

# Respectful Workplace Interactions Procedure

## 1. Purpose

At Marinus Link Pty Ltd (**MLPL**), we aim to:

- create a working environment that is safe and free from unlawful discrimination, sexual harassment, harassment, bullying and violence.
- promote appropriate and respectful standards of workplace conduct, always.
- encourage the reporting of unlawful and inappropriate conduct in our workplace.
- support our people.
- encourage staff to take appropriate action when they experience or witness something that doesn't seem right.
- treat all complaints in a sensitive, impartial, timely and confidential manner.
- protect against victimisation and reprisals for making complaints.

This procedure provides information to ensure that our people:

- understand their rights and obligations under applicable safety and anti-discrimination legislation; and
- know what to do if they witness or experience unlawful conduct or inappropriate workplace behaviours.

## 2. Scope

This procedure covers and applies to the Board, employees, contractors, consultants, advisors, volunteers and visitors to our workplace (collectively referred to as “our people”) in relation to:

- behaviour that occurs at work or during work activities (including where it occurs outside of normal work hours or away from normal work premises).
- behaviour that occurs at work events, such as conferences or work functions.

- the way we engage with members of the public and others who attend our workplace.
- behaviour that occurs using MLPL equipment or systems (such as computers, cloud-based servers or telephones).
- behaviour that occurs outside of work – including on social media – where this has a connection with our workplace or the employment relationship (for example, where our people interact with colleagues, make public statements concerning their employment / engagement or engage in conduct that has the potential to damage MLPL's reputation).

Our expectation is that our people will always engage in a respectful way with colleagues and others in our workplace, even when not at work.

This procedure does not form part of any contract of employment and does not create a separate contract of any kind. However, those covered by this procedure are expected to comply with this procedure at all times in the course of their employment or engagement with MLPL.

## 3. Your role and responsibilities

### 3.1. Personal responsibility

We are all personally responsible for our own conduct and the way we interact with others in the workplace.

Our people have an obligation to ensure that:

- They understand and comply with their obligations under this procedure, which constitute lawful and reasonable directions.
- They understand and comply with applicable safety and anti-discrimination legislation – including being accountable for their own safety and the safety of others at the workplace.
- Their own behaviour does not contravene this procedure or applicable laws, including ensuring that they do not engage in any of unlawful conduct of the following kind:
  - Harassment, including harassment on the basis of sex.
  - Sexual Harassment.
  - Conduct that creates a work environment that is hostile on the ground of sex.
  - Bullying.
  - Victimisation.

- Vilification.
- Workplace violence.
- They treat all people in the workplace fairly and with respect and do not engage in any other unlawful or inappropriate workplace conduct.

A failure to comply with the requirements and expectations set out in this procedure will result in disciplinary action, which may include termination of your employment for misconduct or serious misconduct, or termination of your contract or engagement if you are a contractor.

Individuals may also be personally legally responsible under applicable workplace laws if they engage in conduct that is unlawful under applicable workplace laws, or if they cause, instruct, aid, induce or permit the conduct.

## 3.2. Speaking up

Even if they don't personally experience concerning conduct, our people can help contribute to a safe and respectful working environment by identifying, speaking out about or seeking to engage others in responding to behaviours that might be having a negative impact, including by:

- **Showing** you don't agree with the conduct (for example, by shaking your head or not laughing along with a racist or sexist joke).
- **Supporting** others by checking in with them to ask if they are okay or helping them understand their options for reporting or addressing the conduct.
- **Speaking up** in a respectful way (for example, calling out or questioning the conduct or speaking to the person privately to tell them you are concerned about what you observed).

This procedure also sets out more formal response and reporting options.

## 3.3. Additional responsibilities for leaders

In addition to the obligations outlined above, MLPL leaders (those employees with line management responsibilities or employees who hold roles classified within the management, leadership and executive bands) are expected to and will:

- Show leadership by demonstrating the expected standards of behaviour and acting in a professional manner at all times in the workplace or in connection with work.
- Engage in initiatives to promote positive and respectful workplace behaviours.

- Take reasonable steps to ensure that any potential breaches of this procedure are identified, taken seriously and acted upon appropriately.
- Ensure management practices are applied fairly and consistently.
- Seek guidance from the People Team if unlawful behaviour is observed or a complaint is received.

