



SERVICE STANDARD 1.1.42 RESPECTFUL AND INCLUSIVE WORKPLACE

ITEM	DESCRIPTION
Title	Respectful and Inclusive Workplace
Number	1.1.42
Version Number	1.0
SOPs	<ul style="list-style-type: none">> SOP 1.1.42-1 Raising matters of bullying, discrimination, vilification and/or sexual harassment> SOP 1.1.42-2 Responding to matters of bullying, discrimination, vilification and/or sexual harassment (Supervisory Officers)
Owner	Executive Director, Membership and Strategic Services
Contact	Director or Regional Manager
Approved Date	8 September 2015
Next Review	8 September 2018
Classification	Unclassified
Document Control	Electronic - Printed Copies are Uncontrolled

1 Purpose

- 1.1 The NSW Rural Fire Service (NSW RFS) is strongly committed to providing and maintaining a respectful and inclusive workplace, where all members are treated with dignity, courtesy and respect at all times and in all work locations. Bullying, discrimination, vilification and/or sexual harassment have no place in a respectful and inclusive workplace.
- 1.2 The NSW RFS does not tolerate bullying, discrimination, vilification and/or sexual harassment. These behaviours are contrary to *Service Standard 1.1.7 Code of Conduct and Ethics* and the NSW RFS Organisational Values, which are:
 - > Mutual respect
 - > Adaptability and resourcefulness
 - > One team, many players one purpose
 - > Integrity and trust
 - > Support, friendship, camaraderie
 - > Community and environment
 - > Knowledge and learning

Some of these behaviours are also unlawful and in breach of Federal legislation, and State legislation including the *Work Health Safety Act 2011* (NSW) and *Anti-discrimination Act 1977* (NSW).

- 1.3 This Service Standard:
- a. defines bullying, discrimination, vilification and sexual harassment;
 - b. outlines what is NOT classified as bullying, discrimination, vilification and sexual harassment;
 - c. describes the effects of bullying, discrimination, vilification and sexual harassment on individuals and the work environment;
 - d. details the responsibilities of members at all levels;
 - e. details the support services available to all members; and
 - f. outlines the procedures for raising and responding to matters related to bullying, discrimination, vilification and/or sexual harassment.

2 Definitions

- 2.1 For the purpose of this Service Standard the following definitions apply:
- a. **Bullying:** is defined at clauses 3.10 - 3.16 of this Service Standard;
 - b. **Complainant:** is a person who expresses a workplace concern, lodges a grievance complaint, or makes an allegation;
 - c. **Discrimination:** is defined at clauses 3.19–3.24 of this Service Standard;
 - d. **False or Vexatious Allegation:** is an allegation that is deliberately false or misleading, or instituted without sufficient grounds and serving only to cause annoyance or for a collateral purpose;
 - e. **Member:** unless stated otherwise, member refers to volunteers and employees of the NSW RFS;
 - f. **Next in Charge:** is the supervisor or manager directly in charge of a NSW RFS member, e.g., for a volunteer this would be a Captain or Group Captain; for a District Manager this would be their Regional Manager; for a Regional Manager or Manager this would be their Director or Executive Director;
 - g. **Protected characteristic:** is a characteristic protected from discrimination under anti-discrimination legislation. Protected characteristics are age, carer's responsibilities, disability, homosexuality, marital status, race, and transgender status;
 - h. **Respectful and inclusive workplace:** is a workplace free of bullying, discrimination, vilification and sexual harassment. A workplace where members abide by the Code of Conduct and Ethics, Organisational Values and other standards established by the NSW RFS;
 - i. **Respondent:** is any person against whom an allegation is brought. For example, if the allegation is about bullying, the alleged bully is the respondent;
 - j. **Sexual harassment:** is defined at clauses 3.30-3.37 of this Service Standard;
 - k. **Supervisory officer:** is a staff or volunteer member with supervisory responsibilities (such as Incident Controllers, Captains, Group Captains, Supervisors, Managers, Directors and Executive Directors);
 - l. **Victimisation:** means to subject a person to any detriment because that person raised a matter relating to bullying, discrimination, vilification and/or sexual harassment;
 - m. **Vilification:** is defined at clauses 3.26–3.28 of this Service Standard;
 - n. **Work:** unless stated otherwise, work refers to an authorised NSW RFS brigade activity and/or authorised work duties;
 - o. **Workplace:** places occupied by NSW RFS members whilst undertaking authorised activities and may include, but are not limited to:
 - i. Vehicles and tankers;
 - ii. Fire ground;
 - iii. Trailers, caravans, plant and machinery;
 - iv. Fire Control Centres;
 - v. Brigade Stations;
 - vi. Offices;
 - vii. Training Centres/Locations;
 - viii. Base Camps;
 - ix. Staging Areas;
 - x. Canteens;

- xi. Workshops;
- xii. Storage facilities and warehouses;
- xiii. Garages;
- xiv. Toilets and amenities; and
- xv. Any other location where NSW RFS activities/duties occur.

