

WORKPLACE BEHAVIOUR POLICY

POLICY NO	023RRRWN	VERSION NO	1
DRAFTED BY	Ellen Smith and Debra Pearce	APPROVED BY BOARD ON	29/05/2025
REVIEWED BY	RRR Governance Committee	SCHEDULED REVIEW DATE	April 2027

1. Purpose

The purpose of this policy is to support employees and the Rural, Regional and Remote Women's Network of WA (**RRR Network**) to work in an environment that is free from unlawful discrimination, sexual harassment, victimisation and bullying.

In line with section 3 of the Equal Opportunity Act 1984 (WA), the objectives of this policy are:

- (a) to prevent eliminate discrimination against persons on the ground of sex, marital status or pregnancy, family responsibility or family status, sexual orientation, race, religious or political conviction, impairment, age.
- (b) to prevent sexual harassment and racial harassment in the workplace;
- (c) to recognise and accept the equality of men and women; and
- (d) to recognise and accept the equality of persons of all races and of all persons regardless of their sexual orientation, religious or political convictions or their impairments or ages.

2. Scope

This policy applies to all employees, contractors and volunteers of the RRR Network and covers all work-related functions and activities including external training courses sponsored by the RRR Network. It also applies for all recruitment, selection and promotion decisions.

3. Policy

The RRR Network is committed to providing a workplace that is free from all forms of unlawful discrimination, harassment and bullying. The RRR Network considers such acts to be unacceptable and such behaviour will not be tolerated under any circumstances.

All employees are responsible for their own behaviour and should contribute to a safe and pleasant work environment that is free from discrimination, bullying and harassment. All individuals will be treated fairly and provide a workplace free of unacceptable behaviour. We will treat all complaints in a sensitive, fair, timely and confidential manner.

3.1 Equal Employment Opportunity

Equal Employment Opportunity means that employees are treated fairly and equitably. They are judged on their ability to do the job based on merit – skills, qualifications, experience – rather than on assumptions about them based on attributes such as their sex, race, marital status, etc. It also means promoting a working environment free from discrimination and harassment.

3.2 Unlawful Conduct

Under the *Equal Opportunity Act 1984* (WA) and this Policy, the following types of conduct are unlawful and strictly prohibited:

- Discrimination;
- Vilification;
- Sexual Harassment;
- Bullying; and
- Victimisation.

3.3 Discrimination

Discrimination is treating one person or group less favourably than another. Unlawful discrimination is discrimination due to an attribute or characteristic which legislation regards as unacceptable.

Discrimination is prohibited at the RRR Network. The following are the attributes on the basis of which discrimination is prohibited by law (known as ‘protected attributes’):

- Age;
- Breastfeeding;
- Employment activity;
- Gender identity;
- Impairment;
- Industrial activity;
- Lawful sexual activity;
- Marital status;
- Parental status
- Status as a carer;
- Physical features;
- Political belief or activity;
- Pregnancy;
- Race;
- Religious belief or activity;
- Sex;
- Sexual orientation; and
- Personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Discrimination can occur (but is not limited to):

- During the recruitment process;
- During the course of employment;
- Upon termination of employment; or
- In the provision of goods or services.

3.4 Direct and indirect discrimination

Direct discrimination occurs where one person is unlawfully treated less favourably than another person in the same or similar circumstances on any of the recognised unlawful grounds or attributes. Examples of direct discrimination include but are not limited to:

- Expressing negative stereotypes about particular groups on unlawful grounds and making decisions based on those stereotypes;
- Judging a person on characteristics such as religious or political beliefs, cultural practices, sex, age or any of the recognised unlawful grounds or attributes rather than work performance; and
- Making offensive “jokes” or comments on any of the recognised unlawful grounds or attributes.

Indirect discrimination occurs where a condition or requirement is imposed which is unreasonable in the circumstances and which, although apparently neutral on its face, has an adverse impact on a particular person or group who are unable to comply with that condition or requirement.

Examples of indirect discrimination include, but are not limited to:

- An advertisement for a job as a cleaner requires an applicant to speak and read English fluently. This may disadvantage a person on the basis of their race. The requirement may not be reasonable if speaking and reading English fluently is not necessary to perform the job; or
- Putting in place a height specification for a particular position which some races cannot comply with.

3.5 Harassment

Harassment is behaviour towards another person that is intimidating or embarrassing. Where the harassment is an unwelcome advance or request, offensive comment or action relating to a prohibited ground of discrimination, the harassment is unlawful (for example, harassment which is based on a person’s race, ethnic background, disability, and religious beliefs).

3.6 Sexual Harassment

Sexual harassment can be:

- Any physical, visual, verbal or non-verbal conduct of a sexual nature;
- A series of incidents or a one off occurrence; and
- Experienced by both women and men.

