

CFA Behavioural Standards

1. OVERVIEW

This Behavioural Standards (**Standards**) set out the required standards of behaviour for all CFA Members, Officers and contractors.

2. DEFINITIONS AND INTERPRETATION

In these Standards:

- (a) CFA Activities has the meaning in clause 4.2
- (b) "CFA Members" means both CFA volunteers and CFA employees;
- (c) "CFA Premises" includes fire stations, workshops, training facilities, district offices, regional offices, headquarters, and the ground surrounding or immediately adjacent to those premises. It also includes CFA vehicles, boats and aircraft; and
- (d) "IBAC" means the Independent Broad-based Anti-Corruption Commission.
- (e) "Officers" includes persons appointed as officers, from Lieutenant to Chief Officer; (including seconded staff from Fire Rescue Victoria (FRV))

3. WHAT IS THE PURPOSE OF THESE STANDARDS?

- 3.1 CFA is committed to fostering an environment that is free from discrimination, harassment, bullying or violence and where all CFA Members, Officers and contractors are treated with dignity and respect.
- 3.2 CFA expects all CFA Members, Officers and contractors to work safely and cooperatively for the benefit of the Victorian community and in keeping with the CFA values which include teamwork, integrity, respect, safety and being adaptable.
- 3.3 Those CFA values include guiding principles of working cooperatively in inclusive teams, acting with integrity at all times, being truthful, open and honest, and treating everyone fairly and with respect, including other CFA Members, Officers, CFA visitors and members of the public.
- 3.4 This Standards set out the required standards of behaviour for all CFA Members, Officers and contractors whenever they are performing work for or on behalf of CFA or undertaking CFA activities. This Standards have been developed to complement relevant existing values, codes of conduct, and business rules, including (but not limited to) the:
 - (a) CFA Values;
 - (b) VPS Code of Conduct (employees only);
 - (c) Volunteer Code of Conduct (volunteer members only);
 - (d) CFA Executive Integrity Policy Suite and associated Business Rules;
 - (e) Health Safety Environment and Wellbeing Policy;
 - (f) CFA Values & Behaviours Executive Policy;
 - (g) Chief Officers Command Philosophy.

4. APPLICATION- WHO DOES THESE STANDARDS APPLY TO?

- 4.1 All CFA Members, Officers and contractors are required to comply with these Standards as:
- (a) a lawful and reasonable direction issued from CFA to all CFA employees;
 - (b) a Standing Order of the Chief Officer issued under section 27(1) of the *Country Fire Authority Act 1958* (Vic) (**CFA Act**) to all CFA volunteers; and
 - (c) a Standing Order of the Chief Officer under both section 25C(5) of the *Fire Rescue Victoria Act 1958* (Cth) (**FRV Act**) and section 27(1) of the CFA Act to all CFA officers that are employees of Fire Rescue Victoria performing work as secondees for CFA under a secondment agreement within the meaning of section 25C(10) of the FRV Act; or
 - (d) a direction to all CFA contractors in accordance with the applicable contract.

4.2 All CFA Members, Officers and contractors are required to comply with these Standards whenever they are performing work for or on behalf of CFA or otherwise representing CFA (**CFA Activities**). This includes when:

- (a) acting in the capacity of a CFA Member, Officer or contractor;
- (b) attending or participating in any CFA or CFA sponsored activity or event. This includes:
 - (i) incidents, training, or other community relations events;
 - (ii) functions or events organised by a brigade or brigade social committee, competitions, training courses (whether or not they are conducted on CFA premises) and meals provided at, or social gatherings held in conjunction with, meetings, training courses or other events;
 - (iii) any CFA sponsored event;
- (c) on CFA Premises;
- (d) wearing a CFA uniform, whether on duty or otherwise;
- (e) holding himself or herself out as a CFA employee, volunteer, officer or contractor. This includes when a person describes themselves as a CFA employee, volunteer, officer or contractor or implies their association with CFA. This includes, for example, posting an image of themselves in CFA uniform or identifies their association with CFA, including online and in online forums (eg Facebook and What's App).

