

**MEMBER BEHAVIOUR
POLICY**
(2019)



The Royal Australian Institute of Architects Limited

Member Behaviour Policy & Handbook

Adopted by the Board on 26 July 2019

Review before April 2021 (or when Constitution is updated)

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1. Introduction and Scope

- 1.1. The Australian Institute of Architects (**the Institute**) is committed to best practice governance and best practice employment and workplace conditions. The Institute is committed to fostering a values-based culture that is collaborative, positive, and safe.
- 1.2. This policy applies to all Members of the Institute in their dealings with each other and Institute employees
- 1.3. “**Members**” means all members under the Constitution of the Institute and their employees.
- 1.4. Members who are deemed ‘Workers’ for example, volunteers or Directors of the Institute may also be covered by the Institute’s Work Health and Safety Framework policies and procedures. Accepting or renewing Membership with the Institute is contingent upon abiding by the standards of behaviour outlined in these policies and principles in dealing with employees, workers and other members; and for ensuring healthy and safe Institute workplaces.
- 1.5. These policies also apply to work-related activities and events that Members attend. This includes representing the Institute at work-related social occasions held at Institute premises or external venues, including activities such as meetings, training or conferences, social events, Member professional, industry or social events.

2. Guiding Principles

- 2.1. The policies in this handbook set the standard of behaviour people can expect in dealing with Members in connection with the Institute, and to create and support a values based, collaborative, positive and safe working environment that is respectful, diverse and inclusive.
- 2.2. The Institute Core Values are the touchstone against which the Board, management, workers and members align.
- 2.3. Behaviours of the employees of the Institute are covered separately by the Employee Code of Conduct.

3. Purpose

- 3.1. The purpose of these policies is to:
 - provide safe and healthy Institute workplaces;
 - foster a values-based and positive culture that is respectful, diverse and inclusive;
 - align the values and behaviours of all people involved with the Institute and further to this, ensure risks and obligations around the provision of a safe and healthy work environment is front of mind for the Board, all officers and management of the organisation;
 - identify the standards of behaviour that is expected from Members as the policies respectively apply;
 - set out examples of unacceptable standards of behaviour that will breach these policies;
 - identify those persons authorised to respond to specific types of alleged conduct;
 - set out the process that is to be followed once a complaint is received and actions that would be taken depending on the severity of the breach; and
 - to aid in the viability of the Institute by minimising Work Health and Safety risks for which the organisation, it’s officers and management may be liable for.

4. How to use this document

- 4.1. Members must ensure they read, understand and comply with the standards of behaviour expected as outlined in this policy. Members that engage in conduct contrary to these policies may be

prohibited from attending Institute events or functions, or have their Membership suspended or not renewed.

- 4.2. You can identify the Institute's procedures to address various issues or concerns under these policies by following the 'bar' that runs alongside the relevant steps:

- 14.1. Members may request that the Board reviews a decision to take action against a Member. Members may request a review in writing and provide any supporting documentation.
- 14.2. Where a Member has acknowledged a breach of this policy, the effect it has on their Membership. Where a Member has issued an apology, the Member may apply to have a ban removed or their Membership reinstated.

- 4.3. Where the Institute suggests procedures for you to use to address various issues or concerns under these policies can be identified by the highlight:

- 12.1. The Institute is required to ensure that all Workers are treated respectfully and with dignity, and are not subject to discrimination, victimisation, harassment or vilification. The Institute will ensure that all Members will be treated with courtesy and respect in all of their dealings with the Institute.
- 12.2. **Who to speak to?** As a Worker, your concerns can be discussed privately and confidentially with your direct supervisor or the Institute's People & Culture team.

The Institute may change or withdraw these policies from time to time. It will endeavour to notify you if it does so and will make the relevant policies available via its website

- 4.4. By accepting or renewing Membership with the Institute, members are confirming that they understand and will comply with the standards of behaviour outlined in these policies. It is a condition of membership that the Institute's policies regarding appropriate and respectful behaviour are adhered to in dealing with employees, workers and other members, and for ensuring healthy and safe Institute workplaces.

