

Title: <b>WORKPLACE HARASSMENT – STANDARDS OF APPROPRIATE AND ETHICAL BEHAVIOUR IN THE WORKPLACE</b>	Number: <b>IRM 3.1-2</b>
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## 1. PURPOSE

- To outline the responsibilities of management and employees in contributing to the achievement of a professional and productive work culture, which is characterised by the absence of harassing behaviours; and
- To reinforce appropriate and ethical standards of workplace behaviour described by the Queensland Health's Code of Conduct.

## 2. POLICY

Queensland Health is committed to working with employees to create and maintain a work environment that is free from workplace harassment. The principles underpinning this commitment include:

- Any employee can complain about harassment to their supervisor, manager or union;
- All reasonable attempts will be made to resolve and address complaints quickly and appropriately at the local level;
- Investigations into allegations of harassment will be conducted in a fair, independent and transparent manner;
- Ensuring that employees who make complaints, and witnesses, will be treated fairly and appropriately.

Managers and employees have shared obligations for creating an ethical, professional and productive work culture by carefully considering their own behaviour and potential impact upon others.

## 3. RELEVANT LEGISLATION AND POLICY

Acts of workplace harassment are a serious breach of Principle 1, Respect for People, of the Queensland Health's Code of Conduct.

Workplace Harassment may also constitute "misconduct" as per section 87(1)(b) of the *Public Service Act 1996*

Serious incidents of Workplace Harassment may also constitute "Official Misconduct" pursuant to sections 14-19 of the *Crime and Misconduct Act 2001*

*Workplace Health and Safety Act 1995 ss18-31.*

*Whistleblower Protection Act 1994 ss3, 7, 8, 14, 15, 18, 19, and 29.*

*Industrial Relations Act 1999 ss34-37.*

*Anti-discrimination Act 1991 CH1-9.*

Any breaches of this policy will be treated seriously and any substantiated allegations may result in disciplinary action which can include dismissal.

#### **4. APPLICATION**

This policy applies to all employees of Queensland Health, volunteers, contractors, consultants and others who exercise power or control resources for, or on behalf of Queensland Health.

#### **5. DEFINITION**

A person is subjected to 'workplace harassment' if the person is subjected to repeated behaviour, other than behaviour amounting to sexual harassment, by a person, including the person's employer, a co-worker or a group of co-workers that:

- Is unwelcome and unsolicited;
- The person considers to be offensive, intimidating, humiliating or threatening; and
- A reasonable person would consider to be offensive, humiliating, intimidating or threatening.

**Workplace harassment does not include reasonable management action taken in a reasonable way by the person's employer in connection with the person's employment. Managers and supervisors have a responsibility to direct subordinate staff in the corporate interest.**

Typical harassing behaviour may include, **but is not limited to:**

- unjustified blaming;
- inappropriate labelling;
- sarcasm;
- threats;
- verbal abuse;
- intimidation;
- belittling the opinions of another person;
- bad mouthing i.e. spreading lies and rumours about other;
- abuse of power such as the unfair and unreasonable use of disciplinary procedures;
- making an employee feel isolated or alienated;
- inappropriate comments about personal appearance;
- unwarranted and/or constant criticism of work performance;
- consistent assignment to dirty/boring jobs;
- unreasonable denial of the opportunity to participate in training courses;

- denial of award conditions, eg. denying a person access to various paid leave types such as bereavement leave etc., and making the person take the leave from their annual leave account;
- exclusion, such as not allowing a person to participate in various work activities when that person would be reasonably expected to do so;
- threatening a person with dismissal;
- forcing a person to resign;
- assault, both physical and threatened;
- stalking;
- withholding information to make a person look bad or unable to do their job properly;
- manipulation, such as making frivolous or vexatious complaints against another employee;
- giving an untrue and adverse referee report;
- creating and/or imposing unrealistic deadlines or pressure;
- undermining work performance; and
- “ganging up”.

Behaviours which may also constitute workplace harassment include those described as unlawful by the *Anti Discrimination Act 1991* for discrimination and sexual harassment (refer to IRM 3.15-5 ‘Sexual Harassment’ for more information).

## **6. POSSIBLE CAUSES OF WORKPLACE HARASSMENT**

Workplace harassment may result from:

- poor people management skills and practices;
- pranks such as “initiation” practices;
- poor work organisation, inappropriate allocation of work;
- effects of restructuring and downsizing, insufficient training or resources;
- personality conflicts; and
- the formation of powerful cliques.

## **7. POTENTIAL CONSEQUENCES OF WORKPLACE HARASSMENT**

**To the victim of harassing behaviours:**

- stress, anxiety, sleep disturbances;
- incapacity to work, loss of self esteem and self confidence;
- reduced output and performance;
- loss of financial security;
- feelings of social isolation at work;
- physical symptoms of stress such as headaches, backaches, stomach cramps;
- panic attacks, severe tiredness;
- loss or deterioration of personal relationships; and
- depression.

**To Queensland Health:**

- the breakdown of teams and individual relationships;
- increased absenteeism;

- low morale resulting in loss of productivity;
- increased staff turnover;
- unsafe and hostile work environment;
- increase in insurance premiums through stress claims or accidents directly related to stress and anxiety levels;
- possible discrimination claims and/or civil action taken against the organisation;
- industrial disputation; and
- bad publicity, poor public image, loss of public confidence in Queensland Health as an employer and provider of public health services.

