

Respectful Behaviours Policy

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Melbourne Recital Centre (the Centre) amends its policies from time to time. This version was correct at **05/02/2023**. To confirm that this is the latest version of this policy, please refer to the Centre's intranet or contact the policy owner.

Policy Owner	Chief Executive Officer
Policy Category	Integrity & Employment

Purpose

To outline the Centre's approach, expectations and commitment to:

1. Appropriate behaviours and professional standards in the Workplace;
2. A positive and psychologically safe organisation; and
3. A diverse and inclusive Workplace.

Scope

This policy applies to all employees, contractors, suppliers, consultants, hirers, artists, volunteers, board members and visitors engaged by or connected with the Centre (**Centre Personnel**). It applies:

1. In the Workplace;
2. To work-related activities and social events (even if after hours);
3. When using the Centre's equipment or facilities (including information technology systems); or
4. To any activity in which there is a connection to work (physically or on-line).

Work-related grievances arising from legitimate performance management issues are covered separately in the Performance Management policy.

Authority

1. The policy is set and approved by the Board and made under the:
 - a. [Corporations Act 2001](#)
 - b. Melbourne Recital Centre Constitution
 - c. [Melbourne Recital Centre Enterprise Agreement 2021-2024](#)
2. For the purposes of following best practice, this policy is informed by:
 - a. [Victorian Public Sector Code of Conduct - Directors](#)
 - b. [Victorian Public Sector Code of Conduct - Employees \(VPSCC\)](#)
 - i. [VPSC: Prevention of Sexual Harassment in the Workplace](#)
 - ii. [VPSC: Resources for Prevention of Bullying](#)
 - c. [Australian Live Performance Industry Code of Practice](#)
 - d. [Victorian Equal Opportunity & Human Rights Commission](#)
 - e. [Australian Human Rights Commission](#)
 - i. [Respect@Work: Sexual Harassment National Enquiry Report \(2020\)](#)
 - f. [WorkSafe](#)

3. This policy supports compliance with:
 - a. [Age Discrimination Act 2004 \(Cth\)](#)
 - b. [Disability Discrimination Act 1992 \(Cth\)](#)
 - c. [Racial Discrimination Act 1975 \(Cth\)](#)
 - d. [Sex Discrimination Act 1984 \(Cth\)](#)
 - e. [Racial & Religious Tolerance Act 2001 \(Vic\)](#)
 - f. [Equal Opportunity Act 2010 \(Vic\)](#)
 - g. [Gender Equality Act 2020 \(Vic\)](#)
 - h. [Fair Work Act 2009 \(Vic\)](#)
 - i. [Public Interest Disclosure Act 2012 \(Vic\)](#)
 - j. [Privacy & Data Protection Act 2014 \(Vic\)](#)
 - k. [Occupational Health & Safety Act 2004 \(Vic\)](#)
 - l. [Crimes Act 1958 \(Vic\)](#)
 - m. [Australian Human Rights Commission Act 1986 \(Cth\)](#)
 - n. [Victorian Charter of Human Rights and Responsibilities Act 2006](#)
 - o. [Public Administration Act 2004 \(Vic\)](#)

4. In order to gain an overview of all appropriate behaviours and standards expected of individuals, this policy should be read in conjunction with the Centre's other integrity and safety-related policies on:
 - a. Complaints & Public Interest Disclosures
 - b. Workplace, Health & Safety
 - c. Child Safe
 - d. Conflict of Interest
 - e. Fraud, Corruption & Other Losses
 - f. Gifts, Benefits & Hospitality

Policy

1. The Centre abides by the VPSCC as its primary Code of Conduct, and seeks to maintain the highest professional standards that relate to the core values of the Victorian Public Service. These include:
 - a. Responsiveness
 - b. Integrity
 - c. Impartiality
 - d. Accountability
 - e. Respect
 - f. Leadership
 - g. Human Rights

2. In addition to the above, the Centre has defined its core values which, if applied consistently, help to maintain the social licence in which the Centre operates, as well as deliver on its vision and mission. The Centre's core values complement the core values of the Victorian Public Service and are listed below:
 - a. We carry ourselves and treat everyone with respect, integrity and trust;
 - b. We believe in the power of music and how it fuels our passion and creativity;
 - c. We promote inclusion, accessibility and diversity across all that we do;
 - d. We demonstrate transparent communication and foster purposeful collaboration;
 - e. We build meaningful connections with our community and strive to deliver high value customer service and satisfaction.

