

## Respect in the Workplace Policy (Bullying and Harassment)

<b>Policy Number:</b>	
<b>Purpose:</b>	To provide policy, which includes guidelines for managing bullying and harassment in the workplace.
<b>Category:</b>	Human Resources
<b>Applicable to:</b>	All employees
<b>Relevant Legislation:</b>	<a href="#"><u>Public Service Act 1999</u></a> <a href="#"><u>Work Health and Safety Act 2011</u></a> <a href="#"><u>Sex Discrimination Act 1984</u></a> <a href="#"><u>Disability Discrimination Act 1992</u></a> <a href="#"><u>Age Discrimination Act 2004</u></a> <a href="#"><u>Racial Discrimination Act 1975</u></a> <a href="#"><u>Australian Human Rights Commission Act 1986</u></a> <a href="#"><u>Fair Work Act 2009</u></a> <a href="#"><u>Public Interest Disclosure Act 2013</u></a>
<b>Related Documents:</b>	Performance Management Guidelines  Breaches of the Code of Conduct Procedures
<b>Policy Statement:</b>	National Health and Medical Research Council (NHMRC) is committed to providing a respectful workplace for all employees.. Workplace bullying and harassment is unacceptable and a risk to health and safety because it may affect the mental and physical health of workers. Failure by managers and employees to take steps to manage the risk of workplace bullying and harassment can result in a breach of Work Health and Safety (WHS) laws.
<b>Approved by:</b>	Chief Executive Officer
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## Introduction

The National Health and Medical Research Council (NHMRC) is committed to providing a respectful workplace that is completely free of workplace bullying and harassment. Workplace bullying and harassment is unacceptable and a risk to health and safety because it may affect the mental and physical health of employees<sup>1</sup>. Failure by managers and employees to take steps to manage the risk of workplace bullying and harassment can result in a breach of Work Health and Safety (WHS<sup>2</sup>) laws.

Workplace bullying and harassment can adversely affect the psychological and physical health of a person but can also extend to others in the workplace or relations (such as family or friends). NHMRC places equal responsibility on all employees in relation to their work health and safety duties in preventing workplace bullying and harassment. It is NHMRC policy that all employees must take reasonable care that their behaviour does not adversely affect the health and safety of others.

Bullying and harassment can have an adverse impact on the agency, including loss of productivity, high staff turnover and potential Comcare claims.

## Legal Framework

NHMRC has an obligation under the *Work Health and Safety Act 2011 (WHS Act)* to ensure the health and safety of employees in the workplace.

The ***Work Health and Safety Act 2011*** (WHS Act) prohibits a person from engaging in discriminatory conduct of any description and is the overarching legislation under which NHMRC is obliged to operate.

## Definitions

**Respect:** 'esteem or deferential regard felt or shown'.<sup>3</sup>

**Courtesy:** 'excellence of manners or behaviour; politeness'.<sup>4</sup>

**Workplace bullying:** is repeated and unreasonable behaviour towards a worker or a group of workers that creates a risk to health and safety.<sup>5</sup>

**Repeated behaviour:** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

**Unreasonable behaviour:** means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

**Workplace harassment:** includes offensive, belittling or threatening behaviour towards an individual or group of employees. The behaviour is unwelcome, unsolicited, usually unreciprocated, and often repeated.<sup>6</sup>

**Workplace discrimination:** occurs when an employer takes an adverse action against an employee or prospective employee because of the person's race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion or national extraction or social origin.<sup>7</sup>

**Protected traits:** include race, colour, descent, sex, sexual orientation, gender identity, intersex status, age, physical or mental disability, marital or relationship status, breastfeeding and family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin, trade union membership and non membership of a trade union.

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<sup>1</sup> (5) *Safety, Rehabilitation and Compensation Act 1988*

<sup>2</sup> *Work Health and Safety Act 2011*

<sup>3</sup> The Macquarie Dictionary

<sup>4</sup> The Macquarie Dictionary

<sup>5</sup> Respect, Promoting a Culture Free from Harassment and Bullying in the APS, APSC

<sup>6</sup> Respect, Promoting a Culture Free from Harassment and Bullying in the APS, APSC

<sup>7</sup> [Fair Work Ombudsman](#)

**Hostile work environment:** exists when one's behaviour within a workplace creates an environment that is difficult or uncomfortable for another person to work in.

