
APPROPRIATE WORKPLACE BEHAVIOURS POLICY

Purpose

aims to provide a workplace that is free from negative behaviours such as discrimination, workplace harassment, sexual harassment, vilification, workplace violence and bullying and other victimisation. These behaviours create discomfort to employees, contractors or any person who associates with and in some cases are against the law(s). is committed to ensuring that the working environment is free from any kind of harassment, discrimination and bullying and swift disciplinary action will be taken against any employee (or agent) who breaches this policy.

The following policy outlines the standards of workplace behaviours required by all employees, as well as clarifying what constitutes workplace harassment and the responsibilities of all individuals.

Scope

This policy applies to all employees and employers, and covers behaviour that occurs in work-related context, including, but not limited to, daily employment, conferences, work functions, office Christmas parties and business trips. This policy also applies to those sharing a common workplace but not a common employer.

Policy

is committed to a comprehensive strategy to ensure the prevention and elimination of ANY of the negative behaviours listed above. In making this claim aims to:

- Create a working environment that is free from all kinds of harassment, discrimination, victimisation, vilification and bullying
 - Implement education and awareness raising strategies to ensure all employees know their rights and responsibilities
 - Provide an effective procedure for complains based on the principals of procedural fairness
 - Treat all complaints in a sensitive, fair, timely and confidential manner (as per our Communication/Grievances Procedure [PRO03](#)).
 - Provide protection from any victimisation or reprisals
 - Promote appropriate standards of conduct at all times
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Prohibited Behaviour

Discrimination

does not tolerate discrimination. All employees are responsible for maintaining a workplace free from discrimination.

There are 2 types of discrimination, direct and indirect.

Direct Discrimination - happens when a person is treated less favourably than another person in the same or similar circumstances on the ground of a particular attribute, such as their age, gender, race or other grounds referred to below.

Indirect Discrimination - happens when there is a policy or rule or a 'way of doing things' that might appear on the surface to be fair or neutral, but which has an unequal effect on certain groups of people with a particular attribute or ground (referred to below) and the policy or rule is unreasonable. Indirect discrimination is unlawful regardless of whether the person discriminating intends to discriminate or is aware that they are doing so.

All types of discrimination are unlawful when it relates to a prohibited ground or attribute.

The prohibited grounds or attributes (depending on relevant State) are:

<ul style="list-style-type: none">• sex• race• disability / impairment• relationship status• parental status• pregnancy• religious beliefs and activity• political beliefs and activity• trade union membership and activity• gender identity	<ul style="list-style-type: none">• physical appearance• industrial activity• sexual preference• breast feeding• carer status / family responsibilities• criminal record• social origin• lawful sexual activity• association with any person with any of the above characteristics.
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Workplace Harassment / Bullying

does not tolerate Workplace Harassment and/or Bullying. Employees are responsible for maintaining a workplace free from workplace such activities. has an obligation to ensure the health and safety of each of its employees and other persons at its workplaces.

Workplace harassment /bullying is where a person is subjected to behaviour, (other than sexual harassment) that:

- is repeated, unwelcome and unsolicited
- the person considers it to be offensive, intimidating, humiliating or threatening
- can be verbal put-downs and insults and spreading rumours, threats and intimidation, repeated exclusion by other employees or from opportunities
- a reasonable person would consider it to be offensive, humiliating, intimidating or
- threatening

Workplace harassment can be committed by: an employer, worker, co-worker, group of co-workers, client or a member of the public. Workplace harassment covers a wide range of behaviours. Some examples include (but are not limited to):

- Abusing a person loudly, usually when others are present
- Repeated threats of dismissal or other severe punishment that do not follow standard disciplinary procedures
- Making or sending offensive messages (e.g. via email, telephone or other means)
- Significantly impairing the person's work in any way such as withholding information
- Removing content or altering the intent of the person's work
- Maliciously excluding and isolating a person from workplace activities that they would normally be involved in
- Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of others
- Spreading false information or malicious rumours about a person with an intent to cause the person harm

Workplace harassment/bullying does not include:

- Reasonable management action i.e. performance feedback absent of bullying behaviours and generally following a fair and objective procedure
 - Behaviour that is not repeated (behaviour is considered repeated if a pattern is identified, which may include incidents of a varied nature). Single instances of inappropriate behaviour will not be tolerated and should be managed accordingly in order to prevent a recurrence of that behaviour
 - Behaviour will not be tolerated and should be managed accordingly in order to prevent a recurrence of that behaviour
 - Reasonable and lawful directions given by a manager to an employee
 - A single incident - subject to the specific circumstances of the case
 - Acts of sexual harassment or discrimination
 - Occasional differences of opinion
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Sexual Harassment

does not tolerate sexual harassment and reminds all employees it is against the law to sexually harass anyone you come in contact with from a work perspective. All employees and management are responsible for maintaining a workplace free from sexual harassment.

Sexual Harassment is unwelcome or uninvited behaviour of a sexual nature, which makes a person feel humiliated, intimidated or offended.

Sexual harassment occurs when a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated.

Sexual harassment can be a single incident. Some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated.

