



1 HEAD OF POWER

- *Aged Care Act 2024 (Cth)*
- *Local Government Act 2009 (Qld)*
- *Local Government Regulation 2012 (Qld)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sexual Discrimination Act 1984 (Cth)*
- *Anti-Discrimination Act 1991 (Qld)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Industrial Relations Act 2016 (Qld)*
- *Work Health and Safety Act 2011*
- *Criminal Code Act 1899 (Qld)*
- *Human Rights Act 2019 (Qld)*

2 POLICY PURPOSE

The Pormpuraaw Aboriginal Shire Council (Council) is dedicated to maintaining a safe, health workplace built on fairness, dignity, and mutual respect. This policy defines the Council's zero tolerance stance on discrimination, bullying, harassment, victimisation, vilification and violence.

3 POLICY OBJECTIVE

This policy is to ensure that Council provides a work environment free from all forms of discrimination, bullying, harassment, violence, victimisation, and vilification. This policy aims to support and protect the health, safety, and wellbeing of all workers by establishing clear standards of behaviour, ensuring legislative compliance, and providing a transparent framework for addressing grievances.

4 POLICY SCOPE

All workplaces have a duty to provide a safe and respectful working environment and to eliminate so far as is reasonably practicable, risks to physical and psychological health. This policy applies to all forms of discrimination, workplace bullying, harassment, victimisation, vilification and violence. It applies to all Councillors, employees, contractors and volunteers, covering conduct within the workplace as well as any external work-related activities or environment with the inclusion of social media interactions.

5 POLICY STATEMENT

In accordance with state and federal legislation, discrimination, workplace bullying, any form of harassment, victimisation, vilification or violence are unlawful and will not be tolerated under any circumstance. Council recognises that such behaviours are inconsistent with community expectations, work health and safety obligations, and employment law, and pose serious risks to the health, safety, and wellbeing of its employees. Consequently, this conduct is considered a fundamental breach of workplace standards and will not be tolerated under any circumstances.

Council is committed to prevent unacceptable workplace behaviour by:

- **Fostering a Professional Culture:** To maintain a work environment free from harassment, where every staff member is treated with dignity, courtesy, inclusion and respect.
- **Education and Awareness:** To deliver comprehensive training and awareness programs, ensuring all employees are fully informed of their rights, accountability and professional responsibilities.
- **Procedural Fairness:** To maintain robust grievance procedures grounded in the principles of natural justice and procedural fairness.
- **Integrity in Investigations:** To manage all complaints with sensitivity, impartiality, and timeliness, maintaining strict confidentiality throughout the process.
- **Protection Against Reprisals:** To guarantee protection for complainants and witnesses from any form of victimisation or reprisal.
- **Proactive Reporting:** To encourage a culture of transparency where employees feel empowered to report conduct that breaches this policy, without fear of reprisal.
- **Exemplary Standards:** To promote and uphold the highest standards of professional conduct at all levels of the organisation.

5.1 PROTECTED ATTRIBUTES

In accordance with the relevant State and Commonwealth legislation, Council strictly prohibits discrimination on protected attributes. These include but are not limited to the following:

- Sex and Gender Identity;
- Sex Characteristics
- Relationship and Parental Status (including breastfeeding);
- Age;
- Race, Ethnicity, or National Origin;
- Impairment (physical, intellectual, psychiatric, or sensory);
- Religious Belief or Religious Activity;
- Political Belief or Activity;
- Trade Union Activity;
- Lawful Sexual Activity;
- Family Responsibilities; and
- Association with, or relation to, a person identified based on any of these attributes.

5.2 UNDERSTANDING DISCRIMINATION: DIRECT AND INDIRECT

Council strictly prohibits both direct and indirect discrimination. In accordance with statutory requirements, any conduct that unfairly prejudices an individual based on these protected characteristics is considered a breach of this policy and will not be tolerated.

All employees are entitled to equal employment opportunities and the right to be treated with equity and fairness in the performance of their duties, regardless of any protected characteristic or personal association.

