



# AGENDA

## CULTURE, ECONOMY AND CORPORATE COMMITTEE

### 15 JUNE 2021

MEMBERSHIP: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker and J Ryan.

The meeting is scheduled to commence at .

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<b>CEC21/19 LEAVE OF ABSENCE (ID21/911)</b>	
<b>CEC21/20 DRTCC - LED SIGNAGE (ID21/851)</b> The Committee had before it the report dated 26 May 2021 from the Manager Dubbo Regional Theatre and Convention Centre regarding DRTCC - LED Signage.	2
<b>CEC21/21 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - MAY 2021 (ID21/769)</b> The Committee had before it the report dated 1 June 2021 from the Chief Financial Officer regarding Investments Under Section 625 of the Local Government Act - May 2021.	10
<b>CEC21/22 REVIEW OF COUNCIL'S BULLYING AND HARASSMENT POLICIES (ID21/901)</b> The Committee had before it the report dated 28 May 2021 from the Executive Manager People Culture and Safety regarding Review of Council's Bullying and Harassment Policies.	16



## REPORT: DRTCC - LED Signage

**AUTHOR:** Manager Dubbo Regional Theatre and Convention Centre  
**REPORT DATE:** 26 May 2021  
**TRIM REFERENCE:** ID21/851

### EXECUTIVE SUMMARY

Award-winning Dubbo Regional Theatre and Convention Centre (DRTCC) celebrated its 10<sup>th</sup> Birthday in 2020. It is important that DRTCC continue to remain relevant, dynamic and well utilised into the future. Dubbo Regional Theatre is known for its architectural design, robust brand and artistic programming. The focus is now to also raise the profile of the Convention Centre to increase awareness, business and community activity and to highlight that DRTCC is a multi-purpose facility.

A centrally located LED 'billboard' on the building frontage will increase awareness of upcoming events at DRTCC and would likely have a positive impact on ticket sales, visitation and provide an additional income source through advertising. Darling Street opposite Victoria Park is a high traffic area and a uniquely visible location to invest in such a project.

Pedavoli Architects designed Dubbo Regional Theatre and as a professional courtesy were engaged as the Supplier by Preference for the design and documentation for the LED signage at a cost of \$28,930.00 including GST.

Stage 1 of 4 – Concept design and option analysis is complete. Attached as **Appendix 1**, evening images of:

- Option 1, being the Entry Portico with supplementary light box
- Option 2, being the stand-alone Pylon with supplementary light box

Following adoption of a preferred option, the project will proceed to stage 2, design development and finalisation. Construction is expected in November 2021.

### FINANCIAL IMPLICATIONS

The total cost of the LED signage project including design, fabrication, and installation and commissioning is estimated at \$363,000.00 including GST. These funds form part of the Local Roads and Community Infrastructure – Phase 2 Funding.

### POLICY IMPLICATIONS

There are no policy implications arising from this report.

**RECOMMENDATION**

- 1. That the report from Manager Dubbo Regional Theatre and Convention Centre dated 26 March 2021, be noted.**
- 2. That the preferred signage option, being Option 1 as outlined in the report, be able to proceed to Stage 2 of the Project – Design development and finalisation.**

*Linda Christof*

Manager Dubbo Regional Theatre and Convention Centre

## BACKGROUND

Dubbo Regional Theatre and Convention Centre was designed by Perumal Pedavoli Architects and constructed in 2010. It was an architectural feat to design a state-of-the-art facility to complement and join an existing building constructed in 1967. Whilst it is an impressive looking facility, 10 years on, the community has become accustomed to the building and it no longer commands the attention it once did. It needs a visual 'lift' to ensure it still attracts that attention and presents as being active and dynamic.

DRTCC engages a variety of marketing channels including the website, social media platforms, foyer screens, print media, radio and posters and flyers to promote events at the facility. What is lacking is external signage that highlights to passing traffic, foot and road, what is on at DRTCC. Events include season program, hirer/promoter shows, business and community events held at DRTCC. By having a dynamic 'billboard' promoting events it will add to community awareness, increased ticket sales, increased utilisation and recognition that DRTCC is a premier entertainment and events venue.

The original vision to have an LED screen covering the main Theatre window was deemed not feasible following research and consultation. The barrier was primarily scale, cost, current window treatment and reduction in natural light to the foyer area.

The signage options for consideration by Pedavoli Architects include visibility, access to power and data and complementary to building design.

## REPORT

To date, external signage has included an A-Frame sign erected daily stating the Box Office is open. Some event clients request vinyl banners be displayed on the façade of the building and are charged for this service to recover the cost of staff time to erect the banner using a raised platform. Not only is this form of advertising out-dated and time consuming, there is a variation in quality of banner design and fabrication that affects the overall presentation of DRTCC.

The nature of theatres and function centres, is that the activity occurs inside. Once the patrons and delegates are inside, the façade, whilst austere and impressive lacks life and movement and at times appears not to be open. Having dynamic LED signage advertising current and upcoming events will ensure the facility is dynamic, activated and informative. There may also be an option within signage guidelines to provide thematic and creative images relating to significant events such as ANZAC Day and Dubbo Cares Day.

In addition to DRTCC promoting events held at the facility, LED signage would provide an additional income stream from event hirers wanting to promote their event. This form of advertising is superior to the display of banners and flags as it is more visually effective, less labour intensive, allows for quality control and variety of images.

DRTCC staff completed a comprehensive research paper on signage options and demand for advertising space on 27 January 2021. The report included options on location, market research on advertising appeal and estimated revenue from advertising as well as discussions with Building and Development Services at Dubbo Regional Council. This research paper informed the Scope of Works.

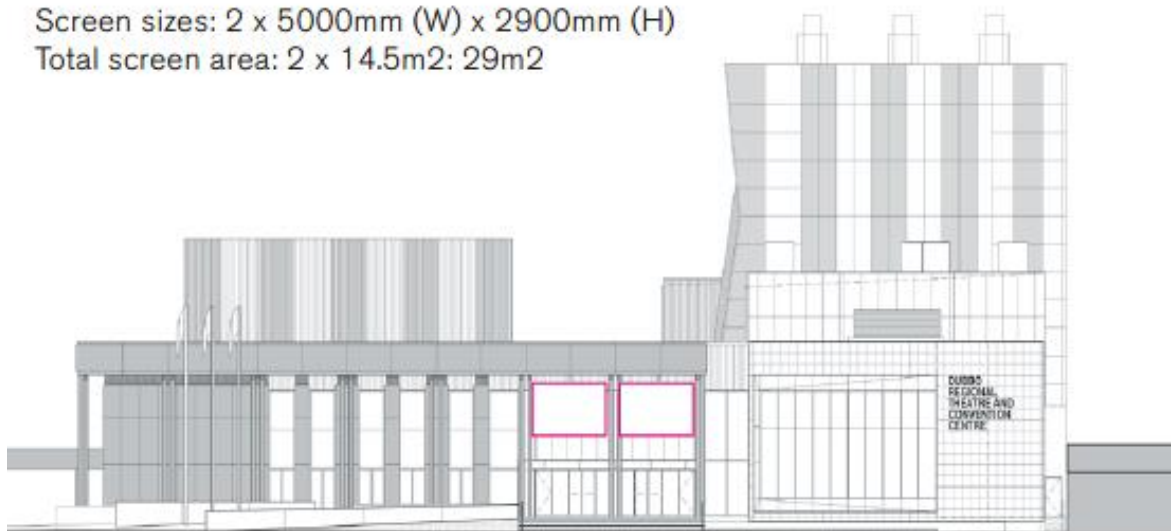
Pedavoli Architects were engaged as the Supplier by Preference for the design and documentation for the LED signage due to the following considerations:

- Perumal Pedavoli Architects designed Dubbo Regional Theatre in 2010
- It is a professional courtesy to consult with the architect on any additions and enhancements to the building to ensure the integrity of the building design is maintained. Given it is a significant civic building it is important any additions complement the building as well as be fit for purpose.
- Pedavoli Architects are committed to engaging local service providers during this phase of the project.

