**

APVMA Policy

# Workplace Respect

## Direction to staff

This document is instructional material for the Australian Pesticides and Veterinary Medicines Authority (APVMA) under its Practice Statement Framework. All staff must comply with it.

## Purpose of this document

The purpose of this document is to communicate APVMA’s expectations in relation to workplace respect including matters relating to bullying, harassment and discrimination.

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## Foreword

Everyone at the Australian Pesticides and Veterinary Medicines Authority (APVMA) has a responsibility to contribute to a safe, respectful and supportive work environment, where staff work together to foster an inclusive workplace and can perform at their highest potential.

Employees under the *Public Service Act 1999* (the PS Act) are required to uphold the Australian Public Service (APS) Values and Code of Conduct at all times by displaying honesty, integrity, care, diligence, respect and courtesy. It is everyone’s responsibility to contribute to an environment free of harassment, bullying and discrimination, and these behaviours will not be tolerated in our workplace.

Managers and supervisors have particular responsibilities including being alert to issues in the workplace and taking timely action in response to reported or observed behaviour that is inconsistent with the standard required by the APVMA, including harassment, bullying or discrimination.

In circumstances where a concern or complaint arises, the APVMA will take prompt action and provide all involved with the necessary support and resources to resolve the concern or complaint.

By upholding and demonstrating the APS Values and requirements of this policy, together we can ensure our workplace is one where staff feel supported, motivated and committed, and work collaboratively to achieve the best results for the APVMA, Australian Government and the public.

Lisa Croft  
Chief Executive Officer

15 July 2022

## Policy statement

The Australian Pesticides and Veterinary Medicines Authority (APVMA) is committed to promoting a positive workplace culture and respectful workplace that is safe, healthy and fair, and one where all employees work together with respect, courtesy and professionalism. This policy sets out APVMA's expectations of all staff, and how complaints of inappropriate behaviour will be dealt with.

## Application

This policy applies to all ongoing and non-ongoing employees of the APVMA. This includes all part time, casual, irregular and intermittent employees who are employed with the APVMA under the [*Public Service Act 1999*](http://www.comlaw.gov.au/Details/C2012C00319). This policy also applies to all persons who are classified as workers (referred to from this point forward as employees) for the purpose of the *Work Health and Safety Act 2011* (Cth). This includes contractors, subcontractors, trainees, work experience students and volunteers.

Nothing in this policy prevents an employee from using the dispute resolution procedures in the APVMA Enterprise Agreement and/or referring a matter to the Fair Work Commission or the Australian Human Rights Commission, where applicable.

## Objective of this policy

This policy provides information about, and definitions of, respectful behaviour, discrimination, harassment and bullying. It also sets out the responsibilities of employees, managers and others, and the procedures to apply if employees believe their treatment has been less than appropriate.

## Legislative framework

Agency Heads have an obligation under section 12 of the [*Public Service Act 1999*](http://www.comlaw.gov.au/Details/C2012C00319)to “*uphold and promote the APS Values and the APS Employment Principles*”. All Senior Executive Service employees have an obligation under subsection 35(2) (c) to promote the APS Values, the APS Employment Principles and compliance with the Code of Conduct by “*personal example and other appropriate means”*.

The following sections of sections 10, 10A and 13 of the [*Public Service Act 1999*](http://www.comlaw.gov.au/Details/C2012C00319) (the APS Values, Employment Principles and the APS Code of Conduct) are relevant to workplace bullying and harassment:

* “*The APS respects all people, including their rights and their heritage*” – subsection 10(3)
* “*Provides flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued*” – subsection 10A(1)(e)
* ”*Provides workplaces that are free from discrimination, patronage and favouritism*” – subsection 10A(1)(f)
* ”*An APS employee, when acting in connection with APS employment must treat everyone with respect and courtesy, and without harassment*” – subsection 13(3)
* “*An APS employee must at all times behave in a way that upholds the:*  
  (a) *APS Values and APS Employment Principles*  
  (b) *integrity and good reputation of the employee’s agency and the APS*” – subsection 13(11).

