

APPROPRIATE WORKPLACE BEHAVIOUR POLICY

Approval Level:	EMT
Policy Type:	Organisation
Approval Date:	27/07/2021 (<i>Effective from 4 October 2021</i>)
Review cycle:	Four years – interim review October 2023 in line with Fair Work Act Amendments
Review Date:	27/07/2025
Responsible Officer:	Coordinator Employee Relations
Owner:	People and Culture
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	National Employment Standards (NES) <i>Fair Work Act 2009 (Cth)</i> <i>FWA Secure Jobs Better Pay Amendments 2022 - 2023</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Age Discrimination Act 2004 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>The Victorian Equal Opportunity Act 2010</i> <i>The Racial & Religious Tolerance Act 2001</i> <i>OHS Act 2004</i> <i>The Charter of Human Rights & Responsibilities Act 2006</i> Worksafe Victoria <i>Local Government Act 2020</i>
DOCSETID:	1822685

1. PURPOSE

The purpose of this policy is to:

- 1.1 prevent and minimise behaviour which is not aligned to the City's values, has the potential to adversely affect the harmony of the workplace and cause harm or injury to others;
- 1.2 ensure all Individuals recognise workplace behaviour that is unlawful or otherwise not appropriate; and

- 1.3 inform Individuals of the City's expectations regarding acceptable and appropriate behaviour within the workplace, including the appropriate use of social media (official and private use) and being respectful towards all people associated with the City.

2. BACKGROUND

- 2.1 The City is an Equal Opportunity employer and is committed to providing:
 - 2.1.1 A safe, healthy and supportive work environment that is free from discrimination, harassment, bullying, victimisation, occupational violence and aggression and work-related gendered violence; and
 - 2.1.2 A workplace where all individuals associated with the City treat each other with respect, dignity and courtesy.
- 2.2 The City's commitment to a zero-tolerance approach to sexual harassment and the related behavioural expectations are described in the Prevention of Sexual Harassment in the Workplace Policy

3. SCOPE

This policy applies to Council employees, volunteers, students on placement, councillors, contractors, subcontractors, consultants engaged by the City along with members of the public.

4. DEFINITIONS

Bullying means persistent and repeated negative and unreasonable behaviour directed at an employee or group of employees that creates a risk to health and safety.

Bullying includes, but is not limited to:

- Demeaning language or verbal abuse
- Physical or verbal threats / intimidation
- Angry / aggressive behaviour
- Exclusion and/or isolation of employee(s)
- Unreasonable application of workload, rostering etc.

Reasonable management action, such as performance and behavioural feedback, is not bullying. Organisational decisions, which may cause disagreements or grievance, are not bullying. Similarly, differences of opinion in the workplace are not bullying.

CEO means Chief Executive Officer.

City means the City of Greater Bendigo Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

Contact Officers refers to trained City employees providing other City employees with impartial support when they are experiencing inappropriate behaviour, workplace conflict and issues.

Discrimination means unfavourable treatment of a person on the basis of a protected attribute. See below under “Protected Attributes’ for further information.

Direct Discrimination means when someone is treated unfairly and is disadvantaged because of a personal characteristic that is protected under law.

Employee means a person who receives a salary or wages from the City (employed on either a full-time, part-time or casual basis where the nature of the work is permanent/ongoing or temporary for a specified period).

Equal (Employment) Opportunity (EEO) means freedom from discrimination on the basis of protected attributes such as race, colour, sex, national origin, religion, age, disability, or genetic information. EEO rights are guaranteed by federal and state fair employment laws (see 'indirect discrimination' below).

Harassment means unwelcome behaviour or conduct which has no legitimate Workplace function, which intimidates, humiliates or offends another person or persons and is on the basis of a characteristic of the person (from the list of Protected Attributes). Harassment may take a variety of forms, including (but not limited to) verbal (for example, racial slurring or imitating someone’s accent), non-verbal (for example, putting offensive material on display) or physical conduct (for example, unwelcome practical jokes) and written communication. Harassment can be via electronic media and communications. A one-off incident can constitute Harassment.

