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SA Health

Policy

# Respectful Behaviour

(including management of bullying  
and harassment)

Version 1.0

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Government  
of South Australia

SA Health

## 1. Name of policy

Respectful Behaviour (including management of workplace bullying and harassment) Policy.

## 2. Policy statement

SA Health is committed to establishing and maintaining a positive, professional and safe work environment, where all SA Health employees, non-employee workers and consumers are valued, and workforce wellbeing, productivity and quality patient care are fostered. This Policy supports the SA Health *Cultural Evolution Pathways* (which focusses on building a culture of integrity and safety) and the *Work Health Safety Act 2012 (SA)*. It intends to:

- > promote a respectful, positive and safe workplace behaviour;
- > prevent harm resulting from unacceptable behaviours such as bullying, harassment, sexual harassment, discrimination, victimisation and other disrespectful interactions; and
- > ensure appropriate action is taken where such behaviours occur.

Bullying, harassment, discrimination, sexual harassment and victimisation have the potential for detrimental physical and psychological impacts on workers and others in the workplace. SA Health has zero tolerance for such behaviours.

These behaviours are also inconsistent with the *Code of Ethics for the South Australian Public Sector* (the Code). The Code requires that public sector employees behave in a professional and courteous manner at all time; and report behaviour that violates any law, is a danger to public health or safety or to the environment, or amounts to misconduct.

Compliance with this Policy is mandatory. Failure to comply with this Policy may constitute grounds for disciplinary action, including termination of employment.

The SA Health *Addressing disrespectful behaviours (including bullying and harassment) Guideline* supplements this Policy.

## 3. Applicability

This Policy applies to all employees of SA Health and Attached Offices including, the Department for Health and Wellbeing; Local Health Networks (including state-wide services aligned with those Networks<sup>1</sup>); the SA Ambulance Service.

The requirements of this Policy must be made applicable to non-employee workers in SA Health workplaces through their contracts for services or through the terms and conditions of their licencing agreements authorising their work in SA Health.

## 4. Policy principles

SA Health's approach to creating a psychological safe workplace and minimising unacceptable interactions is underpinned by the following principles:

- > We are committed to establishing and maintaining a positive, professional and safe work environment, where workers act in a respectful manner to others and refrain from bullying, harassment, sexual harassment, discrimination and victimisation.
- > We support the right of workers to be treated with respect and dignity and to work in a safe environment.
- > We expect employees on all organisational levels to consistently act in a respectful manner and have zero tolerance for bullying, harassment, sexual harassment, discrimination and victimisation.

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<sup>1</sup> Statewide services' includes Statewide Clinical Support Services, Prison Health, SA Dental Service, BreastScreen SA and any other state-wide services that fall under the governance of the Local Health Networks.

- > We expect that Executives and other organisational leaders play a key role in promoting a workplace culture of respect, integrity and accountability for workplace interactions.

## 5. Policy requirements

SA Health employees and organisational leaders have a joint responsibility to ensure SA Health workplaces are free from inappropriate interactions and to collectively strive for a safe and inclusive workplace.

### All employees must:

- > Act in a respectful manner to others at work and promote a culture of respect, integrity and inclusion.
- > Not engage in behaviours such as bullying, harassment, sexual harassment, discrimination and victimisation in the workplace; and in social media and at events associated with SA Health.

### The Chief Executive and Chief Executive Officers

across SA Health must ensure local implementation of this Policy and the attached Mandatory Instruction, including:

- > Creating and maintaining staff awareness of the requirements of this Policy, the Mandatory Instruction and local processes/pathways for addressing disrespectful behaviours (including bullying and harassment by periodic formal and informal staff communications).
- > Providing on-line training to senior leaders and line managers (also available to other employees) to prevent bullying, harassment, sexual harassment, discrimination or victimisation and to promote respectful workplace interactions.
- > Identifying, implementing and embedding processes and initiatives to prevent workplace bullying, harassment, sexual harassment, discrimination, victimisation and disrespectful behaviour at all levels of the organisation.
- > Ensuring information is readily available to all employees to assist them with identifying, reporting and responding to unacceptable workplace interactions covered by this Policy.
- > Establishing and maintaining a workplace culture where employees feel safe to raise concerns about disrespectful or other unacceptable Interactions; and provide pathways for employees to “speak up” without detriment.
- > Publishing options and processes to deal with concerns and complaints about disrespectful and other unacceptable interactions. [See the SA Health *Addressing disrespectful behaviours (including bullying and harassment) Guideline* for guidance.]
- > Nominating, training and publishing contact details of local Contact Persons to assist employees with actions to address concerns about disrespectful or other unacceptable workplace interactions. [See the SA Health *Addressing disrespectful behaviours (including bullying and harassment) Guideline* for guidance].
- > Monitoring compliance with the requirements of this Policy and holding all employees, including Executives and Line Managers accountable for their behaviour.
- > Determining a fixed timeframe for review of the effectiveness of initiatives and actions to promote a respectful, positive and safe work environment and ensure unacceptable workplace interactions are prevented and/or addressed.

