

# **Harassment, Discrimination and Workplace Bullying Policy**

## 1. Policy Statement

IP Australia will strive to achieve a healthy and safe workplace by addressing the issue of harassment, discrimination and workplace bullying. IP Australia is concerned to ensure that harassment, discrimination and workplace bullying does not occur but, in the event it does, appropriate action is taken quickly. IP Australia commits itself to educating employees as to the nature and effects of harassment, discrimination and workplace, and to providing the necessary resources to inform them of the contents of this policy.

Employees of IP Australia must not engage in harassing, discriminatory or bullying behaviour towards another employee; or a member of the public with whom they have contact in the course of their employment. IP Australia does not tolerate such behaviour and may take disciplinary action up to and including dismissal against any employee who:

- participates in harassing, discriminatory or bullying behaviour; or
- victimises or retaliates against an employee who has lodged a complaint about harassment, discrimination or workplace bullying.

Accordingly, all IP Australia employees are to:

- comply with APS Values and Code of Conduct;
- comply with IP Australia's Professional Behaviours;
- embrace the IP Australia's Customer Service Code of Practice 2006;
- treat others in a professional, courteous, respectful and fair way;
- treat harassment, discrimination and workplace bullying matters seriously, and deal with them in a prompt, confidential and fair manner; and
- report any incidents to an appropriate person.

## 2. Purpose

The purpose of this policy is to make IP Australia employees aware of what constitutes harassment, discrimination and workplace bullying, and their responsibilities in preventing and managing such incidents.

The intended outcome is a workplace that is free from all forms of harassment, discrimination and bullying.

This policy should be read in conjunction with the *IP Australia Harassment, Discrimination and Workplace Bullying Guidelines*.

## 3. Application

This policy applies to IP Australia ongoing and non-ongoing employees, contractors and consultants.

This policy covers:

- Any behaviour or series of behaviours that unfairly or unreasonably offends, humiliates, intimidates, belittles, undermines, scares, excludes, or embarrasses anyone it is directed at, or anyone who sees or overhears it; and
- Any behaviour or series of behaviours which may constitute any form of discrimination.

This policy does not cover:

- Work-related interpersonal conflicts and occasional differences of opinion or disagreement with decisions which may be more appropriately addressed in accordance with IP Australia's Certified Agreement and in particular, resolving problems with administrative matters;
- Reasonable and appropriate corrective management of an employee's poor workplace performance or behaviour; or
- Enforcement of lawful directions issued by the agency.

More detailed examples of harassment, discrimination and workplace bullying are included in the *IP Australia Harassment, Discrimination and Workplace Bullying Guidelines*.

## 4. Legal Framework

Harassment or discrimination on the grounds of race, gender, religion, political opinion, sex, pregnancy or potential pregnancy, marital status, physical or mental disability, sexual preference, national extraction or social origin, age, and/or family responsibilities is an offence under various Commonwealth anti discrimination and workplace legislation. Further, employees must not harass or discriminate against others on the grounds of political or religious conviction or union membership status.

IP Australia has a responsibility under the *Occupational Health and Safety Act 1991* (OHS Act) to ensure the health, safety and welfare of employees and others in the workplace. Individual employees may be liable to prosecution under the OHS Act for failure to provide a safe workplace. Harassment, discrimination and bullying may result in injury to staff, which may be compensable under the *Safety, Rehabilitation and Compensation Act 1998*.

## 5. Responsibilities

All IP Australia employees are responsible for ensuring that breaches of this policy do not occur.

Supervisors and managers have a leadership role and are responsible for preventing incidents and taking prompt action if breaches do occur.

Specific staff and management responsibilities in relation to implementing this policy are included in the *IP Australia Harassment, Discrimination and Workplace Bullying Guidelines*.

## 6. Breaches

Engaging in harassing, discriminating or bullying conduct in the workplace constitutes a breach of this policy and the APS Code of Conduct and may result in disciplinary action up to and including dismissal. In some instances harassment, discrimination or workplace bullying may also amount to a criminal offence or a breach of relevant Commonwealth legislation.

## 7. Additional Information

### Policies

- *IP Australia Harassment, Discrimination and Workplace Bullying Guidelines*

## Legislation

- *Public Service Act 1999*
- *Human Rights and Equal Opportunity Commission Act 1986*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Disability Discrimination Act 1992*
- *Age Discrimination Act 2004*
- *Occupational Health and Safety Act 1991*
- *Workplace Relations Act 1996*
- *Freedom of Information Act 1982*
- *Privacy Act 1988*
- *Crimes Act 1900*
- *Criminal Code 2002*

## Further information:

- Manager, Support Services
- Equity and Diversity Contact Officers

**Review date:** Two years after the date of publishing or where appropriate.

**Policy replaces:** *IP Australia Harassment Free Workplace Guidelines* (dated June 2005)

## 8. Appendices

*IP Australia Harassment, Discrimination and Workplace Bullying Guidelines.*

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**Director General**

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