

WORKPLACE BEHAVIOUR POLICY

1. All workers are entitled to:
 - A workplace free from discrimination, harassment, sexual harassment, sex-based harassment and bullying
 - The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
 - Request to have a support person (e.g. a co-worker, friend, family member or union representative) present during the complaints process
 - Reasonable flexibility in working arrangements, especially where needed to accommodate family responsibilities, disability, religious beliefs or culture
 - Have recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics (unless permitted by law)
2. Workplace behaviour requirements apply while personnel are at work, at work-related functions, and to conduct outside of work where there is a sufficient connection to the workplace, including but not limited to:
 - The way in which OUP provides services to clients and interacts with members of the public
 - All aspects of employment, recruitment, and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; use of work equipment and company transport
 - On-site, off-site or after-hours work; work-related social functions (such as opening nights, after parties, award nights and industry events); rehearsals, tours, work-related travel, client functions, promotional activities, conferences, seminars or training sessions – wherever and whenever workers may be as a result of their OUP duties
 - Use of social media and other electronic communication (e.g. emails)
 - Workers' treatment of other workers, clients, visitors, and members of the public encountered in the course of undertaking their duties for OUP
3. It is unlawful to discriminate (either directly or indirectly) against someone on the basis of a protected personal characteristic (assumed or otherwise, current or future) and such behaviour will not be tolerated at OUP. Protected personal characteristics include, but are not limited to:
 - 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 and gender identity

- Sexual orientation
 - Industrial activity
 - Religion
 - Pregnancy and breastfeeding
 - Marital status
 - Political opinion
 - Social origin
 - Associating with someone who has, or is assumed to have, one of the above characteristics
4. In limited circumstances it will not be unlawful to treat someone differently because of a protected personal characteristic, the main exceptions being where an otherwise discriminatory practice is:
- Necessary to comply with other legislation
 - Taken because the worker cannot perform the inherent (essential) requirements of their job, even where reasonable adjustments are made
 - A genuine occupational requirement (an exemption may be required, depending on the law in the relevant state or territory)
 - Necessary to protect health and safety
 - Permitted because an exemption or 'special measure' applies (this is often referred to as 'positive discrimination' or 'affirmative action')
5. It is unlawful to harass an individual or group because of a protected characteristic (such as those outlined above). Harassment of any kind will not be tolerated at OUP. Harassment that is not related to a protected characteristic is still inappropriate in the workplace and OUP will deal with such incidents accordingly. Harassment can be physical, spoken or written. It can include, but is not limited to:
- Intimidation, verbal abuse, repeated threats, or ridicule
 - Sending offensive messages by text, email, or other means
 - Derogatory comments
 - Displaying offensive materials, pictures, comments, or objects
 - Ridiculing someone because of their accent or English-speaking ability
 - Telling offensive jokes or making practical jokes based on a protected characteristic
 - Belittling or teasing someone based on a protected characteristic
 - Isolating, segregating, or humiliating someone based on a protected characteristic
6. It is unlawful for a worker to engage in sexual harassment or encourage or allow another worker to do so. Sexual harassment will not be tolerated at OUP and all incidents of sexual harassment – no matter how significant or who is involved – should be reported to a Line Manager or one of the CEOs so that appropriate action can be taken. Sexual harassment can be physical, spoken or written. Just because someone does not object to inappropriate behaviour in the workplace at the time, does not mean that they are consenting to the behaviour. It can include, but is not limited to:
- Staring or leering at a person or parts of their body
 - Excessive or unwelcome 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 or obscene gestures
 - Intrusive questions or comments about someone's private life
 - Displaying or disseminating material such as posters, magazines, or screen savers of a sexual nature

