

**Theatre North Inc.**

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Approved by: Theatre North Inc. Management Committee

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Signed:

## **ANTI-DISCRIMINATION, BULLYING, HARRASSMENT AND VICTIMISATION POLICY**

### **OBJECTIVE**

Legislation requires all employers to protect all workplace participants, including employees, from discrimination, bullying and harassment. Theatre North aims to provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, bullying and victimisation. This document provides the policy framework within which this aspiration can be achieved.

### **SCOPE**

This policy and procedure apply to all Theatre North Inc. workers, which include employees, contractors, hirers and volunteers.

This policy is not limited to the workplace or work hours. This policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and client functions. This policy also applies to all communications sent by workers to or about other workers, the workplace or any matter relating to Theatre North, through electronic media including email, social media and text messages.

The policy also directs the way employees are required to act in the provision of goods and services to members of the public and external customers, specifically in relation to anti-discrimination legislation.

### **DEFINITIONS**

**Discrimination:** Discrimination involves a person being treated less favourably based on a personal characteristic. The attributes for which it is illegal to discriminate against any person in the areas of employment, and also the provision of goods and services, are:

- Race
- Age
- Lawful sexual activity
- Marital status

- Disability
- Irrelevant
- Gender
- Gender
- Intersex
- Breastfeeding
- Pregnancy
- Sexual
- Relationship status
- Family responsibilities
- Parental status
- Irrelevant criminal record
- Religious belief or affiliation
- Religious activity
- Political belief or affiliation
- Political activity
- Industrial activity
- Association with a person who has or is believed to have any of the other

**Employee:** Any paid employee of Theatre North and employee of City of Launceston, supplied to Theatre North by the City of Launceston.

**Harassment:** Harassment involves intimidating, offending or humiliating behaviour directed toward a person on the basis of a particular personal characteristic such as race, age or gender.

**Sexual harassment:** Any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, proposition, the display of offensive material or other behaviour that creates a sexually hostile working environment.

**Unreasonable behaviour:** Unreasonable behaviour is means that a reasonable person, having regard for the circumstances, would see as victimising, bullying, humiliating, undermining or threatening.

**Victimisation:** Victimisation occurs when a person has pursued their right to raise a formal or informal grievance and they suffer some sort of intentional detriment as a result. This could be through intimidation, threats, discrimination, isolation, inequitable work opportunities or physical assault.

**Worker:** Workers include all employees of Theatre North, contractors, hirers and volunteers.

**Workplace bullying:** Workplace bullying is defined as:

- Behaviour intended to cause physical or emotional distress to others
- Unwarranted behaviour (intentional or not) that has a negative impact on the physical and/or emotional wellbeing of an individual or group
- To influence a group or individual to forgo a workplace right
- Repeated, unreasonable behaviour directed towards a worker or a group of workers, that creates a risk to health and safety

## **POLICY**

### **1. Background**

- 1.1 Discrimination on the basis of irrelevant attributes is illegal and unacceptable, and can have significant negative consequences for individual employees and the organisation as a whole.
- 1.2 Bullying, harassment and victimisation are also illegal and can have significant negative effects on individual employees and the organisation.
- 1.3 Theatre North will ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess. Theatre North also aims to create a work environment that promotes good working relationships.
- 1.4 Discrimination, bullying, harassment and victimisation behaviour in the workplace will not be tolerated and if discovered, all steps will be taken to address it and stop it happening again.
- 1.5 Proven breaches of this policy will result in disciplinary action being taken in accordance with Theatre North policies and procedures. Any complaints found to be vexatious will also lead to disciplinary action.
- 1.6 Theatre North will:
  - 1.6.1 Encourage the reporting of behaviour which breaches this policy to management; and
  - 1.6.2 Implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities.
- 1.7 Claims of discrimination and harassment differ and so will be dealt with appropriately according to individual circumstances.

### **2. Principles**

- 2.1 Every employee has the right to a workplace free from discrimination, bullying, harassment and victimisation, where everyone working for Theatre North is treated with dignity, courtesy and respect.
- 2.2 Theatre North:
  - 2.2.1 Is committed to creating and maintaining a work environment with these characteristics;
  - 2.2.2 Is committed to providing a safe workplace that minimises the risk of physical and psychological harm to employees and volunteers;
  - 2.2.3 Promotes behaviour that is respectful, tolerant and courteous to all employees through its '*Employee Code of Conduct*';

- 2.2.4 Promotes integrity, inclusion, initiative, accountability and teamwork to all employees; Will conduct training and awareness raising strategies to ensure that all workplace participants know their rights and responsibilities;
- 2.2.5 Will provide an effective procedure for complaints;
- 2.2.6 Will treat all complaints in a sensitive, fair, timely and confidential manner;
- 2.2.7 Will address concerns about victimisation or reprisals;
- 2.2.8 Encourages the reporting of behaviour which breaches the discrimination and harassment policy; and
- 2.2.9 Promotes appropriate standards of conduct at all times.

