



Version	Approved by	Approval date	Effective date	Next review
1.0	Vice-Chancellor	23 February 2022	23 February 2022	February 2025
<b>Policy Statement</b>				
<b>Purpose</b>	This Policy sets out the principles for preventing and responding to incidents of workplace bullying and harassment occurring at or connected with UNSW.			
<b>Scope</b>	<p>This Policy applies to all UNSW staff and affiliates.</p> <p>Bullying and harassment is 'connected with UNSW' and covered by this Policy where and when it occurs in the following circumstances:</p> <ul style="list-style-type: none"> <li>• in the physical workplace, including outside of normal working hours, when working remotely or online</li> <li>• while undertaking work activities, including interactions with third parties and while working away from the UNSW premises</li> <li>• at work-related events or in connection with a work-related event including conferences and social functions whether during or outside business hours</li> </ul>			
<b>Policy Provisions</b>				

## 1. Our commitment and key principles

UNSW is committed to providing a workplace that is free from bullying and harassment and to creating a supportive working environment. UNSW encourages positive behaviours that reflect our core values, including embracing diversity and displaying respect.

This commitment is reaffirmed under the UNSW *Values in Action*, the [Code of Conduct](#) and other relevant policies and procedures. It is further reinforced under our legal obligations including, but not limited to, laws, regulations and standards dealing with education, foreign interference, human rights, employee entitlements, student rights, health and safety, and unlawful discrimination and harassment.

The two key principles and fundamental obligations that set out behaviour required in the workplace are that:

- all people should be treated with dignity and respect
- all staff should maintain an awareness about the impact of their behaviour on others.

Bullying and harassment in the workplace is inappropriate and unacceptable behaviour. This Policy provides a framework that will enable UNSW to identify, prevent, manage and, where possible, address bullying and harassing behaviour/s. It supports our obligation under the relevant work, health and safety legislation to eliminate, or where this is not possible, minimise risks to health and safety in the workplace.

We also have obligations under Federal legislation which protects a person from unlawful discrimination includes the *Age Discrimination Act 2004* (Cth), the *Australian Human Rights Commission Act 1986* (Cth), the *Racial Discrimination Act 1975* (Cth) and the *Sex Discrimination Act 1984* (Cth).

## 2. Bullying and harassment

### 2.1 What is workplace bullying?

Workplace bullying is defined as *repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety*<sup>1</sup>.

*Repeated* refers to the persistent or ongoing nature of the behaviour and can involve a range of behaviours over time. *Unreasonable behaviour* means behaviour that a reasonable person, having regard to all the

<sup>1</sup> Safe Work Australia

circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying can occur whenever people work together in all types of workplaces and can be carried out in a variety of ways, including but not limited to email, text messaging, social media or face-to-face contact.

Bullying can be directed at, or carried out by, either a single person or group of people, and can occur at any level in an organisation. It can range from obvious verbal or physical assault to subtle psychological abuse.

The types of behaviour, whether intentional or unintentional, that may be considered bullying if they are repeated, unreasonable and create a risk to health and safety may include, but are not limited to:

- abusive, aggressive, insulting or offensive actions, both verbal and physical
- unjustified criticism or complaints, or demeaning and undermining remarks
- deliberately withholding information, supervision or consultation, or inappropriately excluding or alienating someone from workplace activities
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level or role
- regular unfair or inappropriate allocation of work
- spreading misinformation or malicious rumours
- refusal of leave or training requests without adequate explanation and suggestion of alternatives
- excessive and unreasonable scrutiny at work.

A single incident of unreasonable or unacceptable behaviour may not be considered workplace bullying, but may still be inconsistent with the Code of Conduct. UNSW will address any single instance in accordance with relevant policies and procedures as appropriate.

## **2.2 What is not bullying?**

Managers may allocate and direct how work is carried out, monitor quality and timeliness of work, and give fair, constructive and reasonable feedback on a staff member's performance. These actions are not considered bullying or harassing if carried out in a reasonable manner.

Examples of reasonable management action include, but are not limited to:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours for operational requirements
- deciding not to select someone for promotion where a reasonable process is followed and documented
- informing a staff member about unsatisfactory work performance when undertaken in accordance with UNSW's Enterprise Agreements, a contract of employment or other UNSW policies and procedures
- informing a staff member about inappropriate behaviour in an objective and confidential way
- proposing and implementing workplace change or restructuring where undertaken in accordance with UNSW's Enterprise Agreements or a contract of employment
- making a complaint by a staff member or undertaking complaint handling or investigation processes and functions as required under relevant UNSW policy or procedures
- commencing disciplinary action for alleged breaches of the UNSW *Code of Conduct* or other UNSW policies or procedures
- termination of employment, following a reasonable and documented process.

