



# Preventing workplace bullying, sexual harassment and unlawful discrimination

Implementation Date: 08/06/2018  
Version: 1.0

## Audience

This policy applies to all employees of the Department of Education (the department).

## Purpose

This policy encourages the establishment and maintenance of a respectful workplace culture across the department. It outlines the expected behaviours of employees regarding the treatment of any other person in the course of performing their duties in any work location. This includes, but is not limited to, attendance at conferences, training courses, online communications, business or field trips and work related social functions.

## Policy statement

The department is committed to providing a respectful workplace culture free from bullying, sexual harassment and unlawful discrimination where employees treat all others with respect and dignity.

All employees are expected to take a stand against all forms of workplace bullying, sexual harassment and unlawful discrimination by speaking up, taking action and reporting any inappropriate behaviour.

## Principles

- All forms of workplace bullying, sexual harassment and unlawful discrimination (in person or online) are deemed unacceptable behaviour and are not tolerated by the department.
- All employees are responsible and encouraged to raise complaints, including complaints of workplace bullying, sexual harassment, and unlawful discrimination at the earliest opportunity.
- Allegations of workplace bullying, sexual harassment and unlawful discrimination will be treated seriously, fairly, sensitively and without victimisation. Where possible, issues will be resolved locally and promptly, in line with complaints management policies and procedures. Substantiated allegations will be referred for appropriate disciplinary action.
- Bystanders who witness workplace bullying, sexual harassment and/or unlawful discrimination (in person or online) are encouraged to speak up and take appropriate action.
- Reasonable management action to address performance or conduct related issues is not considered workplace bullying, if it is carried out in a lawful, reasonable and impartial way, taking the particular circumstances of the matter into account.



## Requirements

### All employees

- Model appropriate behaviour and treat others with dignity and respect and promote a positive, inclusive and constructive workplace culture.
- Raise complaints and concerns at the earliest opportunity in accordance with the [Managing employee complaints procedure](#).
- Comply with the [Code of Conduct for the Queensland Public Service](#) and the [department's Standard of Practice](#), all applicable departmental policies and relevant legislation.
- Ensure any allegations relating to inappropriate conduct are made in good faith, and are not vexatious or malicious or designed to impede legitimate management action.
- Cooperate with all complaint management procedures.

### Additional requirements for managers, principals and supervisors

- Display ethical leadership and high personal standards of behaviour consistent with the [Code of Conduct for the Queensland Public Service](#) and the [department's Standard of Practice](#).
- Promote, educate and ensure employees are aware of the Code of Conduct for the Queensland Public Service and the department's Standard of Practice, and ensure compliance with legislative obligations in relation to workplace bullying, sexual harassment and unlawful discrimination.
- Provide leadership for the implementation of initiatives and ensure appropriate resources are available to employees for the promotion of a respectful and inclusive workplace culture.
- Monitor the workplace to ensure acceptable standards of conduct are observed.
- Take appropriate and timely action to address allegations of workplace bullying, sexual harassment and unlawful discrimination. This may include initiating local action to promote informal resolution, or referring the complaint immediately to the Integrity and Assessment team (Integrity and Employee Relations Unit)
- Where issues cannot be resolved informally, ensure complaints are reported to the appropriate unit or level for investigation and formal resolution.
- Ensure employees are aware of the confidential professional counselling services available to all employees, through the department's Employee Assistance provider.

## Definitions

<b>Bystander</b>	A bystander is someone who sees or knows about bullying, harassment, discrimination or victimisation that is happening or has happened to someone else.
<b>Complaint</b>	An allegation about an event or action that is perceived to be unfair, unreasonable or unlawful.
<b>Employee</b>	Any person employed by the department to work in a state educational facility or corporate support role in a permanent, temporary or casual, or contractual capacity.
<b>Protected attribute</b>	The <a href="#">Anti-Discrimination Act 1991 (Qld)</a> prohibits discrimination on the basis of the following attributes: <ul style="list-style-type: none"> <li>• Sex</li> </ul>

	<ul style="list-style-type: none"> <li>• Relationship status</li> <li>• Pregnancy</li> <li>• Parental status</li> <li>• Breastfeeding</li> <li>• Age</li> <li>• Race</li> <li>• Impairment</li> <li>• Religious belief or religious activity</li> <li>• Political belief or activity</li> <li>• Trade union activity</li> <li>• Lawful sexual activity</li> <li>• Gender identity</li> <li>• Sexuality</li> <li>• Family responsibilities.</li> </ul>
<b>Reasonable management action</b>	<p>Management action is considered reasonable if it is carried out in a lawful, reasonable and impartial way, taking into account the particular circumstances of the matter.</p> <p>Management action may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• setting reasonable and achievable performance goals, standards and deadlines</li> <li>• performance appraisals including ongoing meetings to address underperformance</li> <li>• investigating alleged misconduct</li> <li>• disciplining, transferring, redeploying or retrenching a worker</li> <li>• deciding not to permit an employee to return to work due to a medical condition.</li> </ul>
<b>Repeated behaviour</b>	<p>Refers to the persistent nature of the behaviour and can involve a range of behaviours over time.</p>
<b>Sexual harassment</b>	<p>Includes unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature, which could reasonably be expected to make a person feel offended, humiliated or intimidated.</p> <p>Examples of sexual harassment include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• sexually suggestive comments or jokes</li> <li>• intrusive questions about your private life or physical appearance</li> <li>• inappropriate staring or leering</li> <li>• unwelcome hugging, kissing, cornering or other types of inappropriate physical contact</li> <li>• sexually explicit text messages, images, phone calls or emails.</li> </ul>
<b>Unlawful discrimination</b>	<p>Occurs when a person is treated less favourably than another person, in the same or not materially different circumstances, on the basis of a protected attribute.</p>

