



**always  
powering  
ahead**

Respect@Work Procedure

**apa**

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## 1 Purpose

APA is committed to providing and fostering an inclusive and respectful workplace with safe, fair and positive working conditions. Everyone has a right to a safe workplace and to be supported to bring their best selves to work.

We do not tolerate any form of harmful behaviour including unlawful discrimination, bullying, harassment, sexual harassment, sex-based harassment, vilification, victimisation and other inappropriate behaviour, and we strive to give every Worker and Other Workplace Participant the opportunity to realise their full potential and contribute to APA's success.

## 2 Scope

This Procedure applies to:

- all Workers and Other Workplace Participants at APA as defined in Appendix A;
- all APA premises and worksites, vehicles and other sites where APA conducts business, including premises and sites operated by contractors, suppliers and customers;
- any work-related context including (but not limited to) conferences, functions, office parties, business trips and meetings conducted outside normal business hours (business or social) whether on APA premises or not;
- all interactions with customers, colleagues, suppliers and other third parties.

## 3 Our Commitment

At APA, we are committed to providing a workplace free of harmful behaviour. To achieve this, APA will:

- take all reasonable steps to ensure that our workplace is free from unlawful discrimination, bullying, harassment, sexual harassment, sex-based harassment, vilification, victimisation, and inappropriate behaviour;
- ensure that all Workers and Other Workplace Participants are made aware of this Procedure, their obligations and standards of behaviour required in the workplace;
- respect the rights of, and encourage our Workers and Other Workplace Participants to raise issues or concerns in accordance with this Procedure;
- treat all grievances raised under this Procedure seriously and with appropriate confidentiality following discussion with the person raising the grievance;
- prioritise the psychological safety of all Workers and Other Workplace Participants and provide appropriate support to Workers and Other Workplace Participants who raise an issue or grievance; and
- take appropriate action to address inappropriate workplace behaviours.

## 4 Your Obligations

At APA we are:

- **Courageous** - we speak up when something isn't right. This means directly calling out, challenging or reporting breaches of this Procedure when you see it or experience it in the workplace or on social media.

- **Impactful** – we care about others and all have a role to play in creating a safe, inclusive and respectful workplace where everyone can bring their best selves to work and where harmful behaviours are not tolerated.

Workers and Other Workplace Participants raising a grievance must:

- participate in grievance processes in good faith, providing all relevant facts;
- keep the complaint confidential within the process; and
- ensure that any grievance or complaint is genuine and not false, malicious or vexatious.

Workers and Other Workplace Participants responding to a grievance must:

- cooperate with the resolution process;
- provide a written or verbal response to the complaint which has been raised, if requested; and
- provide all relevant facts to the person dealing with the complaint, if requested.

## 5 Respect@Work

The following explains what some of the harmful behaviours are at APA.

### 5.1 Unlawful Discrimination

Unlawful discrimination is treating someone (or a group of people) less favourably than another because of an attribute they have, which is defined as a protected attribute. Unlawful Discrimination can be direct or indirect.

Type	Definition	Examples
Direct	A person or group of people are treated less favourably than another person or group in a similar situation because of a protected attribute.	A Worker is refused an interview for a promotion because they are considered too old and close to retirement.  A candidate is not employed for a role because they have an accent.
Indirect	An unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with the protected attribute.	A requirement to lift a minimum of 20kgs has been imposed where lifting and manual handling is not relevant to the role. This may inadvertently disadvantage more women than men.  A leader requires all Managers within their team to be at work at 7.45am when it is not relevant to the completion of work. This may disadvantage people with family responsibilities and commitments.

Australia has a number of laws which make discrimination unlawful on a variety of grounds (see below).

### Protected Attributes:

Protected attributes are defined qualities, traits or characteristics that, by law, cannot be discriminated against. Protected attributes under legislation, which applies to APA, include:

Race (colour, ethnic or national origin, descent)	Family or carer's responsibilities	Pregnancy or potential pregnancy
Breastfeeding	Sex/Gender	Religious belief or activity
Sexual orientation	Age	Political opinion or activity
Marital status	Social origin	National extraction
Physical or mental disability	Physical attributes (Vic only)	Industrial activity
Gender identity and intersex status	Personal association with anyone who has any of these characteristics	

## 5.2 Harassment

Harassment is any form of behaviour that is unwelcome or uninvited, that a reasonable person would have anticipated would humiliate, offend or intimidate the person (or group of people) exposed to the conduct, and is based on one of the protected attributes.

