

Procedure Name: Prevention of Bullying,
Harassment &
Discrimination. Date: 5 March 2010

Procedure Number: DES PE 004-01 Version: 1.6

Business Unit: Corporate Contact: Mary Woodcock



Prevention of Bullying, Harassment and Discrimination.

1. Purpose

To ensure the prevention, as far as practicable, of any behaviour that would constitute harassment, discrimination or bullying. Where allegations of this nature are made, all complaints will be managed fairly and effectively. Where concerning conduct is identified, but there is no complaint, the conduct will be investigated fairly and effectively.

2. Scope

This Standard applies to all Delta Electricity employees and other persons “at work”.

3. Definitions

For purposes of this procedure, unless otherwise stated, the following definitions apply:

Bullying

Workplace bullying means unreasonable or undesirable behaviour at the workplace that generally meets the following criteria:

1. The behaviour is unwelcome and unsolicited;
2. The behaviour is repeated;
3. The recipient considers the behaviour to be offensive, intimidating, humiliating or threatening;
4. A reasonable person would consider the behaviour to be offensive, intimidating, humiliating or threatening; and
5. Poses a risk to physical or psychological health or safety.

The above parameters will act as a guide in reviewing instances of bullying. The definition is not to be applied inflexibly and it is important that a “common sense” approach is used when considering each particular situation.

Discrimination

Discrimination is treating someone unfairly or unequally simply because they belong to a particular group or category of people. It is unlawful to discriminate against someone, or harass them because of their:

- Sex including pregnancy and breastfeeding;
- race or ethno-religious background - this includes colour, ethnic background, descent or national identity;
- marital or domestic status;
- disability - this includes past, current and future disability. It includes a physical disability, physical illness or disease that makes, or has made, any part of the body or brain work differently, it includes mental, psychiatric, intellectual disability or learning difficulty;
- homosexuality;

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- transgender;
- age; or
- carers' responsibility.

Harassment

In general, harassment is any form of behaviour that is not wanted, not asked for and that:

- humiliates someone (puts them down); or
- embarrasses them; or
- offends them; or
- creates a hostile work environment; or
- intimidates them.

The behaviour must also be based on one of the grounds listed under the discrimination definition to be unlawful.

Sexual Harassment

Any sexual type behaviour that is not wanted and that a reasonable person would consider to be offensive, humiliating or intimidating.

Complaint

A complaint is when an individual raises a concern about a problem or behaviour related to potential discrimination, harassment or bullying. A complaint of this nature will be dealt with in accordance with this Procedure.

Grievance

A grievance is any form of work related issue/concern not involving alleged bullying, discrimination or harassment type behaviour. These issues will be managed in accordance with the Grievance and Disputes Procedures of the *Delta Electricity Employees Enterprise Agreement 2009* or any replacement thereof.

Victimisation

Is when a person is punished or harassed for complaining about unfair treatment or because someone thinks they are about to raise a complaint or because they been involved in a complaint.

At Work

Means on Delta Electricity premises and at any other location where work-related activities arising from employment at Delta Electricity take place.

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Investigating Officer

An officer nominated by Delta Electricity who has undergone appropriate training and who has the skills and knowledge to investigate instances of inappropriate behaviour.

Contact Support Officer

A nominated officer who is available to help people get to a stage where they can resolve their problem or complaint. Contact Support Officers do not conduct any form of investigation but refer the complainant to an Investigating Officer or the Workers Compensation, Recruitment & Diversity Manager.

4. Responsibilities

4.1 Managers/Team Leaders Responsibilities includes:

Managers and Team Leaders are responsible for ensuring harassment, discrimination or bullying behaviour is identified, managed and prevented. The consequences for allowing such inappropriate behaviour to continue are serious and include disciplinary action and/or personal and financial liability for harassment or discriminatory behaviour.

A Manager/Team Leader needs to ensure that:

- Staff under their control are aware that any inappropriate behaviour will not be accepted, that complaints will be thoroughly investigated and that disciplinary action may be taken if appropriate;
- Every matter which is brought to their attention or where they have some knowledge, should be treated as a serious matter and should be reported to the Workers Compensation, Recruitment and Diversity Manager irrespective of whether a complaint is made; and
- They assist in providing a safe workplace culture of openness and honesty which contributes to the elimination of inappropriate behaviour.

4.2 Staff Responsibility

It is the responsibility of all staff to respect the rights of others and behave in a manner that is free from harassment, discrimination and bullying. Staff can also offer support to a person if they become aware that they are being subjected to inappropriate behaviour. Staff can also report any matter regardless of whether they are personally involved in the issue.

