

# BULLYING AND HARASSMENT

[Module 1: Welcome](#)

[Module 2: Bullying and Harassment](#)

[Module 3: Managing Harassment](#)

[Module 4: Scenarios](#)

## MODULE 1: WELCOME

There are four modules to complete in the Bullying and Harassment online program.

By the end of this program you should be able to:

- contribute to maintaining a positive workplace environment
- identify what is and is not bullying and harassment
- identify the impact of bullying and harassment on individuals and the team
- take reasonable steps to prevent and eliminate harassment in the work environment
- follow the informal and formal process to address harassment
- seek support from contact officers (COs).

## COPYRIGHT

© Commonwealth of Australia

Unless otherwise noted, copyright (and any other intellectual property rights, if any) in this publication is owned by the Commonwealth of Australia (referred to as the Commonwealth).

All material in this publication is licensed under a Creative Commons Attribution 3.0 Australia License, save for content supplied by third parties.

Creative Commons Attribution 3.0 Australia License is a standard form license agreement that allows you to copy, distribute, transmit and adapt this publication provided you attribute the work. A summary of the license terms is available from <http://creativecommons.org/licenses/by/3.0/au/>. The full license terms are available from <http://creativecommons.org/licenses/by/3.0/au/legalcode>.

Enquiries regarding the license and any use of this document are welcome at:

- Interactive Learning Solutions, Shared Services Centre  
GPO Box 9880, CANBERRA ACT 2601  
Email: [interactivelearning@ssc.gov.au](mailto:interactivelearning@ssc.gov.au)

[return to top](#)

## MODULE 2: BULLYING AND HARASSMENT

This module provides an explanation of Bullying and Harassment in and out of the work environment and the legislative framework surrounding discrimination and harassment. You will learn your role and responsibilities as an employee to prevent and eliminate harassment at work.

By the end of this module you should be able to:

- identify behaviour defined as 'harassment'
- identify behaviour defined as 'bullying'
- define the 'workplace'
- identify behaviour that is not bullying or harassment
- explain your responsibilities as an employee.

## WHAT IS BULLYING AND HARASSMENT?

Bullying and harassment is behaviour that:

- is unwelcome and unsolicited
- a reasonable person would consider being offensive, belittling or threatening.

Bullying and Harassment may include but is not limited to:

- **Overt Behaviour(s):** such as physical contact, intimidating or aggressive behaviours, verbal comments, propositions, pranks or other behaviour which creates a hostile work environment.
- **Bullying:** is repeated workplace behaviour that could reasonably be considered to be humiliating, intimidating, threatening, or demeaning to an individual or group of individuals.
- **Ostracism:** includes physical or social isolation; exclusion from work-related activities; not acknowledging or responding to an individual's presence or comments.
- **Undermining:** involves, but is not limited to, persistent baseless criticism; unwarranted removal of responsibility; spreading gossip and rumours; or belittling or derogatory remarks or actions that diminish a person's dignity.
- **Sabotage:** involves giving meaningless tasks, confusing and/or contradictory instructions, inappropriately and frequently changing work targets; setting unrealistic deadlines; unnecessary disruptions; deliberately withholding important information; or deliberately failing to complete tasks or miss deadlines.

Bullying and harassment can occur in any setting where there is a connection with work, including for example:

- during work-organised events
- outside work hours
- while off-site.

Bullying and harassment can be:

- **Intentional:** where actions were intended to humiliate, offend, intimidate or distress, whether or not the behaviour did in fact have an effect.
- **Unintentional:** where actions, which although not intended to humiliate, offend, intimidate or distress, did cause and should reasonably have been expected to cause that effect.
- **Repeated or unrepeated:** where the behaviour or actions are repeated or are a one-off (unrepeated).
- **Targeted:** behaviours directed at an individual or group because of some real or perceived attribute or difference.
- **Reciprocated or unreciprocated:** where actions are retaliative behaviour in response to a received incidence of harassment (reciprocated) or are unprovoked (unreciprocated).

## WHAT IS NOT HARASSMENT?

The following are not considered to be harassment:

- Behaviour that is invited or that is genuinely accepted by all the people involved.
- Carrying out legitimate or reasonable management decisions or actions, undertaken in a reasonable way and with respect and courtesy.
- Expressing differences of opinion in a constructive and courteous manner.
- Making a complaint about the conduct of a manager or other employee, if the complaint is made in a proper and reasonable way.
- Giving appropriate feedback to, or counselling a staff member on his or her work performance or work related behaviour. This is considered reasonable management action provided that those providing feedback or counselling ensure that this is done in a constructive manner that is not humiliating, belittling, or threatening.

