



# GBP Products Pty Ltd (ATF GBP Products Unit Trust)

ABN: 81 521 726 470

## WORKPLACE BEHAVIOUR & SOCIAL MEDIA POLICY AND PROCEDURE

**GBP Products Pty Ltd (ATF GBP Products Unit Trust)** is committed to ensuring that employees work in an environment where people are treated with mutual respect. It is important for a productive and harmonious workplace that employees are aware of the impact of their behaviours on others.

All employees have a legal responsibility to care for their own health and safety and that of others in the workplace, and therefore must treat everyone with respect and courtesy and not engage in acts which constitute inappropriate behaviour. Employees found to have either committed or condoned such behaviour in the workplace may be subject to disciplinary action which may include the termination of employment.

### What is inappropriate behaviour?

#### Bullying:

Workplace bullying is repeated, unreasonable behaviour directed at an employee or group of employees that creates a risk to health and safety. The following types of behaviour where directed towards an individual or group and is repeated, or occurring as part of a pattern of behaviour, could be considered to be bullying:

- Demeaning language or verbal abuse.
- Threats, physical or verbal intimidation.
- Outbursts of anger or aggression.
- Unreasonably excluding or isolating employees.
- Giving employees impossible assignments.
- Deliberately changing work rosters to inconvenience employees.

The above list is not exhaustive. Other types of behaviour may also constitute bullying.

### What is not bullying?

Reasonable management actions carried out in a reasonable manner is not bullying, e.g.:

- Setting reasonable performance goals, standards and deadlines
- Deciding not to select an employee for promotion
- Informing an employee about unsatisfactory work performance
- Informing an employee about inappropriate behaviour in an objective / confidential way
- Making organisational changes or restructuring with consultation.
- Conflict between people at work such as differences of opinions
- Poor management practices
- Dissatisfaction or grievances with organisational decisions.

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## Discrimination:

Discrimination is when a person is treated less favourably to other people because of a particular trait that they possess or their personal attributes. It is unlawful to discriminate against someone on the grounds of:

- Sex;
- Marital or relationship status;
- Pregnancy;
- Family responsibilities;
- Race;
- Disability;
- Sexual preference or orientation;
- Gender identity or intersex status;
- Age;
- Physical appearance;
- Political opinion;
- Employment status;
- Raising an OHS issue to management or government authority such as WorkSafe.

## Victimisation:

Victimisation is subjecting, or threatening to subject, someone to something detrimental because they have asserted their rights under equal opportunity law, occupational health and safety law, made a complaint, helped someone else to make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

## Occupational Violence and aggression:

Occupational violence and aggression is when a person is abused, threatened or assaulted in a situation related to their work. Examples of occupational violence include: yelling, swearing and name calling, standing over someone, biting, spitting, scratching, hitting, kicking; pushing, shoving, tripping, grabbing; throwing objects; verbal threats; threatening someone with a weapon, sexual assault.

## Harassment:

Harassment is any behaviour that is unwelcome or uninvited and that humiliates, offends or intimidates another person. It may be verbal, written, visual, electronic or physical and may consist of a single incident or a repeating pattern of events. Even if the harasser did not intend to offend, humiliate or intimidate, if it is reasonable for a person to feel offended, humiliated or intimidated then the behaviour may constitute harassment.

It is unlawful for harassment to occur on any of the grounds identified above in 'What is Discrimination'. Please note that if an outside relationship brings bad feelings or behaviours into the workplace, this may provide valid grounds for a complaint.

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## Sexual Harassment:

Sexual Harassment is said to have occurred where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or engages in any other unwelcome conduct of a sexual nature in relation to the other person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Work-related sexual harassment is sexual harassment directed at a person that can happen at work, work-related events, or between people sharing the same workplace. Work-related sexual harassment isn't always obvious, repeated or continuous.

Sexual harassment may include:

- touching
- staring or leering
- unnecessary contact, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life or body
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails, text messages or social media activity
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment is not consensual interaction, flirtation or friendship. Sexual harassment is not behaviour that is mutually agreed upon.

