

# **Bullying, Harassment and Discrimination Policy**

SAMPLE

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## Purpose

This Bullying, Harassment and Discrimination Policy sets out how [Company Name] will prevent, manage and respond to workplace bullying, harassment and unlawful discrimination in order to provide a safe and healthy work environment for all workers.

The policy supports [Company Name]'s duty of care under work health and safety (WHS) legislation to eliminate or minimise risks to psychological and physical health arising from unreasonable behaviour at work. It also supports obligations under anti-discrimination, equal opportunity and fair work legislation.

This document provides:

- Clear definitions of bullying, harassment, sexual harassment and discrimination
- Examples of unacceptable behaviour
- Responsibilities of officers, managers, workers and others
- Procedures for reporting, responding to and resolving issues
- Guidance on risk management, consultation, training and recordkeeping

## Scope

This policy applies to all workers and others at [Company Name] workplaces, including:

- Employees (full-time, part-time, casual and fixed-term)
- Labour hire workers, contractors, subcontractors and their employees
- Apprentices, trainees and work experience students
- Volunteers and interns
- Visitors, clients, customers and members of the public who interact with [Company Name] workers

The policy applies to behaviour that occurs:

- At any [Company Name] workplace, including offices, worksites, vehicles and remote locations
- During working hours, including overtime and breaks
- At work-related events, such as training, conferences, functions and social events
- During work-related travel or accommodation
- Online or via any communication technology where there is a work connection (for example, email, messaging apps, social media, phone)

## Policy Statement

[Company Name] is committed to providing a workplace that is free from bullying, harassment and unlawful discrimination. Such behaviour is unacceptable and will not be tolerated under any circumstances.

[Company Name] will:

- Take all reasonably practicable steps to eliminate or minimise risks to psychological and physical health arising from bullying, harassment and discrimination
- Treat all complaints and reports seriously, promptly, fairly and confidentially as far as reasonably practicable
- Ensure no worker is victimised for making a complaint, providing information, or participating in an investigation
- Apply appropriate disciplinary or corrective action where this policy is breached
- Provide information, instruction, training and supervision to support this policy
- Consult with workers and their health and safety representatives on psychosocial hazards and controls

All workers are expected to behave in a manner that is respectful, inclusive and consistent with this policy and with WHS duties.

## Definitions

### 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** means behaviour that occurs more than once and may involve a range of behaviours over time.
- **Unreasonable behaviour** means behaviour that a reasonable person, having regard to the circumstances, would see as victimising, humiliating, undermining or threatening.

Workplace bullying can be carried out by one or more persons and can be directed at one or more persons. It may be obvious or subtle, verbal or non-verbal, and can occur in person, in writing or via electronic communications.

### Harassment

Harassment is any unwelcome behaviour that offends, humiliates or intimidates a person, where a reasonable person would have anticipated the possibility that the person would be offended, humiliated or intimidated.

Harassment may be a one-off incident or repeated behaviour. It can relate to protected attributes (such as sex, race, disability, age, religion) or be more general in nature.

## Sexual Harassment

Sexual harassment is unwelcome sexual behaviour that a reasonable person would anticipate might make another person feel offended, humiliated or intimidated. It may be physical, verbal or written.

Sexual harassment can occur even if it is not intended to offend, humiliate or intimidate. It can be a single incident or repeated behaviour.

## Discrimination

Discrimination occurs when a person is treated less favourably than another person in the same or similar circumstances because of a protected attribute, or when an unreasonable requirement, condition or practice disadvantages people with a protected attribute.

Protected attributes (which may vary by jurisdiction), commonly include:

- Sex, gender identity and intersex status
- Sexual orientation
- Pregnancy or potential pregnancy, breastfeeding, parental or carer responsibilities
- Marital or relationship status
- Age
- Race, colour, descent, national or ethnic origin, immigration or refugee status
- Religious belief or activity
- Political opinion or activity
- Disability, impairment or medical condition (including mental health)
- Industrial activity, union membership or non-membership

## Victimisation

Victimisation occurs when a person is subjected to, or threatened with, any detriment because they:

- Made, or intend to make, a complaint or report
- Provided information or evidence in relation to a complaint or investigation
- Asserted their rights under WHS, anti-discrimination or workplace laws

Victimisation is unlawful and is strictly prohibited under this policy.

## Reasonable Management Action

Reasonable management action carried out in a reasonable manner is not workplace bullying.

Examples of reasonable management action include:

- Setting reasonable performance goals, standards and deadlines