

Respectful, Inclusive and Fair Workplace Policy



Policy Document No:	PD/65	TRIM File No:
Version:	1.0	
Last Amendment:	29 May 2018	
Policy owner/sponsor:	Human Resources	
Branch contact:	Manager, Human Resources	
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Approved by:	Executive	
Date approved:	29 May 2018	
Next review:	29 May 2020	

1. Policy Statement

The State Library of NSW (the Library) is committed to providing staff with a positive, diverse, safe and healthy workplace where all activities are undertaken with respect, inclusion and fairness.

Positive workplaces have been shown to have many benefits for staff, including increased well-being, job satisfaction, team-work, engagement and professional / career growth.

Harassment, bullying and discrimination (collectively referred to in this policy only as 'unacceptable behaviour') are unlawful and unacceptable. This unacceptable behaviour undermines a positive, diverse, safe and healthy workplace and will not be tolerated by the Library for any reason.

This policy supports the maintenance of a positive workplace that is free from all forms of unacceptable behaviour, achieved through the following objectives:

- A culture of trust wherein staff feel comfortable and confident to proactively address unacceptable behaviour
- Awareness of the key role staff, people leaders, managers and executives have in contributing to a positive and diverse workplace
- Understanding of the concepts of harassment, bullying and discrimination, including the behaviour and considerations specific to each
- An accessible policy framework which can be used to prevent, identify, raise / report and resolve unacceptable behaviour

This policy is not limited to the workplace or working hours and applies to all work-related events including, but not limited to: lunches; internal and external functions / events; meetings; training / conferences and social events. Where unacceptable behaviour occurs at a non-work activity, it may still be covered by this policy if it has a continuing impact on relationships within the workplace.

This policy should be read in conjunction with the Library's Code of Ethics and Conduct which references standards of behaviour expected of all staff at the Library.

2. Target Audience

This policy applies to all staff members, contractors, employees of contractors, consultants, students and volunteers at the Library (collectively referred to in this policy only as 'staff') and compliance is mandatory.

3. Role and Responsibilities: Supporting a respectful, inclusive and fair workplace

Staff

Staff are responsible for contributing to a positive, diverse, safe and healthy workplace through understanding, role modelling and encouraging respectful, inclusive and fair behaviour, including:

- Ensuring personal conduct is aligned with the Library Values, Code of Ethics and Conduct, and the [Behaving Ethically Guide](#)
- Being polite and courteous to others
- Respecting the differences between people and their circumstances
- Not engaging in, or encouraging, unacceptable behaviour towards staff, vendors or readers
- Reporting any unacceptable behaviour being experienced or witnessed
- Adhering to the Grievance Policy and Procedure, if intending to raise / report a grievance or when involved in a grievance resolution process

People Leaders, Managers and Executives (management)

In addition to the above, management are responsible for creating and supporting a positive workplace by:

- creating support programs to build a culture of diversity and understanding
- promoting understanding and appreciation of different working and communication styles, life experiences, and backgrounds
- recognising and encouraging positive behaviour of staff
- role modelling positive behaviour
- clearly articulating acceptable and unacceptable behaviour to their team
- discussing the desired team culture at team meetings
- identifying and addressing conduct issues as soon as they arise
- responding promptly and confidentially to reports or grievances made by staff
- providing appropriate support to staff experiencing or witnessing unacceptable behaviour, or who are involved in grievance resolution
- encourage staff to receive support, if needed
- ensuring staff understand this policy and the Grievance Policy and Procedure

4. What standard of behaviour is expected?

Everyone involved in the workplace has the right to feel safe, valued, respected and free to give their best in their own unique way. For many, work is not only a source of income but a socially enriching activity in which meaningful relationships are made, ideas created and shared, and where activities contribute towards personal growth. The standard of behaviour expected of all staff is that which ensures a culture aligned with these objectives while being lawful, ethical and building trust in the public sector.

