



APPROPRIATE WORKPLACE BEHAVIOUR POLICY

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Page 1 of 10

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TABLE OF CONTENTS

1	PURPOSE	3
2	SCOPE	3
3	CONFLICT OF INTEREST	3
4	DEFINITIONS	3
5	POLICY	5
5.1	Code of Conduct	5
5.2	Improper and/or Unlawful Conduct	5
5.3	Executive, Managers and Supervisors Responsibilities	7
5.4	Contact Officers	7
5.5	Support	8
5.6	Reports of unacceptable behaviour	8
5.7	Employees	8
5.8	Avoiding Conflict of Interest	8
5.9	Personal Relationships	8
5.10	Employee Uniform and Dress	9
5.11	Culturally Safe Workplace	9
5.12	Mobile Phone Usage	9
5.13	Privacy and Confidentiality	9
5.14	Breaches of this Policy	10
6	LEGISLATIVE CONTEXT	10
7	ASSOCIATED DOCUMENTS	10

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1 Purpose

The purpose of this Policy is to provide Sunraysia Institute of TAFE (SuniTAFE) with a consistent and transparent approach for all matters relating to appropriate workplace behaviour. The application of this Policy aligns with the Institute's Values of Relationships, Accountability, Integrity and Improvement

2 Scope

This policy applies to SuniTAFE employees, whenever and wherever SuniTAFE activities are being undertaken.

3 Conflict of Interest

All elements of this policy are subject to SuniTAFE's Conflict of Interest Policy. Employees are required to declare all actual and perceived conflicts of interest and follow the processes outlined in the Conflict of Interest Policy.

4 Definitions

Acronym/Term	Definition
Airborne and direct contact disease	Diseases that are spread from one person to another via airborne methods such as coughing, sneezing or laughing; or via direct or indirect contact with an infected person through direct bodily contact or indirect contact with an infected person's environment or personal items. Diseases include but are not limited to, Coronavirus (COVID-19), Influenza, Measles, Meningococcal, RSV, Streptococcus, Gastroenteritis.
Benefits	Preferential treatment, privileged access, favours or any other advantages offered.
Bullying	Is repeated unreasonable behaviour directed towards a worker or group of workers which is aggressive in nature and intimidating or humiliating that creates a risk to health and safety.
CEO	Chief Executive Officer.
Child	Anyone aged under 18.
Conflict of interest	A situation where there is an actual, potential or perceived divergence between the individual interests of an employee, their professional and work-related obligations to SuniTAFE, such that an independent observer might reasonably believe that the employee's code of conduct may have been influenced by his or her own private interests.
Direct Discrimination	Direct discrimination can occur when a person or group is treated unfavourably because of a personal characteristic.
Discrimination	Treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law.
Employee	Any person employed by SuniTAFE whether on salary or wages.

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Acronym/Term	Definition
Employee	For the purposes of this policy employee includes Board directors, SuniTAFE employees, contractors and volunteers.
Good Faith	Acting honestly and without fraud or deception.
Harassment	Harassment refers to any unwanted, unwelcome and uninvited behaviour that results in the person feeling humiliated, intimidated or offended, and under the circumstance, it would be reasonable for them to feel this way.
Indirect	Indirect discrimination can occur when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.
Key Management Personnel	<p>Employees with the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including Board Directors i.e., those charged with decision-making responsibilities.</p> <p>SuniTAFE has determined the following positions as a KMP:</p> <ul style="list-style-type: none"> • SuniTAFE Board members; • The Chief Executive Officer; and • All positions titled General Manager.
Paid Outside Work	Any work activity (including work in one's own business) undertaken outside an employee's normal scheduled duty hours at SuniTAFE from which income is derived.
Participation on a Committee or Board	Circumstances where involvement would attract payment. This includes (but is not limited to) membership or participation with external organisations, committees or boards, contracted services, continued assistance with an external organisation that is conducted in, or impacts the employees identified working hours or employment with SuniTAFE.
Private interests	An 'interest' in this context means anything that can have an impact on an individual or group. The term 'private interests' includes not only an employee's own personal, professional or business interests, but also the personal, professional or business interests of individuals or groups with whom they are closely associated.
Racial and religious vilification	This is behaviour that encourages others to hate, disrespect, or abuse a person or group of people because of their race or religion.
Sexual Harassment	Refers to any unwanted, unwelcome and uninvited behaviour of a sexual nature that results in a person feeling humiliated, intimidated or offended, and under the circumstances it would have been reasonable for them to feel this way.
Victimisation	Is when a person/subject (or threatens to subject) another person to unfair treatment because that other person has made a complaint or is helping others to make a complaint.
Victorian Code of Conduct	Code of Conduct for Victorian Public Sector Employees.

