

Working Together Policy

1. Preamble

At Bass Coast Shire Council we value the right of every employee, councillor, contractor, volunteer and customer to be treated with respect, dignity and courtesy.

We do not tolerate any form of:

- bullying
- harassment
- discrimination
- threatening behaviour
- sexual harassment
- equal opportunity breaches.

Everyone has the right to come to a work place that is free from these unacceptable behaviours and we all have a responsibility to ensure that this happens.

Working together is a partnership. It requires everyone to understand and follow the principles, procedures and rules of the workplace. Working together gives everyone a fair go. This is what we all expect and deserve. This is good for everyone and is good for business.

2. Policy objectives

The Working Together Policy aims to:

- stress that non-complying behaviours such as bullying, harassment, sexual harassment, violent or threatening behaviours or discrimination will not be tolerated under any circumstances
- promote a workplace that provides fair and equal opportunity to all in accordance with equal opportunity principles and the Charter of Human Rights
- raise awareness of what constitutes professional behaviour
- support our role as leaders in standing up and speaking out against violence to women
- establish principles to be reflected in other policies and procedures

- comply with Council’s obligations under Federal and State anti-discrimination laws including the Equal Opportunity Act 1995, the Sex Discrimination Act 1984, the Disability Discrimination Act 1992, the Racial and Religious Tolerance Act 2001 and the Charter of Human Rights and Responsibilities Act (2006)
- comply with Council’s obligations under the Occupational Health and Safety Act 2004 and Local Government Act 2020.

3. Policy statement

3.1. Policy applies to whom?

The Working Together Policy applies to everyone who is:

- employed by the Bass Coast Shire Council as an employee or agency contractor
- a Bass Coast Shire Councillor
- a volunteer for the Bass Coast Shire Council

Customers will be encouraged to comply with the policy’s objectives/principles and behave in a manner consistent with this Policy.

3.2. Principles

This policy is based on the principles of professional behaviour which are expected to be displayed by all those who are employed by, engaged by or elected to the Bass Coast Shire Council.

Displays of professional behaviour will ensure a workplace that is free from bullying, harassment, discrimination, violent or threatening behaviours, and breaches of Equal Opportunity principles.

Professional behaviour includes:

- ✓ treating everyone with respect, dignity and courtesy
- ✓ being open to different points of view
- ✓ including rather than excluding people because of prejudice
- ✓ moving from “blame” to problem solving as a way of dealing with mistakes
- ✓ open and balanced communication
- ✓ respecting the roles of others
- ✓ valuing diversity – the similarities in differences, and the differences in similarities
- ✓ making decisions based on merit
- ✓ remembering the basic courtesies of saying “hello”, “please”, “thank you” and “I’m sorry”
- ✓ acknowledging people’s contributions

Professional behaviour definitely does not include:

- × racial graffiti, comments or jokes
- × any forms of communication with sexual or racial messages
- × crude jokes, gestures and sexual innuendo

- × sexual harassment, requests for sexual favours, unwanted sexual attention
- × ridiculing people on return to work programs
- × psychological or physical harassment
- × stereotyping people
- × touching, leering, invading personal space
- × yelling and screaming or deliberately ignoring people,
- × spreading malicious rumours
- × bullying, swearing and making physical or psychological threats
- × intimidation or use of strength or power to coerce others by fear, degrading or humiliating someone
- × acts or threats of violence
- × gender inequality
- × ostracising and deliberately not including people in team activities within and outside of the workplace when referring to a work gathering or activity
- × discriminatory actions or comments that treat someone differently because of their age, physical features, disability, religious or political beliefs, industrial activity, marital status, sexual orientation, race, sex, pregnancy, carer status, parental status or place of residence.
- × operating under the influence of legal or illegal substances that have a detrimental impact to one's own decision making, behaviours, and the health and safety of self and others.

4. Dealing with breaches of the policy

If, for any reason, you believe that you or someone else is not being treated fairly and professionally, or that there is any breach of this Policy then:

Speak up

- ask the offender to stop the inappropriate behaviour
- talk to someone – such as a reliable friend/colleague, your supervisor, your Manager/General Manager/CEO/Mayor, an Employee Reference Group member, People and Culture, or one of our Employee Assistance Program counsellors.

