

# RESPECTFUL BEHAVIOURS POLICY

**Date of first approval:** 27 June 2018

**Date of last approval:** 11 July 2023

**Review date:** June 2025

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## Policy Statement

ActNow is committed to being a high-performing organisation, with a strong and supportive performance culture that supports our process- and outcome-focused priorities.

## Policy Scope

This policy applies to all employees, board members, contractors, volunteers, visitors, project participants, and members of the public when participating in any activity officially presided over by ActNow Theatre.

## Purpose

To ensure that all persons involved in the company are aware of our expectation that they interact in a respectful and professional manner, which fosters equity, fairness and dignity in the workplace.

## Outcome

ActNow Theatre promotes a healthy and safe workplace where employees, contractors, volunteers, participants and venue users are respected, and in which values of high-performance and mutual regard are upheld, contributing to the organisation's positive image and reputation as an employer and its engagement of the public with integrity.

## Definitions

- **Respectful treatment:** treating people in a polite, courteous, and considerate manner. This includes behaviours, communications, and actions.
- **Wellbeing:** a condition of psychological, emotional, and physical balance.
- **Work spaces:** for the purposes of this policy, our work spaces include the office and venue as well as schools and workplaces where our workshops, developments, performances and any other associated activities that take place. It also includes related activities such as travel and carpooling when required by ActNow Theatre, as well as additional activities such as sanctioned social situations that are work-related. This could include festive parties, education and training events, social work events, and conferences. Furthermore, it includes all uses of our offices and any company events within the company venue.
- **Direct discrimination:** to treat a person less favourably under one of the grounds prescribed in law.
- **Indirect discrimination:** 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.
- **Victimisation:** subjecting or threatening to subject a person to some form of negative treatment because they have reasonably asserted their rights under equal opportunity legislation, or because they have supported someone else who acted on those rights.

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- **Workplace bullying:** repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health, wellbeing, and/or safety.
- **Repeated behaviour:** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
- **Unreasonable/inappropriate behaviour:** behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

## Safe and Fair Work Environment

ActNow Theatre expects all employees, contractors, volunteers, and venue users to abide by the following principles in our public and private workspaces:

- personal safety is of paramount consideration;
- basic human rights are unaltered by special needs, cultural, or socioeconomic factors;
- individuals are deserving of respect, care, and protection;
- individuals can exercise their right to have an advocate act on their behalf.

## Victimisation, Bullying, and/or Harassment

Victimisation, bullying and harassment will not be tolerated in ActNow Theatre workspaces.

Victimisation, bullying and harassment can include behaviour that:

- is directed towards an individual or group of individuals;
- is repeated and systematic;
- a reasonable person, having regard to all the circumstances, would deem victimising, humiliating, undermining, or threatening;
- creates a risk to health or safety.

## Sexual Harassment

Sexual harassment is any unwanted sexual behaviour, which a reasonable person, having regard to all the circumstances, would deem offensive, humiliating, or intimidating. With sexual harassment, it is the perception rather than the intention of the behaviour that is important. Workspace 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:

- touching or kissing in a sexual way;
- sexually suggestive comments or behaviours such as leering or staring;
- sexually explicit pictures, objects, or reading matter;
- direct or implied sexual propositions, or requests for dates;
- intrusive questions about sexual activity.

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## **Workshop/Project Participants**

ActNow Theatre may, through the decision of relevant staff, ask a workshop or project participant to leave, or deny the admission/participation of any person at their sole discretion. This might include but is not limited to a concern that the individual will negatively affect the comfort or safety of other participants, or reflect negatively on the reputation of the project. This must not be done for a reason constituting direct discrimination.

## **Codes of Conduct**

ActNow Theatre may establish codes of conduct for specific projects, events, or ongoing activities (such as venue hire/hot desking). These codes of conduct must be made available to all relevant people. Contravening these codes of conduct may be treated as a breach of this policy.

## **The Procedure**

If inappropriate behaviour (including bullying, harassment, sexual harassment, or any breach of a Code of Conduct) occurs, 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, or
- seek support through the generally accepted reporting structure, i.e. an approach to the Artistic Director or General Manager and/or a board member;
- have the issue resolved by a mediation process according to Arts Law Centre guidelines;
- follow the complaint process as outlined below, which can be utilised to address employee concerns or complaints of unfair treatment, bullying, discrimination, or harassment, which are related to work or the work environment, or
- approach an external agency, for example the Commissioner for Equal Opportunity, Australian Human Rights Commission, Office of the Employee Ombudsman, Work Health & Safety Inspector).

N.B. Every employee retains the right, at any time, to lodge a complaint or appeal with an outside agency.

## **Grievance process to be undertaken by managers of staff/volunteers/contractors/participants**

### Stage 1 - oral and written warnings

If conduct or performance is unsatisfactory, the person will be given a formal oral warning, which, depending on the seriousness of the situation, will be followed immediately by a written warning.

For staff, this will include the reason for the warning and may include a note that, if there is no improvement after 3 months, a final written warning will be given. The warning will be disregarded after 6 months of satisfactory service. If needed, mediation may be sought between parties involved.

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For project/workshop/performance participants this would normally be given as an oral warning and may be informal or casual.

## Stage 2 - final written warning

For employees, if conduct or performance is still unsatisfactory, a final written warning will be given. This warning will make it clear that any recurrence of the offence or other serious misconduct within a period of 6 months may result in dismissal.

For project/workshop/performance participants this may be a second verbal warning, or may be communicated in writing. Depending on the participants age and circumstances, this may also be communicated to a parent, teacher, social worker or similar.

## Stage 3 - dismissal

If there is no satisfactory improvement or if further serious misconduct occurs, the person may be dismissed or otherwise removed from membership or participation in company activity.

N.B. Serious misconduct may result in immediate termination of employees or expulsion of a participant without any preceding steps being taken.