



Service Standard 1.1.42

Respectful and Inclusive Workplace

Version	2.1
SOPs	SOP 1.1.42-1 Sexual Harassment Prevention SOP 1.1.42-2 Bullying Prevention SOP 1.1.42-3 Discrimination and Vilification Prevention
Policy Owner	Executive Director People & Strategy
Policy Contact	Director People & Culture
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1. Purpose

- 1.1. The Rural Fire Service (RFS) is strongly committed to providing and maintaining a respectful and inclusive workplace, where all members are treated with dignity, courtesy and respect at all times and in all work locations. A safe, respectful and inclusive work environment enables a diverse and sustainable membership which results in better service delivery for the community.
- 1.2. Inappropriate behaviour is the collective term used within this Service Standard for workplace sexual harassment, bullying, discrimination, vilification, violence and victimisation. These behaviours have no place in a respectful and inclusive workplace and will not be tolerated in the RFS.
- 1.3. The purpose of this Service Standard is to ensure all members understand the standards of behaviour expected of them, their legal rights and responsibilities, what constitutes sexual harassment, bullying, discrimination and vilification, and how to prevent and respond to inappropriate behaviours in the workplace.
- 1.4. This Service Standard applies to all members of the RFS; any employee of another government sector agency on secondment to the RFS; all consultants, contractors and agency employees engaged to perform work for, or on behalf of the RFS; and work experience students.

2. Policy

- 2.1. The RFS does not tolerate sexual harassment, bullying, discrimination, vilification, violence and/or victimisation. All allegations of these behaviours will be taken seriously.
- 2.2. The RFS has a duty of care to ensure, so far as is reasonably practicable, the health and safety of members. This includes managing the risk of harm caused by inappropriate behaviour. Members also have a work health and safety (WHS) duty to not adversely affect the health and safety of others.

- 2.3. Every member is responsible for supporting and maintaining a respectful and inclusive workplace. This includes taking a proactive approach to the prevention of sexual harassment, bullying, discrimination and vilification, raising concerns appropriately, directly intervening when witness to inappropriate workplace behaviour, and acting on complaints in accordance with the RFS Workplace Complaints Resolution Framework.

Prevention

- 2.4. The RFS is committed to taking a proactive and holistic approach to prevent sexual harassment, bullying, discrimination, vilification, violence and victimisation in the workplace.

Risk Assessment

- 2.5. Under WHS laws, the RFS has a positive duty to prevent sexual harassment, bullying, discrimination, vilification, violence and victimisation as a risk to worker's physical and psychological health.
- 2.6. The duty requires the RFS to eliminate risks to the health and safety of workers and other people so far as is reasonably practicable. If it is not reasonably practicable to eliminate risks, they must be minimised so far as is reasonably practicable.
- 2.7. The RFS takes a risk management approach to the prevention of inappropriate behaviour. Leaders and managers should regularly identify and assess risk factors of inappropriate workplace behaviour including by seeking feedback from members and in consultation with Health and Safety Representatives and/or unions. Workers should understand and consider work systems and practices to identify risks of exposure.
- 2.8. Risks in relation to inappropriate and unlawful behaviour will be integrated into the RFS Enterprise Risk Management framework to ensure continuous review and reporting to the Executive and the Audit and Risk Committee.

Leadership

- 2.9. Leaders must continuously reinforce that sexual harassment, bullying, discrimination, vilification, violence and victimisation are unacceptable, model safe and respectful behaviour, and foster a safe reporting culture.
- 2.10. All members share a leadership responsibility for creating and maintaining a positive and constructive work environment based on inclusion, shared values and a culture of collaboration. This means personally avoiding disrespectful or undermining behaviour. This also means not walking past or ignoring any unreasonable behaviour they observe in others.

Transparency

- 2.11. The RFS is committed to transparency on the number of reported incidences of inappropriate behaviour in the organisation. This builds confidence in our reporting processes.
- 2.12. This does not mean full disclosure of all the details or disclosure of any reports which are found to be intentionally falsified or vexatious, but rather considered sharing where possible of relevant de identified information on a regular basis to encourage organisational learning and prevent similar incidents from happening in the future.
- 2.13. In doing so, the RFS will ensure confidentiality and privacy is maintained, and that no personal information or information which otherwise identifies victims or perpetrators can be ascertained from that data or any shared learning (or other) material.

