



RTBU

RTBU National Dignity and Respect Handbook



About this handbook

No one should suffer bullying or harassment while going about their work. This can put at risk the health, safety and well being of those involved. That is why the RTBU is an organisation which is committed to maintaining a workplace that endeavours to provide dignity and respect to all of its employees.

We are a union that expects utmost professional standards from all employees, officials, delegates and members while at work and work-related functions. We have a proud history of fostering workplaces with zero tolerance for bullying and harassment.

You are encouraged to read this handbook and to ensure that appropriate standards of behaviour are applied while at work and during out of hours functions where the RTBU is being represented. If you are aware of behaviour that does not meet the workplace standards contained within this document, we ask that you bring it to the attention of your Secretary or Office Manager. These conversations will be held in strictest confidence.



Mark Diamond
National Secretary



Owen Doogan
Queensland Branch Secretary



Luba Grigorovitch
Victorian Branch Secretary



Shayne Kummerfeld
National President



Darren Phillips
South Australian & Northern
Territory Branch Secretary



Craig McKibley
WA Branch Secretary



Alex Claassens
New South Wales Branch
Secretary



Ric Bean
Tasmanian Branch Secretary



Joshua Dekuyer
WA PTA Branch Secretary



Sexual Harassment

This policy promotes a safe and productive workplace, where the rights of all are protected. Sexual harassment and victimisation are unlawful behaviours. It will not be tolerated at work, or in work related environments. Work related environments include, but are not limited to, work functions, external training, meetings and conference settings, as well as use of vehicles and social media in paid and unpaid time. Every person has the right to an environment free of sexual harassment and victimisation.

This policy applies to all workplace participants including full-time, part-time, trainee, casual, seconded and volunteer employees, as well as visiting members, contractors and consultants. This policy covers paid work hours and unpaid time when you are engaging with work colleagues or persons known to you through work, as well as any other time where you are representing or identifying with the RTBU.

Sexual Harassment

Sexual harassment is unwanted, unwelcome or uninvited behaviour of a sexual nature that results in an individual or a group of people feeling humiliated, intimidated or offended. It is unlawful to sexually harass someone in the workplace or in any other work related context.

Sexual harassment can take many different forms including physical contact, gestures, verbal comments, the display of offensive material and uninvited intimacy. It may be the result of a single incident or continuous behaviour. It can also include behaviour and practices that create a sexually hostile, sexually intimidating or sexually permeated environment. Sexual harassment can be blatant, subtle or covert. It can be pre-determined or impromptu behaviour.

Inappropriate behaviour, be it male to male, male to female, female to female, or female to male can be sexual harassment. An individual's sexual orientation is irrelevant. It is the nature of the behaviour and its impact that is assessed. The intent or the motive for the inappropriate behaviour is also irrelevant.

Examples of sexual harassment include, but are not limited to

- taking, displaying or sending inappropriate photographs
- stalking and delivering anonymous gifts or messages
- continued requests for dates or outings
unwelcome sexual advances, requests for sexual favours or sexual propositions
unwelcome comments or questions about person's sex life or physical appearance
suggestive behaviour such as staring, leering, ogling or inappropriate gestures
- uninvited intimacy or physical contact such as pinching, brushing up against a person,
- slapping, touching, kissing, cuddling or fondling sexually offensive comments, taunts, slurs, jokes, innuendo or anecdotes
- sexually offensive objects or material such as screen savers, pin-ups, calendars, music, DVDs, YouTube, reading matter, pornography or inappropriate gifts,
- inappropriate letters, emails, phone calls, voice messages, Skype contact, blogs, text messages, Twitter, Facebook, on-line conversations, Snapchat, internet posts indecent exposure, public masturbation or indecent assault, and
- sexual assault and rape.



Sexual harassment is not behaviour that results from mutual attraction or respectful friendship. However, it is important to note that if you are involved in a consensual relationship with a work colleague or a person known to you through work, you should always ensure that your behaviour is appropriate and professional at work, and in work related environments.

If a consensual relationship ends and one party attempts to rekindle the relationship at work or in a work related environment, or encourages someone else to attempt to do so on their behalf, any unwelcome behaviour is likely to amount to sexual harassment.

Victimisation

It is unlawful for anyone to victimise a person or treat them unfairly because they have

- complained about sexual harassment lodged an external complaint about sexual harassment
- supported someone with a sexual harassment complaint, or
- acted as a witness in a sexual harassment case.

