

Respectful Workplace Policy

Document number: PO2022-024

Approval

Policy owner	Executive Director, People, Culture and Strategy		
Approved by	Executive Leadership Team State Council		
Date approved	ELT:28.09.22 State Council: 29.10.2022	Review date	29.10.2027

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Purpose

1. The Society of St Vincent de Paul (NSW) and the company titled the St Vincent de Paul Society NSW (together the Society) are committed to maintaining a respectful and safe workplace environment for all Society Personnel (members, employees and volunteers).
2. This policy aims to inform and educate Society Personnel about:
 - the protocols to ensure the wellbeing and safety of Society Personnel, contractors, visitors and the people we assist
 - expected respectful workplace behaviours
 - unacceptable behaviours that are inconsistent with Society Values or the Society's Code of Conduct and will not be tolerated.

Scope

3. This policy applies to all Society Personnel (members, volunteers and employees).
4. This policy informs all parties of their rights and responsibilities in relation to workplace bullying and harassment.
5. This policy applies:
 - to any unacceptable behaviour, workplace bullying or harassment experienced and/or witnessed by Society Personnel irrespective of who may have behaved in this manner
 - to the behaviours and actions of any person including, but not limited to: Society Personnel, contractors, people we assist, customers and members of the public
 - at all work sites owned and managed by the Society, including any activities undertaken offsite as part of Society operations, such as home visitations
 - in connection with work, even if it occurs outside normal working hours
 - during work activities, for example when engaging with clients
 - at work-related events, for example at conferences and work-related social functions
 - when Society Personnel are identifiable as a representative of the Society, including when wearing a Vinnies uniform or logo
 - to professional and personal use of all social media channels.
6. This policy does not apply when a member of the public or a person we assist is the complainant. In this circumstance see the Society's Feedback and Complaints Policy.

Related policies and procedures

7. This policy should be read in conjunction with the Society's Code of Conduct and Health and Safety Policy.
8. Other related Society policies and procedures include:
 - Counselling and Disciplinary Policy
 - Diversity and Inclusion Policy
 - Feedback and Complaints Policy
 - Incident Management Policy

- Internal Grievance Policy
- Managing Underperformance Policy
- Privacy Policy
- Records Management Policy
- Recruitment Policy.

Policy principles

9. The Society is committed to the health, safety and wellbeing of our people (employees, members, volunteers, and contractors), the people we assist, visitors, and members of the public, and strives to provide a physically and psychologically safe environment that is free from all forms of unacceptable behaviour, workplace bullying, and harassment (including sexual harassment) (See Appendix 1: Definitions).
10. All Society Personnel must treat others with dignity, respect and courtesy.
11. The Society does not tolerate unacceptable behaviour, workplace bullying or harassment under any circumstances.
12. The Society has a preventative and responsive approach to unacceptable behaviour, workplace bullying or harassment. The Society:
 - promotes appropriate standards of behaviour consistent with the Society's values at all times
 - prevents unacceptable behaviour, workplace bullying or harassment through education, training and performance management
 - ensures that all Society Personnel understand their rights and responsibilities
 - encourages reporting of unacceptable behaviour, workplace bullying or harassment by affected parties and witnesses
 - takes all reports seriously
 - treats all reports in a fair, objective, and unbiased manner
 - responds promptly and impartially if and when unacceptable behaviours, workplace bullying or harassment is reported
 - respects and protects the privacy and confidentiality of all parties
 - does not tolerate adverse treatment of, or discrimination against, anyone who raises any concerns regarding unacceptable behaviour, workplace bullying or harassment.

What is workplace bullying?

13. Workplace bullying is *repeated* and *unreasonable* behaviour directed towards a person or a group of people that *creates a risk to health and safety*. (See Appendix 1: Definitions)
14. *Repeated* behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.
15. *Unreasonable* behaviour is behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

What is harassment?

16. Harassment is behaviour that is unwelcome and unsolicited, and offends, intimidates, humiliates or threatens a person. The harassment may be a one-off event, multiple events or a pattern of behaviour. Refer to definitions for more information.
17. Generally, unlawful harassment is when someone is subjected to a prohibited behaviour under anti-discrimination law, such as sexual harassment, racial harassment, or harassment based on disability.
18. Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances. Sexual harassment in the workplace may be considered serious misconduct. Some forms of sexual harassment may constitute criminal offences and must be reported to the Police.

