

PUBLIC NOTICE

PUBLIC EXHIBITION OF THE DRAFT AMENDED POSITIVE WORKING RELATIONSHIPS AND ACCEPTABLE WORKPLACE BEHAVIOUR POLICY

Council at its meeting on 23 July 2019 resolved that the Positive Working Relationships and Acceptable Workplace Behaviour Policy be formally adopted for the purposes of public exhibition.

The policy will be on exhibition at Council's Administration Centre, Shellharbour Civic Centre, 76 Cygnet Avenue (Cnr Cygnet and College Avenue), Shellharbour City Centre, NSW from Monday to Friday between 8.30am and 4.30pm and at all city branch libraries.

Submissions are invited and will be received from 7 August 2019 until 4:30pm on 11 September 2019. Please read the privacy statement on the [Public Exhibition](#) page before making a submission.

Submissions must be received in writing and addressed to

The General Manager
Locked Bag 155
Shellharbour City Centre, 2529

or sent by email to council@shellharbour.nsw.gov.au

Carey McIntyre
General Manager

Positive Working Relationships and Acceptable Workplace Behaviour Policy

Policy Name: Positive Working Relationships and Acceptable Workplace Behaviour Policy	Policy Number: POL-0053-V03
Date Adopted: [Date Adopted or last amended]	Review Date: [Date for next Review]
Policy Owner: Group Manager Human Resources	

1. Policy Statement/Objective(s)

Shellharbour City Council is accountable to provide a positive workplace culture that is safe, healthy, harmonious, respectful and productive; free from bullying, harassment, sexual harassment, violence, victimisation and discrimination.

The purpose of this policy is to provide information and set boundaries on appropriate and acceptable behaviour in the workplace.

This policy represents the organisation's core values of Collaboration, Accountability, Integrity, Respect and Sustainability in all aspects of positive working relationships and acceptable workplace behaviour; and will not undermine any core value in its application.

This policy supports the 4 C's of Community, Councillors, Customers and Council to ensure a positive workplace culture that will service and provide effective outcomes to each of the 4 C's.

2. Scope

This policy applies to all employees of Council (including contractors, volunteers and committee members), the Councillors and Administrators.

This policy applies to the above stakeholders in any of Council's workplaces which includes but is not limited to work related events, meetings (on and off-site), training courses, conferences, workshops, business trips and any other work function such as Christmas parties, staff celebration events and farewells.

3. References

Local Government (State) Award
Fair Work Act 2009
Work Health and Safety Act 2011
Anti-Discrimination Act 1977
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)
Disability Discrimination Act 1992 (Cth)
Human Rights and Equal Opportunity Commission Act 1986 (Cth)

Age Discrimination Act 2004 (Cth)
Code of Conduct
Equal Employment Opportunity Policy and Plan
Social Media for Councillors, Committees and Working Party Members Policy
Public Interest Disclosures Act 1994
Internal Complaints Procedure

4. Definitions

Please refer to definitions throughout policy.

5. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History

Date Policy first adopted – version 1	13 October 2009
Date amendment adopted – version 2	15 May 2017
Date amendment adopted – version 3	[enter date]

6. Policy

Shellharbour City Council strives for a harmonious workplace where everyone is treated with respect, fairness, and dignity. Council will not tolerate inappropriate workplace behaviour including but not limited to bullying, harassment, sexual harassment, violence, victimisation and discrimination. This policy outlines:

- Core values and behaviours
- Responsibilities of employees, managers/supervisors, Councillors and Administrators
- Inappropriate workplace behaviour
- Dealing with inappropriate workplace behaviours

Core Values and Core Behaviours

Shellharbour City Council's Core Values represent who we are and how we see ourselves. They are integral to achieving a positive workplace culture that is free from inappropriate behaviour.

They shape who we are as an organisation and help us build a strong, resilient culture that provides benefits to the 4Cs and sets us up for future success.