Knowledge and education

- 2.14. The RFS will ensure all members are aware of expected standards of behaviour and the reporting and response procedures.
- 2.15. The RFS will ensure all leaders, managers and supervisors are trained to respond to disclosures of inappropriate behaviour.

The impact of inappropriate behaviour on the RFS and its members

- 2.16. Incidents of sexual harassment, bullying, discrimination, vilification, violence or victimisation can have a significant and negative impact on an individual's physical and mental health. Members who experience such behaviours in the workplace are more likely to:
- experience stress and anxiety;
 - lose their self-confidence and self-esteem;
 - have trouble sleeping which can lead to constant and severe tiredness and fatigue;
 - have accidents at work;
 - be unable to concentrate and/or to make effective decisions;
 - experience stress related illness, e.g., nausea, diarrhoea, headaches;
 - be less productive or show decreased quality of work output; and/or
 - lose their motivation and commitment to the RFS.
- 2.17. Inappropriate behaviour in the workplace can also have a severe and negative effect on a team or the whole RFS by impacting:
- levels of commitment, loyalty and brigade/team morale;
 - rates of lateness and absenteeism; affecting a team's capacity to respond to incidents and/or direction;
 - the ability of the RFS to attract and keep new members;
 - communication and cooperation within the brigade, district, region or business unit;
 - the ability of the RFS to meet legislative requirements (resulting in potential civil or criminal action); and/or
 - reputational damage and failure to meet community expectations.
- 2.18. An inappropriate and disrespectful work environment can also have a severe and negative effect on the reputation of the RFS.

Where and how inappropriate behaviour can occur

- 2.19. The RFS workplace includes any place where work is carried out including temporary and permanent facilities, incident grounds, outdoor spaces, vehicles, offices and brigade stations.
- 2.20. Inappropriate behaviour can occur beyond the usual workplace and outside normal working hours. For example:
- where a worker is working remotely, including if the person's workplace is their home;
 - in a place where the worker is undertaking work at a different location (e.g. at another RFS premises or a private property);
 - in vehicles while on the way to/from work locations or incidents;
 - at social functions sponsored and paid for by the RFS;
 - at social functions not sponsored or paid by the RFS where a worker is representing the RFS;
 - in accommodation (e.g. hotel rooms) associated with or provided by the RFS;
 - online via use of technology and social media;
 - any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa.
- 2.21. Inappropriate behaviour can occur through electronic means (e.g. emails, text messages, sending links to websites and through social media), regardless of whether sent during work hours or not.
- 2.22. Members are required to use technology and social media responsibly in the workplace and must treat others with dignity, courtesy and respect, and not engage in sexual harassment, bullying, discrimination and/or vilification online.

Reporting

- 2.23. The RFS strongly encourages members who have been subject to or witnessed sexual harassment, bullying, discrimination, vilification, violence and/or victimisation to report the behaviour.
- 2.24. All reports relating to such behaviours will be taken seriously and managed in a timely manner with sensitivity and confidentiality.
- 2.25. Options available to make a report include:
- Reporting internally to a next in charge or relevant leader.
 - Reporting directly to the Performance and Conduct Unit (performance.conduct@rfs.nsw.gov.au) in circumstances where a member is not comfortable, or it is not appropriate, to make a report through the chain of command
 - Reporting to an external authority
- 2.26. Members are to raise issues in good faith and are not to make false, trivial or vexatious complaints. Any member who is found to have made a false or vexatious allegation/complaint may be subject to disciplinary/misconduct action.
- 2.27. All members have the right to raise an issue of inappropriate behaviour. Members must not be subjected to victimisation or retaliation as a result of raising an issue. Any member who is found to have subjected a member to victimisation or retaliation as a result of raising an issue may be subject to disciplinary/misconduct action.

