



Queensland  
**Human Rights**  
Commission

# Workplace behaviour policy

November 2020

Approved

A handwritten signature in black ink, appearing to read "Scott McDougall".

Scott McDougall  
Commissioner  
5 November 2020

---

# Table of Contents

Introduction ..... 3

Our organisational values ..... 3

Our standards of behaviour ..... 4

A guide for ethical decision making ..... 19

Upholding this policy ..... 20

Further information and assistance ..... 21

Policy administration ..... 22

## Introduction

The purpose of this policy is to provide you with a clear understanding of the standard of behaviour required of you in performing your role as an employee of the Queensland Human Rights Commission. You have an obligation to familiarize yourself and act in accordance with this policy. See: Code of Conduct for the Queensland Public Service (QPS Code of Conduct), standard of conduct 3.1.e which states we will adhere to the policies, organisational values and organisational documents of our employing agency.

Given the diverse range of activities that each of you are involved in on a day-to-day basis, this policy does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it represents a broad framework for ethical and inclusive behaviour.

This policy places an obligation on all of us to take responsibility for our own behaviour. It also provides a basis for disciplinary action for those who fail to meet their obligations to maintain public trust and confidence in the integrity and professionalism of the Commission and the Queensland public service.

If there is any doubt about the intended meaning of this policy, seek advice from your manager, the Director, Engagement and Corporate Services or refer directly to the relevant legislation.

While you are on leave or in your own personal time, you have the same rights as other citizens. However, as you are also a public official and perceived as such by the community, you have a responsibility to conduct yourself in a manner that will not undermine public confidence in the integrity of the Commission. You must avoid engaging in conduct in your private capacity that reflects seriously and adversely on the public service. Doing so may amount to misconduct and result in disciplinary action.

We are all responsible for implementing this policy in our workplace, building a positive workplace culture and ensuring that our behaviour reflects the standards of conduct referenced in the QPS Code of Conduct. Managers/supervisors have a specific responsibility to support employees in achieving these goals by:

- Leading by example;
- Assisting employees to understand this policy
- Pro-actively managing the work performance and personal conduct of public service employees under their management; and
- Taking prompt and appropriate action to address cases of unacceptable work performance or personal conduct.

## Our organisational values

Independence:	We value our independence and the rule of law
Respect:	We treat everyone with respect and dignity. We acknowledge fundamental human rights.
Inclusion:	We foster collaboration among diverse staff and stakeholders. We learn from each other and share what we know. We prioritise accessibility of our services and communications

Diversity:	We support a workplace culture that encourages diversity. We are responsive to the diverse needs of our clients
Integrity:	We are ethical and honest in our work. We make decisions that can withstand scrutiny. We are accountable for our actions and decisions.

## Our standards of behaviour

### Office etiquette

There are many benefits associated with an open plan office environment, including the opportunity for socializing, collaboration and sharing information. However, this kind of work environment also comes with its challenges. It is important to remember that everyone in the workspace has work to get done, and this should be the primary consideration at all times. While distractions and interruptions are a common cause of concern, it is also necessary to consider privacy and confidentiality when undertaking work in an open plan office.

Here are some tips for making the open plan workspaces enjoyable, yet productive for everyone:

- Respect the need to work. Avoid starting conversations while someone is busy. If you need to say something, first ask if you can interrupt.
- Develop a quiet speaking voice.
- Adjust telephone ring loudness and set mobile phones to minimum ring or vibrate mode.
- Move to a quiet/meeting room for lengthy calls or conversations.
- Use meeting rooms for video or telephone conference calls, and hands-free calls.
- Listen to music and other audio using headphones.
- Use quiet rooms for confidential or private conversations.
- Have social catch ups and personal conversations during breaks.
- Avoid eating meals at your desk when others are working.
- Consider the effect odours have on others in shared areas, including perfumes and colognes, sweaty clothing and strong food smells.
- Allow yourself to be accessible to others, but adopt clearly understood signals for when you're busy and don't wish to be disturbed.
- Keep your work area tidy and contained to your designated workspace. Ensure there is not clutter or hazards in common areas or pathways.
- Respect the privacy of your work colleagues. Do not peer over their shoulder to see what they are working on or intentionally listen in on their conversations when not invited.
- Stay home if you are sick. If you absolutely must come to work, practice good hygiene such as sanitizing your workspace.
- Address issues that arise in shared workspaces. Not everyone works in the same way, and what is distracting to some may not be distracting to others. If someone does something you find disrespectful or distracting, speak to them calmly and politely about the issue.
- When using quiet and meeting rooms, ensure you have booked them using Outlook calendars. If you no longer require a room that you have booked, cancel your booking to allow others to use the room.

