



UNSW Safety and Wellbeing

Workplace Bullying

Responsible Employee Training

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Training on UNSW policy and procedures in place to prevent and respond to bullying, that form part of HR Induction and Responsible Employees Training

Equity and Respect

Duty to Observe Standards of Equity and Respect

This section will look at the second of the primary obligations in the Code of Conduct which is:

"The duty to observe standards of equity and respect in dealing with every member of the University community."

At the heart of the duty is the requirement to treat others with respect, regardless of their background, position, or status.

The University plays host to a range of staff members, affiliates, students, and visitors, engaged in different activities, performing varying roles, with a whole range of different aims and objectives.

The University has developed some core requirements in relation to **standards of equity and respect in dealing with every member of the University community.**

Core Requirements of the Duty

In accordance with the core requirements of the duty, you should:

- Act and communicate with all students, staff and affiliates in a professional, respectful, and courteous manner
- Give due credit to other staff, affiliates, or students for their contribution
- Refrain from acting in a way that may unfairly harm the reputation and/or career prospects of other staff, affiliates, or students
- Not allow personal relationships to affect professional relationships
- Not engage in unlawful discrimination or harassment
- Not engage in workplace bullying
- Consider whether you should intervene constructively in situations where a colleague's behaviour is clearly in breach of the Code of Conduct

Scenario 1

When you disagree with another person, you should consider the best way to communicate with the other person? True?

That's right.

Often it is better to attempt to resolve the issue by phone or face-to-face, rather than communicating by email. It is also preferable to resolve issues directly with the person in a private context, rather than in a group or public situation.

Scenario 2

When you see behaviour that is not respectful, you should call it out. True?

That's right.

As a University community, we have a shared responsibility to create a respectful workplace culture. If you see a person acting in a disrespectful way, pull them aside and let them know. Often the person may not realise the impact of their behaviour on others.

Discrimination, Harassment, and Vilification

UNSW wants to be "*recognised as an international exemplar in equity, diversity, and inclusion*", as outlined in our 2025 Strategy.

The University is committed to equal opportunity in education and employment. We aim to provide a study and work environment that fosters equity, diversity, and inclusion, that is free from unlawful discrimination, harassment, and vilification.

This section looks at the meaning of discrimination, harassment, vilification, and victimisation in an employment context, and our responsibilities under the law.

- [UNSW 2025 Strategy](#)

Workplace Bullying

Workplace bullying is **repeated and unreasonable** behaviour directed towards an individual or group of individuals that creates a risk to health and safety. It may be physical or psychological behaviour that could reasonably be expected to intimidate, offend, degrade, humiliate, undermine, or threaten the other person or persons.

Bullying may be perpetrated by a work colleague, a manager, or a direct report.

Examples of Workplace Bullying

- Aggressive or abusive behaviour towards another staff member, such as threatening gestures, offensive language, or actual violence
- Demeaning remarks
- Constant unreasonable and unconstructive criticism
- Deliberate exclusion, isolation, or alienation of the staff member from normal work interaction, such as intentionally excluding the staff member from meetings or team lunches
- Placing unreasonably high work demands on a staff member
- Allocation of demeaning jobs or meaningless tasks
- Deliberately withholding information that a person needs to exercise his or her role or entitlements within the University

Workplace Bullying is Not

The law provides some guidance on what is not considered to be workplace bullying. Workplace bullying is not:

- Reasonable performance management
- Courteous and constructive feedback
- Legitimate management decisions

Scenario 1

In a heated argument, a staff member swore at you. This is not the first time the person has displayed aggressive behaviour and used vulgar language in the office and in particular towards you.

Workplace bullying?

That's right.

This conduct has all the elements of workplace bullying. It is:

- Repeated and unreasonable behaviour
- Directed towards an individual or group of individuals
- A risk to health and safety
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Scenario 2

Your manager met with you to discuss their concerns in relation to your performance. Your manager has set a reasonable performance plan for you for the next 3 months.

Not workplace bullying?

That's right.

Reasonable performance management is not considered to be workplace bullying.

Workplace Bullying is Completely Unacceptable

Workplace bullying is taken seriously by the University and persons found to have conducted themselves in a way that constitutes workplace bullying could face serious disciplinary action, which may involve termination of employment in accordance with the relevant enterprise agreement.

For further direction and guidance, please refer to the following links.

- [UNSW Workplace Bullying Policy](#)
- [UNSW Staff Complaint Procedure](#)

How Should I Report Workplace Bullying?

Your manager is the primary point of contact if you wish to make a complaint. Your manager's role is to handle the complaint under the UNSW Staff Complaint Procedure. You are encouraged to contact your manager early, as this creates the best prospect of resolving the issue. If the complaint is about your manager, you should contact the next most senior manager, who will handle the complaint or refer it to another manager at an appropriate level.

You may also contact Human Resources, University Complaint Officers and/or the Employee Assistance Program at any time.

Managers Have Additional Responsibilities

A manager is often the first point of contact when staff and affiliates have a concern or complaint about their work or work environment. How a manager responds is therefore important for the welfare of staff and their team(s).

As UNSW leaders, managers are expected to:

- Take any complaints of workplace bullying, discrimination, harassment, vilification and victimisation seriously
- Model the appropriate standards of behaviour
- Never tolerate or condone workplace bullying, unlawful discrimination, harassment, vilification, or victimisation
- Intervene promptly and appropriately whenever they become aware of inappropriate behaviour
- Be familiar with their responsibilities as outlined in UNSW's Staff Complaint Procedure in the event that they have a complaint or grievance about their work, work environment, or colleagues.

