

# Workplace bullying and harassment policy

## Purpose

Ahpra is committed to providing and maintaining a safe and healthy workplace. Under work health and safety legislation, Ahpra and its workers have a shared responsibility for eliminating or minimising the risks associated with workplace bullying and harassment. All workers have a duty to take reasonable care to ensure that their behaviour does not affect their own mental health and safety, or that of other persons.

This commitment is clearly stated in our *Code of conduct* and is consistent both with our corporate values and our legal obligations under anti-discrimination, work health and safety and industrial legislation.

The purpose of this policy is to make those covered by this policy aware of:

- what decisions, behaviour and actions constitute workplace bullying
- the related policies and procedures Ahpra have in place to manage workplace disclosures and complaints related to workplace bullying and harassment, and
- the fact that bullying and harassment is unlawful.

## Scope

This policy applies to all Ahpra workers, defined in accordance with [Definitions – people policies and procedures PC002](#) as a person who carries out work with Ahpra including: the Ahpra Board, National Executive, employees, contractors, agency workers, volunteers, interns, work experience staff and statutory employees (board, committee, and panel members).

This policy applies to all workers at any time when they are engaging in work duties, interacting with others while working, and/or when they are at the workplace (including when engaging with others using technology such as video meetings, working remotely, and/or when at social or off-site events in connection with their work). The protections under this policy extend to prospective workers of Ahpra, and members of the public or a registered health practitioner or student in their dealings with Ahpra.

## Policy

Ahpra is committed to creating a workplace that is free from bullying and behaviour which contributes to unsafe work environments. Ahpra will respond to any actions or behaviour deemed to be in breach of this policy, in accordance with Ahpra's *Code of conduct* and *Code of conduct for board and committee members*.

Ahpra will promote anti-bullying strategies through appropriate reporting mechanisms, procedures and learning opportunities, to:

- create awareness of bullying and how it affects individuals and the broader community
- identify, promote, and build on good practice initiatives to prevent and reduce bullying, and
- empower communities and individuals to take action to prevent and reduce bullying and to seek redress when it occurs.

### 1. Responsibilities

- 1.1 The Respect@Ahpra framework, in conjunction with Ahpra's *Health, safety and wellbeing policy*, *Anti-discrimination and equal opportunity policy* and *Workplace sexual, sex and gender-based*

*harassment policy*, defines key roles and responsibilities related to creating and maintaining a healthy and safe work environment.

## **2. Guiding principles**

### **2.1 Ahpra:**

- 2.1.1 acknowledges that it has an obligation to provide for its workers a workplace that is safe and without risks to health and to take reasonable steps to prevent workplace bullying and harassment
- 2.1.2 promotes an organisational culture that is inclusive of all and does not tolerate bullying or harassment in any form
- 2.1.3 sees it as a shared responsibility to combat bullying and harassment and will support active bystanders who speak up
- 2.1.4 will manage all complaints of bullying and harassment sensitively and fairly, adopting a trauma-informed and culturally safe approach that actively listens to the needs of the complainant, and
- 2.1.5 will provide workers with adequate training and instruction to manage the risk of workplace bullying and harassment in line with their role and the risks identified.

### **Reasonable management action**

- 2.1.6 Reasonable management action carried out lawfully and in a reasonable manner is not bullying. It is reasonable for Ahpra's leadership and managers to allocate work and to give feedback on a worker's performance even if it creates some discomfort for a worker (see the definitions section of this policy).

## **3. Responding to bullying**

### **Self-management**

- 3.1 If you experience or witness workplace bullying and or harassment, Ahpra encourages you to take action which may help resolve the issue if you feel comfortable and safe to do so.
- 3.2 You have every right to make someone aware that their behaviour or conduct is making you feel uncomfortable or unsafe. When you feel comfortable and it is safe for you to do so, you can ask the person to stop or make it clear how you are finding their behaviour unwelcome or upsetting. You may wish to speak to your manager first to seek guidance on how to have this conversation.
- 3.3 This can be an effective way of stopping the behaviour(s) before it escalates. In some circumstances, the self-management approach may be inappropriate, such as if there is a power imbalance between you and/or the other person(s), if previous attempts to discuss your concerns have been unsuccessful, or if there are safety concerns.
- 3.4 Self-management is never appropriate if it is unsafe or against your wishes.

