



Bullying and Harassment Policy

Key points

- In accordance with Work Health and Safety legislation and requirements, NSW State Emergency Service (NSW SES) is obliged to provide a safe and healthy workplace for all its members, which includes a workplace free of bullying, harassment, sexual harassment, discrimination, vilification or victimization.
- NSW SES has a zero tolerance for any form of bullying or harassment within the workplace.

Expected understanding of this policy

Audience	Level of understanding required		
	Detailed	Key points	Awareness
Region Controller & Staff	●		
Local Controller	●		
Unit Controller	●		
Unit Member	●		
CAT Member	●		
SHQ – People & Culture	●		
All other staff	●		
Corporate Member	●		
Spontaneous Member	●		

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1 Purpose

This policy defines the principles under which the NSW SES will prevent or deal with bullying and harassment in the workplace.

It provides Members with information and guidance on:

- defining the behaviours that could amount to bullying and harassment or related inappropriate conduct;
- describing the impacts of bullying and harassment or related inappropriate behaviours;
- the actions to be taken in relation to the prevention of bullying and harassment or related inappropriate behaviours , including disciplinary action.

2 Scope and application

2.1 This policy applies to all NSW SES Members, including all staff and volunteers who are operating under NSW SES policies and procedures. It operates at all NSW SES premises, worksites and community response or engagement activities. It applies to all Members travelling in or using NSW SES vehicles for business purposes.

2.2 This policy extends to conduct in any work-related context including outside of normal working hours including (but not limited to) at emergency responses, community consultation, conferences, functions, office parties, business trips and meetings conducted outside of normal business hours whether or not on NSW SES premises. It covers interactions with community groups/Members, customers, suppliers and other third parties as well as colleagues.

2.3 Compliance is mandatory

3 Policy

Policy principles for responding to Bullying and Harassment and other related inappropriate conduct.

1. The NSW SES will not tolerate any form of bullying, harassment, sexual harassment, discrimination, vilification or victimisation.
2. All NSW SES Members must adhere to NSW SES service doctrine, including the NSW SES Code of Conduct and Ethics, NSW SES values (TARPS), policies and procedures relevant to their work.
3. Members must report any instance of bullying, harassment, sexual harassment, discrimination, vilification or victimisation to their supervisor, Manager, Director, Deputy Commissioner, the Commissioner or confidentially to complaints@ses.nsw.gov.au.

For further information on what to do if you, or a Member that you supervise has a bullying, harassment, sexual harassment, discrimination, vilification or victimisation concern or complaint is provided in Appendix 1.

4. All reported allegations of a Member breaching this policy will be triaged and assessed for further action in accordance with the provisions of the NSW SES Internal Grievance Policy and related procedures.
5. Disciplinary action can be taken against any Member:
 - a) Found to be in breach of this policy
 - b) Found to have made a false allegation in relation to this policy
 - c) Who victimises a Member who has made an allegation
 - d) Who victimises a Member who has supported a Member who has made an allegation, and
 - e) Who breaches confidentiality or privacy in relation to a breach of this policy.
6. Investigations and the implementation of any remedial or disciplinary action in relation to alleged breaches of this policy will be in accordance with the provisions of the *NSW Government Sector Employment Act 2013 and NSW Government Sector Employment Rules 2014* for staff and, in the case of volunteer Members, in accordance with provisions of the NSW SES Procedures for Dealing with Allegations of Misconduct – Volunteer Members and the NSW SES Volunteer Membership Policy.

4 Roles and responsibilities

4.1 Commissioner, Deputy Commissioner and Directors

The Commissioner is accountable for the implementation of this policy in the NSW SES.

The Deputy Commissioner and Directors are responsible for the implementation and communication of this policy within their directorates and functional areas.

4.2 Policy Sponsor

The Director, People and Culture is the sponsor of this policy and is accountable for the implementation of this Policy.

4.3 Policy Owner

The Manager, Professional Standards is responsible for the development, review and implementation of this Policy.

5 Related documents

All related internal policy, procedures, guidelines and legislation documents can be located in the Key Document Index on EOS, including those listed below.

