

CHECKLIST

Developing a workplace discrimination, harassment, sexual harassment and bullying policy

What needs to be included in a policy?

- A strong opening statement on the employer's commitment to prohibiting all forms of unlawful discrimination, harassment, sexual harassment and bullying in the workplace
- An outline of the employer's objectives regarding discrimination, harassment, sexual harassment and bullying
- A clearly defined scope of who the policy applies to
- A clearly worded definition of discrimination, harassment, sexual harassment and bullying
- A statement that discrimination, harassment, sexual harassment and bullying is against the law (listing the relevant legislation and who is liable)
- Specific examples that may be relevant to the particular live performance working environment
- A statement of what is **not** discrimination, harassment, sexual harassment and bullying
- Examples of places and times where unlawful discrimination, harassment, sexual harassment and bullying may happen e.g. tours, social media, rehearsals, Christmas and after parties, conferences, etc.
- Clearly defined acceptable and unacceptable standards of behaviour (this could be presented in an accompanying Code of Conduct)
- The consequences for employees if the policy is breached
- Responsibilities of employees, including leadership and management positions
- Information on where individuals can get help, advice or make a complaint
- A brief summary of the options available for dealing with discrimination, harassment, sexual harassment and bullying

CHECKLIST

Developing a complaint handling and investigation procedure

What needs to be included in a complaint handling and investigation procedure?

Principle #1: Fair

- Do both the complainant and respondent have the opportunity to:
 - present their version of events?
 - provide supporting information?
 - respond to any potential negative decisions?
- Does the procedure state that the investigator will be impartial?

Tip: Identify an appropriate person within and external to your organisation who can investigate complaints

Principle #2: Confidential

- Does the procedure specify the need to maintain confidentiality?
- How will confidential information be treated?
- Where will confidential information about the complaint be kept?
- How will employees be protected from victimisation?
- How will employees be protected from vexatious and malicious complaints?

Tip: Only provide information to those who need to know so that they can properly action the complaint

Principle #3: Transparent

- Does the complaint process offer both informal and formal options?
- Is the complaint process clearly explained?
- Is the complainant advised that they can pursue the matter externally with the Fair Work Commission (bullying), Australian Human Rights Commission, a state or territory anti-discrimination body or, if it appears to be a criminal matter, the police?
- Are the possible outcomes of the complaint clearly explained?
- Does the process include keeping the complainant and respondent informed of the:
 - progress of the complaint?
 - reasons for any decisions?
- Is the procedure regularly reviewed?

Principle #4: Accessible

- Is the complaint process easy to access and understand?

Tip: Make sure the process doesn't discriminate anyone from being able to raise a complaint

Principle #5: Efficient

- Is the complaint process conducted in a timely manner and without undue delay?

TIPS

Creating and maintaining a safe, respectful and inclusive workplace culture

Leadership

- Secure high-level support from owners and leadership positions for implementing a comprehensive strategy
- Ensure those in leadership positions lead by example and model best practice standards of behaviour

Accountability

- Include accountability mechanisms in position descriptions for relevant leadership positions, particularly positions responsible for enforcing standards of expected behaviour
- Ensure that selection criteria for relevant leadership positions include the requirement that managers have a demonstrated understanding of and ability to deal with discrimination, harassment, sexual harassment and bullying issues
- Check that those in leadership positions are fulfilling their responsibilities through performance appraisal schemes
- Periodically conduct workplace audits to monitor the incidence of discrimination, harassment, sexual harassment and bullying

Strategy

- Develop a policy prohibiting inappropriate use of computer technology, such as e-mail, screen savers and the Internet
- Set clear employer values that reflect commitment to the safety and wellbeing of all employees, and implement strategies to ensure the workplace culture reflects these values
- Set clear and specific standards of expected behaviour for all employees involved in creative work that may include provocative, sensitive or controversial themes or actions

Empower


- Encourage and empower employees to voice and raise any concerns or objections, particularly with regard to creative work that may include provocative, sensitive or controversial themes or actions

Displays and communications

- Remove offensive, explicit or pornographic calendars, literature, posters and other materials from the workplace
- Display anti-sexual harassment and bullying posters on notice boards in common work areas and distribute relevant brochures

What you need to do

How you could do it



1. Distribute & promote policies & complaints procedures

2. Educate, communicate & discuss policies & complaints procedures

3. Review policies & complaints procedures

- ✓ Promote at staff meetings, seminars, first day of rehearsals, prior to touring or other group meetings
- ✓ Email copies of the policy to all employees
- ✓ Display policies on notice boards, green room, dressing rooms, rehearsal spaces and include in induction manuals
- ✓ Place an automatic shortcut on employee desktops
- ✓ Make employees aware that senior management endorse the policies and they are required to comply them
- ✓ Ask employees to sign a copy of the policy acknowledging they have received and understood it
- ✓ Ensure policies are accessible to employees with disability
- ✓ Translate policies into relevant community languages where required so it is accessible to employees from non-English speaking backgrounds
- ✓ Assign responsibility for the circulation and review of the policy to a specific position or area to ensure that it is widely promoted and regularly updated.

- ✓ Put a copy on the company intranet
- ✓ Provide policies and other relevant information to new employees as a standard part of induction
- ✓ Ensure that managers and supervisors discuss and reinforce policies at staff meetings
- ✓ Ensure all employees are made aware of the policies and where they can be located
- ✓ Conduct or provide opportunities for regular training sessions for all employees on discrimination, harassment, sexual harassment and bullying
- ✓ Train all relevant managers and supervisors on their role and effective tools for ensuring that the workplace is free from discrimination, harassment, sexual harassment and bullying
- ✓ Ensure employees responsible for handling and investigating complaints receive training on how to deal with complaints
- ✓ Keep clear and accurate records of each employees education and training (e.g. copy of signed policies, record of training undertaken, record of discussions with management)
- ✓ When a complaint is received, use this as an opportunity to evaluate the effectiveness of policies and discern if there are areas that could be improved upon to minimise the risk of further incidents occurring.