



TASMANIAN
CATHOLIC
education commission

WORKPLACE BEHAVIOUR POLICY

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1 AUTHORITY AND APPLICATION

Date of approval	5 May 2016
Source of approval	Tasmanian Catholic Education Commission
Start date	9 May 2015
Date of review	5 May 2019
Date of amendments	Not Applicable
Previous policies replaced by this Policy	Anti-Discrimination, Harassment and Bullying Policy dated Dec 2011

SIGNED:



Chair of the TCEC

DATE:

5 May 2016

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2 RELATED DOCUMENTS

This Policy should be considered in conjunction with the following related documents:

<p>Policies and Procedures</p>	<ul style="list-style-type: none"> • Child Safe Code of Conduct • Child Safe Organisation • Cyberbullying • Disciplinary • Employee Code of Conduct • ICT (Information and Communication Technology) – Workers • Induction • Issues Resolution • Performance Management • Policy Terms, Definitions and Interpretation • Work Health and Safety
<p>Applicable Laws</p>	<p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004 (Cth)</i> • <i>Anti-Discrimination Act 1998 (TAS)</i> • <i>Australian Human Rights Commission Act 1986 (Cth)</i> • <i>Disability Discrimination Act 1992 (Cth)</i> • <i>Fair Work Act 2009 (Cth)</i> • <i>Racial Discrimination Act 1975 (Cth)</i> • <i>Sex Discrimination Act 1984 (Cth)</i> • <i>Work Health & Safety Act 2012 (TAS)</i> • <i>Workers Rehabilitation & Compensation Act 1988 (TAS)</i>

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3 DEFINITIONS

The TCEC document “Policy Terms, Definitions and Interpretations” defines a number of terms used in this document and should be referred to in conjunction with this policy, including:

- **Appropriate Behaviour** is behaviour that is lawful, Child Safe and not Infringing Workplace Behaviour
- **CET** is Catholic Education Tasmania; a reference to the TCEO, all Schools and Governance operating in the Archdiocese of Hobart
- **Child** is a person under the age of 18 years or a Student aged 18 years or older
- **Child Safe** is a safety-oriented approach to providing for the care and protection of Children in an environment and manner that maximises their opportunities to grow, learn and reach their potential
- **CTC** is the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart
- **EAP** is Employee Assistance Program
- **Employee** is a person employed to work in CET by an Employer
- **Employer** is either the:
 - CTC; or
 - Trustees of the Christian Brothers as Trustees for Edmund Rice Education Australia (for St Virgil’s College and Hobart Flexible Learning Centre); or
 - Provincial Salesians of Don Bosco Asia-Pacific (for Dominic College).
- **Infringing Workplace Behaviour** is any act or omission, which amounts to a breach of any policy, contractual obligation or misconduct at common law
- **Other Person** is any person in a School Environment or Workplace who is not a Worker
- **School** is any Systemic School or College, Archdiocesan College or Congregational School or College
- **School Environment** is any physical or virtual place made available or authorised by a School for use by Children during or outside School hours, that includes:
 - (a) School grounds, including all campuses;
 - (b) online School environments, including email, intranet systems and Social Media platforms; and
 - (c) other locations provided by the School for a Child’s use, including locations used for School Activities and School Events
- **Student** is a person enrolled at a School
- **TCEC** is the Tasmanian Catholic Education Commission, an entity with delegated responsibility from the CTC for oversight of CET in accordance with its Constitution
- **TCEO** is the Tasmanian Catholic Education Office, the operational arm of the TCEC that provides professional support, administrative services and guidance to all Schools

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- **Worker** includes any person who carries out work or services in any capacity for CET either as:
 - (a) an Employee;
 - (b) a Volunteer
 - (c) a priest or a member of a religious order;
 - (d) a contractor, subcontractor or consultant;
 - (e) an employee of a contractor, subcontractor or consultant;
 - (f) an employee of an employment agency or labour hire company;
 - (g) an apprentice or trainee;
 - (h) an external student gaining work experience or on work placement

