

Racism. It Stops With Me

Conversation Guide

July 2022



The *Racism. It Stops With Me* campaign asks Australians to reflect on their relationship to race and the role of racism in shaping Australian society. The campaign film may also be a useful tool for starting conversations about racism. The purpose of this guide is to outline some key considerations when discussing the campaign and the issues it touches on.

Who is this guide for?

This guide is intended for those who want to talk about the *Racism. It Stops With Me* campaign video, and the issues it discusses, with their colleagues, family and friends. It is designed to give campaign supporters the tools to engage in conversations about racism and anti-racism, and will be most useful in the context of conversations with other people who already recognise that racism is a problem and want to do something about it. This guide is not intended to support conversations with people who deny, openly advocate for, or defend racism, which requires a different approach.



First things first

Talking about racism with those around you is important. However, it's important that you've taken the time to reflect on your own experiences, biases, and relationship to racism, before doing this. The [*Racism. It Stops With Me*](#) website provides information about racism and practical steps that you can take to develop your skills in anti-racism. It includes [*useful definitions*](#) and examples of the different ways racism operates. The [*Questions and Context*](#) section invites you to ask yourself questions about the role of racism in shaping society, including your own life. The [*Resource Hub*](#) also contains information about other organisations and initiatives that can support deeper learning.

Anti-racism is an ongoing process of learning, listening, and refining your skills. When you do have conversations with others, acknowledge that you are on a journey, too, and invite them to come along with you.

Setting the scene

Conversations about racism, and anti-racism, must **always centre the perspectives of First Nations people and those from culturally and linguistically diverse communities**. As the First Peoples of Australia, First Nations people have a unique experience of racism and experience racism in many forms. Many First Nations peoples and communities have led anti-racism and championed racial justice in Australia for centuries. Ensure that your conversations centre the messages being shared by these communities, and acknowledge their experience and expertise.

As much as possible, **focus on solutions and actions**, and point to examples of successful anti-racist action, as this will help to keep the conversation focussed on the possibility and need for change. This can be challenging, as it is also important to hold space for the complexity and severity of the problems being discussed. However, in many cases, communities already know and are providing tangible solutions.



DEADLY CONNECTIONS
COMMUNITY AND JUSTICE SERVICES

An example of this is the work of **Deadly Connections**, an Aboriginal Community-led, not-for-profit organisation addressing the over-representation of Aboriginal people in the child protection and justice systems by breaking cycles of systemic racism, trauma and disadvantage.

Talking about racism can be uncomfortable. Encourage those you speak to (and remind yourself) to lean into feelings of discomfort, as this is where the most growth happens. Acknowledge that conversations about racism can be challenging and confronting, but this only underscores their importance.



Tips for framing conversations about racism

Passing the Message Stick is a First Nations-led research project that seeks to transform the way we talk about Aboriginal and Torres Strait Islander justice. Many of the lessons learned from that project may be useful in conversations about racism more broadly. Some examples include:

- **Start the conversation** by discussing shared values, such as *fairness, justice, freedom, safety, equality, dignity, community*
- **Use a strength-based approach** when discussing communities negatively affected by racism and avoid deficit discourse. 'Deficit discourse' refers to the patterns of thought, language or practice that represent people in terms of deficiencies or failures.¹ Avoid deficit-based, homogenising language, such as: *vulnerable, disadvantaged, living in poverty*. For more information, check out this [Summary Report](#) on deficit discourse by the Lowitja Institute
- **Avoid negation** – don't repeat the opponents' message. Negation is when we say what something is *not* rather than explicitly stating what it *is*. Negating a particular mistruth often serves to reinforce it in the listener's mind. Instead, we need to reframe the conversation and be clear about what we know.

Read more about this and other insights in the [full report](#).

¹ William Fogarty, Hannah Bulloch, Siobhan McDonnell and Michael Davis, *Deficit Discourse and Aboriginal and Torres Strait Islander Health Policy* (Summary Report, The Lowitja Institute, 2018) 1 <<https://www.lowitja.org.au/content/Document/PDF/deficit-discourse-summary-report.pdf>>.



Further reading/next steps

Conversations are important, but they will only ever form part of the solution. Remember that learning is ongoing. It's important to stay open minded, committed, and at all times centre the perspectives of those who have lived experience of racism.

Here is a list of some next steps you could take:

- **Continue your learning** via the [Commit to Learning](#) section of the *Racism. It Stops With Me* website
- **Visit the Resource Hub** and create a list of anti-racism initiatives and organisations to follow and support, with whatever resources available to you
- **Visit the [Take Action](#) section** of the *Racism. It Stops With Me* website to find out how you can be part of the solution when it comes to tackling racism
- **Explore the possibility of hosting a conversation** about racism in your workplace using the [Let's Talk Race Guide](#)

- **Encourage your organisation** to use the [Workplace Cultural Diversity Tool](#), an online, confidential self-assessment tool that supports organisations to strengthen their approach to cultural diversity and anti-racism in the workplace

There are many great resources out there to support you as you continue having conversations about racism and advocating for racial justice and equity. Some examples include:

- [Raise the Age Messaging Guide](#)
- [Incarceration Nation Conversation Guide](#)
- [Passing the Message Stick](#)



Racism. It Stops With Me Conversation Guide

July 2022

www.itstopswithme.humanrights.gov.au

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- As much as possible, **focus on solutions and actions**, and point to examples of successful anti-racist action, as this will help to keep the conversation focussed on the possibility and need for change. This can be challenging, as it is also important to hold space for the complexity and severity of the *problems* being discussed. However, in many cases, communities already know and are providing tangible solutions.
 - An example of this is the work of [Deadly Connections](#), an Aboriginal Community-led, not-for-profit organisation addressing the over-representation of Aboriginal people in the child protection and justice systems by breaking cycles of systemic racism, trauma and disadvantage.
- **Talking about racism can be uncomfortable**. Encourage those you speak to (and remind yourself) to lean into feelings of discomfort, as this is where the most growth happens. Acknowledge that conversations about racism can be challenging and confronting, but this only underscores their importance.