Your HR area can provide assistance on how to give feedback in an appropriate manner.

## EMPLOYEE ROLES AND RESPONSIBILITIES

All employees are responsible for:

- preventing and eliminating harassment in the workplace
- upholding the APS Values and Code of Conduct.

All employees should report perceived harassment as soon as possible and work constructively to resolve the issues in a manner appropriate to the circumstance.

The identity of employees who report offending behaviour or provide written statements will be kept as confidential as the process and the law allows. All agencies have procedures in place to protect employees who make disclosures from risk of reprisal.

Employees who observe perceived harassment are encouraged to report this to a manager but should be mindful that their manager may be obligated to take action in regards to the concerns, whether the employee wants them to or not.

## CONTACT OFFICERS

Specialist contact officers (COs) – your agency may use a different term such as diversity officer, etc. – are trained to provide information to employees when workplace issues arise, including bullying and harassment.

COs are responsible for:

- providing relevant information to individuals making enquiries about workplace harassment
- listening to and providing support to employees
- talking to employees about their options, the process for resolution of complaints and to discuss possible outcomes
- disseminating information and raising awareness regarding equity and diversity issues
- promoting workplaces free from discrimination and harassment
- helping to develop and implement equity and diversity strategies.

COs do not:

- provide advice on harassment matters
- act as an advocate
- become involved in investigating, mediating or conciliating a complaint
- become involved in taking disciplinary action.

## PRINCIPLES & LEGISLATION

Agencies must have systems that help prevent and address workplace harassment and bullying. This includes recognising it when it happens, and then doing something to stop it. All employees should know that inappropriate workplace behaviour is a breach of the APS Values and Code of Conduct and is not tolerated in the APS.

There are a number of pieces of legislation applicable to the APS which place a number of legal obligations on agencies and employees:

- The *Public Service Act 1999* requires all APS employees to comply with the APS Code of Conduct.
- The *Work, Health and Safety Act 2011* Section 28 specifies that all workers must take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons.
- Unfair treatment based on a real or perceived attributes or differences may contravene one or more pieces of Commonwealth and State Anti-Discrimination Acts legislation.
- The *Public Interest Disclosure Act 2013* creates a public disclosure scheme that promotes internal reporting of suspected wrongdoing in agencies.
- The *Fair Work Act 2009* has provisions for a bullied worker to apply for an order to stop the bullying.
- The *Privacy Act 1988* prevents personal information from being disclosed without appropriate consent, unless authorised by law.

Under various federal, state and territory legislation, every agency must take all reasonable steps to prevent discrimination, harassment and bullying in the workplace. Failing to take reasonable steps can have serious consequences for all levels of the organisation, including for individuals, teams and work groups, agencies as a whole, and for the perpetrators.

Refer to your agency's policies and guidelines for more information on your agency's approach and procedures for dealing with bullying and harassment.

## MODULE 2: CHECK YOUR KNOWLEDGE

To test your knowledge of the information presented in this module, answer the following questions.

### QUESTION 1

Which of the following behaviours can be considered as harassment?

>>Please note that more than one answer may be correct for these questions.

- a. Physical contact
- b. Pranks
- c. Verbal comments
- d. Unwarranted removal of responsibility
- e. Ostracism
- f. Sabotage
- g. Intimidation

## QUESTION 2

Which of the following actions are employee responsibilities?

*>>Please note that more than one answer may be correct for these questions.*

- a. Preventing and eliminating harassment
- b. Upholding the APS Values and Code of Conduct
- c. Approaching the complainant regarding the matter if you are alleged to have harassed
- d. Report any perceived harassment to a manager
- e. Uphold confidentiality

## QUESTION 3

Contact officers (COs) will not...

*>>Please note that more than one answer may be correct for these questions.*

- a. Provide relevant information to individuals making enquiries about harassment
- b. Promote workplaces free of harassment
- c. Become involved in taking disciplinary action
- d. Talk to employees about their options, the process of resolution of complaints and to discuss possible incomes
- e. Act as an advocate
- f. Advise both parties on a harassment matter

## MODULE 3: MANAGING HARASSMENT

This module explains the guidelines for managing bullying and harassment behaviours in and out of the work environment and the role of the contact officers (COs) to support staff reporting such behaviours.