5. **WHAT IF THESE STANDARDS ARE BREACHED?**

5.1 Breach of the Standards may constitute misconduct, serious misconduct and/or disgraceful or improper conduct (including under the CFA Regulations) and a breach of duties owed to CFA. A breach of these Standards may result in disciplinary consequences, including:

- (a) counselling;
- (b) being held out of duty;
- (c) admonishment or reprimand;
- (d) reduction in rank or classification;
- (e) removal from office or suspension;
- (f) cancellation of membership.

- 5.2 Breach of these Standards by Officers seconded from FRV will be referred to the Fire Rescue Commissioner as required by the secondment agreement between CFA and FRV.
- 5.3 Any breach of these Standards by CFA Members or Officers may also lead to other consequences as set out in legislation, or under civil and criminal law. Where appropriate a matter may be referred to IBAC or to Victoria Police.

6. WHAT BEHAVIOURAL STANDARDS APPLY AT CFA?

- 6.1 All CFA Members, Officers and contractors must comply with the following behavioural standards whenever they are performing work for or on behalf of CFA or undertaking CFA Activities.

General behavioural standards

- 6.2 CFA Members, Officers and contractors must:

- (a) act in accordance with the CFA Values and guiding principles;
- (b) comply with CFA reasonable and lawful directions and orders of the Chief Officer or his/her delegate(s);
- (c) comply with all requirements and directions of CFA regarding safety, including regarding psychological health;
- (d) act in accordance with law;
- (e) act with integrity;
- (f) be courteous and respectful;
- (g) be truthful, open and honest;
- (h) treat others fairly and with respect;
- (i) work cooperatively in inclusive teams;
- (j) acting in the interests of CFA and the community including where you have a competing interest;
- (k) generally, act in a decent and appropriate manner that will promote the reputation and standing of CFA.

General behavioural prohibitions

- 6.3 CFA Members, Officers and contractors must not engage in inappropriate behaviour or conduct, including (but not limited to):

- (a) breaches of State or Federal law;
- (b) acts of negligence, neglect of duty or disobedience;
- (c) breaches of any applicable CFA policies and business rules;
- (d) breaches of any applicable CFA requirements, lawful and reasonable directions or orders of the Chief Officer or his/her delegate(s);
- (e) lateness or absenteeism without reasonable excuse;
- (f) offensive, disorderly or threatening behaviour;
- (g) damage to or theft of property;

- (h) engaging in unsafe work practices or any action which endangers the health or safety of others within the workplace;
- (i) harassment or bullying (see below),
- (j) sexual harassment, prohibited discrimination, or victimisation (see below);
- (k) being under the influence of drugs or alcohol whilst at CFA premises or during performance of CFA duties;
- (l) aggressive acts and/or physical violence (including threats);
- (m) fraud or other criminal activity;
- (n) misuse of social media or online behaviour involving other CFA Members, Officers or contractors; or
- (o) any other conduct that would reasonably be expected to damage the reputation and standing of CFA.

Interactions with Children (Persons under 18)

7. Without limiting the general obligations, particular care needs to be taken in any dealings with or interactions with children. CFA Members, Officers and contractors must:
- (a) ensure that they act professionally and maintain a respectful and professional distance around any child or young member or with whom they come into contact during the course of their duties.
 - (b) avoid any behaviour in respect of children or involving which might be considered by a reasonable person as inappropriate including but not limited to:
 - (i) having a sexual or intimate relationship;
 - (ii) using sexual innuendo or inappropriate language;
 - (iii) holding conversations where they disclose inappropriate private information about themselves;
 - (iv) giving gifts of a personal nature;
 - (v) taking inappropriate photographs; or
 - (vi) having contact via social media, text, phone, email or letters in inappropriate circumstances.

Bullying and Harassment

- 7.2 CFA Members, Officers and contractors must not engage in bullying or harassment.

