

# EMPLOYEE AND MEMBER BEHAVIOUR POLICY

(2017)



Australian  
Institute of  
Architects

The Royal Australian Institute of Architects Limited

Employee and Member Behaviour Policy & Handbook

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## 1. Introduction

- 1.1. The Australian Institute of Architects (**the Institute**) is committed to best practice governance and best practice employment and workplace conditions.
- 1.2. These policies apply to all Workers and Members of the Institute.
- 1.3. “**Workers**” means all directors, elected officeholders, employees, volunteers and contractors of the Institute (which may include Members).
- 1.4. “**Members**” means all members under the Constitution of the Institute and their Workers.
- 1.5. These policies also apply to work-related activities and events that Workers attend as part of their work. This includes representing the Institute at work-related social occasions held at Institute premises or external venues, including activities such as meetings, training or conferences, staff social events, Member professional, industry or social events.

## 2. Guiding Principles

- 2.1. The policies in this handbook set the standard of behaviour people can expect in dealing with Workers or Members in connection with the Institute.
- 2.2. Members should expect to be treated appropriately by Workers and other Members.
- 2.3. Likewise, Workers should have the same expectations of Members and other Workers.

## 3. Purpose

- 3.1. The purpose of these policies is to:
  - identify the standards of behaviour that is expected from both Workers and Members as the policies respectively apply;
  - set out examples of unacceptable standards of behaviour that will breach these policies;
  - identify those persons authorised to respond to specific types of alleged conduct; and
  - set out the process that is to be followed once a complaint is received and actions that would be taken depending on the severity of the breach.

## 4. How to use this document

- 4.1. You must ensure that you read, understand and comply with the standards of behaviour expected of you as outlined in this policy handbook. **Workers** who breach these policies may be liable to disciplinary action, including ending your employment or engagement. **Members** that engage in conduct contrary to these policies may be prohibited from attending Institute events or functions, or have their Membership suspended or not renewed.
- 4.2. You can identify the Institute’s procedures to address various issues or concerns under these policies by following the ‘bar’ that runs alongside the relevant steps:

- 14.1. Members may request that the Board reviews a decision to take action against Members. Members may request a review in writing and provide any supporting documents.
- 14.2. Where a Member has acknowledged a breach of this policy, the effect it has issued an apology, the Member may apply to have a ban removed or their Membership reinstated.

- 4.3. Where the Institute suggests procedures for you to use to address various issues or concerns under these policies can be identified by the highlight:

- 12.1. The Institute is required to ensure that all Workers are treated respectfully and not subject to discrimination, victimisation, harassment or vilification. The Institute will ensure that all Members will be treated with courtesy and respect in all of their dealings with the Institute.
- 12.2. **Who to speak to?** As a Worker, your concerns can be discussed privately and confidentially with your supervisor or the Institute’s Human Resources Manager.

- 4.4. The Institute may change or withdraw these policies from time to time. It will endeavour to notify you if it does so and you should ensure that you are familiar with the most current policies.

**Additional information for Workers**

- 4.5. These policies do not form part of any contract. If the Institute fails to comply with any of these policies, this will not affect any duty or obligation that you may be owed under any contract you have with the Institute.
- 4.6. These policies stand beside but do not exclude or replace the rights and obligations of Workers under legislation, regulation or common law. For further information on any aspect of this policies please contact the Senior Human Resources Consultant.

**Additional information for Members**

- 4.7. By accepting or renewing your Membership with the Institute, you are confirming that you understand and will comply with the standards of behaviour outlined in these policies. It is a condition of your membership that you adhere to the Institute's policies regarding appropriate and respectful behaviour and for ensuring healthy and safe Institute workplaces.

**Institute Contacts**

- 4.8. For Workers or Members, depending on your circumstances, you may contact the following Institute staff who administer or oversee these policies and procedures:
- Dean Katsavos, *Legal Counsel*: 03 8620 3877 [dean.katsavos@architecture.com.au](mailto:dean.katsavos@architecture.com.au)
  - Catriona Starr, *Senior HR Consultant*: 03 8620 3803 [catriona.starr@architecture.com.au](mailto:catriona.starr@architecture.com.au)
  - To the National President: [national@architecture.com.au](mailto:national@architecture.com.au)