The architects have submitted two design options outlined below. Following consultation with staff and the Executive Leadership team, Option 1 is proposed as the preferred option to achieve desired outcomes of site activation, event promotion and public theming, and some revenue generation.

#### Option 1 – Entry Portico above entry doors

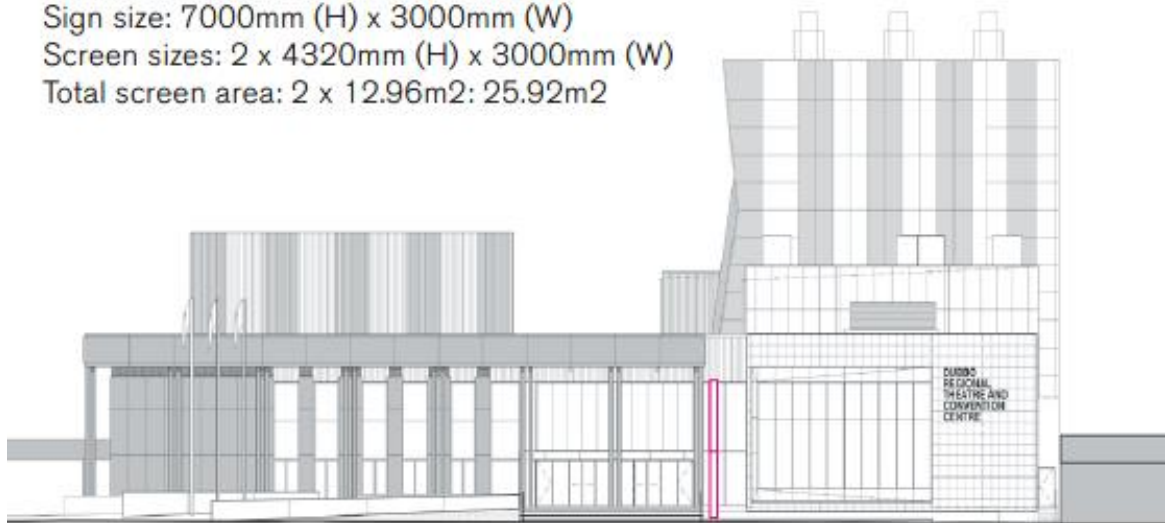
Screen sizes: 2 x 5000mm (W) x 2900mm (H)  
Total screen area: 2 x 14.5m<sup>2</sup>: 29m<sup>2</sup>



- Dual purpose to promote Box Office/shows and also welcome conference delegates.
- Opportunity for creative activation using significant themes, such as the poppy for Anzac Day
- Nestled in the columns to look like part of the facility
- High visibility from Victoria Park and passing traffic
- Note images may not always be complimentary so dual use will need to be managed appropriately

**Option 2 – two sided Pylon on footpath**

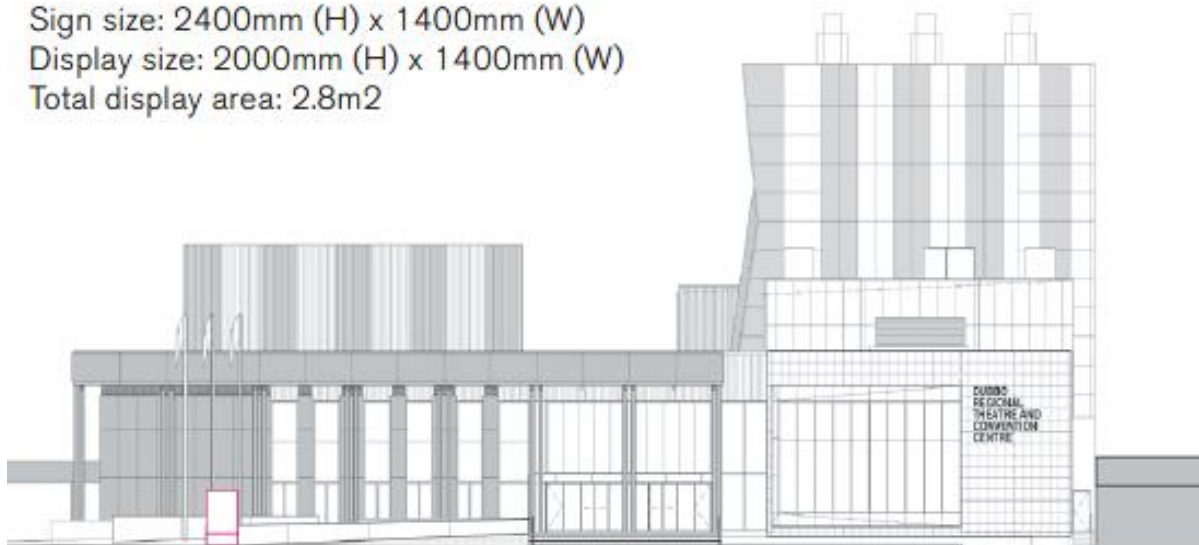
Sign size: 7000mm (H) x 3000mm (W)  
Screen sizes: 2 x 4320mm (H) x 3000mm (W)  
Total screen area: 2 x 12.96m<sup>2</sup>: 25.92m<sup>2</sup>



- High visibility from passing traffic
- Stylish
- *What's On* promotion
- Impressive scale to match the building
- However, may present as a shopping mall or club

**Supplementary Signage – Light Box - to be added to Option 1 and Option 2**

Sign size: 2400mm (H) x 1400mm (W)  
Display size: 2000mm (H) x 1400mm (W)  
Total display area: 2.8m<sup>2</sup>



- Adds balance to the signage package
- Ensures light activation at the Convention Centre end of the building
- Back lit image

For full visual effect, please refer to **Appendix 1** which features night time scenes of both options.

## SUMMARY

A need has been identified to install external LED signage that provides high public visibility by maximising views from passing pedestrian and vehicle traffic. The LED signage would provide needed activation to the façade of the facility, and provide a means to promote events presented by DRTCC as well as events and shows by hirer/promoters with the latter being charged for the service.

This additional form of advertising is cost effective and sustainable and will serve the purpose of increasing attendance at various events by prompting passing traffic, foot or road, to either book a ticket, visit the exhibition or promote the event through word-of-mouth. It will also instil community awareness that the DRTCC is a busy and well-utilised facility of Dubbo Regional Council.

Staff have researched the concept of LED Signage and have gauged market demand for advertising space. Pedavoli Architects are involved in the project to ensure the signage complements the building design, is fit for purpose and therefore more likely to be well-received by the community.

Attached as **Appendix 1**, the two options are presented as night time images to be represent the visual impact. Once the preferred option is determined out of the two proposed locations, the project can proceed to the next stage of design development and finalisation.

Appendices:

**1** [↓](#) DRTCC Digital Signage - Design Options

**OPTION ONE -  
Preferred option**

**DRTCC DIGITAL SIGNAGE: BUILDING VIEWS**

DIGITAL SCREENS TO BUILDING FACADES

**INSITU RENDER: CONCEPT 1+SUPPLEMENTARY SIGNAGE**

2 X SCREENS ABOVE ENTRY + ILLUMINATED PLINTH



NORTHWEST FACADE VIEW



**OPTION TWO**

**DRTCC DIGITAL SIGNAGE: BUILDING VIEWS**

DIGITAL SCREENS TO BUILDING FACADES

**INSITU RENDER: CONCEPT 3+SUPPLEMENTARY SIGNAGE**

2 X SIDED PINGLE PYLON SIGN TO ENTRY + ILLUMINATED PLINTH



NORTHWEST FACADE VIEW



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## REPORT: Investments Under Section 625 of the Local Government Act - May 2021

**AUTHOR:** Chief Financial Officer  
**REPORT DATE:** 1 June 2021  
**TRIM REFERENCE:** ID21/769

### EXECUTIVE SUMMARY

As required by Clause 212 of the Local Government (General) Regulation 2005, set out below are the details of all monies that Council has invested under Section 625 of the Local Government Act as at 31 May 2021.

