

PC 006 Workplace, Harassment, Discrimination & Bullying Prevention Policy

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1. Objective

Far North District Council (FNDC) has established this Policy in recognition of its obligations under legislation. This policy gives our commitment as a person conducting a business or undertaking to take all practicable steps to achieve its aim of a work environment, and workplace, that is free from harassment, unlawful discrimination, bullying and violence; where everyone is treated with courtesy, dignity and respect.

2. Scope

This policy endeavours to establish acceptable standards of behaviour to aid the creation of a harmonious work environment where diversity and equal opportunity are valued and acknowledged.

Employees have an obligation to align to our values; examples of conduct that is prohibited by this Policy are but are not limited to:

- Unlawful Discrimination
- Indirect Discrimination
- Direct Discrimination
- Harassment
- Sexual Harassment
- Racial Harassment
- Workplace Bullying
- Institutional Bullying
- Workplace Violence
- Vilification
- Victimisation

3. Policy Statement/s

This policy covers all FNDC employees at their normal place of work as well as situations outside work where they are representing FNDC. Examples include social functions, conferences, and work carried out at sites that are not operated or controlled by FNDC, such as contractor's premises.

Employees must comply with this Policy when using FNDC's equipment or facilities, including FNDC's computer and telephone systems. This Policy applies when dealing with other employees, existing or prospective customer's or client's, visitor's, contractors and suppliers of FNDC.

Staff are encouraged to raise any workplace harassment or bullying with either of the following:

- People Leaders
- Wellness Advocates
- Health, Safety & Wellbeing Manager
- People & Capability Business Partners
- Union Delegates

4. Responsibilities

Responsibilities of all Employees

At all times in the course of employment with FNDC, employees are required to:

- comply with this Policy (and any amendments to it) and assist in developing a culture where bullying cannot thrive
- comply with applicable legislation, including their duties under the Employment Relations Act 2000, Health and Safety at Work Act 2015, Human Rights Act 1993 and the Harassment Act 1997
- treat people with respect and courtesy
- respect each other's privacy
- avoid any offensive comments or behaviour
- take all practicable steps to ensure their own health and safety
- take all practicable steps to ensure that their acts and omissions do not adversely affect the health and safety of others
- promptly raise any concerns or questions about the understanding of, or non-compliance with, this Policy with their Line Manager and/or a P&C Representative.
- assist cooperatively and fully with any investigation into a suspected breach of this Policy
- raise issues or complaints in good faith without improper motives

Responsibilities of People Leaders

Employees have additional responsibilities under this policy in circumstances where they are managing or supervising other employees. These additional responsibilities do not apply only to employees who are formally designated as Managers, but to anyone who supervises or manages others. FNDC expects that all employees, when managing others, will:

- promote this policy and support/actively participate in positive culture-change programmes
- set an appropriate standard of behaviour and lead by example
- ensure that employees are encouraged to make complaints about a breach of this policy without fear or unreasonable recrimination
- treat all complaints seriously and appropriately in accordance with the terms of this Policy
- Discuss any issues raised with your Senior Manager and if further action required take to your P&C Business Partner
- assist actively and positively with the conduct of any investigation about a suspected breach of this Policy
- seek help if they don't know what to do

Far North District Council Responsibilities

FNDC will, so far as reasonably practicable:

- ensure that employment-related decisions are made according to merit, taking into account relevant skills, qualifications, experience and ability without bias, prejudice or basing those decisions on any unlawful discriminatory considerations
- ensure safe systems of work are put in place and maintained within FNDC workplaces
- treat allegations of harassment, unlawful discrimination, bullying, victimisation, and workplace violence seriously, by taking the required actions as outlined in this Policy and the Dealing with Complaints Policy.
- keep this Policy up to date and ensure that all employees have access to it
- promote and support adherence to this Policy
- FNDC provides mandatory training to all staff biannually.

5. Relevant Legislation, Policies and Procedures

Legislation	Human Rights Act 1993 Employment Relations Act 2000 Health & Safety at Work Act 2015 Privacy Act 2020 Harassment Act 1997
Council Policies and Procedures	PC 004 Code of Conduct Policy PC 007 Performance Management Policy PC 008 Equal Employment Opportunities (EEO) Policy PC 020 Dealing with Complaints Policy Lodge a complaint process HSW001 Health, Safety & Wellbeing Management Policy
Other	Bullying Prevention Toolbox Wellbeing on TK2 and our Advocates

6. Definitions (if applicable)

Term	Definition
Unlawful Discrimination	Behaviour that excludes or restricts a person or group, or a practice which distinguishes between individuals or groups, on the basis of one or more attributes that constitute prohibited grounds of discrimination , so as to disadvantage the individual or group of people and/or advantage others in some way.
Indirect Discrimination	Occurs when a conduct, practice, requirement, or condition appears neutral but has the effect of treating a group of persons differently in a manner inconsistent with the Human Rights Act.

Term	Definition
Direct Discrimination	Occurs when a person (or group of people) is treated less favourably than others in the same or similar circumstances on the basis of a personal characteristic that falls within one or more of the thirteen prohibited grounds set out in the Human Rights Act 1993 - prohibited grounds of discrimination .
Harassment	Unwelcome comment, conduct, material or gesture that is insulting, intimidating, humiliating, malicious, degrading or offensive.
Sexual Harassment	Is behaviour, material or language of a sexual nature that is unwelcome or offensive to another person and is either repeated or of such significant nature that it has a detrimental effect on that person's employment. It can also be a request (from a manager, team leader or supervisor) for any form of sexual contact or activity which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.
Racial Harassment	The use of language, conduct or material that expresses hostility against, or brings into contempt or ridicule, any other person on the ground of their colour, race, or ethnic or national origins, which is hurtful or offensive to the individual(s) concerned. It is either repeated or of such significant nature that it has a detrimental effect on the employee's employment.
Workplace Bullying	Repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety.
Institutional Bullying	Occurs when an organisation's norms, culture or practice allow behaviour (whether overt or implied) which causes offence or undue stress to others without concern for the consequences or their wellbeing. It also occurs when work structures, practices, policies or requirements unreasonably burden employees without concern for their wellbeing.
Workplace Violence	Any incident in which an employee is verbally or physically abused, threatened or assaulted by a fellow employee or by a member of the public in circumstances arising out of the course of employment.
Vilification	Occurs when a person, by a public act, incites hatred towards, serious contempt for, or severe ridicule of a person or a group of persons, whether or not on the basis of one or more of the Human Rights Act 1993 prohibited grounds of discrimination .
Victimisation	Occurs when a person is subjected to detriment because they made a complaint in good faith, or because they are involved in the investigation of a complaint of discrimination, harassment, violence, bullying, or vilification.
People Leaders	Chief Executive Officer, Group Managers, Department Managers, Line Managers, Team Leaders

Term	Definition
Wellness Advocates	<p>Volunteers across the organisation who:</p> <ul style="list-style-type: none">• Act as an initial contact point for staff providing guidance and a signposting service to employees about issues relating to wellbeing, including domestic violence, bullying, mental/physical health and dignity at work concerns• Promote wellbeing – initiatives• Be a role model for the Council’s Health and Wellbeing programme• Contribute to and participate in network events to facilitate greater awareness of wellbeing across FNDC.