## What is bullying?<sup>8</sup>

Workplace bullying is defined as *repeated* and *unreasonable behaviour* directed towards a worker or a group of workers that creates a risk to health and safety. Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are *repeated*, *unreasonable* and *create a risk to health and safety* include but are not limited to:

- aggressive 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 unreasonably.

Cyber-bullying is any behaviour, using digital technologies, that could reasonably be considered humiliating, intimidating, threatening or demeaning to a person, or group of people, and which creates a risk to health and safety. Examples may include harassment via mobile phone, social media, or email, or setting up an offensive personal website or blog.

It is common that a series of relatively minor behaviours, each of minimal effect when viewed in isolation from each other might, when combined, demonstrate a systematic and significant episode of bullying when experienced over a period of time.

## How can workplace bullying and/or harassment occur?

Workplace bullying behaviour can be carried out in a variety of ways including during staff meetings, in the work areas, in the breakout areas, through email or text messaging, internet chat rooms, instant messaging or other social media channels<sup>9</sup>.

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

- co-workers
- managers and employees
- APS employees and non APS employees.

Workplace bullying or harassment can be directed at or perpetrated by other people at the workplace such as customers and members of the public.

## What is harassment<sup>10</sup>

Workplace harassment includes offensive, belittling or threatening behaviour towards an individual or group of employees. The behaviour is unwelcome, unsolicited, usually unreciprocated and often repeated.

Even if the behaviour is not meant deliberately, it can still be harassment where a reasonable person would conclude that it would humiliate, offend, intimidate or cause a person unnecessary hurt or distress. In the case of sexual harassment, it need only be shown that a reasonable person would anticipate the possibility that the behaviour would offend, humiliate or intimidate.

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<sup>8</sup> The information contained in this section is obtained from the following resources: the Australian Public Service Commission; Safe Work Australia and the Fair Work Commission.

<sup>9</sup> [ICT Conditions of Use Policy](#) and NHMRC Social Media Policy (link to be provided)

<sup>10</sup> The information contained in this section is obtained from the following resources: the Australian Public Service Commission; Safe Work Australia and the Fair Work Commission.

Unlawful harassment occurs when an employee or group of employees is made to feel intimidated, insulted or humiliated because of their protected trait, or some other characteristic specified under human rights legislation<sup>11</sup> and some workplace legislation<sup>12</sup>, and that it is likely that a reasonable person would anticipate that possible reaction in the circumstances. It can be obvious or indirect, physical or verbal, repeated or one-off. It does not matter that the harassment was not intended.

Unlawful harassment can also happen if someone is working in a 'hostile work environment'. A hostile work environment can be caused by, for example, the sexual harassment of other colleagues or offensive remarks of a sexual nature made generally in the workplace.

Examples of behaviour that may be considered as harassment may include, but are not limited to:

- persistent and unjustified criticism
- humiliation through sarcasm
- offensive gossip and defamatory remarks
- exclusion from conversations and events
- imposing unreasonable deadlines or withholding information needed to complete work.

Workplace bullying and harassment in connection with employment may occur in the workplace, at a work related function, conference or other activity. Harassment can occur between co-workers, between a staff member and a non APS employee.

All forms of bullying or harassment may constitute a breach of the APS Code of Conduct.<sup>13</sup>

## What isn't bullying and harassment?

A single incident of unreasonable behaviour is not considered to be workplace bullying or harassment; however, it may be repeated or escalate and should not be ignored. When dealing with a single incident of unreasonable behaviour, employees should firstly consider talking to the person who displayed this behaviour. If employees do not wish to speak directly to the person displaying the behaviour, they should consider talking to a Workplace Harassment Contact Officer, their manager and/or Human Resources. The following are examples of incidents that may be not necessarily be instances of bullying and harassment.

### Reasonable management action taken in a reasonable way

It is reasonable for managers to allocate work and give feedback on an employee's performance. These actions are not considered to be workplace bullying or harassment if they are carried out in a respectful and reasonable way, taking the particular circumstances into account. A manager exercising their legitimate authority at work may result in some discomfort for an employee. The question of whether management action is conducted in a reasonable way is determined by considering the actual management action rather than a worker's perception of it.

The following provides examples<sup>14</sup> of reasonable management action, including but not limited to:

- setting realistic and achievable performance goals, standards and deadlines
- fair and appropriate allocation of working hours
- transferring a worker to another area or role for operational reasons
- deciding not to select a worker for a promotion where a fair and transparent process is followed
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- informing a worker about unreasonable behaviour in an objective and confidential way
- implementing organisational change or restructuring
- taking disciplinary action including suspension or termination of employment where appropriate or justified in the circumstances.