**Other Contacts**

- 4.9. For Workers, you have the right to contact an independent referree such as the Fair Work Commission: (<https://www.fwc.gov.au/>) and for information and advice about your workplace rights and obligations, contact the Fair Work Ombudsman: (<https://www.fairwork.gov.au/>).
- 4.10. SafeWork Australia (<https://www.safeworkaustralia.gov.au>).
- 4.11. For the contact details of your state or territory WorkSafe/SafeWork agency, see:
- ACT (<https://www.accesscanberra.act.gov.au/app/home#/workhealthandsafety>)
  - NSW (<http://www.safework.nsw.gov.au/>)
  - NT (<http://www.worksafe.nt.gov.au/>)
  - Qld (<https://www.worksafe.qld.gov.au/>)
  - SA (<https://www.safework.sa.gov.au/>)
  - Tas (<http://www.worksafe.tas.gov.au/>)
  - Vic (<https://www.worksafe.vic.gov.au/>)
  - WA (<https://www.commerce.wa.gov.au/worksafe>)

# A RESPECTFUL WORKPLACE BEHAVIOUR POLICY

## 5. Introduction

- 5.1. The Institute's "Respectful Workplace Behaviour Policy", "Non-Discrimination, Harassment, Victimization and Vilification Policy" and the "Workplace Bullying Policy" set out the expected standards of behaviour for workplace interactions.
- 5.2. These policies apply to all Workers in their relationships with each other, and their relationships with persons who have dealings with the Institute, including Members.
- 5.3. Members are expected to comply with these policies in their dealings and interactions with the Institute, and particularly with Workers.

## 6. General standards

- 6.1. The Institute encourages communication and interaction that is professional, courteous and consistent with its core values.
- 6.2. The Institute's core values include:
  - One community*** – embracing diversity and open communication
  - Innovation*** – demonstrating leadership with courage and creativity
  - Accountability*** – acting with integrity, responsibility and sustainability
  - Respect*** – relating with empathy and recognition for effort
  - Collaboration*** – working together, with trust and transparency
- 6.3. The values of the Institute are the touchstone against which the Board, management and staff align and measure individual, team and organisational behaviours.
- 6.4. The Institute believes courteous communication and professional personal conduct contributes to a good work environment for all and requires Workers and Members to:
  - 6.4.1. treat each other with courtesy and respect;
  - 6.4.2. act in a professional manner at all times;
  - 6.4.3. work and conduct yourself in a safe manner at all times; and
  - 6.4.4. observe the Institute's policies and procedures.

## B NON- DISCRIMINATION, HARASSMENT, VICTIMISATION AND VILIFICATION POLICY

### 7. Introduction

- 7.1. The Institute is committed to the prevention of discrimination, sexual harassment, victimisation or vilification in the workplace. The Institute considers these to be unacceptable forms of behaviour and will not tolerate such behaviour under any circumstances.
- 7.2. The Institute can be held vicariously liable for breaches of this policy committed by a Worker.
- 7.3. Workers have a right to be treated equitably and without harassment occurring in the workplace. All Workers and Members have the responsibility to respect the rights of other Workers and Members, by not taking part in any action that may constitute harassment and by supporting and promoting the achievement of equal opportunity.
- 7.4. Sexual harassment, discriminatory harassment and victimisation due to making a complaint are unlawful and amount to discrimination under federal and state anti-discrimination law.

### 8. Equal employment opportunity and discrimination

- 8.1. This policy reflects the spirit and intent of federal and state affirmative action and anti-discrimination legislation in Australia including the following:
  - Sex Discrimination Act 1984 (Cth)*
  - Disability Discrimination Act 1992 (Cth)*
  - Age Discrimination Act 2004 (Cth)*
  - Racial Discrimination Act 1975 (Cth)*
  - Fair Work Act 2009 (Cth)*
- 8.2. The Institute believes that people perform more productively in an environment that is free from discrimination.
- 8.3. **Equal opportunity** means ensuring that employment policies and practices are based on, and operate according to, the principle of merit. The Institute is therefore committed to ensuring that its employment practices are free from any unlawful discrimination based on:
  - race/ethnicity
  - gender
  - national origin
  - marital status
  - sexual preference/lawful sexual activity
  - age
  - disability/impairment, including infectious disease
  - industrial activity
  - physical features
  - pregnancy
  - family responsibilities
  - religious beliefs
  - political conviction
  - breastfeeding
  - gender identity
- 8.4. The Institute is also committed to ensuring that its employment practices are free from any unlawful discrimination based on a person's association (including as a relative) with someone who has one of the characteristics listed above.

