



3.35 Preventing and responding to workplace bullying and harassment

IMPLEMENTATION

Aim

To prescribe the responsibilities and actions required for the prevention and response to workplace bullying and harassment on University premises and/or during University-related activities, to ensure the University meets the requirements of the [Health, Safety and Wellbeing \(HSW\) Policy](#) and the relevant sections of the [Work Health and Safety \(WHS\) Act 2012 \(SA\)](#), [Code of Conduct](#), and the [Fair Work Act 2009 \(Commonwealth\)](#).

3.35.1 Objectives

- 3.35.1.1 To prevent and manage the risk of workplace bullying and harassment by ensuring that:
 - workers are informed during their induction upon commencement that bullying and harassment will not be tolerated and of this process;
 - information is available to assist workers in identifying and responding to bullying and harassment;
 - workers have access to relevant training, reporting procedures and support; and
 - workers have support and access to a trained [Fair Treatment Contact Officer \(FTCO\)](#) network.
- 3.35.1.2 • To ensure that all concerns about bullying and harassing behaviour are acknowledged and mediated informally where possible; or where this is either not possible or appropriate, managed in accordance with the [University Behaviour and Conduct Policy](#).

3.35.2 Scope

3.35.2.1 Inclusions

This applies to all persons who undertake University of Adelaide related activities and/or are employed or engaged by the University or affiliated with the University in any capacity as a worker or an officer as defined under the WHS Act 2012 (SA). This includes but is not limited to employees, title holders and volunteers, visitors or third parties engaged by the University, under a contract of service or contract for service (e.g. contractors, sub-contracts and employees of a labour hire company placed in the University).

3.35.2.2 Exclusions

- Where a concern is raised by a student, about a staff member or another student, students should refer to the [Student Grievance Resolution Process](#).
- Individuals who are no longer workers (ex-workers) or are members of the general public may lodge a complaint. Such complaints are managed separately to the processes referred to in this chapter and are outside of the provisions of the Enterprise Agreement. It is important to note that the University takes all complaints seriously and manages them as appropriate to the circumstances.

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3.35.3 Process: Preventing workplace bullying and harassment

Person Responsible		Actions
3.35.3.1	<p>Workers</p> <p>(Note: Workers includes all Managers and Supervisors)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Understand that workplace bullying and harassment is considered a breach of the Code of Conduct and contract of employment and where substantiated will be treated: <ul style="list-style-type: none"> <input type="checkbox"/> as misconduct/serious misconduct (Staff/Volunteers); <input type="checkbox"/> as a breach of contract (Contractors). (See definitions of unreasonable behaviour Section 3.35.7.) <input type="checkbox"/> Comply, so far as is reasonably practicable, with any reasonable instruction given by your Manager/Supervisor. <input type="checkbox"/> Follow procedures for the reporting of and resolution of workplace bullying and harassment.
3.35.3.2	<p>Associate Director, Health Safety and Wellbeing (HSW)</p> <p>(or delegate)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Co-ordinate a system for the reporting, support and resolution of workplace bullying and harassment concerns (Appendix A) and ensure the processes are available to all workers on the HSW website. <input type="checkbox"/> Establish a pool of Fair Treatment Contact Officers (FTCO) and display the names on the FTCO Register on the HSW website. (See definitions for a summary of the role of the FTCO.) <input type="checkbox"/> Incorporate information on preventing and responding to workplace bullying and harassment in the University induction program that ensures all workers are: <ul style="list-style-type: none"> <input type="checkbox"/> advised bullying and harassment will not be tolerated; and <input type="checkbox"/> provided with a hyperlink to this chapter. <input type="checkbox"/> Make available relevant training courses for FTCO's, Managers/Supervisors and workers on roles, responsibilities and the systems in place for the prevention and response to workplace bullying and harassment.
3.35.3.3	<p>Head of School/Branch</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure Managers/Supervisors are aware of their responsibilities and the procedures for the management and resolution of behaviour and conduct issues and the Code of Conduct, when they commence in the role. <p>Note: Human Resources Branch staff are able to assist with information and education on a range of issues related to bullying and harassment, managing difficult behaviours, and expectations contained in the Code of Conduct.</p>

