

OFFICIAL



# Respectful Behaviour Policy

To prevent Discrimination, Bullying and  
Harassment

Version 6 – February 2024

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## 1. Introduction

Our [values](#) are Together, Ownership, Driven, Curious and Passionate. **Together** acknowledges that we are at our best when we work together, support one another and celebrate each other's achievements. **Curious** recognises that we value and nurture diversity. These values embody who we are and guide us as we work together to ensure a safe working environment for all.

We believe that the behaviour you walk past is the behaviour you accept. It is important that everyone at icare understands what it means to create a safe and inclusive work environment – one where we all treat others with dignity and respect. It is each and every person's role at icare to maintain a work environment free of discrimination, harassment or bullying, and to put a stop to poor behaviour.

## 2. Purpose and Scope

The safety and wellbeing of our people is our priority. Our aim is to prevent unacceptable behaviour but, if it does occur, we will deal with it in accordance with this and other relevant icare policies, in a confidential, fair and impartial way that focuses on supporting the people impacted.

This policy applies to everyone working at icare including (but not limited to) employees, directors, contractors, and potential employees. It sets the acceptable standards of behaviour that everyone is required to meet and makes clear the potential consequences for breaches of icare's expectations.

This policy applies to the behaviour of everyone who works at icare during the course of their work in the workplace (including remote work, work outside normal working hours, and on online platforms), during work activities (including dealings with clients and customers), and at work-related events (including off-site conferences and social functions).

## 3. Key Concepts

### Discrimination

Unlawful discrimination can be direct or indirect. Direct discrimination occurs when a person is treated less favourably than another person in the same or similar circumstances because of a ground or attribute listed below. Indirect discrimination occurs when there is an unreasonable rule, requirement or practice which appears neutral, but with which a high proportion of people with a ground or attribute listed below cannot comply.

At icare, discrimination based on any of the following grounds or attributes is unacceptable:

- sex
- marital status or relationship
- pregnancy and potential pregnancy
- race
- religion
- political beliefs
- disability, illness or injury
- industrial activity and trade union membership
- sexual orientation and lawful sexual activity
- gender history, gender identity, gender expression, transgender and transsexual status; intersex status
- carer status or family responsibilities
- breastfeeding
- age
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes; and

- employment activity.

Discrimination may involve:

- offensive 'jokes' or comments about another person's racial or ethnic background, sex, sexual preference, age, disability, and the like
- display of pictures, calendars, pin ups, posters, computer images (eg in electronic mail messages or posts on social networking sites to which work colleagues have access) etc. which are offensive or derogatory
- expressing negative stereotypes of particular groups, for example, 'married women shouldn't be working'
- judging a person on characteristics such as religious or political beliefs, cultural practices, sex or age rather than work performance; or
- using stereotypes or assumptions when making decisions about a person's career.

### **Vilification**

Vilification is a public act that incites hatred towards, serious contempt for, or severe ridicule of a person or group on the grounds of:

- race
- homosexuality or sexual orientation
- HIV/AIDS status; or
- Transgender status.

Vilification breaches this policy and may also breach either federal or state legislation, or both. Legal action can be taken against individuals who breach this legislation as well as against icare. Vilification may also amount to a criminal offence if physical harm is threatened towards or caused to a person or their property.

### **Bullying**

Workplace bullying is any repeated and unreasonable behaviour directed towards an employee, group of employees, client, customer, contractor or other external party that creates a risk to health and safety.

Repeated behaviour is behaviour which is persistent and can include a range of different behaviours that have occurred over a period of time. Unreasonable behaviour is that which victimises, humiliates, undermines or threatens the person being bullied, or would reasonably be expected to do so.

Bullying behaviour in the workplace can range from the obvious to the very subtle. Bullying can be intentional or unintentional. It can be in the presence of and directed at an individual, or it can be conveyed indirectly. Bullying can take many forms, and can happen during daily work activities, at work-organised events held on-site or off-site and outside work hours.

Bullying can be directed at a single worker or a group of workers and can be carried out by one or more workers. It can occur downwards (from manager to worker), sideways (between workers) or upwards (from worker to manager/supervisor).

The following types of behaviour can amount to bullying:

- aggressive, abusive or offensive language and/or behaviour towards another person, including threats, swearing, shouting, threatening gestures, throwing things and threatening violence
- demeaning remarks, sarcasm and spreading rumours
- interfering with personal property or work equipment or withholding information or equipment that a person needs to do their job
- constant unreasonable and unconstructive criticism
- making inappropriate statements to other people about an individual

- patronising behaviours based on assumptions e.g., about their culture, age, skills, knowledge, ability, socioeconomic background, sexual orientation or gender
- deliberate exclusion, isolation or alienation of a worker from normal work interaction such as intentionally excluding the worker from meetings; and
- placing unreasonable or high work demands on or alternatively withholding meaningful work from one worker but not others.

