



THE UNIVERSITY
of ADELAIDE



CRICOS PROVIDER 00123M

Preventing and Responding to Workplace Bullying

Fair Treatment Contact Officer – your role

adelaide.edu.au

seek LIGHT

Bullying, Harassment, Discrimination

- The Voice survey in 2016 identified that 15% of the respondents felt that they had been bullied at work;
- The University recognises that some staff find it difficult to approach a person with whom they feel has treated them unfairly, or raise the issue with their manager;
- To address this, the University has committed that a number of FTCOs are in place across the University to ensure easy access.

Fair treatment at the University of Adelaide

- Discrimination, Bullying and harassment is a risk to the health and safety of workers and is not tolerated;
- Procedures are in place to receive/investigate complaints and, where required, formal disciplinary processes may be used;
- As with all formal disciplinary processes a range of sanctions can apply if workers are found guilty of discrimination, bullying or harassment;
- All complaints will be treated seriously and in accordance with natural justice principles.

Role of the FTCO

- Have a commitment to the serious nature of workplace discrimination, bullying and harassment and its risks to the health and safety of workers;
- Provide a 'point of contact' for staff with enquiries related to discrimination, bullying and/or harassment;
- Clearly explain the complaint resolution process so workers can make an informed choice on the process they prefer – informal/formal;
- Avoid conflicts of interest;

Role of the FTCO (contd.)

- Provide accurate information and appropriately refer matters as required;
- By their own behaviour, act as a role model to other staff and to students;
- Be discreet and maintain confidentiality of the issues raised by persons seeking advice;
- Advise an appropriate senior staff member if they believe a worker may be in danger or potentially endangering someone else, or if they believe the issue is or may be criminal conduct.

What not to do.....

- Discuss a case with anyone without their permission;
- Advocate or become involved in the resolution processes;
- Act to resolve or investigate the complaint;
- Try to influence the complainant to take a particular action;
- Make a finding, determination or value judgement in relation to allegations of discrimination, sexual harassment or bullying.

Be prepared

- Staff are likely to ask you questions
 - Do you think I am being bullied/harassed?
 - Can I change my supervisor?
 - Can I work in a different office?
- It helps if you have already provided some key information when setting up the meeting with the staff member
 - Links to EAP information, Bullying Handbook chapter, Staff Grievance process, Code of Conduct etc.
 - Some templates and tools have been developed to ensure a consistent service across the FTCO network.

Key takeaways about the FTCO role

- Only talk about
 - The criteria to help *the staff member* assess behaviour
 - The processes and pathways open to them;
- Know the limitations of your role;
- Best to schedule meetings for no longer than 1 hour;
 - (you can also reschedule another meeting)
- Do not take notes, just listen to the concerns;
- It is not your role to fix the problem;
- If you need any support or guidance in performing your role contact Paul Roberts (37377) or a HR Advisor.



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Questions

Bullying

Repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety

- **Repeated**

Must be more than one occurrence

- **Unreasonable behaviour**

Behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening

- **Creates a risk to health and safety**

Could reasonably result in injury or harm

Examples of what may be considered bullying behaviour

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- 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 has a detriment to the worker
- spreading misinformation or malicious rumours
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers
- excessive scrutiny at work.

Some of these behaviours, if carried out on social networks or electronically, could also be considered bullying by the University.

Examples of what IS NOT considered to be bullying behaviour

- Setting reasonable performance goals, standards and deadlines (i.e. PDR);
- Allocating work where the requirements are reasonable;
- Transferring/moving a worker for operational reasons;
- Deciding not to select a worker for promotion where a reasonable process is followed and documented;
- Informing a worker about unsatisfactory work performance when undertaken in accordance with any workplace policies or agreements such as performance management guidelines;
- Informing a worker 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 the University policies, procedures and the enterprise agreement.

It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance

Discrimination

Discrimination occurs when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics.

Federal discrimination laws protect people from discrimination of the basis of their:

- race, including colour, national or ethnic origin or immigrant status
- sex, pregnancy or marital status and breastfeeding
- age
- disability, or
- sexual orientation, gender identity and intersex status.

