POLICY: WORKPLACE DISCRIMINATION AND PSYCHOSOCIAL HEALTH

Purpose

Barcoo Shire Council wants to be a workplace where people feel welcome, supported and able to do their best work. Everyone should be treated with dignity, courtesy, fairness and respect, whether they work in an office, depot, outdoor crew, community facility, remote location or from home.

This policy establishes Council's principles and commitments for preventing and responding to discrimination, harassment, bullying, victimisation, vilification and psychosocial hazards. It supports early identification of risks, fair resolution of concerns, worker consultation and continuous improvement.

Policy statement

Council will, so far as is reasonably practicable, provide and maintain a work environment that is physically and psychologically safe. A good workplace culture is everyone’s responsibility. Council expects people to speak directly and respectfully, share information needed for work, support each other, recognise good work and focus on solutions rather than gossip, personal criticism or blame.

Discrimination, harassment, bullying, victimisation and vilification are not accepted at Council. Concerns will be taken seriously and handled fairly. This does not mean assuming that an allegation is true. It means listening, checking the facts, protecting people from harm and responding in a way that is fair and proportionate.

Council will meet its legal duties, provide accessible reporting options, protect people from victimisation, support affected workers and take corrective action where required.

Scope

This policy applies to Councillors, employees, contractors, subcontractors, consultants, labour hire workers, apprentices, trainees, volunteers, work experience participants, committee members and any other person undertaking work for or on behalf of Council.

It applies at Council workplaces and wherever work-related activity occurs, including field locations, depots, vehicles, accommodation, travel, training, conferences, community engagement, work functions, remote work and work-related electronic communications.

This policy applies to interactions between workers and with Councillors, community members, customers, suppliers and other third parties. It includes interactions in person or assisted by technology, such as online and social media activity.

Definitions and Key Concepts

Bullying: Repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Examples may include: verbal abuse; intimidation; humiliation; exclusion; spreading malicious rumours; persistent unreasonable criticism; unreasonable interference with work performance.

Reasonable management action carried out in a reasonable manner is not bullying.

Complaint: A statement that a person seeks to have addressed through an informal or formal resolution process. Raising a concern, or making or accepting a complaint, does not imply that an allegation has been substantiated.

Discrimination:

> **Direct discrimination:** Less favourable treatment because of an attribute protected by law, in circumstances covered by the relevant law.
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> **Indirect discrimination:** Imposing, or proposing to impose, a condition, requirement or practice that a person with a protected attribute cannot comply with, or is disadvantaged by, and that is not reasonable in the circumstances, subject to the applicable legislation.

Gossip: Sharing rumours, speculation, personal information or details of a workplace concern with people who do not need the information. This includes repeating an unverified story or discussing a confidential complaint outside the proper process.

Harassment: Unwelcome conduct that offends, humiliates or intimidates a person. Harassment may be unlawful when connected with a protected attribute or otherwise prohibited by law.

Hostile Workplace Environment: Conduct that creates or contributes to a workplace that is characterised by hostile behaviours such as gossip; humiliation or intimidation. A hostile environment may exist even where behaviour is not directed at a specific individual.

Positive duty: A proactive legal duty to take reasonable and proportionate measures to eliminate specified unlawful conduct, as far as possible.

Protected attribute: A personal characteristic protected under applicable legislation. Protected attributes include, but are not limited to, age; race, sex; gender identity; pregnancy; breastfeeding; relationship or marital status; parental status; family or carer responsibilities; disability; religious belief; political belief; lawful industrial activity; family and domestic violence status; association with a person who possesses a protected attribute.

Psychological safety: A workplace climate in which people can raise questions, concerns, mistakes and ideas respectfully without fear of humiliation or retaliation. It does not prevent accountability, reasonable disagreement or reasonable management action.

