

MELBOURNE

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POLICIES

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Definitions

The following definitions apply to this document:

- The term **Employee** used without the qualifier **Core** or **Festival** means both **Core employee** and **Festival employee** and includes **Casual** Employees unless specifically excluded.
- **Volunteer** means any person who offers to perform and performs work for Melbourne Fringe without fee, payment or reward. This includes interns.
- **Contractor** means any person engaged to provide services to Melbourne Fringe for a fee, payment or reward, as an independent contractor, who is paid on the basis of invoices provided to Melbourne Fringe.
- **Participant** means any presenter or participant of a registered event in the Melbourne Fringe Open Access Festival Program.

1 Discrimination, Harassment, Sexual Harassment and Bullying Policy

1.1 Scope

This section applies to all Employees, Contractors, Participants and Volunteers.

This section applies while at work or engaging with festival activity. It also extends to work/festival-related functions and outside of work where there is sufficient connection to the workplace/festival, including the following:

- The way in which Melbourne Fringe, its employees, contractors, artists and volunteers provide services to clients and audiences and interact with other members of the public
- All aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- On-site, off-site or after-hours work; work-related and festival-related social functions; client, donor or sponsor functions, conferences, seminars or training sessions – wherever or whenever they may be as a result of their Melbourne Fringe duties.
- Use of social media
- Treatment of other employees, contractors, participants and volunteers, and clients and other members of the public encountered in the course of their Melbourne Fringe duties.

1.2 Aim of this Section

- (a) Melbourne Fringe is committed to providing and maintaining a diverse organisational environment where people can work in an atmosphere of mutual respect, performing to the best of their ability.
- (b) Melbourne Fringe is committed to providing employees, contractors, participants and volunteers with an environment that is free from all forms of discrimination, harassment, sexual harassment, bullying and victimisation.
- (c) Access and Diversity are key to our values and underpin our work.
- (a) By implementing this policy, Melbourne Fringe sets out that unlawful discrimination, harassment, sexual harassment, bullying and victimisation will not be tolerated. Disciplinary action, up to and including termination of employment/cessation of engagement, may be taken against anyone who breaches this policy.

1.3 Equality at Work

- (a) Melbourne Fringe is committed to:

- (i) maintaining an organisation where decisions are based on individual performance and ability;
 - (ii) employing and engaging the best person for the job based on qualifications, experience, ability and potential;
 - (iii) appraising, developing and promoting on the basis of performance, ability and potential while taking into account professional aspirations;
 - (iv) ensuring that all employees and volunteers are aware of their individual rights and responsibilities;
 - (v) complying with relevant anti-discrimination and equal opportunity laws; and
 - (vi) ensuring no one is victimised because he or she has made or is involved in a complaint.
- (b) These principles must be strictly adhered to in all aspects of the employment relationship, including recruitment, access to jobs or appointments, promotions, selection for training, transfers, secondments, terminations, and remuneration or payment.
- (c) All advertisements for positions will include a statement that Melbourne Fringe is an equal opportunity employer.

1.4 Definitions of discrimination, harassment, sexual harassment and bullying

- (a) **Discrimination** is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

It is unlawful to discriminate against someone because of a protected characteristic and this will not be tolerated. Protected personal characteristics under federal discrimination law include:

- age
- carer or parental status or family responsibilities
- disability or impairment (including physical, sensory and intellectual disability, work related injury, medical conditions, and mental psychological and learning disabilities)
- employment activities
- industrial activity
- lawful sexual activity
- marital or relationship status
- medical record
- physical features
- political belief or activity
- pregnancy or potential pregnancy and breastfeeding
- race, colour, descent, national or ethnic origin, immigration status (other than where required by law).
- religious belief or activity
- sexual orientation
- sex
- social origin
- gender identity or transgender status
- union membership or participation in union activities
- irrelevant criminal record
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

It is also against the law to treat someone unfavourably because you assume they have a protected personal characteristic or may have it at some time in the future.

Discrimination may be direct or indirect.

