City of Port Lincoln
Seafood Capital of Australia

CORPORATE POLICY DOCUMENT

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Reviewed By:	Theressa Pitt, Executive Manager People and Culture
CEO Authorisation:	Eric Brown Chief Executive Officer
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Applicable Legislation:	Work Health & Safety Act (SA) 2012 Work Health and Safety Regulations (SA) 2012 Fairwork Act 1994 (SA) Equal Opportunity Act (SA) Disability Discrimination Act 1992
Related Documents:	Doc ID 63911 – Bullying and Harassment Procedure 12.63.12 Employee Conduct Policy Doc ID 66748 - Workplace Bullying Procedure Flow Chart *City of Port Lincoln* - Our Values SafeWork Australia – Model Code of Practice: How to Manage Work Health and Safety Risks SafeWork Australia – Guide for Preventing and Responding to Workplace Bullying SafeWork Australia – Model Code of Practice: Managing Psychosocial Hazards at Work SafeWork Australia – Dealing with Workplace Bullying: A Worker's Guide

1. PURPOSE

This policy aims to ensure that the City of Port Lincoln ("Council") provides a work environment that is free of workplace bullying and harassment and ensures Council complies with its primary duty of care obligations in accordance with the Work Health and Safety Act 2012, which is to provide a safe workplace and ensure that the workplace proactively manages its bullying, harassment, and psychosocial risk profile by implementing suitable controls.

2. INTRODUCTION

Council is committed to providing a safe and healthy workplace free from bullying, harassment, and other psychosocial hazards. Council will proactively manage its risk profile consistent with legislation and associated Codes of Practice.

Council will treat reports of workplace bullying and harassment seriously. Council will respond promptly, impartially, and confidentially.

This policy will be made available to all employees, contractors, and volunteers (workers). New workers will be given a copy of this policy at their induction. Managers and supervisors will remind workers of the policy obligations and Council will re-induct workers to this policy annually. Council will conduct the psychosocial survey at least bi-annually to ensure we identify hazards and proactively manage risk.

3. EXPECTED WORKPLACE BEHAVIOURS

The *Work Health and Safety Act 2012* requires workers and other people at our workplace to take reasonable care that they do not adversely affect the health and safety of themselves or others. Council requires workers to:

- behave in a responsible and professional manner
- treat others in the workplace with courtesy and respect as per *Our Values.*
- listen and respond appropriately to the views and concerns of others, and
- be fair and honest in their dealings with others.
- Ensure that they are cognisant of their obligations as a worker under the WHS Act and furthermore ensure that their actions and behaviours are consistent with the legislation.

This policy applies to behaviours that occur:

- in connection with work, including training, even if it occurs outside normal working hours
- during work activities, for example when dealing with customers and members of the public
- at work-related events, for example at conferences and work-related social functions, and
- on social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly.

Workers are furthermore required to demonstrate Our Values, which include working with integrity and ensuring our actions and behaviours are always respectful.

Furthermore, there is a fundamental obligation of employees to act prudently and with integrity, and consistent with the Local Government Act (SA) 1999 and other forms of relevant legislation, and consistent with Councils Code of Conduct and our policies and procedures.

4. WHAT IS WORKPLACE BULLYING?

Workplace bullying is repeated, and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

5. WHAT IS NOT WORKPLACE BULLYING?

A single incident of unreasonable behaviour is not workplace bullying, however, can present a risk to health and safety and will not be tolerated and can be a precursor to bullying and harassment, and by virtue of the actions/behaviour can cause a psychosocial hazard.

Reasonable management action taken by CEO, managers, or supervisors to direct and control the way work is carried out is not workplace bullying if the action is carried out in a lawful and reasonable way, taking the particular circumstances into account.

6. REPORTING WORKPLACE BULLYING

Any worker that experiences or witness's workplace bullying, or unreasonable behaviour has a responsibility to report the matter promptly to either their supervisor, health and safety representative, People and Culture or other manager within the organisation. This can be undertaken discreetly via Skytrust, your manager, People and Culture, WHS or your Health and Safety Representative (HSR).

