

women*scircus

Policy: Discrimination, harassment and bullying

Last reviewed: 22/09/21

Scheduled review date:

Board approved date: 28/09/21

Responsible persons: General Manager

Discrimination, harassment and bullying

In line with relevant local, state and federal government law, we aim to ensure that Women's Circus is a safe place to participate, free of discrimination, harassment and bullying. It is the Women's Circus' goal that all Circus' members and employees feel safe, secure and free from intimidation when they are participating or engaged in Circus programs.

Discrimination, harassment and bullying of fellow members or Circus employees will not be tolerated.

Breach of this policy may lead to disciplinary action being taken such as exclusion from membership in serious cases or termination of employment.

Compliance with this policy is mandatory for all members, employees, contractors, volunteers and/ or other participants of the Women's Circus. This policy applies while at the Women's Circus, at Women's Circus' related or sponsored functions, while travelling on Women's Circus related business and on other occasions where interactions between parties have a demonstrable impact on the Circus space / community.

This policy is not about promoting a cautious, conservative environment where members are discouraged from maintaining normal interactions with fellow members. This policy is about promoting a positive environment that respects and values difference in all members.

This policy should be read in conjunction with the Women's Circus' grievance and disciplinary policy.

Accountabilities

Women's Circus employees are accountable for:

- Ensuring that all members, employees, contractors, volunteers and/ or other participants of the Women's Circus are aware of and understand this policy
- Demonstrating leadership behaviour consistent with the expectations outlined in this policy
- Acting promptly and confidentially where discrimination, harassment or bullying occurs and reporting the matter to **General Manager or Creative Producer**
- Seeking assistance where appropriate to ensure the satisfactory resolution of any issues or conflict that may arise around discrimination, harassment or bullying

Discrimination

Unlawful discrimination occurs when a person is discriminated against based on treating a person less favourably because of an attribute such as sex, marital status, pregnancy, family responsibilities, sexuality, race, disability, political or religious belief, or age. It can be either direct or indirect.

Harassment

Harassment comprises any unwelcome, unsolicited, offensive, abusive, belittling, or threatening behaviour directed at an individual or group because of some real or perceived attribute such as a person's sex, sexuality, ethnicity, or disability in circumstances which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

In summary, harassing behaviour:

- may or may not be intended to hurt another person (intent is irrelevant)
- can be conducted by one or more people
- often involves power (to annoy, offend, intimidate, dominate and, sometimes, to train or not train)
- creates a circus space which is hostile and intimidating.

Harassment can take place via electronic means such as email, fax, phone messaging, smart apps or the internet; it is the distribution of material that is inappropriate in a public space/work setting and which may be unwelcome, offensive or insulting. It is a common misconception that electronic communication is private. All email correspondence created, sent, forwarded, stored or printed at the Circus is the Circus' property. The Circus may inspect Circus email at any time without notice and take appropriate action if there is found to be any inappropriate content.

Members, employees, contractors, volunteers and/ or other participants of the Women's Circus may not display or transmit the following:

- Offensive, defamatory, discriminatory or harassing material (e.g. in the form of screen savers)
- Sexually explicit or other offensive images or jokes
- "Chain letters" of any type

- Harassing messages whether through content, language, frequency or size of messages

The following behaviour is not harassment:

- Appropriate counselling or discipline, which is fair and addresses genuine problems with behaviour/participation in a constructive manner.
- Sexual interaction, flirtation, attraction or friendship, which is consensual and reciprocated.

It is important to recognise that behaviour or comments that may not offend one person may be unwelcome or offensive to another.

Bullying

Bullying is a form of harassment. It is behaviour that demeans and humiliates people, either as individuals or as a group. It may include manipulation, intimidation, belittling remarks, persistent criticism, verbal, psychological and physical abuse, isolation from other members or employees, inappropriate “initiation” practices, withholding information and setting of unrealistic targets. It can take the form of attacking a member’s strengths, abilities, competencies, intelligence and integrity.

