

Purpose and objectives

This policy outlines the Translational Research Institute's (the Institute) commitment to a healthy and safe workplace where the Institute's employees, contractors, facility users, tenants, occupants and visitors are not subjected to behaviours, practices or processes that may constitute harassment, vilification or victimisation. Workplace harassment is unacceptable and will not be tolerated under any circumstances. Appropriate disciplinary or other action will be taken against anyone who engages in workplace harassment.

Policy scope

This policy applies to all members of the Institute community who are engaged in Institute-related activity either on the Institute property or elsewhere. This includes volunteer workers or any other person whose workplace health and safety might be affected by the legitimate activities of the Institute.

Tenants of the Institute (which includes licensees) are required to ensure that their workplace harassment policies and procedures are compatible with this Policy and applicable laws. Tenants are required to implement their policies and procedures to areas of the Institute over which they have management and control and in respect of their employees, contractors, facility users and visitors.

Policy

The Institute is committed to developing and maintaining an environment that is free of discrimination and harassment and which promotes respect for persons, integrity, equitable treatment and natural justice.

Definition of Workplace Harassment

A person is subjected to 'workplace harassment' if the person is subjected to repeated behaviour, other than behaviour amounting to sexual harassment, by a person, including the person's employer or a co-worker or group of co-workers of the person that:

- is unwelcome and unsolicited
- the person considers to be offensive, intimidating, humiliating or threatening
- a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

'Workplace harassment' does not include reasonable management action taken in a reasonable way by the person's employer in connection with the person's employment.

Sexual harassment is a serious issue and will not be tolerated at the Institute. Refer to the Prevention of Sexual Harassment Policy.

Examples of Workplace Harassment

Harassment/bullying often involves a misuse of power. Harassment/bullying may occur between people of any gender. It can also occur between supervisor and staff or between co-workers.

Harassment/bullying may be subtle or overt. Detailed below are some examples of behaviours that may be regarded as workplace harassment, if the behaviour is repeated or occurs as part of a pattern of behaviours. This is not an exhaustive list; however it does outline some of the more common types of harassing behaviours. Examples include:

- Abusive and offensive language or shouting including abusing a person loudly, usually when others are present
- Repeated threats of dismissal or other severe punishment for no reason
- Sarcasm or constant ridicule and being put down
- Setting of impossible deadlines with unrealistic expectations of work
- Constant unreasonable criticism about work or academic performance, often about petty or insignificant matters
- Leaving offensive messages on e-mail or the telephone
- Electronic harassment such as through email, SMS, Facebook, Twitter
- Threatening gestures or actual violence
- Sabotaging a person's work, eg by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways
- Deliberate exclusion, isolation or alienation of a staff member or student including maliciously excluding and isolating a person from workplace activities
- Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of clients, management or other workers
- Allocation of humiliating or demeaning tasks, or sabotaging a person's work
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm
- Inappropriate comments about a person's appearance
- Making the person undertake harmful or humiliating actions.

Except in the case of Sexual Harassment (see *Sexual Harassment Prevention Policy*), a single incident of harassing type behaviour does not generally constitute workplace harassment. Nevertheless, such behaviour is unacceptable.

Actions that are not Workplace Harassment

Legitimate and reasonable management actions and business processes, such as actions taken to transfer, demote, discipline, redeploy, retrench or dismiss a worker are not considered to be workplace harassment, provided these actions are conducted in a reasonable way. Managers are expected to offer constructive and reasonable advice and comment as a legitimate aspect of their role.

Appropriate provisions of guidance, conducting performance counselling, invoking diminished performance procedures, unsatisfactory performance procedures or misconduct procedures does not constitute harassment.

Institute strategies to eliminate Workplace Harassment

The Institute is committed to ensuring that the work environment for all members of the Institute community is free from workplace harassment and all reasonable steps are taken to prevent workplace harassment.

The Institute undertakes educative processes within the Institute community to develop awareness of issues related to harassment and provides mechanisms to deal with grievances under this policy.