Sexual harassment is against the law and is a breach of this policy. The relevant legislation for Victoria is the Equal Opportunity Act 2010 (VIC) and the Occupational Health and Safety Act 2004 (VIC).

***Behaviours such as bullying, discrimination, harassment, occupational violence and aggression, sexual harassment and victimisation can create a risk to health and safety of employees, which may result in employees sustaining a physical and/or psychological injury.***

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## What is Social Media?

Social Media means websites and applications that enable users to create and share content or to participate in social networking, media sharing networking, bookmarking and content curation, corporate networking, blogging and micro-blogging networking, discussion forums and wikis.

Social media may include:

- Social networking sites such as Facebook, Twitter, LinkedIn
- Video and photo sharing websites and apps such as You Tube, Instagram, Flickr, Pinterest, Snap Chat
- Micro-blogging apps such as Twitter
- Wikis and online collaborations, e. g. Wikipedia
- Forums, discussion boards and groups, e.g. Google groups, Whirlpool

## What is unacceptable use of social media?

Unless prior written permission is provided, when using social media under the following circumstances:

- While performing work for this organisation, regardless of where it is performed
- When using the organisations IT systems or equipment even if for personal use
- When conveying information about the organisation or a stakeholder

You **must not**:

- Disclose or use information that is confidential to the organisation
- Engage in excessive non work-related use of social media during work hours
- Post anything in which this organisation or any other person has intellectual property rights
- Convey information that would allow a reasonable person to ascertain the work being performed for this organisation or the identity of a stakeholder and their relationship with the organisation.
- When using IT systems, use any other person's ID or logon details or otherwise impersonate any other person
- Disparage, criticise or show disrespect for any stakeholder or this organisation
- Discriminate, harass, bully or victimise any stakeholder

If you become aware of unacceptable use of social media as described above, you must notify your supervisor.

Stakeholder means a person or entity that is or was a client, supplier, employee or contractor in relation to this organisation (or is a prospective client, supplier, employer or contractor in relation to this organisation).

## Monitoring

When employees engage in social media activities using the organisations' IT systems, the IT department will collect and retain information about that activity, including the content of any communications. The purpose of collecting this information will be to ensure that the interests of co-workers and the organisation are not adversely affected by the conduct of that employee. The information will be kept secure and will only be disclosed to persons within the organisation as is necessary to ensure compliance with this policy.

Access to social media may be restricted whilst complaints against individuals are investigated.

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## **COMPLAINTS PROCEDURE**

**What can I do to report a breach of the social media policy, or if I believe I am being bullied, discriminated against, sexually harassed, victimised, or experienced occupational violence or aggression?**

Below is a summary of the steps that can be taken to address individual concerns and who to contact:

- If you can, try to resolve the problem yourself with the person(s) involved as soon as possible.
- If you're unsure of how to handle the problem yourself, you can report your complaint verbally by talking to your Manager/Supervisor or in writing by completing a complaint/grievance notification form and giving it to your Manager/Supervisor.
- If your complaint is about your Manager / Supervisor you can report your complaint directly to the Human Resources Manager.

If you witness another employee being bullied, discriminated against, harassed or victimised bring it to the attention of your Manager / Supervisor.

If you do make a complaint about a breach of social media policy, bullying, discrimination, harassment or victimisation you are responsible for ensuring that you:

- Make the complaint honestly and in good faith.
- Provide all the facts relevant to the complaint.
- Co-operate with the investigation and resolution processes

If a complaint of a breach of social media policy, bullying, discrimination, harassment or victimisation has been made about you, you are responsible for ensuring that you:

- Cooperate with the investigation and resolution processes and maintain confidentiality.
- Provide a written or verbal response to the complaint which has been made.
- Provide all relevant facts to the person conducting the investigation.