Conduct of a sexual nature is defined as including making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Examples of sexual harassment include (but are not limited to), verbal and non verbal activities such as:

- Uninvited touching, kisses or embraces
- Sexual & smutty jokes, comments or gestures
- Making promises in return for sexual favours
- Displays of sexually offensive material (including posters, cartoons or calendars)
- Offensive letters, faxes, telephone messages or email messages
- Repeated requests for dates, especially after prior refusal
- Staring or leering at a person or at parts of their body
- Requests for sex
- Persistent questions or insinuations about a person's private life
- Offensive phone calls, text messages, letters, e-mail messages or computer screen savers
- Unwelcome physical contact such as massaging a person without invitation, deliberately brushing against them

Other actions which may amount to sexual harassment include:

- Intrusive questions at an employment interview
 - Unwelcome remarks or insinuations about a person's personal life
 - Suggestive comments about a person's appearance or body
 - Sexually explicit conversations
 - Proposals of marriage
 - Offensive telephone calls
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It is important to remember when determining if something constitutes sexual harassment, the essential elements are:

- The behaviour must be unwelcome
- It must be of a sexual nature
- The person harassed must feel offended, humiliated or intimidated and it is reasonable in the circumstances that they react this way

Behaviour, which is based on mutual attraction where the interaction is consensual, welcome and reciprocated, is not sexual harassment.

Racial Harassment/Vilification

Harassment may be experienced by those who are noticeably different, have an accent, or who identify with a particular culture. Racial harassment may include:

- Jokes about food preferences or social customs
- Comments or materials that put down or stereotype people because of their race

Religious Harassment/Vilification

People who identify with a belief or non-belief may experience religious harassment from behaviour such as:

- Jokes about religious practice
- Unwelcome comments or materials that stereotype or belittle people because of their religious beliefs or non-beliefs

Disability Harassment

Harassment on disability grounds may include:

- Practical jokes played on people with physical disabilities
 - Overbearing or abusive behaviour towards people with intellectual disabilities.
 - Disparaging remarks about people who have made compensation claims
 - Employees with medically sensitive conditions being excluded, isolated or singled out for unwelcome attention
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Workplace Violence

does not tolerate Workplace Violence. Workplace Violence is any incident where an employee is physically attacked or threatened in the workplace, regardless of the intent.

For the purpose of workplace violence:

- Attack means the direct or indirect application of force by a person to the body (or clothing/equipment worn) of another person, which creates a risk to health and safety
- Threat is a statement or behaviour that causes a reasonable person to believe they are in danger of being physically attacked

Examples of workplace violence include, but are not limited to:

- Striking, kicking, scratching, biting, spitting or any other type of direct physical contact
- Attacking with any type of weapon
- Pushing, shoving, tripping and grabbing
- Throwing objects
- Any form of inappropriate physical contact

Victimisation

does not tolerate victimisation. Victimisation occurs if a person performs an act, or threatens to perform an act, to the detriment of another person who has made a complaint under this policy, or under the relevant legislation. This includes any retribution or intimidation towards someone who has made a complaint, witnessed an incident or had a complaint made against them.

Responsibilities

Employees are responsible for:

- Complying with this policy in all work related situations.
 - Not participating, engaging or being a party to Prohibited Behaviour towards other employees, visitors and other persons at workplaces.
 - Respecting others opinions and values and behaving appropriately.
 - Respecting the rights, dignity and worth of all employees.
 - Raising any concerns using the Communication/Grievance Procedure (refer to [PR003](#)).
 - Making complaints about Prohibited Behaviour in accordance with the Communication/Grievance Procedure (refer to [PR003](#)).
 - Maintaining confidentiality during workplace investigations.
 - Cooperating throughout investigation processes and providing accurate and honest information.
 - Not victimising other employees or related parties as a result of raising a complaint.
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Related third parties i.e. contractors or visitors are responsible for:

- Complying with this policy in all situations related to [CompanyName]
- Not participating, engaging or being a party to Prohibited Behaviour towards other employees, visitors and other persons at workplaces
- Respecting others opinions and values and behaving appropriately
- Respecting the rights, dignity and worth of all employees, visitors or other persons

Management are responsible for:

- Monitoring the working environment to ensure that acceptable standards of behaviour are observed at all times
- Personally demonstrating appropriate behaviour
- Promoting and communicating this policy within their business unit
- Making decisions based on merit at every stage of the employment relationship
- Acting on any behaviour observed that breaches this policy, whether a complaint has been made or not
- Treating all complaints seriously, and investigating complaints promptly, confidentially and impartially

Grievances / Complaints

Grievances/Complaints regarding workplace harassment or victimisation are a specific form of grievance and so resolution broadly follows the Communication and Grievance procedure (refer to [PR003](#)). It is important that ANY complaint is dealt with immediately so issues can be resolved quickly and fairly.

Relevant Law

Occupational, Health and Safety: (Work Safety Act 2008 (ACT); Occupational Health and Safety Act 2004 (VIC); Workplace Health and Safety Act 1995 (QLD); Occupational Health and Safety Act 2000 (NSW); Occupational Health, Safety and Welfare Act 1986 (SA), Workplace Health and Safety Act 2011 (NT))

- Fair Work Australia Act 2009
- Criminal Law (Bullying) 2010
- [Australian Human Rights Commission Act 1986](#)
- [Age Discrimination Act 2004](#)
- [Disability Discrimination Act 1992](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)
- Privacy Act 1988

Breach of Policy

A breach of this policy may incite standard disciplinary procedures under the Performance Management Procedure ([PRO04](#)). Furthermore, a breach of any of the behaviours mentioned throughout this policy may be found to be unlawful and potentially result in legal action under the relevant legislation above.
