

Fair Treatment and Appropriate Behaviour at Work Policy

Introduction

Junction Australia ("Junction") is committed to treating people with respect and providing a workplace free of harassment, bullying or any unfair treatment. Treating people fairly and appropriately has a positive impact on staff and clients and these principles are in line with our aim to get the best from our people and give them the greatest opportunity to do their work well.

Working relationships and standards of behaviour between staff are important workplace issues. The Junction Values and Staff Code of Conduct set out our expectations for behaviour required in the workplace.

Any difficulty in defining what constitutes unfair treatment or inappropriate behaviour should not deter staff from raising a concern. The supervisor or manager can assist to assess the seriousness of the situation and how it can be best resolved.

All leaders, managers and supervisors have an even higher level of responsibility to role model behaviour consistent with our Values and Code of Conduct. They are expected to take action to stop bullying, harassment or any unfair treatment occurring and support those who raise a concern.

1. Purpose

To ensure that all people are treated with respect and provide a workplace free of harassment, bullying or any unfair treatment.

2. Scope

This policy applies across Junction.

3. Policy Statement

Junction considers that any unfair treatment or inappropriate behaviour in the workplace is unacceptable, and staff found to have committed such behaviour may be subject to disciplinary action.

4. Principles

4.1. Every person who works at Junction has a responsibility to maintain a working environment free from unfair and inappropriate behaviour. It can be harmful to a person's health and wellbeing as well as affecting the morale and productivity of the whole organisation.

4.2. A person's beliefs and opinions may not always coincide with other staff (or management) and this diversity is embraced as part of our Values, rather than allowing this to be cause for conflict.

4.3. Fair Treatment

Fair treatment is:

- treating people as individuals without making judgments based on irrelevant personal characteristics;
- creating a work environment free from discrimination, harassment, bullying and victimisation;
- allowing all employees to work to their full potential; and
- making decisions based on merit.

These overriding principles of fair treatment are explained in more detail below.

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4.4. **Equal Opportunity**

Equal opportunity means treating all staff fairly, equal access to jobs, benefits and services for all staff and prospective staff. Equal opportunity aims to ensure fair and equitable outcomes in all areas of employment including recruitment, selection, access to information, and actions taken or decisions made by management.

4.5. **Anti-Discrimination**

4.5.1. Discrimination, including direct and indirect discrimination occurs when a person is treated less favourably or harassed in certain areas of public life including their employment because of a personal characteristic or attribute. Specifically, discrimination occurs when a person is treated less favourably than another would be in the same or similar circumstances because of a characteristic that is irrelevant to his or her capacity to do the job.

4.5.2. Some examples of where it is unlawful to unfairly treat others are:

- age
- pregnancy
- gender identify
- caring responsibilities
- disability
- religious practice, appearance or dress

Sometimes discriminating behaviours are referred to as bullying (see below).

4.6. **Sexual Harassment**

4.6.1. Sexual harassment is unsolicited, unwelcome behaviour which makes people feel offended, afraid or humiliated and, in the circumstances, it is reasonable to feel that way. Both men and women can sexually harass or be harassed. Sexual harassment is determined from the point of view of the person feeling harassed. It is how the behaviour is received not how it is intended that counts.

4.6.2. Sexual harassment can be:

- unwelcome touching or kissing;
- comments or jokes, leering or staring;
- sexual pictures, objects, emails, text messages, magazines or other written material;
- direct or implied propositions, or repeated requests for dates;
- questions about sexual activity;

Mutual attraction or friendship with consent is not sexual harassment.

4.7. **Workplace Bullying**

4.7.1. The Fair Work Act 2009 (Cth) sets out that bullying at work occurs when:

- a person or a group of people repeatedly behaves unreasonably towards a worker or a group of workers at work, and
- the behaviour creates a risk to health and safety.

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Bullying does not include reasonable management action carried out in a reasonable manner.

