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Respectful Behaviours Policy

1. Policy Statement

The Department of State Development (DSD) is committed to being a high performing organisation, with a strong performance culture and outcome focused priorities. The Department operates within the provisions of the *Public Sector Act 2009*; *the Public Sector Regulations 2010*; *Public Sector (Honesty and Accountability) Act 1995* and expects all employees to uphold the Public Sector Values and comply with the Code of Ethics for the South Australian Public Sector (the Code of Ethics).

2. Policy Scope

This policy applies to all areas of DSD, to all employees for the Department, Commercial Representatives and locally engaged staff in the department's overseas offices and staff and volunteers working for any affiliated entity, program or initiative.

3. Purpose

To ensure that all staff are aware of the department's expectations that employees interact in a respectful and professional manner that fosters equity, fairness and dignity in the workplace.

4. Outcome

The promotion of a healthy and safe workplace where employees are valued and that the department's high performing, respectful culture, positive image, and reputation as an employer of choice are upheld.

5. Definitions

Respectful Treatment	Treating people in a polite, courteous and considerate manner. This includes behaviours, communications and actions.
Wellbeing	A condition of psychological, emotional and physical balance
Workplace	For the purposes of this policy the workplace includes work related activities such as sanctioned social situations that are linked to work. This would include Christmas Parties, education and training events, social work events and conferences.
Direct Discrimination	To treat a person less favourably under of one of the grounds as prescribed in law.
Indirect Discrimination	Indirect discrimination occurs when there is a requirement or rule that appears on the surface to treat everyone equitably but which in fact has an unfavourable effect on a certain group of people.
Victimisation	Subjecting or threatening to subject a person to some form of detriment because they have reasonably asserted their rights under equal opportunity legislation, or because they have supported someone else who acted on those rights.
Workplace bullying	<i>Repeated and unreasonable behaviour</i> directed towards a worker or a group of workers that <i>creates a risk to health and safety</i> .
Repeated behaviour	Refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
Unreasonable/Inappropriate behaviour	Behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour

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	that is victimising, humiliating, intimidating or threatening.

6. Policy Details

The department is committed to promoting a positive work environment which supports the wellbeing of our people by adopting appropriate practices which result in improved workforce and business outcomes, and that are underpinned by legislation and policy.

It is an expectation that public sector employees will at all times treat other persons with respect and courtesy. The department is committed to zero tolerance towards unfair discrimination, bullying, and harassment and will take an active approach to address and eliminate such behaviours.

Inappropriate behaviours can be considered a workplace hazard that can cause extensive health problems for employees, including physical and psychological illnesses and injuries. In addition, disrespectful treatment at work can also constitute a breach of the professional conduct standards as outlined in the Code of Ethics.

Any incidents of inappropriate or disrespectful behaviour should be addressed in a prompt and constructive manner in accordance of the principles of procedural fairness.

Discrimination and harassment constitutes a denial of equality in the workplace and is not consistent with the right of employees to 'safe and healthy working conditions'. Discrimination and harassment is prohibited by both this policy as well as by Federal and State legislation.

6.1 Public Sector principles

The public sector principles are recorded in the *Public Sector Act 2009* (PS Act) and include public focus, responsiveness, collaboration, excellence, ethical behaviour and professional Integrity as well as fulfilling legal requirements.

The Code of Ethics outlines the following values as the foundation for ethical behaviour in the SA Public Sector:

- democratic values – helping the government, under the law to serve the people of South Australia
- service, respect and courtesy – serving the people of South Australia
- honesty and integrity – acting at all times in such a way as to uphold the public trust
- accountability – holding ourselves accountable for everything we do
- professional conduct standards – exhibiting the highest standards of professional conduct.

The South Australian Public Sector values reinforce our commitment to:

- Service – we proudly serve the community and government of South Australia
- Professionalism – we strive for excellence
- Trust – we have confidence in the ability of others
- Respect – we value every individual
- Collaboration and Engagement – we create solutions together

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- Honesty and Integrity – we act truthfully, consistently and fairly
- Courage and Tenacity – we never give up
- Sustainability – we work to get the best results for current and future generations of South Australia

6.2 Safe and fair work environment

The department's employees and volunteers are to act in a positive way to maintain a safe working environment while they are employed.

The department promotes public sector workforce practices that support workplace health and wellbeing, and achieve improved workforce and business outcomes.

The PS Act and [Fair Work Act 1994](#) set the framework for fairness in the workplace.

The [Work Health and Safety Act 2012](#) sets the legal framework for safety in the workplace.

The following principles are to be followed in the workplace:

- personal safety is of paramount consideration
- basic human rights are unaltered by special needs, cultural, or socioeconomic factors;
- individuals are deserving of respect, care and protection;
- individuals can exercise their right to have an advocate act on their behalf.

