

PORT COMMUNITY ARTS CENTRE (PCAC) HARASSMENT AND BULLYING POLICY

The Port Community Arts Centre (PCAC) is a not for profit organisation. PCAC members are volunteers with persons from many walks of life coming together through their love and practice of art.

The PCAC Board is committed to providing PCAC volunteers and others connected with PCAC with a safe working environment that is free from inappropriate or unlawful behaviour such as harassment or bullying. As such, any such behaviour towards: a volunteer, tutor, Board Member, contractor, supplier, customer, client, or visitor at PCAC will not be tolerated under any circumstances.

BACKGROUND

As with any organisation, conflict arises from time to time. The following information is designed to help people distinguish between healthy and unhealthy conflict and deal constructively and appropriately with one another in each situation.

Bullying and harassment are neither acceptable nor legal; pursuant to State legislation (*Equal Opportunity Act 1984 and Occupational Health, Safety and Welfare Act 1986*) and Federal legislation (*Sex Discrimination Act 1984, Racial Discrimination Act, 1975, Disability Discrimination Act 1992 and Human Rights and Equal Opportunity Commission Act 1986*).

PCAC aims to ensure that its volunteers, tutors, board members and others associated with PCAC are not subjected to any unwanted /unacceptable conduct: specifically bullying or harassment. It is the responsibility of the PCAC Board to provide an environment free from bullying and harassment and to ensure that all complaints are treated confidentially, seriously and sympathetically and that appropriate action is taken whenever bullying and/or harassment occurs.

PCAC expects its tutors, volunteers and other personnel to maintain a standard of behaviour that is respectful of everyone at all times.

WHAT IS UNACCEPTABLE CONDUCT?

Behaviour of the following kinds is defined as "Unacceptable Conduct": harassment, bullying, vilification, sexual harassment, violence or aggression, retaliation or victimisation against someone involved in a complaint or disrespectful behaviour. Each of these types of Unacceptable Conduct is defined below:

Harassment

- ❖ Harassment is any verbal, written or physical behaviour or conduct that is of an offensive, threatening, intimidating, abusive or belittling in nature that is unwelcome, unreciprocated, uninvited and usually, but not always, repeated. It can also be based on race, disability, age, pregnancy, marital status, gender, or HIV/AIDS status.
- ❖ Harassment usually consists of a pattern of unwelcome behaviour. However, it can consist of just one act where this is of a serious nature. Also, there is no requirement that the harasser intended to offend or harm in order for it to be unlawful. All that is required, under the law, is that a

reasonable person would consider that the person being harassed would be offended, humiliated or intimidated by the behaviour in question.

- ❖ Harassment can create an unpleasant or even hostile environment. Harassment makes work/recreational activities difficult for everyone – the person being harassed, as well as other volunteers and visitors witnessing the harassment.

Bullying

- ❖ Bullying as defined by the *Occupational Health, Safety and Welfare Act 1986*, is behaviour that is directed towards a person or a group of persons, that is repeated and systematic, and that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten volunteers to whom the behaviour is directed, creating a risk to health or safety.
- ❖ Bullying has many similarities to harassment, but the reasons for bullying behaviour do not have to be based upon an unlawful or discriminatory ground.

Vilification

- ❖ 'Vilification' is publicly encouraging or inciting hatred, ill-feeling or severe contempt for someone or a group of people on the basis of race and certain other personal characteristics.

Sexual Harassment

- ❖ 'Sexual harassment' may be defined as *"any unwelcome sexual advance, or unwelcome request for sexual favours to a person, or engagement in other unwelcome conduct of a sexual nature in relation to that person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the person complaining would be offended, humiliated or intimidated."*

The PCAC Board advises that incidents of sexual harassment may, in fact, constitute a criminal offence, and therefore they may report any such instances to the relevant authorities.

Aggression and/or Violence

- ❖ 'Aggression' includes: verbal abuse; physical violence against an individual in the form of hitting, slapping, spitting, scratching, pinching, and kicking; threats of violence; and physical violence against objects, such as kicking or throwing property.
- ❖ 'Occupational violence' can be defined as any incident where a volunteer is physically attacked or threatened in the workplace.

The PCAC Board advises that incidents of occupational violence may, in fact, constitute criminal assault, and therefore they may report any such instances to the relevant authorities.

Retaliation or victimisation against someone involved in a complaint

- ❖ No volunteer, tutor or other person associated with PCAC will be penalised or disadvantaged as a result of raising genuine concerns or complaints relating to bullying or harassment.
- ❖ Incidents of retaliation or victimisation against someone involved in a complaint will be taken seriously and dealt with appropriately by the PCAC board.

Disrespectful Behaviour

- ❖ May include shouting, personal insults, intimidation, isolating or ostracising, undermining or humiliating others.

