

Workplace Conduct Policy

Purpose: This policy outlines our commitment to creating and sustaining a safe, supportive and meaningful workplace.

1. What is this policy for (Policy Statement)?

Supporting Independent Living Cooperative (SILC) is committed to providing great living experiences for people with disability. We operate in a complex environment, with a lot of regulations, in the homes of people with complex support needs.

The Workplace Conduct Policy will support us in creating and sustaining a safe, supportive and meaningful workplace. It also provides organisational guidance for employees and volunteers on when we fall short.

2. Why is policy important (Purpose)?

The primary purpose of this policy is to provide guidance on what a great workplace looks like, and to help people with clear processes if there is a problem. It also ensures we meet our obligations under the Fair Work Act.

A workplace grievance is an internal complaint between employee and employee OR towards an employer by an employee.

Grievances can arise regarding a business process, practice or an employee and may affect productivity, workplace culture, care of a resident, and at times, reputation of an organisation. The timely resolution of these grievances is important to create a psychologically safe workplace for employees.

3. Who does this policy apply to (Target Audience)?

- The policy applies to the following audience:
 - Support Workers
 - House Managers
 - House Operators
 - Home Office Support Team (HOST)
 - All Volunteers

4. How does this policy look like in action (Policy in Practice)?

- Our services are:
 - Person-centred and appropriate to the individual resident needs
 - Respectful of every resident's right to access suitably qualified and experience supports
 - Collaborative with the resident/family
 - Aligned with quality and safeguarding requirements
 - In line with legal and ethical responsibilities
 - Reflective of our values and code of conduct
- SILC (House Operators, HOST and employees) will ensure that:
 - All reasonable steps and actions are taken to ensure all employees are treated fairly and with dignity and respect while working at SILC.
 - The workplace is fair, safe and productive, and grievances will be dealt with fairly, consistently, promptly and with sensitivity to all parties.
 - All steps are taken to comply with our legal responsibilities in accordance with all relevant legislation
 - Employee's legislative workplace rights are protected from certain unlawful actions including, but not limited to, adverse action.
 - All parties involved in any resolution processes are encouraged to participate in good faith and apply the principles of natural justice and procedural fairness.
 - Any breach of confidentiality may result in disciplinary action taken.

4.1 Examples of unacceptable workplace behaviours

4.1.1 Discrimination

This is treating people less favourably because of a certain personal characteristic.

Direct Discrimination

- This happens when a person, or a group of people, is treated less favourable than another person or group because of their background or a certain personal characteristic.

Indirect Discrimination

- This happens when a rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share.

Potentially unlawful grounds for discrimination include, but are not limited to:

- Disability, disease, or injury, including work-related injury
- Carers or parental responsibilities
- Race, colour, descent, national origin, or ethnic background
- Age, whether young or old, or because of age in general

- Gender identity, gender expressions, intersex status
- Sexual orientation
- Industrial activity, including membership of an industrial organisation like a trade union, or taking part in industrial activities, or deciding not to join an industrial organisation
- Religious beliefs
- Pregnancy and breastfeeding
- Marital status, whether married, divorced, unmarried, de facto or same sex relationship
- Political opinion
- Social origin

4.1.2 Workplace Bullying and harassment

Under the Fair Work Act 2009 (Cth) workplace bullying is defined as repeated and unreasonable behaviour that creates a risk to health and safety.

Work Health and Safety legislation also makes workplace bullying unlawful because it constitutes a possible hazard to the health of employees.

Workplace bullying is behaviour:

- By a person or a group of people who repeatedly behave unreasonably towards a person or a group at work. However, in certain circumstances, even an isolated incident may be considered to be bullying.
- That creates a risk to health and safety
- That can be verbal, physical, social or psychological abuse
- That may threaten, intimidate, offend, degrade or humiliate a person.

Behaviour that may be considered to be workplace bullying includes, but is not limited to:

- Repeated hurtful remarks or attacks
- Teasing and making fun of somebody's work or them as a person (in relation to their family, gender identity or expression, intersex status, sexual orientation, race or culture, education or economic background)
- Making somebody the brunt of practical jokes
- Excluding someone or stopping them from working with other people or taking part in work-related events without good reason to do so (e.g. for the purposes of risk management between resident and staff)
- Ganging up on someone
- Spreading malicious rumours or gossip
- Intimidation (making somebody feel less important and undervalued) or constant unconstructive criticism
- Threats, abuse, insults, offensive language or shouting

- Intruding on a person's space by pestering, spying or tampering with their personal effects or work equipment
- Inappropriate or targeted use of social media
- Giving somebody pointless tasks that have nothing to do with their job
- Giving impossible jobs that can't be done in the given time or with the resources provided (setting someone up to fail)
- Deliberately changing work hours or schedule to make it difficult for them
- Deliberately holding back information or equipment needed for getting work done properly
- Unreasonable refusal of requests for leave, training or other workplace benefits
- Pushing, shoving, tripping, or grabbing somebody in the workplace
- Attacking or threatening with an object that can be turned into a weapon
- Initiation or hazing - where the person is made to do humiliating or inappropriate things in order to be accepted as part of the team.