## Respect and inclusion

The QPS Code of Conduct states that *'we will treat co-workers, clients and members of the public with courtesy and respect, be appropriate in our relationships with them, and recognise that others have the right to hold views which may differ from our own'*. This means:

- Treating all people with respect, courtesy, and honesty and giving everyone a fair hearing;
- Respecting the dignity, rights and views of others, including different values, beliefs, cultures and religions;
- Being aware of the inherent power imbalance in client relationships. Taking special care to maintain a professional relationship that does not cross professional boundaries;
- Ensuring that your relationships with clients and other colleagues are professional and respectful of their rights and dignity;
- Treating others fairly and equitably when making decisions, taking actions and treating others without favouritism;
- Responding to the reasonable demands of all clients in a helpful, courteous and timely manner;
- Seeking to ensure that clients within and outside the Commission are made aware of their proper rights and entitlements;
- Recognizing that other officials are also bound by obligations in their public duties;
- Avoiding offensive, abusive and discriminatory language and behaviour, workplace harassment and other forms of intimidation; and
- Not inducing employees to breach their industrial entitlements e.g. work unpaid overtime, restricting or limiting access to meal or toilet breaks.

You are obligated to maintain impartiality and not allow personal beliefs to influence your judgments and decisions on work-related matters. People who come into contact with the Commission are sometimes anxious, upset and unfamiliar with the procedures of the Commission. By being courteous, helpful and sensitive to their needs, these stresses can be minimized.

## Human rights

All QHRC staff are expected to act in accordance with the *Human Rights Act 2019* which protects the human rights of all people in Queensland, including staff and clients of the Commission.

Protecting human rights recognises that all people have inherent dignity and worth. Respecting human rights is part of who we are and what we value at the Commission. Acting and making decisions in a way compatible with human rights helps us to make better decisions, based on principles of dignity, respect, equality, freedom and the rule of law.

QHRC and its employees must consider human rights in decision making, actions and interactions with the community. This means that you must:

- Act and make decisions in a way that is compatible with human rights
- Give proper consideration to human rights in making decisions.

Human rights are not absolute – they must be balanced against the rights of others and public policy issues of significant importance. Rights may be lawfully limited in some

circumstances. You can find more information about human rights and decision making at: <https://www.qhrc.qld.gov.au/your-responsibilities/for-public-entities/acting-and-making-decisions-in-accordance-with-human-rights>

## Workplace harassment (bullying)

Workplace harassment, or bullying, is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

The national Guide for Preventing and Responding to Workplace Bullying specifies that:

- Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
- Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- A single incident of unreasonable behaviour is not considered to be workplace bullying, however it may have the potential to escalate and should not be ignored.
- If workplace bullying behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.
- Reasonable management action taken in a reasonable way is not considered to be workplace bullying. It is reasonable for managers and supervisors to direct and control the way work is carried out and to allocate work and give feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

As an employer, the Commission has an obligation under the *Work Health and Safety Act 2011* to provide a safe workplace. Bullying can create a risk of or cause actual physical or psychological injury to employees. The *Industrial Relations Act 2016* (Qld) includes anti-bullying provisions.

All QHRC employees are expected to meet health and safety obligations by not engaging in workplace harassment, not tolerating unacceptable behaviour and immediately reporting incidents of workplace harassment to an appropriate person such as their immediate supervisor, an Equity Contact Officer or a manager.

Managers and supervisors at all levels are responsible for ensuring that appropriate standards of behaviour are maintained in the workplace. They are required to take all necessary action to identify and address any issues of workplace harassment promptly.

For more information on workplace bullying, please access the [Guide for Preventing and Responding to Workplace Bullying](#), and [Dealing with workplace bullying – a worker's guide](#), from Safe Work Australia.

## Discrimination and sexual harassment

Unreasonable behaviour may involve discrimination or sexual harassment which in isolation may not be considered bullying. Depending on the nature of the behaviour, it may instead be discrimination or sexual harassment.

As the statutory body responsible for receiving complaints of discrimination and sexual harassment in Queensland, it is particularly important for QHRC to model best practice in relation to the prevention and management of discrimination and sexual harassment incidents. As such, QHRC has a full *Discrimination and sexual harassment in the*

*workplace: prevention and resolution of complaints policy* that should be read in conjunction with this policy.

## Workplace conflict

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

The QPS Code of Conduct states that we will 'ensure our conduct reflects our commitment to a workplace that is inclusive and free from harassment'. Therefore we will not discriminate against, harass (including sexually harass), bully or mistreat employees, clients or members of the public. Managers are required to provide leadership in eliminating bullying and other aggressive or coercive behaviours and support employees who report genuine concerns of wrongdoing and manage any reports of suspected wrongdoing in a fair, transparent and consistent manner.

## Employee complaints

In accordance with Directive 2/17 Managing employee complaints, QHRC employees can make a formal complaint if they have an honest belief, based on reasonable grounds, that:

- An administrative decision, which they are aggrieved by, is unfair and unreasonable; or
- The conduct or behaviour of an employee, agent or contractor is unfair and unreasonable; or
- The conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality; or
- The conduct or behaviour of an employee is a breach of the Code of Conduct.

For further information about employee complaints, refer to the QHRC *Employee Complaints policy*.

Some complaints are excluded from the Employee Complaints policy because they relate to conduct dealt with under the *Crime and Corruption Act 2001*, *Public Sector Ethics Act 1994* and *Public Interest Disclosure Act 2010*. Complaints involving allegations of fraudulent or corrupt behaviour, or maladministration should be managed in accordance with the Public Interest Disclosure Policy.