Discrimination

Unlawful discrimination is usually based on a personal characteristic;

- Discrimination can be a one time event – it does not need to be repeated and systematic;
- A person does not need to “intend” to hurt someone’s feelings, for their behaviour to be discriminatory;
- Discrimination can either be direct or indirect.

When is it discrimination?

Discrimination is against the law when there is:

1. unfair treatment based on personal characteristics
2. occurring in an area of public life
3. that causes loss or humiliation
4. and it happened within the last twelve months

1. Personal Issue¹ ✓

Race
Age
Disability
Sexuality
Sex
Chosen Gender
Pregnancy
Marital or Domestic
Partnership Status
Caring Responsibilities
Association with a child²
Identity of spouse
Religious Appearance or Dress³
Sexual Harassment
Victimisation

²In customer service or accommodation only

³In employment or education only

2. Public Area ✓

Employment
Goods and Services
Accommodation
Education
Clubs and Associations
Sale of Land
Granting of Qualifications

Recruitment
Dismissal
Promotion
Terms and Conditions
Resignation
Treatment on the job

3. Detriment ✓

Injury to Feeling
Denied Access
Lost Opportunity
Lost Income
Refused Services

Humiliation
Denigration
Ridicule
Embarrassment
Segregation

4. Time ✓

12 months (SA)⁴

⁴For events that happened on or after
2 April 2009

equal

www.eoc.sa.gov.au

TTY 8207 1911
Phone 8207 1977
Country Callers 1800 188 163



¹Federal laws also cover discrimination on the grounds of religion, political opinion, social origin, irrelevant criminal record and trade union activity.

Harassment

Under discrimination law, it is unlawful to treat a person less favourably on the basis of particular protected attributes such as a person's sex, race, disability or age. Treating a person less favourably can include harassing or bullying a person. The law also has specific provisions relating to sexual harassment, racial hatred and disability 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 a person's disability, or
- asking intrusive questions about someone's personal life, including his or her sex life.



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Questions

Documentation/files/notes

- There is no requirement to document and collect information from staff on each case;
- You should encourage workers who come and see you to keep their own detailed records;
- The only information that is recorded is that used for statistical purposes and contains no identifying information.



