

DEPARTMENT OF EDUCATION AND THE ARTS WORKPLACE HARASSMENT*, SEXUAL HARASSMENT & VIOLENCE POLICY

1. PURPOSE

The Department of Education and the Arts is committed to working with its employees to create and maintain a work environment that is free from workplace harassment, sexual harassment and violence. The purpose of this policy is to:

- explain workplace harassment sexual harassment, and violence
- outline employee and management responsibilities in relation to appropriate workplace behaviours
- outline what employees should do if workplace harassment, sexual harassment or violence is occurring
- explain the consequences of a breach of this policy.

2. SCOPE

This policy applies to all employees of the Department of Education and the Arts. This policy also applies to all consultants and contractors working for, or on behalf of, the Department of Education and the Arts.

3. DEFINITIONS

Workplace Harassment:

is the repeated behaviour, other than behaviour amounting to sexual harassment, by another or others in the workplace that –

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

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

* the term 'workplace harassment' has replaced what has been more commonly understood as 'workplace bullying'. The Department recognises 'workplace bullying' to have the same definition as 'workplace harassment' and as such is considered inappropriate behaviour.

Sexual Harassment:

is unwelcome conduct of a sexual nature directed towards another person and this behaviour is intended to offend, humiliate or intimidate the person, or where a reasonable person would have anticipated the possibility of offence, humiliation or intimidation.

4. POLICY

Violence:

includes physical violence, which arises out of disputes, or adverse interpersonal relations between employees, clients and visitors in and around their place of employment.

Victimisation:

is detriment caused to a person substantially because a person intends to lodge or has lodged a complaint, intends to make or has made a report in accordance with law or departmental policy.

Vilification

is generally behaviour that happens in a public place and incites others to hate, to have serious contempt of, or severely ridicule individuals or groups because of their race, religion, sexuality and gender identity.

Workplace:

where employees are on departmental duty or are representatives of the Department of Education and the Arts. The term workplace can include areas beyond the work location and activities outside of work hours. It can include activities such as school camps and excursions, residential or external training courses, Christmas parties and other functions that are officially supported by the Department of Education and the Arts.

4.1 Principles

- Fair and equitable treatment for all
- Safe and healthy work practices and environments and a concern for staff welfare
- Compliance with legislative requirements
- Prompt resolution of grievances and complaints.

4.2 Responsibilities

The Department of Education and the Arts will:

- Take reasonable steps to prevent workplace harassment, sexual harassment and violence from occurring in all workplaces
- Respect employees' rights and the needs of individuals
- Provide employees with formal avenues of complaint and support.

Employees will:

- Treat others with respect and dignity
- Refrain from behaviours that may constitute workplace harassment, sexual harassment or violence
- Comply with departmental policy and relevant legislation in particular the Department of Education and the Arts's Code of Conduct

In addition to their responsibilities as employees, *Managers will:*

- Model appropriate workplace behaviour
- Monitor the workplace for incidences of inappropriate behaviour and take appropriate action to resolve grievances and complaints
- Deal with all complaints seriously and confidentially and in accordance with relevant directives and guidelines.

4.3 Grievances

The Department of Education and the Arts encourages employees to resolve workplace issues informally prior to lodging or initiating a formal grievance process under the Department's Grievance Resolution Process.

Employees with grievances relating to workplace harassment, sexual harassment or violence can lodge their grievance either verbally or in writing with their immediate supervisor. If this is not appropriate, the grievance can be lodged with the supervisor's reporting officer.

Due to the sensitive nature of some instances of workplace harassment, sexual harassment and violence local resolution may not be reasonable or appropriate. In these cases employees may immediately lodge a formal grievance in writing with the Director-General or Director-General's delegate.

The Department encourages managers and employees to promptly report incidences of workplace violence to the Queensland Police. Reports of this nature should also be discussed with the Department's Crime and Misconduct Liaison Officer.

Employees shall not be victimised as a result of lodging a grievance.

An employee can raise issues with, and seek advice from, an external body (e.g. union, Anti-Discrimination Commission Queensland) at any time.

More information on the Department's Grievance Resolution process or the dispute resolution procedures contained within an industrial agreement can be found in the Human Resources section of the Intranet:

<http://iwww.qed.qld.gov.au/workdept/hr/intro.htm>

4.4 Serious or Official Misconduct

Allegations of serious or official misconduct shall be managed consistently with the provisions of the *Whistleblower Protection Act 1994* and the *Criminal Justice Act 1989*. Allegations of this nature should be discussed with the department's Crime and Misconduct Liaison Officer, who will advise on the appropriate process for dealing with the matter.

4.5 Policy Breaches

Any employee found to be in breach of this policy may be subject to disciplinary action outlined in relevant award and agreement provisions.

The Employee Assistance Service (EAS) is a specialised service providing confidential counselling. The service is available free of charge to any employee of the Department of Education and the Arts with work related or personal problems. The service is available in different district locations throughout the state. More information on the EAS can be found in the Human Resources section of the Intranet:

<http://education.qld.gov.au/health/>

6. REFERENCES

- *Anti-Discrimination Act 1991*
- *Workplace Health and Safety Act 1995*
- *Industrial Relations Act 1999*
- Federal Discrimination Legislation
- Department of Education and the Arts Code of Conduct
- Office of the Public Service Commissioner Grievance Resolution Directive
- Human Resource Guide to Preventing and Resolving Grievances
- *Public Service Act 1996* – Principles & Disciplinary provisions