

7.4 WORKPLACE BEHAVIOUR STATEMENT

1 BACKGROUND AND CONTEXT

Our behaviour within the workplace can contribute positively to creating a productive and harmonious environment in which UTS staff can be inspired and achieve their full potential. However, when behaviour is inappropriate or dysfunctional it can have serious consequences on productivity, job satisfaction and on the physical and psychological well being of staff. The UTS Code of Conduct (referred to in this document as “the Code”) sets out the behaviour or conduct expected of all staff of the University whether they are on UTS grounds or representing UTS elsewhere. All members of the University community have a duty of care to each other and must comply at all times with the Code. The University aims to prevent and minimise behaviour which may adversely affect the harmony of the workplace and/or cause harm or injury to others.

This document should be read in conjunction with the Code and other relevant policies and documents referred to within this statement.

2 SCOPE AND PURPOSE

This statement applies to all UTS staff and relates to the behaviour of staff towards each other and other members of the University community (such as students, visitors and contractors).

This statement elaborates on the University’s expectations set out within the Code, particularly those in relation to personal and professional behaviour (that is, Section 2 of the Code) and explains the options for dealing with behaviour or conduct which is considered to be inappropriate. The statement will assist staff, supervisors and managers to recognise workplace behaviour or conduct that is not appropriate and to take action to address the behaviour.

3 PRINCIPLES OF WORKPLACE BEHAVIOUR

The Code of Conduct describes how staff of the University should treat other members of the University community. In summary, the Code requires that staff model professional behaviour and standards of conduct and therefore behave:

- | | | |
|------------------|----------------|--------------------------------------|
| • lawfully | • responsibly | • impartially |
| • professionally | • productively | • with sensitivity to their rights |
| • honestly | • safely | • in the interests of the University |
| • respectfully | • ethically | |
| • equitably | • fairly | |

(Note: refer to the Code for further elaboration on the above)

Elements of the Code are elaborated further within other University policies and instruments including:

- Equal Opportunity Policy
- Prevention of Harassment Policy
- Acceptable Use of Information Technology Facilities Policy
- Environment Health and Safety Policy and Vice-Chancellor’s Directives on Environment Health and Safety Responsibilities
- Policy on Reporting Corrupt Conduct, Maladministration and Serious and Substantial Waste within UTS

Behaviour or conduct which is not consistent with the Code is unacceptable and will not be tolerated at UTS. Staff, supervisors and managers have a responsibility to take action in relation to unacceptable behaviour.

Reports or complaints of unacceptable behaviour will be taken seriously by the University and handled in a confidential, impartial and fair manner, taking into account the principles of procedural fairness. The University is obliged to take action when it becomes aware of unacceptable behaviour which may have an adverse affect on the well being of staff. Such action may include disciplinary action under the relevant collective agreement.

4 UNACCEPTABLE WORKPLACE BEHAVIOUR

Unacceptable workplace behaviour is inconsistent with the behaviour described in the Code of Conduct. Differing social and cultural standards may mean that behaviour that is acceptable to some may be perceived as unacceptable or unreasonable to others. In determining whether behaviour is unacceptable or unreasonable, consider what a "reasonable person" would judge to be unacceptable or unreasonable having regards to the circumstances. The information below provides further guidance on what is unacceptable workplace behaviour at UTS.

4.1 Examples of Unacceptable Workplace Behaviour

Behaviour which would be considered unacceptable at UTS includes (but is not limited to) the following:

- Aggressive or abusive behaviour such as threatening gestures or actual violence or assault
- Verbal abuse (for example, yelling, screaming, abusive or offensive language)
- Being under the influence of illicit drugs or impaired by alcohol
- Unsafe work practices or behaviour which may harm the staff member or others
- Bullying, harassment or intimidation
- Stalking
- Unwelcome physical contact including that of a sexual, intimate or threatening nature
- Teasing, name calling or ridicule or making someone the brunt of pranks or practical jokes
- Withholding approval for or denial of requests maliciously, discriminatorily, unfairly or without basis
- Excluding or isolating individuals
- Undermining performance, reputation or professionalism of others by deliberately withholding information, resources or authorisation or supplying incorrect information
- Malicious or mischievous gossip or complaint
- Abusive or harassing notes, emails, telephone calls, text messages, etc during or after working hours
- Belittling opinions or unreasonable and unconstructive criticism
- Offensive gestures and behaviour
- Stealing or misuse of University resources
- Viewing inappropriate images or pornography in hard copy or electronically