3 Policy

- 3.1 The NSW RFS does not tolerate bullying, discrimination, vilification and/or sexual harassment. All allegations of bullying, discrimination, vilification and/or sexual harassment will be taken seriously, whether raised orally or in writing.
- 3.2 Every member has a responsibility to act in accordance with *Service Standard 1.1.7 Code of Conduct and Ethics* and behave in a manner that is consistent with the NSW RFS Organisational Values.
- 3.3 Every member is responsible for ensuring the workplace is free from bullying, discrimination, vilification and sexual harassment. If you have concerns, it is expected you will raise them in a timely manner, as detailed in *SOP 1.1.42-1 Raising matters relating to Bullying, Discrimination, Vilification and/or Sexual Harassment*.
- 3.4 All members have a duty of care to make the safety and welfare of young members a primary consideration and act in accordance with all Service Standards associated with child and youth participation in NSW RFS activities.
- 3.5 Any immediate risk to the health and safety of a member is to be reported in line with agreed practice.
- 3.6 Supervisory officers are responsible for supporting and maintaining a respectful and inclusive workplace. This includes raising concerns, directly intervening when witness to inappropriate workplace behaviour, and taking all complaints seriously as detailed in *SOP 1.1.42-2 Responding to Matters of Bullying, Discrimination, Vilification and Sexual Harassment*.
- 3.7 This Service Standard relates specifically to the internal processes utilised by the NSW RFS to effectively manage matters relating to bullying, discrimination, vilification and/or sexual harassment.
- 3.8 In certain circumstances, matters may be subject to investigation by an external agency and/or regulator. In these instances the investigation will be in accordance with the external agency and/or regulator's legislative requirements and procedures.
- 3.9 In certain circumstances the NSW RFS may have a legislative requirement to report matter/s to an external agency and/or regulator.

Bullying

What is bullying in the workplace?

- 3.10 Bullying is repeated and unreasonable behaviour by a person or group of people that is directed towards a member or a group of members at work that creates a risk to health and safety.
 - Repeated behaviour** means it is persistent and can involve a range of unreasonable behaviours over time.
 - Unreasonable behaviour** is behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable. Unreasonable behaviour includes any behaviour that victimises, humiliates, intimidates or threatens another member.
 - A risk to health and safety** means the *possibility* of danger to health and safety; it is not confined to *actual* danger to health and safety.
- 3.11 Bullying is in breach of the NSW RFS Code of Conduct and Ethics. Bullying also creates a risk to the health and safety of individuals, work groups and ultimately the NSW RFS.
- 3.12 Bullying behaviour can occur regardless of the presence of a protected characteristic.
- 3.13 Examples of behaviour, that may be considered to be bullying if they are repeated, unreasonable and create a risk to health and safety include:
 - a. harassment;
 - b. abusive, insulting or offensive language or comments;

- c. threats or acts of physical violence (this may also constitute a crime under the *Crimes Act 1900* (NSW));
 - d. shouting or screaming;
 - e. unjustified criticism or complaints;
 - f. intimidating aggressive body language;
 - g. humiliating an individual through sarcasm, criticism or insults;
 - h. continuously and deliberately excluding someone from regular workplace activities;
 - i. intentionally withholding information that is vital for effective work performance;
 - j. deliberately setting unreasonable timelines or constantly changing deadlines;
 - k. deliberately setting tasks that are unreasonably below or beyond a person's skill level;
 - l. spreading misinformation or malicious rumours;
 - m. deliberately changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers; or
 - n. excessive scrutiny at work.
- 3.14 Bullying can occur in any location where members are undertaking authorised NSW RFS activities. It can also occur outside the physical workplace of the NSW RFS and outside business hours, including during work related functions such as conferences, training courses and seminars, NSW RFS related social events, and trips.
- 3.15 Bullying can be perpetrated in person as well as via email, social media (e.g. Facebook, Twitter), phone calls and/or text messages. Commentary on social media, whether on private or public sites or with work or personal devices, can in certain circumstances amount to workplace bullying.
- 3.16 It does not matter if the behaviour was intended as a joke, a compliment or as 'a bit of fun'. If the behaviour is repeated, unreasonable and creates a risk to health and safety – it may be considered bullying.

What is not bullying?

