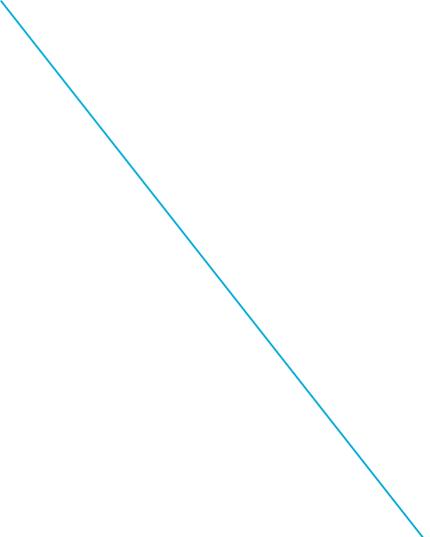


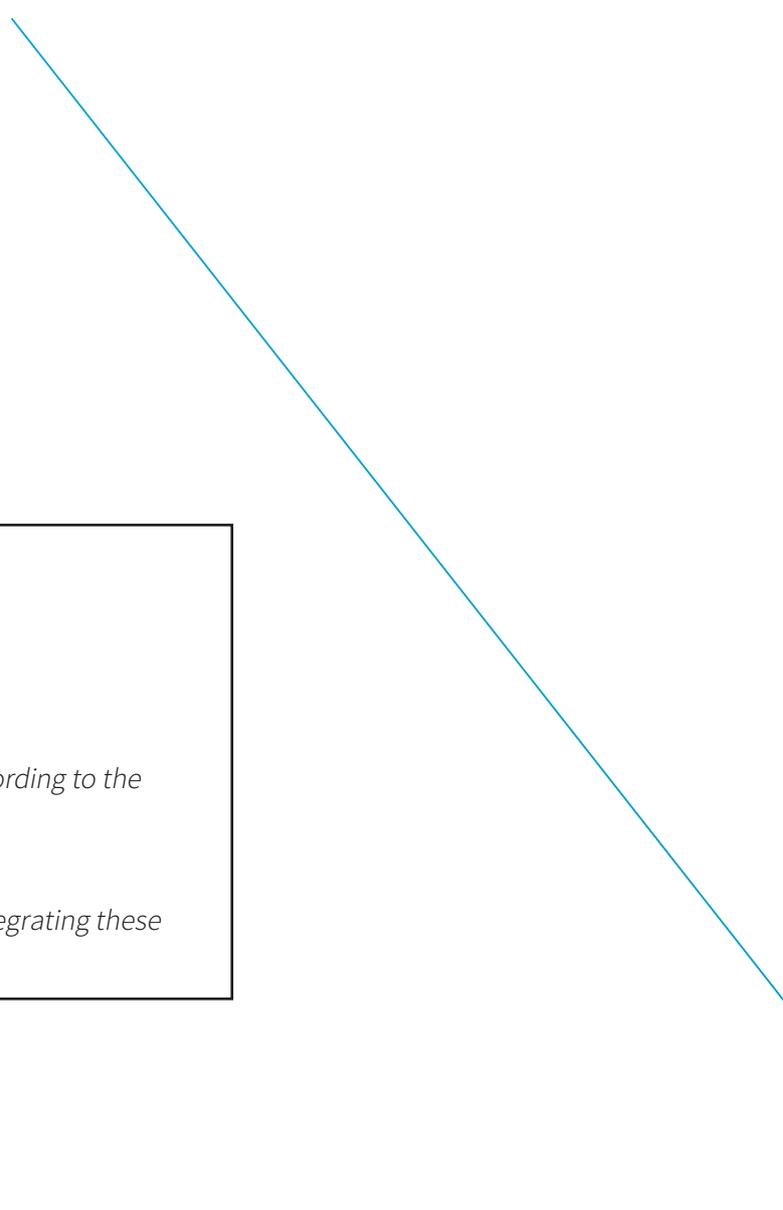
GUIDELINES FOR ACT PUBLIC SERVICE RESPECT, EQUITY AND DIVERSITY CONTACT OFFICERS (REDCOs)



2015



GUIDELINES FOR ACT PUBLIC SERVICE RESPECT, EQUITY AND DIVERSITY CONTACT OFFICERS **(REDCOs)**



'Feel inspired to make a change'

Respect

Valuing and considering others at work

Equity

Ensuring that everyone is treated in a fair manner, according to the individual needs and circumstances in the workplace

Diversity

Recognising the value of individual differences and integrating these into the workplace

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INTRODUCTION

Welcome to the role of a RED Contact Officer (REDCO). In accepting this role you have the opportunity to make a valuable contribution to the ACT Public Service's (ACTPS) commitment to building a positive workplace culture where workplaces issues such as inappropriate behaviour and/or misconduct are not tolerated under the RED Framework. The RED Framework will have been explained in more detail in your REDCO training. However in essence the RED Framework supports the ACTPS to meet its obligations under the *Public Sector Management Act 1994* (the PSM Act) and assists employees to understand expectations regarding their own and others' behaviour in the workplace. In particular, the RED Framework is aligned with the ACTPS Code of Conduct to fully integrate the ACTPS Values and Signature Behaviours into everyday work practice.

This guide has been developed to assist you to understand and fulfil your roles and responsibilities as a REDCO and to provide a consistent source of information to all REDCO's across the ACTPS.

THE ROLE OF A REDCO

REDCOs model and promote the ACTPS Values and Signature Behaviours to develop positive work cultures across the ACTPS.

REDCOs provide information to staff seeking a solution to improve or resolve a workplace issue or situation, which may relate to inappropriate behaviour or misconduct.

Under the RED Framework, REDCOs were introduced to:

- raise awareness of the importance of respect, equity and diversity in the workplace;
- promote and model the ACTPS Values and Signature Behaviours as outlined in the ACTPS Code of Conduct;
- provide information to Contacts who may be experiencing workplace issues that are inappropriate in nature or may constitute misconduct, including work bullying, discrimination or harassment; and
- support the development of a positive workplace culture by participating in RED activities and promoting RED principles within their own work area.

