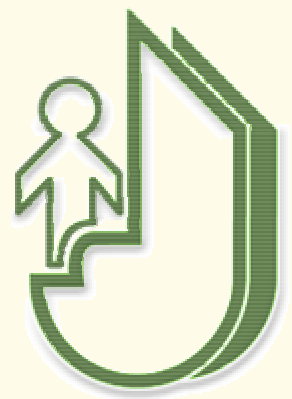


Policy on Harassment Free Workplace

July 2002



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1 Purpose of the Policy

Purpose

An important part of good working relationships is that everyone must be able to work in an environment free from harassment. That is, the workplace should be free of behaviour which staff do not like or do not want to happen.

The Department of Juvenile Justice believes that all employees should enjoy good working relationships with each other and with management. This means that everyone should feel comfortable in the workplace and that differences (such as differences in cultural background, gender, sexual preference and so on) should be respected.

A workplace without harassment is a workplace where people respect and tolerate the rights and differences of others.

Who is this policy for?

This policy covers all departmental employees, including:

- casuals
- fee-for service staff
- contractors
- volunteers
- unpaid trainees

Where does the policy apply?

This policy refers to harassment that happens while employees are:

- on departmental premises,
- doing departmental work but not on departmental premises (e.g. on field work or an overnight trip), or
- participating in a social event organised by the department (e.g. a work Christmas party) even if the event is held outside of the workplace.

It may also cover harassment by an employee of another employee outside of the workplace (e.g. unwelcome visits, phone calls or letters to a person's home).



2 What is Harassment?

Definition

Harassment is any behaviour that is not asked for, not welcome and not returned. The behaviour offends, upsets, humiliates, intimidates or scares another person. It makes the workplace uncomfortable, unpleasant and often unsafe.

Causes of harassment

Harassment often happens when power is abused. The power may relate to:

- position (e.g. a supervisor over someone they are in charge of),
- cultural difference (e.g. a white person over a person of colour in a traditionally Anglo-Saxon society), or
- number (e.g. more men than women in a workplace).

Power relationships can sometimes stop people from saying 'no' when they don't like a particular behaviour. For example, a staff member may feel scared to say 'no' to their supervisor or manager, for fear that they may be victimised or lose their job. People in positions of power should be aware of this and encourage staff to speak honestly about their feelings.

Harassment behaviour

Harassment is usually a series of acts or behaviour or repeated acts or behaviour. Some acts or behaviour are so serious that they may constitute harassment even if only done once.

Many types of harassment are against state and/or federal anti-discrimination laws. These include harassment that happens because of a person's:

- sex (including sexual harassment)
- race
- ethno-religion
- age
- marital status
- disability (including physical, intellectual, psychiatric, learning disability, infectious disease)
- sexual preference (real or perceived)
- transgender identity

Unintentional harassment

Harassment is not always intended. Acts or behaviour that are funny or don't mean much to one person may hurt or offend another. If you're not sure whether your behaviour or action will offend someone, ask first. If you do offend someone without meaning to, you should apologise immediately and stop the behaviour.



3 Examples of Harassment

Overview

Harassment can take many forms. It can be obvious or subtle, direct or indirect. For example, a hostile environment can be created without any direct attacks on a person.

The examples of acts or behaviour in this topic may be harassment. The list is not exhaustive – acts or behaviour that are not included on this list may still be harassment.

Examples of verbal harassment

Below are some examples of verbal harassment.

- sexual or suggestive remarks
- making fun of someone
- imitating someone's accent
- propositions (sexual invitations)
- spreading rumours
- obscene telephone calls or broadcasts over the two way radio
- offensive jokes
- repeated questions about personal life
- threats or insults
- the use of language by staff that is not suitable in the workplace
- name calling
- chastising a staff member about work performance in front of other colleagues or clients

Examples of non-verbal harassment

Below are some examples of non-verbal harassment.

- putting sexually suggestive, offensive or insulting material on walls or allowing clients to have such material on walls in Juvenile Justice Centres
- suggestive looks or leers
- unwelcome practical jokes
- mimicking someone with a disability
- following someone home from work
- sabotaging someone's work by not circulating information, denying access to resources without reason or refusing to cooperate with reasonable requests from colleagues
- offensive hand or body gestures
- unnecessarily leaning over someone
- encouraging a departmental client to make crude remarks or harass another person or failing to support a colleague who is the subject of such remarks or behaviour
- wolf whistling
- continually ignoring or dismissing someone's contribution in the workplace e.g. during a meeting
- requiring domestic work tasks (such as cleaning up the tea room or cleaning up after meetings) to be done by women only.

Continued on next page



3 Examples of Harassment, Continued

Examples of physical harassment

Below are some examples of physical harassment.

- unnecessary physical contact against a person's will e.g. pinching, patting, brushing up against a person, touching, kissing or hugging
- indecent or sexual assault or attempted assault e.g. trying to touch someone's breasts, genitals or bottom
- pushing, shoving or jostling
- putting your hand or an object into someone's pocket (especially breast, hip or back pocket)

Examples of which are not harassment

The following are examples of that may not be deemed harassment.

