

## **CHECKLIST**

### **Developing a workplace discrimination, harassment, sexual harassment, bullying and victimisation policy**

#### **What needs to be included in a policy?**

- A strong opening statement on the employer's commitment to prohibiting all forms of unlawful discrimination, harassment, sexual harassment, bullying, vilification and victimisation in the workplace.
- An outline of the employer's objectives regarding discrimination, harassment, sexual harassment, bullying and victimisation.
- A clearly defined scope of who the policy applies to and when the policy applies (i.e. outside of set work hours and working environments).
- A clearly worded definition of discrimination, harassment, sexual harassment, bullying, vilification and victimisation.
- A statement that discrimination, harassment, sexual harassment, bullying, vilification and victimisation is against the law (listing the relevant legislation and who is liable).
- Specific examples that may be relevant to the particular live performance working environment.
- A statement of what is not discrimination, harassment, sexual harassment, bullying, vilification and victimisation.
- Examples of places and times where unlawful discrimination, harassment, sexual harassment, bullying, vilification and victimisation may happen e.g. on tours, social media, during rehearsals, at opening nights, industry events, Christmas and after parties, conferences, etc.
- Clearly defined acceptable and unacceptable standards of behaviour (this could be presented in an accompanying Code of Conduct).
- The process for making a report.
- The consequences for workers if the policy is breached.
- Responsibilities of workers, including leadership and management positions.
- Information on where individuals can get help, advice or make a report.
- A brief summary of the options available for dealing with discrimination, harassment, sexual harassment, bullying, vilification and victimisation.

## CHECKLIST

### Developing a complaint handling and investigation procedure

What needs to be included in a complaint handling and investigation procedure?

#### Principle #1: Fair

- Do both the reporter and respondent have the opportunity to:
  - present their version of events?
  - provide supporting information?
  - respond to any potential adverse decisions?
- Does the procedure state that the investigator will be independent or impartial?

**Tip:** Identify an appropriate person within and outside your organisation who can investigate reports

#### Principle #2: Impartial

- Does the investigator have particular connections with any party involved?
- Does the investigator know and understand their obligations?

#### Principle #3: Confidential

- Does the procedure specify the need to maintain confidentiality?
- How will confidential information be treated?
- How will the reporter and respondent be informed about confidentiality requirements?
- Where will confidential information about the report be kept?
- How will workers be protected from victimisation?

**Tip:** Only provide information to those who need to know about the report so that they can properly take action

#### Principle #4: Transparent

- Does the process offer both informal and formal options?
- Is the process clearly explained?
- Does the procedure advise the reporter that they can pursue the matter externally with the Fair Work Commission (bullying and sexual harassment), Australian Human Rights Commission, a state or territory anti-discrimination body or, if it appears to be a criminal matter, the police?
- Are the possible outcomes of the report clearly explained?
- Does the process include keeping the reporter and respondent informed of the:
  - progress of the report?
  - reasons for any decisions?
- Is the procedure regularly reviewed?

#### Principle #5: Accessible

- Is the report process easy to access and understand?

**Tip:** Make sure the process doesn't prevent anyone being able to raise a report and participate equally

#### Principle #6: Efficient

- Is the report process conducted in a timely manner and without undue delay?

#### Principle #7: Supported

- Are the reporter, person affected and respondent able to request the assistance of a support person?



#### **Principle #8: Trauma-informed**

- Is the reporter or person affected being adequately supported, listened to and their experience validated?
- Is the reporter or person affected not required to tell their story multiple times through the process?

#### **Principle #9: Culturally sensitive**

- Have cultural differences or barriers been considered in the process, including in relation to intersectionality?

## TIPS

### Creating and maintaining a safe, respectful and inclusive workplace culture

#### Leadership

- Secure high-level support from company owners and leadership positions for developing and implementing a comprehensive strategy to create and maintain a safe, respectful and inclusive workplace culture and prevent unlawful and harmful workplace behaviours. Regularly review, evaluate and improve this strategy.
- Ensure those in leadership positions lead by example and model best practice standards of behaviour.

