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Respect Policy

Policy overview

This policy relates to the expectation of respect in the workplace. It sets out to establish K1 Payroll Pty Ltd's expectations in terms of behaviour and to indicate what is not appropriate.

This policy specifically relates to respect and ensuring that the workplace is free from discrimination, harassment, victimisation and bullying as well as acts which do not adhere to the Code of Conduct.

What do I need to do?

You need to read the policy carefully. You will receive education on the policy and how it is implemented during your time at K1 Payroll Pty Ltd.

Policy and further information

To the extent that the contents of the Code of Conduct refers to obligations on K1 Payroll Pty Ltd, they are guidelines for management or summaries of applicable legislative requirements only and are not contractual terms, conditions or representations on which a staff member may rely.

Your Manager is available to assist with any queries you have relating to the policy.

Respect Policy

Purpose and scope

As an approved education and care service, K1 Payroll Pty Ltd is protective of its children, families, and staff and K1 Payroll Pty Ltd itself. This policy reflects that level of concern.

Introduction

K1 Payroll Pty Ltd is committed to providing a safe and friendly workplace free from unlawful discrimination, harassment, victimisation, and bullying.

We also seek to create a work environment which promotes good working relationships and where people are not subjected to unacceptable behaviour that makes them uncomfortable or causes harm.

This policy is not limited to the workplace or work hours but extends to all places and functions that are work related. For example, work or parent meetings, work lunches, conferences, work organised Christmas parties and external functions. Staff members should comply with this policy at all work-related functions. This policy also applies when staff members go to other workplaces in connection

with their work or are in a place representing work or with work colleagues.

Discrimination

What is unlawful discrimination?

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race, or disability. Discrimination and harassment are not only unacceptable but unlawful under State or Territory Equal Opportunity legislation and under Federal Legislation including:

- Sex Discrimination Act 1984 (Cth);
- Racial Discrimination Act 1975 (Cth);
- Disability Discrimination Act 1992 (Cth);
- Human Rights and Equal Opportunity Commission Act 1986 (Cth);
- Fair Work Act 2009 (Cth);
- Anti-Discrimination Act 1996 (NT); and
- Equal Opportunity Act 1984 (WA);

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 (see list below).

*? For example, a worker is harassed and humiliated because of their race, or a worker is refused promotion because they are 'too old'.
?*

- **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 (see list below).

For example, redundancy is decided based on people who have had a workers' compensation claim rather than on operational needs.

Protected personal characteristics under Federal discrimination law include:

- A disability, disease or injury, impairment, including work-related injury;
- Parental status or status as a Carer, for example, because they are responsible for caring for children or other family members;
- Race, colour, descent, national origin, or ethnic background;
- Age, whether young or old, or because of age in general;
- Sex;
- Industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- Religious belief or activity;
- Pregnancy and breastfeeding;
- Sexual orientation, intersex status, or gender identity, including gay, lesbian, bisexual, transsexual, transgender, and heterosexual;
- Marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;
- Political opinion, affiliation, or activity;
- Social origin or nationality;
- Medical record;

- Irrelevant criminal records; and
- An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

There may be further attributes under State or Territory equal opportunity legislation where you are based.

It is against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

K1 Payroll Pty Ltd will not tolerate discrimination in the workplace.

Bullying

Workplace bullying is repeated unreasonable behaviour directed toward a staff member, or group of staff members that creates a risk to health and safety. It is behaviour that offends, humiliates, intimidates, or undermines a person.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

If someone is being bullied because of a personal characteristic protected by equal opportunity law, this can also be a form of discrimination.

Behaviours that may constitute bullying include:

- Sarcasm and other forms of demeaning language;
- Being subjected to actual or threatened violence abuse or shouting;
- Coercion;
- Isolation and being excluded from workplace and related activities;
- Inappropriate blaming;
- Ganging up;
- Constant unconstructive criticism;
- Deliberately withholding information or equipment that a person needs to do their job or access their entitlements; and
- Unreasonable refusal of requests for leave, training, or other workplace benefits.