## 4. Unlawful and inappropriate workplace conduct

- **Unlawful conduct** refers to conduct that is prohibited under workplace laws – including safety and anti-discrimination legislation – and includes discrimination, sexual harassment, harassment (including sex-based harassment), conduct that creates a work environment that is hostile on the ground of sex, bullying, violence and victimisation.
- **Inappropriate workplace behaviour** encompasses the types of unlawful conduct described in this procedure – but also extends beyond this to include other behaviours that MLPL reasonably considers to be disrespectful, unprofessional or inconsistent with its Code of Conduct and other workplace policies. Behaviour does not need to be unlawful to be considered inappropriate in a workplace environment.

Engaging in conduct of the kinds described and defined in sections 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this procedure is prohibited at MLPL and will be treated as a breach of this procedure.

## 5. Discrimination

### 5.1. What is discrimination?

Discrimination:

- occurs when an individual or group is treated less favourably based on an attribute or personal characteristic that is protected under applicable anti-discrimination legislation; and
- can be either direct or indirect.

### 5.2. What are the protected attributes?

It is unlawful to directly or indirectly discriminate against a person in the workplace based on any of the following attributes:



Race	Age	Sex
Sex characteristics	Sexual orientation	Lawful sexual activity
Gender	Gender identity	Intersex
Marital status	Relationship status	Pregnancy
Breastfeeding	Parental status or status as carer	Physical features
Family responsibilities	Disability	Industrial activity
Political belief or affiliation	Political activity	Religious belief or affiliation
Religious activity	Profession, trade or occupation	Irrelevant criminal record
An expunged homosexual conviction	Irrelevant medical record	
or association with a person who has, or is believed to have, any of these attributes.		

### 5.3. What is direct discrimination?

Direct discrimination occurs where an individual or group is treated less favourably **because of** a particular attribute or personal characteristic, whether known, inferred or assumed.

*Examples may include (but are not confined to):*

- *Deciding not to promote someone because they are “too old” or because they are pregnant.*
- *Deciding not to employ someone because of their nationality or sexuality.*
- *Terminating an employee’s employment because they engaged in lawful industrial activity.*

### 5.4. What is indirect discrimination?

Indirect discrimination occurs where a person imposes a condition, requirement, or practice which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who share, or are believed to share, a prescribed attribute or characteristics.

*An example of this may be offering training or meeting opportunities to staff members only at limited and rigid times which prevent employees with family responsibilities from attending, where this is not reasonable in the circumstances.*

### 5.5. What is not discrimination?

There are some limited exceptions, such as where the condition is necessary for a person to perform an inherent requirement of the job (and subject to the obligation to make reasonable adjustments).



## 6. Harassment

### 6.1. What is harassment?

Harassment is any conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of a protected attribute where a reasonable person would expect the other person may be offended, humiliated or intimidated.

Harassment can be a one-off occurrence and a specific intent or motive is not necessary.

*Examples may include (but are not confined to):*

- *Racist, ageist, sexist or homophobic jokes or slurs.*
- *Displaying racially offensive posters or screen savers, or showing such materials in your mobile phone.*
- *Making derogatory comments or taunts about a person’s disability.*
- *Using demeaning language.*
- *Ridiculing a person on the basis of a religious belief – which may include rituals observed during the celebration of religious festivals or abstinence from alcohol.*
- *Verbal abuse including insulting or offensive comments (both directly to, or about, a person or group of people), including “jokes”.*
- *Asking intrusive questions about matters relating to a protected attribute.*

### 6.2. What are the protected attributes for workplace harassment?

Harassment within the workplace based on any of the following attributes is unlawful:

Race	Age	Sexual orientation
Lawful sexual activity	Gender	Gender identity
Intersex	Marital status	Relationship status
Pregnancy	Breastfeeding	Parental status
Family responsibilities	Disability	



## 7. Sex-based harassment

### 7.1. What is sex-based harassment?

Sex-based harassment is unwelcome or unwanted conduct which:

- is demeaning.
- is carried out by reason of the sex of the person harassed or a known, inferred or assumed sexual characteristic; and
- is that which a reasonable person would expect that the person harassed may be offended, humiliated or intimidated.

Sex-based harassment can be a one-off occurrence and a specific intent or motive is not necessary.

Sex-based harassment is unlawful and will constitute a breach of this procedure.

*Examples may include (but are not confined to):*

- *Asking intrusive personal questions based on a person's sex.*
- *Making inappropriate comments and jokes to a person based on their sex.*
- *Displaying images or materials that are sexist, misogynistic or misandrist.*
- *Making sexist, misogynistic or misandrist remarks about a specific person.*
- *Requesting a person to engage in degrading conduct based on their sex.*

## 8. Hostile workplace environments

### 8.1. What is a hostile workplace environment

It is unlawful to subject another person to a workplace environment that is hostile on the ground of sex.

