

QIEU POLICY:
Countering Workplace Harassment

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QIEU Policy

Countering Workplace Harassment

1. PREAMBLE

QIEU considers any form of harassment, bullying or violence in the workplace to be unacceptable behaviour. All staff and students should be able to work in an atmosphere based on mutual respect and the dignity of each individual. Harassment based on sex, race and disability is unlawful under the Commonwealth Sex Discrimination Act 1984 and the Queensland Anti-Discrimination Act 1991. All harassment, bullying and violence are contrary to the duty of care to provide a safe framework for work and learning. Under the Workplace Health and Safety Act 1995 an employer has an obligation to ensure the health and safety of all workers. Employees also have an obligation to take reasonable care at work.

Harassment and bullying in the workplace are acknowledged as significant occupational health and safety issues across workplaces in the Australian community and are a major source of stress, illness and poor morale. As well as being a serious safety issue, workplace harassment and bullying is an industrial issue because of its erosion of working conditions and a professional issue because of its impact on teaching, learning and staff morale.

There is now evidence that the problem is of such magnitude that one in four persons will be exposed to some form of bullying at some stage in their working lives.

Given the above, it needs to be recognised that behaviour such as bullying and harassment may be unlawful under anti-discrimination and occupational health and safety legislation. The obligations under such legislation on all parties need to be known, understood and adhered to.

Whilst workplace bullying presents considerable cost to employers through time lost from the workplace and increased Work Cover premiums, the greatest cost is borne by those experiencing the bullying and their families. The adverse health effects of associated stress or other psychological injury will often present a considerable long term burden for the affected member and their family. This policy frame work is intended to establish clear guidelines to ensure that all staff and students are able to work and learn in environments which are safe, harassment-free and non-violent. This policy sets out to define workplace harassment, describe the impact such harassment has on workplaces and give guidance to the establishment of policy and procedures to deal with such harassment in individual workplaces.

2. DEFINITIONS

Workplace bullying is the persistent and repeated ill treatment of an individual worker by one or more staff members, which could reasonably be regarded as undermining that individual worker's right to dignity at work. Bullying can be dispute-related or predatory, where the targeted person may be a random target and/or opportunistic target. An isolated incident of the behaviour described in this definition may be an affront to personal dignity at work, but as a once-off incident is not considered to be bullying. Workplace Bullying is the abuse/misuse of power in the workplace. This power can derive from status and authority over others in the workplace such as in the case of a manager or supervisor. It can also occur where power and

authority is derived from more subtle sources such as being part of a dominant group or culture.

In the absence of a universally accepted definition, workplace bullying and harassment has been defined by Queensland Workplace Bullying Taskforce.

This definition states that:

“Workplace harassment is repeated behaviour other than behaviour that is sexual harassment, that:

1. is directed at an individual worker or group of workers; and
2. is offensive, intimidating, humiliating, or threatening; and
3. is unwelcome and unsolicited; and
4. a reasonable person would consider to be offensive, intimidating, humiliating or threatening for the individual worker or group of workers.”

The following behaviours are examples, among others, of behaviours that may be viewed as workplace harassment behaviours. This is not meant to be an exhaustive list

- rude, foul and abusive language;
- unjustified threats of dismissal;
- constant criticism;
- aggression and intimidation;
- sabotaging a person’s work performance;
- blocking promotion;
- humiliating and demanding conduct in front of other workers;
- unexplained rage;
- practical jokes;
- gossip;
- ridicule;
- favouritism;
- overloading of work;
- setting impossible deadlines;
- isolating or ignoring on a regular basis;
- offensive email messages;
- hiding documents or equipment; and
- withholding information.

3. TYPES OF HARASSMENT

Harassment in the workplace can take many forms. It can be overt or subtle, direct or indirect.

Workplace harassment may occur between colleagues, across age and gender, between groups or individuals. In relationships where formal authority and power can be exercised, it can be particularly distressing and intimidating, especially if threats are made in relation to performance review or to job security.

Verbal Harassment

Some forms of verbal harassment include:

- sexual or suggestive remarks;
- imitating someone's accent;
- spreading rumours;
- obscene telephone calls/unsolicited letters, faxes or email messages;
- offensive jokes;
- repeated questions about personal life;
- threats, insults or name calling;
- the use of language that is not suitable in the workplace;
- suggestive comments about a person's private life or sexual preference;
- speaking in a language that the subject of the comment cannot understand;
- use of offensive ditties, songs, chants or war cries; and
- making unwelcomed comments about a person's clothing or physical attributes.

Non-Verbal Harassment

Some forms of non-verbal harassment include:

- putting sexually suggestive, offensive or degrading/insulting material on walls, computer screen savers, email, etc;
- suggestive looks or leers;
- unwelcome practical jokes;
- displaying or circulating racist cartoons or literature;
- mimicking someone with a disability;
- ignoring someone or being particularly cold or distant with them;
- continually ignoring or dismissing someone's contribution in a meeting/discussion;
- not sharing information;
- moving or taking items of property;
- placing rubbish in target's pigeon hole; and
- offensive graffiti.