#### Accountability

- Include accountability mechanisms in position descriptions for relevant leadership positions, particularly positions that are responsible for enforcing standards of expected behaviour.
- Ensure that selection criteria for relevant leadership positions include the requirement that managers have up-to-date knowledge and a demonstrated understanding of and ability to deal with discrimination, harassment, sexual harassment, bullying, vilification and victimisation matters.
- Check that those in leadership positions are fulfilling their responsibilities through performance appraisal plans.
- Periodically conduct workplace audits to monitor reports of discrimination, harassment, sexual harassment, bullying and victimisation, and regularly address the reports and any identified workplace risks.
- Ensure reports of discrimination, harassment, sexual harassment, bullying, vilification and victimisation are addressed consistently and confidentially to hold respondents to account and put the reporter and person affected at the centre.

#### Strategy

- Develop a policy prohibiting inappropriate use of computer technology, such as e-mail, screen savers and the internet.
- Set clear employer values that reflect commitment to the safety and wellbeing of all workers, and implement strategies to ensure the workplace culture reflects these values.
- Set clear and specific standards of expected behaviour for all workers involved in creative work that may include provocative, sensitive or controversial themes or actions.

#### Empower

- Encourage and empower workers to voice and raise any concerns or objections, particularly with regard to creative work that may include provocative, sensitive or controversial themes or actions.
- Encourage and empower workers to report if they think they may be experiencing or witnessing workplace discrimination, harassment, sexual harassment, bullying, vilification and/or victimisation.
- Ensure that policies and procedures are promoted and easily accessible to workers.



### **Displays and communications**

- Remove offensive, explicit or pornographic calendars, literature, posters and other materials from the workplace.
- Display posters that promote awareness of discrimination, harassment, sexual harassment, bullying, vilification and victimisation on notice boards in common work areas and distribute relevant brochures.

# IMPLEMENTING WORKPLACE POLICIES & COMPLAINTS PROCEDURES

## What you need to do

*1. Distribute & promote policies & complaints procedures*

*2. Educate, communicate & discuss policies & complaints procedures*

*3. Review policies & complaints procedures*

## How you could do it

- ✓ Promote at staff meetings, seminars, on the first day of rehearsals, prior to touring or other group meetings
- ✓ Email copies of the policy to all workers
- ✓ Display policies on notice boards, in green rooms, dressing rooms, rehearsal spaces and include in induction manuals/materials
- ✓ Place an automatic shortcut on staff desktops
- ✓ Make workers aware that senior management endorse the policies and that they are required to comply with them
- ✓ Ask workers to sign a copy of the policy acknowledging they have received and understood it
- ✓ Ensure policies are accessible to workers with disability
- ✓ Consider translating policies into relevant community languages where required so it is accessible to employees from non-English speaking backgrounds
- ✓ Conduct or provide opportunities for regular training sessions for all workers on discrimination, harassment, sexual harassment, bullying, vilification and victimisation
- ✓ Assign responsibility for the circulation and review of the policy to a specific position or area to ensure that it is widely promoted and regularly updated
- ✓ Put a copy online in a way that is accessible to workers
- ✓ Provide policies and other relevant information to new workers as a standard part of induction
- ✓ Ensure that managers and supervisors discuss and reinforce policies at staff meetings
- ✓ Ensure all workers are made aware of the policies and where they can be located
- ✓ Train all relevant managers and supervisors on their role and provide effective tools for ensuring that the workplace is free from discrimination, harassment, sexual harassment, bullying, vilification and victimisation
- ✓ Ensure workers responsible for handling and investigating reports receive training and/or information on how to deal with reports
- ✓ Keep clear and accurate records of each worker's education and training (e.g. copy of signed policies, records of training undertaken, record of discussions with management)
- ✓ When a report is received, use this as an opportunity to evaluate the effectiveness of policies and identify areas that could be improved to minimise the risk of further incidents occurring