

OFFICIAL



CDPP

Australia's Federal Prosecution Service



Workplace Respect and Courtesy Guidelines

Last update: August 2025¹

¹ References to the law, policies and guidelines are current as at the date of publication. Users should confirm the currency of all source material at the time of using this document.

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A. OVERVIEW

1. The Office of the Director of Public Prosecutions (Cth) (**CDPP**) is committed to providing a workplace environment which upholds the Australian Public Service (**APS**) Values, Employment Principles and Code of Conduct, and where any forms of inappropriate workplace behaviour are not tolerated. The CDPP requires all workers to demonstrate appropriate, reasonable, fair, respectful and courteous behaviour in the workplace at all times.
2. The Director is committed to and has the expectation of all CDPP workers to:
 - 2.1. lead by example, fostering a strong, empowering, safe and respectful workplace culture that supports psychological safety;
 - 2.2. celebrate and embrace diversity in all that we do;
 - 2.3. maintain a high level of integrity in all their interactions and call out poor behaviour; and
 - 2.4. take the required action in response to reports of inappropriate conduct.
3. The CDPP will do what is reasonably practicable to manage the risk of inappropriate behaviour including but not limited to discrimination, harassment, sexual harassment and bullying in line with the [Work Health and Safety Act 2011](#) (Cth) (the **WHS Act**) obligations.
4. Inappropriate behaviours may lead to serious consequences for CDPP workers who are found to have engaged in any form of inappropriate workplace behaviour in connection with their APS employment.
5. Those consequences including the possibility of facing formal disciplinary proceedings which may also result in the imposition of sanctions under s 15(1) of the [Public Service Act 1999](#) (Cth) (the **PS Act**) or contract law, and in the most serious circumstances, termination of employment or contract. Workers or the CDPP may report the issue to the police where it is serious enough to be considered an offence under criminal law.

B. PURPOSE

6. The purpose of this document is to:
 - 6.1. affirm the Director's/CDPP's commitment to a healthy workplace culture and a work environment where inappropriate behaviours are not tolerated;
 - 6.2. provide guidance to managers and workers on the drivers, the effects, and the CDPP's [prevention](#) framework regarding inappropriate workplace behaviour; and
 - 6.3. support and provide further guidance to the related policies and procedures, including:
 - (a) [Director's Statement of Behaviour](#);
 - (b) [Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy](#);
 - (c) [Drugs and Alcohol in the Workplace Policy](#);
 - (d) [Procedures for Dealing with Drugs and Alcohol in the Workplace](#);

- (e) [CDPP Values and Behaviours](#);
- (f) [Suspected Misconduct Guidelines](#);
- (g) [Procedures for Determining Suspected Breaches of the APS Code of Conduct](#);
- (h) [Review of Actions Policy](#); and
- (i) [Review of Actions Policy - Procedure](#).

C. APPLICATION

7. These guidelines apply to all CDPP workers including; employees engaged under the PS Act, the Director of Public Prosecutions Act 1983 (Cth) (the DPP Act), common law contracts, determinations, secondees into the CDPP, labour hire employees, contractors and consultants carrying out work on behalf of the CDPP, including those doing unpaid work. It also applies to work-related interactions between CDPP workers and external people including but not limited to members of the public, workers employed by other Commonwealth, state or territory bodies and private enterprise (regardless of whether the CDPP worker was the target or the instigator of the alleged behaviour).
8. For the purposes of these guidelines, the term “worker/s” will be used to represent all categories of employment/engagement identified above, unless specifically identified.

D. LEGISLATIVE FRAMEWORK

9. Sections 10, 10A and 13 of the PS Act (the APS Values, Employment Principles and the Code of Conduct) are each relevant to appropriate workplace behaviour:
 - 9.1. the APS respects all people, including their rights and their heritage s 10(3);
 - 9.2. provides flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from workers on matters that affect their workplaces are valued s 10A(1)(e);
 - 9.3. provides workplaces that are free from discrimination, patronage and favouritism s 10A(1)(f);
 - 9.4. an APS employee, when acting in connection with APS employment must treat everyone with respect and courtesy, and without harassment s 13(3); and
 - 9.5. an APS employee must at all times behave in a way that upholds:
 - (a) the APS Values and APS Employment Principles; and
 - (b) the integrity and good reputation of the employee’s agency and the APS s 13(11).
10. Australian Public Service Commission’s (APSC) [Social Media Guidance](#), is the primary guidance document for CDPP workers when considering behavioural obligations regarding social media.