What is bullying?

- 7.3 Bullying is **repeated**, unreasonable behaviour directed towards another person(s) that creates a risk to health and safety.

- 7.4 Bullying can take many forms, and it may be obvious or subtle. Bullying can be directed downwards (from a more senior person to a more junior person), sideways (between persons of the same seniority) or upwards (from a more junior person to a more senior person).

- 7.5 Examples of bullying include (but are not limited to):

- (a) verbal abuse, including making threats, swearing and shouting, or humiliation through sarcasm or insults;
- (b) cyber bullying, being bullying on electronic platforms including social media;
- (c) bullying through other conduct, such as setting impossible deadlines or deliberately withholding information that is vital for work performance, or excluding someone from activities that they should ordinarily be involved in; or
- (d) hazing or unreasonable initiation processes.

What is not bullying?

7.6 A single instance of any of the above type of behaviours **does not** constitute bullying, however, depending on the conduct it may still be unlawful, may be considered harassment (as defined below) or otherwise be regarded as behaviour that is inconsistent with CFA's values and not tolerated.

7.7 Reasonable management action, carried out in a reasonable manner, is not bullying. For example, bullying does not include:

- (a) issuing reasonable and lawful directions;
- (b) setting reasonable performance goals, standards and deadlines;
- (c) appropriate performance management or monitoring;
- (d) failure to congratulate or praise an individual simply for doing their job;
- (e) making a merit-based recruitment or selection decision;
- (f) comments which are objective and indicate observable deficiencies in performance or conduct; or
- (g) constructive feedback or counselling that is intended to assist CFA Members or Officers to improve their work performance or the standard of their behaviour.

7.8 Occasional differences of opinion, non-aggressive conflicts and problems in working relations also do not by themselves constitute bullying.

What is harassment?

7.9 Harassment is unwelcome behaviour, which a reasonable person could anticipate would intimidate, humiliate or offend the other person(s) in those particular circumstances.

7.10 Harassing behaviour does not have to be intentional and can range from serious to less serious levels. One-off incidents can still constitute harassment.

7.11 Harassment may include (but is not limited to):

- (a) racial vilification, including telling insulting jokes about particular racial groups;
- (b) making derogatory comments or taunts about someone's race, age, or religion;
- (c) making fun of someone's personal circumstances, personal appearance or mental or physical disability;
- (d) making remarks about a person's skin colour or ethnic traits;
- (e) unreasonable displays about a person's poor work performance in front of peers;
- (f) using racist slang, phrases or nicknames; or

(g) sharing inappropriate or offensive material.

7.12 Harassment can also occur if someone is working in a hostile or intimidating environment. An example of a potentially hostile working environment is where racist materials are displayed and where crude conversations, innuendo or offensive jokes are part of the accepted culture. CFA Staff are encouraged to actively prevent the development or continuation of any hostile working environment, even if the conduct in question was not specifically targeted at them.

Sexual harassment

7.13 CFA Members, Officers and contractors must not engage in sexual harassment.

What is sexual Harassment?

7.14 Sexual harassment is any unwelcome behaviour of a sexual nature, which a reasonable person could anticipate would intimidate, humiliate or offend the other person(s) in those particular circumstances. Sexual harassment includes unwelcome sexual advances or unwelcome requests for sexual favours.

7.15 Sexual harassment does not have to be repeated and motive or intention are not relevant. That is, the fact that someone didn't intend to sexual harass another person does not mean that it is not sexual harassment.

7.16 Examples of sexual harassment include:

- (a) uninvited sexually suggestive touching or gestures;
- (b) making jokes or comments with sexual connotations or sex-based insults, taunts, teasing or name-calling;
- (c) displays of sexually graphic material including posters, cartoons or messages left of notice boards, desks, computer screens, through social media groups or in common areas;
- (d) staring or leering at a person, or at parts of their body;
- (e) repeated invitations to go out after prior refusal;
- (f) persistent questions or insinuations about a person's private life; or
- (g) criminal behaviour such as stalking, sexual assault or rape.

