

Policy PL93 - Acceptable Workplace Behaviour Policy

Version

1 APPROVED

Author(s)

Chief People Officer

Owner

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People and Culture

Approval Authority

WEHI Board

Key Words

 **Approved**
18 May 2023

 **Effective**
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2026

Key Points

NA

1. Purpose

This policy:

- defines what constitutes unacceptable behaviour at WEHI;
- outlines the guiding principles WEHI will follow when addressing unacceptable behaviour and identifies how WEHI will respond, and;
- acknowledges the supports available for those affected by unacceptable behaviour.

2. Scope

This Policy applies to Board members, staff members, students, and volunteers at WEHI. A reference to staff in this Policy should be read as meaning a reference to WEHI Board members, staff members, students, contractors or volunteers – in this policy, defined as staff.

Unacceptable behaviour in the workplace is unreasonable conduct at work or in any situation that may be connected to WEHI that is offensive, belittling, abusive or threatening to another person.

Please refer to the [Acceptable Workplace Procedure](#) for guidance on disclosures or complaints made against someone who is not a staff member e.g., visitor and or third parties with whom staff engage as part of their duties i.e., collaborator

For the purposes of this Policy, workplace may include:

- any work-related context including Board meetings, on-site off-site, remote work such as a staff member's home and non-physical places; activities which use online platforms and/or social media; after-hours work; work-related work functions; social events, conferences with universities and/or scientific organisations and business trips; conferences, in accommodation or transport (including hotel rooms, planes, cars) associated with travel for work etc.
- wherever and whenever staff may be because of their duties with WEHI

This Policy refers to inappropriate behaviour related to adults. It does not replace [Child Safe Policy](#) which addresses the standards required when working with children under 18 years old.

3. Definitions

| Term | Definition |
|-------------------|--|
| Bullying | <p>Workplace bullying is defined as repeated and unreasonable behaviour directed towards a staff member or a group of staff that creates a risk to health and safety. Bullying can be minor inappropriate behaviours, each of minimal effect when viewed in isolation from each other and when combined, demonstrate a systematic and significant episode of bullying when experienced over a period.</p> <p>Patterns of bullying may cause physical or emotional harm through verbal, non-verbal, physical, or psychological abuse or humiliation.</p> <p>An isolated instance of bullying behaviour may appear subtle or inconsequential but, when it forms part of a larger, unwelcome pattern, it is bullying, nonetheless.</p> <p>Examples of bullying include but are not limited to:</p> <ul style="list-style-type: none">• Aggressive or intimidating conduct.• Belittling or humiliating comments.• Spreading malicious rumours.• Teasing, practical jokes or initiation ceremonies.• Exclusion from work-related events.• Unreasonable work expectations, including too much or too little work, or work below or beyond a staff member's skill level.• Belittling an staff member's contribution or opinion.• Stalking, assault, threat of assault which may involve the police. <p>Behaviour that does not constitute bullying includes but is not limited to:</p> <ul style="list-style-type: none">• Expressing differences of opinion.• Informing a staff member about unsatisfactory work performance in an honest, fair, and constructive way.• Taking disciplinary action including suspension or termination of employment where appropriate or justified in the circumstances.• Organisational change or downsizing.• Appropriately/reasonably directing and controlling the way work is carried out.• Not liking a person. <p>A single incident of unreasonable behaviour.</p> |
| Victimisation | <p>Victimisation occurs when a person who has made a disclosure, report or complaint, plans to make a disclosure, report or complaint, assists another person in making a disclosure, report or complaint or acts as a witness, is subjected to any form of detriment or reprisal as a result. It is irrelevant whether the detriment or reprisal is initiated by the staff member who is the subject of the report or another party, be it on their behalf or in general support of the staff member.</p> |
| Sexual misconduct | <p>Sexual misconduct incorporates a range of behaviours including sexual assault, sexual harassment, stalking, and any other conduct of a sexual nature that is non-consensual or unwelcome or which has the purpose or effect of threatening, intimidating, or coercing a person.</p> <p>For further information on the sexual misconduct definition refer to the Sexual Misconduct Policy</p> |