3.35.4 Process: Responding to workplace bullying and harassment

Person Responsible	Actions
<p>3.35.4.1 Workers</p>	<p>In the event you believe you, or a group of workers, may have been subject to workplace bullying or harassing behaviours, you have two options:</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="border: 1px solid black; padding: 5px; width: 45%;"> <p>Option 1: Discuss the behaviour with your immediate Supervisor/ Manager (or your Supervisor's line Manager where applicable)</p> </div> <p style="font-size: small;">or</p> <div style="border: 1px solid black; padding: 5px; width: 45%;"> <p>Option 2: Contact a Fair Treatment Contact Officer (FTCO) for information on this process and/or the definitions (Section 3.35.7).</p> </div> </div> <p>Refer to the Procedures to respond to complaints of workplace bullying and harassment in Appendix A for guidance.</p> <p><u>Following discussion with the FTCO or Supervisor/Manager</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Consider the information provided and the options available to you. <input type="checkbox"/> Advise your Supervisor/Manager or FTCO, if you wish to resolve your concerns via HR supported mediation by an independent and trained mediator, or to formalise your complaint. <input type="checkbox"/> Contact the Employee Assistance Program (EAP) if you wish to access the University's counselling service.
<p>3.35.4.2 Option 1: Where worker has selected their Manager/ Supervisor as the initial point of contact</p>	<p>Manager/Supervisor to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Discuss the concerns raised by the worker(s), the examples provided in the definitions section 3.35.7 and the options available to them. <input type="checkbox"/> Refer to the definitions Section 3.35.7 and the Procedures to respond to complaints of workplace bullying and harassment in Appendix A for further information. <input type="checkbox"/> Contact the relevant HR Advisor for advice as soon as practicable. <input type="checkbox"/> Offer independent and free counselling support through the University's EAP. <input type="checkbox"/> Reinforce to the workers involved that workplace bullying and harassment is treated seriously and consistently by the University and refer them to this Handbook process. <input type="checkbox"/> Respond appropriately in accordance with the advice provided by the HR Advisor.
<p>3.35.4.3 Option 2: Where the worker has selected a Fair Treatment Contact Officer (FTCO) as the initial point of contact</p>	<p>Fair Treatment Contact Officer to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide information about the workplace bullying and harassment process to any worker who: <ul style="list-style-type: none"> <input type="checkbox"/> requires general information about workplace bullying and harassment and the processes contained in this chapter; <input type="checkbox"/> believes that they have been subject to bullying or harassment; <input type="checkbox"/> has been accused of workplace bullying or harassment; <input type="checkbox"/> requires assistance/support e.g. referral to the EAP; <input type="checkbox"/> seeks to understand the options available if they wish to raise concerns about bullying or harassing behaviours with their Manager/Supervisor or the University. <p style="text-align: right;">Continued</p>

3.35.4 Process: Responding to workplace bullying and harassment (Continued)

Person Responsible		Actions
3.35.4.3	<p>Option 2: Where the worker has selected a</p> <p>Fair Treatment Contact Officer (FTCO) as the initial point of contact</p> <p>(Continued)</p>	<p><u>Where the worker has indicated that they wish to proceed to mediation or lodge a formal complaint</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Email the Associate Director, HSW or Senior HSW Advisor (Divisions) and provide the name of the person who has lodged the complaint, their contact details and area of work as a way of introduction. <input type="checkbox"/> Adhere to the FTCO training provided by HSW, including the requirements around confidentiality.
3.35.4.4	<p>Option 2:</p> <p>Associate Director, HSW (or delegate)</p>	<p>Only when a worker(s) is/are referred by the FTCO:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Meet with the worker(s) to clarify the concerns and discuss the options available to them. <input type="checkbox"/> Provide a summary of the information to the relevant HR Advisor if the worker wishes to proceed with informal mediation or to a HR Case Management Advisor in Workplace Relations for a formal complaint.