- **Workplace** is a place where work is carried out for CET, including any School Environment

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4 PURPOSE

The aims of this Policy are to:

- (a) confirm TCEC's expectations regarding Appropriate Behaviour;
- (b) ensure that Workers understand their obligations with regard to Appropriate Behaviour;
- (c) ensure that CET people management policies and practices are non-discriminatory and are underpinned by the principles of merit, equity and transparency; and
- (d) operate with Applicable Laws and related TCEC Policies and Procedures.

5 POLICY

- (a) The TCEC considers that every person is entitled to work in an environment where the rights and dignity of all are respected.
- (b) The TCEC is committed to creating and sustaining a positive and mutually supportive environment based on courtesy, respect and consideration where people can work collaboratively and productively together.
- (c) The TCEC expects the highest standard of Acceptable Behaviour from Workers, and expects Workers to be aware of how their behaviour can affect others.
- (d) The TCEC Code of Conduct for Employees sets out behavioural expectations for Employees and should be read and complied with in conjunction with this policy.
- (e) The TCEC Child Safe Code of Conduct sets out behavioural expectations for Workers and Other Persons in School Environments and Workplaces and should be read and complied with in conjunction with this policy.
- (f) The TCEC will not tolerate unlawful or unacceptable behaviour in the Workplace.
- (g) The TCEC supports the right of any person to raise any concerns they have with Workplace behaviour through TCEC grievance mechanisms, and commits to having concerns dealt with in a timely, professional and appropriate manner.
- (h) Complaints that are vexatious, frivolous, or otherwise not made in good faith will constitute a breach of this Policy.

6 ACCEPTABLE WORKPLACE BEHAVIOUR

- (a) The TCEC requires Workers to always conduct themselves in a professional manner be engaging in Appropriate Behaviour when interacting with others.
- (b) The TCEC Employee Code of Conduct provides guidance on key and valued behaviours that should be observed.
- (c) All Workers should be aware of their own behaviour and how it impacts others. While recognising that personalities, characters and management styles are all different, the expectation is that Workers base their approach on principles such as:
 - (i) Working cooperatively with others in order to achieve effective outcomes;
 - (ii) Accepting responsibility for one's behaviours and actions;
 - (iii) Giving and receiving constructive feedback as part of normal day-to-day work activity to encourage growth and development in others;

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- (iv) Being receptive to change;
- (v) Understanding other peoples' perspectives to help reach agreement; and
- (vi) Managing under-performance in an appropriate and fair manner.

7 UNACCEPTABLE WORKPLACE BEHAVIOUR

9.1 What is Unacceptable Workplace Behaviour?

- (a) Unacceptable Workplace behaviour is:
 - (i) behaviour inconsistent with the TCEC Employee Code of Conduct, TCEC Child Safe Code of Conduct, any other TCEC or School policy or contractual obligation; or
 - (ii) any act or omission which amounts to a breach of an Applicable Law.
- (b) Unacceptable Workplace behaviour that is not unlawful may still amount to Infringing Workplace Behaviour (behaviour that may constitute serious misconduct at common law).
- (c) Attachments 1 to 8 outline specific types of unacceptable Workplace behaviour, including discrimination, adverse action, Workplace harassment, sexual harassment, Workplace bullying, victimisation and Workplace violence.
- (d) Other examples of unacceptable Workplace behaviour may not be so well defined and could include:
 - (i) Reasonable behaviour that is 'not reasonable in the circumstances'. For example, 'over-sharing' of information by a Principal/Manager/Supervisor with a direct report may be welcomed as 'reasonable information sharing behaviour' by the people involved, but still be considered unacceptable Workplace behaviour for not meeting professional expectations.
 - (ii) Reasonable behaviour that is 'not acceptable in the circumstances'. For example, a Principal/Manager/Supervisor privately sharing crude or discriminatory jokes with a direct report in the Workplace, while not unlawful in the circumstances if the direct report welcomes the behaviour, is still considered unacceptable Workplace behaviour because it amounts to poor judgment and is below the standard of behaviour expected.
- (e) If unsure as to what the standards of Appropriate Behaviour are in your Workplace, ask your Principal/Manager/Supervisor or TCEO Human Services.

