

## Workplace Behaviour Policy

<b>Title:</b>	Code of Conduct
<b>Type:</b>	Policy
<b>Division:</b>	Corporate
<b>BU/Dept:</b>	All
<b>Branch:</b>	National
<b>Intended for:</b>	All Personnel
<b>Versions:</b>	<ol style="list-style-type: none"> <li>1. 29 Dec 2015 – General Manager</li> <li>2. 13 May 2021 – Head of People and Wellbeing</li> <li>3. 14 September 2023 – Workplace Relations Specialist</li> </ol>

### Scope & Purpose

Star Aviation (Star) is committed to providing a safe, flexible and respectful environment for all persons, that is free from all forms of discrimination, bullying and harassment.

All individuals engaged in activities reasonably connected with Star are required to conduct themselves in a manner consistent with this procedure, and are to treat others with dignity, courtesy and respect.

Contravention of this procedure will be considered to be inappropriate behaviour and dealt with in accordance with the Star's Counselling and Disciplinary Procedure [HRM-PRO-0001].

### Application

This policy applies to anyone who is defined as a "worker". This includes anyone who carries out work for Star such as:

- an employee,
- a contractor or sub-contractor,
- an employee of a contractor or sub-contractor,
- an employee of a labour hire company, and
- others such as students gaining work experience, volunteers, labour hire, apprentice or trainee.

This policy applies to behaviours that occur:

- in connection with work, even if it occurs outside normal working hours,
- during work activities,
- at work related events, for example, at conferences and work-related social functions, and/or
- on social media, where employees interact with colleagues and their actions may affect them either directly or indirectly.

## Roles and Responsibilities

### *3.1 Workers*

Workers are to:

- a) comply with the requirements of this policy at all times and
- b) call-out inappropriate workplace behaviour.

### *3.2 Team Leaders / Managers*

Team Leaders / Managers are to:

- a) lead by example,
- b) call-out inappropriate workplace behaviour,
- c) ensure all workers are aware of this policy and implement it across the business, and
- d) ensure compliance with requirements of this policy across the business

## Expectations

In line with Star's Code of Conduct [HRM-POL-0001], Star expects the highest standard of behaviour and conduct in the workplace:

- treat others with dignity, courtesy and respect,
- behave honestly and with integrity,
- act with care and diligence,
- be fair and honest in the dealings with others,
- not fight or use inappropriate language in the workplace and
- comply with all Star policies and procedures.

Where a worker fails to meet these expectations and engages in inappropriate behaviour, appropriate action will be taken. This may involve mediation, coaching, counselling and/or disciplinary action.

Examples of inappropriate behaviour include (but are not limited to):

- not complying with Star's policies and procedures,
- disruptive or negative behaviour that impacts on colleagues,
- discriminating against, harassing or bullying another employee(s) or any other person, and/or
- improper use of equipment and resources.

## Types of Inappropriate Workplace Behaviour

Inappropriate behaviour in the workplace includes (but is not limited to):

- Discrimination
- Bullying
- Harassment
- Vilification



- Violence
- Sexual offences, including sexual harassment and sex-based harassment
- Inappropriate use of company computers (e.g. for the sharing of pornography, downloading movies, personal shopping)

Misconduct (e.g. abusive language) or Serious Misconduct (e.g. theft, fraud, assault)

## Discrimination

Discrimination occurs when a person, or a group of people, is, or proposed to be treated, less favourably than another person or group because that other person or group has one or more protected attributes.

Discrimination can occur:

**Directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law.

For example:

- excluding someone from a job or course because of their family responsibilities.
- not inviting someone to work on a project because they are from a non-English speaking background and it is assumed people might have difficulty understanding them.

**Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

For example:

- requiring all staff members to have a driver licence when driving is not part of the role,
- everyone has to complete mandatory training online making it impossible for an employee who is vision impaired to complete the training which could impact their job or chances of promotion.

