

1.0 Policy statement

Lower Murray Water (LMW) will not tolerate bullying, sexual harassment or discrimination in the workplace. LMW acknowledges that workplace bullying, sexual harassment and discrimination are all risks to health and safety (physical and psychological).

LMW is committed to providing a workplace which is free from bullying, sexual harassment and unlawful discrimination. LMW aims to ensure all those participating in the workplace or engaging with our organisation are treated with respect, dignity and fairness. We aim to create an inclusive environment which promotes positive working relationships.

2.0 Purpose

This policy is designed to ensure that all stakeholders understand LMW's stance on unacceptable and/or unlawful behaviour, and the proactive measures that LMW will take to prevent any form of bullying, sexual harassment or discrimination from occurring in our workplace or associated with any work undertaken by an LMW employee.

This policy outlines the high-level actions LMW will take to investigate and manage any suspicion of unlawful behaviour, regardless of whether a complaint has been received or not.

Ensuring effective measures are in place to enable identification of unlawful behaviour (conscious or unconscious) will form part of LMW's positive duty as well as providing regular and purposeful education for all staff regarding what constitutes acceptable and inclusive behaviour in the workplace.

Clarification of what constitutes unacceptable and/or unlawful behaviours and details of the actions LMW will take are outlined in LMW's Managing Bullying, Sexual Harassment and Discrimination Procedure ([CTD/004158](#))

3.0 Scope

This policy applies to the below stakeholders, and they must be notified of any changes to this policy by the Custodian.

- All Lower Murray Water Board members, employees, prospective employees, apprentices, student placements, contractors, sub-contractors and customers of LMW.

This policy guides how LMW provides services to customers and how it interacts with other members of the public. It applies to all aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport.

It applies to all on-site, off-site and after-hours work, work-related social functions, conferences – wherever and whenever staff may be as a result of their LMW duties.

It applies to staff treatment of other staff, of customers and of other members of the public encountered during their LMW duties.

4.0 References

- [Age Discrimination Act 2004](#) (Cth)
- [Australian Human Rights Commission Act 1986](#) (Cth)
- [Crimes Act 1958](#) + [Crimes Amendment \(Bullying\) Act 2011](#)
- [Disability Discrimination Act 1992](#)
- [Equal Opportunity Act 2010](#)
- [Fair Work Act 2009](#)
- [Gender Equality Act 2020](#)
- [Guidelines for Complying with Positive Duty under Sex Discrimination Act](#) –

Australian Human Rights Commission - August 2023

- [Occupational Health and Safety Act 2004](#)
- [Privacy Act 1988](#)
- [Racial Discrimination Act 1975](#) (Cth)
- [Safe Work Australia's Guide for Preventing and Responding to Workplace Bullying May 2016](#)
- [Secure Jobs, Better Pay Act 2022](#)
- [Sex Discrimination Act 1984](#) (Cth) + Respect@Work Amendments
- [Victorian Public Sector Commission \(VPSC\) Code of conduct for Victorian public sector employees](#)
- [Work Health and Safety Act 2011](#)
- LMW People Strategy ([CTD/004121](#))

5.0 Definitions

Term/abbreviation/acronym	Description
Bullying	<p>An individual or groups repeated behaviour which is unreasonable to other people or groups and creates a risk to health and safety.</p> <p>Direct bullying occurs between the specific people involved.</p> <p>Indirect bullying involves third parties participating in bullying behaviours, for example passing on insults or spreading rumours. Indirect bullying mostly inflicts harm by damaging another's social reputation, peer relationships and self-esteem.</p> <p><i>Examples and further information is contained within LMW's Procedure on Managing Bullying, Sexual Harassment and Discrimination (CTD/004158)</i></p>
Discrimination	<p>When a person is treated less favourably or harassed in certain areas of public life including their employment because of a personal characteristic or prescribed attribute that is protected under law.</p> <p>Direct discrimination occurs when a person is denied a benefit or an opportunity on the grounds of any of the prescribed attributes.</p> <p>Indirect discrimination occurs when a policy, rule or practice has a discriminatory effect against a person or group of people in relation to any of the prescribed attributes.</p> <p><i>Examples and further information is contained within LMW's Procedure on Managing Bullying, Sexual Harassment and Discrimination (CTD/004158)</i></p>
EA	Lower Murray Urban and Rural Water Corporation Enterprise Agreement
Employee	<p>In the context of this policy, employees covers any individual who is undertaking activities for, or on behalf of LMW (including individuals who may hold leadership and/or management roles).</p> <p>Contractors, sub-contractors and potential employees (i.e. job applicants) are included in this context</p>
ESC	Essential Services Commission
Intersectionality	<p>Refers to the way that different aspects of a person's identity intersect with and impact one another.</p> <p>Intersectionality recognises that people's lives are</p>

