

1. Purpose of the policy

Transport is committed to the continued growth of a positive workplace culture where all workers are treated with courtesy, dignity, and respect. Bullying, harassment, and discrimination are not accepted or tolerated.

This Policy:

- provides a framework that will enable Transport to identify, prevent, manage, and eliminate unlawful discrimination, bullying and harassment
- supports our obligation under the *Work Health and Safety Act 2011* to eliminate, or where this is not possible, minimise risks to health and safety
- is supported by procedures that detail the process for reporting and resolving instances or allegations of unlawful discrimination, bullying and harassment.

2. Who does it apply to?

This Policy applies to all ongoing, temporary and casual workers, workers seconded from another organisation, and external workers performing work for any of the following agencies:

Department of Transport	YES
Transport for NSW	YES
NSW Trains	YES
Sydney Trains	YES
Sydney Metro	YES
Sydney Ferries	YES
Transport Asset Manager of NSW	YES
The Point to Point Transport Commissioner	YES
NSW Motorways	YES

3. Principles and requirements

Providing a safe workplace for all workers, free from unlawful discrimination, bullying and harassment is a primary expectation and core principle in Transport's culture. All workers must treat colleagues and customers fairly, with dignity and respect.

The following principles are the actions expected across Transport to prevent unlawful behaviour and are the foundation of safe and respectful workplaces.

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Preventative – providing all workers with clear explanations on what constitutes discrimination, bullying, and harassment. Providing the skills to identify where there is a risk of such behaviours and how to reduce the potential for unacceptable behaviour to occur.

Supportive – providing the information, tools, and skills to confidently act on reports or observed instances of discrimination, bullying, and harassment. This extends to assisting workers who may be unaware of their actions to improve their behaviour, where appropriate.

Equal – holding all workers to the same expected standard, regardless of who makes the report and who is the subject of the report.

Confidential – all matters related to allegations of discrimination, bullying, and harassment will be treated confidentially in the interests of all parties.

Appropriate – action to stop events and behaviours is appropriate, timely, and consistent with established processes.

3.1 Definitions

All terminology in this Policy is taken to mean the generally accepted or dictionary definition except for the following terms which have a specifically defined meaning:

Term	Definition
Bullying	Repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.
Harassment	Harassment may be a form of discrimination and occurs in the form of behaviours a person does not want or invite, and which a reasonable person would consider to be offensive, embarrassing, intimidating, threatening, humiliating, and/or insulting.
Sexual Harassment	Unwelcome sexual advance, unwelcome request for sexual favours, or any other unwelcome conduct of a sexual nature which a reasonable person would expect to make a person feel offended, humiliated, and/or intimidated.
Sex-based Harassment	Unwelcome conduct of a seriously demeaning nature by reason of the person's sex in circumstances which a reasonable person would expect to make a person feel offended, humiliated, and/or intimidated.
Discrimination	<p>Unlawful discrimination is where a person is treated differently or unfairly based on attributes that are protected under equal opportunity and anti-discrimination legislation.</p> <p>These attributes include, but are not limited to, disadvantaging a person because of their race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, or social origin.</p>

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Direct discrimination	When someone is treated less favourably compared to someone else in the same or similar circumstances, due to their attributes or characteristics.
Indirect discrimination	When a requirement, rule or practice that is the same for everyone has a negative effect or result on a particular person or group. To be unlawful, the requirement has to be unreasonable in the circumstances.
Associate discrimination	Harassing or treating someone unfairly because their associate (friend, relative, business associate, etc) belongs to a particular group of people who are covered by anti-discrimination legislation.
Repeated Behaviour	Refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
Unreasonable Behaviour	Behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.
Victimisation	Subjecting a person, including witnesses and support persons, to some form of detriment (including bullying and/or harassment) because of a complaint of any nature being lodged, or proposed.
Worker	<p>A broader concept that extends beyond the traditional employer and employee relationship. A worker is someone who carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ul style="list-style-type: none">– an employee, or– a contractor or subcontractor, or– an employee of a contractor or subcontractor, or– an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or– an outworker, or– an apprentice or trainee, or– a student gaining work experience, or– a volunteer <p>Taken from section 7 of the <i>Work Health and Safety Act 2011</i> (NSW)</p>

3.2 Bullying

Bullying can occur whenever people work together in all types of workplaces and can be carried out in a variety of ways, including through email, text messaging, social media, and/or face-to-face contact.

Bullying can be directed at, or carried out by, either a single person or group of workers, and can occur at any level in an organisation.

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Examples of behaviours, whether intentional or unintentional, that may be considered bullying if they are repeated, unreasonable and create a risk to health and safety can be found in the *Transport Management of Bullying and Harassment Procedure*.

