

Workplace Behaviour and Respectful Interactions Policy



Purpose

We aim to:

- create a working environment free from discrimination, harassment, bullying and violence and where everyone is treated with dignity, courtesy, and respect
- create a psychologically safe working environment where staff feel included, safe to learn, safe to contribute, and safe to challenge the status quo—all without fear of being embarrassed, marginalised, or punished in some way
- always promote appropriate standards of workplace conduct
- encourage the reporting of inappropriate workplace behaviour
- treat all complaints in a sensitive, impartial, timely and confidential manner
- protect against victimisation and reprisals for making complaints.

This policy provides an overview of the concepts of discrimination, harassment, bullying and victimisation to ensure that all those engaged in our workplace understand their rights and obligations.

This policy has been developed to create clear and efficient processes. It does not form part of your contract of employment and is not intended to create a separate contract of any kind. However, people covered by this policy are expected to always comply with the requirements, and to meet the expected standards of behaviour, set out in this policy. This policy should be read together with the [Resolving Issues and Concerns Procedure](#).

Scope

This policy applies to:

- all employees of Hydro Tasmania, Entura, Momentum and AETV (Tamar Valley Power Station), as well as any contractors, consultants or other workers who perform work in our workplace;
- behaviour that occurs at work or during work activities (even where it occurs outside of normal working hours or away from normal work premises);
- behaviour that occurs at work events, such as at conferences or work functions; and
- in some circumstances, behaviour that occurs on social media (for example, where our people interact with colleagues or make public statements concerning your employer).

Conduct away from work (including the use of social media and electronic messaging) may also be covered by this policy if the conduct:

- creates a risk to the health and safety of our people, contractors or other people in the workplace, see our [Safety and Wellbeing Policy](#)
- is likely to damage or damages the organisation's interests or reputation
- is otherwise incompatible with the duty owed by you to your employer.

1. ROLES AND RESPONSIBILITIES

We adopt the following principles:

1.1. Your Role

We expect that everyone models a respectful standard of behaviour and creates an environment where we can all feel safe to speak up if we witness or experience workplace conduct that falls short of the standards set out in this policy.

Even if you don't personally experience the behaviour, you can 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, respectfully questioning the conduct or speaking to the person privately to tell them you are concerned about what you observed).

1.2. Your Responsibilities

As a person covered by this policy, you have a responsibility to:

- familiarise yourself and comply with this policy and applicable workplace laws
- conduct yourself appropriately in the workplace and at work events
- engage in a professional and respectful manner in all work-related interactions, including interactions with your colleagues
- not engage in inappropriate or unlawful behaviour in the workplace or in connection with work, including behaviour that could constitute discrimination, sexual harassment, bullying, victimisation, vilification or violence of any kind
- exercise sound judgment when posting anything on social media (including your own social media account or someone else's) that relates to the organisation or a colleague in any way
- report any incidents of inappropriate workplace behaviour that you have observed or witnessed (whether directed at you or another person), this can be through a number of channels including to your manager, your Human Resources Representative and other channels as set out in the Resolving Issues and Concerns Procedure
- not use the organisation's equipment or systems (such as computers, cloud-based servers, or telephones) to view, send or store any offensive, obscene, profane or indecent images, or material that may be in breach of this policy, or to intimidate or harass any person (see our [IT Usage Policy](#))
- participate in workplace investigations, where reasonably requested to do so
- maintain confidentiality if you provide information during the investigation of a complaint under our [Resolving Issues and Concerns Procedure](#) or [Governance Policy](#)
- comply with the [Code of Conduct](#).

A failure to meet the requirements set out in this policy and the expected standards of behaviour could result in disciplinary action, which may include termination of employment.

It is also important to be aware that you and others can be personally legally responsible under workplace health and safety and anti-discrimination laws for a failure to meet the required standards of behaviour.

1.3. What if I didn't mean to cause offence?

The intention or motive is not relevant to whether inappropriate or unlawful behaviour may have occurred. It is therefore important to make sure you are familiar with your obligations under this policy and act in a respectful way during all work-related interactions (including work-related social activities).

- Being under the influence of alcohol or drugs will not be an excuse for engaging in inappropriate workplace behaviour. You are responsible for managing your own alcohol intake sensibly and in moderation at work events where alcohol is served. See our [Safety and Wellbeing Policy](#)

2. IMPORTANT CONCEPTS AND REQUIREMENTS

Understanding the concepts in this policy will help in identifying behaviours that do not align to our expectations/are inappropriate might cross a line and better enable us to maintain a positive and respectful working environment and have constructive conversations to address any issues as and when they arise.