	shaped by their identities, relationships and social factors. These combine to create intersecting forms of privilege and oppression depending on a person's context and the existing power structures within society and within an organisation or business.
Leader	In the context of this policy, leader refers to any individual who holds line management roles, includes but is not limited to team leaders, managers, senior managers, general managers, managing director and directors of the board.
LMW	Lower Murray Water
MS Teams	Microsoft application used by LMW for internal collaboration and messages.
OHS	Occupational Health and Safety
Positive duty	A legal obligation on organisations and businesses to take proactive and meaningful action to prevent relevant unlawful conduct from occurring in the workplace or in connection to work.
RMS	Records Management System
Sexual discrimination	Remarks regarding a person or groups sex and sexuality that is demeaning in nature, which could cause humiliation, intimidation or offence.
Sexual harassment	Any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. <i>(Sex Discrimination Act 1984 (Cth.))</i> <i>Examples and further information is contained within LMW's Procedure on Managing Bullying, Sexual Harassment and Discrimination (CTD/004158)</i>

6.0 Policy

To eliminate and minimise risks to the health and safety of employees and others, LMW identifies hazards, assesses and manages risk, consults with employees, provides education and training, has established processes to report without fear, shame or victim blaming, and takes appropriate action to respond to and manage incidents. As far as is reasonably practicable, LMW will consult and cooperate with other stakeholders that interact with LMW employees about measures to prevent bullying, sexual harassment and discrimination.

6.1 Prevention

LMW will:

- be aware of heightened risk factors for bullying, sexual harassment and discrimination, remaining alert to circumstances where power imbalances exist and industry systemic factors such as low diversity, isolated or remote work and poor workplace culture.
- assess and manage risks – identify risks inside and outside LMW, drawing on relevant guidance, evidence and past experiences to develop an understanding of what they are and what actions to take to reduce the risk of occurrence.

LMW will actively handle any concerns relating to bullying, sexual harassment and/or

discrimination and will:

- act promptly and ensure that all decisions are documented and stored securely.
- maintain privacy and confidentiality. Information will be handled in a way that maintains confidentiality and protects the privacy of all parties involved.
- communicate clearly and treat everyone fairly and share available support and representation options
- protect all people involved from victimisation. LMW will allow employees to safely discuss sexual harassment issues in a culture that protects them from victimisation such as bullying, intimidation or retaliation.
- prioritise support for the health and wellbeing of employees that do make a report including before, during and after the process.
- refer to other agencies when it is not possible to resolve the complaint internally. When this occurs, LMW will respect an employee's desired outcome and preferred way of managing the complaint within its legal obligations.
- provide a variety of reporting options to help protect employees and minimise further harm, such as informal and anonymous reporting. This allows LMW to intervene early and support victims.
- provide line managers with clear guidance that is easily accessible including information about the causes of sexual harassment, prevention activities and how to respond in a trauma-informed way.

6.2 Professional and appropriate behaviour

It is expected that all employees and contractors display and treat fellow colleagues in line with LMW's organisational values and the Victorian Public Sector Commission (VPSC) Code of Conduct to ensure the health and wellbeing of everyone. Any behaviours that are not in line with these values and/or code of conduct are considered unacceptable and may constitute unlawful behaviour.