Our values are:

- Collaboration
- Accountability
- Integrity
- Respect
- Sustainability

Core Behaviour statements represent how the Core Values are translated into the organisation by describing the minimum standards expected from all employees. The Core Behaviour statements associated with each Core Value are listed below.

<p>Collaboration</p> <p><i>“Reach out”</i></p>	<ul style="list-style-type: none"> • We seek opportunities to develop teamwork and cooperation to support high performance. • We work together with our Community, Councillors, Customers and Council to achieve shared goals and the best outcomes. • We communicate and listen openly and honestly to ensure information is shared in an efficient, transparent and timely way.
<p>Accountability</p> <p><i>“Own it”</i></p>	<ul style="list-style-type: none"> • I take responsibility for what I do and what I don't do. • I demonstrate my commitment to deliver quality, reliable and professional services to our Community, Councillors, Customers and Council. • I recognise my responsibility to learn, change and improve performance.
<p>Integrity</p> <p><i>“Be true”</i></p>	<ul style="list-style-type: none"> • We behave professionally, ethically and reliably in everything we say and do. • We are genuine, honest and transparent. • We have the courage to do what is right when it's not the easiest route.
<p>Respect</p> <p><i>“Show care”</i></p>	<ul style="list-style-type: none"> • I embrace diversity and welcome differences in backgrounds, experiences and viewpoints. • I am friendly, open and polite in all my communications. • I listen to and value the contributions of others. • We support a safe and healthy work environment that treats everyone with fairness and equity.
<p>Sustainability</p> <p><i>“Think tomorrow”</i></p>	<ul style="list-style-type: none"> • I seek to reflect community needs in the services I deliver. • We make decisions today that will positively impact on Shellharbour City and its environment for generations to come. • We adopt a long term view in the decisions we make and the actions we take so we can deliver enduring benefits to our community well into the future. • We encourage creativity, innovation and continuous improvement to achieve a lasting impact.

It is expected that all employees of Council (including contractors, volunteers and committee members), the Councillors and Administrators will conduct themselves with due consideration to the Core Values, Core Behaviours, Code of Conduct and this policy.

Inappropriate workplace behaviours

Inappropriate workplace behaviours should be addressed and corrected when they occur, to ensure they do not begin to form part of the workplace culture.

Factors that may contribute to a poor workplace culture, where inappropriate behaviours are likely, include:

- Employees not exhibiting the Core Values and Core Behaviours.
- Managers/supervisors not holding themselves or the employees that report to them accountable for the Core Values and Core Behaviours.
- Employees lacking respect for each other's roles and responsibilities.
- A lack of respect for, or awareness of, differences such as race, culture, religion, disability, age or sexual preference.
- Employees under-valuing or ignoring each other's contributions.

- An inability to resolve conflicts effectively.
- Poor leadership and management skills.
- Poor communication between managers/supervisors and employees (verbal and written).
- Poor communication between employees (verbal and written).
- Position descriptions that do not fully define responsibilities, expected behaviours and duties.
- Inappropriate practical jokes.
- Gossiping and spreading of rumours.
- The need to adapt to sudden and significant changes to work practices or a recent restructure without effective communication.
- Employees unaware of their rights.

Accountabilities

Councillors and Administrators

- Act reasonably, justly in accordance with the law.
- Comply with the Code of Conduct and this policy.
- Treat other Councillors, Community, Customers and Council employees fairly and equitably and with respect and courtesy.

General Manager

- Provide effective leadership by role modelling Council's Core Values and Core Behaviours and acting in a manner which provides a positive example of acceptable workplace behaviour.
- Take all reasonable steps to allow Council to meet its commitment to this policy.
- Commit adequate resources and staffing for the effective implementation of this policy.
- Take all reasonable steps to prevent bullying, harassment, sexual harassment, violence, victimisation and discrimination in the workplace.
- Encourage all Directors, Group Managers, Managers, and Supervisors to commit to fostering a positive workplace culture that supports the Core Values and behaviours.
- Encourage all Directors, Group Managers, Managers, and Supervisors to commit to fostering a positive workplace culture that is safe, healthy, harmonious, respectful and productive; and free from bullying, harassment, sexual harassment, violence, victimisation and discrimination.
- Comply with the Code of Conduct, this policy and relevant policies and procedures.