A person (the first person) will subject another person (the second person) to a workplace environment that is hostile on the ground of sex if:

- the first person engages in conduct in a workplace where the first person or the second person (or both) work; and
- the second person is in the workplace at the same time or after the conduct occurs; and

- a reasonable person, having regard to the circumstances, would have anticipated the possibility of the conduct resulting in a workplace environment being offensive, intimidating or humiliating to a person of the sex of the second person, by reason of the sex of the person or a characteristic associated with the sex of the person.

*Examples may include (but are not confined to):*

- *conduct such as displaying obscene or pornographic materials.*
- *general sexual banter or innuendo.*
- *offensive jokes.*

*This could contribute to a sexually hostile workplace and must not occur.*

## 9. Sexual harassment

### 9.1. What is sexual harassment?

The law defines sexual harassment as unwelcome sexual behaviour that causes a person to feel offended, humiliated or intimidated, where a reasonable person could have anticipated that reaction in the circumstances.

Sexual harassment includes:

- an unsolicited act of physical contact of a sexual nature.
- an unwelcome sexual advance or an unwelcome request for sexual favours.
- an unwelcome remark or statement with sexual connotations to another person or about another person in that person's presence.
- any unwelcome gesture, action or comment of a sexual nature.
- conduct of a sexual nature in relation to another person that is offensive to that person, this can be physical, spoken or in written form.

Sexual harassment is unlawful and will not be tolerated in our workplace.

*Examples of sexual harassment may include (but are not confined to):*

- *displays of sexually graphic material including pictures, cartoons, graffiti or messages.*
- *viewing, storing or circulating pornography (even if you do not intend for it to be seen by others).*



- *remarks or insinuations about a person's sex or private life.*
- *sexual propositions.*
- *physical contact such as kissing, pinching, touching, hugging, grabbing.*
- *sexually explicit or suggestive conversations, emails or text messages.*
- *suggestive comments about a person's appearance or body.*
- *repeated requests for dates or drinks particularly after prior refusal.*

## 9.2. What is not Sexual Harassment?

Consensual behaviour between adults is not sexual harassment. However, such behaviour may still be inappropriate, or could create a conflict of interest in the workplace. See our **Conflicts of Interest Policy**.

Employees engaged in a consensual relationship should exercise discretion and maintain a professional standard of behaviour while at work or engaged in work-related activities.

It is also important that personal relationships do not give rise to any bias or abuse of authority in a work context.

## 10. Workplace bullying

### 10.1. What is bullying?

We have an obligation to take reasonable care for our own safety and the safety of others who may be affected by our acts or omissions. A failure to do so could amount to a breach of workplace health and safety laws and our Safety and Wellbeing Policy.

- **Bullying** is repeated, unreasonable behaviour directed towards employees, contractors or visitors that creates a risk to health and safety.
- **Unreasonable** behaviour means behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- **Risks to health and safety** include risks to physical health and safety, as well as psychological – or psychosocial – health and safety.
- **Repeated** behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

*Examples of bullying may include (but are not confined to):*

- *physical abuse.*
- *repeated verbal abuse, swearing or shouting.*
- *deliberately excluding or isolating behaviour.*
- *deliberately withholding information vital for effective work performance.*

## 10.2. What is not Bullying?

Reasonable management action carried out in a reasonable and lawful way does not constitute bullying. This includes performance management, providing feedback and directing and controlling work.

*Examples of reasonable management action can include (but are not confined to):*

- *setting reasonable performance goals and requirements.*
- *rostering and allocating working hours where the requirements are reasonable.*
- *transferring a worker for operational reasons.*
- *deciding not to select a worker for promotion where a reasonable process is followed.*
- *informing a worker of their unsatisfactory work performance.*
- *meeting with a worker to discuss performance and/or conduct.*
- *informing a worker of their unreasonable or inappropriate behaviour.*
- *managing absenteeism*
- *implementing organisational changes or restructuring*
- *taking disciplinary action including suspension or termination of employment.*

It is also important to recognise that differences of opinion and personality conflicts can sometimes occur, but do not necessarily constitute bullying.

## 11. Violence

### 11.1. What is workplace violence?

Violence in the workplace is never acceptable and may be unlawful. Unlike workplace bullying, an action or threat of workplace violence does not need to be repeated – a one-off incident or threat of violence in the workplace could constitute a serious breach of this procedure.