All staff are expected to apply the following guidelines:

- Everyone's experience is unique and will yield a slightly different set of thoughts, feelings and perspectives on any topic. Openly and earnestly sharing your views, whilst seeking to understand others', will foster strong, positive working relationships based on mutual understanding and growth
- Be open, honest and tactful when communicating: while it is positive to be direct with others, it is important to consider the other person's context when deciding how to communicate in terms of wording, overall message and / or body language
- Respect and support your colleagues, treating them with courtesy and dignity, in all work activities
- Encourage teamwork, collaboration, free expression of ideas, constructive dialogue and mutual respect
- Take reasonable care and responsibility for your behaviour and the work environment to ensure you do not adversely impact the health or safety of others
- Aim for outcomes which create the most positive result for the greatest number, both in terms of goals and interpersonal relationships
- Live by the Library's Values: there are many guiding statements available under each value, for example:
 - Consider people equally without prejudice or favour
 - Take responsibility for situations, showing leadership and courage
 - Appreciate difference and welcome learning from others
 - Respect and involve our Indigenous communities and multicultural communities
 - Build relationships based on mutual respect
 - Communicate intentions clearly and invite teamwork and collaboration
 - Encourage creativity, curiosity, experimentation, diligence and trust
 - Empower our people to take risks
 - Encourage intellectual freedom of thought and expression

5. What is unacceptable behaviour?

Generally, unacceptable behaviour is any that results in a hostile, intolerant or oppressive work environment or that may adversely impact the health or safety of others. Inciting contempt, ridicule or hatred towards others, making unsubstantiated accusations or acting in an abrasive, overbearing or subversive manner are considered unacceptable behaviour and will not be tolerated by the Library.

Unacceptable behaviour can take place between: staff and people leaders; co-workers; or staff and another person in the workplace, such as a member of the public or vendor, either overtly or covertly.

Unacceptable behaviour can occur via a range of mediums including, but not limited to: face to face interaction; verbal, non-verbal, written and electronic communication; social media; pranks; jokes; and impacts from decisions / other actions.

To support staff in preventing, identifying and addressing unacceptable behaviour the below categories, definitions and examples are provided for reference:

Harassment

Unwelcome, unreciprocated behaviour that offends, humiliates, intimidates or threatens. For example:

- shouting, verbal abuse or belittling someone
- offensive comments or jokes
- practical jokes
- sending rude, aggressive or graphic emails

A person can feel harassed even when the other party did not intend to harass them. It is about how the person receiving or witnessing the behaviour interprets it. It is important to consider how your behaviour may come across to others and, if unsure whether it is unacceptable, to err on the side of caution.

Harassment for any reason is unacceptable. It can also be unlawful in certain circumstances (see 'Discrimination' section below).

Sexual Harassment

Harassment that is of a sexual nature. For example:

- sexual assault
- inappropriate sexual behaviour or requests for sexual favours
- staring at, commenting on or touching another person's body
- circulating or displaying sexually explicit material

Bullying

Repeated, unwelcome and unreciprocated behaviour that offends, humiliates, intimidates or threatens and could cause a risk to workplace health or safety. For example:

- frequent shouting, verbal abuse or belittling someone
- intimidating comments or threats
- frequently disrupting a person's workspace, equipment or property
- verbal or physical assault
- withholding information a person requires to do their job
- isolating a person from work social activities
- inappropriate verbal or written comments, remarks or jokes

Bullying for any reason is unacceptable and is also unlawful under the *Work Health and Safety Act 2011*.

Discrimination

Treating someone unfairly or harassing them because they have, or are thought to have, a certain characteristic or belong to a certain group as defined in the *Anti-Discrimination Act 1977*.

Under the *Anti-Discrimination Act 1977*, it is unlawful to treat someone unfairly or harass them due to their: age, sex, sexual orientation, race, transgender status, marital or domestic status, pregnancy status, breastfeeding status, disability status (including illnesses, such as HIV/AIDS) or carer's responsibilities, or due to you being associated with someone that has one or more of these characteristics.

Other forms of discrimination include:

- Indirect discrimination: where a rule or expectation is applied equally to a group, but because of one or more members of that group having certain characteristics, they are negatively impacted.
- Vilification: any public act that could incite or encourage hatred, serious contempt or severe ridicule based on their race, sexual orientation, transgender status, or because they have HIV/AIDS.

It is against the law to victimise or treat someone unfairly because they have: complained to their employer or another person about discrimination or harassment; complained to the Anti-Discrimination Board; supported someone with a discrimination or harassment complaint; or acted as a witness in a discrimination or harassment case.

Discrimination for any reason is unacceptable at the Library.

Harassment, bullying and discrimination is not...

Reasonable management action taken to direct and control the way work is carried out, is not considered to be harassment, bullying or discrimination, if the action is taken in a reasonable and lawful way. For example, performance management processes, implementation of organisational change and actions that involve transfer to another role, redeployment or formal action.