What is not workplace bullying or harassment?

19. Reasonable management action taken by managers or supervisors to direct and manage the way work is carried out (for example, setting reasonable goals, standards and deadlines; providing feedback about inappropriate behaviour in a constructive and confidential way; or implementing a performance management plan) does not constitute workplace bullying or harassment if the action is carried out in a lawful, respectful and reasonable way (See Appendix 1: Definitions).
20. Workplace disagreements also do not constitute workplace bullying or harassment if they are carried out in a respectful, reasonable and lawful manner.
21. A single incident of unreasonable behaviour does not constitute workplace bullying, however, it may be unlawful on other grounds, for example, unlawful discrimination or harassment.

Breaches of this policy

22. Unacceptable behaviour, workplace bullying or harassment (whether a single incident or repeated occurrences) may constitute a breach of the Society's Code of Conduct and this policy. It may also be unlawful under Commonwealth and State anti-discrimination legislation, the *Fair Work Act 2009* (Cth), the *Crimes Act 1900* (NSW), or the *Criminal Code Act 1995* (Cth).
23. Failure of Society Personnel to report unacceptable behaviour, workplace bullying or harassment; or of supervisors/managers and presidents to investigate and manage the risk of unacceptable behaviour, workplace bullying or harassment in the workplace or Conferences can result in a breach of this policy and work health and safety (WHS) laws.
24. Where an individual is found to be in breach of the Society's Code of Conduct and/or this policy, appropriate disciplinary action may be taken. The action taken will depend on the nature and circumstances of each breach and may include:
 - requiring the individual to provide a verbal or written apology
 - one or more parties being asked to participate in performance counselling or training
 - performance management
 - a formal verbal or written warning
 - transfer, demotion, suspension, or termination.

25. When a grievance relates to workplace bullying or harassment is found not to have occurred, or cannot be substantiated, the Society may take appropriate action to address any workplace issues leading to the grievance, in accordance with the Internal Grievance Policy.

Frivolous or vexatious complaints

26. Any person who is found to have made a misleading, malicious, frivolous or vexatious complaint, or to have provided false or misleading information during the investigation of a complaint, may be subject to disciplinary action.

Roles and responsibilities

27. It is the obligation and responsibility of all Society Personnel to adhere to this policy, Personnel must:

- ensure that the workplace is a safe and respectful environment, free from unacceptable behaviour, workplace bullying or harassment
- treat everyone in the workplace with dignity, respect and courtesy
- embrace and promote diversity and an inclusive workplace
- behave in a responsible and professional manner, including listening and responding appropriately to the views and concerns of others
- take reasonable care for their own health and safety, and ensure that their acts or omissions do not adversely affect the health and safety of other people
- ensure they do not promote or engage in unacceptable behaviour, workplace bullying or harassment
- take seriously any incidents of unacceptable behaviour, workplace bullying or harassment that they experience or witness and report them promptly.

28. Managers and supervisors and relevant presidents (Conference, Regional Council and Central Council Presidents) must:

- promote a respectful workplace that does not tolerate unacceptable behaviour, workplace bullying or harassment and be a role model through their own behaviours
- understand the rights and responsibilities of Society Personnel with respect to this Policy
- understand the potential impact of unacceptable behaviour, workplace bullying or harassment on the broader workplace
- take immediate and appropriate action if they become aware of any unacceptable behaviour, workplace bullying or harassment
- treat all complaints seriously, confidentially as far as is practical, promptly and thoroughly, and ensure that any reported allegations are fairly investigated, in accordance with the procedures in this Policy
- inform Safety and Wellbeing Partner and/or their Senior People and Culture Business Partner and immediate supervisor/manager/ relevant president as required
- ensure that Society Personnel within their area of responsibility are regularly educated about their obligations and responsibilities in relation to unacceptable behaviour, workplace bullying or harassment.

29. The People and Culture team must:

- raise awareness in the workplace about the Society's policies and procedures in relation to unacceptable behaviour, workplace bullying or harassment
- treat any complaint of unacceptable behaviour, workplace bullying or harassment seriously
- respect the wishes of the person impacted and facilitate strategies to support the person impacted or involved in the incident
- maintain confidentiality of those who report and/or have experienced unacceptable behaviour, workplace bullying or harassment, to the extent possible
- ensure procedural fairness for all relevant parties
- communicate the process, progress, and outcomes to all relevant parties
- maintain accurate records
- provide information about available support services and external complaints processes, for example, Employee Assistance Program, and if appropriate, services offered by the union or other employee representative bodies
- with approval of the relevant Executive Director, conduct an internal investigation, as required.

