



## Anti-bullying, Harassment & Discrimination Policy

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### Purpose

Milk Crate Theatre is committed to ensuring all workers and participants are treated fairly and with dignity and respect. An important part of this commitment is providing an environment free from harassment, bullying and unlawful discrimination, thereby laying the foundation for a productive and positive workplace.

### Scope

This policy applies to:

- a) All staff members; and
- b) Contractors, volunteers and participants to Milk Crate Theatre workplaces.

In this policy, 'workplace' includes working on site or off-site, attendance at a work-related conference or function, and attendance at a client or other work-related event, including but not limited to workshops, presentations and social events.

### Background

Milk Crate Theatre works with people from diverse lived experiences and to protect both staff and participants, all staff should take on a trauma-informed and strengths-based approach in the workplace.



## Policy

Harassment (including sexual harassment), bullying, vilification and unlawful discrimination by any member of the Milk Crate Theatre's community is unacceptable and contrary to this policy.

Harassment, bullying, vilification and unlawful discrimination may:

- create an intimidating hostile, offensive or distressing work environment;
- adversely affect the health and performance of a person or groups of employees;
- lead to increased absenteeism, reduced employee productivity and motivation;
- result in the loss of experienced and skilled employees through resignation;
- adversely affect a person's admission into a program or progress within a program;
- adversely affect a person's recruitment, level of appointment, promotion and progression opportunities;
- adversely affect a person's access to and/or participation in the range of opportunities, support services, and social engagements provided by Milk Crate Theatre;
- adversely reflect on the integrity and standing of the Milk Crate Theatre; and/or
- increase the risk of the Milk Crate Theatre as an employer to be exposed as being vicariously liable.

Milk Crate Theatre expects all members of the MCT Community to ensure that their behaviour meets appropriate standards and contributes to a productive workplace environment.

## Unacceptable Behaviours

### a) Harassment

Harassment is unwelcome behaviour that intimidates, offends or humiliates an individual, or group of people, on the basis of race, colour, sex, age, sexual orientation, disability, lived experience or other attribute protected by any state or federal anti-discrimination legislation.

Harassment, including sexual harassment, is determined by reference to the nature and consequences of the behaviour, not the intent of the initiator, and occurs in circumstances where a reasonable person would have expected the behaviour to be offensive, humiliating or intimidating.

Harassment may be repeated or a one-off incident.

Harassment includes but is not limited to:

- a. telling insulting jokes about particular racial groups;
- b. verbal abuse or comments that put down or stereotype certain groups;
- c. personal insults, comments, name calling or innuendo;
- d. offensive communications including digital communications such as Facebook, Twitter and e-mails; and
- e. making derogatory comments or taunts about a person's disability.



## **b) Sexual Harassment**

Sexual harassment is unwelcome, unwanted or uninvited behaviour of a sexual nature which makes a person feel offended, humiliated and/or intimidated and where that reaction is reasonable in the circumstances. Some forms of sexual harassment including sexual assault, indecent exposure, stalking and obscene communications may constitute a criminal offence.

Sexual harassment will not be tolerated at MCT. Sexual harassment in the workplace can be physical, verbal or written and can take many forms:

- a. Comments about a person's sexual life or physical appearance;
- b. Suggestive behaviour;
- c. Unnecessary physical intimacy such as brushing up against a person;
- d. Sexual jokes, offensive telephone calls, photographs, reading matter or objects;
- e. Sexual propositions or continued requests for dates;
- f. Physical contact such as touching or fondling;
- g. Indecent assault or rape (which are also criminal offences).

Sexual harassment applies to any relationship between employee and employer or contractor. It also applies between other employees, peers and subordinates.

If for any reason you believe you are a victim of sexual harassment, it is important that you report to your immediate supervisor or, if preferred, the CEO.

A report of the facts will be made in complete confidence. Where appropriate, MCT will not hesitate to report sexual harassment allegations to the Equal Opportunity Commission. If it is established that an offence has been committed, it may result in immediate dismissal of the offender. More information, or specific details on any of the above, may be obtained from the Equal Opportunity Commission.

## **c) Bullying**

- d) MCT is committed to providing a positive working environment free from intimidation, ridicule and harassment. Every staff member has a responsibility to maintain a working environment free from negative and bullying behaviour. MCT will investigate all complaints of bullying and will take remedial action where necessary.

Bullying is defined as repeated and unreasonable behaviour directed towards a person or a group of persons that creates a risk to health and safety.

Unreasonable behaviour includes behaviour that is victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

Bullying can be overt or covert. Examples of behaviour that may be considered to be bullying if they are repeated, unreasonable and create a risk to health and safety include:

- a. physical or verbal abuse;



- b. yelling, screaming or offensive language;
- c. unjustified criticism or complaints;
- d. intimidation and belittling;
- e. psychological harassment;
- f. deliberately excluding or isolating employees from workplace activities;
- g. withholding information that is vital for effective work performance;
- h. setting unreasonable timelines or constantly changing deadlines;
- i. setting tasks that are unreasonably below or beyond a person's skill level;
- j. denying access to information, supervision, consultation or resources such that it has a detriment to a worker;
- k. spreading misinformation or malicious rumours;
- l. changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker workers; and/or
- m. excessive scrutiny at work.