A single incident of unreasonable behaviour may not be considered bullying, however, will not be ignored if identified.

Agencies will intervene to ensure these incidents do not escalate. A single incident may still constitute misconduct that will be investigated and actioned in accordance with Transport policies and agency procedures.

3.3 Harassment

Harassment is any unwanted or uninvited behaviour that a reasonable person would consider to be offensive, embarrassing, intimidating, threatening, humiliating, or insulting.

Harassment may be a single incident based on some characteristic of the affected person. The *Anti-Discrimination Act 1977* makes it unlawful to discriminate or harass a person in the workplace.

Examples of incidents that may be considered harassment can be found in the *Transport Management of Bullying and Harassment Procedure*.

Reasonable management action to effectively direct the way work is carried out, allocate work and give fair, constructive and reasonable feedback on a worker's performance is not considered to be bullying or harassing.

3.4 Discrimination

Transport promotes and implements employment policies and practices that are fair, transparent, and inclusive to prevent discrimination. Diverse needs of workers are recognised and supported.

Discriminatory treatment of workers or job applicants can be harmful to those experiencing it and those who witness it and can also have a negative effect on the organisation's reputation.

Unlawful discrimination occurs when a person, or group of people, is treated less favourably than another person or group because of a protected attribute or characteristic (e.g. sex, disability, or race) and is not tolerated.

Examples of different types of discrimination can be found in the *Transport Management of Discrimination Procedure*.

3.5 Impacts of bullying, harassment, and discrimination

Bullying, harassment, and discrimination can be harmful to the person experiencing it and to those who witness it. Effects may include the following:

- distress, anxiety, panic attacks, or sleep disturbance

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- physical illness, such as muscular tension, headaches, and digestive problems
- hypertension, alcoholism, aggression
- reduced work performance
- loss of self-esteem and feelings of isolation
- deteriorating personal and professional relationships
- depression, and/or
- thoughts of suicide.

Bullying, harassment, and discrimination can also have a negative effect on the reputation of the organisation and negatively influence workplace culture. The time and costs associated with remedying inappropriate behaviour can be significant and may lead to:

- high worker turnover and associated recruitment and training expenses
- low morale and motivation
- increased absenteeism
- lost productivity
- disruption to work when complex complaints are being investigated, and/or
- costly workers compensation claims or legal action.

3.6 Managing reports of bullying, harassment and discrimination

All reports of bullying, harassment, and discrimination will be treated seriously and managed promptly in accordance with this Policy and supporting procedures.

On receipt of a report, an assessment will be made as to how the matter should best be handled in consultation with the person experiencing the behaviour. Options may include local resolution between the involved parties, mediation, and/or investigation.

The *Transport Management of Bullying and Harassment Procedure*, *Transport Management of Discrimination Procedure*, and *Transport Management of Sexual Harassment Procedure* detail the process to be followed in reporting such behaviour.

3.7 Victimisation

Workers who witness and report bullying, harassing, or discriminating behaviour, and/or are involved in an investigation, are not to be victimised in any way.

Actions which may constitute victimisation include, but are not limited to:

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- ignoring a person or deliberately failing to acknowledge them
- punishments designed to cause a person detriment (e.g. allocating unfavourable or less favourable shifts)
- threats of any kind, and/or
- intimidation.

Under anti-discrimination legislation, it is unlawful to victimise a person because the person has made a complaint, intends to make a complaint, or is a witness to a complaint.

Employers and individuals may be liable for penalties for victimisation even if the original complaint of unlawful discrimination is later found to be unsubstantiated.

3.8 Confidentiality

All reports of bullying, harassment, and discrimination will be treated seriously and managed promptly in accordance with the relevant policies and procedures. All workers involved in a complaint (including its resolution) must maintain confidentiality and only discuss the matter with their nominated support person(s), representatives, personal advisors, or immediate family members.

Breaches of confidentiality may result in disciplinary or legal action. Confidentiality not only protects the person who reports the behaviour, it also maintains the integrity of any investigation and respects the rights of the people who are the subject of the report.

Transport has a duty of care for the health and wellbeing of workers while at work and during any work-related activity. The nature of some incidents may need to be reported to external authorities. Information including the identity of the complainant, respondent, and nature of an incident may need to be disclosed, such as incidents involving violence, assault or stalking could constitute criminal conduct and may need to be reported to the NSW Police Force.

Transport has an obligation to report certain incidents which do not require the impacted worker's consent for example, corruption.

Where appropriate, consent from the impacted worker will be obtained for certain matters, for example, domestic violence.

3.9 Vexatious complaints

Vexatious complaints are those that are not made honestly, but with the intent to damage the reputation of the person it is about. Knowingly submitting false information can have serious workplace and legal implications.

