

- POLICY -

Respectful Behaviours

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Policy Statement

This policy sets out the standards, values and expectations of appropriate behaviour in the workplace and an expectation that all TAFE SA staff will:

- understand their obligations under the [Code of Ethics for the South Australian Public Sector](#);
- demonstrate values and behaviours per [South Australian Public Sector Values and Behaviours](#);
- contribute towards a safe, respectful and inclusive environment;
- understand the meaning of respectful behaviours, discrimination, sexual harassment, bullying and victimisation etc.;
- understand the principles and options available to managers and staff in the event an issue arises;
- understand the consequences that constitute a breach of this policy.

Scope

This policy applies to all TAFE SA staff (including contractors, volunteers, hourly paid instructors [HPIs] and casuals).

Policy

TAFE SA is committed to providing a fair, positive and professional environment where the whole TAFE SA community feels respected, safe, valued and supported. TAFE SA strives to create a culture of diversity and inclusion by embracing individual skills, perspectives and experiences.

All TAFE SA staff have a right to expect respectful behaviours from others and, in turn, have a personal responsibility to behave respectfully and responsibly towards others.

In a respectful environment:

- everyone feels safe, valued and respected;
- everyone listens and responds appropriately to the views and concerns of others;
- everyone is accountable for their own behaviours;
- everyone can raise an issue without fear of negative consequences;
- conflict is addressed in a positive, timely and respectful manner;
- Inappropriate and unacceptable behaviours are addressed immediately.

TAFE SA is committed to creating a culture of equality and respect ensuring that our staff are aware of their responsibilities and that their behaviours reflect those identified in the [Code of Ethics for the South Australian Public Sector](#) and the [South Australian Public Sector Values and Behaviours](#) at all times.

TAFE SA has zero tolerance for disrespectful and unacceptable behaviour. This includes but is not limited to all forms of:

- harassment;
- workplace violence;
- gaslighting
- physical assault and sexual assault;
- workplace mobbing and bullying;
- vilification;
- discrimination;
- misconduct;
- maladministration;
- victimisation;
- intimidation.

TAFE SA expects staff to practice respectful behaviours when undertaking all TAFE related activities.

Disrespectful conduct which occurs outside of work hours may also be subject to an investigation where there is sufficient connection between the unacceptable/disrespectful conduct and the duties or status of engagement of the staff member.

TAFE-related activities include but are not limited to activities:

- occurring on and off campus;
- TAFE related events;
- industry activities; and
- activities that use online platforms or social media.

TAFE SA is committed to enabling a workplace that supports the safety and wellbeing of staff experiencing or escaping domestic/family violence. The TAFE SA [Domestic and Family Violence Procedure](#) provides the options available to staff.

Options and Principles for handling complaints and grievances

If a TAFE SA staff member experiences disrespectful or unacceptable behaviour, they may lodge a grievance or complaint as per the TAFE SA Staff Grievance Resolution Procedure.

TAFE SA is committed to a grievance resolution process that is fair and equitable to all parties. This includes a commitment towards the timely resolution of employee grievances; ensuring formal investigations and internal reviews are also conducted in a timely manner.

The purpose of complaint management options is to:

- stop unethical, inappropriate behaviours and to prevent similar instances from occurring in the future.
- ensure complaints are resolved promptly and in a fair, and confidential manner.

All sexual assault or sexual harassment incidents will be addressed per the TAFE SA Sexual Assault and Sexual Harassment Policy.

All incidents and disclosures can be reported in line with the WHS Incident and Accident Investigation, Reporting and Improvement Procedure.

The following principles will apply in the handling of complaints and allegations:

- All investigations will be conducted in accordance with the principles of natural justice and procedural fairness.
- TAFE SA staff are encouraged to resolve grievances with respect, integrity and accountability in a confidential manner; and
- If the complaints are found to be false, malicious, or vexatious, it may lead to disciplinary action under relevant industrial instruments.
- Where the incidents involve contractors hired through a third-party agency or volunteers, TAFE SA will notify the employing agency immediately third before commencing with the next steps.

Employee Assistance Program

TAFE SA provides a free, confidential external counselling and coaching service through its Employee Assistance Program (EAP) for staff and their immediate family members to address issues affecting their work and life in general.

Confidentiality

- TAFE SA will maintain confidentiality at all stages of the investigation process.
- As per the Code of Ethics, TAFE SA staff have an obligation to:
 - report criminal offences to management;
 - if the complaint involves criminal conduct of any kind, the manager or the staff member shall contact the police.
- Failure to maintain confidentiality could result in disciplinary action against the person who breaches confidentiality.

Consequences for Breach of the Policy

Any breach of this policy may also be a breach of the [Code of Ethics for the South Australian Public Sector](#), which can result in disciplinary action, up to and including termination of employment.

All public sector employees are strongly encouraged to report any misconduct or maladministration in public administration to the Office for Public Integrity. For more information on reporting, staff can refer to the [Code of Ethics webpage](#).