Psychosocial hazard: A hazard that arises from, or relates to, the design or management of work, a work environment, plant at a workplace or workplace interactions and behaviours, and may cause psychological harm, whether or not it may also cause physical harm. Examples include: aggression (from other employees, customers, or anyone else); bullying or harassment; excessive workloads; poor support; poor change management; lack of role clarity; poor workplace relationships; traumatic events.

Psychosocial risk: The risk of psychological or physical harm arising from exposure to a psychosocial hazard.

Reasonable management action: Legitimate management action, including work allocation, feedback, performance management or disciplinary action, undertaken in a reasonable manner.

Sexual Harassment: Unwelcome conduct of a sexual nature that a reasonable person would anticipate may offend, humiliate or intimidate another person. Examples include: unwelcome sexual advances; sexually suggestive comments; inappropriate touching; displaying sexually explicit material; offensive electronic communications; sexually explicit online behaviour.

Sex-based Harassment: Unwelcome conduct towards another person because of their sex and the conduct is offensive, humiliating or intimidating.

Victimisation: Subjecting, or threatening to subject, a person to detriment because they have made, may make, supported or participated in a complaint or legal process.

Vilification: A public act that incites hatred, serious contempt or severe ridicule of a person or group on a ground protected by applicable law.

Workplace: Any place where work is carried out for Council, including a place a worker goes, or is likely to be, working.

Workplace Discrimination and Psychosocial Health Risk Assessment: A systematic process used by Council to understand and manage workplace issues that may affect people's mental health, wellbeing, dignity, safety or ability to perform their work. This may include concerns about bullying, discrimination, harassment, conflict, unreasonable workplace behaviours, workload pressures or other psychosocial risks. The assessment helps Council identify what is contributing to the problem and what practical actions can be taken to support workers, reduce risks and create a respectful, healthy and safe workplace.

Responsibilities

Chief Executive Officer: Provide executive leadership; ensure appropriate systems, resources and delegations; and ensure serious or conflicted matters are referred to an appropriate decision-maker. Ensure a review of Council's Workplace Discrimination and Psychosocial Health Risk Assessment is conducted at least annually or when a control failure is experienced.

Directors, Managers and Supervisors: Integrate respectful behaviour and psychosocial risk management into governance, planning, resourcing, change, service delivery and workforce decisions.

Model calm, fair and respectful behaviour; make staff aware of this policy and risk assessment; consult workers; identify and control psychosocial risks; intervene early when behaviour is inappropriate; help staff resolve suitable matters informally; make sure relevant people are heard; maintain confidentiality; prevent victimisation; base recruitment decisions on merit; seriously consider lawful requests for flexible work; document actions; and seek specialist advice where required.

All Workers: Treat others with dignity and respect; contribute to a positive culture; raise concerns through the right channels; avoid gossip and inappropriate blaming; support people who experience inappropriate conduct; follow reasonable directions and controls; participate honestly in consultation and processes; maintain confidentiality; and not victimise any person.

Human Resources Manager: Provide guidance, triage concerns, coordinate fair processes, maintain appropriate records, identify systemic themes and arrange external assistance where independence or expertise is required.

Work health and Safety function: Support hazard identification, risk assessment, consultation, control selection, incident management and review of psychosocial controls.

Investigators and decision-makers: Act impartially, disclose conflicts, apply procedural fairness, consider relevant evidence and document findings and reasons

Expected workplace behaviour

People covered by this policy must act lawfully and respectfully. Expected behaviour includes:

- speaking to people, not about them, when a concern can be raised safely and appropriately
- listening to different views and checking facts before reaching conclusions
- focusing on the issue, behaviour or system rather than attacking or labelling a person
- offering practical support to a person who experiences discrimination, harassment or bullying, including information about reporting options
- making recruitment, selection, promotion, training and work allocation decisions on merit and other lawful, relevant grounds
- giving clear instructions, feedback and performance guidance respectfully
- respecting personal boundaries, privacy, family responsibilities, disability, religious beliefs and culture
- sharing information people reasonably need to do their work
- using Council technology and communication channels appropriately
- raising concerns honestly and participating in resolution processes in good faith
- avoiding gossip, retaliation, public shaming, ganging up and conduct that may compromise a fair process.

