

Workplace Behaviour Policy

(Policy Number – KL-HRPOL010)

(Policy Type – Council)

1 Purpose

The aims of this policy are as far as is reasonably practicable to:

- a) Ensure that Kentish and Latrobe Councils (Council) and people at our workplace understand their obligations regarding workplace behaviour;
- b) Ensure that workplace requirements (e.g. recruitment, remuneration, promotion and access to training and development) are determined on the basis of relevant skills, experience, qualifications, knowledge, aptitude and the potential for future development of the individual and are reflected in policies and procedures that relate to employees and contractors, and their employment or engagement;
- c) Confirm expectations regarding appropriate behaviours and that Council will not tolerate any breaches of this policy either because it is unlawful or otherwise considered to be inappropriate for our workplace;
- d) Confirm that breaches of this policy for discrimination, adverse action, harassment, sex-based harassment, creating a work environment that is hostile on the grounds of sex, sexual harassment, bullying, victimisation, vilification and violence may also amount to breaches under the applicable law;
- e) Ensure all employees take measures to eliminate, as far as possible, unlawful sex discrimination, sexual harassment, sex-based harassment, work environments that are hostile on the grounds of sex and victimisation;
- f) Provide a broad overarching policy that incorporates and overlaps some elements of other policies;
- g) Comply with the requirements of any applicable anti-discrimination legislation; and
- h) Comply with the law, industrial instruments and other Council policies and procedures.

2 Coverage

This policy covers and applies to Elected Members, employees, volunteers, contractors and visitors to our workplace in relation to:

- a) Behaviour at the workplace;
- b) The performance of work for or in connection with Council; and
- c) Conduct outside the workplace or working hours if the acts or omissions:
 - i) Are likely to cause serious damage to working relationships at Council;
 - ii) Are incompatible with an employee, volunteer or contractor's duty to Council, or employment relationship or engagement; or
 - iii) Damage or likely to damage Council's interests or reputation.

3 Expectations

- a) People covered by this policy should:
 - i) Comply with this policy as lawful and reasonable directions – nothing that this policy is not contractual in nature, is not incorporated into any employment or other contracts and does not have contractual force;
 - ii) Comply with any applicable law;
 - iii) Not directly or indirectly engaged in or aid, abet or encourage behaviour in breach of this policy/law; and
 - iv) Meet their duty of care obligations and be accountable for their own safety and the safety of others at the workplace.
- b) Supervisors should:
 - i) Promote this policy within their area of responsibility; and
 - ii) Take reasonable steps to ensure that any potential breaches of this policy are identified, taken seriously and acted upon appropriately.
- c) People at our workplace should not:
 - i) Unlawfully discriminate against Elected Members, employees, volunteers, contractors and visitors at our workplace;
 - ii) Engage in unlawful adverse action;

- iii) Harass Elected Members of Council or people at our workplace;
- iv) Harass Elected Members of Council or people at our workplace on the basis of their sex;
- v) Sexually harass Elected Members of Council or people at our workplace;
- vi) Create a work environment that is hostile on the ground of sex;
- vii) Bully Elected Members of Council or people at our workplace;
- viii) Vilify Elected Members of Council or people at our workplace;
- ix) Engage in workplace violence; or
- x) Engage in inappropriate workplace behaviour.

Elected members of Council and people at our workplace should utilise the Grievance, Conflicts and Complaints Policy if they reasonably suspect that an Elected Member of Council or people at our workplace have breached, or are in breach of, any policy. However, complaints which are vexatious, false, frivolous, or otherwise not made in good faith or with a reasonable basis against another person will constitute a breach of this policy.

4 Discrimination

4.1 What is Discrimination?

- a) Discrimination is behaviour that favours one particular individual or group over others based on an attribute, whether known, imputed, or assumed, and can be either direct or indirect.
- b) Discrimination is unlawful.
- c) Discrimination at the workplace can occur (by way of example);
 - i) When determining who should be offered work;
 - ii) In the terms and conditions of work that is offered;
 - iii) In failing or refusing to offer work;
 - iv) In failing or refusing to grant, or limiting, access to opportunities for promotion, transfer, training or other benefit;
 - v) In dismissing an employee, volunteer or contractor; or

- vi) By treating an employee, volunteer or contractor otherwise less favourably.