What is not sexual harassment?

7.17 Consensual behaviour that is based on mutual attraction, friendship and respect does not constitute sexual harassment.

7.18 Sexual harassment is prohibited under the *Equal Opportunity Act 2010* (Vic) and the *Sex Discrimination Act 1984* (Cth).

Discrimination

7.19 CFA Members, Officers and contractors must not engage in prohibited discrimination.

What is prohibited/unlawful discrimination?

7.20 Prohibited discrimination is the unfair or unequal treatment of an individual on the basis of one or more of the following actual or assumed protected attributes:

- (a) age;

- (b) gender or gender identity;
- (c) impairment or disability;
- (d) industrial activity or inactivity;
- (e) marital, parental or carer status;
- (f) physical features;
- (g) political belief or activity;
- (h) pregnancy or potential pregnancy, or breastfeeding;
- (i) race;
- (j) religious belief or activity;
- (k) sexual activity or orientation; or
- (l) personal association with a person who is identified by reference to any of the above attributes.

7.21 Discrimination can be direct, where a person treats, or proposes to treat, a person with a protected attribute unfavourably because of that attribute.

7.22 Discrimination can also be indirect, where a person imposes, or proposes to impose, a requirement, condition or practice that has the effect of disadvantaging persons with an attribute and is unreasonable.

7.23 Discrimination does not have to be repeated. Further, it is irrelevant whether a person who discriminates is aware of the discrimination or whether the person intends to discriminate.

7.24 Examples of prohibited discrimination include:

- (a) treating someone less favourably because of their gender or their race or age;
- (b) making recruitment or selection decisions on the basis of a protected attribute, rather than merit, and where no formal legal exemption is obtained (e.g. an exemption to the prohibition on discrimination so as to meet gender equity targets);
- (c) failing to offer overtime to an individual due to assumptions about their family responsibilities; or
- (d) failing to provide training opportunities because of a person's gender.

What is not prohibited/unlawful discrimination?

7.25 Treating someone differently is not necessarily prohibited discrimination. An action is not prohibited discrimination if it is:

- (a) permissible under anti-discrimination legislation, for example with respect to requiring the fulfilment of the inherent requirements of a role, or not making adjustments that would impose an unjustifiable hardship on CFA; or
- (b) a legitimate, reasonable and fair action to direct and control how work is done, or to ensure health and safety.

7.26 Discrimination on the basis of the protected grounds is unlawful under the *Equal Opportunity Act 2010* (Vic) and Commonwealth legislation.

Victimisation

- 7.27 CFA Members, Officers and contractors must not engage in victimisation.
- 7.28 Victimization occurs where a person is retaliated against or is subjected to a detriment because they:
- (a) have raised a concern, grievance or complaint,
 - (b) they threaten to raise a concern, grievance or complaint; or
 - (c) they are involved in a concern, grievance or complaint (for example, as a witness) of any kind, including in relation to any process under an enterprise agreement, the CFA Complaints Resolution Guideline or any other relevant procedure, instrument or law.

8. **HOW CAN YOU RAISE CONCERNS AND COMPLAINTS?**

- 8.1 All CFA Members, Officers and Contractors are encouraged to call out behaviour that is inconsistent with these Standards.
- 8.2 Any CFA Member, Officer or contractor who believes they have been subjected to or witnessed behaviour that breaches these Standards may raise a concern or make a complaint in accordance with the CFA Complaints Resolution Guideline, or any replacement guideline or procedure.
- 8.3 The making of knowingly false, vexatious or frivolous complaints may constitute misconduct, serious misconduct and/or disgraceful or improper conduct, (including under the CFA Regulations), and a breach of duties owed to CFA.

9. **WHERE CAN YOU GET MORE INFORMATION?**

If you have any queries, would like to provide feedback or would like more information about the Behavioural Standards you can email CFAbehavioursfeedback@cfa.vic.gov.au