

Appropriate Workplace Behaviour Policy

Scope

This policy applies to all TassieCare Services' employees, contractors, and volunteers.

Purpose

Everyone has a right to enjoy a workplace free from discrimination, vilification, bullying, harassment, and victimisation. This behaviour will not be tolerated by TassieCare, and it is also unlawful.

Individuals can be subject to disciplinary action up to and including termination of employment, also in some cases the individual can be subject to legal action if they are found to have engaged in behaviour that is deemed as discrimination, vilification bullying, harassment, and victimisation.

TassieCare is committed to the provision of a fair, healthy, and safe workplace in which everyone is treated with dignity and respect and in which no individual or group feels bullied, threatened, or intimidated.

Bullying or harassment in any form is unacceptable behaviour and will not be permitted or condoned.

We recognise that bullying and harassment can exist in the workplace, as well as outside, and that this can seriously affect workers' working lives by detracting from a productive working environment and can impact on the health, confidence, morale, and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

Sexual harassment is a legally recognised form of sex discrimination. Sexual harassment and sex discrimination are both unlawful under the Sex Discrimination Act and Fair Work Act.

Sexual harassment in any form will not be tolerated. We recognise that sexual harassment can seriously affect workers working lives by detracting from a productive working environment and can seriously impact on the health, confidence, morale, and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

The appropriate behaviour policy sets out in detail the standard of behaviour expected by our team members and they type of conduct that is not acceptable.

Policy Application.

These principals apply to any work-related content or where there is a connection to work, including dealings during work hours, work functions, gatherings that include TassieCare team members, conferences, training sessions, and all electronic communications including those that occur outside work.

Behaviour at work

All employees are expected to behave with civility towards fellow colleagues, Participants, and members of the public, whilst at work. Rudeness will not be permitted. Objectionable or insulting behaviour or bad language may result in disciplinary action up to and including termination of employment.

All employees should use their best endeavours to promote the interests of TassieCare and shall, during normal working hours, devote the whole of time, attention, and abilities to TassieCare and its affairs.

Policy requirements

What is inappropriate workplace behaviour?

Inappropriate workplace behaviour includes discrimination, vilification, bullying, harassment, sexual harassment, and victimisation.

Each of these behaviours are set out below:

Discrimination is treating or proposing to treat someone less favourably because of a personal characteristic protected by law. This includes but not limited to race, sex, disability, parental status, career status, employment/industrial activity, political belief, marital status, pregnancy, breast feeding, gender identity and sexual orientation.

It is also unlawful to discriminate against team members because they have an association (a relative or otherwise) with a person who has any of the above characteristics.

Discrimination can occur:

- **Directly** for example when a person is treated less fairly than another person in a similar situation because of personal characteristic protected by law. An example, not employing someone because of their age, not promoting someone because they are pregnant or planning to be, or treating someone different because they identify as LGBTQIA+
- **Indirectly** for example an unreasonable requirement, condition of practice imposed that has or is likely the effect of discriminating people with a personal characteristic protected by law. An example having a requirement of a bus licence when it is not a requirement for all employees to drive a bus.

Discrimination will not be tolerated at TassieCare.

Racial or religious vilification is conduct which includes hatred, contempt or severe ridicule towards another person or group of people because of their race or religion.

This conduct will not be tolerated by TassieCare, it is also unlawful and may constitute a criminal offence.

Harassment

The intention of these procedures is to inform workers of the type of behaviour that is unacceptable and to provide procedural guidance.

We recognise that we have a duty to implement this policy and all workers are expected to comply with it.

Harassment is any unwanted physical, verbal, or non-verbal conduct based on grounds of age, disability, gender identity, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual harassment is any unwelcome sexual advance, an unwelcome request for sexual favours or any unwelcome conduct of a sexual nature. Such conduct includes 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. Harassment on the grounds of sex is any unwelcome conduct of a seriously demeaning nature and includes making a statement to a person, or in the presence of a person, whether the statement is made orally or in writing.

A single incident of unwanted or offensive behaviour can amount to harassment.

Harassment can take many forms and individuals may not always realise that their behaviour constitutes harassment. Examples of harassment include:

- insensitive jokes and pranks including inappropriate comments based on sex
- lewd or abusive comments about appearance
- asking intrusive personal questions based on a person's sex
- deliberate exclusion from conversations
- displaying abusive or offensive writing or material
- unwelcome sexual advance, or an unwelcome request for sexual favours
- unwelcome conduct of a sexual nature
- unwelcome touching and
- abusive, threatening, or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of harassment. Appropriate action in relation to an employee will include disciplinary action in accordance with TassieCare's disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with the Employer.

Bullying

Bullying is repeated, offensive, abusive, intimidating, insulting or unreasonable behaviour directed towards an individual or a group, which makes the recipient(s) feel threatened, humiliated, or vulnerable. Note single incidents of bullying will not be tolerated.

Bullying can occur in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips.

Bullying can be a form of harassment and can cause an individual to suffer negative physical and mental effects.

Bullying can take the form of physical, verbal, and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

- abusive, insulting, or offensive language or comments
- unjustified criticism or complaints
- physical or emotional threats
- deliberate exclusion from workplace activities
- the spreading of misinformation or malicious rumours and
- the denial of access to information, supervision, or resources such that it has a detrimental impact on the individual or group.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of bullying. Appropriate action in relation to an employee will include disciplinary action in accordance with the Employers disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with the Employer.

