

# Respectful Workplace Behaviours Guidelines



Human Resources

These guidelines are intended as a resource for all NSWPF employees. They outline the organisation's commitment to maintaining a safe, ethical, inclusive and productive workplace in compliance with its obligations under the *Work, Health and Safety Act 2011 (NSW)*, *Anti-Discrimination Act 1977 (NSW)* and the *Government Sector Employment Act 2014 (NSW)*.

## Essential Summary

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These Guidelines:

- Apply to all sworn and unsworn NSWPF employees, contractors, students and volunteers.
- Reinforce the standards of behaviour expected of all employees and contractors in accordance with the Code of Conduct and Ethics and the Respectful Workplace Behaviours Policy Statement.
- Outline the roles and responsibilities of all employees in contributing to a safe, ethical, inclusive and productive workplace.
- Provide information on what type of behaviours are inconsistent with a safe, ethical, inclusive and productive workplace.



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## 1. Introduction

NSW Police Force (NSWPF) has a responsibility to provide a safe, ethical, inclusive and productive work environment and to set standards of behaviour that supports a workplace culture free of bullying, discrimination and harassment.

Everyone has a role to play in the creation and maintenance of a positive work environment free of negative workplace behaviours. It is a condition of our employment that all NSWPF employees uphold our organisational values and standards in accordance with the *Code of Conduct and Ethics (Code)*, the *Respectful Workplace Behaviours Policy Statement* and these guidelines.

The NSWPF is committed to building a workplace culture where the principles of diversity and inclusion are integrated into our everyday work and conduct and that our commitment to diversity and inclusion goes beyond legal compliance.

## 2. Scope

These Guidelines outline respectful workplace behaviour standards expected of all NSWPF employees. Contractors, students and volunteers are also expected to comply with these guidelines.

## 3. Definitions

**Employee** Executive and non-executive police officers and administrative officers (including special constables) and temporary employees.

**Worker** Means a person who carries out work in any capacity for a person conducting a business or undertaking. This includes employees, contractors, sub contractors, students and volunteers.

**Workplace** Any physical location in which the employee is discharging their duties as a member of NSWPF, or engaging in work-related activities. Given the nature of police work, this can mean not only official buildings or police stations, but includes police vehicles, public patrol areas and field locations. Work-related activities include conferences, training, work social functions and business or field trips.

## 4. Respectful workplaces

In the NSWPF a respectful workplace is one where all employees are treated fairly, differences are acknowledged and valued, communication is open and courteous, conflict is addressed early and there is a culture of empowerment and cooperation.

The perspectives and experience present in a diverse and inclusive workforce enhances the quality and depth of decision making and improves collaboration and teamwork at all levels of the organisation.

### 4.1 What are the benefits of a respectful workplace?

The benefits to NSWPF of implementing strategies that support a positive workplace culture that are underpinned by the principles of respect include:

- greater capacity to attract and retain the best people and be seen by the community as an employer of choice
- greater workplace harmony and reduced complaints
- a more capable, productive and adaptable workforce that is responsive to community needs and expectations
- a more culturally aware workforce that reflects and better understands the community that it serves
- a more innovative organisation
- improved health and wellbeing of all employees.

## 5. Respectful workplace behaviour standards

### 5.1 What is respectful workplace behaviour?

All NSWPF employees are required as a condition of their employment to ensure that their behaviour is consistent with the standards of behaviour set out in the *Code of Conduct and Ethics*, including but not limited to:

- interacting with others in a professional, courteous and polite manner that does not interfere with the health, safety and comfort of others
- treating others in the way they wish to be treated
- communicating in a clear, calm and professional manner to others

- being open to and accepting that others have different experiences, skills, attributes and views on life and work
- being approachable, considerate and honest when dealing with others.

Consistent with respectful workplace standards, NSWPF expects that when conflict arises in the workplace all parties will work towards resolving issues in a timely, open and respectful way.

## 6. Responsibilities

### 6.1 What are the responsibilities of employees?

Employees are responsible for:

- recognising their individual role in contributing to and maintaining a respectful and positive workplace culture
- taking responsibility for their own actions and behaviour in the workplace, and where the actions of others are disagreeable attempt to resolve issues as early as possible in a respectful and courteous way
- reporting to an appropriate supervisor/manager any behaviour against another person that they observe in the workplace that may amount to bullying, discrimination, harassment, vilification or victimisation as defined in these guidelines
- seeking advice if they do not understand any aspect of the *Respectful Workplace Behaviours Policy Statement* or these guidelines.

