



Bullying and Harassment Policy

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1 Purpose, scope and application

The purpose of this policy is to define the principles under which the New South Wales State Emergency Service (NSW SES) will prevent or deal with bullying and harassment in the workplace.

The scope of this policy includes determining the types and impact of bullying and harassment, defining the behaviours that could amount to bullying and harassment, and determining the actions to be taken regarding bullying and harassment, including disciplinary action.

This policy applies to all Members.

Compliance is mandatory.

2 Definitions

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 the;</p> <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988 (NSW)</i> • <i>Ombudsman Act 1974 (NSW), and</i> • <i>Public Interest Disclosures Act 1994 (PID Act) (NSW).</i>
Public authority	A government agency.
Public official	<p>An individual having public official functions or acting in a public official capacity that is an officer, temporary employee, or is a member of a public authority in accordance with the;</p> <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988 (NSW), and</i> • <i>Ombudsman Act 1974 (NSW) , and</i> • <i>Public Interest Disclosures Act 1994 (PID Act) (NSW).</i>

2.1 What is bullying?

Bullying is defined by NSW WorkCover as:

“Repeated, unreasonable behaviour directed towards a worker (Member), or a group of workers (Members), that creates a risk to their health and safety.”

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.

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.

The person may be the target of such behaviour on the grounds set out in the *Anti-Discrimination Act 1977 (NSW)* (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.

2.2 What is not bullying?

There are five broad categories of behaviour that generally is considered not to be workplace bullying:

1. reasonable management action
2. discrimination and harassment
3. workplace conflict
4. workplace violence, and
5. discriminatory, coercive, or misleading conduct, due to raising or acting on work health and safety issues.

2.3 What is harassment?

Harassment is defined by NSW WorkCover as:

“Unwelcomed behaviour that intimidates, offends, or humiliates someone because of a particular personal characteristic, such as age, race, or gender.”

Unlike bullying, harassment does not have to be repeated.

It can take place between:

- Members, and
- a Member and another person in the workplace, for example, a Member and another public official or a citizen or a contractor.

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.

2.4 What is discrimination?

Discrimination may be **direct** or **indirect** and can be defined as follows:

- **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.

2.5 What is vilification?

Vilification is a form of unlawful discrimination that may appear as a bullying type behaviour.

Vilification is generally any act:

- that happens publicly (rather than privately), and
- that could incite (encourage, urge, or stir up) others 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 an individual is thought to be lesbian, gay, bisexual transgender or intersex.

Vilification is against the law in NSW.

2.6 What is victimisation?

Victimisation occurs when one person takes unreasonable detrimental action against another person.

Victimisation can also be considered as 'pay back' for making a complaint.

'Pay back' is regarded as any form of retribution or detrimental action taken against an employee who has raised a workplace concern including a grievance.

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 the allegation.

The NSW SES will deal with any report of victimisation as an allegation of serious misconduct.

2.7 What are the pre-conditions for workplace bullying?

Bullying behaviour is a recognised problem in both school and work situations. Bullying among adults, however, is considered to be dysfunctional behaviour associated with an abuse of perceived or actual power.

An abuse of power may present as an abuse of authority, for example, when a supervisor or controller improperly uses his or her position in the NSW SES to the detriment of one of his or her team.

2.8 What is the difference between a conflict and workplace bullying?

A conflict is a workplace concern raised by an employee, either verbally or in writing.

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.

While conflict may involve more than one person and some personal distress, conflict does not generally result in proven claims of misconduct. Sometimes however, a matter initially reported as a conflict, if not resolved, may subsequently need to be dealt with as a misconduct matter.

Workplace conflict is generally not considered to be workplace bullying. Not all conflict is negative 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.

Workplace bullying is behaviour generally intended to cause harm or distress to another Member.

A single incident of unreasonable behaviour is not bullying, although it may have the potential to escalate into bullying. Single incidents can still create a risk to health and safety.

3 Legislation

Relevant legislation includes:

- *Anti-Discrimination Act 1977 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Government Sector Employment Act 2013 (NSW)*
- *Government Sector Employment Regulation 2014 (NSW)*
- *Government Sector Employment Rules 2014 (NSW)*
- *Public Interest Disclosures Act 1994 (PID Act) (NSW)*
- *State Emergency and Rescue Management Act 1989 (NSW)*
- *State Emergency Service Act 1989 (NSW)*
- *Work Health and Safety Act 2011 (NSW), and*
- *Work Health and Safety Regulation 2011 (NSW).*

4 Policy principles

4.1 Policy principle 1 – Zero tolerance

The NSW SES will not tolerate any form of bullying, harassment, discrimination, vilification, or victimisation.