Bullying is unacceptable. K1 Payroll Pty Ltd will not tolerate bullying in the workplace.

Reasonable management actions performed in a reasonable manner are not bullying, examples include:

- Setting performance goals, standards, and deadlines;
- Allocating work to a staff member;
- Transferring an employee;
- Deciding not to select a staff member for promotion;
- Informing a staff member about unsatisfactory work performance;
- Informing a staff member about inappropriate behaviour;
- Implementing organisational changes;
- Performance management processes;
- Constructive feedback; and
- Downsizing.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator, which may result in termination of employment.

K1 Payroll Pty Ltd has a zero-tolerance approach to victimisation.

It is unacceptable for staff at K1 Payroll Pty Ltd to talk with other staff members, clients, or suppliers about any complaint of discrimination or harassment.

Harassment

Harassment is a form of discrimination. Harassment is unwelcome conduct towards a person with a protected attribute or characteristic that a reasonable person would expect to offend, humiliate, or intimidate.

The law also has specific provisions relating to sexual harassment, racial hatred, and disability harassment.

Vilification involves using speech, images or writing in public to incite hatred towards, serious contempt for, or severe ridicule of a person's race, HIV/AIDS status, transgender status, or sexuality. Vilification can constitute a crime and will not be tolerated.

K1 Payroll Pty Ltd will not tolerate harassment in any circumstances.

Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome conduct or behaviour of a sexual nature, that makes a person feel offended, humiliated, or intimidated. Unwelcome conduct means that the subject did not invite the conduct.

Sexual harassment can be physical, spoken or written. It can include words or statements, which are transmitted by post, phone, fax, text message, video, e-mail, computer servers, screensavers, or otherwise displayed in the workplace. The intention of the perpetrator, and the gender and/or sexual orientation of the perpetrator or victim are irrelevant.

Examples can include:

- Comments about a person's private life or the way they look;
- Sexually suggestive behaviour, such as leering or staring;
- Brushing up against someone, touching, 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; and
- 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.

In the area of employment, sexual harassment is unlawful whether committed by or against:

- Employers or prospective employers;
- Employees;
- Contractors;
- Suppliers;
- Clients; and
- Members of industrial organisations and qualifying bodies.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. 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 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.

Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

All incidents of sexual harassment – no matter how large or small or who is involved – require managers to respond quickly and appropriately.

K1 Payroll Pty Ltd recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

Harassment of any type is unacceptable K1 Payroll Pty Ltd will not tolerate sexual harassment in the workplace.

Prevention

K1 Payroll Pty Ltd aims to prevent discrimination, bullying, harassment, or victimisation in the workplace through:

- Creating a working environment which is free from bullying, unlawful discrimination, and harassment, sexual harassment, and victimisation and where all staff members are treated with dignity, courtesy and respect;
- Implementing training and awareness raising programs to ensure that all staff members know their rights and responsibilities;
- Providing an effective procedure for complaints based on the principles of fairness;
- Treating all complaints in a sensitive, fair, timely and confidential manner, subject to the rights of others involved;
- Providing protection from any victimisation or reprisals;
- Encouraging the reporting of behaviour which breaches the discrimination and harassment policies; and

- Promoting appropriate standards of conduct at all times.

Resolving issues

K1 Payroll Pty Ltd strongly encourages any staff member who believes they have been discriminated against, bullied, harassed, or victimised to take appropriate action:

- Let the perpetrator(s) know that their actions are inappropriate and you would like them to stop immediately. This should be done in an assertive and clear manner.
- If you are unable to tell the perpetrator(s) to stop, or they continue to behave in an inappropriate manner, you should report their behaviour immediately to one of the following:
 - Your immediate Manager; and/or
 - Senior management.

Any report of unlawful discrimination and harassment, bullying, sexual harassment, or victimisation will be taken very seriously and dealt with promptly, confidentially (subject to the rights of others involved), and with due severity.