4.2 Definition of Bullying

"Bullying" is defined as repeated less favourable treatment of a staff member by another person or others which is considered unreasonable and inappropriate. It includes behaviour which intimidates, offends, degrades, humiliates, undermines or threatens. Bullying may take place in private or in front of others. Whether or not the person responsible for the behaviour intends to harm, the effect of the behaviour is harmful. A single incident of bullying behaviour is unacceptable workplace behaviour and should not be ignored or condoned.

Bullying or other unacceptable behaviour may also be a form of unlawful discrimination or harassment. This could occur if the basis of the behaviour relates to the staff member's race, colour, descent, national or ethnic origin, ethno-religious background; sex; marital status; pregnancy, potential pregnancy; family responsibilities; disability (physical, intellectual, psychiatric, sensory, neurological or learning disabilities and illnesses such as HIV/AIDS); age; homosexuality; transgender status; political conviction; or religious belief. In such situations, also refer to the University's Equal Opportunity Policy and Prevention of Harassment Policy.

4.3 Legitimate Management or Administrative Action

Legitimate management or administrative action delivered in a reasonable manner is not bullying or another form of inappropriate workplace behaviour. Examples of legitimate action include:

- Occasional differences of opinion or lively constructive debate
- Constructive timely feedback which identifies performance issues or problems or management of unsatisfactory performance
- Setting reasonable performance objectives, expectations and standards, deadlines or directions
- Refusing requests on the basis of objective criteria and/or reasonable judgement
- Legitimate and reasonable allocation or re-allocation of work.

5 RESPONSIBILITIES OF STAFF

Every staff member has a responsibility to ensure that their behaviour is consistent with the Code and to take appropriate action when they directly experience or observe behaviour which they consider to be inappropriate. Such action may include keeping a factual record of the incident (eg the date, time, nature of behaviour, what was said, witnesses, etc) and:

- (i) seeking confidential information and advice from:
 - Staff Services, Human Resources Unit (see Section 10 for contact details)
 - Equity and Diversity Unit (see Section 10 for contact details), if the behaviour could be considered to be unlawful discrimination or harassment
- (ii) advising the person responsible for the behaviour that their behaviour is inappropriate and ask them to stop behaving in that way. This action should be taken if the staff member is comfortable with interacting directly with the person responsible for the behaviour. This could solve the problem, particularly if the person responsible for the behaviour is unaware of their behaviour or the way it affects others.
- (iii) reporting the behaviour to the line manager within the work unit or other senior member of staff.
- (iv) making a complaint in accordance with the University's Handling Staff Grievances Policy. The staff member may, if they choose, seek advice, assistance and/or representation from a representative of their choice. Such a representative may not be a barrister or solicitor in private practice.

The staff member accused of inappropriate behaviour may also seek assistance and advice from their supervisor or the sources identified in (i) above. The staff member should be willing to discuss and, if appropriate, address the behaviour under question to achieve resolution. The staff member may also, if they choose, seek advice, assistance and/or representation from a representative of their choice. Such a representative may not be a barrister or solicitor in private practice.

6 RESPONSIBILITIES OF SUPERVISORS AND MANAGERS

The responsibilities of supervisors and managers in relation to workplace behaviour are set out in the Code (refer to Section 12). Supervisors and managers are responsible for the smooth functioning of their work unit and physical and psychological well being of their staff. They have a key role to play in informing staff of appropriate standards of behaviour within the workplace and must take action when inappropriate behaviour comes to their attention (either through their own observation or through the reports or complaints by others).

Supervisors should be alert to the possibility of problems with workplace behaviour and should monitor indicators such as absenteeism, turnover and staff survey feedback, and provide their staff with opportunities to raise concerns about behaviour in the workplace.

Supervisors and managers who have concerns about behaviour within their workplace should seek confidential information and advice from:

- a member of their HR Partnership team, Human Resources Unit (see Section 10 for contact details)
- Equity and Diversity Unit (see Section 10 for contact details), if the behaviour could be considered to be unlawful discrimination or harassment.