11. The [WHS Act](#) and the [Safety, Rehabilitation and Compensation Act 1988](#) (Cth) (the **SRC Act**) also impose the following obligations on the CDPP as an employer:
 - 11.1. a duty of care, so far as is reasonably practical, to ensure ‘the provision and maintenance of a work environment without risks to health and safety.’ s 19(3)(a) of the *WHS Act*; and
 - 11.2. responsibilities of Agency Heads in relation to workers who are suffering from injuries ‘arising out of or in the course of employment’ s 6 of the *SRC Act*.
12. Workers conduct obligations including discrimination, harassment, sexual harassment and bullying are unlawful under legislation including:
 - 12.1. [Fair Work Act 2009](#) (Cth) (the **FW Act**);
 - 12.2. [Sex Discrimination Act 1984](#) (Cth);
 - 12.3. [Racial Discrimination Act 1975](#) (Cth);
 - 12.4. [Disability Discrimination Act 1992](#) (Cth);
 - 12.5. [Age Discrimination Act 2004](#) (Cth);
 - 12.6. [Australian Human Rights Commission Act 1986](#) (Cth);
 - 12.7. [Public Service Act 1999](#) (Cth) (the **PS Act**);
 - 12.8. [Public Service Regulations 2023](#) (Cth);
 - 12.9. [APS Commissioners Directions 2022](#) (Cth) (the **Commissioners Directions**);
 - 12.10. [Work Health and Safety Act 2011](#) (the **WHS Act**); and
 - 12.11. [Work Health and Safety Regulations 2011](#) (Cth);

Codes of practice

13. Codes of practice also apply through assisting duty holders, such as the CDPP, to ensure workers and others are not exposed to risks to their psychological, psychosocial or physical health and safety caused by inappropriate behaviour.
 - 13.1. [Work Health and Safety \(Sexual and Gender-based Harassment\) Code of Practice 2025 - Federal Register of Legislation](#).
 - 13.2. The Commonwealth [Work Health and Safety \(Managing Psychosocial Hazards at Work\) Code of Practice 2024](#) provides practical guidance on complying with changes to the Work Health and Safety Regulations that came into effect on 1 April 2023.
 - 13.3. [Work Health and Safety \(How to Manage Work Health and Safety Risks\) Code of Practice 2015](#).

E. DEFINITIONS

Term	Definition
Agreement	The enterprise agreement approved by the Fair Work Commission on 4 April 2024 and known as the CDPP Enterprise Agreement 2024-2027 (the Agreement).
APS Values	The PS Commissioner's Directions set out the scope and application of the APS Values; Commitment to service 1. The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government. Ethical 2. The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does. Respectful 3. The APS respects all people, including their rights and their heritage. Accountable 4. The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility. Impartial 5. The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence. Stewardship 6. The APS builds its capability and institutional knowledge and supports the public interest now and into the future, by understanding the long-term impacts of what it does.
Delegate	The person or persons to whom the Director delegates powers or functions under s 78 of the PS Act and cl. 5 of the Agreement.
Human Resources Delegations (HR Delegations)	The HR Delegations is the instrument by which an Agency Head (CDPP Director) under s 78 of the PS Act and cl. 5 of the Agreement, delegates their human resources related powers to CDPP employees.

Term	Definition
Officers: - under the <i>WHS Act</i> - under the Public Interest Disclosures Act 2013 (Cth) (the PID Act)	- Makes, or participates in making, decisions that affect the whole, or a substantial part, of the business, or undertaking of the Commonwealth. Officers of the CDPP are but not limited to: - Director of Public Prosecutions; - The Commonwealth Solicitor; - Executive Officer; - Chief Operating Officer; - Legal Practice Deputy Directors; - The Chief People Office; and - The Chief Financial Officer - The Chief Information Officer. - Authorised Officers under the <i>PID Act</i>. The list of current officers under the PID Act is located on the Desk.
Support Person	A support person is someone who supports a worker when dealing with a workplace matter, management, or performance related issues. A support person is usually a: - colleague or friend; - union representative; or - harassment contact officer (HCO). A support person may positively contribute to assisting workers in the resolution of workplace issues by: - providing emotional support and reassurance; - taking notes or quietly prompting or giving advice to the worker; - assisting in clarifying a response if the worker has difficulty communicating a response to the interviewer; and/or - seeking breaks to assist workers.
Unreasonable behaviour	Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is discriminating, harassing, bullying, victimising, humiliating, intimidating, or threatening.
Unwelcome behaviour	Unwanted or uninvited behaviour that makes a person feel offended, embarrassed, or frightened.
Workplace	Section 8 of the <i>WHS Act</i> , “a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work”.

Term	Definition
	For CDPP workers, this includes but not limited to; work from home, court, and/or partner agencies' offices as well as CDPP offices.