### **Reporting to a manager or People and Culture Business Partner**

- 3.5 If you do not feel comfortable asking the person to stop or you do not feel safe to do so, or if you would like to make a report about the behaviour, contact either a manager or People and Culture Business Partner as soon as possible after the incident or make an anonymous report to Ahpra's Independent Respect Hotline (refer to the Workplace complaints and reporting procedure for contact details).

### **Guidance on how to make a report or complaint**

- 3.6 Further guidance on how to make a report or complaint, including in relation to workplace bullying, is found in the Workplace complaints and reporting procedure.

#### 4. Intersecting discrimination and harassment

- 4.1 It is possible for a person to be bullied, discriminated against and harassed in the workplace, at the same time (see the definitions section of this policy for definitions of 'unlawful discrimination' and 'unlawful harassment'). However, unlike workplace bullying, unlawful discrimination and unlawful harassment may be single incidents, and are based on some characteristic, or perceived characteristic, of the affected person.
- 4.2 There are various laws, for example, anti-discrimination, equal employment opportunity, workplace relations and human rights, that make it unlawful to discriminate against or harass a person in the workplace. Workplace health and safety legislation includes specific protections against discriminatory conduct for people raising health and safety concerns or performing legitimate safety-related functions.
- 4.3 For further information about how Ahpra will respond to reports or complaints about unlawful discrimination and unlawful harassment, please see Ahpra's *Anti-discrimination and equal opportunity policy* and the *Workplace sexual, sex and gender-based harassment policy*.

#### 5. Support

- 5.1 Immediately following an incident, it is important to seek support. In addition to the support of your manager or People and Culture Business Partner, you may seek support from:
- 5.1.1 Ahpra's [Employee Assistance Program \(EAP\)](#), a confidential counselling, coaching and wellbeing service that is available to all employees and their immediate family members. Alternatively, the [I-CARE](#) program (as part of Ahpra's EAP offering) provides Aboriginal and Torres Strait Islander Peoples with access to qualified, specialist, counselling services provided by First Nations Peoples.
- 5.1.2 Ahpra's network of specially trained Respect Officers, who can assist with initial advice and guidance to navigate the Respect@Ahpra framework, policies, and procedures.
- 5.1.3 Additional specialist support available externally. Contact numbers for these services can be found at Appendix A.

#### 6. Non-compliance

- 6.1 Non-compliance with this policy will be managed in accordance with Ahpra's *Code of conduct*, *Code of conduct for board and committee members*, and other relevant policies listed in the related documents section of this policy.

### Definitions

Term	Definition
<b>Workplace bullying</b>	<p>Is repeated and unreasonable behaviour by an individual directed toward a worker or a group of workers that creates a risk to their health and safety. A single incident of unreasonable behaviour is not workplace bullying.</p> <p>Workplace bullying can be carried out in a variety of ways, including through verbal or physical abuse, through email, text messages, internet chat rooms, instant messaging, or other social media channels. In some cases, it can continue outside the workplace. It can be directed at a single worker or a group of workers and be carried out by one person, or multiple people.</p> <p>Examples of workplace bullying include but are not limited to, repeated:</p> <ul style="list-style-type: none"><li>abusive, insulting, or offensive language or comments, including in person or via email or other correspondence</li></ul>

