

Respect Code – Building and Construction Industry

Building Industry Consultative Council

The foundation for a safe and inclusive industry

A positive work environment is one where everyone feels safe, appreciated, respected, and valued. Everyone has a right to a workplace free from bullying, sexual harassment and discrimination.

The Respect Code - Building and Construction Industry (Respect Code) is:

- An industry-led initiative developed by the Building Industry Consultative Council (BICC) which includes leaders from employer associations, unions, major construction companies and Victorian government.
- Modelled on the provisions of enterprise agreements in the building and construction industry which now include a Safe and Respectful Workplaces provisions.
- Supports making this industry a better place to work for women.

Respect is a fundamental right of every woman in the building industry

- It means women are equal.
- It lets women know they are valued for their abilities, qualities and achievements.
- It requires the elimination of unacceptable behaviour.

Objectives

This Respect Code will:

- Ensure everyone understands their legal obligations under occupational health and safety, bullying, sexual harassment and discrimination laws.
- Create lasting behavioural change by empowering people to create and maintain respectful workplaces.
- Demonstrate to women that this industry values their involvement.
- Strive to eliminate unacceptable behaviour.

Principles

This Respect Code was developed in collaboration with industry stakeholders and guided and informed by the views of women who work in the building and construction industry.

Implementing it will assist in creating safe and respectful workplaces for women where safety, inclusiveness and wellbeing are paramount.

Responsibilities

Everyone is responsible for ensuring their actions and behaviours reflect the principles in this Respect Code.

We should always:

- Ensure everyone is treated equally.
- Treat each other with consideration and respect.
- Be inclusive and promote teamwork.
- Value others and accept their differences.
- Consider the impact of our behaviours on the women we work with.
- Call out behaviour that could lead to bullying, work-related gendered violence including sexual harassment or discrimination.
- Acknowledge that our own behaviours and attitudes contribute to a respectful work environment.

Employers must have a Respect Code in the workplace. Every employer:

- Has legal responsibility across all stages of employment.
- Must have policies and processes in place to ensure they are meeting their legal obligations under occupational health and safety, bullying, sexual harassment and discrimination laws.
- Must ensure women's rights are respected across all stages of employment, including recruitment, career training and progression, before, during and after parental leave and carer's leave.
- Must have a bullying, sexual harassment and discrimination training program to educate all employees on their legal obligations and rights at work. The training may range from worksite inductions to specific training for leaders and representatives.

Managers must set the example and standards for everyone to follow. Every manager on a project must:

- Set clear expectations of respectful behaviour and respond to ideas, concerns, complaints and feedback with fairness and respect.
- Ensure the Respect Code is understood by everyone working on each project and include information about the Respect Code in site inductions.
- Facilitate the nomination and training of at least one person on each project as a Contact Officer to provide information and support to workers. The Contact Officer will need to be adequately trained in issues including disclosure, responsible referral practices and work-related gendered violence.

Disrespectful, unacceptable, illegal and inappropriate behaviours

These behaviours will not be tolerated in the industry.

Bullying

Bullying is when a person or a group of people repeatedly acts unreasonably towards a worker or a group of workers. Bullying can include:

- Verbal abuse – spoken insults to, or about someone.
- Physical abuse – physically harming or threatening to harm someone.
- Written abuse – notes, emails, or posts on social media.
- Insulting or abusive graffiti.
- Exclusion or isolating someone.

Sexual Harassment

Sexual harassment is unwelcome behaviour of a sexual nature that causes a person to feel offended, humiliated, or intimidated. Sexual harassment includes:

- An unwelcome sexual advance.
- An unwelcome request for sexual favours.
- Any other unwelcome conduct of a sexual nature.

Sexual harassment can be physical, verbal or written, for example:

- Comments about someone's private life.
- Comments about the way someone looks.
- Sexually suggestive behaviour, such as leering or staring.
- Brushing up against someone, touching, fondling, or hugging.
- Sexually suggestive comments or jokes.
- Displaying offensive images or objects.
- Repeated requests to go out.
- Requests for sex.
- Sexually explicit emails, text messages or posts on social media.
- Sexual assault.

Sexual Discrimination

Sexual Discrimination is when women are treated less favourably than men. It includes:

- Refusal to employ.
- Deny rights to various forms of leave.
- Deliberate denial of opportunities to advance.
- Termination because of gender.