30. Director, Safety and Emergency Management must:

- provide organisation-wide direction and leadership on health and safety
- implement strategies to improve the safety, health, and wellbeing of Society Personnel
- provide specialist advice in relation to risk identification and management strategies, to support the creation of respectful workplace culture.

31. The Executive Director, People, Culture and Strategy must:

- engage an external investigator where required
- keep the Chief Executive Officer, Executive Leadership Team and People and Culture Committee of the Board informed of any significant issues and investigations.

32. Executive Directors must:

- approve and oversee internal investigations related to their area of responsibility, with the support of the People and Culture team.

Review

33. This policy and its implementation will be reviewed every five years, or on a needs basis as required to align with legislative or practice changes.

Further assistance

34. Society Personnel should speak with their manager/supervisor, or president regarding any questions about the implementation of this policy. For members, this is their immediate supervisor and could be a Conference President, Regional President, or Central Council President.

35. Feedback regarding the implementation of this policy can be provided to the Executive Director, People, Culture and Strategy.

References

36. Legislation and regulations relevant to this policy include:

- *Age Discrimination Act 2004* (Cth)
- *Anti-Discrimination Act 1977* (NSW)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Crimes Act 1900* (NSW)
- *Crimes (Domestic and Personal Violence) Act 2007* (NSW)
- *Criminal Code Act 1995* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Fair Work Act 2009* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Racial Hatred Act 1995* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Work Health and Safety Act 2011* (NSW)
- *Work Health and Safety Regulation 2017* (NSW)

37. Other documents relevant to this policy include:

- Safe Work Australia, *Guide for Preventing and Responding to Workplace Bullying* (2016)
- Safe Work Australia, *Dealing with Workplace Bullying – A Worker’s Guide* (2016)

Approval and amendment history

Version	Approval authority	Date	Amendment summary
Doc # PO2020- 024	Executive Leadership Team	29.04.2020	NA – New Policy
Doc # PO2020- 024 Version 2	Executive Director Corporate Services	27.07.2020	Ownership and roles and responsibilities updated to align with organisational structure changes.
Doc # PO2022- 024	Executive Leadership Team State Council	28.09.2022 29.10.2022	Desktop review conducted Members included in scope

Appendix 1: Definitions

38. Relevant definitions include:

<p>Bullying</p>	<p>Workplace bullying is <i>repeated</i> and <i>unreasonable</i> behaviour directed towards a person or a group of people that <i>creates a risk to health and safety</i>. (WHS Act 2011 and Fair Work Act 2009).</p> <p>Bullying, whether intentional or unintentional, may involve any of the following types of unreasonable behaviours:</p> <ul style="list-style-type: none"> • aggressive or intimidating conduct • belittling or humiliating comments • spreading malicious rumours • teasing, practical jokes or ‘initiation ceremonies’ • isolation or exclusion from work-related events • unreasonable work expectations – including too much or too little work, work below or beyond a person’s skill level • displaying offensive material • pressure to behave in an inappropriate manner. <p>Workplace bullying may be carried out in a variety of ways including through email, text or social media channels.</p> <p>Workplace bullying may occur:</p> <ul style="list-style-type: none"> • between workers (sideways) • from managers/supervisors to workers (downwards) • workers to managers/supervisors (upwards). <p>The persons alleged to have engaged in bullying behaviour may be employees, members, volunteers or other individuals involved in the workplace.</p> <p>While a single incident of unreasonable behaviour does not constitute workplace bullying, it may be repeated or escalate so must not be ignored.</p> <p>If the single incident is of a serious nature, while it may not constitute workplace bullying it may be unlawful on other grounds (for example if it is unlawful discrimination or sexual harassment).</p> <p>Bullying does not include reasonable management action carried out in a reasonable manner (See Reasonable Management Action).</p> <p>Bullying does not include differences of opinion or disagreements, if they are engaged in a reasonable manner.</p>
<p>Complainant</p>	<p>A complainant is any individual making a complaint.</p>

