

## WORKPLACE BEHAVIOUR & EQUITY POLICY & PROCEDURE (Discrimination, Sexual Harassment, Bullying, Equity)

### Purpose

It is the policy of the Royal Flying Doctor Service of Australia (Queensland Section) and the Royal Flying Doctor Service (Qld) Services ("RFDS") to provide a work environment that is free from discrimination, sexual harassment, bullying and vilification and where all employees are treated with dignity, courtesy and respect. The RFDS consider discrimination, sexual harassment, bullying, vilification and victimisation unacceptable and such behaviours will not be tolerated under any circumstances.

Any action in the workplace that seeks to limit another person's human rights, including behaviours that would otherwise contravene this policy (such as discrimination on the basis of a person's culture) will not be tolerated under any circumstances.

Any action in the workplace that functions to limit another person's human rights, including behaviours that would otherwise violate this policy (such as discrimination on the basis of a person's culture) will not be tolerated under any circumstances.

### Scope

This policy applies to all RFDS (Queensland Section) and RFDS (Qld) Services workers (herein referred to as "RFDS" employees). The policy applies to all employees in the workplace or off site, at work-related functions (including social functions and celebrations), while on trips and attending conferences or whilst engaged in any activities related to or associated with their work at the RFDS.

This policy also applies to contractors, visitors, volunteers, board members, advisor committee members, clients and other persons that might interact with RFDS.

### Definitions

Term	Definition
<b>Employee</b>	For the purposes of this policy, the term "employee" refers to all employees of the RFDS and others at the workplace, Directors of the Board, volunteers, work placement students, contractors and third parties (e.g. Queensland Health employees when on-site at RFDS bases).
<b>Discrimination</b>	Discrimination is unlawful and occurs when a person is treated less favourably because of their: <ul style="list-style-type: none"> <li>• race, (including colour, descent or ancestry, nationality, national or ethnic origin);</li> <li>• age (whether young or older);</li> <li>• impairment (including biological, functional, learning, physical, sensory, mobility, cognitive, psychological, psychiatric impairment or the presence of an organism capable of causing disease);</li> <li>• religious belief or activity;</li> <li>• gender;</li> <li>• sexual orientation, which is defined as a person's sexual orientation towards a person of the same sex or a different sex.</li> </ul>

Title	Workplace Behaviour & Equity Policy & Procedure	Document ID	MYRFDS-1800068415-2401
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Term	Definition
	<ul style="list-style-type: none"> <li>gender identity, which means the gender-related identity, appearance or mannerisms or other gender related characteristics of a person;</li> <li>relationship status (including being married, single, divorced, separated, de facto or in a same sex relationship);</li> <li>intersex status meaning 'the status of having physical, hormonal or genetic features that are neither wholly male nor wholly female, or a combination of female and male, or neither female or male. Being intersex is about biological variations, not about a persons gender identity;</li> <li>pregnancy, breastfeeding, parental status (including being or not being a parent, guardian, foster parent, adoptive parent, or step parent);</li> <li>family responsibilities (including the responsibility to care for and support a dependant child or immediate family member);</li> <li>lawful sexual activity as a sex worker;</li> <li>trade union activity;</li> <li>political belief or activity;</li> <li>social origin including social class, socio-occupational category and caste;</li> <li>association with someone else who is identified because of one of the above attributes.</li> </ul>
<b>Direct discrimination</b>	Occurs when a person, or a group of people, is treated less favourably compared to others in similar circumstances because they have one or more of the attributes listed above.
<b>Indirect discrimination</b>	Occurs when one rule applies to all, but in fact disadvantages a person or group of people because they are unable (or less able) to comply with the rule because they have an attribute listed above.
<b>Sexual Harassment</b>	<p>Sexual harassment is unlawful and includes unwelcome sexual conduct either with the intention of offending, humiliating or intimidating the other person, or in circumstances where a reasonable person would expect that it would give offence.</p> <p>Examples include: uninvited touching or other physical contact; staring or leering at a person or at parts of their body; smutty jokes or comments; talking about your sex life or asking about another person's sex life; sexual jokes; sexual propositions; the display of offensive material; offensive phone calls or transmission of offensive sexual material by email, SMS or other social media; or other behaviour which creates a sexually hostile work environment.</p> <p>Sexual harassment is prohibited by the Fair Work Act 2009, covering sexual harassment that is perpetrated against employee's and prospective employees by third parties. By way of example, the provision applies to sexual harassment perpetrated by a patient, customer, client or member of the public, against an employee, so long as there is some connection at the time the conduct occurs to the employee performing work or a function related to their work.</p>
<b>Workplace Bullying</b>	<p><b>Workplace Bullying</b> is unlawful and is defined as repeated and unreasonable behaviour directed towards an employee or group of employees that creates a risk to health and safety.</p> <p><b>Repeated behaviour</b> refers to the persistent nature of the behaviour and can involve a range of behaviours over time.</p>