### 6.2 What are the responsibilities of commanders, managers and supervisors?

Commanders, managers and supervisors are responsible for:

- providing a safe work environment that enables employees to carry out their work responsibilities free of negative workplace behaviours
- adopting proactive strategies to prevent negative workplace behaviours
- “leading the way” by being good role models of respectful workplace behaviour and conduct
- continual monitoring of the work environment to ensure that high standards of respectful workplace behaviour are observed (including monitoring of indicators of negative workplace behaviour which may include for example low morale, increased absenteeism, staff turnover and conflict)

- ensuring employees understand their responsibilities under the Respectful Workplace Behaviours Policy Statement and these guidelines.

Commanders, managers or supervisors should take appropriate action in circumstances where they become aware of breaches of the *Respectful Workplace Behaviours Policy Statement* and these Guidelines even without a complaint being lodged. This will include taking all appropriate action in accordance the relevant complaint handling guidelines.

## 7. Legislative framework

### 7.1 Work Health and Safety Laws

Under the *Work, Healthy and Safety Act 2011 (NSW)* workers must take reasonable care to ensure that their behaviour does not adversely affect the health and safety of others in the workplace. This means you must not, for example, discriminate, harass or bully another person in the workplace.

When we treat each other with respect we are contributing to a positive work environment consistent with Work Health and Safety legislation.

### 7.2 Discrimination Laws

#### 7.2.1 State Legislation

Under the *Anti-Discrimination Act 1977 (NSW)* discrimination in employment on the basis of the following characteristics is against the law:

- sex (including pregnancy and breastfeeding)
- race, including ethno religious
- age
- marital or domestic status
- homosexuality
- disability
- transgender status
- carer's responsibilities.

This includes discrimination because a relative, friend or associate has one of these characteristics with the exception of carer's responsibilities.



### 7.2.2 Commonwealth Legislation

Discrimination in the area of employment is also against the law under the following Commonwealth legislation:

- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Age Discrimination Act 2004*
- *Disability Discrimination Act 1992*

## 8. Workplace equity matters

### 8.1 What is a workplace equity matter?

In NSWPF, a workplace equity matter involves behaviour outlined in the NSWPF Respectful Workplace Behaviours Policy Statement and these guidelines and falls under one or more of the following categories:

- bullying
- discrimination
- harassment (on a discriminatory ground)
- sexual harassment
- vilification; and
- victimisation.

A workplace equity matter relates to behaviour between NSWPF employees both sworn and unsworn, including contract staff. An equity matter does not, however, involve behaviour directed towards or received from members of the public.

The behaviour must occur in the “workplace” as defined within these guidelines in order to fit the criteria for a workplace equity matter.

### 8.2 What are the guiding principles for the management of workplace equity matters?

- the right of individuals to have the matter dealt with as quickly as possible
- the right of all individuals to have the matter dealt with as quickly as possible

- observance of natural justice
- observance of confidentiality, in so far as this is consistent with the investigation
- support and protection for all parties concerned.

Refer to the [NSWPF Workplace Equity Resolution Procedures](#) for further information.

### 8.3 What is the role of the Workplace Relations and Equity Unit?

The Workplace Relations and Equity Unit

- provides expert advice on workplace equity matters and the Respectful Workplace Behaviours Policy Statement and these guidelines
- provides clarification, training and support to employees, commanders, managers and supervisors in dealing with workplace equity matters
- ensures that the mandatory standards outlined in Respectful Workplace Behaviours Policy Statement and these guidelines are implemented
- monitors the performance of negative workplace behaviour prevention and management strategies
- provides advice to commanders and managers on a proactive risk management approach to negative workplace behaviours.

## 9. Workplace bullying

### 9.1 What is considered workplace bullying?

The NSWPF has adopted the Safe Work Australia definition of workplace bullying, that is:

*“Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety”*

Examples of bullying behaviour may include but is not limited to:

- abusive, insulting or offensive language or comments
- aggressive and intimidating conduct
- belittling or humiliating comments
- being subjected to practical jokes
- unjustified criticism
- deliberately excluding or isolating employees

- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular employee or employees.

Bullying behaviours are manifested verbally, physically and/or through body language. They can take the form of action or lack of action.

Workplace bullying can be directed at a single employee or group of employees and be carried out by one or more employees. It can occur:

- sideways (peer to peer) between employees
- downwards from managers to employees
- upwards from employees to supervisors or managers.