The[*Work Health and Safety Act 2011*](http://www.comlaw.gov.au/Details/C2011A00137) (WH&S Act) and the [*Safety, Rehabilitation and Compensation Act 1988*](http://www.comlaw.gov.au/Details/C2012C00098) (SRC Act) also impose obligations on APS agencies as employers including:

* A duty of care, so far as is reasonably practical to ensure ‘*the provision and maintenance of a work environment without risks to health and safety.’* – subsection 19 (3)(a) of the WH&S Act
* Responsibilities of Agency Heads in relation to employees who are suffering from injuries *‘arising out of or in the course of employment’* - section 6 of the SRC Act*.*

Other relevant legislation includes:

* [*Sex Discrimination Act 1984*](http://www.comlaw.gov.au/Details/C2012C00313)
* [*Age Discrimination Act 2004*](http://www.comlaw.gov.au/Details/C2012C00596)
* [*Disability Discrimination Act 1992*](http://www.comlaw.gov.au/Details/C2012C00110)
* [*Australian Human Rights Commission Act 1986*](http://www.comlaw.gov.au/Details/C2012C00585)
* [*Racial Discrimination Act 1975*](http://www.comlaw.gov.au/Details/C2012C00236)
* [*Fair Work Act 2009*](https://www.fairwork.gov.au/about-us/legislation)
* *Privacy Act 1988*

## Inappropriate behaviour

All APVMA employees are expected to behave appropriately in the workplace, or in connection with their employment.

Inappropriate behaviour includes:

* a failure to act with respect and courtesy
* bullying
* discrimination
* harassment (including sexual harassment)
* victimisation.

These terms are defined, with examples, below.

Inappropriate behaviour may constitute a breach of this policy. Breaches of this policy may be the subject of disciplinary action, up to and including termination of employment, under the *Public Service Act 1999* (Cth).

### 5.1 Respect and courtesy

The APS Code of Conduct requires APVMA employees, when acting in connection with their employment, to treat everyone with respect and courtesy, and without harassment.

Respectful behaviour is inclusive, courteous, polite and considerate. It displays personal integrity and professionalism and demonstrates respect for individual rights and differences. Respectful behaviour values others and focuses on positive communication. Individual differences should be respected, not disparaged.

Disrespectful or discourteous behaviour does not meet the standards of professional respect for other workers, and may include behaviour that is not bullying, harassment or discrimination. It includes behaviour that is inappropriate, rude, unpleasant, disturbing or offensive. This type of behaviour tends to hurt others, causes stress, or indicates a disregard for the emotions and welfare of others.

It should be noted that a difference of opinion is not, in itself, disrespectful behaviour, nor is a comment expressing disapproval of a particular behaviour.

Most disrespectful or discourteous behaviour should initially be addressed informally using the resources and procedures below. Often the person exhibiting this behaviour is not aware of the impact that it might be having on others, or it may be behaviour that has been misinterpreted.

### 5.2 Bullying

**Bullying** is defined in section 789FD of the *Fair Work Act 2009* (Cth) as when an individual or group of individuals **repeatedly** behaves unreasonably towards an employee or a group of employees of which the employee is a member, and that behaviour creates a risk to health and safety.

**Unreasonable** behaviour is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable. This includes (but is not limited to) behaviour that is victimising, humiliating, intimidating or threatening.

If effective control measures are put in place to address and resolve workplace issues early, a workplace can minimise the risk of bullying and prevent it from becoming acceptable behaviour in the workplace.

Examples of unreasonable behaviour, whether intentional or unintentional, include but are not limited to:

* abusive, insulting or offensive language or comments
* aggressive and intimidating conduct
* belittling or humiliating comments
* victimisation
* practical jokes or initiation
* unjustified criticism or complaints
* deliberately excluding someone from work-related activities
* withholding information that is vital for effective work performance
* setting unreasonable timelines or constantly changing deadlines
* setting tasks that are unreasonably below or beyond a person’s skill level
* denying access to information, supervision, consultation or resources to the detriment of the employee
* spreading misinformation or malicious rumours
* changing work arrangements such as rosters and leave to deliberately inconvenience a particular employee or employees
* overloading a person with work or allowing insufficient time for completion and criticising the employees work in relation to this.

If the behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.

### 5.3 What is not workplace bullying?

**Reasonable management action** carried out lawfully and in a reasonable manner is not bullying. Examples of reasonable management action include, but are not limited to:

* setting reasonable (e.g. realistic and achievable) performance goals, standards and deadlines
* transferring an employee to another area or role for operational reasons
* deciding not to select an employee for a promotion where a reasonable (e.g. fair and transparent) process is followed
* informing an employee about unsatisfactory work performance in an appropriate way
* informing an employee about unreasonable behaviour in an objective and confidential way
* implementing organisational changes or restructuring
* taking disciplinary action, including suspension or terminating employment.

### 5.4 Harassment

**Harassment** can be against the law when a person is treated less favourably on the basis of certain personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Some limited exemptions and exceptions apply. A single incident can constitute harassment, whether it is deliberate or not deliberate.

