



STATUTORY POLICY

MOUNT ISA CITY COUNCIL

Anti-Bullying, Sexual Harassment and Discrimination Policy

RESOLUTION NO. OM05/ 12/25 VERSION V4

APPLIES TO STATUTORY POLICIES ONLY

This is an official copy of the **Anti-Bullying, Sexual Harassment and Discrimination Policy**, made in accordance with the provisions of *Local Government Act and Regulations, Anti-Discrimination Act 1991, Human Rights Act 2019, Work Health and Safety Act 2011 and current Council Policies*.

Statutory Policies comply with a legislative requirement; the **Anti-Bullying, Sexual Harassment and Discrimination Policy** is approved by the Mount Isa City Council for the operations and procedures of Council.

Tim Rose
Chief Executive Officer

DOCUMENT VERSION CONTROL					
I/D	27658	FILE	1208 Policy Register	POLICY TYPE	Statutory (Council)
VERSION	DATE	RESOLUTION NO.	DETAILS		
V1	24.08.2011	OM18/08/11 Adopted	Responsible Officer Human Resources Manager Description Document Creation – New Document		
V2	14.08.2017	OM23/08/17 Amended	Responsible Officer Human Resources Coordinator Description Update and transfer to new template		
V3	25.10.2023	OM03/10/23 Adopted	Responsible Officer Human Resources Coordinator Description Review of content		
V4	17.12.2025	OM05/ 12/25	Responsible Officer: Manager People, Culture and Safety Description Policy name change, Review of content and incorporation of Anti-Bullying Policy		
				REVIEW DUE	12/2028 <i>Review by Council</i>

DISTRIBUTION AND DISSEMINATION

Internal email to all employees	X	Section meetings / Toolbox talks	X
Internal email to all councillors	X	Included in employee inductions	X
Employee noticeboards		Uploaded to Council website	X
Internal training to be provided		External training to be provided	
Registered in magiQ	X		

1. PURPOSE

Mount Isa City Council (Council) is committed to creating a work environment which is free from bullying, discrimination and sexual harassment and where all employees are treated with dignity, courtesy and respect.

Council is an equal opportunity employer. At all stages of the workplace agreement employees will be treated on their merits and valued according to how well they perform their duties.

Council believes that all employees should be able to work in an environment free from bullying, discrimination, victimisation, sexual harassment, vilification and the seeking of unnecessary information on which discrimination might be based. Council considers these behaviours unacceptable, and they will not be tolerated.

2. COMMENCEMENT OF POLICY

This policy will commence from 17 December 2025. It replaces all other Anti-Bullying, Sexual Harassment and Discrimination Policy (whether written or not).

3. APPLICATION OF POLICY

This Policy applies to employees, agents and contractors (including temporary contractors) of Council, collectively referred to in this Policy as 'employees'.

Discrimination, bullying, sexual harassment and vilification are a risk to the health and safety of all employees in the workplace and during the course of an employees' employment (e.g. during work hours, at Council related functions etc).

These behaviours breach the conduct standards outlined in the Council's Employee Code of Conduct in particular section 6.2 – 'Integrity and Impartiality'. It is the responsibility of all employees to ensure that individuals are not subjected to any form of bullying, sexual harassment, discrimination or vilification by speaking up and not tolerating these behaviours.

4. RESPONSIBILITIES

All employees contribute to maintaining an inclusive and healthy workplace culture free from bullying, discrimination and harassment.

The Executive Management Team (EMT), managers and coordinators have a particular obligation to:

- model appropriate behaviour
- promote this policy
- treat all complaints seriously and attend to them promptly
- monitor the work environment
- seek expert advice for complex or serious matters

All employees have the responsibility:

- comply with this policy
- report incidents to their supervisors
- not to participate in bullying, discriminatory or harassing behaviour

5. ANTI-DISCRIMINATION LEGISLATION

Under the Queensland Anti-Discrimination Act 1991 (the Act) discrimination, victimisation, sexual harassment, vilification and seeking unnecessary information on which discrimination might be based are illegal.

Discrimination on the following grounds is against the law:

- Race (including colour, descent or ancestry, nationality, nation or ethnic origin)
- Age (whether young or older)
- Impairment (including biological, function, learning, physical, sensory, mobility, cognitive, psychological, psychiatric impairment or the presence of an organism capable of causing disease)
- Religious belief or activity (including not holding a religious belief)
- Sex, sex characteristics and gender identity
- Relationship status (including being married, single, divorces, separated or in a de facto relationship)
- Sexuality
- Pregnancy and breastfeeding
- Parental status (including being or not being a parent, guardian, foster parent, adoptive parent or stepparent)
- Family responsibilities (including the responsibility to care for and support a dependent child or immediate family member)
- Sex worker activity
- Trade union activity
- Political belief or activity
- Association with, or relation to, a person identified on the basis of the above attributes.

These personal characteristics are called 'attributes'.

Other behaviour that is against the law includes:

- Seeking unnecessary information on which discrimination might be based
- Victimisation because a person has made a complaint, agreed to be witness or has had a complaint made against them, or because they refused to do something that would contravene the Act
- Sexual harassment is prohibited wherever it happens, even in 'private'
- Vilification on the basis of a person's race, religion, gender identity, sex characteristics or sexuality.