There may be genuine occupational reasons based on the inherent requirements of the role that means discrimination is not unlawful. For example, it will not be unlawful to terminate employment if:

- i) Disability prevents an employee, volunteer or contractor from being able to perform the inherent requirements of their position; or
- ii) Performance of the inherent requirements would require services, facilities, or reasonable adjustments that would impose an unjustifiable hardship on Council.

4.2 What is Direct Discrimination?

- a) Direct discrimination is unlawful and occurs where an individual or group is treated less favourably due to a particular attribute or personal characteristic, or a characteristic imputed to that attribute. For example, if Council decided:
 - i) Not to employ or promote a person because of their:
 - Nationality;
 - Sexuality;
 - Pregnancy; or
 - ii) To terminate an employee because they took personal leave, carer's leave or parental leave.

4.3 What is Indirect Discrimination?

- a) Indirect discrimination is unlawful and occurs where a person imposes a condition, requirement, or practice which is unreasonable in the circumstances (even if it appears to be fair and neutral) and has the effect of disadvantaging a member of a group of people who:
 - i) Share, or are believed to share, a prescribed attribute; or
 - ii) Share, or are believed to share, any of the characteristics imputed to that attribute, more than a person who is not a member of that group.
- b) For indirect discrimination to take place, it is not necessary that the person who it discriminates is aware that the condition, requirement or practice disadvantages the group of people. For example:

- i) Offering training opportunities to employees or volunteers only at limited and rigid times which prevented those with parental responsibilities from attending the training;
- ii) Not reasonably providing somewhere for a breast-feeding employee, volunteer or contractor at the workplace to express milk while at work; or
- iii) Not providing reasonable equipment to allow an employee with a back injury to stand and still do computer work.

4.4 What are the Protected Attributes or Personal Characteristics?

- a) Direct or indirect discrimination within the workplace based on any of the following attributes or personal characteristics may breach this policy:

- i) Race;
- ii) Colour;
- iii) Social origin;
- iv) National extraction;
- v) Age;
- vi) Sex;
- vii) Sexual orientation;
- viii) Lawful sexual activity;
- ix) Gender;
- x) Gender identity;
- xi) Intersex status;
- xii) Sex characteristics;
- xiii) Physical features;
- xiv) Marital status;
- xv) Relationship status;
- xvi) Experiencing family and domestic violence;
- xvii) Pregnancy;

- xviii) Breastfeeding;
- xix) Parental status;
- xx) Family or carer's responsibilities;
- xxi) Disability;
- xxii) Industrial activity;
- xxiii) Political belief or affiliation;
- xxiv) Political activity;
- xxv) Religious belief or affiliation;
- xxvi) Religious activity;
- xxvii) Irrelevant criminal record;
- xxviii) Irrelevant medical record; and
- xxix) Association with a person who has, or is believed to have, any of these attributes.

4.5 Requirement to Disclose

Council will disclose the terms of any order made by an applicable tribunal or court to the relevant parties when required by the law to do so.

5 Adverse Action

5.1 What is Adverse Action?

- a) Unlawful adverse action can occur where a person engages in adverse action (or threatens, organises or coerces others to take adverse action) against a person because that person:
 - i) Has a workplace right, has exercised or proposed exercising a workplace right, or has not done so or has prevented an employee, volunteer or contractor from doing so;
 - ii) Has a relevant attribute; or
 - iii) Engages (including has engaged, proposes to engage, or has not engaged) in industrial activity or, is (or is not) an officer or member of an individual association.