Direct discrimination occurs if a person treats or proposes to treat someone who has an actual or perceived attribute less favourably than that person would treat (in the same or similar circumstances) someone who does not have this attribute. For example, not giving someone a

promotion or training opportunity because of their gender, or refusing to hire someone based on their age.

Indirect discrimination occurs when a seemingly fair rule, practice, policy or procedure impacts unfairly on a group of people, and there is no objective and reasonable basis for the rule, practice or procedure. When a person with any of the attributes listed above cannot comply with a rule, practice or procedure, but the majority of persons who do not have that attribute, or have a different attribute, are able to comply, then that person has been discriminated against indirectly. For example, a policy of only offering bonuses to full time employees risks indirect discrimination on the basis of gender, as a greater proportion of part time employees frequently identify as female.

Discrimination need not be intentional or deliberate. It does not matter why a person engages in discriminatory behaviour, or that the person did not know that such behaviour was unlawful.

In certain circumstances it will not be unlawful discrimination to treat employees differently because of a protected personal characteristic. The main exceptions are where the discriminatory act or practice:

- is necessary to comply with other legislation
- is taken because the complainant cannot perform the inherent (essential) requirements of their job, even where reasonable adjustments are made
- is a genuine occupational requirement (an exception may be required, depending on the law in the relevant state or territory)
- is necessary to protect health and safety
- is permitted because an exemption or 'special measure' applies. This is often referred to as 'positive discrimination' or 'affirmative action'.

(b) **Harassment** is unwelcome and unsolicited behaviour that a reasonable person would consider to be offensive, intimidating, humiliating or threatening.

It is unlawful to harass an individual or group because of a protected attribute (such as age, gender, disability, sexuality, or race, outlined above). Harassment of any kind will not be tolerated. Harassment that is not related to a protected attribute is still inappropriate in the workplace and will be dealt with accordingly.

Harassment can be physical, spoken or written. It can include:

- Intimidation, verbal abuse, or repeated treats or ridicule
- Sending offensive messages by text, email or other means
- Derogatory comments
- Display of offensive material, pictures, comments or objects
- Ridiculing someone because of their accent or English-speaking ability
- Telling offensive jokes or practical jokes based on a protected characteristic
- Belittling or teasing someone about their disability
- Isolation, segregation or humiliation based on a protected characteristic

(c) **Sexual harassment** is any form of unwelcome or uninvited behaviour of a sexual nature that occurs where a reasonable person would have reasonably anticipated that the other person would have offended humiliated, or intimidated.

It is unlawful for an employee to engage in sexual harassment, or encourage or allow another employee to do so.

Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material, or other behaviour which creates a sexually hostile working environment. Depending on the circumstances, the following kinds of behaviour may constitute sexual harassment:

It can include:

- staring or leering at a person or parts of their body
- excessive familiarity or physical contact, such as touching, hugging, kissing, pinching, massaging and brushing up against someone
- suggesting comments, jokes, conversations or innuendo

- insults or taunts or a sexual nature
- intrusive questions or comments about someone's private life
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites in the presence of others
- unwelcome sexual advances or propositions, repeated unwelcome invitations to go out with someone
- spreading sexual rumours
- verbal abuse or comments that put down or stereotype people because of their sex, gender, appearance or sexual preference (these gestures need not be obviously crude for the behaviour to be deemed sexual harassment);
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communication.

Just because someone does not object to inappropriate behaviour in the workplace at the time, does not mean that they are consenting to the behaviour.

Behaviour can still be considered to be sexual harassment where:

- the person engaging in the behaviour did not intend to humiliate, intimidate or offend
- some people in the workplace are not offended by the behaviour
- the behaviour was previously an accepted practice of the workplace

People of any gender can be subjected to sexual harassment. All employees have the same rights and responsibilities in relation to sexual harassment.

A single incident of inappropriate behaviour is enough to constitute sexual harassment – it does not need to be repeated.