Failure to behave in accordance with this policy will be managed under Clause 25 (unsatisfactory performance) of the Lower Murray Urban and Rural Water Corporation Enterprise agreement (EA) and may be considered serious misconduct. Any behaviour that contravenes this policy may be subject to disciplinary action, up to and including termination of employment for employees or cessation of engagement of services for contractors. Customers or visitors deemed to be behaving in contravention of this policy may have restrictions regarding how they engage with our services and with whom.

LMW will provide relevant and appropriate training to all employees and contractors around bullying, harassment and discrimination.

6.3 Positive duty and zero tolerance

In accordance with LMW's positive duty obligations under the Sex Discrimination Act we have zero tolerance for any behaviours which constitute bullying, harassment or discrimination. All these behaviours pose risk to employee health and wellbeing and place unacceptable risk to the safety of our workplace. Behaviours which constitute bullying, harassment or discrimination can leave a person feeling humiliated, victimised, or unsafe.

If sufficient evidence is confirmed that a single (or multiple) incident which constitutes bullying, sexual harassment or discrimination has occurred, LMW will consider this action(s) to be a serious violation of this policy and the VPSC Code of Conduct. Unlawful conduct will be managed in accordance with Clause 25.2 Misconduct of LMW's EA. LMW will support victims in reporting such acts to the relevant authorities.

LMW will apply the Seven Standards described in the [Guidelines for Complying with Positive Duty under Sex Discrimination Act](#) –

1. Leadership

Leaders understand their obligations under the Sex Discrimination Act and have up-to-date knowledge about relevant unlawful conduct.

Leaders are responsible for ensuring that appropriate measures for preventing and responding to relevant unlawful conduct are developed, recorded in writing, communicated to stakeholders and implemented. Leaders regularly review the effectiveness of these measures and update employees and other relevant stakeholders.

Leaders are visible in their commitment to safe, respectful and inclusive workplaces that value diversity and gender equality. They set clear expectations and role model respectful behaviour.

2. *Culture*

LMW is steadfast in fostering a culture that is safe, respectful and inclusive and that values diversity and gender equality. This culture empowers employees (including leaders and managers) to report relevant unlawful conduct, minimises harm and holds people accountable for their actions.

3. *Knowledge*

LMW has developed, communicates and implements this policy regarding respectful behaviour and unlawful conduct.

LMW supports employees (including leaders) to engage in safe, respectful and inclusive behaviour through education on:

- expected standards of behaviour, including actions and attitudes that foster equality and respect
- identifying behaviours that constitute relevant unlawful conduct, and the consequences for engaging in such conduct
- their rights and responsibilities in relation to safe, respectful and inclusive workplaces and working relationships. This includes their role in preventing and responding to relevant unlawful conduct.

4. *Risk management*

LMW recognises that relevant unlawful conduct is an equality risk and a health and safety risk. LMW takes a risk-based approach to prevention and response.

Recognising unacceptable/unlawful behaviour poses risks to physical and psychological health and safety, LMW undertakes regular safety risk assessments and psychosocial hazard risk assessments and maintains respective risk registers.

5. *Support*

LMW provides appropriate support to employees (including leaders and managers) who experience or witness relevant unlawful conduct.

Employees are informed about the available support, and can access the support, regardless of whether they report the conduct.

6. *Reporting and response*

LMW ensures that appropriate options for reporting and responding to relevant unlawful conduct are provided and regularly communicated to employees and other impacted people.

Responses to reports of relevant unlawful conduct are consistent and timely. They minimise harm to, and victimisation of, people involved.

Consequences are consistent and proportionate.

7. *Monitoring, evaluation and transparency*

LMW collects appropriate data to understand the nature and extent of relevant unlawful conduct concerning our workforce. We use the data collected to regularly

assess and improve the work culture, as well as to develop measures for preventing and responding to relevant unlawful conduct.

LMW is transparent about the nature and extent of reported behaviours that could constitute relevant unlawful conduct concerning employees and actions taken to address it

6.4 Location

Bullying, sexual harassment and discrimination can occur anywhere, and does not have to occur in an LMW owned or operated site to be deemed a breach of this policy. If the act is connected to work, it is considered workplace bullying, sexual harassment or discrimination and will be managed in accordance with this policy and LMW’s Managing Bullying, Sexual Harassment and Discrimination Procedure (CTD/ 004158).