F. WHAT ARE INAPPROPRIATE WORKPLACE BEHAVIOURS?

14. The Code of Conduct at s 13(3) of the *PS Act* stipulates that an APS employee when acting in connection with APS employment, must treat everyone with respect and courtesy and without harassment.
15. All of the following inappropriate workplace behaviours can be managed through either informal actions or formal reporting. The management of formal reporting includes legislative obligations for the CDPP and CDPP workers. For fuller definitions and legislative obligations refer to the relevant policies and procedures.
16. **Discrimination** is treating, or proposing to treat, someone or a group unfavourably because of a personal characteristic protected by the law, such as sex, age, race, or disability. For further information refer to the [Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy](#).
17. **Harassment** is any form of behaviour that is likely to offend, humiliate or intimidate, and is unwelcome, unsolicited, and unreciprocated. Harassment often involves treating someone less favourably based on a specific attribute. This may include someone's gender, race, disability, marital status, sexual orientation, pregnancy, or political opinion among other traits. An individual or group can be the target of or be affected by harassment. For further information refer to the [Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy](#).
18. **Sexual harassment** or a gender-based harassment is "an unwelcome sexual advance, request for sexual favours or conduct of a sexual nature where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated."² For further information refer to the [Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy](#).
19. Some types of sexual harassment may also constitute offences under criminal law. These include incidents involving:
 - 19.1. indecent exposure;
 - 19.2. sexual assault;
 - 19.3. stalking; and
 - 19.4. obscene communications (telephone calls, SMS messages, emails, letters, etc).
20. **Bullying** is a form of harassment. "Workplace bullying is repeated, unreasonable or inappropriate behaviour directed towards a worker or a group of workers that creates a risk to health and

safety”³. For further information refer to [the Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy](#).

21. The term ‘**judicial bullying and harassment**’ is used to describe repeated unreasonable behaviour by a judicial officer towards a CDPP worker that could reasonably be considered to be humiliating, intimidating, threatening or demeaning and may include behaviour or language that threatens, frightens, humiliates or degrades. For example, shouting and screaming, sarcasm and insults, and/or belittling or derogatory remarks.
22. Rule 42 of the [Legal Profession Uniform Law Australian Solicitors’ Conduct Rules 2015 \(NSW\)](#) and rule 123 of the [Legal Profession Uniform Conduct \(Barrister\) Rules 2015 \(NSW\)](#) provide that a solicitor or barrister must not, in the course of their practice, engage in conduct which constitutes discrimination, sexual harassment or workplace bullying.
23. Pursuant to s 19(2) of the *WHS Act*, the courts must ensure, so far as is reasonably practicable, that the health and safety of other persons are not put at risk from work carried out in that workplace. Barristers and solicitors are capable of being “other persons” in that context.⁴ CDPP workers may also be described similarly as “other persons” in the same context.
24. If CDPP workers are an affected party or a witness to inappropriate behaviour, they must report it to an SES Band 1 and the Wellbeing team who will work with the individual on the best approach to resolving the matter. Any approach will be discussed with the relevant SES Band 2.
25. Reporting and responding to a judicial bullying and harassment complaint should be managed and investigated using the guidance from the [National Model Framework Addressing Sexual Harassment and the Best Practice Complaints Procedures](#).
26. There will be occasions when complaints investigators will consider it appropriate for the complaint to be determined by an external body, regulator, agency and/or tribunal. For the purposes of reporting sexual harassment, an external body, regulator, agency and/or tribunal might include:
 - 26.1. the relevant regulator such as the applicable law society, bar association or legal services commissioner;
 - 26.2. police; and/or
 - 26.3. the applicable state or territory Workplace Health and Safety regulator.
27. For further information refer state and territory specific instruments, relevant bodies and the [Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy](#).
28. **Online or cyber-bullying** is inappropriate behaviour directed at CDPP workers by an APS worker or a member of the public using digital technologies such as a mobile phone, social media, email, or setting up an offensive personal website or blog. This type of behaviour may include using offensive language, personal attacks, posting personal information about a worker, threats, unsubstantiated

³ Chapter 6 - Section 789FD of the Fair Work Act 2009 (FW Act)

⁴ [The courtroom as a workplace](#) – NSW Judicial Commission

allegations, or content potentially contrary to the law. For further information refer to the [APSC Social Media Guidance](#) and the Email and Internet Use Policy.