Depending on the circumstance, examples of sexual harassment may include (but are not limited to):

- Displays of sexually graphic material including posters, pictures, calendars, cartoons, graffiti or messages left on walls, boards or desks;
- Electronic mail messages, voice mail messages, screen savers (words and images), any material of a sexual nature downloaded from the Internet or viewed on a computer, offensive telephone calls, faxes or gifts;
- Deliberate and unnecessary physical contact or attempts at physical contact;
- Leering or staring at a person’s body;
- “Jokes” of a sexual or sexist nature;
- Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person’s physical appearance, inference of sexual morality or tale of sexual performance;
- Repeatedly asking someone out, especially after prior refusal;
- Demands or requests for sexual favours;

- Gestures or body movements of a sexual or intimidating nature;
- Intrusive inquiries into a person's private life or in reference to a person's sexuality or physical appearance; and
- In circumstance in which a reasonable person, having regard to all the circumstance, would have anticipated that the person harassed would be offended, humiliated or intimidated.

Innocent intent is irrelevant, and employees are encouraged to recognize individual differences in reactions to particular behaviours.

Please refer to the RRR Network Sexual Harassment Policy for further detail on the policy and procedures for managing an alleged sexual harassment incident.

3.7 Disability

A disability may be generally defined as a condition which may restrict a person's mental, sensory, or mobility functions to undertake or perform a task in the same way as a person who does not have a disability. It does not mean that a person with a disability is unable to perform all the important requirements of a job and exceed the expectations of their employer.

3.8 Racial Harassment

Racial harassment is any verbal, physical or written act which is based on a person's race, ethnic background, nationality, language or cultural background, and is unwanted, unacceptable and offensive to the person. Examples of racial harassment include:

- Physical: Intimidating gestures, physical violence or assault because of a person's race or ethnicity, or threats of the above.
- Verbal: Derogatory remarks about a person's skin colour or appearance, unwelcome remarks about a person's culture observances, racist jokes and 'needling'.
Non-verbal: Racist graffiti, defacing notices or posters, negative stereotyping of particular ethnic groups, written threats of a racial nature

3.9 Vilification

Vilification and incitement of vilification is an offence and is prohibited workplace behaviour under this policy. Vilification occurs when a person, by public act, threatens physical harm towards any person or group, or their property, or incites hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of that person's or group's:

- Race;
- Sexuality;
- Health status; or
- Gender status.

3.10 Workplace Bullying

Workplace bullying is repeated, unreasonable behaviour which humiliates, undermines or threatens an employee or group of employees that creates a risk to health and safety. Bullying can include the following types of behaviour but is not limited to:

- Verbal or written abuse (for example being sworn at, threats, insults, continual criticism, name calling, practical jokes, unjustified threats of dismissal);
- Direct violence including physical assault and harassment;
- Threatening body language;
- Unreasonably undermining work performance, deliberately withholding work-related information or resources, supplying incorrect information; and
- Inappropriate interference with personal belongings or work equipment.

There is a clear distinction between bullying and genuine and reasonable performance management and disciplinary action. Employers have the right to give constructive feedback and counsel employees on their work performance as this is intended to assist employees to improve their work performance or their standard of their behaviour.

4. 4. Complaints Handling Process

4.1 Raising a complaint

If you have a genuine concern that you are experiencing prohibited workplace behaviour in the workplace you are encouraged to raise your concerns. The best way to resolve your concerns will depend on the nature of the prohibited workplace behaviour. The RRR Network will ensure that employees have the opportunity to raise their concerns in the appropriate manner.

The RRR Network encourages any person who considers that they have been subject to conduct amounting to harassment or discrimination to discuss the matter with a manager in the first instance, who will explain possible strategies for dealing with the conduct, complained of. Information provided by a complainant will be kept confidential and will not be shared with any other person without the express consent of the complainant.

4.2 Resolving Complaints on an Informal Basis

For a variety of reasons, it is often the case that a person may wish to resolve their complaint on an informal basis. This might involve the person communicating directly with the person with whom they have a concern and asking that they refrain from further conduct of that nature.

In appropriate cases the RRR Network may be able to assist in the informal resolution process by the appointment of a mediator agreed to by the parties involved, who may be able to help the parties resolve the matters in question. For further guidance as to how a complaint might be handled on an informal basis, the person wishing to make a complaint should discuss the matter with a manager in the first instance.

4.3 Formal Complaints

Where a complainant wishes to have a complaint resolved formally in the first instance, or where the complainant's endeavours to resolve a complaint informally have failed, he or she may choose to make a formal complaint. The particulars of the complaint should be submitted, in writing, to a The RRR Network manager who has responsibilities in relation to the employee concerned. This may include the RRR Board, in which case contact should be made with the RRR Chairperson.

Where formal disciplinary action against a RRR Network employee is warranted, this shall be instituted in accordance with the disciplinary procedures applicable to the employee member concerned. The procedures applicable are detailed in this handbook.

