



Australian Institute of Health & Safety

**RESPECTFUL BEHAVIOUR POLICY  
& PROCEDURE**

(Bullying, Discrimination, Harassment,  
Sexual Harassment and Occupational Violence)

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# 1. Policy

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- 1.1 The Safety Institute of Australia Ltd, trading as the Australian Institute of Health & Safety (“AIHS” or “the Institute”) is an equal opportunity organisation and employer, which requires respectful behaviour of all members, employees, contractors, volunteers, corporate partners, and service providers.
- 1.2 Our culture is one where equal opportunity and respectful behaviour is the only acceptable way of conducting business.

**The Australian Institute of Health & Safety will not tolerate bullying, discrimination, harassment, sexual harassment, victimisation, vilification, or violence under any circumstances.**

- 1.3 Any person who engages in such behaviours may expose themselves or the organisation to liability under various workplace and equal opportunity laws. Any proven breaches of this Policy and Procedure will result in fair and appropriate action in accordance with normal business and employment practices, the AIHS Constitution and By-Laws and the Code of Ethics Complaints Procedure as applicable. The action taken will depend on the nature and circumstances of each breach and could include:
  - a) a verbal or written apology;
  - b) one or more parties agreeing to participate in counselling or training;
  - c) a verbal or written reprimand;
  - d) membership suspension; or
  - e) transfer, demotion or dismissal of the person engaging in unacceptable behaviour.
- 1.4 The Chief Executive Officer (CEO) is responsible to the Board of Directors (the Board) for ensuring that the AIHS staff and contractors are employed on the basis of equal opportunity, and are then able to work in a safe and respectful environment. The CEO will ensure compliance with this Policy and Procedure.
- 1.5 The Board Chair and the members of the Board will commit to and seek to ensure that respectful professional behaviour exists at all times between members of the Board in compliance with this Policy and Procedure. The Board Chair and the members of the Board will seek to ensure that the same standard is applied within the operations of each Branch and Branch Committee.
- 1.6 General standards of professional behaviour are detailed in the AIHS Code of Ethics and associated material.

# 2. Scope

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- 2.1 This Policy and Procedure applies to the interactions between members, workers and volunteers engaged by, or involved in, the business of the AIHS.
- 2.2 It includes any place a person may enter for the purpose of carrying out any function in relation to their employment or volunteer activity and in any work-related context, including social functions.

## 3. Definitions

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### 3.1 Bullying

Bullying is repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. It includes physical and psychological risks and abuse. Bullying can be physical, verbal or non-verbal, direct and indirect.

**Examples of bullying** include (but are not limited to):

- abusive, insulting or offensive language or comments on email or the telephone (including SMS or picture text messages);
- aggressive and intimidating conduct;
- belittling or humiliating comments;
- practical jokes.
- making unjustified criticism or complaints
- deliberately excluding someone from work-related activities or isolating them from employees
- creating unreasonable demands, unnecessary pressure and impossible deadlines which are targeted at a worker/s;
- setting tasks that are unreasonably below or beyond a person's skill level;
- withholding information that is essential for someone to their job
- deliberately changing work arrangements such as rosters and leave to inconvenience a worker/s;
- inappropriate interference with personal belongings or work equipment.

These are examples only. If you are unsure of whether behaviour constitutes bullying, you should contact the AIHS's CEO in the first instance.

While single incidents of unreasonable behaviour are not considered bullying, they can also present a risk to the health and safety of others and will not be tolerated.

**What is not bullying:** Reasonable management action carried out in a reasonable manner is not bullying. Examples of reasonable management action include:

- realistic and achievable performance goals, standards and deadlines;
- fair and appropriate rostering and allocation of working hours;
- transferring a worker to another area or role for operational reasons;
- deciding not to select a worker for a promotion where a fair and transparent process is followed;
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way;
- informing a worker about unreasonable behaviour in an objective and confidential way;
- implementing organisational changes or restructuring; and
- taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

### 3.2 Discrimination

Discrimination is when a member, worker or volunteer is treated less favourably than another worker in circumstances that are the same or are not materially different, because of a personal characteristic or attribute that is protected by law.

Discrimination may be direct or indirect:

- Direct – when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law.
- Indirect – when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law. An example of indirect discrimination is where a factory makes all employees start at 6am. This might seem to treat everyone equally, but it could disadvantage employees needing to care for children, who are usually women. If it is not a reasonable requirement, this will be indirect discrimination.