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Acronym/Term	Definition
Vilification	A public act that could incite hatred, serious contempt or severe ridicule towards a person or group.

5 Policy

5.1 Code of Conduct

- 5.1.1 As a public sector entity, SuniTAFE is bound by the Code of Conduct for Victorian Public Sector Employees.
- 5.1.2 The Code reinforces the Victorian public sector values by describing expected standards of behaviour. The behaviours are important to the relationship with Government, the community and colleagues.
- 5.1.3 All employees are expected to adhere to SuniTAFE's Values and Victorian Public Sector Values and the supporting behaviours and expectations in the execution of their day-to-day duties.
- 5.1.4 Employees are required to;
- Be accountable for their own behaviour and treatment of others and ensure that no SuniTAFE staff and students or visitors to SuniTAFE campuses and work sites experience discrimination in any form;
 - Treat everyone with dignity, courtesy and respect;
 - Avoid gossip and respect the confidentiality of the complaint resolution procedures;
 - Be open, honest and transparent when making decisions or providing advice or a service;
 - Recognise the skills and abilities of others;
 - Recognise cultural and social differences of colleagues, students, clients or customers;

5.2 Improper and/or Unlawful Conduct

- 5.2.1 SuniTAFE considers the following to be improper and/or unlawful conduct in the workplace **that** will not be tolerated by SuniTAFE and that will attract disciplinary action and /or constitute reasonable grounds for termination of employment by SuniTAFE:
- Conduct that is contrary to, or a breach of SuniTAFE's Policies and Procedures or is not in accordance with the Victorian Code of Code and/or SuniTAFE Values;
 - Unlawful discriminatory behaviour directed towards colleagues, students, clients or customers;
 - Bullying and harassment, including sexual harassment;
 - Racial and religious vilification;

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- Victimisation;
- Unsafe interactions with a child or inappropriate behaviour directed toward a child;
- Knowingly risking the health and safety of other employees;
- Dealings or activities that if proven would constitute a criminal offence;
- Conduct that is contrary to, or a breach of Child Safety Standards;
- A substantial mismanagement of SuniTAFE's resources;
- Conduct involving substantial risk to public health or safety;
- Conduct involving substantial risk to the environment.

5.2.2 A single incident is enough to constitute unacceptable behaviour and may result in a disciplinary action.

5.2.3 In addition, employees are expected to comply with:

- Federal and state legislation, regulations, codes, standards and agreements derived from legislation.
- SuniTAFE statutes, regulation, policies and procedures.
- Their particular terms and conditions of employment.

5.2.4 Discrimination can occur by directly treating someone less favourably because of personal characteristics. However, in some cases, treating everybody the same way may also be unfair, known as indirect discrimination.

5.2.5 Bullying can take many forms including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people and unfair work practices. Bullying does not include reasonable management direction.

5.2.6 Harassment occurs when an employee is confronted with any unwanted, unwelcome and uninvited behaviour that results in the person feeling humiliated, intimidated or offended, and where it would be reasonable for them to feel this way

5.2.7 Sexual harassment in the workplace can occur:

- at work
- at work-related events
- between people sharing the same work environment
- between colleagues outside of work.

