

Sydney Opera House Policy

Title:	Respectful Workplace Behaviour Policy
Policy Number:	2021/1
Effective Date:	24/07/2024
Authorisation:	Chief Executive Officer
Authorisation Date:	24/07/2024
Superseded Policy:	Bullying and Harassment Policy – SOH131
Accountable Director:	Director, People & Government
Responsible Officer:	HR Operations Manager

1. CORE PROPOSITION

- 1.1. The Sydney Opera House (SOH) is committed to supporting and encouraging an inclusive SOH work environment that embraces diversity, fairness, equity, respect and the equal and ethical treatment of all SOH Workers.
- 1.2. In line with SOH's core values and the SOH Strategy 2024-26, the SOH Respectful Workplace Behaviour Policy (the Policy):
 - Recognises that safeguarding the health, safety and wellbeing of SOH Workers is SOH's greatest responsibility;
 - Sets out that Workers have the right to, and are responsible for maintaining, a respectful, inclusive and non-threatening Workplace that is free of Inappropriate workplace behaviour; and
 - Describes how to identify and raise concerns about Inappropriate workplace behaviour, including bullying, sexual harassment, unsafe cultural practices and discrimination.

2. SCOPE

- 2.1. This Policy applies to all Workers while they are working or are in a Workplace, including attending work-related events and work trips. It applies during or outside business hours where interaction is between Workers whether in person, though email, social media or other forms of communication.
- 2.2. In line with the SOH Acceptable Information and Technology Use and Surveillance Policy, this Policy extends to all communication channels used by Workers, including digital communication such as social media, text messages and emails.
- 2.3. Any person carrying out a business or undertaking (PCBU), including the PCBU's workers, must comply with this Policy at all SOH Workplaces.
- 2.4. This Policy aligns with the SOH Enterprise Agreement, SOH Code of Conduct, Live Performance Australia Code of Conduct and NSW Government guidelines for preventing and managing bullying in the Workplace.
- 2.5. This Policy should be read together with SOH's Resolving Workplace Grievances Policy and Grievance Resolution Procedure.

3. DEFINITIONS

- 3.1. **Cultural safety** – means a person is able to practise their culture free of ridicule or condemnation. It occurs when a workplace acknowledges, respects and accommodates difference.
- 3.2. **Inappropriate workplace behaviour** – refers to bullying, harassment, including sexual harassment, unlawful discrimination, unsafe cultural practices and vilification. These terms are expanded in section 5.
- 3.3. **Employees** – means SOH employees, including permanent, temporary and casual employees.

- 3.4. **Protected characteristic** – refers to race, colour, religion, ethnicity, sex, disability, sexual orientation, pregnancy, marital status, age, carer's responsibility or other characteristics specified under anti-discrimination laws.
- 3.5. **Workers** – has the meaning provided in the *Work Health and Safety Act 2011 (NSW)* and includes all Employees, and other persons engaged to undertake work in any capacity on behalf of SOH, including contractors, subcontractors and their employees.
- 3.6. **Workplace** – means a place where a Worker carries out work or work-related activities.

4. COMMITMENT TO A SAFE, RESPECTFUL AND INCLUSIVE WORKPLACE

- 4.1. Everyone in the SOH community has a role to play in creating and maintaining a fair, safe and respectful work environment, in which the principles of diversity and inclusion and cultural safety are integrated into daily activities.
- 4.2. Inappropriate workplace behaviour is against the law and will not be tolerated by SOH.
- 4.3. SOH will ensure, as far as is reasonably practicable, the health and safety of all Workers, patrons and performers, in line with the *SOH Work Health and Safety (WHS) Policy*. This includes taking an active approach to preventing Inappropriate workplace behaviour by:
- Embedding a culture in which leaders continuously model safe and respectful behaviour and foster a reporting culture.
 - Setting the acceptable bounds of behaviour at SOH in SOH's policies and *Code of Conduct*.
 - Providing training and education about these acceptable bounds to Workers.
 - Ensuring allegations raised under this Policy are investigated in a timely manner.
 - Increasing awareness of the support services and other measures offered by SOH to support a respectful and equitable work environment.
 - Taking appropriate management actions, in line with the outcomes of any resolution process.
- 4.4. SOH is committed to preventing and responding to Inappropriate Workplace Behaviour including sexual harassment. Sexual harassment is a work, health and safety issue and SOH will take a proactive approach to eliminate or minimise the risk of sexual harassment and other types of harassment and will:
- Not take adverse action against victim-survivors.
 - Prioritise their health and wellbeing.
 - Ensure procedural fairness and treat all parties with respect.
 - Provide support and confidential counselling if needed.
- 4.5. Workers should be mindful that the consumption of alcohol can not only impact their ability to perform their work safely but can increase the risk of Inappropriate workplace behaviour. See SOH's *Alcohol and Drugs Policy*.