<p>Discrimination</p>	<p>Discrimination is treating, or proposing to treat, someone unfavourably because they have, or are assumed to have, a particular characteristic protected by law.</p> <p>Personal characteristics or attributes protected under federal and state law include: race, colour, sex, religion, political opinion, descent, ethnic or ethno-religious or national origin, social origin, age, medical record, criminal record, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family or carer responsibilities, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation, gender identity, transgender or intersex status, trade union membership or activity, or association with someone who has, or is assumed to have, one of these characteristics.</p> <p>Discrimination is prohibited in the following areas of public life relevant to the Society:</p> <ul style="list-style-type: none"> • Employment – recruitment, promotion, at work, leaving work • Goods and services – access to all Society services • Accommodation – access to all Society accommodation services. <p>Discrimination may be:</p> <ul style="list-style-type: none"> • <i>Direct</i> – 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 <i>for example</i>: <ul style="list-style-type: none"> a) <i>a worker is refused a promotion because they are ‘too old’</i> b) <i>a worker is harassed or humiliated because of their race.</i> • <i>Indirect</i> - when an unreasonable requirement, condition or practice is imposed that had, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law, for example: <ul style="list-style-type: none"> a) redundancy is decided based on people who have had a worker’s compensation claim rather than on merit b) if the only way into a public building is by stairs, as people with disability who use wheelchairs would be unable to enter the building.
<p>Harassment</p>	<p>Workplace harassment is any behaviour that:</p> <ul style="list-style-type: none"> • is unwelcome and unsolicited • the person considers to be offensive, intimidating, humiliating or threatening, and <p>a reasonable person would consider to be offensive, humiliating, intimidating or threatening. Examples of workplace harassment include:</p> <ul style="list-style-type: none"> • verbal abuse and constant ridicule • repeated threats of dismissal

	<ul style="list-style-type: none"> • sexual harassment • persistent and unjustified criticisms or complaints, often about small things • humiliating a person through gestures, sarcasm, criticism and insults • spreading gossip or false, malicious rumours about a person • sabotaging a person’s work, for example, by withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and seeking to get a person into trouble. <p>Federal human rights and anti-discrimination law provides explicit protections against harassment and bullying based on sex, race and disability. (see Sexual Harassment)</p> <p>A one-off incident can constitute harassment.</p> <p>Unlawful harassment can also occur if someone is working in a ‘hostile work environment’; for example, the sexual harassment of a colleague or offensive remarks of a sexual nature that are made generally.</p> <p>Harassment can occur:</p> <ul style="list-style-type: none"> • between workers (sideways) • from managers/supervisors to workers (downwards) • workers to managers/supervisors (upwards) • between Society Personnel and non-Society Personnel (external). <p>Workplace harassment does not include reasonable management action taken in a reasonable way by the person’s employer in connection with the person’s employment.</p>
Hostile work environment	A hostile work environment exists when someone’s behaviour within a workplace creates an environment that is difficult or uncomfortable for another person to work in.
Performance management	Performance management is an ongoing process of communication between a supervisor and an employee that occurs throughout the year, in support of accomplishing the strategic objectives of the organisation. The communication process includes clarifying expectations, setting objectives, identifying goals, providing feedback, and reviewing results.
Protected attributes	Protected attributes are those aspects that are protected by federal and state discrimination legislation. In other words, the grounds of discrimination that are prohibited. These include: race, colour, sex, religion, political opinion, descent, ethnic or ethno-religious or national origin, social origin, age, medical record, criminal record, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family or carer responsibilities, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation, gender identity, transgender or intersex status, trade union membership or activity, or

	association with someone who has, or is assumed to have, one of these characteristics.
Reasonable management	<p>Workplace bullying does not include reasonable management action carried out in a reasonable manner. (<i>WHS Act 2011</i> and <i>Fair Work Act 2009</i>)</p> <p>Reasonable management action may include:</p> <ul style="list-style-type: none"> • directing a worker to perform duties in keeping with their job • maintaining reasonable workplace goals and standards • setting realistic and achievable performance goals, standards and deadlines • fair and appropriate rostering and allocation of working hours • transferring someone to another area or role for operational reasons • not selecting someone for a promotion, where the selection process was fair and transparent • informing a worker about unsatisfactory work performance or inappropriate work behaviour in a fair and constructive way • performance management processes • disciplinary action, including suspension or termination, where appropriate and justified. <p>A manager is entitled to carry out actions and give directions that are consistent with managing the workplace. However, any reasonable management actions must not only be reasonable but must also be conducted in a reasonable manner. If not, the behaviour may be considered to be bullying.</p>
Repeated behaviour	Repeated behaviour refers to the persistent nature of the behaviour and may involve a range of behaviours over time.
Respect	‘To show esteem, regard, or consideration for.’ (Macquarie Dictionary)
Sexual harassment	<p>39. Sexual harassment is a form of harassment. Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.</p> <p>Sexual harassment may be physical, verbal or written.</p> <p>Sexual harassment includes:</p> <ul style="list-style-type: none"> • comments about the way a person looks • sexually suggestive behaviour, such as staring or leering • brushing up against someone, touching, fondling or hugging

