**Bullying and Harassment Policy**

1. **Policy Statement**
   1. [Insert Company Name] aims to provide a safe and enjoyable work environment for all staff and requires high standards of personal behaviour consistent with its Code of Conduct.
2. **Application** 
   1. This policy applies to all [Insert Company Name] employees and contractors. In applying this policy ‘employee’ or ‘staff’ is to be read as including contractors.
3. **Principles**
   1. Staff are expected to show respect and courtesy to other people at work: co-workers, contractors, suppliers and visitors.
   2. All staff should have access to the [Insert Company Name]’s complaint process and procedure if they feel that they have been bullied or harassed.
   3. Complaints will be dealt with as soon as possible, with sensitivity and confidentiality, and ensuring there is a fair process.
   4. Staff will be protected from intimidation, victimisation,[[1]](#footnote-0) and discrimination when making a complaint or assisting with an investigation under the Bullying and Harassment Policy.
4. **Definitions**

***Workplace bullying/harassment***

* 1. Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that reduces people’s enjoyment of work, and can lead to physical or psychological harm.
  2. Repeated behaviour is persistent (i.e., occurs more than once) and can involve a range of different actions over time.
  3. Unreasonable behaviour means actions that are not justified in the circumstances and depart from acceptable standards. It includes victimising, humiliating, intimidating, or threatening a person. It can also include harassment, discrimination or violence.
  4. A single incident of unreasonable behaviour is not considered workplace bullying, but it could escalate and should not be ignored. A single incident of unreasonable behaviour could be misconduct, which could lead to disciplinary action.
  5. Bullying can be direct and personal, or indirect and aimed at a group.
  6. The following are examples of bullying:
  7. Physical intimidation and/or unreasonable physical contact, or threats of this type of behaviour.
  8. Constant blaming for errors without good reason
  9. Unreasonable demands, expectations or overloading an employee
  10. Changing expectations for no reason; “moving the goalposts”
  11. Extreme criticism
  12. ‘Rules’ made up or applied in a targeted way
  13. Insults, put-downs, name-calling or mocking
  14. Jokes at someone’s expense, practical jokes[[2]](#footnote-1)
  15. Ignoring accomplishments and undervaluing achievements
  16. Assigning meaningless or unpleasant tasks
  17. Social exclusion or isolating and/or ignoring an employee on a constant basis
  18. Shouting or verbal aggression
  19. Taking credit for someone else’s work or achievement
  20. Not sharing information or supplying incorrect or unclear information
  21. Breaching personal privacy
  22. Making hints or threats about job security
  23. The following are examples of some behaviours that will not be considered bullying, unless they are unjustified or carried out harshly:
      1. Firm, but fair, management (like providing directions, corrections and suggestions for improvements).
      2. Reasonable, fair performance management or disciplinary processes.

***Sexual harm /sexual harassment***

* 1. Everyone has the right to come to work or visit a workplace without being touched inappropriately or without their consent, hassled or made to feel uncomfortable or unsafe.
  2. Sexual harm means any form of sexual or romantic attention or behaviour that is unwanted, and which is personally offensive to the recipient. It is behaviour that is unprofessional and does not belong in a healthy, safe workplace. Any instance of sexual harm may be a breach of this policy and may result in disciplinary action.
  3. Sexual harassment is defined in both the Employment Relations Act 2000 and Human Rights Act 1993. Employer are required to investigate any complaints or incidents of sexual harassment. Sexual harassment can be raised by an employee either as a personal grievance or a human rights complaint.
  4. Sexual harassment can occur in 2 ways. First, where a person in a position of authority (an owner, manager or team leader) requests or implies they want a co-worker to participate in any sex act, and they directly or indirectly promise the person will be rewarded for it; or they directly or indirectly threaten the person’s employment if they refuse.
  5. Secondly, sexual harassment can occur when anyone in the workplace uses sexual words (written or spoken), pictures, video etc and that behaviour is unwelcome or offensive to the person and it is either a serious one-off incident or repeated, so it has a negative impact effect on that person’s employment, job performance, or job satisfaction.
  6. Examples of sexual harm (which can also be sexual harassment[[3]](#footnote-2)) include:
  7. Comments on a person’s body, the way they dress, telling them they are hot, frequent compliments
  8. Wolfwhistling or catcalling, obscene gestures, giving someone sexualised nicknames
  9. Hitting on, requests for dates, making comments about wanting to have sex with a person
  10. Intrusive questions about someone’s partner or sexual activity
  11. Talking about sex or oversharing about sexual behaviour
  12. Romantic gestures like Valentine’s cards, unwanted or inappropriate gifts
  13. Sending indecent photos or videos, watching or displaying porn in the workplace
  14. Repeated ‘casual’ touching, indecent assault (touching or groping private parts or breasts, kissing)
  15. Sexual assault including rape
  16. Romantic relationships and sexual activity between consenting adults, willingly entered into without pressure are usually not sexual harm or harassment. A power or age imbalance, or involvement of alcohol or drugs may make it difficult for someone to reject sexual attention or genuinely consent. People in reporting relationships must disclose the beginning of a relationship to management so any issues like conflicts of interest can be addressed.