Reasonable Management action

It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying or harassment if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

Examples of reasonable management action can include but are not limited to:

- setting reasonable performance goals, standards, and deadlines
- rostering and allocating working hours where the requirements are reasonable.
- transferring a worker for operational reasons
- deciding not to select a worker for promotion where a reasonable process is followed.
- informing a worker of their unsatisfactory work performance
- meeting with a worker to discuss performance and/or conduct.
- informing a worker of their unreasonable or inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring and
- taking disciplinary action including suspension or termination of employment.

Bullying and Harassment complaint process

informal complaint

We recognise that complaints of bullying, harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper.

If you are the victim of minor bullying or harassment you should make it clear to the alleged bully or harasser on an informal basis that their behaviour is unwelcome and ask the individual to stop. If you feel unable to do this verbally then you should hand a written request to the individual, and your confidential helper can assist you in this.

Formal complaint

Where the informal approach fails or if the bullying or harassment is more serious, you should bring the matter to the attention of management as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the bullying or harassment so that the written complaint can include:

- the name of the alleged bully or harasser
- the nature of the alleged incident of bullying or harassment
- the dates and times when the alleged incident of bullying or harassment occurred
- the names of any witnesses and
- any action already taken by you to stop the alleged bullying or harassment.

On receipt of a formal complaint, we will take action to separate you from the alleged bully or harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged bully or harasser to another work area or suspension of employees (with contractual pay) until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

Where appropriate, the appointed investigator will issue a report of the findings and decision, in writing, to you and to the alleged bully or harasser.

If the report concludes that the allegation is well founded, appropriate action will be taken against the bully or harasser.

If you bring a complaint of bullying or harassment you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, appropriate action will be taken against you. Appropriate action in relation to an employee will include disciplinary action in accordance with the Employers disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with the Employer.

Sexual Harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- inappropriate physical contact, such as unwelcome touching
- inappropriate staring or leering
- making a suggestive comment or joke
- sharing sexually explicit pictures or posters, sending sexually explicit emails or messages
- making an unwanted invitation to go out on a date
- a request for sex
- intrusive questioning about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- an insult or a taunt of a sexual nature
- harassment on the grounds of sex
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Behaviour that may be considered sexual harassment in one situation may not be in others, for example flirtation or love and affection between two consenting individuals which is mutual, consensual, or reciprocated is not sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. If substantiated, sexual harassment is considered serious misconduct under the Fair Work Act and can amount to a valid reason for termination without notice.

Sexual harassment does not necessarily have to take place in the workplace to be unlawful. Sexual harassment in the course of employment can occur during work hours, at work-related events such as training or social events, between people sharing the same workplace, or even between colleagues outside of work.

Managers and supervisors have an additional responsibility to ensure the safety and welfare of their employees this includes modelling appropriate standards of behaviour, taking steps to educate and make Team Members aware of their obligations under this policy and the law and responding quickly and appropriately to any form of sexual harassment.

The Employer takes sexual harassment seriously. This policy requires all Team Members (including apprentices and trainees) volunteers as well as contractors to ensure their behaviour is respectful and appropriate. These examples are not exhaustive and disciplinary action up to and including termination of employment, will be taken against workers committing any form of sexual harassment.

Appropriate action in relation to an employee will include disciplinary action in accordance with the Employers disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with the Employer.

Sexual Harassment complaint process

Informal complaint

We recognise that complaints of sexual harassment can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper.

If you are the victim of sexual harassment, we encourage you to make it clear to the alleged harasser on an informal basis that their behaviour is unwelcome and ask the individual to stop. If you feel unable to do this verbally then you should hand a written request to the individual, and your confidential helper can assist you in this.

Formal complaint

Where the informal approach fails or if the sexual harassment is more serious, you should bring the matter to the immediate attention of management as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the sexual harassment so that the written complaint can include:

- the name of the alleged sexual harasser
- the nature of the alleged incident of sexual harassment
- the dates and times when the alleged incident of sexual harassment occurred.
- the names of any witnesses and
- any action already taken by you to stop the alleged sexual harassment.

On receipt of a formal complaint, we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension of employees (with contractual pay) until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a report of the findings and of the investigator's decision will be sent, in writing, to you and to the alleged bully or harasser.

Due to the serious nature of sexual harassment, if you decide to not proceed with a formal or informal complaint, the Employer reserves the right to consider appropriate action in the circumstances in order to ensure the safety and wellbeing of its employees. The Employer will consider the seriousness of the behaviour and circumstances in taking action this may

include a review of current processes for preventing and responding to sexual harassment, providing training and reminders to employees of their general obligations not to sexually harass others, following up with you on your concerns as well as monitoring behaviour in the workplace.

If the report concludes that the allegation is well founded, appropriate action will be taken against the harasser.

If you bring a complaint of sexual harassment, you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, appropriate action will be taken against you.

Appropriate action in relation to an employee will include disciplinary action in accordance with the Employers disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with the Employer.

Breach of this policy

Any failure to comply with this policy may be subject to disciplinary action up to and including termination of employment.

For clarification regarding this policy, please contact:

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Written and authorised by: Jonathan Bishton People & Culture Manager

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