

Harassment and Bullying

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Introduction

Every employee of the National has a right to work in an environment which supports productivity, dignity and self-esteem and is free of harassment and bullying.

Equally, each of us has a responsibility to ensure that our behaviour at all times is courteous, professional and respectful and takes into account our fellow employees' sensitivities.

The National will treat all complaints of harassment and bullying confidentially and with the utmost seriousness.

Remember, for full details of the National's policies on harassment, discrimination and bullying, refer to the Discrimination Policy available on the Corporate Intranet. You are all urged to read and familiarise yourself with this policy. This book should be read in conjunction with the Equity in Employment booklet.

If you have any questions or problems regarding this issue ask your people leader or People and Culture.

What is harassment?

Harassment is any unwelcome behaviour or conduct which has no legitimate workplace function and which makes you feel:

- offended or humiliated;
- intimidated or frightened;
- uncomfortable at work.

It can be an isolated incident or repeated behaviour and is essentially about what the recipient deems to be offensive, not what the sender intends.

Sexual, racial and disability discrimination are the most common forms of harassment, but it can also be based on any other ground of discrimination e.g. age, marital status or family responsibilities.

What is bullying?

Bullying is repeated, unreasonable or inappropriate workplace behaviour that intimidates, humiliates, insults and/or undermines a person or group. It has many similarities to harassment, but the reasons for the bullying behaviour may be much broader than the grounds on which it is unlawful to harass someone e.g. a person may be bullied because they are seen to be quiet or weak.

What is vilification?

Vilification is publicly encouraging or inciting hatred, ill feeling, or severe contempt for someone or a group of people on the basis of race and certain other personal characteristics.

What is harassing or bullying behaviour?

This may include:

- unwanted physical contact such as patting, hugging, touching or unnecessary familiarity;
- sexual jokes, suggestive behaviour, sexual innuendo, spoken comments or offensive telephone calls, emails;
- demands for sexual favours or unwanted comments about a person's sex life;
- leering, wolf whistles, catcalls and obscene gestures;
- displays of offensive posters, pictures, graffiti, or pornographic material;
- racially based jokes or comments;
- mimicking someone with a disability;
- isolating someone;
- unfair or excessive criticism;
- using aggressive language;
- initiation 'rituals'.

It is up to each of us, if possible, to tell others in our workplace if their conduct is causing us offence. Equally, once it is known, it is up to each of us to moderate our behaviour accordingly.

If a complaint of harassment/bullying is ignored or the behaviour condoned then it can lead to serious disciplinary action, or legal action may be pursued outside the National by the recipient of the behaviour.

Who can suffer from harassment or bullying?

Any employee can be harassed or bullied by someone of the same or the opposite sex.

Behaviour, which is acceptable to one person, may be offensive to another.

Certain groups of staff may also be more vulnerable than others, particularly younger staff, who may be more easily intimidated than others, and women working in traditionally male dominated areas.

Why are bullying and harassment a problem?

Harassment and bullying are not just issues between the individuals or group directly concerned. They affect all of us and have implications for the morale and productivity of each work unit.

From the offended person's perspective, this behaviour can cause problems ranging from embarrassment and annoyance through to fear and ill health.

From the National's point of view it can lead to lower performance and productivity, loss of morale, an offensive, hostile or distressing working environment, more absenteeism and resignations.

Obviously it is in everyone's interest to ensure that harassment and bullying do not occur.

What do you do if you are being harassed or bullied?

If you experience any behaviour that you find offensive, if at all possible tell the person concerned that you object strongly to their behaviour and do not want it repeated.

It is important that you focus on the specific behaviours concerned and explain why you find them offensive.

More often than not, this is all that is required to put an end to the matter. Frequently the person is not aware that their behaviour is upsetting or intimidating and they will stop immediately once they are told.

Contact Officers

If this does not resolve the situation, or you feel unable to do this, it is appropriate to discuss the problem with your people leader.

Should you feel happier going to someone removed from the events, or the situation continues to remain unresolved, you can also speak to a contact officer or your next level manager.

Contact officers are available to provide information on harassment and bullying policies and to talk about your specific issue. Contact officers are experienced in dealing discreetly with these types of complaints, have an understanding of and empathy about the issue and the ability to access appropriate mediation/resolution strategies.

The role of the contact officer is to discuss options available to deal with your individual circumstances. This can range from advice on how you can address any problems on your own, if this is what you wish to do, through to lodging a formal complaint through People and Culture.

You may elect to speak to the contact officer without disclosing your name or location.

The contact officer will not usually be part of any investigation. The contact officer can act on your behalf if you believe that any complaint is not being treated appropriately.

To obtain contact officers' details please contact the People Advisory Centre on 1300 662 091 or for MLC employees the Employee Service Centre on 1300 554 224, and ask to speak with a contact officer.

When you lodge a complaint you can be assured that the National will treat it seriously, and it will be attended to promptly and confidentially. The National will remain impartial and complainants, respondents, and witnesses will not be victimised in any way.

Confidentiality

While it is recognised that you will need to talk about your situation, you should not discuss it with your fellow team members or other employees.

It is usually better to talk to someone removed from the situation so that you can have a more objective approach to the problem. EAP counsellors are available to all employees affected by a complaint and can be contacted on 1300 360 364.

You must appreciate that a complaint of harassment or bullying is a serious matter and where possible needs to be substantiated.

The principles of natural justice require that all parties to a complaint will have the opportunity to put their positions fully. They will be protected from intimidation, victimisation or harassment as a result of filing a complaint or assisting in an investigation. Retaliation and/or breach of confidentiality is a disciplinary offence and will be dealt with immediately.

Making vexatious or frivolous complaints may lead to you being sued for defamation. However, if you make a complaint and only discuss it with your people leader or People and Culture, and you are acting in good faith, (i.e. not out to malice or spite) then you are not likely to be liable for defamation. Therefore, this should not in any way deter you from making a genuine complaint.

Responsibility

We all have a responsibility to ensure that harassment and bullying do not occur in our workplace.

If you are a people leader, you also have a specific responsibility to ensure that your team is aware of this policy and the National's behavioural expectations. If any harassment or bullying occurs in your team you must deal with it. If you fail to investigate a complaint then you may be jointly liable with the offender for the harassment or bullying should the matter be taken up outside the National. Make sure you have read the Discrimination policy available on the Corporate Intranet so you know what your responsibilities are and how to handle a complaint of harassment at this level. You should also contact the People Advisory Centre on 1300 662 091, or for MLC employees the Employee Service Centre on 1300 554 224, for advice on handling complaints.

Resolution of the complaint

In the majority of circumstances complaints can be resolved through discussion between the parties concerned either directly or through conciliation by management or People and Culture. The aim of conciliation is to enable both parties to understand each other, and to reach a mutually agreeable settlement of the matter.

Where the complaint is substantiated, the severity of the harassment or bullying will determine the level of disciplinary action taken against the offender. This may include a warning, counselling on misconduct, transfer to a position of lower job status and responsibility, or dismissal in some circumstances.

Harassment and bullying will not be treated lightly by the National.