- 3.17 A single incident of behaviour is not considered bullying. However a 'one off' incident may have the potential to escalate and should not be ignored.
- 3.18 Behaviour that would not be considered as bullying may include:
- a. fair and reasonable performance management;
 - b. getting constructive feedback or counselling from a supervisory officer on work; performance or behaviour that is intended to assist the member;
 - c. having a different opinion and/or a disagreement;
 - d. reasonable managerial actions carried out in a reasonable way;
 - e. authoritative and reasonable action to ensure workplace health and safety;
 - f. allocating appropriate work to a member, setting reasonable goals, standards and deadlines;
 - g. making a complaint about a member's conduct in any workplace, if the complaint is made in a proper and reasonable way;
 - h. disciplinary action;
 - i. ensuring Service Standards and policies are implemented and adhered to;
 - j. making a decision not to select employee member for promotion (where the decision is in accordance with merit based principles);
 - k. rostering and allocating reasonable shifts or working hours;
 - l. taking action to transfer an employee in accordance with the *Government Sector Employment Act 2013* (GSE Act) and Rules; or
 - m. implementing organisational change.

Discrimination

What is discrimination in the workplace?

- 3.19 Discrimination occurs when someone is treated differently or unfairly because they have a protected characteristic pursuant to anti-discrimination legislation.
- 3.20 Discrimination may be behaviour of an ongoing pattern or it may just be a single act.
- 3.21 Discriminating against a member of the NSW RFS in any of the following ways is against the law and will not be tolerated.
- a. **Age discrimination** occurs when someone is treated less favourably because of their age.
 - b. **Carers' responsibilities discrimination** occurs when someone is treated less favourably because they are, have been, are thought to be, or in the future may be responsible for caring for or supporting an immediate family member or a child.
 - c. **Disability discrimination** occurs when someone is treated less favourably because they have, have had, are thought to have, or in the future may have a disability. Disability includes physical, intellectual and psychiatric disabilities, learning and emotional disorders.
 - d. **Homosexual discrimination** occurs when someone is treated less favourably because they are homosexual, or someone thinks they are homosexual.
 - e. **Marital discrimination** occurs when someone is treated less favourably because of their marital or domestic status (for example, if they are single, or married, or living in a de facto relationship).
 - f. **Race discrimination** occurs when someone is treated less favourably because of their race, colour, ethnic background, ethno-religious background, descent or nationality.
 - g. **Sex discrimination** occurs when someone is treated less favourably because of their gender. This includes a person being treated unfairly or not given the same opportunities because they are pregnant, or because they are breastfeeding.
 - h. **Transgender (transsexual) discrimination** occurs when someone is treated less favourably because they are transgender or others think they are transgender. An individual is defined as transgender when they live or seek to live as a member of the opposite sex.
- 3.22 It is also unlawful to treat someone less favourably because they have a family member, or associate with people, who are:
- a. a particular race, colour, nationality, ethnicity, descent, or ethno-religious background;
 - b. homosexual;
 - c. transgender;
 - d. pregnant and/or breastfeeding; or
 - e. of a particular marital or domestic status.
- 3.23 Discrimination can be either direct or indirect. Both types of discrimination are against the law and will not be tolerated by the NSW RFS.
- a. **Direct discrimination** occurs when a person is treated less favourably because they have a protected characteristic than compared to someone who does not have that characteristic, in the same circumstances.
 - b. **Indirect discrimination** occurs when a requirement or rule is in place that appears to be neutral and the same for everyone but in effect disadvantages people from a particular group more than people from other groups. For example, the requirement that an employee be over 180cm tall to do a certain job could indirectly discriminate against women and some ethnic groups (sex or race discrimination).
- 3.24 It does not matter if the behaviour was intended as a joke or as 'a bit of fun'. By law, if someone is treated differently or less favourably because they have a particular characteristic - it may be considered discrimination.

What is not discrimination?

- 3.25 Treating someone differently may not necessarily be unlawful discrimination. An action may not be considered discrimination when it is:
- a. permissible under NSW anti-discrimination laws, for example with respect to a genuine occupational qualification or the inherent requirements of a role, including any adjustments which would impose an unjustifiable hardship on NSW RFS;
 - b. a legitimate, reasonable and fair supervisor/managerial action to direct and control how work is done in the workplace; or
 - c. a legitimate, reasonable and soundly based supervisory/managerial action to ensure workplace health and safety.

Vilification

What is Vilification?

- 3.26 Vilification is any form of communication to the public (such as speaking, writing, printing, displaying notices or on social media), any conduct observable by the public (such as actions and gestures and wearing or display of clothing, signs, flags, emblems or insignia), and the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for or severe ridicule of a person or group of persons on the ground of their race (including colour, nationality, descent and ethnic, ethno-religious or national origin), homosexuality, transgender status or HIV/AIDS status.
- 3.27 Vilification may be an ongoing pattern of events or a single act.
- 3.28 Vilification is unlawful and will not be tolerated by the NSW RFS.