Indirect Discrimination means treating people the same, but in fact people are treated less favourably due to certain Protected Attributes or characteristics. This occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same ends up actually disadvantaging someone with a protected attribute.

Individual means an employee, volunteer, student, contractor, subcontractors and consultants engaged by the City.

Occupational Violence and aggression is when a person is abused, threatened or assaulted in a situation related to their work. Occupational violence can include (but is not limited to) yelling, swearing, name calling, standing over someone, physical violence, throwing objects, verbal threats, threatening someone with a weapon, sexual assault.

People Manager means a person who manages and supervises employees. At the City this typically includes a CEO, Director, Unit Manager, Team Leader, Coordinator, Supervisor, Leading Hand or Line Manager.

Protected Attributes mean characteristics or behaviours that may not be discriminated against by law, including, but not limited to, age, breastfeeding, employment activity, gender identity or

intersex status, impairment (also known as ‘disability’), industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation and personal association (whether as a relative or otherwise) with a person who is identified by reference to any of these Protected Attributes. See ‘Appendix A’ for a detailed description of each Protected Attribute.

Values

The defined and agreed values of the City which are We Lead, We Learn, We Care, We Contribute, We Respond, We Respect.

Victimisation means it is unlawful for a person to subject or to threaten to subject another person to any detriment because the other person, or someone associated with the other person, has made an allegation or complaint of discrimination or harassment on the basis of a protected attribute. In addition, this can include treating or threatening to treat an Individual less favourably because they have:

- Made an allegation that another person has breached anti-discrimination laws;
- Lodged, or are proposing to lodge, a complaint of discrimination or harassment; or
- Provided information /documents to an investigation;
- Attended a conciliation conference;
- Asserted their rights, or supported someone else’s rights, under federal anti-discrimination laws;
- Exercised a workplace right e.g. actions lodged with the Fair Work Commission or Worksafe.

Workplace means any premise or location a City individual attends in the course of work or during any work-related functions and events and includes work-related social functions and after-hours work.

Work-related gendered violence means any behaviour, directed at any person, or that affects a person, because of their sex, gender or sexual orientation, or because they do not adhere to socially prescribed gender roles, that creates a risk to health and safety. Work-related gendered violence can also be experienced indirectly. A person may experience gendered violence not targeted specifically at them (such as overhearing a conversation that affects them) or witness violence directed at someone else.

5. PRINCIPLES

- 5.1 The City aspires to be a values-driven organisation. Our core values are We Lead, We Learn, We Care, We Contribute, We Respond, We Respect.
- 5.2 All Individuals have a legal responsibility to care for their own health and safety and that of their colleagues and staff. Accordingly, individuals must not engage in acts which constitute discrimination, harassment, bullying, victimisation, occupational violence and aggression or work-related gendered violence.

- 5.3 The City will take reasonable and proportionate measures to prevent and eliminate discrimination, harassment, bullying, victimisation, occupational violence and aggression and work-related gendered violence;

6. POLICY

Expected Standard of Conduct

- 6.1 The City does not support and will not tolerate behaviour which constitutes discrimination, harassment, bullying, victimisation, occupational violence and aggression or work-related gendered violence.
- 6.2 The City expects all Individuals to:
- 6.2.1 behave in an appropriate manner in accordance with the City's Code of Conduct;
 - 6.2.2 treat each other and all interactions within the workplace with fairness and respect; and
 - 6.2.3 conduct themselves in a non-discriminatory, non-harassing and non-bullying manner at all times.
- 6.3 The expectations referred to in clause 6.2 extend to the treatment of all people who we encounter or interact with in the workplace including interactions which occur online.
- 6.4 Individuals who undertake work on behalf of Council (employees and contractors) should note that legitimate comment and advice, including relevant feedback, from people managers and supervisors about the work performance, contract performance or work-related behaviour of an individual or group is not harassment, bullying or victimisation.