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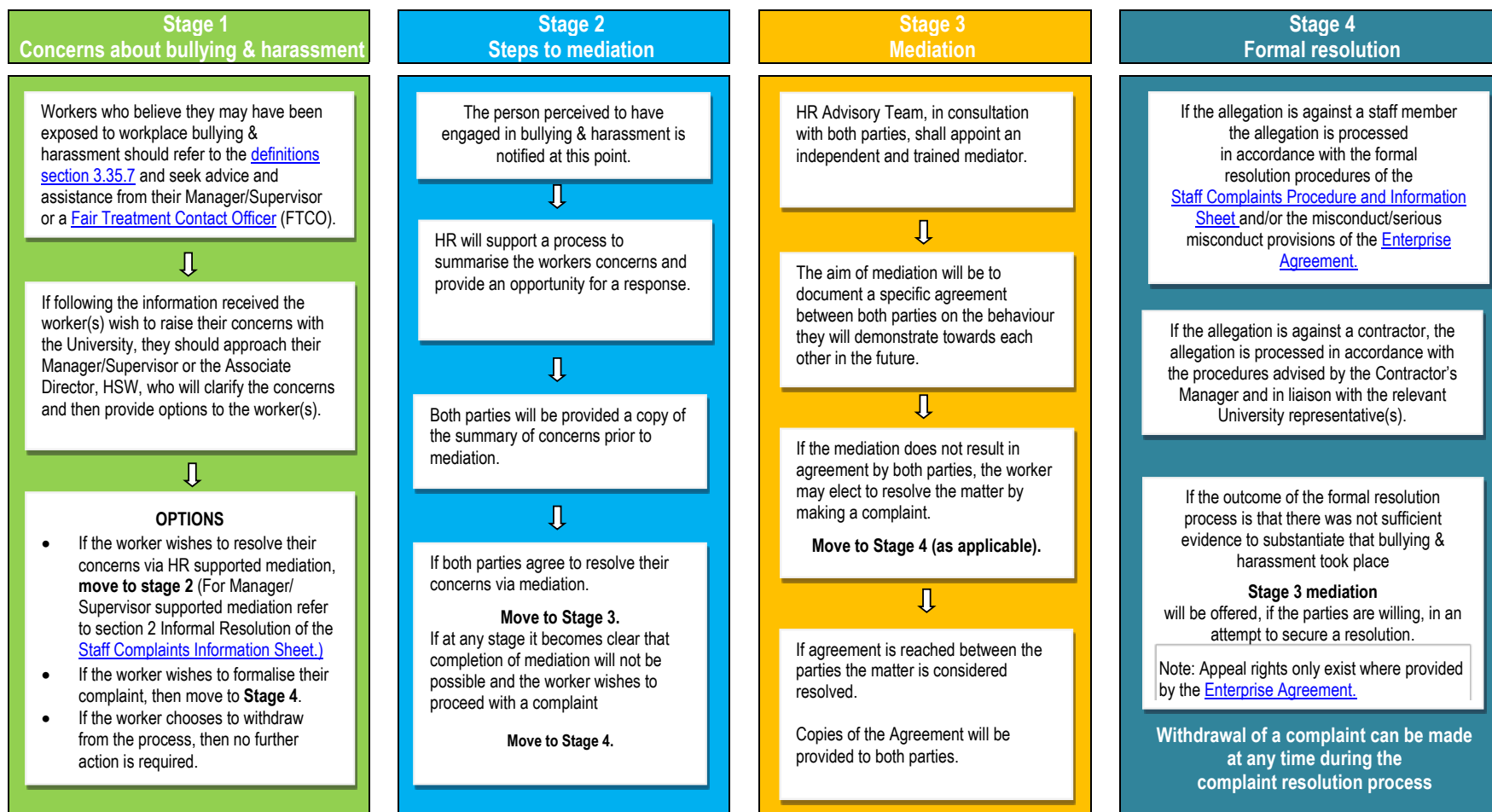
Complaints Process

This takes time..... Take the time!

- Time that we want our FTCO's to take with workers to ensure unrealistic expectations are not established;
- FTCO's need to clearly explain the complaints process;
- FTCO's are crucial to Stage 1 of the complaints process.