4.1. What will happen next?

The top priority is to get the behaviour stopped. If you have not been able to resolve the issue yourself, the incident will be investigated in a fair, confidential and timely manner for all parties. The investigation will follow Council's Grievance and Dispute Settling Procedure (refer to People and Culture section on Council's employee Intranet) or the Councillors' Code of Conduct if a Councillor is involved.

Unacceptable behaviour will lead to disciplinary action that may include dismissal. For employees, disciplinary action will comply with Council's Managing Underperformance Process (refer to People and Culture section on Council's employee Intranet).

4.2. How are incidents reported?

Any incidents occurring should be reported and a written incident report completed.

Incident between:

Councillor and Councillor
 Councillor and Mayor
 Councillor and CEO
 Mayor and CEO
 Councillor and staff/contractor/volunteer
 Staff and staff

Report to:

Mayor
 CEO
 Mayor
 Deputy Mayor
 CEO
 Management chain

The processing of any reported incident should, in the first place, be carried out under existing dispute resolution processes.

A protocol for a Councillor requesting information from an officer of Council is outlined in Appendix 1.

5. Communicating the policy

An explanation of the policy will form part of the induction program for all Councillors, staff, contractors and volunteers. Training on the principles of Working Together will be conducted every three years for staff and every four years for Councillors and will be compulsory for all staff and Councillors. Contractors will be expected to demonstrate that similar training is provided for their employees.

6. Definitions**6.1. Bullying**

Workplace bullying is defined as “*repeated, unreasonable behaviour directed toward another person or group of persons that creates a risk to health and safety*”.

Business processes, such as performance management, organisational change or downsizing are not treated as incidents of bullying.

Unreasonable behaviour is behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

Behaviour includes: actions of individuals or a group; and may involve using a system or work as a means of victimising, intimidating, humiliating, undermining or threatening.

Risk to health and safety includes risk to the mental or physical health of the employee.

Types of behaviour, where repeated or occurring as part of a pattern, that could be considered as bullying are, but not limited to:

- verbal abuse
- the use of bad/offensive/racist language
- excluding or isolating others
- psychological harassment
- intimidation
- assigning meaningless tasks unrelated to the role
- giving impossible assignments clearly beyond the expectations of the position
- deliberately changing work rosters to inconvenience particular employees

- deliberately withholding information that is vital for effective work performance or decision making
- bad mouthing subordinates
- criticism of performance on the basis of personal qualities
- Threats of report to superiors on no proper basis
- Finding fault when inappropriate to do so
- Disparaging or snide remarks
- Yelling, shouting or unnecessarily loud comments
- Threats of termination or non-extension of contracts where no proper basis to do so
- Exhibiting contempt as a substitute for soundly based disagreement
- Failing to treat colleagues and subordinates respectfully
- Using position to interfere in lines of managerial responsibility by insisting on the supply of information outside the managerial line of responsibility
- Using position to pressure change in views outside the managerial line of responsibility
- Aggressive expression of opinion
- Berating colleagues or subordinates

Types of behaviour that are not considered bullying include:

- setting performance goals, standards and deadlines
- allocating work to an employee
- informing an employee/Councillor about inappropriate behaviour
- informing an employee about unsatisfactory work performance
- performance management processes
- constructive feedback
- deciding not to select an employee for promotion
- rostering and allocating work hours
- transferring an employee
- implementing organisational changes
- redundancy

6.2. Threatening or violent behaviour

Threatening or violent behaviour may include any incident where a person is physically attacked or threatened in the workplace. Threat means a statement or behaviour that causes a person to believe they are in danger of being physically attacked. Physical attack means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person, where that application creates a risk to health and safety.

6.3. Equal Opportunity

It is against the law to treat an employee or potential employee or Councillor less favourably because of any one or combination of the following personal characteristics:

- age
- carer/parental status
- disability
- employment activity
- gender identity, lawful sexual activity, sexual orientation, expunged homosexual conviction
- industrial activity
- marital status
- physical features
- political belief/activity
- pregnancy/breastfeeding
- race
- religious belief/activity
- sex
- personal association with someone who has, or is assumed to have, one of the abovementioned personal characteristics.