Personal characteristics protected by the law include:

- age
- parental and carer status
- disability - including physical, sensory, intellectual disability, medical condition or illness, mental illness or psychiatric disability, work related injury
- employment activity
- gender identity, lawful sexual activity and sexual orientation
- industrial activity
- marital status
- physical features
- political belief or activity
- pregnancy, including potential pregnancy and accessing IVF, and breastfeeding
- race, including colour, ethnic or national origin
- religious belief or activity

- relationship status
- sex
- irrelevant criminal record – including charges and convictions
- personal association with someone who has, or is assumed to have, one of these personal characteristics.

## Bullying

Bullying occurs when a person, or group of people, **repeatedly** behaves **unreasonably** towards another person, or group of people of which that other person is a member, and that behaviour creates a risk to health and safety.

- Bullying is repeated behaviour that offends, humiliates, intimidates or undermines a person.
- Bullies come in all shapes and sizes. They can be fellow workers, managers, customers or others at work.
- Bullies may use power associated with their status or position to offend, humiliate, intimidate or undermine another person.
- Bullying can be overt (e.g. punching, kicking, name-calling and insults) and easily detected, or covert (e.g. excluding people from groups or spreading lies or rumours) and more subtle.

**Repeated** behaviour refers to the persistent nature of behaviour and can involve a range of behaviours over time.

**Unreasonable** behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

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

- aggressive or intimidating conduct,
- abusive, insulting, humiliating or offensive language or comments,
- unjustified criticism or complaints,
- deliberately excluding someone from workplace activities and work-related events,
- withholding information that is vital for effective work performance,
- setting tasks that are unreasonably beyond or below a person's skill level,
- denying access to information, supervision, consultation or resources to the detriment of the employee,
- undermining responsibility,
- spreading misinformation or malicious rumours,
- teasing, practical jokes or 'initiation ceremonies',
- displaying offensive material,
- changing work arrangements (leave and rosters) to deliberately inconvenience an employee or group of employees and/or

pressure to behave in an inappropriate manner.

## What is not Workplace Bullying?

### **Reasonable Management Action:**

Bullying does not include reasonable management action carried out in a reasonable manner. Reasonable management action includes (but is not limited to):

- performance management processes,
- disciplinary action for misconduct,
- informing a worker about unsatisfactory work performance or inappropriate work behaviour,
- directing a worker to perform duties in keeping with their job,
- setting reasonable performance goals, standards and deadlines and
- implementing organisational changes or restructuring.

However, a reasonable management action must be conducted in a reasonable manner. If not, it could still be bullying.

### **Workplace Conflict:**

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have respectful disagreements and differences in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety.

## Harassment

Harassment includes any unwelcome behaviour that offends, humiliates or intimidates a person. In Australia, unlawful harassment is dealt with under anti-discrimination laws, rather than through specific harassment legislation.

Unlawful harassment generally occurs when a person behaves towards another person for a reason that is prohibited under anti-discrimination legislation.

Harassment can involve physical conduct, verbal conduct or visual conduct (i.e. posters, emails, texts).

Harassment may include any of the following behaviour:

- Sexual Harassment
- Sex-based Harassment
- Racial Harassment
- Disability Harassment
- Racial vilification
- Victimisation

**A one-off incident can constitute harassment.**



## Sexual Harassment

Sexual harassment is defined under the *Federal Sex Discrimination Act 1984* as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Examples of behaviours that may amount to sexual harassment include:

- sexually suggestive behaviour, such as leering or staring
- uninvited physical contact such as patting, pinching, touching, putting an arm around another person, brushing up against someone, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment can still occur even when a harasser does not intend it. Motive is irrelevant; the test focuses on how the behaviour is received by the other person and if it is unwelcome.

There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.

Comments and behaviour that do not offend one person can offend another.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

## Sex-based Harassment

Sex-based harassment is any unwelcome conduct of a seriously demeaning nature because of a person's sex, in circumstances which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Examples of sex-based harassment include, but are not limited to:

- making inappropriate comments and/or jokes about a person based on their sex (e.g. joking about a woman being 'hormonal' based on her menstrual cycle or experience of menopause, or criticising a male teacher's ability to teach because he is a man);
- asking intrusive personal questions based on a person's sex;

- displaying images or materials that are sexist, misogynistic or misandrist;
- making sexist, misogynistic or misandrist remarks about a specific person;
- requesting a person to engage in degrading conduct based on their sex.