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<sup>11</sup> Australian Human Rights Commission Act 1986, Sex Discrimination Act 1984, Disability Discrimination Act 1992, Age Discrimination Act 2004, Racial Discrimination Act 1975, Fair Work Act 2009

<sup>12</sup> Work Health and Safety Act 2011

<sup>13</sup> 13 Public Service Act 1999

<sup>14</sup> Department of Treasury, Preventing and managing bullying harassment and discrimination in the workplace policy

## Workplace conflict

Differences of opinion and disagreements are generally not workplace bullying and/or harassment. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, conflict that is not managed, may escalate to the point where it becomes workplace bullying and/or harassment. If workplace conflict is affecting an employee, they should in the first instance speak to the person with whom the conflict occurred. If employees do not wish to speak to the person with who the conflict has occurred, they should speak to their manager, a Workplace Harassment Contact Officer and/or Human Resources.

## Impact of workplace bullying and/or harassment

Workplace bullying and/or harassment can be harmful to the person experiencing it and to those who witness it. It can also adversely impact people not directly involved such as family and friends. The effects will vary depending on individual characteristics as well as the situation and may include one or more of the following:

- distress, anxiety, panic attacks or sleep disturbance
- physical illness, for example muscular tension, headaches, fatigue and digestive problems
- reduced work performance, concentration and decision making ability
- loss of self-esteem and self confidence
- feelings of isolation
- deteriorating relationships with colleagues, family and friends
- depression
- thoughts of suicide.

If a person is experiencing any of the above, they can contact the Employee Assistance Program (EAP) on 1300 361 008. The EAP is available 7 days a week, 24 hours a day.

Workplace bullying and/or harassment can also have a negative impact on NHMRC as a whole. It can hinder performance, adversely impact the culture and reflect badly on the agency.

## Roles and responsibilities

### Employees' responsibilities

Employees are equally responsible for creating a positive, harassment-free workplace by:

- adhering to the APS Code of Conduct and incorporating these values in performance agreements
- embracing diversity and supporting an inclusive workplace
- recognising and appreciating different working styles and perspectives
- contributing to open communication and information sharing
- taking seriously any incidents of bullying or harassment both for yourself and other employees, and reporting them promptly.

A personal checklist for employees is at **Attachment A**.

A personal checklist for managers is at **Attachment B**.

### Managers' responsibilities

In addition to employee responsibilities, managers are equally responsible for creating a positive, harassment-free workplace by:

- promoting open communication, sharing information
- being approachable and supporting others when required
- not diminishing or seeking to excuse reported instances of harassment or bullying
- providing constructive, regular, reasonable performance guidance
- embracing diversity and supporting an inclusive workplace
- recognising and appreciating different working styles and perspectives
- fostering teamwork and rewarding collaborative behaviour

- allocating duties fairly, setting clear expectations and realistic deadlines
- ensuring employees have the knowledge and skills to perform their role
- providing access to flexible working arrangements
- encouraging a work-life balance
- understanding the potential impact of witnessing and reporting an incident of harassment on the broader work area
- monitoring potential for, and acting promptly on, bullying or harassing behaviour.

These manager responsibilities are in addition to their responsibilities as an employee of NHMRC.

## Human Resources

Human Resources will:

- take any complaint of bullying or harassment seriously
- undertake prompt action to ensure all employees concerned feel safe in the workplace
- conduct informal/formal investigations into any matter reported
- protect the confidentiality of those who report and/or have experienced harassment or bullying to the extent possible
- afford principles of natural justice to all relevant parties
- facilitate mediation or professional counselling where appropriate
- for formal investigations engage an external investigator where required
- make recommendations to facilitate prompt resolution of all complaints of bullying and/or harassment.

## Workplace Harassment Contact Officers<sup>16</sup>

The NHMRC has a network of Workplace Harassment Contact Officers (WHCOs) whose role is to:

- listen to an employee's concerns about bullying and/or harassment
- not form a view about the merit of any allegations but not diminish or seek to excuse bullying or harassing behaviour
- provide information about the internal complaint process
- advise the employee that in some situations where serious allegations are raised, for example, that may expose the NHMRC to legal liability or where there is a serious risk to the health of an employee, the issue may need to be reported to management and dealt with as a formal complaint
- where appropriate, provide support for a person if he or she wants to try and resolve the issue personally
- provide information about available support services, for example, Employee Assistance Program and, if appropriate, services offered by the union or other employee representative body
- raise awareness in the workplace about the NHMRC's policies and procedures in relation to bullying and harassment.

