

## Staff Harassment, Bullying and Discrimination Policy

<b>Approving authority</b>	Executive Group
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<b>Document URL</b>	<a href="http://policies.griffith.edu.au/pdf/Staff%20Harassment%20Bullying%20and%20Discrimination%20Policy.pdf">http://policies.griffith.edu.au/pdf/Staff Harassment Bullying and Discrimination Policy.pdf</a>
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<b>Description</b>	This policy is designed to provide an overview of the University's approach to harassment, bullying and discrimination by staff.

### Related documents

[Academic Freedom and Freedom of Speech Policy](#)

[Code of Conduct](#)

[Equity, Diversity and Inclusion Policy](#)

[Griffith University Academic Staff Agreement](#)

[Griffith University General Staff Agreement](#)

[Health and Safety Policy](#)

[Individual Grievance Resolution Procedure](#)

[Information Technology Code of Practice](#)

[Public Interest Disclosure Policy](#)

[Reporting and Resolution of Staff Sexual Assault, Harassment, Bullying and Discrimination Procedures](#)

[Staff Sexual Assault and Sexual Harassment Policy](#)

[Student Sexual Assault, Harassment, Bullying and Discrimination Policy](#)

### External Links:

[Anti-Discrimination Commission Qld](#)

[Australian Human Rights Commission](#)

[Australian Human Rights Commission Act 1986](#)

[Fair Work Commission](#)

[Fair Work Act 2009](#)

[Safe Work Australia](#)

[Queensland Ombudsman](#)

[Workplace Health and Safety Queensland](#)

[\[Introduction\]](#) [\[Scope\]](#) [\[Definitions\]](#) [\[Application\]](#) [\[Responsibilities\]](#) [\[Glossary of Terms\]](#)

## 1. INTRODUCTION

The University recognises the right of all staff and students to a University environment free from harassment, bullying and discrimination and is committed to providing safe and inclusive campus communities.

The University has zero tolerance for harassment, bullying and discrimination and expects that all staff will behave professionally, with respect for others in accordance with the Code of Conduct and relevant legislation.

## 2. SCOPE

This policy applies to discriminatory, harassing and bullying behaviours conducted by staff when engaged in University related activities which are on campus, in transit to/from campus, off campus and online.

Staff includes sessional, casual, visiting, honorary, adjunct, conjoint appointments and volunteers at Griffith University.

### 2.1 Academic Freedom and Freedom of Speech

The Academic Freedom and Freedom of Speech Policy outlines the University's commitment to freedom of speech and also sets out the Reasonable Academic Freedom, Reasonable Free Speech, and Reasonable Use Restrictions that apply.

### 2.2 Sexual Assault and Sexual Harassment

The University's approach to preventing, reporting and responding to incidents of sexual assault and harassment by staff is outlined in the *Staff Sexual Assault and Sexual Harassment Policy*.

### 2.3 Information and Communication Technology

The [Information Technology Code of Practice](#) provides guidance to authorised users, for the appropriate access and use of the University's Information Technology resources, using any device from any location and prohibits the use of University ICT resources to engage in bullying, harassing, discriminatory or defamatory behaviour.

### 2.4 Student behaviour

The University's expectations in relation to student behaviour are outlined in the [Student Sexual Assault, Harassment, Bullying and Discrimination Policy](#), [Student Misconduct Policy](#) and [Student Charter](#). Where an individual is both a student and a staff member, the matter will be managed according to their role at the time of the alleged incident.

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## 3. DEFINITIONS

### 3.1 Discrimination

Discrimination occurs when a person treats, or proposes to treat, another person less favourably than another person because of a protected attribute (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because they would be unable to participate or comply due to a protected attribute (indirect discrimination). The grounds under which discrimination is unlawful and on which discrimination in this policy is based are stated in the [Queensland Anti-Discrimination Act \(1991\)](#).

Unlawful **workplace discrimination**, as defined in the [Fair Work Act 2009](#), occurs when an employer takes adverse action against a person who is an employee or prospective employee because of the person's race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

Examples of direct discrimination include where an employer refuses a promotion to a staff member after they have disclosed that they are bisexual (discrimination on the basis of sexual orientation); and not hiring a woman for fear she won't fit in to a traditionally male workplace (sex discrimination).

An example of indirect discrimination includes requiring a deaf or hearing impaired staff member to attend regular meetings where no Auslan interpreter or captioning is provided to enable them to understand what is being said. While the staff member is able to attend the meetings, they would be disadvantaged as they are unable to participate as fully as their colleagues.

The [Australian Human Rights Commission Act 1986](#) and other supporting federal legislation also prohibits discrimination in employment and includes a broad range of attributes and grounds for discrimination in addition to those in State discrimination laws.

### 3.2 Harassment

Harassment is repeated behaviour that is directed at an individual or group of students or staff and is offensive, humiliating, intimidating or threatening. The behaviour is often unwelcome and makes it difficult for effective work or study to be conducted.