3.35.5 Process: Mediation or formal resolution

Person Responsible		Actions
3.35.5.1	<p>Associate Director, HR Advisory (or delegate)</p>	<p>For mediation (Refer Appendix A)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Co-ordinate the mediation process. <input type="checkbox"/> Support efforts to reach an agreement through mediation. <input type="checkbox"/> Provide a copy of the agreement to the appropriate Manager/Supervisor. <p>For formal resolution</p> <ul style="list-style-type: none"> <input type="checkbox"/> Follow the relevant resolution procedures under the Staff Complaints Procedure or the misconduct/serious misconduct provisions of the Enterprise Agreement). <p>Note: where an external trained mediator is engaged there will be associated costs for the School/Branch. This is to be discussed with the relevant School/Branch Manager(s)/Supervisor at that time.</p>
3.35.5.2	<p>Workers who have agreed to mediation</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Attend meetings as requested to assist in progressing and resolving the issues that have been raised. <input type="checkbox"/> Maintain confidentiality.
3.35.5.3	<p>Manager/Supervisor (or appropriate line Manager)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Manage any concerns where there is a breach of the mediation agreement.

3.35.6 Process: Monitoring and review

Person Responsible		Actions
3.35.6.1	Manager/ Supervisor	<ul style="list-style-type: none"> <input type="checkbox"/> Follow-up with the worker(s) following resolution of bullying and harassment concerns to check on their health and safety and offer/provide support. Monitor as required.
3.35.6.2	Head of School/Branch	<ul style="list-style-type: none"> <input type="checkbox"/> Monitor the workplace where concerns of bullying and harassment have been raised to ensure a safe working environment. <input type="checkbox"/> Review the provision of information or other organisational factors where bullying and harassment has been identified to ensure the process is effective in managing the risk in consultation with workers and Health and Safety Representatives (where appointed).
3.35.6.3	Associate Director, HSW (or delegate)	<ul style="list-style-type: none"> <input type="checkbox"/> Monitor processes for workplace bullying prevention and response and make amendments to the system and Handbook chapter where applicable in accordance with the University's Policy Framework.

3.35.7 Definitions

(For further information please refer to the [Preventing and responding to workplace bullying and harassment Information Sheet](#).)

Fair Treatment Contact Officer (FTCO)

The FTCO is available to assist staff with enquiries related to workplace bullying and harassment. They are not the investigator of the incident or an advocate for the person who believes they have been subject to or exposed to workplace bullying and harassment behaviour.

The role includes:

- provision of information to all worker(s), including Managers/Supervisors, about the University's workplace bullying and harassment process;
- where to access support or advice; (both internal and external e.g. Human Resources, the Fair Work Tribunal, HR Equal Opportunity Commission) for grievances including those which sit outside of the workplace bullying and harassment process;
- provision of information to help the worker(s) decide if the behaviour meets the criteria of workplace bullying and harassment, and then for the worker(s) to make a decision as to whether they will proceed with an allegation of bullying and harassment;
- notifying the Associate Director, HSW (or delegate) via email, if the staff member has confirmed they wish to progress their concern i.e. to informal mediation or to lodge a formal complaint.

Workplace bullying

Workplace bullying is a term that describes a wide range of behaviours that may harm, intimidate, isolate or undermine people at work. The legal definition is given by [s789FD \(1\)](#) of the Fair Work Act (2009) which states that

A worker is **bullied at work** if:

- (i) an individual; or
- (ii) a group of individuals;

repeatedly behaves unreasonably towards the worker, or a group of workers of which the worker is a member; and that behaviour creates a risk to health and safety.