### **Confidentiality**

All persons associated with the Complaints process (including complainants, respondents, witnesses, and management representative) should maintain confidentiality and only discuss the grievance with those who have responsibility for dealing with the grievance. Any breach of confidentiality by a person involved in the grievance process may be subject to appropriate disciplinary action.

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## Management responsibility

If an employee brings an allegation of a breach of social media policy, bullying, discrimination, occupational violence, aggression, harassment or victimisation to your attention:

### Do Not

- Ignore the complaint.
- Tell the employee making the complaint to sort it out themselves.
- Make a judgement about whether the complaint is true or not.
- Say that the employee should put up with the behaviour, discrimination, or victimisation.

### Do

- Behave consistently with the expected workplace behaviours.
- Resolve the complaint as quickly as possible.
- Be sympathetic, sensitive and serious; the complaint is serious to the person making it.
- Enquire into the matter within 2 working days and attempt to resolve it as soon as possible.

## Manager's action steps

1. Notify the **Human Resources Manager** immediately.
2. Document the complaint using "**confidential complaint form**".
3. In discussion with the **Manager** or their delegate, determine who should investigate, and if possible, mediate the complaint.

## Investigation and mediation

- Investigation of a complaint relating to a breach of social media policy bullying, discrimination, occupational violence, aggression, harassment or victimisation must commence within 2 working days of receipt of the complaint.
- With the **Manager** or their delegate, determine who the appropriate person to investigate the complaint is.
- The investigator must be someone who is impartial, and who has been trained to conduct investigations. This person may need to be sourced from outside the organisation.
- Mediation may be a consideration in resolving a bullying, discrimination, harassment, occupational violence, aggression, or victimisation complaint. This form of dispute resolution is appropriate only if the person making the complaint agrees.

## Conduct of Investigation

- The principles of natural justice and procedural fairness will apply to an investigation. This means that the employee will be informed of the allegations against them and will be given an opportunity to provide a response to the allegations.
- The investigation will typically involve interviewing or gathering information from the person making the complaint, the person that is the subject of the complaint and any relevant witnesses. Any relevant documentation will also be considered.
- An individual who is interviewed as part of an investigation may have a support person accompany them. The purpose of a support person is not to advocate for an individual, but to provide emotional support. A support person cannot be another witness to the allegations.

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## Outcome

On the basis of all the information gathered, the investigator will determine whether an allegation is substantiated or unsubstantiated. An unsubstantiated allegation means there is insufficient evidence or information to prove the allegation.

The complainant and the respondent/s of the investigation will be advised of the findings and, where appropriate, actions arising from the investigation. The findings will advise whether the allegations are substantiated or unsubstantiated. Any disciplinary action arising out of the investigation that has been taken against a respondent will remain confidential and will not be shared with the complainant.

Where an allegation is unsubstantiated, appropriate action may be proposed to facilitate positive and professional relationships in the workplace, such as a facilitated discussion or temporary changes to work practices.

In situations where a breach of confidentiality, social media policy, bullying, discrimination, harassment, occupational violence, aggression, or victimisation complaints are substantiated, management may take the following actions:

- Require an apology from the respondent
- Make changes to work practices
- Undertake disciplinary action including termination of employment
- Require employees to participate in training
- Place notes in personnel file
- Require removal of information contained on any social media platform that breaches policy
- Restrict access to social media
- Any other action deemed fair and reasonable.

## FURTHER INFORMATION

- WorkSafe Victoria [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)
- Victorian Equal Opportunity and Human Rights Commission [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)
- Victoria Police [www.police.vic.gov.au](http://www.police.vic.gov.au)
- A guide for employers: Workplace bullying March 2020 (WorkSafe Victoria)
- Occupational Health and Safety Act 2004.
- Equal Opportunity Act 2010 (VIC).

EMPLOYEE SIGNATURE: \_\_\_\_\_

EMPLOYEE NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

WITNESSED ON BEHALF ON GBP PRODUCTS PTY LTD:

\_\_\_\_\_ DATE: \_\_\_\_\_

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