When Employees, Contractors, Participants and Volunteers are conducting their duties away from Melbourne Fringe premises, or attending functions or meetings where they could be construed to be a representative of Melbourne Fringe (whether officially or unofficially), they remain bound by this policy and must not sexually harass any employee, volunteer, contractor, artist, member of the Board of Directors, supplier, artist, audience member, or person (where the conduct is in relation to the performance of their duties or their representation of Melbourne Fringe).

Friendships (sexual or otherwise) or mutual attraction between genuinely consenting adults are a private concern and do not constitute harassment. However, Melbourne Fringe expects that personal friendships and relationships will not impact on Employees' or Volunteers' ability to do their work, or on the performance or productivity of other Employees or Volunteers (for example a relationship with a manager or direct report could cause a conflict of interest). Appropriate professionalism is expected of all employees at all times, including in relation to engaging in consensual behaviour.

- (d) Workplace bullying ('bullying') is where an individual or group of individuals repeatedly behave unreasonably to another group of persons at a workplace, which creates a risk to health and safety.

It is unlawful for an employee to engage in bullying, or encourage or allow another employee to do so. Bullying will not be tolerated.

Bullying does not need to be intentional to be unlawful. Whilst one-off incidents of unreasonable behaviour may not be considered bullying, they are still inappropriate and may constitute discrimination.

Bullying can take many forms. It can be physical, spoken, written, overt or covert. Behaviours that may constitute bullying include:

- aggressive or intimidating conduct or threatening gestures
- manipulation, intimidation or coercion
- threats, abuse, offensive language, shouting or belittling
- innuendo, sarcasm and other forms of demeaning language
- ganging up
- public humiliation
- initiation activities

- practical jokes, teasing, or ridicule
- isolation, exclusion or ignoring people
- inappropriate blaming, emails/pictures/text messages
- unreasonable accusations or undue unconstructive criticism
- allocating unpleasant, meaningless or impossible tasks
- placing unreasonably high demands on selective employees
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits
- withholding access to opportunities

Workplace bullying does not include reasonable management action carried out in a reasonable manner. Melbourne Fringe has rights and obligations to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work to an employee and give fair and reasonable feedback on an employee's performance.

Examples of reasonable management action include:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours where requirements are reasonable
- transferring an employee for operational reasons
- deciding not to select an employee for promotion where a reasonable process is followed
- disciplinary action (including investigations) taken in a reasonable manner
- informing an employee about unsatisfactory work performance or inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- termination of employment

Workplace conflict is generally not considered workplace bullying. Differences of opinion and disagreements in the workplace may arise without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. This is because not all conflicts or disagreements have a negative impact on health and safety. Low level, task-based conflict can benefit the company and the employees as it may generate debate leading to new ideas and innovation.

- (e) **Victimisation** is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, harassment, sexual harassment, bullying or victimisation.

It is also victimisation to threaten someone (such as a witness) who may be involved in an investigation of a complaint.

It is unlawful to victimise another person. Victimisation will not be tolerated.

- (f) **Vilification** is any public act that incites hatred, serious contempt, or severe ridicule against another person or group of people due to their race (including ethno-religious origin), sexuality, gender (including transgender status) and HIV/AIDS status.

Vilification is against the law in Victoria (and all states except the Northern Territory) and will not be tolerated.

1.5 Rights and Responsibilities

- (a) All employees, contractors, participants and volunteers must:
- (i) Comply with the standards of behaviour outlined in this policy, the Code of Conduct and other related policies
 - (ii) Treat everyone with dignity, courtesy and respect at all times
 - (iii) Offer support to people who experience discrimination, harassment, sexual harassment and bullying, such as providing information about how to make a complaint
 - (iv) Avoid gossip

- (v) Respect the confidentiality of complaint resolution procedures
- (vi) Where applicable, assist and cooperate in the investigation of complaints made under this policy
- (vii) Participate in training around discrimination, harassment, sexual harassment and bullying
- (viii) Take bystander action (if safe to do so) if they see or hear about discrimination, harassment, sexual harassment or bullying at Melbourne Fringe.