Individual Responsibilities

Every individual is expected to contribute in a positive and productive way ensuring that they treat others with dignity and respect at all times. Individuals are accountable for their own behaviour at work and in work related environments. You can also personally be held legally liable if your behaviour falls short of the standards required by legislation.

Senior staff are responsible for their own behaviour, and that of the people they oversee. You must ensure all are aware of this policy and act promptly to address issues of concern that come to your attention. You must not ignore, allow, permit, aid or foster unlawful behaviour.

Policy Breaches

Breaches of this policy will be treated seriously and investigated. Proven instances may result in disciplinary action including, but not limited to, counselling, warnings, final warnings, demotion, or termination of employment and contracted or consulting services.



Bullying, Stalking & Workplace Violence

This policy promotes a safe and productive workplace, where the rights of all are protected. Bullying, stalking and workplace violence will not be tolerated in work, or in work related environments. Work related environments include, but are not limited to, work functions, external training, meetings and conference settings, as well as use of vehicles and social media in paid and unpaid time.

This policy applies to all workplace participants including full-time, part-time, trainee, casual, seconded and volunteer employees, as well as visiting members, contractors and consultants. This policy covers paid work hours and unpaid time when you are engaging with work colleagues or persons known to you through work, as well as any other time where you are representing or identifying with the RTBU.

Bullying, stalking and workplace violence place physical and psychological health and safety at risk. All workplace participants are expected to engage in a manner that prevents or eliminates risks to physical and psychological health and safety.

Bullying

Workplace bullying is repeated unreasonable behaviour, directed at an individual, or a group of people, that places physical or psychological health and safety at risk. Often deliberate or targeted behaviour, bullying tends to victimise, maliciously control, unfairly discredit or serve as a form of punishment. Bullying can be obvious and aggressive, or it can be disempowering covert behaviour that treats people less favourably. Bullying can also be more extreme forms of behaviour that can amount to criminal offences.

For a behaviour to be repeated, it does not need to be the same behaviour, rather a series of similar negative behaviours or a pattern of behaviour that results in an individual or group of people feeling threatened, intimidated, humiliated or undermined.

Bullying could include, but is not limited to

- verbal abuse, swearing, yelling, threatening and intimidating behaviour
- excluding or isolating employees / alienation psychological harassment
- interference with personal belongings or property
- sabotage of work
- spreading of mis-information / creating and purposefully spreading rumours inappropriate practical jokes
- stalking (e.g. physical/ telephone/ text message / internet)
- purposefully assigning meaningless tasks unrelated to the job
- giving an employee impossible assignments / setting someone up to fail
- using a system of work to greatly inconvenience or punish (e.g. work rosters)
- deliberately withholding information vital for effective work performance
- sarcasm and public or private humiliation,
- threats of demotion or termination, and
- engaging in conduct designed to undermine a person's professionalism or reputation.



Stalking

Stalking is a form of bullying or cyber-bullying that arouses apprehension, anxiety and fear placing physical or psychological health and safety at risk. Stalking is willful, repeated behaviour or obsessive attention with an element of intent. The behaviour can be in person, via a third party, by text, phone or internet, or other intrusive conduct such as surveillance, spying, interfering with property, or the delivery of messages or items.

Stalking could include, but is not limited to

- following the victim, threatening the victim or using abusive language to, or in front
- of the victim
- performing abusive or offensive acts in the presence of the victim
- directing abusive or offensive acts towards the victim, and
- acting in a way that could reasonably be expected to cause physical or psychological harm, including causing the victim to self-harm or engage in suicidal thoughts.

Workplace Violence

Workplace violence can be a single incident where a workplace participant is abused, threatened, assaulted or physically attacked. The definition covers a wide range of challenging and aggressive behaviours that place physical or psychological health and safety at risk. A verbal threat to harm, maim, dismember or kill can amount to workplace violence. Interfering with someone's clothes and equipment while they are wearing them can amount to workplace violence.

Examples of workplace violence include, but are not limited to

- verbal threats to cause grievous bodily harm,
- throwing objects or equipment at a person,
- attacking a person with a weapon or a makeshift weapon, and
- pushing, shoving, tripping, striking, punching, kicking, scratching, biting, spitting or other unwelcome and intentional forms of physical contact that would amount to an assault.

