

Respectful Behaviours Policy Essential Knowledge

Policy Description

The Respectful Behaviours Policy outlines Carclew's position of zero tolerance of all forms of bullying, discrimination, victimisation, harassment and sexual harassment. The policy offers definitions of these terms and documents the reporting options should you believe you have experienced behaviour that is not respectful.

Who must comply?

Board members, artists, tutors, agents, volunteers and residents and all staff employed by Carclew full-time, part-time, casual, or contract.

In addition all recipients of Carclew grants must comply with this Policy, as a minimum standard.

What do I need to know?

- Aim to act as a good example for good behaviour in the workplace.
- It is the reaction of the other party and how our behaviours are perceived that determines whether an action is unsuitable.
- Treat everyone with whom you interact with respect and courtesy.
- Value diversity and act fairly and equitably in all dealings with clients, participants, key stakeholders and fellow employees.
- Do not subject anyone to bullying, discrimination, victimisation, harassment or sexual harassment.
- Report any suspected bullying, discrimination, victimisation, harassment or sexual harassment.

Contact

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Respectful Behaviours Policy

1. Background

This policy has been created in compliance with Arts South Australia's Respectful Behaviours policy and is in accordance with the *Public Sector Act 2009* and the *Public Sector Regulations 2010*. As an agency of the South Australian Public Sector all Carclew staff are required to adhere to the public sector principles and are obliged to abide by the *Code of Ethics for the South Australian Public Sector* which require staff to have an ongoing responsibility to display the highest standards of professional conduct and appropriate behaviour.

2. Purpose

To ensure everyone who is involved with Carclew is aware of Carclew's zero tolerance position on bullying, discrimination, victimisation, harassment and sexual harassment, and the process which is to be followed should any grievances arise.

3. Scope

This policy applies to all Board members and staff employed by Carclew full-time or part-time, contract, casual, agent, and all volunteers, and it forms a part of the contract of employment/engagement. All grant recipients must comply with Carclew's Respectful Behaviours Policy, as a minimum standard.

4. Definitions

Respectful Treatment	Treating people in a polite, courteous and considerate manner. This includes behaviours, communication and actions.
Unreasonable / Inappropriate behaviour	Behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimisation, humiliating, intimidating or threatening.
Wellbeing	A condition of psychological, emotional and physical balance.
Discrimination	To treat a person less favourably under one of the grounds as prescribed in law.
Indirect Discrimination	Occurs when there is a requirement or rule that appears on the surface to treat everyone equitably but which in fact has an unfavourable effect on a certain group of people.
Racial discrimination	When a person is treated less favourably than another person in a similar situation because of their race, colour, descent, national or ethnic origin or immigrant status.
Victimisation	To punish or threaten to punish someone.
Harassment	Covers a wide range of behaviours of an offensive nature. It is commonly understood as the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats or demands.
Sexual Harassment	An unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.
Bullying	An ongoing misuse of power in a relationship through repeated verbal, physical and/or social behaviour that causes physical and/or psychological harm. It can involve an individual or a group misusing their power over one or more persons. Bullying can happen in person or online, and it can be overt or covert.
Workplace Bullying	Behaviour that is repeated, systematic and directed towards an employee or group of employees

5. Policy Statement

Carclew is committed to supporting the wellbeing of our people. Carclew employees and volunteers must treat others with respect and aim for their actions to be an example for good behaviour in the workplace. No form of bullying, discrimination, victimisation, harassment or sexual harassment will be tolerated. Carclew will take an active approach to prevent, address and eliminate such behaviours.

5.1 Safe and fair work environment

Carclew staff and other representatives must take every precaution reasonable to protect the health, safety and welfare of those in the workplace. They must comply with the *Work Health and Safety Act 2012* and *Fair Work Act 1994* and promote safe and fair working practices and environments for people accessing the organisation's facilities.

Under the *Work Health and Safety Act 2012* all employers have a duty of care to ensure that their employees are not subjected to victimising, humiliating, undermining or threatening behaviour. Employees also have this responsibility towards each other and clients.

5.2 Victimisation, Bullying and/or Harassment

Victimisation, bullying and harassment can include behaviour that:

- Is directed towards an employee or a group of employees
- Is repeated and systematic
- A reasonable person, having regard to all the circumstances, would expect that it would victimise, humiliate, undermine or threaten the employee or employees to whom the behaviour is directed
- Creates a risk to health or safety

Examples of behaviours (intentional or unintentional) that may be considered to be bullying if repeated, unreasonable and creates a risk to health and safety, includes, but is not limited to:

- Abusive, insulting or offensive language or comments
- Unjustified criticism or complaints
- Continuously and deliberately excluding someone from workplace activities
- Withholding information that is vital for effective performance
- Setting unreasonable timelines or constantly changing deadlines
- Setting tasks that are unreasonably below or beyond a person's skill level
- Denying access to information, supervision, consultation or resources such that it has a detriment to the worker
- Spreading misinformation or malicious rumours

Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying. Bullying behaviour also does not include:

- Reasonable action taken in a reasonable manner by an employer to transfer, demote, discipline, counsel, retrench or dismiss an employee
- A decision by an employer, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with an employee
- Reasonable administrative action taken in a reasonable manner by an employer in connection with an employee's performance

5.3 Sexual Harassment

The *Sex Discrimination Act 1984* stipulates that it is unlawful for a person to sexually harass another person in a number of areas including employment and education. Sexual harassment is any unwanted or unwelcome sexual behaviour, which a reasonable person, having regard to all the circumstances, would anticipate would cause offence, humiliation or intimidation.

What is important is how the behaviour was perceived, not necessarily how it was intended. Workplace and work related behaviour that qualifies as sexual harassment can be verbal, written, visual or physical.

Sexual harassment can take many forms, including, but not limited to, unwelcome behaviour such as:

- Touching or kissing in a sexual way
- Comments or behaviours such as leering or staring, that is sexually suggestive
- Sexually explicit pictures, objects or reading matter
- Direct or implied sexual propositions, or request for dates
- Intrusive questions about sexual activity

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

5.4 Reporting

Staff and representatives of the organisation are urged to report any suspected cases of bullying, discrimination, victimisation, harassment and sexual harassment. Such reports will be treated seriously and promptly with sensitivity.

Under the rules of natural justice, the person subject of the complaint must be notified.

Both complainants and alleged harassers have the right to have support or representation during any investigation. Carclew will protect those involved in the process from victimisation.

The *Whistleblowers Protection Act 1993* provides protection for persons disclosing illegal, dangerous and improper conduct.

A person may elect, according to the nature and seriousness of the behaviour to:

- Resolve the issue informally by approaching the parties involved directly and discussing their concerns.
- Report inappropriate behaviour to the Chief Executive, the Senior Manager - Finance and Operations or to a nominated Grievance Contact Person.
- Follow the complaint process as outlined in Carclew's Respectful Behaviours Procedures.
- Approach an external agency (i.e. Commissioner for Equal Opportunity, Australian Human Rights Commission, Office of the Employee Ombudsman, Work Health and Safety Inspector). Every employee retains the right, at any time, to lodge a complaint or appeal with an outside agency.

5.5 Recruitment practices

The management of Carclew has a firm commitment to equal opportunity principles and will ensure that no discriminatory policies, practices or procedures exist in any aspect of employment, throughout the recruitment process.

5.6 Compliance

Any breach of Carclew policies will be taken seriously and misconduct may be liable to disciplinary action. Consequences may include a warning, suspension, or termination of employment, and will be implemented in accordance with appropriate legislative procedures.

6. Responsibility for implementation

- The Chief Executive will advise staff members of the new policy and procedures upon endorsement by the Board.
- Staff will be required to familiarise themselves with the Respectful Behaviours Policy.
- The policy and procedure will be available via the Carclew Server and listed on the Carclew Policy webpage.
- The Respectful Behaviours Policy will be included in the Carclew Staff, Artist and Volunteer Induction packages.
- Contracts for all grant recipients will confirm compliance with the Respectful Behaviours Policy.
- Supervisors/managers are responsible for ensuring all staff comply with this policy.
- All staff have a responsibility to comply with this policy and act in a manner that promotes a productive and harmonious working environment.

7. Legislation and Supporting Documents

<i>Public Sector Act 2009</i>
<i>Public Sector (Honesty and Accountability) Act 1995</i>
<i>Work Health and Safety Act 2012</i>
<i>Equal Opportunity Act 1984</i>
<i>Fair Work Act 1994</i>
<i>Sex Discrimination Act 1984 (Cth)</i>
<i>Racial Vilification Act 1996</i>
<i>Whistleblowers Protection Act 1993</i>
<i>Code of Ethics for the South Australian Public Sector</i>
<i>Public Sector Values</i>

Arts South Australia Respectful Behaviours http://arts.sa.gov.au/respectful-behaviours
Department of State Development Respectful Behaviours Policy: http://arts.sa.gov.au/system/files/documents/DSD%20Respectful%20Behaviours%20Policy.pdf
Australian Human Rights Commission www.humanrights.gov.au
Respectful Behaviours Procedure
<i>Code of Conduct</i>
<i>Grievance Policy</i>
Workplace Health and Safety Policy

Acknowledgment

In developing this policy Carclew has drawn on resources prepared by Arts South Australia, the Department for Industry and Skills, the Institute of Community Directors Australia, the Australian Human Rights Commission and the Fair Work Ombudsmen.

Disclaimer

This policy does not represent legal advice. If you have any queries about your obligations, you should seek your own independent legal advice.