Complaints alleging corrupt or fraudulent behaviour by the Commissioner should be managed in accordance with the *Complaints about the Commissioner, Queensland Human Rights Commission (QHRC)*, section 48A of the *Crime and Corruption Act 2001 policy*.

## Safety, health and wellbeing

Employers, employees and other persons in a workplace have specific obligations under the *Work Health and Safety Act 2011*. In essence, we all have an obligation to:

- Take all reasonable steps to ensure the safety, health and welfare in the workplace of yourself as well as your co-workers and clients;

- Report any workplace injury, illness, incident or risk to other employees or clients to your supervisor or manager, or workplace health and safety officer or representative;
- Familiarize yourself with the workplace health and safety obligations that are applicable to your work role and environment; and
- Consider that the obligations above that apply at the workplace also include work related activities and overnight stays related to work performed.

## Violent and aggressive behaviour

QHRC has zero tolerance for any form of aggressive, threatening, violent or abusive behaviour towards clients, employees or members of the public. You are not required to tolerate unacceptable behaviour and have the right to work in a safe and healthy work environment. Such behaviour should never be accepted as 'part of the job'.

If you believe that your or anyone else's personal safety is at risk, you are entitled to discontinue your dealings with the person, or member of the public, immediately and notify your supervisor or manager. You are required to report incidents of violent or aggressive behaviour and managers will investigate any incidents with a view to preventing or minimizing the risk of aggression and violence in the future. The Commission will ensure that appropriate security infrastructure is provided and that the system of work does not put any staff member at risk.

## Reprisal

Under the *Public Interest Disclosure Act 2010*, it is unlawful and a criminal offence to take reprisal action against individuals involved in making a Public Interest Disclosure (e.g. disclosing information about alleged corrupt conduct, criminal activity or maladministration). QHRC has a strong commitment to supporting any person who makes a public interest disclosure.

You have an obligation not to take reprisal action against any person whom you believe has made or will make a Public Interest Disclosure or against any person who assists others in making a Public Interest Disclosure (e.g. witnesses or investigating officials).

If an allegation of reprisal involving a public official is substantiated, such action will be considered a serious breach of the legislation and the official may be subject to disciplinary action and possibly criminal prosecution. The person who is the subject of the reprisal may also take civil action and seek compensation for detriment caused by a reprisal.

## Procedural fairness

Procedural fairness (or natural justice) is considered fundamental to decision-making in the public sector. It is concerned with ensuring that a fair decision is reached by an objective decision maker. You should also ensure that when making decisions that affect staff and clients that you have the appropriate human resources or financial delegation.

In making a decision, you should:

- Ensure that you do not have a direct or personal interest in the outcome of the decision (if you do, advise your manager/supervisor so that someone else can be appointed the task of making the decision);
- Provide people with an opportunity to put their case to the decision-maker, whether it is an oral hearing or otherwise;
- Hear all parties and consider all arguments and competing interests;
- Act fairly and without bias;



- Inform the person affected of relevant factors prior to the decision or action being taken;
- If requested, be able to provide a statement of reasons for the decision; and
- In notifying a decision, inform the client of any rights of appeal or action that can be taken, as well as the limitations of that action.

Ultimately, we must ensure that where any discretionary power is used, our decisions can be justified to our clients, supervisors, subordinates and anybody else affected by the decision.

## Supervisor/Manager behaviour

If you manage or supervise other staff, you have a responsibility to:

- Lead by example;
- Make fair, transparent and consistent decisions;
- Encourage teamwork;
- Treat all staff fairly, equitably, with consistency and respect, avoiding bias or favouritism;
- Address inappropriate behaviour promptly to avoid its escalation;
- Promote a culture of honesty, openness and direct face-to-face communication with all staff;
- Contribute to building a culture that respects and promotes human rights;
- Positively provide equitable opportunity and support for employees to improve their skills and performance;
- Ensure employees understand performance and conduct expectations and that their performance and conduct is objectively assessed against these standards;
- Provide clear and constructive feedback to employees and welcome employees' feedback;
- Take employee concerns seriously and where necessary act without delay;
- Identify and resolve workplace conflict at the earliest possible opportunity;
- Ensure that all staff are made aware of their responsibilities under the QPS Code of Conduct, this policy and any legislation and policies relevant to their duties;
- Ensure that the demands placed on staff are reasonable in the circumstances (e.g. staff have sufficient resources, assistance and/or skills to perform the work, and are given appropriate support);
- Allocate meaningful duties with regard for the staff member's skills and experience, relevant to the role they are undertaking;
- Monitor your own performance as a manager or supervisor to ensure you are making a positive contribution to the organisation and the work environment;
- Ensure that QHRC's policy and procedural requirements are met; and
- Deal justly with employees when mistakes are made.

Under s 26(2) of the *Public Service Act 2008*, a manager must take all reasonable steps to ensure each public service employee under their supervision is aware of the following:

- (a) The work performance and personal conduct expected of the employee;
- (b) The values of the public service and of the public service office in which the employee is employed; and
- (c) What constitutes corrupt conduct under the *Crime and Corruption Act 2001*.