	<p><i>Example: X refuses to employ Y (the less favourable treatment), because of Y's race (the protected attribute).</i></p> <p>There are two types of discrimination on the basis of a protected attribute:</p> <ol style="list-style-type: none"> <li>1. Direct discrimination</li> <li>2. Indirect discrimination.</li> </ol>
<b>Unreasonable behaviour</b>	Behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
<b>Victimisation</b>	<p>Victimisation occurs when a detriment is done (or threatened to be done) to a person, because the person or another person associated with, or related to, the first person:</p> <ul style="list-style-type: none"> <li>• refused to do something that would contravene the <a href="#">Anti-Discrimination Act 1991 (Qld)</a>; or</li> <li>• refused to do something that would constitute workplace bullying; or</li> <li>• has alleged (or intends to make an allegation) about a contravention of the <i>Anti-Discrimination Act 1991 (Qld)</i>; or</li> <li>• has alleged (or intends to make an allegation) about workplace bullying; or</li> <li>• is, has been, or intends to be involved in a proceeding under the <i>Anti-Discrimination Act 1991 (Qld)</i>; or</li> <li>• the bullying provisions in the <a href="#">Industrial Relations Act 2016 (Qld)</a>.</li> </ul>
<b>Workplace bullying</b>	<p>Repeated and unreasonable behaviour by an individual or group of individuals that is directed towards a worker, or a group of workers, that creates a risk to health and safety. <b>This includes in person or online.</b></p> <p>Examples of workplace bullying, whether in person or online, intentional or unintentional, that may be workplace bullying include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• abusive, insulting or offensive language or comments</li> <li>• aggressive and intimidating conduct</li> <li>• belittling or humiliating comments</li> <li>• using the internet or social media to harass, bully or intimidate a fellow employee</li> <li>• practical jokes or initiation</li> <li>• deliberately excluding someone from work-related activities</li> <li>• withholding information that is vital for effective work performance</li> <li>• denying access to information, supervision, consultation or resources to the detriment of the worker</li> <li>• setting unreasonable deadlines or constantly changing deadlines</li> <li>• setting tasks that are unreasonably below or beyond a person's skill level.</li> </ul> <p>NOTE: Workplace bullying was previously referred to as workplace harassment in</p>

	Queensland, and is generally considered as the same type of unacceptable behaviour.
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## Legislation

- [Public Service Act 2008 \(Qld\)](#)
- [Australian Human Rights Commission Act 1986 \(Cwlth\)](#)
- [Age Discrimination Act 2004 \(Cwlth\)](#)
- [Disability Discrimination Act 1992 \(Cwlth\)](#)
- [Industrial Relations Act 2016 \(Qld\)](#)
- [Racial Discrimination Act 1975 \(Cwlth\)](#)
- [Sex Discrimination Act 1984 \(Cwlth\)](#)
- [Anti-Discrimination Act 1991 \(Qld\)](#)
- [Work Health and Safety Act 2011 \(Qld\)](#)

## Delegations/Authorisations

- [HR Delegations Manual](#) (DoE employees only)

## Related policies

- [Code of Conduct for the Queensland Public Service](#)
- [Standard of Practice](#)
- [Managing employee complaints](#)
- [Supporting staff affected by domestic and family violence](#)
- [Employee performance, professional development and recognition](#)

## Related procedures

- [Managing employee complaints](#)

## Guidelines

- Nil

## Supporting information/websites

- [How to make a complaint](#)
- [Bullying: what it is and isn't, and what you can do about it](#)
- [What you can do to stop bullies - be a supportive bystander](#)
- [Bullying fact sheet](#) (Anti-Discrimination Commission Queensland)

## Contact

For general advice about preventing workplace bullying, sexual harassment and unlawful discrimination, contact:

Organisational Transformation and Capability – Culture and Engagement Team

Phone: (07) 3513 6564

Email: [cultureandengagement@qed.qld.gov.au](mailto:cultureandengagement@qed.qld.gov.au)

For advice on lodging employee complaints, please contact:

Employee Relations

Email: [WorkforceRelations.HUMANRES@qed.qld.gov.au](mailto:WorkforceRelations.HUMANRES@qed.qld.gov.au)

Phone: (07) 3237 0255

## Review date

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## Superseded versions

Nil

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