## **9.2 What is not considered workplace bullying?**

### **Reasonable management action**

Commanders, managers and supervisors may take reasonable management action to direct and control the way work is carried out. It is reasonable for commanders, managers and supervisors to allocate work and give feedback on an employee's performance. These actions are not considered to be workplace bullying if they are carried out in a reasonable and lawful manner.

Given the nature of policing, robust conversations and directions may form part of general business and should not necessarily be viewed as bullying.

Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours where the requirements are reasonable
- not selecting an employee for a development opportunity where a reasonable process has been followed

- informing an employee about unsatisfactory work performance in an honest, fair and constructive way
- implementing organisational changes or restructuring
- disciplinary action, including suspension or terminating employment.

## Workplace conflict

Conflict is a natural part of any human interaction and there is nothing unusual about conflict occurring in the workplace. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety.

There are broadly two kinds of workplace conflict. One is where people's ideas, decisions or actions relating directly to their work are in opposition and the second is where two people just don't get on. This is often referred to as a 'personality clash'.

Differences of opinion and disagreements are generally not considered to be workplace bullying. However, in some cases conflict that is not adequately managed may escalate to the point where it turns into bullying.

Refer to the NSWPF [Workplace Grievance and Conflict Resolution Procedures](#) for further information.

## 10. Discrimination

### 10.1 What constitutes discrimination?

Discrimination occurs when a person is treated less favourably than another person or group because of one of the following characteristics:

- sex (including pregnancy and breastfeeding)
- race (including ethno-religion)
- age
- marital or domestic status
- homosexuality
- disability
- transgender status
- carer's responsibilities.

For examples refer to Appendix 1.

### 10.1.1 Direct discrimination

Direct discrimination occurs when a person or group of people, is treated less favourably in the same, or similar circumstances than another person or group of people because of a particular characteristic.

Direct discrimination often occurs because someone has a stereotyped view about what people from particular groups are like.

#### Examples:

- denying employment or other work-related opportunities to a person or a group of people because of a prohibited ground of discrimination
- ignoring, isolating or segregating a person or group because of a prohibited ground of discrimination.

### 10.1.2 Indirect discrimination

Indirect discrimination occurs where a condition or requirement is imposed which, although neutral on its face, has a disproportionate impact that is less favourable on people with a particular characteristic, and the condition or requirement is not reasonable in the circumstances.

#### Example:

- a policy that requires all employees to attend meetings early in the morning or late in the afternoon when it is not necessary or reasonable in all the circumstances and is likely to disadvantage employees with carer's responsibilities.

Indirect discrimination generally results from treating everyone the same rather than considering whether the policy, condition or requirement being applied to everyone is reasonable in all the circumstances.

## 10.2 What is not considered unlawful discrimination?

- implementing recruitment programs targeting for example, Aboriginal and Torres Strait Islanders, women, people with disabilities or people from culturally and linguistically diverse backgrounds
- not offering employment to an applicant for a job in circumstances where they cannot meet the inherent requirements (essential as opposed to non-essential) parts of a job
- reasonable accommodation and provision of work aids for employees with disabilities

- not being able to accommodate the request of an employee with carer's responsibilities for a particular roster because it is not operationally appropriate or possible.

## 11. Harassment (including sexual harassment)

Harassment is unlawful under both State and Commonwealth legislation if:

- it is unwelcome, uninvited or unreciprocated; and
- a reasonable person would anticipate that the recipient would be offended, humiliated, intimidated; and
- it is either sexual in nature or targets a person on a discriminatory ground.

It should be noted that harassment that is sexual in nature is defined under State and Commonwealth legislation as Sexual Harassment.

Harassment can occur regardless of whether or not a person intended to harass another person. It does not need to be repeated or continuous; one-off incidents are capable of constituting harassment.

It is important to note that what is acceptable to one person may not be acceptable to others. The test is whether, having regard to all the circumstances, a reasonable person would be offended, humiliated or intimidated.

For examples refer to Appendix 2.

### 11.1 What is not sexual harassment?

It is not sexual harassment when the behaviour is based on mutual attraction, friendship or respect, or where the interaction is consensual, welcome and reciprocated.

However, behaviour can become sexual harassment if the interaction changes from being based on mutual attraction, friendship or respect to non-consensual, unwelcomed and unreciprocated interactions.

## 12. Vilification

### 12.1 What constitutes vilification?

Vilification occurs where by public act, a person incites hatred towards, serious contempt for, or severe ridicule of a person or groups of persons because of:

- race, colour, nationality, descent, ethno-religious or national origin
- homosexuality (lesbian or gay)
- HIV or AIDS status; or
- transgender status.