5.2 Types of Adverse Action

- a) Dismissal or termination of a contract (e.g. terminating employment or a contractor's services);
- b) Injuring the employee in relation to their employment terms and conditions of contract (e.g. offering a salary or fee for services that is less than would otherwise be offered);
- c) Alter the position of an employee, volunteer or contractor at the workplace to their prejudice (e.g. removing status or areas of responsibility from an employee or volunteer or providing a damaging recommendation in relation to a contractor to other service users);
- d) Discrimination between an employee, volunteer or contractor and other employees, volunteers, contractors or prospective employees, volunteers or contractors (e.g. preferring applications for annual leave from a non-union member employee or using contractors with non-union enterprise agreements); and
- e) An employee or union takes industrial action against Council (e.g. stop work meeting).

5.3 Types of Workplace Rights, Relevant Attributes and Industrial Activity

5.3.1 Workplace Rights

- a) An entitlement under an award, enterprise agreement, or applicable law (e.g. entitlement to make a workers compensation claim).
- b) A role or responsibility under an award, enterprise agreement, or applicable law (e.g. to act as a bargaining representative).
- c) Ability to initiate or participate in a process or proceedings under an award, enterprise agreement, or applicable law (e.g. making a request for flexible working arrangements or participating in a consultation process regarding redeployment in a redundancy situation).
- d) Ability to make a complaint or inquiry to seek compliance with an award, enterprise agreement, applicable law or generally in relation to a person's employment (e.g. making a complaint to the Anti-Discrimination Commissioner or making an inquiry about their classification or salary level).
- e) Ability to initiate or participate in process or proceeding under a workplace law or enterprise agreement (e.g. making an individual flexibility agreement, appointing

a bargaining representative, or acting as a witness for another employee at a Fair Work Commission hearing).

5.3.2 Relevant Attributes

- f) Race, colour, sex, sexual orientation, breastfeeding, gender identity, intersex status, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, or social origin.

5.3.3 Industrial Activity

- g) When a person at our workplace engages, or does not engage, in industrial activity (e.g. promoting, encouraging or participating in an activity on behalf of an industrial association such as an on-site meeting).
- h) Whether or not that person is, or is not, an officer or member of an industrial association.

6 Harassment

6.1 What is Harassment?

- a) Harassment is any conduct which:

- i) Offends;
- ii) Humiliates;
- iii) Intimidates;
- iv) Insults; or
- v) Ridicules,

another person on the basis of a protected attribute (Section 6.2) in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated.

- b) Harassment can be a one-off occurrence, and a specific intent or motive is not necessary.

6.2 What are the Protected Attributes for Workplace Harassment?

- Race;
- Colour;
- Sex;
- Sexual orientation;
- Age;
- Physical or mental disability;
- Marital status;
- Family or carer's responsibilities;
- Pregnancy;
- Religion;
- Political opinion;
- National extraction;
- Social origin;
- Breast feeding;
- Gender identity;
- Intersex status;
- Experiencing family and domestic violence.

6.3 What are the Examples of Workplace Harassment?

Examples of workplace harassment include:

- a) Telling a joke about a homosexual person which may offend someone who is homosexual;
- b) Sending an email to workmates ridiculing a colleague because they have taken carer's leave to look after a sick child which may be humiliating and offensive;
- c) Putting a sign on the door of a room where an employee, volunteer or contractor

is expressing breast milk advertising the activity the employee, volunteer or contractor is engaging in which may be humiliating;

- d) Telling an employee, volunteer or contractor who is pregnant that they are getting fat or must be having twins which may be offensive;
- e) Telling an employee, volunteer or contractor she is 'just a young girl and could not be expected to cope in the workplace'.

7 Sex-Based Harassment

7.1 What is Sex-Based Harassment?

- a) Sex-based harassment is unlawful.
- b) Sex-based harassment is unwelcome and unwanted conduct which:
 - i) Is of a demeaning nature;
 - ii) Is carried out by reason of the sex of the person harassed or a characteristic generally pertaining or imputed to a person of the same sex as that person; and
 - iii) Occurs in circumstances in which a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated or intimidated.
- c) Sex-based harassment can be a one-off occurrence, and a specific intent or motive is not necessary.