5.2.8 Sexual harassment can be physical, spoken or written, including:

- Comments about a person's private life or the way they look.
- Sexually suggestive behaviour, such as leering or staring.
- Brushing up against someone, touching, fondling or hugging.
- Displaying offensive screen savers, photos, calendars or objects.

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- Repeated requests to go out.
- Requests for sex.
- Sexually explicit emails, text messages or posts on social networking sites.

5.2.9 SuniTAFE recognises that the perception by an employee that they have been harassed is sufficient for them to lodge a complaint. Harassment may be unlawful, even if there is no intent to harm another person.

5.2.10 Victimisation refers to any actual or threatened action or conduct that causes detriment or threatens to cause detriment to an employee as a result of being involved in a complaint or reporting unacceptable behaviour.

5.2.11 SuniTAFE is committed to the safety, protection, participation and empowerment of all children and its obligation to create a child safe organisation.

5.2.12 An employee who knowingly attends the workplace whilst unwell with an airborne and/or direct contact disease may be subject to disciplinary action.

5.2.13 SuniTAFE recognises that comments and behaviour that do not offend one person can offend another. This policy requires all employees to be respectful and courteous towards each other.

5.2.14 SuniTAFE will respond quickly and appropriately to any complaints of this nature

5.2.15 Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional capacity is a serious breach of this policy and may lead to formal discipline.

5.2.16 As per SuniTAFE's Public Interest Disclosures Policy SuniTAFE will take all reasonable and necessary steps to protect the identity of a person making a disclosure but cannot guarantee anonymity.

5.2.17 SuniTAFE recognises the right of employees to procedural fairness and the principles of natural justice and will ensure that employees are treated fairly and justly when making any decisions that affect their rights, interests, or privileges.

5.3 **Executive, Managers and Supervisors Responsibilities**

Executive, Managers and Supervisors should:

- 5.3.1 Model appropriate standards of behaviour;
- 5.3.2 Intervene quickly and appropriately when they become aware of inappropriate behaviour;
- 5.3.3 Help employees resolve complaints informally;
- 5.3.4 Act fairly to resolve issues, making sure relevant parties are heard;
- 5.3.5 Seek advice from the Senior Manager, HR Services about any formal complaints;
- 5.3.6 Ensure employees who raise an issue or make a complaint are not victimised.

5.4 **Contact Officers**

5.4.1 SuniTAFE Contact Officers are available to provide confidential and impartial information and support to help employees make an informed decision about how to try to resolve an issue.

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5.5 **Support**

- 5.5.1 SuniTAFE employees can utilise the Employee Assistance Program to seek support dealing and/or resolving issues relating to inappropriate workplace behaviour.

5.6 **Reports of unacceptable behaviour**

- 5.6.1 SuniTAFE strongly encourages any employee who believes they have been discriminated against, bullied or harassed, sexually harassed, vilified, victimised or exposed to racism to raise these issues, make an enquiry and/or lodge a complaint as per the SuniTAFE Employee Complaints and Appeals Procedure.
- 5.6.2 Employees who are subject to inappropriate behaviour, may inform the other persona of their concern over the behaviour, and request that such behaviour ceases immediately.

5.7 **Employees**

- 5.7.1 Where alleged inappropriate behaviour cannot be resolved by the employee, the employee should report the matter to their Manager/Supervisor, and/or to the Senior Manager, HR Services.
- 5.7.2 Where employees witness discriminatory behaviour, they should provide appropriate support to their colleagues and where appropriate raise the matter with the person who is discriminating against others or with the relevant Manager/Supervisor.

5.8 **Avoiding Conflict of Interest**

- 5.8.1 All employees performing SuniTAFE duties are required to act in good faith toward SuniTAFE and disclose all potential and actual conflicts of interest in line with SuniTAFE's Conflict of Interest Policy.

5.9 **Social Media**

- 5.9.1 Employees must comply with SuniTAFE's Social Media Guidelines and a breach of Social Media Guidelines may result in disciplinary action.

