



# GRIEVANCE, HARASSMENT AND BULLYING GUIDELINES

## 1. INTRODUCTION

Workplace grievance, harassment and bullying is when a person subjects another to degrading, intimidating behaviour ranging from verbal abuse or threats to actual physical violence. Workplace grievance, harassment and bullying will not be tolerated within the organisation or directed to workers from outside the organisation. These guidelines outline the rules, responsibilities and procedures for grievance, harassment and bullying in the workplace.

## 2. SCOPE

This applies across the organisation of Charles Sturt Campus Services Limited and all workplaces under our control.

## 3. DEFINITIONS

**Harassment** refers to unwelcome behaviour that:

Makes a person feel offended belittled, intimidated, or apprehensive, and that a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.

Under State and Commonwealth anti-discrimination legislation, harassment on any of the following grounds is deemed to constitute discrimination:

- age;
- disability, including HIV/AIDS status;
- homosexuality;
- marital or domestic status;
- pregnancy or potential pregnancy;
- race (including colour; nationality, descent, and ethnic, ethno-religious or national origin);
- responsibilities as a carer;
- sex (including breastfeeding);
- transgender (anyone who identifies as a member of the opposite sex by living or seeking to live as a member of the opposite sex, including a person assumed to have a transgender identity); or
- personal association with a person who is identified by reference to any of the above attributes

In addition, sexual harassment is specifically prescribed.

**Grievance** can be described as a formal expression of dissatisfaction about a work situation

**Bullying** can be described as unreasonable behaviour that intimidates, demeans or humiliates a person, putting their health, safety or welfare (including psychological welfare) at risk.

**Vilification** refers to a public act that could incite or encourage hatred, severe ridicule or serious contempt for a person or group of people because of their race, homosexuality, HIV/AIDS status or transgender status.



**Sexual Harassment** Sexual harassment refers to unsolicited, unwanted attention of a sexual nature that is demeaning, compromising, embarrassing or distressful to the recipient.

#### 4. NATURE OF HARASSMENT

In the context of the workplace, harassment is behaviour that is unnecessary to the performance of professional duties and that interferes with a person's right to work in a non-threatening environment.

Harassment may take verbal, written, physical or other non-verbal forms. It can encompass behaviour that is offensive or harmful, from demeaning personal comments to bullying which, if not managed, can lead to acts of aggression or physical violence.

Harassment is usually a pattern of behaviour. However, one incident may be enough to support a finding of harassment if it is sufficiently offensive or serious in its ramifications.

#### SEXUAL HARASSMENT

Sexual harassment refers to unsolicited, unwanted attention of a sexual nature that is demeaning, compromising, embarrassing or distressful to the recipient.

The law defines sexual harassment as occurring when a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature that causes the recipient to feel offended, humiliated, or intimidated, and when this reaction is reasonable, given the circumstances.

In determining whether harassment has occurred, the intention of the person whose behaviour has caused offence is of less significance than the effect of their behaviour on the other person. The same behaviour may be perceived differently, depending on a person's age, gender or their social or cultural background. In addition, forms of sexual behaviour that may initially appear mild or trivial can cause severe distress in situations where there is a formal inequality of status between those involved.

Sexual harassment can occur as a single incident or a persistent pattern of unwelcome behaviour. It may be intentional or unintentional and is not confined by definition to any gender or sexuality. It can range from subtle behaviour to explicit demands for sexual activity or even criminal assault.

#### Sexual harassment may include but is not limited to:

- (a) inappropriate remarks with sexual connotations, smutty jokes, or lewd comments;
- (b) intrusive questions or insinuations about a person's sexual activities or private life;
- (c) suggestive remarks about a person's body or appearance;
- (d) persistent, unwanted requests for dates;
- (e) persistent, unwanted declarations of affection;
- (f) subtle or explicit requests for, or offers of, sexual favours;
- (g) the display of sexually suggestive material in inappropriate contexts;
- (h) offensive written, telephone, or electronic mail or other computer system communications;
- (i) offensive hand or body gestures;
- (j) uninvited physical contact such as patting, pinching, touching or putting an arm round another person;
- (k) unnecessary close physical proximity, including persistently following a person;
- (l) indecent exposure; or
- (m) Sexual assault.