Federal anti-discrimination legislation prohibits discrimination on the basis of criminal record, medical record or social origin.

6. WHAT IS DISCRIMINATION?

Direct discrimination happens when a person is treated worse than others in similar circumstances, because of one or more of their attributes.

Direct discrimination may involve:

- Making offensive 'jokes' about another worker's racial or ethnic background, sex, sexuality, age or impairment

- Expressing negative stereotypes about particular groups or using stereotypes as a basis for decisions about work e.g. “Women with young children shouldn’t work” or “Older workers can’t learn new skills”
- Using selection processes based on irrelevant attributes such as age, race or impairment rather than on skills really needed for the job.

Indirect discrimination occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute listed above. The fact that the disadvantage was not intended is not an excuse. For example:

- Requiring everyone to be available for all shifts might not be possible for a person with responsibilities to care for children or an elderly parent.
- Only hiring people who have never had a back injury, or a workers compensation claim might rule out an employee whose health has returned and can do the job well
- Not considering the provision of some reasonable adjustments would disadvantage a person with an impairment who may be able to perform the essential parts of the job in a different way.

7. WHAT IS VILIFICATION?

Vilification is a public behaviour that can incite others to hate, to have serious contempt for, or to severely ridicule individuals or groups because of their race, religion, gender identity, sex characteristics or sexuality.

Vilification can take many forms, including hate-speech, graffiti, websites and the distribution of propaganda or other forms of offensive literature.

It is also a criminal offence to incite hatred of others by threatening physical harm or inviting others to threaten physical harm towards another.

8. WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any form of unwelcome sexual attention towards another person, done with the intention, or possibility, or offending, humiliating or intimidating the other person. Anyone can experience sexual harassment. Sexual harassment has nothing to do with mutual attraction, and such friendships are a private matter.

It includes uninvited touching or physical contact, leering a person or at parts of their body, talking about your sex life or asking about another person’s sex life, sexual jokes or propositions, sexually offensive communications (phone, email, SMS or social media).

Sexual harassment is against the law wherever and whenever it occurs. Council will not tolerate sexual harassment in the workplace or in any work-related context such as conferences, work functions and business trips.

Sexual harassment does not have to be repeated or continuous to be against the law. A single incident might offend, humiliate or intimidate the other person, even if not repeated. Other single incidents, such as an unwanted invitation or compliment, may not be sexual harassment. Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure, are also criminal offences.

The person being harassed does not need to say that the behaviour is unwelcome. Many people find it difficult to speak up. All employees are responsible for their own behaviour. If you think the behaviour may offend, then don’t do it.

9. WHAT IS VICTIMISATION?

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint, or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment.

10. WHAT IS BULLYING?

Bullying is repeated, unreasonable behaviour, directed towards an employee or a group of employees, which creates a risk to health and safety.

‘Repeated behaviour’ refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time.

‘Unreasonable behaviour’ means behaviour that a reasonable person, having regard to all circumstances, would expect to victimise, humiliate, undermine or threaten another person.

Bullying may include:

- Language or comments which are abusive, insulting or offensive
- Unjustified criticism or complaints
- Deliberately excluding someone from workplace activities
- Not sharing important information that a person needs to work effectively
- Setting unreasonable timeframes or constantly changing deadlines
- Setting tasks that are unreasonably below or beyond an employee’s skill level
- Spreading misinformation or malicious rumours
- Changing rosters or leave to deliberately inconvenience an employee

A person’s intention is irrelevant when determining whether bullying has occurred.

A single incident of unreasonable behaviour does not constitute bullying, however it may constitute inappropriate conduct and therefore will not be tolerated by Council.

11. LIMITATIONS

This policy does not cover where an employee has a grievance about reasonable management actions, taken in a reasonable way.

It is important to differentiate between a person’s legitimate authority at work, and bullying. Council has a legal right to direct and control how work is done, and directors, managers, coordinators and supervisors have a responsibility to monitor workflow and give feedback on performance, so long as the management is undertaken in a reasonable manner.

Reasonable management action can include:

- Setting reasonable performance goals, standards and guidelines,
- Informing an employee of their unsatisfactory performance
- Deciding not to select an employee for a promotion where a reasonable process was followed
- Informing an employee of their inappropriate behaviour in an objective and confidential way
- Injury and illness processes

- Rostering and allocating working hours where the requirements are reasonable
- Transferring an employee for operational reasons
- Implementing organisational changes or restructuring
- Taking disciplinary action, including stand down or termination of employment, when warranted.

12. CONSEQUENCES OF BREACH OF THIS POLICY

Employees who make a complaint of bullying, discrimination or sexual harassment will not suffer any victimisation by Council for making the complaint. This also applies to employees who agree to be a witness in a complaint or have a complaint made against them.

Disciplinary action will be taken by Council against any employee found to have breached this policy. Action will be appropriate to the breach and may include:

- An official warning
- A formal apology
- Counselling
- Demotion of position
- Transfer
- Suspension of employment
- Dismissal of employment for serious matters.