	<ul style="list-style-type: none"> <li>• verbal abuse</li> <li>• aggressive and intimidating conduct, including threatening body language</li> <li>• belittling or humiliating comments</li> <li>• victimisation</li> <li>• practical jokes or initiation rites</li> <li>• unjustified criticism or complaints, or undermining a person's work performance</li> <li>• deliberately withholding necessary work-related information or resources that are vital for effective work performance, or supplying incorrect information</li> <li>• intentionally setting unreasonable timelines or constantly changing deadlines</li> <li>• intentionally setting tasks that are unreasonably below a worker's skill level, or beyond a worker's skill level without access to training or support</li> <li>• unfair allocation of tasks and/or working hours</li> <li>• denying access to information, supervision, consultation, or resources to the detriment of the worker</li> <li>• unequal or unreasonable exclusion from, or access to, training or support</li> <li>• spreading misinformation or malicious rumours</li> <li>• deliberately changing work arrangements such as flexible working, rosters and leave to inconvenience a worker</li> <li>• unequal application of work rules and benefits</li> <li>• inappropriate interference with personal belongings or work equipment</li> <li>• inappropriate surveillance or monitoring</li> <li>• deliberately excluding someone from work-related activities (such as social gatherings with colleagues)</li> <li>• unreasonably isolating a worker.</li> </ul> <p>Examples of what is not workplace bullying include:</p> <ul style="list-style-type: none"> <li>• reasonable management action carried out lawfully and in a reasonable manner</li> <li>• low level workplace conflict, including personality conflicts, differences of opinion and disagreements.</li> </ul>
<p><b>Reasonable management action carried out lawfully and in a reasonable manner</b></p>	<p>Reasonable management action carried out lawfully and in a reasonable manner is not bullying.</p> <p>Examples of reasonable management include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• setting reasonable performance goals, standards and deadlines</li> <li>• rostering and allocating working hours, when the requirements are reasonable</li> <li>• transferring or redeploying a worker for genuine operational reasons</li> <li>• deciding not to select a worker for promotion when a reasonable process is followed and documented</li> <li>• informing a worker about unsatisfactory work performance in an appropriate, objective and confidential way</li> <li>• informing a worker about inappropriate behaviour in an appropriate, objective and confidential way</li> <li>• implementing organisational changes or restructuring (with consultation, where required)</li> <li>• taking disciplinary action, including suspension or termination of employment.</li> </ul>
<p><b>Low level workplace conflict</b></p>	<p>Low level workplace conflict is generally not considered to be workplace bullying. This is because not all conflicts or disagreements</p>

	<p>have negative health effects or pose a risk to workers' health and safety.</p> <p>For example, when conflict is at a low level and is task based, it can benefit an organisation by generating debate leading to new ideas and innovative solutions.</p> <p>However, in some cases, conflict that is not managed safely may worsen to a point where it meets the definition of workplace bullying.</p>
<b>Repeated behaviour</b>	Refers to the persistent nature of the behaviour and can involve a range of behaviour over time.
<b>Unreasonable behaviour</b>	Refers to behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening. May also involve unlawful discrimination or harassment (including sexual harassment) and may also be a breach of work health and safety laws.
<b>Unlawful harassment</b>	<p>Is a form of unlawful discrimination. Unlawful harassment includes sexual harassment and other types of harassment which the law does not allow in specific circumstances.</p> <p>In general, unlawful harassment is any form of behaviour that:</p> <ul style="list-style-type: none"> <li>• is unwelcome (not wanted) or uninvited (not asked for)</li> <li>• a reasonable person would have anticipated would humiliate, offend or intimidate the person exposed to the conduct, and</li> <li>• is based on one of the grounds for unlawful discrimination.</li> </ul> <p>In some cases, a single action or incident can create unlawful harassment. In other cases, there may need to be a persistent pattern of behaviour before unlawful harassment has occurred.</p> <p>Unlawful harassment includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• unlawful sexual harassment (see <i>Workplace sexual, sex and gender-based harassment policy</i> for more information)</li> <li>• verbal abuse or comments that put down or stereotype people because of any grounds for discrimination, including their race, sexual orientation, gender identity or expression, intersex, pregnancy, disability</li> <li>• jokes based on any grounds for discrimination, including race, sexual orientation, gender identity or expression, intersex, pregnancy, disability</li> <li>• mimicking someone's accent, or the habits of someone with a disability</li> <li>• offensive gestures based on any ground of discrimination, including race, sexual orientation, gender identity or expression, intersex, pregnancy, disability</li> <li>• ignoring or isolating a person or group because of any grounds for discrimination, including their race, sexual orientation, gender identity or expression, intersex, pregnancy, disability</li> <li>• display or circulation of racist, pornographic or other offensive material (including in electronic format).</li> </ul>
<b>Worker</b>	A person who carries out work for Ahpra, including: National Executive, employees, contractors and agency staff, volunteers, interns, work experience staff and statutory appointees (board, committee and panel members)

## Related documents

- Ahpra Enterprise Agreement
- [PC011 - Code of conduct](#)