Harassment occurs in circumstances where a reasonable person would have expected that the behaviour was going to be offensive, humiliating or intimidating and may be sexual in nature or based on sex, gender, gender identity, race, disability, sexual orientation or a range of other attributes.

Examples of harassment include telling insulting jokes about particular racial groups; sending offensive emails or messages; sexist jokes or anecdotes including gender-derogatory nicknames; or asking repeated intrusive questions about someone's personal life, for example asking about their family plans or commitments or their sexual orientation.

**Sexual Harassment** is a form of harassment and includes any unwelcome or unsolicited conduct of a sexual nature that is offensive, humiliating, intimidating or threatening. The behaviour does not have to be repeated for it to constitute sexual harassment. Sexual harassment is unlawful under the Anti-Discrimination Act 1991 (Qld) and the Sex Discrimination Act 1984 (Cth) and constitutes misconduct. Further information on sexual harassment can be found in the *Staff Sexual Assault and Sexual Harassment Policy*.

### 3.3 Workplace Bullying

As outlined in the [Fair Work Act 2009](#), a worker is bullied at work when an individual, or group of individuals repeatedly behaves unreasonably towards the worker, or a group of workers and the behaviour creates a risk to health and safety.

Examples of bullying are excluding a person from work related events; behaving aggressively towards others; and placing unreasonable work demands on a staff member or group of staff. Workplace bullying can be carried out in a variety of ways including through verbal or physical abuse, through email, text messages, internet chat rooms, instant messaging or other social media channels.

In some cases workplace bullying can continue outside of the workplace. Workplace bullying can also be directed at or perpetrated by other people at the workplace such as clients, patients, students, customers and members of the public ([Safe Work Australia, Guide for Preventing and Responding to Workplace Bullying](#), 2016).

### 3.4 Attributes

Under State and Federal laws, there are a range of attributes and grounds for which it is unlawful to discriminate against another person. These include:

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| <ul style="list-style-type: none"><li>• age;</li><li>• breastfeeding;</li><li>• criminal record;</li><li>• family responsibilities;</li><li>• gender identity;</li><li>• impairment, mental, intellectual, psychiatric and physical disability;</li><li>• lawful sexual activity;</li><li>• marital status;</li><li>• medical record;</li><li>• pregnancy;</li></ul> | <ul style="list-style-type: none"><li>• parental status;</li><li>• political opinion, belief or activity;</li><li>• race, colour, nationality or national extraction;</li><li>• relationship status;</li><li>• religion, religious belief or religious activity;</li><li>• sex;</li><li>• sexuality or sexual orientation;</li><li>• social origin;</li><li>• trade union activity;</li><li>• imputation of, association with, or relation to a person identified on the basis of any of the above attributes.</li></ul> |
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### 3.5 Vilification

Unlawful vilification is a public act which is capable of inciting hatred, serious content for, or severe ridicule of a person or group of persons *on the grounds of race, religion, sexuality or gender*

*identity*. Examples of vilification are racist or antireligious artworks or expressions painted on buildings; and calling out or broadcasting racist, homophobic or transphobic remarks and inviting others to do the same.

As outlined in the [Queensland Anti-Discrimination Act 1991](#) there are some exceptions which ensure the right of freedom of speech is not unduly restricted, including, but not limited to, a public act done reasonably and in good faith for purposes in the public interest, including discussion and debate or for academic, artistic, scientific, or research purposes.

### **3.6 What is not workplace bullying or harassment**

Reasonable management action taken by managers or supervisors to direct and control the way work is carried out is not workplace bullying if the action is carried out in a lawful and reasonable way, taking the particular circumstances into account.

Except in the case of sexual harassment, a single incident of unreasonable or harassing behaviour does not, of itself, constitute workplace harassment or bullying.

Nevertheless, such behaviour is unacceptable at the University and may be in breach of the [Code of Conduct](#) or other University policies and lead to disciplinary procedures.

### **3.7 Adverse Action**

Adverse action can include action that is unlawful if it is taken for a discriminatory reason. The [Fair Work Act 2009](#) describes a number of adverse actions.

### **3.8 Repeated behaviour**

Refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

### **3.9 Unreasonable behaviour**

Describes behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening ([Safe Work Australia, Guide for Preventing and Responding to Workplace Bullying](#), 2016).

### **3.10 Worker**

Under the [Fair Work Act 2009](#), a worker is defined as an individual who performs work in any capacity, including as an employee, a contractor, a subcontractor, an outworker, an apprentice, a trainee, a student gaining work experience or a volunteer.

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## **4. APPLICATION**

Unlawful harassment, bullying and discrimination by staff is unacceptable and contrary to the employment policies of the University. These behaviours can be harmful to the individual, or group of individuals experiencing them, and to those who witness incidents or hear disclosures.