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3.35.7 Definitions (Continued)

Workplace bullying (Continued)

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 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.

A single incident of unreasonable behaviour is not considered to be workplace bullying, however it may have the potential to escalate and should not be ignored.

For further information refer to the [University Behaviour and Conduct Policy](#).

What is not considered to be workplace bullying

The law also defines what cannot be considered workplace bullying. It states that a worker **is not bullied at work** if subject to reasonable management action carried out in a reasonable manner ([s789FD\(2\)](#) Fair Work Act (2009). There are times where the University 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 to give fair and reasonable feedback on a worker’s performance. These actions cannot be considered to be bullying if 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
- Rostering and allocating working hours where the requirements are reasonable
- Transferring a worker (location or reporting lines) 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 a reasonable manner
- 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.

Discrimination and harassment

Discrimination and harassment occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people.

For example, discrimination and harassment can occur on grounds of

Age	Political belief or activity
Parental or carer status	Physical features
Disability	Race
Gender identity	Religious belief or activity
Industrial activity	Sex or sexuality
Marital status	Pregnancy or breastfeeding
Identity of Spouse	

Continued

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3.35.7 Definitions

Discrimination and harassment (Continued)

Sexual harassment is also associated with unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature.

Discrimination and sexual harassment in employment is unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws. It is possible for a person to be bullied, sexually harassed and discriminated against at the same time.

Similarities and differences between bullying and harassment

The common features of workplace bullying and harassment are:

- they offend, humiliate and intimidate;
- they are unwarranted, unreasonable and unnecessary behaviours;
- they create a working environment that people find hostile and psychologically unsafe;
- they may be protected, hidden or accepted within a workplace culture;
- they are often enacted in private or in covert ways that are difficult to prove.

The differences are that

- workplace bullying is more likely to be and **must be** repetitive behaviour whereas harassment can be one-off behaviour that offends;
- workplace bullying is more likely to be deliberate and intentional whereas harassment may be unintended;
- workplace bullying does not necessarily focus on an aspect of the individual/target whereas harassment focuses on an aspect such as race, sex or gender etc.

Workplace conflict

Differences of opinion and disagreements are generally not considered to be workplace bullying and harassment. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases conflict that is not managed may escalate to the point where it meets the definition of workplace bullying and harassment.

Repeated behaviour

Persistent nature of the behaviour and can involve a range of behaviours over time.

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.

Worker

A person is a worker if the person carried out work in any capacity for the University including work as:

- An employee; or
- A contractor, subcontractor or an employee of a contractor or subcontractor; or
- An employee of a labour hire company who has been assigned to work in the University; or
- An outworker; or
- An apprentice or trainee; or
- A person gaining work experience; or
- A volunteer.

3.35.8 Performance Measures

HR Branch will use performance measures to assist in identifying areas of success and/or where corrective action is required to meet the objectives and targets of this process.

