



# ANTI-DISCRIMINATION, HARRASSMENT, GOSSIP AND BULLYING POLICY

**Version:** 1

**Approved by:** Mudlark Board

**Approval date:** 22 May, 2024

**Updated:**

## PURPOSE

The purpose of this policy is to:

1. Mudlark Theatre Inc is committed to providing a safe and inclusive workplace free from discrimination, harassment, bullying and gossip. This policy aims to communicate our zero-tolerance stance towards any form of discrimination or bullying and outlines the procedures for reporting and addressing such behaviour.
2. We recognize that discrimination, harassment, bullying and gossip are detrimental to the health, wellbeing, and artistic development of our artists, staff, volunteers, and community members. We are dedicated to fostering a culture of respect, dignity, and support for all individuals associated with Mudlark Theatre Inc.
3. Mudlark recognized that legislation requires organisations to protect people, including volunteers and employees, from discrimination, bullying, harassment, or gossip.
4. All Mudlark creatives, employees and volunteers are required to treat others with dignity, courtesy and respect.
5. All Mudlark personnel have the right to be treated with dignity, courtesy and respect.

## SCOPE

This policy applies to any person engaged to work or volunteer by Mudlark and is not limited to the workplace or work hours. It extends to all functions and places that Mudlark conducts its business including, but not limited to, rehearsal and production spaces, Board meetings, artist development, performances, special events and in any collaborative spaces or activities with partner providers.

The position statement also applies to all communications sent by employees or volunteers to or about other employees or volunteers, or any matter relating to Mudlark Theatre.

For the purpose of this policy the term “personnel” is used to cover all persons who are engaged in work or as a volunteer at Mudlark Theatre Inc.

## DEFINITIONS

For the purpose of this Policy, the following words or phrases take the following definitions:

<b>Discrimination</b>	Unfair or prejudicial treatment based on characteristics such as race, gender, age, sexual orientation, disability, religion, or any other protected attribute.  Discrimination can be either direct or indirect:  <b>Direct discrimination</b> is usually easy to identify and occurs when a person or group of people with a particular protected characteristic (actual or assumed) are treated less favourably because of that characteristic.  <b>Indirect discrimination</b> is less obvious and occurs when a policy or practice appears neutral, yet has the effect of discriminating against those with a particular protected characteristic.
<b>Harassment:</b>	Unwelcome conduct that creates an intimidating, hostile, or offensive environment, including but not limited to verbal, physical, or written behaviour based on a protected characteristic.
<b>Bullying:</b>	Repeated and unreasonable behaviour directed towards an individual or group that creates a risk to health and safety, including behaviours intended to intimidate, offend, degrade, humiliate, or threaten.
<b>Gossip &amp; confidentiality</b>	Casual or unconstrained conversation or reports about other people, typically involving details that are not confirmed as being true. Information about an person/persons/organisation that has been intended to keep secret. All creative, employees and volunteers must avoid gossiping about historical matters involving current or former workers or any allegations of inappropriate workplace behaviour occurring at Mudlark. Where personnel consider another person's behaviour to be inappropriate, they should raise this with the relevant leadership or management person or report the behaviour to the Complaints Person so that appropriate action can be taken.
<b>Mudlark:</b>	Mudlark Theatre Inc

## 1. INTRODUCTION

- 1.1 This policy reflects Mudlark’s commitment to providing a safe and nurturing environment that fosters artistic development, empowers individuals, and engages with the community.
- 1.2 All people, regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background, have equal rights to protection from discrimination, harassment, gossip and bullying.
- 1.3 Mudlark has a process for managing incidents that must be followed when one arises.

## 2. ROLES AND RESPONSIBILITIES

- 2.1 While the responsibility to protect people is shared by all who work at or with Mudlark, some individuals have specific obligations with which they must comply.
- 2.2 The members of the board of Mudlark are responsible for:
- a. Protecting all people that interact with, or are affected by, Mudlark from discrimination, bullying, harassment or gossip.
  - b. Ensuring that there are appropriate and effective ways for Mudlark to do this;
  - c. Ensuring that Mudlark observes all relevant laws relating to discrimination, bullying harassment or gossip.
  - d. Monitor the effectiveness of this policy and review at regular intervals or when certain incidents occur.
  - e. This is the responsibility of all board members to adhere too and uphold.
- 2.3 All Managers of Mudlark must:
- a. Model appropriate standards of behaviour.
  - b. Implement this policy in their area of responsibility.
  - c. Ensure that there are appropriate controls in place to prevent, detect and respond to incidents;
  - d. Where appropriate, help personnel resolve complaints informally.
  - e. Refer formal complaints to the appropriate leader/board member [TBC] as per Procedure.
  - f. Ensure that all personnel are aware of their obligations to report instances that violate this policy.
  - g. Recruit and hire based on merit and skill of the candidate, regardless of personal characteristics.
  - h. Reasonably consider request for flexible working arrangements.
  - i. Actively provide equal opportunity for personnel to engage with Mudlark. This is in line with Mudlarks strategic goals and values.
- 2.4 All Personnel of Mudlark must:
- a. Familiarise themselves with this policy and the associated Code of Conduct and comply with it at all times;
  - b. Report any incident to the appropriate person or authority outlined in the Incidents Procedure when it is reasonable to suspect that this policy has been violated.
  - c. Contribute to an environment that is supportive and respect of all personnel.
  - d. If an incident is to occur all personal are entitled to a support person to aid them through the complaint's process/enquiry.
- 2.5 Complaint Person
- a. The Artistic Director, General Manager or allocated Board Member will be responsible to investigating reported incidents, of discrimination, harassment, bullying or gossip.
  - b. It is the GM or BM responsibility to provide confidentiality and support to all involved throughout the complaint enquiry process.
  - c. It is the responsibility of the GM or BM to actively investigate and resolve the incident in an timely fashion.