4.2 Policy principle 2 – Reporting

Members must report any instance of bullying, harassment, discrimination, vilification, or victimisation, at the NSW SES.

Members can report instances of bullying, harassment, discrimination, vilification or victimisation, to a supervisor, 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, discrimination, vilification, or victimisation, concern or complaint is provided in [Appendix 1](#).

4.3 Policy principle 3 – Remedial and disciplinary action

All allegations of a Member breaching this policy will be assessed for consideration of resolution strategies.

Disciplinary action can be taken against any Member:

- found to be in breach of this policy
- found to have made a false allegation in relation to this policy
- who victimises a Member who has made an allegation
- who victimises a Member who has supported a Member who has made an allegation, and
- who breaches confidentiality or privacy in relation to a breach of this policy.

The process for assessment, investigation and the undertaking of remedial or disciplinary action will be as per *Government Sector Employment Act 2013 (NSW)* and *Government Sector Employment Rules 2014 (NSW)* for staff; together with relevant NSW SES policy e.g. NSW SES Volunteer Membership Policy for volunteers.

5 Roles and responsibilities

Commissioner, Deputy Commissioner, and Directors:

- The Commissioner is accountable for the implementation of this policy in the NSW SES.
- The Deputy Commissioner and Directors of each functional or geographic area are responsible for the implementation and communication of the policy within their directorate(s) and functional areas.

The Policy Owner and Custodian:

- The Manager, Governance and Business Improvement is accountable for the development, maintenance and dissemination, of this policy to the Membership of the NSW SES.
- The Manager, Governance and Business Improvement is accountable for maintaining a complaints management system.
- The Manager, Governance and Business Improvement is accountable for providing regular (monthly, quarterly, and annual) reports to the Commissioner.

Supervisors and Controllers:

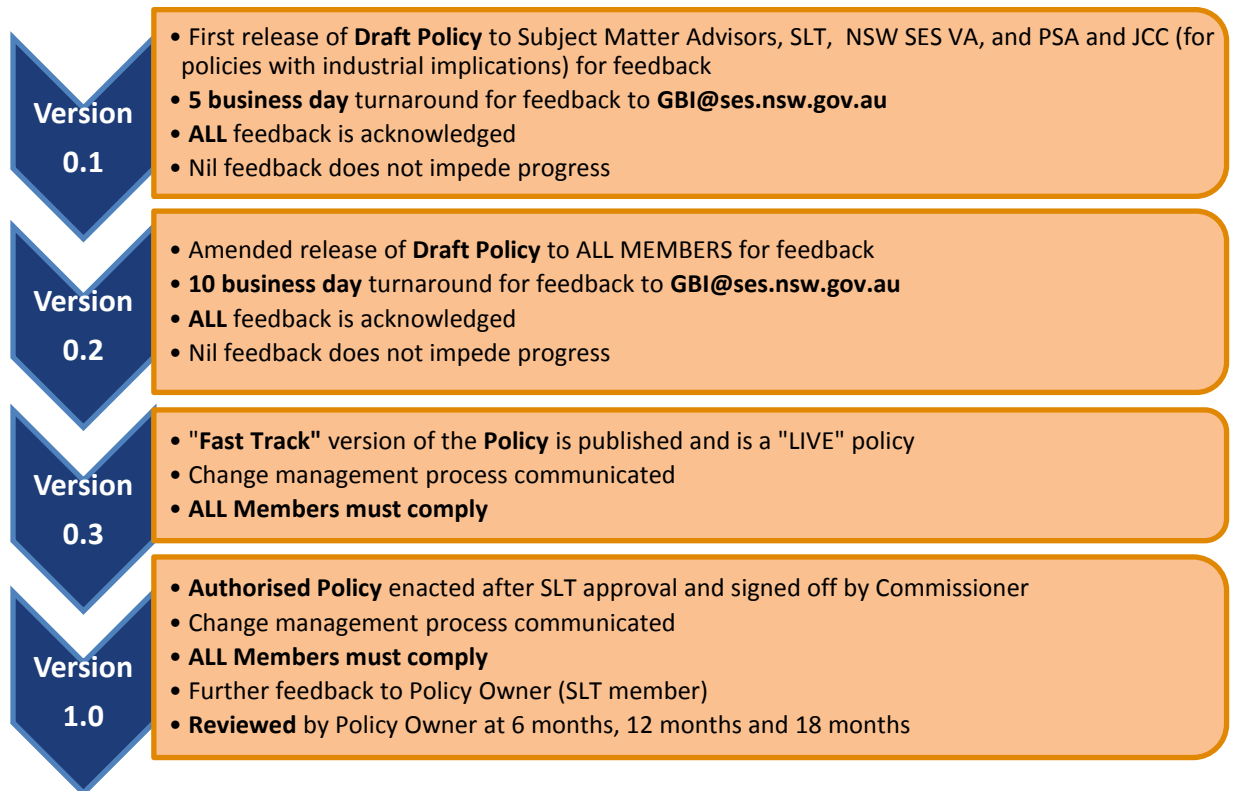
- Supervisors are responsible for the implementation of this policy. This includes functional groups and working groups under their direction.
- Region Controllers are responsible for the implementation of this policy in their Region. This includes Units, Region Headquarters, and functional groups.