1.6 The Responsibility of Managers

- (a) All employees, contractors and volunteers in a supervisory position have responsibility to:
 - (i) monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
 - (ii) model appropriate behaviour themselves;
 - (iii) promote Melbourne Fringe's policies within their work area;
 - (iv) treat all incidents seriously and take immediate action where a complaint is made;
 - (v) ensure the complainant is aware that they can raise the matter with police if the allegations are of a criminal nature and that they will be provided with appropriate support to do so;
 - (vi) act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
 - (vii) where appropriate, help employees resolve complaints informally;
 - (viii) take immediate action to refer any formal complaint or report any conduct in breach of this policy to the appropriate person for investigation;
 - (ix) ensure persons who raise an issue or make a complaint are not victimised;
 - (x) ensure all persons (including bystanders) have access to support if required;
 - (xi) ensure no discriminatory questions are asked or requests for information are made during recruitment, unless it is directly relevant to a genuine requirement of the position;
 - (xii) reasonably consider requests for flexible working arrangements.

1.7 Consequences of Breaching this policy

- (a) If a person engages in discrimination, harassment, sexual harassment, bullying, vilification or victimisation or otherwise breaches this policy, they may be subject to disciplinary action up to and including termination of employment or engagement.
- (b) Persons may also be personally liable for their own behaviour or conduct. This means that when a person undertakes discrimination, harassment, sexual harassment, bullying, vilification or victimisation, the person may be subject to penalty or subject to an order from the regulator, the Fair Work Commission or other relevant tribunal or court.

1.8 Making a Complaint

- (a) We strongly encourage any person who believes they have been discriminated against, harassed, sexually harassed, bullied, victimised or vilified to report this behaviour to the appointed Complaints Person, as outlined in the Complaints Handling & Investigation Procedure.
- (b) In order to promote a safe, equitable and respectful workplace, we also encourage all persons to take action if they witness or hear about workplace discrimination, harassment, sexual harassment and bullying. Complaints should be made as per the Complaints Handling & Investigation Procedure. Victimisation of someone taking bystander action is unlawful and will not be tolerated.

- (c) A person will not be disadvantaged or treated unfairly for dealing with discrimination, harassment, sexual harassment, bullying, vilification or victimisation in accordance with this policy.
- (d) However, if a complaint is found to be frivolous, vexatious or malicious, then disciplinary action up to dismissal may occur against the person making the complaint. Examples of frivolous, vexatious or malicious complaints include:
 - Fabricating a complaint
 - Making a complaint for the purposes of revenge or to hurt someone
 - Making a trivial or petty complaint
 - Seeking to re-agitate issues that have already been addressed or determined
 - Making a complaint against reasonable management actions
 - Making a complaint that the complainant does not genuinely believe to be true

1.9 Guidelines for Melbourne Fringe Managed Venues and Projects

- (a) Melbourne Fringe will not tolerate discrimination, harassment, sexual harassment or bullying within its venues or at event or projects it manages.
- (b) All employees, contractors, participants or volunteers working in Fringe managed venues or at Fringe managed events or projects, should ensure that they are aware of these guidelines and the applicable reporting lines prior to commencing work. If they are unsure they should ask their manager.
- (c) Monitoring Vulnerable Patrons:
 - (i) Staff should monitor patrons they believe may be the target of, or vulnerable to an instance of discrimination, harassment, sexual harassment (or assault) or bullying, and actively monitor or check their well-being.
 - (ii) Patrons who are intoxicated or are disorientated, are under the influence of drugs or other substances or appear to be targeted require an immediate response from staff.
- (d) Responding to incidents
 - (i) Where an incident is reported to a staff member, or they become aware of an incident or believe there is the likelihood of an incident occurring, they have a responsibility to respond.
 - (ii) When responding to an incident, Melbourne Fringe staff **MUST**:
 - Respond immediately
 - Engage security and police upon the victim's request (or automatically in the case of a serious incident)
 - Where appropriate eject the perpetrators from the venue
 - Record the details of the incident (including the perpetrators details) and ensure that an incident report is filled out and appropriately filed
 - (iii) The following responses are **NOT ACCEPTABLE**:
 - Being dismissive or downplaying the seriousness of an incident
 - Blaming the victim for what has happened, or justifying the perpetrator's behaviour
 - Ejecting the victim from the venue
 - Doubting or disbelieving the victim or witness
 - Destroying records or video/audio footage of an incident