*Be a supportive bystander* fact sheet is at **Attachment C**.

## Guidance for making a bullying or harassment complaint

All workplace harassment or bullying complaints are taken seriously and action to facilitate resolution should be undertaken promptly. There are two forms of resolution available: informal and formal. In this section, the employee making a complaint of bullying or harassment is referred to as the 'complainant'.

Regardless of which approach is used it is recommended that the complainant document their complaint (for example, details of the incident/s, including dates and witnesses). Documenting the complaint can assist with recollecting the events in the future and it can also assist the complainant to decide on the seriousness of the behaviour and whether or not they want to pursue further action.

Employees wishing to lodge a complaint about alleged harassment and bullying should include the following:

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<sup>16</sup> [Australian Human Rights Commission](#)

- Name and location of the person who has been bullied or harassed
- Incident details including what happened and the date and the location at which the incident took place
- An explanation of what about the behaviour was unfair, unlawful or inappropriate
- A statement from any witnesses to the alleged behaviour and the witness's classification and contact details, or where a witness does not want to make a statement, the witnesses details may be provided
- Details of whether medical treatment was sought
- What action has been taken to try to resolve this behaviour
- What outcome is expected by raising this complaint.

An [incident form \(link here\)](#) is available online to report bullying and harassment (**Attachment D**).

## Reporting

All employees have a responsibility to report inappropriate behaviour informally or formally by email or face to face to a direct manager, Director, WHCO, Workforce Performance and Health Team or the Director, Human Resources.

The matter must be reported to the Director, Human Resources when a staff member makes a complaint to a manager or WHCO that meets the following criteria:

- is serious or has the potential to be a serious matter
- is affecting the staff members health and/or well-being (i.e. they are in distress)
- is affecting the staff members ability to attend work, or
- is affecting other staff

Reports of this nature should include as much information as possible with the name of the complainant and the person who is displaying the alleged behaviour. These reports can be made verbally in the first instance, however, a [reporting form \(link here\)](#) must be completed.

Some employees may be concerned that they will be victimised, or discriminated against, for reporting suspected misconduct. For this reason, they may make reports anonymously or request that their identity is kept confidential.<sup>17</sup> If an employee is feeling victimised or discriminated against they should immediately contact the Director, Human Resources. Any employee found to be victimising or discriminating against another employee for making a complaint of bullying and/or harassment may be subject to an investigation under the APS Code of Conduct and, if found to be in breach of the APS Code of Conduct, the following sanctions may apply:

- termination of employment
- reduction in classification
- re-assignment of duties
- reduction in salary
- deductions from salary, by way of fine
- a reprimand.

### Informal Process

NHMRC's informal process for managing harassment and bullying has two stages: early intervention and informal investigation.

Early intervention efforts are designed to resolve the issue before it becomes repetitive and severe and in situations where it is appropriate that no investigation or disciplinary action is taken against the accused employee. Where early intervention has commenced and the complainant feels that the behaviour in question has continued, they can request an informal investigation. An informal investigation is an independent review usually undertaken by Human Resources.

The outcome of an informal investigation can include, but is not limited, to a recommendation for mediation, a formal reprimand and/or a recommendation for a formal investigation.

If the employee is not satisfied with the outcome of an informal investigation, they can request (in writing) a formal investigation.

If a complaint initially investigated informally is deemed to be of a serious nature in the initial stages, the process may proceed to a formal investigation.

### Formal Process

Where possible it is preferable to resolve issues through an informal process to allow the accused staff member (where harassment and/or bullying has occurred) the opportunity to take positive action to correct or alter their behaviour. The complainant, however, may decide to lodge a formal complaint. The formal process will involve investigations which could take the form of a Code of Conduct investigation or [Public Interest Disclosure](#) (link here) investigation.

A complaint will in most cases be submitted in writing for a formal process to commence. This can be done by using the online reporting form or via email. The complaint will be lodged with the Director, Human Resources who will appoint an investigator. The investigator is in most cases an external person to the agency. The investigator interviews relevant staff and gathers information. The investigator makes recommendations to the Director, Human Resources on the next steps. The next steps could include, but are not limited to:

- mediation (with an independent accredited mediator)
- transfer (complainant or accused bully)
- counselling
- Code of Conduct investigation.