Staff who do not feel safe or confident to take such action may seek assistance from their Manager or their union.

False or vexatious allegations of bullying, unlawful discrimination and harassment, sexual harassment, or victimisation will also not be tolerated and if found to have occurred, will result in disciplinary action against the person making the false or vexatious complaint.

Investigations

All complaints will be taken seriously.

In certain circumstances, complaints may be referred to external investigators, including our legal advisers, to investigate.

All staff members are required to fully co-operate with the investigator. A failure or refusal to fully co-operate may constitute misconduct and may result in disciplinary action up to and including dismissal.

The investigation and its outcome will, where possible, be kept confidential unless we determine otherwise.

Employee assistance program

Staff may be entitled to a certain amount of free, professional counselling from an employee assistance program provided by the centre. To confirm whether an employee assistance program is available, please contact your Manager for more details.

Employee assistance program counselling is confidential and nothing discussed with a counsellor will be communicated back to the Manager. Employee assistance program counselling can assist with a variety of matters, regardless of whether the issue is related to a workplace problem or some other issue outside of the workplace.

Staff member responsibility

If discrimination, bullying, harassment, sexual harassment, or victimisation goes unchallenged by staff

members, not only does it provide the perpetrator with a camouflage within which to hide and thrive; it also denigrates our core values.

If any staff member witnesses any form of discrimination, bullying, harassment, or victimisation they are required to report the matter to the appropriate Manager.

Any staff member that is found perpetrating, encouraging, or camouflaging any form of discrimination, bullying, harassment, or victimisation will face disciplinary action, which may result in dismissal.

Further information

Further information on bullying can be obtained by visiting the website of the Fair Work Commission or the OHS Regulator in the State or Territory in which you work.

Further information on unlawful discrimination and harassment can be obtained by visiting the website of Fair Work Commission, the Australian Human Rights Commission, or the appropriate equal opportunity body in the State or Territory in which you work.

Please answer the quiz below, in order to complete your understanding of this Policy document.

Is it possible to be discriminated against by someone who works with you and is younger than you are? *

(select one option only)

- No
- Yes

You have applied for a promotion at work but did not receive the role. You were told that because you have three children you will not be able to work back late and therefore would not be suitable for the role. Could this be considered 'discrimination'? *

(select one option only)

- No
- Yes

During after work drinks a colleague starts discussing religion. Someone else makes a joke about Jehovah's Witnesses. You feel uncomfortable about the joke, can you make a workplace complaint? *

(select one option only)

- No
- Yes

You feel that your Manager is constantly and unreasonably changing the expectations of your role without consulting you. Can you raise a complaint even though it is your Manager who is doing this? *

(select one option only)

- No
- Yes

You wish to make a complaint about alleged bullying behaviour but you are uncertain of all the details. To help the investigation you decide to 'fill in the gaps' of parts you

can't remember. Is this ok? *

(select one option only)

No
Yes

You overhear a conversation in the lunch room between 3 employees about the physical attributes and attractiveness of a parent? Do you have a responsibility to act? *

(select one option only)

No
Yes

Two employees are having a Facebook discussion and post derogatory remarks about a colleague in their team at work. Is this a workplace issue? *

(select one option only)

No
Yes

Will you be disadvantaged in your employment opportunities or conditions as a result of making a complaint? *

(select one option only)

No
Yes

A contractor who works occasionally doing maintenance at K1 Payroll Pty Ltd has sent you a few offensive text messages and uses language that you find to be obscene. Can you raise a complaint to your Manager? *

(select one option only)

No
Yes

Do you need to have a witness if you want to make a complaint about inappropriate behaviour? *

(select one option only)

No
Yes

You have just commenced working at K1 Payroll Pty Ltd and some of the long term staff exclude you from having lunch with them. The other day one of them gave you information that was wrong about how to close up a room. You think this was deliberate. Later that week this same person refused to assist you when you need help in your room even though they were supposed to. Could this be bullying behaviour? *

(select one option only)

No
Yes