



## TSSP ANTI-HARASSMENT AND ANTI-BULLYING POLICY

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### Introduction

Everyone has the right to work in an environment free from harassment, bullying, discrimination and intimidation.

In reflecting good practice, TSSP has adopted an approach which demonstrates a commitment to promoting mutual respect and tolerance in the workplace.

This policy and associated procedures provide a framework that promote a positive office culture and practices; and also identify a process to resolve any problem that might occur. The emphasis is initially on assisting staff to confidentially negotiate and resolve problems, whilst also providing a formal process for those issues that prove difficult to resolve.

All employees are expected to follow any policies and procedures outlined in this policy which has been developed after discussions and input from administrative and other personnel.

### Statement of Principle

TSSP aims to:

- Create a working environment where all personnel are treated with dignity, courtesy and respect; and which is free from harassment, bullying, discrimination and intimidation
- Implement awareness raising strategies to inform all personnel of their rights and responsibilities
- Provide an effective procedure for complaint management based on the principles of natural justice
- Treat all complaints in a sensitive, fair, timely and confidential manner
- Encourage the reporting of behaviour which breaches the harassment and bullying policy
- Implement a process that maximises the well-being of the personnel involved
- Promote appropriate standards of conduct at all times.

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## Commitment and Scope

### What is TSSP's commitment on harassment, bullying and intimidation?

TSSP will not tolerate any conduct that could reasonably be considered to be harassment, bullying or intimidation.

TSSP will:

- Take complaints seriously
- Respond to complaints promptly and impartially
- Take action to stop harassment, bullying or intimidation
- Offer a process that maximises the well-being of the personnel involved
- Apply principles of natural justice.

### Who is covered by the policy and procedures?

The policy and procedures apply to all TSSP personnel and visitors to the Boroko Office. It also extends to social functions that are part of official business.

## Harassment

### What is harassment?

*Workplace harassment occurs when someone is made to feel intimidated, insulted, humiliated or discriminated against because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic. It is often persistent in character and can be directed at one or more people.*

Examples of harassment include:

- Verbal abuse and 'put-downs' (including shouting at a colleague)
- Threats
- Intimidating phone calls, letters or emails
- Pestering
- Ridiculing someone because of a physical characteristic or religious belief (eg telling insulting jokes about particular racial groups).

Harassment includes sexual harassment. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material and/or other behaviour which creates a sexually oriented working environment.

Examples of sexual harassment include:

- Physical contact. This can include massaging a person without invitation, touching or fiddling with a person's clothing, pinching, putting hands in a person's pocket, flicking bra straps, deliberately brushing up against a person, or touching intimate parts of the body
- Requesting sexual intercourse, and/or attempting to kiss or embrace
- Telling 'smutty' jokes or making sexually charged/based comments (including taunts, teasing and name-calling)
- Making promises or threats in return for promises of and/or sexual favours
- Displaying sexually graphic material (such as posters, pinups, cartoons, computer screen savers, through emails)
- Repeating invitations to go out after prior refusal/s

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- Making sexual gestures
  - Staring or leering at a person and/or at parts of their body
  - Engaging in a sexually explicit conversation; and/or persistent questions or insinuations about a person's private life.

### **What about cultural differences?**

Unwanted and offensive conduct is not acceptable in any culture. Naturally, people's attitudes to personal space and privacy, touching, and topics of conversation vary, depending on their cultural backgrounds, gender, religion, education, and upbringing.

The TSSP Office values multi-culturalism, mutual respect and two-way learning. There is therefore an onus on all personnel to treat others with tact and good manners. If you are not sure if your conduct or remarks will offend others at work, it is best to be careful. If someone has told you that your conduct is offensive, it is best to apologise for any offense taken, say you did not realise you were offending the other person, and not do it again.

### **Can "harmless flirtation" be sexual harassment?**

Sexual matters are private and personal – they have no place in a professional office environment.

People sometimes meet future partners at work. There is nothing wrong with this, providing professional standards of behaviour and decorum are maintained within the workplace. Flirtation that is not unwanted is not sexual harassment. However, if it become obvious, it is likely to cause others embarrassment.

### **What if someone dresses in a provocative manner?**

While provocative clothing is inappropriate for the workplace, wearing provocative clothing does not mean that the wearer is inviting harassment. Each person is responsible for his or her own behaviour towards others, and must treat others with respect regardless of their taste or style in clothing.

### **What if the harassment happens outside the TSSP?**

TSSP policy cannot extend to people's behaviour in the home and with friends; however the principles involved are good practice for any setting.

If the incident occurs at a work-related social event, whether outside or inside the office, it is covered by this policy.

If it happens at an event unrelated to TSSP, it may be subject to the relevant laws of the Government of PNG, have contractual implications and be subject to TSSP disciplinary proceedings.

### **What harassment/discrimination is not**

Workplace harassment or discrimination must not be confused with legitimate comment and advice (including relevant negative comment or feedback) from managers and supervisors on the work performance or work related behaviour of an individual or group.