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- **Explore the possibility of hosting a conversation** about racism in your workplace using the [Let's Talk Race Guide](#)
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Australian
Human Rights
Commission
everyone, everywhere, everyday

Workplace Bullying

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Understanding and preventing workplace
bullying policy

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1 Statement by the President

Workplace environments need to be safe and supportive places to create the best and most productive atmosphere for employees to flourish.

We all play a role in creating the kind of workplace that we want to work in.

Daily interactions and workplace relationships are key to a safe environment and we must strive constantly to self-monitor and model the best and most appropriate workplace behaviour that we can.

Everyone has a bad day occasionally, but work colleagues must be respected, and uncivil behaviour will not be tolerated at the Australian Human Rights Commission.

This policy aims to show the kinds of behaviours that might constitute bullying so that we may be alert to the environmental risks and to be vigilant in controlling those risks so that we maintain a workplace based on respectful and courteous behaviours at all times.

Emeritus Professor Rosalind Croucher AM
President, Australian Human Rights Commission

2 What is bullying?

Bullying in the workplace is generally considered to be “repeated, unreasonable behaviour directed toward an employee, or group of employees that creates a risk to health and safety”. In other words, bullying is a repeated behaviour that intimidates, offends, degrades or humiliates a worker, possibly in front of co-workers or clients. There are bound to be differences of opinion, conflicts and problems in working relations but bullying occurs when the behaviour is repeated and offends or harms an employee. Bullying can be obvious and observable, but more concerning is where bullying is subtle and difficult to monitor.

Direct

Bullying behaviour can be both physical and psychological sometimes both concurrently. Examples of direct bullying behaviours include:

- Verbal abuse—aggression, yelling, screaming, threatening or using offensive language
- Physical abuse
- Exhibiting anger in a non-verbal manner (pounding a desk)
- Intrusion—tampering with personal belongings, lurking around a work desk, stalking, spying or relentless pestering
- Coercion—forcing or persuading someone to do or say things against their better judgement
- Punishment—using physical discipline
- Embarrassment—humiliating or degrading an employee in the presence of colleagues or visitors
- Offensive or inaccurate communication—using demeaning jokes, untrue rumours or gossip, profanity.
- Vengeful behaviour—retaliation for mistakes or misjudgements.
- Campaigning—orchestrated efforts to remove an employee from their job or the organisation.
- Career thwarting—creating blocks to an employee’s career progression or development opportunities.

- Workplace change—arbitrarily changing work hours or patterns to inconvenience particular employees.

Indirect

- Deceit—lying or concealing information, creating false expectations with no plans to fulfil them
- Intimidation— veiled threats, fear-inducing communication and behaviour
- Ignoring – purposefully ignoring/avoiding someone, deliberately forgetting to invite someone to a meeting, selectively greeting or interacting with others
- Isolation/exclusion—intentional exclusion or social/physical isolation, purposeful exclusion from decision making, conversations and work related events.
- Minimisation—Discounting, minimising or failing to address someone’s legitimate concerns or feelings
- Diversion—avoiding issues and people, acting oblivious, changing the subject, cancelling meetings.
- Shame and guilt—making an employee feel that they are the problem, shaming for no real wrongdoing, making them feel inadequate or unworthy.
- Undermining work—deliberate delaying/blocking an employee’s work, repeated betrayal, promising projects then assigning to others, alternating supportive/undermining behaviour to create confusion.
- Creating team tension—deliberately pitting employees against each other to drive competition, create conflict, establish winners and losers
- Removal of responsibility—diminishing role responsibilities, replacing aspects of current role without cause
- Impossible or changing expectations—regularly changing scope of work to set up employees to fail, make deadlines unachievable.
- Criticism—regular unwarranted criticism of work or behaviour

- Projection of blame—shifting blame to others and making them a scapegoat, not taking responsibility for issues or problems
- Taking credit—failure to acknowledge the contributions or work of others
- Undervaluing – failure to use the skills or experience of the employee in a productive way, unwillingness to delegate, discuss work or career progress, giving menial or unsuitable tasks for the employee’s experience level.

3 What is not bullying

Not all behaviour that makes an employee upset or undervalued is workplace bullying.

Reasonable management action taken in a reasonable manner is not workplace bullying. The Fair Work Commission has numerous examples of what constitutes reasonable management action and they include performance appraisals, managing underperformance, counselling or disciplinary action for misconduct, modifying duties by transfer or redeployment and refusing an employee’s return to work due to a medical condition.

Differences of opinion and disagreements are also generally not workplace bullying. However, in some cases, conflict that is not managed effectively can escalate into workplace bullying.

It is legitimate, and in fact, a requirement that managers assess and discuss performance and workplace behaviour with their employees. This includes both positive and negative feedback. These conversations are intended to be constructive and to reinforce the standards of performance and behaviour that are acceptable and achievable. The manner in which these discussions are held should be respectful, unambiguous, frank and sensitive to any other issues in the employee’s current circumstances and be undertaken with a view to improving employee performance. These discussions should never be humiliating or demeaning.

If employees are unclear about what constitutes unacceptable behaviour, then this should be clarified and as necessary, informal or formal training undertaken.

4 How is harassment different from bullying

Harassment: *Workplace harassment entails offensive, belittling or threatening behaviour directed at an individual or group of APS employees. The behaviour is unwelcome, unsolicited, usually unreciprocated and usually, but not always, repeated. Reasonable management action carried out in a reasonable way is not workplace harassment.*

Bullying: *A worker is bullied at work if, while at work, an individual or group of individuals repeatedly behaves unreasonably towards the worker, or group of workers of which the worker is a member, and that behaviour creates a risk to health and safety. To avoid doubt, this does not apply to reasonable management action carried out in a reasonable way.*

(Definitions used in the APS Employee survey)

Harassment can be against the law when a person is treated less favourably on the basis of certain personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Some limited exemptions and exceptions apply.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying racially offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race
- asking intrusive questions about someone's personal life, including his or her sex life.

The law also has specific provisions relating to certain types of harassment.

- **Sexual harassment** is any **unwanted** or **unwelcome** sexual behaviour where a reasonable person would have anticipated the

possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour.

- **Harassment linked to the disability of a person or their associate** is against the law.
- **Offensive behaviour based on racial hatred is against the law.** Racial hatred is defined as something done in public that offends, insults, humiliates or intimidates a person or group of people because of their race, colour or national or ethnic origin.