The role of a REDCO is voluntary and requires approval by your directorate. This role is to be undertaken in addition to normal duties. In fulfilling your role, your responsibilities will typically include:

- providing impartial, accurate information and support to Contacts, including explaining the options available to those who may be experiencing workplace issues relating to respect, equity and diversity;
- advising Contacts of available information/policies/resources to support them in resolving or better understanding the issue/s they are experiencing;
- treating all matters seriously and maintaining privacy and confidentiality;
- referring Contacts to other REDCOs if appropriate;
- attending quarterly REDCO meetings and/or other REDCO activities organised throughout the year;
- modelling professional and ethical conduct as per the ACTPS Code of Conduct and any directorate-specific policies that may apply within your directorate;
- providing statistical reports on RED-related matters; and
- raising awareness of RED principles and the ACTPS Values and Signature Behaviours by helping to disseminate information and participating in promotional activities.

Each time a staff member approaches you in your capacity as a REDCO, it is referred to as a RED Contact. You will be required to provide support and attention to these Contacts and managers and supervisors should allow you sufficient time (subject to operational requirements) to fulfil your REDCO duties in addition to your normal job requirements.

Look after yourself, as well as your contacts!

Try not to take on Contacts' issues as your own, and avoid becoming emotionally involved. Seek the assistance of your REDCO Network, HR team, EAP or NewAccess regarding any issues you are experiencing in your role

Any REDCO found to be in breach of the RED Framework or ACTPS Code of Conduct or involved in a performance management process, may be asked to step down from the contact officer role while the matter is being resolved.

Case Study

Jo approaches you and explains she is new to the work team and is struggling to work with David, one of her colleagues. You take Jo somewhere more private. After explaining the limits and responsibilities of your REDCO role and the relevant privacy/confidentiality principles to Jo, you listen to her concerns. From what she says it sounds like Jo's team has been generally welcoming of her, however David often yells at her. Jo tells you she has a vision impairment and that as a result, when David yells at her she can be taken by surprise. Jo suspects that David may not have worked with a person with a vision impairment before. Jo is feeling upset about the situation and does not know what to do. She has not felt confident enough to speak directly to David, her supervisor, or anyone else about it.

What assistance can you provide?

Understand the issue. Find out from Jo what happens when the interactions occur, what exactly is David saying when he yells?

- Jo explains her colleague talks loudly whenever he is giving her instructions, saying hello or addressing her during team meetings.

Explore why Jo feels that her colleague may not have previously worked with a person with a vision impairment. Does she feel the behaviour is intentional? What outcome would she like?

- Jo explains that in her experience sometimes people have assumed that she needs to be spoken to loudly and closely in order to understand what is being said, or to feel included. She doesn't think her colleague is doing it intentionally or maliciously, but nevertheless, she wants the behaviour to stop because it embarrasses her, and makes her feel singled out because of her difference.

Explain the options available to Jo to resolve the issue. It can be helpful to give Jo information about the pros and cons of the options, for example, making a direct approach is quick and gives David the benefit of the doubt.

- Jo could approach David privately to discuss the issue in a casual setting – this can be worth a try given Jo's feeling that the behaviour doesn't appear intentional and may be due to lack of previous experience in working with a person with a vision impairment.
- If Jo does not feel comfortable doing this, you could try brainstorming with her the words she might use to raise her concern with David, and asking her if she could perhaps get the support of a colleague to assist her to have this conversation.
- If Jo doesn't feel comfortable resolving the issue directly, she could approach her supervisor or manager to seek support in resolving the issue.
- Refer Jo to the appropriate resources where she can find more information, such as reviewing the ACTPS Reasonable Adjustment Policy, or speaking to her local HR team.
- Advise Jo that of other options, such as making a complaint to her manager, supervisor or local HR team, or externally to organisations such as the ACT Human Rights Commission.

It is essential that you understand your role and its associated responsibilities, but it is equally important that you understand the boundaries of your role and know when to step back. For example, your responsibilities DO NOT include:

- resolving complaints of discrimination, harassment, bullying or other issues discussed with you;
- providing advice as to whether bullying, harassment or discrimination has occurred, taking sides or passing judgement;
- making contact with the individual/s your Contact is experiencing the issue/s with;

- providing counselling, mediation or dispute resolution;
- investigating issues raised by Contacts; and
- being the only person responsible for responding to discrimination, harassment, bullying or complaints management within your directorate.

If a Contact seeks your involvement in any of the above matters, you should clearly remind them of your role – particularly your capacity to inform rather than resolve issues directly – and provide them with information regarding the appropriate person, team or services available to assist them in relation to the issue they are experiencing.

Case Study

Henry approaches you with a workplace issue that appears to relate to work bullying in a new team. His colleague, Fiona, was initially friendly but after a few weeks started to openly criticise Henry's work at team meetings and has not contributed to tasks that they are working on together. If no one is around, she ignores him when he greets her, and often rolls her eyes when he makes comments to others in the team. Her behaviour is making Henry feel uncomfortable and embarrassed. Henry recently found out that Fiona applied for the same position that Henry is now working in, but did not win the position.

Henry has tried approaching Fiona to resolve the issue but she insisted she was doing nothing wrong and that he was overreacting. She walked away before Henry could continue the conversation. Henry wants you, as a REDCO, to mediate a discussion between him and Fiona to help resolve the issue.

What assistance can you provide?

- Be clear about your role to Henry (i.e. you are not a mediator).
- Henry has expectations that you can directly help him resolve the issue. It is important Henry understands that you cannot directly assist him to resolve the issue but you can give him some useful information to help him decide the best way to resolve things.
- Give Henry some options to resolve the issue.
- Given the behaviour appears serious in nature and is ongoing, and that Henry has not been able to resolve the issue directly, Henry may wish to consider raising the issue with his supervisor or manager to seek assistance resolving the issue. If he is not willing to raise the issue with them, Henry may wish to seek further advice from his HR team.
- Point Henry in the direction of some useful resources, such as the Resolving Workplace Issues resources, which provide tips for categorising the seriousness of workplace issues, possible options for resolution, and practical advice for holding difficult workplace discussions.

To avoid confusion, you should not forward complaints on behalf of Contacts. Instead, you should encourage the Contact to approach their local HR team (or someone else appropriate such as a RED Executive Sponsor, their manager or supervisor).

CREATING A POSITIVE WORKPLACE CULTURE

A workplace that is respectful, courteous, fair, and values individual differences is a core aspect of building a positive workplace culture. Managing equity and diversity is a key component of managing employees and by focusing on building a positive and respectful culture, the performance of all ACTPS employees is enhanced.

Positive workplace cultures are proven to:

- have higher levels of staff morale, job satisfaction and productivity;
- enable effective collaboration to achieve results;
- enable employees to better manage conflict and cope with change and challenges; and
- reduce the risk of harm to people and organisations, minimising physical and psychological injuries.