5.9 **Personal Relationships**

- 5.9.1 SuniTAFE acknowledges that some employees and students may be involved in a close personal friendship
- 5.9.2 SuniTAFE also acknowledges that some employees and students over the age of 18 years may be involved in consensual sexual relationships
- 5.9.3 The employment of individuals in a close personal relationship or consensual sexual relationship may cause actual or perceived conflicts of interest.
- 5.9.4 Employees involved in personal friendships and/or consensual sexual relationships are required to declare their actual or perceived conflict of interest in accordance with the SuniTAFE Conflict of Interest Policy

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- 5.9.5 Each situation will be assessed as per the SuniTAFE Conflict of Interest Policy and mitigating actions, such as amended assessment arrangements or reporting lines may be implemented.

5.10 Employee Uniform and Dress

- 5.10.1 At all times, employees are required to adhere to appropriate dress as outlined in the Employee Dress Code and Uniform Procedure including wearing Personal Protective Equipment (PPE) in areas where required by legislation.
- 5.10.2 Managers are responsible for ensuring that their employees are aware of the Employee Dress Code and Uniform Procedure, and remain compliant at all times.

5.11 Culturally Safe Workplace

- 5.11.1 All SuniTAFE employees have the right to feel safe, respected and valued in the workplace. Employees are responsible for contributing to a culturally safe work environment by attending and engaging with Cultural Awareness and other relevant training and conducting themselves in a culturally sensitive manner.
- 5.11.2 SuniTAFE employees will act in a diligent and respectful manner in all their dealings to make co-workers and clients feel culturally safe, acknowledged and respected.

5.12 Mobile Phone Usage

- 5.12.1 Privately owned mobile telephones belonging to employees must be switched to 'silent mode' during working hours.
- 5.12.2 Employees privately owned mobile phones must not be used for communicating with students.
- 5.12.3 Emergency or pressing calls of a private nature may be made or received via privately owned mobile telephones provided they do not interfere with meetings, teaching periods and other team activities.
- 5.12.4 SuniTAFE-owned mobile telephones may be turned on during working hours. However, they must be switched to 'silent mode' during meetings, teaching periods and at other team activities.
- 5.12.5 Action will be taken against any employee who takes photographs or films other individuals without their consent during working hours or who sends inappropriate, harassing or threatening messages on personal or SuniTAFE-owned mobile telephones at any time on SuniTAFE business.
- 5.12.6 Any mobile telephones brought to SuniTAFE are brought at the owner's risk. SuniTAFE does not hold insurance for personal property brought to SuniTAFE.

5.13 Privacy and Confidentiality

- 5.13.1 Breaching the confidentiality of a formal complaint resolution process and/or inappropriately disclosing personal information obtained in a professional capacity is a serious breach of this policy and may lead to disciplinary action.

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5.13.2 Any documents produced or gathered will be handled and retained in accordance with SuniTAFE's Information Privacy Policy and any other legislative requirements.

5.14 Breaches of this Policy

5.14.1 A breach of this policy may lead to disciplinary action, including but not limited to termination of employment.

6 Legislative Context

- Age Discrimination Act 2004
- Crimes Act 1958
- Disability Discrimination Act 1992
- Equal Opportunity Act 2010
- Fair Work Act 2009
- Financial Management Act 1994
- Freedom of Information Act 1982
- Occupational Health and Safety Act 2004
- Privacy Act 1988
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Public Administration Act 2004
- Racial and Religious Tolerance Act 2001
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Victorian Public Service Conflict of Interest Framework
- Workplace Gender Equality Act 2012

7 Associated documents

- Child Safe Policy
- Code of Conduct for Victorian Public Sector Employees
- Conflict of Interest Policy
- Employee Complaints & Appeals Procedure
- Employee Discipline Procedure
- Employee Performance Management Policy
- Employee Uniform and Dress Procedure
- Fraud and Corruption Policy
- Social Media Guidelines

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