### Executives and Line Managers

must - when becoming aware of disrespectful and other unacceptable workplace interactions covered by this Policy - act promptly, constructively and decisively to address these instances consistent with the attached Mandatory Instruction. [See also the SA Health *Addressing disrespectful behaviours (including bullying and harassment) Guideline* for guidance].

## 6. Mandatory related documents

### Relevant legislation

- > Anti-discrimination legislation; e.g. the *Age Discrimination Act 2004* (Cth); *Disability Discrimination Act 1992* (Cth); *Equal Opportunity Act 1984* (SA); *Fair Work Act 1994* (SA); *Human Rights and Equal Opportunity Commission Act 1986* (Cth); and *Sex Discrimination Act 1984* (Cth).
- > *Health Practitioner Regulation National Law (South Australia) Act 2010*.
- > Work health and safety legislation: e.g. the *Return to Work Act 2014* (SA) and *Return to Work Regulations 2015* (SA) and the *Work Health and Safety Act 2012* (SA) and *Work Health and Safety Regulations 2012* (SA).
- > Legislation with specific application to the Public Sector: *Public Interest Disclosure Act 2018* (SA); *Public Sector Act 2009* (SA) and *Public Sector Regulations 2010*; *Public Sector (Honesty and Accountability) Act 1995* and the *Volunteers Protection Act (2001)* (SA).

### SA Health policies and relevant external publications

- > *Code of Ethics for the South Australian Public Sector*.
- > Discipline specific Codes of Ethics and/or Codes of Professional Conduct.
- > SA Health Contractor Safety Management (WHS) Policy Directive.
- > SA Health Domestic and Family Violence Policy Directive.

## 7. Supporting documents

### External documents

- > Australian Charter of Healthcare Rights
- > A Guide for Preventing and Responding to Workplace bullying, Safe Work Australia 2016
- > Commissioner for Public Sector Employment's Management of Unsatisfactory Performance (Including Misconduct) Guideline
- > Guideline-Review-of-Employment-Decisions (publicsector.sa.gov.au)
- > Heads up Workplace bullying webpage
- > Healthy Workplaces website; information and practical tools
- > National Cultural Respect Framework 2016-2026 for Aboriginal and Torres Strait Islander Health
- > National Safety and Quality Health Service Standards Standard 6 Clinical Handover
- > *SA Public Sector Mentally Healthy Workplaces Framework* and the *Mentally Healthy Workplaces Toolkit*, (which provides a foundation for Agencies to educate staff; create positive cultures that supported wellbeing; and assist staff to seek help for mental health).
- > SA Workplace Health and Wellbeing Charter

### SA Health publications, guidelines and resources (for SA Health internal use only)

- > A Guide to Developing a Team Charter — This guide can be used independently or in conjunction with the 'two presentation' series to develop a team charter
- > Challenging behaviour for health professionals (Intranet page with related resources)
- > Challenging Behaviour Toolkit (Quick guide to policy and legal information relating to challenging behaviour)
- > Clinical Handover tool "*Know the Plan, Share the Plan, Review the Risk*"
- > SA Health *Addressing disrespectful behaviours (including bullying and harassment) Guideline*
- > SA Health Cultural Evolution Pathway
- > SA Health (Health Care Act) Human Resources Manual

- > SA Health Mental Health Framework
- > SA Health Psychological Health Policy Guideline
- > SA Health Psychological Health Strategy
- > SA Health Respectful Behaviour Intranet page with various related resources (e.g. Respectful Behaviour for Employees Fact Sheet; Respectful Behaviour for Managers Fact Sheet. Respectful Behaviour Presentations / Training Packages; Respectful Behaviour Toolkit — a series of 10 fact sheets with information to support the implementation of Respectful Behaviours in the workplace.

## 8. Definitions

In the context of this document:

- > **bullying (workplace bullying)** means repeated unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. These repeated unreasonable behaviours may include, though are not limited to, intimidating conduct, victimising, humiliating comments, exclusion; deliberately withholding relevant information; setting tasks above or below an employee's ability or setting unreasonable timeframes for completion of work.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time. Bullying is defined in terms of its effect on the victim, regardless of the intention of the perpetrator.

