



# Fair Treatment Procedure

## Information Sheet: Fair Treatment – Harassment and Workplace Bullying

### Purpose

The purpose of this Information Sheet is to increase awareness and understanding of the behaviours that constitute unlawful unfair treatment and to provide clarification on the practical application of the [University's Fair Treatment Procedure](#).

### Q1 How do I identify harassment and sexual harassment?

#### Harassment

Harassment is a single or sequence of unwelcome, offensive, humiliating or intimidating comments or actions which interfere with a person's right to study or work in a non-threatening environment.

Examples of possible harassment include:

- intimidation, ridiculing, teasing or offensive jokes
- negative, insulting or belittling comments, whether spoken, written or by electronic medium
- unreasonably setting different conduct or work standards
- exclusion from activities, facilities and resources.

#### Sexual harassment

A person sexually harasses another person (the person harassed) if:

- they make an unwelcome sexual advance or an unwelcome request for sexual favours, or
  - they engage in other unwelcome conduct of a sexual nature in relation to the person harassed,
- in circumstances in which a reasonable person would have anticipated that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex.

Sexual harassment may include:

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about your private life
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or textmessages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Refer: [Sex Discrimination Act 1984 \(Cth\)](#); [Equal Opportunity Act 1984 \(SA\)](#)

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### Q2 How do I identify workplace bullying?

#### **Workplace Bullying**

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Repeated behaviour is persistent and can involve a range of behaviours over time. Unreasonable behaviour is behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples include:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- continuously and deliberately excluding someone from workplace activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information supervision, consultation or resources such that it is detrimental to the person
- spreading misinformation or malicious rumours
- behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling or screaming
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular person(s)
- excessive scrutiny at work.

Refer: [Fair Work Act 2009](#) (Cth); [Work Health and Safety Act 2012](#) (SA); [HSW Handbook, 3.35 Preventing and responding to workplace bullying](#)

### Q3 What is not considered to be workplace bullying?

Reasonable management action taken in a reasonable way does not constitute workplace bullying. There are times when persons conducting a business or undertaking may take reasonable management action to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and give fair and reasonable feedback on a person's performance. These actions are usually not considered to be bullying if they are carried out in a reasonable manner, taking the particular circumstances into account.

Examples of reasonable management action include:

- setting reasonable performance goals, standards and deadlines
- requiring participation in a Planning, Development and Review discussion
- rostering and allocating work hours where the requirements are reasonable
- transferring a person for operational reasons
- deciding not to select a person for promotion where a reasonable process is followed and documented
- informing a person about unsatisfactory work performance when undertaken in accordance with any workplace policies or agreements such as performance management guidelines
- informing a person about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- disciplinary action and/or termination of employment undertaken in accordance with University policies, procedures and the University of Adelaide Enterprise Agreement (as amended).

#### **Further Information**

If you require further information, please contact:

- [Human Resources Service Centre](#) (Staff Members and Titleholders)
- [Office for Community Engagement](#) (Volunteers)

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