## **2.3 What is harassment?**

Harassment generally involves unwelcome behaviour that a reasonable person would consider intimidates, offends or humiliates a person and may be a form of unlawful discrimination. Harassment may be a single incident or repeated behaviours and may include treating someone less favourably on the basis of certain personal characteristics.

These include, but are not limited to, disadvantaging a person because of their race, colour, sex, gender identity, intersex status, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, breastfeeding, religion, political opinion, national extraction or social origin.

Anti-discrimination legislation also makes it unlawful to discriminate against or harass a person in the workplace in certain circumstances.

Examples of incidents that may be considered harassment include, but are not limited to:

- singling out individuals from culturally and linguistically diverse backgrounds, individuals who identify as LGBTIQ+, people with a disability, or singling out a person based on their age or religion. This can include derogatory jokes, slurs or personal insults and expressions of intolerance.
- negative behaviour founded on discrimination
- physical actions such as intruding in one's personal space or damaging possessions
- making vexatious, baseless complaints against an individual.

### 2.3.1 Sexual Harassment

Sexual harassment occurs where there is an unwelcome sexual advance, or other unwelcome sexual behaviour towards another person, in circumstances where it can reasonably be expected that the person will feel intimidated, humiliated or offended by the behaviour.

Sexual misconduct includes sexual harassment. Refer to the [Sexual Misconduct Prevention and Response Policy](#) for further information, support and how to disclose or report sexual misconduct.

## 3. Your obligations

Consistent with the *UNSW Code of Conduct*, all staff and affiliates must ensure, as far as reasonably practical, that workplace bullying does not occur by creating an environment where everyone treats others fairly, and with dignity and respect. Staff must:

- communicate and treat others with respect and courtesy.
- respect the rights of others and not become involved in or encourage bullying, harassing or inappropriate behaviour.
- acknowledge certain actions may impact others and stop the behaviour if they become aware it may be perceived as bullying or harassment.
- not condone bullying or harassment if witnessed, by not doing anything about it.
- maintain confidentiality if involved in a complaint.

Staff are expected to encourage a person who considers they are being bullied or harassed to seek assistance or advice from Human Resources, Workplace Health & Safety or through independent University Complaint Officers.

## 4. Manager responsibility

Managers have a responsibility to provide a safe work environment that enables staff to carry out their work responsibilities free from bullying and harassment. UNSW expects managers to:

- actively promote and support bullying and harassment prevention strategies and apply effective measures to raise awareness and promote acceptable standards of behaviour e.g. regular reference to the *UNSW Values in Action* in team meetings, MyCareer conversations and coaching discussions.
- demonstrate leadership by proactively modelling positive behaviours and an inclusive culture.
- ensure, as far as reasonably practical, that staff understand their responsibilities under this Policy, the *Code of Conduct* and other UNSW policies, and know how these documents can be accessed.
- treat instances of bullying and harassment seriously and investigate complaints or reports promptly, thoroughly, impartially and confidentially.
- be alert to the possibility of workplace bullying and harassment, intervene early and appropriately. Monitor key indicators such as increased sick leave, performance concerns, observed increase in workplace friction and other changes in staff behaviour.

Managers are encouraged to identify training needs for themselves and their staff and seek advice from their local HR Business Partner when dealing with actual or potential workplace bullying and harassment.

Managers may also access Manager support through the University's [Employee Assistance Program](#) for advice in dealing with cases of bullying and harassment at work.

## 5. Impacts of bullying and harassment

Bullying and harassment in the workplace can be harmful to the person experiencing it and to those who witness it. There may be significant social and health costs for individual staff including, but not limited to:

- distress, anxiety, panic attacks or difficulty sleeping
- physical illness, such as headaches, digestive problems and high blood pressure
- reduced work performance
- loss of self-esteem and feelings of isolation
- deteriorating personal and professional relationships
- increased use of alcohol or other drugs,
- changes in behaviour or engagement with colleagues
- depression; or thoughts of self-harm.

Bullying and harassment can seriously impact UNSW's reputation, and the time and costs associated with dealing with the problem can be significant. It can lead to:

- low morale and motivation
- increased absenteeism and low productivity
- high staff turnover and associated recruitment and training expenses
- disruption to work when complex complaints are being investigated
- costly workers compensation claims or legal action.

## 6. Managing bullying and harassment

All reports of bullying and harassment will be treated seriously and managed promptly in accordance with this Policy and relevant procedures.

On receipt of a complaint an assessment will be made, and Human Resources will provide advice on how it is best handled.

### 6.1 Resolving issues

Ideally, staff should attempt to resolve issues of workplace bullying and harassment\* at the local level and are encouraged to:

- if safe to do so, raise the issue directly with the person they believe is responsible for bullying. Often, an informal approach can quickly resolve an instance of workplace bullying; or
- report bullying or harassment to their manager.