29. **Alcohol, drugs or illegal/prohibited substances** - CDPP is committed to ensuring the safety and wellbeing of workers and the quality of work is not compromised by the presence of people under the influence sale of or possession of any of illegal/prohibited drugs, substances or alcohol in the workplace. Smoking of any tobacco or tobacco related products including e-cigarettes in the workplace.
30. For further information refer to the [Drugs and Alcohol in the Workplace Policy](#) and the [Procedures for Dealing with Drugs and Alcohol in the Workplace](#).
31. **Victimisation** is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint or proposed to make a complaint, helped someone else make a complaint, investigated a complaint or refused to do something because it would be discrimination, harassment, sexual harassment, or victimisation.
32. For further information refer to [the Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy](#).
33. All **recruitment and selection decisions** at the CDPP are based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position regardless of personal characteristics.
34. It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.
35. The APS Employment Principles are set out in s 10A of the *PS Act*. The relevant principles include:
 - 35.1. making fair employment decisions with a fair system of review;
 - 35.2. providing flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued;
 - 35.3. providing workplaces that are free from discrimination, patronage and favouritism; and
 - 35.4. recognising the diversity of the Australian community and fostering diversity in the workplace.
36. For further information or assistance regarding a recruitment action or process go to Desk page [Recruiting for your team](#) or contact the [Recruitment Team](#).

G. DRIVERS OF INAPPROPRIATE WORKPLACE BEHAVIOURS

37. Inappropriate workplace behaviours like discrimination, bullying and harassment may be manifestations of underlying attitudes, prejudices, biases and assumptions in our community. Mechanisms to prevent these behaviours and understand their impact are best understood in the context of power dynamics within the CDPP. This includes systemic negative beliefs and attitudes relating to gender, sexuality, disability, age, culture, ethnicity, socio-economic background and other characteristics.
38. The following factors may increase the risk of workplace bullying:
 - 38.1. work stressors, such as high job demands, limited job control, job insecurity and a culture that is permissive of unreasonable workplace behaviours;
 - 38.2. leadership styles, such as autocratic behaviours and lack of support; and
 - 38.3. systems of work, such as lack of resourcing and training; and poor workplace relationships, including isolation and low levels of peer-support.

H. WHAT ARE THE EFFECTS OF INAPPROPRIATE WORKPLACE BEHAVIOUR?

39. Inappropriate workplace behaviour can make a workplace or an association with work unpleasant, humiliating or intimidating for an individual or group. It can also make it very difficult for effective and productive work to be accomplished. Other consequences can include:
 - 39.1. impacts to the workers' health and safety;
 - 39.2. actual or potential disadvantage to an individual's employment opportunities in engagement to the APS, promotion, transfer or development;
 - 39.3. a lack of self-esteem or confidence in carrying out tasks:
 - (a) lowered self-esteem and confidence can also affect workers outside of the workplace and result in social issues;
 - (b) this in turn may lead to increased worker absences on sick and other leave and hence even further lower performance and productivity;
 - 39.4. adverse effects on individual or group work output with implications for the achievement of individual and/or team goals and on their performance assessments and ratings;
 - 39.5. an intimidating, hostile environment where workers (other than the individual being subjected to the inappropriate behaviour) may also be impacted;
 - 39.6. an increase in worker separation rates; or
 - 39.7. negatively impact on the reputation of the CDPP and the APS.
40. Keeping in mind, everyone reacts differently to what happens in the workplace. It may be that a person treated with a lack of respect and courtesy or subjected to bullying or harassing behaviour does not complain because the incident was isolated, of a minor or inconsequential nature or does not have any particular impact upon them. Alternatively, it may be that the individual may not have

the confidence to speak up, might feel intimidated, fears reprisal or is too embarrassed to complain.

41. The same behaviour may have a different impact on different people. People of different social and cultural backgrounds can often perceive the same conduct and behaviour very differently and what one worker may find offensive may not have any effect at all on another worker. This does not diminish the seriousness of the behaviour or the effect on an individual or group of workers.

I. PREVENTION FRAMEWORK

42. The CDPP has implemented programs, policies and guides to positively influence a safe and productive workplace and to minimise the risk of inappropriate behaviours in the workplace.
43. **Positive duty**⁵ obligations under the *Sex Discrimination Act 1984* (Cth), aim to create systemic change by preventing unlawful conduct from happening in the first place, rather than reacting to conduct after it has occurred and caused harm. Preventative action is more effective at creating safe, respectful, and inclusive workplaces. For further information on “positive duty” obligations refer to the [Australian Human Rights Commissions website](#).
44. **Risk Management** - The CDPP conducts an annual WHS risk assessment to eliminate or minimise psychosocial risks so far as is reasonably practicable including the effects of inappropriate behaviour on CDPP workers. For further guidance on risk management refer to the [Work Health and Safety \(Managing Psychosocial Hazards at Work\) Code of Practice 2024](#), and the [CDPP WHS Risk Register](#).
45. The following diagram lists the nine elements of the framework that work together to minimise the risk of inappropriate behaviour in the workplace and to drive a culture where all CDPP workers have a safe and healthy work environment.

⁵ The positive duty is found in s 47C of the *Sex Discrimination Act 1984* (Cth).