The Institute undertakes the following actions to prevent and control exposure to the risk of workplace harassment:

- provide all workers with workplace harassment awareness training
- develop a code of conduct for the workers to follow
- introduce a complaint handling system and inform all staff, board members and committee members on how to make a complaint, the support systems available, options for resolving grievances and the appeals process
- regularly review this Prevention of Workplace Harassment Policy, complaint handling system and training
- appropriately coordinating with tenants of the Institute regarding their policies and procedures relating to workplace harassment.

All members of the Institute community are responsible for maintaining an environment free from workplace harassment. Managers and supervisors have a particular responsibility to ensure that all reasonable steps are taken to ensure the workplace is free from harassment and that relevant policies and procedures regarding the resolution of grievances are followed. Tenants, managers, supervisors and all employees of the Institute or other entities are required to take all reasonable steps to prevent workplace harassment from arising.

The Institute undertakes a risk assessment process, which includes identifying the risk of harassment and takes appropriate remedial action where necessary.

The Institute does not employ or have management or control over all employees, contractors, facility users, tenants, occupants and visitors at the Institute. As a result, the Institute may not have the same scope of investigation or disciplinary powers in circumstances where its employees or contractors are not alleged to have breached this policy.

Tenants', employers' or other workplace harassment policies and procedures may also apply to a particular circumstance. The Institute is committed to ensuring that all members of the Institute community are aware of the options they have in respect of any workplace harassment.

Where people can go for assistance

An Institute employee, contractor, facility user, visitor, board or committee member who is being harassed can contact the Institute CEO/Director of Research for information and assistance in the management and resolution of a workplace harassment complaint. If a complaint involves the CEO/Director of Research a worker may alternately contact the Board Chair to make a complaint.

The Institute can give assistance to persons in relation to complaints where another body or entity may be more appropriate to receive the complaint or concern.

Commitment to promptly investigate complaints

Any reports of workplace harassment will be treated seriously and investigated promptly, fairly and impartially. A person making a complaint and/or who is a witness to workplace harassment will not be victimised. Victimisation is when a person does an act, or threatens to do an act against a person because:

- they have made a complaint, (complainant), or are associated with a person who has made a complaint, under this policy
- they have had a complaint made against them (respondent), or are associated with a person who has had a complaint made against them, under this policy.

Adverse action taken against a complainant may be unlawful under the *Fair Work Act 2009* (Cth) and the *Whistleblowers Protection Act* (Qld). TRI will not tolerate victimisation of a complainant, respondent or person legitimately associated with the resolution of a grievance.

Grievance procedures detailed in this policy do not pre-empt, limit or delay the parties' rights to pursue other avenues for resolution of grievances where applicable such as direct application to:

- their employer or the tenant for the relevant area
- Anti-Discrimination Commission Queensland under the Anti-Discrimination Act 1991;
- Australian Human Rights Commission under the Commonwealth Disability Discrimination Act 1992, Racial Discrimination Act 1975 or Sex Discrimination Act 1984; or
- Fair Work Australia.

Some external agencies may require internal procedures to be used in the first instance. Where alternative external avenues are chosen, the complainant will no longer have access to the Institute's grievance procedures.

Consequences of breach of policy

Disciplinary action will be taken against an Institute employee, board or committee member who harasses another employee, contractor, facility user, visitor, board or committee member or who victimises a person who has made a complaint or is a witness to a complaint.

The Institute is committed to ensuring that appropriate investigation and action is taken in respect of any other person at the Institute who harasses another employee, contractor, facility user, visitor or who victimises a person who has made a complaint or is a witness to a complaint.

Complaints of alleged workplace harassment found to be malicious, frivolous or vexatious¹ may make the complainant liable for disciplinary action.

¹ Malicious, frivolous or vexatious complaints include complaints that are deliberately harmful, spiteful, trivial or unworthy of serious attention or resources.