8 REPORTING UNACCEPTABLE BEHAVIOUR

- (a) To raise a concern about Unacceptable Behaviour:
 - (i) Workers should use the TCEC Issue Resolution policy and procedures;
 - (ii) Students, Parents/Guardians or Other Persons should use the TCEC School Grievance policy.
- (b) Workers must reasonably report breaches of this policy to their Principal/Manager/Supervisor and as otherwise required or permitted by Applicable Laws.

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9 CONFIDENTIALITY

- (a) A person involved in any proceedings taken under this Policy is required to ensure that confidentiality for the parties concerned is maintained where practicable.
- (b) Any investigations carried out shall be undertaken with discretion and all parties will be made aware that they must treat as confidential any information shared during the course of any proceedings.

10 COVERAGE

This Policy covers and applies to all Workers in relation to:

- (a) behaviour at the Workplace;
- (b) conduct in the performance of work for or in connection with CET; and
- (c) conduct outside working hours if the acts or omissions:
 - (i) are incompatible with a Worker's employment/appointment/engagement relationship; or
 - (ii) damage or are likely to damage CET's reputation.

11 REQUIREMENTS AND ACCOUNTABILITIES

- (a) Schools, Governance and the TCEO must communicate and implement this Policy within their area of responsibility.
- (b) Principals/Managers/Supervisors are required to promote and champion this Policy within their area of responsibility and take steps to ensure that any potential breaches of this Policy are taken seriously and acted upon immediately and appropriately.
- (c) Workers are required to:
 - (i) comply with this Policy, the TCEC Employee Code of Conduct, the TCEC Child Safe Code of Conduct and Applicable Laws;
 - (ii) behave courteously and professionally at all times to ensure their conduct does not cause offence or make others feel bullied, harassed or intimidated;
 - (iii) not directly or indirectly engage in unacceptable or Infringing Workplace Behaviour;
 - (iv) discourage all forms of unacceptable behaviour in the Workplace and support individuals who may be subjected to such treatment; and
 - (v) utilise the TCEC Issue Resolution Policy and Procedures to resolve or report incidents of unacceptable or Infringing Workplace behaviour.

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12 BREACHES

- (a) Workers who breach this Policy may be subject to disciplinary action in accordance with the TCEC Disciplinary Policy, removal from the Workplace or termination of services.
- (b) Inappropriate behaviour that also amounts to breaches of Applicable Laws could expose individuals to legal proceedings.

13 FURTHER INFORMATION

Anyone seeking further information regarding Workplace behaviour should contact their Principal/Manager/Supervisor or TCEO Human Services.

Further information regarding Applicable Laws is available at:

- Office of the Anti-Discrimination Commissioner
Web: www.antidiscrimination.tas.gov.au
Phone: 1300 305 062
Email: antidiscrimination@justice.tas.gov.au
- Work Safe Tasmania
Web: www.worksafe.tas.gov.au/safety/safety_subjects/subject/bullying
Phone: 1300 366 322
Email: wstinfo@justice.tas.gov.au
- Australian Human Rights Commission
Web: www.humanrights.gov.au
Phone: 1300 369 711
Email: infoservice@humanrights.gov.au
- Fair Work Australia
Web: <http://www.fwc.gov.au/resolving-issues-disputes-and-dismissals/workplace-issues-disputes/anti-bullying>
Phone: 1300 799 675
Email: via <http://www.fwc.gov.au/about-us/contact-us/inquiries>