4.3 Workers Compensation, Recruitment & Diversity Manager

The Workers Compensation, Recruitment & Diversity Manager is responsible for ensuring that where instances of inappropriate behaviour are identified, that investigations are managed fairly and consistently and in accordance with this Procedure.

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5. Procedure

5.1 Delta Electricity's Approach

Delta Electricity will not accept harassment, discrimination or bullying and will take action where instances are identified. These issues will be dealt with:

- impartially and without prejudice;
- confidentially, involving only those people necessary to resolve the complaint;
- empathetically, sensitively and seriously; and
- as quickly as possible.

If, as a result of the investigation, disciplinary action is considered, then any proposed action must be taken in accordance with *DES PE 001-13 Standard Procedure for Discipline*.

5.2 Lodging a Complaint

The complainant, if he or she can, should tell the person who is engaging in inappropriate behaviour, that it is not acceptable and/or is offensive so that they have a chance to stop or change that behaviour.

If it cannot be resolved directly, or the employee is unwilling to speak directly to the offender, then employees are strongly encouraged to speak to their manager, team leader, or another more senior person to make the complaint.

Delta encourages employees to lodge complaints internally before attempting to resolve the complaint with external involvement.

A complaint can be lodged internally or externally.

(i) **Internally** a complaint can be lodged with:

- Your Manager or Team Leader;
- The Workers Compensation, Recruitment & Diversity Manager;
- A nominated Contact Support Officer; or
- A nominated Investigating Officer

(ii) **Externally**, a complaint can be lodged with the:

- Anti Discrimination Board of NSW;
- Fair Work Australia; or
- Assistance can be sought through an employee's union.

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5.3 Dealing with Complaints

The process for dealing with a complaint is:

1. A complaint is lodged/reported.
2. The Workers Compensation, Recruitment & Diversity Manager conducts an initial review of the complaint to determine if it is most appropriately dealt with in accordance with this Procedure or as a general "grievance" in accordance with the provisions of *Delta Electricity Employees Enterprise Agreement 2009*.
3. An investigation, as appropriate, is undertaken.
4. At the conclusion of the investigation the complaint may be sustained, dismissed or unable to be resolved. The parties to the complaint will be advised of the outcome and the action Delta proposes to take.
5. If an unsubstantiated or vexatious claim is made, the outcome may also involve disciplinary action against the complainant.

5.4 Victimisation

Delta will take all necessary steps to ensure that people involved in a complaint are not victimised by anyone for coming forward with the complaint (either as a complainant or witness) or for helping to resolve the complaint.

Disciplinary action may be taken against an employee who engages in victimisation.

6. Where there is no Complaint

Delta has an obligation to provide a safe work environment for all its employees and may investigate allegations of bullying, harassment and discrimination where there has been no complaint, but conduct has been identified which warrants investigation.

7. Where to go for Help

Internally

- Workers Compensation, Recruitment & Diversity Manager:
Mary Woodcock 96 6375
- Nominated Contact Support Officers:
Ms Linda Anderson (Western) 905 123
Mr Stephen Hodge (Western) 904 666

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| | |
|-------------------------------------|---------|
| Ms Michelle Edwards (Corporate) | 912 730 |
| Ms Nicole Page (Delta Maintenance) | 923 632 |
| Ms Suzanne Spencer (Central Coast) | 96 6031 |
| Mr Wayne Trevithick (Central Coast) | 96 6021 |

- Nominated Investigating Officers:

| | |
|--------------------------------------|---------|
| Mr Craig Smith (Corporate) | 912 710 |
| Ms Helen Clayton (Delta Maintenance) | 923 614 |
| Ms Mandy Fitzgerald (Western) | 904 745 |
| Mr Steve Gurney (Western) | 904 616 |
| Ms Shirley Gray (Central Coast) | 96 6326 |
| Ms Clair Osbourne (Central Coast) | 96 6202 |

Externally

The Anti-Discrimination Board's Employer's Advisory Service can provide assistance about how best to resolve a particular harassment problem, or how best to ensure that harassment does not become a problem. The Anti-Discrimination Board can be contacted at:

Sydney Office

Postal Address: Level 17, 201 Elizabeth Street, Sydney NSW 2000
Telephone (02) 9268 5555

Newcastle Office

Level 1, 414 Hunter Street, NEWCASTLE WEST 2302
Telephone (02) 4926 4300

www.lawlink.nsw.gov.au/adb

8. References

Delta Electricity Employees Enterprise Agreement 2009 Clause 26 - Grievance and Disputes Procedures

Delta Electricity's Code of Conduct 2008

Anti-Discrimination Act 1977 (NSW)

Fair Work Act 2009 (Cth)

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