SCHEDULE OF DOCUMENTS

Doc No	Description of document	Relevant part of the request	Decision
s 11C			
5	*Departmental policy* Workplace Bullying and Harassment Policy	Item 2	*Release in full*
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Australian Government
Department of Social Services

Workplace Bullying and Harassment Policy

Policy information	Details
Policy No:	DSSCorp-055
Purpose:	To outline what constitutes bullying and/or harassment and how the department will manage complaints.
Category:	Human Resources
Applicable to:	All departmental employees and contractors.
Relevant Authority:	Public Service Act 1999 Work Health and Safety Act 2011 Fair Work Act 2009 Racial Discrimination Act 1975 Sex Discrimination Act 1984 Disability Discrimination Act 1992 Age Discrimination Act 2004 Equal Employment Opportunities (Cth Authorities) Act 1987 Workplace Gender Equality Act 2012 Crimes Act 1914
Related Documents:	Workplace Health and Safety Management Arrangements APS Values APS Employment Principles APS Code of Conduct Support for Employee Representatives Policy
Policy Statement:	The department is committed to providing a workplace where everyone is treated with respect and courtesy and all reasonable steps are taken to prevent or eliminate bullying and harassment.
Approved by:	Group Manager, Corporate Services
Review Date:	May 2026
Policy Owner:	People Services Branch
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1. Context

Bullying and harassment in the workplace is unacceptable and is not tolerated in the department of Social Services (the department) or the Australian Public Service (APS). The department is committed to:

- providing a workplace where employees treat each other with respect and courtesy.
- taking all reasonable steps to prevent or eliminate bullying and/or harassment.
- responding effectively to reports of bullying and/or harassment.

Employees and contractors are expected to display high standards of ethical and personal conduct in connection with their employment and model the behaviours described in the Corporate Plan, the APS Values, Employment Principles and Code of Conduct.

2. Authority

The APS Values, Employment Principles and Code of Conduct detailed in the Public Service Act 1999 outline the behaviours required of an APS employee. Specifically, under section 13, the Act requires that:

Subsection 13(3):

An APS employee, when acting in connection with APS Employment, must treat everyone with respect and courtesy, and without harassment.

Subsection 13(11):

An APS employee must at all times behave in a way that upholds:

a) the APS Values and Employment Principles; and
b) the integrity and good reputation of the employee's Agency and the APS.

The APS Values relevantly include the values of "Ethical" and "Respectful".

If substantiated, bullying and/or harassment may also potentially contravene provisions in other Commonwealth legislation including, but not limited to, the:

- *Work Health and Safety Act 2011*
- *Fair Work Act 2009*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Disability Discrimination Act 1992*
- *Age Discrimination Act 2004*
- *Equal Employment Opportunities (Cth Authorities) Act 1987*
- *Workplace Gender Equality Act 2012*
- *Crimes Act 1914*

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3. What is Bullying and Harassment

3.1. Harassment

Harassment can be a wide range of behaviours that are offensive to the person/s receiving them. It includes unwelcome contact, which can be physical, verbal or electronic communications that annoy, humiliate, offend or intimidate a person or group of people.

Generally, harassment is repeated, offensive behaviour that persists over time, however serious one-time incidents may be considered harassment.

Harassment can include (but is not limited to):

- sexual harassment
- sex-based harassment
- bullying
- direct discrimination
- stalking
- intimidation
- verbal abuse or comments that degrade or stereotype a person or group of persons
- electronic communications (e.g. emails, instant messaging or text messages) that degrade or stereotype a person or group of persons
- telling insulting or offensive jokes
- offensive gestures
- ignoring or isolating a person or group of persons
- the display or circulation of racist, pornographic or other material that may be offensive to others.

3.2. Sexual and Sex-based Harassment

Sexual harassment includes any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, where a reasonable person having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated, or intimidated.

Harassment on the ground of sex (sex-based harassment) occurs where:

- a person engages in unwelcome conduct of a demeaning nature by reason of the sex of a person or a characteristic that relates generally to (or that is generally imputed to) people of a particular sex; and
- the person does so in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated could make the person harassed feel offended, humiliated, or intimidated

Please refer to the Sexual Harassment Policy and Sex-Based Harassment for more information.

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3.3. Bullying

Bullying is a specific form of harassment. Workplace bullying is defined as repeated unreasonable and/or inappropriate behaviour directed towards an employee or a group of employees that creates a risk to health and safety.

Bullying may include (but is not limited to):

- demeaning language, including sarcasm, ridicule or insults
- outbursts of anger or aggression, physical or verbal abuse or shouting
- physical/verbal intimidation or threats
- showing contempt or disrespect
- ostracising, excluding, isolating or ignoring an employee
- spreading malicious gossip or rumours about an employee
- intentionally denying access to information, or resources to the detriment of the employee
- changing work arrangements, such as rosters or leave if it is done to deliberately inconvenience a particular employee or employees.