5.2.1 Direct Discrimination

Direct discrimination occurs when a person is treated less favourably than others in similar circumstances specifically due to a protected attribute.

5.2.2 Indirect Discrimination

Indirect Discrimination occurs when a seemingly neutral policy, rule, or requirement is applied to everyone but has an unreasonable and disproportionately adverse impact on a specific person or group because of shared attribute.

5.3 WORKPLACE BULLYING

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker, or group of workers, that creates a risk to health and safety. This risk encompasses both physical and psychological wellbeing.

5.3.1 Direct and Indirect Bullying

Bullying can be overt (direct) or subtle (indirect). Council recognises that a person's intent is irrelevant; if the behaviour is repeated and unreasonable, it constitutes bullying regardless of whether it was intended to cause harm.

Examples of prohibited bullying behaviour include, but are not limited to:

- Verbal Misconduct: Using language or comments that are abusive, insulting, or offence.
- Unfair Criticism: Subjecting a worker to unjustified criticism or persistent, trivial complaints.
- Social Isolation: Deliberately excluding an individual from essential workplace activities or meetings.
- Information Withholding: Purposefully failing to share information necessary for a person to perform their role effectively.
- Workload Manipulation: Setting impossible timelines, constantly changing deadlines, or assigning tasks that significantly above or below a person's skill level without justification.
- Reputational Harm: Spreading misinformation or malicious rumours about a colleague.
- Operational Sabotage: Frequently changing rosters or leave arrangements specifically to inconvenience a staff member.

5.3.2 Single Incidents vs. Repeated Behaviour

While an incident of unreasonable behaviour does not meet the legal definition of bullying, Council classifies such actions as inappropriate conduct. Any single act that is humiliating, intimidating, or threatening is a breach of Council's Code of Conduct and will be addressed with equal seriousness.

5.3.3 Exclusions: Reasonable Management Action

Conduct does not constitute as workplace bullying when it involves reasonable management action carried in a reasonable manner. Council reserves the right to manage staff performance and operational requirements effectively. Examples of reasonable management action include:

- Performance Oversight: Setting achievable goals, standards and deadlines.

- Performance Management: Providing objective feedback regarding unsatisfactory work performance or inappropriate behaviour in a confidential manner.
- Recruitment and Promotion: Making merit-based decisions regarding promotions or appointments through fair and transparent process.
- Operational Requirements: Managing rosters, allocating hours, or transferring staff to meet Council's service delivery needs.
- Organisational Change: Implementing restructuring or necessary changes to business operations.
- Disciplinary Procedures: Taking lawful disciplinary action, including suspension or termination of employment, where justified.

Although the legal definition of bullying requires repeated behaviour, Council maintains that a single incident of unreasonable conduct is still a breach of the Code of Conduct. Such behaviour is considered inappropriate and will be managed accordingly.

5.3.4 Workplace Conflict

Generally, workplace conflict, differences of opinion and professional disagreements do not constitute workplace bullying. These are natural occurrences in a productive working environment. However, Council recognises that unmanaged or poorly handled conflict can escalate over time. If such disagreements evolve into a pattern of repeated and unreasonable behaviour, they may be reclassified and managed as workplace bullying under this policy.

5.4 HARASSMENT (INCLUDING SEXUAL HARASSMENT)

Harassment, including sexual harassment is any unwelcome behaviour that a reasonable person would anticipate might offend, humiliate, intimidate or distress another person.

This behaviour is strictly prohibited and can occur through, physical actions, verbal comments or written communication.

