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# Respect in the Workplace Policy

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Signature	
Date	April 2024

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# 1 Policy Statement

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Infrastructure NSW (INSW) is committed to a safe, respectful and inclusive workplace that is free from any form of unlawful workplace behaviour including bullying, harassment, sexual harassment, discrimination, vilification and victimisation. This commitment is aligned to INSW's respectful culture and values.

Our commitment extends to a legal duty of care to ensure, so far as is reasonably practicable, the health and safety of our workers. This includes managing the risk of psychosocial hazards. We have a zero tolerance to any inappropriate workplace behaviour, and all reports of such behaviour will be treated confidentially and taken seriously.

Person-centred and trauma-informed support ensures that workplace systems, policies and practices affirm the safety and dignity of the people who encounter them and support healing. Person-centred approaches involve prioritising someone's needs, values and preferences – listening to them and recognising and respecting their ability to make choices for themselves.

Trauma-informed approaches require that workplace processes prevent further harm and promote repair and recovery to the greatest extent possible. Being person-centred and trauma-informed does not always mean doing what a person requests, but it does mean genuinely considering their wishes and the impact that decisions may have on them.

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## 2 Purpose

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This policy is intended to:

- Set a standard whereby a safe working environment is experienced by all INSW workers, regardless of gender, cultural background, sexual preference, disability, age or status;
- ensure all workers understand the standards of behaviour expected of them and their legal rights and responsibilities in relation to inappropriate workplace behaviour;
- ensure all workers understand what unlawful workplace behaviour is, how to prevent it and how to respond in a way that minimises harm and ensures legal obligations are met in relation to bullying, harassment, sexual harassment, discrimination, vilification, and victimisation.

This policy should be read in conjunction with the Code of Ethics and Conduct and Grievance Policy.

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## 3 Scope

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This policy applies to all INSW employees and other workers. In this policy references to “workers” means staff who are permanent, temporary, casual or on secondment or assigned to INSW and includes contractors and consultants.

The policy applies not only during normal working hours, but in any work-related context including conferences, work functions, office parties, business trips and to all communications involving or concerning workers, including communications which occur by mobile phone, email, and other electronic media (including social media).

This policy also applies to the following circumstances within the above contexts:

- interactions between workers

- interactions between workers and third parties (including visitors, clients or customers) where that interaction occurs in connection with any work-related activity
- on-site, off-site, work-related social functions and conferences – wherever workers may be for work-related duties, including working from home
- out of work hours interactions where there is a strong connection to the employment relationship
- all aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, hours, leave arrangements, workload, equipment and transport
- in online spaces, including email, Microsoft Teams, and social media platforms where the conduct is in connection with the employment (e.g. remote work) or involving online communication between workers or between a worker and a third party.

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## 4 Inappropriate Workplace Behaviour

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The below examples of inappropriate workplace behaviour are also psychosocial hazards. Psychosocial hazards are aspects of work or situations that may cause a stress response, which in turn can lead to psychological or physical harm to a person. Managers have a duty to identify and manage such situations within their area of responsibility.

### Sexual harassment

Where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or engages in any other unwelcome conduct of a sexual nature in relation to the other person in circumstances where a reasonable person, having regard to all the circumstances, would be offended, humiliated, or intimidated. It can be physical, verbal or written, including through online and phone communication. Examples of behaviour that could be sexual harassment in the workplace can include but is not limited to:

- unwelcome touching, hugging, cornering, or kissing
- inappropriate staring or leering
- sexually explicit or indecent physical contact
- being followed or watched or having someone loitering nearby
- sexual gestures, indecent exposure, or inappropriate display of body
- displaying sexually explicit images or objects around the office
- intrusive or sexually suggestive questions, comments, or jokes
- persistent unwanted invitations to go out on dates, start a relationship or propositions for sex
- emailing pornography or rude jokes
- sending sexual text messages or communication through social media, including photos, videos, or memes
- threatening to share or sharing intimate images/video of someone without consent
- actual or attempted sexual assault
- ongoing unwelcome contact (e.g. in person, by phone, by email, via social media) following the end of a consensual relationship.

Some forms of sexual harassment are criminal offences and will be reported to the police. Sexual harassment is not always obvious, repeated, or continuous. Sexual harassment can cause physical and psychological harm to the person it is directed at or a person witnessing the behaviour.