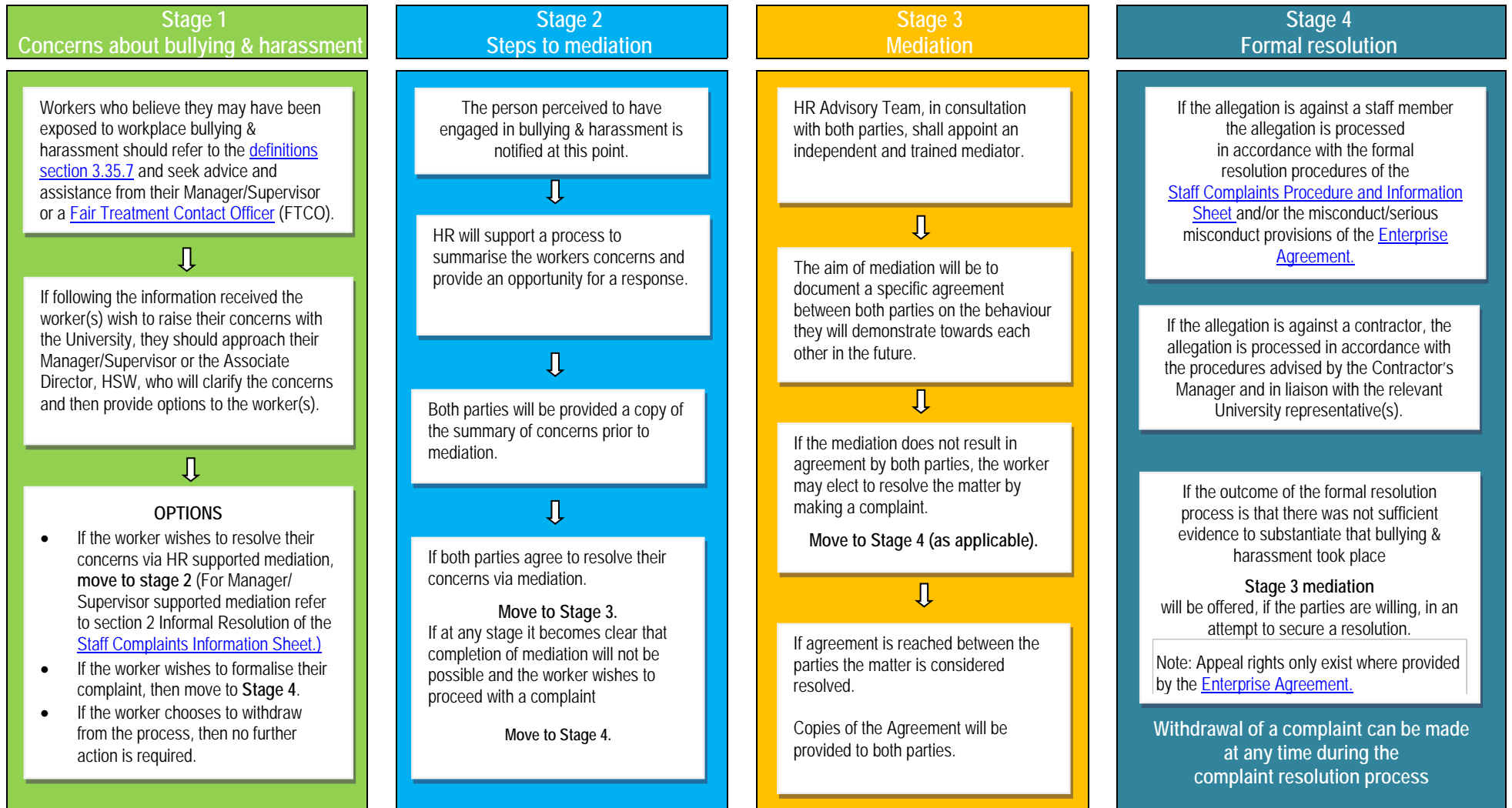
The level of compliance with the chapter and effectiveness will be determined during the internal audit process.

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3.35.9 Useful information and resources

3.35.9.1	<p>University related documents and Policies University HSW Handbook: Behaviour and Conduct Policies and Procedures University of Adelaide Enterprise Agreement Code of Conduct Health, Safety and Wellbeing (HSW) Policy</p>
3.35.9.2	<p>Related Legislation Work Health and Safety Act 2012 (SA) WHS Regulations 2012 (SA) Guide to "Preventing and responding to workplace bullying" (SafeWork Australia) Fair Work Act 2009 (Commonwealth)</p>
3.35.9.3	<p>Useful Web-links Fair Work Commission - www.fwc.gov.au Australian Human Rights Commission http://www.humanrights.gov.au/workplace-bullying-violence-harassment-and-bullying-fact-sheet SafeWork SA – Bullying http://www.safework.sa.gov.au/show_page.jsp?id=5082</p>

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](#).

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