Roles and Responsibilities

Role(s) responsible for key actions or activities associated with the policy.

| Position | Responsibility |
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| Chief Executive | <ul style="list-style-type: none"> • Demonstrate leadership and commitment to maintaining a safe, professional, and inclusive workplace. • Ensure reasonable steps are taken to inform and educate staff about professional behaviour, discrimination, harassment and bullying prevention, and the resolution of complaints. • All other responsibilities as listed below. |
| Executive Directors / Directors | <ul style="list-style-type: none"> • Ensure the Respectful Behaviours policy is made available to all staff. • Lead by example and demonstrate respectful behaviours to provide a working environment free from discrimination, harassment and bullying. • Ensure respectful behaviours are integrated into performance management and development plans. • Ensure they hold staff accountable for their behaviours and act promptly to deal constructively with behaviours that are not respectful in the workplace. • Take reasonable steps at the business unit level to prevent disrespectful and unethical treatment by providing information, instruction and appropriate training on this policy, to their staff and managers. • Resolve complaints sensitively and confidentially. • Provide an environment that discourages discrimination, victimisation, bullying and sexual harassment. • Promptly respond to an allegation or complaint or any change in staff/team behaviour that could indicate disrespectful behaviours. • Treat all complaints promptly with fairness and utilising principles of natural justice. • Maintain confidentiality at all times. • All other responsibilities as listed below. |
| Managers | <ul style="list-style-type: none"> • Lead by example and ensure they demonstrate Respectful Behaviours in all TAFE-related interactions. • Ensure respectful behaviours are integrated into staff members' performance review and development plans and staff are aware of the Respectful Behaviours Policy. • Promote respectful behaviours at TAFE SA and all its businesses. • Ensure new staff are familiarised with the Respectful Behaviour Policy during local workgroup induction. |

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| | <ul style="list-style-type: none"> • Ensure they hold staff accountable for their behaviour and must act promptly, constructively and decisively to address workplace behaviours that are not respectful. • Inform the employing agency at the earliest where the reported incident involves contractors/ volunteers hired through a third-party agency. |
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| All staff (including contractors and volunteers) | <ul style="list-style-type: none"> • Must demonstrate Respectful Behaviours in all TAFE - related interactions. • Abide by TAFE SA regulations, policies and procedures. • Must comply with the Code of Ethics for the South Australian Public Sector and the Public Sector Values. • Abide by work health and safety legislation. TAFE SA and its staff must take reasonable care to ensure that they do not adversely affect the health and safety of others. • Must report criminal offences to their manager or People and Culture. Failure to do so is a direct breach of the Code of Ethics and amounts to misconduct. If the complaint involves criminal conduct of any kind, the manager shall contact the police. Contact People and Culture if in doubt. • Have a duty to take all reasonable steps to prevent and report discrimination, harassment, misconduct, sexual assault and sexual harassment undertaken by or directed towards staff, students or other members of the TAFE SA community. • Accept responsibility for their behaviour and any consequences that arise from this. • Read and familiarise themselves with, and comply with this policy and not make malicious, vexatious, or false complaints. • Participate in good faith to resolve complaints. • Contribute to constructive and collaborative working relationships. • Resolve concerns and conflict constructively, including communicating in a manner that aims to strengthen relationships. • Not victimising, harassing or taking part in inappropriate behaviour toward any staff member involved in an investigation. |
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| People and Culture | <ul style="list-style-type: none"> • Ensure all staff have access to relevant and timely advice and support. |
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| | <ul style="list-style-type: none"> • Monitor and provide advice on all grievances reported to them. • Implement and review TAFE SAs policy, procedures, and training for dealing with breaches of the TAFE SA Respectful Behaviours Policy. • Oversee investigators or mediators handling complaints when and if required, including if referred for external review. • Ensure little disruption to work as possible during an investigation. • Promote early intervention and coach leaders on identifying and managing conflict. • Monitor outcomes of an investigation. |
| First Responders | <ul style="list-style-type: none"> • Provide information on the support services, disclosure and reporting options available to staff subjected to sexual assault or sexual harassment. • Listen to the person's concerns without judgement, guide them to the correct information and support services that best meet their needs. |

Definitions

| Term | Definition |
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| Respectful Behaviour | <p>Respectful behaviour means behaviour, communication and action that demonstrates courtesy and collegiality. TAFE SA staff are expected to demonstrate behaviours in line with SA Public Sector Values and Behaviours.</p> <p>It means fair treatment in a non-discriminatory manner. Examples of respectful behaviour include respecting differences (e.g. culture, beliefs, values, ideas or characteristics such as gender or age); valuing others (e.g. creating a supportive and collaborative team environment); and positive communication (e.g. engaging in open, transparent and honest communication).</p> |
| Disrespectful /Inappropriate Behaviour | <p>Inappropriate /disrespectful behaviour means negative workplace behaviours, including, but not limited to, shouting, personal insults, gaslighting, intimidation, isolating or excluding, undermining or humiliating others, victimisation, belittling, discrimination, bullying, harassment, and assault.</p> |
| Discrimination | <p>Discrimination can be direct or indirect:</p> <p>Direct discrimination- Direct discrimination happens when a person or group is treated less favourably than another</p> |