Responding

- 2.28. The RFS is committed to responding to all matters in a timely manner, maintaining confidentiality and keeping those members who are involved informed of progress.
- 2.29. Allegations may be investigated under Service Standard 1.1.34 Workplace Complaints Resolution.
- 2.30. All matters relating to inappropriate behaviour toward or involving a member/s under the age of 18 must be directed to the Area Operations or the Performance and Conduct Unit.
- 2.31. Where staff a member makes a complaint of inappropriate behaviour by their manager, due consideration will be given to the potential impact of the member continuing to report to that manager while the issue is assessed.
- 2.32. The RFS keeps confidential records of all correspondence with parties in relation to reports of inappropriate behaviour. Records are kept in accordance with applicable legislation, including the *State Records Act 1998*, applicable privacy legislation and relevant RFS policies or service standards.

Responding - Informal resolution

- 2.33. Informal resolution or management is where the issue is resolved locally, without a formal response or investigation. Rather than making a determination as to whether the conduct occurred, the aim is to stop escalation or future incidents by education about acceptable standards of behaviour and mitigating the risk of the conduct repeating in the future.

Responding - Formal investigation

- 2.34. Where a formal investigation is appropriate, the RFS will appoint an internal or external investigator to investigate the allegation/s and make factual findings, which will then decide an outcome in accordance with applicable legislation.
- 2.35. Investigations will be undertaken in line with relevant organisational policies, procedures and industrial instruments.

Responding - Criminal matters

- 2.36. Any allegation/s of inappropriate workplace behaviour which may involve criminal conduct should be referred by the RFS to the Police. In such cases, the RFS staff member who makes the report to the Police must also report the matter through the chain of command so that appropriate duty of care is considered.
- 2.37. Any Police investigation or inquiry will take precedence over RFS action.
- 2.38. The RFS may take action against any member subject to criminal allegations or convictions in accordance with Service Standard 1.1.21 Brigade Membership Removal or provisions under the GSE Act, GSE Regulations and GSE Rules.

Responding - External investigation and reporting

- 2.39. In certain circumstances matters may be subject to investigation by an external agency and/regulator. In these instances, the investigation will be in accordance with the external agency and/or regulator's legislative requirements and procedures. In certain circumstances the RFS may have a legislative requirement to report matter/s to an external agency and/or regulator.

Possible outcomes

- 2.40. Where allegations are substantiated, action that is consistent and proportionate will be taken to hold the responsible person to account for their behaviour. Possible outcomes may include:
- disciplinary action, e.g. warning, suspension, demotion or dismissal, or removal from membership
 - a change to working hours or locations
 - an apology
 - agreement on protocols to manage the relationship moving forward
 - refresher prevention training
 - coaching or performance counselling
 - behavioural change counselling.
- 2.41. Where a serious allegation is substantiated, it is likely that disciplinary action will follow.

Support services

- 2.42. The safety and wellbeing of members is of paramount importance to the RFS.
- 2.43. The RFS provides a number of avenues support. Members can access these avenues at any point in time:
- Peer Support Officers are trained RFS members with extensive experience who can provide support to members who may be experiencing traumatic or everyday stressful reactions or mental health challenges or refer members to other appropriate support avenues.
 - The Chaplaincy & Family Support Service provides assistance and support to all members and their immediate families, such as being an independent confidential listening ear, crisis intervention and support during a crisis, caring for those who are sick, undertaking hospital visitation, on scene support and spiritual support.
 - Both Peer Support and Chaplaincy & Family Support services are available to all members via a 24/7 hotline 1800 049 933.
 - The Member Assistance Program (MAP) is a free, confidential and external support service. MAP services are available to all members via 1300 360 364.

- e. RFS Psychologists provide confidential mental health prevention, promotion, response and recovery services to RFS members. Psychologist services are available to all members via email mental.wellbeing@rfs.nsw.gov.au

Roles and Responsibilities

All members

- 2.44. All members must demonstrate high levels of personal conduct consistent with this Service Standard and their responsibilities under the RFS Code of Conduct to treat others with dignity, courtesy and respect.