**Attachment D** outlines the stages of an informal and formal process.

### Investigation without consent of complainant

NHMRC can investigate complaints raised without the consent of the complainant; however the complainant will be provided with the opportunity to consent. An example of why NHMRC would investigate a complaint without the consent of the complainant would be if another person provided the details of the alleged bullying and/or harassment and the report was serious enough to warrant an investigation. The complainant will be informed if and why NHMRC proceeds to an investigation without their consent. The outcome of the investigation will be informed by the information gathered as part of the investigation. Information is gathered via interviews and documentation relevant to the investigation. The complainant may be asked to participate in the investigation. However, they may choose not to participate. The investigation may be in the form of an informal or formal process.

### Outcome of an Investigation

While there is no specific timeframe for an investigation, it will be undertaken in a prompt manner. Where an investigation has been carried out, the investigator will provide their findings to the Director, Human Resources. The complainant will be advised of the outcome of the investigation. The NHMRC will not disclose the contents of a report prepared by an investigator. The complainant will not be privy to details of the investigation.<sup>18 19</sup> If a complainant is not satisfied with the outcome of the investigation, they can request a [Review of Action](#) (link here) or complain externally to the [Australian Human Rights Commission](#) (link here).

### Frivolous and vexatious claims

NHMRC will take care to determine whether a claim is frivolous or vexatious, and deal with such cases quickly, firmly and fairly. Frivolous claims are those that are 'obviously unsustainable'. Vexatious claims are those that are brought for a 'collateral purpose, as a means of obtaining some advantage for which the proceedings were not designed'. Bringing a vexatious complaint against an employee may, itself, constitute unacceptable behaviour. However, NHMRC will take great care when dismissing a claim on these grounds, undertaking at least sufficient inquiries to establish that the complaint is either frivolous or vexatious.<sup>20</sup>

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<sup>18</sup> [Australian Privacy Principle 6, 11 – use and disclosure of personal information](#)

<sup>19</sup> [8.3 Handling misconduct: a human resources manager's guide. Access to misconduct records](#)

<sup>20</sup> [Respect, Promoting a Culture Free from Harassment and Bullying in the APS](#)

## Sanctions applicable to breaches of the APS Code of Conduct

Workplace harassment and/or bullying, whether a single incident or repeated occurrences, may constitute a breach of the APS Code of Conduct and may also be unlawful under Commonwealth anti-discrimination legislation and the *Fair Work Act 2009*.

Where an individual is found to have breached the APS Code of Conduct the following sanctions may apply<sup>21</sup>:

- termination of employment
- reduction in classification
- re-assignment of duties
- reduction in salary
- deductions from salary, by way of a fine
- a reprimand.

## Records and Procedural Fairness

### Recordkeeping

NHMRC records assist in identifying patterns of behaviour or continuing problems. Adequate records are essential if the matter leads to formal disciplinary action or to a request for information under the *Freedom of Information Act 1982*. Any formal action taken should be documented. Records of complaints will be maintained for a minimum of 18 months<sup>22</sup>.

### Confidentiality of Records

Confidentiality of all complaints will be maintained in accordance with the [NHMRC Recordkeeping Policy 2010](#) (link here) and the *Privacy Act 1988*.

### Procedural Fairness

All allegations will be treated in accordance with the rules of procedural fairness. In summary this means:

- a decision-maker will be impartial and be free of actual or apparent bias
- a person whose interests will be affected by a proposed decision receives a fair hearing, including the opportunity to respond to any adverse material that could influence the decision
- findings are based on evidence that is relevant and logically capable of supporting the findings.<sup>23</sup>

## Further Information and Support

Further information on workplace bullying and harassment can be found at the following locations:

- [Fair Work Commission](#)
- [Australian Human Rights Commission](#)
- [Australian Public Service Commission](#)
- [Comcare](#)
- [NHMRC Harassment Contact Officers](#)

## References

- NHMRC's Workplace Harassment Policy 2010
- Department of Treasury, Preventing and managing bullying harassment and discrimination in the workplace policy
- Department of Health, Prevention of Bullying and Harassment in the Workplace Policy;
- [Australian Public Service Commission](#);

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<sup>21</sup> 15 *Public Service Act 1999*

<sup>22</sup> 8.2.11 Handling misconduct: a human resources managers' guide, Record keeping requirements

<sup>23</sup> 6.10.2 Handling misconduct: a human resources managers' guide, Procedural fairness

- [Fair Work Ombudsman](#)
- [Australian Human Rights Commission](#).

