

Harassment & Bullying Policy

A comprehensive workplace policy template
for Australian businesses

Organisation Name: _____

ABN: _____

Policy Effective Date: _____

Last Review Date: _____

Next Review Date: _____

DISCLAIMER

This template is provided for general informational purposes only and does not constitute legal advice. It is designed to reflect Australian workplace standards and Fair Work principles at the time of publication. Laws, awards and obligations vary by industry and state. You should review and tailor this template to suit your business, industry, modern award, enterprise agreement and specific workplace circumstances. For complex situations or disputes, independent legal or HR advice should be sought. RosterElf Pty Ltd accepts no liability for any loss arising from reliance on this document without appropriate review.

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1. Purpose

This policy establishes our commitment to providing a workplace free from bullying, harassment and discrimination. It outlines the standards of behaviour expected from all workers and the processes for addressing complaints.

The purpose of this policy is to ensure all workers understand what constitutes bullying and harassment, their rights and responsibilities, and the procedures for reporting and resolving concerns. This policy supports our obligations under Australian workplace health and safety legislation and the Fair Work Act 2009.

2. Scope

This policy applies to:

- All employees (full-time, part-time, casual and fixed-term)
- Contractors, subcontractors and labour hire workers
- Directors, managers and supervisors
- Volunteers and work experience participants
- Customers, clients and visitors to our workplace

This policy applies:

- At all workplace locations
- During work hours and work-related activities
- At work-related events, functions and travel
- On social media where conduct affects the workplace
- Anywhere conduct may affect workplace relationships or safety

3. Policy Statement

Our organisation is committed to providing a safe, healthy and respectful work environment for all workers. We have a zero-tolerance approach to workplace bullying, harassment, sexual harassment and discrimination.

We recognise our positive duty under the Sex Discrimination Act 1984 to take reasonable and proportionate measures to eliminate, as far as possible, unlawful discrimination, harassment, sexual harassment and victimisation. We are committed to meeting this duty through prevention, early intervention, and effective response.

We will:

- Promote a culture of respect, dignity and fairness

- Take all reasonable steps to prevent bullying and harassment
- Respond promptly and appropriately to all complaints
- Investigate complaints fairly and confidentially
- Support those who experience or witness inappropriate behaviour
- Take appropriate disciplinary action against those who breach this policy
- Protect workers from victimisation for making complaints

4. Definitions

4.1 Workplace Bullying

Under the Fair Work Act 2009, workplace bullying occurs when an individual or group of individuals repeatedly behaves unreasonably towards a worker or group of workers, and that behaviour creates a risk to health and safety.

Examples of bullying behaviour include:

- Aggressive or intimidating conduct
- Belittling or humiliating comments
- Spreading malicious rumours
- Teasing, practical jokes or initiation rituals
- Deliberately excluding someone from work activities
- Unreasonable work demands or impossible deadlines
- Withholding information needed to do the job
- Deliberately changing rosters to inconvenience someone
- Displaying offensive material

4.2 Harassment

Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate. It can be a single incident or repeated behaviour and may be directed at an individual or group.

4.3 Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that a reasonable person would anticipate would offend, humiliate or intimidate. It does not have to be repeated to be unlawful.

Examples include:

- Unwelcome touching, hugging or kissing
- Staring or leering
- Suggestive comments or jokes
- Sexually explicit pictures, emails or text messages

- Intrusive questions about private life or body
- Unwelcome requests for sex or dates
- Behaviour that would be considered a sexual offence

4.4 Discrimination

Discrimination is treating someone less favourably because of a protected attribute. Under Australian law, protected attributes include:

- Race, colour, national or ethnic origin
- Sex, gender identity, intersex status
- Sexual orientation
- Age
- Disability (physical, intellectual, psychiatric, sensory)
- Pregnancy, breastfeeding, family responsibilities
- Marital or relationship status
- Religion or political opinion
- Carer responsibilities

4.5 Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have made a complaint, helped someone else make a complaint, or refused to engage in unlawful behaviour.

5. What is Not Bullying or Harassment

Reasonable management action carried out in a reasonable manner is not workplace bullying. Managers and supervisors have a legitimate role in directing and controlling how work is done.

The following are generally not bullying or harassment:

- Setting reasonable performance goals, standards and deadlines
- Allocating work and giving directions about how to do it
- Providing constructive feedback on performance
- Implementing organisational changes
- Informing a worker about unsatisfactory performance
- Taking disciplinary action including warnings
- Denying requests for leave where there are legitimate business reasons
- A single incident of unreasonable behaviour (though this may still be inappropriate)
- Differences of opinion or disagreements

However, management actions must be carried out reasonably. The manner, tone and circumstances of management action are relevant to determining whether it is reasonable.

6. Responsibilities

6.1 Employer Responsibilities

The organisation is responsible for:

- Providing a safe workplace free from bullying and harassment
- Developing and communicating this policy
- Providing training and information to all workers
- Responding promptly to complaints
- Conducting fair and confidential investigations
- Taking appropriate disciplinary action
- Monitoring the workplace for signs of inappropriate behaviour
- Reviewing and updating this policy regularly

6.2 Manager and Supervisor Responsibilities

Managers and supervisors are responsible for:

- Modelling respectful behaviour
- Ensuring workers understand this policy
- Taking all complaints seriously
- Taking early action to address inappropriate behaviour
- Escalating complaints appropriately
- Supporting workers who make complaints
- Ensuring no victimisation occurs
- Maintaining confidentiality

6.3 Worker Responsibilities

All workers are responsible for:

- Treating colleagues with respect and courtesy
- Not engaging in bullying, harassment or discrimination
- Reporting behaviour that breaches this policy
- Cooperating with investigations
- Maintaining confidentiality about complaints
- Not victimising anyone who makes a complaint