Document	Purpose
<i>NSW State Emergency Services Act 1989</i>	An Act of the NSW Parliament that establishes the State Emergency Service, defines its functions, and grants power to the Commissioner and other members to do various things.
<i>NSW Anti-Discrimination Act 1977</i>	An Act that renders unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity for all persons.
<i>NSW Government Sector Employment Act 2013</i>	An Act relating to employment within the government sector which establishes the ethical framework for the government sector and sets out the procedures for dealing with allegations of misconduct made against GSE staff Members and the taking of disciplinary action with respect to volunteer Members, including action taken with respect to alleged breaches of the Bullying and Harassment Policy.
<i>NSW Government Sector Employment Regulation 2014</i>	A regulation relating to employment within the government sector which sets out the procedures for dealing with allegations of misconduct made against GSE staff Members and the taking of disciplinary action with respect to volunteer Members, including action taken with respect to alleged breaches of the Bullying and Harassment Policy.
<i>NSW Government Sector Employment Rules 2014</i>	Rules relating to employment within the government sector which sets out the procedures for dealing with allegations of misconduct made against GSE staff Members and the taking of disciplinary action with respect to volunteer Members, including action taken with respect to alleged breaches of the Bullying and Harassment Policy.
<i>NSW Work Health and Safety Act 2011</i>	An Act to secure the health, safety and welfare of persons at work,
<i>NSW Work Health and Safety Regulation 2017</i>	A Regulation that sets out the principles and requirements of employers to secure the health, safety and welfare of persons at work,
<i>Code of Conduct and Ethics</i>	Sets out the principles Members are required to uphold, and prescribes specific conduct in areas central to the exercise of NSW SES's functions.
<i>Allegations of Misconduct Procedures – Volunteer Members</i>	Sets out the procedures for dealing with allegations of misconduct made against volunteer Members and the taking of disciplinary action with respect to volunteer Members, including action taken with respect to alleged breaches of this Policy.
<i>Internal Grievance Policy</i>	Sets out the principles Members should apply to internal grievance resolution and documentation, which also relates to grievances concerning alleged breaches of this Policy.
<i>Volunteer Membership Policy</i>	Sets out the policy principles under which the NSW SES will recruit, retain and manage the Membership status of NSW SES volunteers during their tenure with the Service.

6 Support and advice

You can get advice and support about anything in this policy from:

- your Manager or Regional Controller
- the Doctrine Owner – Manager, Professional Standards
- the Doctrine Sponsor – Director, People and Culture by emailing...
- by emailing – complaints@ses.nsw.gov.au.

If you feel that your health and wellbeing has been effected as a result of being bullied or harassed and you require peer support the following options are available:

Internal:

- Critical Incident & Counselling Services – 1800 626 800
- NSW SES Chaplaincy – 1800 626 800
- Manager Human Resources.

External:

- Lifeline on 13 11 14 or <https://www.lifeline.org.au>
- Beyondblue on 1300 224636 or <http://www.beyondblue.org.au>

For volunteer members:

Volunteer members can also obtain advice and support from the NSW SES Volunteers Association – 1300 073 782.

For paid staff:

- Employee Assistance Program (EAP) – 0407 111 003.

7 Definitions

In this policy, the term:

- **Must/required/shall** – indicates a mandatory action required that must be complied with.
- **Should** – indicates a recommended action that should be followed unless there are sound reasons for taking an alternative course of action.
- **May** – indicates there are other acceptable options of similar or equal application.

Term	Definition
Member	<p>A member of the NSW SES both volunteer and/or employee. All NSW SES members are public officials in accordance with:</p> <ul style="list-style-type: none"> • NSW Independent Commission Against Corruption Act 1988; • NSW Ombudsman Act 1974; and • NSW Public Interest Disclosures Act 1994.
Bullying	<p>Bullying is defined by NSW Workcover as:</p> <p>“Repeated, unreasonable behaviour directed towards a worker (NSW SES member), or a group of workers (NSW SES members) that creates a risk to their health and safety.”</p> <p>Repeated behaviour refers to the persistent nature of the behaviour and can include a range of behaviours over time. Repeated behaviour can also include single acts towards multiple people within close proximity.</p> <p>Unreasonable behaviour refers to behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or distressing. Bullying is a workplace health and safety risk.</p> <p>The person may be the target of such behaviour on the grounds set out in the NSW Anti Discrimination Act 1977 (i.e. because of their sex, race, disability etc.) It is possible for a person to be bullied and discriminated against at the same time.</p> <p>Bullying does not include:</p> <ul style="list-style-type: none"> • Reasonable management action; • Discrimination and harassment; • Workplace conflict; • Workplace violence; and • Discriminatory, coercive or misleading conduct, due to raising or acting on work health and safety issues.
Harassment	<p>Harassment is defined by NSW Workcover as:</p> <p>“Unwelcomed behaviour that intimidates, offends, or humiliates someone because of a particular personal characteristic, such as age, race or gender.”</p> <p>Unlike bullying, harassment does not have to be repeated.</p> <p>It can take place between:</p> <ul style="list-style-type: none"> • Members, and • A Member and other person in the workplace, for example, a Member and another public official, a citizen or a contractor. <p>Harassment can occur in any location where people are working, including where services are delivered outside the usual place of work, such as in the general community.</p>

