

1. Introduction

The Sydney Olympic Park Authority (the Authority) is committed to providing a safe and equitable workplace for all employees where everyone is valued and respected. As part of this commitment, workplace bullying, discrimination and harassment will not be tolerated under any circumstances.

1.1 Purpose

The purpose of this policy is to prevent and combat workplace discrimination, harassment and bullying at the Authority.

Discrimination, harassment and bullying are against the law and could result in legal consequences for the Authority, the perpetrator and the line manager.

This policy sets out the principles and processes for addressing incidents of discrimination, harassment or bullying where they occur. The Authority's major focus is on prevention and early intervention. Discrimination, harassment and bullying are less likely to occur in organisations that have a positive, respectful and productive workplace culture, together with a strategy of immediate response to behavior which may escalate into discrimination, harassment or bullying.

1.2 Principles

The Authority promotes a positive and productive workplace through implementation of the following principles:

- All employees have the right to work in a healthy and safe environment
- All employees have the right to be treated fairly and with respect and courtesy
- All employees have a responsibility to ensure they behave in a manner that upholds the principles of a positive and productive workplace;
- The Authority will be free of bullying, discrimination and harassment;
- Any potential or alleged breach of this policy will be addressed expeditiously, confidentially and in accordance with the principles of natural justice and due process; and
- No individual will be victimised for speaking out about, or against, bullying, harassment or vilification.

1.3 Expected Workplace Behaviour Standards

As detailed in the Authority's *Code of Ethics and Conduct*, the Authority expects all employees and contractors to:

- behave in a responsible and professional manner
- treat others in the workplace with courtesy and respect
- listen and respond appropriately to the views and concerns of others
- be fair and honest in their dealings with others.

2. Definitions and meanings

2.1 Harassment is unwanted and unwelcome behavior that offends, humiliates or intimidates a person. It places them in a hostile or demeaning work environment. Harassment is a form of discrimination which is treating a person less favourably than other people because they or their family or friends belong to a particular group or category such as age, race, sex or disability.

Examples include comments and jokes about someone's disability or sexual preference, ridiculing a person because of their age or transgender status, practical jokes, rumours about a person's religious beliefs, or other hostile actions for one of the reasons listed under anti discrimination laws. These include, in addition to those already mentioned, carer responsibilities, intersex, pregnancy and breastfeeding, marital or domestic status, social origin, political beliefs and trade union membership.

2.2 Sexual Harassment is any unwanted or unwelcome sexual advances or conduct of a sexual nature (from a single incident through to more systematic, continued actions), which a reasonable person would anticipate could make a person feel offended, humiliated or intimidated. Sexual harassment is not interaction, flirtation, or friendship which is mutual and consensual. Sexual harassment is a type of sex discrimination. Examples include sexual banter, jokes, comments or gestures; intrusive, personal questions, unwanted touching, inappropriate comments or material displayed in the workplace or on social media.

2.3 Workplace bullying is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety.

2.4 Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

2.5 Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated.

3. Examples of Bullying Behaviour

Whether intentional or unintentional, behaviour that may be considered to be workplace bullying includes (but is not limited to)

- abusive, insulting or offensive language or comments
- intimidating behavior including physical intimidation or attack
- deliberately excluding someone from workplace activities
- not allowing an individual to perform their role through denying reasonable access to information or resources
- spreading misinformation or malicious rumours
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker
- setting tasks that are unreasonably above or below a worker's ability
- consistently setting timelines that are unreasonable

- excessive scrutiny of work
- 'initiation' rites or practices

3.1 What is not considered to be Workplace Bullying

- appropriate supervisory or management instructions given in a fair and professional manner such as setting reasonable performance goals, standards and deadlines
- organisational changes such as restructuring, downsizing, outsourcing, transferring staff or changes in supervisor or manager
- rostering and allocating working hours where the requirements are reasonable
- transferring a worker for operational reasons
- deciding not to select a worker for promotion where a reasonable process is followed
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- informing a worker about inappropriate behaviour in an objective and confidential way
- taking misconduct action in accordance with Section 69 of the [Government Sector Employment Act 2013](#)

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements without engaging in repeated unreasonable behaviour. In some cases, however, conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

3.2 The Difference Between Bullying, Harassment and Vilification

Whilst there is a deal of overlap between these areas there are also some differences. Workplace harassment is unwanted behaviour that offends, humiliates or intimidates a person and targets them on the basis of a characteristic such as gender, race or ethnicity.

Depending on the circumstances the following could be examples of harassment:

- Verbal abuse or threats
- Telling racist, sexist or other offensive jokes
- Derogatory comments about physical features, cultural behaviour or other attributes
- Gestures that are insulting or belittling
- Physical assault or threat of assault
- Asking intrusive questions about a person's private life
- Display or circulation of offensive material
- Imitating or mimicking a person's accent or disability

3.2.1 Sexual Harassment

Sexual harassment is a form of harassment characterised by certain sexually related behaviour that is not wanted, not asked for and not returned, and which humiliates, offends or intimidates someone.

Sexual harassment can be directed by a man against a woman, a woman against a man, or by a person against another person of the same sex

Sexual harassment includes a broad range of conduct such as:

- Sexual gestures, comments, innuendo, taunts, propositions, jokes and questions about sex life
- Display or circulation of sexual material physically or electronically

- Repeated sexual or social invitations when the person has already indicated they are not interested
- Attempts to coerce an unwilling person into any form of sexual activity, or to punish a person for a refusal.