Institute Contacts

- 4.5. Depending on a Member's circumstances, they may contact the following Institute employees who administer or oversee these policies and procedures:

- CEO d: (03) 8620 3836
- GM People & Culture d: (03) 8620 3863
- National President: national@architecture.com.au

A RESPECTFUL WORKPLACE BEHAVIOUR POLICY

5. Introduction

- 5.1. In line with the Institute's commitment to fostering a values-based culture that is collaborative, positive, and safe, the Policies within this document set out the expected standards of behaviour for members.
- 5.2. Members are expected to comply with these policies in their dealings and interactions with the Institute, each other, and particularly with the employees of the Institute.

6. General standards

- 6.1. The Institute encourages communication and interaction that is professional, courteous and consistent with its core values.
- 6.2. The Institute's core values include:
 - One community** – embracing diversity and open communication*
 - Innovation** – demonstrating leadership with courage and creativity*
 - Accountability** – acting with integrity, responsibility and sustainability*
 - Respect** – relating with empathy and recognition for effort*
 - Collaboration** – working together, with trust and transparency*
- 6.3. The Institute believes courteous communication and professional personal conduct contribute to a positive and safe environment for all Members to:
 - 6.3.1. treat each other with courtesy and respect;
 - 6.3.2. act in a professional manner at all times;
 - 6.3.3. work and conduct themselves in a safe manner at all times;
 - 6.3.4. be clear that the CEO and Institute Management give direction to employees; and
 - 6.3.5. observe the Institute's policies and procedures.

B NON- DISCRIMINATION, HARASSMENT, VICTIMISATION AND VILIFICATION POLICY

7. Introduction

- 7.1. The Institute is committed to the prevention of discrimination, sexual harassment, victimisation or vilification in the workplace. The Institute considers these to be unacceptable forms of behaviour and will not tolerate such behaviour under any circumstances.
- 7.2. Institute employees have a right to be treated equitably and without harassment occurring in the workplace. Members have the responsibility to respect the rights of employees and other Members, by not taking part in any action that may constitute harassment and by supporting and promoting the achievement of equal opportunity.
- 7.3. Sexual harassment, discriminatory harassment and victimisation due to making a complaint are unlawful and amount to discrimination under federal and state anti-discrimination law.

8. Equal employment opportunity and discrimination

- 8.1. This policy reflects the spirit and intent of federal and state affirmative action and anti-discrimination legislation in Australia including the following:

Sex Discrimination Act 1984 (Cwth)

Disability Discrimination Act 1992 (Cwth)

Age Discrimination Act 2004 (Cwth)

Racial Discrimination Act 1975 (Cwth)

Fair Work Act 2009 (Cwth)

Australian Human Rights Commission Act 1986 (Cwth)

A range of state-based equal opportunity legislation also applies.

- 8.2. The Institute believes that people perform more productively in an environment that is free from discrimination.
- 8.3. **Equal opportunity** means ensuring that workplace policies and practices are based on, and operate according to, the principle of merit. The Institute is therefore committed to ensuring that its employment practices are free from any unlawful discrimination based on:

- | | |
|---|---------------------------|
| ▪ race/ethnicity | ▪ industrial activity |
| ▪ gender | ▪ physical features |
| ▪ national origin | ▪ pregnancy |
| ▪ marital status | ▪ family responsibilities |
| ▪ sexual preference/lawful sexual activity | ▪ religious beliefs |
| ▪ age | ▪ political conviction |
| ▪ disability/impairment, including infectious disease | ▪ breastfeeding |
| | ▪ gender identity |

- 8.4. The Institute is also committed to ensuring that its workplace practices are free from any unlawful discrimination based on a person's association (including as a relative) with someone who has one of the characteristics listed above.
- 8.5. Discrimination can take many forms, some of which are direct or open. Others may be indirect or hidden:
- 8.5.1. **Direct discrimination** occurs when a person is treated less favourably than another, simply because of a personal characteristic or status unrelated to job performance, such as gender, race, sexuality, marital status (as listed above).
- 8.5.2. **Indirect discrimination** occurs when a policy or requirement which at first glance seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group, such as age, race, family circumstances or gender (as listed above).

9. Workplace Harassment Policy

- 9.1. The Institute is committed to providing an environment that is free from sexual harassment and from harassment on the discriminatory grounds listed above.
- 9.2. While the Institute does not intend to intervene in the personal relationships, it does have a proper concern where harassment:
- 9.2.1. creates an intimidating, hostile or offensive working environment;
- 9.2.2. adversely affects an individual's work performance;
- 9.2.3. adversely affects an individual's employment or promotion prospects;
- 9.2.4. results in resignation or unfair dismissal; or
- 9.2.5. reflects on the integrity and standing of the Institute.

