

Respectful Behaviours Policy

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1. Scope

This policy applies to:

- the treatment of all stakeholders involved with Small Farms Network Capital Region Incorporated (**SFNCR**) including committee members, employees and volunteers (referred to in this policy as '**team members**'), paid and unpaid guest presenters and other contractors, SFNCR members, event participants and other members of the public encountered in the course of the SFNCR activities
- all aspects of employment and engagement of team members (permanent and temporary) including recruitment and selection, conditions and benefits, training, task allocation, hours, leave arrangements, workload, equipment and transport
- on-site, off-site or after-hours work, work-related social functions, committee meetings, workshops and other events – wherever and whenever stakeholders may be present as a result of the SFNCR activities
- how the SFNCR provides services to and engages with SFNCR members and other members of the public.

2. Aims

SFNCR is committed to providing a safe and respectful working environment for its stakeholders.

A respectful environment is one where all stakeholders are treated fairly, differences are acknowledged and valued, communication is open and courteous, conflict is addressed early and there is a culture of empowerment and co-operation. It is an environment free from all forms of discrimination, bullying and harassment.

All SFNCR stakeholders are required to treat others with dignity, courtesy and respect and should be treated with dignity, courtesy and respect in return.

3. Stakeholders' rights and responsibilities

All SFNCR team members are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All SFNCR team members are responsible for:

- recognising their individual role in contributing to and maintaining a respectful and positive working environment at SFNCR
- taking responsibility for their own actions and behaviour, and where the actions of others are disagreeable attempt to resolve issues as early as possible in a respectful and courteous way
- reporting to an appropriate committee member any behaviour that they observe in the course of SFNCR activities that may amount to bullying, discrimination, harassment, vilification or victimisation as defined in this policy
- seeking advice if they do not understand any aspect of this policy.

All stakeholders must:

- follow the standards of behaviour outlined in this policy
- treat everyone with whom they interact when involved in SFNCR activities with dignity, courtesy and respect.

All SFNCR committee members are responsible for:

- doing their best to provide a safe environment that enables team members to carry out their work responsibilities free of negative workplace behaviours
- modelling appropriate standards of behaviour
- taking steps to make stakeholders aware of their obligations under this policy
- acting quickly and appropriately if they become aware of inappropriate behaviour
- offering support to stakeholders who experience discrimination, bullying or harassment, including providing information about how to make a complaint
- acting fairly to resolve issues and enforce appropriate behavioural standards, making sure relevant parties are heard
- helping stakeholders resolve issues informally where possible
- referring formal complaints about breaches of this policy to the appropriate complaint handling officer for response in accordance with SFNCR's dispute resolution procedures
- ensuring stakeholders who raise an issue or make a complaint are not victimised
- avoiding gossip and respect the confidentiality of dispute resolution procedures
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made.

4. Unacceptable behaviours

At SFNCR, all forms of the following behaviours are considered to be unacceptable:

- discrimination
- bullying
- harassment
- victimisation
- vilification.

These unacceptable behaviours may also be unlawful and result in legal action being taken under the following legislation:

Sex Discrimination Act 1984 (Cth)

Racial Discrimination Act 1975 (Cth)

Disability Discrimination Act 1992 (Cth)

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Anti-Discrimination Act 1977 (NSW)

Work, Health and Safety Act 2011 (NSW)

Fair Work Act 2009 (Cth)

Stakeholders found to have engaged in such conduct might be counselled or warned. Serious or repeated breaches can lead to formal disciplinary action being taken, including dismissal, removal from the SFNCR committee, suspension or expulsion as a SFNCR member, or exclusion from future attendance or engagement in SFNCR activities, as appropriate.

4.1 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably in an area of public life because they belong to a particular group or have a personal characteristic protected by the law, such as sex, age, race or disability.

Protected personal attributes under discrimination law include:

- a disability (including physical, intellectual or psychiatric disability)
- carer's responsibilities (including as a parent or carer for other family members)
- race (including colour, descent, nationality, ethnic or ethno-religious background)
- age, whether young or old, or because of age in general
- sex (including pregnancy and breastfeeding)
- religion
- sexual orientation
- transgender status (actual or presumed)
- marital or domestic status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

Discrimination is unlawful if it occurs in certain **protected areas of public life**, which vary depending on the legislation. Relevantly to SFNCR, it is prohibited to discriminate against a person on a protected ground in the area of work and in the provision of goods, services and facilities.

Discrimination may be intentional or unconscious. It can also be **direct or indirect**:

- *Direct discrimination* occurs where a person with a protected characteristic is treated less favourably than a person without the characteristic, in the same or similar circumstances. For example, refusing to employ someone because they are too old would be direct age discrimination.
- *Indirect discrimination* occurs where there is a condition or requirement that is the same for everyone but it has an effect or result that is unequal for persons with a protected characteristic and that is unreasonable in all the circumstances. An example is a requirement that all team members attend meetings early in the morning, which is likely to disadvantage workers with carer's responsibilities.

SFNCR will not tolerate unlawful discrimination and will treat any such act as misconduct.

Merit based selection

All recruitment and job selection decisions at SFNCR will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

4.2 Bullying

If someone is being bullied because of a personal characteristic protected by law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Commonwealth discrimination laws, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying at work may also be a breach of work, health and safety obligations and/or lead to an order being made under the Fair Work Act where it is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Bullying in any form is unacceptable at SFNCR and will not be tolerated.

4.3 Harassment

Harassment is any type of behaviour that:

- is unwelcome and offends, seriously embarrasses, intimidates, humiliates or insults a person; or
- creates an intimidating, offensive or hostile work environment even if the conduct is not directed at an individual person.

Harassment may be an isolated incident, a series of incidents or an ongoing pattern of behaviour.