Physical Harassment

Some forms of physical harassment include:

- offensive hand or body gestures;
- unnecessarily leaning over someone;
- unnecessary and unwelcome physical contact (pinching, patting, brushing up against a person, touching, kissing, hugging);
- indecent or sexual assault or attempted assault;
- pushing, shoving, jostling or fighting; and

- putting a hand or an object (like a payslip or a note) into someone's pocket.

Professional Harassment

Some forms of professional harassment include:

- threat of pay back for complaining about conditions eg workload issues including class size, timetable and equity in workload; and
- creating barriers to promotion by selection based on criteria other than merit.

Technological Harassment

Use of technology in workplaces both with colleagues and clients has opened a new arena which is able to be used for workplace harassment.

Such technological harassment may involve:

- threatening or suggestive email;
- unacceptable and unwarranted fax material; and
- abusive and/or repeated phone calls of an intimidatory or harassing nature.

4. IMPACT OF WORKPLACE HARASSMENT

Workplace harassment can have a serious adverse impact on work satisfaction and performance of employees targeted for harassment, their colleagues and for the workplace more generally.

Often harassing behaviour is perceived to be too trivial to warrant attention, or the person subjected to harassment may seem unaffected by the behaviour. Experience has shown, however, wherever harassment occurs the cumulative effects may:

- erode the well-being of the individual or group targeted;
- undermine or sour the work atmosphere; and
- lower the harassed worker's overall performance.

Impact On The Individual

A person exposed to harassment may feel:

- | | | |
|---------------|---------------|--------------|
| • angry | • isolated | • undermined |
| • demoralised | • demotivated | • fearful |
| • confused | • stressed | • belittle |
| • anxious | • bewildered | • frustrated |
| • powerless | • intimidated | • demeaned |

These feelings may manifest in physical and/or emotional responses such as:

- migraine/headaches
- sleeplessness
- lack of motivation
- anxiety
- irritability
- lethargy
- anger
- bewilderment
- nausea
- depression
- loss of self esteem
- frustration

Impact On The Workplace

Harassment in the workplace may lead to:

- increasing absenteeism, sick leave, staff turnover;
- lowering morale, eroding staff loyalty and commitment;
- creating an unsafe work environment;
- reducing efficiency and productivity;
- adverse publicity, poor public image;
- increasing costs to the employer associated with counselling, mediation, recruitment and training of new staff, WorkCover claims and the potential rise in premiums and/or rehabilitation costs; and
- increasing costs to the employer from failure to meet legislative provisions, civil action and criminal action.

5. POLICIES AND PROCEDURES

For schools and other workplaces to meet their statutory and common law obligations, policy and procedures should be developed that clearly set out what is expected of staff, students and parents in terms of appropriate behaviour and what steps will be taken if a complaint of harassment is made. Employers should identify any warning signs, encourage all members of the workplace to report incidents of harassment and also ensure there is no victimisation for having made a complaint or having supported someone else to do so. The key principles underpinning such policy and procedures are outlined below.

Key Principles

1. Create a working environment which is free from harassment and where all members of staff are treated with dignity, courtesy and respect;
2. implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities;
3. provide an effective procedure for making and dealing with complaints based on the principles of natural justice;
4. treat all complaints in a sensitive, fair, timely and confidential manner;
5. provide protection from any victimisation or reprisals;
6. encourage the reporting of behaviour which breaches the harassment policy;
7. promote appropriate standards of conduct at all times; and
8. provide for the appointment of a Contact Officer whose role is to provide information and advice around workplace harassment and the workplace harassment policy.

Policy

Such a policy should:

- state that workplace harassment is inappropriate and will not be tolerated;
- define workplace harassment and the types of behaviour which constitute such behaviour;
- include statements as to the risks to individuals, workers and the organisation;
- encourage workers who experience or witness harassment to:
 - Report it to the relevant authority;
 - acknowledge such reporting is a legitimate and positive contribution and obligation to workplace well-being;
 - ensure support and no retaliation against workers who report harassment; and
 - support people who are harassed;
- promote a positive and respectful work environment;
- have clearly delineated positions;
- include procedures for dealing with harassment; and
- contain a commitment to education and review in regard to the policy and associated procedures.

Procedures

Such procedures should be a logical application of the policy statement.

The main aims of procedures to counter workplace harassment should be to ensure:

- the behaviour stops;
- that there are no reprisals for having made a complaint; and
- where disadvantage has occurred, the situation is redressed as far as possible to the complainant's satisfaction.

Such procedures should be:

- in plain English;
- 'no blame';
- fair and equitable;
- ensuring principles of natural justice are upheld – including right of alleged perpetrator to answer allegations;
- ensuring privacy and confidentiality of all involved; and
- aimed at resolving the problem rapidly.

Procedures for dealing with harassment should contain an informal and formal procedure for harassment resolution in different circumstances.

6. GUIDELINES FOR RESOLUTION PROCESSES

Informal Complaint Procedure

The informal complaints procedure emphasises resolution, rather than factual proof or substantiation of a complaint and will be undertaken with a 'no blame' approach.

