

## **HARASSMENT INFORMATION**

### **Intimidatory Harassment**

Intimidatory harassment involves the thoughtless or intentional use of physical or organisational power to coerce a person to perform a particular action or to instil in the person a feeling of humiliation or intimidation.

Examples of this type of behaviour may include:

- offensive, abusive, belittling, threatening or manipulative behaviour;
- offensive physical contact or coercive behaviour which is intended to be derogatory or intimidating;
- insulting or threatening gestures;
- continual unjustified and unnecessary comments about a person's work or capacity for work; and/or
- persistent following or stalking within the workplace, or to and from work. (This may also constitute a criminal act.)

Intimidatory harassment should not be confused with legitimate comment and advice (including relevant negative comment or feedback) from a Principal/Manager or supervisor on work performance or work related behaviour, delivered in a reasonable manner.

### **Bullying**

Workplace bullying can be defined as 'the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice'. Bullying comprises the systematic, repeated and deliberate abuse of power. It is inflicted on a less powerful person by a more powerful person or group of people. It includes overt behaviours that intimidate, offend, belittle, dis-empower, degrade or humiliate a worker, possibly in front of co-workers, visitors to workplaces, clients, students or school community members. Bullying may also appear through subtle means, such as withholding information, isolating a person within the workplace or excluding them from decision-making processes or activities in which they would normally or should be involved.

Examples may include:

- taking advantage of good nature, especially on a regular basis;
- plagiarism, taking undeserved credit, but never accepting responsibility when things go wrong;
- allocating all the unsavoury tasks to one person instead of sharing;
- two-facedness, saying one thing to a person's face, something else (especially the opposite) to others;
- persistent unwillingness to make clear what is required.

### **Harassment On The Grounds Of Age, Industrial Activity, Political Activity, Belief Or Affiliation And Irrelevant Criminal Or Medical Record**

This type of harassment includes any verbal or physical conduct related to age, industrial activity, political activity, belief or affiliation and irrelevant medical or criminal record that is offensive, humiliating, derogatory or which results in the reinforcement of stereotypes.

Examples may include:

- repeated and unnecessary references to a person's age;
- derogatory remarks about a person's union membership;
- derogatory remarks about a person's political activities;
- offensive comments relating to long term medical illness;
- criminal activity; and/or
- offensive verbal or practical jokes based on any of the above categories.

### **Inciting Hatred**

A person, by a public act, must not incite hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of:

- the **race** of the person or any member of the group; or
- any **disability** of the person or any member of the group; or
- the **sexual orientation** or **lawful sexual activity** of the person or any member of the group; or
- the **religious belief, activity or affiliation** of the person or any member of the group.

Examples may include:

- repeated and unnecessary references to a person's racial or cultural background;
- derogatory remarks about a person's racial origin, accent or manner of speech;
- staring and other physical behaviour which causes discomfort to a person with a disability;
- derogatory remarks about a person's disability, impairment or appearance;
- teasing or personal questions about an individual's alleged sexual activities;
- offensive verbal or practical jokes based on any of the above categories; and/or
- derogatory remarks about a person's religious practices

### **Victimisation**

Victimisation of any kind towards any employee is completely unacceptable within the State Service. Victimisation of employees is contained in the Code of Conduct - "An employee, when acting in the course of State Service employment, must treat everyone with respect and without harassment, victimisation or discrimination".

All employees should be aware that victimisation of any employee is a breach of the Code of Conduct. The *State Service Act 2000* also states that victimisation of an employee who has reported an alleged breach of the Code of Conduct is not permitted.

Victimisation is considered to have taken place where a person subjects, or threatens to subject, another person or an associate of that other person to any detriment.

A person must not victimise another person because that other person:

- made, or intends to make, a complaint under the *Anti-Discrimination Act 1998*; or
- gave, or intends to give, evidence or information in connection with any proceedings under the *Anti-Discrimination Act 1998*; or
- alleged, or intends to allege, that any person has committed an act which would amount to a contravention of the *Anti-Discrimination Act 1998*; or
- refused or intends to refuse to do anything that would amount to a contravention of the *Anti-Discrimination Act 1998*; or
- has done anything in relation to any person under or by reference to the *Anti-Discrimination Act 1998*.

### **Sexual Harassment**

Sexual harassment is a form of discrimination and includes:

- unwelcome physical sexual conduct; or
- verbal or non-verbal communication in the workplace of a sexual nature based on the characteristics of gender, marital or parental status, pregnancy, breastfeeding or family responsibilities, that is deliberate, unwelcome, uninvited, unreciprocated and usually repeated.