Investments, when placed, have been done so in accordance with the Local Government Act, Local Government Regulations and Council's Investment Policy and Strategy. Interest on investments for the month of 31 May 2021 has been accounted for on an accrual basis. This report details investments and annualised returns for the month of May 2021.

### FINANCIAL IMPLICATIONS

Interest earned on investments has been included within Council's 2020/2021 Operational Plan, with total income generated from the Investment Portfolio forecast to be in excess of \$2,500,000.

### POLICY IMPLICATIONS

There are no policy implications arising from this report.

### RECOMMENDATION

**That the information contained within the report of the Chief Financial Officer, dated 1 June 2021, be noted.**

*Michael Howlett*  
Chief Financial Officer

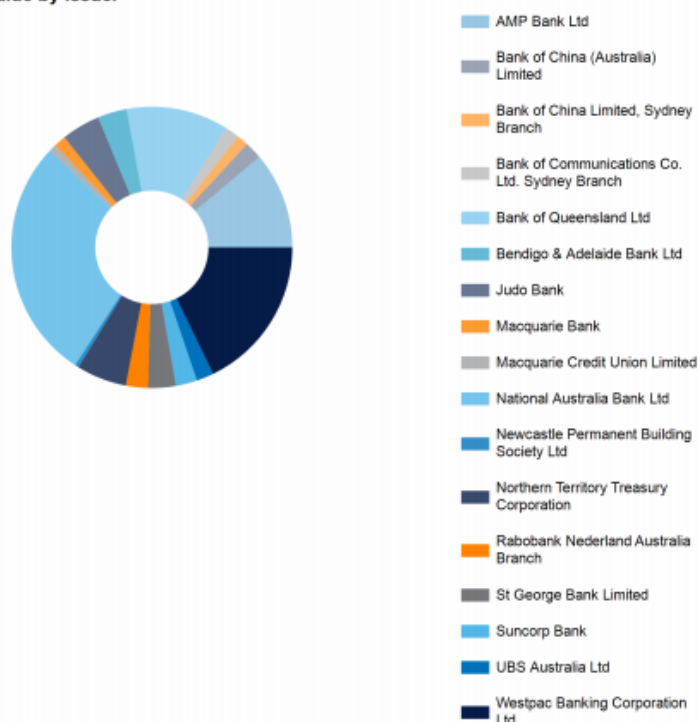
**PORTFOLIO OVERVIEW**

The below table details Council’s current investment portfolio:

Issuer	Market Value	% Total Value
AMP Bank Ltd	25,073,428.46	11.13%
Bank of China (Australia) Limited	4,502,746.85	2.00%
Bank of China Limited, Sydney Branch	3,004,320.00	1.33%
Bank of Communications Co. Ltd. Sydney Branch	3,776,362.50	1.68%
Bank of Queensland Ltd	26,462,071.55	11.74%
Bendigo & Adelaide Bank Ltd	7,578,641.12	3.36%
Judo Bank	10,014,778.10	4.44%
Macquarie Bank	3,083,220.00	1.37%
Macquarie Credit Union Limited	2,003,632.88	0.89%
National Australia Bank Ltd	62,737,096.85	27.84%
Newcastle Permanent Building Society Ltd	1,011,110.00	0.45%
Northern Territory Treasury Corporation	13,033,370.00	5.78%
Rabobank Nederland Australia Branch	5,706,650.00	2.53%
St George Bank Limited	7,208,336.99	3.20%
Suncorp Bank	5,513,900.00	2.45%
UBS Australia Ltd	4,481,820.00	1.99%
Westpac Banking Corporation Ltd	40,131,382.14	17.81%
<b>Portfolio Total</b>	<b>225,322,867.43</b>	<b>100.00%</b>

*^Portfolio overview represents total market value. Investment face value is \$222,939,884.58*

**Market Value by Issuer**



*^ NAB is inclusive of Councils cash account.*

*^AMP is inclusive of Councils 31 day notice saver account.*

## INVESTMENT COMPLIANCE

The following table shows that Councils investments are compliant with the revised Investment Policy that was adopted at the Ordinary Council meeting held 22 March 2021.

Issuer Limits As at Wednesday, 31 May 2021



## INTEREST INCOME

The below table details payments of interest paid to Council between 1 May to 31 May 2021:

Security	Issuer	Income Expense Code	Settlement Date	Face Value (Basis of Interest Calculation)	Consideration Notional
BOC Aust 0.8512 06 Nov 2023 1095DAY FRD	Bank of China (Australia) Limited	IEI162584	6 May 2021	4,500,000.00	9,339.88
CBA 4 09 May 2021 1826DAY FD	Commonwealth Bank of Australia Ltd	IEI162972	9 May 2021	500,000.00	1,328.54
UBS Aust 0.5 26 Feb 2026 FRN	UBS Australia Ltd	IEI165348	26 May 2021	4,500,000.00	5,815.48
NAB At Call In	National Australia Bank Ltd	IEI165767	31 May 2021		17,351.29
Westpac 2.9 31 May 2021 1461DAY TD	Westpac Banking Corporation Ltd	IEI165759	31 May 2021	2,000,000.00	14,619.18
Westpac 3.07 31 May 2022 1826DAY TD	Westpac Banking Corporation Ltd	IEI165760	31 May 2021	2,000,000.00	15,476.16
					<b>63,930.53</b>

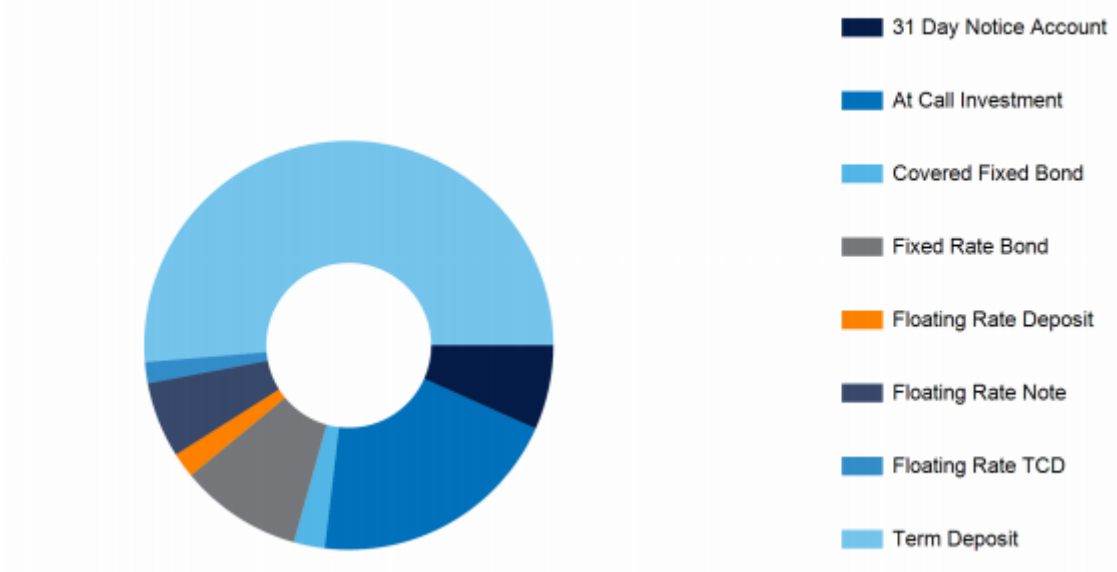
^ Interest received consists of payments made to Council's allocated bank account and are exclusive of accruing interest.