**Protected attributes** include:

- Age;
- Gender or gender identity;
- Physical, mental, intellectual or psychiatric disability or impairment;
- Industrial/union membership or activity/inactivity;
- Lawful sexual activity;
- Marital status, including any relationship or form of relationship;
- Physical features;
- Political belief or activity;
- Pregnancy/breastfeeding;
- Race, including colour, descent, national or ethnic origin;
- Religious belief or activity;
- Sex, including pregnancy, family responsibilities (dismissal only) and sexual harassment;
- Sexual orientation or preference;
- Status as a parent or carer;
- Medical record;
- Social origin;
- Criminal record (if irrelevant); and
- Personal association with someone who has one or more of the above attributes.

### 3.3 Harassment and Sexual Harassment

**Harassment** involves behaviour that would, to a reasonable person, offend, intimidate, ridicule, insult or humiliate another person. It may include conduct that is verbal, visual or physical such as slurs, disparaging remarks, vulgar language, offensive emails, and threatening behaviour.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying racially offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race

- asking intrusive questions about someone's personal life, including his or her sex life.

**Sexual harassment** is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour.

Some examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings;
- Staring or leering, patting, pinching, touching or unnecessary familiarity;
- Offensive comments or questions about a person's physical appearance, dress or private life;
- Sexually explicit pictures, posters, videos or screen savers (words and images) viewed on the AIHS' IT Systems, company or personal mobile phones;
- Sexually explicit telephone calls, letters, faxes, text or multi-media messages, emails or voice mail messages;
- Humour such as smutty or suggestive jokes or comments;
- Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality, or tales of sexual performance;
- Requests for sex;
- Insults or taunts based on sex;
- Sexually explicit physical contact.

Some types of sexual harassment can also be offences under the criminal law, such as:

- Physical molestation or assault;
- Indecent exposure;
- Sexual assault;
- Stalking;
- Obscene communications (by way of telephone calls, letters, emails etc).

### 3.4 Vilification

Vilification is the incitement of hatred, serious contempt, revulsion, or severe ridicule against others. Racial and religious vilification is about publicly saying things about a person's race or religion that could incite others to hatred, serious contempt, revulsion, or severe ridicule against them.

### 3.5 Victimisation

This occurs if an individual threatened with, or subject to, any form of detriment because that person, or someone associated with that person, has made an allegation or complaint of discrimination or harassment.

## 4. Procedure

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### 4.1 If you believe unacceptable behaviour is occurring

If you believe a person is bullying discriminating, harassing, victimising, or vilifying you or another member, volunteer or worker:

- Do not ignore it;
- Inform the offender that the behaviour is offensive, unlawful, unacceptable and against organisational policy (but only if you are comfortable in doing so);
- Seek assistance in having the behaviour stopped. This may include making a report or a complaint to one of the Contact Officers (See Section 4.3 of this document) who will advise you of the ways in which the issue can be addressed.

### 4.2 What will happen if you make a complaint or report?

Any complaints or reports of discrimination, harassment or bullying will be treated seriously and with sensitivity. The complaint will be investigated immediately, thoroughly, impartially and confidentially.

Any individual who raises, supports someone who raises a concern or is a witness to the issue of concern shall not be victimised.

### 4.3 Complaint Process

Contact Officer

The Contact Officer is the **AIHS Official Initial Point of Contact** for assistance and action:

- Chief Executive Officer;
- Board Chair;
- Board Deputy Chair;

Contact details are available at [www.aihs.org.au](http://www.aihs.org.au).

The Contact Officer is to:

- Decide, in consultation with the complainant, whether the matter can be resolved informally at the "local" level or should be referred to the formal resolution process. These are discussed in more detail at [insert] below.
- Respect the sensitive nature of the case and ensure confidentiality. Make sure that no information regarding the complaint is discussed outside of this process.
- Assure the complainant that all details of the complaint will be received in confidence and allow the individual to be consulted in regard to the process;
- Emphasise the protection & confidentiality of the complainant at all times. No face-to-face meeting will take place without consent of both parties;
- Assure the complainant that their employment, volunteer or supplier status will not be disadvantaged in any way;
- Notify the respondent of the nature of that complaint as soon as possible after the formal complaint is made;
- Inform all parties they have the right to have representation / support, if they choose, in any investigatory procedures;

- Give the respondent an opportunity to be heard prior to considering whether disciplinary action should be taken;
- Take relevant disciplinary action against anyone who has breached this Policy and Procedure in accordance with relevant workplace laws, the AIHS's Constitution, By-Laws, Code of Ethics and as applicable.

During these steps, the complainant and the respondent may request that another person accompany him or her. (This may be a union representative, a colleague, a family member, or a friend).

#### 4.4 Procedures: Informal

Attempts can be made to resolve complaints informally. The expected outcome is that both parties are satisfied that a resolution has been reached and the complainant is satisfied that no further incidents will occur.