Coverage of this policy extends to the online environment, which includes personal social medias, SMS, emails, MS Teams chat, and all forms of digital communication.

6.5 Registration of complaint/incident

All employees who are involved in or witness an incident, act, or behaviour that may constitute bullying, sexual harassment or discrimination should report this and provide sufficient evidence to support thorough investigation by LMW and/or authorities. Reporting should be undertaken in accordance with LMW’s Managing Bullying, Sexual Harassment and Discrimination Procedure (CTD/004158).

6.6 Confidentiality

Aside from any legal obligations an individual may have, all parties that are involved in the making or investigation of a report/complaint regarding bullying, sexual harassment or discrimination are required to exercise the upmost application of confidentiality in line with LMW’s Confidentiality Agreement and the VPSC Code of Conduct.

6.7 Investigation

LMW will conduct a thorough investigation in accordance with the Managing Bullying, Sexual Harassment and Discrimination Procedure (CTD/004158).

7.0 Supporting documentation

Doc ID	Title
CTD/003636	Managing Aggressive Behaviour Procedure
CTD/004158	Managing Bullying, Sexual Harassment and Discrimination Procedure
	Lower Murray Water’s Psychosocial Hazard Risk Register (maintained within LMW’s Risk Management Software
2022/000961	Lower Murray Urban and Rural Water Corporation Enterprise Agreement
CTD/003210	Drug and Alcohol Policy

8.0 Roles and responsibilities

Position	Responsibility
Managing Director, General Manager People & Customers, Senior Manager People, Safety & Wellbeing	<ul style="list-style-type: none"> Coordinating an investigation into all complaints and authorising a final outcome of each complaint. Ensuring relevant training and guidance is available to all employees and leaders to enable compliance with this policy

	<ul style="list-style-type: none"> • Maintaining accurate records of all complaints, incidents or acts reported. • Maintaining accurate records of training and guidance provided to employees including line managers to allow compliance with this policy.
All LMW Employees/Contractors	<ul style="list-style-type: none"> • Compliance with this policy and treating all colleagues and customers with respect and professionalism. • Refrain from engaging in discriminatory or harassing behaviour; and • Report incidents, acts or behaviours and provide truthful witness statements to enable thorough investigation.
Line Manager/Manager/People Leader/General Manager	<ul style="list-style-type: none"> • Understand and demonstrate commitment to the principles and legislation relating to this policy and active participation in the positive duty by applying it in the workplace. • Conduct a thorough induction of all employees to ensure understanding of their obligations under this policy and associated procedures. • Ensure the reporting of any known incidents, acts or behaviours which may constitute bullying, sexual harassment or discrimination consistent with LMW's relevant procedures. • Work collaboratively with the People, Safety & Wellbeing Team in the investigation of any incidents, acts or behaviours and demonstrate proactive management of perpetrators. • Set an example by their own behaviour.

9.0 Document history and review

It is the responsibility of the Custodian of this policy to ensure it is reviewed as per the review due date listed in the table below and the controlled document metadata within the Records Management System (RMS).

Version	Date Approved	Review Due Date	Review Notes
A	April 2021	April 2024	Inclusion of Discrimination and Title changed
B	April 2021	April 2024	Reviewed and updated to fit new policy format.
C	January 2024	January 2027	Reviewed and updated to complement the related procedure and positive duty requirements.
D	July 2024	July 2027	

For users of this policy, please alert the Custodian to the need for review if any amendments are required to this policy before the review due date. Only Custodians or their delegates may make amendments, and these must be authorised by the Approver before distribution to LMW.

See the controlled document "Notes" in the RMS for amendments made during reviews.

Custodian	Approver
Senior Manager People, Safety & Wellbeing	General Manager People and Customers
Subject Matter Experts	Endorsed By
Team Leader People Team Leader Health Safety and Wellbeing HR Business Partner	People Team Health & Wellbeing Team OHS Committee

10.0 Location of document

- Records Management System
- Intranet
- Internet