

# Dignity & Respect in the Workplace Charter

This organisation is committed to a workplace that provides dignity and respect to all its employees.  
Dignity and respect requires acceptable behaviour from everyone in our workplace.

## Preamble

Everyone in the workplace, irrespective of their position, deserves to be treated with dignity and respect. No one should suffer bullying or harassment while going about their work. This can put at risk the health, safety and wellbeing of all employees. This organisation has therefore adopted a policy of 'zero tolerance' to bullying or harassment at work.

## Definitions

"Dignity and Respect" requires an organisation to have and maintain a certain behavioural culture. Acceptable and unacceptable behaviour are defined below.

### What is unreasonable or inappropriate behaviour?

#### Bullying

Workplace bullying, or harassment, is repeated unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.

#### Within this definition:

**"repeated"** refers to the persistent nature of the behaviour, not the specific form the behaviour takes. Behaviour is considered 'repeated' if an established pattern can be identified. It may involve a series of diverse incidents – eg verbal abuse, deliberate damage to personal property etc.

**"unreasonable behaviour"** means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. "...having regard to all the circumstances" does not mean that this hypothetical person has total knowledge of every aspect of the situation. Rather this person knows as much as the alleged bully could reasonably be expected to know.

**"behaviour"** includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

**"risk to health and safety"** includes risk to the mental or physical health of the employee.

### Types of Bullying Behaviour

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:

- Being overloaded with work, or not being given enough work to do;
- Being required to perform tasks without proper training or instruction, and which may place an employee at risk from injury;
- Unreasonable overtime, unfair rostering, allocation of work or being asked to perform non-work related tasks;
- Being excessively supervised or criticised;
- Subjected to constant ridicule and being put down in front of co-employees;
- Damage or interference with personal belongings, sabotage or undermining of work;
- Being the victim of loud and abusive, threatening or derogatory language usually when co-employees are present;
- Open or implied threat of the sack, or demotion or being pressured to resign;
- Creation of an oppressive and/or unhappy work environment to coerce or intimidate employees;
- Intimidation or threats to employees not to report or complain about conditions, unacceptable behaviours or health, safety and welfare;
- Leaving offensive messages on email or by telephone;
- Maliciously excluding and isolating a person from workplace activities, and promotional opportunities;
- Humiliating a person through gestures, or sarcastic, racist, or derogatory comments, often in front of clients, management or co- employees;
- Spreading gossip, false or malicious rumours about a person with intent to cause damage to a employee's employment or reputation;
- Inequitable use of performance management.

There are bound to be occasional differences of opinion, conflicts and problems in working relationships – these are part of working life.

However, if workplace behaviour is repeated, unnecessary, deliberate and unprovoked, offensive, and is used to intimidate, humiliate, or threaten a employee, then workplace bullying exists and this will not be tolerated by our organisation.

### Single Incidents of Harassing Type Behaviour

A **single incident** of harassing type behaviour may not be considered bullying. Nevertheless, this will not be ignored or allowed. This organisation will intervene to ensure that these incidents do not escalate. This will help prevent future incidents occurring.

### Examples of acceptable behaviour

#### Managerial Actions

**Legitimate managerial actions** include:

- Performance management processes;
- Action taken to transfer, make redundant or terminate an employee in a fair and equitable manner;
- Justified decisions not to provide a promotion in connection with an employee's employment;
- Disciplinary procedures for proven misconduct, and other behaviour or actions involving proven breaches of discipline;
- Managed business processes, such as workplace change or restructuring conducted in consultation with the employees and their representatives, which is required under the *NSW Occupational Health and Safety Act 2000* ('the Act').

### Management and Supervisory Responsibilities

This organisation has a 'duty of care' under the Act in relation to the health safety and welfare of all our employees. This includes a commitment to the psychological wellbeing of every employee employed by this organisation.

Employee participation is a key element in effective Health and Safety management systems. It promotes commitment to health and safety and develops a positive health and safety culture. This organisation is committed to fostering an environment consistent with consultative processes.

Employers have responsibilities under legislation, including the responsibility to provide a safe workplace.

Key areas of legislation that provide for dignity and respect at work include:

- NSW Occupational Health and Safety Act 2000 ('the Act') and
- NSW Occupational Health and Safety Regulation 2001 ('the Regulation')

**Clause 9 of the Regulation** requires all employers in NSW, regardless of size, to identify workplace risks. Violence and psychological hazards are defined as workplace risks. This clearly identifies bullying, as a psychological hazard, to be a risk. The OHS Regulation requires employers to eliminate risks associated with bullying and the only way to eliminate these risks is to have policies and procedures that respect dignity in the workplace. These policies and procedures should effectively deal with the issue by clearly setting out processes for complaints and appeals, provision of training for managers and supervisors and promotion of awareness amongst employees.

The NSW Chief Industrial Magistrate has ruled that employers should not tolerate bullying, implement an anti-bullying policy and procedures, train staff in working with policy and procedures, establish a complaints mechanism and continually monitor the effectiveness of these policies.