7.2 What are Examples of Sex-Based Harassment?

Examples of sex-based harassment include:

- a) A female employee, volunteer or contractor regularly makes belittling comments to a male employee, volunteer or contractor about his appearance such as his receding hairline, including in front of other people.
- b) A female employee has just been promoted into a management role. A male employee working in her team initially gives positive feedback to her about her performance in the role. He invites her out for a drink after work, which the female employee politely declines. The male employee makes comments about the limits of her natural ability to be in a management role given she is female and lacks assertiveness and is too emotional. Her confidence is undermined by the comments and stops showing up for work.

8 Hostile Workplace Environments

8.1 What is a Hostile Workplace Environment?

- a) It is unlawful to subject someone to a workplace environment that is hostile on the ground of sex.
- b) A hostile workplace environment that is offensive, intimidating or humiliating is where the reasonable person would have anticipated the possibility of the conduct resulting in the workplace environment being offensive, intimidating or humiliating to a person because of:
 - i) The sex of the person; or
 - ii) A characteristic generally pertaining or imputed to a person of the same sex as that person.

8.2 What are Examples of Hostile Workplace Environments?

- a) Conduct such as displaying obscene or pornographic materials, general sexual banter, or innuendos and offensive jokes.
- b) Male employees placing bets on whether a female employee will be able to complete a physical task.
- c) A female hairdresser telling a male hairdresser that men do not make good hairdressers and should not be hairdressers.

9 Sexual Harassment

9.1 What is Sexual Harassment?

- a) Sexual harassment is unlawful.
- b) Sexual harassment takes place if a person:
 - i) Subjects another person to an unsolicited act of physical contact of a sexual nature;
 - ii) Makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person;
 - iii) Makes an unwelcome remark or statement with sexual connections to another person or about another person in that person's presence;
 - iv) Makes any unwelcome gesture, action or comment of a sexual nature; or

- v) Engages in other unwelcome conduct of a sexual nature or conduct of a sexual nature in relation to another person that is offensive to that person, in the circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.
- c) Sexual harassment can take many forms, and it can be a one-off occurrence or a pattern of behaviour.
- d) A specific intent or motive is not necessary.

9.2 Where and How Sexual Harassment may Occur

Examples of where sexual harassment may occur include:

- a) In the workplace, during work hours, including common areas such as lifts, entrances, vehicles, reception areas, corridors, kitchens and toilets;
- b) At work-related locations including client sites, worksites, public spaces where work is conducted, remote sites; and
- c) Online via technology and social media, irrespective of whether work resources were used.

9.3 What are Examples of Sexual Harassment?

- a) Offensive or sexually orientated emails or text messages, voice mail messages, screen savers (words and images), or telephone calls;
- b) Deliberate or unnecessary physical contact such as patting, pinching, fondling, deliberately brushing against another body, or attempts at kissing;
- c) Constant requests for drinks or dates, especially after prior refusal;
- d) Request for sexual favours, gestures, or body movements of a sexual or intimidating nature;
- e) Crude or sexually orientated jokes, comments or suggestions; and
- f) Innuendo, including sexually provocative remarks, suggestive or derogative comments about a person's physical appearance, inferences of sexual morality, or takes of sexual performance.

10 Workplace Bullying

10.1 What is Bullying?

- a) Bullying is unlawful.
- b) **'Bullying'** is repeated, unreasonable behaviour directed towards an employee, volunteer, contractor or a group of employees, volunteers or contractors (or visitors to our workplace), that creates a risk to health and safety.
- c) **'Repeated behaviour'** refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.
- d) **'Unreasonable behaviour'** means behaviour that a reasonable person (i.e. objective test), having regard for the circumstances, would see as unreasonable (e.g. victimising, humiliating, undermining, or threatening).
- e) **'Risk to health and safety'** can refer to physical or psychological injury that may occur as a result of the repeated, unreasonable behaviour.

10.2 How does Bullying Occur?

Workplace bullying can be:

- a) Direct (obvious) or indirect (subtle);
- b) Intended or unintended; and
- c) Upwards, downwards, or sideways.