| Term | Definition |
|--------------------------------------|---|
| Personal relationships between staff | <p>The existence of close personal relationships between employees is not prohibited. However, a close relationship between employees may give rise to actual, potential, or perceived conflicts of interest. For example, if one person can control or affect the career or other employment opportunity of the other. Consensual Personal Relationships where there is a direct Hierarchical Relationship must be declared to the Chief People Officer. Other Consensual Personal Relationships do not be declared unless there is an actual, perceived or potential Conflict of Interest. For further information on Consensual Personal Relationships refer to the Conflict of Interest Policy.</p> |
| Racism | <p>Racism relates to discriminatory attitudes, beliefs, behaviour, distinctions, exclusions, restrictions, or preferences that are based on presumptions about a group or person's ethnic background, colour, race, descent, or immigration status.</p> |
| Harassment | <p>Harassment is unwelcome behaviour occurs when a person is treated less favourably based on personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, sexual orientation, disability, gender identity or intersex status. It is behaviour that makes a person feel belittled, intimidated, offended or apprehensive, and that a reasonable person, considering all the circumstances, would expect to cause offence, intimidation, or apprehension.</p> <p>A one-off incident can constitute harassment.</p> <p>The most serious examples include sexual misconduct, workplace bullying, racial or religious vilification and victimisation.</p> |
| Complainant | <p>A complainant is the person who made the disclosure or report of unacceptable behaviour that is formally investigated.</p> |
| Complaint | <p>A complaint is where a disclosure undergoes a formal investigation process.</p> |
| Disclosure | <p>Disclosure means a person telling anyone who is part of WEHI about their personally experiencing or witnessing unacceptable behaviour.</p> <p>Disclosures can be anonymous, and the person making a disclosure is able to, but does not have to, identify the other person / people involved.</p> <p>A disclosure does not trigger an investigation or action unless WEHI has a duty of care to do so.</p> <p>A person may wish to make a disclosure that triggers WEHI to follow a documented formal process or take a specific action. In this instance, a review into the allegation will be undertaken by the Chief People Officer and a decision will be made as to whether to proceed with an investigation and/or take a specific action.</p> |

| Term | Definition |
|----------------|--|
| Discrimination | <p data-bbox="547 185 1410 275">Discrimination occurs when a staff member or prospective staff member is treated less favourably or differently due to certain characteristics or attributes set out in legislation i.e.</p> <ul data-bbox="579 309 1086 887" style="list-style-type: none"> • their gender identity or expression • age, • Physical features (Victoria only), • pregnancy or potential pregnancy, • breastfeeding, • race (including colour, ethnicity, and descent), • physical or mental disability, • sexual orientation, • religion, • transgender, • carer's responsibilities, • marital status, • social origin, • political belief, • employee association activity, • irrelevant criminal record, and/or • personal association with a person identified by reference to the above attributes. <p data-bbox="547 920 1430 1010">Direct discrimination is when someone is treated unfairly compared to someone else in the same or similar circumstances, and this is because of one of the above attributes or a characteristic of an attribute.</p> <p data-bbox="547 1043 1418 1061">An example of direct discrimination based on a legislative attribute of pregnancy is:</p> <ul data-bbox="579 1095 1437 1151" style="list-style-type: none"> • A manager refuses to support an employee's training application because she is pregnant. <p data-bbox="547 1184 1385 1274">Indirect discrimination is when a person imposes or proposes to impose an unreasonable requirement, condition, or practice that someone with a protected attribute does not or cannot comply with.</p> <p data-bbox="547 1308 1362 1364">An example of indirect discrimination based on a legislative attribute of carer's responsibilities is:</p> <ul data-bbox="579 1397 1437 1476" style="list-style-type: none"> • A policy that requires staff to attend meetings early in the morning or late in the afternoon when it is not necessary or reasonable in all the circumstances and is likely to disadvantage employees with carer's responsibilities. <p data-bbox="547 1509 1297 1527">Behaviour that does not constitute discrimination includes, for example:</p> <ul data-bbox="579 1561 1430 1659" style="list-style-type: none"> • Not being able to accommodate the reasonable request of a staff member with carer's responsibilities for a particular roster because it is not operationally appropriate or possible. |
| Bystander | <p data-bbox="547 1720 1426 1776">A bystander is someone who responds to witnessing or hearing about unacceptable behaviour. Action could include:</p> <ul data-bbox="579 1809 1401 2029" style="list-style-type: none"> • Saying or doing something in the moment, if it is safe to do so; • Comforting the victim / target; • Discussing the problem with the person responsible for the unacceptable behaviour; • Reporting the behaviour to a Manager / Supervisor or to People and Culture, and; • Advocating for cultural change within a team or work environment. |