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	<p><b>Unreasonable behaviour</b> means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.</p> <p>Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:</p> <ul style="list-style-type: none"> <li>• abusive, insulting or offensive language or comments;</li> <li>• unjustified criticism or complaints;</li> <li>• deliberately excluding someone from workplace activities;</li> <li>• withholding information that is vital for effective work performance;</li> <li>• setting unreasonable timelines or constantly changing deadlines;</li> <li>• setting tasks that are unreasonably below or beyond a person's skill level;</li> <li>• denying access to information, supervision, consultation or resources to the detriment of the worker;</li> <li>• spreading misinformation or malicious rumours;</li> <li>• changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.</li> </ul> <p><b>What is not workplace bullying?</b></p> <ul style="list-style-type: none"> <li>• a single incident of unreasonable behaviour, however this behaviour may be repeated or may escalate so should not be ignored;</li> <li>• unreasonable behaviour that involves violence, for example physical assault or threat of physical assault;</li> <li>• reasonable management action, in connection with a worker's employment, is not considered workplace bullying if it is carried out in a lawful and reasonable way, taking the particular circumstances into account;</li> <li>• acts of unlawful discrimination or sexual harassment;</li> <li>• workplace conflict—differences of opinion and disagreements are generally not considered to be workplace bullying.</li> </ul> <p><b>Reasonable management action taken in a reasonable way</b></p> <p>A person conducting a business or undertaking may take reasonable management action to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors at RFDS to allocate work and give feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out in a lawful and reasonable way in accordance with RFDS policies, taking the particular circumstances into account.</p> <p>A manager exercising their legitimate authority at work may result in some discomfort for a worker. The question of whether management action is reasonable is determined by considering the actual management action rather than a worker's perception of it,</p>

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	<p>and where management action involves a significant departure from established policies or procedures, whether such a departure is reasonable in the circumstances.</p> <p>Examples of reasonable management action include but are not limited to:</p> <ul style="list-style-type: none"> <li>• setting realistic and achievable performance goals, standards and deadlines,</li> <li>• fair and appropriate rostering and allocation of working hours,</li> <li>• transferring a worker to another area or role for operational reasons,</li> <li>• deciding not to select a worker for promotion where a fair and transparent process is followed,</li> <li>• informing a worker about unsatisfactory work performance in an honest, fair and constructive way,</li> <li>• informing a worker about unreasonable behaviour in an objective and confidential way,</li> <li>• implementing organisational changes or restructuring, and</li> <li>• taking disciplinary action, including suspending or terminating employment where appropriate or justified in the circumstances.</li> </ul>
<b>Victimisation</b>	<p>Victimisation is unlawful and is defined as when a <b>detriment</b> is done to a person for one of the following reasons:</p> <ul style="list-style-type: none"> <li>• A person refused to do something that would contravene legislation</li> <li>• A person has alleged (or intends to make an allegation) about a contravention of the legislation</li> <li>• A person is (or intends to be) involved in a proceeding under legislation</li> <li>• A person supplies information or documents to a person performing a function under legislation.</li> </ul> <p><b>Detriment</b> is a loss, damage or injury that a reasonable person would consider to be a detriment.</p>
<b>Vilification</b>	<p>Vilification is unlawful and is defined as behaviour that happens in a public place and incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity. Workplaces can be considered public places. This means that any conduct or communication either verbal or written that occurs in the workplace can be considered to have occurred in a public place.</p>

### Equal Employment Opportunity

The RFDS is proud to be an equal opportunity employer. All employees must be treated on their merits, without regard to race, age, sex, relationship status or any other attribute not applicable to the position. Employees are valued according to how well they perform their duties, their behaviours in relation to RFDS Values and on their ability to maintain RFDS standards of service.