4.4 Complaints to External Tribunals

Where a person chooses to make a formal complaint to an external tribunal, such as the Western Australian Equal Opportunity Commission, consideration of a complaint made under this procedure may need to be suspended pending the outcome of that external action.

4.5 Victimisation

The RRR Network prohibits the victimisation of a person who wishes to make a complaint about prohibited workplace behaviour under this policy or equal opportunity legislation. Victimisation occurs when a person treats or threatens to treat another person detrimentally because that other person has or is believed to have raised an issue or made a complaint under this policy or equal opportunity legislation, or assisted someone else to do so.

Conduct likely to constitute detrimental treatment in employment includes demotion, dismissal, transfer, suspension, loss of a benefit, being ostracized from work or work-related functions, and being the subject of gossip or innuendo. A detriment in employment also includes the loss of a person's right to enjoyment of their employment.

4.6 Possible Outcomes of Raising a Formal Complaint

If your complaint proves to be well-founded, the following are possible outcomes (in relation to the person about whom you complain):

- A written apology;
- Counselling;
- An official warning;
- Steps such as changes in a person's employment duties, appropriate training, monitoring behaviour or implementing a revised study program;
- Disciplinary action; and/or
- Referral to relevant regulatory bodies and authorities.

If there is not enough evidence to support your complaint, or if the evidence gathered conflicts and cannot be reconciled, the following are possible outcomes:

- No further action;
- Appropriate training for relevant persons;
- Monitoring of behaviour of relevant persons; and/or
- Steps such as changes in a person's employment duties.

If your complaint is not proven, there may be no further action taken. If, however, your complaint was unfounded and not made in good faith (refer Vexatious Claims clause within the Employee Handbook), the following are possible outcomes (for you):

- A written apology by you;
- Counselling;
- An official warning;
- Appropriate training;
- Disciplinary action; and/or
- Referral to relevant regulatory bodies and authorities.

4.7 Vexatious Claims

A vexatious claim is a complaint brought, regardless of its merits, solely to harass or subdue an adversary. It may take the form of a frivolous informal complaint or may be the repetitive, burdensome, and unwarranted filing of formal complaints. If a complaint is deemed to be frivolous, vexatious, misconceived or lacking in substance the Contact Officer will recommend to the manager(s) action appropriate to the circumstances.

4.8 The RRR Network's Responsibilities

The RRR Network will:

- Ensure that discrimination does not arise from decisions with respect to training, promotion, remuneration and general conditions of employment;
- Ensure that all selection and recruitment practices provide equal opportunity for all and are compliant with the relevant legislation;
- Taking all reasonable steps to prevent all forms of unlawful discrimination, harassment, bullying and victimisation;
- Provide adequate procedures to effectively manage reports of alleged discrimination, harassment, bullying and victimisation;
- Ensure all complaints are treated seriously and managed in a timely and fair manner; and
- As far as reasonable ensure that all employees and contractors comply with the appropriate standard of conduct.

4.9 Employee Responsibilities

All employees are responsible for:

- Not tolerating any form of discrimination, harassment or bullying and notifying the relevant manager should such circumstances arise;
- Not participating in behaviour that could be considered discriminatory, harassment or bullying, or encourage others to participate in such behaviours;

- Attempting, (wherever practical) to amicably resolve any personal harassment or discrimination matter with the employee/s involved, prior to notifying their manager;
- Offering support to anyone who is being harassed bullied or discriminated against and let them know where they can get help and advice; and
- Maintaining complete confidentiality if they are in any way involved in the investigation of a complaint.

5. Compliance

All RRR Network employees must comply with this policy. Unlawful discrimination and harassment victimisation, vilification and bullying will not be tolerated at the RRR Network and appropriate disciplinary action will be taken whenever it is found to occur. In serious cases, this may include instant dismissal for serious misconduct. The RRR Network may still consider conduct to be in breach of this policy in the absence of a formal complaint, and may consider inappropriate behaviour to be a breach of this policy even if it is not unlawful.

5.1 Relevant Legislation

- *Equal Opportunity Act 1984 (WA)*
- *Employment Dispute Resolution Act 2008 (WA)*
- *Industrial Relations Act 1979 (WA)*
- *Work Health and Safety Act 2020 (WA)*
- *Workers Compensation and Injury Management Act 2023 (WA)*
- *Fair Work Act 2009 (Cth)*
- *Fair Work Act Regulations 2009 (Cth)*
- *Work Health and Safety Act 2011 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1975 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Age Discrimination Act 2004 (Cth)*

6. Policy approval, enactment and revision

This policy becomes effective immediately upon endorsement by the RRR Board. Policy revision will occur biennially, unless otherwise agreed or required due to legislative changes.

Authorisation

Kendall Galbraith

[Signature of CEO]

KENDALL GALBRAITH – CEO – RRR NETWORK

13/07/2025

DATE

Louise O'Neill

[Signature of Secretary]

LOUISE O'NEILL – SECRETARY – RRR NETWORK

13/07/2025

DATE