Women from culturally and linguistically diverse backgrounds

Women from culturally and linguistically diverse communities may experience compounded discrimination, disrespect and harassment on multiple grounds, for this reason, this Respect Code references respectful behaviours beyond gender. There are many activities and actions available to promote and ensure equity for women from all backgrounds.

Making a complaint

Complaints will be taken seriously

Any person reporting or making a complaint of bullying, work-related gendered violence including sexual harassment or discrimination to Project Management can expect

- The report or complaint to be treated seriously and any allegation to be treated with confidentiality.
- Access to policies and processes relating to complaints management, investigation and responses to any allegations.
- Support from Project Management.
- Formal investigation to be conducted according to the relevant company processes/procedures. If a matter is the subject of a formal investigation, at the end of an investigation, the person making the complaint and alleged offender should be advised of what action (if any) the Project Management proposes to take.

Additional Advice

- Project based Contact Officer(s) are to be available for anyone who needs advice or assistance. They will be trained appropriately in relevant legislation, including matters of privacy, disclosure, responsible referral practices and work-related gendered violence including sexual harassment.
- Complaints of bullying, work-related gendered violence including sexual harassment or discrimination by a person or a group of people from the same company must be made through the Employer.
- Complaints of bullying, work-related gendered violence including sexual harassment or discrimination by a person or a group of people from another company on site may be made through either the employee's own company or through Project Management.

Information about how to make a complaint will be made available through:

- The relevant Enterprise Bargaining Agreement or individual employment contract; and/or the company's policies, processes and systems.
- If an allegation involves assault or threats of assault, acts of violence, sexual assault, damage to property or stalking, a person or a group of people affected may contact Victoria Police.

Respect for women – Fair Work Act

To ensure workers are protected and empowered to address sexual harassment at work the Fair Work Act has been updated to:

- Introduce definitions of 'sexually harass' and 'sexually harassed at work'.
- Expand the anti-bullying jurisdiction of the Fair Work Commission to allow it to make orders to stop sexual harassment at work.
- Clarify that sexual harassment in connection with an employee's employment can be a valid reason for dismissal.

For more information, visit [Sexual harassment in the workplace](#)

Respect for women – occupational health and safety laws

Workplace Gendered Violence ¹ is a serious occupational health and safety issue. WorkSafe has developed a guide to help employers prevent and respond to work-related gendered violence.

Click here for a copy of the guide www.worksafe.vic.gov.au/work-related-gendered-violence-including-sexual-harassment

Power inequalities between women and men can result in gendered violence within the workplace. Gendered violence is actions and behaviours perpetrated against women because they are women. It can include any of the following comments and gestures:

- stalking, intimidation or threats,
- verbal abuse,
- ostracism or exclusion,
- sexually explicit gestures,
- offensive language and imagery,
- put downs, innuendo, and insinuations,
- being undermined in your role or position,
- sexual harassment,
- sexual assault or rape,

Employers, employees and others have specific duties relating to work-related gendered violence, including work-related sexual harassment under the Occupational Health and Safety Act (OHS Act) and the Equal Opportunity Act.

Under the OHS Act, employers must provide and maintain a work environment that is safe and without risk to the health of their employees, so far as is reasonably practicable

An effective way to eliminate the risk of gendered violence is to establish and maintain safe and inclusive workplace cultures and systems, where disrespect and incivility are not tolerated.

¹ **WorkSafe definition:** Work-related gendered violence is any behaviour, directed at any person, or that affects a person, because of their sex, gender or sexual orientation, or because they do not adhere to socially prescribed gender roles, that creates a risk to health and safety. This includes violence targeted directly at someone specifically because, for example:

- they are a woman
- they identify as LGBTIQ+
- they don't follow socially prescribed gender roles and stereotypes.

Work-related gendered violence can also be experienced indirectly. A person may experience gendered violence not targeted specifically at them (such as overhearing a conversation that affects them) or witness violence directed at someone else. Sexual harassment is a common form of gendered violence.

Further information

WorkSafe www.worksafe.vic.gov.au

Victorian Equal Opportunity and Human Rights Commission www.humanrights.vic.gov.au

Workplace Gender Equality Agency WGEA www.wgea.gov.au

Respect Victoria www.respectvictoria.vic.gov.au

Carlton Respects <https://carltonrespects.com.au>

Victorian Government Gender Equality Strategy www.vic.gov.au/our-gender-equality-strategy

Victorian Multicultural Commission [Victorian Multicultural Commission](#)

Fair Work Ombudsman [Respect at Work reforms | Fair Work Ombudsman](#)