2.1. Discrimination and Harassment

It is unlawful for a person to discriminate against someone because they have a certain attribute, such as:

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| • Age | • Race | • Pregnancy |
| • Family Responsibilities | • Gender | • Relationship status |
| • Parental status | • Gender identity | • Breastfeeding |
| • Disability | • Sexual orientation | • Marital status |
| • Religious belief or affiliation | • Intersex variations of sex characteristics | • Lawful sexual activity |
| • Religious activity | • Industrial activity | • Political activity |
| • Irrelevant criminal record | • Irrelevant medical record | • Political belief or affiliation |

or association with a person who has, or is believed to have, any of the attributes above.

Direct discrimination occurs if you treat someone with a certain attribute less favourably than you would treat a person without that attribute. *An example of this would be refusing to employ someone because they are "too old".*

Indirect discrimination occurs if you impose a condition, requirement or practice which is unreasonable in the circumstances and has the effect of disadvantaging a person or group with a particular attribute more than a person or group without that attribute. *An example of this might be requiring all employees to start work at 6 am. This might seem to treat everyone equally, but it could disadvantage employees needing to care for children. If it is not a reasonable requirement, this will be indirect discrimination.*

There are some limited **exceptions**, such as where the condition is necessary for a person to perform an inherent requirement of the job.

It is also unlawful to engage in workplace harassment – which is conduct that offends, humiliates, intimidates, insults or ridicules another person on the basis of one of the

attributes listed above, in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed. *Examples may include racist or sexist jokes.*

2.2. Sexual harassment

Sexual harassment is unwelcome behaviour of a sexual nature that causes a person to feel offended, humiliated or intimidated, where a reasonable person could have anticipated that reaction in the circumstances. Sexual harassment is unlawful.

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.

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.

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 Governance Policy and Conflicts of Interest Procedure.

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.

2.3. Sex-Based Harassment

Sex-based harassment means unwelcome conduct of a seriously demeaning nature, by reason of the person's sex or a characteristic appertaining generally to a person of that sex, where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. Sex-based harassment is unlawful.

Examples may include:

- 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

2.4. Hostile Work Environment on the Ground of Sex

It is also unlawful for a person 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;
- 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.

3. Bullying

We all 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.

Bullying is repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to their health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

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.

Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated. For example, violence in the workplace is never acceptable, even if it is not repeated.

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

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.

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

4. **Victimisation**

It is unlawful to victimise someone because they have made (or intend to make) a complaint or have been involved in the complaint process. Victimisation occurs if a person subjects, or threatens to subject, another person or an associate of that other person to any detriment or singles them out for unfair treatment.

Conduct likely to constitute a detriment includes (but is not confined to) dismissal, loss of a benefit, being deliberately excluded from work or work-related social functions, threats of violence.

While all complaints will be treated seriously, if a complaint is found to be vexatious or maliciously motivated, disciplinary action may be taken against the person raising the complaint and this will not amount to victimisation.

5. **ELECTRONIC SYSTEMS, EQUIPMENT AND COMMUNICATIONS**

We may provide employees and contractors with access to IT systems and equipment for business use only, or for business use and reasonable personal use at our discretion.

IT systems and equipment must be used in accordance with the requirements set out in this policy as well as our [Security Policy](#), [Data and Information Governance Policy](#) and [IT Usage Policy](#).

This includes but is not limited to **Unacceptable** use of electronic systems, equipment and communication system.

These policies are in place to ensure acceptable use of our electronic systems, equipment and communication systems.

6. **Monitoring & Privacy**

Information, data, transmissions or files (incoming and outgoing) or like materials arising out of the use of IT systems and equipment are capable of being monitored by the organisation and intercepted, traced or recorded by others. See our [Security Policy](#) and [Data and Information Governance Policy](#). Some of the reasons for undertaking monitoring may include to assist us to:

- ensure compliance with applicable laws and our policies
- compile or audit data or information regarding the use of systems or equipment
- investigate suspected behaviour that may be contrary to, or in breach of, applicable laws, standards of behaviour or reasonable directions (including breaches of this policy)
- prevent unauthorised or unlawful use of IT systems or equipment.