	<ul style="list-style-type: none"> • sexually suggestive comments or jokes • repeated, unwanted requests to go out • requests for sex • displaying offensive screensavers, photos, calendars or objects • sexually explicit emails, texts or posts on social networking sites • insults or taunts of a sexual nature • intrusive questions or statements about a person’s private life • accessing sexually explicit internet sites • behaviours that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications. <p>If a person does not object to inappropriate behaviour at the time, it does not mean they are consenting to the behaviour.</p> <p>Sexual harassment is prohibited when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.</p> <p>Employees and volunteers have the same rights and responsibilities in relation to sexual harassment.</p> <p>A single incident is enough to constitute sexual harassment – it does not have to be repeated.</p>
Society Personnel	All Society Personnel including members, volunteers, employees, office holders and Directors. This policy does not distinguish between the roles and responsibilities of paid and unpaid Society Personnel unless specifically prescribed by relevant legislation.
Unacceptable behaviour	Unacceptable behaviours at work include bullying, harassment, discrimination or vilification. Unacceptable behaviour may involve unlawful discrimination or harassment (e.g. sexual harassment), however, discrimination or harassment by itself does not necessarily constitute workplace bullying.
Unreasonable behaviour	Unreasonable behaviour is behaviour that a reasonable person, having considered the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.
Vexatious	Any action that is brought without sufficient grounds, and in order to cause annoyance or harm.
Victimisation	Victimisation is subjecting or threatening to subject someone to detrimental treatment because they have asserted their rights under equal opportunity law, raised a concern, made a complaint, assisted someone else to make a complaint,

