

## Bullying, Harassment and Discrimination - Joint Management/Employee Association Policy Statement

**Document Number** PD2005\_223

**Publication date** 27-Jan-2005

**Functional Sub group** Personnel/Workforce - Conduct and ethics

**Summary** States that bullying, harassment and discrimination are unacceptable and specifies responsibilities. Policy applies to Public Health Organisations and Ambulance Service.

**Author Branch** Workplace Relations and Management Branch

**Branch contact** 9391 9357

**Applies to** Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Non Declared, Affiliated Health Organisations - Declared, Public Health System Support Division, NSW Ambulance Service

**Distributed to** Public Health System, Health Associations Unions, NSW Ambulance Service, NSW Department of Health

**Review date** 31-Jan-2012

**Policy Manual** Not applicable

**File No.** 00/2038

**Previous reference** 2001/109

**Issue date** 29-Nov-2001

**Status** Active

### Director-General

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

**CIRCULAR**

<b>File No</b>	00/2038
<b>Circular No</b>	2001/109
<b>Issued</b>	29 November 2001
<b>Contact</b>	Ms Jutta Sund (02) 9391 9378 Employee Relations

**JOINT MANAGEMENT AND EMPLOYEE ASSOCIATION POLICY STATEMENT  
ON BULLYING, HARASSMENT AND DISCRIMINATION**

This statement was issued as a policy in July 2001 and is now being issued as a circular. It applies to Area Health Services, Corrections Health Service, the Children's Hospital at Westmead and the Ambulance Service of NSW.

NSW Health is committed to providing a safe and equitable workplace for all its employees. As part of this commitment, workplace bullying, harassment and discrimination will not be tolerated under any circumstances.

The attached policy statement on bullying, harassment and discrimination has been signed by the Director-General of NSW Health and General Secretaries of health unions/associations. A separate statement is being developed between the Department of Health and the Public Service Association.

The statement should be reproduced locally with the signature of the Chief Executive Officer and the members of the Joint Consultative Committee, and distributed throughout the Health Service as effectively as possible.

Robert McGregor  
**Acting Director-General**

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Distributed in accordance with circular list(s):

<b>A</b> 108	<b>B</b>	<b>C</b> 99	<b>D</b>	<b>E</b>	73 Miller Street North Sydney NSW 2060
<b>F</b>	<b>G</b>	<b>H</b> 94	<b>I</b>	<b>J</b>	Locked Mail Bag 961 North Sydney NSW 2059
<b>K</b>	<b>L</b>	<b>M</b>	<b>N</b> 20	<b>P</b>	Telephone (02) 9391 9000 Facsimile (02) 9391 9101

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In accordance with the provisions incorporated in the Accounts and Audit Determination, the Board of Directors, Chief Executive Officers and their equivalents, within a public health organisation, shall be held responsible for ensuring the observance of Departmental policy (including circulars and procedure manuals) as issued by the Minister and the Director-General of the Department of Health.

# Joint Management and Employee Association Policy Statement

## Bullying, harassment and discrimination

**NSW Health is committed to providing safe and equitable working conditions for all employees. It seeks to eliminate bullying, harassment and discrimination from the workplace and ensure that employees are not subjected to treatment that is hostile and unprofessional.**

NSW Health considers workplace bullying, harassment and discrimination unacceptable. It will not be tolerated under any circumstances. NSW Health takes seriously the duty of care obligations to staff, clients and the community that use health services.

Under the *NSW Occupational Health and Safety Act 2000* primary responsibility for achieving this duty of care rests with the Chief Executive Officers of Health Services. All employees are entitled to work in a safe and healthy workplace free from harassment and intimidation. No employee will mistreat another employee.

Health Service Codes of Conduct specifically prohibit harassment and discrimination. Any reports of workplace bullying, harassment or discrimination will be treated seriously and investigated promptly, confidentially and impartially.

Appropriate action will be taken against an employee or manager who behaves in a bullying, harassing or discriminatory manner towards another person. This may include disciplinary action and dismissal.

Bullying, harassment and discrimination includes a wide range of unwelcome and unsolicited behaviours that are largely defined by the offended person. Bullying, harassment and discrimination can be defined as the repeated less favourable treatment of a person in the workplace, which may be considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades or humiliates an employee, possibly in front of others and can involve employees/managers, contractors, visitors or patients.

These behaviours include:

- belittling opinions or unconstructive criticism
- isolating an employee from normal work
- interactions, training and development, or career opportunities
- undermining work performance, deliberately withholding work-related information or resources overwork, unnecessary pressure or impossible deadlines
- unexplained job changes, meaningless tasks, underwork, tasks beyond a person's skills and failure to give credit where due
- teasing or regularly being made the brunt of pranks or practical jokes
- displaying written or pictorial material or sending emails which degrades or offends
- unreasonable administrative sanctions
- yelling, screaming, abuse, offensive language, insults, inappropriate comments about a person's appearance, life style, slandering an employee or his/her family
- sexual or other unwanted advances.

Employees subjected to these behaviours may suffer distress, and this may substantially interfere with an individual's work performance and career prospects. These detrimental effects on productivity are seldom limited to one person and are often spread across the workplace. Such

behaviours lessen the integrity of the services NSW Health provides and our image within the community as an employer.


Managers are responsible for fostering a work environment, which is free from bullying, harassment and discrimination and they must not themselves perpetrate bullying, harassment or discrimination.


Should unacceptable behaviour occur, employees have a right to complain and are encouraged to do so. Employees can access advice and support by contacting the Health Service Human Resources Unit or their employee association.


Potential complainants and witnesses should also be assured that they are entitled to protection from any victimisation taken against them as a result of their complaint. Victimisation or reprisal by any employees involved in the case will not be tolerated and will result in appropriate action.


Health Services are to ensure that bullying, harassment and discrimination has no place in NSW Health. All employees have an important role to play, and are encouraged to contribute to the achievement of a professional and productive workplace culture by carefully considering their own behaviour and its possible effects on others.

  
Director-General

  
Labor Council of NSW

  
NSW Nurses' Association

  
Health and Research Employees Association (NSW)

  
Australian Salaried Medical Officers Association

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