

## BULLYING & Sexual Harassment Policy

<b>Policy number</b>	Bullying and Sexual Harassment Policy	<b>Version</b>	1.0.0
<b>Drafted by</b>	Zayne BREADMORE	<b>Approved by committee on</b>	
<b>Responsible person</b>	Work Health and Safety Manager	<b>Scheduled review date</b>	

### Introduction

Mansfield Musical and Dramatic Society Inc. (hereinafter referred to as MMuDS) will uphold the right of every volunteer to perform their work without being subjected to bullying or sexual harassment. Every volunteer is responsible for providing an environment that is supportive of this aim. Everyone must treat everyone else with respect and must aim to act as a beacon for good behaviour in the workplace.

It is the obligation and responsibility of every volunteer to ensure that the workplace is free from bullying and sexual harassment. Everyone working at MMuDS is responsible for the care and protection of our people and for reporting information about suspected bullying or sexual harassment.

MMuDS is fully committed to its obligation to prevent and eliminate bullying and sexual harassment in the workplace.

### Purpose

The purpose of this document is to outline MMuDS' position on both bullying and sexual harassment and to document the process which is to be followed should any grievances arise.

### Definitions

**Bullying** means repeated, unreasonable behaviour directed toward a person, or a group of persons, that creates a risk to their health and safety. Bullying can be verbal, or in writing (including online). Examples of bullying include, but are not limited to;

- verbal abuse,
- excluding, ignoring or isolating a person,
- psychological harassment,
- intimidation,
- assigning meaningless tasks unrelated to a person's job,
- giving a person impossible assignments and deadlines,
- unjustified criticism or complaints,
- deliberately withholding information vital for effective work performance; and
- constant taunting, teasing or playing practical jokes on a person who is not a willing participant.

Incidents involving violence where a person is physically attacked, abused, assaulted or threatened in the workplace are not considered bullying and should be treated as a criminal act.

***Sexual harassment*** means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to;

- staring or leering,
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching,
- suggestive comments or jokes,
- insults or taunts of a sexual nature,
- intrusive questions or statements about your private life,
- displaying posters, magazines or screen savers of a sexual nature,
- sending sexually explicit emails or text messages,
- inappropriate advances on social networking sites,
- accessing sexually explicit internet sites,
- requests for sex or repeated unwanted requests to go out on dates, and
- behaviour that may also be considered to be an offence under criminal law, such as indecent exposure, sexual assault, stalking or obscene communications,

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

## Policy

MMuDS will not tolerate bullying or sexual harassment under any circumstances. Responsibility lies with every volunteer to ensure that bullying and sexual harassment does not occur.

Both federal and state legislation provide that bullying and sexual harassment is unlawful and establish minimum standards of behaviour for all volunteers.

This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.

No volunteer at any level should subject any other volunteer, customer or visitor to any form of bullying or sexual harassment.

Any breach of this policy may result in counselling and/or disciplinary action, which, in the case of volunteers, may lead to the cessation of their engagement.

MMuDS strongly encourages any employee who feels they have been bullied or sexually harassed to take immediate action. If a volunteer feels comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. The volunteer should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

However, given the serious impact of bullying and sexual harassment, we recommend that this discussion happens in consultation with the one of the following;

- The head of the relevant group or sub-group,
- The Work Health and Safety Manager,
- a Child Safety Officer (where a child under the age of 18 is involved).

Alternatively, or in addition, they may report the behaviour in accordance with the relevant procedure. Once a report is made MMuDS will determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of bullying and sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential but the person the subject of the complaint must be notified under the rules of natural justice. MMuDS is obliged to take steps to protect all those involved in the process from victimisation.

Complainants have the right to be heard as to how they wish to have a complaint treated, to have support or representation throughout the process, and the option to request a complaint be withdrawn at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of bullying or sexual harassment, or against any volunteer who has been alleged to be a harasser.

Volunteers who fail to take appropriate corrective action when aware of harassment of a person may be subject to disciplinary action.

## **Complaint Process**

Bullying and sexual harassment can occur at any level of the organisation, can be experienced by both men and women and may involve a colleague, volunteer, supervisor, manager, service provider, client or customer.

Volunteers who believe they are the subject of bullying or sexual harassment should take firm, positive and prompt action.

Where possible, the volunteer should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the volunteer feels unable to speak to the person(s) directly, they should contact the head of the relevant group or sub-group. Alternatively, a volunteer may contact the Health and Safety Manager or Child Safety Officer (where a child under the age of 18 is involved).

The person contacted will provide support and ascertain the nature of the complaint and the wishes of the complainant.

### **Informal Intervention**

The person contacted will explain the employee or volunteer's rights and responsibilities under MMuDS' policy.

Informal intervention may be undertaken through a process of mediation or conciliation. During informal intervention the alleged harasser will be made aware of the allegations being made against them and be given the right to respond.

This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed.

### **Formal Complaints Procedure**

Where the person contacted receives a formal complaint they are obliged to refer the matter to the MMuDS committee to assess the need to carry out a formal investigation.

The formal procedure to be adopted will be determined by the committee, who are not bound by the rules of evidence but are required to afford natural justice and procedural fairness.

Formal investigations may be conducted internally by a member of the organisation nominated by the committee or by an external investigator. Care must be taken to ensure any person conducting an investigation is independent, free from bias and suitably qualified or authorised to conduct such investigation.

An investigation involves collecting information about the complaint and then making a finding (on the balance of probabilities) based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations to the committee about resolving the complaint or implementing disciplinary action (including and up to cessation of engagement).

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, persons involved may be stood down or provided with alternative duties during an investigation.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

Records are to be kept and filed in a confidential and secure place. If no confidential area is available, these notes may be sealed and forwarded to the secretary, and the documents will be maintained, unopened. These records should be kept for a period of seven years.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling;
- Disciplinary action against the harasser (e.g. dismissal);
- Official warnings;
- Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- Formal apologies and undertaking that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation – as appropriate and in line with confidentiality obligations.

Following an investigation (irrespective of the findings), the committee will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all volunteers of their obligations and responsibilities in relation to providing a workplace free from harassment.

### Dealing with Criminal Conduct

Some forms of bullying and sexual harassment (e.g. stalking, sexual assault, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.

Such complaints should be dealt with by the relevant authorities (such as the police) as part of the criminal justice system.

Any information received or discovered with relation to an allegation may be disclosed to a relevant investigating authority despite any confidentiality provisions contained within this policy.

Authorisation

Approved by the Committee on 18 June 2018

Michael ISBISTER

President

Mansfield Musical and Dramatic Society

Karen PIRIE

Secretary

Mansfield Musical and Dramatic Society

On behalf of the committee.