Prevention Framework								
Training	Awareness	People policies, guidelines, procedures and FAQs	Diversity and Inclusion Network	Governance Arrangements and Leadership	Risk Assessment	Wellbeing Program	Consultation	Management, monitoring and reporting misconduct occurrences
Regular mandatory training on discrimination, harassment, sexual harassment, bullying and integrity	People Forums, HR policies, communication, onboarding program and The Desk (intranet).	Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy, Drug and Alcohol in the Workplace Policy, Privacy Policy	Diversity and Inclusion Strategy	The Director Audit Committee Executive Committee (ExCo) Enabling Services Group (ESG) People Branch and Governance Team	Work Health and Safety Annual Risk Assessment Agency Wide Risk Assessment Adhoc risk assessments	WHSW Framework Education and Awareness, mental health, wellbeing checks, healthy lifestyle, flu vaccinations, the employee assistance program (EAP) including manager assist and Workplace assessments	National Consultative Committee (NCC) National Health and Safety Committee ExCo and All Staff Ethics Contact Officer Network Code of Conduct Cross-Agency Forum (CCAF) Integrity Agencies Group (IAG) APS Review of Actions and Misconduct Practitioners Community of Practice APS Integrity Community of Practice Committee	Case management by experienced, subject expert People Team Officers
	Chief People Officer (CPO) weekly updates to SES Officers Quarterly HR Report	Procedures for Determining Suspected Breaches of the APS Code of Conduct and Deciding Sanctions Suspected Misconduct Guidelines Procedures for Dealing with Drugs and Alcohol in the Workplace Public Interest Disclosure Procedures Review of Action Policy	Reconciliation Action Plan Access to RecruitAbility benefits					Trained Harassment Contact Officers
								APS Census Survey (annually). off boarding survey/interviews

46. This list of actions within each element of the framework are not exhaustive. For more information on the framework or its implementation contact the [WHS/Wellbeing team](#).
47. The implementation of this framework can lead to a positive culture when achieving the following five elements resulting in a good work environment.⁶



J. CONDUCT AND BEHAVIOUR ACCOUNTABILITIES

48. **The Director** has a specific obligation under s 12 of the *PS Act* to uphold and promote the APS Values and the APS Employment Principles, while senior executive service (**SES**) employees have a specific obligation under s 35(3)(c) of the *PS Act* to promote the APS Values, the APS Employment Principles and comply with the Code of Conduct by personal example and other appropriate means.
49. **CDPP workers** have shared obligations for creating a respectful, courteous and harmonious workplace and must treat everyone with respect and courtesy. This includes but not limited to colleagues, APS workers in other agencies, workers of partner agencies, clients and other members of the public. It also includes ensuring their behaviour aligns with the APS Values and Employment Principles even when others may display behaviour which is critical, hostile or rude towards them. Workers must uphold these same values during all employment/work related social activities and when undertaking business travel, whether during or outside of normal work hours. Workers should speak up if they witness or experience inappropriate behaviour and cooperate with investigations and act in good faith.
50. **All contractors/labour hire workers** will uphold the APS Values and the Code of Conduct in accordance with enforceable provisions of their contracts. Failure to do so may be regarded as a failure to meet their contractual obligations and may result in the termination of their contract.
51. **People Branch via the WHS/Wellbeing team** provide assistance to managers and workers with concerns raised about the conduct and behaviour of CDPP workers and workers who are affected by inappropriate behaviour by other CDPP workers or external perpetrators. This includes informal actions to resolve a matter and the management of formal processes (Code of Conduct, Review of Actions). Refer to the [Attachment A](#) flow chart for the management of workplace inappropriate behaviour. They also provide training, guidance and advice to workers and managers to promote appropriate workplace behaviour and integrity in the performance of a worker's duties and in the use of the CDPP's resources.

⁶

Extract from the Comcare Bullying: Prevention and Awareness Training PowerPoint

52. **The Governance team** responsibilities include; supporting fair and confidential complaint handling through the PID Act, recording and tracking reports to identify systemic issues, audit and risk, and reviewing policies and procedures regularly.
53. **Harassment Contact Officers (HCO)** are trained employees who are available to assist workers with concerns they may have included inappropriate behaviour in the workplace. They provide general information, listen without judgement and assist to clarify issues about this and other conduct related policies, guidelines and procedures. Each office has allocated HCOs; however, workers can contact any HCO no matter their location. A list of HCOs can be found on the [Desk](#).
54. **Health and Safety Representative (HSR)** is an elected worker who represents their "work group" on health and safety matters, raising issues, monitoring compliance, and assisting in the resolution of complaints and risks to ensure a healthy and safe workplace. A list of HSRs can be found on the [Desk](#).
55. Refer to the relevant people policy for detailed responsibilities for each role (e.g. Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy).