## Contact Information

<b>Policy Manager:</b>	Director, Human Resources
<b>Policy contact officer:</b>	Director, Human Resources

### Document history of changes to the policy

Effective date	Last update	Policy version number	Notes

Note: “The NHMRC will make proposed changes to any policy, procedure or guideline that is in place to support the operation of this Agreement available to the Staff Consultative Forum for comment and feedback for a minimum period of two (2) weeks. The NHMRC will take into account any comments or feedback received in relation to the proposed changes prior to the employment policy, procedure or guideline being finalised.”<sup>24</sup>

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<sup>24</sup> NHMRC Enterprise Agreement 2016-19, Clause 200

### Checklist for all employees – ‘I treat everyone with respect in the workplace’

NHMRC employees at all levels can demonstrate respect with the simple but effective actions listed below. These will also help to avoid situations where you may not be aware of how your behaviour is perceived by others.

Implemented consistently, these actions help to ensure a respectful, productive and professional workplace.

- ✓ I abide by and model the APS Code of Conduct and Values and I treat people with respect, courtesy and politeness.
- ✓ I treat others as I wish to be treated.
- ✓ I praise much more frequently than I criticise.
- ✓ I encourage others to express their opinions and ideas.
- ✓ I listen to what others have to say as well as expressing my own viewpoint. I don't speak over, butt in, or cut off another person when they are talking.
- ✓ I use people's ideas to change or improve our work practices. I let others know when I used someone else's idea or, better yet, I encourage the person with the idea to raise it with our manager.
- ✓ I do not shout, insult people, swear, name call, disparage or put down people or their ideas.
- ✓ I do not nit-pick, constantly criticise over little things, belittle, judge, demean or patronise others as I know that a series of seemingly trivial actions, added up over time, can constitute bullying.
- ✓ I do not lean toward or stand over a person in a way that makes them feel uncomfortable or threatened.
- ✓ I treat people with respect regardless of their race, culture, religion, gender, disability, sexuality, size, age, or country of origin.
- ✓ I know that treating people differently may add up to a perception of harassment and/or create a hostile work environment.
- ✓ I include all relevant co-workers in meetings, discussions, training and events. I know that while it is not always possible or appropriate for every person to participate in every activity, I don't marginalise or exclude anyone when they should be involved.
- ✓ I know that harassment and bullying takes many forms and I will not confuse it with legitimate management action undertaken in a reasonable way.
- ✓ If I observe what appears to be harassment and bullying of another person I don't ignore it and report it to the relevant manager or Human Resources.
- ✓ I share work information with team members to assist them in their jobs.

### Personal checklist for Managers – ‘I treat everyone with respect in the workplace’

- I do not tolerate unfair, harassing or bullying behaviour, or any behaviour that risks a complaint of discrimination, harassment or bullying.
- I communicate regularly with my employees and make sure that all employees in my team feel able to come to me (or, if necessary, another manager) with any work related problem.
- I act immediately if I suspect, see, hear or am told about any discrimination, harassment or bullying, or about any behaviour that risks a complaint of discrimination, harassment or bullying.
- I advise all of my employees (including new ones) about discrimination, harassment and bullying and their rights and responsibilities.
- I make non-discriminatory management decisions based on operational need and in line with the NHMRC’s policies and procedures. I communicate openly management decisions to employees and make myself available to discuss them with employees. In particular I can explain the rationale behind my decisions to those affected by them.
- I am outcomes-focused, but wherever possible I am flexible about when, how and where work is done. I promote the flexible working arrangements of the Enterprise Agreement.
- I make sure the workplace is free of all forms of stereotyping and harassing material.
- I follow up any behaviour changes that could indicate that discrimination, harassment or bullying is going on.
- I try to resolve all people and work issues fairly and speedily, and seek confidential advice and support to do so when needed.
- I provide an equal opportunity for relevant employees to participate in committees, working parties or continuous improvement teams.
- I acknowledge good work of all team members.

### Be a supportive bystander<sup>25</sup>

It is important that you read this fact sheet to find out how to be a supportive bystander.