PROCEDURES TO RESPOND TO COMPLAINTS OF WORKPLACE BULLYING AND HARASSMENT AT THE UNIVERSITY OF ADELAIDE

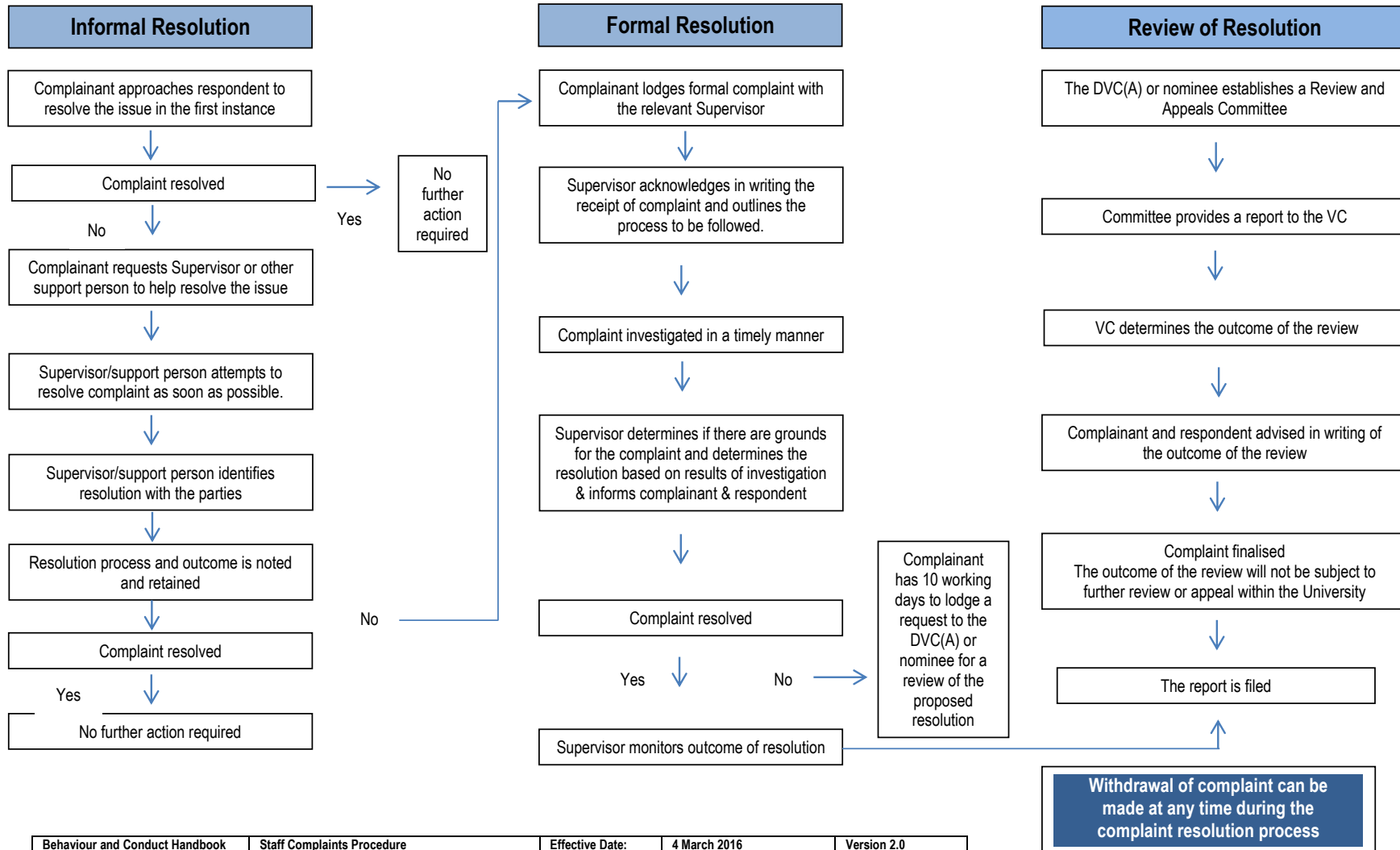
APPENDIX A



NOTE: Students are excluded from this process. They should refer to the [Student Grievance Resolution Process](#).

HSW Handbook	3.35 Preventing and responding to workplace bullying and harassment	Effective Date:	31 January 2017	Version 2.0
Authorised by	Chief Operating Officer (University Operations)	Review Date:	31 January 2020	Page 1 of 9
Warning	This process is uncontrolled when printed. The current version of this document is available on the HSW Website.			

FLOWCHART OF STAFF COMPLAINTS PROCESS – FOR GUIDANCE



Behaviour and Conduct Handbook	Staff Complaints Procedure	Effective Date:	4 March 2016	Version 2.0
Authorised by	Associate Director, HR Shared Services	Review Date:	4 March 2019	Page 5 of 5
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Employee Assistance Provider (EAP)

EAP is a service to support staff

The EAP is a short-term, solutions focused counselling, coaching and mentoring service provided by a team of Psychologists within CHG. The program is designed to help you explore and implement strategies to address issues which may be having an impact on you at work and/or at home, including:

- Interpersonal conflict (workplace/home)
- Grief / Trauma counselling
- Emotional and mental health issues e.g. anxiety, depression or post-traumatic stress disorder.

Any staff member of the University and their immediate family can access the service.



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What Next?