| Term | Definition |
|--------------|--|
| Vilification | <p>Vilification is one-off or repeated public conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, an individual or class of individuals on the grounds protected by anti-discrimination legislation, including that individual or group's race, ethnic origin, colour, religious belief, HIV or AIDS status or activity or sexual identity, sexual orientation, or sexuality.</p> <p>Examples of vilification include:</p> <ul style="list-style-type: none"> • Displaying or communicating offensive material. • Calling people names and making offensive comments. <p>Displaying behaviours that are intended to offend, humiliate, insult, or intimidate any of the above class of individuals.</p> |

4. Policy

This policy:

- defines what constitutes unacceptable behaviour at WEHI;
- outlines the guiding principles WEHI will follow when addressing unacceptable behaviour and identifies how WEHI will respond, and;
- acknowledges the supports available for those affected by unacceptable behaviour.

4.1 Principles

WEHI is committed to addressing unacceptable workplace behaviour and has established and will maintain procedures that meet or achieve the following principles:

- WEHI takes all reasonable steps to identify and eliminate unlawful direct, indirect, and systemic discrimination from its structures and practices to promote equality of opportunity for all its staff.
- WEHI recognises the right of individuals and groups to be free from discrimination, harassment, and bullying.
- Encourage staff to speak up and report unacceptable behaviour, without fear of reprisal, victimisation, or harassment.
- Provide a safe working environment which is free from unacceptable workplace behaviour.
- WEHI provides transparent, clear, and easy to use procedures and systems to report unacceptable workplace behaviour, assisted by accurate record keeping and reporting to ensure WEHI identifies trends and responds with best practice.

4.2 Raising a concern

If any individual wants to make a disclosure or complaint to WEHI, please refer to the [Workplace Behaviour Procedure](#) paragraph 6. This policy will:

- Ensure disclosures and complaints will be dealt with fairly, objectively and managed in an appropriate manner.
- Provide training and education to staff on both appropriate and unacceptable workplace behaviour, including how to disclose or report unacceptable behaviour.
- Prioritise cultural safety for all staff by being aware of cultural differences, and by recognising and addressing cultural and linguistic barriers, including through engagement with community elders and other means to ensure culturally sensitive support.
- Comply with relevant laws including but not limited to:
 - Age Discrimination Act 2004 (Cth)
 - Australian Human Rights Commission Act 1986 (Cth)
 - Charter of Human Rights and Responsibilities Act 2006 (Vic)
 - Crimes Act 1958 (VIC)
 - Disability Discrimination Act 1992 (Cth)
 - Equal Opportunity Act 2010 (Vic)
 - Fair Work Act 2009 (Cth)
 - Gender Equality Act 2020 (Vic)
 - Occupational Health and Safety Act 2004 (Vic)
 - Racial Discrimination Act 1975 (Cth)
 - Sex Discrimination Act 1984 (Cth)
 - Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)

Where appropriate, WEHI encourages staff to use informal resolution processes to address disclosures of unacceptable behaviour. This can be made verbally (e.g., by phone or face to face) or in writing to the staff member's manager, a relevant leader, a People and Culture Business Partner, the Chief People Officer, or by contacting the [Integrity Line](#). WEHI takes all disclosures of unacceptable behaviour seriously. Where a staff member does not wish to make a complaint or seek formal action to be taken, WEHI will take their wishes into account wherever possible. However, in some circumstances WEHI may still engage a formal process or commence a workplace investigation and take disciplinary action. This decision might be made in circumstances where the alleged behaviour may constitute a risk to the health and safety of others, or if substantiated may be considered a serious breach of this policy, or other related workplace policies.

