

# THE CONTINUUM OF WORKPLACE BEHAVIOURS



Green behaviour is appropriate behaviour at work that is respectful and inclusive to all. It includes compliments where they are based on performance and effort (rather than appearance), and reasonable feedback from managers.

Yellow behaviour does not amount to a breach of workplace legislation (orange) or a criminal offence (red) but is still inappropriate and/or may contribute to a disrespectful or unhealthy work environment, in which orange or red behaviours are more likely to occur. Examples include:

- One-off instances of inappropriate or sexualised behaviour that hasn't caused offence e.g. wolf whistle, sexist joke
- Undervaluing someone or comments based on gender stereotypes
- One off rudeness/tactlessness will not amount to bullying, but if repeated it could.

Orange behaviour is that which legislation prohibits in workplaces – including **bullying, sexual harassment, racial harassment** and **unlawful discrimination**.

**Bullying** at work is repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm.

**Examples of bullying behaviours:**

- Direct and personal attacks: threatening, shouting, intimidating, insulting, humiliating or belittling comments or behaviours
- Indirect and task related: giving unachievable tasks, constant criticism, ignoring/isolating, excluding from invitations to lunch/drinks, withholding information, undermining behaviour, threatening job security or future work/career, ongoing rudeness

**Sexual harassment** is any unwelcome or offensive sexual behaviour that is repeated, or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment, or an implied or overt threat of detrimental treatment.

**Examples of sexual harassment:**

- hints or promises of career advancement in exchange for sexual activity
- threats of not being offered future work if sexual activity is not given
- sexually offensive comments or sexual jokes, including from audience members
- taking inappropriate photos without consent
- staring, leering, invasion of personal space
- sexually provocative posters or visual material of a sexual nature
- comments on bodies or physical appearance
- being asked to wear revealing clothing
- offensive hand or body gestures
- unwanted comments, intrusive questions or teasing about a person's sexual activities or private life
- unwanted sexual advances
- persistent and unwelcome social invitations (eg drinks/dates), phone calls, or messages at work or at home

**Racial harassment** is visual material or physical behaviour that is either repeated or of such a significant nature that expresses hostility against, or brings into contempt or ridicule, any other person on the ground of colour, race, or ethnic or national origins, and is hurtful or offensive.

**Examples of racial harassment:**

- making offensive remarks or jokes about someone's race, colour, or ethnic or national origins
- calling someone racist names
- making fun of the way some speaks or mocking their name on the basis of their colour race, ethnic or national origin.

Some bullying or harassment can be a breach of workplace legislation (orange) and a criminal offence (red). Examples of **criminal offences** include:

- non-consensual groping / indecent assault e.g. grabbing someone's bottom
- exposing genitals
- sending unsolicited 'dick pics'
- revenge porn
- physical attacks or violence
- unwanted kissing or touching
- any penetration without consent e.g. rape
- having /sharing objectionable material e.g. bestiality or child sex abuse images
- sexual contact with a person under 16.

Note that consensual sexual activity and mutual consensual flirting **will not** be sexual harassment, but care should be taken where there is a power imbalance. Power imbalances in the workplace can contribute to sexual harassment occurring and people being reluctant to report inappropriate behaviour. A power imbalance can result from gender, sexuality, ethnicity, minority status, age, disability, seniority or influence in the workplace.