FTCO's Network

- FTCO names and contacts with a link are placed on the HSW website;
- Staff are advised they can pick anyone from the list
 - They do not have to see someone in their Faculty
 - We are aiming to maintain the FTCO numbers around 18
- An FTCO page has been built (behind a firewall) which includes resources and tools.
 - Email templates
 - FTCO training presentation
 - EAP details
 - FAQ sheets

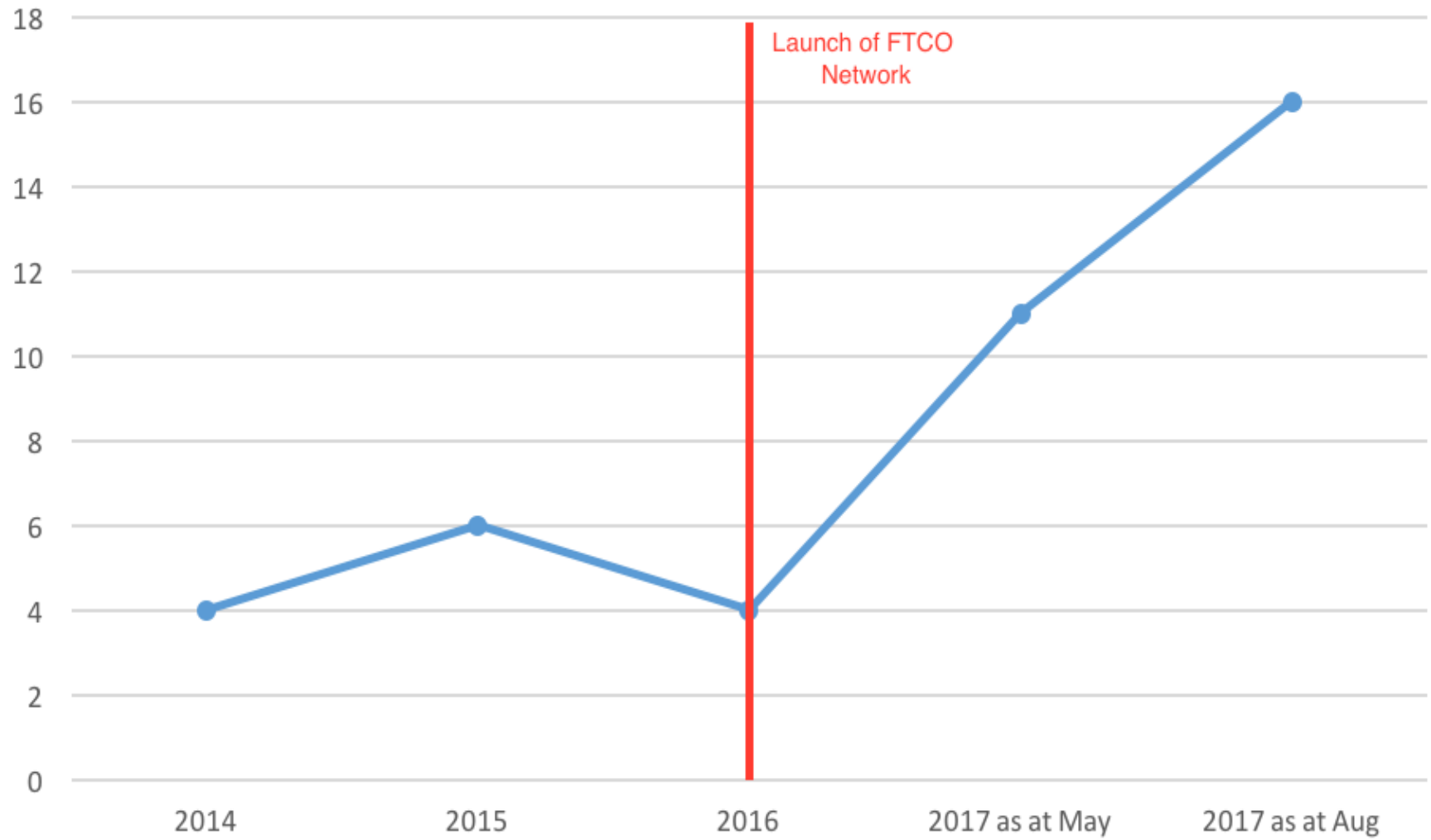
Statistical Record Form

As an FTCO you **MUST** complete an on-line record.