A one-off incident can constitute harassment. All incidents of harassment require employers or managers to respond quickly and appropriately.

Employers can also be held liable for harassment by their employees. This is called 'vicarious liability'. (*Richardson v Oracle Corporation P/L 2014*)

5 Preventing bullying

Legal Responsibilities

The characterisation of bullying is often considered as harassment or discrimination, but unless it is linked to age, race, sex or disability it may not be unlawful.

All employees are bound by various laws including the *Australian Public Service Act 1999*, ensuring that there is an appropriate standard of conduct maintained in the workplace. This includes:

APS Values

The APS Values, set out in section 10 of the *Public Service Act 1999*, provide for an inclusive environment that is directed at valuing people and their views and helping them to achieve their full potential.

Impartial—The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.

Committed to Service—The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

Accountable—The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.

Respectful—The APS respects all people, including their rights and their heritage.

Ethical— The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

The APS Code of Conduct

All employees are subject to the Code of Conduct, set out in section 13 of the *Public Service Act 1999* and outlined in the Commission's Enterprise Agreement. The Code of Conduct directly prohibits harassment:

The Code of Conduct requires that an employee must:

- *when acting in connection with APS employment, treat everyone with respect and courtesy, and without harassment.*
- *when acting in connection with APS employment, comply with all applicable Australian laws.*

An employee who fails to observe these requirements may be found to have breached the Code of Conduct and consequently be subject to a sanction under section 15 of the *Public Service Act 1999*. Breaches to the Code of Conduct procedures are available on the Commission's Human Resources Intranet site.

Under the *Work Health and Safety Act 2011* (Cth), employers must also take all reasonably practicable steps to protect the health and safety of employees at work. Any health and safety risk, including the risk of bullying must be eliminated or reduced.

Public Interest Disclosures

The Public Interest Disclosure Act 2013 applies when people report a suspected breach of the Code of Conduct to an authorised person. The Act offers protections to those making such disclosures and requires agencies to take action in relation to the alleged breach. Allegations of such breaches may include reports made by employees who believe that

bullying is occurring, even where there is no formal complaint from the person(s) being bullied.

Commission-wide responsibility

Accountability for people management, including the prevention of bullying, lies with senior management and supervisors. They share the legal and managerial responsibilities for detecting and dealing with behaviour which is inappropriate and/or has the potential to cause harm.

Anyone who witnesses behaviour that could be construed as bullying, whether intended or unintended, should feel confident that raising the matter will support the affected employee and contribute to a cessation of the behaviour.

Induction and ongoing education

The Commission will ensure that all new employees, whether ongoing, non-ongoing, on secondment or on special placement, receive an induction that includes information about bullying and our zero tolerance approach. Interns will also receive information and guidance about our policy and approach.

Where opportunities and resources exist, the Commission will support ongoing education and/or training for staff to reinforce their understanding of what constitutes bullying and strategies for prevention of bullying.

Vicarious Liability

Individuals who harass, bully or discriminate against others in the workplace are directly responsible for their actions. However, employers are responsible for taking all reasonable steps to prevent such behaviours and failure to do so could render the Commission jointly liable for the behaviour. This is known as vicarious liability.

'All reasonable steps' depend on many factors and can be determined on a case by case basis. Examples of reasonable steps could include:

- having clear, unambiguous policies that are shared and followed

- monitoring organisational culture both formally and informally
- ensuring effective supervision and management of staff and work activities
- access to information, processes and senior staff where bullying has or is suspected of occurring.

Responsibilities of managers and supervisors

In particular, managers and supervisors have a responsibility to:

- adhere to, support and promote the APS Code of Conduct and APS Values
- support the Commission's policy on workplace bullying and ensure that their own conduct is above reproach
- ensure that staff in their work teams are familiar with the Commission's policy and are aware of the appropriate and acceptable standards of behaviour at work
- take early corrective action to deal with behaviour which may be considered bullying
- stop behaviour in the work area which may develop into bullying
- deal promptly with any incidents of bullying, if possible before a complaint is made
- where a complaint has been made, take action to ensure that the complaint is properly resolved and that there is no repetition of the behaviour or victimisation of the complainant
- maintain confidentiality about any complaint.

Depending on the circumstances, the actions that managers and supervisors could take when they become aware of any bullying behaviour at work may include:

- talking with the staff member about appropriate behaviour for work
- explaining why another staff member may be interpreting behaviour as bullying
- drawing attention to the Commission's policy on workplace bullying and the relevant legislation

- referring a staff member to a Harassment Contact Officer or the Commission's Employee Assistance Program (Converge International)
- referring the matter to the Manager Human Resources or Chief Executive for consideration as to what action should be taken if the matter is not resolved.

As in any situation where an employee is causing concern, either for work performance or personal conduct, and informal discussions with the supervisor have not rectified the problem, the employee's manager can give the person a written direction about the standards expected and the possible consequences if those standards are not reached. Where an agency gives such written direction and this direction is not complied with, the issue could be dealt with under the Commission's misconduct procedures.

Situations may arise where the supervisor is the alleged bully. Where this is the case the supervisor's manager, the Manager Human Resources or the Chief Executive should assume the responsibility to deal with the situation.

Managers or supervisors who fail to take appropriate corrective action when made aware of a bullying complaint, may themselves face disciplinary action.

6 Resolving cases of bullying

Options for complainants

The Commission will treat bullying complaints seriously and deal with them in a sensitive, fair, timely and confidential manner. A number of mechanisms are in place to support staff who feel they are being harassed and options available to staff include:

- seeking advice from a manager or supervisor, a Harassment Contact Officer, the Manager Human Resources, or workplace (union) representative to assist in resolving the matter:
- seeking support and assistance from the Commission's Employee Assistance Provider, Converge International—a confidential free service available to all employees (Tel: 1300 687 327)
- approaching the alleged bully directly (but only if the individual feels confident to do so)

- lodging an informal complaint with their manager
- lodging a formal complaint with their manager or other appropriate senior executive
- lodging a complaint with the Fair Work Commission
- lodging a PID to an authorised officer
- lodging a complaint with the Commission under its own legislation.