Supervisors and managers who receive complaints must handle them in accordance with the University's Handling Staff Grievances Policy and should seek assistance in doing so from staff of the Human Resources Unit or, if appropriate, the Equity and Diversity Unit.

Supervisors should be mindful of the impact that inappropriate behaviour may have on the parties involved as well as others within the work unit. The support needs of staff should be considered and assistance sought from staff of Human Resources Unit, in the first instance.

7 RESPONSIBILITIES OF STUDENTS, CONTRACTORS AND VISITORS AND OTHER MEMBERS OF THE UNIVERSITY COMMUNITY

All members of the University community have a duty of care to others and should treat each other with courtesy and respect and refrain from harassment or discrimination. If members of the University community experience behaviour which they consider to be inappropriate they may take the following action:

- Students: refer to the University's Handling Student Complaints Policy. If a student is behaving inappropriately towards a staff member, refer to the [Rules of the University – Student and Related Rules - Section 16 – Student Misconduct and Appeals](#).
- Contractors: report the behaviour to the UTS liaison for the contract or a higher level line manager.
- Visitors: report the behaviour to UTS Security, if safety is at risk or in an emergency (see Section 10 below for contact details), or Staff Services, Human Resources Unit for other matters.

8 AUTHORITIES AND ACCOUNTABILITIES

All staff are accountable for ensuring that their behaviour complies with the University's Code of Conduct and other instruments referred to in this document.

Supervisors and managers have a responsibility to prevent or minimise inappropriate behaviour in the workplace and to take action to resolve reports or complaints.

Staff of the Human Resources Unit and Equity and Diversity Unit have a responsibility to provide staff, supervisors and managers with assistance, advice and support.

9 SPECIFICATION OF RELATED UTS AND OTHER RELEVANT DOCUMENTATION

- [Code of Conduct](#)
- [Equal Opportunity Policy](#)
- [Prevention of Harassment Policy](#)
- [Acceptable Use of Information Technology Facilities Policy](#)
- [Environment Health and Safety Policy](#) and [Vice-Chancellor's Directives on Environment Health and Safety Responsibilities](#)
- [Policy on Reporting Corrupt Conduct, Maladministration and Serious and Substantial Waste within UTS](#)
- [Handling Staff Grievances Policy](#) and [Handling Staff Grievances – Supervisor Guidelines](#)
- [Handling Student Complaints Policy](#)
- [Rules of the University – Student and Related Rules - Section 16 – Student Misconduct and Appeals](#)
- [Collective Agreements](#)

10 CONTACTS

Human Resources Unit

The following in the Human Resources Unit may be contacted for confidential information and advice in relation to a concern about workplace behaviour:

Staff	Staff Services on email staffservices@uts.edu.au or extension 1060
Supervisor and managers	a member of your HR Partnership team in the HR Management Services Team

Current Human Resources Unit staff and contact details can be found at the HRU Contacts webpage - <http://www.hru.uts.edu.au/contacts/index.html>

Equity and Diversity Unit

The Equity and Diversity Unit may be contacted for confidential information and advice in relation to a concern about workplace behaviour which may be unlawful discrimination or harassment.

Website: http://www.equity.uts.edu.au/about/about_edu/who.html

Telephone: ext 1084

Email: equity.diversity.unit@uts.edu.au

Security

In an emergency, telephone extension 6 or 1800 249 559 (freecall). Otherwise visit the Security Office located near the front entrances to main buildings.

11 APPROVAL AND REVISIONS TABLES

11.1 Approvals

EFFECTIVE DATE	25 June 2008		
REVIEW DATE	To be reviewed with Code of Conduct, Prevention of Harassment Policy, etc in 2009		
ACCOUNTABLE OFFICER	Director, Human Resources		
CURRENT INCUMBENT	Jennifer Gilmore		
IMPLEMENTATION OFFICER	Senior Workplace Relations and Policy Specialist		
CURRENT INCUMBENT	Lisa Carroli	CONTACT NO	Ext 1079

11.2 REVISION/MODIFICATION HISTORY

Date	Version	Current title	Summary of changes	Approved/ rejected	Approval authority	Resolution or file number
25/06/08	1	Workplace Behaviour Statement	New document	Approval	Director, Human Resources	92/597-2 (Code of Conduct)