In such circumstances, WEHI will work with the relevant staff member to ensure that any action taken is done in a manner consistent with the safety of that staff member and taking into consideration any relevant matters.

4.3 Bystander action

Bystanders play a critical role in minimising and/or preventing harm. All staff have a responsibility to take action when they witness or are made aware of unacceptable workplace behaviour. Bystanders are encouraged to:

- Provide support to the person who is the target of the unacceptable behaviour;
- Where safe to do so, challenge concerning behaviour; and
- Disclose or report unacceptable behaviour in accordance with the [Acceptable Workplace Behaviour Procedure](#).

4.4 Support

WEHI recognises that staff who are subjected to unacceptable or unlawful behaviour may need support as well as advice.

WEHI provides an [Employee Assistance Program \(EAP\)](#), which is a short-term, confidential, free counselling service designed to offer a problem-solving, solution-oriented approach to support employees, Board members and their families with personal or work-related issues.

WEHI's EAP program is managed by [AccessEAP](#) can be contacted 24 hours a day, seven days a week via: 1800 818 728

A range of additional support options are detailed in the [Acceptable Workplace Behaviour Procedure](#).

Employees may also contact an external agency such as the:

- [Fair Work Commission](#)
- [Victorian Equal Opportunity and Human Rights Commission](#)
- [Worksafe Victoria](#)
- [Australian Human Rights Commission](#)

4.5 Transparency

External

The following principles set out our approach to communicating about unacceptable workplace behaviour cases in particular where the allegation requires investigation, where the offender or alleged offender is one of our organisation's senior leaders and where there is legitimate public and/or stakeholder interest.

1. Our organisation will be transparent with internal and external stakeholders about the fact that unacceptable workplace behaviour claims exist.
2. The identity of those involved will be protected by our organisation at all times during the investigation process.
3. We will ask everyone involved to keep any workplace investigation process confidential while that process is underway with an exception for receiving expert counselling or support.
4. Once any investigation is complete, our organisation will not restrict the complainant's right to speak.
5. WEHI may negotiate a settlement agreement to resolve or settle an unacceptable workplace behaviour complaint. WEHI will consider the need for a confidentiality clause in the agreement on a case-by-case basis and follow the approach recommended by the Australian Human Rights Commission.
6. Where there is legitimate public or stakeholder interest, WEHI may identify the offender, be transparent about the outcomes of an investigation and/or identify the financial settlement that was reached as part of their departure, in the instance the offender leaves WEHI. This will only be done if the following conditions are satisfied:
 - The terms of a settlement agreement allow i.e., there is no confidentiality clause preventing this.
 - The workplace investigation found that the allegations are substantiated.
 - The complainant is supportive of WEHI doing so.

Internal

Metrics on unacceptable workplace behaviour is reported to our Board/Executive on a regular basis to help inform further action our organisation needs to take to eradicate unacceptable conduct.

WEHI will also share what we can about the unacceptable workplace behaviour cases we deal with, while respecting the privacy of the people involved, on an annual basis.

This does not mean full disclosure of all the details, but rather considered sharing of relevant information in order to encourage organisational learning and prevent similar cases from happening in the future.)

5. Supporting Information

5.1 References

NA

5.2 Related Policies

[Code of Conduct](#)

[Sexual Misconduct Policy](#)

[Research Integrity Policy](#)

[Conflict of Interest Policy](#)

[Whistleblower Policy](#)

[Workplace Response to Family Violence Policy](#)


5.3 Related Procedures


[Acceptable Workplace Behaviour Procedure](#)

[Conflict of Interest Procedure](#)

[Workplace Response to Family Violence Procedure](#)

Review Cycle

 **Initial**
3 Year(s)

 **Ongoing**
3 Year(s)

 **Next**
2026

Version History

| Approved By | Approval Date | Effective Date | Approval Notes | Version |
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