As a REDCO, you should feel empowered to act as an agent of change and work towards embedding a positive culture in your own work area – not just to respond to issues as they arise. You can contribute to a positive work culture by participating in your directorate’s RED Network meetings. This provides the opportunity to share learning and experiences that may help improve your skills as a REDCO or lead to the identification of RED-related patterns within your directorate. You can also promote RED-related activities within your directorate.

Contributing to a positive workplace culture

Joe works in a large team and many of his colleagues come from different cultural backgrounds. When at work, Joe greets each colleague he passes with a friendly nod and says ‘Hello’. Joe sets himself the challenge of learning how to greet people in other languages. To do this, he speaks with his colleagues about their background and learns a bit about their language. He also tells his colleagues about his own background. Over time, Joe learned basic greetings in numerous different languages. He now greets his colleagues in their native language whenever he sees them.

Joe’s behaviour is a great example of embracing workplace diversity. His interest in learning about his team creates mutual respect and friendliness, and has a positive effect on the team as a whole.

PRIVACY AND CONFIDENTIALITY

All Contacts approaching a REDCO must feel assured that their privacy will be maintained and that the information they discuss will not be repeated elsewhere without their consent. Your meeting should take place in a private space and you must respect the private nature of any information discussed with you.

However, there are certain situations in which you must **immediately report information** to your local HR team, including if:

- you suspect a Contact (or anyone else) is at serious risk of injury or harm; or
- you suspect a criminal activity has taken/will take place.

It is essential that your Contact understands this before they disclose any information to you, so you must clearly communicate your role and the relevant privacy and confidentiality principles at the start of your contact with them. After you have clearly explained this, you must seek their verbal agreement to continue before proceeding with the discussion.

*A handout for Contacts is available at **Appendix D**, which can be given to them at the beginning of your meeting to assist you in explaining the role of a REDCO and the relevant privacy/confidentiality principles.*

RECORD KEEPING AND REPORTING

Correspondence and/or discussions with a Contact should be documented and filed in a secure place. Staff-in-confidence papers, including hand written notes, should be disposed of in accordance with best practice standards and in accordance with the:

- *Information Privacy Act 2014* (ACT);
- *Territory Records Act 2002* (ACT); and
- *Fair Work Act 2009* (Commonwealth).

NOTE TAKING AND RED CONTACT REPORTS

For every Contact, REDCOs must submit a RED Contract Report in order to collect de-identified, statistical information regarding RED matters. As a REDCO, you must explain this to the Contact, in particular ensuring they understand that none of the information collected will identify them, and seek their permission to fill out the report in a detailed manner. When filling out the report, remove any details that could identify a Contact. For example, if the Contact is from a small business unit do not include the name of the business unit. If the Contact does not consent to your filling out the report, you must still fill out the report simply noting that a Contact occurred but with no other details.

***Appendix F** contains a copy of the whole-of-government RED Contact Report template. Your directorate may have a specific one they want you to use so check with your Network Coordinator if you are unsure.*

The report should be completed after the meeting has ended and a copy sent to your local REDCO Network Coordinator as soon as possible. Please note that although you may have many meetings with the same Contact on one issue, you should only submit one report per issue discussed. If the same Contact approaches you about a new issue, you should submit a new report. Destroy your copy of the report as soon as your Coordinator confirms receipt of the report. Until that time, completed reports must be kept in a secure, lockable filing cabinet.

Consent should also be sought to take notes during any meetings with Contacts, including offering to provide the Contact with a copy of any notes taken during the meeting. Do not take notes during the meeting if the Contact does not consent.

DATA COLLECTION

REDCOs should maintain accurate records of the number of Contacts received and provide them, as required, to the REDCO Network Coordinator. For the purposes of data collection only Contacts dealt with directly by you should be counted – do not count a referral to another REDCO as a Contact. Sometimes a Contact may approach you numerous times about the same issue; in this case, only record one Contact – do not submit a new record each time the person approaches you. If that same person were to approach you with a different workplace issue, it should be considered a new Contact.

REFERRING A CONTACT

REFERRAL TO ANOTHER REDCO

It is sometimes appropriate to refer a Contact to another REDCO, including situations where:

- operational requirements limit your ability to provide adequate support to the Contact;
- you do not feel sufficiently prepared or resourced to provide information in an impartial way; or
- there is a conflict of interest, for example:
 - you are approached by one or more persons involved in the same issue (in this situation, you should only provide advice to the person who approaches you first and refer the other staff to an another REDCO); or
 - the issue that a Contact has approached you about involves a staff member you directly manage or supervise; or
 - the issue involves someone who is your friend or family member.

OPEN DOOR PROTOCOL AND RED EXECUTIVE SPONSORS

A Contact may wish to speak with a RED Executive Sponsor rather than a REDCO. Each directorate has a RED Executive Sponsor, who will generally make themselves available to discuss the issue with the Contact, or provide the details of another RED Executive Sponsor who can assist.

The Open Door Protocol also ensures that every individual has a genuine, impartial avenue to bring forward issues in relation to respect, equity and diversity by being able to approach a manager, supervisor or executive to discuss the issue and how to resolve it.

Refer to Appendix C

For more information on the Open Door Protocol

REFERRAL TO LOCAL HR TEAMS

You should always ensure your Contact is aware that their local HR team can be approached for assistance. It is appropriate to refer an individual to your local HR team if they wish to:

- discuss the issue and receive advice;
- lodge a complaint;
- seek advice on matters such as conditions of employment, policy development, recruitment, or delegations;
- make enquiries about team or individual training options to support them to resolve the issue/s they are experiencing; or
- discuss conflict resolution or mediation options to assist them to resolve the issue/s they are experiencing.

REFERRAL TO REDCOS IN OTHER DIRECTORATES

It may be appropriate to refer a Contact to another directorate if the Contact does not feel comfortable discussing their concerns within their own directorate. RED Network Coordinators are responsible for maintaining a current list of REDCOs for their directorate on the ACT Government Directory. Employees can use the Directory to search for lists of REDCOs across the ACTPS if they do not wish to use a REDCO in their own directorate.

To see the contact details of current REDCOs in other directorates:

1. Go to the ACT Government directorate Internal Homepage.
2. Use the menu on the left to click on a directorate (e.g. Chief Minister, Treasury and Economic Development Directorate (CMTEDD)).
3. On this page, click on the “Directory: CMTEDD” link. This will take you to the general contact information for CMTEDD, including the list of REDCOs.