Council maintains a zero-tolerance position regarding sexual harassment. It is important to note:

5.4.1.1 Inclusivity

This policy applies to all employees, contractors, and volunteers, regardless of gender

5.4.1.2 Frequency

A single incident is sufficient grounds to constitute a breach; behaviour does not need to be repeated or ongoing

5.4.1.3 Context

Sexual harassment is distinguished from mutual attraction or consensual social interaction by its unwelcome nature

5.4.2 Prohibited Conduct

Examples of behaviour that constitute sexual harassment include, but are not limited to:

- Physical: Unwelcoming touching, hugging, kissing, or unnecessary familiarity such as deliberately brushing against a person,
- Verbal/Written: Suggestive comments, jokes, or taunts; intrusive questions about a person's private life or body; and repeated, unwanted requests for dates or sexual favours, and

- Visual/Digital: Displaying sexualised imagery (posters/screensavers); distributing offence jokes or pornography via email; or communicating sexual content through social media and text messages.

5.4.3 Legal and Criminal Implications

Sexual harassment is unlawful under the *Sex Discrimination Act 1984 (Cth)*, *Anti-Discrimination Act 1991 (Qld)*, *Work Health and Safety Act 2011 (Qld)*, and the *Criminal Code Act 1899 (Qld)*. Conduct that may constitute a criminal offence – such as sexual assault, indecent exposure, or obscene communications – will be referred to Queensland Police. Council will pursue internal disciplinary action concurrently with any police investigation. A person affected by such conduct will be supported to access the police and external services, including the Employee Assistance Program.

5.5 VICTIMISATION

Council is committed to protecting the rights of all individuals who engage with the internal or external complaint process. Victimisation occurs when a person subjects, or threatens to subject, another person to a detriment because they have:

- Exercised Legal Rights: Asserted their rights, or intended to assert their rights, under the *Anti-Discrimination Act 1991 (Qld)* or related equal opportunity laws.
- Lodged a Complaint: Made a formal complaint or informal complaint, or expressed an intent to do so, regarding conduct that would contravene anti-discrimination laws.
- Provided Assistance: Acted as a witness, supplied information, or otherwise participated in a proceeding or investigation involving the Council, the Queensland Human Rights Commission, or relevant tribunal.
- Upheld Policy Standards: Refused to carry out a direction that would result in discrimination, sexual harassment, or victimisation.

5.5.1 Legal Status

Victimisation is strictly prohibited and is unlawful under the *Anti-Discrimination Act 1991 (Qld)*. Council treats victimisation as a serious breach of the Code of Conduct, which may result in disciplinary action independent from the outcome of the original complaint.

5.6 VILIFICATION

Vilification is any public act or statement that incites hatred towards, serious contempt for, or severe ridicule of a person or group of people based on protected attributes. Unlike discrimination, which relates to unfair treatment, vilification focuses on the incitement of others to hold hateful or contemptuous views.

5.6.1 Protected attributes

Under the *Anti-Discrimination Act 1991 (Qld)*, Council prohibits vilification based on the following protected attributes:

- Race
- Religion
- Sexuality
- Sex characteristics
- Gender Identity

5.6.2 The “Public Act” Requirement

For conduct to constitute vilification, it must occur in a public context. In a Council environment, “public” includes any setting where the conduct can be seen or heard by others, including but not limited to:

- Verbal/Physical: Shouting threats, making offensive gestures, or verbalising hateful comments in the presence of others.
- Visual/Materials: Displaying or distributing leaflets, stickers, graffiti, posters, flags, emblems, or symbols of hate.
- Apparel: Wearing clothing that displays vilifying content.
- Digital/Media: Posting written articles, comments, or media content online, on social media, or through Council-distributed communication channels.

5.6.3 Serious Vilification and Criminal Conduct

While all vilification is unlawful, “serious vilification” may constitute a criminal offence where the matter will not be managed solely through internal processes and the affected person(s) will be supported to access police or external services. This occurs when the conduct includes:

- Threats of physical harm to a person or their property
- Urging or inciting others to cause physical harm to a person or their property

5.6.4 Council Response and Compliance

Council maintains a zero-tolerance approach to vilification. Where such conduct is identified:

Internal Action: Council will take immediate disciplinary action in accordance with the Code of Conduct and relevant industrial instruments.

External Reporting: In cases involving threats of harm or criminal incitement, Council will report the conduct to Queensland Police and may provide evidence to the Queensland Human Rights Commission or relevant tribunals.