It should not be assumed that a person consents to another person's behaviour simply because they have not complained about it. Power imbalances and concerns about victimisation or reprisal may prevent the person from expressly objecting to the behaviour.

## Discrimination

Involves treating someone differently than others or imposing a condition or requirement which results in a person, or a group of people being disadvantaged. Discrimination is unlawful when it is based on an attribute or characteristic that is protected by State or Federal law. These attributes include race or colour, sex or sexual orientation, age, disability, marital status, parental status or status as a carer, pregnancy, religion, political belief or activity, gender identity, national extraction, or social origin.

## Harassment

Any unwelcome and unreasonable communication or conduct, whether it is verbal, physical, electronic, or otherwise, towards another person, in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, or intimidated.

In NSW, it is against the law to harass you because of your sex, race or colour, sexual orientation, age, disability, marital status, parental status or status as a carer, pregnancy, religion, political belief or activity, gender identity, national extraction, or social origin.

It is important to understand that if you find a particular behaviour offensive, humiliating or intimidating, and it relates to your sex, race, age, or any of the listed elements, then it is harassment. It does not matter how the harasser or anyone else perceives the behaviour. People may have different ideas about what is offensive, and within reason, it is up to them to define what they find unacceptable.

## Racial or religious vilification

Conduct which incites hatred against, serious contempt for, revulsion towards or severe ridicule of another person or class of people on the grounds of their race, religious belief, or religious activity. Such conduct is unlawful. If it is also intentional, it may constitute a criminal offence and will be reported to police.

## Victimisation

Subjecting or threatening to subject another person to a detriment because they have engaged in a form of activity (or propose to) including making a complaint of inappropriate workplace behaviour or participating in or assisting in an investigation into inappropriate workplace behaviour.

## Workplace bullying

Repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time. Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would consider unreasonable.

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

- abusive, insulting, or offensive language or comments
- aggressive and intimidating conduct
- belittling or humiliating comments

- practical jokes or initiation
- unjustified criticism or complaints
- deliberately excluding someone from work-related activities
- withholding information that is vital for effective work performance for their role, or deliberately or unreasonably withholding information, supervision, consultation, or resources to the detriment of the worker
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- spreading malicious rumours or misinformation
- changing work arrangements such as roles, rosters or leave to deliberately inconvenience a particular worker or workers.

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## 5 What is not workplace bullying?

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A single incident of unreasonable behaviour is not workplace bullying. Importantly, while some work situations may be challenging, they do not constitute bullying.

Some instances might include:

- reasonable performance management such as constructive feedback and criticism, setting clear and appropriate guidelines, standards, and deadlines
- directing and controlling the way work is carried out
- reasonable management/disciplinary action for unsatisfactory performance or misconduct
- implementing organisational change such as restructuring or transferring someone for operational reasons
- deciding not to select an employee for a promotion where a fair and transparent process is followed
- workplace conflict or politics
- termination of employment.

Again, the above examples are not exhaustive and other behaviours may not constitute bullying based on the relevant facts or circumstances of a particular case.

## 6 Where and how inappropriate behaviour may occur

Inappropriate workplace behaviour is prohibited in Infrastructure NSW workplaces and work-related situations. The workplace is not confined to the actual physical location used by workers. It includes any place where work is carried out and extends to communal areas such as lifts, entrances, vehicles, reception areas, corridors, kitchens, and toilets of the workplace.

Inappropriate workplace behaviour can occur beyond the usual workplace and outside normal working hours. For example, in settings where there is a connection to employment, including:

- where working remotely
- in a place where the worker is undertaking work at a different location (e.g. at another business premises)
- at social functions sponsored and paid for by Infrastructure NSW
- at social functions in connection with the team/workplace, but not sponsored or paid for by Infrastructure NSW
- in vehicles while on the way to/from work functions or meetings
- at after-parties to such events (regardless of their location)
- in accommodation (e.g. hotel rooms) associated with or provided by INSW
- online via use of technology and social media
- any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa.

Inappropriate workplace behaviour can occur through electronic means (e.g. emails, text messages, sending links to pornographic websites and through social media), regardless of whether sent during work hours or not. Where there is a link to employment (i.e. involving communications between workers), people are subject to the same rules in the virtual world as they are in the real world.

In line with INSW Cybersecurity Policy and Social Media Policy workers are required to use technology and social media responsibly in the workplace and must treat others with dignity, courtesy and respect, and not engage in or condone inappropriate workplace behaviour.

