



CODE OF CONDUCT

**WORKPLACE DISCRIMINATION, HARASSMENT AND BULLYING POLICY
FOR EMPLOYEES, CONTRACTORS and VOLUNTEERS**

JULY 2018

BLUE COW THEATRE

CODE OF CONDUCT

WORKPLACE DISCRIMINATION, HARASSMENT AND BULLYING POLICY FOR EMPLOYEES, CONTRACTORS AND VOLUNTEERS

Blue Cow Theatre is committed to creating a safe and supportive workplace in which all personnel are respected and valued.

This Code of Conduct is designed to help you understand the attitudes and behaviours that are expected of you, and equally what you can expect of your colleagues. The Code of Conduct reflects the culture of our organisation and is intended to supplement your own common sense, integrity and standards.

FOR WHOM?

- This Code applies to all personnel engaged by Blue Cow Theatre including:
 - Company management and staff;
 - Production personnel, e.g. actors, directors, designers, dramaturges, writers, production and stage management, makers, technical crew, front of house;
 - Special Projects personnel, e.g. coordinators, workshop leaders, tutors, mentors, consultants;
 - Those engaged full-time, part-time and casual;
 - Auditonees and job candidates;
 - Student and work-experience placements and secondees;
 - Contractors and sub-contractors;
 - Board members and all volunteers.
- In this Code, the above are all referred to collectively as “personnel”.
- To the extent that it is within our control, this policy also extends to our interactions with:
 - Personnel of venues in which we are working, making, rehearsing or performing;
 - Companies, organisations and individuals with whom we are collaborating.
 - Our stakeholders, including artists, artistic partners, funding partners, corporate partners, sponsors, donors, supporters and community members.

WHEN?

- The Code applies whenever you are at work with/for Blue Cow Theatre. It also extends to work-related social functions, receptions, conferences and industry events, whether within or outside normal working hours, or on tour, whether within Tasmania or elsewhere.

GENERAL PRINCIPALS

Blue Cow Theatre is committed to maintaining an inclusive workplace that values the contributions of everyone and is respectful of difference. Bullying, harassment or discrimination in any form will not be tolerated.

Personnel are expected to:

- Behave fairly, respectfully and without discrimination to any person we deal with in our work;
- Respect other people's cultures, values and beliefs;
- Act with integrity, honesty, care and diligence;
- Support and respect other personnel involved in the organisation, project and tour
- Present a professional and positive image of Blue Cow Theatre and not engage in any behaviour that may bring disrepute to Blue Cow Theatre.

THE LAW

Discrimination, harassment, sexual harassment and bullying are unlawful under state/territory and federal legislation.

Blue Cow Theatre is bound by Commonwealth legislation:

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Fair Work Act 2009 (Cth)

and Tasmanian legislation:

- Anti-Discrimination Act 1998 (Tas)

DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND BULLYING

Discrimination, harassment, sexual harassment and bullying will not be tolerated at Blue Cow Theatre.

WHAT IS DISCRIMINATION?

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as gender, age, race, sexuality or disability.

It is unlawful to discriminate against someone because of a protected personal characteristic (actual or assumed) and this will not be tolerated at Blue Cow Theatre.

Protected personal characteristics under federal discrimination law include:

- A disability, disease or injury, including work-related injury
- Parental status or status as a carer
- Race, colour, descent, national origin or ethnic background
- Age
- Gender, gender identity
- Sexual orientation
- Industrial activity
- Religion
- Pregnancy and breastfeeding
- Marital status
- Political opinion
- Social origin
- Medical record
- 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.

What is not discrimination?

In certain circumstances it will not be unlawful discrimination to treat employees differently because of a protected personal characteristic. The main exceptions are where the discriminatory act or practice:

- Is necessary to comply with other legislation
- Is taken because the complainant cannot perform the inherent (essential) requirements of their job, even where reasonable adjustments are made
- Is a genuine occupational requirement (an exemption may be required, depending on the law in the relevant state or territory)
- Is necessary to protect health and safety
- Is permitted because an exemption or 'special measure' applies. This is often referred to as 'positive discrimination' or 'affirmative action'.

WHAT IS HARASSMENT?

Harassment is unwelcome and unsolicited behaviour that a reasonable person would consider to be offensive, intimidating, humiliating or threatening.

It is unlawful to harass an individual or group because of a protected attribute (such as age, sex or race, outlined above). Harassment of any kind will not be tolerated at Blue Cow Theatre.

Harassment that is not related to a protected attribute is still inappropriate in the workplace.

Harassment can be physical, spoken or written. It can include:

- Intimidation, verbal abuse, or repeated threats or ridicule
- Sending offensive messages by text, email or other means
- Derogatory comments
- Display of offensive materials, pictures, comments or objects
- Ridiculing someone because of their accent or English-speaking ability
- Telling offensive jokes or practical jokes based on a protected characteristic
- Belittling or teasing someone about their disability
- Isolation, segregation or humiliation based on a protected characteristic

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any form of unwelcome behaviour of a sexual nature, which could be expected to make a person feel offended, humiliated or intimidated

It is unlawful for personnel to engage in sexual harassment, or encourage or allow other personnel to do so. Sexual harassment will not be tolerated at Blue Cow Theatre.

Sexual harassment can be physical, spoken or written. It can include:

- Staring or leering at a person or parts of their body
- Excessive familiarity or physical contact, such as touching, hugging, kissing, pinching, massaging and brushing up against someone
- Suggestive comments, jokes, conversations or innuendo
- Insults or taunts of a sexual nature
- Intrusive questions or comments about someone's private life
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Unwelcome flirting, requests for sex or repeated unwanted requests to go out on dates
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Just because someone does not object to inappropriate behaviour in the workplace at the time, does not mean that they are consenting to the behavior.