5. HOW TO IDENTIFY INAPPROPRIATE WORKPLACE BEHAVIOUR

- 5.1. **Bullying** – occurs when a person, or group of people, repeatedly behaves unreasonably towards a Worker or group of Workers in the Workplace, and creates a risk to health and safety. Bullying may also constitute harassment or unlawful discrimination, if connected to a Protected characteristic.

Bullying may be through words, physical actions or body language, including:

- Aggressive and intimidating behaviour.
- Physical violence/force or the threat of this.
- Threats of a professional nature (e.g. "I'll see to it that you're fired ...").
- Threats of a personal nature (e.g. "Something will happen to your family if you don't...").
- Exclusionary behaviour, such as repeated, less favourable treatment or excluding someone from Workplace activities.

- Practical jokes (i.e. causing another person to be the “butt” of jokes).
- Rude or belittling comments.
- Unsafe cultural practices (e.g. ridiculing a person because of their cultural background).
- Sabotaging a person’s work or their ability to do their job by not appropriately or reasonably providing them with necessary information, training and/or resources.
- Abuse of management or supervisory power, such as inappropriate or unreasonable blocking of promotion, training, development or other work opportunities.

Not all behaviour that makes a person feel upset or undervalued at work will constitute bullying.

- 5.2. **Harassment** – is unwelcome and unsolicited behaviour that a reasonable person would consider offensive, intimidating, humiliating or threatening. As with bullying, there is no universally accepted definition of harassment. Whether certain conduct constitutes harassment will depend on the circumstances. Harassment may also constitute unlawful discrimination if connected to a Protected characteristic. Unlike bullying, a one-off incident can constitute harassment.
- 5.3. **Sexual harassment** – occurs when a person engages in unwelcome conduct of a sexual nature that, in the circumstances, a reasonable person would find offensive, humiliating or intimidating. Sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual or reciprocated is not sexual harassment.

Examples of sexual harassment include:

- Sexually suggestive comments and jokes.
- Unwelcome touching, hugging and kissing.
- Sexual assault.
- Voyeurism.
- Recording or distributing an intimate image.

Behaviour can constitute sexual harassment even if:

- It is a one-off incident;
- The person engaging in the behaviour does not intend for the other person to be offended, humiliated or intimidated; or
- Some people in the Workplace may think the behaviour is acceptable.

- 5.4 **Unlawful discrimination** – occurs when someone, or a group of people, is treated less favourably than another person or group because of their background or certain Protected characteristics. Unlawful discrimination may be actual, perceived or presumed, and may also constitute bullying or harassment. Unsafe cultural practices may constitute unlawful discrimination.
- 5.5 **Vilification** – occurs when a person commits a public act that incites hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the grounds of race, sexual orientation, gender identity or HIV/AIDS status.
- 5.6 **Voyeurism** – the act of observing or recording another person’s private activities (when the person being watched is in a place where they have a reasonable expectation of privacy) without their consent to obtain sexual arousal or sexual gratification.
- 5.7 **Unsafe cultural practice** is any action that diminishes, demeans or disempowers the cultural identity and wellbeing of an individual.
- 5.8 **Reasonable management actions** – fair, just and reasonable management actions taken reasonably in connection with a Worker’s employment do not constitute Inappropriate workplace behaviour. These actions may include performance management processes, implementation of organisational change and actions that involve a transfer, demotion, discipline, redeployment or dismissal.

