

Respect in the Workplace Policy

Last updated July 2022

Last approved by Board

Introduction

ICMEC AU seeks to provide a work environment that is safe and enjoyable for everyone. We encourage positive and open communication and supportive relationships built upon dignity, kindness, compassion and respect.

Workplace bullying and harassment have a detrimental effect on ICMEC AU and our colleagues and external partners and associates. It can create an unsafe working environment, resulting in a loss of trained and talented colleagues, cause the breakdown of teams and individual relationships and reduce efficiency and productivity. Workplace bullying and harassment are also in some circumstances against the law. For these reasons, such conduct will not be tolerated.

ICMEC AU recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff to respect other people's limits.

Application

This policy applies to all ICMEC AU employees, contractors, interns, employees of labour hire organisations, and directors (collectively referred to as "workplace participants"). ICMEC AU recognises that workplace bullying can take place through a number of different methods of communication including face to face, email, text messaging, business communication platforms and on social media. As such, this Policy applies to all methods of communication through which workplace bullying can take place.

This policy applies to all behaviours that occur:

- in connection with work, even if it occurs outside normal working hours;
- during work activities; and
- at work-related events and social functions.

The Code operates in conjunction with ICMEC AU's other employment policies. In so far as this policy imposes any obligations on ICMEC AU, those obligations are not contractual and do not give rise to any contractual rights.

This policy will be subject to regular review and ICMEC AU may unilaterally introduce, vary, remove or replace this policy at any time.

What is Workplace Bullying?

Workplace bullying occurs when an individual, or a group of individuals, repeatedly behaves unreasonably towards a worker, or a group of workers, and the behaviour creates a risk to health and safety. It includes both physical and psychological abuse.

Examples of Bullying Behaviour

Bullying and harassment behaviour can range from obvious verbal or physical assault to subtle psychological abuse. It can include:

- abusive or offensive language or comments;
- aggressive and intimidating behaviour;
- belittling or humiliating comments;
- practical jokes or initiation;
- unjustified criticism or complaints;
- spreading misinformation or malicious rumours;
- unfair allocation of meaningless tasks or duties;
- excessive demands or impossible deadlines;
- deliberately changing work hours to inconvenience an employee;
- undermining work performance by deliberately withholding information vital for effective work performance.

The above examples are not an exhaustive list of bullying behaviours. They are indicative of the type of behaviours that may constitute bullying and are therefore unacceptable to ICMEC AU. If you are unsure whether behaviour not provided on this list constitutes bullying you should contact your Reporting Manager or Head of department in the first instance or the CEO.

What is not Workplace Bullying

Not all behaviour that makes you feel upset or undervalued is workplace bullying. Reasonable management action taken in a reasonable way is not workplace bullying.

Managers are responsible for monitoring the quality and timeliness of work and providing employees with feedback on their performance.

Reasonable management action includes:

- realistic and achievable performance goals, standards and deadlines;
- transferring an employee to another area or role for operational reasons;
- deciding not to select an employee for a promotion where a fair and transparent process is followed;
- informing an employee about unsatisfactory work performance in an honest, fair and constructive way;
- informing an employee 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.

What is Harassment?

Single incidents of unreasonable behaviour (such as harassment, violence or threatening behaviour) can also present a risk to health and safety and will not be tolerated.

Harassment is considered to be any form of behaviour that is:

- unwanted;
- offends, humiliates or intimidates; or
- creates a hostile environment.

Where such conduct occurs towards a person due to a particular characteristic of that person (such as when based on sex, sexual orientation, pregnancy, marital status, age, disability, ethnicity or race,) this may be unlawful under local employment laws even if it is limited to a single incident.

Sexual Harassment and Harassment on the Ground of Sex

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include, but is not limited to:

- comments about a person's private life or the way they look;
- sexually suggestive behaviour, such as leering or staring;
- sexually suggestive comments or jokes;

- repeated unwanted requests to go out;
- intrusive questions or statements about a person's private life;
- sending sexually explicit emails or text messages;
- inappropriate advances on social networking sites;
- accessing sexually explicit internet sites; and
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Harassment on the ground of sex occurs, where a person is harassed by reason of:

- their sex; or
- a characteristic that appertains generally to persons of their sex; or
- a characteristic that is generally imputed to persons of their sex.

Harassment on the ground of sex is also referred to as "sex-based harassment".

Harassment in this context means any unwelcome conduct of a seriously demeaning nature by reason of the person's sex in circumstances in which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

A single incident is enough to constitute sexual harassment or harassment on the ground of sex – it doesn't have to be repeated.

ICMEC AU will not tolerate or accept any form of sexual harassment or harassment on the ground of sex, in the workplace or in any work-related context. Everyone is responsible for their own behaviour, and under local employment laws may be held personally liable if they engage in sexual harassment or harassment on the ground of sex. An individual who causes, instructs, induces, aids or permits someone else to engage in sexual harassment, or sex-based harassment can also be found to have engaged in unlawful conduct.

Responsibilities

We expect everyone to:

- behave in a responsible and professional manner;
- treat others in the workplace with kindness, courtesy, compassion and respect;

- never engage in bullying or harassing behaviour;
- not to aid, abet or encourage others to engage in bullying or harassment;
- cooperate with ICMEC AU in implementing this policy;
- advise management immediately when they feel a breach of this policy has occurred

Additionally, ICMEC AU Management will:

- model appropriate standards of behaviour;
- take steps to educate and make employees aware of their obligations under this policy
- and take action in relation to non-compliance;
- treat all grievances raised by workers in accordance with ICMEC AU's Grievance Handling Policy and Procedure.

Resolving Issues

ICMEC AU strongly encourages anyone who believes they have been subject to workplace bullying or any form of harassment to make a complaint in accordance with the Grievance Handling Policy and Procedure.

All allegations of workplace bullying and harassment will be dealt with seriously, confidentially and speedily. ICMEC AU will not ignore or treat lightly grievances or complaints.

If you make a complaint of workplace bullying or harassment it will be handled sympathetically and in a confidential manner (except where ICMEC AU deems it is necessary to disclose information in order to properly deal with the complaint). Employees will not be victimised or treated unfairly for making a complaint, even if it is not upheld, unless the complaint was both untrue and/or made in bad faith.

Unacceptable Workplace Conduct

Employees (including managers) or contractors found to have engaged in unacceptable workplace conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal disciplinary action up to and including termination of employment.