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A1-1 Discrimination Defined

- (a) Discrimination is behaviour that favours one particular individual or group over others based on an attribute, whether known, imputed or assumed and can be either direct or indirect. Discrimination at the Workplace can occur (by way of example):
 - (i) when determining who should be offered work;
 - (ii) in the terms and conditions of work that is offered;
 - (iii) in failing or refusing to offer work;
 - (iv) in failing or refusing to grant, or limiting, access to opportunities for promotion, transfer, training or other benefit to a Worker;
 - (v) in dismissing a Worker; and
 - (vi) by treating a Worker otherwise less favourably.
- (c) There may be genuine occupational reasons based on the inherent requirements of the role that means discrimination is not unlawful.
- (d) For example, it will not be unlawful to terminate employment if:
 - (i) disability prevents a Worker from being able to perform the inherent requirements of their position; or
 - (ii) performance of the inherent requirements would require services, facilities or reasonable adjustments that would impose an unjustifiable hardship on the Employer.

A1-2 Direct Discrimination

Direct discrimination is where an individual or group is treated less favourably due to a particular attribute or personal characteristic or a characteristic imputed to that attribute.

A1-3 Indirect Discrimination

- (a) Indirect discrimination occurs if a person imposes a condition, requirement or practice (even if it appears to be fair and neutral) which has the effect of disadvantaging a member of a group of people who:
 - (i) share, or are believed to share, a prescribed attribute; or
 - (ii) share, or are believed to share, any of the characteristics imputed to that attribute.
- (b) For indirect discrimination to take place, it is not necessary that the person who discriminates is aware that the condition, requirement or practice disadvantages the group of people.

A1-4 Protected Attributes and Personal Characteristics

Direct or indirect discrimination within the Workplace based on any of the following attributes or personal characteristics will breach this Policy:

- (a) gender (male, female or intersex) and gender identity;
- (b) marital status;
- (c) relationship status;

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- (d) pregnancy;
- (e) family responsibilities;
- (f) sexual harassment;
- (g) race;
- (h) colour;
- (i) national or ethnic origin;
- (j) religious belief, affiliation or activity;
- (k) physical, intellectual, psychiatric or learning disability;
- (l) impairment (including HIV/aids status);
- (m) parental status;
- (n) breastfeeding;
- (o) age;
- (p) sexual orientation;
- (q) lawful sexual activity;
- (r) industrial activity;
- (s) political belief, affiliation or activity;
- (t) irrelevant criminal or medical record; or
- (u) being associated with a person who has (or is believed to have) any of these attributes.

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A2-1 Adverse Action Defined

Unlawful adverse action can occur where a person engages in adverse action (or threatens, organises or coerces others to take adverse action) against a Worker because that Worker:

- (a) has a workplace right (or has exercised or proposed exercising their workplace right or has not done so or has prevented a Worker from doing so); or
- (b) engages (has engaged, proposes to engage or has not engaged) in industrial activity or, is (or not so) an officer or member of an industrial association.

A2-2 Types of Adverse Action

- (a) Dismissal or termination of contract;
- (b) Injuring the Worker in relation to their employment or terms and conditions of contract;
- (c) Alter the position of the Worker to their prejudice;
- (d) Discrimination between a Worker and other Workers or a Worker and other prospective Workers; or
- (e) An employee or union takes industrial action against their Employer.

A2-3 Types of Workplace Rights, Relevant Attribute or Industrial Activity*Workplace Rights*

- (a) An entitlement under an enterprise agreement or a workplace law
- (b) A role or responsibility under a workplace law or enterprise agreement or award
- (c) Ability to initiate or participate in a process or proceedings under a workplace law or enterprise agreement or award
- (d) Ability to make a complaint or inquiry to seek compliance with a workplace law or enterprise agreement or award or generally in relation to a person's employment

Relevant Attributes

- (a) Race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.
- (b) Can initiate or participate in a process or proceeding under a workplace law or enterprise agreement

Industrial Activity

- (a) Is or is not an officer or member of an industrial association.
- (b) Engages or does not engage in industrial activity

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A3-1 Workplace Harassment Defined

(a) Workplace harassment is any conduct which:

- (i) offends;
- (ii) humiliates;
- (iii) intimidates;
- (iv) insults; or
- (v) ridicules,

another person on the basis of protected attributes in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

- (b) Workplace harassment can be a one-off occurrence and a specific intent or motive is not necessary.
- (c) Workplace harassment is unlawful.