Leaders

- 2.45. In addition to their responsibilities as members, those with leadership responsibilities must also:
- a. promote a respectful and inclusive workplace culture
 - b. challenge inappropriate behaviour
 - c. encourage an environment where members feel safe to report inappropriate behaviour
 - d. prioritise the care and support of those impacted when responding to issues raised with them or observed
 - e. treat all reports of inappropriate behaviour seriously and confidentially, and take prompt action to address them (taking into account the wishes of the person subjected to the behaviour)

3. Definitions

- 3.1. For the purpose of this Service Standard, the following definitions apply:
- a. **Bullying:** is defined in SOP 1.1.42-2 of this Service Standard;
 - b. **Complaint:** Any concern or grievance made under the RFS Service Standard 1.1.34 Workplace Complaints Resolution that involves the alleged conduct of a member;
 - c. **Complainant:** A member who lodges a complaint or report about another member's alleged conduct or other non-conduct related workplace issue;
 - d. **Discrimination:** is defined in SOP 1.1.42-3 of this Service Standard;
 - e. **Inappropriate behaviour:** the collective term used within this policy for workplace sexual harassment, bullying, discrimination, vilification, violence and victimisation.
 - f. **Leaders:** Members with management and leadership responsibilities;
 - g. **Member:** executive and non-executive employees, contractors, temporary employees and RFS volunteers.;
 - h. **Respectful and inclusive workplace:** is a workplace free of bullying, discrimination, vilification sexual harassment, violence and victimisation. A workplace where members abide by the Code of Conduct and Ethics, Organisational Values and other standards established by the RFS;
 - i. **Sexual harassment:** is defined in SOP 1.1.42-1 of this Service Standard;
 - j. **Trivial complaint:** Not serious or sensible in content and unworthy of serious or sensible treatment;
 - k. **Vexatious complaint:** Instituted without sufficient grounds for the purpose of causing trouble, annoyance or frustration to the other party and/or to the RFS;
 - l. **Victimisation:** means to subject a person to any detriment because that person raised a matter related to bullying, discrimination, vilification and/or sexual harassment;

- m. **Vilification:** is defined in SOP 1.1.42-4 of this Service Standard;
- n. **Witness:** A member who witnesses / observes another member's alleged conduct or other non-conduct related workplace issue but is not the complainant or involved member / respondent.
- o. **Work:** unless stated otherwise, work refers to an authorised RFS brigade activity and/or authorised work duties;
- p. **Worker:** all people carrying out work in any capacity for the RFS, both paid and unpaid;
- q. **Workplace:** places occupied by RFS members whilst undertaking work.

External Advice and Support Services

Service Provider	Contact Details
Australian Human Rights Commission	www.humanrights.gov.au Info Line: 1300 656 419 (local call) TTY: 1800 620 241 (toll free) Fax: (02) 9284 9611 Email: infoservice@humanrights.gov.au
Anti-Discrimination NSW	https://antidiscrimination.nsw.gov.au/ Phone: (02) 9268 5544 Free call: 1800 670 812 Email: complaintsadb@justice.nsw.gov.au
Community Legal Centres Australia	https://www.clcnsw.org.au/index.php/ Phone: (02) 9160 9500
NSW Police Force	Phone: 000 (for emergencies) 13 14 44 (Police Assistance Line – for non-urgent police assistance)
Fair Work Commission	https://www.fwc.gov.au/about-us/contact-us Phone: 1300 799 675
SafeWork NSW	https://www.safework.nsw.gov.au/contact-us Phone: 13 10 50
NSW Sexual Violence Helpline	https://fullstop.org.au/get-help/our-services Phone: 1800 424 017 (support for people who have experienced by sexual assault)
Lifeline Australia	https://www.lifeline.org.au/ Phone: 13 11 14 (24-hour crisis support)
1800 RESPECT	https://www.1800respect.org.au/ Phone: 1800 737 732 (24-hour support for those experiencing or at risk of experiencing domestic, family or sexual violence)
Rainbow Sexual, Domestic and Family Violence Helpline	https://fullstop.org.au/get-help/our-services Phone: 1800 497 212 (support for anyone from the LGBTQIA+ community whose life has been affected by sexual domestic and/or family violence)
Qlife	https://qlife.org.au/ Phone: 1800 184 527 (3pm – midnight – provides anonymous and free LGBTIQ+ peer support and referral for people in Australia wanting to talk about sexuality, identity, gender, bodies, feelings or relationships)
Law Access NSW	https://www.lawaccess.nsw.gov.au/ Phone: 1300 888 529 (9am to 5pm, Monday to Friday (excluding public holidays) a free government telephone service that provides legal