Harassment provisions are included across a range of legislation, including the following:

* Section 28A (1) of the *Sex Discrimination Act 1984* defines sexual harassment as when a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature in relation to a person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or offended. Sexual harassment is also unlawful under the *Fair Work Act* 2009 (Cth).
* Section 18C (1) of the *Racial Discrimination Act 1975* makes it unlawful to do an act, if the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people, and the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.
* Section 35(1) of the *Disability Discrimination Act 1992* makes it unlawful for a person to harass an employee in relation to a disability.

Harassment of a colleague outside of the workplace and / or work hours may constitute a breach of this policy.

Unlawful harassment can occur if someone is working in a ‘hostile work environment’. A hostile work environment can be caused by, for example, the sexual harassment of other colleagues or offensive remarks of a sexual nature made generally in the workplace.

### 5.5 Sexual harassment

**Sexual harassment** is when a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature in relation to a person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be humiliated or offended.

A person could also be sexually harassed by being exposed to or witnessing this kind of behaviour. For example, overhearing a conversation or seeing a sexually explicit image in the workplace.

Examples of sexual harassment might include:

* inappropriate physical contact, such as unwelcome touching
* staring or leering
* a suggestive comment or joke
* a sexually explicit picture or poster
* an unwanted invitation to go out on dates
* a request for sex
* intrusive questioning about a person's private life or body
* unnecessary familiarity, such as deliberately brushing up against a person
* an insult or a taunt of a sexual nature
* a sexually explicit email or text message.

Sexual harassment does not have to be repeated or continuous. It can be a one-off incident.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

### 5.6 Discrimination

**Discrimination** is less favourable treatment of a person, or a group of people, based on their background or certain personal characteristics:

* Marital or relationship status
* Pregnancy or potential pregnancy
* Breastfeeding
* Family or carer's responsibilities
* Sexual orientation
* Gender identity
* Intersex status
* Race, colour, descent, national or ethnic origin, national extraction, ethnicity or social origin
* Disability – this includes physical, mental, intellectual or psychiatric disability, past, present or future disability, having a carer, assistant, assistance animal or disability aid, or having an associate with a disability
* Age
* Religion
* Political opinion
* Industrial activities
* Exercise of a workplace right
* Status as a defence reservist

Discrimination is unlawful, and defined differently, under various legislation, including the *Fair Work Act 2009* (Cth), *Sex Discrimination Act 1984* (Cth), *Racial Discrimination Act 1975* (Cth), *Disability Discrimination Act 1992* (Cth) and *Age Discrimination Act 2004* (Cth).

Discrimination can occur directly, when a person or group is treated less favourably than another person or group in a similar situation, or harassed, because of a personal characteristic, or the assumption of a personal characteristic currently or at some time in the future.

Discrimination can occur indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a particular personal characteristic.

### 5.7 Victimisation

**Victimisation** is unlawfully subjecting or threatening to subject someone to a detriment because they have (or propose to) assert their rights under equal opportunity law, made a complaint, helped someone else make a complaint, been part of an investigation (such as a witness) or refused to do something because it would be inappropriate interpersonal conduct.

For example, a person may be victimised when they have:

* complained to a manager or co-employee about being discriminated against, bullied or harassed
* made a complaint to an external authority (e.g. Australian Human Rights Commission, Commonwealth Ombudsman etc).

Acts of victimisation can include:

* threats to harm or punish
* excluding the person from social or work interactions, or from opportunities
* demoting them
* abusing, belittling, berating or insulting a person in front of others.

All employees must ensure that an employee is not victimised or otherwise disadvantaged in any way as a result of making an internal or external complaint or raising a grievance or acting as a witness to a complaint. Any such victimisation may attract criminal proceedings.

## Roles and responsibilities

The following table outlines the roles and responsibilities under this policy.

| Role | Responsibility |
| --- | --- |
| Employees | All APVMA employees have obligations for creating a positive, respectful and courteous workplace by:   * behaving appropriately in connection with their employment * embracing diversity and supporting an inclusive workplace * recognising and appreciating different working styles and perspectives * contributing to open communication and information sharing.   If you become aware of an incident of inappropriate behaviour, either by witnessing the incident or being told of it, you must report the incident to your manager, supervisor or the Director, People and Governance. |
| Managers and Supervisors | In addition to employee responsibilities, managers and supervisors are responsible for:   * modelling appropriate behaviour at all times * acting on any matter brought to their attention in accordance with this policy * monitoring potential for and acting promptly on, inappropriate behaviour. |
| People and Culture team | The People and Culture team will:   * provide advice and support on processes supporting the resolution of workplace issues at a local level where appropriate (e.g. through mediation, counselling etc.) * facilitate or undertake a prompt investigation (informal/formal) into any inappropriate behaviour reported * handle reports of inappropriate behaviour in accordance with the principles of natural justice * report on trends and systemic policy, process and/or procedural deficiencies identified during investigations to positively assist with the APVMA’s strategic direction * closely liaise with all areas of the APVMA and other Commonwealth agencies, including the Australian Public Service Commission and the Merit Protection Commissioner, about APS Code of Conduct and ethical behaviour issues. |

