



Workplace Behaviours Policy

Authorisation	DSCC Management Committee
Review Date	1/5/2022
Approved Date	26/4/2022
Relevant Documents	Grievance Policy and Disciplinary Policy

Purpose

Dawson Street Children's Co-operative (DSCC) are committed to equal opportunity and appropriate professional behaviour in the workplace. This policy specifically covers discrimination (direct and indirect), harassment, bullying and equal opportunity.

Scope

This policy applies to all employees of DSCC at all times (including whilst at work, or outside the workplace, attending work related functions and when using social media) without exception.

Policy

Equal Opportunity

DSCC is proud to be an equal opportunity workplace. All employees will be treated on their merits, without regard to race, age, sexual orientation, gender identity, relationship status or any other factor not applicable to their position.

Employees are valued according to how well they perform their duties, and on their ability to maintain DSCC's standards of service.

DSCC believes that all employees should be able to work in an environment free of discrimination, victimisation, sexual harassment and vilification. We consider these behaviours unacceptable and they will not be tolerated under any circumstances.

DSCC are committed to:

- Ensuring that all current and potential employees have equal access to the opportunities that are available at work.
- Ensuring that decisions relating to employment and people management processes are based on merit and have clear, predetermined, job related criteria allowing all employees equal opportunity in the workplace.
- Promoting appropriate standards of workplace behaviour and conduct at all times, ensuring that the workplace is free from unlawful discrimination, harassment (including sexual harassment), bullying and employee violence.

- Implementing training and awareness raising strategies to ensure that all employees know their rights and responsibilities in relation to workplace behaviours that demonstrate respect and dignity.
- Providing effective informal and formal complaints resolution procedures based on the principles of procedural fairness.

DSCC will make reasonable adjustments for anyone offered employment or any current employees with an impairment, to enable them to participate in their employment. In determining whether an adjustment is reasonable all relevant facts and circumstances must be considered.

Please note, DSCC may not be required to make reasonable adjustments where the employee could not perform the genuine and reasonable requirements of the job, even after the adjustments are made.

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic such as gender identity, sexual orientation, age, race or disability.

It is unlawful to discriminate against an employee on the basis of any of the following attributes or personal characteristics:

- age
- breastfeeding
- employment activity
- family responsibilities such as a parent or carer
- gender identity, transgender status, gender history, transsexuality
- impairment
- irrelevant criminal history
- industrial activity
- lawful sexual activity
- marital status, de facto status
- parental status or status as a carer
- physical features
- political belief or activity
- pregnancy or potential pregnancy
- race
- religious belief or activity
- sexual orientation
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Unlawful Discrimination

Occurs when a person or group is treated unfairly or less favourable than another person or group in a similar situation because of an actual or assumed attribute or characteristic.

Discrimination can occur directly or indirectly.

Direct discrimination is treating a person with an attribute or personal characteristic unfavourably, because of that protected attribute (e.g. refusing someone a promotion because they are a union member).

Indirect discrimination is the imposition of a condition, requirement or practice that disadvantages a person or group with a protected attribute, and is unreasonable (e.g. a policy that entitles employees with 5 years continuous service to a pay rise thereby potentially discriminating against women who interrupt their career to have children).

Not reasonably catering for employees with family responsibilities

Under the Equal Opportunity Act 2010, it is unlawful for an employer to unreasonably refuse to accommodate an employees' parental or carer responsibilities, in relation to their work arrangements either when offering employment or during the course of employment.

Harassment

Harassment is any form of behaviour that is uninvited, unwelcomed and which humiliates, offends or intimidates another person, or makes the workplace uncomfortable and unpleasant. It is important to understand that a one-off incident can constitute harassment.

