

PERTH FESTIVAL

PERTH FESTIVAL POLICY ON BULLYING, DISCRIMINATION AND HARASSMENT

1. Introduction

- 1.1. Everyone has the right to a workplace that is safe and free from bullying, discrimination and harassment.
- 1.2. Perth Festival is committed to maintaining a working environment that is physically and mentally safe, and free from bullying, discrimination and harassment. Perth Festival does not tolerate bullying, discrimination or harassment in any of its workplaces.
- 1.3. This policy applies to all Perth Festival employees, contractors, volunteers, board members and artists. It applies to all Perth Festival workplaces, including offices, indoor and outdoor venues, vehicles and work-related social functions.
- 1.4. When allegations are raised against a person who is not a team member of Perth Festival, and not undertaking official duties for the Festival but for another employer, the Festival will work with that person's employer to assist those affected and take all reasonable steps to protect them from further incidents.
- 1.5. Please refer to the detailed information about sexual harassment in Perth Festival's policy on Sexual Harassment.

2. Responsibilities

- 2.1. All employees, contractors, volunteers, board members and artists have a responsibility to:
 - (a) comply with this policy;
 - (b) monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
 - (c) model appropriate behaviour;
 - (d) ensure that all employment, advancement and training decisions are consistent with this policy;
 - (e) seek appropriate advice and assistance when dealing with formal or informal complaints; and
 - (f) when appropriate, deal with sensitive information in a confidential manner.

3. Grievance Procedure

- 3.1. The Perth Festival grievance procedure supports victims and witnesses with resolving a complaint related to, amongst other things, bullying, discrimination, and harassment.
- 3.2. If a team member feels comfortable to do so, they should raise issues directly and immediately with the person behaving inappropriately with a view to resolving the issue by discussion. The team member should identify the offensive behaviour, explain that the behaviour is inappropriate and ask that the behaviour stops. If this is not possible or if the behaviour continues, the grievance procedure is there to provide support and guidance to navigate the specific complaint.
- 3.3. For further information please refer to Perth Festival's Grievance Procedure.

4. Bullying

- 4.1. Bullying happens when a team member or group of team members engages in repeated, unreasonable behaviour by an individual or group, directed towards an individual that a reasonable person would consider to be offensive, victimising, humiliating, intimidating or threatening.
- 4.2. The following examples may constitute bullying:
 - (a) Verbal, physical or written behaviour or language (letters, emails, text messages) that frightens, humiliates, belittles or degrades another person.
 - (b) Criticism that is delivered insensitively/inappropriately.

- (c) Abusive, insulting or offensive language.
 - (d) Aggressive or intimidating conduct.
 - (e) Threats, physical assaults or physical violence.
 - (f) Interfering with personal effects or equipment.
 - (g) Cyber bullying through email, social media or any other online platform.
 - (h) Teasing or regularly making someone the target of pranks or practical jokes.
 - (i) Setting timelines that are difficult to achieve or constantly changing deadlines.
 - (j) Unreasonable work expectations.
 - (k) Ignoring, excluding or isolating a person.
 - (l) Deliberately denying access to information, consultation or resources.
 - (m) Unfair treatment in relation to accessing entitlements (such as leave).
 - (n) Displaying offensive material.
 - (o) Pressuring a person to behave in an inappropriate manner.
 - (p) Spreading rumours.
- 4.3. Bullying is not reasonable action taken by your manager, which includes but is not limited to the following:
- (a) Managing a team member's workflow or respectfully directing how work is done.
 - (b) Giving a team member reasonable and constructive feedback on their work and or contribution.
 - (c) Performance managing a team member who has been inappropriate or is not performing at the level expected of their position.
 - (d) Disciplining a team member for misconduct.
 - (e) Restructuring a team or reallocating tasks fairly to meet the needs of the team and / or the Festival.