## APVMA support

Inappropriate behaviour is a serious issue that can affect people in a number of ways. If you have been assaulted or fear that you may be assaulted you may wish to consider contacting the police.

**Employee Assistance Program**

The APVMA offers an [Employee Assistance Program](https://www.accesseap.com.au/employees/index.php) (EAP). The EAP is a free and confidential external counselling and advisory service accessible to all employees (and their immediate family members). Our provider is AccessEAP and is contactable on 1300 307 111. Any information the employee shares with their clinician will be in strictest confidence and will not be communicated further unless written authorisation is obtained from the employee.

**Workplace Contact Officer Network**

The APVMA will establish a Workplace Contact Officer (WCO) network within 2 months of this policy being approved. The WCO network is a group of employees who have volunteered and been trained as a point of contact for colleagues experiencing harassment, discrimination, bullying or victimisation. The network contributes to the APVMA’s commitment to a respectful and equal opportunity workplace – one that strives towards everyone having the right to be treated with respect and a responsibility to act with respect towards colleagues.

The aim of the WCO network role is to provide advice and support to employees who have general enquiries or concerns about workplace conduct by:

* promoting a positive work environment free from workplace harassment and discrimination
* providing impartial information, guidance and support on options to resolve issues and explain options available to prevent issues before they reach escalation point
* outlining APVMA’s policies and processes related to managing workplace issues
* referring employees to APVMA’s key support services, both internally and externally, for example, the Employee Assistance Program
* guiding employees to explore other options, if they are not able to resolve their issues or manage the situation (e.g. steps to take in formalising a complaint, or engaging formal resolution processes)
* encouraging the reporting of behaviour which breaches this Policy.

The names and contact details of the WCO will be prominently displayed in the workplace.

The role of WCO network is **NOT** to:

* try to resolve the issue – this is the responsibility of APVMA management
* act as an advocate on behalf of a complainant
* take sides in any complaint processes
* conduct an investigation into a complaint, take statements or talk to witnesses
* form a view about the merit of any allegations and not diminish or seek to excuse bullying or harassing behaviour
* counsel distressed or anxious employees

The APVMA will call for nominations from employees interested in becoming a WCO. Nominations are to be submitted using the Workplace Contact Officer Nomination Form (*refer to Attachment 2*).

## Reporting inappropriate behaviour

Employees who believe they have been, or are being subject to inappropriate behaviour are encouraged to discuss the relevant behaviour or conduct with one or more of the parties detailed below, as soon as practicable:

* Their supervisor or manager
* The People and Culture team
* A Workplace Contact Officer

Employees are also able to report inappropriate behaviour anonymously in writing to [respect@apvma.gov.au](mailto:respect@apvma.gov.au). To lodge an anonymous complaint, you can sign up for a free email account using an alias (e.g. <https://signup.live.com>) or send written complaint by postal mail marked as SENSITIVE and addressed to the Director People and Governance.

Your anonymous complaint should be as specific as possible about what happened, where the event/behaviour occurred, when (time and date), were there any witnesses to the behaviour etc. If insufficient information is provided in an anonymous complaint, the APVMA may not be able to investigate the complaint.

Early intervention may lead to faster and more effective management of the underlying behaviour or conduct.

An employee may also seek support or assistance from a counsellor from the APVMA [Employee Assistance Program](https://www.accesseap.com.au/employees/index.php) provider in relation to the matter.

The APVMA may not be able to investigate a complaint if the complaint:

* is alleged to be a criminal offence and any agency investigation could jeopardise any criminal process (e.g. sexual assault)
* has been satisfactorily resolved (unless further unlawful discrimination, harassment or bullying has since occurred)
* is false or misleading or if facts are distorted.

It may be necessary to take interim action, such as temporarily moving one or both/all parties to a different work area, until the situation is investigated or resolved.

Any interim action should not disadvantage the employee making a complaint in any way.

The method of resolution will depend upon the circumstances of the complaint. Informal resolution, where appropriate, is the preferred method of resolution. However, APVMA or the employee may choose to adopt the formal complaint process at any time, either within APVMA or externally (*refer to Attachment 1 – Resolving Inappropriate Behaviour Flowchart*).