**INVESTMENT BY ASSET CLASS**

The following table details Councils investment holdings by investment type:

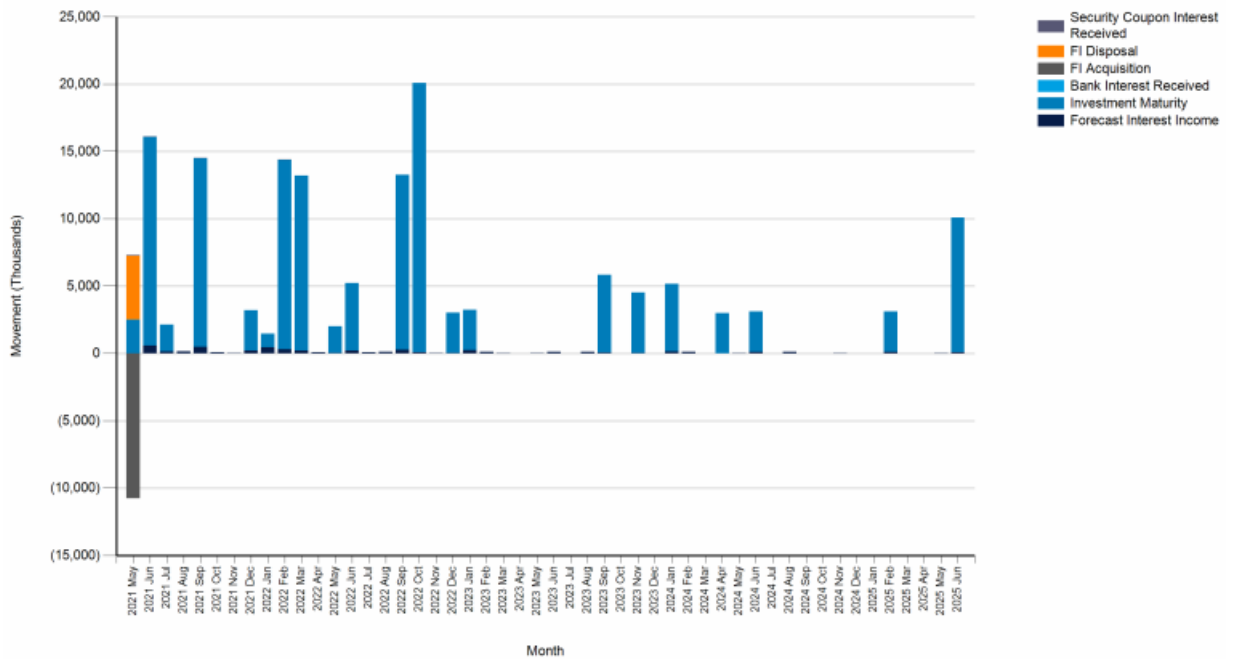
Security Type	Market Value	% Total Value
31 Day Notice Account	15,050,750.38	6.68%
At Call Investment	45,532,754.40	20.21%
Covered Fixed Bond	5,513,900.00	2.45%
Fixed Rate Bond	21,823,240.00	9.69%
Floating Rate Deposit	4,502,746.85	2.00%
Floating Rate Note	13,504,450.00	5.99%
Floating Rate TCD	3,776,362.50	1.68%
Term Deposit	115,618,663.30	51.31%
<b>Portfolio Total</b>	<b>225,322,867.43</b>	<b>100.00%</b>

**Market Value by Security Type**



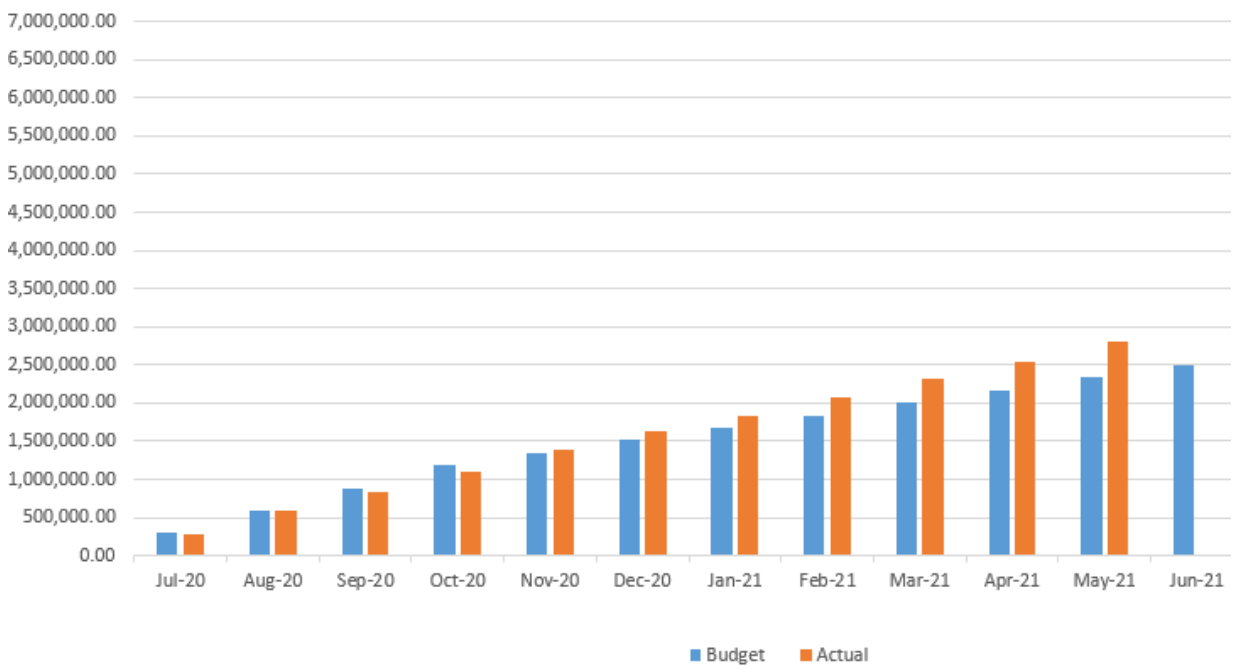
**FUTURE MATURITY CASHFLOW**

The below table details the expected cash flow of future investment maturity:  
Cash Flow Movements



**BUDGET TO ACTUAL – INTEREST ON INVESTMENTS**

Budget to Actual - Interest on Investments



**SUMMARY**

**Cash Account**

Council outperformed the 11.00 am Official Cash Rate market benchmark for one month annualised return of 0.10%, achieving a return of 0.50% for its At Call investments for the month of May 2021.

**Investment Portfolio**

Council outperformed the one month annualised Bloomberg AusBond Bank Bill Index of 0.00%, with an average return of 1.37% for its overall portfolio return.



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## REPORT: Review of Council's Bullying and Harassment Policies

**AUTHOR:** Executive Manager People Culture and Safety  
**REPORT DATE:** 28 May 2021  
**TRIM REFERENCE:** ID21/901

### EXECUTIVE SUMMARY

A review has been undertaken of Council's Prevention of Workplace Bullying Policy and Procedure and Anti-Discrimination, Harassment and Equal Opportunity Policy. The review was to ensure the policies meet legal compliance and best practice.