5.7 ROLES AND RESPONSIBILITIES

5.7.1 Responsibility of All Workers

All employees, contractors, and volunteers (collectively referred to as ‘workers’) are responsible for maintaining a workplace culture defined by treating others with dignity, courtesy, and respect.

Every worker must:

- Adhere to Standards: Comply with the standards of behaviour outlined in this policy and the Code of Conduct at all times.
- Refrain from Misconduct: Ensure they do not engage in, aid, abet, or encourage any unlawful or unacceptable conduct towards colleagues, members of the public, or any person encountered while representing Council.
- Active Reporting: Follow the prescribed complaint procedures if they experience, witness, or become aware of any instances of discrimination, bullying, harassment, victimisation, violence or vilification.
- Provide Support: Offer support to individuals experiencing unacceptable conduct and encourage them to use the formal complaints resolution process.
- Maintain Confidentiality: Avoid gossip and strictly maintain the confidentiality of all complaint resolution procedures and investigations.

- **Legal Accountability:** Acknowledge that workers can be held personally and legally liable for their own unlawful conduct, as well as for aiding or encouraging the unlawful conduct of others.

5.7.2 Additional Responsibilities of Managers and Supervisors

In addition to their responsibilities as workers, those in leadership positions have a heightened duty of care.

Managers and supervisors must:

- **Model Leadership:** Promote acceptable workplace culture that discourages bullying, harassment, discrimination and violence, acknowledge that as leaders, modelling appropriate behaviour is a core requirement of their position.
- **Proactive Monitoring:** Ensure staff are aware of expected standards of behaviour and regularly monitor the work environment to ensure that acceptable standards of conduct are observed and that their workplace is free from psychosocial hazards.
- **Policy Promotion:** Ensure all reporting staff are aware of, are appropriately trained in, and understand this policy and their individual obligations to comply.
- **Immediate Action:** Act promptly and appropriately if they observe unacceptable conduct or receive a complaint. This includes taking immediate steps to ensure the safety and wellbeing of those impacted.
- **Case Management and Escalation**
 - Treat all complaints with the required seriousness and impartiality
 - Escalate matters to Human Resources (HR) if the complaint is particularly complex, serious, or if a conflict of interest exists
 - Implement risk mitigation measures immediately if a matter cannot be resolved at the local level

5.8 BREACH OF POLICY

Council maintains a zero-tolerance approach towards discrimination, workplace bullying, sexual harassment, victimisation, and vilification. Such conduct will not be tolerated under any circumstances and is considered a serious breach of Council's standards and values.

5.8.1 Employee Accountability

Any employee found to have engaged in, participated in, or abetted such conduct will be subject to swift disciplinary action. This accountability extends to conduct occurring in the performance of duties, at work-related events, or in any circumstance where the individual is identifiable as a Council representative (including interactions with the public).

5.8.2 Disciplinary Outcomes

Disciplinary action is dealt with in accordance with the Performance, Misconduct and Discipline Policy.

5.8.3 Agents and Contractors

Compliance with this policy is a condition of engagement. Any agent or contractor found to be in breach may have their contract with Council terminated immediately or may be barred from the renewal of future service agreements.

5.9 COMPLAINTS HANDLING AND RESOLUTION PROCEDURES

Council is committed to a workplace where grievances are handled promptly, impartially, and confidentially, so far as the response allows, and in a way that avoids causing further harm to the people involved. Workers are instructed not to ignore instances of discrimination, bullying, harassment, violence, victimisation, or vilification, as inaction may allow the behaviour to escalate.

- **Protection:** No worker will be subject to adverse action or victimisation as a result of making a complaint or acting as a witness.
- **Confidentiality:** All participants in a complaint process must maintain strict confidentiality to protect the integrity of the investigation and the privacy of all parties.

5.9.1 Resolution Pathways

5.9.1.1 Step 1: Informal Resolution (Self-Management)

Where a worker feels safe and confident to do so, they may choose to tell the person that their behaviour is unwelcome and ask them to stop. This is never required, and is not appropriate for sexual harassment, sex discrimination, violence, or conduct by a person in a position of authority over the worker. A worker may go straight to step 2 or step 3 at any time.