### Alcohol and sexual harassment

Consumption of alcohol at work functions or work-related events can increase the risk of sexual harassment occurring. Sexual harassment is unlawful and unacceptable in any setting, regardless of where it occurs, including when individuals have consumed alcohol. Individuals should regulate their own behaviour and consumption of alcohol to ensure their behaviour does not adversely impact others.

Workers should adhere at all times to the requirements of INSW Code of Ethics and Conduct, the Alcohol and Other Drugs Procedure within InfrSAFE, and should be particularly mindful to exercise moderation and self-management in work-related situations where alcohol is served.

Leaders, managers and supervisors should be particularly mindful of their conduct in such situations, noting power imbalance may make it harder for employees to call out unwelcome behaviour.

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## 7 Prevention

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Infrastructure NSW is committed to taking a proactive and comprehensive approach to prevent inappropriate behaviour in the workplace. This is consistent with anti-discrimination and work health and safety (WHS) legislation.

In summary, INSW has a positive duty to prevent inappropriate workplace behaviour which may present a risk to a worker's physical and psychological health, and to eliminate psychosocial risks to workers, so far as is reasonably practicable.

### Risk Assessment

Prevention requires identification of risks. Leaders and managers should regularly identify and assess risk factors for sexual harassment, including by seeking feedback from staff and their WHS Committee representative. Workers and their managers should consider all work systems and practices within their work context to identify risks of exposure.

Examples of risk factors include:

- working after hours with minimal supervision
- working with others in restrictive spaces like cars or small rooms
- isolated work locations
- work related social events.

Prevention also requires assessment of the work environment. For example, sexual harassment may occur where a work environment or culture is sexually charged or hostile, even if the conduct is not directed at a particular person. Factors that point to a sexually hostile workplace include the display of obscene or pornographic materials, general sexual banter, crude conversation or innuendo, and offensive jokes.

It should be noted that even if such conduct does not amount to sexual harassment, it may be unlawful because it subjects another person to a workplace environment that is hostile on the ground of sex and may breach the employer's positive duty to prevent such unlawful conduct.

Risks in relation to inappropriate workplace behaviour, including sexual harassment and related unlawful conduct referred to in this Policy, are incorporated in the INSW Risk Register to ensure continuous review and reporting to the Chief Executive and its Audit and Risk Committee.

### Leadership

It is expected that leaders at all levels within INSW will uphold this policy in full and proactively encourage others to do so too.

Therefore, it is critical that leaders at all levels comply with the Code of Ethics and Conduct and all other mandatory policies of INSW to better contribute to a culture that prevents workplace sexual harassment and other inappropriate workplace behaviour.

### Transparency

INSW is committed to transparency on the number of incidences of unlawful and inappropriate workplace behaviour in the organisation. This builds confidence in our commitment to prevent unlawful and inappropriate behaviour in the workplace, along with our reporting processes.

People and Culture regularly report workplace information, trends and insights to the Executive Leadership Team. This report will be extended to include information on complaints and reports of unlawful and inappropriate workplace behaviour. This does not mean full disclosure of all the details or disclosure of any reports which are found to be intentionally falsified or vexatious, but rather sharing, where possible, relevant deidentified information to encourage organisational learning and prevent similar incidents from happening in the future.

In doing so, INSW will ensure confidentiality and privacy is maintained, and that no personal information or information which otherwise identifies victims or perpetrators, can be ascertained from that data or any shared learning (or other) material.

## Diversity and Inclusion

Diverse and inclusive workplaces are essential for building safe and respectful workplace environments that are free from harassment and inappropriate workplace behaviour. INSW takes this seriously and has the following policies supporting this commitment, in addition to this Respect in the Workplace Policy:

- Inclusive Workplace Policy
- Aboriginal Culture Strategy

## Knowledge and Education

Infrastructure NSW will ensure all staff undertake mandatory training to understand INSWs commitment and organisational and individual obligations in relation to respectful workplace behaviour.

This includes how to appropriately identify inappropriate workplace behaviour, call out behaviour as active bystanders, and build awareness of reporting and response procedures. Leaders, managers and supervisors will be trained to appropriately respond to disclosures of sexual harassment.

Managers and nominated responders to reports of inappropriate behaviour in the workplace will receive specific training to ensure consistent application of the person-centred and trauma-informed approach of this policy.