Staff may wish to contact their HR Business Partner or University Complaint Officer (as set out in the [Staff Complaint Procedure](#)) to discuss how to raise the issue.

If the issue is not resolved in this way, staff may also:

- raise the matter with another relevant manager, e.g. the next most senior manager in the chain of supervision.
- lodge a complaint in accordance with the University's [Staff Complaint Procedure](#)
- seek further advice from Human Resources
- seek the assistance of the University's Employee Assistance Program (EAP).

\*Where staff have concerns about potential sexual misconduct, they should also consider the *Sexual Misconduct Prevention and Response Policy*. See section 2.3.1.

## 7. Victimisation

Those who witness and report bullying or harassing behaviour, or are involved in an investigation as a witness, are not to be victimised in any way. Victimisation or any other retaliatory behaviour is unacceptable behaviour and may warrant disciplinary action. Victimising a person who has made a complaint, or is

involved in an investigation of a complaint, may include bullying or harassing behaviours such as silent alienation, threats, intimidation or reprimanding actions such as less favourable working conditions.

## 8. Confidentiality

Staff involved in a complaint (including its resolution), or who report allegations of bullying and harassment, must maintain confidentiality and only discuss the matter with their nominated support person, representative, personal advisor or immediate family. Any breach of confidentiality may result in disciplinary action. Confidentiality protects the complainant and the integrity of an investigation and respects the rights of the people who are the subject of the complaint.

UNSW has a duty of care for the health and wellbeing of staff while at work. The nature of some incidents may need to be reported to external authorities and information including the identity of the complainant, respondent and nature of an incident may need to be disclosed. For example, incidents involving violence, assault and stalking could constitute criminal conduct and may need to be reported to the police. Where appropriate, consent from the reporter or relevant party will be obtained, however UNSW has an obligation to report certain incidents irrespective of consent.

## 9. Vexatious or frivolous complaints

Vexatious complaints are false complaints and made with the intention to harm an individual. Those found to be making vexatious or frivolous complaints may be subject to disciplinary action, up to and including termination of employment.

## 10. Breaches of policy

UNSW may commence disciplinary action in accordance with the relevant Enterprise Agreement or industrial instrument if a person to whom this Policy applies breaches this Policy (or any of its related policies and procedures) and such action may include the termination of employment.

<b>Accountabilities</b>	
<b>Responsible Officer</b>	Chief Human Resources Officer
<b>Contact Officer</b>	HR Business Partnering Team
<b>Supporting Information</b>	
<b>Legislative Compliance</b>	<p>This Policy supports the University's compliance with the following legislation:</p> <ul style="list-style-type: none"> <li>• <i>Australian Human Rights Commission Act 1986</i> (Cth)</li> <li>• <i>Work Health and Safety Act 2011</i> (NSW)</li> <li>• <i>Work Health and Safety Regulation 2017</i> (NSW)</li> <li>• <i>Work Health and Safety Act 2011</i> (ACT)</li> <li>• <i>Work Health and Safety Regulation 2011</i> (ACT)</li> <li>• <i>Fair Work Act 2009</i> (Cth)</li> <li>• <i>Anti-Discrimination Act 1977</i> (NSW)</li> <li>• <i>Discrimination Act 1991</i> (ACT)</li> <li>• <i>Age Discrimination Act 2004</i> (Cth)</li> <li>• <i>Disability Discrimination Act 1992</i> (Cth)</li> <li>• <i>Racial Discrimination Act 1975</i> (Cth)</li> <li>• <i>Sex Discrimination Act 1984</i> (Cth)</li> </ul>
<b>Supporting Documents</b>	Nil
<b>Related Documents</b>	<a href="#">University of New South Wales (Academic Staff) Enterprise Agreement</a> <a href="#">University of New South Wales (Professional Staff) Enterprise Agreement</a> <a href="#">Code of Conduct</a> <a href="#">Staff Complaint Procedure</a> <a href="#">Health and Safety Policy</a> <a href="#">Equity, Diversity and Inclusion Policy</a> <a href="#">Academic Freedom and Freedom of Speech code of Conduct</a> <a href="#">Anti-Racism Policy</a> <a href="#">Sexual Misconduct Prevention and Response Policy</a>
<b>Superseded Documents</b>	Workplace Bullying Statement 2003 – HR intranet
<b>File Number</b>	2022/014564

<b>Revision History</b>				
<b>Version</b>	<b>Approved by</b>	<b>Approval date</b>	<b>Effective date</b>	<b>Sections modified</b>
1.0	Vice-Chancellor	23 February 2022	23 February 2022	New policy