This includes vilification because someone is thought to be homosexual or transgender even if they are not, or thought to have HIV or AIDS, even if they don't.

Examples of what might constitute vilification include:

- material published on the internet, including social networking sites such as Facebook and Twitter
- speeches or statements made in public
- abuse that occurs in public
- statements or remarks in newspapers, journals or other publications, or on the radio or television or social media
- gestures made in public
- wearing symbols, such as badges or clothing with racist slogans, in public
- putting up posters or stickers in a public place.

## 13. Victimisation

### 13.1 What constitutes victimisation?

Victimisation occurs where a person is subjected to a detriment in retaliation for some action they have taken, or intend to take, or have helped someone else take, in relation to a complaint of harassment, discrimination, bullying, vilification or victimisation. This includes people who have agreed to be witnesses in relation to a person's complaint.

Examples of what might constitute victimisation include:

- an employee being moved to a less responsible position while their complaint of sexual harassment is being considered
- an employee being ostracised by other employees because they have or intend on making a complaint of sexual harassment
- an employee being denied a development opportunity because they have lodged a complaint.

## 14. Options for resolving workplace equity matters

### 14.1 Self resolution

Employees are encouraged wherever possible to raise matters directly with the other person/s involved in the inappropriate behaviour if they feel safe or capable to do so. This is often the most effective and timely way to address issues and resolve any potential misunderstandings.

In circumstances where an employee feels comfortable to do so, they should calmly and professionally inform the other person/s as soon as possible of inappropriate behaviour by:

- raising your concerns informally and in a non confrontational manner
- explaining that the behaviour is unwelcome and you would like it to stop
- explaining that the behaviour is impacting adversely on you
- focusing on the unwanted behaviour rather than the person
- not retaliating and maintaining professionalism.

### 14.2 Reporting a workplace equity matter

In circumstances where an employee does not feel safe or capable of raising issues directly, or the behaviour continues after they have raised the issue, an employee may report the matter verbally or in writing:

- to a supervisor or manager
- a senior manager or commander; or
- a Workplace Equity Consultant within the Workplace Relations & Equity Unit.

Regardless of where a workplace equity matter is raised it is mandatory for all potential workplace equity matters to be referred to the Workplace Relations and Equity Unit for information and advice on the appropriate course of action. This includes those matters which involve a combination of issues such as workplace equity matters in addition to other misconduct or inappropriate behaviours. Also refer to [NSWPF Workplace Equity Resolution Procedures](#)



### 14.3 Obtaining advice

NSWPF employees should contact the Workplace Relations and Equity Unit if they seek advice regarding an equity related issue. They may also obtain advice from their union or external agencies such as the Ombudsman, the Anti-Discrimination Board, Australian Human Rights and Equal Opportunity Commission or Safe Work NSW.

### 15. Employee support

Employees are reminded that they may seek welfare support from Peer Support Officers, Employee Assistance Program (EAP) Police Chaplains and where appropriate, the Internal Witness Support Unit may also be able to offer assistance.

### 16. References

NSW Police Force Code of Conduct and Ethics

Respectful Workplace Behaviours Policy Statement

Positive and Productive Workplaces Guideline 2016 – NSW Public Service Commission

Workplace Grievance and Conflict Resolution Procedures

Industrial Relations Act 1996 (NSW)

Anti-Discrimination Act 1977 (NSW)

Racial Discrimination Act 1975 (C'th)

Sex Discrimination Act 1984 (C'th)

Disability Discrimination Act 1992 (C'th)

Work Health and Safety Act 2011 (NSW)

Work Health and Safety Regulations 2011 (NSW)

Safe Work Australia – Dealing with workplace bullying – A worker's guide, 2013

Safe Work Australia – Guide for preventing and responding to workplace bullying, 2013

Guidelines for managers and supervisors – preventing discrimination and harassment (NSW Anti-Discrimination Board)

## APPENDIX 1

The following is not an exhaustive list of examples of discrimination and it is important to note that in all cases, many factors will come into play. You should use common sense to determine appropriate action in each circumstance, taking each situation into account on a case by case basis.

### Sex discrimination

Sex discrimination occurs when a person is treated less favourably because of their sex. In the workplace, sex discrimination often involves assumptions about the types of work that men and women can or cannot do.

#### Examples

- allocating duties based on an employee's gender rather than objective assessment of the inherent requirements
- not allowing a pregnant employee to undertake training or operational duties merely because she is pregnant rather than on the basis of medical advice and any relevant risk assessment
- not providing a female employee development opportunities because you don't want to invest in someone you believe is likely to start a family in the near future
- not providing suitable facilities for breastfeeding or expressing milk where it is operationally possible.