RED NETWORK MEETINGS

RED Network meetings should occur quarterly in your directorate and are managed by your directorate’s RED Network Coordinator. These meetings are designed to support your professional development by workshopping key issues raised by REDCOs and sharing experiences/learning, exploring new initiatives to support RED, and discussing any trends/patterns arising in your directorate. These forums are an opportunity for you to network and consider as a team whether there are any activities you can undertake towards building a positive workplace culture.

TRAINING

Training is important to equip REDCOs with the necessary skills and knowledge to provide information to staff. All newly appointed REDCOs are required to attend, at a minimum, a one day training course on the role of the REDCO. Your RED Network Coordinator can advise you of any additional training requirements in your directorate.

All REDCOs are encouraged to discuss their training requirements with their supervisor as part of their performance planning discussions.

The HR Shared Services Training Calendar is available at:

<http://sharedservices/actgovt/Training/>

Directorates may also offer additional training.

APPENDIX A: HOW TO LEAD AN EFFECTIVE RED DISCUSSION

The following information provides some useful recommendations to help you prepare for and run a successful RED discussion and complete appropriate follow up processes.

BEFORE YOU MEET WITH A CONTACT

- Remember: it is not your role to advocate on the Contact's behalf, investigate or take sides.
- Remember: don't advise Contacts what to do; rather, inform them of their options.
- Organise a private space for you to meet where you will not be interrupted.
- Ensure you have sufficient time to deal with the Contact. If not, refer the Contact to another REDCO.
- Refresh your memory about your role as a REDCO. If necessary, review your REDCO training material.
- Refresh your memory of the various complaints management mechanisms available to ACTPS employees if they wish to lodge a complaint about inappropriate behaviour and/or misconduct.
- Collect all the information/resources that you may need during the meeting (e.g. handouts).

STRUCTURE OF THE MEETING

- 1. Welcome**
- 2. Clearly explain your role and relevant privacy/confidentiality principles.** Optional: give the Contact a copy of the Information for RED Contacts handout at [Appendix D](#).
- 3. Ask permission to take notes and to fill out a RED Contact Report.** Explain the requirement to report de-identified Contacts to your RED Network Coordinator by filling out the RED Contact Report, ensuring the Contact understands that they will not be identified from the report. Seek the Contact's permission to fill out the Report after the conclusion of your meeting. Refer to the information on page 8 of this document if they do not give permission.
- 4. Seek verbal consent to proceed with the meeting.** For example: "Thank you for listening to this information, can I please confirm that you understand what I have explained and that you still wish to proceed with the meeting"?
- 5. Actively listen to the Contact's concerns and clarify the key issues.** Ask open-ended questions to help the person discuss their experience or situation, using some of the questions and guidance below to help you. If necessary, use problem-solving techniques such as brainstorming and role plays to help the Contact identify their key issues and possible resolution strategies.
 - What happened?
 - How did it happen?
 - Where did it happen?
 - When did it happen?
 - Who did it happen to / who was involved?
 - Why do you think it happened? NB: Be careful not to imply blame when asking 'why' questions.

- Did anyone else witness what happened?
- How many times has it happened?
- How did you feel at the time it happened?
- Who have you spoken to about the issue?
- What, if anything, have you done, or could you do, to address the behaviour?
- What will you do if it happens again?
- If you were to speak to the person directly, what could you say?
- What outcome would you like?
 - How do you think that can happen?

6. Explore the options available to resolve the issue. This should include discussing the pros and cons of each option.

7. Encourage the Contact to make a decision in their own time. There is no requirement to make a decision immediately following your discussions. Encourage the Contact to carefully consider the options available to them, and to discuss with a family member, friend or support person if they feel it necessary before committing to action. Remember that you are obligated to report the issue (even if the Contact does not consent) if you believe there to be a serious risk to health and safety or possible criminal activity.

8. Provide further information. Provide the Contact with written information (such as handouts/fact sheets) or direct them to further resources that they can use to assist them in their decision-making processes. A template script and tools to help the Contact successfully participate in a difficult discussion and/or resolve conflict is attached at **Appendix G** and more information is at **Appendix H**.

9. Wrap up. Give the Contact the option of a follow up meeting or phone call should they need to discuss the matter further. Be careful about scheduling several follow up meetings as this can result in the Contact becoming dependent on you rather than resolving issues themselves.

AFTER YOU HAVE MET WITH A CONTACT

- Fill out the RED Contact Report and forward to your RED Network Coordinator.
- Secure any notes and the RED Contact Report, remembering to destroy the original once your REDCO Network Coordinator confirms receipt of their copy.
- If necessary, debrief with a fellow REDCO, RED Executive Sponsor or RED Network Coordinator, or contact the EAP for assistance.

APPENDIX B: WORK BULLYING, HARASSMENT AND DISCRIMINATION

As a REDCO, your role does not include making a judgement as to whether or not certain behaviour has taken place. However, if a Contact has approached you regarding a bullying, harassment or discrimination issue, you can help them think the matter through by explaining following to them:

- Explain the definitions of some relevant terminology.
- Provide some examples of what might be considered discrimination as outlined in the *Discrimination Act 1991* (ACT).
- If the issue relates to the Contact's manager or supervisor, it may be relevant to explain what 'reasonable management action' is, according to the definition used in the *Resolving Workplace Issues: Work Bullying, Harassment and Discrimination* resource. Note: be careful in explaining this not to suggest to the Contact that you are dismissing their concerns, rather, providing additional information to help define and understand the issue they are experiencing.
- Provide the Contact with information about ACTPS resources on these topics that they can refer to for more information.
- Discuss the various options for resolution (including self resolution through to the complaints management mechanisms available within the ACTPS).

DEFINITIONS OF KEY TERMINOLOGY

REMEMBER: When explaining the below terms, ensure your Contact understands that your explanation does not mean you are confirming that the issue/s the Contact may be experiencing fall within (or outside of) the categories discussed – it's important not to raise expectations that you agree or disagree a particular issue has occurred and is bullying, harassing or discriminatory in nature. As always, your role is to provide information that may help the Contact resolve the issue, not to make a determination regarding the workplace issue.

