

Workplace Harassment

Human Resources Policy

Effective Date: April 2010

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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 Queensland Health's Code of Conduct.

2 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.

3 GUIDELINES

Guidelines may be developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

4 DELEGATION

The 'delegate' is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

5 REFERENCES

- Queensland Public Health Sector Certified Agreement (No. 7) 2008 (EB7)
- Health Practitioners (Queensland Health) Certified Agreement (No. 1) 2007
- *Anti-Discrimination Act 1991*
- *Crime and Misconduct Act 2001*
- *Industrial Relations Act 1999*
- *Public Service Act 2008*
- *Workplace Health and Safety Act 1995*
- *Whistleblower Protection Act 1994*
- Queensland Health Code of Conduct HR Policy E1
- Anti-Discrimination HR Policy E2
- Sexual Harassment HR Policy E5
- Workplace Equity and Harassment Officers HR Policy E8
- Grievance Resolution HR Policy E12

6 SUPERSEDES

- IRM 3.1-2 Workplace Harassment – Standards of Appropriate and Ethical Behaviour in the Workplace

7 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 are to be made to resolve and address complaints quickly and appropriately at the local level
- investigations into allegations of harassment are to be conducted in a fair, independent and transparent manner
- ensuring employees and witnesses who make complaints are 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.

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

7.1 Workplace harassment

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
- 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 others
- 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, e.g. 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
- '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 Sexual Harassment HR Policy E5).

Acts of workplace harassment are a serious breach of principle 1 of the Queensland Health Code of Conduct - Respect for people.

Workplace harassment may also constitute misconduct as per section 187(1) (b) of the *Public Service Act 2008*.

Serious incidents of workplace harassment may also constitute 'official misconduct' pursuant to sections 14-19 of the *Crime and Misconduct Act 2001*.

Workplace Harassment may also be a breach of the following:

- sections 18-31 of the *Workplace Health and Safety Act 1995*
- sections 3, 7, 8, 14, 15, 18, 19, and 29 of the *Whistleblower Protection Act 1994*
- sections 34-37 of the *Industrial Relations Act 1999*
- chapters 1-9 of the *Anti-Discrimination Act 1991*.

7.2 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
- the formation of powerful cliques.

7.3 Potential consequences of workplace harassment

Workplace harassment can have a significant negative impact on individual employees, work teams and Queensland Health, as outlined in the following sections.

Consequences to victims 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
- depression.

Consequences 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
- bad publicity, poor public image, loss of public confidence in Queensland Health as an employer and provider of public health services.

Consequences 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
- 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 APPLYING THE POLICY

8.1 Responsibilities

8.1.1 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
- not tolerating unacceptable behaviour by others and seeking to resolve concerns of workplace harassment through either informal or formal processes.

8.1.2 Managers/supervisors

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

- managers and supervisors continually modelling appropriate and ethical behaviour
- ensuring all employees are aware of the existence and contents of this and other related policies, providing employees with appropriate information and/or training, and advising employees 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
- 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.

8.2 Workplace strategies to eliminate workplace harassment

Queensland Health is to 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 the Code of Conduct which describes appropriate workplace behaviour
- provide employees with a complaint handling system (see below) and support systems if an issue arises.

8.3 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.

8.3.1 Workplace Investigations Unit

The Workplace Investigations Unit (WIU) was established following the recommendations of the Relationship Interest Based Bargaining (RIBB) Group's strategic paper, *Workplace Bullying and Harassment (November 2005)*, to assist management and employees to resolve workplace harassment and conflict issues.

WIU is located within Workplace Services, Human Resources Branch. The role of WIU is to:

- develop and promote strategies to ensure Queensland Health is harassment free
- assist managers and employees to resolve conflict at the local level in an informal and timely way
- manage 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.

8.3.2 Workplace equity and harassment officers (WEHOs)

Queensland Health has established a network of workplace equity and harassment officers (WEHOs), specifically trained 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
- 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 WEHO is not to:

- 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.

8.3.3 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
- promote efficiency, effectiveness and equity in the workplace.

Refer to Grievance Resolution HR Policy E12 for more information about the process for lodging a grievance regarding workplace harassment.

8.3.4 Employee assistance scheme

Queensland Health is to pay for short-term counselling for employees if required. To access this confidential service, employees are to contact their human resources manager.

8.3.5 Crime and Misconduct Commission

When it is believed that the nature of an allegation of harassment may constitute official misconduct, district chief executive officers and branch directors are required to report such allegations to the Ethical Standards Unit for assessment and referral to the Crime and Misconduct Commission in accordance with the legislative obligations of Queensland Health, in section 38 of the *Crime and Misconduct Act 2001*.

8.3.6 Additional support

Additional advice and support may be sought from the relevant union representative, or an employee may wish to seek legal advice.

Employees seeking further information in relation to issues of workplace harassment are to contact their human resources manager, relevant union, the Human Resources Branch, or the WIU on WIU@health.Queensland.gov.au.

9 DEFINITIONS

Misconduct	Disgraceful or improper conduct in an official capacity or disgraceful or improper conduct in a private capacity that reflects seriously and adversely on Queensland Health.
Official Misconduct	<p>Section 15 of the <i>Crime and Misconduct Act 2001</i> states that 'official misconduct' is 'conduct that could, if proved, be:</p> <ul style="list-style-type: none"> (a) a criminal offence; or (b) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment, <p>Other sections of the <i>Crime and Misconduct Act 2001</i> of relevant to the definition of 'official misconduct': include:</p> <ul style="list-style-type: none"> • Section 14 outlines the meaning of 'conduct'. • Section 16 states that conduct happening over time, or at any time, may be 'official misconduct'. • Section 17 states that conduct outside Queensland may be 'official misconduct'. • Section 18 states that conspiracy or attempt to engage in conduct may be 'official misconduct'. <p>Section 19 states that 'official misconduct' is not affected by time limitations.</p>

10 HISTORY

March 2010	Protected IRM 3.1-2 reformatted as part of the HR policy consolidation project in accordance with EB7.
October 2007	Amended IRM 3.1-2 Workplace Harassment – Standards Of Appropriate And Ethical Behaviour In The Workplace
May 2007	IRM 3.1-2 Workplace Harassment – Standards Of Appropriate And Ethical Behaviour In The Workplace

EB9, BEMS7, HPDO2 & MOCA5 protected
 Human Rights Act 2019 applies
 Public Sector Act 2022 applies on 1 March 2023
 Managing the risk of psychosocial hazards at work Code of Practice 2022 applies 1 April 2023