See our [Governance Policy](#), [Hydro Tasmania Privacy Policy](#) and [Momentum Energy Privacy Policy](#).

7. **Social Media**

There are many ways for people to engage with social media – whether its posting pictures or comments on a personal an account, sharing posts or articles or commenting or posting on someone else’s social media activity.

While we recognise that these activities will usually be engaged in using an individual’s personal social media account/s, it is important to be aware that there are some circumstances in which these activities will still be covered by this policy and have the ability to impact on employment with us.

Employees must therefore be aware of, and adhere to, the following regarding personal use of social media:

- the use of social media must not impact adversely on an employee's employment or engagement with the business or other duties or business obligations
- social media must not be used to discriminate against, harass, sexually harass, victimise, threaten, defame or bully any individual connected with the Hydro group (including any colleague, contractor, client or other person in our workplace)
- the use of social media must not cause harm to the interests or reputation of the business or create a risk to the health and safety of any employee or other person in our workplace see our [Safety and Wellbeing Policy](#)
- for employees, personal social media should not be used at times when it is expected that they are required to be working.

All employees and contractors should also be mindful of the following factors when interacting with official Hydro Tasmania, Entura, Momentum or TVPS social media channels, or otherwise engaging with social media in a way that could impact on our business or your relationship with your employer or colleagues:

- When posting, commenting or otherwise engaging with online platforms, information is published in a forum that can be widely accessed, and more broadly disseminated than the original item. Please be aware to not expect that those posts or comments will remain "private" or confined only to the original audience
- When content is published via social media channels, it becomes information that is in the public domain, which can be recorded even if removed at a later date
- Even in times that you are not officially representing the organisation, you are representative of the organisation. If you are, or could be, identified as an employee or contractor of Hydro Tasmania, Entura, Momentum or TVPS, it could be perceived that you are speaking on behalf of the organisation (even if this is not your intention)
- If it is possible to be identifiable as an employee or contractor of the business, or you are interacting with one of our social media channels, any language and actions must be consistent with your obligations to the business
- While we encourage our employees and contractors to interact with our online social media platforms, if you have any concerns with any of the posts or comments, please avoid making any comments that may be interpreted as negative or contrary to the organisation's intended messaging and discuss it with your Line Manager
- If something online that requires a response from the business is observed (for example, correcting an inaccuracy or responding to a complaint), please contact the Communications team via phone, email or in person (not on the social media channel) so that the matter can be resolved by an official representative of the organisation.

8. REPORTING and INVESTIGATING CONCERNS

If you experience, or witness, unreasonable or inappropriate workplace behaviour, you should raise the matter in accordance with the Resolving Issues and Concerns Procedure.

While we recognise that some of the conduct described in this policy may have an interface with workplace health and safety, please note that issues or concerns of this nature do not need to be logged as an incident or safety interaction within SAP. This is because the confidential and often sensitive nature of these issues and concerns will usually mean that they are more appropriately addressed through the processes outlined in the Resolving Issues and Concerns Procedure. We also want to ensure that individuals who witness or experience unlawful or other inappropriate workplace behaviour are aware of the full range of options and supports available.

We treat all reports of inappropriate workplace behaviour seriously and take appropriate action to investigate or otherwise resolve concerns impartially and confidentially.

Failure to comply with the obligations outlined in this policy may result in disciplinary action, including termination of your employment.

9. SUPPORT

All those working with us are encouraged to access information and support, including reaching out to a member of the People & Capability team or through one of the following support options:

9.3. Workplace Support Officers (WSO)

WSOs are people in our business who have volunteered and are trained to provide other people in the business with confidential information and support to address concerns they may be experiencing in the workplace, including discrimination, harassment and/or bullying.

WSOs have access to information about complaint resolution options within and outside the organisation and provide support to people to help them make informed decisions about how best to address the issue or concern.

Employees can contact WSOs at any time for support or guidance, before or after a formal complaint is raised. The WSO will listen to your concerns and provide information, support and options in an impartial and confidential manner.

A list of current WSOs is located on the [intranet](#).

9.4. 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 employees and their immediate family members (24 hours per day) and can provide support in all aspects of life (not just work-related) – including physical, mental, social and financial. The EAP contact details are located on the [intranet](#) or speak to your Human Resources Representative to find out more.

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All Hydro Tasmania, Entura, Momentum Energy and TVPS employees and contractors must comply with all relevant laws and regulations, policies, procedures and supporting resources.