Reporting Inappropriate Behaviour

- 6.5 Anyone who feels that they have been subject to discrimination, harassment, or victimisation is strongly encouraged to immediately make it clear to the person engaging in the inappropriate behaviour that such behaviour is unwelcome, offensive and must stop.
- 6.6 Any Individual who believes they have been discriminated against, bullied, harassed or victimised is responsible for reporting the matter as soon as possible to their People Manager or the Employee Relations team at hrrassist@bendigo.vic.gov.au.
- 6.7 In circumstances where an Individual observes behaviour in breach of this policy, that Individual should report the situation to their People Manager, a member of senior management or the Employee Relations team at hrrassist@bendigo.vic.gov.au.
- 6.8 Concerns and workplace complaints reporting procedures and the way in which concerns, and complaints will be addressed (excluding those related to sexual harassment) are included in City's [Procedure for the Management of Issues, Concerns and/or Complaints](#).

Employee Assistance Program (EAP)

- 6.9 Employees and volunteers are entitled to professional counselling free of charge via the City's EAP. Services can be accessed by contacting Converge International on 1300 687 327 or by visiting www.convergeinternational.com.au.
- 6.10 EAP counselling is confidential and free to employees and volunteers regardless of whether the issue is related to a Workplace problem or some other issue.

Failure to comply

- 6.11 Failure to comply with this policy may lead to disciplinary action, including termination of employment, in accordance with the City's [Managing Misconduct Procedure](#).
- 6.12 Non-compliance with this policy may breach applicable anti-discrimination, equal employment opportunity or health and safety laws and may result in legal proceedings being commenced against the Individual. In the event of legal proceedings, Individuals may be exposed to legal costs, penalties, orders to pay compensation and even imprisonment in some circumstances.

7. ROLES AND RESPONSIBILITIES

7.1 Individual Responsibilities

The City expects all individuals to:

- 7.1.1 Treat other people with respect and courtesy, abiding by the [Code of Conduct](#) and standards of behaviour outlined in this policy;
- 7.1.2 Attend initial and refresher training to assist in meeting obligations under this policy;
- 7.1.3 Be aware of how behaviours can impact on others;
- 7.1.4 Support City initiatives designed to promote equal opportunity;
- 7.1.5 Not victimise any person involved in a complaint relating to discrimination; bullying, harassment, occupational violence and aggression and/or work-related gendered violence
- 7.1.6 Take positive action by offering support and providing information on how to report issues for people who may be experiencing discrimination; bullying, harassment, occupational violence and aggression and/or work-related gendered violence to ensure it is dealt with confidentially, appropriately and promptly;
- 7.1.7 Avoid gossip and respect the confidentiality of the City Procedure for the Management of Issues, Concerns and/or Complaints;
- 7.1.8 Treat everyone with dignity, courtesy and respect; and
- 7.1.9 Not make false, frivolous or vexatious complaints.

7.2 People Manager Responsibilities

The City expects all People Managers to:

- 7.2.1 Lead by example and model appropriate standards of behaviour;

- 7.2.2 Monitor and act if they become aware of any potential or actual inappropriate behaviour in the Workplace;
- 7.2.3 Ensure that all City employees reporting to them attend initial and refresher training to assist them to meet their obligations under this policy;
- 7.2.4 Take immediate action if they become aware of any instance of discrimination; bullying, harassment, victimisation, occupational violence and aggression and/or work-related gendered violence in the workplace;
- 7.2.5 Provide information to Individuals regarding their rights and responsibilities concerning discrimination; bullying, harassment, victimisation, occupational violence and aggression and work-related gendered violence in the workplace where possible;
- 7.2.6 Assist and support complainants to resolve complaints in accordance with City's Procedure for the Management of Issues, Concerns and/or Complaints.

8. RELATED DOCUMENTS

Employees are encouraged to access the related internal documents which are available on the intranet and/or external resources which are available as per the below.

These include:

- Code of Conduct
- Councillor Code of Conduct
- Our Values and Behaviours
- Managing Misconduct Procedure
- Procedure for the Management of Issues, Concerns and/or Complaints
- Social Media Policy
- General IT Use Policy
- Communications and Media Policy
- Health and Safety Policy
- Health Safety and Wellbeing Procedure
- Prevention of Sexual Harassment in the Workplace Policy
- Responding to and/or Reporting Sexual Harassment Procedure

Further information or advice on this policy should be directed to People and Culture

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.