***Racial harassment***

* 1. Racial harassment occurs when a person uses language (written or spoken), pictures or video, or physical behaviour, that directly or indirectly:
     1. Expresses hostility, contempt or ridicule to someone else based on race, colour or ethnic or national origin; and
     2. The behaviour is hurtful or offensive; and
     3. The behaviour has a detrimental effect on that person’s employment, job performance, or job satisfaction.
  2. Racial harassment can include any of the following:  
     + - 1. Telling jokes, teasing or making comments involving race, colour, ethnicity or nationality.
         2. Sharing material that is offensive or hurtful and involves race, colour, ethnicity or nationality.
         3. Make derogatory remarks about groups or the characteristics or culture of groups based on race, colour, ethnicity or nationality.

***Harassment generally***

* 1. Sexual or racial harassment may be carried out by an employer, a co-worker, or by a client or customer of the employer.
  2. The victim of sexual or racial harassment is not required or expected to inform the harasser that their behaviour is unwanted or offensive (sexual harassment); or hurtful or offensive (racial harassment). If someone feels they have been harassed, it is their opinion of the behaviour that sets the standard, not whether anyone else would feel harassed. Saying someone is making a fuss about nothing, other people weren’t offended or the person can’t take a joke will not make the behaviour OK.
  3. People who witness or overhear sexual conduct can complain about the impact on them, even if they are not the target of the behaviour. Harassment can occur by and between people of any gender.

1. **What is not bullying or harassment**
   1. Occasional differences of opinion, conflicts and problems in working relationships are part of working life and are not necessarily bullying or harassment.
   2. Fair management practices in accordance with [Insert Company Name]’s policies and procedures are not harassment or bullying, as long as the actions are justified and carried out fairly and reasonably.
   3. The following are some examples of behaviours that are not considered to be harassment or bullying:
      1. One-off or occasional instances of forgetfulness, rudeness or tactlessness
      2. Friendly banter, light-hearted exchanges, non-sexual mutually acceptable jokes and compliments
      3. Issuing reasonable instructions and expecting them to be carried out
      4. Warning or disciplining someone in line with organisation policy (after following fair a process)
      5. Insisting on high standards of performance in terms of quality, safety and team cooperation
      6. Legitimate criticisms about work performance (not expressed in a hostile, harassing manner)
      7. Giving negative feedback, including in a performance appraisal, and requiring justified performance improvement
      8. Assertively expressing opinions that are different from others
      9. Free and open discussion about issues or concerns in the workplace, without personal insults
      10. Targeted affirmative action policies, parental leave provisions, or reasonable accommodation and provision of work aids for staff with disabilities, etc.
      11. A single incident of unreasonable behaviour (but it could be misconduct)
2. **Who might be involved?**
   1. Bullying and harassment can be carried out by:  
      1. the employer (or a representative of the employer);
      2. co-worker/s of equal employment status (including contractors);
      3. a senior employee using their position of authority or power against another employee; or
      4. business connections, clients, customers or members of the public.



**EMPLOYEE DECLARATION**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (full name) declare I have read and understood [Insert Company Name] Code of Conduct.

| Signature: |  |
| --- | --- |
| Date: |  |

1. Victimisation means punishing or treating someone badly because they have raised a complaint against you (or someone you are close to) or have been a witness in a complaint process. [↑](#footnote-ref-0)
2. Note occasional jokes that are good natured fun for both people may not be bullying, but if they continue and make the target unhappy, they may be seen as bullying. Jokes about race, sexual orientation, gender etc can breach the company’s policies about preventing sexual or racial harassment. [↑](#footnote-ref-1)
3. i.e. if falling within the definition summarised above [↑](#footnote-ref-2)