Staff are encouraged to seek an internal resolution as a first resort. Further information on each of the options is available from the Director Human Resources. If an employee feels safe to do so, telling the person responsible for the behaviour to stop can be the first step in alerting them to the impact of the behaviour which may not have occurred to them.

The Commission will follow its 'Breaches of the Code of Conduct Procedures' in relation to any formal complaints of bullying and follow the 'Good Practice Guidelines for Internal Complaint Processes'.

At any time, the affected staff member may choose to discontinue a complaint.

Outcomes

Depending on the severity of the matter, responses may include an apology, counselling, internal movement, dismissal, demotion or other forms of disciplinary action.

Potential Sanctions for employees

Where, as the result of a Breach of the Code of Conduct investigation, an employee is found to have engaged in bullying behaviour, there are a range of sanctions available to the decision maker in response. These may include the employee being required to issue an apology, undergo disciplinary counselling, attend specific corrective training, relocation within the agency, reduction in classification, payment of a fine or in the most serious of circumstances potentially termination of employment.

7 Other issues

Confidentiality

All approaches to a Harassment Contact Officer will be treated in confidence. It is important that investigations of allegations of bullying maintain confidentiality with information provided only on a 'need to know' basis.

Impact

Bullying behaviour can affect an employee physically, emotionally and psychologically. An employee may experience a significant amount of distress as a result of their experience which can lead to frustration, anger, anxiety, insomnia, poor concentration, performance and productivity issues and other physical and emotional symptoms. These responses are not limited to the workplace environment, they can impact on every other aspect of an employee's life.

Not everyone recognises bullying behaviour, particularly when it is subtle and carried out over an extended period of time.

Sometimes, colleagues notice the signs first and can be well placed to bring it to the attention of the individual experiencing the behaviour and/or the manager responsible for that employee.

Keeping of records relating to complaints of bullying

It is good management practice that records are kept of any formal complaints of bullying and of any follow-up counselling or other action. Because of the sensitivity of this material, special care is taken to protect the confidentiality of such records. Records will be kept in accordance with the Commission's policy on record keeping and with Privacy legislation.

Further information

Additional information regarding the elimination and prevention of workplace bullying is available from the Manager Human Resources.

Relevant references and links include:

- Public Service Act 1999 www.apsc.gov.au
- Public Service Regulations 1999
- Public Service Directions 1999

Australian Human Rights Commission
Workplace Bullying Policy

- APS Code of Conduct and APS Values (also available on the Human Resources Intranet site and in the Enterprise Agreement)
- APS Values and Code of Conduct in Practice
- <http://www.apsc.gov.au/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/aps-values-and-code-of-conduct-in-practice>
- Enterprise Agreement 2016-19 (available on the Human Resources Intranet site)
- Breaches to the Code of Conduct (available on the Human Resources Intranet site)
- Workplace Diversity Plan (available on the Human Resources Intranet site)
- The proper use of the Commission’s ICT Facilities 2012 (available on the ICT Intranet site)
- Race Discrimination Act 1975 (Part II, Section 15)
- Disability Discrimination Act 1992 (Part 2, Division 1, Section 15)
- Age Discrimination Act 2004 (Part 4, Division 2, Section 18)
- Sex Discrimination Act 1984 (bullying is only covered if it occurs on the ground of a protected attribute)
- Australian Human Rights Commission Act 1986 (bullying is only covered if it occurs on the ground of a protected attribute)
- Work Health and Safety (Commonwealth Employment) Act 2011
- Public Interest Disclosure Act 2013
- Fact Sheet – *Ten steps you can take to create a fair and productive workplace*, Australian Human Rights Commission
- “Sexual Harassment A Code of Practice”, HREOC
- Ending Workplace Sexual Harassment: A resource for small, medium and large employers, AHRC
- “Maintaining an harassment –free workplace”, APS Commission Publication, www.apsc.gov.au/publications01/harassment.htm

Other Contacts

Australian Human Rights Commission
Workplace Bullying Policy

Employee Assistance Program – Converge International – Tel: 1300 687
327



ATTACHMENT A

Harassment Contact Officers

Harassment Contact Officers

s 47F	s 47F	s 47F	s 47F
s 47F	s 47F	s 47F	s 47F



Australian
Human Rights
Commission

everyone, everywhere, everyday

Maintaining a workplace that is free from harassment

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Harassment prevention policy

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1 Statement by the President

The Commission is an organisation which values fairness, equity and diversity. The Commission seeks to promote a work environment which supports both productivity and the self-esteem of staff members. To meet these objectives, management has a responsibility to provide a suitable working environment and to ensure that proper standards of conduct are maintained at all times in the workplace. The Commission supports a workplace that upholds the APS values and is one in which all employees are treated with courtesy and respect and without harassment.

As the body with a statutory responsibility to ensure the observance of human rights in Australia it is important that respect and acceptance of diversity is an integral part of our own workplace. These guidelines are based on diversity principles requiring that the worth of the individual be respected and that diversity, tolerance and flexibility be valued. The Commission has staff with different cultural backgrounds and social outlooks and we recognise that diversity in our staff is one of our greatest assets and assists us to meet our organisational objectives.

Harassment in the Commission will not be tolerated, it is a form of employment discrimination and is unlawful. Ignoring workplace harassment can have serious consequences. Our managers and supervisors are responsible for providing leadership and example and for maintaining a non-discriminatory and harassment free workplace. They should ensure that all staff are aware of their rights and responsibilities regarding workplace harassment under this policy and are responsible for taking action if they become aware of harassment. Every staff member has a responsibility to treat colleagues and members of the public with courtesy and sensitivity, and to behave at all times in a manner that maintains or enhances the reputation of the Commission and the Australian Public Service (APS).

The Commission has appointed Harassment Contact Officers (HCO's) to provide information and support to staff and managers. Employees may choose to approach any of the HCO's even if they do not wish to make a formal complaint. There are procedures in place should staff choose to lodge a formal complaint in any matter of harassment.

Australian Human Rights Commission
Maintaining a workplace that is free from harassment

The Commission is committed to providing a workplace free from harassment and one in which staff are supported and treated with courtesy and respect.