Directors, Group Managers, Managers and Supervisors

- Provide effective leadership by role modelling Council's Core Values and Core Behaviours and acting in a manner which provides a positive example of acceptable workplace behaviour.
- Foster a positive workplace culture that is safe, healthy, harmonious, respectful and productive.
- Take all reasonable steps to prevent bullying, harassment, sexual harassment, violence, victimisation and discrimination in the workplace.
- Effectively manage any behaviour that may constitute inappropriate behaviour by acting immediately on calling out inappropriate behaviour, following the Internal Complaints Procedure and taking disciplinary action if appropriate.
- Promote this policy ensuring employees understand their responsibilities and what is expected of them.

- Advise employees who have been subjected to inappropriate workplace behaviour about the avenues available for resolving their issue, including lodging a formal Internal Complaints Notification Form via the Internal Complaints Procedure.
- Provide the necessary help, support and guidance to resolve any issues to those that have been subjected to inappropriate workplace behaviour and to rectify inappropriate workplace behaviour.
- Comply with the Code of Conduct, this policy and relevant policies and procedures.

Employees

- Role model Council's Core Values and Core Behaviours.
- Comply with the Code of Conduct, this policy and relevant policies and procedures.
- Ensure you do not adversely affect the health, safety and welfare of others by engaging in bullying, harassment, sexual harassment, violence, victimisation and discrimination.
- Ensure appropriate steps are taken to protect yourself from bullying, harassment, sexual harassment, violence, victimisation and discrimination.
- If you feel you are being subjected to inappropriate workplace behaviour, tell the person (if you can) to stop the behaviour and say why the behaviour is offensive, and tell them that if it continues you will report the behaviour.
- Assist in eliminating bullying, harassment, sexual harassment, violence, victimisation and discrimination by:
 - Refusing to join in with such behaviour.
 - Supporting other employees to say 'no' to bullying, harassment, sexual harassment, violence, victimisation and discrimination.
 - Telling the offender to stop the inappropriate workplace behaviour if witnessed.
 - Support other employees who have been subjected to inappropriate workplace behaviour by using the Internal Complaints Procedure.
 - Reporting instances of bullying, harassment, sexual harassment, violence, victimisation and discrimination.
- Be careful to avoid any actions that could be interpreted as sexually inappropriate or stereotyping people because of the group they belong to. Consider:
 - Your words and tone, and how you say things.
 - Throw-away comments.
 - Sexual or stereotyping jokes.
 - Sexual or stereotyping pictures, cartoons, verse – on paper, walls, boards, faxes or computers.
 - Any type of touching.
 - Personal space, ie standing too close.
 - Gestures.
 - Sexual behaviour of any sort.
 - Isolating or segregating others.
 - Initiation rites.
- Seek help, advice, or guidance where necessary, to ensure your own workplace behaviour is not inappropriate.

Harassment

Harassment is unwelcome, offensive, humiliating or intimidating behaviour or comments aimed at a person or group that makes the person or group feel belittled, intimidated, insulted and/or offended. It may be a one off or repeated behaviour.

Acts or behaviour that may appear to be humorous and/or insignificant to one person may be offensive or disturbing to another. Harassment is defined by reference to the nature and consequences of the behaviour, not the intent of the initiator.

Harassment in the workplace may include, but is not limited to:

- Offensive jokes or comments, suggestions or derogatory comments.
- The distribution or display of offensive or obscene material.
- Behaviour the other person does not want and does not return.
- Behaviour that intimidates, offends, embarrasses, or scares them.
- Unwanted behaviour that is either:
 - Sexual, or
 - Targets them because of their race or ethno-religious background, sex, pregnancy, marital status, carer's responsibilities, sexuality, gender identity, disability or age.