Further, a manager must:

- (a) Proactively manage the work performance and personal conduct of public service employees under the manager's management; and
- (b) If a case of unacceptable work performance or personal conduct arises, take prompt and appropriate action to address the matter.

Equal employment opportunity principles require managers to ensure that all employees have equitable access to resources, training and development opportunities, promotion and consultative processes.

## Confidentiality of personal information

Due to the sensitive nature of personal information, you have an obligation to:

- Maintain confidentiality and adhere to any relevant legislation such as the *Right to Information Act 2009*, the *Information Privacy Act 2009* and/or policy provisions relating to the treatment of personal information;
- Access and use the information only for the purpose for which it was originally gathered or subsequently authorized; and
- Avoid providing even seemingly innocuous information to callers (e.g. the whereabouts of a staff member).

## Conflicts of interest

As a public official, you must ensure that your use of official powers or position does not give rise to an actual, potential or perceived conflict of interest.

The QPS Code of Conduct provides the standard of conduct you are held to in managing conflicts of interest. You have an obligation to avoid any conduct which would undermine public confidence in the QHRC or its functions and services.

This obligation requires that you ensure that your actions, conduct and relationships do not raise questions about your willingness and ability to:

- Discharge your public service responsibilities regardless of your personal political or ideological preferences;
- Use official powers, influence, resource and information properly;
- Maintain proper confidentiality of official information; and
- Avoid using the powers or influence of public office, official resources, or official information for personal or other improper advantage.

To identify whether or not a situation involves an actual, potential or perceived conflict between your public duties and a private interest, ask yourself:

- Could I or my family or friend/s benefit or appear to benefit directly or indirectly from this situation;
- Is my action, decision or recommendation one that a fair and reasonable person in a similar situation might make;
- Have all options been considered on an equal basis;
- Would my actions withstand public scrutiny, in particular, would a reasonable person consider that I was in a position to use my knowledge, access to resources, or influence to gain a benefit; and
- What is my duty as a public official?

If you are uncertain about whether the situation represents a conflict of interest, you are to approach your manager for assistance. If that person may be involved, approach the next level manager in the Commission, or the manager of another work unit.

If you have a private interest which could influence or appear to influence a decision, recommendation or action in carrying out your public duty, you have an obligation to:

- Disclose the relevant information in writing by completing the conflict of interest declaration form accessible from the QHRC intranet; and
- Take no further action that may be affected by the conflict, unless authorized by the Commissioner.

The Commissioner or delegate is responsible for resolving conflicts of interest (actual, potential or perceived) in a manner which protects the Commission's integrity and is consistent with the QPS Code of Conduct, the *Public Service Act 2008* and relevant legislation.

When considering suitable courses of action to avoid or minimize the conflict, whether actual, potential or perceived, the Commissioner or delegate may decide to:

- Rearrange the public official's duties;
- Request the public official to discontinue the private association or interest; or
- Authorize the public official to continue with normal duties, subject to certain conditions.

Once the matter is resolved, your written declaration will be kept confidential and held in the office of the Commissioner or delegate. Declarations of conflicts of interest are to be updated on a regular basis.

## Other employment

It is important that all employees are aware that concurrent employment in both the public and private or community (not for profit) sector may give rise to an actual, potential or perceived conflict of interest. This is particularly the case when the private or community work is in areas related to your official duties (e.g. working for a competing service provider or consultancy work). Depending on your circumstances, your ability to perform your duties efficiently and the Commission's credibility or integrity may be adversely affected.

QHRC does not prohibit other employment. However, all employees have an obligation to comply with the provisions of the QPS Code of Conduct, particularly those that relate to conflicts of interest and use of official information and resources. You are to ensure that any concurrent employment does not adversely impact your ability, health or wellbeing to safely and effectively perform your public duties or compromise the integrity of the Commission. For more information please access the [Department of Justice and Attorney-General Other Employment policy](#).

Other employment includes paid employment, operating your own business, paid consultancy services, part-time partnerships and directorships.

## Gifts and benefits

As a QHRC employee you should not use your position to gain advantage in your private life, for example by arranging jobs, transfers or benefits for family or friends. You should not directly or indirectly ask for, or encourage the giving of, any benefit or form of gift in connection with the performance of your official duties. You should not accept benefits which may give rise to an actual or perceived conflict of interest or that are likely to affect the performance of your duties.

If an offer of a benefit is made to you, you are to report this to your manager if you consider that the circumstances involve an attempt to gain favoured treatment, regardless of whether you accepted or rejected the offer.

Any gift accepted by a QHRC employee becomes the property of the Commission. The gift may be retained by QHRC or the employee may be allowed to retain the gift in accordance with the [Public Service Commission's Gifts and Benefits Directive and Gifts and Benefits Guideline](#) and the [DJAG Gifts and Benefits Policy](#).

A gift by way of a token minimal value such as flowers, a book etc. given publicly to a speaker at a conference or workshop is not intended to gain favour and is acceptable.

All gifts of a cultural or historical value become and remain the property of the Commission and gifts of money should not be accepted under any circumstances.

It is common practice for the private sector to use hospitality as a way to make contacts and win business. Some common practices in business include offers of lunch, entertainment, gifts, prizes or events. However participation in these practices may not be appropriate in your role as a public official. This does not mean you cannot accept some hospitality but the decision whether to accept or not is to be made on the same basis as accepting benefits as described above.