- 8.5. Discrimination can take many forms, some of which are direct or open. Others may be indirect or hidden:
- 8.5.1. **Direct discrimination** occurs when a person is treated less favourably than another, simply because of a personal characteristic or status unrelated to job performance, such as gender, race, sexuality, marital status (as listed above).
  - 8.5.2. **Indirect discrimination** occurs when a policy or requirement which at first glance seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group, such as age, race, family circumstances or gender (as listed above).

## 9. Workplace Harassment Policy

- 9.1. The Institute is committed to providing an environment that is free from sexual harassment and from harassment on the discriminatory grounds listed above.
- 9.2. While the Institute does not intend to intervene in the personal relationships of staff, it does have a proper concern where harassment:
- 9.2.1. creates an intimidating, hostile or offensive working environment;
  - 9.2.2. adversely affects an individual's work performance;
  - 9.2.3. adversely affects an individual's employment or promotion prospects;
  - 9.2.4. results in resignation or unfair dismissal; or
  - 9.2.5. reflects on the integrity and standing of the Institute.

## 10. Vilification policy

- 10.1. The Institute is committed to providing a working environment that is free from vilification on the grounds of the race or religion of a person or group of people.

## 11. Definitions

- 11.1. **Unlawful harassment** includes actions that might not be perceived to be harassment, such as the creation of a work environment which is generally hostile to a person or group of people with particular characteristics.
- 11.2. **Sexual harassment** is unwelcome conduct of a sexual nature, including unwelcome sexual advances, that is likely to make a person feel offended, humiliated or intimidated. It does not require an intention to harass and does not require the recipient to ask for the behaviour to stop. It is not mutually accepted behaviour.
- 11.3. For example, harassment does not usually include mutually acceptable physical contact.
- 11.4. Sexual harassment is unlawful under the following legislation: *Sex Discrimination Act 1984* (Cwth) and equivalent state and territory legislation.
- 11.5. The Institute can be vicariously liable for the conduct of a Worker who engages in conduct which constitutes sexual harassment.
- 11.6. **Discriminatory harassment** is a recognised form of discrimination which occurs when a person is harassed because of characteristics such as disability, gender, race and age (or any of the other grounds outlined in the above Policy).
- 11.7. **Vilification** is public conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, a person or class of persons on the grounds of that person or group's race or their religious belief or activity. Conduct may be constituted by a single occasion or by a number of occasions over a period of time. It includes use of the internet (including social media) or e-mail to publish or transmit statements or other material. This conduct amounts to discrimination under federal and state anti-discrimination law.

11.8. Serious vilification means knowing, intentional or reckless vilification that involves threatening or inciting physical harm towards, or towards any property of, a person or group of persons. This can amount to criminal conduct under federal or state law and can lead to fines or imprisonment.

11.9. **Victimisation** occurs when a person is treated unfairly or less favourably because of making or intending to make a complaint of sexual harassment or discrimination.

**Examples**

11.10. Behaviour which can be **sexual harassment** includes:

- suggestive comments or jokes of a sexual nature;
- offensive gestures or sounds in relation to a person's appearance, clothing or height/weight;
- persistent questions about a person's private life or personal comments about a person's appearance/clothing;
- making unwelcome requests for a date or demands for sexual favours (either directly or by implication);
- unwanted and deliberate physical contact or sexual gestures, including touching, brushing against, or grabbing a person; or
- distribution or display of material (including through e-mail) which may be offensive, such as sexually explicit posters or pictures, racist or sexist jokes or cartoons.

11.11. Behaviour which can be **discriminatory harassment** includes:

- making derogatory or offensive jokes, comments or gestures in relation to a person's appearance, ethnic origin, disability or gender;
- ridiculing cultural differences of another person or group of people;
- excluding persons from workplace conversations or activities based on their race/ethnicity, disability, age or gender; or
- taunting a person in relation to their religious beliefs, race/ethnicity or sexual preference.

**12. Grievance procedure for complaints by a worker about another worker**

12.1. The Institute is required to ensure that all Workers are treated respectfully and equitably and are not subject to discrimination, victimisation, harassment or vilification. The Institute also expects that Members will be treated with courtesy and respect in all of their dealings with the Institute.

12.2. **Who to speak to?** As a Worker, your concerns can be discussed privately and confidentially with Catriona Starr, Senior HR Consultant (#3803 or [catriona.starr@architecture.com.au](mailto:catriona.starr@architecture.com.au)) or your direct manager or supervisor.