EXAMPLES OF HARASSING OR BULLYING BEHAVIOUR

Harassing, being disrespectful or bullying behaviour may include (but is not limited to):

- Making offensive comments on physical appearance, dress or private life;
- Making unwanted physical contact such as patting, hugging, touching or unnecessary familiarity;
- Making sexual jokes, suggestive behaviour, sexual innuendo, spoken comments or offensive telephone calls, emails;
- Demanding for sexual favours or unwanted comments about a person's sex life;
- Leering, wolf whistles, catcalls and obscene gestures;
- Displaying offensive posters, pictures, graffiti, or pornographic material;
- Making racially based jokes or comments;
- Mimicking someone with a disability;
- Isolating someone;
- Making unfair or excessive criticism;
- Conducting initiation 'rituals'
- Using aggressive language.
- Making inappropriate postings on social media
- Making personal attacks on social media

Terminology

"repeated" refers to the persistent nature of the behaviour, not the specific form of the behaviour. For example, harassment or bullying may involve a variety of unreasonable and inappropriate behaviours such as verbal abuse, persistent and unwarranted criticism and open or implied threats.

"systematic" means having, showing or involving a method or plan; and

"risk to health or safety" includes the risk to the physical or emotional health of person concerned.

PORT COMMUNITY ARTS CENTRE (PCAC) CODE OF CONDUCT

The PCAC Board does not tolerate any form of unlawful discrimination, harassment, bullying or victimisation.

As part of the PCAC commitment to minimising and eliminating instances harassment and bullying or indeed disrespectful behaviour at PCAC, the PCAC Board will:

- provide and make accessible, resources for all persons (volunteers, tutors, Board Members, contractor, suppliers, customers, clients, or visitors at PCAC) relating to workplace harassment or bullying;
- distribute and regularly promote this Policy statement to all existing and new volunteers;
- model appropriate behaviour and monitor the working environment to ensure that the appropriate standards of behaviour and conduct are observed at all times;
- treat all complaints of workplace harassment and bullying seriously and take immediate action to investigate and resolve any complaint quickly and fairly, and with complete confidentiality, consistent with the Harassment and Bullying Procedure/Guidelines;
- ensure that volunteers who make or support a complaint of harassment or bullying are not subsequently subjected to victimisation; and
- take all reasonable steps to ensure there is no recurrence of the offence.

YOUR RIGHTS AND RESPONSIBILITIES

Every person working at PCAC has the right to dignity and respect and to sharing responsibility to ensure a respectful work/leisure environment for all. By law (refer to page 1 Background for details) it is your right to work in an environment free from harassment and/or bullying and/or being treated disrespectfully.

All volunteers/other persons have a responsibility to take reasonable care to protect their own health, safety and welfare whilst at work and to avoid adversely affecting the health, safety and welfare of any other person at work as outlined in the *Occupational Health, Safety and Welfare Act 1986*. Similarly at PCAC, It is up to each of us, if possible, to tell others at PCAC if their conduct is causing offence. Equally, if an issue is raised with us it is up to each of us to moderate our behaviour accordingly.

Furthermore, all volunteers/other persons have a responsibility to comply with this Policy by ensuring that they do not commit or encourage workplace harassment or bullying in the workplace.

Volunteers/other persons should be aware that they could be held personally liable for harassing or bullying another person or aiding, abetting, encouraging or condoning other persons to harass or bully. If any volunteer feels that they have been harassed or bullied, they can make a complaint in accordance with the attached Workplace Harassment and Bullying Procedure.

If a volunteer/other person is not satisfied with the way their complaint has been handled by the PCAC, they have the right to refer the matter to the Equal Opportunities Commission.

**PORT COMMUNITY ARTS CENTRE (PCAC) HARASSMENT AND BULLYING PROCEDURE:
WHAT DO YOU DO IF YOU BELIEVE YOU ARE BEING HARASSED OR BULLIED?**

It is up to each of us, if possible, to tell others at PCAC if their conduct is causing offence. Equally, if an issue is raised with us it is up to each of us to moderate our behaviour accordingly.

Below are guidelines for you to follow if you feel you have been bullied or harassed or treated disrespectfully at PCAC.

1. Allegations and incidents of harassment and bullying can often be effectively resolved if they are dealt with at an early stage, rather than left until the matter has become serious and attitudes entrenched. Therefore, PCAC encourages all volunteers, tutors, board members, if you are able, to try and deal with the issue with the person directly.
If you experience any behaviour that you find offensive or unacceptable, you must, if at all possible, tell the person concerned that their behaviour is objected to strongly and you do not want it repeated. It is important that you focus on the specific behaviour concerned and explain why it is considered to be offensive. More often than not, this is all that is required to put an end to the matter. Often a person is not aware that their behaviour is upsetting or intimidating and they will stop immediately once they are told.
2. If the above does not solve the issue, or, if the behaviour does not stop, or you cannot confront the person yourself then the next step is to report it either the Chairperson or Deputy Chairperson (or any member of the PCAC Board) who will assist you.

It is recognised that if you experience an instance of bullying or harassment you may want to talk about your situation to others at PCAC, but you should discuss it the Chairperson/Deputy Chairperson first and foremost.

Volunteers and other personnel are advised that a complaint of harassment or bullying is a serious matter and where possible needs to be substantiated.

3. It is advisable that if you believe you are being harassed or bullied or treated disrespectfully you should document incidents, including dates and a precise account of events.

What will happen if you make a complaint or report?