### Disclosure of official information

As a public official, you may have access to certain knowledge and information (both hard copy and electronic) that must be treated as confidential, especially where it concerns the personal affairs of individuals, commercially sensitive business information, and privileged government information (e.g. matters to be considered by Cabinet).

You do not need specific permission to disclose information:

- that is part of your work duties;
- where the release is authorised by statute, regulation or as required by law;
- that would normally be given to a member of the public; and
- where it is already available in the public arena (e.g. legislation, publications, internet, policies, press releases).

You have a duty to keep official information confidential, even when you have ceased employment as a public official.

You are not to release information to the media unless you are expressly authorised to do so.

For more information contact your manager, Right to Information Officer and review the *QPS Code of Conduct – Ensure appropriate use and disclosure of official information*.

### Ethical research and Intellectual Property (including Copyright)

QHRC information, which you generate as part of your official duties, whether produced in work or personal time, is deemed to be produced in the course of your employment. As such, this information is regarded as the Commission's intellectual property. QHRC is the

owner of the property unless there is an agreement stating otherwise. Therefore you have an obligation not to use the Commission's intellectual property for private purposes. For more information consult the [Public Sector Intellectual Property Principles](#).

The Commission may have discretion to use intellectual property for commercial purposes. When deciding who may benefit from the commercial use of the Commission's intellectual property, you are to consider the circumstances in which it was conceived, researched and developed. Also, consider the question of whether commercial or private use of the intellectual property may involve a conflict of interest.

If you are seeking to enter into an agreement regarding the publication or disclosure of any articles or materials which have been produced by QHRC, or by you or others as part of your official duties, you are to first obtain the approval of the Commissioner or delegate. Staff conducting research activities should consult and comply with relevant research guidelines and professional ethical standards.

### Use of information and communication technology (ICT) systems and devices

Networks such as the Commission intranet and its connection to the internet represent a potential risk to the integrity of the Commission and the security of its computer systems. For example, unauthorised access to and use of confidential information can severely damage the reputation of the Commission and its staff, undermine the personal privacy of citizens, and expose QHRC to costly litigation. In addition, unauthorised access and use of information can expose areas within the organisation that engage in commercial activity to commercial and business risks.

Limited personal use of communication and information systems and devices is permissible. This is in keeping with the Queensland Government's commitment to the development of a responsive and flexible public sector in which there is recognition of family and community responsibilities and their impact on work.

The following principles apply to the use of communication and information networks and devices within QHRC.

- Communication and information devices are provided for officially approved purposes only.
- You may use these communication and information devices for limited personal use, so long as it does not interfere with the ethical and efficient discharge of your daily duties.
- You may only transmit information via communication and information networks and devices if you are authorised to do so and in accordance with the relevant QHRC protocols.
- You may not share your password/s with another person, share another person's password/s, or record password/s where they may be found by others.
- Electronic messages, telephone and facsimile transactions, and electronic files are subject to record-keeping, archiving, Right to Information (RTI) requests, and audit and integrity requirements. Do not access or send material if you wouldn't be comfortable in justifying its appropriateness to the Commissioner.
- The use of ICT networks and devices within QHRC is monitored, and you may be called upon to explain your use of them. Your use must be able to withstand public

scrutiny and/or disclosure, and must comply with applicable laws, regulations, and QHRC policy.

- QHRC will not tolerate communication and information systems or devices being used for accessing, creating, sending, receiving, and/or copying inappropriate material. 'Inappropriate material' includes chain letters, indecent, obscene and pornographic material, discriminatory or defamatory material, and/or other potentially offensive material. Nor will it tolerate images and text that are considered inappropriate in the workplace and that could be seen as discrimination or harassment under the *Anti-Discrimination Act 1991* or this policy.
- Inappropriate use of these communication and information devices will result in potential breaches of the law being referred to the relevant law enforcement authority and suspected corrupt conduct will be reported to the Crime and Corruption Commission.

For more information on the use of communication and information devices, see the Whole-of-Government Use of Internet and Email Policy.

## Testimonials, referee reports, performance reports and letters of support

When preparing testimonials, referee reports or performance reports, you are to take care not to make false or derogatory statements about an individual, or make assessments, that cannot be substantiated, including exaggerating an individual's level of competence or achievements. Staff assessments must be accurate and without bias. There is a requirement under the Directive 15/13 [Recruitment and Selection](#) to allow an employee to respond to any negative assessment that is made via referee reports.

You may provide testimonial and referee reports using QHRC letterhead only when you are acting in an official capacity (i.e. commenting on the work performance of a current or former QHRC employee with whose work you are familiar). You can reveal your public service position/title in a private reference, the nature of which is not provided on official stationery.