Workplace bullying can be physical, verbal and/or emotional and may be carried out in person, by email, by telephone (both in conversations and/or by text messages) and via online social networking sites. Bullying may also amount to a criminal offence or unlawful discrimination if it is based on age, sex, pregnancy, race, disability, sexual orientation, and religion.

3.4. Discrimination

Discrimination can be harassment when a person, or a group of people, is directly and deliberately treated less favourably on the basis of certain personal characteristics. Protected personal characteristics under Federal discrimination law include:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer
- race, colour, descent, national origin, or ethnic background
- age
- sex
- industrial activity, including being a member of an industrial organisation like a trade union, taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including lesbian, gay, bisexual, transgender, queer, asexual or heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical history
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

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4. Behaviour not Considered Bullying or Harassment

Behaviour or conduct that is reasonable management action undertaken in a reasonable manner does not constitute workplace bullying or harassment. This includes:

- appropriate performance management
- constructive performance feedback provided in a reasonable manner
- structural changes to a workplace, including changes to individual roles and/or supervisory arrangements
- legitimate disciplinary action
- reasonable supervisory practices
- allocation of work in accordance with terms and conditions of employment and organisational practices
- reasonable directions by management
- monitoring attendance and working times
- expressing differences of opinion in a respectful manner
- carrying out legitimate or reasonable managerial decisions or actions, some examples are:
    - taking action to reassign an employee
    - allocating work to an employee, and setting goals, standards and deadlines
    - making a merit-based decision not to select an employee for promotion
    - providing a referee report (verbal or written) that includes comments about work or behaviour that is less than satisfactory
    - warning an employee about unsatisfactory performance and the possible consequences of unsatisfactory performance.

5. Performance Management and Bullying and/or Harassment Allegations

Where an allegation of workplace bullying or harassment is made by an employee involved in a performance management process, investigation of the allegations will not defer or stop the performance management process from continuing.

A manager is obliged to manage underperformance; monitor attendance and submission of attendance records and leave applications; provide constructive feedback to the employee; issue directions to the employee; and report any suspected misconduct. These actions are reasonable management actions and, if undertaken in a reasonable manner, do not constitute workplace bullying and/or harassment.

It is also important to note that allegations of bullying and/or harassment are not restricted to an employee making allegations against their manager but may be made by a manager against an employee. Should allegations of bullying or harassment be made, the employee or manager will be made aware of the allegations against them and given an opportunity to respond before any finding is made.

Where a decision is made to formally investigate allegations of bullying or harassment occurring during a performance management process, the investigation will be conducted in accordance with the department's normal processes.

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6. Other Employment Actions and Bullying and/or Harassment Allegations

The lodgement of a complaint outlining allegations in regard to another employee or manager does not defer or cease an employment action that may be underway (e.g. formal directions issued, Code of Conduct investigation, Preliminary Inquiry, Performance Management or Suspension etc).

Any employment actions will continue unless the Director, Workplace Relations, People Services Branch makes a decision to the contrary.

7. Addressing Unwanted or Offensive Behaviour Early

Early intervention in relation to unwanted or offensive behaviour is often an effective way to stop bullying and harassment in the workplace.

If you feel safe and comfortable doing so, you could talk to the person engaging in the conduct about what happened or what you observed either at the time of the incident or afterwards. This usually involves telling the other person the behaviour is not welcome, explaining why this is the case (if appropriate) and requesting for the behaviour to stop.

You can speak to Workplace Relations, People Services Branch about strategies for having this conversation and appropriately documenting the incident/s.

You do not need to raise issues with a person engaging in conduct dealt with by this policy directly if you do not feel safe or comfortable in doing so.

Managers who observe or are made aware of inappropriate behaviour are required to intervene in an immediate, sensitive and serious way to address inappropriate behaviour witnessed. Bystanders who witness conduct dealt with by this policy may intervene if they feel safe to do so. Intervention may include verbally discouraging the behaviour and reporting the behaviour.

8. Reporting

Any individual who has experienced or witnessed conduct covered by this policy can make a complaint. Complaints can be made in a number of ways. The department will prioritise the wishes, safety and wellbeing of individuals who experience bullying and/or harassment as far as possible. In some cases, the department's legislative obligations, including to ensure the health and safety of its workers, will require the department to take action regardless of an individual’s wishes.

Employees involved in a legitimate complaint regarding bullying and/or harassment will be protected from reprisal action so far as reasonably practicable (see Section 8).