What is not vilification?

- 3.29 Vilification does not cover acts that are not public.

Sexual Harassment

What is sexual harassment in the workplace?

- 3.30 Sexual harassment is any unwelcome conduct of a sexual nature that is directed at an individual in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person would be:
- a. offended;
 - b. humiliated; or
 - c. intimidated.
- 3.31 Sexual harassment can be an ongoing pattern of behaviour, or it may be a single act.
- 3.32 Sexual harassment can occur in any location where members are undertaking authorised NSW RFS activities. It can also occur outside the physical workplace of the NSW RFS, and outside business hours, including during work related functions such as conferences, training courses and seminars, NSW RFS related social events and trips.
- 3.33 Sexual harassment can be perpetrated by any individual to any other individual within the NSW RFS, regardless of sex, age or position within the NSW RFS.
- 3.34 It is important to recognize that sexual harassment can involve behaviours which some individuals may consider 'normal' or 'in good fun', however they may be experienced as distressing or offensive to others.
- 3.35 Depending on the circumstances, any of the following could be experienced as sexual harassment, and some may also constitute a crime under the *Crimes Act* and other legislation:
- a. verbal comments and sexual jokes;
 - b. offensive phone calls and text messages;

- c. sexual material, comments or jokes sent by email, or put on a website, blog or social networking site;
 - d. displaying sexual material, for example on a notice board or as a screensaver on computer;
 - e. unwelcome wolf whistling;
 - f. staring or leering in a sexual manner;
 - g. comments about a person's physical appearance or sexual characteristics;
 - h. intrusive questions about a person's sex or private life;
 - i. telling an individual or group of people details about your sex or private life, or that of others;
 - j. sexual or physical contact, such as slapping, kissing, touching, hugging or massaging (may also constitute a crime under the *Crimes Act*);
 - k. repeated sexual invitations when the person has refused similar invitations before;
 - l. initiation ceremonies involving unwelcome sexually related behavior; or
 - m. sexual assault (may also constitute a crime under the *Crimes Act*).
- 3.36 Sexual harassment can be perpetrated in person as well as via email, social media (e.g. Facebook, Twitter), phone calls and/or text messages.
- 3.37 It does not matter if the behaviour was intended as a joke, a compliment or as 'a bit of fun'. By law, if a person engages in conduct of a sexual nature that is directed at an individual in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person would be humiliated, offended or intimidated, it may be considered sexual harassment.

What is not sexual harassment in the workplace?

- 3.38 Sexual harassment is not interaction, a relationship or a friendship which is mutual or consensual between adults.

The impact of Bullying, Discrimination, Vilification and Sexual Harassment on the NSW RFS and its membership

- 3.39 Members who experience bullying, discrimination, vilification and/or sexual harassment in the workplace are not being treated with dignity, courtesy and respect at work. These individuals are more likely to:
- a. experience stress and anxiety;
 - b. lose their self-confidence and self-esteem;
 - c. have trouble sleeping which can lead to constant and severe tiredness and fatigue;
 - d. have accidents at work;
 - e. be unable to concentrate and/or to make effective decisions;
 - f. experience stress related illness, e.g., nausea, diarrhoea, headaches;
 - g. be less productive at work, including increased absenteeism, tardiness, decreased quality of work output; and/or
 - h. lose their motivation and commitment to the NSW RFS.
- 3.40 Incidents of bullying, sexual harassment, vilification and discrimination can have a significant and negative impact on an individual's physical and mental health.
- 3.41 It is not only the victim that is affected by incidents or allegations of bullying, discrimination, vilification or sexual harassment in the workplace. Being a witness to incidents of this nature, or a respondent who has had a false accusation made against them, can have a significant and negative impact on an individual's physical and mental health.
- 3.42 Bullying, discrimination, vilification and/or sexual harassment in the workplace have a severe and negative effect on:
- a. levels of commitment, loyalty and brigade/team morale;
 - b. lateness and absenteeism; affecting a team's capacity to respond to incidents and/or direction;

- c. the ability of the NSW RFS to attract and keep new members;
 - d. communication and cooperation within the brigade, district, region or business unit; and/or
 - e. the ability of the NSW RFS to meet legislative requirements (failure to do so could result in civil or criminal action).
- 3.43 An inappropriate and disrespectful work environment can also have a severe and negative effect on the reputation of the NSW RFS.