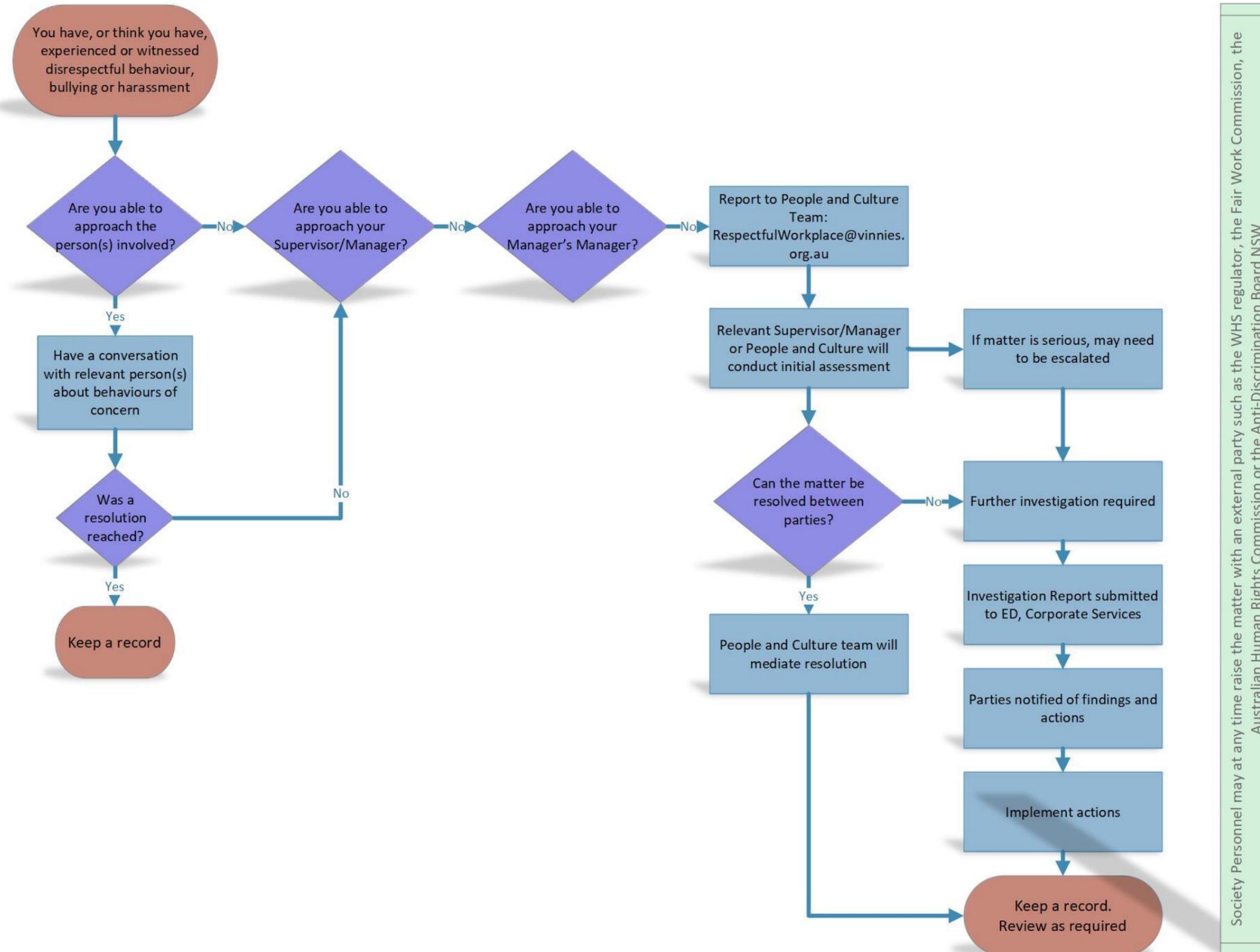
	<p>or refused to do something because it would be discrimination, harassment or victimisation of another person.</p> <p>Victimisation is against the law, a serious breach of this policy and may result in formal disciplinary action against the perpetrator.</p> <p>The Society has a zero tolerance approach to victimisation.</p>
Vilification	<p>Vilification is abusive disparaging speech or writing (hate speech) against an individual or group of people. Vilification is a public act that threatens or incites violence, hatred, serious contempt for, or revulsion or severe ridicule of a person or group of people.</p> <p>In Australia there are legal protections against vilification based on colour, ethnicity, national origin, or race. In NSW there are also protections against vilification based on homosexuality, transgender status and HIV/AIDS status.</p>
Workplace (also 'at work')	<p>Workplace applies to all sites owned and managed by the Society, including any activities undertaken offsite as part of Society operations, such as home visitations.</p> <p>Workers are covered by Fair Work Commission, WHS and anti-discrimination laws when bullying, harassment or discrimination occurs 'at work'. According to the WHS Act Explanatory Memorandum 'the primary duty of care is tied to the work activities wherever they occur and is not limited to the confines of a physical workplace'.</p> <p>Aligned with this definition of 'at work', the workplace also includes remote work, attendance at work-related conferences or functions, and attendance at client or other work-related events, including retreats and social events.</p>
Workplace bullying	See Bullying above.
Workplace disagreement	<p>Workplace conflicts include differences of opinion and disagreements, which do not generally constitute workplace bullying or harassment.</p> <p>People can have respectful differences of opinion and disagreements without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, it may escalate to the point where it becomes bullying or harassment.</p>
Workplace harassment	See Harassment above.

Appendix 2: Respectful Workplace Procedure

1. The Society takes all workplace bullying and harassment complaints seriously and takes prompt action to facilitate a resolution.
2. If Society Personnel do not feel comfortable to raise the issue with their manager, supervisor or President they should notify their Senior People and Culture Business Partner.
3. When responding to reports of unacceptable behaviour, workplace bullying or harassment, Society Personnel must act in accordance with this Respectful Workplace Policy and the procedures set out in the Internal Grievance Policy.
4. Any allegation of unacceptable behaviour will be managed in accordance with the procedure set out in the Internal Grievance Policy.

