

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and Ethical Standards to inform the decisions they make to support compliance.

Workplace behaviours

Context

Victoria Police is committed to providing a safe, inclusive and respectful workplace free from bullying, discrimination, harassment, sexual harassment and victimisation. Victoria Police is continuing to build a workplace culture of respect and adopts a zero-tolerance approach towards inappropriate behaviours, as described in this policy.

All employees play an important role in promoting and maintaining a positive and safe working environment and in upholding standards of appropriate behaviour and conduct, both within and outside the organisation. Behaviour that falls short of this standard will be dealt with in accordance with this policy.

In accordance with the *Sex Discrimination Act 1984 (Cth)*, Victoria Police has positive duty obligations to eliminate sexual discrimination, sexual harassment and victimisation in the workplace.

This policy outlines the appropriate and acceptable standards of behaviour in the workplace and supports employees to meet these standards in order to provide a safe, inclusive and respectful workplace for all.

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Definitions

Term	Definition
Bullying	Bullying means repeated, unreasonable behaviour, by an individual or group, directed towards a person or group that creates a risk to health and safety. • <u>Repeated</u> refers to occurring more than once

	• <u>Unreasonable</u> behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to humiliate, intimidate, undermine or threaten • <u>Behaviour</u> includes actions of individuals or groups and may involve using a system of work as a means of victimising, humiliating, undermining or threatening • <u>Risk</u> to health and safety includes risk to the mental or physical health and safety of a person. Bullying can be upwards (directed towards a manager or supervisor), sideways (directed at a colleague) or downwards (directed towards an employee of a lower rank or classification). Bullying can, in some circumstances, constitute a criminal offence under the <i>Crimes Act 1958</i> (including <i>Brodie's Law</i> which covers serious bullying). A criminal charge may be laid where there are assaults or threats, abusive or offensive words or acts, stalking and cyber-stalking. Examples of bullying Examples of the types of behaviour, where repeated or occurring as part of a pattern of behaviour, that may be considered bullying include (but are not limited to): • verbal abuse e.g. being sworn at, threatened, insulted, name calling, humiliating practical jokes, belittling and humiliation, shouting or yelling • unfair allocation of tasks, rosters, hours of work and/or benefits • deliberately withholding necessary work-related information or resources, or supplying incorrect information • teasing or regularly making someone the brunt of jokes • spreading gossip, rumours and innuendo of a malicious or undermining nature • deliberately isolating or marginalising a person from normal workplace activities • intimidating a person through inappropriate personal comments, belittling opinions or unjustified criticism • inappropriate tampering with an individual's personal effects or equipment • mobbing – this occurs when a number of individuals target one person with disrespectful and harmful behaviour. What is not bullying? Bullying does not include: • reasonable management action taken in a reasonable way (see <i>Definition below</i>) • a single incident of unreasonable behaviour. A single incident may however fall into the categories of harassment or may be a criminal act • inter-personal conflict (see <i>Definition below</i>) or difference of opinion, which does not involve the kinds of harmful behaviours listed above.
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Conflict of interest	A conflict of interest is where an employee has private interests or relationships that could improperly influence, or be seen to influence, their decisions or actions in the performance of their duties. A conflict of interest can be real, perceived or potential. (See VPM Conflict of interest).
Discrimination	Discrimination is treating, or proposing to treat, someone unfavourably because of a personal attribute protected by law. <i>Direct Discrimination</i> means to treat someone with a particular attribute unfavourably because of that attribute. <i>Indirect Discrimination</i> means to impose, or propose to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with an attribute, and that requirement, condition or practice is not reasonable. The personal attributes protected by State and Commonwealth discrimination laws are: • age • carer and parental status • disability (including physical, sensory and intellectual disability, work related injury, medical conditions, and mental, psychological and learning disabilities) • employment activity • gender identity, lawful sexual activity and sexual orientation • industrial activity • marital status • physical features • political belief or activity • pregnancy and breastfeeding • race (including colour, nationality, ethnicity and ethnic origin) • religious belief or activity • sex • expunged homosexual conviction • personal association with someone who has, or is assumed to have, one of these personal characteristics. It is also against the law to sexually harass or victimise someone, or to vilify someone because of their race or religion.
Grooming	Grooming is the process by which a person prepares a victim for, and strengthens, a pattern of sexual abuse. First, the perpetrator grooms the victim and surrounding environment to establish power and control. Then the perpetrator begins to sexualise the relationship. Exploitative predatory behaviour involving grooming behaviours can occur between adults in the workplace.