Raising matters relating to bullying, discrimination, vilification and/or sexual harassment

- 3.44 The process for raising matters relating to bullying, discrimination, vilification and/or sexual harassment is outlined in *SOP 1.1.42-1 Raising matters relating to bullying, discrimination, vilification and/or sexual harassment*.
- 3.45 All members have the right to raise an issue of bullying, discrimination, vilification and/or sexual harassment. Members must not be subjected to victimisation or retaliation as a result of raising an issue. Any member who is found to have subjected a member to victimisation or retaliation as a result of raising an issue may be subject to disciplinary/misconduct action.
- 3.46 All matters relating to bullying, discrimination, vilification and/or sexual harassment will be taken seriously whether they are made orally or in writing.

Responding to matters of bullying, discrimination, vilification and/or sexual harassment (Supervisory Officers)

- 3.47 The process for responding to matters of bullying, discrimination, vilification and sexual harassment is outlined in *SOP 1.1.42-2 Responding to matters of bullying, discrimination, vilification and/or sexual harassment*.
- 3.48 The NSW RFS is committed to responding to all matters in a timely manner, maintaining confidentiality and keeping those members who are involved informed of progress.
- 3.49 Once a matter has been raised, an allegation of bullying, discrimination, vilification or sexual harassment will be investigated under *Service Standard 1.1.3 Grievances*, unless the matter relates to sexual harassment and/or a more serious case which is a clear breach of discipline (volunteers) or misconduct (staff). In such cases action may be taken under:
- a. *Service Standard 1.1.2 Discipline*, if the respondent is a volunteer member; or
 - b. Misconduct provisions under the GSE Act, *Government Sector Employment Regulations 2014 (NSW) (GSE Regulations)* and GSE Rules, if the respondent is a staff member.

Where a member is both a staff and volunteer member, advice on how to proceed should be sought from the Regional Manager/Director or Executive Director.

- 3.50 All matters relating to bullying, discrimination, vilification and/or sexual harassment of a member/s under the age of 18 must be directed to the relevant Regional Manager or Director and the Professional Standards Unit.

False or vexatious allegations

- 3.51 Any member who is found to have made a false or vexatious allegation/complaint may be subject to disciplinary/misconduct action.

Criminal Matters

- 3.52 Any allegation/s of inappropriate workplace behaviour which may involve criminal conduct should be referred by the individual member to the Police. In such cases, the individual member must also report the matter through the chain of command so that appropriate duty of care is considered.
- 3.53 Any Police investigation or inquiry will take precedence over a NSW RFS action.
- 3.54 The NSW RFS will be guided by Police in respect of commencing internal action.

3.55 The NSW RFS may take action against any volunteer member subject to criminal allegations in accordance with *Service Standard 1.1.21 Stand-down and removal of members and notification of criminal charges* (volunteers) or provisions under the GSE Act, GSE Regulations and GSE Rules, and *P1.1.6 Reporting and Disclosing Serious Offences (Criminal Charges) and/or Convictions by Staff Members (staff)*.

Support services

- 3.56 The NSW RFS is committed to supporting complainants and respondents during the complaints handling and/or investigation process.
- 3.57 It is expected that all supervisory officers will actively support members to access the appropriate support services at every opportunity. The services available are:
- a. **Critical Incident Support Services (CISS)**: This service provides critical incident support services to all members of the NSW RFS experiencing critical incident stress and traumatic reactions during or after an operational or NSW RFS related incident.
 - b. **Member Assistance Program (MAP)**: supports volunteer members who may be affected by situations or circumstances, either directly or indirectly related to their NSW RFS membership or operational activities. In these cases, information and referral assistance is available, which helps members and their families identify options to address their needs.
 - c. **Employee Assistance Program (EAP)**: supports staff members who may be affected by situations or circumstances, either directly or indirectly, related to their employment with the NSW RFS. In these cases, information and referral assistance is available, which helps members and their families identify options to address their needs.
 - d. **Chaplaincy Services and Family Support Program**: Dedicated chaplains help with the many pressures that may affect the spiritual, physical, emotional and personal wellbeing of NSW RFS members. Chaplains provide care at the scenes of fire or disaster, and by visiting brigade stations, workplaces, homes and hospitals.