By the end of this module you should be able to:

- follow the informal process to deal with bullying and harassment
- implement the formal process to report bullying and harassment
- follow the guidelines if you are alleged of bullying and harassment
- identify the role of COs when dealing with complaints of bullying and harassment.

## GUIDELINES FOR DEALING WITH HARASSMENT

Instances of inappropriate behaviour which may constitute workplace harassment, bullying or discrimination should be addressed early. Informal measures are preferred in the first instance for handling complaints and this should occur as quickly as possible. Employees are not required to exhaust informal processes before formal action commences. There may be some instances where informal processes would not be appropriate and a formal process may commence without delay.

All matters, whether dealt with formally or informally, must be handled in line with the principles of procedural fairness and treated as confidentially as the process allows. You should refer to your own agency's policies and guidelines for managing harassment both formally and informally.

## INFORMAL PROCESS

Informal measures are the preferred way to resolve all but the more serious cases of harassment because:

- they focus on future work relationships by clarifying what is regarded as acceptable behaviour
- managers and supervisors can take positive steps to establish working arrangements to eliminate harassment
- they allow the individuals concerned to take positive action themselves to correct or alter their behaviour
- they emphasise resolution rather than factual proof or substantiation of a complaint and allegations will likely remain untested.

Informal options may include:

- discussing the matter with the person of concern
- discussing the matter with your supervisor
- talking to a trusted senior manager
- talking to Human Resources (HR)
- calling the Employee Assistance Program (EAP) for coping strategies
- talking to an union representative
- talking family/religious leaders/doctor
- keeping diary notes.

## FORMAL PROCESS

Where the informal process has not been successful or the alleged harassment is serious, formal methods of resolution may be appropriate.

Formal options may include making a formal complaint in writing to:

- your manager or supervisor
- Human Resources or Personnel
- Senior Manager or Director

HR or management will investigate and determine if an investigation is required or if the situation can be resolved informally.

If an investigation is required, HR will appoint an investigator to determine whether the allegations are factually proven, and if so, whether they could be in breach of the APS Code of Conduct. During an investigation, procedural fairness must be followed. Respondents will be informed of any allegations and be given the opportunity to comment.

Where an employee is found to have breached the Code, a sanction may be imposed. The type of sanction imposed is determined by the severity of the harassment. If the breach of the Code is determined to violate the Criminal Code, the matter will be referred to police and prosecuting authorities. They will determine whether or not to pursue charges and a legal process.

## WHAT IF HARASSMENT HAS BEEN ALLEGED AGAINST ME?

An employee alleged of harassment in the workplace can find accusations distressing and confronting, particularly if the alleged harassment was unintentional. An allegation of harassment is only an allegation until it is proven.

Where an allegation of harassment is made against an employee, the employee:

- may be informed about the nature of the allegations or concerns made about them

- will be afforded appropriate confidentiality.

There are various sources of support available to employees including:

- free confidential counselling services through the Employment Assistance Program (EAP)
- a support person of their choice to accompany them to any interviews (which may be a union representative)
- information from a CO or HR Advisor.

If a complaint proceeds to a formal investigation, the principles of procedural fairness will apply. This means that employees will be provided with the opportunity to respond to allegations.

### EXAMPLE CASE STUDY

Monica is an EL 1 and has joined a unit in an established, high performing team. While her team were initially very welcoming of Monica, she has noticed that during times, her colleagues would not acknowledge her and fail to pass on meeting requests and not include her in on team emails that were either work related or personal jokes. When she questioned why she was not invited to a meeting, her colleague apologised and explained that they were still yet to update the team distribution list.

Every morning, a small group from Monica's team do a 'coffee run' but fail to include Monica by asking whether she would like a coffee or join them for a walk. More recently, Monica heard in passing that the team went out for after work drinks on Friday to celebrate a former colleague's promotion. Monica feels upset by this news as she was not invited and feels that the team deliberately kept this information from her as they do not like her.