10. Vilification policy

- 10.1. The Institute is committed to providing a working environment that is free from vilification on the grounds of the race or religion of a person or group of people.

11. Definitions

- 11.1. **Unlawful harassment** includes actions that might not be perceived to be harassment, such as the creation of a work environment which is generally hostile to a person or group of people with particular characteristics.
- 11.2. **Sexual harassment** is unwelcome conduct of a sexual nature, including unwelcome sexual advances, that is likely to make a person feel offended, humiliated or intimidated. It does not require an intention to harass and does not require the recipient to ask for the behaviour to stop. It is not mutually accepted behaviour.
- 11.3. For example, harassment does not usually include mutually acceptable physical contact.
- 11.4. Sexual harassment is unlawful under the following legislation: *Sex Discrimination Act 1984* (Cwth) and equivalent state and territory legislation.
- 11.5. **Discriminatory harassment** is a recognised form of discrimination which occurs when a person is harassed because of characteristics such as disability, gender, race and age (or any of the other grounds outlined in the above Policy).
- 11.6. **Vilification** is public conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, a person or class of persons on the grounds of that person or group's race or their religious belief or activity. Conduct may be constituted by a single occasion or by a number of occasions over a period of time. It includes use of the internet (including social media) or e-mail to publish or transmit statements or other material. This conduct amounts to discrimination under federal and state anti-discrimination law.

- 11.7. Serious vilification means knowing, intentional or reckless vilification that involves threatening or inciting physical harm towards, or towards any property of, a person or group of persons. This can amount to criminal conduct under federal or state law and can lead to fines or imprisonment.
- 11.8. **Victimisation** occurs when a person is treated unfairly or less favourably because of making or intending to make a complaint of sexual harassment or discrimination.

Examples

- 11.9. Behaviour which can be **sexual harassment** includes:
- suggestive comments or jokes of a sexual nature;
 - offensive gestures or sounds in relation to a person's appearance, clothing or height/weight;
 - persistent questions about a person's private life or personal comments about a person's appearance/clothing;
 - making unwelcome requests for a date or demands for sexual favours (either directly or by implication);
 - unwanted and deliberate physical contact or sexual gestures, including touching, brushing against, or grabbing a person; or
 - distribution or display of material (including through e-mail) which may be offensive, such as sexually explicit posters or pictures, sexist jokes or cartoons.
- 11.10. Behaviour which can be **discriminatory harassment** includes:
- making derogatory or offensive jokes, comments or gestures in relation to a person's appearance, ethnic origin, disability or gender;
 - ridiculing cultural differences of another person or group of people;
 - excluding persons from workplace conversations or activities based on their race/ethnicity, disability, age or gender; or
 - taunting a person in relation to their religious beliefs, race/ethnicity or sexual preference.

12. Grievance procedure for complaints about a Member

- 12.1. **Employees and Workers** who are concerned about the behaviour or conduct of a Member must escalate the matter to their manager, People and Culture team or the CEO at the earliest opportunity and refer to the Institute WHS Framework and/or the Employee Code of Conduct
- 12.2. **Members** who are concerned about other Members should report the matter, in the first instance, to their local Executive Director and President.
- 12.3. Complaints escalated for action regarding the conduct of a Member will be dealt with by the CEO or the National President, except where there is a need to remove a Member from the workplace, premises, or conversation. The Institute responses to inappropriate conduct by Members are set out in Schedule 1.

13. Option for Members to review a decision

- 13.1. Members may request that the Board reviews a decision to take action against them under this policy. Members may request a review in writing and provide any supporting documentation.
- 13.2. Where a Member has acknowledged a breach of this policy, the effect it has on the Employee or other person involved and issued an apology, the Member may apply to have a ban removed or their Membership restored providing this does not put those involved or the Institute at risk. Any decision by the Board will necessarily consider the nature and gravity of the breach of this policy by the Member.
- 13.3. The Board has sole discretion to refuse any request for review by a Member.