12.3. It is important to appreciate that raising an allegation of harassment, discrimination, victimisation or vilification against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences both personally and professionally for the other party. The Institute will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

12.4. Use of the Grievance Procedure to deal with issues of harassment, victimisation or discrimination is purely voluntary and not mandatory. However, if a Worker decides not to raise the issue in the manner outlined in this policy or by seeking external help, the Institute expects that this will be the end of the matter. In particular, the Worker must not seek to progress the issue informally (e.g. allowing the matter to be the subject of innuendo or gossip, harassing the other party, etc.). Breach of this aspect of the policy may attract disciplinary sanctions.



### 13. Grievance procedure for complaints about a Member

- 13.1. **Workers** who are concerned about the behaviour or conduct of a Member must escalate the matter to their manager or the Senior HR Consultant, at the earliest opportunity.
- 13.2. **Members** who are concerned about other Members should report the matter, in the first instance, to their local Executive Director. The Institute responses to inappropriate conduct by Members are set out in Schedule 1.
- 13.3. Complaints about the conduct of a Member will be dealt with by Legal Counsel, the CEO or the National President. Except where there is a need to remove a Member from the workplace or premises, Workers will not take any further action other than to promptly report the matter to the appropriate person.
- 13.4. The complaint handling guidelines do not apply to complaints made about a Member but Members may seek review of a decision as set out below.

### 14. Option for Members to review a decision

- 14.1. Members may request that the Board reviews a decision to take action against them under this policy. Members may request a review in writing and provide any supporting documentation.
- 14.2. Where a Member has acknowledged a breach of this policy, the effect it has on the Worker involved and issued an apology, the Member may apply to have a ban removed or their Membership restored. Any decision by the Board will necessarily consider the nature and gravity of the breach of this policy by the Member.
- 14.3. The Board has sole discretion to refuse any request for review by a Member.

### 15. Complaint handling guidelines

- 15.1. The Institute has established confidential procedures for handling complaints under this policy.
- 15.2. These procedures are based on the principle that the rights and privacy of both parties to a complaint should be safeguarded. The Institute considers that it is important that any complaint is dealt with as promptly as possible, professionally and with sensitivity. If you have a complaint or a harassment problem you can speak confidentially to the Senior HR Consultant or contact the relevant agencies for advice:
  - **Commonwealth** – Fair Work Ombudsman or Australian Human Rights Commission.
  - **Commonwealth** – SafeWork Australia
  - **State and Territory** - SafeWork / WorkSafe (see 4.11 on page 2)
- 15.3. The relevant agencies and the Institute encourage the internal resolution of complaints if possible.
- 15.4. Our internal complaint handling guidelines are as follows:
  1. If you feel comfortable doing so, you should first advise the other person, verbally or in writing, in a direct or firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour. You can speak with the Senior HR Consultant who can assist with this step or suggest other options.
  2. It is suggested that you promptly make and keep a record of all incidents with names, dates, witnesses and any response you make in respect to the incidents.
  3. Speak with the Senior HR Consultant about the incident(s). The Senior HR Consultant will discuss options for stopping the harassment. This may involve nominating a conciliator who will first discuss and clarify the allegations with the relevant parties and then attempt to find a suitable and appropriate resolution.
  4. If either party is unhappy with the progress of the complaint or the resolution, that party can request the Institute to appoint an independent mediator. If the complainant is dissatisfied

with the progress or resolution he/she can lodge a complaint with the relevant agencies as listed above. Both parties will be afforded natural justice. This means that:

- complaints will be investigated promptly;
- the allegations will be put to the member identified (the respondent);
- each party will be given the opportunity to express their version of events; and
- the member identified will be treated as innocent unless the allegations are proven.

15.5. Workers or Members involved in a harassment or discrimination complaint may also be offered professional support services such as counselling or medical advice, as appropriate.

15.6. These guidelines may not be practical for every case, and the Senior HR Consultant may suggest more applicable resolution procedures.

## **16. What are the possible outcomes of the grievance process?**

### ***Outcomes for workers***

16.1. Any person who has been found to have harassed, discriminated against, victimised or vilified another person may be disciplined. The discipline will be appropriate to the severity of the offence, but may involve warning or dismissal. For serious offences, summary dismissal may be appropriate.

16.2. Similarly, any person who has been found to have made a complaint that is vexatious or based on facts that the complainant ought reasonably believe to be untrue will also be subject to disciplinary sanction, up to and including summary dismissal.

