

Staff Harassment, Bullying and Discrimination

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1.0 Purpose

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

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

2.0 Scope

This policy applies to all staff and associates that are employed or engaged with the University and the workplace.

Employees includes paid employees, including casuals and conjoint appointments as well as unpaid and volunteer positions, including visiting, honorary, adjunct and conjoint appointments. Associates includes any third-party individual or organisations that are engaged to provide services to the University.

The University's expectations in relation to student behaviour are outlined in the Student Conduct, Safety and Wellbeing Policy, Equity, Diversity and Inclusion Policy, Student Charter Framework and Sexual Harm Prevention and Response Policy. 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.

3.0 Policy statement

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 groups 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.

3.1 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 and workplaces.

In accordance with the *Sex Discrimination Act 1984* (Cth), the University has a positive duty to eliminate, as far as possible, the following unlawful conduct and behaviour from occurring:

- discrimination on the grounds of sex in a work context
- sexual harassment in connection with work
- sex-based harassment in connection with work
- conduct creating a workplace environment that is hostile on the grounds of sex
- related acts of victimisation.

The prevention of unlawful conduct in the workplace, or in connection to work, requires proactive and meaningful action, including but not limited to the identification of risk in accordance with the University's risk management framework.

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 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 relevant procedures.

3.2 Training and resources

The University provides a suite of mandatory and non-mandatory training for all staff. It is important that all staff ensure they are up to date on all mandatory training. Resources to proactively assist staff to deal with such behaviours are available online via the Health and Wellbeing Hub. Managers should also consult their HR Business Partners for assistance.

3.3 Support

The University acknowledges that experiencing or witnessing workplace harassment, bullying and discrimination can be challenging and encourages that the person/s seek any necessary support or assistance. Further information is available at the workplace discrimination, harassment and bullying webpage, including the details for the Employee Assistance Program.

Harassment and Discrimination Contact Officers (HDCO) may be a point of contact to provide information to the University community on policies and procedures related to the prevention, reporting and resolution of harassment, sexual harassment, bullying, discrimination and sexual assault.

3.4 Disclosures and complaints

Complaints will be treated seriously and investigated promptly and will be managed in accordance with the Staff Harassment, Bullying and Discrimination Procedure.

The University expects that all disclosures or complaints are made in good faith. Disciplinary action 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 make a report and will take reasonable steps to ensure that the complainant, respondent or other persons participating in the process, are not victimised.

If a person believes they are being victimised for having made a complaint, being a respondent to a complaint, or having participated in a complaints process, they should advise their manager, Head of Element, a Harassment and Discrimination Contact Officer, HR Business Partner, or any member of the Health and Safety team.

3.5 External Agencies

Where an individual is dissatisfied with the outcome of a University response, they may choose to refer their concern to an external body, such as the Queensland Human Rights Commission and the Fair Work Commission.

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.

4.0 Roles, responsibilities and delegations

ROLE	RESPONSIBILITY
Director, Human Resources	<p>Senior officer responsible for supervising the management of a program of activity, which includes:</p> <ul style="list-style-type: none"> • 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 • providing appropriate and effective processes, structures and resources to prevent and address issues of harassment, bullying and discrimination.
HR Business Partners	Primary contact point for advice and support.

Managers and Supervisors Accountable for preventing and proactively addressing incidents or behaviours that may be defined as workplace harassment, bullying and/or discrimination.

All staff To behave professionally and with respect for others in accordance with the Code of Conduct and relevant legislation.

5.0 Definitions

For the purposes of this policy and related policy documents, the following definitions apply:

Conduct that creates a hostile workplace environment means conduct in the workplace that is not directed toward a particular person, but nevertheless creates an environment that a reasonable person would find offensive, intimidating or humiliating to a person on the basis of their sex. For example, it may be displaying obscene materials, general sexual banter, inuendo or offensive jokes that result in a person of a certain sex feeling unwelcome or excluded. It is fully defined within, and made unlawful by, the *Sex Discrimination Act 1984* (Cth).

Discrimination

Discrimination occurs when a person or group of people, is treated less favourably than another person or group because of a protected attribute, including an attribute that a person has, has had in the past, is presumed to have, or may have in future. Discrimination may be direct and indirect.

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).