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## Workplace bullying

### What is workplace bullying?

*Workplace bullying is behaviour which may be considered unreasonable and inappropriate workplace practice. It includes actions or words that intimidate, offend, degrade or humiliate a worker.*

Bullies usually utilise power attributed to their status, skills or position in the workplace, and both men and women can be the targets and/or the perpetrators. Workplace bullying can occur between a worker and a manager or supervisor, or between co-workers.

Physical violence is sometimes identified as bullying, however physical violence is more accurately categorised as assault, and is a crime.

Bullying behaviour can range from obvious to very subtle psychological abuse. Examples include:

- Verbal abuse and harassment
- Yelling, screaming or offensive language
- Excluding or isolating employees
- Intimidation.

## Grievance Handling

Misunderstandings or disagreements do not necessarily constitute a grievance.

A grievance is a legitimate problem or complaint related to the work environment. This framework provides examples of what might realistically be considered to be a grievance.

### What action should you take if you consider inappropriate behaviour has occurred?

#### *Firstly:*

- Speak to the alleged harasser directly and advise them that the action is considered offensive and/or inappropriate
- Write a courteous letter to the alleged harasser outlining the circumstances, and a request that it not occur again
- Ask your supervisor to speak to the alleged harasser on your behalf.

Harassment may have been unintentional, due to a misunderstanding or ignorance. You may be able to clear the matter up and stop any further harassment by speaking directly or writing to the person concerned.

It is usually helpful to describe the conduct that is upsetting you, say how it makes you feel, and request that it stop. For example, if someone is asking you unwelcome questions about your private life, you might say: "When personal matters are discussed in front of me, I feel uncomfortable and would like to keep our relationship on a professional basis."

Sometimes, you may find it difficult to speak directly to the alleged harasser, or because you are too embarrassed or intimidated to discuss what has happened. In this case, you can ask your supervisor to speak discreetly with the alleged harasser on your behalf. They will let you know what was said and will try to resolve the matter privately and informally, according to your wishes.

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### *Secondly:*

- Ask your supervisor to mediate between you and the alleged harasser. It can be helpful to have an independent person such as your supervisor mediate between you and the alleged harasser. This gives both people the opportunity to speak in the presence of a third person which can be helpful in maintaining a calm and professional atmosphere.

### *Thirdly:*

- Lodge a formal complaint.

### **When would you make a formal complaint?**

You may lodge a formal complaint if:

- The preceding options are not appropriate because of the nature of the harassment or other relevant circumstances
- The preceding options have been attempted but have not assisted to resolve the matter.

### **How do you lodge a formal complaint?**

You should put your complaint in writing and address it, in confidence, to the Program Manager, TSSP. It should include information about what happened, when it happened, who was involved, what you did to discourage the unwanted behaviour, the names of any witnesses, and any other relevant information. You must sign and date your complaint. It is also possible to address the complaint in writing to the Program Support Officer, Ms Stephanie Lymn.

### **How will formal complaints be handled?**

The alleged harasser will be given a copy of the complaint and a chance to respond in writing. An investigation will be carried out in consultation with both the people involved and both will be informed of the outcome. The Program Manager (and/or Program Support Officer) will review the case and decide whether to dismiss the complaint, orally counsel the alleged harasser, or recommend formal disciplinary proceedings.

### **What if false complaints are made?**

False or malicious complaints can seriously damage a person's reputation, career, and relationships. If anyone makes a false or malicious complaint of harassment or bullying, they may face an investigation and disciplinary action.