### INFORMAL STRATEGIES

Possible informal strategies could include:

- Asking her work colleagues if they wanted to get coffee together or ask if she could join them on the walk over to the coffee shop.
- Initiate a team social outing to get to know her team better. This could include a lunch or morning tea during which she could demonstrate to the team she may not be as intimidating as they may suspect.
- Monica could also take the initiative and speak to the person responsible for the team email distribution list and ensure she is added. As the team EL1 she may even nominate herself as the delegate for the list.
- As the agencies have a responsibility to take all reasonable steps to prevent workplace harassment, Monica can speak to her immediate supervisor/manager or a CO who may be able to suggest some possible strategies to resolve the issue.

### FORMAL STRATEGIES

If the problem persists, Monica could contact someone from HR about lodging a formal complaint or with the approval of her Director, arrange for HR to deliver an awareness presentation on workplace harassment and bullying.

### MEDIATION

Mediation is one form of alternative dispute resolution (ADR) which may be used to resolve workplace disputes and conflicts. It is important to note that not all situations are amenable to mediation: all parties to

the conflict need to be willing and happy to participate in a mediation, willing to hear the other side of the matter, and prepared to negotiate for a workable outcome that meets everyone's needs.

### **Why use mediation?**

Where we use mediation or other ADR process we can often achieve a better outcome in that where all the parties are able to agree to a workable solution they can continue to work together in a professional, respectful and productive way.

We don't expect that the parties will become 'close colleagues' or 'best buddies' but we aim to achieve practical solutions that allow people to continue to work together in a more amicable way in the future. In some cases mediations/ADR processes need to be revisited a second or third time if the relationship starts to deteriorate again.

### **How to organise mediation?**

The way to obtain mediation services is to contact your HR area. If the issue is amenable to mediation or ADR, HR may make such arrangements through the EAP contract.

Alternatively, some managers may choose to make their own arrangements. It is strongly recommended that only suitably qualified and registered mediators are used. There is usually a Mediators and Arbitrators association in each state or Territory or LEADR, the Association of Dispute Resolvers, in most States through which mediators would be trained and registered.

## **TYPES OF ALTERNATIVE DISPUTE RESOLUTION (ADR)**

ADR includes a broad range of dispute resolution processes – aside from mediation, the three most commonly used in the workplace are:

### **INDIVIDUAL SESSIONS**

It is strongly recommended there are individual sessions between the mediator and each party prior to the mediation to assess the prospects of mediation being a successful strategy and to prepare each party for the mediation.

### **FACILITATION**

Facilitation is generally a done with a group of people who are all partly or significantly affected by a conflict. Again it is a structured process often preceded by individual meetings to prepare people for the facilitation.

### **CONFLICT RESOLUTION**

Conflict coaching is a form of ADR where the parties are supported by a coach who assists them to directly negotiate a solution to their issues.

- The coaching precedes the direct negotiation between the parties.
- The coach assists each party to prepare how they will negotiate with the other party and debriefs them afterwards.
- The coach is not present during the negotiation.
- Sometimes this will take several meetings between the parties to sort through all of the issues.

This is the most empowering of the ADR techniques as it enables the parties to develop new skills and to sort out their issues directly.

## MODULE 3: CHECK YOUR KNOWLEDGE

### QUESTION 1

Which of the following are examples of informal strategies to manage workplace harassment?

>>Please note that more than one answer may be correct for these questions.

- a. Approaching the person engaging in the harassment and asking them to stop their behaviour
- b. Putting in a formal complaint to HR in writing
- c. Writing a letter to the person engaging in harassment, asking them to stop their behaviour
- d. Reporting it to your manager or supervisor to stop the behaviour
- e. Contacting a CO for information on possible resolution strategies

Enter your answer: \_\_\_\_

### QUESTION 2

Is this statement true or false?

If an allegation has been made against you, you are entitled to a support person of your choice to accompany you to any interviews.

- a. True
- b. False

Enter your answer: \_\_\_\_

### QUESTION 3

Which of these are roles of COs in a formal harassment case?

>>Please note that more than one answer may be correct for these questions.

- a. To provide information to the complainant about harassment
- b. To provide information to the respondent of a harassment complaint about allegations and investigation process
- c. To enforce a sanction upon an employee who has breached the APS Code of Conduct
- d. To report any outcomes from any informal measures previously taken

Enter your answer: \_\_\_\_

## MODULE 4: SCENARIOS

The Scenarios module gives staff an opportunity to apply what they have learnt in this program about bullying and harassment to a range of workplace situations.