1.10 Artists and Venues

- (a) Melbourne Fringe will endeavour to encourage associated venues and artists to adopt best practice in dealing with any issues of harassment, discrimination, sexual harassment or bullying.

- (b) Melbourne Fringe staff will, where appropriate, provide associated independent artists and venues with support, advice and assistance in dealing with issues of harassment, discrimination, sexual harassment and bullying.
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2 Occupational Health and Safety

2.1 Scope

This section applies to all Employees and Contractors, and Volunteers.

2.2 Aim of this Section

- (a) Melbourne Fringe's annual program, including the Melbourne Fringe Festival, is one which consciously takes creative risks. Melbourne Fringe recognises the importance of occupational health and safety in the workplace and is committed to providing a healthy and safe working environment throughout its operations.
- (b) It is the objective of Melbourne Fringe to:
 - (i) provide a safe and healthy working environment for all Employees, Volunteers, Participants and Contractors; and
 - (ii) minimise any risks to the health and safety of its Employees, Volunteers, Participants, Contractors, clients, business associates, audiences and members of the public which may arise from the conduct of its business.

2.3 Compliance

Melbourne Fringe is committed to complying with all legislative requirements and common law health and safety duties relevant to the conduct of its business activities.

2.4 Prevention and Management of Risks

- (a) Melbourne Fringe is committed, through the implementation and consistent application of safety systems and processes, to identifying and assessing any potential risks to health and safety at an early stage and implementing appropriate steps to eliminate or minimise those risks so far as is practicable.
- (b) Melbourne Fringe will respond promptly and appropriately to any health and safety incidents, including any "near misses". Melbourne Fringe believes in proactive management of health and safety issues.

2.5 Implementation of a Safety Management System

- (a) In order to achieve these aims and objectives, during the Festival Melbourne Fringe implements and maintains a safety management system (detailed in the Melbourne Fringe Festival Safety and Emergency Plan) which sets out procedures for:
 - (i) identifying, reporting and assessing potential hazards or risks to health and safety;
 - (ii) implementing appropriate steps to eliminate or minimise any identified hazards or risks;
 - (iii) ensuring compliance with relevant legislative requirements and common law duties of care; and
 - (iv) continuously reviewing and improving its safety management system.
- (b) A copy of the Melbourne Fringe Festival Safety and Emergency Plan can be requested from the CEO or Deputy CEO.

2.6 The Responsibility of the Board of Directors and Melbourne Fringe Staff

- (a) The Board of Directors and Melbourne Fringe Staff are committed to achieving high standards in respect of health and safety.
- (b) The Board of Directors and Melbourne Fringe Staff acknowledge their responsibility to ensure the health and safety of Melbourne Fringe's Employees, Volunteers and Participants, Contractors, clients, business associates, audiences and members of the public.

2.7 The Responsibility of Employees and Contractors and Volunteers

- (a) All Melbourne Fringe Employees and Contractors and Volunteers are responsible and accountable for health and safety in respect of the performance of their work and the conduct of Melbourne Fringe's business activities.
- (b) Employees and Contractors and Volunteers must perform their duties in a safe manner at all times, and are responsible for identifying and assessing risks relating to their work duties and implementing appropriate measures to eliminate or minimise these risks so far as is practicable. This includes, but is not limited to:
 - (i) complying with relevant safety legislation procedures, directions and codes of practice;
 - (ii) attending safety and risk management briefings and debriefs, and any additional workshops, seminars or training sessions that may be scheduled; and
 - (iii) reporting accidents, incidents and real or potential hazards to the appropriate Melbourne Fringe Employee or manager.
- (c) Melbourne Fringe will provide training for, and consult with, its Employees and Contractors and Volunteers in relation to health and safety issues.