Service Provider	Contact Details
	information, referrals and in some cases, advice for people who have a legal problem in NSW)
eSafety Commissioner	https://www.esafety.gov.au/report
NSW Public Service Association (PSA)	http://psa.asn.au Member Support Centre 1800 772 679 or 1300 772 679 or 02 9220 0900
NSW Rural Fire Service Association (RFSA)	https://www.rfsa.org.au/ 02 4723 3400 enquiries@rfsa.org.au
NSW Women's Legal Service	https://www.wlsnsw.org.au/ Phone: (02) 8745 6988 1800 801 501 (rural) (9:30am – 12:30pm Monday, 1:30pm – 4:30pm Tuesday, 9:30am – 12:30pm Thursday) Free confidential legal information, advice and referrals for women in NSW with a focus on family law, child care and protection, Victims Support, and sexual assault.
Wirringa Baiya Aboriginal Women's Legal Centre	https://www.wirringabaiya.org.au/ Phone: 1800 686 587 (9am – 5pm) a NSW state-wide community legal centre for Aboriginal and Torres Strait Islander women, children and youth.

4. Document control

Release history

Version	Date	Summary of changes
1.0	8 September 2015	Initial release Replaces policies P3.1.2 Harassment v1.1 and policy 4.1.13 Bullying in the Workplace v1.2
2.0	1 March 2024	Repealed and remade SS 1.1.42 v1.0
2.1	15 July 2024	Repealed and remade SS 1.1.42 v2.0 Updated to include references to Workplace Complaints Resolution Framework Updated to new branding

Approved by

Name	Position	Date
Rob Rogers AFSM	Commissioner	15 July 2024

Related documents

Document name
<i>Anti-Discrimination Act 1977</i>
<i>Government Sector Employment Act 2013</i>
<i>Rural Fires Act 1997</i>
SafeWork NSW Code of Practice for Managing Psychosocial Hazards at Work
Service Standard 1.1.34 Workplace Complaints Resolution
Service Standard 1.1.7 Code of Conduct and Ethics
Service Standard 1.1.21 Brigade Membership Removal
Service Standard 1.1.25 Disclosing Charges and Convictions

SOP 1.1.42-1

Sexual Harassment Prevention

1. Purpose

- 1.1. The RFS is committed to taking a proactive and holistic approach to prevent sexual harassment in the workplace. Sexual harassment is a work health and safety issue and the RFS has a duty of care to manage the risk of sexual harassment.
- 1.2. Sexual harassment will not be tolerated under any circumstances.
- 1.3. The purpose of this SOP is to ensure all members understand what sexual harassment is and the standards of behaviour expected of them, and the specific risk factors to be aware of. Prevention of and response to inappropriate behaviours in the RFS, including sexual harassment, is outlined in Clauses 2.4-2.22 of this Service Standard.

2. Sexual Harassment in the Workplace

Legislation

- 2.1. Sexual harassment and harassment on the ground of sex is unlawful and prohibited by the *NSW Anti-Discrimination Act 1977* and the *Sex Discrimination Act 1984 (Cth)*.
- 2.2. Some forms of sexual harassment (e.g. sexual assault, indecent exposure, stalking and obscene communications) may also be criminal offences.
- 2.3. Under the *Work Health and Safety Act 2011 (NSW)*, the RFS and its officers have a duty to prevent sexual harassment, as it is a hazard and risk to a worker's physical and psychological health. Workers also have WHS duties to take reasonable care for their own health and safety and not adversely affect the health and safety of others.

What is sexual harassment?