## Resolving complaints informally

It is often in the best interest of all parties to resolve complaints informally at the management level closest to the parties.

Managers and supervisors should consult with the People and Culture Team about their proposed course of action.

In certain circumstances, a complaint may be resolved informally after agreement on a proposed course of action with input from the People and Culture team. For example, if an individual is not aware of the impact of their behaviour.

The fact that the behaviour was unintentional, or that an employee may not have been aware of their obligations, does not preclude appropriate action being taken to address the inappropriate behaviour.

## Responsibilities of supervisors and managers receiving complaints

Supervisors or managers must treat all reports of inappropriate behaviour seriously and action all complaints expeditiously.

If an employee makes a complaint to a supervisor or manager of inappropriate behaviour, the supervisor or manager must take the following steps in order of priority:

1. Be open, supportive and non-judgemental. Do not make, or agree to, any undertakings that could prejudice or compromise satisfactory resolution or any parties involved in the matter
2. Establish whether the complainant is still at risk. If so, take all reasonable steps to ensure no further harm or incidents of bullying, harassment or discrimination occur
3. Confirm whether the complainant expects action to be taken, noting that in some cases the manager will be required to take action
4. Establish the facts of the matter in as much detail as possible. Use the ‘who, what, where, when, why and how’ as prompts to acquire detail
5. Make a record of the meeting within 24 hours, preferably during the discussion as this will allow for re-checking and clarification of points
6. Seek the complainant’s feedback regarding their desired outcome. Be careful to avoid pre-judgement
7. Seek advice from the People and Culture Team as soon as possible to consider the most appropriate course of action

Caution is recommended at this point as no facts have been established and natural justice must be applied to all parties.

Managers can, following consultation with the Director, People and Governance, initiate an investigation without receiving a formal complaint if circumstances warrant this course of action.

Supervisors or managers must provide the following information to all parties to a complaint:

* Advise the parties involved of the process and proposed timing to resolve the complaint
* Let all parties know Employee Assistance Program counselling is available through AccessEAP
* Advise the parties involved in the matter to only discuss the matter with other parties legitimately involved with the matter, which may include an EAP counsellor or support person
* Advise an employee who has made a complaint, or has had a complaint made against them, that they are entitled to have a support person of their choice present at meetings in relation to the complaint
* Explain that in some circumstances further action may need to be taken regardless of the parties’ preferences and therefore no guarantee of confidentiality can be given

Once a complaint is resolved, supervisors or managers should:

* monitor the relevant work area/s after a resolution has been implemented to identify if the behaviour or conduct is repeated
* ensure no adverse action is taken against the complainant unless it is proven that the complaint was false and made in bad faith.

It is important that investigations of allegations of inappropriate behaviour maintain confidentiality with information provided only on a ‘need-to-know’ basis. Because of the sensitivity of material relating to workplace discrimination, special care should be taken to protect the confidentiality of any records relating to complaint processes.

Where a supervisor or manager is made aware of inappropriate behaviour, with or without a complaint, they may also choose to reinforce appropriate work behaviours with the work area, without identifying those involved in the matter. This might also include organising appropriate training in consultation with the Learning and Development Team.

## Formal process for all employees

Generally, a formal process is adopted where

* an employee wish to make a formal complaint
* a complaint is unable to be resolved informally between the parties or through informal resolution strategies, and it is unlikely that further informal strategies will resolve the issue
* the APVMA is obligated to treat the matter as a formal complaint due to its nature
* the behaviour/incident is serious or longstanding
* there is significant disagreement about what has occurred and what should happen.

Employees wishing to make a formal complaint are encouraged to seek further information and discuss their options with the People and Culture Team or a WCO.

Any formal complaint should be in writing and submitted to the Director, People and Governance providing details of the complaint, including the names of witnesses (if any) and a statement as to the desired outcome. The Director People and Governance will decide the action to be taken in respect of the complaint which could include conciliation, counselling, a Review of Action or Code of Conduct investigation.