Employers, in order to meet their primary 'duty of care' obligations under the Act and the Regulation, have an obligation to conduct risk assessments to ensure risks from hazards, including bullying, are appropriately managed. This includes having processes to ensure respect and dignity exists in the workplace, as well as an anti-bullying policy and program.

**NSW Industrial Relations Act 1996 & Federal Workplace Relations Act 1997:** both prohibit harassment on the grounds of trade union activity and both include unfair dismissal procedures.

**NSW Anti Discrimination Act 1977:** prohibits workplace harassment on following grounds: Sex, pregnancy, race – colour – nationality – descent – ethnic or ethno religious background, marital status, disability (actual, past future or presumed), age transgender, sexual harassment, carer's responsibilities.

**Federal Human Rights Equal Opportunities Commission Act 1986:** prohibits workplace harassment on the following grounds: Political opinion, social origin, medical record, criminal record, trade union activity and religion.

**Federal Racial Discrimination Act 1975:** prohibits workplace harassment on the following grounds: Race, colour and nationality.

**Federal Sexual Discrimination Act 1984:** prohibits workplace harassment on the following grounds: Sex, marital status and pregnancy.

**Federal Disability Discrimination Act 1992:** prohibits workplace harassment on the following grounds: Disability and impairment.

**Federal Age Discrimination Act 2004:** recently passed and intended to prohibit workplace harassment on the grounds of age.

## Employee Involvement

Employees will be committed to:

- Reporting hazard, risk, or incident to the employer
- Participating in consultation during Risk Assessment
- Participating in training and awareness of the development of a dignity and respect in the workplace policy and procedures
- Adherence to a **Dignity and Respect in the Workplace Charter**
- Promoting a culture of respect and dignity for their fellow employees.

## Five Steps To A Bully-Free Workplace

This organisation is committed to the five steps to a workplace with dignity and respect:

### STEP 1 - Workplace Consultation

Set up appropriate consultative mechanisms involving our employees and their representatives to develop this organisation's **Dignity and Respect in the Workplace Charter**.

Employees must be involved in the development of this code. It is important that the **Dignity and Respect in the Workplace Charter** reflect the needs and nature of this organisation.

A risk assessment will be conducted to ensure that this organisation is not 'at risk' by fostering a culture that encourages or tacitly condones harassment and bullying.

### STEP 2 - Workplace Awareness campaign

All employees from senior management down will be made aware of the meaning and application of the **Dignity and Respect in the Workplace Charter**, the meaning of zero tolerance, and be given the ability to identify workplace bullying or circumstances including:

- How to recognise bullying
- The possible effects of bullying
- Where to get further information

The organisation will do this through OH&S induction and other training, posters, stickers and flyers explaining the **Dignity and Respect in the Workplace Charter**.

### STEP 3 – Training and Development

The organisation will establish an effective training program for management and supervisors specifically tailored to the needs of our organisation and to meet the zero tolerance objectives.

Management and supervisors will be trained in how to develop a workplace culture that encourages dignity and respect and is consistent with the **Dignity and Respect in the Workplace Charter**, and the zero tolerance objectives. The training will include the skills necessary to manage the issue including skills in mediation and negotiation.

In addition to the training supervisors, managers, OH&S representatives and staff will be provided with a Dignity and Respect toolkit to assist them in the ongoing risk management process.

### STEP 4 – Procedures To Deal With Complaints

This organisation will establish a complaints mechanism that includes:

- A time frame for complaints - complaints investigated immediately.
- A process that includes a record of the problem (e.g. an incident report form) and any other relevant information about the allegation, which should be forwarded to a designated responsible person and acted upon immediately.
- A trained, designated and impartial mediator who has authority to act to resolve the problem to ensure a fair and equitable outcome. In some instances it may be appropriate for the mediator to be sourced from outside of this organisation.
- Support for parties involved; including counselling, formal apologies and any other appropriate action.

Ultimately prevention through an effective **Dignity and Respect in the Workplace Charter**, and zero tolerance for bullying is the best way to ensure a productive and harmonious workplace.

### STEP 5 - Consultation and feedback

A 6 monthly review of the **Dignity and Respect in the Workplace Charter** and grievance procedures and mechanisms ensure that the policy remains effective and relevant.

The review will involve consultation between senior management, relevant unions, OH&S Representatives and employees on the performance of the organisation on how it has met the objectives of the **Dignity and Respect in the Workplace Charter** in the previous 6-month period.

The review will identify, any relevant matter, strategy or performance targets for inclusion in the **Dignity and Respect in the Workplace Charter** for the next 6 months.

This organisation is committed to the wellbeing of our entire workforce and has agreed to meet the objectives outlined in this Charter.

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WITH YOU AT WORK

## SIGNATURES

EMPLOYEE ELECTED UNION REPRESENTATIVES

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EMPLOYER REPRESENTATIVES

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OH&S COMMITTEE/REPRESENTATIVES

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