



GREATER BENDIGO CITY COUNCIL

COUNCILLOR APPROPRIATE BEHAVIOUR POLICY

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1. PURPOSE

1.1 The purpose of this policy is to:

- Inform Councillors of expectations regarding acceptable and appropriate behaviour, including the appropriate use of social media (official and private use) and being respectful towards all people associated with the City.
- Align Councillor policies with organisational policies

2. BACKGROUND

2.1 Councillors' expect all Councillors to display the standards of behaviour outlined in the Code of Conduct and described in this policy in their treatment of each other; of City staff, consultants and contractors; and of all other members of the public encountered in the course of their Councillor duties.

2.2 Councillors are committed to:

- A safe, healthy and supportive environment that is free from discrimination, harassment and bullying; and
- A workplace where all individuals treat each other with respect, dignity and courtesy.

2.3 Councillors are committed to taking all reasonable and proportionate measures to prevent and eliminate discrimination, harassment, bullying and victimisation.

2.4 Councillors are committed to a zero-tolerance approach to sexual harassment as set out in the Prevention of Sexual Harassment Councillor Policy.

3. SCOPE

3.1 This policy applies to Councillors and Delegated Committee members whenever and wherever they are performing the duties and functions associated with their role or would be considered by a reasonable person to be acting in capacity in the capacity as a Councillor and applies to circumstances including but not limited to:

- Activities undertaken whilst performing duties as outlined in the Role of a Councillor;
- On-site and off-site Councillor-related social functions, conferences and meetings;
- When travelling to attend conferences, meetings and functions;
- Treatment of Council officers, Clients and members of the public encountered in the course of their duties.

4. DEFINITIONS

4.1 In this Policy:

Bullying means persistent and repeated negative behavior directed at an Individual that creates a risk to health and safety.

Chief Executive Officer (CEO) means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020 (Vic)*.

Client means all persons to whom services are provided by the City.

Councillor Conduct Officer means a person appointed by the CEO pursuant to section 150 of the *Local Government Act 2020*.

Council means the Greater Bendigo City Council being all the Councillors collectively.

Council Officer means an employee, volunteer, student, contractor, subcontractors and consultants engaged by the City.

Councillor means a person holding the office of member of Greater Bendigo City Council.

Delegated Committee means delegated committees defined under section 63 *Local Government Act 2020 (Vic)*.

Delegated Committee member means a person appointed to a Delegated Committee.

Discrimination means unfavourable treatment of a person on the basis of a protected attribute.

Direct Discrimination means when someone is treated unfairly and is disadvantaged because of a personal characteristic that is protected under law.

Equal (Employment) Opportunity (EEO) means freedom from discrimination on the basis of protected classes such as race, colour, sex, national origin, religion, age, disability, or genetic information. EEO rights are guaranteed by federal and state fair employment laws (see 'indirect discrimination' below).

Harassment means unwelcome behaviour or conduct which has no legitimate Workplace function, which intimidates, humiliates or offends another person or persons and is on the basis of a characteristic of the person (from the list of Protected Attributes). Harassment may take a variety of forms, including (but not limited to) verbal (for example, racial slurring or imitating someone's accent), non-verbal (for example, putting offensive material on display) or physical conduct (for example, unwelcome practical jokes) and written communication. A one-off incident can constitute Harassment.

Indirect Discrimination means treating people the same, but in fact people are treated less favourably due to certain Protected Attributes or characteristics. This occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same ends up actually disadvantaging someone with a protected attribute.

Protected Attributes mean characteristics or behaviours that may not be discriminated against at law, including, but not limited to, age, breastfeeding, employment activity, gender identity, impairment (also known as ‘disability’), industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation and personal association (whether as a relative or otherwise) with a person who is identified by reference to any of these Protected Attributes. See ‘Appendix A’ for a detailed description of each Protected Attribute.