The intention of the harasser is not relevant, as the test is whether a reasonable person would have anticipated that the person harassed would be offended, humiliated or intimidated.

Just because someone does not object to inappropriate behaviour at the time, it does not mean that they are consenting to the behaviour. Behaviour can still be harassment even if the recipient has not told the harasser that the behaviour was unwelcome.

Harassment is a form of **unlawful discrimination** where it is based on a protected characteristic of a person (such as age, race or disability) and it occurs in the area of work or in providing goods and service.

Harassment is not just unlawful during working hours or in the workplace, and not only between co-workers. The behaviour is unlawful in any work-related context, whether it happens at work, at work events, between people sharing the same workplace, or between colleagues outside of work, and includes interactions with clients and customers.

Legal action could be taken against those who engage in harassment and any acts of harassment may also expose SFNCR to legal risk.

Sexual harassment is a specific and serious form of harassment explicitly addressed by the law. It is unwelcome sexual behaviour, which a reasonable person would anticipate, in all the circumstances, would make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments or questions about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- sending sexually explicit emails or text messages

- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

All stakeholders have the same rights and responsibilities in relation to harassment.

All incidents of harassment – no matter how large or small or who is involved – require team members to respond quickly and appropriately.

SFNCR recognises that comments and behaviour that do not offend one person can offend another. This policy requires all stakeholders to respect other people's sensibilities.

4.4 Victimisation

Victimisation is taking or threatening detrimental action against a person because they have asserted their rights under equal opportunity law, made a complaint about discrimination, helped someone else make a complaint, or refused to do something because it would be discrimination, harassment, victimisation or vilification. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Examples of what might constitute victimisation include:

- a team member being moved to a less responsible position while their complaint of sexual harassment is being considered
- a team member being ostracised by other staff because they have or intend on making a bullying complaint
- a team member being denied a development opportunity because they have lodged a discrimination complaint.

SMNCR has a zero-tolerance approach to victimisation.

4.5 Vilification

Vilification is any public act that could incite hatred towards, serious contempt for, or severe ridicule of, a person or groups of persons because they are:

- of a particular race, colour, nationality, descent, ethno-religious or national origin
- are (or are thought to be) homosexual
- have HIV and/or AIDS status; or
- are (or are thought to be) transgender.

Public acts include written or spoken communications with the public such as radio or TV broadcasts, actions or gestures that are observable by the public or the display of signs or insignia to the public.

At SFNCR any form of vilification is unacceptable.

5. Resolving issues

SFNCR strongly encourages all stakeholders who have been the subject of, or have witnessed, behaviour that is contrary to this policy to take appropriate action and raise issues as early as possible. SFNCR will treat all complaints and grievances seriously and deal with the matter in accordance with the guidelines below, the SFNCR Constitution and *Dispute Resolution Procedures*.

5.1 Self-resolution

Stakeholders are encouraged to raise matters directly with the other person/s involved in the inappropriate behaviour if they feel safe or capable to do so. This is often the most effective and timely way to address issues and resolve any potential misunderstandings.

In circumstances where a stakeholder feels comfortable to do so, they should calmly and professionally inform the other person/s as soon as possible of the inappropriate behaviour by:

- raising concerns informally and in a non-confrontational manner
- explaining that the behaviour is unwelcome and you would like it to stop
- explaining that the behaviour is impacting adversely on you
- focusing on the unwanted behaviour rather than the person
- not retaliating and maintaining professionalism.

5.2 Seeking advice

If a stakeholder is not sure about how to handle the problem themselves, or wants to talk to someone confidentially about the problem and get more information about what to do, they can talk to any of SFNCR's complaints handling officers via our website.

The complaints officers are SFNCR committee members who volunteered for the job. They are trained to help anyone who has, or thinks they may have, a grievance or complaint.

A complaints officer can give confidential advice about the best way to tackle the problem and advise where the stakeholder can get more help.

A stakeholder may also obtain advice from external agencies such as NSW Fair Trading, the NSW Anti-Discrimination Board, the Australian Human Rights Commission, SafeWork NSW or the Fair Work Commission.

5.3 Reporting a matter

In circumstances where a stakeholder does not feel safe or capable of raising an issue directly, or the unacceptable behaviour continues after they have raised an issue, they may report the matter verbally or in writing to a complaints officer or the President of the SFNCR Committee.

Email: president@smallfarmscapital.org

Under SFNCR's *Dispute Resolution Procedures*, there are a range of options for addressing the stakeholder's concern. The procedure used to address the issue will depend on the individual circumstances of the case, including the seriousness of the allegation and whether disciplinary action may be warranted and who is involved (for example, the SFNCR Constitution has particular rules for disputes involving members).

Possible options include:

- the complaints officer discussing the issue with the person against whom the complaint is made

- the complaints officer facilitating a meeting between the parties in an attempt to resolve the issue and move forward
- mediation and (if the dispute is not resolved by mediation) arbitration
- investigation.

For further information, refer to SFNCR's *Dispute Resolution Procedures*.

5.4 Counselling support

If a SFNCR stakeholder requires counselling due to an incident, they can discuss their needs with the committee for advice and support.

6. Related documents

Stakeholders are encouraged to read this policy in conjunction with other relevant SFNCR policies and documents, including:

- Code of Ethics
- Occupational Health and Safety Procedure
- Constitution (Objects, Purpose and Functions, Membership)
- Disputes Resolution Procedures

These may be accessed on the SFNCR website or by contacting the SFNCR secretary.

7. More information

If you have a query about this policy or need more information, please contact the SFNCR secretary by email secretary@smallfarmscapital.org.au

8. Review details

This policy was adopted by the SFNCR Committee on 12/04/2022.

This policy was last updated on 13/04/2022.