Term	Definition
Sexual Harassment	<p>Sexual harassment is any unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated.</p> <p>It does not include interaction, flirtation or friendship which is mutual or consensual.</p> <p>Sexual harassment is a type of sex discrimination.</p> <p>It can take many different forms – it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex.</p> <p>Sexual harassment may include:</p> <ul style="list-style-type: none"> • Staring or leering; • Unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching, suggestive comments or jokes; • Insults or taunts of a sexual nature; • Intrusive questions or statements about your private life; • Displaying posters, magazines or screen savers of a sexual nature; • Sending sexually explicit emails or text messages; • Inappropriate advances on social networking sites; • Accessing sexually explicit internet sites; • Requests for sex or repeated unwanted requests to go out on dates; • Behavior that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications. <p>Sexual harassment in the workplace is unlawful.</p>
Discrimination	<p>Discrimination may be direct or indirect and can be defined as follows:</p> <ul style="list-style-type: none"> • Direct Discrimination – when a person is treated unfairly or disadvantaged because he or she has one or more specific attributes. • Indirect Discrimination – when a reasonable requirement or condition has the practical effect of disadvantaging a person, group of people, who have one or more specific attributes.
Vilification	<p>Vilification is a form of unlawful discrimination that may appear as bullying type behaviour.</p> <p>Vilification is generally any act:</p> <ul style="list-style-type: none"> • That happens publicly (rather than privately), and • That could incite (encourage, urge or arouse) other to hate, have serious contempt for, or bring about severe ridicule of an individual or a group of people because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, homosexuality, HIV or AIDS status, or transgender status. This includes vilification because it is believed to be lesbian, gay, bisexual, transgender or intersex. <p>Vilification is against the law in NSW.</p>

Term	Definition
<i>Victimisation</i>	<p>Victimisation occurs when one person takes unreasonable detrimental action against another person.</p> <p>Victimisation can also include retribution or detrimental action taken as 'pay back' for someone making a complaint, raising a workplace concern or submitting a grievance.</p> <p>For the purpose of this policy, victimisation is deemed to have occurred when the alleged perpetrator has taken unreasonable detrimental action against the person who has raised an allegation.</p>
<i>Workplace conflict</i>	<p>Workplace conflict is a concern raised by an employee (Member) either verbally or in writing.</p> <p>Conflict issues can be broad in scope and may include for example, interpersonal conflict, the way work is allocated or managed, interpretation of policies or a perceived unfairness in the workplace.</p> <p>While conflict may involve more than one person and some personal distress, conflict does not generally result in proven claims of misconduct.</p> <p>Workplace conflict is generally not considered to be workplace bullying. Not all conflict is negative may nor does it always pose a risk to health and safety. When conflict is at a low level and task based, it can generate debate and lead to new ideas and innovative solutions. However, in some cases, conflict that is not properly managed may escalate to the point where it fits the criteria for workplace bullying.</p> <p>Workplace bullying is behaviour generally intended to cause harm or distress to another member.</p>

Appendix 1

What to do if you have a bullying or harassment concern or complaint

1. Ask for the behaviour to be stopped

Firmly and politely inform the person that their behaviour is inappropriate or unreasonable and ask them to stop. They may not realise their behaviour is affecting you and may change their behaviour. If you feel uncomfortable acting alone, ask a colleague, or supervisor, for their support.

2. Check other NSW SES policy and procedures

The NSW SES Code of Conduct and Ethics outlines standards of acceptable behaviour and explains how to address potential bullying issues. This can be found in the “Policy” section of the Key Documents Index (KDI). Ask the Policy Owner, Custodian, or any supervisor about existing NSW SES policy and procedures.

3. Speak to someone you trust

Get advice from someone you trust, such as a friend, colleague, supervisor etc. They may be able to assist in developing a personal intervention plan.

4. Keep records

Keep a record of what happened (including what was said or done), dates and times, who was involved, names of witnesses and, if possible, copies of any documents such as emails.