- Local/Unit Controllers are responsible for the implementation and adherence of this policy within their Units and activities under their direction.

Members:

- All Members of the NSW SES are responsible for adhering to this policy.

6 Monitoring and review



7 Related documents

- NSW SES Code of Conduct and Ethics
- NSW SES Managing Workplace Complaints and Conflict Policy and Procedures (WIP)
- NSW SES Public Interest Disclosures (PID) Policy, and
- NSW SES Values (TARPS), and
- NSW SES Volunteer Membership Policy.

8 Support and advice

Advice about this policy can be obtained from the following:

- Local/Unit Controllers
- Managers or Region Controllers
- the Director Human Services, and
- the Commissioner or Deputy Commissioner.

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

Internal:

- Chaplaincy in NSW SES on 1800 626 800, and
- Human Resources Manager.

External:

The NSW SES recognises that Members may wish to obtain external advice. External agencies (some of which provide 24 hour support) include:

For paid employees:

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

For ALL Members:

- Lifeline on 13 11 14 or <https://www.lifeline.org.au>
- Salvo Care Line on 1300 36 36 22 or <http://salvos.org.au>, and
- Beyondblue on 1300 22 4636 or <http://www.beyondblue.org.au>.

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

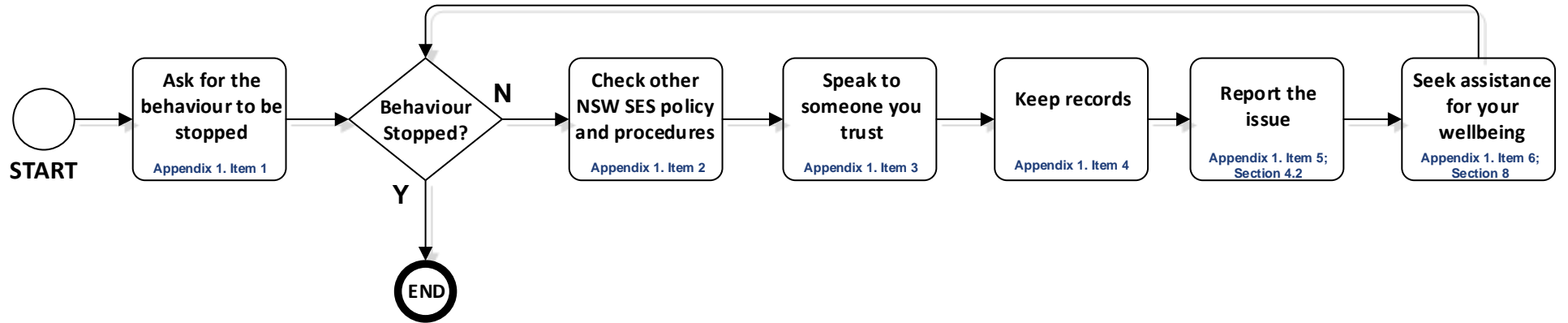
If you cannot resolve a bullying issue, report it to one or more of the following:

- 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 Managing Workplace Complaints and Conflict Policy \(WIP\)](#)** if they have not yet accessed them
- advise the Member to get assistance from support resources listed in the Support and advice section near the end of this document, and
- keep a confidential record of your discussion.