3. The Centre is committed to promoting a respectful, diverse and inclusive workplace. In particular, the Centre will:
 - a. Support a welcoming, culturally and psychologically safe environment in which all individuals are valued and treated with respect and dignity;
 - b. Recognise and adapt to the needs of vulnerable groups and communities;
 - c. Continually review and improve its policies, practices, documentation and structure to achieve this aim and in accordance with equal opportunity and health and safety principles;
 - d. Make decisions on employment, promotion and rewards on the basis of merit;
 - e. Support and encourage managers and supervisors to exercise their leadership and authority to achieve this aim;
 - f. Provide accessible and current information, procedures and support to employees through awareness, training and development programs; and
 - g. Support environmentally sustainable practices, where practicable.

4. The Centre has a zero-tolerance approach to any form of violence, assault, aggression, racism, Discrimination or other Inappropriate or Unlawful Behaviour. In particular, the Centre will:
 - a. Publicly communicate its Respectful Behaviours policy;
 - b. Promulgate a positive culture of ethical leadership, corporate compliance and good governance; and
 - c. Take a proactive, risk-based approach to the prevention of Inappropriate or Unlawful behaviour by identifying, removing and/or reducing risks early.

5. Centre Personnel must behave ethically, courteously and professionally at all times. Individuals must not directly or indirectly, or incite or assist others to, engage in any of the following behaviours:
 - a. Unlawful discrimination against others based on a Protected Attribute;
 - b. Harassment (including sexual harassment);
 - c. Assault (including sexual, physical and verbal assault);
 - d. Bullying;
 - e. Stalking;
 - f. Victimisation;
 - g. Vilification; or
 - h. Child abuse or any form of unlawful dealing with a child.

6. Centre Personnel are expected to:
 - a. Comply with all relevant Commonwealth and State legislation, regulations, codes and agreements derived from legislation, and applicable terms and conditions of employment contracts or service agreements;
 - b. Uphold and model the values of the Victorian Public Sector Commission and the Centre;
 - c. Uphold the standards, behaviours and responsibilities specified in all of the Centre's policies, procedures including the integrity and safety-related policies outlined in Authority - section 4;
 - d. Demonstrate respect for others in the Workplace;
 - e. Use the Centre's resources and infrastructure responsibly, including by taking reasonable steps to prevent misuse and theft;
 - f. Take reasonable steps to bring to the attention of the Centre, where appropriate, or take action to prevent, any behaviour that breaches the law or the Centre's policies;
 - g. Act in good faith and use skill, care and diligence in the performance of their duties and responsibilities, and not intentionally cause serious risk to the reputation or viability of the Centre;
 - h. Take reasonable care that their actions and decisions do not adversely affect their work performance or harm the health and safety of themselves or others;
 - i. Participate in and complete any training programs to promote a respectful, diverse or inclusive workplace, when requested.

7. If accepting external employment, employees must follow Section 20 of the Melbourne Recital Centre Enterprise Agreement 2021-2024 and, in addition:
 - a. Prepare Conflict of Interest Declaration and Management plans, if requested;
 - b. Not use any of the Centre's intellectual property or resources for another purpose outside of the Centre without written consent;
 - c. Not take action or make statements as a part of their external employment which may serve to bring the Centre into disrepute by association.

8. The Centre is committed to ensuring Centre Personnel feel supported to raise safety, welfare and wellbeing concerns. In particular, the Centre will:
 - a. Encourage Centre Personnel to disclose genuine concerns through their line management or Key Management Personnel;
 - b. Treat all allegations and Complaints relating to Inappropriate or Unlawful behaviour seriously and respond promptly;
 - c. Adopt the protocols for incident reporting, investigation and management outlined for either Complaints or Incidents, depending on the nature and severity of the breach or contravention; and
 - d. Consider engaging third party consultants with requisite expertise to conduct external investigations for complex cases, as required.