K. WHO TO CONTACT FOR SUPPORT?

56. Workers experiencing alleged inappropriate behaviour are encouraged to:
 - 56.1. Seek support from the following contacts to discuss the situation, and what the options are available to them when deciding what to do next:
 - (a) speak directly to the alleged harasser themselves to make them aware of the impact of their behaviour and ask them to stop;
 - (b) contact the CDPP's EAP a free and confidential service;
 - (c) seek assistance from their manager or another senior staff member;
 - (d) speak to an HCO; and
 - (e) talk to the WHS/Wellbeing Team.
 - 56.2. Give consideration to asking a support person attend discussions with them about the alleged behaviour.

L. WHAT ACTION CAN A WITNESS OF INAPPROPRIATE BEHAVIOUR TAKE?

57. The CDPP strongly encourages and supports witnesses (bystanders) to call out and report inappropriate behaviour where it is safe for them to do so. The witnesses' actions will vary on a case-by-case basis. The focus should always be on workers' (any witnesses and the worker effected by the inappropriate behaviour) safety.
58. Actions may include:
 - 58.1. if the witness feels safe and comfortable, they could tell the individual involved that they object to their behaviour and ask that it stop;

- 58.2. talk to the effected worker experiencing the inappropriate behaviour and ask them, what support they need;
- 58.3. advise the effected worker of the supports and processes available to help them decide what course of action they may want to take to stop the inappropriate behaviour;
- 58.4. all CDPP workers have a duty under the *WHS Act* to report an incident. The witness should advise the effected worker, they have an obligation under the *WHS Act*, to notify the WHS/Wellbeing Team. Report the incident to a manager or a member of the WHS/Wellbeing Team;
- 58.5. if the witness believes the affected worker's health or safety is at risk encourage the affected worker to report the incident to a senior officer or a member of the WHS/Wellbeing Team; and/or
- 58.6. talk to a manager, a HCO, a member of the WHS/Wellbeing team about possible training, and other prevention activities in the workplace.

M. HOW TO RESPOND TO AN INCIDENT OR ALLEGED INAPPROPRIATE BEHAVIOUR

- 59. No matter the type of inappropriate conduct, generally the initial actions to manage an incident or accusation of inappropriate behaviour are similar.
- 60. The following is a general approach, for specific responsibilities refer to the relevant policy (e.g. Workplace Discrimination, harassment, sexual harassment and Bullying Policy, the Drug and Alcohol Policy).
- 61. If a worker raises a concern about inappropriate workplace behaviour with their manager, the manager must take the following steps as soon as possible:
 - 61.1. ensure the immediate health and safety of all workers involved (including witnesses);
 - 61.2. sensitively discuss the matter with the worker raising the concern;
 - 61.3. listen to the worker's concerns with respect and treat the matter seriously and in the strictest of confidence;
 - 61.4. advise the worker about confidentiality and privacy requirements and importantly, that they must not discuss the issue with others in the workplace - with the exception of the relevant WHS/Wellbeing Team, the relevant harassment contact officer, their support person and/or the CDPP's Employee Assistance Program (**EAP**) provider;
 - 61.5. before taking any other action of any type, managers must contact the WHS/Wellbeing Team and advise them of the concerns raised by the worker – they will provide managers with assistance and guidance to manage the issue appropriately and according to the particular circumstances of the matter, resolve the issue in the workplace through various appropriate alternative dispute resolution mechanisms such as counselling, training and/or conciliation/mediation;

- 61.6. in the majority of cases, with the assistance of the WHS/Wellbeing Team, complaints and concerns raised about inappropriate workplace behaviour can be managed and resolved in the workplace through less formal alternative dispute mechanisms by the manager;
- 61.7. maintain accurate written records of all action taken and all discussions that occurred during the course of resolving the issue;
- 61.8. take all reasonable steps necessary to ensure that the issue does not occur again;
- 61.9. take all reasonable steps necessary to ensure that the matter does not become an item of office gossip; and
- 61.10. prevent any retribution or discrimination of the parties concerned.
- 62. Managers may consider transferring the affected worker or the worker allegedly behaving inappropriately to another work location or team to provide temporary relief from the immediate situation, however informal or formal actions will still be required to properly address and manage the situation.
- 63. Refer to the relevant policy/guideline or procedure (refer para 6.3) for further information and specific actions.

N. COMPLAINT FRAMEWORK

- 64. Responses to behavioural concerns are expected to be proportionate, specific to the nature of the conduct, and aimed at restoration—be that of the reputation of the CDPP or APS; workplace relationships and morale; or worker productivity and capability.
- 65. A flowchart outlining the options to manage workplace inappropriate conduct is located at [Attachment A](#).