A single incident of unreasonable behaviour is not workplace bullying. However, if it escalates to repeated actions and is directed to an employee or group of employees, it becomes bullying.

Exercising legitimate managerial authority at work in a reasonable manner does not constitute bullying and/or harassment. For example, bullying is not:

Reasonable action taken or management decisions made in a reasonable manner, e.g. to discipline or counsel an employee.

- Directing an employee in the performance of his or her work.
  - Setting realistic and achievable performance goals and deadlines consistent with the employee's abilities and classification.
  - Differences of opinion and disagreement.
- > **discrimination** means a situation where a person or a group of people is being treated less favourably than another person or group because of personal attributes such as age, sex, race, nationality, physical or mental disability, family responsibilities, sexual orientation, social origin and religion. Discrimination based on these attributes is unlawful.

Discrimination can be *direct* or *indirect*:

- *Direct discrimination* happens when a person is treated less favourably than others because they have, or are assumed to have, certain of the legislatively protected attributes. An example would be where an applicant for a position was not successful because they were "too old" or "too young" and age is not relevant to the successful performance of the duties.
- *Indirect discrimination* occurs when a rule, practice or policy is imposed or proposed to be imposed in such a way that it unreasonably disadvantages a person or a group of people because of one of the protected attributes. An example would be where the employer determines (without factual basis) that a certain minimum height is required to perform certain duties, which could indirectly discriminate against women.

It is, however, not unlawful to discriminate against an employee or prospective employee (or group) if there are genuine occupational requirements to have particular attributes, or if it is not possible to perform the inherent requirements of the position without such attributes.

- > **disrespectful behaviour** in the workplace means any kind of behaviour that is unprofessional, uncivil, inappropriate, rude, unpleasant, disturbing and/or offensive - that hurts others and causes stress. Uncivil behaviour is demonstrated disregard of others. Examples of disrespectful behaviour

include (but is not limited to) verbal abuse (harsh and insulting language), shouting, intimidation, isolating, ostracising, undermining or humiliating others. If this behaviour is persistent and directed to an employee or group of employees, it constitutes bullying.

- > **employee** means a person employed by SA Health for remuneration under a contract of employment and includes casual, fixed-term contract and ongoing employees.
- > **harassment** is defined as a single or sequence of unwelcome, humiliating or offensive comments or actions related to a person's characteristics, such as age, gender, religion, sexual orientation, ethnicity or appearance. Harassment in the workplace based on a personal characteristic, which is prohibited by legislation (e.g. age, sex, race, nationality, physical or mental disability, family responsibilities, sexual orientation, social origin and religion) is unlawful - regardless of the intention of the perpetrator. Examples of harassment may include (but is not limited to): offensive jokes or comments based on protected personal characteristics; imitating another employee's accent and name calling.
- > **non-employee** means anyone (other than an employee) who is authorised to work or do research in SA Health workplaces, e.g. contractors, volunteers, students/clinical placements and labour hire agency staff.
- > **respectful behaviour** means communications and interactions that demonstrate courtesy and collegiality. It is consistent fair treatment in a non-discriminatory manner with regard for everyone's rights and obligations. It demonstrates consideration for the opinions of others and respect for differences of culture, lifestyle and beliefs.

The key aspects of respectful behaviour are:

- Respecting differences – acknowledging and valuing differences in colleagues, whether this is their culture, beliefs, values, ideas or characteristics like gender, age or disabilities.
- Valuing others – creating a supportive and collaborative team environment where colleagues feel valued and their professional skills and attributes are acknowledged.
- Positive communication – engaging in open, clear and honest communication, which is two-way and involves listening as well as talking.

Examples of expected workplace behaviours include:

- Interacting with others in a professional, courteous and polite manner that does not interfere with the health, safety and wellbeing of others.
- Communicating with others in an open, clear, calm and professional manner.
- Being approachable, considerate and honest when dealing with others.
- Being open to and accepting that others have different experiences, skills, attributes and life experiences; and integrating the principles of inclusion of diversity into everyday work and conduct.
- Addressing conflict early and respectfully.

In a respectful workplace all employees enjoy fair treatment; differences are valued; communication is constructive and courteous; conflict is addressed early and there is a culture of interpersonal validation and cooperation.

- > **sexual harassment** covers a range of unwelcome, non-reciprocated behaviours, which have an inferred or obvious sexual nuance and result in a person feeling humiliated, offended or intimidated. Sexual harassment can be physical, verbal, written and/or communicated via email, intranet, by phone *and other means of interaction*.