- 2.4. Sexual harassment is any conduct:
 - a. that is unwelcome (whether or not the person impacted has explicitly identified it as unwelcome or raised a concern about the conduct)
 - b. of a sexual nature (a sexual advance, request for sexual favours or other conduct of a sexual nature)
 - c. that a reasonable person (aware of all the circumstances) would anticipate could possibly make the person subjected to the conduct feel offended, humiliated or intimidated.
- 2.5. It can be physical, verbal, or written, including through online and phone communication.
- 2.6. Examples of behaviour that could be sexual harassment in the workplace include:
 - a. unwelcome or inappropriate touching, hugging, cornering or kissing
 - b. inappropriate staring or leering that makes the other person feel intimidated
 - c. sexually explicit or indecent physical contact
 - d. actual or attempted sexual assault
 - e. being followed or watched or having someone loitering nearby
 - f. sexual gestures, indecent exposure or inappropriate display of the body
 - g. displaying sexually explicit images or objects around the office or work location

- h. intrusive or sexually suggestive questions, comments or jokes
 - i. comments or questions about a person's sexual activities or body
 - j. unwanted or repeated invitations to go out on dates, start a relationship or propositions for sex
 - k. emailing pornography or rude jokes
 - l. sending sexual text messages, including photos, videos or memes
 - m. communicating content of a sexual nature through social media
 - n. threatening to share or sharing intimate images/video of someone without consent
 - o. ongoing unwelcome contact (e.g. in person, by phone, via social media) following the end of a consensual relationship.
- 2.7. It is important to recognize that sexual harassment can involve behaviours which some individuals may consider 'normal' or 'in good fun', however they may be experienced as distressing or offensive to others.
- 2.8. It should not be assumed that a person consents to another person's behaviour simply because they have not complained about it. Power imbalances and concerns about victimisation or reprisal may prevent the person from expressly objecting to the behaviour.
- 2.9. Some forms of sexual harassment are also criminal offences. Sexual assault (commonly referred to in the community as rape and attempted rape), sexual touching without consent and other sexual acts without consent are serious criminal offences.
- 2.10. There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. A broader pattern of behaviour can also constitute sexual harassment.
- 2.11. Sexual harassment can occur in any location where members are undertaking authorised RFS activities. It can also occur outside the physical workplace of the RFS, and outside business hours, including during work related functions such as conferences, training courses and seminars, RFS related social events and trips.
- 2.12. Sexual harassment can be perpetrated by any individual to any other individual within the RFS, regardless of sex, age or position within the RFS.

What is not sexual harassment?

- 2.13. Sexual or romantic interaction that is entered into freely and is reciprocated between consenting adults is not sexual harassment. This includes sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated action.
- 2.14. This does not mean that consensual sexual or romantic interactions between members are always appropriate. Members may face disciplinary action where their actions adversely affect other members, or a conflict arises between their personal interests and their RFS responsibilities which is not managed appropriately.

Risk factors for sexual harassment

- 2.15. In addition to the prevention and risk management strategies described in SS1.1.42 Respectful and Inclusive Workplace leaders and managers should regularly identify and assess specific risk factors for sexual harassment, including:
- a. working after hours with minimal supervision
 - b. working in restrictive spaces like cars or small rooms
 - c. isolated work locations
 - d. a work environment or culture that is sexually charged or hostile, even if the conduct is not directed at a particular person
 - e. functions or events where alcohol is consumed

Gender equality, diversity and inclusion

2.16. Diverse and inclusive workplaces are essential for building safe and respectful workplace environments that are free from sexual harassment. Addressing gender inequality is fundamental to eliminating workplace sexual harassment culture.

Reporting sexual harassment

2.17. The RFS strongly encourages individuals who have been sexually harassed or have witnessed sexual harassment to report the behaviour.

2.18. The RFS will take all reports of sexual harassment seriously. The response to the report will be guided by the person making the report.

2.19. Bystanders who witness sexual harassment are encouraged to:

- a. provide support to the person who is being subjected to sexual harassment;
- b. formally or informally challenge concerning behaviour (if it is safe and they feel confident enough to do so);
- c. report sexual harassment.

Breaches

2.20. Sexual harassment and other behaviour that contravenes this policy may amount to misconduct under the GSE Act, or a breach of discipline under the Rural Fires Act, and may otherwise be unlawful. The RFS will deal with misconduct and disciplinary matters in accordance with the requirements of s.69 of the GSE Act, the Government Sector Employment Rules 2014 (NSW), the Rural Fires Regulation 2022, applicable laws and any other relevant industrial or policy instruments.