A bystander is someone who sees or knows about bullying or other forms of violence that is happening to someone else.

Bystanders can be either part of the bullying problem or an important part of the solution to stop bullying.

Bystanders can act in different ways when they see or know about bullying:

1. Some bystanders take the side of the bully by laughing at the victim, and in turn, encouraging the bully;
2. Some bystanders will give silent approval or encourage the bully by looking on.
3. Some bystanders may watch or know about the bullying but don't do anything. They may not know what to do or are scared. This group of bystanders knows that bullying is not okay.
4. Some bystanders will be supportive and take safe action to stop the bully, find help or support the victim.

#### **Supportive bystanders**

Just as we have human rights we also have responsibilities to respect and protect the rights of others. A supportive bystander will take action to protect the rights of others.

A supportive bystander will use words and/or actions that can help someone who is being bullied.

If bystanders are confident to take safe and effective action to support victims then there is a greater possibility that bullying can stop and the person who is bullied can recover.

People respect those that stand up for others who are bullied but being a supportive bystander can be tough.

Sometimes it is not easy to work out how to help safely because bullying happens in different ways and places.

There is no one size fits all approach to being a supportive bystander. For supportive bystanders to take safe and effective action here are some suggestions:

- Make it clear to your colleagues that you won't be involved in bullying behaviour
- Never stand by and watch or encourage bullying behaviour
- Do not harass, tease or spread gossip about others, this includes on social networking sites like Facebook
- Never forward on or respond to messages or photos that may be offensive or upsetting
- Support the person who is being bullied to ask for help e.g. go with them to a place they can get help or provide them with information about where to go for help
- Report it to a manager or Human Resources.

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<sup>25</sup> Australian Human Rights Commission

Online Report Bullying and Harassment Form

Report Bullying and Harassment Form

Incident/s details

I am making this report of bullying and/or harassment as:

- None -

Date/s behaviours occurred:

[Text input field with scroll arrows]

*please separate with a comma*

Name of person/s involved:

[Text input field with scroll arrows]

Describe the incident/s in your own words, giving as much detail as possible:

[Text input field with scroll arrows]

Behaviours

Please select the types of behaviours that have occurred. You may select more than one:

- Shouting
- Interrupting
- Threatening
- Spreading malicious rumours / cyberlies
- Setting unrealistic workloads
- Inappropriate touching

Other:

[Text input field with scroll arrows]

Frequency

Please select the frequency of incidents:

- Once
- Daily
- Weekly
- Monthly
- Occasionally

Other:

**Where did the incident/s occur:**

*e.g. breakout area, closed office*

**What was your reaction:**

*e.g. 'I tried to defend myself', 'I am too scared to say anything', 'I had to leave the area'*

**Who intervened and helped? Who did nothing? Who else is being affected:**

*names are optional*

Who you reported it to at work

**You can select multiple options:**

- No one
- My supervisor
- Health and Safety Representative
- Human Resources
- Workplace Harassment Contact Officer
- Union representative

**Other:**

**When did you report it:**

Day  Month  Year

**How did you report it:**

- Verbally
- In writing
- Email

**What happened when you reported the incident:**

*e.g. The person I reported it to was helpful / was unsympathetic / was unsure what to do / made it worse / other*

**What, if any, action/s were taken by the person you reported the incident to:**

e.g. 'I feel they validated my experience'

**Who have you told outside of work:**

e.g. your partner, friends, medical practitioner, lawyer, EAP

I believe that the bully

**You can select multiple options:**

- Is joking and doesn't mean to upset me
- Is still a nice person
- Was my friend
- Became a bully after a disagreement
- Enjoys hurting me
- Follows their bully boss
- Bullies other staff

**Other:**

What do you want as an outcome / solution?