Some practices in the workplace may not seem fair but are not bullying

- Performance improvement actions are not bullying if the people manager acts reasonably

Harassment is behaviour that is unreasonable because it:

- Is unwelcomed or unwanted and not reciprocated
- Causes offence, intimidation, or humiliation
- Treats a person less favourable on the basis of particular characteristics defined by law in such as a person's gender identify or expressions, intersex status, sexual orientation, race, disability or age
- Occurs in circumstances where a reasonable person would have anticipated that the person harassed would be offended, humiliated or intimidated.

Behaviour that may be considered to be harassment include, but is not limited to:

- Verbal or written abuse or comments that degrade or stereotype people because of their race, gender identity or expression, sexual orientation or intersex status, pregnancy, disability or other characteristic
- Verbal or written public statements that may incite hatred or negativity towards an individual or a group of people
- Jokes based on race, gender identity or expression, sexual orientation or intersex status, pregnancy, disability or other characteristic
- Mimicking someone's accent, or the habits of someone with a disability
- Offensive gestures based on race, gender identity or expression, sexual orientation or intersex status, pregnancy, disability or other characteristic

- Ignoring or isolating a person or group because of their race, gender identity or expression, sexual orientation or intersex status, pregnancy or disability
- Display or circulation of racist or other offensive material by email, text message, social media or other means
- Using the internet or email to receive, access, store, process or distribute information considered to be of a threatening, obscene or harassing nature.

Examples of behaviour which is not harassment include, but are not limited to:

- Performance improvement activities as long as the manager acts reasonably
- Mutually accepted and consensual behaviour in friendships or relationships in the workplace.

4.1.3 Sexual Harassment

This is unwanted or unwelcome sexual behaviour

Physical assault, indecent exposure, sexual assault, rape, stalking or obscene communications may also constitute an offence under criminal law.

Sexual harassment:

- May be a single incident and it does not have to be repeated
- Includes any unwanted or unwelcome sexual behaviour as opposed to mutual attraction or consensual or reciprocated behaviour
- Occurs where a reasonable person would have anticipated that the person harassed would feel offended, humiliated or intimidated by the behaviour
- May be inappropriate sexual behaviour in the workplace that has not been objected to at the time. A lack of overt objection does not mean that the person is consenting to the behaviour
- Can be physically, verbally, written or electronically communicated
- May occur between team members outside of work
- Should not be confused with simple friendly behaviour. Sexual harassment is neither solicited nor accepted by the recipient and is unwelcome and/or uninvited.

Examples of sexual harassment include, but are not limited to:

- Sexually suggestive or smutty comments or jokes
- Teasing about a person's alleged sexual activities, private life or body
- Staring, leering or unwelcome touching

- Repeated unwanted invitations to go out on dates or requests for sex
- Unnecessary familiarity, such as deliberately brushing up against a person, touching, fondling or hugging
- Circulating pornography, rude jokes or other content of a sexual nature by email, text message, social media or other means
- Displaying images of a sexual nature around the workplace such as screen savers, photos, calendars or objects
- Accessing sexually explicit internet sites or social media content whilst at work.

4.1.5 Victimisation

This is to treat, or threaten to treat, someone badly or punish them for making a complaint or raising a concern

Victimisation is against the law and can be a criminal offence.

Victimisation is when action is taken in retaliation because someone has:

- Lodged, or is proposing to lodge, a report about an issue
- Helped somebody else lodge a report about an issue
- Refused to do something because it would breach this policy
- Provided information to, or participated in, an investigation or issue resolution process
- Reasonably asserted their rights, or supported someone else's rights

4.2 How to respond to unacceptable behaviours

When a situation of unacceptable behaviour arises, there are various ways you can respond and seek resolution of your concerns:

STEP 1

- Raise and resolve the concern directly with the person or group of people, if you are comfortable to do so.

STEP 2

- We understand that it may not always be possible to address the issue directly, or the conversation may be awkward.

In these instances, we encourage you to contact your manager guidance or support in raising and resolving the concern directly with the person or group of people.

STEP 3

- Discuss the concern with Home Office Support Team (HOST) to seek guidance or support in raising and resolving the concern directly with the person or group of people

At any point of the process, you can choose to formalise your concerns through SILC's [Feedback and Complaints Form](#)

Support workers, House Managers and House Operators are also encouraged to refer to SILC's Grievance Resolution Standard Operating Procedure (SOP) for further detail and support.

5. Legislation

[Sex Discrimination Act 1984](#)

[Disability Discrimination Act 1992](#)

[Racial Discrimination Act 1975](#)

[Age Discrimination Act 2004](#)

[Fair Work Act 2009](#)

[Work Health and Safety Act 2011](#)

6. Related Documentation

Grievance Resolution - Standard Operating Procedure

[Fair Work Ombudsman – Effective Dispute Resolution](#)

SILC Code of Conduct

7. Policy Review

Name of policy	Workplace Conduct Policy
Date accepted	31 March 2022
Date of previous version	First Version
Date of review	31 March 2023
Person responsible	Chairperson