4 Related documents

- > Service Standard 1.1.2 Discipline
- > Service Standard 1.1.3 Grievances
- > Service Standard 1.1.7 Code of Conduct and Ethics
- > Service Standard 1.1.21 Stand Down/Removal from Membership & Notification of Criminal Charges & Convictions
- > Service Standard 1.1.28 Injury/Accident Reporting and Investigation
- > Service Standard 2.1.5 Child and Youth Participation in NSW RFS Activities
- > Policy 3.1.1 Equal Opportunity Employment
- > P1.1.6 Reporting and Disclosing Serious Offences (Criminal Charges) and/or Convictions by Staff Members
- > *Anti-Discrimination Act 1977*
- > *Age Discrimination Act 2004 (Cth)*
- > Crown Employees (Rural Fire Service) Award 2012
- > *Disability Discrimination Act 1992 (Cth)*
- > *Government Sector Employment Act 2013*
- > *Government Sector Employment Regulation 2014*
- > *Government Sector Employment Rules 2014*
- > *Human Rights and Equal Opportunity Commission Act 1986 (Cth)*
- > *Industrial Relations Act 1996*

- > NSW Rural Fire Service Natural Justice Information Sheet
- > *Ombudsman Act 1974*
- > *Privacy and Personal Information Protection Act 1998*
- > *Racial Discrimination Act 1975 (Cth)*
- > *Sex Discrimination Act 1984 (Cth)*
- > *Work Health and Safety Act 2011*
- > *Work Health and Safety Regulation 2011*
- > *Workers Compensation Act 1987*
- > *Workplace Injury Management and Workers Compensation Act 1998*

5 Amendments

AMENDMENT DATE	VERSION NO	DESCRIPTION
8 September 2015	1.0	<ul style="list-style-type: none"> > Initial release > Replaces policies P3.1.2 Harassment v1.1, and policy 4.1.13 Bullying in the Workplace v1.2

SOP 1.1.42-1

RAISING MATTERS OF BULLYING, DISCRIMINATION, VILIFICATION AND/OR SEXUAL HARASSMENT

1 Purpose

- 1.1 This Standard Operating Procedure sets out the procedure to be followed by members who are experiencing or aware of bullying, discrimination, vilification and/or sexual harassment in the workplace.

2 Procedures

General

- 2.1 All matters and complaints raised relating to bullying, discrimination, vilification and/or sexual harassment will be taken seriously and managed in a timely manner with sensitivity and confidentiality.
- 2.2 All members are strongly encouraged to access the NSW RFS support services that are outlined at clause 3.57 of this Service Standard.
- 2.3 Any allegations of inappropriate workplace conduct which may reach a criminal threshold must be reported to the Police.
- 2.4 Members who raise matters relating to bullying, discrimination, vilification and/or sexual harassment must maintain the principles of confidentiality.

Gather information

- 2.5 Identify the act/s or behaviour/s which you think may constitute bullying, discrimination, vilification and/or sexual harassment.
- 2.6 It is helpful to make a written record of incident/s, keeping details of:
- what action/s happened;
 - when and where this occurred; and
 - names of any witnesses.

Workplace Conflict or Misunderstanding

- 2.7 If the matter relates to a workplace conflict, or misunderstanding it may be the case that the person perpetuating the unacceptable behaviour is unaware they are upsetting or intimidating others and, once informed, they may stop. Attempt to resolve the issue yourself (if you feel safe to do so) by:
- Making a time to meet and discuss your concerns with the person involved. You may wish to have a support person with you at this meeting;
 - Calmly explain your concerns and provide details of the incidents you have recorded; and
 - Making it clear to the person that the behaviour is unacceptable and ask them to stop.

Raise the Concern with your Supervisor

- 2.8 If the behaviour does not relate to a workplace conflict or misunderstanding raise your concern with your supervisory officer.
- 2.9 If the matter involves your next in charge (or if you are not comfortable approaching them) raise the matter with the next in charge.
- 2.10 Advise your next in charge that you have a bullying, discrimination, vilification and/or sexual harassment complaint. Provide them with the information you have gathered.
- 2.11 Your next in charge (or the person who you raised the concern with) will determine whether they are the appropriate person to handle the matter. This will depend on the nature and/or complexity of the allegation.

Investigation of the Complaint

- 2.12 The process used to investigate or resolve the complaint will depend on the status of the member (staff or volunteer), and the circumstances surrounding the complaint.
- 2.13 The person who is handling the matter will inform you of the process that will be used to investigate or resolve the complaint.
- 2.14 Depending on the nature of the allegation it may be referred to an external agency and/or regulator.