### Sexual harassment is of particular concern where it:

- (a) implicitly or explicitly imposes a condition on student admission, grading or academic progress;
- (b) implicitly or explicitly imposes a condition on staff recruitment, selection, appraisal or career progression;
- (c) interferes with academic or work performance; or
- (d) Creates an intimidating or offensive learning or work environment.

Sexual harassment does not refer to relationships of mutual attraction that are based on genuine choice and consent. However, in situations of unequal power and authority, there is a danger that 'consent' might be based on fear, intimidation or perceived coercion because of the unequal status of the parties involved. For example, where a sexual advance appears to be reciprocated, it could still be viewed as harassment if the recipient had reasonable grounds for believing that a rejection of, or objection to, the sexual behaviour would disadvantage her/him in some way.

It is helpful to distinguish between sexual harassment and gender-based harassment. The latter encompasses harassment or offensive conduct based on the gender of the recipient – that is, treatment that is sexist or in any other way denigrates or disadvantages a person because of their gender.

### OTHER FORMS OF HARASSMENT

The Disability Discrimination Act 1992 explicitly covers harassment as unlawful, on the basis of a disability, presumed disability or association with a person with a disability. This includes harassment of a person because they have, or are assumed to have, an illness or disease such as HIV/AIDS or viral hepatitis.

Harassment because of a person's gender, homosexuality, marital status, and age or transgender status is also contrary to the law in contexts where it causes disadvantage, interferes with work or academic performance, or creates an intimidating or hostile work or study environment. In such cases, any one of the following actions may constitute harassment:

- (a) denigrating language or comments regarding a person's gender, sexual orientation, age or any other personal characteristic;
- (b) the display of written or pictorial material that denigrates or ridicules a person's gender, sexual orientation, age or any other personal characteristic; or
- (c) Abusive behaviour such as bullying or intimidation because of a person's gender, sexual orientation, age or any other personal characteristic.

## 5. VILIFICATION

State and Federal anti-discrimination legislation prohibit certain forms of vilification.

Where the content ridicules or incites hatred or contempt for a person's race, homosexuality, HIV/AIDS status or transgender status, the following activities may be defined as vilification:

- (a) graffiti;
- (b) posters or stickers displayed in a public space;
- (c) statements or speeches made in public or published on the Internet;
- (d) statements or remarks in a newspaper, journal or other publication, or on radio, television or other widely accessed electronic media such as Internet or email;
- (e) abuse that happens in public; or

- (f) Displaying slogans on badges or clothing in public.

## 6. BULLYING

Bullying is another form of harassment. Bullying is generally characterised by a misuse of relative and/or assumed power. It is often, but not always, deliberate and it usually encompasses more than one act.

Bullying can be identified by repeated, persistent, aggressive behaviours that may escalate in severity over time, or a pattern of behaviour that causes disadvantage and/or distress.

Bullying behaviours may include but are not limited to:

- (a) abusive or offensive language, insults, ridicule, sarcasm or intimidating remarks;
- (b) verbal or physical aggression – for example, shouting, throwing things, pushing or standing over someone;
- (c) spreading derogatory innuendo or rumours about a person;
- (d) teasing or regularly making a person the brunt of practical jokes/pranks, particularly after they have objected;
- (e) making phone calls or sending letters or e-mails that are threatening, abusive or offensive;
- (f) interfering with or damaging a person's property;
- (g) repeatedly criticising or making comments intended to discredit or undermine a person or devalue their work;
- (h) minimising or failing to acknowledge a person's contribution;
- (i) deliberately excluding someone from work-related interactions, social activities or networks;
- (j) deliberately withholding work-related information or resources or supplying incorrect information to an individual;
- (k) inappropriately threatening a staff member with dismissal, disciplinary action or demotion;
- (l) creating unexplained job changes, setting meaningless tasks or tasks well beyond a person's job description;
- (m) setting unreasonable deadlines, impossible work targets or excessive workloads;
- (n) subjecting a person to constant surveillance or over-detailed supervision and unwarranted checking of performance;
- (o) denying access to training and development or career opportunities without justification; or
- (p) Applying restrictive and petty work rules that diminish a person's control over the way in which their work is carried out.

