

PERTH FESTIVAL

SEXUAL HARASSMENT POLICY

1. Introduction

- 1.1. Everyone has the right to a workplace that is safe and free from sexual harassment.
- 1.2. Perth Festival is committed to maintaining a working environment which is free from sexual harassment and is not hostile on the grounds of sex. Perth Festival regards sexual harassment and the creation of a hostile environment on the grounds of sex, as a serious issue and aims to treat any complaints in a sensitive, fair and confidential manner.
- 1.3. This policy applies to all Perth Festival employees, contractors, volunteers, board members and artists.

2. Sexual Harassment

- 2.1. Sexual harassment in the workplace, is any unwanted or unwelcome conduct of a sexual nature where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It may be physical, verbal or written.
- 2.2. Additionally, a person who causes instructs, induces, aids or permits another person to do any of the above conduct may be taken to have engaged in sexual harassment.
- 2.3. Certain conduct that may be tolerated socially could constitute sexual harassment in the workplace when it is unwelcome. At the same time, sexual harassment must not be confused with conduct that has the consent of all involved. Behaviour that is based on mutual attraction, friendship and respect is not likely to constitute sexual harassment as long as the interaction is consensual and reciprocated.
- 2.4. Conduct that subjects another person to a workplace environment that is hostile on the grounds of sex is also prohibited. Sexual harassment may occur where a workplace environment is sexually charged or hostile, creating a feeling of unwelcome or exclusion by a person, even if the specific conduct is not directed at a particular person. Such conduct can result in an offensive, intimidating and humiliating environment for people of one sex, which is unlawful.
- 2.5. All employees, contractors, volunteers, board members and artists have an obligation not to engage in sexual harassment in the course of their engagement with Perth Festival.
- 2.6. Sexual harassment is considered serious misconduct and will not be tolerated by Perth Festival under any circumstances.

3. Examples of sexual harassment

- 3.1. The following examples may constitute sexual harassment when they are offensive to an employee, regardless of any innocent intent on the part of the offender:
 - (a) Inappropriate physical contact, such as unwelcome touching, hugging, kissing (on the cheek or otherwise).
 - (b) Staring or leering at someone.
 - (c) Making a suggestive comment or joke (whether it is directed at a person or not).
 - (d) Having a sexually explicit picture or poster on display in the workplace.
 - (e) Unwanted invitation(s) to go out on dates.
 - (f) A request for sex.
 - (g) Intrusive questioning about a person's private life or body.
 - (h) Unnecessary familiarity, such as deliberately brushing up against a person.
 - (i) An insult or a taunt of a sexual nature.
 - (j) A sexually explicit email or text message.

4. Responsibilities

- 4.1. 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.

5. What should I do if I am being sexually harassed at work?

- 5.1. How you respond to sexual harassment may vary depending on the nature of the incident. You may choose to do one or more of the following:
- 5.2. If you feel safe and comfortable doing so, tell the other person that you object to their behaviour and ask that it stop. You may be able to resolve the situation yourself by pointing out that the behaviour is inappropriate, makes you feel uncomfortable or unsafe. They may not realise the effect their behaviour is having on you or others, and your feedback may give them the opportunity to change their actions.
- 5.3. Speak to your manager, People & Culture, a trusted colleague, or security personnel.
- 5.4. Remove yourself from the situation, such as retreating to a safe location
- 5.5. You may decide to seek help from Police, for example if the behaviour involves violence such as physical assault or the threat of physical assault.
- 5.6. After experiencing sexual harassment, you may consider:
- 5.7. Seeking support (including psychological support) from a colleague, helpline, counselling service, legal service or employee representative. Support services are listed at the end of this policy.
- 5.8. Reporting what happened to a manager, People & Culture or a person designated by Perth Festival (for example, Artist Liaison).
- 5.9. Keeping a record of what happened, when and where it happened, who was involved and anything else you think may be important.
- 5.10. Raising a complaint in accordance with clause 7 of the policy.

6. What should I do if I see or hear about sexual harassment at work?

- 6.1. If you see sexual harassment happening or hear about it, you may choose to do one or more of the following:
- 6.2. If you feel safe and comfortable doing so, tell the other person that you object to their behaviour and ask that it stop.
- 6.3. Talk to the person experiencing harassment. One of the best things you can do is to listen and ask them what support they need. You can also help them find information so they can decide what to do next.
- 6.4. You should report sexual harassment to a manager, People & Culture, or the person designated by Perth Festival (for example, Artist Liaison), while also considering any privacy concerns of the person you are reporting on behalf of.
- 6.5. You may need to adapt what action you take depending on the situation. The focus should always be on your safety and the safety of the person who is being harassed.

7. What to do if you need to report sexual harassment

- 7.1. If you become aware of a breach or suspected breach of this policy you are encouraged to discuss the matter with your manager, People & Culture, or your Perth Festival representative on a confidential basis. In instances of any alleged policy breach, discretion is important to protect all people concerned.
- 7.2. Those involved in managing a complaint or investigation will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workplace participants in order to determine what happened in order to resolve the complaint.
- 7.3. Should you elect to raise a formal grievance, you may do so in accordance with Perth Festival's Grievance policy. In that situation, Perth Festival may carry out an investigation. Alternatively, Perth Festival may take whatever action it deems necessary to attempt to resolve the grievance.
- 7.4. Perth Festival may take disciplinary action against a perpetrator. Depending upon the seriousness of the breach of this policy, such action may include termination of employment or engagement.
- 7.5. You are encouraged to talk to your manager, designated Festival representative, or People & Culture if you have any questions or are unsure about any aspect of this policy.

8. Breach of this policy

- 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.

9. Variation

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

10. Where do our obligations come from

- 10.1. Sexual harassment in the workplace is governed by various legislation, including the following:
 - (a) *The Fair Work Act 2009* (Cth)
 - (b) *Australian Human Rights Commission Act 1986* (Cth)
 - (c) *Sex Discrimination Act 1984* (Cth)
 - (d) *Equal Opportunity Act 1984* (WA)
 - (e) *Work Health and Safety Act 2020* (WA)

11. Some useful links

Perth Festival Grievance Policy

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

WorkSafe WA
<https://www.dmirs.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

1800 Respect
www.1800respect.org.au

Beyond Blue
www.beyondblue.org.au
1300 224 636

Lifeline
www.lifeline.org.au
13 11 14