Any complaints or reports of harassment will be treated seriously and sympathetically and acted upon quickly. They will be investigated thoroughly, impartially and confidentially.

The Chairperson/Deputy-Chairperson will act immediately on any reports of harassment/bullying and follow the guidelines for dealing with a complaint as outlined by the board. A volunteer /other person associated with PCAC will not be disadvantaged in their involvement in PCAC as a result of lodging a complaint.

CONFIDENTIALITY

Complaints or reports of harassment/bullying will be treated with total confidentiality.

Volunteers/other persons will be protected from intimidation, victimisation or harassment as a result of filing a complaint or assisting in an investigation.

Any person who feels that they have been subjected to intimidation, victimisation or harassment as a result of filing a complaint or assisting in an investigation should advise the Chairperson/Deputy Chairperson immediately.

What will happen to the person against whom the person has made a complaint?

PCAC recognises the rights of the person accused of harassment or bullying to be treated through a process of natural justice. This includes the right to know full details of allegations against them, a right of reply to those allegations, a presumption of innocence until evidence against them shows otherwise and the benefit of any reasonable doubt.

The principles of procedural fairness require that all parties to a complaint have the opportunity to put their positions fully if an allegation is made. Procedural fairness also means that no decision will be made about the validity of a complaint until all parties have had a chance to respond.

Any person found guilty of perpetrating or permitting workplace harassment or bullying will be appropriately disciplined, and may, in serious or repeated cases, lose their membership or be referred to the appropriate legal authorities. Any person found guilty of making malicious, vexatious or frivolous allegations of workplace harassment or bullying that are held to be unfounded, will also be appropriately disciplined and, dependent upon all the circumstances, may also lose their membership or be referred to the relevant authorities.

After counselling and taking other measures to resolve the conflict/incidence of bullying and/or harassment PCAC will take appropriate action if the matter cannot be resolved. The PCAC Board Chair/Deputy Chair will refer to the guidelines for managing conflict and/or incidences of bullying/harassment as outlined by the PCAC board. Anyone who engages in unacceptable conduct in breach of this policy will face disciplinary action which may include:

- a verbal or written warning
- termination of membership and/or engagement with PCAC for serious cases/or cases of repeated behaviour
- referral to relevant authorities if required.

OUR COMMITMENT

PCAC places great emphasis on attracting and rewarding the best volunteers and other personnel. We are committed to providing an environment that is safe and free of harassment for everyone involved in the PCAC. Please help us to help you by giving your support in monitoring and avoiding practices, attitudes and traditions that lead to harassment or bullying.

POLICY REVIEW

This Policy has the full support and commitment of the PCAC Board.

This Policy, related procedures and guidelines will be reviewed and monitored biannually to ensure it remains current and relevant to PCAC and its statutory requirements.

Rev. Vikki Waller

Chairperson Port Community Arts Centre

14 May 2018

PORT COMMUNITY ARTS CENTRE (PCAC) HARASSMENT AND BULLYING GUIDELINES

These guidelines have been adapted from SA Health draft copy (<http://www.sahealth.sa.gov.au/>)

Option 1 - Local resolution/De-escalation between parties involved

Wherever possible instances of disrespectful behaviour/bullying and harassment should be addressed and resolved between the parties themselves. Try to encourage the person to have a clear and tactful conversation with the other person on the issue they find offensive/disrespectful.

Option 2 - Informal resolution (early intervention) involving PCAC Chair/Deputy Chair

If a PCAC volunteer/other person associated with PCAC prefers not to address the matter directly with the person, or their attempt to do so was not successful, they have the option of raising the matter directly with the PCAC Chair, Deputy Chair or another Board Member.

Chair (Deputy/other Board Member) will take action to deal with the issue. This may include an informal discussion with the person concerned to raise awareness about the requirement to act respectfully/not harass/bully. **Keep notes.**

Option 3 - Facilitated discussion involving all parties

The Chair (Deputy/other Board Member) will make an assessment as to whether bringing the persons concerned together to resolve the issue will be useful. The focus of these discussions should be on the Chair making clear the impact of the alleged inappropriate/unlawful behaviour, and their expectations regarding behaviours and communication, rather than apportioning blame. **Keep notes.**

Option 4 - External mediation

In some situations it may be more appropriate to engage an independent mediator to facilitate the conversation between the parties. This may occur when the parties involved do not agree on the events that took place; there are more than two parties involved; one of the parties is perceived to have or has more power; or the conflict is escalating and has a high emotional content.

The aim of mediation is to bring the parties together to discuss the issues of concern in a confidential environment and agree together how the issues should be resolved. **Keep notes.**

Option 5 - Formal complaint

A formal complaint may be made and this is usually for one of the following reasons: The disrespectful behaviour continues despite an agreed resolution or the complainant thinks the allegations are of such a nature that the complaint should be handled formally.

When a formal complaint is made against a volunteer/other person associated with PCAC the Chair/Deputy/Board Member will notify the Board of the complaint in writing including (the name(s) of the alleged person/s involved; details of the allegedly inappropriate behaviour/bullying/harassment incident; actions taken; further explanation as to why it has not been resolved; proposed further actions.