Individual Responsibilities

Every individual is expected to contribute in a positive and productive way ensuring that they treat others with dignity and respect at all times. Individuals are accountable for their own behaviour at work and in work related environments. You can also personally be held legally liable if your behaviour falls short of the standards required by legislation.

Senior staff are responsible for their own behaviour, and that of the people they oversee. You must ensure all are aware of this policy and act promptly to address issues of concern that come to your attention. You must not ignore, allow, permit, aid or foster unlawful behaviour.

Policy Breaches

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Equal Opportunity

This policy promotes a safe, equitable and productive workplace, where the rights of all are protected. Equal opportunity and anti-discrimination legislation requires that employment related decisions are fair and based on merit. Every person has the right to work in a discrimination, harassment, vilification and victimisation free environment.

This policy applies to all workplace participants including full-time, part-time, trainee, casual, seconded and volunteer employees, as well as visiting members, contractors and consultants. This policy covers paid work hours and unpaid time when you are engaging with work colleagues or persons known to you through work, as well as any other time where you are representing or identifying with the RTBU.

The Merit Principle

The merit principle requires that recruitment and selection, training, promotion and other related employment decisions are based on skill, experience, qualifications and aptitude.

Direct Discrimination

It is direct discrimination to treat someone less favourably or unfairly because of a personal attribute, characteristic or circumstance protected by legislation.

Indirect Discrimination

It is indirect discrimination to apply a policy, rule or practice across the board, that appears fair and neutral, but results in one person or a group of people, being treated less favourably or unfairly because of a protected personal attribute, characteristic or circumstance.

- If an employer says a person must be over 180cm tall to do a certain job, it could be indirect discrimination against women and some ethnic groups.

- If a qualifying body excludes all diabetics from registration on safety grounds, it could be indirect discrimination against individuals whose diabetes is controlled.

Harassment

Harassment is unwelcome or uninvited behaviour based on a legally protected personal attribute, characteristic or circumstance. It is behaviour that results in offense, humiliation or intimidation, and often causes a hostile or uncomfortable workplace or work environment.

If based on a legally protected personal attribute, characteristic or circumstance, a single incident could amount to Harassment. There are many forms of Harassment including written and visual material, comments, gestures, graffiti, jokes, physical contact and initiation practices. Harassment can also occur in paid and unpaid time, for example at an external training conference, at a work related social activity or via social media when at home.

Victimisation

It is unlawful for anyone to victimise a person or treat them unfairly because they have

- complained about discrimination or harassment
- lodged an external complaint about discrimination or harassment
- supported someone with a discrimination or harassment complaint, or
- acted as a witness in a discrimination or harassment case.



Protected Attributes, Characteristics and Circumstances

The following attributes, characteristics and circumstances are often protected by anti-discrimination legislation or industrial legislation.

- age
- carer's or family responsibilities
- disability, impairment or infectious diseases
- marital or domestic status
- political opinion
- pregnancy, potential pregnancy or breastfeeding
- race, colour, nationality, descent, ethnic or ethno-religious background
- religion
- sex
- sexual orientation
- social origin
- transgender or intersex
- union or industrial activity
- association with a person identified by reference to any of the attributes.

Vilification

Vilification is a public act that incites or encourages harm, hatred, serious contempt or severe ridicule. In some jurisdictions, it is against the law to vilify people

because of their sexuality, HIV or AIDS status, or their race, colour, nationality, descent, ethnic, ethno-religious or national origin.

Public acts could include:

- remarks in a newspaper, work journal or other publications
- remarks on radio or television, verbal abuse or offensive gestures
- internet material, including social media such as Facebook, Blog, YouTube or Twitter

- graffiti, making speeches or statements
- putting up posters or stickers, and
- wearing hats, badges or other clothes with offensive slogans on them.

Individual Responsibilities

Every individual is expected to contribute in a positive and productive way ensuring that they treat others with dignity and respect at all times. Individuals are accountable for their own behaviour at work and in work related environments. You can also personally be held legally liable if your behaviour falls short of the standards required by legislation.

Senior staff are responsible for their own behaviour, and that of the people they oversee. You must ensure all are aware of this policy and act promptly to address issues of concern that come to your attention. You must not ignore, allow, permit, aid or foster unlawful behaviour.