16.3. Mitigating factors such as personal circumstances, disciplinary and work history and work performance will be taken into account in determining the appropriate disciplinary measures to be adopted.

### ***Outcomes for Members***

16.4. The Institute may take action against any Member who has engaged in conduct in breach of this policy, whether in the form of bullying or other one-off incidents of unacceptable behaviour. The consequences will depend on the nature and severity of the offending conduct. The types of action that will be taken against a Member for a breach of this policy are set out in Schedule 1 and generally include:

- 16.4.1. requiring all communications with the Member to be in writing only;
- 16.4.2. asking the Member to leave the Institute's premises (or other premises controlled or occupied by the Institute where the unacceptable behaviour occurs);
- 16.4.3. forcefully removing the Member from the Institute's premises if the Member refuses to leave, including by involving the police;
- 16.4.4. banning the Member from attending the Institute's premises (or other premises controlled or occupied by the Institute);
- 16.4.5. rejecting or revoking the Membership of the Member; or
- 16.4.6. other forms of legal action (where appropriate).

## C WORKPLACE BULLYING POLICY

### 17. When does this policy apply?

- 17.1. The Institute considers bullying to be an unacceptable form of behaviour and will not tolerate it under any circumstances.
- 17.2. The Institute has a responsibility to do everything possible to eliminate or reduce risks in or arising from the workplace. All Workers have a right to a workplace that is free from bullying and violence. Likewise, Members should not be exposed to bullying or violence in their dealings with the Institute. Workers and Members must also accept responsibility for their actions towards others in the workplace and must not take part in any bullying or violent behaviour.

### 18. What is bullying?

- 18.1. Workplace bullying is repeated, unreasonable behaviour directed toward a Worker, or group of Workers, which creates a risk to a Worker's mental or physical health and safety.
- 18.2. Unreasonable behaviour is that which a reasonable person, having regard to all the circumstances (those that the respondent would reasonably be expected to know), would expect to victimise, humiliate, undermine or threaten its recipient.
- 18.3. 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.
- 18.4. The source of bullying could be other Workers, Members or suppliers.
- 18.5. Generally, this policy is concerned with behaviour that is **persistent** and part of **an identifiable pattern**. The specific form of the behaviour need not be the same – bullying can involve diverse incidents (for example, verbal abuse, isolation and deliberate damage to personal property).
- 18.6. While a single incident of the behaviour described does not fall within the above definition, the Institute does not condone and will not ignore such incidents. Any concern should be reported and will be considered seriously.

#### ***Examples of bullying***

- 18.7. The following types of behaviour, when repeated or occurring as part of a pattern of behaviour, can constitute bullying:
  - 18.7.1. physical violence or threats of harm;
  - 18.7.2. verbal abuse, threats, sarcasm and other forms of demeaning language or communication;
  - 18.7.3. constant unconstructive criticism;
  - 18.7.4. assigning meaningless tasks unrelated to the Worker's position;
  - 18.7.5. isolating or ostracising behaviour or deliberately excluding a person from workplace activities;
  - 18.7.6. deliberately withholding information, assistance or equipment that a person needs to adequately perform his/her role;
  - 18.7.7. sending intimidating messages, abusive emails or mobile phone text messages; or
  - 18.7.8. spreading gossip or rumours.

#### ***Legitimate and appropriate action***

- 18.8. Legitimate and appropriate actions to manage work performance or discipline a staff Member for misconduct do not constitute workplace bullying.

- 18.9. The following conduct is likely to constitute reasonable management action when carried out in a reasonable manner:
- business processes, such as restructuring;
  - setting performance goals, standards and deadlines;
  - expressing difference of opinion;
  - constructive feedback, counselling or advice about work-related behaviour and performance;
  - managing absences, illnesses and injuries; and
  - performance management or disciplinary action.

## 19. Grievance procedure for complaints about another worker

19.1. The Institute strongly encourages you to report incidents of workplace bullying. However reporting is voluntary and not mandatory.

19.2. We suggest you use the following procedure:

1. If you feel comfortable doing so, you should advise the other person, verbally or in writing, in a direct or firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour.
2. Promptly make and keep a record or notes of all incidents with names, dates, witnesses and any response you make in respect to the incidents.
3. If the behaviour is serious or recurring, or if you are not comfortable raising the matter directly with the respondent, you should make a report to the Senior HR Consultant. The Institute has established confidential procedures for handling reports of serious incidents. These procedures are based on the principle that the rights and privacy of both parties to the incident should be safeguarded. We consider that it is important that any report is dealt with as promptly as possible, professionally and with sensitivity.