Examples include (but are not limited to) uninvited, unwelcome and/or unnecessary physical contact; emails, texts or other messages with sexual content; questions or comments about a person's sexual activity; making comments or jokes of a sexual nature; showing or sending pornographic pictures; repeated requests for dates, and certain acts of sexual harassment may constitute a criminal offence; refer to the *Sex Discrimination Act 1984* (Cth) and the *Equal Opportunity Act 1984* (SA).

Friendships and relationships based on consent freely and actively given do not constitute sexual harassment. Such consent cannot be assumed where individuals "just go along" with a situation by



virtue of the work environment or, most significantly, where a potential power imbalance exists between the parties.

- > **unacceptable workplace interactions / behaviours** means disrespectful behaviour, bullying, harassment, sexual harassment, victimisation, discrimination and similar harmful or unlawful workplace interactions and behaviours.
- > **unreasonable behaviour** means behaviour that a reasonable person, having considered the circumstances, would see as unfair or unjustifiable. Consideration of the reasonableness of an action may include (among other matters) whether the action is lawful and consistent with applicable organisational policy; whether the action is warranted considering all the circumstances and options; whether the action is proportional to the issue(s) it intends to address - or harsh; whether the action is arbitrary or consistent in its application to other employees; whether it is proportional to the purpose of the action and whether alternative less adversarial options are available to achieve the same outcome.
- > **victimisation** means treating someone less favourably than others because they have made, intend to make, or supports someone else making a complaint, including under equal opportunity or public interest disclosure legislation. Victimisation is unlawful.
- > **workplace** means the work environment where SA Health employees or non-employee workers perform their duties - whether on SA Health premises or elsewhere in the community. The requirements of this Policy extend to social events and social media posts associated with SA Health.

## 9. Compliance

This policy is binding on those to whom it applies or relates. Implementation at a local level may be subject to audit/assessment. The Domain Custodian must work towards the establishment of systems which demonstrate compliance with this policy, in accordance with the requirements of the [System-wide Integrated Compliance Policy](#).

Any instance of non-compliance with this policy should be reported to the Domain Custodian for the Employment and WHS Domain and the Domain Custodian for the Risk, Compliance and Audit Policy Domain.

## 10. Document ownership

**Policy owner:** Executive Director Workforce as Domain Custodian for the Employment, Work Health and Safety Policy Domain.

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**Contact for enquiries:** Employees may contact their local HR work unit for advice on the implementation of this Guideline. Workforce/People and Culture leaders across SA Health are welcome to contact Workforce Services in the Department for Health and Wellbeing by email: [Health.DHWWorkforceServicesCorrespondence@sa.gov.au](mailto:Health.DHWWorkforceServicesCorrespondence@sa.gov.au).

## 11. Document history

Version		Date approved	Approved by	Amendment notes
V1.0		13/12/2021	Deputy Chief Executive	Original approved version – Combined Respectful Behaviour Policy and Prevention and Management of Bullying and Harassment Policy - Drafted in response to 2019 ICAC Report and supplemented by the <i>Addressing disrespectful behaviours (including bullying and harassment) Guideline</i> .

## 12. Appendices:

Appendix 1: Respectful Behaviour (including management of workplace bullying and harassment) Mandatory Instruction.



## Appendix 1: Respectful Behaviour (including management of workplace bullying and harassment) Mandatory Instruction

A consistent approach across SA Health is required to successfully prevent and manage bullying, harassment, discrimination, sexual harassment or victimisation. To enable this, the following actions must be included in local implementation plans:

### 1. Create awareness of Policy requirements

- > Create and maintain staff awareness of the requirements of this Policy and Local processes/pathways for addressing disrespectful behaviours (including bullying and harassment) - by periodic formal and informal communications. Refer to
- > Provide on-line training to senior leaders and line managers to prevent bullying, harassment, sexual harassment, discrimination or victimisation and to promote respectful workplace interactions.
- > Make this training available to other employees; e.g. to employees within areas where concerns about unacceptable interactions were raised; to HR consultants; and to nominated Contact Persons supporting employees with concerns about disrespectful or other unacceptable interactions.

### 2. Establish a respectful culture free from unacceptable workplace behaviour

Through Executive leaders and Line Managers, identify, implement and embed processes and initiatives to establish and maintain a workplace culture where:

- > A respectful, positive and safe work environment is promoted and employees are encouraged to consistently act in a respectful manner at work.
- > Workplace bullying, harassment, sexual harassment, discrimination, victimisation and disrespectful behaviour at any level of the organisation is not acceptable, and not accommodated or condoned.
- > Employees feel safe to raise concerns relating to disrespectful or other unacceptable interactions.