Reporting inappropriate behaviour internally

- 66. There are multiple options for reporting at the CDPP. Reports of inappropriate behaviour can be made by individuals who are directly impacted or others who observe or know of the behaviour.
- 67. Reports can be made:
 - 67.1. by submitting an [Incident and Hazard Reporting form](#);
 - 67.2. to managers – the worker’s manager, or another manager if the worker is uncomfortable speaking to their manager in the first instance;
 - 67.3. to HCO who can listen to concerns, talk about options, direct workers to where they can get support and outline the different ways the CDPP could help to resolve the issue;
 - 67.4. to a Health and Safety Representative (**HSR**) can represent workers communication by actively engaging in consultation with managers and WHS/Wellbeing team on a range of WHS matters (including bullying, harassment and psychosocial hazards) that directly affect the workers; or

- 67.5. to the WHS/Wellbeing Team who can assist in ways described in related policy and this guideline, depending on the worker's preference and the circumstances of the issue.
68. **Informal Resolutions** encourages workers to resolve issues early through respectful dialogue or mediation. This includes [options for managing lower-risk behaviours](#) with a range of other approaches that can be taken in a proportionate way, including:
- 68.1. counselling;
 - 68.2. performance management;
 - 68.3. coaching or mentoring;
 - 68.4. alternative dispute resolution (mediation, conciliation, arbitration, negotiation);
 - 68.5. warnings and directions; and
 - 68.6. changing a worker's role or duties.
69. A **Formal Complaints** process may be instigated at the request of a worker or group of workers, health and safety representatives, a manager, or the [People Branch](#).
70. The three internal processes to formally manage alleged misconduct are the code of conduct investigation, the public interest disclosures investigation and a review of actions. Outcomes from a formal investigation may include mediation, a reprimand, changes to workplace arrangements, reduction in classification, re-assignment of duties, reduction in salary, deduction of salary by way of a fine, or termination of employment.
71. Code of Conduct investigations, under s 64 of the *APS Commissioner's Directions* directs that any Code of Conduct allegations against SES officers be progressed in consultation with the APSC, both in respect of whether and how to investigate an allegation and, if applicable, what sanction(s) to apply.
72. For detailed obligations, responsibilities and procedures, refer to the:
- 72.1. [Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy](#);
 - 72.2. [Drugs and Alcohol in the Workplace Policy](#);
 - 72.3. [Procedures for Dealing with Drugs and Alcohol in the Workplace](#);
 - 72.4. [CDPP Values and Behaviours](#);
 - 72.5. [Workplace Respect and Courtesy Guidelines](#);
 - 72.6. [Suspected Misconduct Guidelines](#);
 - 72.7. [Procedures for Determining Suspected Breaches of the APS Code of Conduct](#);
 - 72.8. [Review of Actions Policy](#); and
 - 72.9. [Review of Actions Policy – Procedure](#).

Reporting inappropriate behaviour externally

73. If a worker suspects that a work-related incident may have potentially constituted a criminal offence, the worker should immediately contact the People Branch who will provide the worker with support, assistance and advice. This includes information and advice concerning the options of reporting the matter to the Police.

Reporting a Criminal Offence to Police

74. Where it is apparent the matter may constitute a criminal offence, the matter will be dealt with in accordance with the CDPP Code of Conduct procedures or the PID procedures and will be reported to the Police.
75. Where the matter raised involves a serious criminal offence, the following steps will apply:
- 75.1. the complainant is notified of the requirement to report the matter to Police, and the complainant's wishes about making the report are discussed;
 - 75.2. the complainant is provided with support services (e.g. EAP) and/ or a support person;
 - 75.3. consultation should be undertaken with Police about the continuation of the workplace investigation, to ensure any criminal investigation is not prejudiced, and the workplace investigation and any employment consequences may still be pursued;
 - 75.4. regular well-being check-ups and support services should be undertaken during the progress of the matter; and
 - 75.5. the Delegate will consider the health and safety of the complainant and other workers and make appropriate employment arrangements during any inquiry stage.

Reporting alleged inappropriate workplace conduct to other external bodies

76. Other organisations that may be able to assist include:
- 76.1. [Australian Human Rights Commission](#): workers may make a complaint to the Australian Human Right Commission if they believe they have experienced sexual harassment.
 - 76.2. workers can also make a complaint to a solicitor advocate, or the union can also make a complaint to the Commission on their behalf.
 - 76.3. Respect@Work has also compiled a [Guide to External Pathways in Australia](#) to address workplace sexual harassment.
 - 76.4. [Ethics Advisory Service at the Australian Public Service Commission](#)
 - 76.5. [Merit Protection Commission](#)
 - 76.6. Fair Work Commission has powers to deal with workplace sexual harassment. This includes an order to stop sexual harassment at work, if there is a risk that the behaviour will continue, conciliation, mediation or arbitration if the parties agree.