A3-2 Protected Attributes for Workplace Harassment

- (a) race;
- (b) age;
- (c) sexual orientation;
- (d) lawful sexual activity;
- (e) gender and gender identity;
- (f) intersex;
- (g) marital status;
- (h) relationship status;
- (i) pregnancy;
- (j) breastfeeding;
- (k) parental status;
- (l) family responsibilities; or
- (m) disability.

A3-3 Examples of Workplace Harassment

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

- (a) telling a joke about a person of a particular race which may offend someone who is of that race;
- (b) sending an email to workmates ridiculing a colleague because they have taken carer's leave;
- (c) putting a sign on the door of a room where a Worker is expressing breast milk unnecessarily advertising the activity the Worker is engaging in;
- (d) engaging in a humiliating and offensive Workplace initiation rite.

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A4-1 Sexual Harassment Defined

- (a) Sexual harassment is any unwanted or unwelcome conduct which:
 - (i) is of a sexual nature with a sexual element, overtone or implication, which may not in isolation appear to be sexual in nature, but may become so because of the surrounding circumstances (e.g. unsolicited act of physical contact of a sexual nature, unwelcome sexual advance or request for sexual favours, unwelcome gesture, action or comment of a sexual nature); and
 - (ii) is unreasonable in the circumstances; and
 - (iii) a reasonable person having regard to all the circumstances would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.
- (b) Sexual harassment can be a one-off occurrence and a specific intent or motive is not necessary.
- (c) Sexual harassment is unlawful.

A4-2 Examples of Sexual Harassment

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

- (a) Offensive or sexually orientated email or text messages, voice mail messages, screen savers (words and images), telephone calls;
- (b) Deliberate and unnecessary physical contact such as patting, pinching, fondling or deliberately brushing against another body, attempts at kissing;
- (c) Constant requests for drinks or dates, especially after prior refusal;
- (d) Request for sexual favours, gestures or body movements of a sexual or intimidating nature;
- (e) Crude or sexually orientated jokes, comments and suggestions; or
- (f) Innuendo, including sexually provocative remarks, suggestive or derogative comments about a person's physical appearance, inferences of sexual morality or tales of sexual performance.

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A5-1 Bullying Defined

- (a) Bullying is repeated, unreasonable behaviour directed towards a Worker or a group of Workers (or Other Persons), that creates a risk to health and safety.
- (b) **‘Repeated behaviour’** refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.
- (c) **‘Unreasonable behaviour’** means behaviour that a reasonable person (i.e. objective test), having regard for the circumstances, would see as unreasonable (e.g. victimising, humiliating, undermining or threatening).
- (d) **‘Risk to health and safety’** can refer to physical or psychological injury that may occur as a result of the repeated, unreasonable behaviour.
- (e) Bullying is unlawful.

A5-2 Direct or Indirect Bullying?

- (a) Bullying can involve many different forms of behaviour and can occur face-to-face, over the phone, via email, instant or text messaging or using social media technologies.
- (b) Examples of potential direct (obvious) bullying may include:
 - (i) aggressive and abusive or threatening language;
 - (ii) yelling and invading personal space;
 - (iii) finger pointing, eye rolling and scowling;
 - (iv) inappropriate emails containing unjustified criticism delivered bluntly; and
 - (v) delivering negative feedback in front of co-workers inappropriately.
- (c) Examples of potential indirect (subtle) bullying may include:
 - (i) spreading rumours or lies;
 - (ii) displaying degrading or offensive material in the Workplace;
 - (iii) deliberately excluding, isolating or marginalising a person;
 - (iv) deliberately withholding information that is vital to do a job; or
 - (v) deliberately setting unrealistic deadlines and tasks that are unreasonably above or below a person’s skill or experience.

