



## **CDT Policy Governing Harassment and Bullying**

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## Overview

CDT recognises the right of every staff member (including volunteers) and student to feel safe and be able to participate in CDT activities and perform their duties (if applicable) without being subjected to any form of harassment or bullying.

It is the obligation and responsibility of every staff member (including volunteers) and student to ensure that CDT is free from harassment and bullying.

CDT is committed to its obligation to eliminate harassment and bullying in the workplace.

Under discrimination law, it is unlawful to treat a person less favourably on the basis of particular attributes such as a person's sex, race, disability or age. Treating a person less favourably can include harassing or bullying a person.

A range of Commonwealth and ACT legislation protects people from harassment (including sexual harassment), racial hatred and harassment based on a person's disability. The legislation places a responsibility on organisations, including not for profit organisations such as the Canberra Dance Theatre (CDT), to protect its staff, volunteers and students from harassment and bullying.

## Purpose

The purpose of this document is to:

- Outline CDT's position on harassment and bullying for the information of staff and students
- Assist in deterring harassment and bullying within the organisation

The process to be followed in response to any allegations of harassment and bullying within CDT activities is contained in the associated document entitled *CDT Procedures for Addressing Complaints of Harassment and Bullying*.

## Definitions

For the purposes of this document (and the associated Procedures), particular terms used in the two documents have defined meanings as set out below.

*Harassment* (including sexual harassment) means any unwelcome behaviour which could make a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of harassment include, but are not limited to:

- Unwelcome staring or leering
- Unwelcome familiarity or unwelcome touching

- Suggestive or insulting comments or jokes
- Insults or taunts of a sexual or racial nature or in relation to a person's disability
- Intrusive questions or statements about someone's private life
- Displaying posters, magazines or screen savers of a sexual or racially offensive nature
- Sending unwelcome sexually explicit or racist emails or text messages
- Unwelcome sexual advances on social networking sites
- Requests for sex or repeated unwanted requests to go out on dates
- 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

Note: behaviour that is based on mutual attraction, friendship and respect is not harassment.

*Bullying* means repeated unreasonable behaviour by an individual against another. Examples of bullying include, but are not limited to:

- Physical or verbal abuse
- Yelling, screaming or offensive language
- Excluding or isolating employees
- Psychological harassment
- Intimidation
- Undermining work performance by deliberately withholding information vital for effective work performance.

Note: Legitimate comment and advice, including negative feedback, on work performance or work related behaviour of an individual or group should not be confused with bullying or harassment. Such feedback should, however, be handled with sensitivity and delivered in a constructive manner.

*Staff* means all paid staff and volunteers, including permanent staff members (currently the Artistic Director and Business Manager), teaching staff, temporary staff, contractors and CDT members providing unpaid administrative and other support to CDT (including CDT Board members).

*Complainant* means the person making the complaint of harassment or bullying

*Respondent* means the person about whom the complaint of harassment or bullying is made

*Action officer* means the person in the CDT organisation who has been nominated by the CDT Board to manage a particular harassment or bullying complaint. In most cases this will be a member of the CDT Board.

## Policy

CDT will not tolerate harassment or bullying under any circumstances. All participants in CDT activities have a responsibility to ensure that neither harassment nor bullying occurs.

This policy applies to conduct that takes place in any CDT-related context, including administration, dance classes, performances (on or off-site) and social events.

No participant in CDT activities should subject any staff member, student or visitor to CDT to any form of harassment or bullying.

A breach of this policy may result in disciplinary action, up to and including termination of employment (if applicable) or exclusion from classes or other CDT activities.

CDT strongly encourages any participant in CDT activities who feels he or she has been bullied or harassed to take immediate action. If the complainant feels comfortable in doing so, he or she is encouraged to raise the issue with the respondent directly with a view to resolving the issue by discussion. The complainant should identify the offending behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop.

Alternatively, or in addition, the complainant may report the behaviour in accordance with the procedures set out in the associated CDT *Procedures for Addressing Complaints of Harassment and Bullying*.

CDT commits to treat any reports of harassment or bullying seriously, promptly, in strict confidence and with sensitivity.

Complainants have the right to indicate how they wish to have a complaint treated, to have support or representation throughout the process, and to discontinue a complaint at any stage of the process. The respondent also has the right to have support or representation during the process.

Principles of procedural fairness and natural justice require that the respondent be fully informed of the complaint made against them and given an opportunity to respond. Likewise, the complainant should be fully informed of that response and any counter allegations, and be given an opportunity to respond in turn. What is fair and just will depend on particular circumstances, but there are some basic requirements:

- The respondent must be given notice of the complaint or allegations against him or her, and the process by which it is proposed the matter will be resolved
- The respondent must be given the opportunity to be heard and respond to the complaint or allegations
- The action officer must act impartially, honestly and without bias

- There will be no presumption of guilt and no finding made until a full investigation has been completed.

If a complainant does not wish to avail themselves of the process outlined in the associated Procedures document, they have the right to seek the assistance of the ACT Human Rights Commission, the Australian Human Rights Commission or other organisation to assist them in the resolution of any concerns. Useful information on bullying and harassment is also available on the ACT Worksafe website at <http://www.worksafe.act.gov.au/page/view/1211>

## Related Documents & Useful Links

CDT Procedures for Addressing Complaints of Harassment and Bullying

CDT Code of Conduct (specifically clauses 2, 3, 4, 9 & 17)

ACT Worksafe at [http://www.worksafe.act.gov.au/health\\_safety](http://www.worksafe.act.gov.au/health_safety) (choose Bullying and Harassment from the “Select Hazards...” drop down box under the Getting Started part of the homepage)

ACT Human Rights Commission at <http://hrc.act.gov.au/>

Australian Human Rights Commission at <https://www.humanrights.gov.au/>