



## Respectful Behaviours Procedure

### 1. Policy Title

Respectful Behaviours

### 2. Preamble

Carclew is committed to a zero tolerance approach to all forms of bullying, discrimination, victimisation, harassment and sexual harassment and has a *Respectful Behaviours Policy* in place. This *Respectful Behaviours Procedure* will assist you to comply. Harassment, including sexual harassment, can occur at any level of the organisation, and can be experienced by anyone.

### 3. Responsibilities

Chief Executive must ensure that:

- They provide an environment that discourages discrimination, victimisation, bullying, harassment and sexual harassment and that they set an example by their own respectable behaviour.
- They understand, and are committed to, the rights and entitlements of all to attend and perform their duties without fear of being harassed in any way.
- The obligations for a workplace that is free from discrimination, victimisation, bullying, harassment and sexual harassment are understood.
- Immediate and appropriate corrective action is taken if they become aware of any offensive action or inappropriate behaviour.
- Complaints are treated seriously and with confidentiality at all times.
- Grievance Officers are appointed, trained and their role known to others.

Managers must ensure:

- Compliance with policies and procedures within the organisation.
- Their obligations and responsibilities to an individual's rights and entitlements.
- Ongoing support and guidance is provided for prevention of bullying, discrimination, victimisation, harassment, or sexual harassment.

Staff must ensure that they:

- Adhere to Carclew policies and procedures.
- Understand their responsibilities for workplace that is free from harassment of any kind.
- Report suspected cases of bullying, discrimination, victimisation, harassment, or sexual harassment.

### 4. Reporting and outcomes

If you believe you are the subject of bullying, discrimination, victimisation, harassment, or sexual harassment you should take firm prompt action.

Where possible, make the alleged perpetrator aware that their behaviour was offensive, unwelcome and unacceptable, and that it must stop immediately.

If you feel you are unable to speak to the person(s) directly, you can speak with their manager or another manager in the organisation or a Carclew Grievance Officer.

The Grievance Officer or manager will:

- discuss the issue confidentially and ascertain the nature of your complaint

- explain the your rights and responsibilities under the organisation’s policy, procedures and Equal Employment Opportunity or anti-discrimination legislation
- provide advice on steps to address the behaviour

#### 4.1 Informal intervention

Mediation or conciliation can be explored through a private and confidential meeting or meetings where you and the Grievance Officer or manager meet with the person that you have made the complaint about, to discuss the nature of the issue.

#### 4.2 Formal complaints procedure

A complaint of sexual or other harassment may require an internal or external formal investigation. The Senior Manager, Finance and Operations and the Chief Executive will guide this process unless involved.

Either you or the respondent may be provided with alternative duties on normal pay for the duration of the investigation.

Internal formal investigations:

- Conducted by Carclew’s Grievance Officer or a manager.

External formal investigations:

- Conducted by either Commissioner for Equal Opportunity, Australian Human Rights Commission, the Office of the Employee Ombudsman, or a Work Health and Safety Inspector.

The investigation will involve:

- Collecting information about the complaint e.g. timing, location and nature of the complaint
- Interviewing all parties involved (complainant, respondent and any witnesses) to obtain information about the complaint.
- Accurately documenting all information obtained during the interviews.
- Ensuring both the complainant and respondent are kept informed throughout the investigation.
- Informing all parties involved about the investigation findings and the outcome of the investigation, as appropriate and in line with confidentiality obligations.
- Filing records in relation to the investigation in a confidential and secure place for a period of seven years. (Not kept on the complainant’s personnel file).

#### 4.3 Outcomes from the investigation

Evidence of victimisation:

In consultation with the Chief Executive the investigator will make a recommendation to resolve the complaint or implement disciplinary action in accordance with appropriate legislative and contractual procedures.

No evidence of victimisation:

If the complaint is not proven there may be no further action. If the complaint was not made in good faith disciplinary action may be taken against the complainant.

Outcomes from the investigation may include, but are not limited to:

- Counselling
- Disciplinary action against the harasser
- An official warning which is noted in the respondent’s personnel file
- Disciplinary action against the person who complained if there is strong evidence that the complaint was malicious
- Formal apologies and undertaking that the behaviour will cease

- Conciliation or mediation conducted by an impartial third party where all parties involved agree to a mutually acceptable resolution
- Reimbursing any costs associated with the harassment
- Crediting any leave taken as a result of the harassment

#### 4.4 Procedures for dealing with criminal conduct

Some forms of sexual harassment may constitute criminal conduct. Such complaints will be dealt with by the relevant authorities; such as the South Australian Police, as a part of the criminal justice system.

#### 4.5 Evaluation

Carclew's Grievance Officer or manager who carried out the initial investigations will follow up with all parties to monitor the situation and their wellbeing.

### **5. Additional Information**

Grievance Policy and Procedure

Code of Conduct

Preventing Workplace Bullying A Practical Guide for Employers and Preventing Workplace Bullying A Practical Guide for Employees <http://www.stopbullyingsa.com.au/>

#### ***Acknowledgment***

*In developing this document Carclew has drawn on resources prepared by the Government of South Australia and the Australian Institute of Community Directors.*