Requests from community groups or organisations seeking letters of support to accompany their grant applications should be assessed in a fair, equitable and reasonable manner. The following considerations should form the basis of the assessment and the decision to accept or decline the request for a letter of support:

- Does the grant for which the group or organisation is applying have a clear community benefit which supports or enhances human rights, inclusion, diversity or social cohesion?
- Does the work of the group/organisation and the purpose of the related grant program align with QHRC's strategic direction and operational priorities?
- Does the request for a letter of support also include an expectation that the QHRC will work with the organisation to deliver activities under the relevant grant program? If so, has this been agreed by the relevant QHRC delegate in line with the operational and strategic priorities?
- Would providing a letter of support create an actual, potential or perceived conflict of interest for the individual QHRC employee, or the organisation?

Letters of support should be based on actual experience working with the group or organisation and a fair and balanced assessment of their ability to deliver the requirements of the grant program.

### Vexatious and false complaints

You must not knowingly or carelessly make false or misleading statements/allegations concerning the conduct of staff or clients of the Commission. Complaints, if found to be vexatious, and/or knowingly false or misleading, may result in a disciplinary process being initiated.

### Knowing the laws and policies that apply to your work

You have an obligation to have a working knowledge of the laws, directives, policies, industrial instruments and delegations (if any) that apply to your work. Managers and supervisors have an obligation to ensure that all staff have access to relevant policies, and that new employees have adequate induction. As with the general legal principle, ignorance is no excuse for non-compliance with a law, directive, policy, industrial instrument or delegation.

### Lawful and unlawful official instructions/decisions

You have an obligation to exercise your official powers lawfully and comply with all reasonable, lawful instructions and decisions related to your work. You have the right to question a direction or decision if it appears to be unlawful or unreasonable. Managers and supervisors should be open to positive and constructive questions about their directions. Anyone giving directions should ensure that they are lawful and consistent with the Commission's policies, standards and values. You must not pressure other QHRC staff to act contrary to laws, standards and procedures.

### Procedure for challenging an official instruction/decision

If you believe a direction is unreasonable, outline your concerns and ask for clarification from the person giving the instruction. Having done that to no avail, if you still believe it unreasonable you can ask for advice at a higher level.

If you are waiting for a higher authority to consider your objection, you should generally carry out the instruction unless you believe the instruction is obviously unlawful or unreasonable or could endanger a person's health or safety.

If you object to a lawful and reasonable instruction or decision on the basis of a sincerely held belief (e.g. religious, cultural or personal belief), you have an obligation to negotiate with the person giving the instruction/making the decision to resolve the situation, as this may constitute a conflict of interest.

If you reasonably believe the instruction or decision involves criminal activity, corrupt conduct or maladministration, you should report the matter in accordance with the *Public Interest Disclosure Policy*.

### Criminal offences

The *Public Service Act 2008* enables QHRC to conduct criminal history checks on new appointees in certain circumstances. The *Public Service Act 2008* also requires that should you be charged with any indictable offence, you are required to notify the Commissioner in writing immediately. If you are convicted of an indictable offence, whether or not you were a QHRC employee when you were charged, you are also required to notify the Commissioner in writing.

## Diligence, care and attention

QPS Code of Conduct states that we have an obligation to achieve high standards of public administration and perform our duties to the best of our abilities. This includes:

- performing your duties to the best of your ability with care, competence and efficiency and in a manner which bears public scrutiny;
- giving priority to your official duties over personal activities, while at work;
- applying your knowledge and skills to the best of your ability in performing your official duties;
- helping QHRC to achieve its mission and goals by sharing information and taking action to continuously improve organisational systems and practices;
- being familiar with and following all the legislation, directives, guidelines, standards, policies, and procedures etc. that are relevant to the performance of your duties;
- making all reasonable efforts to provide high standards of service to clients by exercising due care, particularly with members of the public who may rely upon the services you provide;
- exercising your obligations in relation to the health and safety of yourself and others;
- taking responsibility for any actions or decisions for which you are accountable, and being open and up front about reporting mistakes; and
- not allowing your own conduct to distract or prevent other officials from performing their duties diligently.

If you are responsible for managing or supervising others, you have an obligation to ensure that:

- your work and the work of others for whom you are responsible is consistent with QHRC's values;
- the work performance and conduct of staff is monitored and that staff are given constructive and regular feedback on their performance and conduct in accordance with legislation, policy and procedures;
- workloads are equitably distributed among staff members;
- staff are given opportunities to develop and maintain the knowledge and skills required to perform their official duties competently;
- appropriate action is taken where breaches of the QPS Code of Conduct have occurred; and
- you establish an open, honest, trusting environment to encourage high morale and job satisfaction.



## Acting professionally

You have an obligation to act professionally and abide by the QPS Code of Conduct, this policy and any code or set of standards governing the practice of your duties and profession. This includes:

- adhering to any relevant professional standards of conduct that are consistent with your official duties and professional capacity;
- dealing justly with colleagues when mistakes are made;
- maintaining where it is a requirement of your position, registration and providing evidence of it on an annual basis or when asked to do so;
- informing your manager immediately if there are any changes or restrictions placed on your registration or professional practice;
- avoiding situations where your behaviour could reflect badly on QHRC or impact on your workplace; and
- keeping your appearance and presentation clean, tidy and appropriate for your work role, and in line with occupational health and safety requirements.