Bullying does not include:

- a. a single incident of unreasonable behaviour;
- b. reasonable management action taken in a reasonable way, including but not limited to:
  - i. setting reasonable performance goals, standards and deadlines;
  - ii. rostering and allocating working hours where the requirements are reasonable;
  - iii. transferring an employee for operational reasons;
  - iv. deciding not to select a worker for promotion where a fair and transparent process has been followed;
  - v. informing a person about unsatisfactory performance when undertaken in a reasonable manner and/or in accordance with relevant policies and procedures;
  - vi. informing a person about inappropriate behaviour in an objective and confidential way;
  - vii. implementing organisational changes or restructuring; and
  - viii. disciplinary action where appropriate.

Workplace conflict, including differences of opinion and disagreements, are generally not workplace bullying. People can have differences and disagreements without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, conflict may escalate to the point where it becomes workplace bullying. It is therefore important that conflict is not ignored and, where possible, resolved to avoid escalation.



## **e) Discrimination**

Discrimination occurs when a person is treated less favourably than another person because of certain attributes (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because of a defined attribute (indirect discrimination). Under federal and state laws, it is against the law to discriminate against people, in various areas of public life because of their:

- a. race;
- b. colour;
- c. sex;
- d. sexual orientation, gender identity or intersex status;
- e. pregnancy;
- f. age;
- g. marital status;
- h. physical or mental disability;
- i. family or carers' responsibilities;
- j. religion;
- k. political opinion;
- l. national extraction;
- m. mental health;
- n. social origin; and/or
- o. any other attribute defined in state or federal legislation.

It is also against the law to treat people unfairly, or harass them, because of the age, disability, carers' responsibilities, homosexuality, marital status, race, sex or transgender status, mental health status of any relative, friend or colleague.

## **f) Vilification**

Vilification is a public act that could incite or encourage hatred, serious contempt or severe ridicule towards people because of their race, colour, national origin, sexual orientation, transgender status, religion, HIV/AIDS status or disability.



## Resolution Options

If you feel that you have been bullied, harassed, vilified or discriminated against, you may consider:

- a. Talking to the person directly - Only if you feel able, safe and confident to do so, you can speak directly to the person involved and advise that their behaviour is unacceptable and must stop;
- b. Seeking advice and/or support - You can speak to your Manager, CEO or Chair of the Board. These staff will be able to assist you in exploring resolution options;
- c. Making a complaint - You can make a complaint, and all reports and complaints of harassment, bullying, vilification and unlawful discrimination will be treated seriously and dealt with promptly, impartially and confidentially. Complaints will be handled in accordance with Milk Crate Theatre's Feedback & Complaints Policy.
- d. You may choose to have your complaints may also be referred to an external body, such as the Anti-Discrimination Board of NSW, the [Australian Human Rights Commission](#) or the Fair Work Commission.

In cases of assault, sexual assault or other behaviour that may constitute a crime, Milk Crate Theatre may be required to report the incident to police or other relevant authorities.

## Principles

The principles which apply to the any complaints about bullying, harassment, vilification or discrimination are:

- a. Everyone has a right to be treated with respect;
- b. Everyone has a right to "due process" i.e. the person against whom the allegation is made has the right to know what is alleged against them, the right to put their case in reply, the right for any decision to be made by an impartial decision maker, and the right to an appeal against a decision;
- c. Complaints will be treated in confidence and where confidentiality cannot be guaranteed this will be clearly indicated;
- d. We will provide access to counselling for affected workers;
- e. All incidences of bullying will be dealt with promptly, thoroughly, fairly and confidentially;
- f. Making false or malicious complaints of bullying will also be regarded as a serious disciplinary offence, which if proven, may result in disciplinary action being taken.



## Responsibilities

The Work Health and Safety Act 2011 imposes an obligation on all workers to take reasonable care for their own health and safety, and to take reasonable care that their acts or omissions do not adversely affect the health and safety of others, including through incidents of harassment, bullying and unlawful discrimination.

### **All members of the Milk Crate Theatre Community have:**

- a. a right to work or study in an environment free from bullying, harassment, vilification and discrimination;
- b. a responsibility to ensure their behaviour does not constitute, or encourage, bullying, harassment, vilification or discrimination; and
- c. a right to make a complaint of bullying, harassment, vilification and discrimination, providing that the complaint is not vexatious or frivolous.

### **Managers** have additional responsibilities including:

- a. ensuring the Harassment, Bullying and Discrimination Prevention Policy is adhered to;
- b. ensuring that acceptable Code of Conduct behaviours are observed at all times, including a zero tolerance of any behaviour that may constitute bullying, harassment, vilification or discrimination;
- c. taking early corrective action to deal with behaviour that may be inappropriate, offensive or intimidating, even if a complaint has not been made;
- d. providing appropriate support and/or referral for staff or students or members of the community.

Milk Crate Theatre strongly encourages the reporting of incidents of bullying, harassment and discrimination as a means of identifying and eliminating this behaviour from our work environment.

### **All staff, service providers, suppliers, visitors and other persons** attending Milk Crate Theatre workplaces are required to:

- e. Be aware of and identify bullying behaviour and where appropriate utilise mechanisms to stop any further instances of bullying behaviour;
- f. Behave in accordance with the principles of equal opportunity and anti-discrimination;
- g. If bullying behaviour is witnessed or experienced and the employee feels able, speak with the alleged bully to object to the bullying behaviour;
- h. Offer to act as a witness if the person being bullied decides to report the incident;