SA Health Local Health Networks and Services must determine a fixed timeframe (in consultation with the relevant unions) to review the effectiveness of initiatives and actions to promote a respectful, positive and safe work environment and ensure unacceptable workplace interactions are prevented and/or addressed.

### 3. Provide pathways for employees to speak up and safely raise concerns

- > Ensure information is readily available to all employees to assist them with identifying, reporting and responding to unacceptable workplace interactions covered by the *Respectful Behaviour (including management of workplace bullying and harassment) Policy*.
- > Determine and publish pathways, options and processes to deal with concerns and complaints about disrespectful and other unacceptable interactions. [See the SA Health *Addressing disrespectful behaviours (including bullying and harassment) Guideline* for guidance].
- > Nominate, train and publish contact details of Contact Persons to assist employees with actions to address concerns about disrespectful or other unacceptable workplace interactions as described in this Policy.

### 4. Address complaints, concerns and issues promptly, safely and effectively

- > Encourage employees to speak up and report instances of workplace bullying, harassment, sexual harassment, discrimination or victimisation, so that appropriate action may be taken.
- > Act promptly, constructively and decisively to address instances of disrespectful and other unacceptable workplace interactions when Executives or Line Managers become aware of this.
- > Ensure that, where complaints about disrespectful or otherwise unacceptable interactions are made, these are taken seriously and are addressed promptly and in an objective, sensitive and confidential manner.
- > Consider an affected employee's preferred approach to address the issues they have raised.

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- > Ensure all employees have access to fair, prompt and effective relief from bullying, harassment, sexual harassment, discrimination or victimisation or other harmful workplace behaviours; and are appropriately supported in such circumstances. Scheme
- > Ensure that employees, who in good faith make complaints under this Policy, are not subjected to any detriment as a result of doing so.
- > Apply the principles of natural justice to dealings with all parties throughout the process of managing a complaint.
- > Take appropriate measures to register, investigate; monitor/track the progress of complaints; and inform complainants of progress.
- > Ensure the confidentiality of complaints and resulting investigations (bearing in mind that in some circumstances, SA Health may have an obligation to report a matter to external agencies, such as SAPOL).
- > Advise all parties involved in a matter of alleged disrespectful behaviour, bullying, harassment, sexual harassment, discrimination or victimisation of the support available to them through the Employee Assistance Program.
- > Ensure Chief Executive (Officers) are aware of high-risk areas from where multiple incidents or complaints of unacceptable interactions arise.

The associated SA Health *Addressing disrespectful behaviours (including bullying and harassment) Guideline* provides practical detail on processes available to managers and other employees to deal with unacceptable workplace interactions. This Guideline is underpinned by best practice. It is mandatory that employees may indicate their preferred option for addressing the issues that they have raised (for consideration by the Line Manager or Executive); and that all parties have the right to natural justice, confidentiality of matters and to be supported by a person of their choice throughout the relating processes. The informal and formal processes outlined in this Guideline do not prevent an employee from pursuing a matter through external agencies or derogate from any responsibility for making mandatory reports pursuant to any legislation.

### 5. Identify and proactively manage psychological hazards

The SA Health Policy Directive - Hazard Identification and Risk Management and the SA Health Psychological Health Policy Guideline, requires that all Line Managers and Executives must act proactively to prevent harm resulting from unacceptable workplace interactions - e.g. they must:

- > Identify the psychological hazards (including bullying and harassing behaviour) in their area that have the potential to impact on the mental health of employees.
- > Assess the potential for harm resulting from exposure to these identified hazards.
- > Based on the information gathered, put measures in place to eliminate or minimise such hazards - including addressing factors enabling, rewarding and/or triggering bullying, harassment, sexual harassment, discrimination or victimisation.

### 6. Ensure compliance with this Policy and the Mandatory Instruction

- > Introduce organisational measures to ensure compliance to the requirements of this Policy.
- > Include the requirement to act respectfully in Performance Review and Development templates
- > Hold all employees, including Executives and Line Managers accountable for their behaviour.

### 7. Support available for the implementation of appropriate workplace interactions

A range of resources are available on the SA Health intranet to support respectful behaviour and the implementation of this Policy, e.g. a Respectful Behaviour Toolkit and Fact Sheets for employees and managers. (Refer to section 7 of the *Respectful Behaviour (including management of workplace bullying and harassment) Policy*. Local Human Resources teams; locally nominated Contact persons and the Employee Assistance Program providers may also be contacted for free assistance.