*Examples of workplace violence include:*

- *biting, spitting, scratching, kicking.*
- *punching, pushing, shoving, tripping, grabbing.*
- *making verbal threats to a worker or a member of their family.*
- *assault of any kind – including aggravated assault and indecent assault.*
- *throwing objects in anger.*
- *acts of family or domestic violence in the workplace or using work tools or equipment.*
- *deliberately or willfully damaging company or personal property.*

In some cases, MLPL may be required, or may exercise its discretion to, report incidents of violence to the appropriate authorities, including police.

## 12. Victimisation

### 12.1. What is victimisation?

Victimisation is unlawful and occurs when a person harms or threatens harm to another person in the workplace, or their associate, because they have or intend to:

- make a complaint.
- give evidence or information in connection with any proceedings.
- allege contravention of applicable law.
- refuse to do anything that would amount to a contravention of applicable law; or

- report a breach of this procedure.

## 13. Vilification or inciting hatred

### 13.1. What is vilification?

Vilification is unlawful and is a public act that incites hatred towards, serious contempt for, or severe ridicule of person, or group of people, at our workplace, on the basis of race, sexual orientation or lawful sexual activity, gender identity or sex characteristics, disability, or religious belief or affiliation.

*Examples might include (but are not confined to):*

- *hate speech, graffiti, websites and distribution of propaganda or other forms of offensive literature.*
- *using social media to publish or transmit such statements or distributing material by other means.*

There may be some limited exceptions to what constitutes vilification. However, even if not technically unlawful, we expect all our people to engage in a way that demonstrates respect for others and fosters a safe and positive working environment.

## 14. Raising Concerns

If you experience, or witness, concerning or inappropriate workplace behaviour there are a number of options available to you, including:

- informal resolution options, such as taking a direct resolution approach or seeking the assistance of your leader or the People Team to engage in a facilitated discussion directed at resolution.
- more formal resolution options, such as making a formal complaint.
- making a complaint to an external body such as the Fair Work Commission or Equal Opportunity Tasmania.
- in some cases (if the matter relates to serious fraud or misconduct) raising a concern under MLPL's Whistleblower Policy.

For more information about how to raise a concern and possible outcomes, please refer to the:

- **Issues and Complaints Resolution Procedure**
- **Disciplinary Procedure**
- **Whistleblower Policy**



All complaints made or concerns raised in relation to a potential breach of this policy will be treated seriously and responded to in a timely, confidential and appropriate manner.

## 15. Accessing Support

### 15.1. Support Options

We understand that resolving workplace issues and concerns can impact on the people involved. We have supports in place including reaching out to:

- a member of the People Team or the Governance and Legal Team.
- our EAP services.

### 15.2. Employee Assistance Program

Our Employee Assistance Program (**EAP**) provides access to confidential coaching, counselling and wellbeing support services, provided by an independent third party.

This service is available to all current employees and their immediate family members and can provide support for work-related matters or personal matters that may be impacting on you. at work.

The EAP contact details are located on The Link.

### 15.3. Personal Supports

If you find yourself in need of urgent assistance, please call 000 or access emergency support options which include:

	Call	Text	Online
<b>Lifeline</b>	13 11 14	0477 131 114	<input checked="" type="checkbox"/>
<b>Beyond Blue</b>	1300 22 46 36		<input checked="" type="checkbox"/>
<b>1800RESPECT</b>	1800 737 732	0458 737 732	<input checked="" type="checkbox"/>

You can also speak with your GP about obtaining access to a Medicare-subsidised mental health care plan through the Federal Government's Better Access Initiative.



## 16. Approach and Outcomes

When a potential breach is reported, MLPL will make every effort to ensure that:

- the person making a disclosure or raising a concern or complaint about an inappropriate behaviour will be fully informed of their available reporting and support options both internally and externally.
- the confidentiality and privacy of parties involved in a concern or complaint will be maintained to the extent possible, noting that MLPL may need to inform key personnel to progress a matter and/or comply with mandatory reporting obligations at law.
- concerns and complaints will be dealt with promptly, noting that sometimes timeframes need to be extended for matters that are complex or more serious.

Where appropriate, MLPL will use a restorative approach when responding to inappropriate behaviour but may act formally, swiftly and decisively to ensure safety and wellbeing and the accountability for actions.

People covered by this procedure who engage in behaviour that amounts to a breach of this procedure will be subject to disciplinary action up to and including termination of employment (for employees), or removal from the workplace or termination of services (for contractors or visitors).

Reports which are vexatious, false, frivolous, or otherwise not made in good faith or with a reasonable basis against another person will also constitute a breach of this procedure.

## Administration of this procedure

Date of Executive approval	July 2024
Procedure Owner	Head of People
Accountable Executive	Chief People Officer
Next review date	July 2025