**From the bully:**

**From your employer:**

**From your colleagues / friends:**

**From yourself:**

**Do you have any additional information that you would like to provide:**

Your details (optional)

**Note:** you cannot be advised of an outcome if you don't identify yourself.

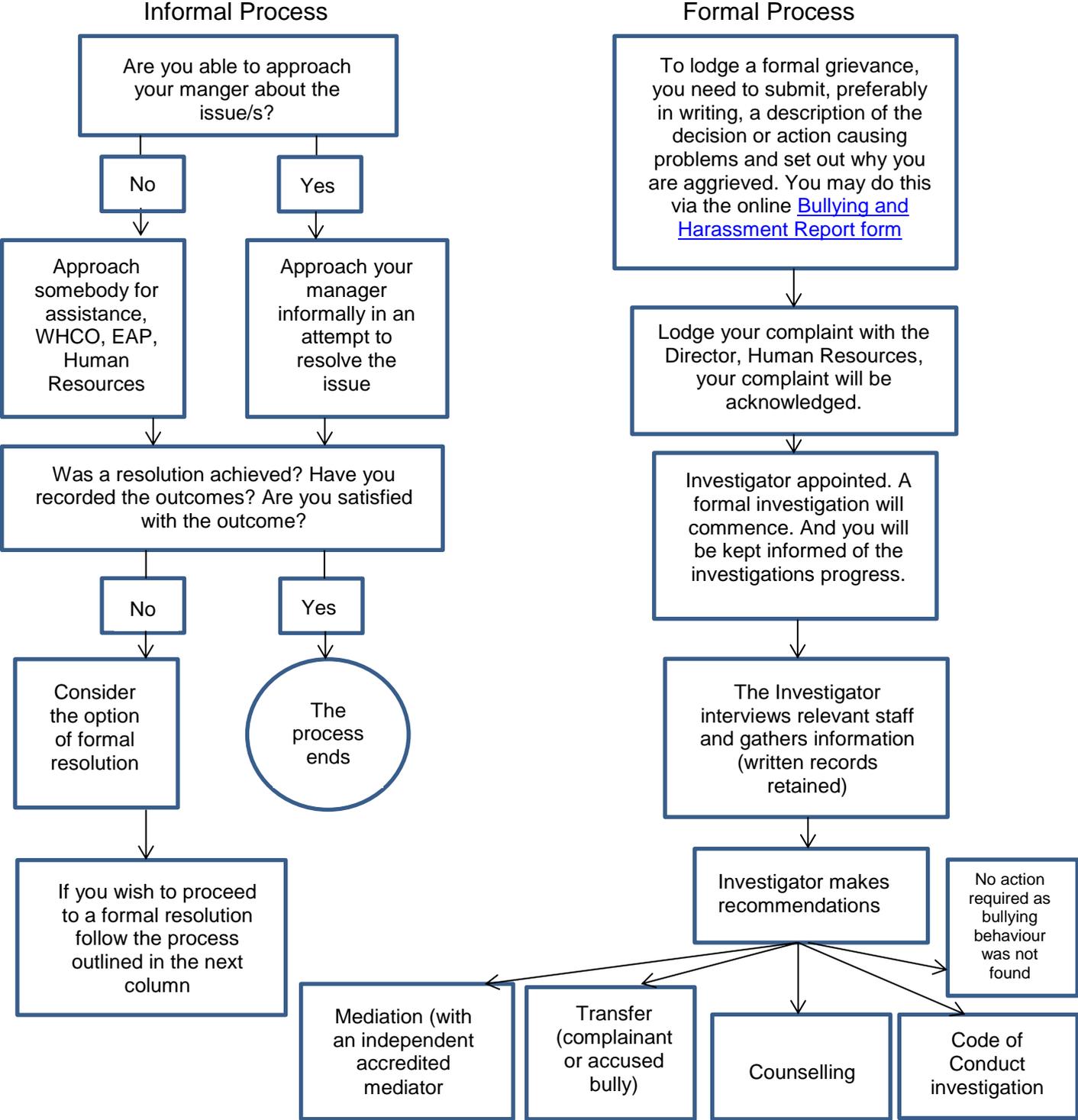
**Your name:**

**Contact details:**

Submit

# Resolution of Workplace Harassment or Bullying Grievance Flowchart

If you have decided to proceed with an informal or formal process for workplace harassment or bullying, the following steps apply:



### Examples of failing to show respect in the workplace

- ✓ Promoting or expressing political, religious or social views at the workplace that offend other staff
- ✓ Questioning a supervisor in a raised voice, accusing them of bias, or claiming they are unprincipled
- ✓ Yelling and/or speaking all the time and not allowing others to be heard
- ✓ Ignoring and working around someone who should be involved in the process
- ✓ Displaying a contemptuous attitude towards other employees
- ✓ Attempting humour by diminishing the dignity of a co-worker
- ✓ Making belittling or derogatory remarks that diminish the dignity of other staff
- ✓ Leaning toward or standing over a person so that they feel uncomfortable or threatened.