SOP 1.1.42-2

Bullying Prevention

1. Purpose

- 1.1. The RFS is committed to taking a proactive and holistic approach to prevent bullying in the workplace. This is consistent with work health and safety legislation.
- 1.2. All members should understand what bullying is, how to prevent it, and how to respond to it in a way that minimises harm and ensures they meet their legal responsibilities.

2. Bullying in the Workplace

What is bullying in the workplace?

- 2.1. Bullying is repeated and unreasonable behaviour by a person or group of people that is directed towards a member or a group of members at work that creates a risk to health and safety.
 - Repeated behaviour means it is persistent and can involve a range of unreasonable behaviours over time.
 - Unreasonable behaviour is behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable. Unreasonable behaviour includes any behaviour that victimises, humiliates, intimidates or threatens another member.
 - A risk to health and safety means the possibility of danger to health and safety; it is not confined to actual danger to health and safety.
- 2.2. Bullying is in breach of the RFS Code of Conduct. Bullying also creates a risk to the health and safety of individuals, work groups and ultimately the RFS.
- 2.3. Bullying behaviour can occur regardless of the presence of a protected characteristic.
- 2.4. Examples of behaviour, that may be considered to be bullying if they are repeated, unreasonable and create a risk to health and safety include:
 - a. harassment;
 - b. abusive, insulting or offensive language or comments;
 - c. threats or acts of physical violence (this may also constitute a crime under the *Crimes Act 1900 (NSW)*);
 - d. shouting or screaming;
 - e. unjustified criticism or complaints;
 - f. intimidating aggressive body language;
 - g. humiliating an individual through sarcasm, criticism or insults;
 - h. continuously and deliberately excluding someone from regular workplace activities;
 - i. intentionally withholding information that is vital for effective work performance;
 - j. deliberately setting unreasonable timelines or constantly changing deadlines;
 - k. deliberately setting tasks that are unreasonably below or beyond a person's skill level;
 - l. spreading misinformation or malicious rumours;
 - m. deliberately changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers; or

- n. excessive scrutiny at work.
- 2.5. Bullying can occur in any location where members are undertaking authorised RFS activities. It can also occur outside the physical workplace of the RFS and outside business hours, including during work related functions such as conferences, training courses and seminars, RFS related social events, and trips.
- 2.6. Bullying can be perpetrated in person as well as via email, social media (e.g. Facebook, Twitter), phone calls and/or text messages. Commentary on social media, whether on private or public sites or with work or personal devices, can in certain circumstances amount to workplace bullying.
- 2.7. It does not matter if the behaviour was intended as a joke, a compliment or as 'a bit of fun'. If the behaviour is repeated, unreasonable and creates a risk to health and safety – it may be considered bullying.

What is not bullying?

- 2.8. A single incident of behaviour is not considered bullying. However, a 'one off' incident may have the potential to escalate and should not be ignored.
- 2.9. Behaviour that would not be considered as bullying may include:
 - a. fair and reasonable performance management;
 - b. getting constructive feedback or counselling from a supervisory officer on work; performance or behaviour that is intended to assist the member;
 - c. having a different opinion and/or a disagreement;
 - d. reasonable managerial actions carried out in a reasonable way;
 - e. authoritative and reasonable action to ensure workplace health and safety;
 - f. allocating appropriate work to a member, setting reasonable goals, standards and deadlines;
 - g. making a complaint about a member's conduct in any workplace, if the complaint is made in a proper and reasonable way;
 - h. disciplinary action;
 - i. ensuring Service Standards and policies are implemented and adhered to;
 - j. making a decision not to select employee member for promotion (where the decision is in accordance with merit based principles);
 - k. rostering and allocating reasonable shifts or working hours;
 - l. taking action to transfer an employee in accordance with the *Government Sector Employment Act 2013* (GSE Act) and Rules; or
 - m. implementing organisational change.

Responding to one-off instances of behaviour

- 2.10. Prompt responses to apparently isolated or one-off instances of poor behaviour are vital for preventing workplace bullying. If poor behaviour is tolerated by managers, employees assume it is acceptable and over time one-off instances become entrenched, normal behaviour. Each action contributes to setting the accepted standard of behaviour for the workplace.