## Leave and attendance

Leave should only be taken for the purposes for which it is intended. If you need leave for a personal reason, talk to your supervisor/manager about the options available. A medical certificate must be produced for absences of more than three days (in cases of ill health) but can be requested by your manager for shorter periods if you are subject to a process for monitoring performance or conduct.

You are required to adhere to QHRC's hours of work arrangement and industrial agreements/awards regarding attendance at work and leave (e.g. not being absent without authority and accurate recording of your work attendance and leave periods). You are not permitted to take smoking breaks, other than in your own time.

Planned leave should be requested and approved prior to making any travel plans or other permanent arrangements.

## Use of alcohol and other drugs

You have an obligation to ensure that the personal use of alcohol, drugs, prescription medication or other substances does not adversely affect the work performance and safety of yourself and others, or the integrity of QHRC.

Alcohol may not be consumed in any QHRC workplace, including social activities, without authorisation from the Regional Manager or Commissioner.

Abuse of alcohol and drugs which impacts on work attendance and or performance may provide grounds for diminished performance assessment and management.

If you are concerned that the medication you are taking may affect your work performance, alert your manager as alternative duties may need to be considered for the duration of the

course of treatment. If you are a supervisor or manager, you will need to consider the options available for assisting staff who are required to take legally prescribed drugs and whose level of performance has been or may be impaired.

If you are affected by alcohol or illicit drugs and are involved in a workplace or motor vehicle accident, you are likely to be held personally responsible for any injury or damage caused.

## Self-development

You have an obligation to develop your knowledge and skills, and to keep up-to-date with the latest changes related to your official duties. To achieve this, you are to take reasonable steps to identify and acquire the latest relevant information and knowledge. On occasions this may warrant applying for development opportunities. Your manager has a responsibility to support any reasonable and appropriate development requests, whenever possible.

## Using public resources for official purposes

It is an important expectation of the community that public officials use public resources efficiently, appropriately and with regard to relevant policies.

Public resources include not only material and financial resources, but also people skills and knowledge, work time, intellectual property, and official information. Intangible assets such as corporate learning, public support, positive staff morale, and professional commitment are also regarded as valuable assets.

The misuse or wasteful use of public resources is considered to be a serious matter and may constitute misconduct, corrupt conduct, or maladministration.

You have an obligation to ensure that public resources of all kinds are:

- used economically;
- used for the purpose for which they were provided;
- treated and maintained with appropriate care; and
- secured against theft or misuse.

## Private use of work resources

Private use of QHRC equipment and resources is acceptable so long as it does not affect your work, the work of others, or the reputation of the Commission.

The parameters are:

- occasional and brief use of information and communication technology systems and devices;
- minimal additional expense to the Commission is incurred otherwise costs are reimbursed (e.g. phone charges);
- primarily during the employee's non-work hours;
- does not violate the QPS Code of Conduct, *Public Sector Ethics Act 1994*, *Public Service Act 2008* or related State and federal legislation and regulations.

You are not to use public resources for the purpose of private employment, profit or benefit. Using public resources in this way represents a conflict of interest and also may involve misconduct or corrupt conduct.

If you are a supervisor or manager who has responsibility for staff and other resources, consider the following questions to help you decide, in particular cases, whether public resources may be used for non-official purposes:

- Do you have authority to make this decision, and if not, who has?
- Is the use of the resources consistent with QHRC's interests (e.g. applicability of relevant policies, directives, administrative instructions or the QPS Code of Conduct's ethics principles)?
- Would a reasonable person consider the use of the resources to be acceptable in the circumstances?
- Are there potential negative implications for QHRC (e.g. legal liability, cost, reduced public confidence in QHRC's integrity)?

**Use of QHRC resources to create, download, store, access or distribute pornography, obscene, indecent or offensive material is strictly prohibited.** Under Queensland Government policy employees found to have used Queensland Government communication or information devices to create, download, store, access or distribute pornography will be disciplined and are liable to dismissal.

All QHRC business should be conducted using official QHRC email addresses rather than personal email accounts (Gmail, Hotmail etc). The use of private email accounts or systems and messaging applications (e.g. Facebook Messenger or SnapChat) for government-related business poses a security risk, prevents the proper management of records and is prohibited.

### Use of government vehicles

When driving government owned or leased vehicles you must drive safely, and take reasonable care for your own health and safety as well as others. Under the *Work Health and Safety Act 2011*, a vehicle used for the purpose of work is described as a workplace and you are required to act accordingly, and also adhere to workplace health and safety policies and procedures.

For more information refer to the [Use of Government Owned Motor Vehicles and Parking of Private Vehicles on Official Premises](#) policy.

### Financial decisions

Employees who make decisions involving QHRC's financial resources should ensure that they are doing so within the scope of their delegated authority and in accordance with QHRC policies and procedures, including purchase, use and disposal of resources. Refer to QHRC's Instrument of Delegation for more information on delegated authority.

QHRC funds are for legitimate activities only and you should seek prior approval for their disbursement if you are unsure.

### A guide for ethical decision making

When you are confronted with an issue, it is important to consider all the options and talk to the right people. The guide below is in the form of a series of questions, which you may consider in light of your obligations under the QPS Code of Conduct and this policy. It will not make the decision for you, but will help you to analyse all the relevant facts and circumstances of a situation to reach a decision.