For harassment to occur there does not have to be an intention to offend or harass.

Examples of unlawful harassment include (but are not limited to):

- telling insulting jokes about particular racial groups;
- making derogatory comments or taunts about someone's race, religion or disability;
- isolating a person or subjecting them to ridicule because of their race, sexual orientation, pregnancy, disability, or other protected attribute; and
- offensive gestures based on race, sexual orientation, pregnancy, disability etc.

Harassment can be either a pattern of behaviour or a single incident.

Harassment is a form of unlawful discrimination and will not be tolerated at APA under any circumstances.

## 5.3 Sexual Harassment

Sexual harassment occurs where a person:

- makes an unwelcome sexual advance or unwelcome request for sexual favours to another person; or
- engages in other unwelcome conduct of a sexual nature in relation to another person,

in circumstances in which a reasonable person, having regard to the all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated.

A single/one-off incident can be sexual harassment; it does not have to be repetitive conduct. For sexual harassment to occur there does not have to be an intention to offend or harass.

Sexual harassment covers a wide range of behaviours and can be verbal, written, visual or physical. It can include:

- sexually suggestive behaviour;
- unnecessary familiarity, such as deliberately brushing against a person or constantly staring or leering;
- suggestive comments or dirty jokes;
- intrusive questions or comments about the person's private life or the way they look;
- displaying or circulating posters, magazines, screen savers or objects of a sexual nature;
- sending sexually explicit emails or text messages;
- displaying or circulating sexually explicit internet sites;
- unwanted physical contact;
- sexual assault.

It is important to understand that some of these forms of sexual harassment are also criminal behaviour and may be treated as a criminal offence. These include

- sexual assault;
- physically molesting a person;
- indecent exposure; and
- obscene phone calls or emails/letters.

Sexual harassment is unlawful and APA has zero tolerance for sexual harassment.

### 5.3.1 What is not sexual harassment?

Mutual attraction between people is not sexual harassment. Conduct which is welcome or consensual is not unlawful, and friendships (sexual or otherwise) which develop between people who meet at work are a private concern provided they do not adversely impact on the workplace or create a conflict of interest.

However, you should take great care before engaging in conduct you believe to be welcome. Always remember that some people may not feel comfortable telling you that your behaviour is offending them and is not welcome. This may be because of their personality or may be because of the relative status of the people involved (for example, they are too worried about the possible impact on their employment if they complain).

It is your responsibility to ensure that you do not engage in conduct which is not welcome.

You should also remember that even conduct which is welcome may not be appropriate in the workplace.

### 5.4 Sex-based harassment (which is different to sexual harassment)

Sex-based harassment is a particular form of unlawful harassment that occurs where:

- a person is harassed because of their sex (or a characteristic that relates to their sex or that is generally attributed to their sex);

- a person engages in unwelcome conduct of a seriously demeaning nature in relation to the person harassed,

in circumstances where a reasonable person, having taken into consideration all the circumstances, would have anticipated that that the person harassed would be offended, humiliated or intimidated.

Sex-based harassment may occur alongside other forms of discriminatory conduct, including sexual harassment. The fundamental difference between sexual harassment and sex-based harassment is whether the unlawful harassment is of a "sexual" nature. Sex-based harassment includes conduct that is "seriously demeaning", but not necessarily "sexual".

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

- asking intrusive personal questions based on a person's sex, including in relation to their body or anatomy;
- making inappropriate comments and jokes to a person based about their sex (for example, jokes about a gender stereotype or a gender specific condition like menopause);
- displaying images or materials that are sexist or misogynistic;
- making sexist, misogynistic or misandrist remarks about a specific person; or
- requesting a person to engage in degrading conduct based on their sex (for example, intentionally making a mess and, in a seriously demeaning manner, asking a female to clean it up because of a gender stereotype).

## 5.5 Bullying

Workplace bullying is repeated, unreasonable behaviour directed towards another Worker (or group of Workers) or Other Workplace Participants, which creates a risk to health and safety.

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

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

Bullying behaviour can range from obvious verbal or physical assault to subtle psychological harm, and may include (but is not limited to):

- physical or verbal abuse (including via email, text message or social media);
- practical jokes or initiation;
- spreading misinformation or malicious rumours;
- speculating with colleagues about an individual's sexuality, intersex status, or trans or gender diverse identify;
- excluding or isolating someone from work activities or groups;
- assigning meaningless tasks unrelated to the job or that are unreasonably below or beyond a person's skill level; and
- undermining work performance by, for example, withholding information.