Example of non-harassment	Comment
relationships between adults at work by mutual consent	As long as the staff involved are adults and the behaviour between themselves is not impacting others in the workplace, it is not necessarily harassment.
discussions between staff and supervisors about work performance	It is your supervisor's job to provide you with appropriate feedback about your work. It could be deemed harassment if: <ul style="list-style-type: none"> • performance deficits are not genuine, or • if inappropriate behaviour occurs during supervision.



4 What to Do if You are Harassed

Procedure

Follow these steps if you are being harassed:

Step	Action
1	Tell the person(s) to stop. Inform them that you do not like what they are doing and that their action breaches this policy.
2	Keep your own private diary notes about any harassment that is happening to you.
3	If the behaviour does not stop: <ul style="list-style-type: none"> • inform your supervisor, and • follow the steps set out in the department's grievance procedure.

Making a formal complaint

Complaints of harassment should be resolved at the local level wherever possible.

Any employee can complain about harassment to their:

- supervisor
- manager
- other grievance handler
- their Union
- the Anti-Discrimination Board

Management must take all necessary steps to ensure people making complaints about harassment (and their witnesses) are not victimised in any way for making a complaint.

Keeping diarised notes

You should keep diarised notes for future reference. These notes should cover:

- what happened
- who was involved
- where it happened
- when it happened
- if anybody witnessed the harassment
- what you did about it at the time

You should also keep copies of any material that shows you are being harassed. This will help you remember what happened if you decide to complain using the department's grievance procedure.

What could happen if harassment is proved

If harassment is proved, disciplinary action or remedial action may be taken (depending on the seriousness of the harassment). This action may range from an apology to dismissal.

(Remedial action is distinct from punishments set out in the Public Sector Management Act for a proved breach of discipline.)



5 Roles and Responsibilities

Manager responsibilities

Legally, your **employer** is responsible for what happens in the workplace under the [Anti-Discrimination Act \(NSW\) 1977](#) and [Occupational Health & Safety Act \(NSW\) 2000](#)

Managers and supervisors are responsible for:

- ensuring all staff understand that unlawful harassment will not be allowed in the workplace,
- ensuring complaints are handled seriously and according to the department's grievance procedure, and
- ensuring the psychological and physical safety and welfare of employees.

Managers and supervisors are expected to:

- never harass staff,
- check regularly with staff to ensure no harassment is going on (i.e. proactively prevent harassment), and
- regularly reinforce the department's standards, policy and procedures in relation to a harassment-free workplace.

Third party complaints

Managers cannot investigate complaints of harassment made by a third party, that is, someone who has seen someone else being harassed. This breaches "natural justice" which is the right to tell their side of the story.

However, if informed harassment is going on, managers must carefully supervise and reiterate standards and policies of workplace harassment to all staff.

Staff responsibilities

It is the responsibility of all staff to respect the rights of others and never encourage harassment.

It is **not** your responsibility to say anything to the person who they say is harassing them or to spread rumours about someone. Spreading rumours breaches a person's right to "natural justice".

What you can do

If you become aware that someone you work with is being harassed, you can:

- back them up or supporting them saying no to the harasser
- tell them that you are willing to act as a witness if the person being harassed decides to lodge a complaint
- refuse to join in with any harassing activity

If you are concerned that the person being harassed is not taking action to stop the harassment themselves, you can speak to:

- a Grievance Contact Officer (an updated list of all Grievance Contact Officers is kept in each office)
- the Manager, Training & Equity
- the Manager, Human Resources
- the Manager, Professional Conduct
- your own manager



6 Additional Information

Within the department

The department's grievance procedure lists the positions responsible for handling grievances within the department. Each office has an updated list of Grievance Contact Officers.

If you cannot find the list, ask your supervisor or manager, or contact the Training & Equity Unit on (02) 9289 3452.

Interpreters

The following places can help with interpreting:

- The Consumer Relations Commission - (02) 9716 2244
- Telephone Interpreting Service – 131 450
- Deaf Sign Interpreter Service - (02) 9716 2248

See the Language Services Policy for more information about the use of interpreters.

Your union

The table below lists union contact details.

Office	Details
The Public Service Association	160 Clarence St, Sydney 2000 Phone: (02) 9289 1555 Fax: (02) 9262 1623
The NSW Nurses' Association	43 Australia St, Camperdown 2050 Phone: (02) 9550 3244 Fax: (02) 9550 3667

The Anti-Discrimination Board

The table below lists Anti-Discrimination Board contact details.

(TTY = Telephone typewriter for deaf or hearing impaired people)

Office	Details
Sydney Office	Level 4, 181 Lawson St, Redfern 2016 Phone: (02) 9318 5444 Fax: (02) 9310 2235 TTY: (02) 9310 2376 Toll free (outside the Sydney metropolitan area): 1800 670 812
Wollongong Office	Wollongong Government Offices 84 Crown St Wollongong 2500 Phone: (02) 42 268 190 Fax: (02) 42 261 190 TTY: (02) 42 294 1434
Newcastle Office	Level 4, 414 Hunter St, Newcastle West 2302 Phone: (02) 49 264 300 Fax: (02) 49 261 376 TTY: (02) 49 291 489

