



## **Respectful Behaviours Procedure**

### **1. Policy Title**

Respectful Behaviours

### **2. Preamble**

Through its Respectful Behaviours Policy Carclew is committed to a zero tolerance approach to all forms of bullying, discrimination, victimisation, harassment and sexual harassment. The Respectful Behaviours Procedures will assist supervisors/managers and staff to document the process that is to be followed should any grievances arise.

### **3. Responsibilities**

It is the responsibility of the Chief Executive to ensure that:

- They understand and are committed to the rights and entitlements of all employees to attend work and perform their duties, without fear of being sexually harassed in any form.
- They provide an environment that discourages discrimination, victimisation, bullying harassment and sexual harassment and set an example by their own respectable behaviour.
- All employees are made aware of their obligations in relation to contributing to a workplace that is free from sexual harassment.
- All reasonable steps are made to eliminate sexual harassment.
- Take immediate and appropriate corrective action if they become aware of any offensive action or inappropriate behaviour.
- All complaints are taken seriously and treated with confidentiality at all times.
- Grievance Contact Persons are appointed, trained and are known to all staff.

It is the responsibility of Managers to ensure that:

- Policies and procedures are complied with.
- Managers are aware of their obligations and responsibilities in relation to harassment of any kind, and the rights and entitlement of their employees and volunteers.
- Ongoing support and guidance is provided to all employees in relation to the prevention of harassment of any kind.

It is the responsibility of staff to ensure that:

- They adhere to all policies and procedures of Carclew and the South Australian Public Sector.
- They are aware of their responsibilities to contributing to a workplace that is free from harassment of any kind.
- Report any suspected cases of bullying, discrimination, victimisation, harassment and sexual harassment.

### **4. Reporting**

Harassment, including sexual harassment, can occur within any level of the organisation, and can be experienced by both men and women. It may involve a fellow colleague, volunteer, manager or more than one person.

Staff or volunteers who believe that they are the subject of harassment should take firm prompt action. Where possible, they should make the alleged harasser aware that their behaviour was offensive, unwelcome and unacceptable, and that it must stop immediately.

If the complainant feels that they are unable to speak to the person(s) directly, they can speak with a Carclew trained Grievance Contact Person, their manager or another manager in the organisation.

The Grievance Contact Person or manager will provide the opportunity to talk confidentially about the issue and ascertain the nature of the complaint. They will also explain the complainant's rights and responsibilities under the organisation's policy, procedures and Equal Employment Opportunity or anti-discrimination legislation.

The Grievance Contact Person or manager can provide advice on steps to address the behaviour.

#### 4.1 Informal intervention

Informal intervention may be taken through a process of mediation or conciliation. It is likely that resulting from the process above, you and the Grievance Contact Person or manager will meet with whomever it is that you have made the complaint about, to discuss the nature of the issue in a private and confidential meeting.

#### 4.2 Formal complaints procedure

The Grievance Contact Person or manager may be obliged to carry out a formal investigation in relation to a complaint of sexual or other harassment. The Senior Manager, Finance and Operations and the Chief Executive will guide this process.

Formal investigations may be conducted internally by Carclew's Grievance Contact Person or a manager, or by an external investigator eg. Commissioner for Equal Opportunity, Australian Human Rights Commission, Office of the Employee Ombudsman, Work Health and Safety Inspector.

The investigation will involve collecting information about the complaint. This will include interviewing all parties involved (complainant, respondent and any witnesses) to obtain information about the complaint. The investigator will accurately document all information obtained during the interviews. This may include details of the timing, location and nature of the complaint. Both the complainant and respondent will be kept informed throughout the entire investigation.

It may be considered appropriate for the safe and efficient conduct of an investigation for the complainant and/or respondent to be provided with alternative duties for the duration of the investigation. They will be paid their normal pay during any such period.

Records are to be kept and filed in a confidential and secure place for a period of seven years. These records will not be kept on the complainant's personnel file.

If there is evidence of victimisation, the person carrying out the investigation in consultation with the Chief Executive will make a recommendation about resolving the complaint or implementing disciplinary action (including and up to termination of employment), in accordance with appropriate legislative procedures.

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.

Possible 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 respondents personal 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 / mediation conducted by an impartial third party where all parties involved agree to a mutually acceptable resolution;
- Reimbursing any costs associated with the harassment;
- Re-crediting any leave taken as a result of the harassment.

On completion of the investigation, all parties involved will be informed about the investigation findings and the outcome of the investigation, as appropriate and in line with confidentiality obligations.

#### 4.3 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.

#### 4.4 Evaluation

Carclew's Grievance Contact Person or manager who carried out the initial investigations will follow up with all parties to monitor the situation and their wellbeing, and to educate and remind all employees and volunteers of their obligations and responsibilities in relation to contributing to a workspace that is free from harassment.

### 5. **Additional Information**

Grievance Policy and Procedure

Code of Conduct

Workplace Health and Safety Policy and Procedure

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 policy Carclew has drawn on resources prepared by Arts South Australia, the Department of State Development, and the Institute of Community Directors Australia.*