From time to time differences of opinion, conflicts and problems in working relations will arise, these are part of working life. Staff are expected to behave respectfully and tactfully to resolve these situations.

6. What to do if you experience or witness unacceptable behaviour

The Library has a Grievance Policy and Procedure which encourages resolution of unacceptable behaviour at the most local, informal level, achieved through staff raising the concern directly with the other person. To support the positive resolution of unacceptable behaviour at this level, the Library's '[Just Talk Tool](#)' is available to staff which outlines how to prepare for, and carry out, a resolution discussion.

Staff experiencing or witnessing any form of unacceptable behaviour should also raise this immediately with their people leader.

However, where direct resolution is not appropriate, or staff feel uncomfortable doing so, the Grievance Policy and Procedure contains provisions that support staff to report unacceptable behaviour and have them resolved using a process and level of formality appropriate to the situation.

Staff have a range of resources available who can provide support, information and advice:

- [Employee Assistance Program \(EAP\)](#)
- People leader
- [Contact Officers](#)
- Human Resources team

Staff are encouraged to proactively support each other to speak up and ensure issues or concerns are addressed in a constructive manner. This underpins a positive work environment for all.

7. Employee Support

The Employee Assistance Program (EAP) is available to staff and their immediate families and provides free, short-term counselling and other support resources to support well-being. Details and contact information are listed on the Library's intranet ([Working at SL > Remuneration and Benefits > Benefits](#)).

Harassment and Bullying Contact Officers are also available to provide advice and guidance regarding concerns of unacceptable behaviour and the Grievance Policy and Procedure.

8. How the Library will respond to unacceptable behaviour

When responding to reports or identified incidents of unacceptable behaviour, the Library will take all reasonable steps to address the behaviour, taking into account the situation and the resolution preferences of the parties. However, where the unacceptable behaviour is of a certain type or severity, the Library may need to take formal action in addition to, or in place of, these resolution preferences.

Following the report or identification of an incident of unacceptable behaviour, the Library will:

- take carriage of the situation and proactively carry out appropriate steps to ensure all unacceptable behaviour, and any contributing factors / causes, are addressed promptly, fairly and confidentially
- take all reasonable steps to ensure a positive resolution for all involved
- support staff during and after the resolution process to ensure safety, health and wellbeing are maintained, and that no victimisation or further negative impacts occur
- where required, consult with Human Resources to ensure all relevant measures are taken and responsibilities met
- monitor the situation moving forward
- remind staff of appropriate behaviour and the desired culture of the Library

9. Breach of this policy

The Library will take prompt, appropriate action in relation to staff who are found to be in breach of this policy. The type of action taken will depend on the nature, circumstance and severity of the breach and could include, but not be limited to, one or more of the below:

- Corrective arrangements, such as verbal or written apology, counselling or training
- Formal action, such as performance management, formal warning, reassignment, demotion or dismissal
- Referral to police or other external agency, in cases which may also be a criminal offence

10. Further Information

For further information or guidance, the following resources are available:

Australian Human Rights Commission	1800 620 241 https://www.humanrights.gov.au
Anti-Discrimination Board of NSW	(02) 9268 5544; http://www.antidiscrimination.justice.nsw.gov.au/ adbcontact@justice.nsw.gov.au

Related Legislation and Policy

The following documents list the legislative and policy framework within which the Respectful, Fair and Inclusive Workplace Policy operates and provides further guidance for the specific areas addressed in it.

- *Australian Human Rights Commission Act 1986 (Cth)*
- *Age Discrimination Act 2004 (Cth)*

- *Disability Discrimination Act 1992 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Workplace Gender Equality Act 2012 (Cth)*
- *Anti-Discrimination Act 1977*
- *Work Health and Safety Act 2011*
- *Crown Employees (Public Service Conditions of Employment) Award 2009*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Rules 2014*
- *Government Sector Employment Regulation 2014*
- Public Service Commission – Behaving Ethically Guide
- Public Service Commission – Positive and Productive Workplaces
- State Library of NSW Code of Ethics and Conduct (PD/49)
- State Library of NSW Grievance Policy and Procedure

History

This policy replaces the *Harassment and Bullying Free Workplace Policy*, *Sexual Harassment Policy* and *Equal Employment Opportunity (EEO) Policy*.

Document history and version control

Version	Date approved	Approved by	Brief description
1.0	29 May 2018	Executive	This policy supports the maintenance of a positive workplace that is free from all forms of unacceptable behaviour.