14. What are the possible outcomes of the grievance process?

- 14.1. The Institute may take action against any Member who has engaged in conduct in breach of this policy, whether in the form of bullying or other one-off incidents of unacceptable behaviour. The consequences will depend on the nature and severity of the offending conduct. The types of action that will be taken against a Member for a breach of this policy are set out in Schedule 1 and generally include:
- 14.1.1. requiring all communications with the Member to be in writing only;
 - 14.1.2. asking the Member to leave the Institute's premises (or other premises controlled or occupied by the Institute where the unacceptable behaviour occurs);
 - 14.1.3. forcefully removing the Member from the Institute's premises if the Member refuses to leave, including by involving the police;
 - 14.1.4. banning the Member from attending the Institute's premises (or other premises controlled or occupied by the Institute);
 - 14.1.5. rejecting or revoking the Membership of the Member; or
 - 14.1.6. other forms of legal action (where appropriate).

C WORKPLACE BULLYING POLICY

15. When does this policy apply?

- 15.1. The Institute considers bullying to be an unacceptable form of behaviour and will not tolerate it under any circumstances.
- 15.2. The Institute has a responsibility to do everything possible to eliminate or reduce risks in or arising from the workplace. All employees have a right to a workplace that is free from bullying and violence. Likewise, Members should not be exposed to bullying or violence in their dealings with the Institute. Members must also accept responsibility for their actions towards others in the workplace and must not take part in any bullying or violent behaviour.

16. What is bullying?

- 16.1. Workplace bullying is repeated, unreasonable behaviour which creates a risk to mental or physical health and safety.
- 16.2. Unreasonable behaviour is that which a reasonable person, having regard to all the circumstances (those that the respondent would reasonably be expected to know), would expect to victimise, humiliate, undermine or threaten its recipient.
- 16.3. Behaviour includes actions of individuals or a group and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.
- 16.4. Generally, this policy is concerned with behaviour that is **persistent** and part of **an identifiable pattern**. The specific form of the behaviour need not be the same – bullying can involve diverse incidents (for example, verbal abuse, isolation and deliberate damage to personal property).
- 16.5. While a single incident of the behaviour described does not fall within the above definition, the Institute does not condone and will not ignore such incidents. Any concern should be reported and will be considered seriously.

Examples of bullying

- 16.6. The following types of behaviour, when repeated or occurring as part of a pattern of behaviour, can constitute bullying:
 - 16.6.1. physical violence or threats of harm;
 - 16.6.2. verbal abuse, threats, sarcasm and other forms of demeaning language or communication including social media;
 - 16.6.3. constant unconstructive criticism;
 - 16.6.4. assigning meaningless tasks unrelated to the employee's position;
 - 16.6.5. isolating or ostracising behaviour or deliberately excluding a person from workplace activities;
 - 16.6.6. deliberately withholding information, assistance or equipment that a person needs to adequately perform his/her role;
 - 16.6.7. sending intimidating messages, abusive emails or mobile phone text messages; or
 - 16.6.8. spreading gossip or rumours.

17. Grievance procedure for complaints about a Member

- 17.1. Employees, workers or Members who are concerned about the behaviour or conduct of another Member must escalate the matter to their manager, People and Culture team, the CEO, or the National President at the earliest opportunity. The Institute's responses to inappropriate conduct by Members are set out in Schedule 1.

18. Complaints about the conduct of a Member will be dealt with by the CEO or the National President. Option for Members to review a decision:

- 18.1. Members may request the Board review a decision to take action against them under this policy. Members may request a review in writing and provide any supporting documentation.
- 18.2. Where a Member has acknowledged a breach of this policy, the effect it has on an Employee, other Member or person involved and issued an apology, depending on the seriousness of the breach, the Member may apply to have a ban removed or their Membership restored. Any decision by the Board will necessarily consider the nature and gravity of the breach of this policy by the Member.
- 18.3. The Board has sole discretion to refuse any request for review by a Member.

19. What are the possible outcomes of the grievance process?

Outcomes for Members

- 19.1. The Institute may take action against any Member who has engaged in conduct in breach of this policy, whether in the form of bullying or other one-off incidents of unacceptable behaviour. The consequences will depend on the nature and severity of the offending conduct.
- 19.2. The types of action that will be taken against a Member for a breach of this policy are set out in Schedule 1 and generally include:
 - 19.2.1. requiring all communications with the Member to be in writing only;
 - 19.2.2. asking the Member to leave the Institute's premises (or other premises controlled or occupied by the Institute where the unacceptable behaviour occurs);
 - 19.2.3. forcefully removing the Member from the Institute's premises if the Member refuses to leave, including by involving the police;
 - 19.2.4. banning the Member from attending the Institute's premises (or other premises controlled or occupied by the Institute);
 - 19.2.5. rejecting or revoking the Membership of the Member; or
 - 19.2.6. other forms of legal action (where appropriate).