The RFDS believes the quality of work life is about cooperation, communication, coordination, teamwork and caring about the people in the organisation. This ensures that all employees, and prospective employees, receive fair treatment in all aspects of the employment relationship including recruitment, selection, conditions of employment and career development. Equity does not mean 'sameness' it means 'fairness'.

Title	Workplace Behaviour & Equity Policy & Procedure	Document ID	MYRFDS-1800068415-2401
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The equitable treatment of people is the fair and just treatment, not the same treatment. It is the responsibility of all employees to monitor their own behaviour to ensure it reflects the values of the organisation and the standards required. Any reports of discrimination, harassment or bullying will be treated seriously and investigated promptly, confidentially and impartially.

## **Roles & Responsibilities**

### **All RFDS workers must:**

- > Treat others with respect, honesty and fairness at all times as per the National Code of Conduct and our values;
- > Behave responsibly and comply with the Workplace Behaviour & Equity Policy;
- > Not tolerate the unacceptable behaviour of others;
- > Offer support to anyone who is being bullied, harassed or discriminated against and let them know where they can get help and advice (at no stage are workers encouraged to approach an alleged offender on behalf of a victim).
- > Maintain complete confidentiality if needed to provide information during the investigation of a complaint. Spreading rumours or gossip may expose employees to defamation action. Only those investigating a complaint, those accused of the bullying or potential witnesses for the purpose of supplying a statement are required to know of the complaint; and
- > Ensure that no person is victimised in any way after a complaint.

### **A Contact Officer's role is to:**

- > Behave as a positive role model of workplace behaviour;
- > Listen to the concerns of all paid and unpaid workers who believe they have been subjected to bullying, sexual harassment or discrimination;
- > Give information on options available to all paid and unpaid workers;
- > Listen and discuss options for resolving a complaint including contact details of external organisations where paid and unpaid workers might choose to consult;
- > Allow the employee to choose the option/s most suitable to them;
- > Maintain confidentiality and be impartial;
- > Act as a resource for providing information to any employee about the nature and effects of bullying, discrimination and harassment;
- > Support the employee to access applicable policies and procedures and explain the content of these documents if necessary;
- > Advise the employee to use appropriate complaint procedures and reporting and only discuss the issue with those who need to know to avoid any risk of defamation;
- > Explain internal complaint procedures and resolution mechanisms;
- > Provide de-identifying statistical data to management about behaviours that are unlawful or breach the Code of Conduct;
- > Give confidential and timely information to management about issues in the workplace that indicate an environment where harassment and discrimination occur and about the risks of complaints or potential complaints arising and make recommendations for action;
- > Encourage the reporting of behaviour which breaches the Workplace Behaviour and Equity Policy; and
- > Assist in promoting bullying, discrimination and harassment prevention and grievance resolution policies where appropriate.

Title	Workplace Behaviour & Equity Policy & Procedure	Document ID	MYRFDS-1800068415-2401
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**A Manager's role is to:**

- > Advise a complainant of strategies that can be used to deal with an alleged offender directly;
- > Ensure people are treated equitably and are not subject to harassment, bullying or discrimination;
- > Monitor the working environment to ensure that acceptable standards of conduct are observed at all times and that all paid and unpaid workers who make complaints, or witnesses, are not victimised in any way;
- > Model appropriate behaviour themselves;
- > Promote the Workplace Behaviour & Equity Policy within their work area and ensure all employees attend mandatory training;
- > Take reasonable steps to appropriately deal with complaints;
- > Treat all complaints seriously and take immediate action as per RFDS policy;
- > Facilitate a resolution of a complaint where appropriate and advise all parties of any decisions made, including reasons and any follow-up actions;
- > Take appropriate and decisive action if inappropriate behaviour is evident in the workplace, even if a complaint has not been made; and
- > Acknowledge that the time spent by an employee in the role of the Contact Officer is part of their duties.