19.3. You must appreciate that raising an allegation of bullying against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences, both personally and professionally for the other party. The Institute will not tolerate the making of vexatious complaints or abuse of the processes outlined above.

19.4. A Worker must not seek to progress the issue informally (for example allowing the matter to be the subject of conflict with the alleged bullying, or of innuendo or gossip). Breach of this aspect of the policy may attract disciplinary sanctions up to and including termination of your employment or engagement.

## 20. Grievance procedure for complaints about a Member

- 20.1. Workers who are concerned about the behaviour or conduct of a Member must escalate the matter to their manager or the Senior HR Consultant, at the earliest opportunity. The Institute's responses to inappropriate conduct by Members are set out in Schedule 1.
- 20.2. Complaints about the conduct of a Member will be dealt with by Legal Counsel, the CEO or the National President. Except where there is a need to remove a Member from the workplace or premises, Workers will not take any further action other than to promptly report the matter to the appropriate person.
- 20.3. The complaint handling guidelines do not apply to complaints made about a Member but Members may seek review of a decision as set out below.

## 21. Option for Members to review a decision

- 21.1. Members may request the Board review a decision to take action against them under this policy. Members may request a review in writing and provide any supporting documentation.
- 21.2. Where a Member has acknowledged a breach of this policy, the effect it has on the Worker involved and issued an apology, the Member may apply to have a ban removed or their Membership restored. Any decision by the Board will necessarily consider the nature and gravity of the breach of this policy by the Member.
- 21.3. The Board has sole discretion to refuse any request for review by a Member.

## 22. Complaint handling guidelines

- 22.1. If you make a report the Institute will either appoint an independent party to mediate the dispute or will initiate an investigation, or do both. The course adopted will depend on the severity of the incident and the wishes of the parties and the Institute.
- 22.2. At mediation, parties will be given the opportunity to discuss the incident and attempt to reach a mutually agreeable resolution. This could include an apology, an undertaking that the behaviour will not recur, physical separation within the workplace of the parties involved, and counselling and monitoring of the respondent.
- 22.3. One outcome of the mediation may be that the matter will be investigated.
- 22.4. Investigations can be conducted internally or by an externally appointed person, or by external bodies such as a work health and safety regulator (eg. WorkCover) or the Fair Work Commission or, where criminal acts of violence may have been committed, the police.
- 22.5. If a complaint is to be investigated, both the complainant and the respondent will be afforded natural justice. This means that:
  - 22.5.1. complaints will be investigated promptly;
  - 22.5.2. the allegations will be put to the respondent;
  - 22.5.3. each party will be given a fair opportunity to express their version of events; and
  - 22.5.4. the respondent will be treated as innocent unless the allegations are proven.
- 22.6. All file notes relating to the report will be kept confidentially, including in a digitally secure format. Only staff involved in procedures under this policy will have access to these files.
- 22.7. Workers involved in bullying incidents may also be offered professional support services such as counselling or medical advice, as appropriate.
- 22.8. These guidelines may not be practical for every case, and the Institute or you may suggest more applicable resolution procedures.

## 23. What are the possible outcomes of the grievance process?

### ***Outcomes for workers***

- 23.1. Any person who has been found to have bullied may be disciplined. The discipline will be appropriate to the severity of the offence, but may involve warning or dismissal.
- 23.2. Any person who has been found to have made a report that is vexatious or based on facts that the person should reasonably believe to be untrue will also be subject to disciplinary sanction.

### ***Outcomes for Members***

- 23.3. The Institute may take action against any Member who has engaged in conduct in breach of this policy, whether in the form of bullying or other one-off incidents of unacceptable behaviour. The consequences will depend on the nature and severity of the offending conduct.

- 23.4. The types of action that will be taken against a Member for a breach of this policy are set out in Schedule 1 and generally include:
- 23.4.1. requiring all communications with the Member to be in writing only;
  - 23.4.2. asking the Member to leave the Institute's premises (or other premises controlled or occupied by the Institute where the unacceptable behaviour occurs);
  - 23.4.3. forcefully removing the Member from the Institute's premises if the Member refuses to leave, including by involving the police;
  - 23.4.4. banning the Member from attending the Institute's premises (or other premises controlled or occupied by the Institute);
  - 23.4.5. rejecting or revoking the Membership of the Member; or
  - 23.4.6. other forms of legal action (where appropriate).

