

# Fairness, Respect and Diversity Policy



## Purpose

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Victorian Association of Performing Arts Centres (VAPAC) is committed to equal opportunity and diversity and promotes a work environment that is free from discrimination and harassment, and where individuals are treated with fairness, respect, equality and dignity.

VAPAC recognises the need for an open and inclusive workplace culture where diversity is valued and the social and cultural backgrounds of all employees are respected.

This policy outlines the process for dealing with complaints about bullying, discrimination, harassment and other unacceptable behaviours.

## Scope

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This policy applies to:

- (a) VAPAC team members, managers, directors and executive members;
- (b) Contractors, casual employees, volunteers; interns and students gaining work experience
- (c) Other stakeholders including association members

## Policy

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### 1 What is bullying, discrimination, harassment and other unacceptable behavior?

Bullying

1.1 A person is bullied if:

- a) a person or group of people repeatedly act unreasonably towards them or a group of workers; and
- b) the behavior creates a risk to health and safety (including mental health).

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

Examples of bullying include:

- a) behaving aggressively;
- b) teasing or practical jokes;
- c) pressuring someone to behave inappropriately;
- d) excluding someone from work-related events;
- e) unreasonable work demands; or
- f) bullying carried out online or through mobile phones (cyber bullying).

1.3 Bullying does not include reasonable management action carried out in a reasonable manner in accordance with performance policies and procedures.

## Discrimination

Discrimination occurs when someone is treated differently to others because of that person's individual characteristics or because that person belongs to a particular group. Not all discrimination is unlawful; however, legislation states that discrimination on the basis of certain characteristics is unlawful. These characteristics include:

- (a) gender & gender identity;
- (b) marital status;
- (c) pregnancy;
- (d) parental/family responsibilities;
- (e) race or ethnicity;
- (f) age;
- (g) disability;
- (h) sexual orientation;
- (i) political/religious beliefs;
- (j) physical or mental health;
- (k) physical appearance.

### 1.4 Discrimination can be direct or indirect.

- (a) Direct discrimination is treating a person less favourably than other people in similar circumstances because of the person's particular characteristics like their race, religion or gender.
- (b) Indirect discrimination may occur when a requirement or rule that is the same for everyone has a disproportionate or disadvantageous effect for an individual or group of individuals that is unreasonable in the circumstances.

## Harassment

### 1.5 Harassment is any form of behaviour (physical, spoken, or written) towards a person which:

- (a) is unwelcome and unsolicited;
- (b) the person considers to be offensive, intimidating, humiliating or threatening; or
- (c) a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

### 1.6 Examples of workplace harassment include:

- (a) verbal abuse and constant ridicule;
- (b) repeated threats of dismissal;
- (c) persistent and unjustified criticisms or complaints, often about small things;
- (d) humiliating a person through gestures, sarcasm, criticism and insults;
- (e) spreading gossip or false, malicious rumours about a person; or

- (f) sabotaging a person's work, for example, by withholding or supplying
- (g) incorrect information, hiding documents or equipment, not passing on messages and seeking to get a person into trouble.

## Sexual Harassment

- 1.7 Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated. It can include:
- (a) staring or leering;
  - (b) unnecessary familiarity, such as deliberately brushing up against another or unwelcome touching;
  - (c) suggestive comments or jokes;
  - (d) insults or taunts of a sexual nature;
  - (e) intrusive questions or statements about a person's private life;
  - (f) displaying posters, magazines or screen savers of a sexual nature;
  - (g) sending sexually explicit emails or text messages;
  - (h) inappropriate advances on social networking sites;
  - (i) accessing sexually explicit internet sites;
  - (j) requests for sex or repeated unwanted requests to go out on dates; or
  - (k) behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.
- 1.8 Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.

## Vilification

- 1.9 Vilification is generally any act or words that could encourage others to hate, treat with contempt, or ridicule a person or a group of people for reasons including those listed above for discrimination and harassment. Vilification is against the law.