The review showed that while Council's policies were suitable and compliant there was opportunity to make improvements. The improvements included ensuring consistency of definitions and changes to wording and terminology, addition of external avenues, inclusion of the proactive work that Council undertake as well as the addition of a section on inappropriate behaviour.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### POLICY IMPLICATIONS

If resolved, the draft Prevention of Workplace Bullying Policy and Procedure and Anti-Discrimination, Harassment and Equal Employment Opportunity Policy will be adopted.

### RECOMMENDATION

1. That the report of the Executive Manager People Culture and Safety, dated 28 May 2021, be noted.
2. That the Draft Prevention of Workplace Bullying Policy and Procedure be adopted.
3. That the Draft Anti-Discrimination, Harassment and Equal Opportunity Policy be adopted.

*Mardi Stiles*

Executive Manager People Culture and Safety



## BACKGROUND

At the Extraordinary Meeting of Council held on 12 April 2021, Council resolved, in part:

- “5. That a report be prepared for the 3 May 2021 Ordinary meeting of Council that advises on council’s bullying and harassment policies and any reforms needed in order for them to be best practise.”*

A report was prepared for the Council meeting held 4 May 2021, where I was resolved that the Prevention of Workplace Bullying Policy and Procedure (**Appendix 1**) be amended with the recommendations provided by Sparke Helmore Lawyers and submitted to the Culture, Economy and Corporate Committee meet on 15 June 2021. Council’s Anti-Discrimination, Harassment and Equal Employment Opportunity Policy (**Appendix 2**) has also been reviewed and amendments made. Both policies are submitted to the Committee for review and adoption.

## REPORT

Council requested that a review of Council’s bullying and harassment policies be undertaken. As outlined in the report by the Executive Manager People Culture and Safety considered by Council at its meeting held 4 May 2021, the review found that overall Council’s policies were suitable.

Whilst the review found the policies overall were suitable, it did identify where improvements could be made.

The improvements identified were in the following areas:

- Consistency in definitions across both policies, Code of Conduct and other Management policies
- Addition of external avenues that can be taken outside of Council
- Inclusion of the proactive work that Council does in providing training and education
- Inclusion of how Council will manage behaviour that is not bullying but inappropriate
- Changes to wording and terminology to strengthen the policy

As detailed in the report considered on 4 May 2021, Council has in recent years provided significant training for employees in the prevention of bullying and harassment as well as the Code of Conduct. Training will continue to be regularly reviewed and provided to employees, with Councillors to also regularly receive training going forward.

## SUMMARY

A review has been undertaken of Council’s Prevention of Workplace Bullying Policy and Procedure and Anti-Discrimination, Harassment and Equal Opportunity Policy. The review was to ensure the policies meet legal compliance and best practice. The review led to amendments being made to both policies, which are now recommended for adoption.

Appendices:

- 1 [↓](#) Draft Council Policy - Prevention of Workplace Bullying Policy and Procedure
- 2 [↓](#) Draft Council Policy - Anti Discrimination Equal Employment Opportunity Policy



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## COUNCIL POLICY

# Prevention of Workplace Bullying Policy & Procedure

**Date** June 2021

**Council Resolution Date**

**Clause Number**

**Responsible Position** Executive Manager People, Culture and Safety

**Branch** People, Culture and Safety

**Division** Executive Services

**Version** 1.0

**TRIM Reference Number**

**Review Period** 2 years

**Review Date** June 2023

**Consultation**

Document Revision History	
Description	Date
<b>Notes</b>	

## **POLICY**

### **PURPOSE**

The purpose of this Policy is to set out Dubbo Regional Council’s position on workplace bullying and to document the process which is to be followed should any instances of workplace bullying be reported.

### **BACKGROUND AND RELATED LEGISLATION**

- Guide for Preventing and Responding to Workplace Bullying May 2016 (Safe Work Australia)
- Work Health & Safety Act 2011 (NSW)
- Local Government (State) Award
- The Local Government Act 1993

Relevant Council policies:

- Grievance and Dispute Resolution Policy and Procedure
- Code of Conduct
- Anti-Discrimination, Harassment & Equal Employment Opportunity Policy

### **SCOPE**

The Policy and procedure applies to all workers and Council officials of Dubbo Regional Council.

### **DEFINITIONS**

To assist in interpretation, the following definitions apply:

<b>Term</b>	<b>Definition</b>
<b>Council</b>	<b>Dubbo Regional Council</b>
<b>Council Official</b>	<b>Includes Councillors, Administrators, Council committee members, delegates of Council and Council advisers.</b>
<b>Person Involved</b>	<b>A person against whom allegations of workplace bullying have been made and includes but is not limited to a worker or service provider to Council.</b>
<b>Unreasonable Behaviour</b>	<b>Behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.</b>
<b>Premises</b>	<b>Any place (including but not limited to land, building, part of a building or vehicle) where a worker or Council Official works and includes premises where Council, for the time being, has (or appears to have) the charge, management or control of those premises, or premises where a Council function/activity is conducted.</b>
<b>Workplace</b>	<b>Any place where work is carried out for Council and includes any place where a worker goes, or is likely to be, while at work.</b>
<b>Worker</b>	<b>Any person doing work for Council including but not limited to employees, contractors, sub-contractors, labour hire, volunteers, trainees, apprentices, work experience students.</b>

**Workplace Bullying**

**Repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.**

**POLICY**

Council is committed to providing a safe and healthy workplace free from workplace bullying. Workers and Council Officials are covered by this Policy whether they feel bullied by a supervisor, another worker, client, contractor, Council Official, or member of the public.

Council will treat reports of workplace bullying seriously. Council will respond promptly, impartially and confidentially, recognising that failure to take steps to manage the risk of workplace bullying can result in a breach of Work Health Safety laws.

If you are a worker or a Council Official, you must comply with the relevant provisions of the Policy in carrying out your functions as a worker or Council Official.

This Policy is intended to apply to any work-related situation and extends to all functions and places that are work related. This includes work functions, conferences, social events, Christmas parties and business trips and via technology.

Council will provide employees and Council Officials with regular compulsory training and education around identifying, preventing and responding to workplace bullying and unreasonable behaviour. Council will provide information about Council's stance on workplace bullying and expected workplace behaviours to all new employees through induction processes. Regular reviews, and where necessary refinements, will be undertaken to the complaint and investigation processes so they continue to meet the needs of the Council, workers and Council Officials.

**Council's stance on workplace bullying**

- Workplace bullying is prohibited. Council will not tolerate any form of workplace bullying under any circumstances.
- A worker who reports allegations of workplace bullying must not be victimised.
- Early reporting of workplace bullying is a legitimate and positive contribution to Council and will, in most cases, enable workplace bullying to be addressed without delay.
- Managers, supervisors and directors must not knowingly tolerate workplace bullying.

**Expected workplace behaviours**

Under work health safety laws, workers and Council Officials must take reasonable care that they do not adversely affect the health and safety of others.

Council expects workers and Council Officials to:

- Behave in a responsible and professional manner.
- Treat others in the workplace with courtesy and respect.
- Listen and respond appropriately to the views and concerns of others.
- Be fair and honest with their dealings with others.

This Policy applies to behaviours that occur;

- In connection with work even if it occurs outside normal working hours.
- During work activities, for example when dealing with clients.
- At work-related events, for example conferences and work-related social functions.
- On social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly.

#### **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.

Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- Aggressive, threatening or intimidating conduct.
- Belittling or humiliating comments.
- Spreading malicious rumours.
- Teasing, practical jokes or 'initiation ceremonies'.
- Exclusion from work-related events.
- Unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level.
- Displaying offensive material.
- Pressure to behave in an inappropriate manner.