Types of harassment

There are many types of verbal, non-verbal and physical behaviour that could amount to harassment. The basic rule is that if someone finds the behaviour harassing (ie offensive) then it could be harassment.

Verbal harassment

Depending on the situation any of the following types of verbal behaviour could amount to harassment:

- Sexual or suggestive remarks / comments.
- Making fun of someone because of their race, sex, age, disability, sexuality etc.
- Imitating someone's accent or disability.
- Unwanted sexual propositions.
- Repeated, unwelcome invitations to go out with someone.
- Spreading sexual rumours about someone.
- Passing on or spreading of unsubstantiated information ie. hearsay or rumours;
- Obscene or racist, sexist, anti-gay (etc) telephone calls, letters, faxes.
- Obscene or racist, sexist, anti-gay (etc) language in any work-sponsored publication.
- Offensive or obscene music played in Council vehicles or while travelling to or from work related situations.
- Offensive jokes.
- Repeated, unwelcome questions about someone else's private life.
- Sexual, sexist, racist, anti-gay (etc) threats or insults.
- Mobile phone ring tones.
- The use of language that is not suitable for the workplace – eg sexual, racist, anti-gay (etc) name calling, playing of inappropriate music in Council vehicles or while travelling to and / or from work sites or functions.

Non-verbal harassment

Depending on the situation any of the following types of behaviour could amount to harassment:

- Putting sexually suggestive, offensive or degrading / insulting material on walls, computer screen savers, faxes, emails, photos etc.
- Sending inappropriate photos / messages via mobile phones or other misuse of mobile phones.
- Suggestive looks or leers.
- Unwelcome practical jokes.
- Displaying or circulating racist, sexist or offensive cartoons or literature.
- Mimicking someone with a disability.
- Consistently or repeatedly ignoring someone, not sharing information pertinent to work, or being particularly cold or distant with them.

- Offensive hand or body gestures.
- Unnecessarily leaning over someone or standing too close to them.
- Wolf whistling.
- Consistently or repeatedly ignoring or dismissing someone's contribution in a work meeting or discussion.
- Messages sent via email.

Physical harassment

Depending on the situation any of the following types of physical behaviour could amount to harassment:

- Unwanted physical contact eg. pinching, patting, brushing up against a person, touching, kissing, hugging a person against their will.
- Pushing shoving or jostling.
- Initiating rites that involve anything that could be regarded as sexual, sexist, racist, age related etc.
- Putting your hand or an object (like a pay slip or pen) into someone's pocket, especially their back, hip or breast pocket.

Incidents of physical violence / aggression will be dealt with in accordance with Council's Internal Complaints Procedure.

Sexual Harassment

Sexual harassment is unsolicited and unwelcome sexist or sexual behaviour or activity that the recipient sees as offensive and/or distressing; and having regard to all the circumstances, a reasonable person would have anticipated that the behaviour would have offended, humiliated or intimidated another person.

Sexual harassment does not need to be repeated behaviour. A single incident may be regarded as sexual harassment.

Sexual harassment in the workplace may include, but is not limited to:

- Staring or leering in a sexual manner.
- Sexual or physical contact, such as kissing, touching or hugging.
- Intrusive questions about sexual activity.
- Unwelcome 'wolf whistling'.
- Sexual advances, invitations or requests for sexual favours.
- Initiation ceremonies that involve unwelcome sexual behaviours.
- Distributing emails with sexual content.
- Displaying internet sites with sexual content on a computer or mobile phone.
- Having pictures or posters at the workplace, including lockers, of a sexual nature.

Serious sexual harassment could also be regarded as sexual assault and may be treated as a crime under the Crimes Act 1900.