Discrimination — Under the Discrimination Act 1991, a person discriminates against another person if they treat, or propose to treat, someone unfavourably, or imposes a condition or requirement upon a person that has, or is likely to have, the effect of disadvantaging a person on the basis of that person's: sex; sexuality; gender identity; relationship status; status as a parent or carer; pregnancy; breastfeeding; race; religious or political conviction; disability; industrial activity; age; profession, trade, occupation or calling; association (whether as a relative or otherwise) with a person identified by reference to one of the aforementioned attributes; or spent conviction within the meaning of the Spent Convictions Act 2000. A single incident of discrimination based upon any of the above characteristics is unlawful.

Harassment — Is a form of work bullying, involving unreasonable and repeated behaviour directed at an individual or group of people on the basis of their particular characteristics (e.g. sex, religion, ethnicity, disability, age, etc). It can be written or verbal and includes humiliation, abuse, spreading rumours or gossip

Misconduct — As outlined in ACTPS Enterprise Agreements, misconduct includes any of the following:

- a) the employee fails to meet the obligations set out in section 9 of the *PSM Act 1994* (this includes bullying and harassment or discrimination);
- b) the employee engages in conduct that has brought, or is likely to bring, the directorate or ACTPS into disrepute;
- c) a period of unauthorised absence and the employee does not offer a satisfactory reason on return to work;
- d) the employee is convicted of a criminal offence or where a court finds that an employee has committed an offence but a conviction is not recorded, taking into account the circumstances and seriousness of the offence, the duties of the employee and the interests of the ACTPS and/or of the directorate;
- e) the employee fails to notify the head of service of criminal charges in accordance with clause H11; or
- f) the employee makes a vexatious or knowingly false allegation against another employee.

Reasonable management action — Actions taken by management in a fair and equitable way and that relate to the direction and control of how work is done.

Sexual Harassment — Sexual harassment refers to any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour.

Underperformance — Underperformance amounts to a failure to perform the duties of the position to the required standard, includes non-compliance with workplace policies, rules or procedures and poor interaction with colleagues.

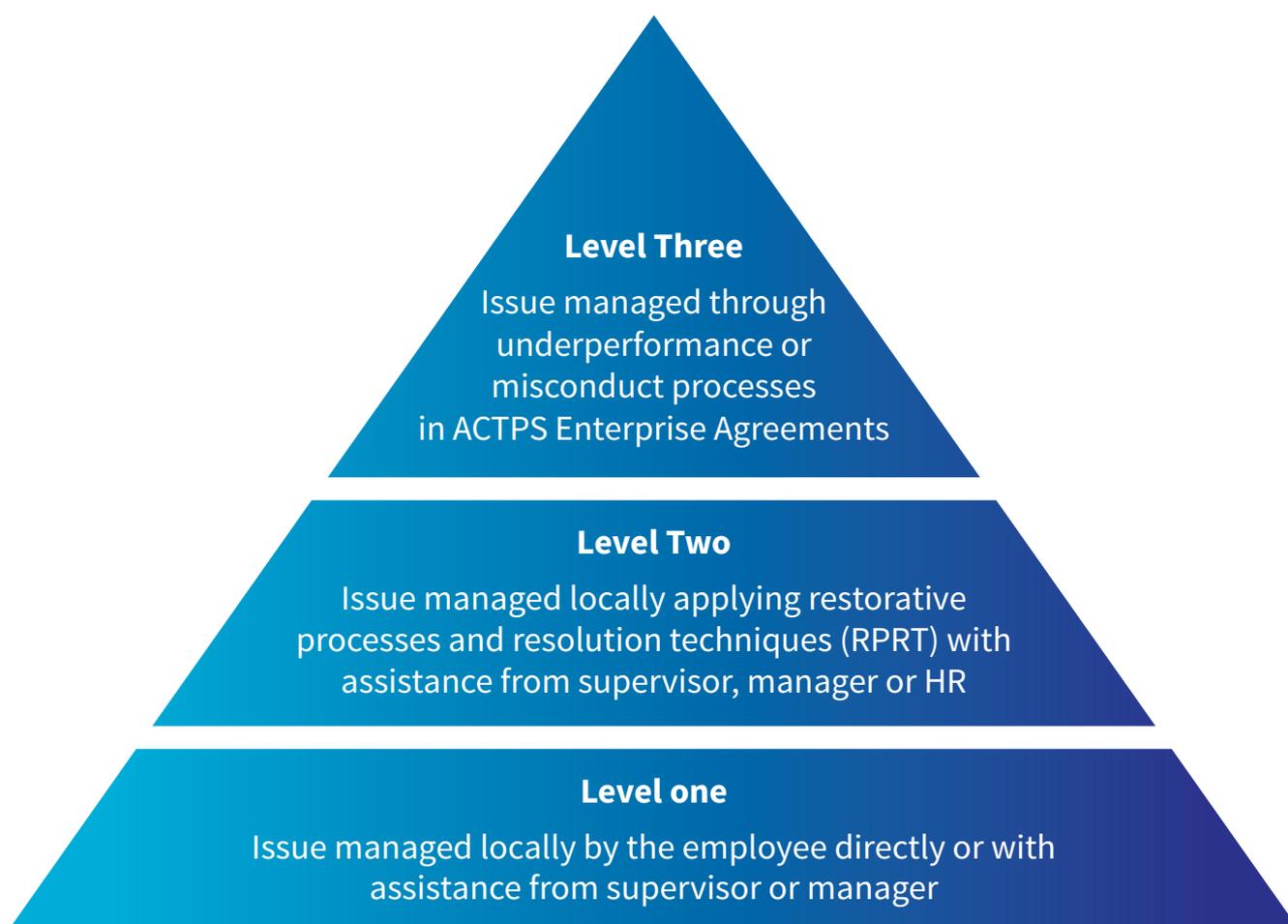
Work Bullying — Work bullying is unreasonable, undesirable behaviour at work that generally: is repeated; is unwelcome and unsolicited; occurs between workers of an organisation (i.e. it is not initiated by a client/s or a person/s outside the organisation); is considered offensive, intimidating, humiliating or threatening by a reasonable person; and has the potential to cause harm to those experiencing the behaviour.

APPENDIX C: MECHANISMS FOR RESOLVING WORKPLACE ISSUES

REMEMBER: *It is your role as a REDCO to provide factual, accurate information about the complaints management mechanisms available to Contacts should they wish to lodge a complaint; but it is not your role to undertake this process for them. You can inform Contacts that the following resources are available, including giving a brief explanation of each, you are not expected to give specific advice and answer questions regarding the resources themselves.*

The **Resolving Workplace Issues** resources

These resources assist employees to use a three tier process (outlined below) to identify workplace issues that may be inappropriate in nature or may constitute misconduct and understand appropriate options to manage and resolve workplace issues.