#### **How does workplace bullying occur?**

Workplace bullying can occur wherever people work together in all types of workplaces. Bullying can be carried out in a variety of different ways, including through email or text messaging, internet chat rooms, instant messaging or other social media channels.

Workplace bullying can be directed at a single worker or group of workers and be carried out by one or more workers.

#### **Bullying and workplace violence**

Workplace violence is any action, incident or behaviour in which a person is assaulted, threatened, harmed or injured in circumstances relating to their work. The risk of workplace violence must be eliminated or minimised so far as is reasonably practicable.

In addition to reporting the incident to Council, incidents of workplace violence (i.e. physical assault or the threat of physical assault) should be reported to the police as these are criminal matters.

#### **Discrimination and harassment**

Discrimination and harassment are described in Council's Anti-Discrimination, Harassment & Equal Employment Opportunity Policy. It is possible for a person to be bullied, harassed and discriminated against at the same time. However, unlike bullying, discrimination and harassment

may be single incidents and are based on the prohibited grounds of sex, pregnancy (including potential pregnancy), breastfeeding, race, age, marital or domestic status, physical or mental disability, homosexuality, transgender status, infectious disease, carer's responsibilities or political, religious, or other affiliation, including union membership / non-membership.

**Inappropriate behaviour**

Single actions or behaviours in the workplace that are inappropriate and unreasonable can create a hostile work environment. These actions and behaviours may lead to more serious behaviour including bullying if left unresolved. Unreasonable behaviours are taken seriously and may be managed in accordance with this Policy to support a positive workplace culture. Examples of these may include, but not limited to:

- Disruptive work behaviour – yelling, tantrums, insubordination, disregard of duty.
- Being unproductive – uncommunicative, disregard for deadlines.
- Gossiping – sharing negative often untrue or incomplete information about colleagues or Council.

Instances of inappropriate behaviour are to be reported to the worker's supervisor or manager and will be addressed in accordance with this Policy.

**What is not considered to be workplace bullying?**

**Reasonable management action taken in a reasonable way**

There are times where Council may take reasonable management action to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not usually considered to be bullying if they are carried out in a reasonable manner, taking the particular circumstances into account. Examples of reasonable management action may include, but are not limited to:

- Performance management processes.
- Disciplinary action for misconduct.
- Informing a worker about unsatisfactory work performance or inappropriate work behaviour.
- Directing a worker to perform duties in keeping with their job.
- Maintaining reasonable workplace goals and standards.
- Legitimately exercising a regulatory function.
- Legitimately implementing a Council Policy or administrative process.

Feedback on work performance or work-related conduct is intended to assist the worker to improve work performance and/or the standard of conduct.

**Bullying via technology**

Council recognises bullying can be undertaken via email, text messaging, internet chat rooms, instant messaging or other social media channels. This includes but is not limited to Facebook and

Twitter. Bullying using technology either inside or outside of the workplace is considered workplace bullying for the purposes of this Policy.

**What to do if you have been bullied in the workplace?**

**Workers**

If you are a worker and you perceive you have been bullied in the workplace, you must report the matter to your supervisor, manager, director or People, Culture and Safety. Your complaint should be in writing as outlined in Council's Grievance and Dispute Resolution Policy and Procedure.

**Council Officials**

If you are a Council Official and you perceive you have been bullied in the workplace, you must report the matter in writing to the Chief Executive Officer. If your complaint involves the Chief Executive Officer, you must report the matter in writing to the Mayor.

**External processes**

If all reasonable attempts have been made to resolve your concern internally and you feel that your concerns remain unresolved, you can contact SafeWork NSW for assistance.

**Council's commitment to you**

- Complaints of bullying in the workplace will be taken seriously by Council and will be assessed in a sensitive, fair and confidential manner.
- The principles of procedural fairness / natural justice will be applied in investigations.
- Only the people directly involved in the complaint or in helping with the complaint handling procedure will have access to the information involved with the complaint. All parties with access to the information must ensure they do not share the confidential information with any other parties.
- All reasonable steps will be taken by Council to prevent the reported bullying from continuing.
- Appropriate warnings will be given and / or disciplinary action will be taken where bullying is found to have occurred.
- Where appropriate, training and / or counselling will be provided to perpetrators of bullying in the workplace.
- It is unlawful to victimise or treat a worker unfairly for making a complaint about bullying in the workplace and any reported instances of victimisation will be taken seriously and investigated.
- Appropriate support and assistance, including counselling and debriefing will be offered to an individual who may be the victim of bullying in the workplace.
- Council will, where appropriate or necessary, obtain any professional advice required in order to ensure that your complaint is dealt with in accordance with any relevant anti-discrimination, workplace health and safety, and industrial laws.



### **Breach of this Policy**

All workers and Council Officials are required to comply with this Policy at all times. If a worker breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment.

Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Council terminated or not renewed.

Council Officials who are found to have breached this Policy may lose their position.

If a worker or Council Official makes an unfounded complaint or a false complaint in bad faith, such as making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint, disciplinary action may be taken.

### **Complaint handling procedure**

Workplace bullying can be dealt with either informally or formally. With either approach, Council will consult the worker or Council Official so as to be satisfied that their concerns are dealt with appropriately. Council may use its discretion and deem that a formal approach shall be undertaken.

#### *Informal approaches*

The worker or Council Official may request the person involved to cease the behaviour giving rise to workplace bullying. The immediate supervisor or manager may be able to assist with resolving the matter.

#### *Formal approach*

If an informal approach is taken which does not result in an effective resolution, or if the worker or Council Official is not comfortable in taking an informal approach, Council's Grievance and Dispute Resolution Policy and Procedure (workers) or Council's Code of Conduct (Council Officials) outlines options available to workers or Council Officials who feel that they have been bullied and the procedure to be taken.

## **RESPONSIBILITIES**

### **All workers**

All workers have a fundamental responsibility not to engage in, or condone, bullying, towards any other person (including members of the public) in the workplace.

All workers also have a duty to understand how their behaviour affects others.

All workers have a role to play in creating a climate where bullying in the workplace is unacceptable. All workers can achieve this by being aware of, and sensitive towards, the issues of bullying and by making sure that their standards of conduct don't cause offence.

At *all* times in the workplace, workers must:

- Comply with, and meet all requirements, outlined in this Policy.
- Comply with Council's Code of Conduct.
- Ensure they do not engage in any bullying behaviour or unlawful conduct towards other workers, Council Officials, customers/clients or others with whom they come into contact through work.
- Ensure they do not aid, abet or encourage other persons to engage in bullying behaviour or unlawful conduct.
- Be accountable for their own safety and that of others.
- Think about their behaviour and actions, and how these may impact on others.
- Not make false accusations with a deliberate attempt to damage another person's reputation, dignity or character.
- Interact with others, including customers and others in the workplace, in a respectful manner at all times.
- Promptly respond to or otherwise report incidents of inappropriate, bullying or unlawful conduct either against them or others in the workplace, in accordance with the complaint procedure as set out above and in the Grievance and Dispute Resolution Policy and Procedure.
- Follow the complaint procedure as set out above and in the Grievance and Dispute Resolution Policy and Procedure if they experience any unlawful conduct.
- Maintain confidentiality if they are involved in the complaint procedure.

#### **Council Officials, Managers and Supervisors**

As a Council Official, or a manager or supervisor employed by Council, there are some additional responsibilities under this Policy.

