



## Anti-Discrimination, Workplace Bullying and Harassment Policy Summary

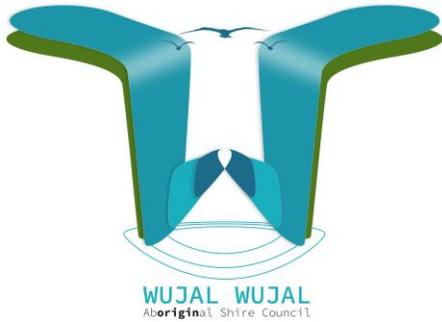
Wujal Wujal Aboriginal Shire Council takes the matter of discrimination, workplace bullying, sexual harassment, vilification and victimisation very seriously and will not tolerate behaviours inconsistent with the Policy, legislation or Code of Conduct in the workplace.

### Discrimination

- Discrimination is where someone is treated less favorably than another person, due to an identified attribute, which include (but not limited to):
  - ✓ Sex;
  - ✓ Age;
  - ✓ Race;
  - ✓ Religion;
  - ✓ Parental status;
  - ✓ Family responsibilities;
  - ✓ Political beliefs.
- Discrimination can be both direct and indirect, with indirect discrimination occurring where an unreasonable condition, applying to everyone, has an unfair impact on a person or group of persons with an identified attribute.
- Discrimination is unlawful under the Anti-Discrimination Act 1991 (and various Commonwealth legislation) and the Industrial Relations Act 2016.

### Workplace Bullying

- Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It does not need to be intentional.
- Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.
- Where bullying type behaviours towards another worker is not repeated, it does not meet the definition of workplace bullying, however, may still constitute a breach of the Code of Conduct.
- Workplace bullying may include:
  - ✓ Language or comments that are abusive, insulting and/or offensive;
  - ✓ Unjustified criticism or complaints;
  - ✓ Setting unreasonable timelines or constantly changing deadlines;
  - ✓ Setting tasks that are unreasonably below or beyond a person's skill level;



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- Workplace bullying does not include reasonable management action taken in a reasonable way, for example:
  - ✓ Directing an employee to operate within the Code of Conduct
  - ✓ Directing a worker to carry out the requirements of their position
  - ✓ Setting reasonable performance goals, standards and deadlines;
  - ✓ Informing a worker of their unsatisfactory work performance;
  - ✓ Deciding not to select a worker for promotion where a reasonable process was followed;
  - ✓ Informing a worker of their inappropriate behaviour in an objective and confidential way;
  - ✓ Performance managing a worker for unsatisfactory work performance or conduct.

## Sexual Harassment

- Sexual harassment is any unwanted or unwelcome sexual attention which makes a person feel humiliated, offended or intimidated. It does not have to be repeated or ongoing.
- Sexual harassment may constitute a criminal offence and, in such instances, may be reported to the Queensland Police.
- Whilst not an exhaustive list, sexual harassment may include:
  - ✓ Unwelcome physical touching;
  - ✓ Sexual or suggestive comments, jokes or taunts;
  - ✓ Unwelcome requests for sex or dates;
  - ✓ The display of sexual material.

## Victimisation

- Victimisation is where a person has caused or threatened a detriment to someone because they:
  - ✓ Refused to do something that would contravene any anti-discrimination laws or made a complaint, or intend to make a complaint about a contravention;
  - ✓ Are or have been involved in a proceeding under anti-discrimination laws; or
  - ✓ Are believed to have done or intend to do any of the above.
- Detriment means loss, damage, or injury to the person.
- Victimisation is unlawful under the Anti-Discrimination Act 1991.

## Vilification

- Vilification is when someone publicly targets a person or a group of people by inciting hatred toward them, serious contempt for them, or severe ridicule of them because of their race, religion, sexuality, gender identity or any other identified attribute protected by law (the Anti-discrimination Act 1991).
- Vilification has to occur in public where others can hear or see the conduct, and may include:
  - ✓ someone shouting threats or comments;
  - ✓ leaflets, stickers, graffiti or posters; or
  - ✓ written articles or comments online or in the media.
- Where Council becomes aware of serious vilification, including threats of harm or harm to property, this may be reported to the Queensland Police.



## **Breaches of Policy**

- As an employee of Council, it is expected that you comply with this Policy and do not engage in any conduct in breach of the policy, Code of Conduct or legislation. Any breach may result in Council taking disciplinary action against you.
- Workers should be aware that they can be held liable/legally responsible for their unlawful conduct.
- Where any worker witnesses conduct in breach of this policy, they are to immediately report it to their supervisor.

## **Complaints**

- Where a worker feels that they have been discriminated against, subjected to workplace bullying, sexual harassment, victimisation or vilification, they are encouraged to take action as follows:
  - ✓ Try to resolve the matter with the person involved in the first instance. Council acknowledges that employees may not always feel confident with this approach or that this may not resolve the matter.
  - ✓ Where a worker feels they cannot address the matter directly with the person involved, or they have done so, and this has not stopped the conduct/behaviour, they can make a complaint to their manager, Human Resources, or a Director.
  - ✓ Matters of sexual harassment or serious vilification inciting harm, should be reported immediately to the Director or the Chief Executive Officer.
- Where a worker is involved in a complaint or investigation into a breach of this policy, they are directed to keep the matter confidential and to not discuss the matter with anyone other than their support person/union representative, unless otherwise approved by the Chief Executive Officer.