### **What are the guiding principles for dealing with grievances?**

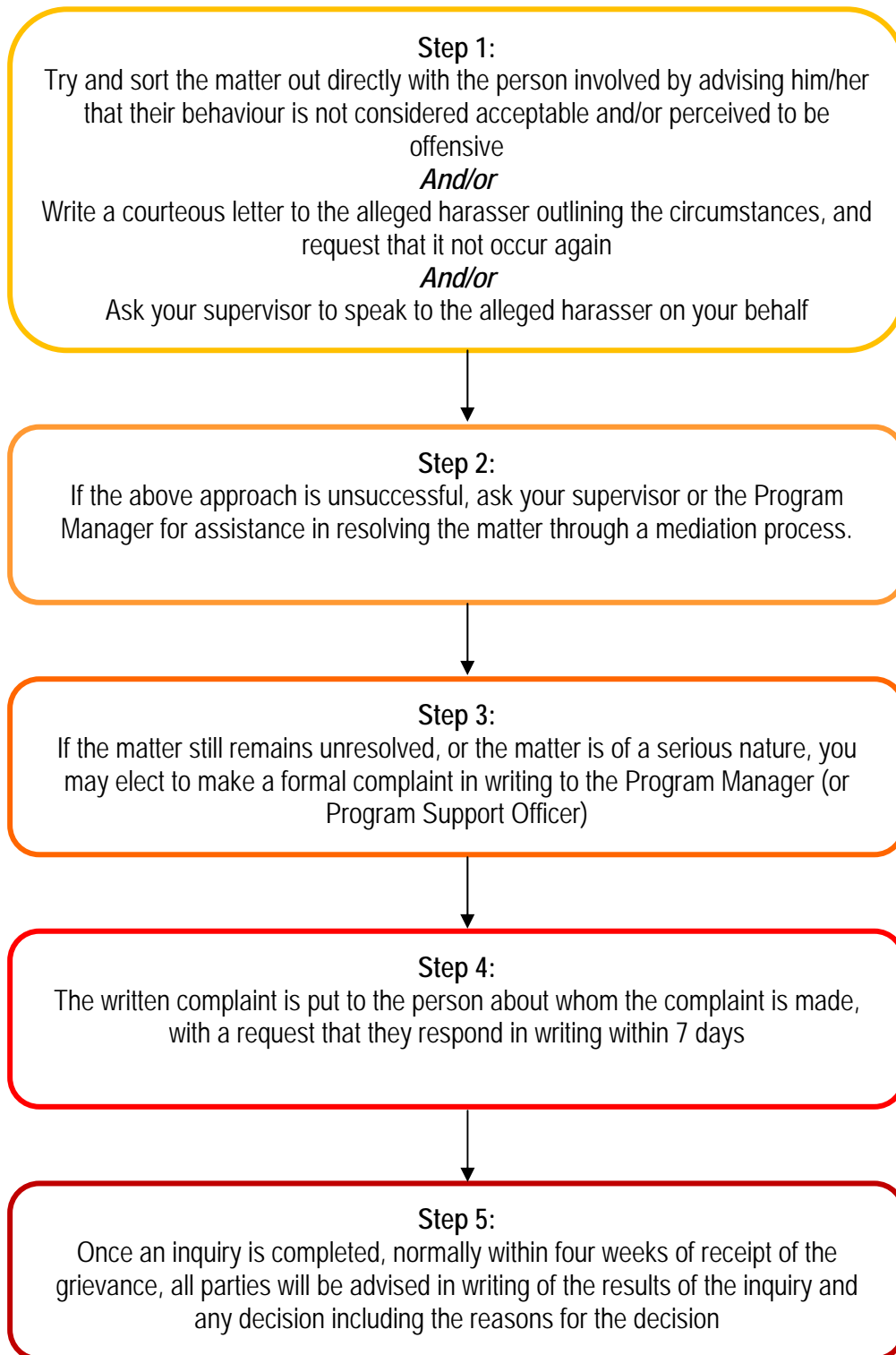
Senior personnel will:

- Be supportive of the aggrieved person
- Ensure the principles of natural justice are met, by not prejudging the alleged offender
- Advise the aggrieved person of the options available to him or her
- Depending on the wishes of the aggrieved person, attempt to resolve the matter by discussing it with the alleged harasser or mediating between the aggrieved person and the alleged harasser; and
- Follow up on incidents to ensure harassment has stopped and there is no retaliation.

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## Grievance Handling Procedure

The following sets out the recommended process for how TSSP will handle a complaint about harassment, intimidation or bullying:



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## What about confidentiality?

This process is completely confidential with only the people directly involved in making or investigating a complaint having access to the relevant information. A record of the process and the outcome is placed on both the complainants and the alleged offenders file.

There will be no repercussions against anyone making a complaint unless it becomes evident that the complaint was made maliciously and was completely without foundation.

## Disciplinary Action

Where disciplinary action becomes necessary, the following stages will occur. All serious incidents should be reported to the SMEC International Representative.

These stages will not automatically follow each other and will depend on the seriousness of the incident. For example:

- The first written warning may advise that should improvement not occur, the contractual agreement may be terminated within a given time. Should this approach be warranted, the first written warning becomes a first and final warning, following which the contractual agreement may be terminated if the situation is not rectified.
- Physical violence may result in instant dismissal.

Documentation of reasons and action taken will be placed on the personal file.

**Stage 1: Discussion and Oral Warning:** This is a conversation where the Program Manager or a delegate will discuss the event/incident. This will result in recommendations for improvements, together with time lines where appropriate.

**Stage 2: First Written Warning:** If there is no significant improvement in performance as agreed in Stage 1, or another incident takes place, the Program Manager or a delegate will issue a written warning. The employee has the right to discuss this document with the Program Manager and comment in writing. If the employee wishes to discuss the matter, the conversation will take place in the presence of another staff member appointed by the Program Manager.

**Stage 3: Second Written Warning:** This final warning is issued if there is no marked improvement. The Program Manager will complete the written warning, detailing the reasons and confirming that should the situation not improve, the contractual agreement will be terminated. Again, the employee has the right to discuss this document with the Program Manager and comment in writing.

**Stage 4: Notice of Termination of Contractual Agreement:** If the disciplinary review process fails, or the incident is sufficiently serious and proven, the Program Manager will liaise with SMEC to issue a Notice of Termination of Contractual Agreement.

Where considered appropriate and helpful to the complainant, s/he may have someone of their preference present in disciplinary process meetings.