Bullying does not include:

- a single incident of unreasonable behaviour (but the incident could escalate and should not be ignored. If appropriate, report to HR or a Manager)
- reasonable management action taken in a reasonable way
- discrimination and harassment (which is dealt with separately under this policy)
- workplace violence (which is a criminal matter and should be reported to police); or
- workplace conflict (low level friction or personality clashes which do not have negative health effects are generally not considered bullying).

Examples of reasonable management action include:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours where the requirements are reasonable
- transferring an employee for operational reasons
- deciding not to select a worker for promotion where a reasonable process is followed and documented
- informing an employee about unsatisfactory work performance when undertaken in a reasonable manner and in accordance with any workplace policies or agreements, such as performance management guidelines
- informing an employee about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring; or
- termination of employment.

## Harassment

Harassment is any behaviour that:

- is unwelcome
- is offensive, humiliating or intimidating
- creates a hostile environment; and
- deliberately targets a person or group because of their personal characteristics such as race, sex, age, disability, including any association with someone who may have harassed another person with such a personal characteristic.

## Sexual Harassment

Sexual harassment is both unlawful and unacceptable. icare adopts a zero-tolerance policy for any form of sexual harassment in the workplace.

Sexual harassment is any unwelcome sexual behaviour, which could be reasonably expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. Even if a person does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

It does not matter that a person did not mean or intend to sexually harass another person. In other words, an offender's 'innocent intent' is irrelevant. It is the effect of the behaviour, and the degree to which this effect could reasonably be anticipated, that means the behaviour constitutes sexual harassment.

Sexual harassment is particularly prevalent where gender inequality or power imbalance exists. Other factors such as age, gender identity, sexual orientation, Indigeneity, other cultural and linguistic diversity, and disability have also shown to increase the likelihood a person may experience sexual harassment.

Depending on the circumstances, some examples of sexual harassment are:

- sexually suggestive behaviours, such as leering or staring
- deliberately brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying inappropriate screen savers, photos, calendars or objects that could be considered offensive
- repeated unwanted requests or invitations to go out on dates or meet up
- requests for sex and/or activities of a sexual nature
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- lewd remarks about a person's appearance
- sending sexually explicit written communication, including emails or text messages
- inappropriate advances or sexually explicit posts on social networking sites
- accessing and sharing sexually explicit internet sites and/or making imagery visible to others; and
- any other behaviour that may also be considered as an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking, obscene language or inappropriate communications.

Sexual harassment does not include behaviour that is based on mutual attraction, friendship and respect. If the interaction between both parties is consensual, welcome and reciprocated it is not sexual harassment.

icare may decide that behaviour breaches this policy even if a complaint has not been raised. For example, storing and viewing sexually explicit images on a computer at work may constitute sexual harassment under this policy even if a complaint has not been made against the offender.

## Victimisation

Victimisation means subjecting or threatening to subject someone to a 'detriment' (see definition below), because they propose to, have, or are believed to have, under this policy, equal opportunity legislation or occupational health and safety or industrial legislation:

- asserted their rights under this policy, or the relevant legislation
- alleged that another person has breached this policy or the relevant legislation; or
- assisted someone in raising an issue.

A 'detriment' in employment includes demotion, dismissal, transfer, suspension, loss of a benefit, being ostracised from work or work-related social functions, or being the subject of gossip or innuendo.

If a person raises a complaint directly with you about your behaviour, you should appreciate that they are letting you know that they find your behaviour unacceptable. In that scenario, you should consider monitoring and changing your behaviour, and you must not victimise the person making the complaint.

## Bystanders

At icare, we encourage bystanders to support colleagues who may have been subjected to unacceptable behaviour. A 'bystander' is a person who has witnessed or subsequently learned about potentially unacceptable behaviour at icare.

Bystanders are a vital part of icare's strategy to prevent unacceptable behaviour. This is because sometimes people affected by this behaviour might not know the behaviour is unacceptable or may feel uncomfortable about coming forward or speaking up.

icare encourages bystanders to provide support to colleagues who may have been subjected to unacceptable behaviour, including by:

- 'calling' unacceptable behaviour when it's seen in the workplace
- spotting offending behaviour and asking the colleague if they are OK
- supporting the colleague by providing them with information about this policy and avenues for raising their concerns; or
- reporting the conduct to their People Leader and/or their People and Culture Partner.

To the extent possible, icare will take steps to preserve a bystander's anonymity. In addition, bystanders are protected by the victimisation provisions of this policy. Bystanders who need support are encouraged to contact their People Leader and/or their People and Culture Partner.

#### 4. Principles

icare is committed to providing a workplace where:

- we proactively promote workplace harmony, inclusion and equality
- we treat everyone fairly, with dignity and respect
- our culture encourages workplace diversity
- we apply the rules of natural justice and procedural fairness to grievances and investigations
- we treat all complaints or grievances in a sensitive, fair and timely manner
- we protect our people from acts of victimisation and reprisal if they speak up or report unacceptable, unlawful behaviour or any wrongdoing; and
- we provide a safe and appropriately confidential environment for people to raise issues and make complaints.