Team Leaders and Managers have an important role in the prevention and management of workplace behaviour issues. The investigation and management of allegations of harassment, bullying and discrimination are to be dealt with swiftly and confidentially.

**People and Culture team role is to:**

- > Advise a complainant of strategies that can be used to deal with an alleged harasser directly;
- > Provide information about the content of the Workplace Behaviour & Equity Policy to employees;
- > Formally address the investigation process.
- > Provide support to managers and leaders to ensure the workplace is free from bullying and harassment;
- > Be actively involved in education relating to increased awareness about workplace behaviour & equity issues.
- > Investigate complaints impartially; and
- > Coordinate education programs.

**Procedure**

If you feel you are being sexually harassed, bullied or discriminated against, do not ignore it and hope it will go away. Silence may give the impression that the behaviour is acceptable or is condoned.

It is strongly recommended that employees keep a diary of events in such circumstances. This should include:

- > Date;
- > Time;
- > What he/she said;
- > Names of any witnesses; and
- > Clear and factual information.

There are both informal and formal ways to deal with an issue, which are described below. All methods aim to resolve the issue and stop the offending behaviour.

Title	Workplace Behaviour & Equity Policy & Procedure	Document ID	MYRFDS-1800068415-2401
Parent Group	People & Culture	Document Version and Status	28.0, Approved
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While it is preferable that informal methods are used in the first instance, it is important that you choose the course of action with which you feel most comfortable.

### Employee Assistance Program (EAP)

All employees of the RFDS have access to EAP. EAP is a confidential service which allows employees to seek professional support and advice. See the EAP policy for further details.

### Informal Methods of Complaint Resolution

There are many ways an issue/s can be resolved using informal methods. You may:

#### **1. Talk to the offender directly**

An effective way to deal with an issue is to talk to the alleged offender directly. Whilst not everyone feels confident enough to do this, it can be an effective way to resolve an issue. Sometimes people just need a reminder about their behaviour or to be advised that they have stepped over the line. If you do decide to deal with the situation independently it is important that you do so in an appropriate manner – seek advice from a Contact Officer, your Line or Senior Manager or the People and Culture department.

When you talk to an alleged offender the following guide can be used:

*Approach them at a time when there will be no interruptions. Make a statement about the offending behaviour in a way that makes it clear what is being objected to, then what needs to be done in the future to avoid a further offence.*

- **Step 1:** *When.....(name the specific behaviour).....happens,*
- **Step 2:** *I feel..... (describe how you feel).....,*
- **Step 3** *I do not like this behaviour/ I find this behaviour unacceptable. Please do not do it again.*

#### **2. Talk to your Line / Senior Manager / People and Culture**

Complaints can be made directly to your manager or to the People and Culture Department. While complaints can be made anonymously, this limits the RFDS's ability to resolve the issue effectively.

#### **3. Contact Officers**

Contact Officers are RFDS employees who are independently trained by the Anti-Discrimination Commission Queensland. Employees are encouraged to contact a Contact Officer for advice. They can provide confidential options for dealing with the situation directly (see role of the Contact Officer). Contact Officers' names are listed on the RFDS intranet site, can be accessed by contacting the People and Culture Department.

#### **4. Mediation between the parties**

In some cases, it may be appropriate to arrange an independent person to mediate between the parties to assist in resolving the issue. The People and Culture Department will provide advice on this and will organise mediation where appropriate.

#### **5. Education**

There are a number of education and training options provided by the RFDS. Line managers should discuss options with the People and Culture team to determine which would best suit their needs.

Title	Workplace Behaviour & Equity Policy & Procedure	Document ID	MYRFDS-1800068415-2401
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## Formal methods of Complaint Resolution

While complainants are encouraged to resolve issues through informal methods whenever possible, they also have the option to make a formal complaint. The maker of a valid complaint can be assured that there will be no repercussions for making that complaint.