- 4.7.2. Workplace bullying can adversely affect the psychological and physical health of a person. Workplace bullying is a psychological hazard that has the potential to harm a person, and it also creates a psychological risk as there is a possibility that a person may be harmed if exposed to it.
- 4.7.3. It is *repeated* and *unreasonable behaviour* directed towards a worker or a group of workers that *creates a risk to health and safety*.
- 4.7.4. **Repeated behaviour** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
- 4.7.5. **Unreasonable behaviour** means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are **repeated**, **unreasonable** and **create a risk to health and safety** include but are not limited to:

- abusive, insulting or offensive language or comments
 - aggressive and intimidating conduct
 - belittling or humiliating comments
 - victimisation
 - practical jokes or initiation
 - unjustified criticism or complaints
 - deliberately excluding someone from work-related activities
 - withholding information that is vital for effective work performance
 - setting unreasonable timelines or constantly changing deadlines
 - setting tasks that are unreasonably below or beyond a person's skill level
 - denying access to information, supervision, consultation or resources to the detriment of the worker
 - spreading misinformation or malicious rumours, and
 - changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.
- 4.7.6. If the behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.
- 4.7.7. Bullying in the workplace can take place between:
- a staff member and a manager (or supervisor)
 - co-workers
 - a staff member and another person in the workplace e.g. client, volunteer or student.

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- It might include one of or a number of the following behaviours:
 - intimidation and/or belittling remarks
 - unreasonable persistent criticism
 - loud and aggressive attacks or verbal and physical abuse, e.g. shouting and throwing objects
 - isolation from colleagues
 - removing responsibilities and/or imposing menial tasks.

4.7.8. Bullying is NOT:

- Occasional differences in opinion, non-aggressive debate and/or problems in working relationships.
- Reasonable action by a manager (ie decisions based on reasonable grounds or reasonable administrative action) such as:
 - performance management processes
 - disciplinary action for misconduct
 - informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - directing a worker to perform duties in keeping with their job
 - maintaining reasonable workplace goals and standards
 - implementing organisational changes (eg structure or rosters).

However, any reasonable management actions must not only be reasonable but must also be conducted in a reasonable manner. If not, they could still be bullying.

4.8. **Victimisation**

Victimisation is when someone is treated unfairly because:

- they have made a complaint/grievance against someone;
- they have suggested they intend to make a complaint or raise a grievance
- they have or intend to act as a witness or give evidence in support of another person(s) relating to a complaint or grievance.

4.9. **Complaints/Grievances**

Any complaints/grievances raised about unfair treatment or inappropriate behaviour will be dealt with quickly, seriously, confidentially and in a transparent manner.

4.10. **Confidentiality**

4.10.1. Information about a complaint will only be given to people directly involved.

4.10.2. Everyone involved will be advised of the need for confidentiality.

4.11. **Fairness/Impartiality**

4.11.1. Fair treatment for all is paramount in the complaint/grievance process.

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- 4.11.2. The complaint/grievance will be handled by a trained person (this may be an external consultant).
- 4.11.3. Any person who is the subject of a complaint/grievance has the right to know the details of any allegation against them.
- 4.11.4. All parties involved will have the opportunity to give their version of events and can have support or representation if they elect to do so.
- 4.11.5. No judgments will be made or action taken until all relevant information has been assessed.
- 4.11.6. All allegations will be investigated before a decision is made.
- 4.11.7. Complaints/grievances must be substantiated before any disciplinary action is taken (refer to Managing Performance Policy).

4.12. Victim Protection

- 4.12.1. People involved in a complaint will be protected from being victimised.
- 4.12.2. Any substantiated victimisation will be disciplined.
- 4.12.3. Anyone found making malicious or false complaints will be disciplined.

5. Breach of Policy

Junction considers that any unfair treatment or inappropriate behaviour in the workplace is unacceptable, and staff found to have committed such behaviour and/or breached this policy may be subject to disciplinary action up to and including dismissal.

6. Related Documents

- Staff Code of Conduct
- Performance Management Policy
- Grievance Policy

7. Schedules

This policy must be read in conjunction with its subordinate schedules as provided in the table below

8. Policy Information

Parent Policy	
Document Owner	Executive Manager, People & Culture
Policy Stream	HRM
Subordinate Procedures	Fair Treatment & Appropriate Behaviour at Work Procedure
Subordinate Schedules	
Relevant Legislation	<ul style="list-style-type: none"> • Fair Work Act 2009 (Cth) • Age Discrimination Act 2004 • Australian Human Rights Commission Act 1986 • Disability Discrimination Act 1992

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	<ul style="list-style-type: none">• Racial Discrimination Act 1975• Sex Discrimination Act 1984• Equal Opportunity Act 1984 (SA)• Work Health and Safety Act 2012 (SA)
Approval Date	12/11/2018
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