Bullying can be extremely harmful to the health of an individual and to morale in the workplace. Bullying in any form will not be tolerated by APA.

### When is it not Bullying?

Legitimate advice, feedback and performance management in relation to work performance or work-related behaviour of an individual or group should not be confused with bullying, harassment or discrimination. Behaviour will not be considered bullying if it is reasonable management action carried out in a reasonable manner.

The following are examples of reasonable management action:

- setting realistic and achievable performance goals, standards and deadlines;
- transferring a Worker to another area or role for operational reasons;
- informing a Worker about unreasonable behaviour in an objective, professional and confidential way;
- implementing organisational changes or restructuring;
- providing reasonable feedback, including as part of the performance appraisal and/or a performance improvement process;
- taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

### 5.6 Inappropriate Behaviour

APA recognises that there will be certain circumstances where the behaviour of a Worker does not breach one of the unlawful behaviours set out in this Procedure but where that behaviour is considered inappropriate and/or unacceptable by APA. Inappropriate and/or unacceptable behaviour can include behaviours directed towards another Worker that a reasonable person would find inappropriate and/or offensive. These can include, but are not limited to:

- Verbal abuse and/or offensive language directed at a Worker
- Intimidating or aggressive body language
- The threat of or actual physical violence

APA is committed to providing and fostering a safe, inclusive and respectful workplace and does not tolerate any form of inappropriate or unacceptable behaviour.

### 5.7 Vilification

Vilification is doing something in a public place (including a workplace) that encourages others to hate, disrespect, or abuse a person or group of people because of their race, religion, sexuality or gender identification.

Vilification because of race, religion, sexuality or gender identification is unlawful and APA has zero tolerance for behaviour that vilifies others.

### 5.8 Victimisation

Victimisation happens where a Worker or Other Workplace Participant is treated unfavourably, unfairly or disadvantaged because they:

- have made or intend to make a complaint about harmful behaviour;
- have provided information or evidence in connection with a complaint.



Victimisation is unlawful under State and Federal laws and APA has zero tolerance for victimisation of any kind.

## 6 Making a Complaint

APA is committed to creating a culture where Workers and Other Workplace Participants feel safe to speak up, to raise genuine issues, concerns or grievances without fear of retaliation.

Any person who witnesses or feels that they have been subjected to any form of unlawful discrimination, bullying, harassment, sexual harassment, sex-based harassment, vilification, victimisation or other inappropriate behaviour is encouraged to speak up and raise their concerns.

You should refer to the Grievance Procedure in the first instance for guidance on how to raise an issue or concern internally in an informal or formal manner (as appropriate). The Grievance Procedure sets out the options available for raising an issue or concern or making a complaint.

## 7 Legal Obligations and Non-Compliance with this Procedure

Discrimination, bullying, harassment (including sexual harassment and sex-based harassment), vilification and victimisation are all unlawful in Australia at Federal and State levels.

A person who aids or permits another person to engage in an act of unlawful harassment (including sexual harassment or sex-based harassment) can also be deemed to have engaged in that same conduct under anti-discrimination laws.

Both individual Workers, Other Workplace Participants and APA can be held legally responsible for conduct that is found to be in breach of these laws and may result in legal liability including (penalties and damages):

- Personally - for individuals; and/or
- APA - as the employer or principal, on the basis that APA is vicariously liable for the acts of its employees.

Disciplinary action may be taken against any Worker or Other Workplace Participant whose behaviour breaches this Procedure. Breaches of this Procedure may amount to misconduct or serious misconduct and may, in some cases, result in dismissal.

## 8 Related Documents

This Procedure should be read in conjunction with the:

- People and Culture Standard
- APA Code of Conduct
- Inclusion & Diversity Policy
- Grievance procedure

## 9 Version Control

Date	Changes
June 2023	New Procedure - First version

## 10 APPENDIX A - Glossary

Term	Definition
Workers and Other Workplace Participants	All employees (permanent, maximum term and casual), Directors, contractors, sub-contractors, labour hire employees, apprentices, trainees, consultants, and volunteers (referred to in this Procedure as <b>Workers</b> ) as well as other people participating in our workplace including visitors ( <b>Other Workplace Participants</b> ).

APPROVED