- 76.7. [Comcare](#) – The worker or the CDPP may have reporting obligations to Comcare should an allegation involve the death of a person, serious injury or illness of a person, or a dangerous incident.

O. EXTERNAL GUIDANCE RESOURCES

Australian Human Rights Commission	
• Respect@Work Respect@Work (respectatwork.gov.au) • Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces (2020) • Guide to external pathways in Australia to address workplace sexual harassment • Ending workplace sexual harassment: A resource for small, medium, and large employers	• Effectively preventing and responding to sexual harassment: A Code of Practice for Employers • Recognising and responding to sexual harassment in the workplace: Information for employees. • Guidelines for complying with Positive Duty obligations • Guidelines: Special measures under the Sex Discrimination Act (2018)
Comcare	
• Workplace sexual harassment: Practical guidance for workers • Workplace sexual harassment: Practical guidance for managers and supervisors	• Workplace sexual harassment: Practical guidance for employers • Regulatory guidance for employers on their work health and safety responsibilities
Fair Work Commission	
• The Fair Work Commission has extensive guidance available in relation to the Commission dealing with sexual harassment in connection with work. • Bench Book for Sexual Harassment Disputes	
Safe Work Australia	
• Workplace sexual harassment • Preventing workplace sexual harassment • Dealing with Workplace Bullying - A Workers Guide • Model Code of Practice: Managing psychosocial hazards at work	• Preventing workplace violence and aggression • Work Safe Australian - Sexual and gender-based harassment Code of Practice • Guide for preventing and responding to workplace bullying

Human rights, anti-discrimination or equal opportunity commissions by state or territory	
• ACT Human Rights Commission • Anti-discrimination New South Wales • Northern Territory Anti-Discrimination Commission • Queensland Human Rights Commission	• Office of the Commissioner for Equal Opportunity [SA] • Equal Opportunity Tasmania • Victorian Equal Opportunity and Human Rights Commission • Equal Opportunity Commission [WA]
Australian Public Service Commission	
• A Values-driven Culture; • Fact sheet: Pro-integrity culture; • Bullying and harassment in the APS; • Dealing with Workplace Bullying - A Worker's Guide	• APS Values and Code of Conduct in Practice; • Working Together: Promoting Mental Health and Wellbeing at Work; and • APSC Ethics Advisory Service
Law Council of Australia	
• Policies and Guidelines - Law Council of Australia • National Action Plan to Reduce Sexual Harassment in the Australian Legal Profession - Law Council of Australia • Policy Statement – National Model Framework Addressing Sexual Harassment for the Australian Legal Profession - Law Council of Australia	• *March 2025 - PS - National Model Framework Addressing Sexual Harassment.pdf • Policy Statement - Human Rights and the Legal Profession - Law Council of Australia • National Action Plan to Reduce Sexual Harassment in the Australian Legal Profession • The Model Framework is supported by additional resources that are available via the Law Council's Time for Change: Addressing Sexual Harassment portal.
Other	
• Managing Psychosocial Hazards A Guide (including Sexual Harassment).	• Comcare workshop “Bullying: Prevention and Awareness” slides

P. EMPLOYEE ASSISTANCE PROGRAM (EAP)

77. Situations concerning inappropriate workplace behaviour and workplace conflict issues can be distressing for workers. Workers are encouraged to draw on the confidential counselling and support services of the [CDPP's EAP](#) and or reach out to the WHS/Wellbeing team for further support services and or information.
78. Managers may seek management advice and support through the EAP [Manager's hotline](#).
79. The EAP is available free of charge, 24 hours a day, 7 days a week to CDPP workers and their families. To access EAP services, refer to the [Desk](#). The EAP also offers specialist phone helplines for CDPP staff's immediate family members, people with a disability and their carers, older people, LGBTIQ+ people, Aboriginal and Torres Strait Islander peoples and people experiencing domestic and family violence.

Q. DOCUMENT RELEASE INFORMATION**Document owner**

Position	Chief People Officer
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Approval for release

Name	Kim Farthing
Position	Chief People Officer
Date	20 August 2025
Published on external CDPP website	No

Version	Date	Author	Approval for release	Description	Next review
1.0	21 August 2017	Katrina Hargreaves			21 August 2018
2.0	25 June 2019	People Branch		Updated contact details	
3.0	20 August 2025	Policy and Conditions Team	12 August 2025	Updated to support the new Workplace Harassment, Sexual Harassment and Bullying Policy.	August 2027

R. A: FLOWCHART – GUIDANCE FOR MANAGEMENT OF WORKPLACE INAPPROPRIATE BEHAVIOUR