- [Privacy Policy](#)
- Respect@Ahpra framework
- Anti-discrimination and equal opportunity policy
- Workplace sexual, sex and gender-based harassment policy
- Workplace violence and aggression policy
- Workplace complaints and reporting procedure
- [HSW014 – Health, safety, and wellbeing policy](#)
- Health and safety policy
- [HSW010 - HSW responsibilities guideline](#)
- [Information and IT acceptable use policy – Ahpra staff – IS002](#)
- [Information and IT acceptable use policy – board and committee members IS010](#)
- Grievance policy
- Discipline policy

## Relevant legislation

- *Age Discrimination Act 2004* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Fair Work Act 2009* (Cth)
- *Discrimination Act 1991* (ACT)
- *Anti-Discrimination Act 1977* (NSW)
- *The Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021* (NSW)
- *Anti-Discrimination Act 1966* (NT)
- *Anti-Discrimination Act 1991* (Qld)
- *Equal Opportunity Act 1984* (SA)
- *Anti-Discrimination Act 1998* (Tas)
- *Equal Opportunity Act 2010* (Vic)
- *Racial and Religious Tolerance Act 2001* (Vic)
- *Equal Opportunity Act 1984* (WA)

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## Appendix A – List of external supports

This is a list of organisations that can help individuals seek advice and support.

Name	Contact information
<b>Federal</b>	
Australian Human Rights Commission	Website: <a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a> Info Line: 1300 656 419 (local call) TTY: 1800 620 241 (toll free) Online: <a href="mailto:complaintsinfo@humanrights.gov.au">complaintsinfo@humanrights.gov.au</a>
Fair Work Ombudsman	Website: <a href="http://www.fairwork.gov.au/">www.fairwork.gov.au/</a> Phone: 13 13 94
Fair Work Commission (contains state and territory contact details)	<a href="https://www.fwc.gov.au/about-us/contact-us">https://www.fwc.gov.au/about-us/contact-us</a>
Community Legal Centres Australia	Website: <a href="http://www.naclc.org.au/directory">www.naclc.org.au/directory</a> Phone: (02) 9264 9595
National Sexual Assault, Domestic Family Violence Counselling Service Line	Website: <a href="http://www.1800respect.org.au/">www.1800respect.org.au/</a> Phone: 1800 respect (1800 737 732)
DVConnect Womensline (assists women obtain safe refuge accommodation, confidential counselling and referral to other services)	Website: <a href="http://www.dvconnect.org/">www.dvconnect.org/</a> Phone: 1800 811 811
DVConnect Mensline (helps men seeking counselling, information and referral services)	Website: <a href="http://www.dvconnect.org/">www.dvconnect.org/</a> Phone: 1800 600 636
People with Disability Australia (advocacy support)	Website: <a href="https://pwd.org.au/get-help/discrimination/">https://pwd.org.au/get-help/discrimination/</a> Phone: 1800 843 929 (toll free) Email: <a href="mailto:info@wayfinderhub.com.au">info@wayfinderhub.com.au</a> .
Aboriginal and Torres Strait Islander Legal Services	Website: <a href="http://www.natsils.org.au/MembersPartners.aspx">www.natsils.org.au/MembersPartners.aspx</a> (Access state and territory based services) Phone: (03) 9418 5928
Lifeline	Website: <a href="http://www.lifeline.org.au/">www.lifeline.org.au/</a> Phone: 13 11 14
Beyond Blue	Website: <a href="http://www.beyondblue.org.au/">www.beyondblue.org.au/</a> Phone: 1300 224 636
QLife (LGBTQ)	Website: <a href="https://qlife.org.au/">https://qlife.org.au/</a> Phone: 1800 184 527
Police (in an emergency)	000
<b>Australian Capital Territory</b>	
ACT Human Rights Commission	Website: <a href="https://hrc.act.gov.au/discrimination/sexual-harassment/">https://hrc.act.gov.au/discrimination/sexual-harassment/</a> Phone: (02) 6205 2222 TTY: (02) 6205 1666 FAX: (02) 6207 1034 Email: <a href="mailto:human.rights@act.gov.au">human.rights@act.gov.au</a> Victims Support ACT: 1800 822 272 (free call)