President

2 What is workplace harassment?

2.1 Workplace harassment

Workplace harassment is offensive, abusive, belittling or threatening behaviour directed at an individual or a group, which may result from some real or perceived attribute or difference. Such attributes or differences may include gender, race, disability, sexual preference or age. The behaviour is unwelcome and unsolicited. It makes the workplace unpleasant and is humiliating or intimidating for the person or group targeted by this behaviour. Harassment may also occur in any work-related context not only in working hours and at the workplace. This may include conferences, office Christmas parties, business trips, social networking sites and also include interactions with clients.

Any form of harassment or victimisation is unlawful, is inconsistent with the APS Values and Code of Conduct and diversity principles and is likely to undermine work relationships and efficiency.

For harassment to occur there does not need to be an intention to offend or harass. Moreover, often harassing behaviour may be of a minor nature. Individual incidents may seem too trivial to warrant attention, or the person subjected to harassment may seem unaffected. However, a series of individual incidents or a single serious incident can undermine the standard of conduct within a work area, which may erode the well-being of the individual or group targeted and lower overall staff performance.

The absence of complaints is not necessarily an indication that no harassment is occurring. The person subjected to harassing behaviour does not always complain. This is not necessarily because the harassment is trivial, but because the person may lack the confidence to speak up on their own behalf or feel too intimidated or embarrassed to complain.

Workplace harassment should not be confused with legitimate comment and advice (including relevant negative comment or feedback) from managers and supervisors on the work performance or work related behaviour of an individual or group. The process of providing feedback to staff during a formal performance appraisal or counselling staff regarding their work performance will not always be free of stress. Feedback or counselling should always be carried out in a constructive way that is not humiliating or threatening. Managers should manage these processes

with sensitivity, but they should not avoid their responsibility to provide full and frank feedback to staff. The booklet "*Counselling for better work performance*" issued by the APS Commission and Comcare, advises managers about how to give effective feedback and counselling.

Neither should 'uncivil' behaviour be considered bullying or harassment. Whilst 'uncivil' behaviour clearly should be avoided, being discourteous, rude or impolite does not carry the same weight as bullying or harassing behaviour.

Examples of harassing behaviour include:

- offensive physical contact, derogatory language or intimidating actions;
- insulting or threatening gestures or language (overt or implied) or continual and unwarranted shouting in the workplace;
- unjustified and unnecessary comments about a person's work or capacity for work;
- openly displayed pictures, posters, graffiti or written materials which might be offensive to some;
- phone calls or messages on electronic mail, computer or social media networks which are threatening, abusive or offensive to employees;
- persistent following or stalking within the workplace, or to and from work or elsewhere; and
- disparaging remarks about malingering to employees who have made a claim for compensation.

2.2 Sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where a reasonable person would have anticipated that reaction. Sexual harassment in employment is unlawful under the *Sex Discrimination Act 1984 (Cth)*. It is also unlawful for a person to be victimised for making, or proposing to make, a complaint of sexual harassment to the Commission.

Sexual harassment can take various forms. It can involve:

- unwelcome touching, hugging or kissing;
- staring or leering;
- suggestive comments or jokes;

- sexually explicit pictures, screen savers or posters;
- unwanted invitations to go out on dates or requests for sex;
- intrusive questions about an employee's private life or body;
- unnecessary familiarity;
- insults or taunts based on your sex;
- sexually explicit emails or SMS messages;
- suggestive or sexually explicit comments or references on social media networks;
- accessing sexually explicit internet sites; and
- behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment is not sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated.

Sexual harassment is legally recognised as a form of sex discrimination. Sexual harassment and sex discrimination are both unlawful under the *Sex Discrimination Act*. The legal test for sexual harassment in the federal *Sex Discrimination Act* is that the behaviour must be unwelcome, be of a sexual nature and be such that a reasonable person would anticipate in the circumstances that the person who was harassed would be offended, humiliated and/or intimidated. The unwelcome behaviour need not be repeated or continuous. A single incident can amount to sexual harassment. A complaint of sexual harassment will not necessarily be dismissed because the person subjected to the behaviour did not directly inform the harasser that it was unwelcome. However, there does need to be some indication from the person's conduct or the surrounding circumstances that the behaviour was in fact unwelcome.

2.3 Racial harassment

Racial harassment is unwanted behaviour towards a person based upon that person's race or related aspects including ethnic origin, language background, culture and religion. While the *Racial Discrimination Act 1975 (RDA)* does not use the term 'racial harassment' the Act defines as unlawful any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin of a person which has the purpose or effect of nullifying or impairing the

recognition enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life. The RDA makes racial hatred unlawful. Clearly some types of workplace harassment could be seen as unlawful behaviour under the Act.

Examples of racial harassment at work may include:

- threatening language and behaviour;
- taunting or ostracising;
- mocking of accents, cultures and customs;
- practical jokes;
- the display of racist cartoons, posters and graffiti;
- racist emails or SMS text messages; and
- derogatory comments about race, accents, culture, religion and customs made in person, by electronic mail, SMS messaging or through social media networks.

2.4 Harassment on disability grounds

The *Disability Discrimination Act 1992 (DDA)* outlaws any discrimination or harassment in employment due to disability.

Examples of harassment on disability grounds may include:

- humiliating comments/emails or actions about a person's disability;
- comments/emails or actions which create a hostile environment;
- overbearing or abusive behaviour towards staff with intellectual disabilities;
- electronic mail, SMS messages or references made through social media networks that are insulting of a person's disability; and
- disparaging remarks/emails to staff referring to compensation claims they have made relating to their disability.

2.5 Pregnancy and harassment

The Sex Discrimination Act 1984 (Cth) offers protections for employees who have experienced discrimination as a result of their pregnancy or potential pregnancy.

Pregnancy-related harassment may include:

- personal comments about body shape
- unwanted and inappropriate touching of their body
- sexualised comments
- references to abortion
- unwanted comments about when the worker is leaving and whether she should come back.

Some employees may also experience a lack of employment security in relation to their pregnancy.

2.6 Sexual orientation, gender identity, intersex status and harassment

The Sex Discrimination Act (SDA) was amended in 2013 to make it unlawful to discriminate against someone on the basis of their sexual orientation, gender identity or intersex status. While the SDA does not use the term 'harassment' with reference to sexual orientation, gender identity and intersex status, some types of workplace harassment may constitute unlawful discrimination.