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Workers found to have made a vexatious complaint may be subject to disciplinary action in line with relevant policies and procedures, up to and including termination of employment.

3.10 Requirements

Transport has established processes for the consistent and thorough management of reports of bullying, harassment, and discrimination. All persons involved in the reporting, management, and resolution of the incident or behaviour are required to participate in the resolution of reports in a fair, timely, and confidential way.

The principles of this Policy align with the five strategic pillars of awareness, leadership, workplace experience, systems and structures, and reporting and response within the [Transport Discrimination and Harassment Prevention Strategy](#).

Reports of bullying and harassment are treated seriously. All Transport workers, regardless of their level or range of responsibilities, are subject to this Policy and the supporting management procedures.

The fair and equitable treatment and resolution of reports made under the Policy is the responsibility of all parties.

4. Compliance and breach

All workers are required to comply with this Policy and its related procedures and standards. Failure to do so may result in disciplinary action up to and including termination of employment.

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Appendix A:

5. Accountabilities and responsibilities

Who	
Secretary	Accountable for setting the strategic direction of the prevention of work-related bullying and harassment prevention in line with our organisational objectives and compliance obligations.
Executive Director Culture and Capability	Accountable for ensuring this Policy continues to align with Transport's strategic direction, and that guidance and controls are in place to help business areas measure and monitor compliance with this Policy and any related documents.
Chief Executives of the Transport agencies to which the policy applies	Accountable for their agencies' compliance with this Policy.
All workers to whom the policy applies	<ul style="list-style-type: none">• Compliance with the principles and requirements of this Policy, the Code of Conduct and the related procedures• Respecting the rights of others and not becoming involved in or encouraging bullying, harassment, discrimination, or other inappropriate behaviour.• Their own behaviour and how their actions may impact others and stopping the behaviour if they become aware it may be perceived as bullying, harassment, or discrimination.• Communicating and treating others with respect and courtesy.• Maintaining confidentiality if involved in a report or resolution process.• Seeking advice, support, and assistance from their manager, one up manager, and/or their P&C Business Partner if bullying or harassment is experienced or witnessed.

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All managers to whom the policy applies	<ul style="list-style-type: none">• Raising awareness and promoting acceptable standards of behaviour.• Demonstrating leadership by proactively modelling positive behaviours and an interest in workers to support an inclusive culture that recognises good performance.• Applying policies and procedures to support an inclusive, fair, and equitable workplace free from bullying and harassment.• Ensuring that workers understand their responsibilities under the Code of Conduct, policies and procedures, and where these documents can be found.• Treating instances of bullying, harassment and discrimination seriously and dealing with complaints promptly, fairly, impartially, and confidentially.• Actively promoting and supporting bullying, harassment, and discrimination prevention strategies.• Monitoring and taking appropriate early intervention in regard to workplace 'hotspots', for example sudden increases in sick leave, decrease in performance, observed increase in workplace arguments, and friction and observed changes in workers' behaviour.• Observing and promoting Transport and agency values when undertaking recruitment and selection activities.
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Each Transport agency is accountable for the implementation and monitoring of this Policy and ensuring systems are in place to:

- make this Policy available to all persons in the agency impacted by it
- ensure that any individuals or organisations that must observe this Policy as a result of a contract or other agreement with the agency are advised, and
- monitor implementation.

6. Related/supporting material

1. Transport Sexual Harassment Prevention Policy
2. Transport Use of Social Media Policy
3. Transport Code of Conduct
4. Transport Conduct Management Policy
5. Transport Conduct Management and Discipline Procedure
6. Transport Management of Bullying and Harassment Procedure
7. Transport Management of Sexual Harassment Procedure

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8. Transport Management of Discrimination Procedure
9. *Work Health and Safety Act 2011*
10. *NSW Anti-Discrimination Act 1977*
11. *Fair Work Act 2009*
12. *Public Interest Disclosures Act 1994*
13. *Workers Compensation Act 1987*
14. *Industrial Relations Act 1996*

7. Document control

7.1 Superseded documents

This Policy replaces the following documents:

- CP14023.6 Transport Prevention and Management of Bullying and Harassment Policy
- CP14022.5 Transport Discrimination Free Workplace Policy

7.2 Document history

Date & Policy No	Document owner	Approved by	Amendment notes
18 July 2025 CP25000	Executive Director, Culture and Capability	Chief People Officer	New policy combining CP14023.5 and CP14022.5.

7.3 Feedback and help

For advice on interpreting or applying this document, please contact the Discrimination and Harassment Unit at DHPU@transport.nsw.gov.au or Workforce Policy at WorkforcePolicy@transport.nsw.gov.au.

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