Managers can always seek advice from their own manager and Human Resources.

In addition, if managers are considering collecting information on equity, diversity, and inclusion, they should review UNSW's Privacy Statement and contact Human Resources for advice on the most appropriate approach.

Unlawful Discrimination

Direct discrimination occurs when a person, or a group of people, is treated less favourably than another person or group because of a protected attribute.

Indirect discrimination occurs when a practice, requirement, or condition appears to be neutral, but in effect disadvantages people who share a protected attribute, and is not reasonable in the circumstances.

It is irrelevant if the behaviour is not intended to offend.

Protected Attributes or Characteristics

Protected attributes or characteristics, which are set out under federal, state, and territory laws, include:

- **Family/Carer-related characteristics:** including marital or relationship status, pregnancy or potential pregnancy, breastfeeding and family or carer responsibilities.
- **Gender and LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer or Questioning) related characteristics:** including sex (male or female), sexual orientation, gender identity, transgender status and intersex status.

- **Age-related characteristics:** including age and age-specific characteristics.
- **Disability-related characteristics:** including physical, mental, intellectual, psychiatric, sensory, neurological, or learning disabilities and impairments. In an employment context, an employer is required to consider whether any reasonable adjustments could be made to enable a person with a disability to perform their role.
- **Race-related characteristics:** including race, colour, descent, national extraction, nationality, national or ethnic origin, and in some circumstances also immigrant status.
- **Other characteristics:** irrelevant or spent criminal record, irrelevant medical record, political opinion, religious convictions, social origin, profession, trade, occupation or calling, trade union activity, characteristics that are generally imputed to a person with a protected attribute and association (as a relative or otherwise) with a person with a protected attribute.

Examples of Direct Discrimination

- Not offering a training or development opportunity to a staff member because they are over 65 years of age
- Not hiring a person because they have a disability, even though the person is capable of carrying out the inherent requirements of the role with reasonable adjustments
- Not hiring a person because they are a parent and may need to take time off during school holidays to care for their children
- Teasing a person because of their sexual orientation

Examples of Indirect Discrimination

- Only providing stairs as a means of entering/exiting a public building instead of also having a ramp or elevator, as this may disadvantage people with disabilities who are in a wheelchair or who have impaired mobility
- Setting a requirement for all managers to work full-time, which may disadvantage carers, particularly women, who are more likely to work part-time because of family and other caring responsibilities
- Requiring team members to be 'on call' for weekend duties, which may disadvantage parents who have carers' responsibilities or people of certain religious beliefs.

Harassment

Harassment occurs when a person is treated less favourably on the basis of certain protected attributes, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status.

It is irrelevant if the behaviour was not intended to offend.

Examples of Harassment

- Telling insulting jokes or making derogatory comments about a colleague's race
- Asking intrusive questions about a homosexual colleague's personal life, including questions about their sex life (this could also constitute sexual harassment)

A one-off incident, or a series of incidents, may constitute harassment.

Some types of harassment may also be criminal offences, for example physical assault, sexual assault, or obscene communications (such as phone calls, letters, and emails).

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that could reasonably be anticipated to cause a person to be offended, humiliated, or intimidated.

It is irrelevant if the behaviour is not intended to offend.

Examples of Sexual Harassment

- Unwanted physical contact
- Sending sexually suggestive images or text via emails or text messages
- Displaying pornographic posters, magazines, or screen savers
- Making sexually explicit jokes or comments
- Staring or leering.
- Sexual harassment is not sexual interaction or friendship which is mutual and reciprocated.

Vilification and Inciting Hatred

It is unlawful to publicly vilify or incite hatred against individuals or groups of people on the basis of certain protected attributes, such as race, gender identity, HIV/AIDS status, and sexuality. In the A.C.T, disability and religious conviction are also protected attributes.

Vilification may occur when a person publicly engages in a written or verbal act (including the workplace), which encourages others to display hatred (or serious contempt or severe ridicule) towards people with the protected attributes.

Offensive public behaviour that is reasonably likely to offend, insult, humiliate, or intimidate another person or a group of people because of their race, colour, national or ethnic origin is also unlawful.

Examples of this Type of Unlawful Conduct may be

- Wearing a t-shirt with racist slogans
- Sending material by email or putting material on a website, blog, or social networking site with homophobic slogans
- Giving a speech or presentation that includes derogatory comments or taunts about people with HIV or disabilities

Liability

Staff and affiliates may be held personally liable for their own conduct if they are found to have unlawfully discriminated or harassed another person.

Staff and affiliates may also be held liable as an accessory if they are found to have caused, induced, aided or permitted the unlawful discrimination or harassment of another person.

UNSW may also be held legally responsible for an employee's unlawful conduct, unless the University can demonstrate that it took 'all reasonable steps' to prevent the unlawful discrimination or harassment from happening. This is called '*vicarious liability*'.

Victimisation

Victimisation means subjecting or threatening to subject a person to some form of detriment because they have made (or propose to make) a discrimination or harassment complaint or support a discrimination or harassment complaint (for example providing information or being a witness in complaint proceedings). Victimisation is against the law and may be a criminal offence.

Examples of Victimisation

- Dismissing, or threatening to dismiss, a person from their employment because they have brought a discrimination complaint
- Threatening to withdraw support for promotion if the staff member continues as a witness to a harassment complaint

***UNSW Responsible Employee Training
Content relating to Workplace Bullying and Harassment
March 2019***