10.3 What is Direct or Indirect Bullying?

- Bullying can involve many different forms of behaviour and can occur face-to-face, over the phone, via email, instant or text messaging, or using social media.
- a) Examples of potential direct bullying may include:
 - i) Aggressive and abusive, or threatening language;
 - ii) Yelling or invading personal space;
 - iii) Finger pointing, eye rolling, and scowling;
 - iv) Inappropriate emails containing unjustified criticism delivered bluntly; and
 - v) Delivering negative feedback in front of co-workers.

b) Examples of potential indirect bullying may include:

- i) Spreading rumours or lies;
- ii) Displaying degrading or offensive material in the workplace;
- iii) Deliberately excluding, isolating or marginalising a person;
- iv) Deliberately withholding information that is vital to do a job;
- v) Deliberately setting unrealistic deadlines and tasks that are unreasonably above or below a person's skill or experience; and
- vi) Deliberately changing work arrangements to cause stress.

10.4 What is Intentional or Unintentional Bullying?

- a) Bullying can be intentional where the actions are intended to humiliate, offend, intimidate, or distress, regardless of whether the behaviour had that effect. Indirect bullying will often occur intentionally.
- b) Bullying can also be unintentional, where actions which, although not intended to humiliate, offend, intimidate, or distress, do so and would be reasonably likely to do so. Sometimes people do not realise that their behaviour can be harmful to others because that is how they would like to be treated. Direct bullying may occur unintentionally where the intentions can even be good, but the impact is harmful, and the behaviour is not reasonable in the circumstances.

10.5 How can Bullying be Carried out?

Bullying can be directed at a single person or a group of people and be carried out by one or more persons. Organisationally, bullying can be:

- a) **Downwards** from Elected Members or supervisors to their team members or employees or volunteers – for example, an immediate supervisor may have a management style that is unreasonably domineering, they may stand over employees or volunteers when they speak to them or speak to employees or volunteers rudely or in a demanding or unreasonably loud manner that is disrespectful;
- b) **Sideways** between Elected Members, employees, volunteers, contractors and/or visitors to our workplace – for example, an employee, volunteer or contractor unreasonably seeking to enhance their position or sense of power in the workplace may make a co-worker perform the duties that are less likely to be recognised, blame others for mistakes or fail to pass on instructions from a supervisor so the co-worker makes mistakes; or

- c) **Upwards** from team members to immediate supervisors or Elected Members – for example, employees, volunteers or contractors may bully their immediate supervisor to try and unreasonably drive them from the workplace or prevent them from effectively doing their job by spreading misinformation or malicious rumours about them or criticising them or complaining about them without justification.

10.6 What is the Difference Between Bullying and Harassment/Discrimination/Adverse Action?

- a) Discrimination, harassment and adverse action:
 - i) Do not have to be repeated and can be one off behaviour; and
 - ii) Must be linked to a protected characteristic (e.g. personal attributes, workplace rights or industrial activity).
- b) Bullying requires repeated unreasonable behaviour (i.e. cannot be one off behaviour) but there does not need to be any link to protected attributes or protected actions (i.e. it is no defence to treat everyone equally unreasonably).
- c) It is possible for a person to be bullied, harassed and discriminated against at the same time.

10.7 What is not Considered to be Bullying?

- a) Many things that happen at the workplace are generally not considered to be bullying, although some experiences can be uncomfortable or involve conflict or something that a person does not like.
- b) A single incident of unreasonable behaviour is not bullying, although it may have the potential to escalate into bullying. A single incident of unreasonable behaviour can create a risk to health and safety and can be considered to inappropriate workplace behaviour as distinct from bullying.
- c) Difference of opinion, performance management, conflicts, and personality clashes do happen in any workplace but do not, without more, amount to bullying.
- d) Reasonable management action, which is carried out in a reasonable manner, is not bullying.

10.8 Workplace Conflict is not Bullying

- a) Workplace conflict of itself does not amount to bullying.