2.8 The Responsibility of Managers and Supervisors

- (a) Managers and Supervisors have the responsibility to:
 - (i) monitor working environments to ensure that this policy and the safety management system are implemented and observed at all times;
 - (ii) ensure that risks relating to work activities are systematically identified and assessed and that appropriate measures are implemented to eliminate or minimise risks in relation to working environments;
 - (iii) model appropriate behaviour themselves;
 - (iv) promote Melbourne Fringe's policies within their work area; and
 - (v) treat all identified safety hazards, complaints, incidents or "near-misses" seriously and take immediate action to address them in accordance with this policy and the safety management system.

3 Child Safety Policy

3.1 Scope

- (a) This section applies to any adult person (over the age of 18 years) engaged by Melbourne Fringe that may work or interact with children, including Employees, Contractors and Volunteers (including interns). This section also applies to Artists and producers engaged by Melbourne Fringe to produce work for or with children.
- (b) A child includes children and young people up to the age of 18 years (unless specified)

3.2 Child Safety at Melbourne Fringe

- (a) Melbourne Fringe is strongly committed to the safety and well-being of all children that interact with our organisation and to creating and maintaining a child safe environment. Melbourne Fringe recognises the right of all children to feel safe and we have zero tolerance for child abuse.
- (b) Melbourne Fringe will take all necessary action to prevent and protect children from abuse and neglect including physical, emotional, sexual, psychological and cultural harm.
- (c) Melbourne Fringe is committed to ensuring that it complies with relevant legislation that aims to protect children from harm and keep children safe by preventing those who pose a risk to the safety of children from working with them.

3.3 Code of Conduct

- (a) Melbourne Fringe has developed a Child Safety Code of Conduct to provide guidance to all employees, contractors, participants and volunteers on expected behaviours when in direct contact with or working around children. It also includes advice on recognising the sign of child abuse.
- (b) All employees must agree to and abide by the Code of Conduct

3.4 Working with children at Melbourne Fringe

- (a) Melbourne Fringe will ensure that all core employees, and festival employees, contractors and volunteers undertaking a role that is determined to involve child related work have been assessed for their suitability to work with children.
- (b) All such employees, contractors and volunteers prior to employment or engagement, will be required to provide proof of, or apply for a Working with Children (or relevant State based) check.
- (c) Employees who commenced employment prior to the introduction of this policy will be required to apply for a Working with Children check (or relevant State based check) within one month and prior to commencement of any work with children. Failure to apply for the check in accordance with these timelines may result in disciplinary action being taken against the employee.
- (d) An individual's employment will not be confirmed with Melbourne Fringe unless a positive Assessment Notice has been received.
- (e) An employee or volunteer who is issued with a Negative Notice (or fail) will not be able to undertake child related work.
- (f) An employee or volunteer is required to record Melbourne Fringe's organisational details on the check (including by updating details if necessary), and to inform his/her Manager if there have been any relevant changes in circumstances relating to the working with children check, for example if he or she has been charged or found guilty of a new relevant offence.
- (g) Melbourne Fringe will respect and protect the privacy of our employees.
- (h) For the purposes of this section, the following definitions apply:
 - (i) Assessment Notice: means an assessment notice given to an applicant for a Working with Children check.
 - (ii) Child related work: means paid or unpaid work involving:
 - (i) regular contact with a child;
 - (ii) direct contact with a child; and
 - (iii) unsupervised contact with a child.

