

WORKPLACE HARASSMENT AND BULLYING POLICY SAMPLE

This Workplace Harassment and Bullying Policy Sample is designed as a guide for use by members of the Employers' Chamber. It is part of a suite of resources to help businesses put in place effective practices and procedures for their organisations.

Please be aware that no generic document can cover all circumstances and that you may need to adapt this to the needs of your business.

If you need further assistance with putting this resource into effect, or with other employment or business issues, please call the Employers' Chamber Advisers on (03) 366 5096

© Canterbury Employers' Chamber of Commerce, June 2011

This document and any accompanying information is subject to copyright and has been provided for the sole benefit of the recipient member on the condition that it may not be reproduced or distributed in any form to other parties. In the case of 'template' or 'sample' documents, their reproduction or distribution must be confined to use within the member's own business and not made available to third parties whether in payment of a fee or otherwise. **IMPORTANT – DISCLAIMER** – The Canterbury Employers' Chamber of Commerce accepts no liability for any action taken or consequences arising from any use of the material or any reliance made on the material.



Statement of Commitment

It is the policy of *<insert company name>*, to maintain a working environment free from all forms of harassment or intimidation. Unwelcome harassment can be physical and/or threatening behaviour, abuse of power, isolation, discrimination, sexual and/or racial harassment. Whichever form the harassment takes, it is in serious violation of our policy and will not be condoned or permitted.

What is Workplace Harassment and Bullying?

Workplace harassment and bullying is likely to affect staff morale and create an unhealthy workplace culture. Harassment can be defined in a number of ways such as: an unwelcome comment, conduct and gesture that is insulting, intimidating, humiliating, malicious or offensive. This might be an isolated incident or on-going, it is unwanted by the recipient even if the harasser is not informed that the behaviour is unwelcome. This will affect the other person's work performance, behaviour or working environment so significantly, that the recipient in some cases is unable to function properly in the course of their employment.

Workplace harassment and bullying is any unwelcome and offensive behaviour of any nature and may include: (This list is illustrative but not exhaustive)

- Conduct that is likely to cause another employee, customer or vendor of the Company embarrassment, loss of dignity, feelings of intimidation, or loss of opportunity, including all forms of discrimination and harassment;
- Disrupting the work environment through unwanted behaviour;
- Making unwelcome sexual advances including persistent, unwelcome social invitations, emails or telephone calls to colleagues, either at work or at home;
- Directly or indirectly subjecting another person to unwelcome conduct of a threatening nature, including through conversation, action, or through the display of material in either written or electronic form.

For the purposes of this policy workplace harassment and bullying occurs when an employee perpetrates or is subjected to unwelcome and offensive behaviour of any nature and may include: (This list is illustrative but not exhaustive)

- Conduct that is likely to cause another employee, customer or vendor, representative of the employer of the Company embarrassment, loss of dignity, feelings of intimidation, or loss of opportunity, including all forms of discrimination and harassment;
- Disrupting the work environment through unwanted behaviour;
- Making unwelcome sexual advances including persistent, unwelcome social invitations, emails or telephone calls to colleagues, either at work or at home;
- Directly or indirectly subjecting another person to unwelcome conduct of a threatening nature, including through conversation, action, or through the display of material in either written or electronic form.

Behaviour constitutes workplace harassment and bullying where the person finds it unwelcome; whether or not the person makes it known that they do not like the harassment. As in any area of human interaction, the boundaries of what constitutes workplace harassment and bullying may vary from individual to individual. In addition, an individual may have different boundaries for different relationships. It is the responsibility of all employees to recognise and respect the boundaries set by others.

Harassment and Bullying can occur both on work premises and off work premises and both inside and outside of working hours. However, behaviour will only amount to workplace harassment and bullying in employment if the harassment would not have occurred but for the employment relationship between the harasser and the complainant.



Policy

Any employee who violates this policy will be subject to appropriate disciplinary action up to and including termination of employment.

Complaints Procedure

All complaints of workplace harassment and bullying will be promptly and confidentially investigated by the nominated Health & Safety Officer. The procedures for a complaint will be:

- Investigation into the allegations with individuals able to be accompanied by a representative
- Assess and review any written evidence
- Provide support and protection to the complainant to ensure their safety and have a safe reporting environment
- If proved, outcomes managed through the disciplinary process
- Prevention of further incidents.

All complaints will be treated confidentially. The complainant should also treat the matter confidentially.

On receipt of a complaint, the Health & Safety Officer will:

- Advise the *<insert person or level of manager>* of the existence of the complaint; and
- Take immediate steps to prevent as far as practical the repetition of the events that led to the complaints.

The Health & Safety Officer will:

- Investigate the matter fully; and
- Interview the employees concerned and any other witnesses relevant to the investigation; and
- Take any further steps as are reasonably practicable to prevent the repetition of the events that lead to the complaint.
- Make recommendations to the *<insert person or level of manager>*. If the complainant comes directly to the *<insert person or level of manager>*, he/she will follow the above steps, from receipt of a complaint.

If, following the investigation, the *<insert person or level of manager>* has reason to believe that behaviour constituting workplace harassment and bullying took place, the *<insert person or level of manager>* may impose whatever disciplinary action is appropriate given the seriousness of the harassment.

Disciplinary action may include one or a combination of:

- A formal apology to the complainant
- Education on workplace harassment and bullying
- A formal warning
- Termination of employment with notice
- Termination of employment without notice i.e. summary dismissal

Throughout the duration of the investigation the Health & Safety Officer shall keep the complainant fully informed about the progress of the investigation and the outcome of the investigation.

Further Information

Any questions about this policy or potential workplace harassment and bullying should also be brought to the attention of the *<insert person or level of manager>* (e.g. Health & Safety Officer, Chief Executive etc.)