9. The Centre will maintain the integrity, security and confidentiality of records relating to Complaints, breaches or Incidents, in accordance with its policies on Complaints & Public Interest Disclosures; Privacy; Information & Data Management, and Workplace, Health & Safety.

10. The Centre will meet its legislative or external reporting Obligations when handling Complaints or breaches of this policy.

11. Any breaches of this policy may be directed to the Director of Corporate Services (DCS) or the CEO in the first instance to assess the best approach for resolution or action.

Breaches of this policy may constitute Serious Misconduct and may, in especially serious cases, amount to criminal conduct. Misconduct or criminal behaviour may lead to disciplinary action which may include dismissal, termination of contract or being banned from the Centre.

Procedural Principles

Complaint Management

1. Complaints or Incidents involving Inappropriate or Unlawful behaviour will be managed in accordance with the principles outlined in the Complaints & Public Interest Disclosure policy and corresponding Complaint Handling Procedure.
2. Where applicable, Complaints or Incidents will also be managed in accordance with Section 16 of the Melbourne Recital Centre Enterprise Agreement 2021-2024.
3. Centre Personnel may seek informal assistance or have the matter addressed via an internal dispute resolution process. Informal assistance may include:
 - a. Providing information about what is meant by discrimination, sexual harassment, harassment, bullying or victimisation (including this policy);
 - b. Assisting the person to seek any support they feel they need; and
 - c. Exploring strategies to informally resolve the matter on an agreed and confidential basis between the parties.
4. Depending on the nature and seriousness of the unacceptable behaviour alleged, an investigation may need to be conducted. Confidential interviews will be conducted with necessary individuals or witnesses to help with fact-finding. Employees are obligated to assist in the Centre's investigations, if requested.
5. The Centre may use the findings of facts made during investigation processes to inform decisions about what (if any) disciplinary measures should be taken, in accordance with the Performance Management policy.
6. The Centre will provide appropriate welfare support for employees involved in a Complaint, such as access to the Employee Assistance Program.

Reporting and Information Sharing

1. The Centre will keep records of Complaints or Incidents relating to Inappropriate or Unlawful behaviours, both informal and formal, and report statistics to the board for trend analysis. The CEO will prepare such reports to be appended to existing workplace health and safety quarterly management reports for the Board, as appropriate.
2. Complaints or Incidents will be managed only by the CEO and HR Manager with electronic records being stored securely on the HR share drive to preserve confidentiality of sensitive information (eg details of sexual harassment or bullying). This includes the WHS009 incident form which will be stored on the HR share drive

and not be copied onto the OH&S share drive as for other general incident reporting.

3. The master file spreadsheet capturing all incidents will be updated to capture high-level and anonymised statistics only to help with management reports of issues back to the CEO and Board. In this scenario, the CEO and/or HR Manager should liaise with the Stage Door and Facilities Coordinator to ensure the master file is updated appropriately.

Roles & Responsibilities

Board	For exercising specific authority in setting and approving this policy.
Chief Executive Officer (CEO)	For exercising specific authority under the policy and for providing organisational leadership which encourages awareness, promulgation and compliance to frameworks, policies and procedures including dispute resolution, complaint handling and external reporting and legislative obligations. The CEO would have the equivalent status of person of Authorised Officer within the organisation. Relevant committees involved in governance include the Board; Workplace, Health & Safety (WHS) Committee and Senior Leadership Team (SLT).
Director of Corporate Services (DCS)	For exercising specific authority under this policy, maintaining the policy and procedures, and ensuring external reporting and compliance obligations are met via the support of the Corporate Services team, particularly via the services and contributions of HR Manager (for complaint management) and Governance Project Manager (for policy and frameworks).
Policy Owner	For providing advice to Centre Personnel on the intent and operation of the policy for which they are responsible; for identifying potential changes and updates to the policy; and for leading the process of change and approval for updating and implementation of frameworks, policies and procedures, as required and where relevant.
All Centre Personnel	For complying with the requirements of this policy and developing requisite awareness of the Centre's policies and procedures to the extent required for discharging the requirements of their roles.