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# 8 Key Responsibilities

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## Employees and all other workers must:

- comply with this policy at all times
- demonstrate high levels of personal conduct consistent with this policy and their responsibilities under the Ethical Framework and Code of Ethics and Conduct, this means treating everybody they encounter during the course of work with dignity, courtesy and respect and not engage in any inappropriate behaviour or condone such behaviour by others
- embrace diversity and support an inclusive workplace, recognising and appreciating different work styles and perspectives
- participate in assigned training to identify, prevent and respond to inappropriate and unlawful workplace behaviour
- seek assistance when unsure about how to implement this policy
- report suspected breaches of this policy
- protect the confidentiality of those who report and/or have experienced inappropriate workplace behaviour.

## Managers are also responsible for:

In addition to their responsibilities as employees, those with people management and leadership responsibilities must also:

- promote a culture of respect and inclusion
- encourage an environment where workers feel safe to report inappropriate behaviour
- communicate and proactively promote this policy to those they work with
- respectfully challenge inappropriate behaviour
- protect team members from psychosocial hazards, so far as is reasonably practicable
- provide affected people with support and referring onto professional support as necessary
- take any complaint of inappropriate workplace behaviour seriously
- undertake prompt action, where necessary, to ensure all workers feel safe in the workplace
- conduct informal/formal investigations into inappropriate workplace behaviour where appropriate, in collaboration with People & Culture.

## 9 Options for people affected by unlawful or inappropriate workplace behaviour

INSW has zero tolerance for inappropriate workplace behaviour including workplace bullying, unlawful discrimination, sexual harassment, harassment, vilification and victimisation and is committed to maintaining a healthy and safe workplace.

We strongly encourage all individuals to come forward, knowing they will be supported.

There are several avenues to raise a complaint dependent on the affected person's preference and whether the matter is criminal. Where the matter is criminal, it will be referred to police. All complaints will be treated seriously, confidentially, and only discussed with your permission.

Any person involved in a formal or informal investigation is required to maintain confidentiality. Any person found to breach confidentiality, gossip, or spread rumours may face disciplinary action in accordance with the Misconduct and Discipline Policy.

Our primary focus is to support affected people through the process and come to a fair and appropriate outcome. INSW will not tolerate adverse action or victimisation of any staff that report inappropriate workplace behaviours.

Making a report about inappropriate workplace behaviour does not necessarily trigger a formal investigation, although that may be appropriate in some cases. Support, advice and early intervention may prevent further or more serious incidents from occurring. Employees and other workers are encouraged to make timely reports.

## A range of pathways to seek support, make a disclosure or make a report

Options available to make a disclosure or report inappropriate behaviour include:

- seeking support, advice and making a disclosure
- reporting internally to INSW management
- reporting to an external authority.

Incidents can be reported informally or formally, anonymously and confidentially. Pathways are outlined in more detail below.

## Seeking support, advice and making a disclosure

People who have experienced or witnessed inappropriate workplace behaviour including workplace bullying, unlawful discrimination, sexual harassment, harassment, vilification, and victimisation can:

- raise concerns, receive support, and discuss options that could help resolve the issue with the Director People and Culture, their manager, a member of the Executive Leadership Team, a member of the people and culture team, a health and safety or union representative.
- access the Employee Assistance Program
- seek advice from an external body, e.g. Australian Human Rights Commission, Anti-Discrimination NSW, Safe Work NSW, NSW Women's Legal Service or Wirringa Baiya Aboriginal Women's Legal Centre.

Parties that receive a complaint or request for support or advice may wish to confidentially discuss the issue with the Director People and Culture for advice and assistance.

## Report internally

Where self-management is not appropriate or does not resolve the matter, a report can be made (verbally or in writing) to the Director People and Culture. Reports can be made in accordance with the Grievance Policy and the Misconduct and Discipline Policy.

The person impacted may also choose to report using a work health and safety mechanism such as InfrSAFE incident report form (marked as sensitive), as bullying and sexual harassment are workplace hazards recognised in the WHS Policy.

Where a report of sexual harassment is received, Infrastructure NSW will ensure the person impacted receives appropriate support and is involved in decisions about how to respond. All reports will be responded to promptly, taken seriously, and treated confidentially. Steps will be taken to protect anyone who makes a report from reprisals, adverse treatment, or victimisation.

INSW will report cases of sexual assault or other criminal matters to police. Workers will be supported to make a report to the police and referred to specialised sexual assault support services.