**New South Wales**

Anti-Discrimination NSW	Website: <a href="https://antidiscrimination.nsw.gov.au/">https://antidiscrimination.nsw.gov.au/</a> Phone: (02) 9268 5544 Free call: 1800 670 812 Email: adbcontact@justice.nsw.gov.au
Legal Aid NSW	Website: <a href="http://www.legalaid.nsw.gov.au">www.legalaid.nsw.gov.au</a> Legal Helpline: 1 300 888 529
Australia Centre for Disability Law	Phone: 1800 800 708
Migrant Employment Legal Service	Website: <a href="https://mels.org.au/contact/">https://mels.org.au/contact/</a> Phone: (02) 8002 1203
Inner City Legal Centre (LGBTQ)	Website: <a href="http://www.iclc.org.au/">www.iclc.org.au/</a>

**Northern Territory**

NT Anti-Discrimination Commission	Website: <a href="https://adc.nt.gov.au">https://adc.nt.gov.au</a> Phone: (08) 8999 1444 or 1800 813 846 Email: antidiscrimination@nt.gov.au
NT Working Women's Centre	Website: <a href="http://www.ntwwc.com.au">www.ntwwc.com.au</a> Phone: (08) 8981 0655 or 1800 817 055 Email: admin@ntwwc.com.au

**Queensland**

QLD Human Rights Commission	Website: <a href="http://www.qhrc.qld.gov.au/your-rights/sexual-harassment">www.qhrc.qld.gov.au/your-rights/sexual-harassment</a> Phone: 1300 130 670, TTY: 1300 130 680 Email: info@qhrc.qld.gov.au
LGBT legal service	Website: <a href="https://lgbtilegalservice.org.au">https://lgbtilegalservice.org.au</a>

**South Australia**

SA Equal Opportunity Commission	Website: <a href="https://eoc.sa.gov.au">https://eoc.sa.gov.au</a> Phone: (08) 8207 1977 or 1800 188 163 Email: EOC@sa.gov.au If you are deaf, hard of hearing and/or have a speech impairment, contact us via: TTY: by phoning 133 677 then asking for AGD on 1800 177 076 Speak and Listen by phoning: 1300 555 727 and ask for AGD on 1800 177 076 Internet Relay: by connecting to the National Relay Service and asking for AGD on 1800 177 076
Working Women's Centre SA	Website: <a href="https://wwcsa.org.au">https://wwcsa.org.au</a> Phone: (08) 8410 6499 or 1800 652 697

**Tasmania**

Equal Opportunity Tasmania	Website: <a href="https://equalopportunity.tas.gov.au">https://equalopportunity.tas.gov.au</a> Phone: (03) 6165 7515 or 1300 305 062 Email: office@equalopportunity.tas.gov.au
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**Victoria**

Victorian Equal Opportunity and Human Rights Commission	Website: <a href="http://www.humanrights.vic.gov.au/for-individuals/sexual-harrassment/">www.humanrights.vic.gov.au/for-individuals/sexual-harrassment/</a> Phone: 1300 292 153
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Victoria Legal Aid	Website: <a href="http://www.legalaid.vic.gov.au">www.legalaid.vic.gov.au</a> Phone: 1300 792 387 Online chat: <a href="http://www.legalaid.vic.gov.au/get-legal-services-and-advice/free-legal-advice/get-help-online-with-legal-help-chat">www.legalaid.vic.gov.au/get-legal-services-and-advice/free-legal-advice/get-help-online-with-legal-help-chat</a>
Disability Discrimination Legal Service	Website: <a href="http://www.ddls.org.au">www.ddls.org.au</a> Phone: (03) 9654 8644 Email: <a href="mailto:info@ddls.org.au">info@ddls.org.au</a>
LGBTIQ Legal Service	Website: <a href="https://lgbtiqlegal.org.au">https://lgbtiqlegal.org.au</a>
<b>Western Australia</b>	
WA Equal Opportunity Commission	Website: <a href="http://www.eoc.wa.gov.au">www.eoc.wa.gov.au</a> Phone: (08) 9216 3900 Email: <a href="mailto:eoc@eoc.wa.gov.au">eoc@eoc.wa.gov.au</a>