Attachment A: Personnel reporting Unacceptable Behaviour, Bullying or Harassment - Flowchart

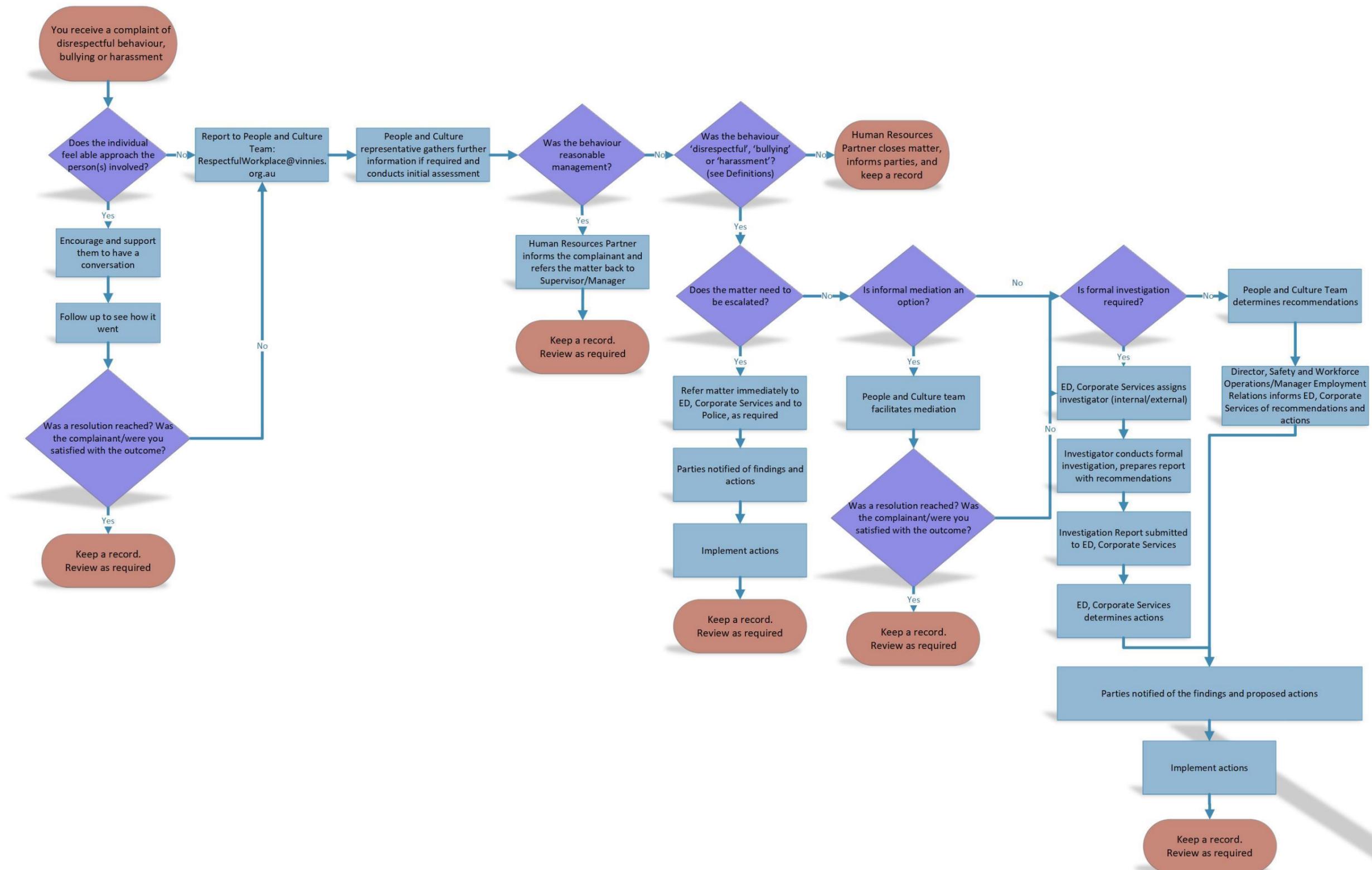
Must be read in conjunction with the Respectful Workplace Policy and Appendix 1: Definitions



Society Personnel may at any time raise the matter with an external party such as the WHS regulator, the Fair Work Commission, the Australian Human Rights Commission or the Anti-Discrimination Board NSW

Attachment B: Manager/Supervisor response to Unacceptable Behaviour, Bullying or Harassment - Flowchart

Must be read in conjunction with the Respectful Workplace Policy and Appendix 1: Definitions



Society Personnel may at any time raise the matter with an external party such as the WHS regulator, the Fair Work Commission, the Australian Human Rights Commission or the Anti-Discrimination Board NSW