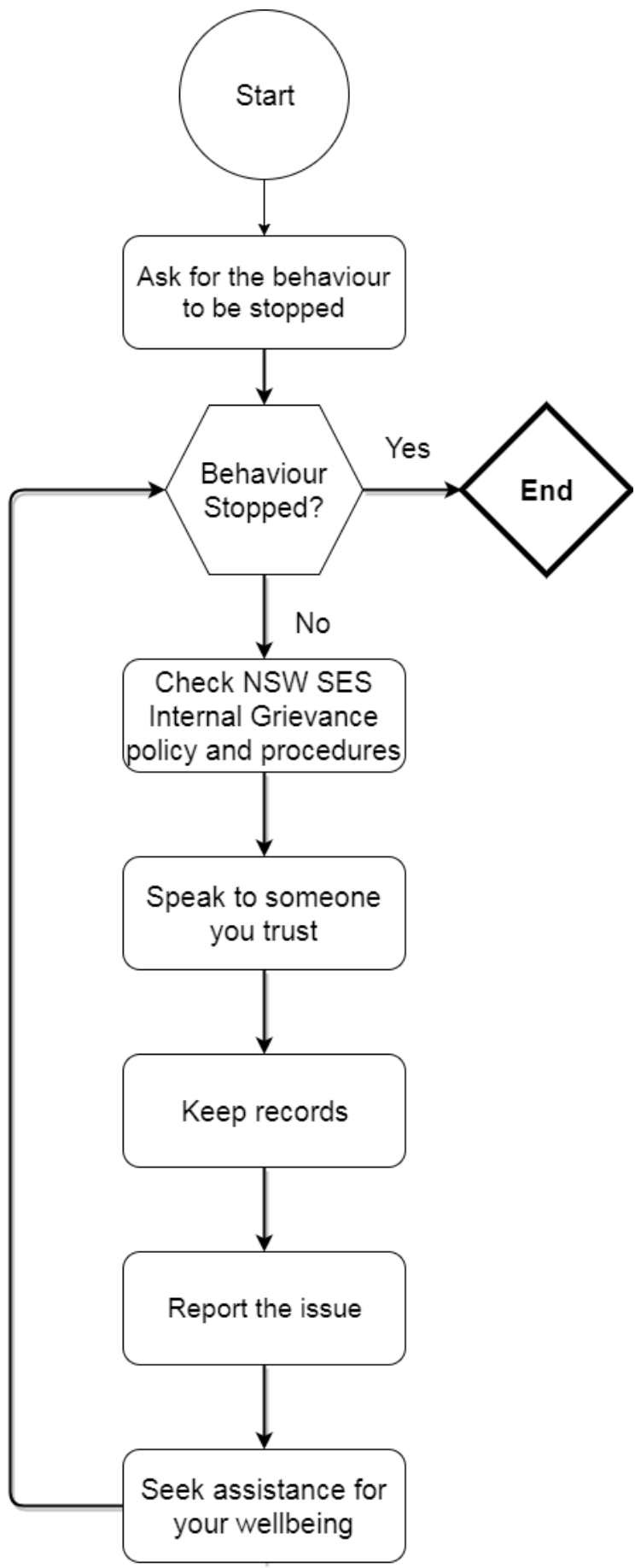
5. Report the issue If you cannot resolve a bullying issue, report it to one or more of the following:

- your supervisor
- complaints@ses.nsw.gov.au
- a Controller, Region Controller, Director, or Deputy Commissioner, or
- NSW WorkCover.

6. Seek assistance for your wellbeing

If you would like to talk confidentially and get more information about what you can do, you can speak to Internal or External support listed under the Support and advice section in this policy document. You can also ask your doctor to refer you for counselling.

The following flowchart illustrates the above steps:



What to do if a Member you supervise has a bullying or harassment concern or complaint

If a Member alleges bullying or harassment and approaches you for advice:

- be aware that the Member may be feeling a range of emotions such as anger, distress, vulnerability, frustration, and powerlessness
- listen carefully, be sensitive, and non-judgmental
- take notes including date, time, place, and basic elements of the issues etc. (sending an email to yourself is a good method)
- reassure the Member that if they choose to lodge a report, the matter will be dealt with promptly, thoroughly, fairly, and with respect to the privacy of those concerned
- provide the Member with a copy of this policy and explain the NSW SES Internal Grievance Policy and procedures if they have not yet accessed them
- advise the Member to get assistance from support resources listed in the Support and advice section of this document, and
- keep a confidential record of your discussion.

Document control sheet

Title	Bullying and Harassment Policy
Current Version #	0.1
Document Approval Status	Approved
Directorate	People & Culture Directorate
Branch/Region/Unit/	Professional Standards
Policy Owner	Manager Professional Standards
Policy Sponsor	Director People & Culture
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Version History

Version #	Creation date	Author	Summary of changes
0.1	09/02/2018	Manager Professional Standards	Initial draft
1.0	27/02/2018	Commissioner	Authorised

Approval

Name	Title	Date	Version signed off
Gary Bevan	Policy Owner	14/02/2018	1.0
Kathleen Iacurto	Policy Sponsor	15/02/2018	1.0
Mark Smethurst	Commissioner	27/02/2018	1.0