All complaints will be treated seriously. As each complaint will differ, APVMA will determine the most appropriate method of dealing with the complaint. This may vary depending on the nature of the specific complaint and a number of other factors. For example, following receipt of a complaint, APVMA may take the following steps:

* Determine the best method of handling the complaint (which may include a number of possibilities including facilitated discussions, mediation or an internal or external investigation)
* Advise complainants of the likely steps that will be undertaken by APVMA in relation to the complaint (including anticipated time frames) including the confidentiality obligations in relation to the complaint
* Advise the person(s) who the complaint is about of the existence of the complaint, the nature of the complaint, the confidentiality obligations in relation to the complaint and seek their response at the appropriate stage in the management of a complaint.
* Collect any information APVMA considers necessary to properly review the complaint
* Advise the complainant, and the person(s) that the complaint is about of APVMA's response to the complaint and if appropriate, any action to be taken
* Advise the complainant, and the person(s) that the complaint is about, who will be making the enquiries on behalf of APVMA, and who will determine the outcome of the enquiries
* In some cases, appointing an external party to make enquiries in relation to, or to investigate the complaint

The APVMA will take whatever action it considers appropriate if there has been inappropriate behaviour, including disciplinary action up to and including dismissal, under the *Public Service Act 1999* (Cth). If the alleged inappropriate behaviour includes violence – for example physical assault or the threat of physical assault – the APVMA may report the matter to the police.

Nothing in this policy prevents the APVMA from taking action in relation to inappropriate behaviour in the absence of a complaint.

Once the APVMA process has been concluded, the employee may apply for a further review by the Merit Protection Commissioner[[1]](#footnote-2)if they are not satisfied with the outcome of the agency review. The review process allows for use of alternative dispute resolution methods where possible.

Other processes available for considering formal complaints made in respect of employees include:

* a formal investigation under the [APVMA’s procedures for investigating suspected breaches of the APS Code of Conduct](https://apvma.gov.au/node/10681)
* the dispute resolution mechanisms contained in the APVMA’s [Enterprise Agreement](https://apvma.gov.au/node/26806).

An employee making a complaint will generally be informed of whether or not the alleged complaint was established and that the matter has been dealt with. It may not, however, be possible to provide any additional information to the employee making the complaint, particularly in the case of Code of Conduct investigations.

The complainant, witnesses and the person(s) that the complaint is about, must treat the complaint confidentially and must not discuss the complaint, or the issues raised in the complaint with other employees.

If the complaint is vexatious, the complainant lies about or exaggerates a complaint, the complainant doesn't provide all the facts relevant to the complaint at the outset, or the complainant does not cooperate with the processes APVMA adopts to address the complaint, APVMA will view this as a very serious matter, and complainants may be disciplined or dismissed under the *Public Service Act 1999* (Cth).

## Frivolous or vexatious complaints

A frivolous or vexatious complaint is one that is falsely made, is not made in good faith or based on evidence or being pursued with the intention to harass, embarrass or annoy, to cause delay or detriment, or for another wrongful purpose.

The APVMA will not investigate reports that are considered frivolous or vexatious.

## Privacy and confidentiality of employee information

The APVMA must comply with obligations concerning the collection, storage, use and disclosure of an employee’s personal and sensitive health information in accordance with the APVMA Privacy Policy, *Privacy Act 1988* and the Australian Privacy Principles (APPs).

## Record keeping

It is important that employees document any action taken to address complaints. Records enable recurring patterns of behaviour or continuing problems in a particular work area to be identified and corrective action to be taken. In addition, adequate records will be essential if the matter leads to formal misconduct action, i.e. to determine whether the behaviour is a breach of the Code of Conduct and a sanction is to be imposed. Should there be questions as to whether a matter relating to inappropriate behaviour was properly handled, adequately maintained records may be vital in any later review of the processes undertaken.

## Public Interest Disclosure

Public officials (disclosers) who suspect wrongdoing within the Commonwealth public sector can raise their concerns under the *Public Interest Disclosure Act 2013* (PID Act). Public interest disclosure can be made in accordance with the APVMA’s established procedures at <https://intranet.nra.local/node/7724>.

## External complaints

Employees may choose to make an external complaint at any time although APVMA encourages employees to try and resolve complaints internally using this Policy. External complaint mechanisms may include:

* the Australian Public Service Commission [apsc.gov.au](http://apsc.gov.au))
* the Fair Work Commission ([fwc.gov.au](http://fwc.gov.au/))
* the Australian Human Rights Commission ([humanrights.gov.au](http://humanrights.gov.au))
* Commonwealth Ombudsman ([www.ombudsman.gov.au](http://www.ombudsman.gov.au))

There may also be avenues available to employees under the *Work Health and Safety Act 2011* (WHS Act). Employees wishing to explore those avenues may wish to discuss their concerns with a [Health and Safety Representative](http://intranet.nra.local/node/4149), consider the information available on [incident reporting](http://intranet.nra.local/node/2307) on the APVMA intranet, or seek further information from the Comcare website ([comcare.gov.au](https://www.comcare.gov.au/)).