- Making or sending sexually explicit phone calls, emails, or text messages
 - Inappropriate advances on social networking sites
 - Accessing sexually explicit internet sites in the presence of others
 - Unwelcome flirting, requests for sex or repeated unwanted requests to go out on dates
 - Inappropriate or unwanted gifts
 - Behaviour that may also be considered to be an offence under criminal law, such as physical or sexual assault, indecent exposure, stalking or obscene communications
7. Behaviour can still be considered to be sexual harassment even if:
- It is a one-off incident
 - The person engaging in the behaviour did not intend to humiliate, intimidate, or offend
 - Other people in the workplace are not offended by the behaviour
 - The behaviour was previously an accepted practice in the workplace
8. Sexual harassment may be considered work-related even if it occurs outside of the workplace or outside of normal working hours, such as on tour, during work-related travel, or at an opening night, after party, industry event, promotional activity, or conference.
9. 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 engaging in consensual behaviour.
10. It is unlawful for a worker to engage in sex-based harassment. Sex-based harassment is defined as unwelcome conduct (not necessarily conduct of a sexual nature) of a seriously demeaning nature by reason of the person's sex in circumstances in which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sex-based harassment is characterised by verbal abuse or insults as well as behaviours that aim to marginalise on the basis of sex or gender. Examples of sex-based harassment include:
- slurs, taunts, stereotypes, or name-calling as well as gender-motivated physical threats, attacks, or other hateful conduct
11. Manifestations of sex-based harassment in the workplace can overlap with sexual harassment.
12. It is unlawful for a worker to engage in workplace bullying or encourage or allow another worker to do so. Bullying will not be tolerated at OUP. Bullying does not need to be intentional to be unlawful. Whilst one-off incidents of unreasonable behaviour may not be considered bullying, they are still inappropriate and may constitute discrimination or harassment.
- The live performance industry is creative and continually strives for artistic excellence. Achieving such artistic outcomes often involves 'pushing the boundaries'. Nonetheless all personnel should still behave in a manner that is professional, appropriate and does not constitute bullying.
- Bullying can take many forms. It can be physical, spoken, written, overt or covert. Behaviours that may constitute bullying include, but are not limited to:
- Physical intimidation or abuse
 - 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 or belittling
- Initiation activities
- Practical jokes, teasing, or ridicule
- Isolation, exclusion or ignoring people
- Inappropriate blaming
- Inappropriate emails/pictures/text messages
- Unreasonable accusations or undue unconstructive criticism
- Allocating unpleasant, meaningless, or impossible tasks
- Placing unreasonably high work demands on selected workers
- Deliberately withholding information, resources, support, supervision or consultation or equipment that a person needs to do their job or access their entitlements
- Unreasonable refusal of requests for leave, training or other workplace benefits
- Withholding access to opportunities
- Deliberately changing hours of work for a person or group to inconvenience them
- Unreasonable timelines or constantly changing deadlines targeted at a specific person or group

13. Workplace bullying does not include reasonable management action carried out in a reasonable manner. OUP has rights and obligations to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work to a worker and give fair and reasonable feedback on its workers' performance.

Examples of reasonable management action include, but are not limited to:

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

14. Workplace conflict is generally not considered workplace bullying. Differences of opinion and disagreements in the workplace (e.g. differences of opinion on artistic interpretation or direction) may arise without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. This is because not all conflicts or disagreements have a negative impact on health or safety, and it is common within a workplace that people will have differences of opinion. Low level, task-based differences of opinion can benefit the organisation and workers, as it may generate debate leading to new ideas and innovation, provided all workers behave in an appropriate manner.

15. It is unlawful to victimise another person and such behaviour will not be tolerated at OUP. Victimisation is treated very seriously at OUP and is likely (depending on the severity and circumstances) to result in formal disciplinary action against the perpetrator. The perpetrator may also be subject to legal proceedings under anti-discrimination or criminal law.

16. Vilification will not be tolerated at OUP and is illegal in all Australian jurisdictions with the exception of the Northern Territory.

17. All workers must treat confidentially (and avoid gossiping about) historical matters involving current or former workers or any allegations of inappropriate workplace behaviour occurring at OUP.

Where a worker considers a person's behaviour to be inappropriate, the worker should raise this with their Line Manager or the CEO(s) so that appropriate action can be taken.

It is also unacceptable for OUP personnel to talk with other personnel, clients or suppliers, extended family or friends, or the media about any complaint of discrimination, harassment, sexual harassment or bullying that is the subject of a current complaint or investigation other than as required in the course of the complaint or investigation.

Breaching the confidentiality of a current complaint or investigation or inappropriately disclosing personal information obtained in the course of a complaint or investigation (for example, as a manager) is a serious breach of this policy and may lead to formal disciplinary action.

Those directly involved in a complaint (i.e. complainant and respondent) are entitled to seek personal and professional support, and seeking of such support (for example, from someone who has knowledge of the complaint) is not considered a breach of confidentiality.