Harassment on the basis of sexual orientation, gender identity and intersex status can be directed towards sexuality, sex and gender diverse people, as well as towards their partner and family members. Examples may include:

- comments about using the "right" bathroom or shower facilities
- comments about clothing and physical appearance
- use of derogatory terms, slurs and name-calling
- refusal to use someone's chosen name and pronoun
- inappropriate questions or discussion of someone's body
- demeaning jokes, comments, cartoons or emails
- unwanted disclosure of personal details on record
- dress code requirements that insist on gender conformity

2.7 Other forms of workplace harassment

Workplace harassment may also constitute discrimination under the *Australian Human Rights Act 1986* which defines discrimination to mean any distinction, exclusion or preference that has the effect of nullifying or impairing equality of opportunity or treatment in employment made on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, impairment, marital status, mental, intellectual or psychiatric disability, nationality, physical disability, sexual preference, or trade union activity.

The *Age Discrimination Act (ADA) 2004* makes it against the law to treat you less favourably because of your age. The ADA protects both younger and older Australians. Although there are no specific provisions relating to age harassment, like the RDA the general discrimination provision may capture such behaviour if based on age.

Workplace bullying is also harassment and is “repeated, unreasonable behaviour directed toward an employee, or group of employees that creates a risk to health and safety.” In other words, bullying is a repeated behaviour that intimidates, offends, degrades or humiliates a worker, possibly in front of co-workers or clients. There are bound to be differences of opinion, conflicts and problems in working relations but bullying occurs when the behaviour is repeated and offends or harms an employee. The following types of behaviour, where repeated or occurring as part of a pattern of deliberate behaviour, could be considered bullying:

- verbal abuse;
- intimidation; and
- teasing or regularly being subject to practical jokes.

2.8 Harassment by contractors or clients

Harassment may also occur where an employee is harassed by a contractor or client. Harassing behaviour from contractors or clients will not be tolerated. In situations such as these the employee should immediately notify their manager. The matter should be referred to the Director Human Resources for any follow up action with the contractor or client. Where the person is from an employment agency, the agency will be notified.

3 Preventing harassment

Workplace harassment runs counter to the APS Values and Code of Conduct, as well as Commonwealth anti-discrimination laws which are administered by the Commission. Harassment is unacceptable in the workplace. Both managers and employees have a responsibility to ensure an appropriate and acceptable standard of behaviour in the workplace.

3.1 *Legal Responsibilities*

Management has a legal responsibility to prevent harassment. All employees are bound by various legislation that prohibits harassment of fellow employees and ensures that there is an appropriate standard of conduct maintained in the workplace. This includes:

APS Values

The APS Values set out in section 10 of the *Public Service Act 1999* provide for an inclusive environment that is directed at valuing people and their views and helping them to achieve their full potential.

Impartial - The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.

Committed to Service – The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

Accountable – The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.

Respectful - The APS respects all people, including their rights and their heritage.

Ethical – The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

The APS Code of Conduct

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All employees are subject to the Code of Conduct, set out in section 13 of the *Public Service Act 1999* and outlined in the Commission's Enterprise Agreement. The Code of Conduct directly prohibits harassment:

The Code of Conduct requires that an employee must:

- *when acting in connection with APS employment, treat everyone with respect and courtesy, and without harassment.*
- *when acting in connection with APS employment, comply with all applicable Australian laws.*

An employee who fails to observe these requirements may be found to have breached the Code of Conduct and consequently be subject to a sanction under section 15 of the *Public Service Act 1999*. Breaches to the Code of Conduct procedures are available on the Commission's Human Resources Intranet site.

Commonwealth anti-discrimination legislation

In addition to being a breach of the Code of Conduct, workplace harassment on the basis of race, sex or disability may also breach both the anti-harassment and the anti-discrimination provisions of Commonwealth anti-discrimination legislation.

This includes sexual harassment and discrimination under the *Sex Discrimination Act 1984*, disability harassment and discrimination under the *Disability Discrimination Act 1992*, and racial discrimination under the *Racial Discrimination Act 1975*. While the *Racial Discrimination Act* does not use the term 'racial harassment', some types of workplace harassment could be unlawful discrimination under this Act.

In addition to an employee's personal liability for harassing behaviour under the anti-discrimination legislation, agencies are vicariously liable for the acts or omissions of their employees, unless they can demonstrate they have taken all reasonable steps to prevent the acts from occurring. An agency may therefore be liable for damages awarded in compensation for the harassment by one of its employees even though the employer is not directly involved in the harassing behaviour. The employer can seek to recover damages from the harasser.

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Workplace harassment may also constitute discrimination under the *Australian Human Rights Commission Act 1986* if it is based on particular grounds including sexual preference, religion and trade union activities.

Other Commonwealth legislation

The Fair Work Act 2009 aims to help prevent and eliminate discrimination in the making of awards and agreements and in the termination of employment. New provisions introduced in December 2013 provide access to the Fair Work Commission to resolve complaints of bullying. Aspects of this Act may be relevant to a workplace harassment allegation.

Under the ***Work Health and Safety (Cth) Act 2011***, employers must also take all reasonably practicable steps to protect the health and safety of employees at work.

Criminal law

There may be instances where harassment amounts to a criminal offence. Sexual harassment involving physical or indecent assault, stalking, sending offensive emails, sending obscene material through the mail and making nuisance phone calls, for example, may be criminal offences. The police should be contacted for advice and assistance on what matters should be reported and appropriate action in these circumstances.

Public Interest Disclosures

The Public Interest Disclosure Act 2013 applies when people report a suspected breach of the Code of Conduct to an authorised person. The Act offers protections to those making such disclosures and requires agencies to take action in relation to the alleged breach. Allegations of such breaches may include reports made by employees who believe that harassment is occurring, even where there is no formal complaint from the person(s) being harassed.

3.2 Commission wide responsibility

Accountability for people management, including the prevention of harassment, lies with senior management and supervisors. They share the legal and managerial responsibilities for detecting and dealing with

behaviour which constitutes harassment or has the potential to develop into harassment.