Behaviour can still be considered to be sexual harassment even where:

- The person engaging in the behaviour did not intend to humiliate, intimidate or offend.

- Some people in the workplace are not offended by the behaviour.
- The behaviour was previously an accepted practice in the workplace.

Sexual harassment may be considered work-related even if it occurs outside of the workplace or outside of normal working hours, such as at a work-related social function, on tour, or at a conference.

All employees have the same rights and responsibilities in relation to sexual harassment.

A single incident of inappropriate behavior is enough to constitute sexual harassment – it does not have to be repeated.

What is not sexual harassment?

Where personnel engage in consensual, welcome and reciprocated behaviour, this is not sexual harassment. However, appropriate professionalism is expected of all personnel at all times, including in relation to personnel engaging in consensual behaviour.

WHAT IS WORKPLACE BULLYING?

Workplace bullying ('bullying') is where an individual or group of individuals repeatedly behave unreasonably to another person or group of persons at a workplace. It is unlawful for an employee to engage in bullying, or encourage or allow another employee to do so.

Bullying can take many forms. It can be physical spoken, written, overt or covert.

Behaviours that may constitute bullying include:

- Aggressive or intimidating conduct or threatening gestures
- Manipulation, intimidation or coercion
- Threats, abuse, offensive language, shouting or belittling
- Innuendo, sarcasm and other forms of demeaning language
- Ganging up
- Public humiliation
- Initiation activities
- Practical jokes, teasing, or ridicule
- Isolation, exclusion or ignoring people
- Inappropriate blaming, emails/pictures/text messages
- Unreasonable accusations or undue unconstructive criticism
- Allocating unpleasant, meaningless or impossible tasks
- Placing unreasonably high work demands on selected employees
- Deliberately withholding information or equipment that a person needs to their job or access their entitlements
- Unreasonable refusal of requests for leave, training or other workplace benefits
- Withholding access to opportunities

What is not workplace bullying?

Workplace bullying does not include reasonable management action carried out in a

reasonable manner. Blue Cow Theatre has rights and obligations to effectively direct and control the way work is carried out. It is reasonable for production and project leaders to allocate work to an employee and give fair and reasonable feedback on an employee's performance.

Examples of reasonable management action include:

- Setting reasonable performance goals, standards and deadlines
- Scheduling and allocating working hours where the requirements are reasonable, and compliant with relevant industrial awards
- Transferring an employee for operational reasons
- Deciding not to select an employee for promotion where a reasonable process is followed
- Disciplinary action (including investigations) is taken in a reasonable manner
- Informing an employee about unsatisfactory work performance or inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructuring
- Termination of employment

Workplace conflict is generally not considered workplace bullying. Differences of opinion and disagreements in the workplace may arise without engaging in repeated, unreasonable behaviour.

GRIEVANCE PROCEDURE

In the first instance:

Blue Cow Theatre recognises that value of open communications in preserving a harmonious work environment. It is the responsibility of all persons engaged on Blue Cow projects to make every possible effort to support such an environment.

Given this, in the event of a grievance, Blue Cow encourages the aggrieved party to seek to resolve the issue quickly, confidentially and calmly, through conversation with the other party involved.

If the grievance remains unresolved:

In the event that a grievance arises which cannot be resolved by direct conversation between the parties:

1. The aggrieved party should refer the grievance or complaint to the Blue Cow Artistic Director who will initiate a meeting between the relevant parties.
2. If the aggrieved party feels that an acceptable resolution has not been reached, they should submit a written complaint detailing their grievance to the Artistic Director. The Artistic Director will convene and arbitrate a second meeting between the interested parties. The Artistic Director may also arrange the attendance of an independent advisor (or advisors) who s/he feels may be helpful in negotiating an acceptable resolution.
3. If the matter remains unresolved, it will be escalated to an independent arbiter. All parties are entitled to appoint another person, organisation or association to represent them during this process.

(NB: In the event that the complaint is being brought against the Artistic Director, then the matter should be referred to other senior company staff, or to the Chair of the company.)

CONDUCT DURING THE RESOLUTION PROCESS

It is the responsibility of all parties involved in a grievance dispute to continue to perform their duties to the best of the ability while the resolution process is underway.

Blue Cow Theatre encourages ALL parties involved in a resolution process to not inflame the situation, and specifically to:

- Refrain from discussion of the matter more broadly within the workplace or Company
- Refrain from posting about the matter in social media
- Refrain from “going public” with the matter

OTHER CODE OF CONDUCT MATTERS

INDIGENOUS

Blue Cow has a commitment to engaging with Indigenous artists and to raising awareness about Tasmania's and Australia's Indigenous arts and culture.

Personnel are expected to respectfully observe and engage in any relevant cultural protocols and to show respect for the countries and cultures where they are visiting and behave in a manner that respects the host country's laws, protocols and people

ALCOHOL AND DRUGS

Personnel are expected to be unimpaired by alcohol or other drugs that may affect their ability to work safely and effectively. Attendance at work while affected by prior use of alcohol or other drugs is not permitted.

PUBLIC COMMENT

As individual members of the community, all personnel have the right to make public comment and enter into public debate on political and social issues. However, there are circumstances in which personal opinion may be interpreted as being an official comment on behalf of Blue Cow Theatre.

Whilst within the employ of or under contract to, or engaged as a volunteer by Blue Cow Theatre, all personnel are expected to:

- Consult with Blue Cow Theatre management before making public comment or agreeing to comment (including through online sites and social media) on the work of Blue Cow Theatre and or any other issues that may impact on the reputation of Blue Cow Theatre
- Ensure it is clear that any comments made as a private citizen are made in a personal capacity and do not reflect the views of Blue Cow Theatre
- Not post negative or offensive language on social media in relation to Blue Cow Theatre