- b) Not all conflict is negative, nor does it always pose a risk to health and safety. When conflict is at a low level and task based, it can generate debate and lead to new ideas and innovative solutions. For example, collaborating on a project requires a robust exchange of ideas to be effective.
- c) Conflict may be negative and undesirable but still not amount to bullying or even inappropriate behaviour. For example, employees, volunteers or contractors may have a 'personality clash' and not like each other but still behave in a professional and respectful way to each other.

10.9 Reasonable Management Action Carried out in a Reasonable Manner is not Bullying

- a) Reasonable management action (i.e. 'what') carried out in a reasonable manner (i.e. 'how') is not bullying. Supervisors have a right to direct the way work is carried out and to monitor and give feedback on performance.
- b) Examples of reasonable management action relating to performance management include:
 - i) Setting reasonable performance goals, standards, and deadlines in consultation with employees, volunteers or contractors and after considering their respective skills and experience;
 - ii) Allocating reasonable work to an employee, volunteer or contractor in a transparent way;
 - iii) Deciding to not select an employee or volunteer for promotion, following a fair and documented process;
 - iv) Informing an employee, volunteer or contractor about unsatisfactory or unacceptable work performance in a constructive way and in accordance with policies and procedures; and
 - v) Informing an employee, volunteer or contractor about unacceptable conduct or behaviour in accordance with policies and procedures.
- c) Examples of reasonable management action relating to operational matters include:
 - i) Fairly rostering and allocating working hours;
 - ii) Transferring an employee, volunteer or contractor for genuine operational reasons;
 - iii) Implementing organisational changes or restructuring;

- iv) Decisions regarding accessing leave entitlements based on genuine operational requirements; and
- v) Providing access to training or employment benefits based on genuine operational requirements and merit.

11 Victimisation

11.1 What is Victimisation?

- a) Victimisation is unlawful and occurs when a person subjects, or threatens to subject, another person at our workplace, or an associate of that person, to any detriment because they:
 - i) Made or intend to make a complaint;
 - ii) Gave, or intend to give, evidence or information in connection with any proceedings;
 - iii) Allege or intend to allege that any person has committed an act which would amount to a contravention of applicable law or policies;
 - iv) Refused or intend to refuse to do anything that would amount to a contravention of applicable law, policies; or
 - v) Have reasonably reported a breach of this policy or made a complaint.

11.2 What are some Examples of Activities that Amount to Victimisation?

- a) Refusing to employ another person;
- b) Terminating or threatening to terminate employment;
- c) Prejudicing or threatening to prejudice a person in their employment (refusing to provide a favourable reference);
- d) Intimidating or coercing (excluding from workplace discussions);
- e) Imposing any pecuniary penalty or other penalty (withholding wages); or
- f) Taking disciplinary action (e.g. giving an employee a written warning).

12 Vilification

12.1 What is Vilification?

- a) Vilification is unlawful.
- b) Vilification is conduct that incites physical harm, hatred, serious contempt, or severe ridicule towards a person, or group of people, at our workplace, on the basis of race, sexuality, disability, or religion. It can take many forms, including hate-speech, graffiti, websites, and distribution of propaganda or other forms of offensive literature.
- c) Vilification is conduct which occurs in a public place. The workplace is a public place and discussions or jokes in the workplace that relate to race, sexuality, disability or religion could amount to vilification.

12.2 What are Examples of Vilification?

- a) Speaking about a person's race, disability, sexual orientation, or religious belief in a way that could make other people hate or ridicule them;
- b) Publishing claims that a racial, disabled, sexually orientated or religious group is involved in serious crimes without any proof;
- c) Encouraging violence against a person, or a group of people, who have a particular race, disability, sexual orientation, or religious belief; or damaging their property; or
- d) Encouraging people to hate a person, or group of people, with a particular race, disability, sexual orientation, or religious belief by using flyers, stickers, posters, speech or publication, website or email.

13 Violence

13.1 What is Workplace Violence?

- a) Violence, under applicable law, is unlawful.
- b) Workplace violence occurs when a person at our workplace abuses, threatens, or assaults:
 - i) Another person at our workplace; or
 - ii) A family member, friend etc. of another person at our workplace, in circumstances relating to their workplace.