Although the Commission does not have the right to intrude into personal relationships freely entered into by staff, it does have a responsibility to ensure that proper standards of conduct are maintained at all times in the workplace. The Commission has a proper concern where the behaviour of staff towards others:

- adversely affects a staff member's prospects for employment or promotion or other work related benefits;
- adversely affects the work performance of an individual or group;
- undermines morale or causes distress through, for example, the display of the offensive material;
- creates an intimidating, hostile, offensive or distressing work environment;
- leads to physical or emotional stress, which may force a staff member to take leave to cope with the behaviour or to seek transfer or resignation; and
- reflects adversely on the integrity and standing of the Commission as seen by members of the public or by staff.

3.3 Induction and ongoing education

The Commission will ensure that all new staff whether on ongoing, non-ongoing, on secondment or special placement receive an induction that includes information about harassment and bullying and our zero tolerance approach. Interns will also receive information and guidance about our policy and approach.

Where opportunities and resources exist, the Commission will support ongoing education and/or training for staff to reinforce their understanding of what constitutes harassment and strategies for prevention of harassment.

3.4 Responsibilities of managers and supervisors

When workplace harassment does occur, it has a serious and sustained impact on both the complainant and the organisation. It is important that all managers and supervisors are familiar with, and actively promote and support, the Commission's policy and strategies for dealing with harassment. Managers and supervisors should advocate and explain the standards of behaviour expected of employees and be mindful of the need to model these standards in their own behaviour. Managers should also provide support for their staff when they seek advice about dealing with workplace harassment, including providing information about review and complaint mechanisms.

Managers and supervisors must take action when they become aware of harassment (even without a complaint necessarily being lodged). Failure by managers and supervisors when they become aware of harassment to act, investigate complaints or take prompt and effective remedial action to deal with such complaints may be perceived as condoning or tolerating such behaviour. Where no such action is taken, the agency may be vicariously liable.

Managers and supervisors are usually best placed to become aware of and deal with harassment as part of their role in maintaining a productive environment and promoting proper standards of conduct in their work teams.

In particular managers and supervisors have a responsibility to:

- adhere to, support and promote the APS Code of Conduct and APS Values;
- support the Commission's policy on workplace harassment and ensure that their own conduct is above reproach;
- ensure that staff in their work teams are familiar with the Commission's policy on workplace harassment and are aware of the appropriate and acceptable standards of behaviour at work;
- take early corrective action to deal with behaviour which may be offensive or intimidating;
- stop behaviour in the work area which may develop into harassment;

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- deal promptly with any incidents of harassment, if possible before a complaint is made;
- where a complaint has been made, take action to ensure that the complaint is properly resolved and that there is no repetition of offensive behaviour or victimisation of the complainant;
- maintain confidentiality about any complaint.

Depending on the circumstances, the actions that managers and supervisors could take when they become aware of any harassing or intimidating behaviour at work may include:

- talking with the staff member about appropriate behaviour for work;
- explaining why another staff member may be interpreting behaviour as harassment;
- drawing attention to the Commission's policy on workplace harassment and the relevant legislation;
- referring a staff member to a Harassment Contact Officer or the Commission's Employee Assistance Program (PPC Worldwide);
- referring the matter to the Director Human Resources or Executive Director for consideration as to what action should be taken if the matter is not resolved.

As in any situation where an employee is causing concern either for work performance or personal conduct, and informal discussions with the supervisor have not rectified the problem, the employee's manager can give the person a written direction about the standards expected and the possible consequences if those standards are not reached. Where an agency gives such written direction and this direction is not complied with, the issue could be dealt with under the Commission's misconduct procedures.

Situations may arise where the supervisor is the alleged harasser. Where this is the case the supervisor's manager or Director Human Resources should assume the responsibility to deal with the situation.

3.5 Role of Harassment Contact Officers (HCOs)

The primary role of a HCO is to provide support and information to people who believe they are being harassed. The HCO is able to explain the various options for dealing with harassment and, if necessary, to

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accompany a complainant to any meetings to resolve the problem. It is not necessary for a staff member to make a formal complaint against a named person in order to approach the HCO.

HCOs have a role in providing information to managers, supervisors and employees on:

- processes available to resolve complaints, including through external bodies such as the Merit Protection Commissioner and the Australian Human Rights Commission; and
- types of behaviour which are inappropriate at work, in line with the APS Code of Conduct.

It is not the role of HCOs to resolve harassment complaints. Their role is to provide information and support to anyone who may be involved in a harassment case. In most circumstances it would be inappropriate for a contact officer to advise both the alleged harasser and the complainant in the same case.

It is the responsibility of management to address complaints involving harassment or workplace conduct that may amount to harassment.

In general, information provided to HCOs should not be passed on without the person's consent. There may be occasions, however, where HCOs have a responsibility to advise management when they become aware of harassment occurring, if the agency is to avoid vicarious liability. Situations may arise where the safety and well-being of other employees is at risk, e.g. where staff have been physically threatened or assaulted or where a number of people have complained about one person. An HCO could be considered negligent if such incidents are not referred appropriately. An absolute guarantee of confidentiality cannot be made by HCOs when dealing with harassment in these situations. The behaviour in question may be part of a broader pattern. Whenever it becomes apparent that a person is discussing a matter that may require being referred, the HCO should raise with the person the issue of confidentiality and the possibility of being obliged to pass on the information. Taking into account the relevant Information Privacy Principles, the HCO should advise how information is passed on in such circumstances, who may have access to it, and the extent to which the staff member will be identified.

Management has appointed HCO's who have been trained in the role and are able to provide information and support to staff and managers.

Employees may choose to approach any of the HCO's even if they do not wish to make a formal complaint. A list of current HCO's are identified on the Commission's telephone lists and at Attachment A along with an outline of the role and responsibilities of HCOs.

There may be instances where an HCO will not be able to assist for personal or other reasons. In these circumstances a complainant or manager will be referred to another HCO. An HCO is not required to give reasons for being unable to assist.

Staff may also discuss any harassment issues with the Human Resources Manager.

3.6 Responsibilities of employees

Staff who become aware of a situation that they consider to be harassment by fellow staff members may bring it to the attention of management. However, an accusation of harassment is a serious matter that should not be made lightly. It should be noted that it is not necessary to label someone an harasser in order to bring an issue to management's attention. Any situations of perceived harassment should only be discussed with a person who has a legitimate role in their resolution, such as a manager, Director Human Resources, supervisor or Harassment Contact Officer.