## D WORKPLACE HEALTH AND SAFETY POLICY

### 24. When does this policy apply?

- 24.1. This policy applies to all Workers while they are in a workplace under the management and control of the Institute and/or performing work in the conduct of the Institute (including at a site away from their usual workplace). The policy also applies to all Members while they are in a workplace under the management or control of the Institute.

### 25. General requirements

- 25.1. The Institute has a legal and moral responsibility to provide healthy and safe workplaces. Managers will lead the establishment of a workplace culture committed to Workplace Health and Safety (**WHS**).
- 25.2. The Institute is committed to eliminating the possibility or risk of harm arising to Workers:
- 25.2.1. in any workplace under management and control of the Institute;
  - 25.2.2. arising from the conduct of the Institute;
  - 25.2.3. in the environment in which Workers and Members interact with each other;
  - 25.2.4. arising from the systems of work used by Workers; and
  - 25.2.5. arising from the facilities we provide for the welfare of the Workers.
- 25.3. If there is something reasonably practicable that we can do to reduce or eliminate WHS risk, we will do it.
- 25.4. We will provide adequate information, instruction and training and adequate supervision to Workers to enable them to perform their work safely.

#### ***Who is responsible for implementing the WHS system?***

- 25.5. The following people within the Institute are responsible for implementing this system:
- 25.5.1. **director(s)** – take all reasonable steps to ensure compliance with WHS statutory requirements and the Institute’s policies, and demonstrate commitment towards reducing the number and severity of work related injuries.
  - 25.5.2. **employees and contractors** – see separate section below.
- 25.6. The Institute monitors and reviews the effectiveness of measures and systems implemented to control WHS risk.

### 26. How can you raise and resolve a WHS issue?

- 26.1. Workers may wish to raise for resolution a health or safety issue that has arisen in a workplace under management and control of the Institute, or arising from the conduct of the Institute with one of the below representatives:
- 26.1.1. The senior manager in that part of the workplace where the issue has arisen (unless we inform you, the relevant health and safety representative and the health and safety committee that someone else will represent us).
  - 26.1.2. The health and safety representative, or if there is no health and safety representative, an employee that is nominated on behalf of the employees or contractors affected by an issue.
- 26.2. As soon as is reasonably possible after reporting the issue, a representative of the Institute will meet with the representative of the Workers affected by the issue.
- 26.3. For the purpose of resolving the health and safety issue as quickly and effectively as possible these representatives will consider:

- the number and location of Workers affected by the issue;
- whether appropriate temporary measures are possible or desirable;
- how long it will take to permanently resolve the issue; and
- who on behalf of the Institute is responsible for performing and overseeing any action agreed necessary to resolve the issue.

26.4. After an issue is resolved we will endeavour to circulate amongst all parties a written record detailing the issue and matters relating to its resolution. We will ensure that any agreement reached in the course of resolving the issue is brought to the attention of the Workers affected by the issue and given to the health and safety committee.

## **27. What is the procedure for consulting with workers about WHS issues?**

27.1. As far as is reasonably practicable, we will consult with Workers who are or are likely to be directly affected when we:

- identify or assess WHS hazards or risks at a workplace under the management and control of the Institute;
- determine measures to be taken to control WHS risks at a workplace under management and control of the Institute;
- determine the adequacy of facilities for the welfare of Workers;
- change any of the procedures set out in this policy; and
- propose changes that may affect the health or safety of our Workers to a workplace under the management and control of the Institute and/or the conduct of the work performed at such a workplace.

27.2. The Institute will share information about these matters and give Workers a reasonable opportunity to express views on them. We will take into account those views. Consultation must involve the health and safety representative and be in accordance with procedures agreed upon with Workers for undertaking consultations.

## **28. What are your responsibilities?**

28.1. You are responsible for ensuring that your own work environment is conducive to good occupational health and safety by:

- 28.1.1. complying with occupational health and safety policies, procedures and instructions;
- 28.1.2. taking care for your own health and safety and the health and safety of others who may be affected by your actions;
- 28.1.3. taking action to avoid, eliminate or minimise hazards;
- 28.1.4. reporting all known or observed hazards to the appropriate person;
- 28.1.5. reporting immediately any work-related injury to or 'near-miss' incidents to the appropriate person;
- 28.1.6. actively participating in the management of WHS risks;
- 28.1.7. not wilfully placing at risk the health, safety or well-being of others at the workplace; and
- 28.1.8. being familiar with emergency and evacuation procedures and cooperating with directions from emergency or evacuation wardens.