### 3.1 The way Mudlark will mitigate any violation of the policy:

- a. Mudlark and its stakeholders will work to prevent, detect, and act on incidents. Through clear communication of expectations on all personnel of to engage and understand the: policy and the relevant Code of Conduct and Incidents Procedure.
- b. Lawful. Mudlark will ensure that it understands and complies with the law in everything it does, in all jurisdictions in which it works.
- c. All Mudlark Personnel must act appropriately, call out any unacceptable behaviour and work to resolve any issues in a timely manner.

## 4. REPORTING PROCESS

- 4.1 Any personnel who experience or witness discrimination, harassment, or bullying are encouraged in the first instance to advocate for themselves (within the guidelines of this policy) and approach the person who has wronged them (within reason) to attempt to rectify the situation.
- 4.2 Any personnel who experience or witnesses discrimination, harassment, or bullying must report it promptly to the Artistic Director or General Manager.
- 4.3 A specific reporting Incidents Procedure will be developed for documenting incidents of discrimination, harassment, or bullying. Confidentiality will be maintained throughout the reporting process.

## 5. INVESTIGATION PROCESS

- 5.1 The Artistic Director, General Manager, or an allocated Board Member, if necessary, will be responsible as the Complaints Person to investigate the reported incident of discrimination, harassment, or bullying.
- 5.2 Investigations will be conducted impartially and fairly, providing all parties involved with the opportunity to present their perspectives. Support persons will be allowed during interviews if requested.
- 5.3 Mudlark will record all allegations of abuse and safety concerns using Mudlark's incident reporting form and follow the Incident Procedure.
- 5.4 Mudlark will ensure all records relating to incidents, allegations or complaints are stored securely and privacy respected.

## 6. SUPPORT MECHANISM

- 6.1 Mudlark will provide access to counselling or support framework for individual affected by discrimination, harassment, bullying or gossip.
- 6.2 Confidentiality, clear communication, and support will be maintained throughout the investigation process to ensure the safety and wellbeing of all individuals involved.
- 6.3 If appropriate or necessary Mudlark Complain Person can engage outside counsel/support to rectify the situation this could be from Board Member level or outside of organisation (as necessary and approved by board).

## 7. DISCIPLINARY ACTION

- 7.1 Individuals found guilty of discrimination, harassment bullying or gossip will face disciplinary action, which may include verbal warnings, written warnings, suspension, or termination of engagement with Mudlark Theatre Inc.
- 7.2 The severity of the behaviour and its impact on the victim will be considered when determining disciplinary measures, following a case-by-case evaluation.
- 7.3 If a person believes that another person is at risk of immediate harm or the victim of a criminal offence, they must dial 000.

## 8. TRAINING AND AWARENESS

- 8.1 This Policy will be provided to all employees at the commencement of employment.
- 8.2 All personnel at Mudlark will be required to read and sign a Code of Conduct aligned with this policy at the commencement of their engagement with Mudlark.
- 8.3 The Code of Conduct will emphasize Mudlark values of inclusivity, empowerment of artists, community engagement, and commitment to creating authentic Tasmanian theatre.
- 8.4 Mudlark Theatre Inc is dedicated to upholding the principles outlined in this Anti-Discrimination and Bullying Policy. We encourage all individuals associated with our organization to actively contribute to maintaining a culture of respect, dignity, and support for everyone involved. Discrimination, harassment, and bullying have no place in our workplace or artistic community, and we are committed to addressing and preventing such behaviour effectively.

## TASMANIAN LEGISLATION

- a. Anti-Discrimination Act 1998
- b. Work Health & Safety Act 2012

## REVIEW

This policy will be reviewed no more than two years after the date of approval (version) or more frequently, if dictated by operational demands or legislative changes.

## RELEVANT SUPPORT DOCUMENTS

This Policy is to be supported by the Code of Conduct