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**WORKPLACE BEHAVIOURS – ADDITIONAL CATEGORIES OF PROTECTION –
WHAT YOU NEED TO KNOW**

The Department of Fire and Emergency Services (DFES) is committed to providing inclusive and respectful workplaces and has a legal duty and obligation to ensure it builds and supports safe and healthy work environments and promotes appropriate conduct. Positive working relationships and high standards of behaviour are fundamental in the workplace. Bullying, discrimination and harassment towards another person is a breach of the expected standards of behaviour prescribed in the Public Sector Commission's Code of Ethics and DFES's Code of Conduct.

The recently introduced [*Work Health and Safety Act 2020*](#) (WHS Act) provides a framework to protect the health, safety and welfare of workers in Western Australian (WA) workplaces, and of other people who might be affected by the work. The WHS Act and accompanying regulations came into effect on 31 March 2022. WorkSafe also introduced three new Codes of Practice in relation to various behaviours - expanding the types of behaviours that WorkSafe would consider a safety risk:

- ***Workplace Behaviour Code of Practice***
- ***Psychosocial hazards in the workplace Code of Practice***
- ***Violence and Aggression at Work Code of Practice.***

It is important that you understand the additional categories of protection, regarding workplace behaviours. In summary, they include behaviours related to:

- **Sex Based Harassment**
- **Work Related Violence and Aggression**
- **Misconduct**
- **Conflict**
- **Psychosocial hazards.**

Sex Based Harassment

A new category of protection called Sex Based Harassment was added to the *Sex Discrimination Act 1984* (Cth) in September 2021.

Sex based harassment occurs when a person:

1. engages in unwelcome conduct
2. of a seriously demeaning nature in relation to the gender of the person harassed and
3. in circumstances in which a reasonable person, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Work Related Violence and Aggression

Work related violence and aggression is also covered by the WHS Act and is further defined in the Workplace Behaviour Code of Practice. Work related violence and aggression covers a broad range of actions and behaviours that create a risk to safety and health of workers in circumstances related to their work. The harm can be physical or psychological and it covers one off as well as repeated incidents. Physical assaults and/or threats of harm can also be reported to WA Police as criminal behaviour. In addition, the **Violence and Aggression at Work Code of Practice** provides guidance in relation to violence and aggression in the workplace from external parties, such as clients, customers, students and patients.

Misconduct

The new **Workplace Behaviour Code of Practice** has identified misconduct as another behaviour that could constitute a safety issue.

Misconduct is defined to be:

1. any improper or unacceptable conduct
2. which fails to meet the requirements of relevant regulations, codes of conduct, policies, procedures or all lawfully given directions (verbal or written) and
3. has potential to cause a risk to safety and health.

This definition significantly expands the space where an employer and employee could be held to account for their behaviours.

Conflict

The new **Workplace Behaviour Code of Practice** has identified that conflict could also constitute a safety issue.

Conflict is defined to be:

1. unresolved conflict between two or more people over a work-related matter(s)
2. the behaviour becomes inappropriate or unreasonable
3. poses a risk to health and safety.

If the employer has taken all reasonable measures, but the conflict is unresolvable, it is taken to have been resolved.

Psychosocial hazards

The new **Psychosocial hazards in the workplace Code of Practice** states that psychosocial hazards are related to the physical, psychological and social conditions of the workplace which can lead to psychological or physical harm. Psychological hazards related to employers and managers include:

1. Poor leadership practices
2. Poor or no policies and procedures
3. Work demands
4. Low level of control
5. Inadequate support
6. Lack of role clarity
7. Poor organisational change management
8. Low recognition and reward
9. Poor organisational justice
10. Inappropriate and unreasonable behaviours (as previously outlined).

To learn more, please go to: [Prevention of Bullying, Discrimination and Harassment](#).

Please contact the Industrial Relations Branch industrial.relations@dfes.wa.gov.au for more information.

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