11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
2011	KC	People & Performance	Review (replace Workplace Bullying & Harassment Prevention Policy and Procedure)	1	January 2014
June 2015	JW	People & Performance	Review (Administrative)	2	June 2019
May 2020	NH	People & Culture	Update to new template & Review	3	March 2024
Sept 2023	CR	People & Culture	Review (Administrative in line with legislation)	4	July 2025

APPENDIX A

DETAILED DESCRIPTION OF PROTECTED ATTRIBUTES

Age

Refers to a person's age, whether young or old, or because of age in general

Breastfeeding

Refers to breastfeeding infants or expressing milk for later use.

Employment activity

Making an enquiry or expressing a concern as an Individual about your own employment entitlements (for example, pay, leave and training).

Gender identity

Includes transgender, transsexual and intersex people. Includes the situation where a person previously considered being of one gender genuinely takes on the characteristics of the other sex or seeks genuinely to live as a member of the other gender.

Intersex status means the status of having physical, hormonal or genetic features that are: (a) neither wholly female nor wholly male; or (b) a combination of female and male; or (c) neither female nor male.

Impairment (also known as 'disability')

Includes the following:

- a) partial or total loss of a bodily function or part of the body (which can be permanent or temporary, visible or invisible);
- b) the presence in the body of a disease-causing organism (for example, hepatitis or HIV/AIDS);
- c) malfunction of part of the body;
- d) mental or psychological disease or disorder or learning disability; and
- e) malformation or disfigurement of a part of the body, including an impairment that may exist in the future (including because of a genetic predisposition to that impairment) and behaviour that is a symptom or manifestation of an impairment (may also be 'physical features' – see below).

Industrial activity

Includes the following situations:

- a) being or not being a member of an association of employees (for example, a union), employers or a profession; and
- b) establishing or being involved in establishing an industrial organization;

- c) organising, promoting (or proposing to organise or promote) a lawful activity organised on behalf of an industrial organisation or association;
- d) Encouraging, assisting or participating in (or proposing to encourage, assist or participate in) the lawful activities organised or promoted by an industrial organisation or association).
- e) not participating in the lawful activities organised or promoted by an industrial organisation or association; and
- f) being part of a group discussion or action around Workplace rights and benefits.

Lawful sexual activity

Includes the following situations:

- a) engaging in, not engaging in, or refusing to engage in lawful sexual activity. Includes adult, consenting sexual relationships (for example, between employees);
- b) using the services of (or being employed as) a legal prostitute; and
- c) does not include illegal sexual activity such as child pornography or sexual assault.

Marital status

Refers to being or not being married, single, separated, divorced or widowed. Also includes having or not having a domestic partner.

Parental status or status as a carer

Refers to being or not being a parent, including foster parent, adoptive parent, step-parent, or guardian. Also includes responsibilities to the children of your domestic partner (see 'marital status' above).

Physical features

Refers to a person's weight, height or other bodily characteristic. Does not automatically include make-up or clothing, but may include body piercing, body hair or tattoos.

Political belief or activity

Refers to holding or not holding a lawful political belief or view as well as participating in or refusing to participate in a lawful political activity.

Pregnancy

Refers to being pregnant or planning to become pregnant as well as the assumption that someone is or will become pregnant.

Race

Includes the following:

- (a) color;



- (b) descent or ancestry;
- (c) nationality or national origin;
- (d) ethnicity or ethnic origin; and
- (e) language spoken at home.

Religious belief or activity

Includes the following:

- (a) holding or not holding a lawful religious belief or view; and
- (b) participating or not participating in a lawful religious activity.

Note: to be protected by the *Equal Opportunity Act 2010* (Vic) the religion must be recognised by law.

Sex

Refers to being male or female.

Sexual orientation

Sexual orientation is about attraction and relationships, not gender identity. Sexual orientations include gay, lesbian, heterosexual, bisexual and asexual.

Personal association

Refers to being a friend, relative, associate or companion of anyone with an attribute listed above.