Formal complaints should be provided to the relevant Manager. The manager will take carriage of investigating and resolving the complaint in accordance with the 'Grievance and Complaints Policy' and with support from People and Culture. The manager will:

- > Give a true and accurate disclosure and cooperate in establishing the facts;
- > Maintain confidentiality at all times.
- > Conduct themselves in a professional manner and observe appropriate workplace behaviours; and
- > Ensure no one involved in the investigative process is victimised at any time.

At times, it may be identified that it is more appropriate that People and Culture conduct the investigation or appoint an external investigator, depending on the nature of the allegations.

All parties involved are encouraged to bring a support person to any interviews or meetings, and any information collected must be kept confidential to only the parties directly involved.

The Executive Manager, in partnership with People and Culture will decide what action is to be taken, depending on the outcome of the investigation and any other relevant factors.

The matters pertaining to the complaint will be documented, including thorough details of the complaint, investigation documentation, responses from the respondent and any other documentation related to the investigation.

Outcomes that may result from a formal complaint if substantiated may include (but not limited to):

- > An undertaking that the behaviour will cease;
- > Further education and training;
- > Disciplinary action, e.g. formal warning, dismissal;
- > Reporting the matter to Queensland Police;
- > A combination of the above.

The respondent to the complaint will be advised about any action to be taken in relation to them verbally and in writing. The complainant will be notified that the investigation has concluded, and depending on the outcome, may or may not be notified of the outcome.

If any party is not satisfied with the process, they may follow the Grievance and Complaints Policy & Procedure.

## **External Assistance**

There are a number of avenues an employee may seek if issues remain unresolved in the workplace. These include:

Title	Workplace Behaviour & Equity Policy & Procedure	Document ID	MYRFDS-1800068415-2401
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- > Anti-Discrimination Commission Queensland;
- > Workplace Health & Safety Queensland; or
- > The Fair Work Commission.

### Whistle blower

We are committed to ensuring that our workers observe the highest standards of behaviour, ethics and integrity at all times. Any person wishing to seek advice or raise concern should first speak to their manager. If you are uncomfortable doing this, you may contact Your Call where you can report anonymously.

- > [yourcall.com.au/report](http://yourcall.com.au/report)
- > call 1300 790 228.

### Vexatious or Frivolous Claims

Under current anti-discrimination legislation there is provision for those hearing matters to reject claims should they be vexatious, frivolous or lacking in substance. The RFDS hold the same view and may cease investigation should the matter falls into this category. Notwithstanding that, if it is determined that an employee has purposefully made a vexatious claim, that is a claim by an individual who is not acting in good faith and honesty, the employee will be in breach of RFDS values and behaviour standards and may face disciplinary action, which may include termination of employment.

### RFDS Training & Awareness

The RFDS is committed to ensuring that employees are clear about the standard of behaviour acceptable in the organisation. The RFDS will provide workplace behaviour and equity training and awareness in any of the following manners:

- > Training at employee orientation;
- > Workshop training;
- > External training; or
- > Promotional activities and communications.

### Policy Non-compliance

Employees who engage in unlawful or unacceptable behaviour covered in this policy may face disciplinary action, which may include termination of employment. Serious breaches of the policy may result in immediate dismissal. If the behaviour is deemed to be criminal in nature (e.g. sexual assault) Queensland Police may be notified.

### Legislation

*Fair Work Act 2009*

*Age Discrimination Act 2004*

*Sex Discrimination Act 1984*

*Racial Discrimination Act 1975*

*Disability Discrimination Act 1992*

*Anti-Discrimination Act 1991*

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*Work Health and Safety Act 2011*

*Work Health and Safety Regulation 2011*

*Prevention of Workplace Harassment Code of Practice 2004*

*Human Rights Act 2019*

### Related documents

- > Grievance and Complaints Policy & Procedure
- > National Employee Code of Conduct
- > Employee Assistance Program Policy
- > Contact Officer – Statistical Data Collection Form
- > Workplace Contact Officers
- > Human Rights Policy

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