## Racial Harassment

Racial harassment includes racially-based threats, abuse or insults that disadvantage another person in their workplace or other area covered by anti-discrimination laws. Racial harassment could include, for example, racist jokes, racist graffiti and name-calling.

## Disability Harassment

Disability harassment is unlawful conduct in the form of threats, insults, abuse or taunts towards a person with a disability or a person who is associated with a person having a disability.

## Vilification

Vilification occurs when a person, by a public act or otherwise, incites hatred towards, serious contempt for, or severe ridicule of, a person or group of people on the grounds of a protected attribute of the person or members of the group, (e.g. race, gender identity, sexuality, HIV/AIDS status).

Public acts could include the following:

- remarks on radio or television
- material on the internet, including social networking sites such as Facebook or Twitter
- graffiti
- putting up posters or stickers
- verbal abuse
- making speeches or statements
- making gestures
- wearing badges or clothes with slogans on them

## Victimisation

Victimisation means subjecting or threatening to subject a person to some form of detriment because of something that they rightfully have done, for example:

- lodged, or are proposing to lodge a complaint or commence proceedings relating to alleged unlawful discrimination, harassment or bullying,
- provided information or documents to an internal investigation or an external agency,
- acted as a witness in a case,
- reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws or
- made an allegation that a person has acted unlawfully under federal anti-discrimination laws.

## Serious Misconduct

As defined by the *Fair Work Regulations 2009*, serious misconduct includes:

- wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment,
- conduct that causes serious and imminent risk to the:
  - health or safety of a person or
  - the reputation, viability or profitability of the employer
- engaging in theft, fraud or assault,
- sexual harassment,
- being intoxicated at work and/or
- refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

In cases of serious misconduct, summary dismissal (termination of employment without notice) may be warranted.

## Dealing with Inappropriate Behaviour

Employees who feel they have been discriminated against, harassed or bullied (or who are experiencing other types of inappropriate behaviour) are encouraged to:

- **Invite the person to stop the behaviour** - if you feel safe and comfortable doing so, calmly tell the other person that you object to their behaviour and ask that it stop. They may not realise the effect their behaviour is having on you or others, and your feedback may give them the opportunity to change their actions.
- **Seek advice** – If you are unsure about what to do if you have experienced or witnessed inappropriate workplace behaviour, you may wish to seek advice from an independent person. Advice should be sought from a person who is objective and impartial and who has knowledge of the options available for dealing with workplace bullying. This may include:
  - your Manager, Team Leader or a Head of Department or
  - HR
- **Report it** - If you believe you are experiencing or witnessing inappropriate workplace behaviour, you should report it as early as possible. You can make a report verbally or in writing [refer to Complaints and Grievances Procedure HRM-PRO-0002].

If you are experiencing or witnessing any behaviour that involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.

## Vexatious claims / claims made without reasonable cause

Workers should not raise allegations which are vexatious or without reasonable cause.

Vexatious means that:



- the main purpose of a claim is to harass, annoy or embarrass the other party or
- there is another purpose for the grievance other than the settlement of the issues arising in the claim (or response).

"Without reasonable cause" means that a claim is made without there being any real reason, basis in fact(s) or purpose. Such claims include allegations that are:

- so obviously untenable that the claim cannot possibly succeed,
- manifestly groundless and/or
- insufficiently particularised.

Where a claim is determined as vexatious or made without reasonable cause, the worker who raised the complaint will receive written notification of the determination which will include reasons as to why the complaint was deemed as vexatious and/or reasonable cause and may be subject to disciplinary action.

#### Associated Documents

- HRM-POL-0001 Code of Conduct
- HRM-PRO-0001 Counselling and Disciplinary Procedure
- HRM-PRO-0002 Complaints and Grievances Procedure

#### Associated Legislation

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2001 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Federal Sex Discrimination Act 1984
- Fair Work Act 2009
- Fair Work Regulations 2009