As a designated leader within Council, Council Officials, managers and supervisors must:

- Promptly respond to all reported incidents of bullying or unlawful conduct.
- Take steps to stop bullying and aggressive behaviour they observe, and counsel the person(s) involved of the consequences if the bullying and aggressive behaviour continues.
- Where practical, facilitate resolution between the parties.
- Provide support to victims of bullying and aggressive behaviour.
- Provide appropriate performance counselling to, and/or take disciplinary actions against, individuals found guilty of bullying, harassing and aggressive behaviour.
- Undertake an assessment of the work environment to ascertain the effect of bullying, harassing and aggressive behaviour and consider identified risks as part of Council's formal risk management process.
- Direct staff to attend and participate in training and education on prevention of workplace bullying.
- Provide workers with appropriate and, where applicable, ongoing training in customer service and dealing with aggressive behaviour.
- Contact the Police in instances where bullying, harassing and aggressive behaviour constitutes assault or threat of assault.

- Raising awareness that bullying and aggressive behaviour will not be tolerated in the workplace and that complaints will be dealt with in accordance with the procedures in this Policy.

Council Officials should be aware that they can be held legally responsible for their unlawful conduct.

Council Officials, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

**People, Culture and Safety**

People Culture and Safety are responsible for:

- Applying this Policy consistently and fairly across the organisation.
- Providing advice in relation to this Policy.
- Maintaining and reviewing the Policy as needed.
- Providing the organisation with regular prevention of workplace bullying training and education.

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# COUNCIL POLICY

## Anti-Discrimination, Harassment & Equal Employment Opportunity Policy

**Date** June 2021

**Council Resolution Date**

**Clause Number**

**Responsible Position** Executive Manager People, Culture and Safety

**Branch** People, Culture and Safety

**Division** Executive Services

**Version** 2.0

**TRIM Reference Number**

**Review Period** 2 years

**Review Date** June 2023

**Consultation**

Document Revision History	
Description	Date
<b>Notes</b>	

## **POLICY**

### **PURPOSE**

Dubbo Regional Council aims to provide an environment where workers and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, vilification and victimisation.

Council aims to ensure that in the application of all human resource policies, practices and procedures, no unlawful discrimination takes place and that all workers enjoy equal access to opportunities within Council. Council also aims to create a work environment which promotes positive working relationships.

### **BACKGROUND AND RELATED EEO LAWS AND LEGISLATION**

- Anti-Discrimination Act 1977 (NSW)
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Australian Human Rights Commission Act 1986
- Work Health & Safety Act 2011 (NSW)
- Local Government (State) Award
- Local Government Act 1993

Relevant Council policies:

- Grievance and Dispute Resolution Policy and Procedure
- Code of Conduct
- Prevention of Workplace Bullying Policy and Procedure

### **SCOPE**

The Policy applies to all workers and Council Officials of Dubbo Regional Council.

### **DEFINITIONS**

To assist in interpretation, the following definitions apply:

<b>Term</b>	<b>Definition</b>
<b>Council</b>	<b>Dubbo Regional Council</b>
<b>Council Official</b>	<b>Includes Councillors, Administrators, Council committee members, delegates of Council and Council advisers.</b>
<b>Premises</b>	<b>Any place (including but not limited to land, building, part of a building or vehicle) where a worker or Council Official works and includes premises where Council, for the time being, has (or appears to have) the charge, management or control of those premises, or premises where a Council function/activity is conducted.</b>
<b>Support Person</b>	<b>Someone who has been requested to be present at an interview or meeting. The support person's role is to offer moral support to the</b>

Term	Definition
	worker or Council Official, not to represent them or speak on their behalf. Dubbo Regional Council recommends that a support person be selected from outside of their department.
Representative (Union or other)	A representative may speak on behalf of the worker. A representative can be either from a union, as defined under the Local Government (State) Award, including a local organiser or delegate, or a legal representative such as a solicitor.
Workplace	Any place where work is carried out for Council and includes any place where a worker goes, or is likely to be, while at work.
Worker	Any person doing work for Council including but not limited to employees, contractors, sub-contractors, labour hire, volunteers, trainees, apprentices, work experience students.

**POLICY**

Under Equal Employment Opportunity (EEO) laws, discrimination, vilification, harassment including sexual harassment, bullying and victimisation are unlawful and strictly prohibited.

**Discrimination**

Unlawful discrimination means unfavourable treatment on the grounds of sex, pregnancy (including potential pregnancy), breastfeeding, race, age, marital or domestic status, physical or mental disability, homosexuality, transgender status, infectious disease, carer’s responsibilities or political, religious or other affiliation, including union membership / non-membership.

There are two types of discrimination being Direct discrimination and Indirect discrimination.

**Direct discrimination** in employment occurs when a person is treated less favourably than another because of a reason or ground which is prohibited by law.

**Indirect discrimination** may occur when an employer imposes a Policy or requirement which applies to everyone equally but it in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (i.e. - a prohibited ground of discrimination).

**Harassment**

Harassment is any form of behaviour towards a person that:

- is not wanted by the person;
- offends, humiliates or intimidates the person; and
- creates a hostile environment.

Harassment can occur on the same grounds as unlawful discrimination.

Harassment can be carried out in a variety of different ways, including through email or text messaging, internet chat rooms, instant messaging or other social media channels.

Harassment can often be the result of behaviour that is unintentional. However, harassment can be unlawful regardless of whether the behaviour was intentional or unintentional. In addition, harassment (including bullying) that makes the workplace unsafe contravenes work health and safety laws.

Examples of harassment include, but are not limited to:

- Telling insulting jokes about particular racial groups.
- Making derogatory comments or taunts about someone's race or religion.
- Spreading rumours based on someone's sexual preferences / pregnancy or potential pregnancy.
- Derogatory comments or jokes about a person's disability, pregnancy, sexuality, age, religion.

Examples of behaviour that is not harassment can include:

- Reasonable management action taken in a reasonable manner by Council to transfer, demote, discipline, counsel, retrench or dismiss a worker.
- A decision by Council, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with a worker's employment.
- Reasonable administrative action taken in a reasonable manner by Council in connection with a worker's employment.
- Reasonable action taken in a reasonable manner under legislation affecting a worker.
- Reasonable comment, advice and feedback (including negative comment or feedback) from a worker's manager or supervisor in connection with a worker's work performance or work-related conduct.
- Feedback on a worker's work performance or work-related conduct that is intended to assist the worker to improve their work performance and/or the standard of their conduct.

#### **Sexual Harassment**

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature, which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment.

Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.

Conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. For example, sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for workers or Council Officials can also be unlawful.

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

- Physical contact such as pinching, touching, grabbing, kissing or hugging.
- Staring or leering at a person or at parts of their body.
- Sexual jokes or comments.
- Making promises or threats in return for sexual favours.
- Exposing genitals or sexual gestures.
- Insults, taunts, teasing or name-calling of a sexual nature.
- Unwelcome physical contact such as massaging a person without invitation, deliberately brushing up against them or forcing a person to perform sexual acts.
- Touching or fiddling with a person's clothing including lifting up skirts or shirts, flicking bra straps or putting hands in a person's pockets.
- Persistent requests to go out, where they are refused.
- Sexually explicit conversations.
- Displays of offensive material such as posters, pinups, cartoons, screen savers and internet material.
- Accessing or downloading sexually explicit material from the Internet.
- Suggestive comments about a person's body or appearance.
- Rude or offensive emails, attachments, letters, phone calls or text messages.
- Persistent questions or insinuations about a person's private life.
- Stalking.

Sexual harassment is not just unlawful during working hours or in the workplace itself, and is not limited to conduct between co-workers. The behaviour is unlawful in any work-related context, including conferences, work functions, office Christmas parties, business or field trips and via technology, and includes interactions with clients and customers. The behaviour is also unlawful when it occurs away from the workplace but is a culmination or extension of events in the workplace.

Sexual harassment is against the law under the NSW Anti-Discrimination Act and Federal Sex Discrimination Act. Both of these acts apply to Council. Sexual harassment is also against Council Policy.