It is important to note that a person who sexually harasses others might be male or female, and the victim or victims of such harassment could be male or female.

Bullying

Workplace bullying is a form of harassment, and is the repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to their health, safety and welfare (including psychological welfare).

It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten a worker or group. It may be one-on-one, in front of other employees or work-site visitors or on social media or another platform that adversely impacts that worker or group in the workplace.

Bullying is physical or psychological behaviour where strength (physical strength or strength of personality) and/or a position of power (or perceived power) is misused. Bullying is normally associated with an ongoing, systematic pattern of behaviour. An isolated incident of behaviour is not usually considered bullying but it may lead to a complaint being lodged. A bully can be a Supervisor, Manager, work colleague or someone who reports to you. A bully is equally likely to be a male or female. "Mobbing" is also a form of bullying and this is where staff "gang up" on their manager/supervisor and display bullying/aggressive/harassing behaviour. Bullying can therefore be downward, upward or sideways.

Bullying may be direct or indirect.

Direct bullying

Examples of direct bullying include:

- Continual unjustified and unnecessary comments about a worker or group of workers
- Abusive behaviour such as threatening gestures or actual violence.
- Aggressive, abusive or offensive language, including threats or shouting.
- Behaviour that intimidates or humiliates.
- Demeaning or derogatory remarks.
- Constant unreasonable and unconstructive criticism.
- Emails containing aggressive, abusive or offensive language, demeaning or derogatory remarks or comments. For more information please refer to Council's Standards for Information Technology Systems and Facilities Policy.

Indirect bullying

Examples of indirect bullying include:

- Deliberate exclusion, isolation, alienation from normal work meetings or interaction.
- Consistently ignoring someone.
- Continually undermining someone, including encouraging other employees to 'gang up' on them.
- Spreading of rumours or unsubstantiated or slanderous information about other employees ie. hearsay.
- Prankster type behaviours e.g taking or hiding or messing with someone's belongings or tools, nicknames, graffiti.
- Placing of unreasonably high work demands on one employee but not on others.
- Consistent allocation of demeaning or meaningless tasks or jobs.
- Deliberately withholding information that someone needs to carry out their work.
- Repeated refusal of requests for leave or training without adequate explanation and suggestion of alternatives.
- Unjustified open or implied threats of demotion, dismissal or disciplinary action.

What bullying is not

Bullying is not about occasional differences of opinion, conflicts and problems in work relationships. These are part of working life and every conflict does not constitute bullying. When the behaviour is unreasonable, degrading or contrary to Council policies, procedures and Code of Conduct then it should be addressed.

It is not workplace bullying for a Manager or Supervisor within the framework of Council policies and procedures:

- To note poor performance, suggest ways to improve performance, follow through on poor work practices, deal with complaints from others, institute proceedings for unsatisfactory work performance, misconduct or dismissal.
- For employees to point out professional difficulties and differences they have with other employees, provided it is done in a professional manner.
- To speak with employees on work issues and follow up on outstanding projects and/or changing work priorities.
- To direct employees to carry out their normal duties that are within the limits of their skill, competence and training.
- Setting performance goals, standards, expectations and reasonable deadlines.
- Implementing organisational change.

It is important to highlight the difference between a person's legitimate authority at work, and bullying. Council has a legal right to direct and control how work is done, and managers have a responsibility to monitor workflow, give feedback and manage performance.

Feedback or counselling on work performance or behaviour is intended to help staff improve work performance and/or the standard of their behaviour. If an employee has performance problems, these should be identified and dealt with constructively, and in a way that is not humiliating or threatening.

Effects of Harassment and Bullying

Harassment and bullying in the workplace can result in absenteeism, reduced productivity, decreased motivation and high staff turnover resulting in a loss of valued skill and experience.

It may also result in the employee experiencing physical and psychological side effects including a loss of confidence, increased anxiety, depression, loss of sleep, headaches and increased blood pressure. Witnesses or other employees can also be affected even if they are not subject to the harassment or bullying themselves.