18. All workers must:

- Treat everyone with dignity, courtesy and respect at all times
- Comply with the standards of behaviour outlined in this document, the OUP Employee Code of Conduct and other related documents
- Where appropriate, offer support to people who experience discrimination, harassment, sexual harassment and bullying, such as providing information about how to make a complaint
- Avoid gossip about historical matters or matters that are subject of a current complaint or investigation
- Respect the confidentiality of complaint resolution procedures
- Where applicable, assist and cooperate in the investigation of complaints
- Participate in training provided by OUP in relation to workplace discrimination, harassment, sexual harassment and bullying
- Take bystander action (if safe to do so) if they see or hear about discrimination, harassment, sexual harassment or bullying in the workplace

19. People in supervisory or management roles must also:

- Model appropriate standards of behaviour
- Take steps to educate and make workers aware of their obligations under this document, the OUP Code of Conduct and other related documents, and the law
- Treat all workplace incidents seriously and take immediate action where a complaint is made
- Inform a complainant that they can raise the matter with police, if the allegations are of a criminal nature, and that they will be provided with appropriate support to do so
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- Where appropriate, help workers resolve complaints informally
- Refer formal complaints about breaches of this policy to the CEO(s) for investigation
- Use their best endeavours to prevent workers who raise an issue or make a complaint from being victimised, and taking steps to address the issue where it occurs
- Provide workers (including bystanders) with information about the support available to them
- Make recruitment and job selection decisions based on merit – that is, the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics, other than where it is lawful to do so
- Not ask discriminatory questions or request information during a recruitment process, unless it is directly relevant to a genuine requirement of the position
- Reasonably consider requests for flexible working arrangements

20. Furthermore, personnel in senior leadership positions (e.g. CEO(s), artistic directors, Board members), must also:
- Monitor the effectiveness of this policy and other related policies
 - Review and update the information within the policy and other related policies so that it remains relevant
 - Provide training and guidance to workers regarding discrimination, harassment, sexual harassment and bullying and how to make a complaint or take bystander action
 - Provide training or guidance to managers on this policy, the complaints process and other related policies and mechanisms to support workers to make a complaint or take bystander action
 - Promote this policy and other related policies throughout OUP
21. OUP encourages all personnel to take appropriate bystander action if they witness or hear about any form of inappropriate workplace behaviour.
- See – know where ‘the line’ is and if you see (or hear) something that makes you feel uncomfortable, don’t ignore it
 - Talk – it takes courage to speak up, so talk with your Line Manager, your colleagues, or the person who is crossing the line
 - Support – don’t underestimate the power of your support in helping a colleague stand up and take action

Further information about bystander action can be found at www.knowtheline.com.au. Victimisation of someone taking bystander action is unlawful and will not be tolerated.

22. If a worker engages in discrimination, harassment, sexual harassment, bullying, vilification or victimisation, or otherwise breaches this policy, they may be subject to disciplinary action which may lead to the termination of their employment or engagement with OUP.
Workers may also be held personally liable for their own behaviour or conduct. This means that when a worker undertakes discrimination, harassment, sexual harassment, bullying, vilification or victimisation, the worker may be subject to a penalty or an order from WorkSafe Victoria, the Fair Work Commission, or another relevant tribunal or court.
23. Reporting inappropriate workplace behaviour is critical to addressing such behaviour and OUP strongly encourages any worker who believes they have been discriminated against, harassed, sexually harassed, bullied, victimised or vilified to report this behaviour to their Line Manager or one of the following contact people:
- Co-CEO Kate Gillick (e) [kate \[at\] outerurbanprojects.org](mailto:kate@outerurbanprojects.org)
 - Co-CEO Irine Vela (e) [irine \[at\] outerurbanprojects.org](mailto:irine@outerurbanprojects.org)
 - Chair of the Board Tahlia Azaria (e) [tahlia.azaria \[at\] gmail.com](mailto:tahlia.azaria@gmail.com)
24. Any worker who has witnessed unlawful discrimination, harassment, sexual harassment, bullying, victimisation or vilification is encouraged to report the complaint to their Line Manager or one of the above contact people.
25. A complaint can be dealt with formally or informally depending on the circumstances. Whether a matter is dealt with informally or formally will depend on the nature of the incident.
Where a complaint is made, OUP may have an obligation to deal with the complaint even if the person making the complaint decides that they do not wish to pursue the complaint or does not want to deal with the matter formally. In some situations, it may be appropriate to address a complaint without identifying a particular individual, such as by providing training to all workers.

26. Genuinely frivolous, vexatious or malicious complaints may lead to disciplinary action and potentially dismissal against the complainant. Such complaints include, but are not limited to:
- Fabricating a complaint
 - Making a complaint for the malicious purpose of deliberately harming someone
 - Seeking to re-agitate issues that have already been addressed or determined
 - Making a complaint that the complainant does not genuinely believe to be true
27. OUP has an Employee Assistance Program (EAP) delivered by Relationship Matters (phone 1300 543 396). This program offers a certain amount of free, professional counselling, regardless of whether the issue is work related or not. The counselling is confidential, and nothing discussed with a counsellor is communicated back to OUP.