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| | <p>person or group because of their background or certain personal characteristics.</p> <p>Indirect discrimination- Indirect discrimination occurs when an unreasonable rule or policy is the same for everyone but unfairly affects people who share a particular attribute.</p> |
| Racial Discrimination | A person is treated less favourably than another person in a similar situation because of their race, colour, descent, national or ethnic origin or immigrant status. |
| Misconduct | <p>A breach of a disciplinary provision of the Code of Ethics whilst employed as a public sector staff.</p> <p>Categories of other conduct that can amount to misconduct include, but are not limited to:</p> <ul style="list-style-type: none"> • failing to comply with lawful and reasonable managerial directions • engaging in conduct that undermines or disrupts the employer's functions • failing to perform work with a reasonable degree of competence or skill and to a proper standard • engaging in intentional wrongdoing. |
| Victimisation | Victimisation is treating staff harshly or subjecting them to any detriment because they complained or helped others to complain about a discrimination or harassment issue, either within their organisation or to the Equal Opportunity Commission. It includes retaliation against them or disadvantaging them because of the complaint. |
| Sexual Harassment | The Equal Opportunity Act 1984 stipulates that it is unlawful for a person to harass or assault another person sexually. Sexual harassment is any unwelcome conduct of a sexual nature; where it is reasonable to expect the person being harassed would feel offended, afraid, or humiliated. Sexual harassment is determined from the point of view of the person feeling harassed. It is how the behaviour is received, not how it is intended, that counts. It can be verbal, written, visual, or physical. |

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| Harassment | Harassment occurs when a person is treated less favourably based on certain personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. It can be verbal, written, visual or physical in form. |
| Workplace Violence | <p>Work-related violence is any incident in which a person is abused, threatened or assaulted in the circumstances relating to their work. This definition covers a broad range of actions and behaviours that can create a risk to the health and safety of workers.</p> <p>Examples of work-related violence include:</p> <ul style="list-style-type: none"> • verbal and physical threats • throwing objects or pushing • grabbing or hitting. |
| Workplace mobbing | <p>Workplace mobbing is defined as hostile behaviours directed from one individual to another individual and that from group to individual. Mobbing, or “group bullying”, creates a hostile work environment that reduces productivity and staff morale. The behaviours may include but are not limited to:</p> <ul style="list-style-type: none"> • attacks • isolation • hostile interactions and physical violence or threats. |
| Bullying | An ongoing misuse of power in a relationship through repeated verbal, physical or social behaviour causes physical or psychological harm. It can involve an individual or a group misusing their power over one or more persons. Bullying can happen in person or online, and it can be overt or covert. |
| Vexatious | It is causing or tending to cause annoyance, frustration or worry or harassment. |

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| Complaint | It is defined as an incident that a staff member believes to be unfair, inequitable, discriminatory and/or creates an unsafe work environment and it is formalised in writing for the purpose of these procedures. |
| Vilification | <p>Vilification occurs whereby a public act, a person incites hatred towards, serious contempt for, or severe ridicule of a person or groups of persons because of:</p> <ul style="list-style-type: none"> • gender, race, colour, age, nationality, descent, ethno-religious or national origin • cultural origin • disability status • LGBTIQA+ community • Aboriginal and Torres Strait Islander Peoples. |

Associated Documents and References

| Document/Reference Title |
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| Age Discrimination Act 2004 (Federal) |
| Australian Human Rights Commission Act 1986 (Federal) |
| Children and Young People (Safety) Act 2017) |
| Civil Liability Act 1936 (SA) – see racial victimisation provisions. |
| Code of Ethics for the South Australian Public Sector |
| Disability Discrimination Act 1992 (Federal) |
| Equal Opportunity Act 1984 (SA) |
| Fair Work Act 1994 (SA) |
| Privacy Act 1988 (Federal) |
| Public Sector Act 2009 (SA) |
| Racial Discrimination Act 1975 (Federal) |
| Racial Vilification Act 1996 (SA) |
| Sex Discrimination Act 1984 (Federal) |
| TAFE SA Act 2012 |
| TAFE SA Close Relationships Procedure |
| TAFE SA Domestic and Family Violence Policy |
| TAFE SA Fraud and Corruption Policy |
| TAFE SA Sexual Assault and Sexual Harassment Policy |
| TAFE SA Access and Equity Policy |
| TAFE SA Staff Grievance Resolution Procedure |
| TAFE SA Work Health and Safety - Cultural Safety Procedure |
| TAFE SA Work Health and Safety – Psychological Health and Wellbeing Procedure |
| TAFE SA Work Health and Safety – Violence at Work Procedure |
| Work Health and Safety Act 2012 |
| Workplace Gender Equality Act 2012 (Federal) |

Document Control

This Policy will be reviewed by the Policy Owner every two years but may be actioned earlier by the Policy Owner according to feedback received or contextual changes.

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| Approved by | | | |
| Policy Owner | Damian Turner | Title | Executive Director- People and Culture |
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| Responsible Unit | | Strategy, Culture and Diversity Team | |
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