- c) Unlike bullying, an action does not need to be repeated.
- d) Threats of harming someone, violence, and damage to property are breaches of applicable law that should be referred to the police and any other appropriate authority.

13.2 What are Examples of Violence?

- a) Threatening to kill or hurt a person or their family;
- b) Assault; and
- c) Throwing objects at another person.

13.3 Response to Violence

- a) Council has a zero-tolerance approach to violence.
- b) Any acts of violence may create an unreasonable risk to health and safety to others and may pose an unreasonable risk to Council's reputation.
- c) Council considered that violence is not a standard that is acceptable for any person to maintain an ongoing level of trust and confidence with Council or the people who make up Council.
- d) Notwithstanding all of the above, joking about engaging in violence (with or without intent) or making a threat of violence against someone or their property, even if it is intended in jest, is also unacceptable.

13.4 Workplace Violence Policy

For further information on Council's approach to workplace violence, consult the Workplace Violence Policy.

14 Inappropriate Workplace Behaviour

14.1 What is Inappropriate Workplace Behaviour?

- a) Inappropriate workplace behaviour is any behaviour by an Elected Member of Council, or a person at our workplace that Council reasonably considers is not appropriate workplace behaviour or is unacceptable in the workplace. It is behaviour inconsistent with Council's policies and procedures, expectations, and way of doing things, which means it will vary from case to case.
- b) Unreasonable behaviour (as is objectively required with bullying) will also amount to inappropriate workplace behaviour. However, behaviour does not

have to be unreasonable in the circumstances to be considered inappropriate workplace behaviour. For example, 'over sharing' of personal information by a supervisor with a direct report which may be welcomed by the employee in the circumstances but still be considered inappropriate behaviour by Council for not meeting the communicated expectations of a professional supervisor.

- c) Unreasonable behaviour may include behaviour where an employee has not reasonably or genuinely committed to resolving conflict in the workplace. For example, an employee may react unreasonably by shouting at another employee during a period of high stress which is inappropriate but, if they have a genuine unqualified apology and commitment to changing their behaviours in a timely fashion, it would be inappropriate for an employee who had felt intimidated by their behaviour to refuse to accept the apology and demand their employment be terminated or refuse to work with them in the future.
- d) Inappropriate workplace behaviour may also fit into any of the categories of unlawful behaviour under this policy. Even if it does not, it still amounts to a breach of policy. Therefore, if you are unsure as to what the standards are ask your supervisor or other appropriate person in the circumstances.

14.2 What are Examples of Inappropriate Workplace Behaviour?

- a) Treating people rudely, disrespectfully, or without dignity are examples of what is considered inappropriate workplace behaviour.
- b) At the 'high' or serious end of the scale, it is behaviour that may also constitute serious misconduct at common law.
- c) At the low or 'less serious' end of the scale, it may be behaviour that is inappropriate but not unreasonable (e.g. supervisor privately makes crude jokes with a direct report in the workplace which are based on protected attributes. This may not be unlawful in the circumstances in that employee welcomes the behaviour and no-one overheard or was likely to but is still considered inappropriate behaviour because it amounts to poor judgement and is below what is expected of a supervisor).

15 Reporting Breaches

People covered by this policy should reasonably report breaches of this policy as follows:

- a) A breach by:
 - i) An employee, volunteer, contractor or visitor (other than the General Manager), the report must go to the reporting person's applicable

supervisor;

- ii) The General Manager, the report must go to the Mayor (or, if unavailable, to the next appropriately delegated Elected Member); and
 - iii) An Elected Member, the report must go to the Mayor (or, if unavailable, to the next appropriately delegated Elected Member); and/or
- b) As otherwise required or permitted by applicable law.

16 Breach of Policy

- a) People at our workplace who engage in behaviour that amounts to a breach of this policy may (as appropriate and as applicable) be subject to appropriate disciplinary action in accordance with the applicable Code of Conduct, Disciplinary Policy and the Discipline Procedure (for Elected Members, employees and volunteers), or removal from the workplace or termination of services (for contractors or visitors).
- b) Breaches by Elected Members of Council may be subject to sanctions in accordance with the Code of Conduct and/or applicable law.
- c) Breaches of this policy may also amount to breaches of applicable law:
 - i) Exposing individuals to legal proceedings; and
 - ii) Making Council vicariously liable for the conduct of others.

