



## Definitions of bullying, harassment and discrimination

### What is bullying?

Workplace bullying is behaviour directed towards a person or group of people that is:

- Repeated - persistent and includes a range of actions and behaviours over time
- Unreasonable - actions that a reasonable person in the same circumstances would see as unreasonable
- A risk to health and safety.

Bullying can be manifested in many ways that impact on the health and well-being of the victim. Examples of bullying include:

- Physical assault or threats
- Initiation rites
- Verbal abuse or name calling
- Practical jokes
- Teasing or inappropriate comments
- Intimidating actions
- Psychological abuse such as excluding or isolating workplace participants
- Deliberately withholding information necessary for effective work performance
- Giving unachievable tasks or impossible deadlines
- Persistent or public criticism.

### What is harassment?

Harassment is any type of unreasonable, unwelcome comment or behaviour which offends, humiliates or intimidates the person it is directed at. It may be repeated or be a one-off incident which is significant enough to have a detrimental effect on the person's health and safety, employment, job performance or satisfaction. Harassment may also occur in person or through email and social media both inside and outside of the workplace or work time.

Harassment can take many forms, examples include:

- Verbal or written abuse or comments
- Physical or verbal assault
- Embarrassing, threatening, humiliating, patronising or intimidating remarks
- Belittling opinions or constant criticism
- Spreading of a malicious, unfounded rumour
- Subjecting a person in the workplace to unreasonable scrutiny
- Undermining another's authority in the workplace
- Isolating or excluding a person in the workplace for example, dealing with him or her through a third party
- Publicly insulting or humiliating a person in the workplace
- Engaging in favouritism

- Sabotaging or impeding work performance by deliberately withholding work-related information or resources or by supplying incorrect information
- Jokes or offensive gestures.

### **Sexual harassment**

Sexual harassment is any unwanted or unwelcome conduct of a sexual nature that makes a person feel offended, humiliated or intimidated. Sexual harassment may take many forms including:

- Requests or demands for sexual activity which carry overt or implied threats or promises regarding the employee's employment
- Offensive sex-oriented gestures or comments
- Sex based insults, taunts, teasing or name calling
- Unwanted and deliberate physical contact, including pinching, touching, grabbing, kissing or hugging
- Persistent and unwelcome social invitations, telephone calls or propositions or inappropriate attention.
- Leering and suggestive staring at a person or parts of their body
- Obscene phone calls
- Sending rude or offensive emails, attachments, text messages or movie files
- Sending sexual material in any form or format
- Displays of circulation of sexual material such as posters, magazines, pictures, screen savers, internet material etc.
- Accessing, downloading or transmitting sexually explicit or inappropriate material in the workplace
- Sexual jokes, comments or innuendo, including sexually provocative remarks and suggestive or derogatory comments about a person's body or physical appearance
- Questions or probing about a person's sex life
- Sexually explicit conversations.

### **Racial harassment**

Racial harassment happens when a person expresses hostility against or brings into contempt or ridicules another person on the grounds of their colour, race, ethnic or national origins, is hurtful or offensive to that person and it has a detrimental effect on that person's employment, job performance or satisfaction. Racial harassment may take many forms including:

- Making offensive remarks about a person's race
- Jokes or songs of a racial nature
- Mocking others' accents or mimicking the way they speak
- Deliberately mispronouncing names
- Racial or ethnic oriented jibes or abuse
- Calling people by racist names
- Displaying offensive material
- Distribution of racist material.

## What is discrimination?

Discrimination occurs when a person is treated unfairly or less favourably than another person in the same or similar circumstances because of their gender, race, age, disability etc.

The Human Rights Act 1993 makes it unlawful to discriminate based on:

- **Sex** – includes pregnancy and childbirth, transgender and intersex people because of their sex or gender identity
- **Marital status** – includes marriages and civil unions that have ended
- **Religious belief** – not limited to traditional or mainstream religions.
- **Ethical belief** – not having a religious belief
- **Colour, race, or ethnic or national origins** – includes nationality or citizenship
- **Disability** – including physical, psychiatric, intellectual or psychological disability or illness
- **Age** – people are protected from age discrimination if they are over 16 years old
- **Political opinion** – including not having a political opinion
- **Employment status** – being unemployed, on a benefit or on ACC. It does not include being employed or being on national superannuation
- **Family status** – includes not being responsible for children or other dependants
- **Sexual orientation** – being heterosexual, homosexual, lesbian or bisexual.