Treating someone unfavourably because of a protected personal characteristic includes:

- refusing employment
- setting unfair terms of employment
- denying or limiting access to promotion, transfer, performance bonus pay, training or any other benefits
- sacking, retrenchment, redundancy or demotion

It is also against the law to have discriminatory and unreasonable workplace policies, practices and procedures that are difficult for an employee to comply with because of their personal characteristic compared to other workers.

6.4. Discrimination

It is against the law to discriminate. Discrimination is unfair treatment based on a personal characteristic protected by law and outlined under the Equal Opportunity definition. It can be direct or indirect.

Direct discrimination: when treating people differently is unfair. Direct discrimination happens when a person treats someone who has one of the personal characteristics protected by law less favourably than someone who doesn't have that personal characteristic. Even if the behaviour is unintentional, or the person responsible doesn't believe the treatment is less favourable, it will still be discrimination.

Indirect discrimination: when treating everybody the same is unfair. In some cases, treating everybody the same way will be unfair. This is known as indirect discrimination. Under the law it means setting a requirement which:

- someone with a particular personal characteristic protected by law can't satisfy
- a higher proportion of people without that characteristic or with different characteristics can satisfy
- the requirement is not reasonable in all the relevant circumstances

6.5. Sexual Harassment

It is against the law to sexually harass. A person sexually harasses another person if he or she:

- makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person
- engages in any other unwelcome conduct of a sexual nature in relation to the other person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Conduct of a sexual nature includes:

- subjecting a person to any act of physical intimacy
- making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence
- making any gesture, action or comment of a sexual nature in a person's presence.

6.6. Gender Equality in the Prevention of Violence against Women.

Gender equality is the key to the prevention of men's violence against women.

We are leaders in the prevention of domestic and family violence. We have a whole of organisation commitment to respond to and prevent violence against women, whether it occurs inside or outside the organisation, through supporting women experiencing violence, holding perpetrators to account, supporting all employees to challenge inappropriate behaviour, providing training and counselling, and strengthening gender equality in our organisation and within the broader community.

Our commitment to this builds on existing gender equality and diversity initiatives, providing the tools to strengthen a culture of respect and gender equality at all levels of the organisation.

7. Reference to other documents

Bass Coast Shire Council Code of Conduct

Bass Coast Shire Council Councillor Code of Conduct

Bass Coast Shire Council Enterprise Agreement

Bass Coast Shire Council Social Media Policy 2021

Fair Work Act 2009 (Commonwealth)

Racial Discrimination Act 1975 (Commonwealth)

Charter of Human Rights and Responsibilities Act (2006)

Disability Discrimination Act 1992 (Commonwealth)

Sex Discrimination Act 1984 (Commonwealth)

Age Discrimination Act 2004 (Commonwealth)

Equal Opportunity Act 1995 (Vic)

Disability Act 2006 (Vic)

Local Government Act 2020 (Vic)

Occupational Health and Safety Act 2004 (Vic)

Review process

This policy is to be reviewed and endorsed every 4 years by the Council, within twelve months of every Council election.

Approval

Approved by Council at its meeting held on Date

Signed by the Mayor **Cr**

SignDate

Appendix I

Protocols for a Councillor requesting information and attendance from staff

Councillors' requests for information should be directed through the office of the Chief Executive Officer or with a General Manager. The Chief Executive Officer or a General Manager may delegate to an officer of Council, who will be responsible with resolving the specific request or requests in relation to a particular subject, program or area of responsibility.

In delegating the responsibility, the assigned officer will consider the skills, experience and level of authority of that officer to deal with the request.

It is understood that some officers of Council are involved in Committees of Council where a Councillor may be a member. In the appointment of an officer to these committees, General Managers will consider the appropriate nominated officer to support Council.

In requesting information from an officer of Council, Councillors understand their interaction with staff will reflect their obligations outlined in the Local Government Act 2020, their commitment made to this policy, and in the Councillor Code of Conduct.