Violence

Violence is a serious occupational health and safety hazard that may be encountered in the workplace. It may occur suddenly and without provocation. It can cause physical and/or psychological injury and suffering.

Workplace violence is any incident where an employee is physically attacked or threatened, or subjected to aggression in the workplace. Violence and aggression include verbal and emotional abuse or threats, or a physical attack to an individual or to property by another individual or group. Violence includes acts of domestic violence. The impact of violence on a victim depends on the severity of the violence, his or her own experiences, personality and other factors.

Examples of workplace violence include:

- Physical acts such as:
 - Striking, kicking, scratching, biting or spitting.
 - Attacking with any type of weapon.
 - Pushing, shoving, tripping or grabbing.
 - Throwing objects.
- Written abuse.
- Verbal abuse, in person or over the telephone.
- Threatening to commit a violent act.

- Robbery with physical violence or threats of physical violence, including armed robbery and bomb threats.
- Malicious damage to property of staff, customers or the Department.

Workplace violence may not start as a critical or extreme situation but sometimes follows a pattern of escalating behaviour. It may begin with agitation, expressed anger, frustration and intimidating body language, then escalate to verbal or written abuse and threats, physical threats, or assault.

Under NSW law, if an individual threatens to commit an act of violence against an employee, and that person believes the individual is capable of carrying out the threat, then an assault may be considered to have occurred (even in the absence of direct physical contact).

Workplace violence can be carried out by:

- An employee, including a manager or supervisor.
- A customer or client.
- A person known to the organisation or employee.
- A stranger or intruder.
- A person related to the employee (domestic violence).

Victimisation

Victimisation includes any unfavourable treatment of a person who has been involved with a complaint. This includes the person who made the complaint, a person people think made the complaint or a person who was a witness to a complaint. This could entail adverse changes in the working environment, denial of training or promotion, making negative, unfounded or belittling comments, lower assessment of employees' work or exclusion by peers. Victimisation of complainants is unlawful, and reports of victimisation will be treated seriously.

Complaints of victimisation related to a sexual harassment complaint will be dealt with in the same manner as any complaints and may result in disciplinary action.

Victimisation under Anti-Discrimination Act 1977 (NSW)

Under the Anti-Discrimination Act 1977 (NSW), it is unlawful for a person (the discriminator) to subject another person (the person victimised) to any detriment, and in any circumstances, on the grounds that the person victimised has:

- Brought proceedings against the discriminator or any other person under the Anti-Discrimination Act.
- Given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under the Anti-Discrimination Act.
- Alleged that the discriminator or any other person has committed an act which, whether or not the allegation so states, would amount to a contravention of the Anti-Discrimination Act.
- Otherwise done anything under, or by reference to, the Act in relation to the discriminator or any other person.
- Or by reason that the discriminator knows that the person victimised intends to do any of the above things, or suspects that the person victimised has done, or intends to do, any of them.

Protection against Reprisals under Public Interest Disclosures Act 1994

A public interest disclosure is the reporting of maladministration or corrupt conduct or waste of public money, perpetrated by an employee of a public authority. For public interest disclosures, you can report:

- Corrupt conduct to the Independent Commission Against Corruption.

- Maladministration to the NSW Ombudsman.
- Substantial and serious waste of public money to the Auditor General.
- Or by other means set out in the Public Interest Disclosures Act.

It is against this policy and an offence under the Public Interest Disclosures Act 1994 to take reprisal action against anyone who makes a public interest disclosure. Taking detrimental action against someone, substantially in reprisal for the person making a public interest disclosure within the meaning of the Public Interest Disclosures Act 1994, is misconduct under the terms of Section 20 of the Act. Below are some examples of reprisal action.

Example 1. An employee lodges a complaint against her supervisor about a type of sexual harassment covered by this policy. As a result, the supervisor decides to leave her out of important email group lists, does not put her forward for training or unreasonably begins to criticise every aspect of her work.