The purpose of the informal procedure is to resolve the issues, not to establish "innocence" or "guilt".

##### 4.4.1 Complainant Action

Complainants may choose to deal with the respondent themselves, initially.

A complainant may:

- Directly approach the respondent, explain how their behaviour is affecting them and ask them to stop; or
- Approach the respondent, accompanied by the Chief Executive Officer or other support person, and proceed as above; or
- Write a confidential letter to the respondent which sets out the effect of their behaviour and which asks them to stop the behaviour.

##### 4.4.2. Contact Officer

A complainant may request the Contact Officer to work with them to resolve the issue by way of informal processes.

##### 4.4.3 Conciliation

Conciliation or mediation is a process in which the parties to a dispute, with the assistance of a neutral third party (the conciliator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement.

The Conciliator shall:

- Attempt to resolve the matter through conciliation or mediation by talking with both parties.
- Be member of the College of Fellows or a specialist external service provider.
- A person that both parties agree to acting as a conciliator.

#### 4.5 Procedures: Formal

Formal procedures should be used when informal conciliation or mediation has been unsuccessful (or is not considered appropriate). A formal complaint may only proceed if the complainant is prepared to have his or her identity made known to the respondent.

- A formal complaint must be lodged by the complainant in writing, to the Chief Executive Officer or the Board Chair;
- Board is to seek assistance from the College of Fellows Ethics and Professional Conduct Committee and establish a Panel to formally investigate and report on the allegations.

#### 4.6 Investigation

Both formal and informal investigation can occur through the direct activity of the contact officer, or by a person approved by them to do so.

## 5. Responsibilities

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#### 5.1 Members, workers and volunteers, shall:

- Familiarise themselves with, understand, support, and comply with this Policy and Procedure at all times;
- Ensure the work environment is free from harassment and discrimination;
- Not tolerate any form of harassment and discrimination and notify a Contact Officer if it arises;
- Offer support to anyone who is being harassed and let them know where they can seek assistance (do not however approach the alleged perpetrator);
- Maintain complete confidentiality if you are provided with information during the investigation of a complaint.
- Do not spread gossip or rumours as they may expose an individual to a defamation action;
- Do not make judgements or victimise any person associated with a complaint.

#### 5.2 Contact Officers: Chief Executive Officer (CEO), Board Chair and Deputy Chair

The CEO and the Board Chair are responsible for the execution of the responsibilities assigned in the *AIHS Respectful Behaviour Policy and Procedure*.

This includes:

- Being familiar with the *AIHS Respectful Behaviour Policy and Procedure*;
- Briefing all relevant parties on the terms of this Policy and Procedure and making clear that bullying, discrimination and harassment will not be tolerated;
- Treating all complaints seriously and taking immediate and appropriate action in the event of a complaint under the terms of this Policy and Procedure;
- Applying and promoting the Policy and Procedure fairly, consistently and without bias;
- Modelling non-discriminatory behaviour in the workplace at all times;
- Monitoring the organisational environment to ensure that acceptable standards of conduct are observed at all times;
- Providing confidential assistance to individuals, including investigating issues raised;

- Trying to resolve the matter or referring a complaint to external parties if there is a conflict of interest or if the complaint is particularly complex or serious;
- Maintaining confidential, accurate, factual written records of matters;
- Communicating the AIHS *Respectful Behaviour Policy and Procedure* to all existing members, workers and volunteers and providing them with a copy and access to it via the organisation's intranet and / or administration manual;
- Recruiting, promoting, developing, training and transferring employees on the basis of merit and performance;
- Informing all new members workers and volunteers during their induction, of the AIHS *Respectful Behaviour Policy and Procedure*, the standards expected, and the processes for making a complaint;
- Providing advice on and circulating this Policy and Procedure.
- Maintaining the Policy and Procedure to reflect changes to the law in this area.

## 6. References

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- Commonwealth *Racial Discrimination Act 1975*
- Commonwealth *Sex Discrimination Act 1984*
- Commonwealth *Human Rights and Equal Opportunity Commission Act 1986*
- Commonwealth *Disability Discrimination Act 1992*
- Commonwealth *Racial Hatred Act 1995*
- Commonwealth *Fair Work Act 2009*
- Commonwealth *Equal Employment Opportunity for Women in the Workplace Act 1999*
- All state acts and regulations relating to *Equal Opportunity*
- Victorian *Racial and Religious Tolerance Act 2001*
- Australian Institute of Health and Safety – Code of Ethics, Constitution and By-Laws
- All State Occupational Health & Safety Acts and Regulations