7. Expected Behaviour

All workers are expected to:

- Treat all people with respect, courtesy and professionalism
- Communicate in a respectful and constructive manner
- Listen to and consider the views of others
- Support colleagues and offer assistance when needed
- Accept constructive feedback positively
- Resolve disagreements professionally and calmly
- Respect differences and diversity
- Speak up if they witness inappropriate behaviour

8. Prohibited Behaviour

The following behaviours are prohibited and may result in disciplinary action:

- Physical aggression, assault or threats of violence
- Verbal abuse, yelling, or aggressive communication
- Offensive, humiliating or intimidating comments
- Unwelcome sexual advances or conduct
- Jokes, comments or images about protected attributes
- Deliberate exclusion from work activities
- Sabotaging work or withholding information
- Unreasonably overloading someone with work
- Spreading rumours or gossip
- Intimidating or threatening behaviour
- Stalking or following someone
- Cyber-bullying or inappropriate use of technology
- Victimising someone for making a complaint

9. Reporting & Complaints

9.1 How to Report

We encourage workers to report bullying, harassment or discrimination as early as possible. Reports can be made:

- To your direct manager or supervisor
- To another manager if your supervisor is involved
- To Human Resources
- Using the complaint form at the end of this policy

9.2 Information to Include

When making a complaint, provide as much detail as possible:

- What happened (specific behaviours)
- When and where it occurred
- Who was involved
- Names of any witnesses
- Any evidence (emails, messages, documents)
- Impact on you
- Any previous reports about the same issue

9.3 Options for Resolution

Depending on the nature and severity of the complaint, resolution options may include:

- Self-resolution with support (speaking directly to the person)
- Informal resolution facilitated by a manager
- Mediation between parties
- Formal investigation
- External investigation for serious matters

9.4 External Reporting

In some circumstances, workers may choose to report matters externally to:

- Fair Work Commission (for bullying orders)
- Australian Human Rights Commission (for discrimination)
- State or territory anti-discrimination bodies
- Work health and safety regulators
- Police (for criminal matters)

10. Investigation Process

10.1 Investigation Principles

All investigations will be conducted:

- Promptly and without unreasonable delay
- Fairly and impartially
- Confidentially (to the extent possible)
- In accordance with procedural fairness
- By an appropriate person with no conflict of interest

10.2 Investigation Steps

The investigation process typically includes:

- Receiving and documenting the complaint
- Assessing the complaint and determining the process
- Informing the respondent of the allegations
- Interviewing the complainant, respondent and witnesses
- Gathering and reviewing evidence
- Making findings on the balance of probabilities
- Recommending appropriate action
- Communicating outcomes to relevant parties

10.3 Procedural Fairness

Both the complainant and respondent will be afforded procedural fairness. The respondent will be informed of allegations and given the opportunity to respond before any findings are made.

11. Support & Protection

11.1 Support for Complainants

Workers who make complaints will be provided with:

- Information about the complaint process
- Updates on progress where appropriate
- Access to support services (e.g. Employee Assistance Program)
- Adjustments to work arrangements if needed
- Protection from victimisation

11.2 Protection from Victimisation

Workers who make complaints in good faith, provide information during an investigation, or refuse to participate in unlawful behaviour will not be disadvantaged or victimised.

Victimisation is a serious breach of this policy and may result in disciplinary action, including termination of employment.

11.3 Confidentiality

All parties involved in a complaint or investigation must maintain confidentiality. Information will only be disclosed on a need-to-know basis or as required by law.

12. Breaches & Consequences

12.1 Possible Outcomes

If a breach of this policy is substantiated, consequences will depend on the nature and seriousness of the breach. Possible outcomes include:

- Informal counselling or coaching
- Formal verbal warning
- Written warning
- Final written warning
- Transfer or reassignment
- Demotion
- Termination of employment
- Summary dismissal (for serious misconduct)

12.2 False or Vexatious Complaints

Making a complaint that is knowingly false or vexatious is a breach of this policy and may result in disciplinary action. However, a complaint will not be considered false or vexatious simply because it cannot be substantiated.

13. Related Legislation

This policy operates in conjunction with the following legislation:

- Fair Work Act 2009 (Cth)
- Work Health and Safety Act 2011 (or state equivalent)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- State and territory anti-discrimination legislation
- State and territory WHS legislation

14. Review & Acknowledgement

14.1 Policy Review

This policy will be reviewed at least annually or when there are significant changes to legislation, business operations, or workplace practices. All workers will be notified of any changes and may be required to re-acknowledge the updated policy.

14.2 Employee Acknowledgement

All employees are required to read, understand and acknowledge this policy as a condition of employment. By signing the acknowledgement form, employees confirm they understand their rights and responsibilities under this policy.

14.3 Training

The organisation will provide training on this policy to all workers. Training will cover recognising bullying and harassment, reporting procedures, and the responsibilities of managers and workers.

Appendix: Harassment & Bullying Complaint Form

Use this form to make a formal complaint about bullying, harassment or discrimination.

Your Name: _____

Position: _____

Department: _____

Date of Complaint: _____

Person(s) Complained About:

Name: _____

Position: _____

Date(s) of Incident(s): _____

Location(s): _____

Description of What Happened (be as specific as possible):

Witnesses (names and contact details):

Evidence Attached (emails, messages, photos):

Outcome Sought:

Declaration:

I declare that the information provided is true and accurate to the best of my knowledge. I understand that making a knowingly false complaint is a breach of company policy.

Signature: _____

Date: ____ / ____ / ____

For Office Use Only

Received by: _____

Date Received: _____ / _____ / _____

Action Taken: _____