6.4 Non-discriminatory workplace

Equal opportunity legislation protects citizens from discrimination. It is unlawful to treat people unfairly or less favourably because of their particular personal characteristics or because they belong to a certain group. To help ensure this, we have the following anti-discrimination laws in South Australia:

- *Equal Opportunity Act 1984 (SA)*
- *Racial Vilification Act 1996 (SA)*
- the racial victimisation provisions in the *Civil Liability Act 1936 (SA)*
- *Whistleblower's Protection Act 1993 (SA)*
- *Sex Discrimination Act 1984*

Discrimination is unlawful under the [Equal Opportunity Act 1984](#) and can include (but not limited to) direct and indirect discrimination based on:

- Age
- Sex, chosen gender or sexuality
- Race
- Disability
- Marital or domestic partnership status
- Religious Appearance or Dress
- Pregnancy
- Caring responsibilities

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6.5 **Victimisation, Bullying and / or Harassment**

Victimisation, bullying and harassment will not be tolerated in the workplace. Victimisation, bullying and harassment can include behaviour that:

- is directed towards an employee or a group of employees
- is repeated and systematic
- a reasonable person, having regard to all the circumstances, would expect that it would victimise humiliate, undermine or threaten the employee or employees to whom the behaviour is directed
- creates a risk to health or safety.

Further, it is unlawful to victimise a person specifically because they have made a formal complaint under the *Whistleblower's Protection Act 1993*, the *Independent Commissioner Against Corruption Act 2012* or Equal Opportunity legislation.

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but is not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- continuously and deliberately excluding someone from workplace activities
- 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 such that it has a detriment to the worker
- spreading misinformation or malicious rumours

Bullying Behaviour does not include:

- Reasonable action taken in a reasonable manner by an employer to transfer, demote, discipline, counsel, retrench or dismiss an employee
- A decision by an employer, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with an employee
- Reasonable administrative action taken in action taken in a reasonable manner by an employer in connection with an employee's performance

WorkCover have released [the draft Codes of Practice: Preventing and Responding to Workplace Bullying](#) and [Workplace Bullying – A Workers Guide](#). Further guidance can be found on the SafeWork SA website [Workplace Bullying](#).

6.6 Sexual Harassment

Sexual harassment is any unwanted or unwelcome sexual behaviour, which a reasonable person having regard to all the circumstances would anticipate that the person would feel offended, humiliated or intimidated.

With sexual harassment, what is important is how the behaviour was perceived, not necessarily how it was intended. Workplace and work related behaviour that qualifies as sexual harassment can be verbal, written, visual or physical. Sexual harassment can take many forms, including, but not limited to, unwelcome:

- Touching or kissing in a sexual way
- Comments or behaviours such as leering or staring, that is sexually suggestive
- Sexually explicit pictures, objects or reading matter
- Direct or implied sexual propositions, or requests for dates
- Intrusive questions about sexual activity.

The *Sex Discrimination Act* makes it unlawful for a person to sexually harass another person in a number of areas including employment, education, the provision of goods and services and accommodation.

6.7 What to do if you experience Inappropriate Behaviour (including bullying, harassment or sexual harassment)

A person may elect, according to the nature and seriousness of the behaviour to:

- resolve the issue informally by approaching the parties involved directly and discussing their concerns, or
- seek support through the generally accepted reporting structure, ie approach the line manager, and / or the relevant division / director, or
- follow the complaint process as outlined in the Department's Complaint Resolution and Internal Review Procedure which can be utilised to address employee concerns or complaints of unfair treatment, bullying, discrimination, harassment which are related to work or the work environment, or
- approach an external agency (e.g. Commissioner for Equal Opportunity, Australian Human Rights Commission, Office of the Employee Ombudsman, Work Health & Safety Inspector).
- **NB:** Every employee retains the right, at any time, to lodge a complaint or appeal with an outside agency.

7. Responsibilities

All Department of State Development employees are obliged to abide by the Code of Ethics, which requires exhibiting the highest standards of professional conduct as set out in the Code of Ethics.

The *Equal Opportunity Act 1984* gives rights and responsibilities to employees, employers and clients.

Employees have the responsibility not to discriminate against or harass other employees, or clients.

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Managers and supervisors have a legal responsibility to take all reasonable steps to ensure that the workplace and the services given to clients are free of discrimination and harassment. This includes taking reasonable steps to address concerns as they arise.

8. Related DSD Policies and Procedures

DSD Misconduct Policy

DSD Misconduct Procedure

DSD Complaints Resolution and Internal Review Procedure

DSD Health and Wellbeing Procedure

9. Supporting Documents

Public Sector Act 2009
Public Sector (Honesty and Accountability) Act 1995
Independent Commissioner Against Corruption Act 2012
Fair Work Act 1994
Code of Ethics for the South Australian Public Sector
Public Sector Values
Equal Opportunity Act 1984
Racial Vilification Act 1996
Whistleblower's Protection Act 1993
Work Health and Safety Act 2012
Sexual Discrimination Act 1984

10. Compliance

Staff are to adhere and comply with the department's policies and procedure documents and forms referred to in these documents in the policy environment. In addition, the Code of Ethics for the South Australian Public Sector requires all public sector employees to uphold the values of the Public Sector.

Deliberate breach or circumvention of the principles of the policy or any documents referenced in this document, may lead to appropriate disciplinary action in accordance with the *Public Sector Act 2009*.