Examples of this type of behaviour may include:

- physical contact against an employee's will such as touching, patting, pinching, deliberate pushing against a person, kissing or embracing;
- physical abuse, including rape;
- verbal comments such as innuendo, smutty jokes, suggestive comments, persistent unwelcome social invitations, intrusive questions about a person's sex or private life and requests for sexual favours;
- non verbal actions such as leers, displays of sexually explicit material, offensive body or hand movements, suggestive letters or drawings, derogatory or offensive material sent through the electronic mail system or other computer systems and indecent exposure;
- belittling jokes or comments based on sex role stereotypes - implying that a woman cannot perform any practical or technical task because she is a woman or that a man who performs household tasks or provides care to his children has something wrong with him; and/or
- behaviour which insists that gender stereotypes be maintained and exercised in the workplace, which promotes gender divisions in task or work allocation, or which is aimed at restricting access to career roles, educational opportunities and responsibilities on the basis of gender.

### **Signs, Notices Or Advertising Material And Workplace Discrimination And Harassment**

Employees must not publish or display, or cause or permit the publication and display of any material that promotes and expresses, or depicts discrimination which the recipient(s) find offensive, humiliating, intimidating, insulting or ridiculing. This applies to the circulation of offensive material.

In order to fit the categories of discrimination and harassment found in relevant legislation, this material could be of: a sexual nature; related to race; age; sexual orientation; lawful sexual activity; gender; marital status;

pregnancy; breastfeeding; parental status; family responsibilities; disability; industrial activity; political belief or affiliation; religious belief or affiliation; religious activity; irrelevant criminal record; irrelevant medical record. However, material which does not fit into these categories but which others find offensive also should not be published or displayed.

### **Electronic Systems And Workplace Discrimination And Harassment**

In its Managing Workplace Diversity policy, the Department commits itself to providing a workplace free of harassment. One possible form of harassment is material, sent through the e-mail system, which the recipient(s) find offensive, humiliating, intimidating, insulting or ridiculing. This applies equally to other forms of electronic services such as downloading, printing and/or circulating offensive material from the World Wide Web.

In order to fit the categories of harassment found in relevant legislation, this material could be of: a sexual nature; related to race; age; sexual orientation; lawful sexual activity; gender; marital status; pregnancy; breastfeeding; parental status; family responsibilities; disability; industrial activity; political belief or affiliation; religious belief or affiliation; religious activity; irrelevant criminal record; irrelevant medical record. However, material which does not fit into these categories but which others find offensive also has no place on workplace e-mail and computer systems.

All staff members must ensure that they do not distribute such material in the workplace through e-mail or any other means. Staff members who receive or view offensive material are reminded that they can access the complaint process as set out in the Complaint & Appeal Policy and Procedures (For Staff and Tutors) in the Organisational Policies Manual.

All employees should become familiar with Policy no 5 - Use of Computers. This policy outlines staff acceptable use in relation to the Pines Learning information and computing resources. Acceptable use deals with personal conduct relating to:

- System security;
- Legal requirements;
- Ethical use of Departmental resources; and
- Standards of personal interaction.

## Options Available If You Experience Workplace Harassment

A range of options is listed below. The options are not necessarily sequential and a complainant may change the course of action at any stage.

<b>Do Nothing</b>	<b>Contact Respondent</b>	<b>Seek Information or Support</b>	<b>Make a written Complaint</b>
<p>Ignore unacceptable behaviour, but you must remember:</p> <ul style="list-style-type: none"> <li>- it may be repeated or happen again;</li> <li>- to ask for strategies</li> <li>- to take control if it recurs; and</li> <li>- seek help to learn empowering strategies.</li> </ul>	<p>Complainant can:</p> <ul style="list-style-type: none"> <li>- Speak to respondent</li> <li>- Write a note to respondent, but you must remember to:</li> <li>- be assertive;</li> <li>- state what behaviour you find unacceptable; and</li> <li>- request clearly that the unacceptable behaviour must stop.</li> </ul>	<p>Resources available:</p> <ul style="list-style-type: none"> <li>- Immediate Supervisor</li> <li>- Tutor</li> <li>- Co-ordinator/Manager</li> <li>- Anti-Discrimination Commissioner;</li> <li>- Human Rights and Equal Opportunity Commission;</li> <li>- State Service Commissioner;</li> <li>- Union;</li> <li>- Support Services (eg. Sexual Assault Referral Centre);</li> <li>- Ombudsman; or</li> <li>- Lawyer.</li> </ul>	<p>Complaint may go to:</p> <ul style="list-style-type: none"> <li>- Centre Manager or Supervisor;</li> <li>- State Service Commissioner;</li> <li>- Anti-Discrimination Commissioner;</li> <li>- Human Rights and Equal Opportunity Commission; or</li> <li>- Union.</li> </ul>