- **Action:** Inform the individual that their behaviour is unwelcome or offensive and ask them to stop.
- **Discretion:** Council acknowledges that this approach may not be suitable in all cases. A worker who does not wish to approach the person directly may proceed to step 2 or step 3.

5.9.1.2 Step 2: Management Support and Contact Officers

If direct resolution is unsuccessful or inappropriate, workers should seek internal support

- **Managerial Assistance:** Report concerns to a supervisor or manager. If the complaint involves your direct manager, you should approach a more senior officer or HR.
- **Duty of Care:** Council must act on conduct it becomes aware of, whether or not a complaint is made, to meet its duties under the Work Health and Safety Act 2011 (Qld) and the Sex Discrimination Act 1984 (Cth). Managers will consult the affected person about how the matter is handled to support their psychosocial safety, but Council may act without their agreement where the conduct poses a risk to health and safety.
- **Contact Officers:** Workers may seek confidential advice from appointed Contact Officers. These officers are trained to provide information on available options and support services but do not investigate complaints.

5.9.1.3 Step 3: Formal Internal Complaint

If a matter is serious or remains unresolved, a formal complaint should be lodged.

- **Submission:** Formal complaints can be made verbally or in writing to a manager, Executive Manager, or HR.
- **Documentation:** as required in the Complaints Policy .
- **Immediate Escalation:** Matters involving sexual harassment or serious vilification must be reported immediately to an Executive Manager or the Chief Executive Officer.

5.9.2 Witness Responsibilities

Workers who witness unacceptable conduct are encouraged to support the affected individual and urge them to seek assistance. If a witness is uncertain whether an incident has been reported, they have a responsibility to report the matter to their manager to ensure Council can meet its duty of care.

5.9.3 Contact Officer Details

- Human Resources: HR@Pormpuraaw.qld.gov.au
- Executive Support/Human Resources Team Leader: executivesupport@pormpuraaw.qld.gov.au
- Executive Manager of Corporate Services: finance@pormpuraaw.qld.gov.au
- WHS & Risk Manager: WHS@pormpuraaw.qld.gov.au

5.9.4 External Complaint Pathways

While internal resolution is encouraged, workers have the right to seek remedies through external regulatory bodies, including:

- Queensland Industrial Relations Commission (QIRC)
- Work Health and Safety Queensland
- Queensland Human Rights Commission (QHRC)
- Queensland Police Service (for matters involving criminal conduct or threats of harm)

5.10 CONFIDENTIALITY

Council and HR will endeavour to maintain the highest level of confidentiality throughout the complaint resolution process. However, absolute confidentiality cannot be guaranteed where disclosure is necessary to:

- Investigate the allegations and determine the facts
- Afford procedural fairness (natural justice) to the respondent, ensuring they are informed of the allegations made against them and provide an opportunity to respond, or
- Comply with legislative reporting requirements to resolve the matter effectively

5.10.1 Expectations of Participants

To protect the integrity of the investigation and the wellbeing of all parties, strict confidentiality is mandatory for:

- The complainant,
- The respondent; and
- All witness or participants.

The spreading of rumours, gossip, or any disclosure of information regarding an ongoing investigation is a breach of this policy and Code of Conduct.

5.10.2 Victimisation and Reprisals

Council maintains a zero-tolerance approach to any form of reprisal. Victimising or taking adverse action against any worker because of their involvement in a complaint – whether as a complainant or a witness – is strictly prohibited and will result in disciplinary action.

5.10.3 Support Persons and Representatives

Workers involved in a complaint or investigation are entitled to seek assistance from a designated support person or representative. To ensure impartiality of the process, the following conditions apply:

- **Conflict of Interest:** The support person must not be otherwise involved in this matter (e.g. they cannot be a witness, complainant, or respondent in the same case).
- **Exclusivity:** A support person cannot act for more than one party involved in the same investigation.
- **Confidentiality:** Support person and representatives are bound by the same confidentiality obligations as the primary parties. Any breach of confidentiality by a support person may lead to their removal from the process and/or disciplinary action.