Bullying should not be confused with the legitimate exercise of managerial, supervisory authority. It is not bullying or harassment for:

- (a) a supervisor, within the framework of CSCS policies and procedures, to counsel an employee on their performance or institute proceedings for unsatisfactory performance, misconduct or dismissal or deal with complaints from others;
- (b) Differences of opinion, conflicts and problems in work relationships are part of work life and do not in themselves constitute bullying or harassment.

## 7. GRIEVANCE

### What is grievance?

A grievance is a formal expression of dissatisfaction about a work situation usually by an individual employee, but it may sometimes be initiated by a group of employees or a union acting on their behalf.



## Introduction

CSCS understand that disagreements and misunderstandings will happen from time to time in a working environment and also appreciate that real upset and anger can be caused by such events as well as disruption to work and a negative effect on morale. It is for all of these reasons that CSCS are in favour of resolving any issues as they arise and in the fairest and most straightforward way possible.

Outcomes:

- Complaints must be fully described by the person with the grievance
- The person(s) should be given the full details of the allegation(s) against them
- The person(s) against whom
- the grievance/complaint is made should have the opportunity and be given a reasonable time to put their side of the story before resolution is attempted
- Proceedings should be conducted honestly, fairly and without bias
- Proceedings should not be unduly delayed.

The procedure as indicated in the text below is intended to provide clear channels of communication that an employee can use when they feel aggrieved and highlights processes, which we believe allow the correct balance of formality and resolve.

## 8. RULES

- All workers must treat each other, customers/clients and the general public with courtesy and respect during the course of their work;
- Do not commit a violent act or threaten to commit a violent act towards another person or property; and
- Report all incidents of workplace violence which includes assault, verbal abuse, harassment, bullying, threatened assaults, ganging up or intimidation, physical or sexual assault, armed robbery and malicious damage.

## 9. RESPONSIBILITIES

Managers and Supervisors must:

- Implement and review the Grievance & Harassment Policy and Procedure
- Consult with workers about the policy so they can contribute to decisions affecting their health, safety and welfare;
- Provide resources, information, training and supervision for workers to allow them to adhere to the rules, have the knowledge and resources to follow the procedures and understand their roles and responsibilities;
- Provide information to all workers about the potential health and safety impacts of violence in the workplace;
- Provide appropriate training in the operation of any security equipment for workers according to their needs, roles and responsibilities;




- To the best of their ability provide a secure work environment and take action against anyone who threatens or bullies their workers;
- Monitor work conditions and work performance;
- Take each and every threat or violent act seriously and report acts or threats of violence to the appropriate authorities;
- Outline the procedures for the management of violence;
- Encourage and refer workers to support and counselling as appropriate;
- Record all incidents of violence and threats; and
- Continue to monitor workplace conditions and the environment, performance and culture for problematic behaviours and attitudes.

Workers must:

- Be courteous, understanding and show mutual respect towards all persons;
- Participate in consultation and any training required to prevent workplace violence;
- Comply with the rules of this policy; and
- Advise their manager/supervisor if they feel unsafe performing any work activity or if they feel they have not been properly trained.

**10. SIGN OFF**

**Company Representative:**

**Signed:**  **Date:** 15-03-21

**Name:** Martin Dooner **Position:** General Manager