A5-3 Intentional or Unintentional Bullying?

- (a) Bullying can be intentional, where the actions are intended to humiliate, offend, intimidate or distress, whether or not the behaviour did have that effect. Indirect bullying will often occur intentionally.
- (b) Bullying can be unintentional, where actions that, although not intended to humiliate, offend, intimidate or distress, do so and would be reasonably likely to do so. Sometimes people do not realise that their behaviour can be harmful to others because this may have been normed behaviour in their own life, however the impact may still be harmful and the behaviour unreasonable in the circumstances.

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A5-4 Source of Bullying?

Bullying can be directed at a single person or a group of people and be carried out by one or more persons. Organisationally, bullying can be:

- (a) **downwards** from Principals/Managers/Supervisors to their team members – for example, an immediate Principal/Manager/Supervisor may have a management style that is unreasonably domineering, they may stand over Workers when they speak to them or speak to Workers rudely or in a demanding or unreasonably loud manner that is disrespectful;
- (b) **sideways** between Workers – for example, a Worker unreasonably seeking to enhance their position or sense of power in the Workplace may make a co-worker perform the duties that are less likely to be recognised, blame others for mistakes or fail to pass on instructions from a Principal/Manager/Supervisor so the co-worker makes mistakes; or
- (c) **upwards** from team members to immediate Principals/Managers/Supervisors – for example, Workers may bully their immediate Principal/Manager/Supervisor to try and unreasonably drive them from the Workplace or prevent them from effectively doing their job by spreading misinformation or malicious rumours about them or criticising them or complaining about them without justification.

A5-5 Difference between Bullying, Harassment and Adverse Action

- (a) Discrimination, harassment and adverse action:
 - (i) do not have to be repeated and can be one-off behaviour; and
 - (ii) must be linked to a protected characteristic (e.g. personal attributes, workplace rights or industrial activity).
- (b) Bullying requires repeated unreasonable behaviour (i.e. cannot be one-off behaviour) but there does not need to be any link to protected attributes or protected actions.
- (c) It is possible for a person to be bullied, harassed and discriminated against at the same time.

A5-6 What is not considered to be Bullying?

- (a) Many things that happen at the Workplace are generally not considered to be bullying, although some experiences can be uncomfortable.
- (b) A single incident of unreasonable behaviour is not bullying, although it may have the potential to escalate into Bullying. A single incident of unreasonable behaviour can create a risk to health and safety and can be considered to be unacceptable workplace behaviour as distinct from bullying.
- (c) Differences of opinion, performance management, conflicts and personality clashes do happen in any workplace but do not, without more, amount to bullying.
- (d) Reasonable management action, which is carried out in a reasonable manner is not Bullying.

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A5-7 Workplace Conflict is not Bullying

- (a) Workplace conflict of itself does not amount to bullying.
- (b) Not all conflict is negative nor does it always pose a risk to health and safety. When conflict is at a low level and task based, it can generate debate and lead to new ideas and innovative solutions. For example, collaborating on a project requires a robust exchange of ideas to be effective.
- (c) Conflict may be negative and undesirable but still not amount to bullying or even unacceptable behaviour. For example, Workers may have a 'personality clash' and not like each other but still behave in a professional and respectful way to each other.