### **3. Bullying**

- 3.1 A single incident of unreasonable behaviour is not bullying, although it may have the potential to escalate into bullying and therefore should not be ignored.
- 3.2 Examples of bullying include:
  - abusive, insulting or offensive language;
  - spreading misinformation or malicious rumours;
  - behaviour that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling or screaming;
  - displaying offensive material;
  - inappropriate comments about a person's appearance, lifestyle or their family;
  - teasing or regularly making someone the brunt of pranks or practical jokes;
  - interfering with a person's personal property or work equipment;
  - harmful or offensive initiation practices;
  - unreasonably overloading an employee with work or not providing enough work;
  - setting hard to achieve deadlines or constantly changing deadlines;
  - setting tasks unreasonably below or above a person's skill level;
  - deliberately excluding, isolating or marginalising a person from normal work activities;
  - withholding information vital for effective work performance;
  - deliberately denying access to information, consultation or resources;
  - deliberately changing work arrangements to inconvenience an employee or employees; and
  - unfair treatment in relation to accessing workplace entitlements such as leave or training.
- 3.3 Theatre North recognises many things that happen at work are not considered bullying, although some experiences can be uncomfortable for those involved. Differences of opinion, performance management, conflicts and personality clashes can happen in any workplace, but usually they do not constitute bullying.

- 3.4 Workplace bullying and harassment has not occurred when a manager or supervisor gives directions or instructions to an employee about their work, or speaks with them about their work performance in a discreet, respectful and professional way. Reasonable management action, carried out in a fair way, is not bullying. Managers have a right to direct the way work is carried out and to monitor and give feedback on performance, but the way that this is done is a risk factor in determining the likelihood of bullying occurring.
- 3.5 Examples which are **not** bullying include:
- setting reasonable performance goals, standards and deadlines in consultation with employees with consideration of skill levels and experience;
  - allocating work to an employee in a transparent way;
  - fairly rostering and allocating working hours;
  - transferring an employee for legitimate and explained operational reasons;
  - deciding not to select an employee for promotion or pay increment, following a fair and documented process;
  - informing an employee about unsatisfactory work performance in a constructive way and in accordance with our policies and agreements;
  - informing an employee about inappropriate behaviour in an objective and confidential way;
  - implementing organisational changes or restructuring; and
  - performance management processes.

#### **4. Harassment and Discrimination**

- 4.1 Harassment and discrimination, unlike bullying, do not have to be repeated to be seen to have occurred, and have to be based on some characteristic of the target. Harassing behaviour directed toward an employee which is outside the legal definition contained in this policy is also against our policy which is covered in the '*Employee Code of Conduct*' which requires that employees treat 'fellow employees with courtesy and respect'.
- 4.2 Discrimination and harassment are dealt with separately under anti-discrimination, industrial and human rights laws. The Workplace Health and Safety Act includes specific protections against discriminatory conduct for persons raising health and safety concerns or performing legitimate safety- related functions.
- 4.3 A worker can be bullied, harassed and discriminated against at the same time.

## **5. Victimisation**

- 5.1 Victimisation is specifically prohibited under the *Equal Opportunity Act 2010* and anti-discrimination legislation and employees who victimise another employee for pursuing their right to a safe workplace will face disciplinary action.
- 5.2 An employer has a responsibility to ensure that employees are not victimised, or treated unfairly, because they have made a complaint or supported another person to make a complaint.
- 5.3 Victimisation in the workplace can include:
  - bullying and intimidation by co-workers;
  - being denied a promotion or being moved to a position with lower responsibility;
  - being dismissed from employment; and
  - being refused further contract work.

## **6. Complaints Management**

- 6.1 A person who believes they have been treated unfairly as a result of any of the actions discussed above can lodge a complaint internally with either their direct Manager or the General Manager, or by using the Theatre North Grievance Procedure; or externally with either the Office of the Anti-Discrimination Commission or Workplace Standards.
- 6.2 The detailed Grievance and Dispute Settlement / Resolution procedure in the Live Performance Award 2010 provides a further mechanism for raising concerns. As with any grievance procedure, employees are welcome to include a support person at any stage of the subsequent process.
- 6.3 Concerns raised in relation to the General Manager are to be raised with the Chair of the Theatre North Committee who will co-ordinate an enquiry or investigation.

## **RELATED POLICIES & PROCEDURES**

Disciplinary Policy & Procedure

Employee Code of Conduct

Grievance Policy & Procedure

## **RELATED LEGISLATION**

*Racial Discrimination Act 1975*

*Sex Discrimination Act 1984*

*Disability Discrimination Act 1992*

*Age Discrimination Act 2004*

*Human Rights and Equal Opportunity Commission Act 1986*

*Tasmania Anti-Discrimination Act 1998*

*Tasmanian Sex Discrimination Act 1994*

*Work Health and Safety Act 2012*

## **REFERENCES**

'Preventing and responding to workplace bullying: Draft Code of Practice', *Safe Work Australia*, September 2011

## **REVIEW**

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with Theatre North Committee approval.

***This document is uncontrolled when printed. For the most up-to-date version of this policy, visit [www.theatrenorth.com.au](http://www.theatrenorth.com.au)***