- (iii) Direct contact with a child: involves physical contact, talking face to face or physically being within eyeshot.
 - (iv) Interim Negative Notice: is an interim notice that prohibits a person from undertaking child-related work in the relevant State before a final decision is made by the relevant State Department/Authority.
 - (v) Negative Notice: means a notice prohibiting a person from undertaking child-related work in the relevant State. Receipt of a Negative Notice is considered to be a 'failed' or 'unsuccessful' Working with Children (or relevant State based) check.
 - (vi) Regular contact: means contact that is not incidental to but normally part of a person's work.
 - (vii) Unsupervised contact: means work undertaken where there is no direct, immediate and personal supervision.
 - (viii) Working with Children card: means a card/documentation issued to a person when their Working with Children (or relevant State based) check has been successful.
 - (ix) Working with Children (WWC) check: means the process under relevant State based legislation of assessing or re-assessing whether a person is suitable to work in child related work.
- (i) Any project produced by Melbourne Fringe or by an Artist, Producer or Contractor engaged by Melbourne Fringe, that involves participation or employment of children, will be required to comply with all relevant legislation and obtain all applicable consents, permits and permissions. This will include:
- (i) Obtaining parental consent if the project or artwork involves working with a child under the age of 15
 - (ii) Obtaining applicable permits for children who will be employed
 - (iii) Obtaining working with children checks for all adults who will be involved in child related work

3.5 Allegations, concerns and complaints

- (a) Melbourne Fringe is committed to encouraging staff, children and parents (including carers and guardians) to raise any concerns or provide their views on the well-being of children involved with our organisation.
- (b) Melbourne Fringe has a Child Safety Officer – the CEO - who is responsible for being the first point of contact to provide advice and support to children, parents and carers, legal guardians and employees on issues regarding the care of children.
- (c) Melbourne Fringe takes all allegations seriously. If an adult has a reasonable belief that an incident has occurred, then they must report the incident to the Child Safety Officer, or their manager who must forward the complaint to the Child Safety Officer.
- (d) All breaches of the Code of Conduct must be reported to the Child Safety Officer.
- (e) Complaints and breaches under this policy and the associated code of conduct will be dealt with under the Complaints Handling and Investigation Procedure.

CHILD SAFETY CODE OF CONDUCT

Scope

This Code of Conduct applies to all employees, contractors and volunteers. This includes any adult person (over the age of 18 years) engaged by Melbourne Fringe that may work directly with or around children at any time, including:

- Core, Festival and Casual employees
- Student placement, work experience students / interns
- Contractors, sub-contractors and secondees
- Volunteers
- Artists engaged by Melbourne Fringe
- Any other individual engaged by the organisation that may deal with children

A child includes children and young people up to the age of 18 years (unless otherwise specified).

Child Safety Policy

All adults must comply with the Melbourne Fringe Child Safety Policy and Procedures including complying with all relevant legislation and obtaining all applicable consents, permits and permissions, including Working with Children Checks. All adults involved in child related work will be required to have a Working with Children Check.

Code of Conduct

Persons engaged with or by Melbourne Fringe are responsible for promoting the safety and well-being of children by complying with the following:

- ✓ Adhere to our child safe policies and procedures
- ✓ Take all reasonable steps to protect children from the risk of abuse and neglect including:
- ✓ Treat all children with dignity, equality and respect
- ✓ Listen to and value the ideas and opinions of children
- ✓ Act as a positive role model in your conduct with children
- ✓ Develop positive relationships with children and parents (including carers and legal guardians) based on mutual trust and open communication
- ✓ Be professional in your actions through your use of language, presentation and manner
- ✓ Respect the privacy of children and parents (including carers and legal guardians), and only disclose information to people who have a need to know
- ✓ Be aware of risks with communication and behaviour between employees and children (including online and mobile)
- ✓ Be aware of risks with communication and behaviour between children (including online and mobile)
- ✓ Aim to ensure children understand they are valued members of the production, program or audience experience
- ✓ Acknowledge the uniqueness and potential of all children, in recognition that enjoying their childhood without undue pressure is important
- ✓ If by chance any children are found unsupervised, direct and accompany children to their supervisor or relevant management immediately
- ✓ Report any breaches of these standards of behaviour to the CEO or relevant management promptly.