6. RAISING CONCERNS ABOUT INAPPROPRIATE WORKPLACE BEHAVIOUR

If a Worker has been subject to, or witnessed, Inappropriate workplace behaviour in the Workplace, the Worker must raise it in accordance with the *SOH Resolving Workplace Grievances Policy* and *Grievance Resolution Procedure*. Together, these documents set out:

- How to identify, hear and resolve grievances in a prompt, fair, impartial and confidential manner, in line with the principles of procedural fairness.
- The action to take when a complaint involves criminal conduct, corruption or public interest disclosures that could include referring these matters to a third party.
- How to handle frivolous, vexatious or malicious complaints.
- SOH's commitment to protect from victimisation any Worker raising, reporting, involved in, or the subject of, a matter raised in line with this Policy.
- Privacy and record-keeping obligations about complaints made under this Policy.

7. RESPONSIBILITIES

7.1. **Everyone** is responsible for contributing to a harmonious, equitable and supportive Workplace by:

- Maintaining courteous, fair and respectful behaviour in all interactions.
- Discouraging any form of Inappropriate workplace behaviour.
- Seeking advice if they do not understand any aspect of this Policy.
- Taking or ensuring prompt action in line with the *SOH Resolving Workplace Grievances Policy* and *Grievance Resolution Procedure* when a complaint that involves them is raised under this Policy.

7.2. **Managers and supervisors** are responsible for:

- Adopting active strategies to prevent Inappropriate workplace behaviour.
- Providing Workers with information on this Policy.
- Reinforcing expectations about respectful Workplace behaviour.
- Undertaking the management responsibilities outlined in the *Resolving Workplace Grievances Policy* and *Grievance Resolution Procedure* in a fair and reasonable manner.

7.3. **HR Business Partners** are responsible for supporting individuals, managers and supervisors in understanding and using this Policy, the *SOH Resolving Workplace Grievances Policy* and *SOH Grievance Resolution Procedure*.

7.4. **The Director with responsibility for the HR function** is responsible for:

- Deciding whether to initiate a formal investigation and resolution process, including deciding not to do so, if satisfied that:
 - o The allegation is frivolous, vexatious or malicious.
 - o The alleged incident or conduct concerned does not amount to misconduct.
 - o There is likely to be difficulty in establishing the facts of the matter.
- Appointing an investigator for a formal investigation and resolution process where appropriate.
- Determining when a review of a decision made under the *SOH Grievance Resolution Procedure* is appropriate and, if so, appointing a senior member of management or an external party not involved in the original outcome or decision to review the outcome.
- In consultation with SOH Legal, decide if the matter is sufficiently serious to refer the claim to another agency, including the Federal or NSW Police, Independent Commission Against Corruption (ICAC) or another government agency.
- Recommending, developing and implementing educational programs, awareness campaigns and respect and inclusion initiatives.
- Working with relevant SOH teams to monitor and report on SOH's performance under this Policy and relevant state and federal legislation.

7.5. **Directors with responsibility for agreements with PCBU**s are responsible for ensuring that:

- The agreement makes it a condition of access of an SOH Workplace that the PCBU and its Workers comply with this Policy.
- The agreement is managed to ensure compliance with this obligation.

8. RELEVANT LEGISLATION AND GUIDANCE

Relevant legislation includes the:

- Age Discrimination Act 2004 (Cth)
- Anti-Discrimination Act 1977 (NSW)
- Australian Human Rights Commission Act 1986 (Cth)
- Crimes Act 1900 (NSW)
- Disability Discrimination Act 1992 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Commission Guide: Anti-bullying factsheet (published 19 November 2018)
- Live Performance Australia (LPA) Code of Practice to Prevent Workplace Discrimination, Harassment, Sexual Harassment and Bullying (issued 3 September 2018)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Workplace Gender Equality Act 2012 (Cth)
- Work Health and Safety Act 2011 (NSW)

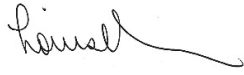
9. SOH SUPPORTING DOCUMENTS

- Acceptable Information and Technology Use and Surveillance Policy
- Alcohol and Drugs Policy
- Code of Conduct
- Delegations of Authority Manual
- Enterprise Agreement
- Grievance Resolution Procedure
- Privacy Management Policy and Plan
- Records Management Policy
- Resolving Workplace Grievances Policy
- Strategy 2024-26
- Work Health and Safety Policy

Version History

Version	Approved by	Approval date	Effective date	Sections modified
1.0	Chief Executive Officer	14/05/2021	14/05/2021	New policy
2.0	Chief Executive Officer	23/07/2024	23/07/2024	Update to add references to sexual harassment prevention.

APPROVED



Chief Executive Officer

Date: 23/07/2024