The department monitors complaints to support preventative action against conduct covered by this policy, such as workplace presentations, education and communications.

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8.1. Complaints Directly to Managers

Depending on the individual circumstances, a complaint may be raised at the local management level closest to all parties (i.e. immediate manager, manager-once-removed, Branch Manager), to be resolved informally.

Managers must treat all matters reported to them seriously and action all complaints directly and as quickly as possible.

If an employee makes a complaint to a manager or manager-once-removed of bullying and/or harassment, the manager receiving the complaint is required to:

- be open, supportive, and non-judgemental
- maintain records of discussions and information obtained
- maintain privacy and confidentiality of individuals involved to the extent possible and only include others on a strict “need-to-know” basis\
- establish whether the recipient of the behaviour is still at risk, and if so, take all reasonable steps to ensure no further harm or incidents of bullying or harassment occur
- ensure all employees receive support and check on the wellbeing of all employees involved
- seek the employee's feedback regarding their desired outcome, being cautious not to pre-empt or promise a possible outcome before proper examination of all circumstances involved
- remind the employee of the support available through the department’s Employee Assistance Program, who are available to provide free and confidential counselling should the employee consider that they may benefit from such services
- seek advice from the Director, Workplace Relations, People Services Branch, as soon as possible to consider the most appropriate course of action.

A high level of caution is recommended at this point as the facts have not yet been established and natural justice must be applied to all parties.

Managers are able to access the Employee Assistance Program’s Manager Assist for assistance in handling sensitive and difficult conversations.

Once an informal complaint is resolved, managers should:

- monitor the relevant work area/s after a resolution has been implemented to identify if the behaviour or conduct is repeated
- ensure no adverse action (i.e. victimisation) is taken against the complainant.

8.2. Complaints to Workplace Relations

Complaints can be submitted to Workplace Relations using the DSS Internal Complaint Form or by emailing WorkplaceRelations@dss.gov.au. Formal complaints to Workplace Relations are handled as confidentially as possible.

A written complaint should include specific details of the bullying and/or harassment allegations, names of witnesses (if any), include available evidence (if any) and a statement as to the desired outcome.

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The Director, Workplace Relations, will review the information and determine the most appropriate action, if any, to be taken in response. This could include:

- preliminary inquiry into the complaint
- counselling for one or more parties
- warnings or formal directions
- coaching, mentoring or mediation
- a formal APS Code of Conduct investigation
- any other action deemed appropriate in the circumstances.

In managing complaints, the department's response will be unbiased and follow the principles of procedural fairness, including giving all affected parties a reasonable chance to respond. In some circumstances, after an assessment of the complaint, the department may decide not to take action. Examples where this may occur include where a complaint is:

- made anonymously without providing sufficient detail to allow investigation of the matter
- frivolous, vexatious, or malicious
- clearly or obviously false or misleading.

Where the nature of a complaint may raise allegations of a criminal nature, the complaint may be referred to others, including but not limited to, the internal fraud and compliance areas of the department and/or the Australian Federal Police.

The making of deliberately false claims may be investigated under the APS Code of Conduct.

An application for an order to stop workplace bullying can be lodged with the Fair Work Commission at any time. The Fair Work Commission recommends issues should be raised and addressed in the workplace in the first instance. For information on the application process see the Fair Work Commission website.

9. Victimisation and Protection from Reprisal

The department has a zero tolerance approach to victimisation of an individual making a complaint or participating in an investigation into a complaint.

Victimisation means subjecting or threatening to subject a person to any detriment as a result of asserting their rights, making a complaint, or helping someone else to make a complaint. Examples of victimisation may include an employee:

- being moved to a position with lesser responsibilities while their complaint is being considered
- being denied the opportunity for promotion or acting after unsuccessfully lodging a complaint
- receiving a critical reference because they have made a complaint in the workplace
- being bullied or intimidated by a work colleague.

Protections also extend to any witnesses involved in the matter. Depending on the individual circumstances involved, the department may take a range of steps to mitigate risks involved with reprisal action, including (but not limited to):

- issuing formal directions

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- arranging temporary reassignment of duties and/or seating/location movements
- tailored protection plans.

In addition to protections for complainants and other people involved, there department also does not tolerate any reprisal action against an employee if they are subject to a frivolous, vexatious or false claim.

Victimisation of any kind could be considered a breach of the APS Code of Conduct.

10. Responsibilities

10.1. Employees

All employees are responsible for ensuring that their behaviour and conduct meets acceptable standards in accordance with the APS Values and Code of Conduct.

Employees are encouraged to report all incidents of suspected bullying or harassment experienced or observed in the workplace to their manager, manager once removed or to the Director, Workplace Relations, People Services Branch.