### Age discrimination

Age discrimination occurs when a person is treated less favourably because of their age.

#### Examples

- assuming that someone won't fit in with other employees because of their age
- assuming younger workers are unreliable or that older workers are inflexible or hard to re-train
- not offering an older employee a promotion because you believe they are not as up to date with technology as a younger person.

## Race discrimination

Race discrimination occurs when a person is treated less favourably because of their race. Race includes colour, nationality, descent, and ethnic, ethno-religious or national origin.

### Examples

- assuming that someone won't fit with others in the workplace because of their race
- insisting that all employees speak English at all times, even during their breaks
- not allowing prayer breaks for people whose ethno-religious backgrounds require them to, if those breaks can be reasonably accommodated.

## Marital / domestic status discrimination

Marital / domestic status discrimination occurs when a person is treated less favourably because of their marital or domestic status. That is, because they are single, married, in a de facto relationship, married but living separately, divorced or widowed.

### Examples

- assuming that single people are more likely to move on than people in relationships and so you do not provide the same development opportunities as others
- not offering job opportunities that require travel to a married employee in your team because you believe that they will have commitments that will not allow them to travel.

## Disability discrimination

Disability discrimination occurs when a person is treated less favourably because of their disability.

### Examples

- excluding a person with a disability from training because you assume they could not do it
- excluding someone from employment because they have disability and you don't believe they could do the job
- not providing reasonable adjustment in the workplace to a person who has a disability to allow them to do the job.

## Carer's responsibilities discrimination

Discrimination on the ground of carer's responsibilities is when a person is treated less favourably because of their responsibilities as a carer. This includes children, parents, grandchildren, grandparents, brothers, sisters, de facto partners, spouses, in-laws and former de facto partners and spouses.

### Examples

- denying an applicant an interview for a job because you are aware they are a single parent with school age children and you assume they will be unreliable because of this
- not offering a development opportunity to an employee who looks after an elderly parent because it requires blocks of time away and you assume the employee could not meet this requirement.

## Homosexuality discrimination

Homosexuality discrimination occurs when a person is treated less favourably because of actual or perceived homosexuality, or the homosexuality of a relative or associate of that person.

### Examples

- not offering a development opportunity to an employee on the assumption that their homosexuality, or perceived homosexuality means they will not fit in with the team
- not promoting a homosexual employee to a supervisory position because you don't think that other employees will respect them
- making derogatory comments about a person's actual or perceived homosexuality.

## Transgender discrimination

Transgender discrimination occurs when a person is treated less favourably because they are transgender or someone thinks they are transgender.

### Examples

- refusing to work with or be supervised by a person who is transgender
- calling transgender people abusive or derogatory names
- refusing to call a transgender person by the gender they identify as.

## APPENDIX 2

The following list is not an exhaustive list and it is important to note that in all cases, many factors will come into play. You should use common sense to determine appropriate action in each circumstance, taking each situation into account on a case by case basis.

### Harassment on a discriminatory ground

#### Examples

- material that is sexist, racist, ageist, homophobic and so on, that is placed in someone's workspace or belongings, or on a computer, ipad or tablet
- verbal abuse or comments that put down or stereotype people generally, or an individual particularly because of their sex, race, homosexuality, disability and so on
- jokes based on gender, race, marital status, homosexuality, disability, age, marital status, carer's responsibilities or transgender status
- offensive communications (including letters, phone calls, emails, text messages)
- ignoring, isolating or segregating a person or group because of their sex, homosexuality, race, transgender status and so on.

### Sexual harassment

#### Examples

- suggestive comments or jokes about a person's physical appearance or sexual characteristics
- sexual or physical contact, such as slapping, kissing, touching, hugging or massaging
- sexually explicit pictures, screen savers or posters
- staring or leering in a sexual manner
- unnecessary familiarity, such as deliberately brushing up against someone
- spreading sexual rumours; or intrusive questions about sexual activity or insinuations about a person's private life
- insults or taunts of a sexual nature
- displaying or circulating material of a sexual nature including by email, photos, posters or screen savers etc

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- sending sexually explicit emails or SMS messages
- inappropriate advances on social networking sites
- requests for sex or repeated unwanted requests to go out on dates when the person has refused similar invitations before
- behaviour which would also be a criminal offence such a physical assault, indecent exposure, sexual assault, stalking or obscene communications.