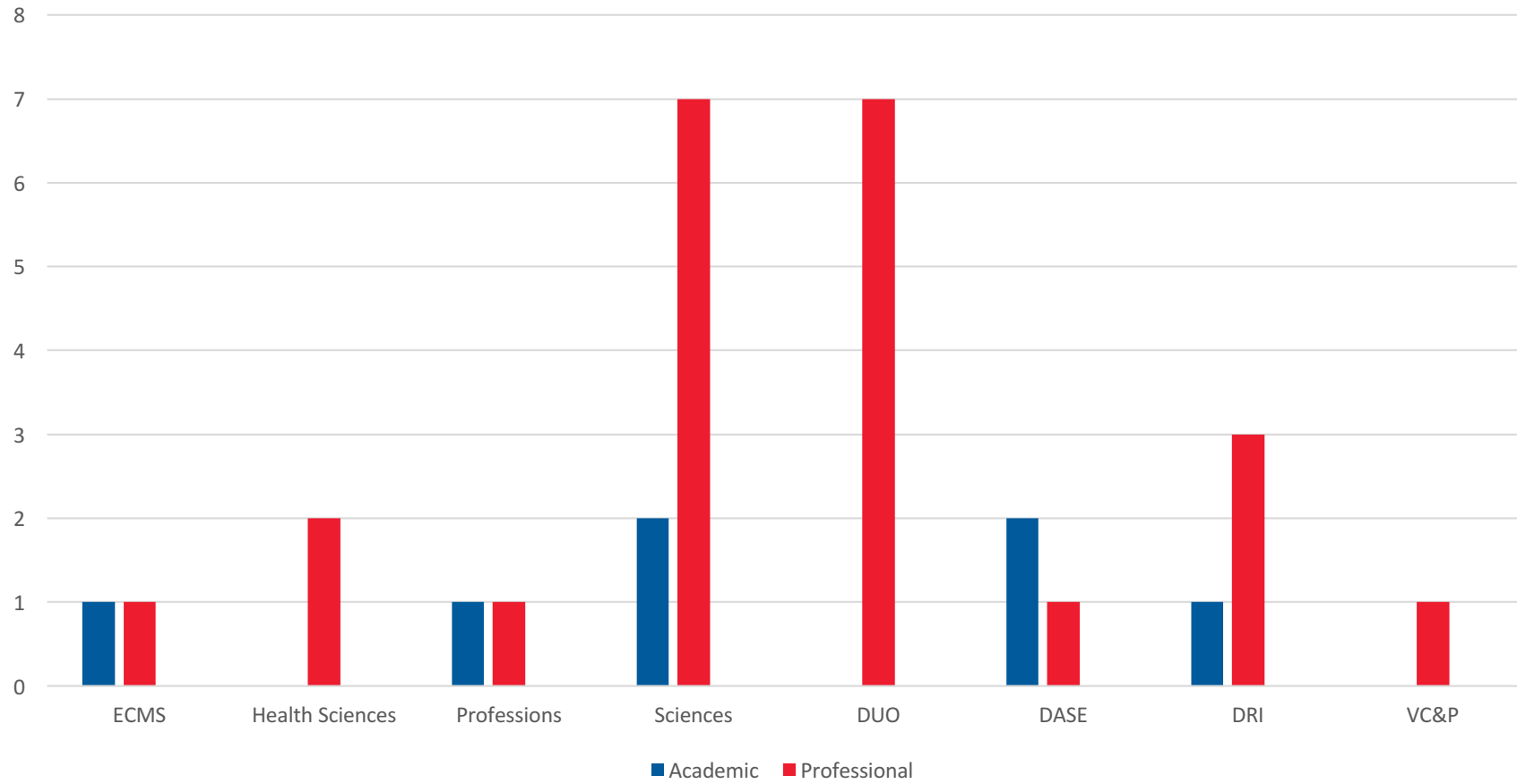
The only identifying information collected is you – which FTCO is filling out the record.

The rest of the information is limited to the Faculty/Division level, so there is no possibility of identifying an individual

Total University BCO/FTCO Contacts by year



BCO/FTCO contact by year and type since 2014





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