Level One — Employees manage and resolve the issue locally in a timely and respectful manner, with or without the assistance of their manager or supervisor. Workplace issues that are low level, a one off or not serious in nature but which may be inappropriate can usually be resolved at Level One.

Level Two — If a workplace issue is raised with a manager or supervisor, they undertake a Preliminary Assessment to determine the best way forward. For an issue to be resolved at Level Two, the Preliminary Assessment must indicate that the use of restorative processes and resolution techniques (RPRT) at the local level is appropriate. Workplace issues of inappropriate behaviour and some instances of misconduct may be resolved at Level Two.

Level Three — If a workplace issue is raised with a manager or supervisor, they undertake a Preliminary Assessment to determine the best way forward. For an issue to be resolved at Level Three, the Preliminary Assessment may indicate the presence of workplace issues such as misconduct, repeated behavioural lapses, continuing underperformance or ongoing inappropriate behaviour that has not successfully been resolved at Level One or Two. These types of issues are managed at Level Three through use of the processes outlined in Section H (Workplace Values and Behaviours) of ACTPS Enterprise Agreements. At this Level, disciplinary action may be taken against employees found to have engaged in the alleged behaviour/s.

There are mechanisms specified at each level to resolve the issue. For more information, Contacts should refer to the *Resolving Workplace Issues* resources.

THE OPEN DOOR PROTOCOL

The Open Door Protocol is a work practice in which a manager, supervisor, or executive leaves their door “open” (figuratively speaking) in order to encourage productive communication. It aims to ensure that employees have a genuine, impartial avenue to raise workplace issues in relation to respect, equity and diversity by being able to approach a manager, supervisor or executive to discuss the issue and how to resolve it.

More information is available here: <http://www.cmd.act.gov.au/governance/public/publications#red>

PUBLIC INTEREST DISCLOSURES

While most workplace issues involving inappropriate behaviour or misconduct can be addressed through complaint handling mechanisms already mentioned, you may be approached by a Contact regarding matters of serious wrongdoing that may more appropriately be addressed through the Public Interest Disclosure (PID) Framework.

The *Public Interest Disclosure Act 2012* encourages and enables anyone witnessing serious wrongdoing that falls within the definition of ‘disclosable conduct’ to raise concerns. It guarantees these concerns will be seriously considered and investigated where warranted. The legislation sets out strict legal obligations of those raising a potential PID (the discloser), the protections available for disclosers, how disclosures should be dealt with, and the obligations of staff who manage disclosures and PIDs.

Disclosable conduct is more serious than a technical breach of policy or procedures: it is action (or inaction) that has a significant or widespread negative impact. Disclosures of this kind require a special type of treatment due to their seriousness. A person disclosing information of this nature needs special protection for taking the risk of raising such serious allegations. Examples of disclosable conduct include:

- corrupt conduct, e.g. accepting money or other benefits in exchange for helping someone to avoid prosecution, win a contract or gain Government approval;
- fraud or theft, e.g. falsifying documents or information, or stealing an employer's property or funds;
- official misconduct or maladministration, e.g. gaining personal benefit by not revealing a conflict of interest;
- harassment, intimidation or discrimination, e.g. assaulting a person during the course of carrying out their work functions, duties or responsibilities; or
- practices endangering the health or safety of staff, the community or the environment.

If you are approached in your capacity as a REDCO on any of the above matters, as with other matters that fall outside the remit of your REDCO role, it is appropriate to advise your Contact of the information and resources that can assist them, such as the PID Guidelines available at: <http://www.legislation.act.gov.au/ni/2014-357/default.asp>. They can also contact their directorate's Senior Executive Responsible for Business Integrity Risk (SERBIR).

Remember as well your obligation to report information to your HR team if you believe there is a risk to health and safety or that a criminal activity has/may take place.

OTHER COMPLAINTS MANAGEMENT MECHANISMS

The strong preference is that the various mechanisms to resolve inappropriate behaviour or misconduct within the ACTPS are fully explored before external options are considered. However, the various external options available to Contacts in resolving workplace disputes include:

WorkSafe ACT: If your Contact is unhappy with the way in which their complaint is handled or with the conduct of the ACTPS in relation to their complaint (including that they think the ACTPS is not meeting its obligation to take all reasonable steps to protect employees from harm at work), they can contact WorkSafe ACT to discuss their concerns. More information is available here: http://www.worksafe.act.gov.au/health_safety

Fair Work Commission (FWC): The FWC may be able to help individuals resolve issues in the workplace if they cannot be resolved internally. This can include issues such as: discrimination; workplace rights; dismissal; bullying; or disputes arising during the course of negotiating enterprise agreements. More information is available here: <https://www.fwc.gov.au/>

Fair Work Ombudsman (FWO): The FWO can provide individuals with information about resolving an issue or dispute in the workplace and has a range of online resources that may be of assistance. More information is available here: <http://www.fairwork.gov.au/>

ACT Human Rights Commission: If the Contact believes they are being discriminated against for a particular reason such as their sex, disability, race or another attribute that is protected under the Discrimination Act 1991, or the bullying is of a sexual nature, they can contact the ACT Human Rights Commission to discuss the matter or lodge a complaint. More information is available here: <http://hrc.act.gov.au/>

If your Contact feels they are not coping, they can seek assistance through:

Consulting with their medical practitioner or seeking other professional help. As with talking to someone you trust, there are times when it is better to seek help rather than just hope that things will get better.

Contacting an Employee Assistance Program (EAP). EAP provides free professional counselling and related support programs to assist in the resolution of work or personal issues.

Contacting NewAccess. A beyondblue program which provides free psychological services to people with mild to moderate depression or anxiety.

APPENDIX D: HANDOUT – INFORMATION FOR CONTACTS

WHAT CAN A RED CONTACT OFFICER (REDCO) DO?

REDCOs exist to assist you with workplace issues that may relate to respect, equity and diversity and/or inappropriate behaviour, bullying, harassment or discrimination.

This assistance includes providing impartial and accurate advice on the avenues available to you in resolving issues in the workplace, including directing you to further information and resources that can assist. However, it is not the role of a REDCO to investigate or resolve the issue/s on your behalf.