## Report to an external authority

A formal report can be made to the following agencies:

- NSW Police Force
- Anti-Discrimination NSW
- Australian Human Rights Commission
- Safe Work NSW
- Fair Work Ombudsman
- NSW Independent Commission Against Corruption if corrupt conduct is suspected or may be involved.

The person impacted can make an external report regardless of whether they have raised a complaint internally.

## Responding to and reporting as a bystander

INSW strongly encourages and supports bystanders to call out and report inappropriate behaviour where it is safe for them to do so. Bystanders who witness inappropriate workplace behaviour are encouraged to:

- provide support to the person who is being subjected to the behaviour
- formally or informally challenge concerning behaviour (if it is safe and they feel confident enough to do so)
- report via the appropriate pathway above.

# 10 Management of Inappropriate Workplace Behaviour

Infrastructure NSW is committed to taking a trauma informed and person-centred approach when responding to reports of inappropriate workplace behaviour including workplace bullying, unlawful discrimination, sexual harassment, harassment, vilification, and victimisation. This includes:

- ensuring the safety, privacy and wellbeing of the person impacted are prioritised
- listening to the person impacted in a compassionate, nonjudgmental, - and sensitive manner
- ensuring all processes are designed to minimise harm
- ensuring reports are handled fairly, impartiality and reasonably in accordance with procedural fairness principles
- ensuring all participants in the process have clear information about the process and how procedural fairness will be provided
- ensuring confidentiality is understood and maintained
- ensuring responses are provided in a timely manner.

INSW will always seek input from the person impacted on how they would like the matter resolved and take this into account in determining how to proceed with the complaint. Where possible, INSW will explain its reasons if it does not handle or resolve the complaint in the way requested by the person impacted.

In some cases, the person impacted may not want any action taken and is reporting the behaviour so that the organisation knows that it has occurred. Infrastructure NSW has an obligation to deal with any wrongdoing it becomes aware of. In some cases, action may be warranted, even where the person impacted states that they do not want any further action to be taken.

This may be the case in situations where the behaviour constitutes a work health and safety risk or a criminal offence or requires disciplinary action to be taken or where there have been repeated complaints regarding an individual's behaviour.

## Informal resolution

Informal resolution or management is where the issue is resolved internally, without a formal response or investigation. Rather than making a determination as to whether the conduct occurred, the aim is to stop escalation or future incidents by educating the alleged harasser about acceptable standards of behaviour and mitigating the risk of the conduct repeating in the future.

There are benefits to an informal resolution, where an issue can be resolved through open communication. Individuals who feel safe and comfortable doing so, and where it is appropriate, may discuss the issue directly with the other person concerned.

Responding to issues through informal resolution may include:

- a leader, manager or supervisor speaking to the alleged person about their behaviour
- facilitating/mediating an open and respectful conversation between the parties (mediation will only occur with the full and informed consent of both the person reporting the behaviour and the alleged person)
- putting system changes in place to prevent further issues, e.g. moving, or directing the alleged person participate in behavioural change counselling

refresher training for the general work area on the requirements of this policy.

## Formal Investigation

Where a formal investigation is appropriate or preferred by the person impacted, it will be managed in accordance with the Grievance Policy or the Misconduct and Discipline Policy. INSW will appoint an internal or external investigator to investigate the allegation/s and make factual findings, and report to the Director People & Culture which will then decide an outcome in accordance with applicable legislation.

Investigations will be conducted in a confidential, impartial, timely and fair manner. Investigations will adopt a trauma informed approach, with awareness of power imbalances that may exist between the parties.

The parties involved will be notified of their right to have a support person or union representative to assist them throughout the process. INSW will begin the investigation as soon as possible and aim to finalise a formal investigation within 90 business days. The parties will be kept regularly informed during the period of the investigation.

Investigations will be undertaken in line with relevant organisational policies, procedures, and industrial instruments. Part 8 of the *Government Sector Employment (General) Rules 2014* sets out the procedural requirements for dealing with allegations of misconduct by public service employees. Other legislation or industrial instruments may apply for other employees.

In some circumstances, an employee who is the subject of a complaint may be suspended from duty whilst an investigation is ongoing and/or a decision is made in relation to the complaint.

## Management of complaints

Infrastructure NSW acknowledges that for workers who are the subject of allegations of wrongdoing, the experience may be stressful.