Policy Breaches

Breaches of this policy will be treated seriously and investigated. Proven instances may result in disciplinary action including, but not limited to, counselling, warnings, final warnings, demotion, or termination of employment and contracted or consulting services.

Proportional Representation

The RTBU asserts and believes that Trade Unions should be representative of their membership. As such, the RTBU's first step will be to aspire to proportional gender representation on elected bodies. That is, those bodies, such as National Council, where possible, will aspire to comprise at least as many female delegates as are represented in the overall membership of the union.

The RTBU aims encourage involvement and activism by members of all cultures, ethnicities and genders – and to assist our proudly diverse membership to become represented at all levels of the union's elected positions and activities.

Social Media

This policy promotes a safe and productive workplace, where the rights of all are protected. For the purposes of this policy ‘social media’ covers internet and mobile phone technologies that turn communication into interactive dialogue and visuals.

This policy applies to all workplace participants including full-time, part-time, trainee, casual, seconded and volunteer employees, as well as visiting members, contractors and consultants. This policy covers paid work hours and unpaid time when you are engaging with work colleagues or persons known to you through work, as well as any other time where you are representing or identifying with the RTBU.

Interest and participation in social media is widespread and the organisation seeks to ensure that people using social media as part of their job, or in a personal capacity, understand the organisation’s requirements. Nothing in this policy should be interpreted as diminishing or attempting to limit the right to engage in lawful industrial activities.

Social media refers to

- social networking sites (e.g. Facebook, LinkedIn, Instagram)
- video or photo sharing sites or applications (e.g. Snapchat, Flickr, YouTube, Pinterest)
- micro-blogging sites (e.g. Twitter),
- blogs (e.g. personal blogs, blogs hosted by others or media sites, or blogs associated with the organisation or its activities)
- online chat, group forums and discussion boards
- online encyclopaedias (e.g. Wikipedia)
- websites that allow individuals or organisations to make individual comment
- commercial websites (e.g. sports betting, Ebay, online shopping), and
- skype, text messaging and facetime.

Organisational Use Of Social Media

Persons permitted to use social media on behalf of the organisation are required to

1. ensure appropriate contact details accompany all published content
2. disclose only publicly available information
3. ensure published content is approved and factually accurate, and
4. engage in a manner that does not damage the reputation or interests of the organisation or the people associated with the organisation.

Personal Use Of Social Media

Personal use of social media at work must not conflict with the requirement to effectively and efficiently perform all duties faithfully and diligently. Generally it is not appropriate to be sending personal texts or to have social media pages open or to be engaging in non- work online activities during work time.

Inappropriate material and internet sites where content conflicts with the organisation’s policies to ensure a safe and productive work environment, free of inappropriate behaviours, must not be accessed during work time or while on the premises. Inappropriate material must not be accessed at any time on work equipment.

**When personally using social media it is important not to**

1. disclose confidential information about the organisation or comment on work related legal matters
2. disclose confidential, private, personal or sensitive information about persons associated with the organisation
3. mislead people about your role or responsibilities
4. bring the organisation into disrepute, or
5. make defamatory comments about people linked to the workplace.

It is also important to avoid conduct and posts that would be in breach of the organisation's workplace policies, and to avoid using work related logos and images unless you have approval to do so.

Individual Responsibilities

Every individual is expected to contribute to the workplace in a positive and productive manner. Individuals are accountable for their own behaviour and their personal social media interaction that relates to the workplace and work colleagues. Your personal social media interaction should not damage the reputation of the organisation or be a platform to engage in discrimination, harassment, victimisation, vilification, bullying or workplace violence.

Senior staff are responsible for their own behaviour, and that of the people they oversee. You must ensure all are aware of this policy and act promptly to address any issues of concern that come to your attention.

Removal of Published Material

Information placed on the internet is considered to be 'published' information. If published information is considered to be potentially damaging to the organisation, defamatory, or in breach of the organisation's policies, the organisation will engage directly with the individual, and if necessary the service provider to have the information removed.

Policy Breaches

Breaches of this policy will be treated seriously and investigated. Proven instances may result in disciplinary action including, but not limited to, counselling, warnings, final warnings, demotion, or termination of employment and contracted or consulting services.

Alcohol & Illegal Substances

This policy promotes a safe and productive workplace, where the rights of all are protected. It aims to reduce the risk of injury and damage due to alcohol consumption or the use of illegal substances at work, and in work related environments. Work related environments include, but are not limited to work functions, external training, meetings and conference settings, social activities with colleagues as well as use of vehicles.