All staff have responsibilities for preventing harassment in the workplace and ensuring that their own behaviour meets acceptable standards under the APS Code of Conduct.

Staff also have a duty under the *Work Health and Safety (Commonwealth Employment) Act 2011* not to create or increase a risk to their own or other people's health and to co-operate with their employer to the extent necessary to enable the employer's duty to be met. Harassing fellow staff or failing to follow the Commission's policies and procedures in relation to the prevention of harassment could involve employees in a breach of the legislation.

3.7 Role of workplace representatives

Staff may approach a workplace (union) delegate regarding workplace harassment as they can about any matter affecting their employment. It is not their role to investigate or resolve cases of harassment, however they can support their members in resolving a complaint.

4 Resolving cases of harassment

4.1 Options for complainants

The Commission will treat harassment complaints seriously and deal with them in a sensitive, fair, timely and confidential manner. A number of mechanisms are in place to support staff who feel they are being harassed and options available to staff include:

- seeking advice from a manager or supervisor, a Harassment Contact Officer, the Manager Human Resources, or workplace (union) representative to assist in resolving the matter;
- seeking support and assistance from the Commission's Employee Assistance Provider, Converge INternational. This is a confidential free service available to all employees (Tel: 1300 687 327)
- approaching the alleged harasser directly (but only if the individual feels confident to do so);
- lodging an informal complaint with their manager;
- lodging a formal grievance (review of action) under the Commission's Enterprise Agreement;
- lodging a complaint with the Fair Work Commission;
- lodging a PID to an authorised officer; and
- lodging a complaint with the Commission under its own legislation.

Staff are encouraged to seek an internal resolution as a first resort and further information on each of the options is available from the Manager Human Resources .

4.2 Outcomes

Depending on the severity of the matter, responses may include an apology, counselling, transfer, dismissal, demotion or other forms of disciplinary action. Action will also be taken against anyone who victimises a person who has complained of harassment.

5 Other issues

5.1 Confidentiality

All approaches to a Harassment Contact Officer will be treated in confidence. It is important that investigations of allegations of workplace harassment maintain confidentiality with information provided only on a 'need to know' basis.

5.2 Defamation

Allegations of harassment are serious issues which may reflect adversely on the reputation of the alleged harasser. The possibility of being sued for defamation arises when:

- a complainant speaks to anyone other than the alleged harasser or those with a genuine interest in knowing, and
- that communication is made other than in good faith.

A person with a "genuine interest in knowing" is a person who is involved in investigating or resolving a complaint, either informally or formally. This includes Harassment Contact Officers, the complainant's and/or alleged harasser's manager, the Manager Human Resources (or other HR staff member consulted for advice), workplace delegates, and any person directed to investigate a complaint.

"Good faith" for this purpose means that the complainant is not motivated by ill-will or malice towards the person against who the complaint is made.

5.3 Keeping of records relating to complaints of harassment

It is good management practice that records are kept of any formal complaints of harassment and of any follow-up counselling or other action. Because of the sensitivity of this material, special care should be taken to protect the confidentiality of such records. Records are to be kept in accordance with the Commission's policy on record keeping and with Privacy legislation.

5.4 Further information

Additional information regarding the elimination and prevention of workplace harassment is available from the Manager Human Resources.

Relevant references and links include:

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- Public Service Act 1999 www.apsc.gov.au
- Public Service Regulations 1999
- Public Service Directions 1999
- APS Code of Conduct and APS Values (also available on the Human Resources Intranet site and in the Enterprise Agreement)
- APS Values and Code of Conduct in Practice
- <http://www.apsc.gov.au/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/aps-values-and-code-of-conduct-in-practice>
- Enterprise Agreement 2011-14 (available on the Human Resources Intranet site)
- Breaches to the Code of Conduct (available on the Human Resources Intranet site)
- Workplace Diversity Plan (available on the Human Resources Intranet site)
- 'The proper use of the Commission's ICT Facilities 2012 (available on the ICT Intranet site)
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Work Health and Safety (Commonwealth Employment) Act 2011
- Public Interest Disclosure Act 2013
- "Sexual Harassment A Code of Practice" - HREOC Publication
- "Maintaining an harassment -free workplace" – APS Commission Publication - www.apsc.gov.au/publications01/harassment.htm
- "Counselling for better work performance" - APS Commission and Comcare publication - www.apsc.gov.au/publications00/counselling.htm



ATTACHMENT A

Harassment Contact Officers Role and Responsibilities

The Commission is committed to ensuring a workplace free from discrimination and harassment. Workplace harassment is a form of employment discrimination. It consists of offensive, abusive, belittling or threatening behaviour directed at an individual or a group. The behaviour is unwelcome and unsolicited. It makes the workplace unpleasant and is humiliating or intimidating for the person or group targeted by this behaviour.

As part of the mechanisms in place to resolve any instances of alleged workplace harassment, the Commission has appointed Harassment Contact Officers (HCO's) to provide information and support to staff and managers. Employees may choose to approach any of the HCO's even if they do not wish to make a formal complaint.

The HCO's role is to assist either a complainant or an alleged harasser to understand the Commission's policy and procedures and assist them work through the options available to them.

Harassment Contact Officers may:

1. Provide information on the options available for resolution of the situation.
2. Assist the complainant to clarify what outcome they want.
3. Assist the complainant or alleged harasser through any process as a support person. For example, assisting someone to clarify their thoughts for a letter, accompanying someone to a meeting at their request.

Harassment Contact Officers cannot:

1. Investigate the complaint or attempt to conciliate the parties.
2. Counsel the complainant or alleged harasser.
3. Present the case for the complainant or alleged harasser at meetings or inquiries.

4. Support both parties at the same time.
5. Recommend a particular course of action or pre-empt outcomes.
6. Disclose the information to anyone who does not have a need to know.

Other Options

As well as seeking support from the HCO's, employees who believe they have been discriminated against or harassed may choose to go directly to their supervisor, Human Resources, senior management, workplace (Union) representative or Employee Assistance Program. Employees can also request an external review by the Australian Public Service Commission in some circumstances and further information is available from the Director Human Resources or HCO's.

Harassment Contact Officers

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