## Define the problem

- What are the facts and circumstances of the situation?
- Who is involved and what are their points of views on the matter?
- Is there a need to work cooperatively to find a solution?
- Who is affected and are people's rights involved?
- Does it break the rules, the law or go against public sector or QHRC policy?
- Which of the four ethics principles in the QPS Code of Conduct applies to the situation?

## Which guidelines/rules already exist?

- Are there existing policies/guidelines/instructions that can give you guidance on what to do? (Seek advice)
- Are there any legal implications? Is legal advice needed?

## Identify and consider the options

- List all options that you think are reasonable given the situation.
- What are the costs and long-term consequences?
- What are the legal implications?
- What impact will it have on different stakeholders?
- Are you or other people able to take the course of action in a safe manner?
- Consider the options in light of the QPS Code of Conduct's four ethics principles, the related values and standards of conduct.
- Consider what is compatible with human rights.

## Test the options

- Would clients and the general community of Queensland see your actions or decisions as honest or impartial and would you be happy if this action was done to you?
- Get another opinion (supervisor, manager etc).

## Choose your course of action

Make sure you choose a course of action which is:

- Within your authority to make;
- Legal and in line with this policy;
- Fair and able to be justified to your manager and the public;
- Able to be documented, so that a statement of reasons could be supplied if required; and
- If limiting on a human right, only to the extent it is reasonable and demonstrably justified.

## Upholding this policy

Making ethical decisions can be a difficult task at times as judgement regarding "the right thing to do" can vary and many factors need to be considered. It is unlikely that disciplinary action will be taken against employees who have acted responsibly and have made reasonable efforts to comply with their obligations, but have made a genuine mistake. Rather, disciplinary action will apply to irresponsible, unethical conduct.

Breaches of the QPS Code of Conduct are dealt with in accordance with the *Public Service Act 2008*. Whether or not the disciplinary process is initiated and a penalty is imposed will depend on the facts and circumstances of each case. The seriousness of the

breach will be considered and whether or not there are mitigating circumstances or other factors in deciding the extent of disciplinary action to be taken (if any). Counselling or managerial guidance, including a period of closer management may be appropriate.

Managers must seek to avoid escalation of inappropriate behaviour and deal with workplace conflict through timely and direct face to face communication that immediately addresses the behaviour in a constructive way. Alleged or suspected corrupt conduct is to be dealt with in accordance with QHRC's obligations under the *Crime and Corruption Act 2001*. Breaches of the QPS Code of Conduct involving conflicts of interest may constitute corrupt conduct.

## Complaints and appeal rights

If you have challenged an instruction or decision and have not been able to successfully resolve the situation, or you believe that you have not been fairly treated, you may lodge a complaint in accordance with QHRC's *Employee complaints policy*.

If you are aggrieved by an administrative decision or action, you may choose to request a full statement of reasons under the *Judicial Review Act 1991*, which sets out the grounds upon which a decision or action may be challenged in the Supreme Court.

## Further information and assistance

Employees requiring further information or assistance in relation to this policy should contact their Manager or the Responsible Officer. If you have concerns about approaching your direct manager or supervisor, contact the next senior person, your union representative or an Equity Contact Officer where relevant.

## Policy administration

<b>Policy Name</b>	Workplace behaviour policy
<b>File Number</b>	BNE3417136
<b>Responsible Officer</b>	Director, Engagement & Corporate Services
<b>Approving Officer</b>	Commissioner
<b>Effective Date</b>	5 November 2020
<b>Date Approved</b>	5 November 2020
<b>Next Review</b>	July 2023
<b>Review version approved by</b>	Commissioner
<b>Relevant Legislation or Prescription</b>	<i>Public Sector Ethics Act 1994</i> <i>Crime and Corruption Act 2001</i> <i>Public Interest Disclosure Act 2010</i> <i>Anti-Discrimination Act 1991</i> <i>Human Rights Act 2019</i> <i>Right to Information Act 2009</i> <i>Privacy Act 2009</i> <i>Public Service Act 2008</i> <i>Judicial Review Act 1991</i> <i>Industrial Relations Act 2016</i> <i>Work Health and Safety Act 2011</i>
<b>Network location</b>	S/Policies/Current/Workplace behaviour policy

### Interpretation

#### File Number

All policies must have an associated official file on which previous and current versions are maintained, along with relevant correspondence. Previous versions of a policy need to be on file so that the version applying at a particular period can be identified.

#### Responsible Officer

All policies are allocated to a member of the Executive Leadership Team (ELT) responsible for ensuring that they are communicated appropriately to commission staff, implemented and reviewed. This officer would also be the point of contact for major questions of principle and application of the policy.

#### Relevant Legislation or Prescription

Policies will generally be made under State legislation, regulations, directives or government policy. The source of authority and prescription for the policy should be specified.

#### Effective Date

The date the new or revised version of the policy came into effect.

### Next Review

Revision dates are normally 3 years after approval of policies. A schedule of rolling reviews is maintained by the Director, Engagement and Corporate Services.

### Version History

Action	Approved by	Date
Created	Commissioner	5 November 2020