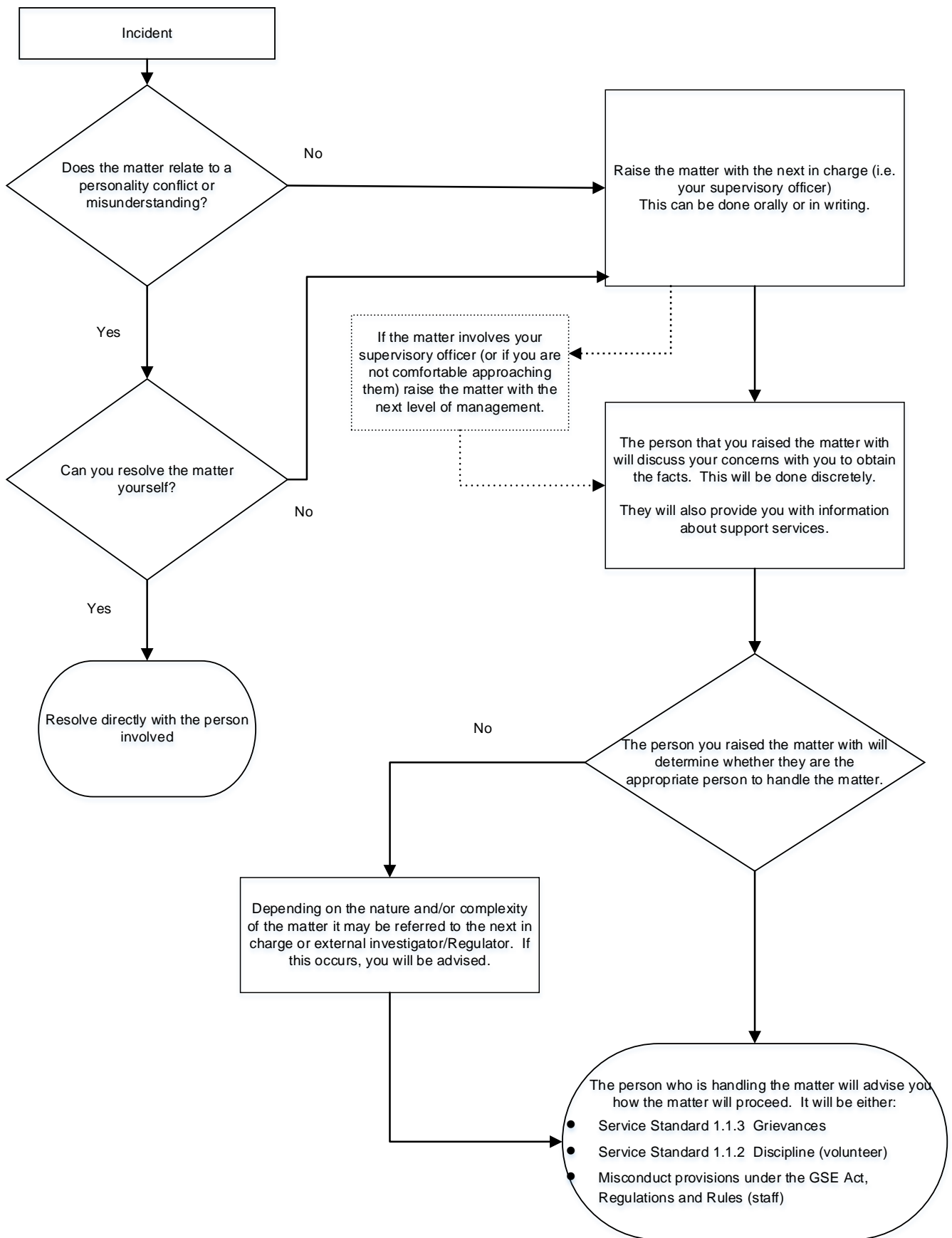
Bystanders or Witnesses

- 2.15 If you have witnessed bullying, discrimination, vilification and/or sexual harassment you should:
 - a. Raise the matter with the person who has experienced bullying, discrimination, vilification and/or sexual harassment;
 - b. Encourage them to make a complaint, if appropriate;
 - c. Advise them to access support services (outlined at clause 3.57 of this service standard); and
 - d. Where the behaviour you are witnessing is of a serious nature or becoming serious, you should discuss your observations with your next in charge as soon as possible.

3 Related forms

- > None

Raising matter relating to bullying, discrimination, vilification and/or sexual harassment



SOP 1.1.42-2

RESPONDING TO MATTERS OF BULLYING, DISCRIMINATION, VILIFICATION AND/OR SEXUAL HARASSMENT (SUPERVISORY OFFICERS)

1 Purpose

- 1.1 This Standard Operating Procedure sets out the procedure to be followed by supervisory officers who receive a verbal or written complaint related to bullying, discrimination, vilification and/or sexual harassment.
- 1.2 The NSW RFS does not tolerate bullying, discrimination, vilification and/or sexual harassment. All allegations of bullying, discrimination, vilification and/or sexual harassment must be taken seriously and managed in a timely manner with sensitivity and confidentiality, regardless of whether they are raised orally or submitted in writing.