Council may be vicariously liable for sexual harassment engaged in by workers and/or Council Officials. All workers and Council Officials need to be aware that legal action can be taken against them for sexual harassment and that Council may also be exposed to legal liability.

Council aims to:

- Create a working environment which is free from sexual harassment and where all workers are treated with dignity, courtesy and respect.
- Implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities.
- Provide an effective procedure for complaints based on the principles of procedural fairness.
- Treat all complaints in a sensitive, fair, timely and confidential manner.
- Afford protection from any victimisation or reprisals.
- Encourage the reporting of behaviour which breaches this Policy.
- Promote appropriate standards of conduct at all times.



### **Vilification**

Vilification is a public act which incites hatred, serious contempt for or severe ridicule of a person or group because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, homosexuality (lesbian or gay), HIV or AIDS status, or transgender status. This includes vilification because someone is thought to be lesbian, gay or transgender even if they are not, or thought to have HIV or AIDS, even if they don't.

### **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. Workers and Council Officials must not retaliate against a person who raises a complaint or subject them to any detriment.

If a worker is victimised for lodging a complaint or being involved in a complaint, this should be immediately reported to the worker's supervisor, manager or People, Culture and Safety.

If a Council Official is victimised for lodging a complaint or being involved in a complaint, this should be immediately reported to the Chief Executive Officer or, if the complaint involves the Chief Executive Officer, to the Mayor.

### **STEPS AVAILABLE TO DEAL WITH UNLAWFUL CONDUCT**

If a worker or Council Official feels that they have been subjected to any form of unlawful conduct outlined in this Policy or Council's Code of Conduct, they should not ignore it.

They should, as appropriate, follow one of the steps set out below.

#### **Confront the issue**

If a worker or Council Official feels comfortable doing so, they should address the issue with the person concerned. A worker or Council Official should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask the perpetrator to stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

If a worker or Council Official observes offensive behaviour that is not directed at them, the worker or Council Official may also address the issue with the person concerned.

This is not a compulsory step. If a worker or Council Official does not feel comfortable confronting the person, or the worker or Council Official confronts the person and the behaviour continues, the worker or Council Official should lodge a complaint.

The immediate supervisor, manager or People, Culture and Safety may be able to assist with resolving the matter.

### **Lodge a Complaint**

If a worker or Council Official feels that they have been subjected to any form of unlawful conduct outlined in this Policy or Council's Code of Conduct and do not feel comfortable confronting the issue or have done so and the behaviour has not ceased, they can lodge a complaint. Workers should follow the options available in Council's Grievance and Dispute Resolution Policy and Procedure. Council Officials should follow the procedure outlined in Council's Code of Conduct.

### **Seek external assistance**

Workers or Council Officials who consider that they have been unlawfully discriminated against or harassed can also approach their Union, the Anti-Discrimination Board of NSW or the Australian Human Rights Commission for information and assistance, or consult a lawyer for confidential advice.

### **CONFIDENTIALITY**

Persons dealing with a complaint will endeavour to maintain confidentiality as far as possible. However, in some circumstances it will be necessary to speak with other workers or Council Officials 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 is determined that unlawful conduct has occurred, Council will take appropriate action in relation to the complaint.

All workers and/or Council Officials involved in the complaint must also maintain confidentiality, including the worker and/or Council Official who lodges the complaint. Breaches of confidentiality may result in disciplinary action being taken. Workers or Council Officials may discuss the complaint with a support person or union representative, but the support person or union representative must also maintain confidentiality.

### **POSSIBLE OUTCOMES**

The possible outcomes will depend on the nature of the complaint, the procedure followed and/or the findings. Where an investigation results in a finding that an employee has engaged in unlawful conduct and/or a breach of this Policy has occurred, disciplinary action may be taken. Where an investigation results in a finding that a worker or Council Official other than an employee has engaged in unlawful conduct, that person may also be sanctioned (in both instances refer to the section of this Policy titled *Breach of this Policy*). Any action taken is a confidential matter between the affected worker or Council Official and Council.

Council may take a range of other non-disciplinary actions to resolve a complaint, depending on the particular circumstances. Examples of potential non-disciplinary actions include but, are not limited to:

- Training to address the problems underpinning the complaint.
- Monitoring to ensure that there are no further problems.
- Implementing a new Policy or modifying an existing Policy.
- Requiring an apology or an undertaking that certain behaviour will cease.
- Changing work arrangements.

### **BREACH OF THIS POLICY**

All workers and Council Officials are required to comply with this Policy at all times. If a worker breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment.

Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Council terminated or not renewed.

Council Officials who are found to have breached this Policy may lose their position.

If a worker or Council Official makes an unfounded complaint or a false complaint in bad faith, such as making a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint, disciplinary action may be taken.

### **RESPONSIBILITIES**

#### **Workers and Council Officials**

All workers and Council Officials must:

- Understand and comply with this Policy.
- Comply with Council's Code of Conduct.
- Ensure they do not engage in any unlawful conduct towards other workers, Council Officials, customers/clients or others with whom they come into contact through work.
- Ensure they do not aid, abet or encourage other persons to engage in unlawful conduct.
- Follow the complaint procedure as set out in the Grievance and Dispute Resolution Policy and Procedure if they experience any unlawful conduct.
- Report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure as set out in the Grievance and Dispute Resolution Policy and Procedure.
- Maintain confidentiality if they are involved in the complaint procedure.

All workers and Council Officials should be aware that they can be held legally responsible for their unlawful conduct.

Any worker or Council Official, who aids, abets or encourages other persons to engage in unlawful conduct, can also be legally liable.

#### **People, Culture and Safety**

People, Culture and Safety are responsible for:

- Ensuring this Policy is applied consistently and fairly across Council.
- Providing advice in relation to this Policy.
- Maintaining and reviewing the Policy as needed.
- Providing the organisation with regular Code of Conduct and respectful workplace behaviour training and education.

People, Culture and Safety have been given the responsibility for delivering Council's objectives as set out in the EEO Management Plan.

The EEO Management Plan aims to achieve the following:

- Implementation of the Equal Employment Opportunity Management Plan.
- Oversee the content and direction of the equal employment opportunity programs.
- Provide staff training on EEO and related issues.
- Keep the Executive and Senior Leadership Team up to date with legislative changes and requirements at all times.
- Investigate the needs of staff to assist them in balancing work and family life.

The EEO Management Plan is reviewed by the EEO Committee and Executive Leadership Team bi-annually.

#### **Council Officials, Managers and Supervisors**

Council Officials, managers and supervisors employed by Council have some additional responsibilities under this Policy.

As designated leaders within Council, Council Officials, managers and supervisors must:

- Assess the work environment to identify hazards giving rise to risk factors associated with harassment and manage identified risks as part of Council's formal risk management process.
- Monitor the working environment to ensure that acceptable standards of conduct are observed at all times, including by third parties where the conduct has the ability to impact workers.
- Model appropriate behaviour themselves.
- Promote this Policy within their work area.
- Treat all complaints seriously and take immediate action to have the complaint investigated and resolved.
- Refer complaints to another officer if they do not feel that they are the best person to deal with the complaint (for example, if there is a conflict of interest or if the complaint is particularly complex or serious).
- Inform workers and Council Officials that discrimination and harassment will not be tolerated and complaints will be dealt within in accordance with this Policy.

#### **EEO Committee**

The Equal Employment Opportunity Committee consists of staff representatives and a representative of People, Culture and Safety.

The Committee has the following functions:

- To support the implementation of the EEO Management Plan.
- To raise EEO awareness.
- To advise and promote EEO policies and processes.

- To support an EEO workforce and environment.
- To support and advise on diversity and inclusion training and education programs.
- To revise the EEO Management Plan, its objectives, and recommend changes.

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