Employees who experience or observe behaviour or conduct that may be bullying or harassment should if comfortable, attempt to resolve the matter by:

- bringing the behaviour to the individual's attention, either verbally or in writing, and requesting that it cease
- asking the relevant manager to assist by discussing the matter with the individual and requesting that it cease
- requesting that the relevant manager reinforces appropriate work behaviours with the work area.

You do not need to raise issues with a person engaging in conduct dealt with by this policy directly if you do not feel safe or comfortable in doing so.

10.2. Managers

All managers are responsible for:

- leading by example
- taking immediate, sensitive and appropriate action in response to complaints about bullying and harassment in accordance with this Policy
- encouraging employees to report all incidents of workplace bullying and harassment
- ensuring that all team members are familiar with the APS Values, the Employment Principles, and the Code of Conduct
- modelling leadership behaviours and conduct in accordance with the APS Values, Employment Principles and the Code of Conduct
- consistently demonstrating a commitment to a safe and respectful workplace
- making it clear that inappropriate behaviour will not be tolerated
- providing frequent and constructive feedback to team members
- consulting with team members before workplace changes are implemented
- ensuring open and respectful communication in the team

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- participating in and promoting training
- escalating any recurrent and/or multiple workplace bullying and harassment complaints against an employee to the Director, Workplace Relations, People Services Branch
- following the procedures outlined within the Workplace Health and Safety Management Arrangements
- upholding and promoting the department's zero tolerance against victimisation.

11. Record Keeping

It is important that any action taken to address complaints is documented. Records enable recurring patterns of behaviour or continuing problems in a particular work area to be identified and corrective action taken. In addition, accurate records will be essential if the matter leads to formal misconduct action, (i.e. breach of the APS Code of Conduct). Maintained records will be essential in any review of the processes undertaken. Any informal action taken by a manager to address workplace concerns may be sent to workplaceRelations@dss.gov.au for confidential retention.

Records related to formal APS Code of Conduct investigations and disciplinary action is kept with Workplace Relations in accordance with governing legislation. Access to such records is only granted on a strict 'need-to-know' basis.

12. Support Services

12.1. Harassment Contact Officer

Harassment Contact Officers are departmental employees trained to provide information to other employees in relation to instances of perceived bullying or harassment.

The specific role of a Harassment Contact Officer is to:

- provide a confidential 'point of contact' for employees and managers with enquiries related to what constitutes bullying or harassment
- provide information and guidance to employees and managers in relation to rights and responsibilities contained in the Workplace Bullying and Harassment Policy
- raise awareness in the workplace about the Workplace Bullying and Harassment Policy
- ensure that the employee is informed that they are able to seek more information from, or make a complaint to, the Director, Workplace Relations, People Services Branch.

***Note:** A Harassment Contact Officer is required to immediately advise the Director, Workplace Relations, People Services Branch, or a member of the SES if they are of the view that a person may be in danger or potentially endanger someone else or if they reasonably believe the issue may be extremely serious.

The Harassment Contact Officers role is not to resolve a matter or complaint but to provide information particularly in relation to the options available to employees and managers. Employees may contact **any departmental** Harassment Contact Officer with a concern and are not restricted to the Harassment Contact Officer in their usual office location.

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12.2. Support Person

An employee who has made a complaint, or has had a complaint made against them, may choose to have a support person present at meetings regarding the complaint. The support person should not be a person whose ability to act as an employee's support person may be conflicted, e.g. an employee who may be a party to, or potential witness to, the incidents that are the subject of the complaint; or a Harassment Contact Officer. A support person is not an advocate and does not speak or act on behalf of the employee.

12.3. Employee Representative

An employee who has made a complaint, or has had a complaint made against them, may choose to appoint a representative, such as a Union Delegate, to assist them with the matter and may advocate on behalf of the employee. An employee representative cannot be the employee's manager or be otherwise conflicted.

Further information is available in the Support for Employee Representatives Policy.

12.4. Employee Assistance Program (EAP)

The department's EAP offers free and confidential counselling and support services to employees experiencing workplace issues, including the conduct dealt with by this policy. Employees are encouraged to contract the department's EAP if they need support.

13. Sanctions for Non-compliance

Employees and managers are required to adhere to their respective responsibilities in regards to the application of this Policy. Failure to adhere to any aspect of this Policy may constitute a breach of the APS Code of Conduct.

Managers also have specific responsibilities under the *Work Health and Safety Act 2011*, which can result in personal sanctions for non-compliance.

14. More Information

For more information, please contact Workplace Relations in People Services Branch on

1800 799 140 (option 3 – Workplace Relations) or email WorkplaceRelations@dss.gov.au.

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