Harassment in the workplace can take many forms (verbal, written, visual or physical) and can be obvious, subtle, direct or indirect. Examples of harassment include (but are not limited to):

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying offensive or pornographic posters or screen savers
- making derogatory comments or taunts about a person's disability
- asking intrusive questions about someone's personal life
- making sexual or suggestive remarks, references and propositions
- persistent and unwelcome requests to go out
- spreading rumours
- mimicking or making fun of someone
- name calling, threats or insults
- unwelcome practical jokes
- following someone to and from work
- offensive hand or body gestures, wolf whistling and/or
- unnecessary physical contact (pinching, patting, touching, hugging against a person's will, kissing, pushing, shoving or jostling)

Sexual Harassment

Sexual harassment refers to unwanted, unwelcomed behaviour, which is offensive, embarrassing, intimidating or humiliating. For example:

- unwelcome sexual advances
- unwelcome requests for sexual favours
- other unwelcome conduct of a sexual nature (physical intimacy, remarks with a sexual connotation, gestures, images, actions, messages or comments)

Sexual harassment is not behaviour that is based on mutual attraction or friendship and where the conduct is invited, consensual, reciprocated and lawful. Sexual harassment can be physical, visual, verbal or non-verbal. It may be a one-off or a series of incidents. It includes any behaviour in connection with work (e.g., at a work party outside of work hours).

Bullying

DSCC is committed to ensuring that employees work in an environment where they are treated with mutual respect. It is important for a productive and harmonious workplace that employees are aware of the impact of their behaviour on others. Bullying in the workplace is inappropriate and unacceptable.

What is bullying?

Bullying is **repeated** and **unreasonable** behaviour directed towards an employee or group that **creates a risk to health or safety** (e.g.: verbal abuse, excluding or isolating employees, intimidation, assigning meaningless tasks unfairly, giving employees impossible assignments, deliberately changing work rosters to inconvenience particular employees).

Repeated behaviour refers to the persistent nature of behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see the behaviour as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of bullying, whether intentional or unintentional, that may be considered as workplace bullying include (but not limited to):

- aggressive or intimidating conduct;
- abusive, insulting, humiliating or offensive language or comments; (e.g.: being sworn at, threats, insults, continual criticism, name calling, practical jokes) – threats can be in person, via email, text message, or internet
- deliberately excluding someone from workplace activities and work-related events;
- denying access to information, supervision, consultation or resources to the detriment of the employee;
- spreading misinformation or malicious rumours;
- teasing, practical jokes or 'initiation ceremonies';
- constant, intrusive surveillance or monitoring.

Bullying is not:

- Genuine and reasonable disciplinary procedures
- Constructively delivered feedback or counselling that is intended to assist an employee to improve their work performance or the standard of their behaviour
- Fair and appropriate rostering and allocation of shifts
- Setting performance goals, standards and deadlines
- Deciding not to select an employee for a promotion
- Informing an employee about unsatisfactory work performance
- Informing an employee about inappropriate behaviour

- Implementing organisational changes

Employee Violence

Employee violence is any incident where an employee is **threatened** or **physically attacked** by another employee.

1. A **threat** may be a statement or specific behaviour that causes a person to believe they are in danger of being physically attacked.
2. A **physical attack** means the direct or indirect application of force by a person to the body of or to the clothing or equipment worn by another person where that application creates a risk to health and safety.

Victimisation

Victimisation is subjecting or treating someone detrimentally because they make a complaint under this policy, or be a witness to a complaint (e.g.: placing an employee on a performance management plan when they make a complaint about bullying). A person must not 'victimise' someone because they have made a complaint or are a witness in a complaint.

Policy Breach

DSCC does not tolerate any circumstances of unlawful discrimination, harassment (including sexual harassment), bullying, employee violence, or victimisation.

Any breach of this policy is taken very seriously by DSCC and may result in disciplinary action, including termination of employment.

Disciplinary action shall be determined in accordance with the nature and severity of the offence, and may include a range of outcomes, including but not limited to: an apology, training/education, transfer, warnings or termination of employment.

All complaints are treated in a sensitive, fair, timely and confidential manner. Allegations will be investigated in accordance with the Grievance policy and informal and formal complaints resolution procedures based on the principles of procedural fairness.

Procedural Fairness

In cases of alleged inappropriate behaviour, the principles of procedural fairness are followed:

These principles require DSCC to:

- Fully inform a person of any allegation/s made against them in writing.
- Allow the person an opportunity to bring with them a support person or representative.
- Give the person an opportunity to state their case, provide an explanation or put forward a defence.
- Ensure that all parties are heard and relevant submissions considered.
- Ensure that decision makers act fairly and without bias.

Policy Review

This policy will be regularly reviewed by Dawson Street Children's Co-operative and any necessary changes will be implemented by the Management Committee.