Harassment	Harassment occurs when a person engages in conduct towards another person which a reasonable person with knowledge of the circumstances would expect to cause the other person to feel intimidated, insulted or humiliated. Harassing behaviour can range from serious to less serious levels. One-off incidents can still constitute harassment. Sexual harassment is a form of harassment which is dealt with separately in this policy (see <i>Definition below</i>). Some forms of harassment may also be discrimination. Examples of harassment Harassment may include (but is not limited to): • telling jokes about particular racial groups • making derogatory comments or taunts about someone's race, age, sexuality or religion • making fun of someone's personal circumstances, personal appearance or mental or physical disability • making remarks about a person's skin colour or ethnic traits • using racist slang, phrases or nicknames. Harassment can also occur if someone is working in a hostile or intimidating environment. An example of a potentially hostile working environment is where crude, racist, homophobic or transphobic conversations, innuendo, displays of pornography or offensive jokes are part of the accepted culture.
Inappropriate behaviours	Inappropriate behaviours mean behaviours falling within the definitions of bullying, discrimination, harassment, inter-personal conflict, predatory behaviour, sexual harassment, vexatious complaints, victimisation and workplace incivility; which a reasonable person would anticipate would, or may cause, psychological or physical harm.
Inter-personal conflict	Inter-personal conflict means when a person or group of people repeatedly interfere with each other's workplace goals, preferences, values and interests through behaviours which cause workplace harm. Inter-personal conflict may arise from (but is not limited to): • differing personalities • differing communication and/or leadership styles • differences in ideas, decisions and/or actions • lack of respect. Continued inappropriate inter-personal conflict can form a pattern of unreasonable behaviour that may be considered bullying (see <i>Definition above</i>). Not all inter-personal conflict is accompanied by harmful behaviour. Meaningful conflict, such as debate, disagreement, constructive feedback and discussion regarding different approaches to work and goals, is a useful and healthy part of the workplace that enables teams to be more creative and ensure quality of service.

Predatory behaviour	Predatory behaviour is where a person misuses their authority or influence with the intention of exploiting another employee for sexual or other personal gratification. It is often preceded by grooming behaviours. Predatory behaviour is sexual harassment under this policy (<i>see Definition below</i>). Examples of predatory behaviour • A senior person using their authority and influence to try to manipulate or pressure a junior employee into a sexual relationship. • A People Development Command (PDC) staff member or a supervisor using their authority and influence which comes with the role of instructor or assessor to manipulate or pressure recruits or probationary constables at designated training workplaces into sexual activity or tolerating sexualised behaviour. These examples may involve 'consensual' sex or 'welcome' sexual advances, but the power imbalance and circumstances mean that the behaviour is improper.
Reasonable management action	Reasonable management action includes (but is not limited to) situations where a person is subjected to or is affected by reasonable and legitimate: • strong management that is clear, firm, direct and respectful • performance management processes • feedback or advice about work-related behaviour and conduct • preliminary inquiries into a complaint • investigation and disciplinary action • application of policy rules and guidelines • allocation of work responsibilities or duties • decisions regarding transfer and promotion • decisions regarding access to training, conferences or work-related travel. Managers have fundamental rights to define and monitor how work is performed, provided the action is taken in a reasonable manner. For example, feedback or counselling which is objective and includes actions required to remedy deficiencies is reasonable. By contrast, comments that fail to provide adequate guidance as to required standards, or performance counselling that does not include actions to remedy the deficiencies, may amount to management action taken in an unreasonable manner. An injury arising from reasonable management action taken in a reasonable manner is not compensable under the <i>Workplace Injury Rehabilitation and Compensation Act 2013</i>.
Sexual harassment	A person sexually harasses another person if he or she makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other 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 (Section 92 of the <i>Equal Opportunity Act 2010</i>). Examples of sexual harassment Sexual harassment refers to any behaviours – physical, written or verbal – that has a sexual connotation such as: • sexually suggestive comments or jokes • comments about someone's body or physical appearance • subjecting a person to an act of physical intimacy e.g. brushing up against them, touching, or hugging • sexually suggestive behaviour e.g. requests for sex or comments with sexual connotations • sexually suggestive comments or jokes • making gestures or actions of a sexual nature e.g. offensive hand or body gestures • inappropriate staring or leering • sexually explicit or suggestive images, messages via email, SMS, social media • displaying sexually suggestive or pornographic images e.g. on screen savers, photo calendars • intrusive questions about someone's personal life (including their sex life) or physical appearance • sexual harassment includes predatory behaviour and grooming (see <i>Definitions above</i>). Some types of sexual harassment can also be a criminal offence. A single act or continuing courses of conduct are equally capable of constituting sexual harassment. The intent of the harasser is not relevant. Sexual harassment may also meet the definition of discrimination under the <i>Equal Opportunity Act</i>. This will depend on the circumstances. For example, if the workplace culture is hostile to women, this may be both sexual harassment and sex discrimination. This is because harassing conduct may result in a woman being subject to unfavourable treatment in employment. What is not sexual harassment? Behaviour which is based on mutual attraction, friendship and respect, and which is consensual, welcome and reciprocated, is not sexual harassment. However, some sexualised behaviours and sexual relationships in the workplace, even if welcome and consensual, are inappropriate for other reasons: • the sexualised behaviour may create a hostile working environment for other people based on their gender and may be discrimination • a relationship may be a conflict of interest if a person's personal interests influence, or appear to influence, the impartial performance of their duties e.g. as a supervisor or assessor (see VPM Conflict of interest)
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	• some workplace relationships are not appropriate, even if consensual and welcome, because of the special power and responsibility in the professional role e.g. Academy Instructors must not have sexual relationships with recruits, students or probationary employees, Welfare Officers must not have sexual relationships with people they are supporting • using work time or resources to pursue a personal relationship, or engaging in sexual activity on work time or at work premises is misconduct • some kinds of sexualised behaviour may be grooming behaviour (see <i>Definition above</i>).
Victimisation	Victimisation means subjecting, or threatening to subject, someone to something detrimental because they have asserted their legal rights, made or intend to make a complaint, helped someone else to make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Examples of victimisation Victimisation may be constituted by (but is not limited to): • threats to the employee • adverse changes in the working environment e.g. inequitable roster arrangements • denial of training or promotion opportunities • making negative, unfounded or belittling comments • exclusion by peers • reprisals or threats of reprisals against an employee because the employee has made or is involved in a complaint. (See section 173 of the <i>Victoria Police Act 2013</i> and section 104 of the <i>Equal Opportunity Act</i>).
Workplace harm	Workplace harm is the detrimental effects of being targeted by all forms of inappropriate behaviour from work colleagues.
Workplace incivility	Workplace incivility means low level encounters and negative behaviours that if left unchecked can lead to workplace harm. Examples of workplace incivility Workplace incivility includes (but is not limited to): • acts of deliberate rudeness and discourtesy • disrespectful or foul language • interfering with people's belongings e.g. food, furniture or work papers • inappropriate jokes, nicknames or teasing, at the expense of others.