The same persons MUST NOT:

- × Discriminate against any child because of age, gender (including transgender status), cultural background, religion, vulnerability, disability or sexuality

- × Engage in behaviour that is intended to shame, humiliate, oppress, belittle or degrade children
- × Engage in any activity with a child that is likely to physically or emotionally harm them
- × Take photos or video of children without the explicit permission of the child (if 15 years of age or older) and their parent, carer or legal guardian, and relevant management
- × Share personal information or photos of children on social media without the informed consent of the child (if 15 years of age or older) and parent, carer or legal guardian, and relevant management
- × Work with children while under the influence of alcohol or illicit drugs
- × Ignore or disregard any concerns, suspicions, or disclosures of child abuse
- × Show overly familiar physical affection towards children or any unnecessary physical contact with children
- × Marginalise or exclude specific children
- × Show favouritism towards specific children such as the offering of gifts, special thanks, special treatment or inappropriate attention
- × Subject children to any form of physical punishment, social isolation, immobilisation or any conduct likely to humiliate or frighten children
- × Enter children's dressing rooms (unless there are a designated supervisor, or approved to do so by a supervisor or relevant management).
- × Allow children to enter an adult's dressing room or crew areas, unless accompanied by their supervisor and approval has been granted by those in the area.
- × Close doors in rooms where children are present, unless children need privacy to dress
- × Allow children to (un)dress with others around (dressing should take place in private)
- × Do things of a personal nature for children that they are able to do for themselves, such as assisting with going to the toilet or dressing
- × Gossip in the presence of children
- × Distress a child for the purpose of eliciting a dramatic reaction
- × Develop any 'special' relationship with children outside of the professional relationship or arrange contact with children outside of work obligations
- × Have unauthorised contact with children online or by phone

All complaints or reports of conduct not keeping with this Code of Conduct will be pursued in accordance with the organisation's Grievance Policy (available on request), including taking disciplinary action, if necessary.

DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND BULLYING – CODE OF CONDUCT

Scope

This Code of Conduct applies to all Employees, Contractors, Participants and Volunteers, including:

- Full-time, part-time, contract and casual employees
- Job candidates
- Student placement, work experience students / interns
- Contractors, sub-contractors and secondees
- Volunteers

This Code of Conduct applies to all Employees, Contractors and Volunteers while:

- At work/festival/events (including workshops_
- At work/festival related functions
- Outside of work where there is a connection to the workplace/festival – e.g. social media

Melbourne Fringe is committed to providing employees, participants, contractors and volunteers with a work environment that is free from all forms of discrimination, harassment, sexual harassment, bullying and victimisation. All employees, contractors, participants and volunteers are required to comply with Melbourne Fringe's Policy.

Standards of Behaviour

Everyone engaged by or with Melbourne Fringe are responsible for promoting a safe, respectful, inclusive and flexible workplace/festival environment by:

- Treating all people with dignity, courtesy and respect
- Respecting cultural, ethnic, religious, ability, gender and sexual orientation differences
- Behaving in a professional, fair and courteous manner at all times
- Promptly reporting any breaches of this Code of Conduct, whether it is against you or another person, to your manager or the CEO.
- Maintaining confidentiality when complaints are made and/or under investigation
- Abiding by all applicable laws and regulations

Unacceptable Behaviours

Anyone engaged by or with Melbourne Fringe must not:

- Abuse or threaten to abuse (verbally, physically or in writing) another person
- Physical or sexual assault
- Discriminate or unfavourably treat someone because of their race, sex, age, sexual orientation, gender, disability or other personal characteristics
- Intimidate, threaten or harass another person
- Sexually harass another person with unwanted, unwelcome or uninvited behaviour
- Bully, isolate or humiliate another person
- Victimise, unjustly treat or threaten someone because they have raised a complaint or are a witness in an investigation
- Behave improperly or unethically

All complaints or reports of conduct not keeping with this Code of Conduct will be pursued in accordance with the organisation's Grievance Policy (available on request), including taking disciplinary action, if necessary.