Example 2. An employee has been asked to act as a witness in a serious bullying complaint against the team leader. The team leader's work colleagues have now begun to tease the employee, calling him a 'do gooder' and 'a traitor'.

Discrimination

Discrimination occurs when someone is treated unfairly because they happen to belong to a particular group of people or have particular characteristics. Discrimination can be direct or indirect.

The following types of discrimination are against the law:

- **Race discrimination** – When you are treated unfairly or harassed because of your race, colour, ethnic background, ethno-religious background, descent or nationality.
- **Sex discrimination** – When you are treated unfairly or harassed because you are a man or you are a woman. Discrimination against a woman because she is pregnant or breastfeeding can also be sex discrimination. Sexual harassment is also against the law.
- **Marital discrimination** – When you are treated unfairly or harassed because of your particular marital status eg because you are single, married, or living in a de facto relationship.
- **Carers responsibilities** – When you are discriminated against because you need to care for or support a child or other person as described in the Local Government (State) Award, the Local Government Act and any other relevant legislation.
- **Homosexual discrimination** – When you are treated unfairly or harassed because you are gay, lesbian, or someone thinks you are gay or lesbian.
- **Transgender discrimination** – When you are treated unfairly or harassed because you self-identify as a member of a particular gender. You are considered as transgender if you live or seek to live as a member of the opposite gender (sex) to your birth gender.
- **Disability discrimination** – When you are treated unfairly or harassed because you have a disability, or someone thinks you have a disability. It is also against the law to treat a person unfairly or harass them because they have had a disability in the past, or because you think they will get one in the future. Disability includes physical, intellectual and psychiatric disabilities, learning and emotional disorders, and health status, ie carrying any organism capable of causing disease such as hepatitis, HIV / AIDS etc.
- **Age discrimination** – When you are treated unfairly or harassed because of your age eg considering someone to be too old, too young or too middle aged. Forcing people to retire at the previously accepted retirement age is also against the law.

Direct discrimination

Is treating a person less favourably, because of their sex, race, disability etc, than a person without that characteristic in the same or similar circumstances. For example, a selection committee decides not to appoint a young woman on the ground that she may in the future become pregnant and want to take maternity leave. This would be 'direct' discrimination on the ground of potential pregnancy.

Indirect discrimination

Results when a requirement, rule, policy or practice that appears to treat everyone the same, has an effect or result which is unfair to particular people or groups of people when applied. For example, a manager having a policy of not letting any staff work part-time could disadvantage people with children or family responsibilities, or, an employer requiring an older person to meet a physical fitness test – which more young people are able to meet – could be discriminatory if the fitness standard is not an inherent requirement for the job in question.

How to Deal with Inappropriate Workplace Behaviours

An employee subjected to inappropriate workplace behaviour as outlined in this policy has a right to try and resolve the matter or lodge an internal complaint under the Internal Complaints Procedure. For more information refer to the Internal Complaints Procedure.

Breaches of this policy may lead to disciplinary action and actions in accordance with the Code of Conduct. For further information about disciplinary action for staff please refer to the Internal Complaints Procedure.

A councillor subjected to inappropriate workplace behaviour as outlined in this policy has a right to try and resolves the matter via the Code of Conduct or contacting the General Manager.

What Support is Available

Counselling, assistance and support is available to all employees by contacting Council's Employee Assistance Program (EAP). The professional clinical and counselling psychologists are qualified to deal with a range of work related and personal issues, and will handle the matter in a confidential manner. Please refer to the Employee Assistance Program (EAP) Procedure for further information.

7. Related Forms

Internal Complaints Notification Form

Note: Related forms can be located Online under "Forms"

8. Attachments

Nil

Policy Authorised by:

Name: Executive Leadership Team (ELT)

Date: [Date adopted by ELT or Council Resolution]