Internal References

Centre Vision, Mission & Values [Melbourne Recital Website](#)

Respectful Workplace Statement, Booklet & Video [Melbourne Recital Website](#)

Complaint or Incident Form [Tempo](#)
(use WHSF 009 Incident Form within Workplace Health & Safety Framework)

Complaint Handling Procedure [Tempo](#)

IT Centre [Tempo](#)
- Guidebook & Working From Home (WFH)
- Help Guides: Online Etiquette WFH

Policies [Tempo](#)
- Child Safe
- Conflict of Interest
- Fraud, Corruption & Other Losses
- Gifts, Benefits & Hospitality
- Information & Data Management
- Performance Management
- Privacy
- Complaints & Public Interest Disclosures
- Workplace, Health & Safety

Definitions

Behaviour
 - **Inappropriate**
 - **Unlawful**

Inappropriate behaviour includes conduct that is unethical, discourteous, unprofessional or disrespectful.

Unlawful behaviour is conduct that contravenes the law (which may include discrimination, harassment, sexual harassment, bullying, victimisation, vilification, assault, racism etc). If proven, certain behaviour may also amount to criminal conduct, eg sexual and physical assault, stalking, child abuse.

Bullying

Repeated unreasonable or inappropriate behaviour towards a person or group of people which creates a risk to health and safety (psychological or physical). Bullying may be intentional or unintentional.

Examples of bullying include: verbal abuse (eg offensive or threatening language, yelling, screaming); physical violence or intimidating or aggressive conduct; psychological abuse (eg disparaging remarks, exclusion or isolation including via social media); displaying, sending or circulating abusive, insulting, offensive or threatening material; teasing; practical jokes; spreading malicious rumours; belittling or intimidating a person through sarcasm, unjustified criticism, insults or ridicule; inappropriate tampering with property.

Additional examples of bullying in the workplace (which may arise from abuse of power by management or supervisors) include: deliberately and unreasonably withholding information necessary for effective work performance; assigning worthless tasks unrelated to a worker's job; setting unreasonable work demands.

Reasonable Management Action (defined below), however, does not constitute bullying.

Child Abuse

Includes the following acts committed against a child; a sexual offence; an offence under section 49B of the Crimes Act 1958 such as grooming, physical violence, serious emotional or psychological harm; and serious neglect.

Complaint

An expression or report of concern or dissatisfaction, which may relate to one or more of the following:

1. Services or interactions with individuals;
2. Allegations of abuse or misconduct by a member of the Centre Personnel;

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3. Abuse or harm of an individual;
 4. Conduct of an individual at the Centre;
 5. Inadequate handling of a prior concern;
 6. General concerns about the safety of a group of individuals or activity.

Complaints may be *informal* in which there is a focus on resolution of the matter whereas *formal* complaints focus on proving that the complaint is substantiated.

Most complaints are initiated at an individual's request which is then received, investigated, handled and resolved. The matter may be internally investigated or externally investigated with the expertise of third-party specifically engaged for that matter. Depending on the nature of the complaint, there may be an additional mandatory requirement imposed on the Centre to notify or formally report to external organisation (eg Victorian police).

Complaints that relate to improper conduct and serious professional misconduct of the public sector can be made directly to IBAC, outside of the Centre. In this scenario, a very specific process will be followed as dictated by IBAC investigations.

Incident	An event or issue relating to that comes to the attention of the Centre (not necessarily through a Complaint).
Discrimination - direct - indirect - unlawful	Direct discrimination is the less favourable treatment of an individual based on a Protected Attribute. Indirect discrimination is the setting of a requirement, condition, practice that is likely to have the effect of disadvantaging an individual based on a Protected Attribute. Both forms are unlawful.
- lawful	Discrimination may be lawful if: <ol style="list-style-type: none"> 1. It relates to the inherent requirements of the position (eg. where an attribute is a genuine occupational requirement); 2. It involves special treatment of an individual based on a protected attribute in order to achieve a greater good (eg advertising a position to accept women-only applicants as a measure to redress gender equity issues). The ruling on lawful discrimination is often assessed or approved by an independent organisation such FairWork, legal organisation or law court; 3. In the case of indirect discrimination, it is otherwise reasonable.