This policy applies to all workplace participants including full-time, part-time, trainee, casual, seconded and volunteer employees, as well as visiting members, contractors and consultants. This policy covers paid work hours and unpaid time when you are engaging in work related activities, as well as any other time where you are representing or identifying with the RTBU.

This policy covers the consumption of alcohol and all forms of illegal substances. For the purposes of this policy marijuana and prescription drugs used without a prescription, or for non-medical purposes, are considered illegal substances.

Individual Responsibilities

Workplace participants have a legal obligation to look after their own health and safety, the health and safety of colleagues, and the health and safety of members of the public that they come into contact with under the auspice of work.

Workplace participants are not permitted to be intoxicated or to be under the influence of illegal substances during work hours. Individuals are not permitted to store, sell, dispense or provide illegal substances at work or in work related environments.

Work vehicles must not be driven by persons who are over the legal alcohol limit or affected by illegal substances. If it is part of your role to drive work vehicles and you lose your licence for any reason,

you must inform the head of the organisation immediately.

Intoxication and the use of illegal substances are not valid excuses for inappropriate, unsafe or unlawful behaviour at work or in work related environments. Workplace participants also have the obligation to ensure that their conduct does not at any time bring the organisation into disrepute.

If it is considered inappropriate or unsafe for you to be performing your duties or to be present at a work function, due to the consumption of alcohol or illegal substances, the RTBU will remove you from the environment, send you home, or access medical support for you.

Senior staff are responsible for their own behaviour and ensuring all work related behaviour is appropriate, irrespective of the venue. All staff are to be made aware of this policy and it is incumbent upon senior staff to act promptly to address any issues of concern covered by this policy.

Policy Breaches

Breaches of this policy will be treated seriously and investigated. Proven instances may result in disciplinary action including, but not limited to, counselling, warnings, final warnings, demotion, or termination of employment and contracted or consulting services.

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RTBU

Family and Domestic Violence

The RTBU recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. The RTBU is committed to providing support to staff that experience family and domestic violence.

Understanding the traumatic nature of family and domestic violence, the RTBU will support employees if they have difficulties performing tasks at work.

No adverse action should be taken against an employee if their attendance or performance at work suffers as a result of experiencing family and domestic violence. Furthermore, an employee should not be discriminated against or have adverse action taken against them because of their disclosure of, experience of, or perceived experience of, family violence.

Definition of Family and Domestic Violence

For the purpose of this clause, family and domestic violence is defined as any violent, threatening or other abusive behaviour by a person against a member of the person's family or household (current or former). To avoid doubt, this definition includes behaviour that:

- is physically or sexually abusive; or
- is emotionally or psychologically abusive; or
- is economically abusive; or
- is threatening; or is coercive; or
- in any other way controls or dominates the family or household member and causes that person to feel fear for their safety or wellbeing or that of another person; or
- Causes a child to hear or witness, or otherwise be exposed to the effects of, such behaviour.

Family and Domestic Violence Leave

An employee, experiencing family and domestic violence is entitled to 20 days per year of paid family and domestic violence leave. This leave will be in addition to the existing leave entitlement and may be taken as whole days or as part days. In addition,

an employee who provides support to an immediate family member who is experiencing domestic violence is entitled to access 5 days per year of paid domestic violence leave. This leave will be in addition to the existing leave entitlement and may be taken as whole days or as part days.

Notice and Evidentiary Requirements

The employee shall give his or her employer notice as soon as reasonably practicable of their request to take domestic violence leave.

If required by the RTBU the employee must provide evidence that would satisfy a reasonable person that the leave is for the purpose as set out in clause 2. Such evidence may include a document issued by the police service, a court, a health professional, a family violence support service, a lawyer, a financial institution, an accountant or a statutory declaration.

The employer must ensure that any personal information provided by the employee to the employer concerning an employee's experience of family and domestic violence is kept confidential.

Individual Support

In order to provide support to an employee experiencing family and domestic violence and to provide a safe work environment to all employees, the RTBU consider any reasonable request from an employee experiencing family and domestic violence for:

- changes to their span of hours or pattern or hours and/or shift patterns;
- job redesign or changes to duties;
- a change to their telephone number or email address to avoid contact with an alleged perpetrator .