## Victimisation

- 1.10 Victimisation is punishing or harassing a person because he or she has complained or intends to complain about being discriminated against, harassed, or vilified, or because the person has supported someone else who complained or intends to do so.

## 2 Equal Opportunity Employment

- 2.1 Employment decisions (including those relating to recruitment, promotion, employee benefits, conditions of employment/engagement, remuneration, transfer, discipline, training, work environment, work sponsored functions, supervision; and termination of employment) must be made on the basis of merit,

and not on the basis of any of the following attributes:

- (a) Gender or gender identity
- (b) Marital status
- (c) Pregnancy
- (d) Parental/family responsibilities
- (e) Race/ethnicity
- (f) Age
- (g) Disability
- (h) Sexual orientation
- (i) Political/religious beliefs
- (j) Physical or mental health
- (k) Physical appearance

### **3 Conduct Which Discourages Fairness, Respect and Diversity**

- 3.1 VAPAC team members and contractors must not engage in conduct which discourages fairness, respect and diversity in the workplace. This includes bullying, vilification or victimisation, harassment or unlawful discrimination, whether in relation to their treatment of other employees, external parties, or any other person (including members of the public).
- 3.2 VAPAC will take steps to ensure the safety and welfare of the employees affected by a breach of this policy by an external party or any other person (including members of the public).
- 3.3 Breaches of this policy can cause serious health and safety problems in the workplace. In addition to physical risks to safety, employees who are subjected to, or witness inappropriate behaviour may feel intimidated or anxious at work. Through responsible management, VAPAC aims to prevent this kind of conduct from occurring in the workplace.
- 3.4 In addition, some conduct which occurs outside the workplace may also affect the work environment (e.g. conduct at social functions with colleagues, unwelcome contact with colleagues outside of work, public vilification of particular groups, etc).
- 3.5 Conduct which breaches this policy is unacceptable and depending on the severity and circumstances, may lead to disciplinary action

### **4 Complaints**

- 4.1 Complaints under this policy will be dealt with according to the procedure outlined in VAPAC's Employee Grievance Procedure.

## 5 Responsibilities

Role	Responsibilities
VAPAC team members and contractors	<p>Ensuring that they:</p> <ul style="list-style-type: none"> <li>(a) are familiar with this policy;</li> <li>(b) comply with this policy;</li> <li>(c) do not breach this policy;</li> <li>(d) conduct themselves in accordance with the spirit of this policy by: <ul style="list-style-type: none"> <li>• modelling appropriate behaviour to their colleagues;</li> <li>• not doing anything which would appear to condone breaches of this policy; and</li> <li>• offering support to anyone who is subjected to behaviour which breaches this policy;</li> </ul> </li> <li>(e) report conduct which may breach this policy to a manager or Executive Director and cooperate with any investigation, program or system undertaken in line with this policy.</li> </ul>
Managers and Directors	<p>Ensuring that this policy is administered effectively and appropriately in the areas for which they are responsible, including by:</p> <ul style="list-style-type: none"> <li>(a) ensuring employee awareness and understanding of the policy;</li> <li>(b) promoting the spirit of this policy and consulting with employees about implementing those values;</li> <li>(c) monitoring the working environment to ensure that acceptable standards of conduct are observed at all times;</li> <li>(d) modeling appropriate behaviour;</li> <li>(e) ensuring that all employment, engagement, advancement and training decisions are consistent with this policy;</li> <li>(f) ensuring that any complaints or conduct which may breach this policy are addressed quickly and appropriately;</li> <li>(g) supporting, assisting and advising anyone who is subjected to behaviour which breaches this policy.</li> </ul>

## 6 External assistance

6.1 Nothing in this policy is intended to affect the right of a person to seek external assistance in relation to bullying, discrimination, harassment or other unacceptable behavior.

Governance

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**a) Responsibility**

Policy Owner	Executive Director, VAPAC
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**b) Version Control and Change History**

Version Number	Approval Date	Drafted by	Approved by	Amendment
1.0	23/11/2021	General Manager	VAPAC Executive	First version
Post Implementation Review				
Due Date:25/11/2024				