Sex Discrimination occurs when a person (the discriminator) treats another person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person of a different sex. It is fully defined within, and made unlawful by, the *Sex Discrimination Act 1984* (Cth).

Unlawful workplace discrimination under the general protections in the Fair Work Act occurs when an employer takes adverse action against a person who is an employee or prospective employee because of the person's one or more protected 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:

- race
- colour
- sex
- sexual orientation
- breastfeeding
- gender identity
- intersex status
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy
- religion
- political opinion
- national extraction
- social origin
- experiencing family and domestic violence

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

Employee refers to all staff, including sessional, casual, visiting, honorary, adjunct, conjoint appointments, volunteers and Council Members at Griffith University.

Harassment

Workplace harassment is behaviour that is directed at an individual, associates, or group of students or staff and is unwelcome, unsolicited, offensive, humiliating, intimidating or threatening.

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. It may be a single act, or an ongoing pattern of behaviour.

Examples of harassment include telling insulting jokes about particular racial groups; sending offensive or inappropriate emails or messages or asking repeated intrusive questions about someone's personal life.

Reasonable Management Action

Reasonable management action that is carried out in a reasonable and lawful way by managers or supervisors to direct and control the way work is carried out is not workplace bullying. 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 may lead to disciplinary procedures.

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

Sex Based Harassment refers to unwelcome conduct directed towards a person that is seriously demeaning to the person on the basis of their sex. A reasonable person would find that in the circumstances, the conduct would offend, humiliate or intimidate. Examples include, but are not limited to:

- asking intrusive personal questions based on a person's sex
- making inappropriate comments and jokes to a person based on their sex
- making sexist, misogynistic and misandrist remarks about a specific person.

Sexual Harassment is a form of harassment and includes any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature in circumstances where a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated or intimidated. The behaviour does not have to be repeated for it to constitute sexual harassment. Sexual harassment is fully defined within, and made unlawful by, the *Sex Discrimination Act 1984* (Cth.) and constitutes misconduct. Further information on sexual harassment can be found in the Sexual Assault and Sexual Harassment Policy.

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 occurs when a person subjects, or threatens to subject, another person (a complainant) to detriment because the complainant has made or proposes to make a complaint or disclosure about Sexual Harm or Misconduct. It is fully defined within, and made unlawful by, the *Sex Discrimination Act 1984* (Cth).

Vilification

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

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.

Workplace Bullying

Workplace bullying is when an individual, or group of individuals repeatedly behaves unreasonably towards another person, or a group of people that creates a risk to health and safety.

Examples of workplace bullying include but are not limited to:

- excluding a person from work related events
- behaving aggressively towards others
- 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.

6.0 Information

Title	Staff Harassment, Bullying and Discrimination Policy
Document number	2024/0001091
Purpose	This policy affirms Griffith University's commitment to providing a University environment that is free from harassment, bullying and discrimination.
Audience	Staff
Category	Operational
Subcategory	Staff
UN Sustainable Development Goals (SDGs)	This document aligns with Sustainable Development Goals: 5: Gender Equality 10: Reduced Inequalities

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Policy advisor Director, Human Resources

Approving authority Vice Chancellor

7.0 Related policy documents and supporting documents

Legislation *Anti-Discrimination Act 1991 (Qld)*
 Australian Human Rights Commission Act 1986
 Fair Work Act 2009 (Cth)
 Sex Discrimination Act 1984 (Cth)
 Griffith University Academic Staff Enterprise Agreement
 Griffith University Professional and Support Staff Enterprise Agreement

Policy *Academic Freedom and Freedom of Speech Policy*
 Code of Conduct
 Equity, Diversity and Inclusion Policy
 Health, Safety and Wellbeing Policy
 Information Technology Code of Practice
 Public Interest Disclosure Policy
 Sexual Harm Prevention and Response Policy
 Student Conduct, Safety and Wellbeing Policy

Procedures *Individual Grievance Resolution Procedure*
 Staff Harassment, Bullying and Discrimination Procedure
 Staff Sexual Harm Response Procedure
 Student Reports of Bullying, Harassment, Discrimination and Sexual Harm Procedure

Local Protocol *Safe Campuses website*

Forms

[Report a Concern](#)

[Report a Concern \(anonymous\)](#)