## Complaints involving persons outside the APVMA

If employees, whilst performing their duties as APVMA employee, observe or experience discrimination, harassment or bullying directed at them or another employee, by a person outside the APVMA, they should advise their supervisor or manager immediately. The action taken will depend on the nature of the behaviour or conduct and the outside person involved.

Managers or supervisors should contact the People and Culture Team for further information if they receive or wish to submit a complaint.

## Further information

Further information in relation to unlawful discrimination, harassment and bullying is available from the following websites:

* [Australian Public Service Commission](https://www.apsc.gov.au/circulars-guidance-and-advice/circular-202105-covid-19-vaccinations-commonwealth-officials-travelling-overseas)
* [Comcare](https://www.comcare.gov.au/)
* [Fair Work Commission](https://www.fwc.gov.au/)
* [Commonwealth Ombudsman](https://www.ombudsman.gov.au/)
* [Australian Human Rights Commission](https://humanrights.gov.au/)

## Related material

* [APS Code of Conduct](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/aps-values/aps-values-employment-principles-and-code-conduct)
* [APVMA Procedure for Determining Breaches of the APS Code of Conduct](http://intranet.nra.local/node/2221)
* [Review of Actions](https://www.mpc.gov.au/review-actions#:~:text=The%20Review%20of%20Actions%20scheme,a%20fair%20system%20of%20review.)
* [APVMA Privacy Policy](http://intranet.nra.local/node/2219)

## Document information

The following table contains administrative metadata.

| Objective ID | Instructional material owner |
| --- | --- |
| A2763097 | Director People and Governance |

## Version history

The following table details the published date and amendment details for this document.

| Version | Date | Amendment details |
| --- | --- | --- |
| 1.0 | 15/07/2022 | First publication of this departmental policy. |

## Attachment 1 – Resolving inappropriate behaviour flowchart

**Management initiated processes**

* If required Management may initiate one or more of the following process:
* Code of Conduct investigation
* Workplace Health & Safety Incident Management

Refers to the fact that external complaint resolution forums can be activated at any time.

**Concern resolved**

**Informal Resolution Strategies**implemented by Supervisor or Manager, supported by P&C Team as required.

Employee identifies concern and discusses with Workplace Contact Officer, Manager or Supervisor or P&C Team to decide best resolution process to use.

**Appropriate action taken** (e.g. Investigation, disciplinary process etc)

**Formal Complaints**

An employee may elect to lodge a formal complaint without undertaking the informal process**.**

Additionally, if informal resolution strategies have failed, the complainant may make a formal complaint.

A formal complaint can be lodged in one of the following:

* Submit written complaint to the Director People and Governance
* Review of actions
* Incident Report

**External Complaint**

If employees consider that an external process is more appropriate, they may initiate an external complaint. These may include complaints to:

* the Human Rights Commission
* the Fair Work Commission
* Comcare
* Commonwealth Ombudsman
* the Australian Public Service Commission

## Attachment 2: Workplace Contact Officer Nomination Form

This form must be completed by an employee wishing to nominate for appointment as a Workplace Contact Officer (WCO). Please submit this completed nomination form to [respect@apvma.gov.au](mailto:respect@apvma.gov.au).

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **PART 1- To be completed by an employee wishing to nominate for a Workplace Contact Officer role.** | | | | | |
| **nOMINEE DETAILS** | | | | | |
| **Employee Name** |  | | | | |
| **Program** |  | | | | |
| **Section** |  | | | | |
| **Classification** |  | | | | |
| **Ongoing Employee** | **YES** | | | **NO** | |
| **Location** |  | | | | |
| **PART 2 – SELECTION CRITERIA - Please complete a brief response to each of the selection criteria listed below.** | | | | | |
| 1. **Understanding of and commitment to the APS Values, Employment Principles and Code of Conduct** | | | | | |
| **Response:** | | | | | |
| 1. **Strong communication, listening and interpersonal skills with an ability to communicate with a diverse range of people at all levels** | | | | | |
| **Response:** | | | | | |
| 1. **Approachable with an ability to deal with concerns impartially, sensitively and in a timely manner** | | | | | |
| **Response:** | | | | | |
| 1. **Ability to maintain appropriate confidentiality and professional judgement** | | | | | |
| **Response:** | | | | | |
| 1. **An understanding of APVMA policies and procedures relating to Workplace Respect and reporting inappropriate behaviour.** | | | | | |
| **Response:** | | | | | |
| 1. **Experience – do you have any relevant WCO experience? If so please provide a brief description of your experience. *(Note: experience is not required as training will be provided)*** | | | | | |
| **Response:** | | | | | |
| **Nominee SIGNATURE –** I have read and understand the role, responsibilities and training requirements of an appointed Workplace Contact Officer. Please accept my expression of interest. | | | | | |
| **Signature** |  | | **Email** | |  |
| **Date** |  | | **Phone** | |  |
| **PART 3 - DIRECTOR APPROVAL - To be completed by the nominating employee’s Director.** | | | | | |
| **DIRECTOR SIGNATURE –** I have read and understand the role, responsibilities and training requirements of an appointed Workplace Contact Officer and approve the above nomination. | | | | | |
| **Signature** | |  | **Name** | |  |
| **Date** | |  | **Title** | |  |