Harassment & Sexual Harassment	<p>Any conduct (including conduct of a sexual nature) that is unwelcome or uninvited; or may reasonably be expected to be considered offensive, humiliating or intimidating. It may be written, physical, verbal or electronic. The intent of the individual responsible for the harassment (whether offence was meant or not) is irrelevant.</p> <p>Harassment can occur in a single incident or repeatedly over time.</p> <p>Examples of harassment include: jokes based on personal characteristics; comments that degrade or belittle; ignoring or isolating someone; displaying, sending or circulating offensive material.</p> <p>Examples of sexual harassment include: lewd or sexually explicit conversation, jokes, emails, texts, images, material or social media postings; unwanted questions or comments about appearance or private life; unwanted sexual or romantic propositions; leering or staring; unwanted physical contact.</p>
Key Management Personnel	<p>This includes the members of the Board and its sub-committees as well as the CEO and members of the Senior Leadership Team.</p>
Obligations	<p>There are legislative obligations that require organisations to prevent and eliminate place unlawful behaviour or criminal activities in the workplace. The relevant obligation affecting the Centre is:</p> <p><i>Vicarious Liability</i> - An employer can be held legally responsible for the acts of discrimination or harassment that occur in the workplace by employees (or in connection with a person's employment) by employees unless the employer has taken reasonable steps to prevent the contravention.</p> <p>The Centre is also obligated to work with and provide information to entities such as Victorian Police, WorkSafe, Fair Work Commission, IBAC or Victorian Equal Opportunity & Human Rights Commission in the event that complaints or reporting of incidents are made by individuals directly to those organisations instead of the Centre or if there are allegations, disclosures or complaints made about criminal activity.</p>
Protected Attributes	<p>Qualities or attributes of people that are afforded protection from discrimination under law. These include age; disability (including medical record); sex (gender, characteristic, intersex status); sexual orientation; gender identity; race, colour, origin (national, ethnic, social); political, religious or personal association (opinion, belief or activity); employment or industrial activity; marital or relationship status; lawful sexual activity; pregnancy (including potential), breast-feeding; parental</p>

or carer status/family responsibilities; irrelevant criminal record (spent conviction, expunged homosexual conviction)

Racism The prejudice, discrimination or antagonism by an individual, community or institution against a person or people on the basis of their membership of a particular racial or ethnic group, typically one that is a minority or marginalised.

Reasonable Management Action Reasonable conduct by managers and supervisors related to operational performance and accountability from direct reports. This may include: the setting of performance goals, standards and deadlines; rostering & allocating work hours; fair and reasonable performance management and disciplinary procedures; deciding not to select a worker for promotion where a reasonable approach is taken; using appropriate channels to resolve genuine conflicts or disagreement including mediation; implementing organisation changes or restructures. Managers and supervisors must behave appropriately and respectfully when undertaking Reasonable Management Action.

Serious Misconduct Behaviour that is inconsistent with continuing employment. Examples include: causing serious and imminent risk to the health and safety of another person or to the reputation or profits of the Centre's business, theft, fraud, assault, sexual harassment or refusing to carry out a lawful and reasonable instruction that is a part of the job.

Stalking Wilful and repeated following, watching and/or harassing of another individual, which usually involves a series of actions that occur over a period of time. Stalking is not limited to the workplace and may include actions through electronic communication and virtual environments such as social media.

Victimisation Disadvantage or reprisal experienced by an individual as a result of making or intending to make a complaint; asserting or exercising their rights under policy or law; assisting others by giving information or evidence.

Examples include: bullying or intimidation by co-workers; being denied a promotion or role; being relegated to a position of lesser responsibility; being dismissed or terminated from employment/engagement.

Vilification To incite hatred toward, revulsion of, serious contempt for, or severe ridicule of a person (or group).

Examples include: displays of material in a public place; emails to distribution lists; posts on social media that can be viewed by the public;

interviews for media; wearing or displaying clothes, signs or flags in public; yelling offensive comments; comments made in a workplace or work-related events.

Workplace Melbourne Recital Centre, and may extend to other places where work or work-related activities are conducted (includes physical, remote workplace or on-line work-related event). Work can include meetings, training, work function or other events.

Version History

Version	Approved By	Effective Date	Sections Modified
1	Board	15 November 2022	Triennial Review of Respectful Behaviours policy.
2			
3			
4			