Values means the defined and agreed values of the City which are We Lead, We Learn, We Care, We Contribute, We Respond, We Respect

Victimisation means it is unlawful for a person to subject or to threaten to subject another person to any detriment because the other person, or someone associated with the other person, has made an allegation or complaint of discrimination or harassment on the basis of a protected attribute. In addition, this can include treating or threatening to treat an Individual less favourably because they have:

- Made an allegation that another person has breached anti-discrimination laws
- Lodged, or are proposing to lodge, a complaint of discrimination or harassment
- Provided information/documents to an investigation
- Attended a conciliation conference
- Asserted their rights, or supported someone else’s rights, under federal anti-discrimination laws.

Workplace means any premise or location a Councillor attends in the course of discharging their duties.

5. PRINCIPLES

- 5.1 Councillor conduct aligns with the City's organisational values. Our core values are We Lead, We Learn, We Care, We Contribute, We Respond, We Respect.
- 5.2 Councillors have a responsibility to care for their own health and safety and that of their colleagues and staff. Accordingly, Councillors' must not engage in acts which constitute discrimination, harassment and bullying behaviour.
- 5.3 Councillors will take reasonable and proportionate measures to prevent and eliminate discrimination, harassment and bullying.

6. POLICY

Expected Standard of Conduct

- 6.1 Councillors do not support and will not tolerate behaviour which constitutes discrimination, harassment or bullying.
- 6.2 All Councillors are expected to:
 - 6.2.1 behave in an appropriate manner in accordance with the Councillor Code of Conduct
 - 6.2.2 treat each other during all interactions with fairness, respect
 - 6.2.3 conduct themselves in a respectful manner at all times and ensure that they do not engage in behaviour towards others which constitutes discrimination, harassment or bullying.
- 6.3 The expectations referred to in clause 6.2 extend to the treatment of all people who Councillors encounter or interact in the course of performing their duties and functions as Councillors including interactions which occur online.

Reporting Inappropriate Behaviour

- 6.4 A Councillor who feels that they have been subject to discrimination, harassment, or victimisation is strongly encouraged to immediately make it clear to the person engaging in the inappropriate behaviour that such behaviour is unwelcome, offensive and must stop.
- 6.5 A Councillor who believes they have been discriminated against, bullied or harassed is responsible for reporting the matter as soon as possible to the Mayor, Deputy Mayor, CEO or Councillor Conduct Officer.
- 6.6 In circumstances where a Councillor observes behaviour in breach of this policy, that Councillor is responsible for reporting the behaviour as soon as possible to the Mayor, Deputy Mayor, CEO or Councillor Conduct Officer.

Employee Assistance Program 'EAP'

- 6.7 Councillors at the City are entitled to professional and confidential counselling free of charge via our EAP. Councillors can access EAP by contacting Converge International on 1300 687 327 or by visiting www.convergeinternational.com.au.

Failure to comply

- 6.8 Failure to comply with this policy may lead to a breach of the Councillor Code of Conduct.
- 6.9 Non-compliance with this policy may breach applicable anti-discrimination, equal employment opportunity or health and safety laws and may result in legal proceedings being commenced against the Councillor. In the event of legal proceedings, Councillor may be exposed to legal costs, penalties, orders to pay compensation and even imprisonment in some circumstances.

7. REVIEW

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@bendigo.vic.gov.au.
- 7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLE AND RESPONSIBILITIES

- 8.1 In accordance with section 28 of the *Local Government Act 2020*:

8.1.1 The role of every Councillor is to:

- (a) participate in the decision making of the Council
- (b) represent the interests of the municipal community in that decision making
- (c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

8.1.2 In performing the role of a Councillor, a Councillor must:

- (a) consider the diversity of interests and needs of the municipal community
- (b) support the role of the Council
- (c) acknowledge and support the role of the Mayor
- (d) act lawfully and in accordance with the oath or affirmation of office
- (e) act in accordance with the standards of conduct
- (f) comply with Council procedures required for good governance.

8.2 For the purpose of clarification in given effect to this Policy, Councillor duties may include, but are not limited to:

- 8.2.1 attendance at meetings of Council and its committees
- 8.2.2 attendance at briefing sessions, workshops, civic events or functions convened by Council
- 8.2.3 attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor
- 8.2.4 attendance at meetings, events or functions representing Council
- 8.2.5 duties in relation to constituents concerning Council business.