We will protect their rights by:

- assuring them that any report will be dealt with impartially, fairly, and reasonably in accordance with the principles of procedural fairness
- confirming that the report is an allegation only if and until information or evidence obtained through an investigation substantiates the allegation
- providing them with information about their rights and the progress and outcome of any investigation
- referring them to Employee Assistance Program for support
- allowing both parties the opportunity to respond to any allegations made against them before any report is finalised and a final decision is made.

Any reports made that are found to be intentionally falsified or vexatious in nature will be actioned accordingly – noting that this conduct may itself amount to misconduct under the GSE Act.

Any person involved in an inappropriate workplace behaviour complaint must treat the matter confidentially. Any breaches of confidentiality may lead to disciplinary action.

Depending on the severity of the breach of this policy, action taken may include; an apology, transfer, dismissal, demotion, refresher training, coaching, behavioural change counselling or other forms of disciplinary action.

Where a complaint is referred for management to resolve, INSW will refer to the appropriate INSW policy as follows:

- If the complaint would not constitute misconduct if established, it should be referred for management under the Grievance Policy (excluding complaints relating to the conduct of contractors or consultants which are not covered by the Grievance Policy);
- If the complaint would constitute misconduct if established, it should be referred for management under the Code of Ethics and Conduct and the Misconduct and Discipline Policy (excluding complaints relating to the conduct of contractors or consultants which are not covered by the Discipline Policy);
- For complaints relating to consultants or contractors, INSW should make inquiries to establish whether the conduct occurred and manage it under the relevant contractual arrangements.

## Record keeping

INSW keeps confidential records of all correspondence with parties in relation to investigations on inappropriate workplace behaviour, including how the report is addressed, letters, emails, file notes of phone calls and conversations, investigation reports and all evidence collected.

Records are kept in accordance with applicable legislation, including the Government Sector Employment (General) Rules 2014, State Records Act 1998 and applicable privacy legislation and applicable records management and privacy related policies.

## Support for affected workers

Support is crucial to workers reporting inappropriate workplace behaviour and these include:

- A confidential conversation with the Director People & Culture
- Advice and support to resolve a report of inappropriate workplace behaviour, including the choice not to pursue a report
- Referral to EAP or other support service such as 1800 Respect, Lifeline, Reachout, or Beyond Blue
- Mediation or a supported conversation
- Informal or formal investigation

INSW will work with the impacted person(s) to understand and implement, where possible, any actions that may help them to recover from the incident, rebuild relationships at work and continue a successful career with INSW.

## Protection against victimisation

Victimising another person for making an allegation or report of harassment or discrimination is unlawful under the Anti-Discrimination Act and the Sex Discrimination Act. Lawful action in relation to an allegation that is proven to be false and not made in good faith is not victimisation. Victimisation occurs when a person is subjected to, or threatened with, detriment for their involvement in the matter. It can include:

- bullying or intimidation by co-workers
- being denied a promotion or being moved to a position with lower responsibility
- dismissal or threatened dismissal from employment
- being refused further contract work.

Victimisation of people who have, or might raise a complaint, as well as bystanders or people perceived to have helped a person make a report of sexual harassment, is also unlawful. Taking

action against a worker for making a report can also constitute misconduct under s.69 of the GSE Act.

## Monitoring and evaluation

INSW is committed to effective monitoring, evaluation and organisational learning processes that will foster a safe and respectful work environment. This includes:

- regularly collecting and assessing reports and relevant data for trends, patterns, and lessons to drive continuous improvement
- regularly consulting with workers to share knowledge and understand issues
- regularly reviewing and updating our policy to drive continuous improvement
- sharing de-identified information about trends, patterns, and lessons with staff and INSW leadership through the regular People & Culture reporting to the Executive Leadership Team
- ensuring staff have confidence that all forms of inappropriate workplace behaviour is being eliminated in their workplace.

# 11 Relevant Legislation and Documents

## Related Documents:

- Misconduct and Discipline Policy
- Code of Ethics and Conduct
- Alcohol and Other Drugs Procedure
- Grievance Policy

## Related Legislation:

- Age Discrimination Act 2004 (Cth)
- Anti-Discrimination Act 1977 (NSW)
- Australian Human Right Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Fair Work Act 2009 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Work Health and Safety Act 2011 (NSW)
- Safe Work NSW: Code of Practice: Managing Psychosocial Hazards at Work 2021
- Safe Work Australia: Guide for Preventing and Responding to Workplace Bullying 2016

## Document Status

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## 11.1 Revision History Log

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1.0	July 2021	Director People & Culture	N/A
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