Occasional differences of opinion, conflicts and problems in working relations are part of life. Appropriate counselling or discipline, which is fair and addresses genuine problems with behaviour/participation in a constructive manner, is not bullying.

What do you do if you experience discrimination, harassment or bullying

Women’s Circus encourages all members, employees, contractors and participants to report instances of discrimination, harassment or bullying. Any reports of discrimination, harassment or bullying will be treated seriously and investigated promptly, confidentially and impartially.

The following process is provided to assist people, to resolve instances of alleged discrimination, harassment or bullying. The purpose of this process is to resolve the problem quickly and to the satisfaction of all parties. Women’s Circus’ preference is to resolve complaints internally and without recourse to formal means where possible. However, the Circus recognises that this is not always possible and supports a person’s right to seek formal resolution via the relevant external authority.

Step 1 - Keep a diary

Keep a diary or personal notes of each instance of discrimination, harassment or bullying.

Step 2 - Approach the initiator of the action.

Ask the person who has acted inappropriately towards you to cease their unwanted behaviour. This is an important step in the process. However, where this is not possible or is too difficult for you, see Step 3.

Step 3 - Seek help or advice

If you feel uncomfortable approaching the person, seek help or advice from the General Manager or the Creative Producer.

Alternatively, you may wish to seek confidential external counselling. Women's Circus is prepared to help and support all members, employees, contractors, volunteers and/ or other participants of the Women's Circus requesting assistance to find an appropriate external counsellor or service. A person's confidential use of this service will not be disclosed without their consent, except in narrowly defined situations, for example, complying with a subpoena or where necessary to protect the safety of others.

Step 4 - Resolution by mediation

If once you have sought advice, you wish to report a case of discrimination, harassment or bullying; Women's Circus will attempt to resolve the issue by mediation between the parties. Mediation is a process by which an independent third party assists the two parties to resolve their differences in a mutually satisfactory way by discussion and agreement. The mediation will be conducted either by an external professional mediator or a trained organisational mediator.

Step 5 - Formal investigation

If mediation is unsuccessful then a formal investigation will be conducted. The investigation will, as a minimum, involve discussion with the person making the complaint and the alleged perpetrator. The outcome of the investigation is final.

Possible outcomes include:

- Dismissal of the complaint
- A finding that discrimination, harassment or bullying occurred
- An apology
- A formal warning
- Counselling
- Termination of membership
- Disciplinary action for the perpetrator, including one or a combination of the above

Record-keeping and monitoring

Notes will be taken of each issue and a record kept in a confidential and secure place. Records will be kept for seven years. Under no circumstances will records be placed on a complainant's personal file.

Members can seek an external remedy

Where parties are not satisfied with the result of a formal investigation, they are free to lodge a complaint with the relevant external body. Complaints lodged with an external authority are at the member's cost.

Criminal conduct

Some forms of severe harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone-calls) may constitute criminal conduct. Any member experiencing this type of harassment should report the matter to the police and, where possible, inform the Women's Circus. While Women's Circus is committed to treat most harassment complaints at an organisational level, this type of conduct is not suited to internal resolution and should be referred to the criminal

justice system. It is not the obligation of the organisation to report such matters to the police on behalf of the complainant.

Victimisation, paybacks and retribution

Victimisation, payback or retribution because a complaint has been made or is about to be made and/or intimidation meant to prevent a claim being made, is unlawful behaviour and will not be tolerated. If disadvantage is found to have occurred due to that member's involvement in a complaint, disciplinary action may be taken. This policy extends to actual or potential complaints, witnesses, supporters and those investigating/resolving complaints.

False accusations

Complaints made in bad faith or as a practical joke to create problems for another member will not be tolerated. If false accusations are found to have occurred, disciplinary action may be taken.

Confidentiality

All information provided as a result of this policy will be kept confidential. No information will be released to any third party except with the individual's written consent or to obtain professional or legal advice or if required by law.