#### 5. Governance and Reporting

##### How to raise a complaint

icare strongly encourages any person who believes they have been discriminated against, bullied, or harassed, including sexually harassed or victimised to speak up and take appropriate action. icare's Grievance Handling Policy on HUGO provides further information on your rights, responsibilities, and options on what to do. To report and/or talk about a concern regarding a breach of this policy, in the first instance, speak to your People Leader and/or contact your People and Culture Partner.

If your health and safety or the health and safety of anyone else is being compromised as a result of unacceptable or unlawful workplace behaviour you should act by speaking with your People Leader and/or your People and Culture Partner. It may also be necessary to contact the Police (please consult with your People Leader if you have any concerns or queries about this).

##### Consequences

Individuals and groups can suffer serious physical or psychological injury because of workplace discrimination, harassment, bullying or victimisation. Both individual icare employees and icare itself may be subject to financial penalty, criminal liability or reputational damage for breaches of this policy under either federal or state legislation, or both.

Depending on the severity of the breach and the relevant circumstances, and as determined by icare in its absolute discretion, individual employees or a group of employees may:

- be required to make an apology to the individual or group concerned
- receive counselling
- participate in mediation to restore workplace relationships
- attend discrimination, harassment and bullying training
- receive a verbal or written warning
- be subject to formal disciplinary action up to and including dismissal; and/or
- be subject to criminal proceedings and/or litigation.

### Employee Assistance Program

You may also seek counselling support by contacting our Employee Assistance Program (EAP) provider Assure. If you are an icare employee, you are entitled to confidential professional counselling for any work or personal issue.

### 6. Roles, Responsibilities and Rights

Role	Responsibilities and Rights
Everyone working at icare has a right to	<ul style="list-style-type: none"> <li>• A work environment that is free of discrimination, harassment and bullying</li> <li>• Merit based recruitment and selection processes as appropriate</li> <li>• Access to appropriately determined employment conditions and benefits, training, promotion, task allocation, flexible work arrangements, leave arrangements, workload and equipment</li> <li>• Raise issues, make an enquiry or complaint in a reasonable and respectful manner without being victimised; and</li> <li>• Have your complaints investigated, as appropriate, promptly and impartially, in a procedurally fair manner that ensures complainants and witnesses are not victimised in any way.</li> </ul>
Everyone is responsible for	<ul style="list-style-type: none"> <li>• Treating everyone with dignity and respect</li> <li>• Completing all mandatory essentials training associated with this policy</li> <li>• Conducting themselves in accordance with this policy, other icare policies and the law</li> <li>• Speaking up when you hear or see something that isn't right</li> <li>• Reporting unlawful behaviour to the appropriate internal and/or external authority</li> <li>• Offering support to a colleague who may have experienced discrimination, harassment or bullying; and</li> <li>• Avoiding gossip and respecting confidentiality as appropriate.</li> </ul>
People Leaders are responsible for (in addition to responsibilities as an icare employee)	<ul style="list-style-type: none"> <li>• Role modelling appropriate standards of behaviour</li> <li>• Taking steps to educate and inform their teams of icare's policy obligations and the law; and</li> <li>• Addressing and managing discriminatory, harassing or bullying or other unacceptable behaviours and complaints in accordance with this policy.</li> </ul>



<p>Group Executives (in addition to responsibilities as individuals and People Leaders)</p>	<ul style="list-style-type: none"><li>• Set the 'tone at the top' by exhibiting a genuine and strong commitment to respectful behaviours</li><li>• Receive concerns from people within the function and initiate appropriate responses</li></ul>
<p>Group Executive, People and Culture (in addition to responsibilities as a Group Executive)</p>	<ul style="list-style-type: none"><li>• Develop and maintain this Policy as custodian</li><li>• Escalate any significant matters to the CEO, as appropriate</li><li>• Review the effectiveness of the Policy on an annual basis and recommend any changes to the Policy to the Board.</li></ul>

## 7. Related documents

Refer to HUGO for the most up to date icare policies, procedures and information including tools from the Anti-Discrimination Board of NSW and Australian Human Rights Commission as well as information about external agencies who can provide support, advice and information (including on sexual harassment). Relevant policies and other documents include:

- *Insurance and Care NSW Award (icare Award)*
- Code of Conduct and Ethics
- Appropriate Use of Technology
- Work Health and Safety
- Incident Management and Reporting
- Grievance Handling
- Diversity and Inclusion
- Managing Performance
- Managing Misconduct
- Recruitment and Selection
- Support Person Guide

## 8. Contact

Contact your People Leader or seek assistance via the HR Service Centre if you have any questions or feedback.

## Version Control

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