2 Procedures

Make an Assessment of the Matter

- 2.1 Discuss the matter with the complainant to obtain the facts. Remain impartial, maintain confidentiality and offer support to the complainant.
 - a. If the matter relates to a workplace conflict or misunderstanding, attempt to resolve the matter at the local level, if you feel comfortable to do so. If you are not sure how to handle the situation seek advice from the next in charge.
 - b. If the matter relates to bullying, discrimination, vilification and/or sexual harassment of a member/s under the age of 18, promptly escalate the matter through the chain of command to the Regional Manager or Director and the Professional Standards Unit.
 - c. An allegation/s of inappropriate workplace conduct which may involve criminal conduct should be referred by the complainant to the Police. The matter must also be reported through the chain of command to the Regional Manager/Director/Executive Director and the Professional Standards Unit.
- 2.2 If the matter relates to bullying, discrimination, vilification and/or sexual harassment provide support to the member making the allegation and document the facts of the matter using the words of the complainant. Check your interpretation of the facts with the complainant by reading your notes back to them.
- 2.3 Consider the nature of the allegation and its complexity then determine whether you are the appropriate person to handle the matter. If you are not sure, seek advice from the next in charge.
 - a. If you determine that you are not the appropriate person to handle the matter, refer it to the next in charge and advise the complainant.
 - b. If you are the appropriate person to handle the matter, determine how the matter will be resolved or investigated (refer to clause 2.6 of this SOP).
- 2.4 Actively encourage and support the member/s to access support services (outlined at clause 3.57 of this Service Standard) at every opportunity.
- 2.5 Maintain the principles of confidentiality and advise the complainant of their obligation to do the same.

Investigating Complaints

- 2.6 The process used to investigate or resolve the allegation is dependent on the status of the respondent member (i.e. whether they are a RFS staff member or a volunteer) and the circumstances surrounding the complaint. Allegations may be investigated under:
 - a. *Service Standard 1.1.3 Grievances*; or
 - b. *Service Standard 1.1.2 Discipline* (if the respondent is a volunteer and the matter relates to a clear breach of discipline); or

- c. *Government Sector Employment Act 2013*, Regulations and Rules (if the respondent is a staff member and the matter relates to a clear breach of misconduct).

- 2.7 Allegations of misconduct by staff members (not volunteers) must be escalated to the Executive Director Membership and Strategic Services.
- 2.8 Where a member is both a staff and volunteer member, advice on how to proceed should be sought from the Regional Manager/Director/Executive Director.
- 2.9 If you are not sure about the appropriate course of action obtain advice from the next in charge.

Responsibilities of Supervisory Officers

- 2.10 Take all allegations seriously, whether raised orally or in writing.
- 2.11 Document the facts of the matter using the words of the person making the allegation. Check your interpretation of the facts with the complainant by reading your notes back to them.
- 2.12 Investigate or resolve the matter appropriately, or promptly refer the matter to the next in charge. Seek advice from the next in charge if you have any doubt about how the matter should be investigated or resolved.
- 2.13 Immediately escalate matters that involve a member under the age of 18, or matters that involve allegations of a criminal nature to the Regional Manager or Director.
- 2.14 Actively support members (including complainants, respondents and bystanders) to access support services (outlined at clause 3.57 of this Service Standard) at every opportunity through the resolution process.

General guidelines for dealing with matters relating to bullying, discrimination, vilification and/or sexual harassment

- 2.15 **Maintain confidentiality:** You should not talk to anyone about the allegation, except those directly involved; unless you are seeking advice from the next in charge or the Professional Standards Unit.
- 2.16 **Be Impartial:** You must not prejudge or make assumptions. Treat all parties fairly, including any person who has been accused of wrongdoing.
- 2.17 **Be sensitive:** You must treat all complaints sensitively and seriously.
- 2.18 **Seek advice:** You must seek advice from the next in charge if you have any doubt about how the matter should be resolved or investigated.
- 2.19 **Act quickly:** You must deal with all matters as quickly as possible.
- 2.20 **Keep parties informed:** keep those directly involved informed of progress and timeframes.
- 2.21 **Ensure no one is victimised:** You must take all necessary steps to ensure that the people (complainants and respondents) involved are not victimised by anyone for coming forward or assisting with the investigation or resolution process.
- 2.22 **Keep accurate and detailed documentation:** An investigation may call for your notes later, so it is important that you detail the facts not your personal opinions.
- 2.23 **Ensure documentation is secured:** Keep all documentation in a confidential and secured file, separate to personnel files.

3 Related forms

- > None

Responding to matters relating to bullying, discrimination, vilification and/or sexual harassment