D WORKPLACE HEALTH AND SAFETY POLICY

For those Members who are classified as Workers under Work Health and Safety legislation, please also refer to the Institute WHS Framework

Related Documents

Code of Professional Conduct (for Members in relation to obligations to the Public, the Client and the Profession)

Work Health and Safety Framework (for Employees, Workers and Officers of the Institute)

Schedule 1

Member breaches, possible actions in response to a breach, and who can take those actions:

Action #	Type	Breach	Action	Action by
1	Physical	Behaviour that is reasonably seen as: <ul style="list-style-type: none"> physical intimidation or threats, actual violence or assault against persons, damaging or misusing objects. 	<ol style="list-style-type: none"> Call police, Make statements to police when necessary, Act as a witness, if police charges laid. 	Any Employee
			Inform offending Member that he or she is banned from the Institute's: <ul style="list-style-type: none"> Workplaces, functions or events (including Committee proceedings) until further notice.	Any manager
2		Behaviour, within a workspace, or Institute workplace, that is reasonably seen as directing or insisting that an employee do something that they decline to do.	1. Ask offending Member to cease behaviour.	Any Employee
			Inform offending Member that Employees take directions from their manager or CEO, not from Members.	Relevant GM or CEO
3		Behaviour (as described in Action 2) that is continued towards the same Employee or redirected to another Employee.	<ol style="list-style-type: none"> Ask offending Member to leave premises. If offending Member refuses to leave, call police to enforce. 	Any Employee
			Inform offending Member that Employees take directions from their manager or CEO, not from Members and that the Member is banned from Institute: <ul style="list-style-type: none"> workplaces, functions or events (including Committee proceedings) until further notice.	CEO
4		While serving on an Institute Committee Behaviour that is reasonably seen as directing or insisting, in a threatening manner, that an employee do something they decline to do.	<ol style="list-style-type: none"> Ask offending Member to leave the workplace or venue. If offending Member refuses to leave, call police to enforce. 	Any Employee
			Inform offending Member that he or she has been removed from serving on the relevant Institute committee until further notice.	CEO or President
5		While attending an Institute function or event Behaviour that is reasonably seen as abusive or insulting towards any individual.	<ol style="list-style-type: none"> Ask offending Member to leave. If offending Member refuses to leave, call police to enforce. 	Any Employee
			Inform offending Member that he or she is banned from the Institute's: <ul style="list-style-type: none"> workplaces, 	CEO or President

			<ul style="list-style-type: none"> functions or events (including Committee proceedings) until further notice. 	
6	Verbal	While on Institute premises Behaviour that is reasonably seen as verbally abusive or insulting towards an Individual	1. Ask offending Member to cease behaviour.	Any Employee
7		Behaviour (as described in Action 6) that is continued towards the same Individual or redirected to another person.	1. Ask offending Member to leave premises. 2. If offending Member refuses to leave, call police to enforce.	Any Employee
8		Behaviour that is reasonably seen as verbally abusive or insulting on the telephone (or a similar device).	Ask member to cease verbal communication immediately (i.e. hang up) and refer the incident to manager, P&C Team or CEO	Any Employee
9	Written	Behaviour that involves writing a letter, email (or any other written medium) that is reasonably seen as abusive or insulting towards an employee.	Ask member to cease communication immediately and refer the correspondence to manager or P&C Team or CEO	Any Employee
10	Social Media	Behaviour that involves uploading or publishing content that is reasonably seen as abusive or insulting.	If offending Member can be identified: <ul style="list-style-type: none"> Ask that they remove the content If content is in hard copy, ask that they formally retract the content from all media. 	CEO or President
			If the content is actionable under defamation laws, legal action against offending person may be commenced.	CEO or President
11	Any	Any of the above breaches, where the behaviour is serious or repeated or likely to continue.	At the next renewal period, not accept an application for ongoing Institute Membership from the Member.	CEO