PRIVACY AND CONFIDENTIALITY

REDCOs will respect the private and confidential nature of any information you relay to them. However, you should be aware that REDCOs are obligated to report information to their local HR team if:

- **they suspect you or someone else is at serious risk of harm or injury; or**
- **they suspect that a criminal activity has taken/will take place.**

REDCOs are also required to report confidential and de-identified statistical data on the number of Contacts they have with staff in this role to their RED Network Coordinator.

NOTE TAKING AND RED CONTACT REPORTS

REDCOs are required to submit a report following a Contact which outlines the nature of the Contact and advice provided. You will not be identified from this report; the content of the report is de-identified and treated confidentially. Your REDCO will explain this in more detail at the start of your meeting.

REDCOs may also seek your permission to take notes during your meeting.

All notes and RED Contact Reports are filed securely.

APPENDIX E: HANDOUT – RESPONSIBILITIES UNDER THE RED FRAMEWORK

UNDER THE RED FRAMEWORK, ALL STAFF HAVE A RESPONSIBILITY TO:

- act in accordance with the ACTPS Code of Ethics and uphold the values and principles of the ACTPS and their own directorate values;
- show courtesy and treat all others at work with respect;
- undertake work in a way that is fair and inclusive by acknowledging the skills, abilities and background of others;
- not tolerate, and actively prevent, any forms of work bullying, harassment and/or discrimination;
- recognise the need to be open minded and listen to the views of others; and
- contribute to a positive work culture.

UNDER THE RED FRAMEWORK, MANAGERS AND SUPERVISORS HAVE ADDITIONAL RESPONSIBILITIES INCLUDING:

- consistently modelling appropriate behaviours;
- demonstrating personal commitment to respect, equity and diversity principles and promoting cultural awareness;
- developing an awareness and familiarity with respect, equity and diversity legislative requirements and related policies and procedures;
- actively preventing work bullying and harassment by addressing conduct that is inappropriate and taking necessary preventative and corrective action;

- actively encouraging staff to contribute their ideas and providing opportunities for staff to participate in workplace discussions and decision-making;
- supporting and encouraging staff to balance their work and personal lives;
- promoting the benefits of respect, equity and diversity in the workplace;
- demonstrating commitment to the ACTPS and directorate-specific values; and
- ensuring respect, equity and diversity principles are integrated into everyday management practice.

UNDER THE RED FRAMEWORK, EXECUTIVES HAVE ADDITIONAL RESPONSIBILITIES INCLUDING:

- demonstrating personal leadership and commitment to respect, equity and diversity issues;
- promoting the benefits of respect, equity and diversity to the agency;
- supporting the role of the their directorate's REDCO's and REDCO Network Coordinator;
- promoting an 'Open Door' Protocol and making time to see staff members with respect, equity and diversity issues;
- supporting managers and supervisors in managing respect, equity and diversity issues;
- ensuring respect, equity and diversity principles are integrated into everyday management practice; and
- ensuring compliance with respect, equity and diversity legislative requirements

UNDER THE RED FRAMEWORK, THE ROLE OF THE RED EXECUTIVE SPONSOR IS TO:

- provide leadership on respect, equity and diversity for their directorate;
- ensure respect, equity and diversity issues are incorporated into directorate planning processes;
- support the 'Open Door' Protocol across the ACTPS;
- support RED Network Coordinators and REDCOs in their roles; and
- attend REDCO Network meetings as requested.
- Under the RED Framework, REDCOs have a responsibility to raise awareness by:
 - promoting activities associated with respect, equity and diversity in the workplace;
 - undertaking REDCO training;
 - participating in REDCO Networks;
 - raising issues while respecting confidentiality and privacy;
 - advocating the inclusion of respect, equity and diversity issues in planning/meetings; and
 - providing information e.g. handouts.

UNDER THE RED FRAMEWORK, REDCO

NETWORK COORDINATORS HAVE A RESPONSIBILITY TO:

- coordinate and attend REDCO Network meetings on behalf of their agency;
- support REDCOs in their role;
- collect and report quarterly data on the frequency and nature of RED Contacts in their directorate; and
- build relationships and provide information on respect, equity and diversity issues and patterns or trends to their local HR team, the Executive and REDCOs.

UNDER THE RED FRAMEWORK, DIRECTORATE HR TEAMS HAVE A RESPONSIBILITY TO:

- establish and manage the REDCO Network within their directorate;
- take appropriate action in relation to any complaints lodged with their area, which may include undertaking preliminary assessments and investigations where necessary; and
- assist business units where interpersonal issues are causing concern or affecting the wellbeing of other team members

APPENDIX F: RED CONTACT REPORT (WHOLE OF GOVERNMENT TEMPLATE)

*Directorates may have specific templates they prefer REDCOs to use. Check with your local RED Network Coordinator.

SECTION 1 – RED Contact Officer details			
Name:		Phone:	
Date of contact:		Date of this report:	
SECTION 2 – Person making the contact			
Division:			
Business unit:			
Type of worker:	Office-based Other	Service-based Not sure	
Type of role:	Not in supervisory role Executive	Supervisor/team leader Not sure	Manager
SECTION 3 – Details of the employee with whom the Contact is experiencing the workplace issue			
Position:	Subordinate Manager	Colleague Executive	
SECTION 4 – Nature of the RED issue			
Type of issue:	Inappropriate behaviour Respect Bullying Breach of Code of Conduct	Discrimination ¹ : Harassment ² : Other:	
Is the Contact's manager or supervisor aware of this issue?	Yes	No	Unsure
Has this specific issue been reported before?	Not previously reported		
Yes, to a manager or supervisor	Yes, to a RED contact officer		
Yes, to Human Resources	Yes, to other:		

SECTION 5 – Action taken

Outcome of the conversation:

- No immediate decision made
- Contact will attempt to address the issue directly with the employee with whom they are experiencing the issue
- Contact will speak to their manager or supervisor
- Contact will speak to Human Resources
- Contact will lodge a complaint
- Incident reported to Human Resources due to suspected criminality or safety concerns
- Other action:

1: Can specify gender, cultural background, language, disability, sexual orientation, religious beliefs or family responsibilities.

2: Can specify sexual harassment, verbal harassment etc.

If the issue involves criminal behaviour or a potential safety issue, contact your directorate's Human Resources team immediately.

Note: The purpose of this form is to collect statistical information on the number and nature of RED-related issues and complaints you receive in your role as a RED Contact Officer. Do not include any identifying information in this report. Keep this form in a secure location until you have sent a copy to your RED Network Coordinator and received confirmation that it was received – then destroy your copy.