Informal ways of dealing with harassment can include the following action:

- the individual who has been harassed approaches the person who they believe has behaved towards them in a harassing manner and expresses their concern about this;
- the individual who has been harassed asks their supervisor to speak to the alleged harasser on their behalf. The supervisor privately conveys the individual's concerns and reiterates the organisation's policy to the alleged perpetrator without assessing blame or the merits of the case;
- a complaint is made, the perpetrator admits the behaviour, investigation is not required and the complaint can be resolved through conciliation or counselling;
- a supervisor or manager observes unacceptable conduct occurring and takes independent action even though no complaint has been made.

Informal action is usually appropriate where:

- the allegations are of a less serious nature but the individual subjected to the behaviour wants it to cease nonetheless; or
- the individual subjected to the behaviour wishes to pursue an informal mediation resolution; or
- the parties are likely to have ongoing contact with one another and the complainant wishes to pursue an informal resolution so that the working relationship can be maintained.

An employee should not be required to use or exhaust informal attempts at resolution before formal action commences. Employees have the right to formalise their complaint or approach an external agency, such as the Commission, at any stage.

Formal Complaint Procedure

This formal procedure will focus on investigating whether a complaint is substantiated.

Then procedures employed by a workplace for an investigation of a complaint should be such that:

1. a proper and ethical investigation is carried out; and
2. a transparent investigation process is followed.

Formal procedures usually involve:

- investigation of the allegations;
- application of the principles of natural justice;
- support of complainant, witness/es and respondent

- making a finding as to whether the harassment occurred;
- submitting a report with a recommended course of action to the appropriate decision-maker (senior management); and
- implementation of an appropriate outcome.

Formal procedures are usually appropriate where:

- informal attempts at resolution have failed;
- the complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties;
- the complaint is against a more senior member of staff. Formal procedures may help to ensure that the complainant is not victimised or disadvantaged;
- the allegations are denied, the person who claims to have been harassed wishes to proceed and investigation is required to substantiate the complaint; or
- the person alleging harassment wishes to make a formal complaint from the outset.

7. RESPONSIBILITIES

Employer Responsibilities

In relation to countering workplace harassment the employer has the responsibility to:

- provide a safe workplace for employees;
- create an environment where staff can say 'no' to unacceptable behaviour without negative repercussions;
- inform staff, students and parents of relevant legislation;
- consult with staff to develop and publish relevant policy and procedures;
- educate staff, students and parents about rights and responsibilities;
- respond promptly and appropriately to all complaints;
- provide appropriate procedures and facilities to deal with students whose behaviour places others at risk;
- acknowledge that workplace harassment exists and that there is a potential for this in all worksites;
- develop a clear statement of zero tolerance to workplace harassment;
- develop prevention strategies, in consultation with workers;
- provide clear guidelines for implementing prevention measures, including grievance procedures as well as education and training;
- provide procedures for dealing with complaints confidentially, promptly and without fear of reprisal;
- implement disciplinary procedures where a perpetrator deliberately persists with their unacceptable behaviour towards others;
- provide perpetrators with counselling, retraining and removal from their position of power until their behaviour is modified;
- identify, assess and control risk factors, including harassing behaviour in the workplace, in order to provide a safe working environment for students and staff;

- regularly monitor and review policies, practices and procedures for dealing with workplace harassment in order to ensure that these remain effective;
- ensure that managers have the skills and knowledge to deal effectively with harassment, while guaranteeing that reports of bullying do not result in reprisals;
- provide counselling and support for targets of harassment; and
- encourage workers to report all incidents of harassment.

Employee Responsibilities

Employees have a responsibility to:

- participate in relevant training and professional development;
- be involved in the development of policy and procedures;
- be informed of relevant legislation;
- engage in appropriate behaviour in accordance with stated expectations, policy and procedures;
- educate staff, students and parents about rights and responsibilities;
- respond promptly and appropriately to all complaints; and
- provide appropriate procedures and facilities to deal with students whose behaviour places others at risk.

QIEU Responsibilities

QIEU has a responsibility to:

- ensure that the employer fulfils its responsibilities to prevent workplace harassment by developing, in consultation with workers, effective procedures for preventing bullying and for dealing with complaints of bullying;
- lobby governments to seek necessary legislative changes to ensure that education workers are protected from workplace bullying as well as organisational bullying;
- support harassed members and assist in the prevention of harassment by supporting, counselling and advising members of their rights;
- inform and educate members about the prevention of workplace harassment;
- ensure that the alleged harasser and the targeted person are guaranteed due process and their right to natural justice;
- identify organisational factors, which can contribute to harassment in workplaces such as excessive performance management and any unfair policies, practices and procedures with regard to staff placement, training and development or promotional procedures;
- monitor the effectiveness of this policy to ensure that QIEU members gain full support and protection of this union against workplace harassment; and
- ensure that providers of Workplace Health and Safety Training include modules on workplace harassment in courses for Health and Safety Representatives.