5. Discrimination

- 5.1. Discrimination happens when a team member or group of team members treats, or proposes to treat, someone unfavourably because of a personal characteristic.
- 5.2. The personal characteristics that are protected are as follows:
- (a) A disability, disease or injury, including work-related injury.
 - (b) Parental status or status as a carer.
 - (c) Race, colour, descent, national origin, or ethnic background.
 - (d) Age (young or old).
 - (e) Gender.
 - (f) Industrial activity (such as being a member of a union or deciding not to join a union.)
 - (g) Religion.
 - (h) Pregnancy and breastfeeding.
 - (i) Sexual preference.
 - (j) Lawful sexual activity / sexual orientation / gender identity.
 - (k) Marital or relationship status.

- (l) Political opinion.
- (m) Social origin.
- (n) Medical record (including previous workers compensation claims).
- (o) Irrelevant criminal record.
- (p) An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

5.3. The following examples may constitute discrimination:

- (a) Being refused a job opportunity based on a protected characteristic (e.g. making a recruitment or promotion decision based on the likelihood of a candidate taking parental leave or having caring responsibilities).
- (b) Being harassed or humiliated based on a protected characteristic (e.g. making homophobic remarks about a team member in a meeting).
- (c) Disadvantaging a team member based on a protected characteristic (e.g. not making a reasonable adjustment to provide an adequate work space for a team member in a wheel chair).

5.4. Discrimination is not:

- (a) Being treated differently at work because you have performed poorly.
- (b) Missing out on a job because you don't meet the job requirements or because another candidate was more suitable for the role.

5.5. Perth Festival has a Disability Access Inclusion Plan and a Reconciliation Action Plan that contribute to the Festival's approach to fostering an environment that is inclusive and fair for all team members.

6. Harassment

6.1. Harassment happens when a team member or group of team members makes someone feel intimidated, insulted or humiliated because of a protected attribute such as gender, age, sexual orientation, disability, race, culture or religious affiliation or any other protected characteristic.

6.2. The following examples may constitute unlawful harassment:

- (a) Making derogatory comments or offensive jokes (written or verbal) about a particular racial group.
- (b) Using patronising language toward someone because they have a disability.
- (c) Excluding someone from work related conversations or activities because of their sexual preference or gender identity.
- (d) Displaying material in the workplace that is offensive to a specific protected personal characteristic.
- (e) Asking intrusive questions about someone's personal life, including his or her sex life.
- (f) Making disparaging comments to a person because they are pregnant.
- (g) Playing practical jokes on someone because of their age.

6.3. Harassment is not an interaction between team members that is mutually agreed to be acceptable (that does not offend any of the involved parties or create an unsafe work environment).

7. Victimisation

Victimisation happens when a team member or group of team members treat an individual badly or

subjects an individual to detrimental behaviour because that individual has made a complaint.

8. Breach

- 8.1. All employees, contractors, volunteers, board members and artists are required to comply with this policy as amended, varied or replaced from time to time.
- 8.2. A breach of this policy may result in disciplinary action being taken up to and including ending your relationship with Perth Festival.
- 8.3. Perth Festival reserves the right to remove any individual or company from the Festival at any time if it is believed that they may impact the safety of the Festival and its participants.

9. Variation

Perth Festival may amend, vary or replace this policy at any time.

10. Where do our obligations come from?

Bullying, discrimination and harassment in the workplace is governed by various legislation, including the following:

- *The Fair Work Act 2009* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Equal Opportunity Act 1984* (WA)
- *Work Health and Safety Act 2020* (WA)
- *Racial Discrimination Act 1975* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Workplace Gender Equality Act 2012* (Cth)

11. Some useful links

Perth Festival Grievance Procedure

Perth Festival Sexual Harassment Policy

Perth Festival Code of Behaviour

Perth Festival Access Disability Inclusion Plan

Perth Festival Reconciliation Action Plan

Perth Festival EAP - PeopleSense
2 Bagot Road, Subiaco WA 6008
1300 307 912 (24 hours, 7 days)

WorkSafe WA

<https://www.dmirr.wa.gov.au/worksafe>

Western Australia Equal Opportunity Commission

<https://www.wa.gov.au/organisation/equal-opportunity-commission>

Fair Work Ombudsman

<https://www.fairwork.gov.au/>

Australian Human Rights Commission

www.humanrights.gov.au

1300 656 419 or (02) 9284 9888