17 Variation

This policy may be reasonably varied, terminated or replaced by Council in its sole discretion from time to time.

18 References/Associated Documents

Document Number	Document Title or Information Source	Location
KL-HRPOL009	Work Health and Safety Policy	https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Revision/Get?docsetId=464509&renditionType=pdf&suite=ECM .
KL-HRPOL001	Code of Conduct Policy	https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Revision/Get?docsetId=464534

Document Number	Document Title or Information Source	Location
		&renditionType=pdf&suite=E CM
KL-HRPOL003	Discipline Policy	<a href="https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Re
ndition/Get?docsetId=464511
&renditionType=pdf&suite=E
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KL-HRPRO020	Discipline Procedure	<a href="https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Re
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KL-HRPOL006	Grievance, Conflict and Complaint Resolution Policy	<a href="https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Re
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KL-HRPRO003	Grievance, Conflict and Complaint Resolution Procedure	<a href="https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Re
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KL-HRPOL029	Workplace Violence Policy	<a href="https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Re
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External	Local Government (Code of Conduct) Order 2024	https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2024-043
K-GOVPOL011	Model Dispute Resolution Policy	<a href="https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Re
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K-GOVFRM003	Dispute Resolution Form	<a href="https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Re
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L-GOVPOL010	Model Dispute Resolution Policy	https://onesystem.t1cloud.co m/T1Default/CiAnywhere/We

Document Number	Document Title or Information Source	Location
		b/ONESYSTEM/ECMCore/Re ndition/Get?docsetId=956426 &renditionType=pdf&suite=E CM
L-GOVFRM003	Dispute Resolution Form	https://onesystem.t1cloud.com/T1Default/CiAnywhere/Web/ONESYSTEM/ECMCore/Re ndition/Get?docsetId=956434 &renditionType=pdf&suite=E CM
External	Anti-Discrimination Act 1998 (Tas)	https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1998-046
External	Equal Employment Opportunity Act 1987 (Cth)	https://www.legislation.gov.au/C2004A03429/latest/text
External	Racial Discrimination Act 1975 (Cth)	https://www.legislation.gov.au/C2004A00274/latest/text
External	Human Rights and Equal Opportunity Commission Act 1986 (Cth)	https://www.legislation.gov.au/C2004A03366/latest/text
External	Disability Discrimination Act 1992 (Cth)	https://www.legislation.gov.au/C2004A04426/latest/text
External	Fair Work Act 2009 (Cth)	https://www.legislation.gov.au/C2009A00028/latest/text
External	Sex Discrimination Act 1984 (Cth)	https://www.legislation.gov.au/C2004A02868/latest/text
External	Work Health and Safety Act 2012 (Tas)	https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2012-001
External	Work Health and Safety Regulations 2022 (Tas)	https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2022-109
External	Public Interest Disclosure Act 2002 (Tas)	https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2002-016

19 Strategic Plan Reference

19.1 LATROBE

Area	1	Governance
Program	1.4	Employee Development
Objective	1.4	Develop opportunities for skilled, experienced, and motivated staff
Strategy	1.4.3	Develop and review staff policies

19.2 KENTISH

Area	1	Governance and Organisational Development
Program	1.4	Employee Development
Objective	1.4	To develop skilled, experienced, motivated and accountable staff,
Strategy	1.4.3	Develop and review staff policies and where necessary, provide staff education and training.

APPROVED BY LATROBE COUNCIL: 22/06/2026 Minute: 14.3

APPROVED BY KENTISH COUNCIL: 17/06/2026 Minute: 14.2

EFFECTIVE DATE: 25/06/2026

ADMINISTERED BY: Chief Executive Officer

This policy will be reviewed periodically to ensure its relevance in terms of community needs and expectations and Council goals, targets, budget and statutory requirements.