**To the person offending others:**

- disciplinary action, which may result in the issuing of an official warning through to the imposition of a disciplinary penalty that can range from an official reprimand through to dismissal;
- civil proceedings against them;
- criminal action against them; and
- the possibility of being unable to find further employment.

Disciplinary action may also be taken against employees who victimise someone who has made a complaint or against employees who make malicious, frivolous or vexatious complaints.

## **8. RESPONSIBILITIES**

### **All Employees (including managers and supervisors)**

All employees have a responsibility in contributing to the achievement of a professional and productive work culture by:

- complying with standards of appropriate and ethical behaviour described by the Queensland Health Code of Conduct and other related policies;
- refraining from behaviours that may constitute workplace harassment, sexual harassment or violence;
- carefully considering their own behaviour and its potential impact on others; and
- not tolerating unacceptable behaviour by others and seeking to resolve concerns of workplace harassment through either informal or formal processes.

### **Managers/Supervisors**

The responsibility for setting appropriate and ethical standards of behaviour will rest with managers and supervisors. This will be achieved by:

- managers and supervisors continually modelling appropriate and ethical behaviour;
- ensuring all staff are aware of the existence and contents of this and other related policies, through the provision of appropriate information and/or training and that harassment of any type will not be tolerated;
- monitoring the work environment to ensure that harassing behaviour is identified and promptly addressed;

- ensuring that any complaint of harassment is considered seriously, dealt with promptly, thoroughly addressed and that decisive action is taken in relation to substantiated allegations; and
- ensuring that any employee involved in submitting an allegation of harassment pursuant to this policy is not subjected to any act of victimisation or reprisal.

## **9. WORKPLACE STRATEGIES TO ELIMINATE WORKPLACE HARASSMENT**

Queensland Health will continue to take the following action to prevent and control exposure to the risk of workplace harassment:

- provide employees with workplace harassment awareness training;
- provide employees with a code of conduct which describes appropriate workplace behaviour; and
- provide employees with a complaint handling system (see below) and support systems should an issue arise.

## **10. COMPLAINT HANDLING AND SUPPORT SYSTEMS**

Employees experiencing any form of harassment are encouraged to access a number of sources from which to seek advice or pursue resolution of their concerns.

### **Workplace Investigations Unit**

Qld Health has established the Workplace Investigations Unit following a recommendation from the Relationship Interest-based Bargaining group (RIBB). This Unit is an independent Unit located in the Director-General's Office which assists management and employees to resolve bullying and workplace conflict issues. The role of the Unit includes:

- Playing a pro-active role in changing the culture of Queensland Health by eliminating workplace harassment through a variety of means;
- Assisting managers and employees to resolve harassment complaints at a local level wherever possible;
- Providing mediation and alternative dispute resolution to quickly resolve workplace conflict; and
- Managing formal grievances about harassment that cannot be resolved locally, including overseeing independent investigations into allegations of harassment and ensuring natural justice is provided to all parties.

### **Workplace Equity and Harassment Officers**

Queensland Health has established a network of Workplace Equity and Harassment Officers (WEHOs), specifically to provide impartial and confidential advice and support to:

- any employee who has experienced, or is experiencing, any form of harassment in the workplace;
- any employee accused of harassment; and
- managers and supervisors in relation to resolution options and training.

The WEHO Network is a voluntary service and derives its membership from a broad cross section of employees across Queensland Health.

A Workplace Equity and Harassment Officer **does not**:

- make decisions for a person wishing to make a complaint;
- act as an advocate on behalf of a person making or defending a complaint of harassment;
- conduct an investigation into a complaint;
- confront the person who has been reported;
- counsel distressed or anxious staff; or
- monitor the work environment for instances of behaviour that do not meet the prescribed standards.

### **Additional Support**

Further advice may also be sought from the relevant Union representative or an employee may wish to seek legal advice.

### **Grievance Procedure**

The grievance procedure is a formal mechanism available to employees who wish to lodge a complaint of harassment, which places a responsibility upon managers and supervisors to assist in facilitating a resolution to that complaint within a given timeframe.

The objectives of the grievance procedure are to:

- promote prompt resolution of grievances by consultation, co-operation and discussion;
- reduce the level of workplace disputation; and
- promote efficiency, effectiveness and equity in the workplace.

Refer to IRM 3.5 'Grievance Resolution and EB5 Grievance Settling; and Industrial Disputes' for more information about lodging grievances regarding bullying and harassment.

### **Employee Assistance Scheme**

Queensland Health will pay for short-term counselling for employees if required. To access this confidential service, employees should contact their Human Resource Service Provider.

### **Crime and Misconduct Commission**

Where it is believed that the nature of an allegation of harassment may constitute official misconduct, District Managers and Branch Directors are required to report such allegations to the Audit and Operational Review Branch for assessment and referral to the Crime and Misconduct Commission in accordance with the legislative obligations of Queensland Health described under Section 38 of the *Crime and Misconduct Act 2001*.

**11. MORE INFORMATION**

Employees seeking further information in relation to issues of workplace harassment should contact their District Human Resource Services, relevant union, the Human Resources Branch or the Workplace Investigations Unit on [WIU@health.qld.gov.au](mailto:WIU@health.qld.gov.au)

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