Scope and application

This policy applies to all Victoria Police employees during all work-related situations, whether during or outside normal working hours, whether on leave or rostered for duty, and including before and after shifts and breaks.

Work-related situations include but are not limited to, situations where people are:

- in any Victoria Police workplace (including staff rooms and change rooms)
- in work vehicles
- at any place where work duties are performed (including on patrol; making inquiries; at public transport hubs; at court; at off-site meetings e.g. at a cafe, private home; at training, conferences and work trips including overnight, residential and meals or social contact during trips)
- while engaged in work or work-related activities, including dealings with colleagues or members of the public, on or off-site, face-to-face or using Victoria Police information systems, telephone or social media applications and platforms
- identifying themselves as an employee of Victoria Police or referring to Victoria Police, its employees or operations, including through social media or where they can be identified by others as an employee of Victoria Police
- at social functions, events and activities organised by or through Victoria Police, such as office parties, dinners, graduation, retirement or Christmas functions.

This policy does not remove any obligation which a police member has under the *Victoria Police Act* to report the misconduct of another police member.

Legal framework

Victoria Police has various legal duties in relation to the health and safety of its employees and others in the workplace:

- S.21 of the *Occupational Health and Safety Act 2004* provides Victoria Police with a duty to provide and maintain, so far as is reasonably practicable, a working environment for all employees which is safe and without risks to health
- S.25 of the *Occupational Health and Safety Act* provides an obligation on all employees of Victoria Police to take reasonable care for their own health and safety and the health and safety of those they work with
- S.26 of the *Occupational Health and Safety Act* places an obligation on managers of workplaces to ensure, so far as is reasonably practicable, a working environment for all employees of the workplace which is safe and without risks to health.

Failure of Victoria Police or its employees to meet the relevant legal duties may result in:

- workers' compensation claims
- WorkSafe prosecutions
- common law personal injury claims
- vicarious liability.

In the event of any such claims, Victoria Police will be required to prove what steps have been taken

to provide a safe working environment in compliance with its legal duties. This may include regular training which has been provided, policies and procedures, and specific actions that have been taken in individual cases to identify and address risks to health and safety. This highlights the importance of creating and maintaining a safe working environment and responding to inappropriate behaviour in a timely and considered manner.

Responsibilities

1. Standards of behaviour

1.1 *Employee responsibilities*

All employees are responsible for their own conduct and must comply with the expected standards of behaviour set out in **VPM Professional and ethical standards** and the Victorian Public Sector Code of Conduct for Special Bodies. Employees are also expected to adhere to the Victoria Police Values in contributing to safe, inclusive and respectful workplaces.

Employees of Victoria Police must not engage in inappropriate behaviours.

Inappropriate behaviours will not be tolerated by Victoria Police and action will be taken in accordance with **VPM Workplace behaviours – reducing harm and resolution – Procedure**.