8.3 This Policy also applies to members of Council Delegated Committees members when undertaking duties in accordance with their agreed role.

9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

- 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
- 9.1.2 [Councillor Code of Conduct](#)
- 9.1.3 Councillor Prevention of Sexual Harassment Policy
- 9.1.4 Councillor Communication & Information Policy
- 9.1.5 Community Complaints Against a Councillor Policy

10. HUMAN RIGHTS COMPATIBILITY

10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

11. ADMINISTRATIVE UPDATES

11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version
Jul 2021	Coordinator Human Resources	People & Culture	Developed (Staff)	1
Feb 2022	Manager Governance	Governance	Revision (Councillor)	1.1

13. ATTACHMENTS

13.1 Detailed description of protected attributes

Attachment 1 - Detailed Description of Protected Attributes

Age

Refers to a person's age, whether young or old, or because of age in general

Breastfeeding

Refers to breastfeeding infants or expressing milk for later use.

Employment activity

Making an enquiry or expressing a concern as an Individual about your own employment entitlements (for example, pay, leave and training).

Gender identity

Includes transgender, transsexual and intersex people. Includes the situation where a person previously considered being of one gender genuinely takes on the characteristics of the other sex or seeks genuinely to live as a member of the other gender.

Impairment (also known as 'disability')

Includes the following:

- a) partial or total loss of a bodily function or part of the body (which can be permanent or temporary, visible or invisible);
- b) the presence in the body of a disease-causing organism (for example, hepatitis or HIV/AIDS);
- c) malfunction of part of the body;
- d) mental or psychological disease or disorder or learning disability; and
- e) malformation or disfigurement of a part of the body, including an impairment that may exist in the future (including because of a genetic predisposition to that impairment) and behaviour that is a symptom or manifestation of an impairment (may also be 'physical features' – see below).

Industrial activity

Includes the following situations:

- a) being or not being a member of an association of employees (for example, a union), employers or a profession; and
- b) establishing or being involved in establishing an industrial organization;
- c) organising, promoting (or proposing to organise or promote) a lawful activity organised on behalf of an industrial organisation or association;

- d) Encouraging, assisting or participating in (or proposing to encourage, assist or participate in) the lawful activities organised or promoted by an industrial organisation or association).
- e) not participating in the lawful activities organised or promoted by an industrial organisation or association; and
- f) being part of a group discussion or action around Workplace rights and benefits.

Lawful sexual activity

Includes the following situations:

- a) engaging in, not engaging in, or refusing to engage in lawful sexual activity. Includes adult, consenting sexual relationships (for example, between employees);
- b) using the services of (or being employed as) a legal prostitute; and
- c) does not include illegal sexual activity such as child pornography or sexual assault.

Marital status

Refers to being or not being married, single, separated, divorced or widowed. Also includes having or not having a domestic partner.

Parental status or status as a carer

Refers to being or not being a parent, including foster parent, adoptive parent, step-parent, or guardian. Also includes responsibilities to the children of your domestic partner (see 'marital status' above).

Physical features

Refers to a person's weight, height or other bodily characteristic. Does not automatically include make-up or clothing, but may include body piercing, body hair or tattoos.

Political belief or activity

Refers to holding or not holding a lawful political belief or view as well as participating in or refusing to participate in a lawful political activity.

Pregnancy

Refers to being pregnant or planning to become pregnant as well as the assumption that someone is or will become pregnant.

Race

Includes the following:

- (a) color;
- (b) descent or ancestry;

- (c) nationality or national origin;
- (d) ethnicity or ethnic origin; and
- (e) language spoken at home.

Religious belief or activity

Includes the following:

- (a) holding or not holding a lawful religious belief or view; and
- (b) participating or not participating in a lawful religious activity.

Note: to be protected by the *Equal Opportunity Act 2010* (Vic) the religion must be recognised by law.

Sex

Refers to being male or female.

Sexual orientation

Refers to being heterosexual, homosexual, lesbian or bisexual.

Personal association

Refers to being a friend, relative, associate or companion of anyone with an attribute listed above.