3.2.2 Vilification

Vilification is the public act of a person which indicates hatred towards, serious contempt for, or severe ridicule of a person or group of persons on the grounds of:

- Race, colour, nationality, descent, ethnic, ethno-religious or national origin
- Homosexuality
- Transgender, or
- HIV/AIDS status

Examples of circumstances and behaviour that may constitute vilification on the above grounds are:

- Graffiti
- Statements made in public
- Statements made via an electronic medium (emails, SMS facsimile)
- Wearing symbols, badges or clothing with slogans
- Gestures made in public
- Display of material which vilifies, in a public place

4. Prevention of Workplace Bullying, Harassment and Vilification

There is a risk of workplace bullying, harassment or vilification wherever people work together. These behaviours are best dealt with by taking steps to prevent it before it creates a risk to wellbeing.

The risk can be eliminated or minimised by creating a positive work environment where everyone treats each other with respect. This can be facilitated by:

- Employee awareness of the *Code of Ethics and Conduct* and Authority policies, and consistent application of standards within the Code and policies
- Clearly defined roles and Performance Development Plans (PDP) for employees, with regular feedback between managers and employees.
- Constructive feedback both formally and informally
- Employees having the necessary resources, information and training to carry out their tasks
- Effective communication at all levels within the organisation
- Managers modeling positive behaviours and leadership styles
- Employees having input into decision-making
- Managers acting in a timely manner on unreasonable behaviour they observe or become aware of

5. What you can do if subjected to Bullying, Harassment or Vilification?

To ignore bullying, harassment or vilification may give the impression that the behaviour is acceptable. A person may manage the situation by informing the offending person that the behaviour is not welcome and ask that it cease.

If the person does not feel safe or confident with approaching the other person(s), or if the behavior continues, they can seek the assistance of their manager or People and Culture staff.

Staff who witness unreasonable behaviour should bring the matter to the attention of their manager or People and Culture staff. A person can raise or report these behaviours verbally or in writing.

6. Responding to Reports of Bullying

Responses to reports of workplace bullying, harassment or vilification will vary depending on the situation and circumstances. Effectively responding to issues when they are raised can stop the situation recurring and reinforce the Authority commitment to bullying prevention.

The following process will apply where workplace bullying or unreasonable behaviour is reported:

- All matters will be treated seriously and assessed on their merits
- The appropriate supervisor/manager will speak to the parties involved as soon as possible, gather information, determine whether bullying has occurred, and seek a resolution to satisfactorily address the situation
- The parties involved will be advised that support is available (eg counselling, employee assistance program, support person at interviews or meetings)
- If necessary, interim measures will be taken to minimise the risk to health or safety of any person and this may involve temporarily reassigning tasks, separating the parties involved, or granting leave.
- If issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. The investigation will be conducted consistent with the principles of procedural fairness.
- All complaints and reports will be treated in the strictest confidence
- Measures will be taken, if necessary, to ensure there is no victimisation of the person making the report, or any other person assisting in its resolution

7. Actions following an Investigation

Following an investigation the parties will be advised of the outcome in writing.

If a report of bullying is substantiated, a range of actions may be implemented as per section 69 of the [Government Sector Employment Act 2013](#), depending on the severity of the bullying, and other contributory factors.

This may include:

- Obtaining a commitment that the behaviour will not be repeated, and monitoring this over time
- Providing training or coaching to correct the behaviour
- Addressing organisational issues that may have contributed to the behaviour occurring
- Requesting an apology
- Issuing a caution or reprimand
- Transferring the transgressor to another role
- Imposing a fine
- Reducing the person's grade and remuneration
- Terminating the person's employment

If an investigation finds bullying, harassment or vilification has not occurred, or cannot be substantiated, appropriate action may still need to be taken to address workplace issues leading to, or arising out of, the bullying report.

If an allegation is found to be vexatious, malicious or made in bad faith misconduct action will be considered in accordance with section 69 of [Government Sector Employment Act 2013](#).

After a report of workplace bullying, harassment or vilification is resolved there will be a follow-up review to check the health and safety of the parties involved, to offer support, and to find out whether actions taken to stop the behaviour have been effective.

8. Responsibilities

8.1 Supervisors and Managers

Are responsible for:

- monitoring the working environment to ensure that acceptable standards of conduct are observed at all times
- taking appropriate action in circumstances where they become aware of bullying, harassment or vilification whether a complaint has been lodged or not
- modelling appropriate behaviour themselves
- promoting the Authority's policy within their work area
- treating all complaints seriously and confidentially and taking immediate action to investigate and resolve matters

8.2 Employees

Are responsible for:

- ensuring their behaviour meets an acceptable standard at all times in accordance with the *Code of Ethics and Conduct*;
- treating all colleagues with respect, courtesy and in accordance with this document;
- recognising their role in developing and maintaining harmonious workplace relations and promoting a positive and cooperative workplace culture;
- taking responsibility for their own actions in the workplace, and where the actions of others are problematic, attempting to resolve matters, where appropriate, with that person/s in the first instance;
- raising matters of concern at an early stage and actively cooperating in the complaint management process;
- complying with Authority policy and procedures; and
- offering support to anyone subjected to bullying, harassment or vilification;

Related Information

Code of Ethics and Conduct

Government Sector Employment Act 2013

Anti-Discrimination Act 1977

SOPA Work Health and Safety Management Policy POL03/32

SOPA Grievance Handling Policy POL04/12

Work Health and Safety Act 2011

Work Health and Safety Regulation 2011