Employees are encouraged, if they feel comfortable and safe, to call out and address inappropriate behaviours before they escalate, including by using interventions and tools set out in **VPM Workplace behaviours – reducing harm and resolution – Procedure**.

All employees are responsible for:

- being familiar with and complying with this policy, ensuring their behaviour is safe, inclusive, respectful and appropriate for the workplace
- taking steps to prevent inappropriate behaviour from occurring or escalating in their workplace or in connection with work, by:
 - if concerns are raised about their own behaviour, being willing to admit to mistakes, make amends and change their own behaviour, seeking help if needed
 - supporting those who may have experienced inappropriate behaviour and refraining from any form of victimisation
 - supporting the efforts of those seeking to change their own behaviours and of those seeking to create a safe, inclusive and respectful workplace
 - assisting and co-operating in the application of this policy and in any process to address inappropriate behaviour taken under **VPM Workplace behaviours – reducing harm and resolution – Procedure**.

1.2 *Supervisor responsibilities*

In addition to their responsibilities as employees, supervisors are responsible for:

- promoting this policy and the **Workplace behaviours – reducing harm and resolution – Procedure**
- providing employees with advice and guidance on the application of this policy and **VPM Workplace behaviours – reducing harm and resolution – Procedure**, where appropriate

- taking steps to prevent inappropriate behaviours from arising in the workplace by regularly communicating and reinforcing clear expectations for safe, inclusive and respectful behaviour
- leading by example, by role-modelling safe, inclusive and respectful behaviour in the workplace
- being knowledgeable and alert to the kind of behaviour and signs of workplace harm that might indicate a problem exists or is emerging
- when becoming aware of inappropriate behaviours, responding promptly, sensitively and confidentially in accordance with **VPM Workplace behaviours – reducing harm and resolution – Procedure**
- wherever appropriate and avoiding any conflict of interest, assisting individuals to resolve concerns about workplace behaviour informally at the local level.

2. Resolution

- **VPM Workplace behaviours – reducing harm and resolution – Procedure** sets out the pathways to address inappropriate behaviour.
- Action can and should be taken by supervisors under **VPM Workplace behaviours – reducing harm and resolution – Procedure** whenever inappropriate behaviours or workplace harms are identified, even if the matter has not been raised formally.
- Employees can and should take reasonable steps to raise concerns about inappropriate behaviours even if the conduct in question was not specifically targeted at them.

3. Breach of this policy

A breach of this policy may result in:

- remedial action being taken, which is designed to alter inappropriate behaviours, provide a safe, inclusive and respectful workplace, and respond appropriately to workplace harm
- action being taken for a breach of discipline (s.125 of the *Victoria Police Act*, for police members) or for misconduct (clause 27 of the *Victorian Public Service Enterprise Agreement 2024*, for VPS employees).

A breach of this policy may also lead to Victoria Police and individual employees being in breach of applicable laws and subject to:

- criminal proceedings and subsequent penalties under the *Crimes Act*
- action under the *Occupational Health and Safety Act*
- proceedings and liability for penalties, compensation and costs under State or Commonwealth legislation or common law.

Related documents

Other sections of the VPM:

- Code of Conduct for Victorian Public Sector Employees of Special Bodies
- VPM Workplace behaviours - reducing harm and resolution - Procedure
- VPM Professional and ethical standards

- VPM Management of misconduct (VPS employees)

Relevant Legislation and industrial agreements:

- *Age Discrimination Act 2004 (Cth)*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Crimes Act 1958*
- *Disability Discrimination Act 1992 (Cth)*
- *Equal Opportunity Act 2010*
- *Occupational Health and Safety Act 2004*
- *Public Administration Act 2004*
- *Racial and Religious Tolerance Act 2001*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Victims Charter Act 2006*
- *Victoria Police Act 2013*
- *Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2025*
- *Victorian Public Service Enterprise Agreement 2024*
- *Workplace Injury Rehabilitation and Compensation Act 2013*

Other

- Workforce Diversity & Inclusion Framework 2023-2030

Further advice and information

For further advice and assistance regarding this policy, contact Business Partnering and Workplace Relations via email WRD-GENERAL-MGR.

Update history

DATE OF FIRST ISSUE	08/05/20	
DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
08/05/20	Consolidation of VPMP Bullying, discrimination and harassment, VPMG Bullying, discrimination and harassment, VPMP Sexual harassment and VPMG Sexual harassment	FF-119962
10/03/21	Minor updates to reflect the new enterprise agreements	FF-191451
11/07/2025	Minor updates to incorporate changes to <i>Victoria Police (Police Officers, Protective Service Officers, Police Reservists and Police Recruits) Enterprise Agreement 2025</i> and <i>Victorian Public Service Enterprise Agreement 2024</i> .	FF-273319