

This procedure applies to workplace grievances raised by Town of Claremont (**Town**) employees, contractors and other workers' (**Employee**).

The Town and its employees are committed to providing a work environment where every employee feels safe and is treated equally, fairly and without prejudice. This Policy applies in the workplace including work outside normal work hours and at any place where you are a representative of the Town.

Obligations

All Employees are required to:

- Report any incidents of sexual harassment, discrimination or bullying or workplace violence they may see happening around them to an appropriate manager or supervisor;
- Avoid making reports that are vexatious, malicious or baseless;
- Follow all policies and procedures of the Town;
- Ensure they do not victimise any person making a complaint of sexual harassment, discrimination or bullying; and
- Treat all employees fairly and with respect and in accordance with the Code of Conduct.

Discrimination

An employee is directly discriminated against if they are treated less favourably than another person in the same or similar circumstance, because of any one of the grounds of discrimination outlined below.

Indirect discrimination can occur where a practice or requirement is imposed upon all employees; however a high proportion of employees with an attribute cannot comply with, or are affected by, that practice or requirement. The Town acknowledges its responsibilities and obligations pursuant to State and Federal equal opportunity and anti-discrimination laws.

The Town and its employees acknowledge they are subject to State and Federal equal opportunity and anti-discrimination legislation. The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

- Age;
- Family responsibility or status;
- Race or colour;
- Sex including gender identity, sexual orientation and intersex status;
- Physical or mental disability;
- Marital status;
- Political or religious conviction;
- Pregnancy;
- Criminal record;

- Breastfeeding;
- Gender history;
- Impairment;
- National extraction or social origin; and
- Trade union activity.

Harassment

The *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)* provide that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated. It does not matter that the person did not mean to be offensive. Some examples of sexual harassment include, but are not limited to:

- Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
- Gestures of a sexual nature;
- Leering or staring;
- Offensive telephone calls, emails, text messages or notes;
- Sexual suggestive jokes or comments;
- Tales of sexual exploits;
- Repeated requests for a date;
- Unwelcome comments or questions about a person's sex life, appearance or dress; and
- Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

Bullying

Bullying is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

There are a variety of ways bullying behaviour can occur in the workplace such as verbally, through email or text message or via social media, private messaging groups or apps. Bullying can be directed at an individual employee or a group of employees, and can be carried out by one or more employees. Bullying can occur between employees, downwards from managers to employees or upwards from employees to supervisors or managers.

Some examples of bullying include, but are not limited to:

- Loud, abusive or offensive language or comments;
- Shouting, yelling and screaming;
- Unjustified criticism and insults;
- Unjustified threats of dismissal or other disciplinary action;
- Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
- Spreading malicious rumours or misinformation;
- Inappropriate comments about an employee's appearance, lifestyle or family;
- Deliberately excluding an employee from workplace meetings or activities;
- Hiding documents or equipment or withholding vital information required for effective work performance;
- Constantly changing targets or work guidelines;

- Overloading an employee with work and impossible deadlines;
- Setting tasks that are unreasonably below or beyond an employee's level of skill;
- Threats of assault or violence or actual violence;
- Teasing and practical jokes; and
- Isolating or ignoring an employee on a constant basis.

Reasonable Management Direction

The Town has a right to take reasonable management action to direct the way in which work is conducted and to give Employees lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

The Town has a right to direct and control how work is performed. Managers have a responsibility to monitor employees and give feedback.

Instructing a person to do a job within their position description or within the scope of the classification level and skill base of the employee is not bullying. Providing feedback, comments, advice and conducting performance management processes, including negative or constructive feedback is not bullying.

Some examples of reasonable management action include, but are not limited to:

- The establishment and regular use of performance management systems;
- The setting of reasonable performance targets and deadlines;
- Providing employees with constructive feedback or counselling to assist Employees to improve their work performance or the standard of their behaviour;
- Issuing a lawful and reasonable direction to an employee to complete a work task;
- Preparing and amending a roster for employees;
- Transferring an employee to a different work location for operational reasons;
- Implementing organisational change;
- Informing an employee about inappropriate behaviour in a confidential manner; and
- Taking disciplinary action against an employee.

Where two or more employees have a difference of opinion and disagree on an issue, this is not usually considered to be workplace bullying. Additionally behaviour that is a one off occurrence and does not create a risk to health or safety is not bullying.

Workplace Violence

Workplace Violence is any incident where a person is threatened, attacked or physically assaulted. Some examples of workplace violence include, but are not limited to:

- Hitting, shoving, pushing;
- Attacks involving weapons or objects;
- Threats of physical harm.

Employee Assistance Program

Employees may wish to receive impartial support and guidance by utilising the Employee Assistance Programme (**EAP**). Details of which can be found on the intranet, staff notice boards or by contacting Human Resources.

Record Keeping

All records relating to a grievance are to be kept either on the relevant Employee’s personnel file, or a separate investigation file (if warranted), as determined by Human Resources.

Employee Acknowledgement

I have read and received a copy of this procedure. I understand the obligations set out within this procedure and agree to comply with them.

Print Name: _____ Signature: _____ Date: _____

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