### MODULE OBJECTIVES

By the end of this module, you should be able to:

- identify bullying and harassment behaviours
- follow guidelines to manage situations in a scenario
- identify appropriate actions to suitably handle a bullying or harassment situation
- identify the appropriate personnel to contact for support or assistance
- identify situations that should be reported.

### QUESTION 1

An employee makes a joke about a particular nationality, playing on a well-known stereotype. An employee of that nationality finds the joke offensive, however does not notify anyone of their feelings. All other employees do not take offence and are unaware of the offended employee's discomfort.

This situation is an example of bullying and harassment.

- True
- False

Enter your answer: \_\_\_\_

### QUESTION 2

An employee, who has always submitted quality reports, in recent times has been submitting reports that are not meeting work standards. The employee's manager organises a meeting and carries out reasonable management actions, as well as constructive and appropriate feedback. The employee takes offense to these actions and believes he has been targeted.

For what reasons is the above situation not considered harassment?

*>>Please note that more than one answer may be correct for these questions.*

- The manager carried out management actions and decisions
- Managers are exempt from bullying and harassment
- The manager was giving appropriate feedback or counselling
- This is an example of expressing differences of opinion in a constructive and courteous manner

Enter your answer: \_\_\_\_

### QUESTION 3

Which of the following are considered employee responsibilities?

*>>Please note that more than one answer may be correct for these questions.*

- Preventing and eliminating harassment
- Upholding the APS values and Code of Conduct
- Approaching the complainant regarding the matter if you are alleged to have harassed
- Report any perceived harassment to a manager, supervisor or a CO
- Uphold confidentiality surrounding harassment matters

Enter your answer: \_\_\_\_

## QUESTION 4

Employees have a responsibility to prevent harassment in the workplace. Who can you contact if you believe you have identified harassment in your workplace?

*>>Please note that more than one answer may be correct for these questions.*

- a. Your manager
- b. Your supervisor
- c. A harassment contact officer
- d. The employee alleged of harassment

Enter your answer: \_\_\_\_

## QUESTION 5

Is this statement true or false?

According to the APS Values and Code of Conduct, all employees have a responsibility to prevent and eliminate harassment in the workplace.

- a. True
- b. False

Enter your answer: \_\_\_\_

## QUESTION 6

Which of the following behaviours is considered bullying and harassment?

*>>Please note that more than one answer may be correct for these questions.*

- a. Bullying an employee
- b. Inappropriately touching an employee
- c. A manager counselling an employee in an courteous manner
- d. Unwarranted removal of responsibility which undermines an employee
- e. Deliberately missing task deadlines
- f. Excluding an employee from meetings

Enter your answer: \_\_\_\_

## QUESTION 7

Informal measures are the preferred way to resolve concerns of harassment because:

*>>Please note that more than one answer may be correct for these questions.*

- a. They focus on future work relationships by clarifying what is regarded as acceptable behaviour
- b. Managers and supervisors can take positive steps to establish working arrangements to eliminate harassment
- c. They allow the individuals concerned to take positive action themselves to correct or alter their behaviour
- d. They emphasise resolution rather than factual proof or substantiation of complaints and allegations will likely remain untested

Enter your answer: \_\_\_\_

### QUESTION 8

Which of the following are various support options that are available to you in the event you are alleged of harassment?

*>>Please note that more than one answer may be correct for these questions.*

- a. Counselling through the EAP service
- b. A support person of your choice to accompany you to an interview
- c. Information from a CO
- d. Discussions with a HR Advisor

Enter your answer: \_\_\_\_

### QUESTION 9

Which of the following are relevant pieces of legislation regarding bullying and harassment?

*>>Please note that more than one answer may be correct for these questions.*

- a. *Work, Health and Safety Act 2011*
- b. *Public Service Act 1999*
- c. *Fair Work Act 2009*
- d. *Sex Discrimination Act 1984*
- e. *Privacy Act 1988*

Enter your answer: \_\_\_\_

### QUESTION 10

Which of the following are considered roles of a contact officer (CO)?

*>>Please note that more than one answer may be correct for these questions.*

- a. To provide information to the complainant about harassment
- b. To provide information to a respondent about being named in a harassment complaint
- c. To enforce a sanction upon an employee who has breached the code of conduct
- d. To provide information as to the options available to preventing and eliminating harassment

Enter your answer: \_\_\_\_

## PROGRAM COMPLETE

**Congratulations you have completed the Bullying and Harassment program.**