APPENDIX G: HANDOUT – TIPS TO HELP CONTACTS PREPARE TO RESOLVE WORKPLACE ISSUES DIRECTLY

Answer the following questions and think about how you would use these answers to help you communicate effectively when you are discussing the issue with the person/s you are experiencing the issue with.

What are the issues?

How did I feel at the time?

If I was to speak to the person directly, what could I say?

What could I do if I feel my emotions are getting the best of me?

What support could I seek?

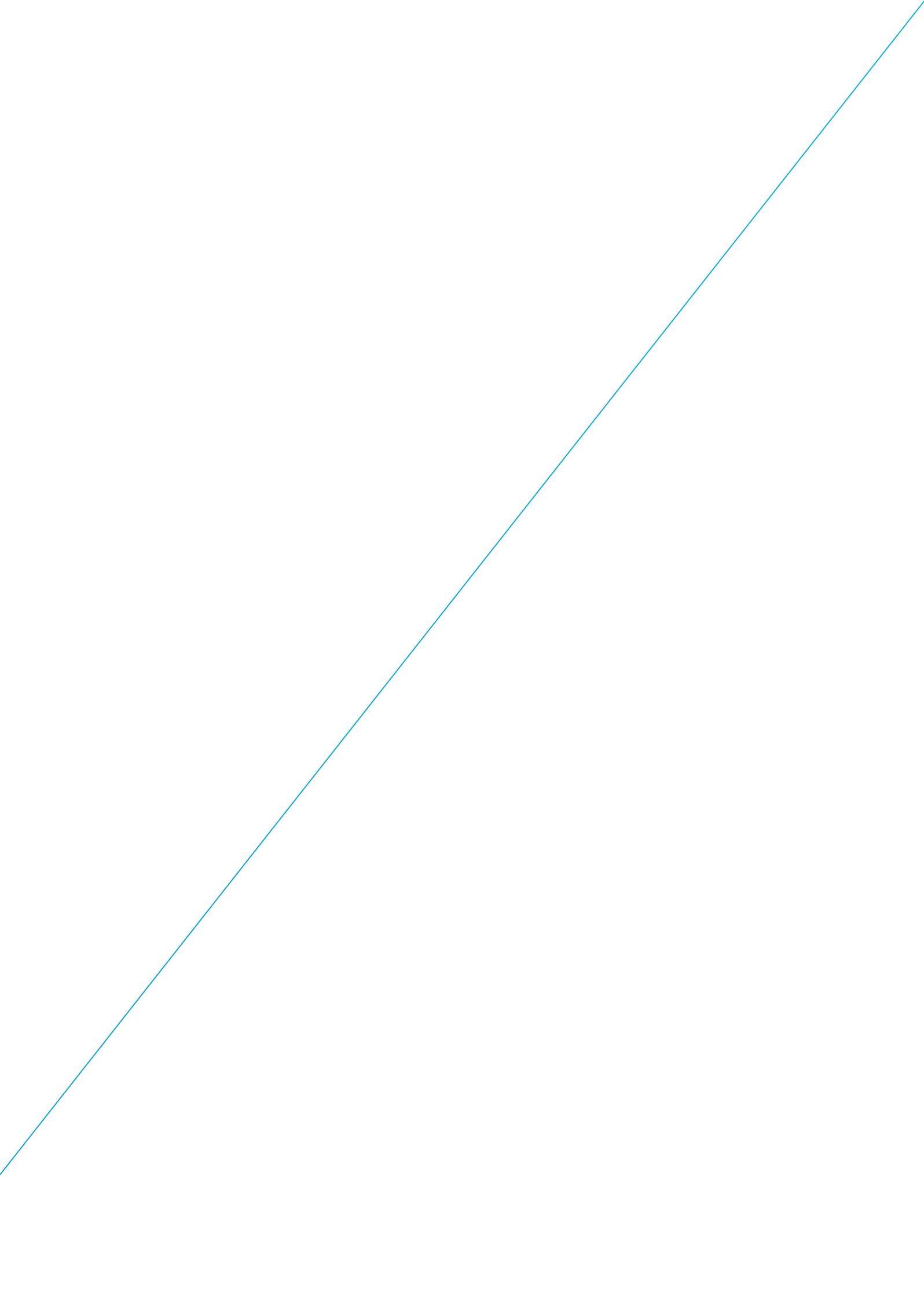
What could I do if it was to happen again?

What outcome would I like?

APPENDIX H: HANDOUT – ADDITIONAL REDCO RESOURCES

Various resources are available to provide you with additional support in your role as a REDCO, and which you may also want to recommend to your Contacts. These include:

- The Resolving Workplace Issues resources
 - Resolving Workplace Issues: Overview
 - Resolving Workplace Issues: Resources for Employees
 - Resolving Workplace Issues: Resources for Managers and Supervisors
 - Resolving Workplace Issues: Work Bullying, Harassment and Discrimination
 - Resolving Workplace Issues: Misconduct and Investigations
- Public Interest Disclosure Guidelines 2014 (<http://www.legislation.act.gov.au/ni/2014-357/default.asp>)
- The ACTPS Respect, Equity and Diversity Framework policy and supporting material (<http://www.cmd.act.gov.au/governance/public/publications>)
- LGBTI Inclusion in the ACTPS (<http://www.cmd.act.gov.au/governance/public/lgbti-inclusion>)
- The ACTPS Code of Conduct (<http://www.cmd.act.gov.au/governance/public/publications>)
- Current ACTPS Enterprise Agreements (<http://www.cmd.act.gov.au/governance/enterprise-agreement>)
- The ACTPS Manager’s Toolkit (www.act.gov.au/managerstoolkit)
- The ACTPS Reasonable Adjustment Policy
- The AND Manager’s Guide to Disability
- Work Health and Safety (Preventing and Responding to Bullying) Code of Practice 2012
- Employee Assistance Programs (details available through local HR teams)
- The ACT Human Rights Commission (<http://hrc.act.gov.au/>)
- Directorate-specific resources (details available through RED Network Coordinators or local HR teams)
- *Relevant legislation*
 - *Fair Work Act 2009* (Cwlth)
 - *The Public Sector Management Act 1994* (ACT)
 - *Discrimination Act 1991* (ACT)
 - *Sex Discrimination Act 1984* (Cwlth)





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