A single incident may not meet the legal definition of bullying but may still breach expected standards, create a psychosocial risk or require management action.

Our approach to gossip and blame

Gossip can damage trust, relationships and a fair complaint process, and contribute to a hostile workplace environment. Workers must not spread rumours, speculate about another person, or discuss a complaint with people who do not need to know. This does not stop anyone from raising a genuine concern, reporting a hazard, seeking confidential advice, contacting a union or representative, or speaking with an authorised support person.

Council supports a fair accountability culture. When something goes wrong, the first questions should be: What happened? What risk needs to be managed? What can we learn? What needs to change? Accountability still matters, but conclusions must be based on facts and people must have a fair opportunity to respond.

Our approach to bullying, discrimination, harassment, hostility, victimisation and vilification

Barcoo Shire Council is committed to providing a workplace where everyone is treated with dignity, respect and fairness. Bullying, discrimination, harassment, hostility, victimisation and vilification are not acceptable and will not be tolerated.

When issues are observed or concerns are raised, Council will consider the circumstances objectively and fairly. This includes looking at what happened, the impact or potential impact on those involved, whether the behaviour is repeated or ongoing, the work environment, and any risks to a person's health, safety or wellbeing.

Council recognises that inappropriate workplace behaviour can create psychosocial hazards and affect employee health and wellbeing. Where concerns are identified, Council may use a Workplace Discrimination and Psychosocial Health Risk Assessment to help understand the risks, identify contributing factors, and determine practical actions to prevent harm and improve workplace culture. This assessment may be used for individual matters, work teams or broader workplace issues.

Council will provide, or help employees access, reasonable support during and after a workplace concern is raised. Support may include access to the Employee Assistance Program (EAP), a support person, workplace adjustments, safety planning, conflict resolution assistance, or referral to an appropriate external service. No person will be disadvantaged for seeking help or raising a concern in good faith.

Any form of victimisation, retaliation, intimidation or unfair treatment because a person has raised a concern, made a complaint, acted as a witness, or participated in an investigation is strictly prohibited and should be reported immediately.

Reasonable management action carried out in a reasonable, respectful and lawful manner is not bullying. This may include providing feedback, managing performance, allocating work, addressing misconduct, or implementing organisational change. Managers and supervisors must communicate clearly, act fairly and consistently, provide employees with an opportunity to respond, and consider psychosocial health and safety risks when making decisions or taking management action.

Psychosocial health and risk management

Council will manage psychosocial hazards through the same systematic risk management approach used for physical hazards, using a tailored Workplace Discrimination and Psychosocial Health Risk Assessment. Controls will focus on work design and organisational systems wherever reasonably practicable, supported by information, training and individual assistance.

Our risk management approach

- identify hazards through consultation, reports, incident information, work observations and workforce data
- assess risks where required, considering duration, frequency, severity and interaction between hazards
- eliminate risks where reasonably practicable or otherwise minimise them using effective controls
- consult affected workers and health and safety representatives when identifying hazards and deciding controls
- review controls after incidents, complaints, material change, emerging information or signs that controls are not effective.

Remote and small-community context

Council recognises that remote work, travel, isolation, limited local services, public-facing work, disaster and recovery duties, overlapping community relationships and difficulty maintaining privacy in small communities may influence psychosocial risk. Risk controls and support arrangements will be practical, locally appropriate and designed to protect confidentiality as far as reasonably possible.

Prevention and positive workplace measures

Council will implement reasonable and proportionate prevention measures, which may include:

- clear standards, induction and refresher education
- leader capability development
- role clarity, appropriate supervision and manageable workloads
- safe systems for remote, isolated, public-facing and emergency work
- worker consultation before and during significant organisational change
- accessible reporting options and conflict-of-interest safeguards
- early intervention and restorative or informal options where suitable
- independent advice or investigation for serious, complex or conflicted matters
- support services and reasonable workplace adjustments
- monitoring themes and reviewing control effectiveness without identifying individuals unnecessarily.