5.11 TRAINING

As part of Council's commitment to training, all staff will undertake the following mandatory training:

- All new employees will undergo discrimination, bullying, and harassment training during their onboarding.
- All employees will undertake annual discrimination, bullying, and harassment training.
- Supervisors and managers will undertake annual employee complaints resolution training.

6 HUMAN RIGHTS COMPATIBILITY STATEMENT

This policy has been assessed as compatible with Human Rights protected under *the Human Rights Act 2019*.

7 DEFINITIONS

Term	Definition
Head of Power	Refers to the specific legislation that gives Council the legal authority to create this policy
Act	A formal law passed by parliament that establishes enforceable rules and provides the legal authority for Council actions
Council	Pormpuraaw Aboriginal Shire Council
Chief Executive Officer (CEO)	Highest-ranking officer in Council
Harassment	Unwelcome behaviour that a reasonable person would anticipate might offend, humiliate, intimidate or distress another person, including sexual harassment or behaviour based on protected attributes
Human Rights Compatibility	An assessment ensuring the policy respects rights protected under the <i>Human Rights Act 2019</i>
Human Resources (HR)	The department responsible for managing the lifecycle of it's employees
Detriment	For the purpose of this policy, detriment refers to any real and non-trivial loss, damage, disadvantage, or injury. This includes any action that a reasonable person would consider harmful to the individual's professional wellbeing
Natural Justice	The right of a person to be informed of allegations against them, to respond and to have the matter considered impartially and fairly

Term	Definition
Workplace Bullying	Repeated and unreasonable behaviour directed towards a worker, or group of workers, that creates a risk to health and safety. Behaviour may be verbal, physical, social or psychological in nature
Sexual Harassment	Any unwelcome conduct of a sexual nature where a reasonable person would anticipate the possibility that the recipient would feel offended, humiliated or intimidated
Direct Discrimination	When a person is treated less favourably than others in similar circumstances specifically due to a protected attribute
Indirect Discrimination	When a seemingly neutral policy, rule, or requirement is applied to everyone but has an unreasonable and disproportionately adverse impact on a specific person or group because of shared attributes
Unreasonable Behaviour	Behaviour that a reasonable person, having considered the circumstances, would see as victimising, humiliating, intimidating or threatening
Victimisation/Reprisals	When a person subjects, or threatens to subject, another person to a detriment because they have exercised legal rights, lodged a complaint, or aided in an investigation
Vilification	Any public act or statement that incites hatred towards, serious contempt for, or severe ridicule of a person or group based on protected attributes
Violence	Any behaviour that involves the use of physical force, threats, intimidation or aggression that causes, or may cause, physical or psychological harm.
Complainant	An individual who has made a formal or informal complaint, or expressed an intent to do so
Respondent	An individual against whom allegations of a breach of policy
Allegations	Claims or reports that a breach of the policy or Code of Conduct has occurred
Confidentiality	An obligation of all parties to keep information private
Accountability	The obligation of every individual to take responsibility for their conduct and the consequences of failing to uphold the required standards

8 RELATED POLICIES AND OTHER DOCUMENTS

- Code of Conduct for Staff
- Code of Conduct for Aged Care
- Formal Complaint Form
- Performance and Misconduct Disciplinary Policy
- Work Health and Safety Policy
- Employee Handbook
- Employee Assistance Program Policy

9 MONITORING AND REVIEW

Notwithstanding the above, this policy is to be reviewed every four (4) years for relevance and to ensure that its effectiveness is maintained.

10 RESPONSIBILITY

This Policy is to be implemented by the CEO; and reviewed and amended in accordance with the Governance and Records Officer.

11 VERSION CONTROL

Version	Details	Resolution No	Date
v1	Created and adopted	2026/193	19 October 2026