13. COMPLAINT HANDLING PROCEDURE

If an employee feels that they have been subjected to any form bullying, discrimination, victimisation, sexual harassment, vilification or have had been asked to divulge unnecessary information on which discrimination might be based, they should not ignore it. Employees have the options below to respond to the situation.

14. EXAMPLES OF THE WAYS IN WHICH A COMPLAINT CAN BE DEALT WITH

Confront the Issue

If you feel confident and want to deal with the situation yourself, you can use self-help techniques. However, it is not necessary that you try to resolve the complaint this way.

This option involves approaching the person responsible for the bullying, discriminatory or sexually harassing behaviour yourself. You should tell the person what you are unhappy about, why you are unhappy about it, and what you would like to happen. Taking a person with you for support may be helpful.

Report the Issue

You can report the issue to your supervisor. If this is not appropriate then you should report the issue to the Manager People, Culture and Safety.

The supervisor or the Manager People, Culture and Safety who received the report (further referred to as the Complaints Officer) will deal with the employees' complaint in accordance with this Policy. There are two complaint procedures that can be used: informal and formal (detailed further below). The type of complaint procedure used will be determined by the nature of the complaint that is made.

Informal Complaint Procedure

Council has an obligation to treat all complaints of bullying, discrimination, victimisation, sexual harassment, vilification or seeking unnecessary information seriously. All complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented.

Under the informal complaint procedure there is a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- a) the Complaints Officer discussing the issue with the person against whom the complaint is made; and/or
- b) the Complaints Officer facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

Formal Complaint Procedure

If the issue cannot be sorted out informally, a formal complaint may be lodged by the employee. Details of the complaint must be produced in writing including full details of the alleged incident or incidents, time, place, who was involved and any other relevant information.

Formal investigations may be conducted by a Complaints Officer or a person from outside Council, appointed by Council at the discretion of the CEO.

An investigation may include:

- interviews with the alleged perpetrator in relation to the details of the complaint
- require the alleged perpetrator to provide a response to the allegations
- further investigate the matter including taking evidence or witness statements from other parties including parties nominated by the alleged perpetrator in defending the matter.

On completing the formal investigation, the person responsible for conducting the investigation will reach a final decision about the outcome of the investigation and provide this information to Council for final decision.

The decision of the Council will be actioned, and the complainant and alleged perpetrator advised of the outcomes. Outcomes may include:

- counselling
- disciplinary action as defined in section 11 of this policy
- an apology
- training on anti-discrimination or other matters, or
- clearing the alleged perpetrator of any wrongdoing.

All documentation associated with complaints and investigation as outlined above will be handled strictly in accordance with the *Privacy Act 2009*.

If Council considers it appropriate for the safe and efficient conduct of an investigation, the complainant and the alleged perpetrator may be required not to report for work during the period of an investigation. Council may also provide alternative duties or work during the investigation period. Generally, they will be paid their normal pay during any such period.

15. CONFIDENTIALITY

The Complaints Officer will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other employees in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has occurred, Council will take appropriate action in relation to the conduct.

All employees involved in the complaint must also maintain confidentiality, including the employee who lodges the complaint. Employees may discuss the complaint with a designated support person or representative (who is not employed or engaged by Council). However, the support person or representative must also maintain confidentiality.

16. WHAT TO DO IF YOU ARE NOT SATISFIED WITH THE OUTCOME

If any of the parties are not satisfied with the way the complaint was handled or the outcome of the complaint process employees can contact the Manager People, Culture and Safety in the first instance, or, where the complaint was handled by the Manager People, Culture and Safety, the CEO can request a review.

Where the complaint handling process and/or the outcome is reviewed by the Manager People, Culture and Safety or CEO, their decision in relation to the review will be final.

Council's goal is to resolve issues in-house wherever possible, however external agencies are also available to assist.

17. QUESTIONS

If someone is unsure about any matter covered by the Policy, they should seek the assistance of their supervisor or the Manager People, Culture and Safety.

Contacts for Outside Agencies

- Australian Human Rights Commission
Toll Free: 1300 656 419
- Queensland Human Rights Commission
Toll free: 1300 130 670
- Work Safe Queensland
Toll free: 1300 362 128
- Queensland Industrial Relations Commission
Toll free: 1300 592 987

18. VARIATIONS

Council reserves the right to vary, replace or terminate this policy from time to time.

19. COMMUNICATION AND DISTRIBUTION

- 19.1 Council will make available to the public this Policy on our website at www.mountisa.qld.gov.au
- 19.2 Supervisors will ensure the policy is distributed as per the Distribution and Dissemination table on this policy.

Associated Council Documents

- Personal Grievance Policy
- Code of Conduct for Employees
- Performance and Misconduct Policy

Key Australian Legislation:

- *Age Discrimination Act 2004 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth)*

Key Queensland Legislation:

- *Anti-Discrimination Act 1991*
- *Criminal Code Act 1899*
- *Industrial Relations Act 2016*
- *Human Rights Act 2019*
- *Work Health and Safety Act 2011*
- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Public Service Ethics Act 1994*
- *Privacy Act 2009*