# Schedule 1

Member breaches, possible actions in response to a breach, and who can take those actions:

Action #	Type	Breach	Action	Action by
1	Physical	Behaviour that is reasonably seen as: <ul style="list-style-type: none"> <li>physical intimidation or threats,</li> <li>actual violence or assault against persons,</li> <li>damaging or misusing objects.</li> </ul>	<ol style="list-style-type: none"> <li>Call police,</li> <li>Make statements to police when necessary,</li> <li>Act as a witness, if police charges laid.</li> </ol>	Any Worker
			Inform offending Member that he or she is banned from the Institute's: <ul style="list-style-type: none"> <li>Workplaces,</li> <li>functions or events (including Committee proceedings)</li> </ul> until further notice.	Any manager
2		Behaviour, within Worker's workspace, or Institute workplace, that is reasonably seen as directing or insisting that a Worker do something that they decline to do.	<ol style="list-style-type: none"> <li>Assist affected Worker to leave workspace, area or workplace.</li> <li>Ask offending Member to cease behaviour.</li> </ol>	Any Worker
			Inform offending Member that Workers take directions from their manager or CEO, not from Members.	Relevant GM or CEO
3		Behaviour (as described in Action 2) that is continued towards the same Worker or redirected to another Worker.	<ol style="list-style-type: none"> <li>Assist affected Worker to leave workspace, room or premises.</li> <li>Ask offending Member to leave premises.</li> <li>If offending Member refuses to leave, call police to enforce.</li> </ol>	Any Worker
	Inform offending Member that Workers take directions from their manager or CEO, not from Members and that the Member is banned from Institute: <ul style="list-style-type: none"> <li>workplaces,</li> <li>functions or events (including Committee proceedings)</li> </ul> until further notice.		CEO	
4	<b>While serving on an Institute Committee</b>  Behaviour that is reasonably seen as directing or insisting, in a threatening manner, that a Worker do something they decline to do.	<ol style="list-style-type: none"> <li>Ask offending Member to leave the workplace or venue.</li> <li>If offending Member refuses to leave, call police to enforce.</li> </ol>	Any Worker	
		Inform offending Member that he or she has been removed from serving on the relevant Institute committee until further notice.	CEO or President	
5	<b>While attending an Institute function or event</b>	<ol style="list-style-type: none"> <li>Ask offending Member to leave.</li> <li>If offending Member refuses to leave, call police to enforce.</li> </ol>	Any Worker	

		Behaviour that is reasonably seen as abusive or insulting towards any individual.	Inform offending Member that he or she is banned from the Institute's: <ul style="list-style-type: none"> <li>workplaces,</li> <li>functions or events (including Committee proceedings)</li> </ul> until further notice.	CEO or President
6	<b>Verbal</b>	<b>While on Institute premises</b> Behaviour that is reasonably seen as verbally abusive or insulting towards a Worker	<ol style="list-style-type: none"> <li>Assist affected person to leave the area, workspace or premises.</li> <li>Ask offending Member to cease behaviour.</li> </ol>	Any Worker
7		Behaviour (as described in Action 6) that is continued towards the same Worker or redirected to another person.	<ol style="list-style-type: none"> <li>Assist affected person to leave the area, workspace, or premises.</li> <li>Ask offending Member to leave premises.</li> <li>If offending Member refuses to leave, call police to enforce.</li> </ol>	Any Worker
8		Behaviour that is reasonably seen as verbally abusive or insulting on the telephone (or a similar device).	Cease verbal communication immediately (i.e. hang up) and refer the incident to manager or HR or Legal Counsel.	Any Worker
9	<b>Written</b>	Behaviour that involves writing a letter, email (or any other written medium) that is reasonably seen as abusive or insulting towards a Worker.	Cease communication immediately and refer the correspondence to manager or HR or Legal Counsel.	Any Worker
10	<b>Social Media</b>	Behaviour that involves uploading or publishing content that is reasonably seen as abusive or insulting.	If offending Member can be identified: <ul style="list-style-type: none"> <li>Ask that they remove the content</li> <li>If content is in hard copy, ask that they formally retract the content from all media.</li> </ul>	Legal Counsel
			If the content is actionable under defamation laws, legal action against offending person may be commenced.	CEO or President
11	<b>Any</b>	Any of the above breaches, where the behaviour is serious or repeated or likely to continue.	At the next renewal period, not accept an application for Institute Membership from the Member.	CEO