All forms of harassment, bullying and discrimination are of concern as the behaviour may:

- create an intimidating hostile, offensive or distressing work or study environment;
- adversely affect the wellbeing of affected staff or students;
- adversely affect the performance of affected staff or students;
- adversely affect an individual's admission into a program or progress within a program;
- adversely affect an individual's recruitment, level of appointment, promotion and progress opportunities;
- adversely affect an individual's access to and participation in the range of workplace and educational opportunities, support services, social and recreational facilities provided by the University;
- adversely reflect on the integrity and standing of the University;
- (where reasonable steps have not been implemented) cause the University to be found vicariously liable for the actions of the perpetrator and/or the manager or supervisor.

### **4.1 Prevention**

The University is committed to promoting and supporting [equity, diversity and inclusion](#) and aims to eliminate all forms of workplace harassment, bullying and discrimination from its campuses.

The University will ensure that staff are informed of this policy and their responsibilities in ensuring that it is upheld.

Further, the University will ensure that managers and other supervisory staff are aware of and act on their particular responsibilities in the prevention, as far as possible, of harassment, bullying and discrimination and in responding to and resolving complaints in accordance with the [procedures](#).

#### 4.1.1 Training and resources

All staff, including those with supervisory and/or management roles, have a responsibility to prevent, as far as possible, and if necessary respond to behaviour such as bullying, harassment and discrimination. As such, all staff should complete [harassment and discrimination training online](#), both on commencement at the University and then at least every two years to ensure that their knowledge is up to date.

Resources to proactively assist staff to deal with such behaviours are available online via the [People and Wellbeing](#) and [Safe Campuses](#) websites. Managers should also consult their [Group HR Business Partners](#) for assistance.

## 4.2 Disclosures and complaints

The University has zero tolerance for unlawful harassment, bullying and discrimination and provides options for informal disclosure and formal complaints. Complaints will be treated seriously and investigated promptly. All documentation related to the resolution process will be confidential with the principles of natural justice applied.

The University expects that all complaints made under this policy will be made in good faith. Disciplinary procedures may be initiated by the University if a complaint is found to be frivolous or vexatious.

The University does not tolerate victimisation of individuals who have taken action under this policy and will take reasonable steps to ensure that affected individuals are not victimised.

Further information on the reporting and complaints process is available in the [Reporting and Resolution of Staff Sexual Assault, Harassment, Bullying and Discrimination Procedures](#).

#### 4.2.1 External Agencies

Where an individual remains dissatisfied with the outcome of a University response, they may choose to refer their concern to an external body, such as the [Anti-Discrimination Commission Queensland](#), [Australian Human Rights Commission](#), [Fair Work Commission](#), [Queensland Ombudsman](#) or [Workplace Health and Safety Queensland](#).

If such steps are taken for workplace matters, any relevant University procedures being applied at the time will cease and the staff member will no longer have access to these procedures for that particular matter.

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## 5. RESPONSIBILITIES

All staff have a responsibility to behave professionally and with respect for others in accordance with the Code of Conduct and relevant legislation.

Senior Managers are accountable for ensuring that harassment, bullying and discrimination are prevented, as far as possible, and if necessary dealt with effectively at the [Element](#) level.

The Chief People Officer is the senior officer responsible for supervising the management of a program of activity, which includes:

- educating staff about acceptable, pro-social and respectful behaviour at work and in an educational environment;
- educating supervisors and managers to promptly, effectively and confidentially address complaints of workplace harassment, bullying and discrimination;

- actively encouraging appropriate behaviour by all staff, including those in positions of authority, that is, supervisors, managers and teaching staff; and
  - providing appropriate and effective processes, structures and resources to prevent and address issues of harassment, bullying and discrimination.
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## 6. GLOSSARY OF TERMS

**Bullying** is defined in section 3 of this policy—[Definitions](#)

**Discrimination** is defined in section 3 of this policy—[Definitions](#)

**Element** refers to a business unit and means the relevant Office, School, Department or Centre.

**Harassment** is defined in section 3 of this policy—[Definitions](#)

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

**Staff** refers to all staff, including sessional, casual, visiting, honorary, adjunct, conjoint appointments and volunteers at Griffith University.

**University related activity** means any conduct that is connected to the University, including conduct that:

- occurs on, or in connection to, University lands or other property owned by the University or elsewhere in the context of a person's membership of the University;
- occurs at or in connection with, a residential college that is located within University lands or is associated with the University;
- occurs using, or is facilitated by, University information technology resources or other University equipment;
- occurs during, or relates to, the performance of duties for the University;
- occurs during or in connection to any University related function or event (whether sanctioned or organised by the University or not) or when representing the University in any capacity.

**Victimisation** refers to behavior that seeks to penalise a person for taking action or making a complaint in good faith.