood of the breach occurring again;
- whether the staff member has committed the breach more than once;
- the risk the breach poses to staff, stakeholders, and any other persons; and
- whether the breach would be serious enough to warrant action for misconduct.

The subject matter of any misconduct can also relate to an incident or conduct that happened outside of work or before the commencement of employment. A breach of the Code of Conduct may constitute misconduct under the Government Sector Employment Act 2013 and may result in any of the following actions:

- suspension and/or termination of employment;
- imposition of a fine;
- reducing remuneration;
- reducing classification or grade;

- assignment to a different role; or
- caution or reprimand.

10. Managing reports of bullying and/or harassment

Any individual carrying out an investigation into alleged incidents of bullying, harassment, or discrimination on behalf of the Commission must:

- treat all parties with respect;
- inform respondents of any allegations against them to allow them to make a case in reply;
- maintain impartiality in all decisions;
- grant all parties the right to appeal against a decision;
- investigate all allegations, and resolve complaints, in a timely fashion;
- preserve the principles of natural justice; and
- otherwise act in accordance with the Commission’s Grievance Resolution Policy.

10.1. Confidentiality

All staff have rights and responsibilities in relation to confidentiality. Information about a bullying complaint should only be provided on a ‘need to know’ basis and should not be provided to third parties who have no legitimate involvement in the process. Those involved in a bullying complaint have both the right to confidentiality, and the responsibility for maintaining confidentiality in respect of both the identity of those involved, as well as the subject matter.

Documentation will be kept on a confidential file retained by People and Culture and will not be made available for other purposes. Failure on the part of staff to maintain confidentiality may result in action against the relevant staff member.

10.2. Procedural fairness

Decisions must be made fairly and respectfully. Before a finding is made against a person, they should be informed of the substance of the allegations against them and provided with an opportunity to be heard. Additional support mechanisms may be available for all parties, where the party/ies choose to use them.

Procedural fairness is afforded to all parties by adhering to the Commission’s prescribed process outlined in the Commission’s Grievance Resolution Policy. Managers must be impartial and unbiased.

11. Further information and resources

11.1. Internal Policies

- Code of Ethics and Conduct – Staff
- Conflict of Interest Policy
- Conflict of Interest Procedure
- Domestic and Family Violence Policy

- Domestic and Family Violence Procedure
- Electronic Document and Records Management Policy
- Engaging with Lobbyists and Business Contacts Policy
- Engaging with Lobbyists and Business Contacts Procedure
- Fraud and Corruption Control Policy
- Gifts, Benefits and Hospitality Policy
- Gifts, Benefits and Hospitality Procedure
- Grievance Resolution Policy
- Grievance Resolution Procedure
- Flexible Working Arrangements Policy
- Flexible Working Arrangements Procedure
- Managing Unsatisfactory Performance Policy
- Managing Unsatisfactory Performance Procedure
- Privacy Management Plan
- Public Interest Disclosure Policy
- Public Interest Disclosure Procedure
- Secondary Employment and Private Interests Policy
- Secondary Employment and Private Interests Procedure
- Work, Health and Safety Policy

11.2. Legislation

Commonwealth

- *Age Discrimination Act 2004*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992*
- *Fair Work Act 2009*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Workplace Gender Equality Act 2012*

NSW

- *Anti-Discrimination Act 1977*
- *Crimes Act 1900*
- *Crown Employees (Public Service Conditions of Employment) Award 2009*
- *Crown Employees (Planning Officers) Award 2016*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Regulation 2014*
- *Industrial Relations Act 1996*
- *Public Interest Disclosures Act 1994*

- [Work Health and Safety Act 2011](#)

11.3. Other resources

[Public Service Industrial Relations Guide](#)

NSW Public Service Commission, [Behaving Ethically: a guide for NSW government sector employees](#)

NSW Public Service Commission, [Positive and Productive Workplaces: Guide for the NSW government sector prevent and manage unreasonable behaviour and bullying](#)

Safework NSW, [Bullying Prevention Policy and Related Procedures](#)

Safework NSW, [Reporting Bullying Guide Sheet](#)

Safework NSW, [The basics: Staying healthy at work](#)

11.4. Support and/or advice

Employee Assistance Program – (AccessEAP)1800 818 728

info@accesseap.com.au Safework NSW – Information, advice or assistance 13 10 50

www.safework.nsw.gov.au

12. Document management

Approver	Executive Director, People and Corporate Services
Author	Manager, Governance & Legal
Revision history	Version 1 - April 2019 Version 2 – March 2022; Version 2.1 May 2022
Reviewed by	Governance Officer, Governance & Legal Senior Manager, Governance & Legal
Next review date	March 2024
Responsible branch	People and Corporate Services
CM9 Reference	DOC22/3510

**Greater Cities
Commission**

Level 11, 6 PSQ,
10 Darcy Street
Parramatta NSW
2150

PO Box 257
Parramatta NSW
2124

Office hours:
Monday to Friday
9.00am – 5.00pm

T: (02) 8289 6200
W: greatercities.au