Recruitment and employment decisions

Recruitment and selection will be based on merit, including the skills and abilities needed for the role. Decisions about development, promotion, work allocation, shifts, leave, workload, equipment and other employment matters must be based on lawful, relevant and fair considerations.

Raising concerns and reporting hazards

Council encourages people to raise concerns early and in a reasonable and respectful way. Workers are encouraged to report inappropriate behaviour promptly.

A person may raise a concern or report a psychosocial hazard to their supervisor, another manager, a Director, the Chief Executive Officer, the delegated human resources adviser or work health and safety contact. If the normal pathway is unsafe, inappropriate or affected by a conflict of interest, an alternative internal or independent external pathway may be used.

Immediate threats, violence, medical emergencies or serious safety risks must be escalated through the appropriate emergency and Council incident response arrangements.

Council will assess a report to determine immediate safety and support needs, whether interim controls are required, the appropriate process, any conflict of interest, and whether an external notification or referral obligation applies.

Resolution and response principles

Depending on the circumstances, Council may use informal resolution, facilitated discussion, mediation, management intervention, risk control action, formal investigation, disciplinary processes or referral to an external body. Informal resolution will not be required where it is unsafe, unsuitable or inconsistent with Council's duties.

Before deciding a matter that may adversely affect a person, Council will provide procedural fairness. Outcomes will be based on relevant information and the applicable standard of proof. The parties will be advised of the outcome to the extent appropriate, lawful and consistent with privacy obligations.

Knowingly false or malicious allegations may be addressed as misconduct. A concern that is not substantiated, or is unable to be substantiated, is not by itself evidence that it was made falsely or maliciously.

Confidentiality, records and privacy

People involved in a report or resolution process must maintain confidentiality and only discuss the matter with authorised persons, advisers, representatives or support people. Council may disclose information where reasonably necessary to investigate, manage risk, provide procedural fairness, obtain advice or comply with law.

Records will be factual, secure, access-controlled and managed in accordance with Council's records and privacy requirements. Council may use de-identified information to identify systemic risks and improve controls.

Training, communication and review

Council will communicate this policy during induction and provide periodic education appropriate to role and risk. Managers, complaint handlers, investigators and decision-makers will receive instruction suitable to their responsibilities.

The policy and related controls will be reviewed at least annually and following relevant legislative change, a serious incident, identified control failure or other circumstances determined by the Chief Executive Officer.

Breaches and consequences

A breach may result in risk controls, management action, counselling, training, a lawful and reasonable direction, disciplinary action, termination of employment or engagement, or referral to an external authority. Any action will be lawful, proportionate and procedurally fair.

Employee assistance and support

Workers affected by workplace issues are encouraged to access available support services by contacting Council's Employee Assistance Program (EAP) provider.

Governing legislation, regulations and references

This policy is to be read in conjunction with:

Barcoo Shire Council Certified Agreement
Barcoo Shire Council Code of Conduct

Queensland Legislation
Local Government Act 2009
Public Sector Ethics Act 1994
Anti-Discrimination Act 1991
Human Rights Act 2019
Industrial Relations Act 2016
Work Health and Safety Act 2011
Work Health and Safety Regulation 2011

Managing the Risk of Psychosocial Hazards at Work Code of Practice 2022 (Qld)

Commonwealth Legislation
Sex Discrimination Act 1984
Racial Discrimination Act 1975
Disability Discrimination Act 1992
Age Discrimination Act 2004
Fair Work Act 2009
Australian Human Rights Commission Act 1986

Policy Owner:	Office of the CEO – People and Culture
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Related Policies:	BSC-010 Workplace Health and Safety Policy BSC-012 Employee Code of Conduct BSC-060 Risk Management BSC-068 Domestic and Family Violence Support Policy
Related Forms:	
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