SOP 1.1.42-3

Discrimination and Vilification Prevention

1. Purpose

- 1.1. The RFS is committed to taking a proactive and holistic approach to prevent discrimination and vilification in the workplace.
- 1.2. All members should understand what constitutes unlawful discrimination, how to prevent it, and how to respond to it in a way that minimises harm and ensures they meet their legal responsibilities.

2. Discrimination and Vilification in the Workplace

What is unlawful discrimination?

- 2.1. Discrimination occurs when someone is treated differently or unfairly because they have, or are assumed to have, a characteristic that is protected by law in NSW.
 - Age discrimination occurs when someone is treated less favourably because of their age.
 - Carers' responsibilities discrimination occurs when someone is treated less favourably because they are, have been, are thought to be, or in the future may be responsible for caring for or supporting an immediate family member or a child.
 - Disability discrimination occurs when someone is treated less favourably because they have, have had, are thought to have, or in the future may have a disability. Disability includes physical, intellectual and psychiatric disabilities, learning and emotional disorders.
 - Homosexual discrimination occurs when someone is treated less favourably because they are homosexual, or someone thinks they are homosexual.
 - Marital discrimination occurs when someone is treated less favourably because of their marital or domestic status (for example, if they are single, or married, or living in a de facto relationship).
 - Race discrimination occurs when someone is treated less favourably because of their race, colour, ethnic background, ethno-religious background, descent or nationality.
 - Sex discrimination occurs when someone is treated less favourably because of their gender. This includes a person being treated unfairly or not given the same opportunities because they are pregnant, or because they are breastfeeding.
 - Transgender (transsexual) discrimination occurs when someone is treated less favourably because they are transgender or others think they are transgender. An individual is defined as transgender when they live or seek to live as a member of the opposite sex.
- 2.2. It is also unlawful to treat someone less favourably because they have a family member, or associate with people, who are:
 - a particular race, colour, nationality, ethnicity, descent, or ethno-religious background;
 - homosexual;
 - transgender;
 - pregnant and/or breastfeeding; or
 - of a particular marital or domestic status.

- 2.3. Discrimination may be behaviour of an ongoing pattern, or it may just be a single act.
- 2.4. Discrimination can be either direct or indirect. Both types of discrimination are against the law and will not be tolerated by the RFS.
- 2.5. Direct discrimination occurs when a person is treated less favourably because they have a protected characteristic than compared to someone who does not have that characteristic, in the same circumstances.
- 2.6. Indirect discrimination occurs when a requirement or rule is in place that appears to be neutral and the same for everyone but in effect disadvantages people from a particular group more than people from other groups. For example, the requirement that an employee be over 180cm tall to do a certain job could indirectly discriminate against women and some ethnic groups (sex or race discrimination).
- 2.7. It does not matter if the behaviour was intended as a joke or as 'a bit of fun'. By law, if someone is treated differently or less favourably because they have a particular characteristic - it may be considered discrimination.

What is not unlawful discrimination?

- 2.8. Treating someone differently may not necessarily be unlawful discrimination. An action may not be considered discrimination when it is:
 - a. permissible under NSW anti-discrimination laws, for example with respect to a genuine occupational qualification or the inherent requirements of a role, including any adjustments which would impose an unjustifiable hardship on the RFS;
 - b. a legitimate, reasonable and fair supervisor/managerial action to direct and control how work is done in the workplace; or
 - c. a legitimate, reasonable and soundly based supervisory/managerial action to ensure workplace health and safety.

What is vilification?

- 2.9. Vilification is any form of communication to the public (such as speaking, writing, printing, displaying notices or on social media), any conduct observable by the public (such as actions and gestures and wearing or display of clothing, signs, flags, emblems or insignia), and the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for or severe ridicule of a person or group of persons on the ground of their:
 - religious belief or affiliation;
 - race (including colour, nationality, descent and ethnic, ethno-religious or national origin);
 - homosexuality;
 - transgender status; or
 - HIV/AIDS status.
 - Vilification may be an ongoing pattern of events or a single act.
 - Vilification is unlawful and will not be tolerated by the RFS.

What is not vilification?

- 2.10. Vilification does not cover acts that are not public.