A5-8 Reasonable Management Action Carried Out in a Reasonable Manner is not Bullying

- (a) Reasonable management action (i.e. 'what') carried out in a reasonable manner (i.e. 'how') is not bullying. Principals/Managers/Supervisors have a right to direct the way work is carried out and to monitor and give feedback on performance.
- (b) Examples of reasonable management action relating to *performance management* include:
 - (i) setting reasonable performance goals, standards and deadlines in consultation with Workers and after considering their respective skills and experience;
 - (ii) allocating reasonable work to a Worker in a transparent way;
 - (iii) deciding not to select a Worker for promotion, following a fair and documented process;
 - (iv) informing a Worker about unsatisfactory or unacceptable work performance in a constructive way and in accordance with policies and procedures; and
 - (v) informing a Worker about unacceptable conduct or behaviour in accordance with policies and procedures; and
 - (vi) managing unacceptable work performance or unacceptable conduct or behaviour in accordance with policies and procedures.
- (c) Examples of reasonable management action relating to *operational matters* include:
 - (i) fairly rostering and allocating working hours;
 - (ii) transferring a Worker for genuine operational reasons;
 - (iii) implementing organisational changes or restructuring;
 - (iv) decisions regarding accessing leave entitlements based on genuine operational requirements; and
 - (v) providing access to training or employment benefits based on genuine operational requirements and merit.

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A6-1 Victimization Defined

- (a) Victimization occurs when a person subjects, or threatens to subject, another Worker or an associate of that other Worker or Other Person at the Workplace to any detriment because they:
 - (i) made or intend to make a complaint;
 - (ii) gave, or intend to give, evidence or information in connection with any proceedings;
 - (iii) allege or intend to allege that any person has committed an act which would amount to a contravention of Applicable Laws;
 - (iv) refused or intend to refuse to do anything that would amount to a contravention of Applicable Laws; or
 - (v) have reasonably reported a breach of this Policy or utilised the TCEC Issue Resolution Policy.
- (b) Victimization under an Applicable law is unlawful.

A6-2 Examples of activities that could amount to Victimization

Examples of activities that could amount to victimisation include, but are not limited to:

- (a) Excluding a co-worker from workplace discussions;
- (b) Intimidating or coercing a co-worker to perform unsafe acts;
- (c) Prejudicing or threatening to prejudice a person in their employment (refusing to provide a favourable reference); or
- (d) Imposing any pecuniary penalty or other penalty (withholding wages).

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A7-1 Vilification Defined

- (a) Vilification is conduct that incites physical harm, hatred, serious contempt or severe ridicule towards a Worker or group of Workers (or Other Persons) on the basis of race, sexuality, disability or religion. It can take many forms, including hate-speech, graffiti, websites, and distribution of propaganda or other forms of offensive literature.
- (b) Vilification is conduct which occurs in a public place. The Workplace is a public place and discussions or jokes in the Workplace that relate to race, sexuality, disability or religion could amount to vilification.
- (c) Vilification is unlawful.

A7-2 Examples of Vilification

Examples of vilification include, but are not limited to:

- (a) Speaking about a person's race, disability, sexual orientation, religious belief in a way that could make other people hate or ridicule them;
- (b) Publishing claims that a racial, disabled, sexually orientated or religious group is involved in serious crimes without any proof;
- (c) Encouraging violence against people who have a particular race, disability, sexual orientation, religious belief, or damaging their property; or
- (d) Encouraging people to hate a person or group with a particular race, disability, sexual orientation, religious belief, using flyers, stickers, posters, a speech or publication, or using websites or email.

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A8-1 Workplace Violence Defined

- (a) Work related violence occurs when a Worker or Other Person at the Workplace physically abuses, threatens or assaults another Worker or Other Person at the Workplace, in circumstances relating to their work or the Workplace. Unlike Bullying, an action does not need to be repeated.
- (b) Threats to harm someone, of violence and of damage to property are breaches of Applicable Laws that should be referred to the Police, and any other appropriate authority.

A8-2 Examples of Workplace Violence

Examples of workplace violence include, but are not limited to:

- (a) threatening to kill or hurt a person or their family;
- (b) assault; or
- (c) throwing objects at another person.

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