**Please submit this completed WCO nomination form to** [**respect@apvma.gov.au**](mailto:respect@apvma.gov.au). **Enquiries can be directed** **to the** [**Assistant Director People and Culture**](http://intranet.nra.local/staff-directory?realname=yates&field_program_tid=All&field_team_tid=All&field_position_type_tid=All&o_roles=All&sort_by=timestamp&sort_order=DESC)**.**

## Attachment 3 - Checklist for all employees – ‘I treat everyone with respect in the workplace’.

APVMA employees at all levels can demonstrate respect with the simple but effective actions listed below. These will also help to avoid situations where you may not be aware of how your behaviour is perceived by others. Consistently implementing these actions help to ensure a respectful, productive and professional workplace.

* I abide by and model the APS Code of Conduct and Values and I treat people with respect, courtesy and politeness.
* I treat others with courtesy and respect and show empathy.
* I praise much more frequently than I criticise.
* If I experience discrimination, bullying or harassment I don’t ignore it, I report it to the relevant manager or People and Culture.
* If I observe what appears to be harassment and bullying of another person I don’t ignore it, I report it to the relevant manager or People and Culture.
* I encourage others to express their opinions and ideas.
* I listen to what others have to say as well as expressing my own viewpoint.
* I don’t speak over, interject, or cut off another person when they are talking.
* I use people’s ideas to change or improve our work practices.
* I let others know when I used someone else’s idea or, better yet, I encourage the person with the idea to raise it with our manager.
* I do not shout, insult, swear, name call, gossip, disparage or put down people or their ideas.
* I do not seek out fault, constantly criticise over little things, belittle, judge, demean or patronise others as I know that a series of seemingly trivial actions, added up over time, can constitute bullying.
* I do not lean toward or stand over a person in a way that makes them feel uncomfortable or threatened.
* I treat people with respect regardless of their race, culture, religion, gender, disability, sexual orientation, size, age, or country of origin.
* I know that treating people differently may add up to a perception of harassment and/or create a hostile work environment.
* I include all relevant co-workers in meetings, discussions, training and events. I know that while it is not always possible or appropriate for every person to participate in every activity, I don’t marginalise or exclude anyone when they should be involved.
* I know that harassment and bullying takes many forms and I will not confuse it with legitimate management action undertaken in a reasonable way.
* I share work information with team members to assist them in their jobs.

## Attachment 4 - Personal checklist for Managers – ‘I treat everyone with respect in the workplace’

I do not tolerate unfair, harassing or bullying behaviour, or any behaviour that risks a complaint of discrimination, harassment or bullying.

* I communicate regularly with my employees and make sure that all employees in my team feel able to come to me (or, if necessary, another manager) with any work related problem.
* I act immediately if I suspect, see, hear or am informed about any discrimination, harassment or bullying, or about any behaviour that risks a complaint of discrimination, harassment or bullying.
* I make non-discriminatory management decisions based on operational needs and in line with the APVMA’s policies and procedures.
* I communicate management decisions openly and make myself available to discuss them with employees. In particular, I can explain the rationale behind my decisions to those affected by them.
* I am outcomes-focused, but wherever possible I am flexible about when, how and where work is done.
* I make sure the workplace is free of all forms of stereotyping and harassing material.
* I follow up any behaviour changes that could indicate that discrimination, harassment or bullying is going on.
* I try to resolve all people and work issues fairly, promptly, and seek confidential advice and support to do so when needed.
* I provide an equal opportunity for relevant employees to professional development and any other development opportunities.
* I acknowledge the good work and effort of all team members.

1. *The Merit Protection Commissioner is a statutory position located with the Australian Public Service Commission. A key part of the Merit Protection Commissioner's role is to help agencies meet the requirements of the APS Values, Principles and Conduct by providing independent external review of actions affecting individual APS employees.* [↑](#footnote-ref-2)