7. RESPONSE TO WORKPLACE BULLYING

When handling reports of workplace bullying or harassment, Council will:

- act promptly and reasonably
- treat all matters seriously
- maintain confidentiality
- ensure procedural fairness
- remain neutral and unbiased
- provide support to all parties involved
- protect individuals from victimisation or retaliation
- clearly communicate the investigation process and outcomes
- keep accurate and secure records.

Council also provides support to individuals who have experienced bullying, harassment, or discrimination through the Employee Assistance Program as needed.

8. CONSEQUENCES OF BREACHING THIS POLICY

Appropriate disciplinary action may be taken against a person who is found to have breached this Policy, WHS Legislation, Our Values or any relevant Acts or Codes of Practice. The action taken will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology
- one or more parties directed to participate in counselling or training
- a verbal or written reprimand
- transfer, demotion, or dismissal of the person engaging in the bullying or harassing behaviour.
- Summary dismissal
- Removal from Council facilities
- Other actions as deemed appropriate.

Council, and workers, can be issued with fines, Safework SA Improvement Notices or Prohibition Notices and can be charged with offences under the *Work Health and Safety Act 2012*, where breaches have occurred, they have engaged in breaches or have failed to suitably provide a safe workplace.

Workers who are prosecuted or fined under the *Work Health and Safety Act* 2012, do so, knowing that they have breached criminal jurisdiction legislation and as such are responsible for any associated costs incurred, including but not limited to, legal expenses and fines.

9. REVIEWING THE SYSTEMS OF WORK

After addressing a specific case of workplace bullying, including when an investigation finds workplace bullying has not occurred or cannot be substantiated, Council will examine and address any underlying factors that may increase the risk of workplace bullying occurring, and may take further appropriate action to address any workplace issues that led to the bullying report.

10. PRE-CURSORS TO BULLYING, HARASSMENT AND PSYCHOSOCIAL HAZARD

SafeWork Australia has identified several precursors that can contribute to bullying and harassment and are considered psychosocial risks. They include:

- job demands
- low job control
- poor support
- lack of role clarity
- poor organisational change management
- inadequate reward and recognition
- poor organisational justice
- traumatic events or material
- remote or isolated work
- poor physical environment
- violence and aggression
- bullying
- harassment, including sexual and gender-based harassment, and
- conflict or poor workplace relationships and interactions

Council will not tolerate bullying or harassing behaviour and recognises that the identification of psychosocial risk factors needs to be proactively managed. Council will conduct bi-annual surveys to seek feedback from workers to determine if the risk factors highlighted above are evident within Council, and where they are prevalent determine and implement suitable controls.

11. REVIEW

This policy shall be reviewed within three (3) years of issued date or on significant change to legislation or any aspects included in this policy that could affect the health and safety of workers. Any changes to this policy will be subject to staff consultation unless Senior Management Team determines that the changes are only administrative or of minor significance.

12. RELEVANT DELEGATED POWERS AND DUTIES

Any actions or decisions made regarding this policy will be enacted upon as per Council's current Delegations Register.

13. REFERENCES

- Work Health and Safety Act (SA) 2012
- Work Health and Safety Regulations (SA) 2012
- Model Code of Practice: How to manage work health and safety risks
- Dealing with Workplace Bullying – a workers' guide
- Guide for preventing and responding to workplace bullying
- Responding to Cyber abuse guide
- Disability Discrimination Act 1992
- Equal Opportunity Act (SA)
- Safework Australia Guide for Preventing and Responding to Workplace Bullying
- Safework Australia
- Model Code of Practice: Managing psychosocial hazards at work
- 12.63.12 Code of Conduct for Council Employees
- Fairwork Act 1994 (SA)
- PROC385 WHS Workplace Bullying Procedure and Flow Chart
- City of Port Lincoln *Our Values*

Document History:	Version No.:	Issue Date:	Description of change:
	1.0	June 2017	New document, June 2017
	2.0	February 2025	Updated to reflect Psycho-social legislative changes and encapsulate harassment.
	3.0	September 2025	Minor amendments to improve readability, align with SafeWork SA guidance, and incorporate feedback from legal review and consultation.