



ENCORE THEATRE COMPANY CODE OF CONDUCT

VERSION 3 - Updated 19 Nov 2024

Encore Theatre Company is committed to ensuring the integrity and highest ethical standards in respect of our Committee, our production teams and our volunteers. Underlying this commitment is the need for Encore Theatre Company to ensure that all persons contributing to the success of Encore Theatre Company act with dignity, honesty, integrity and respect towards others.

As an extension to the Constitution and Mission Statement, this code seeks to improve the theatrical skills of performers, production staff and volunteers by making the theatrical experience attractive, safe and enjoyable for all.

Purpose

This Code of Conduct applies to all relationships within Encore Theatre Company Inc, including Committee members, contractors, production team members, cast and other volunteers. This Code aims to:

- create a working environment which is free from harassment, and where everyone is treated with dignity, courtesy and respect
- increase the awareness and understanding of what kind of behaviour or conduct constitutes harassment, and the problems associated with harassment, through ongoing education and training strategies
- work towards a solution of harassment issues
- always set and maintain appropriate standards of behaviour, which protect everyone from harassment
- provide effective, fair, timely and confidential procedures based on the principles of natural justice for dealing with harassment complaints if they arise
- ensure Encore Theatre Company Inc complies with its legal obligations concerning harassment
- ensure nobody is victimised or disadvantaged if they report behaviour which breaches this Code of Conduct

Where concerns or complaints pertain to the operational nature of a production, in the first instance they should be escalated to the relevant production department head, and should a suitable resolution not be achieved then complaint should be escalated to the Stage Manager and/or an Executive Producer.

How Does the Code of Conduct Apply to You?

Every Committee member, performer, production team member and volunteer of Encore Theatre Company is expected to perform his/her role in accordance with this Code of Conduct.

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Performers and production staff are encouraged to:

- participate, for the enjoyment you will receive through theatrical performance
- work equally for yourself and the production - the production will benefit and so will you
- abide by the principles of theatre etiquette
- abide by the policies and practices of Encore Theatre Company as they apply
- co-operate with the director, all members of the production team and fellow cast members
- commit wholeheartedly to the production, rehearsals and activities

Encore Theatre Company will provide every Committee member, performer, production team member and volunteer with a copy of this Code. There will be a briefing for every person associated with each production in theatre where the content of this Code will be re-enforced. This will form part of our theatre Safety Briefing. If anyone has a question on the Code, they should consult the Company President or an Executive Producer in the first instance.

This Code may be amended from time to time, where necessary. Encore Theatre Company will distribute updated copies and changes of the Code will be expected to be adhered to.

This document is not designed to be exhaustive, but all involved in Encore Theatre Company activities will be expected to uphold both the letter and spirit of the Code.

Incorporation of Other Standards

Encore Theatre Company requires that all Committee members, performers, production team members and volunteers comply with all laws, regulations and policies governing its activities and the terms of any charters relevant to their duties.

Encore Theatre Company requires that all relevant production staff and volunteers hold a current Department of Justice, Tasmania, Registration to work with Vulnerable People (RwVP) and from January 1, 2025 this will extend to all production participants aged 16 and over being required to hold RwVP.

More comprehensive requirements and actions pertaining to working with persons under the age of 18 are outlined in Encore Theatre Company's **Safeguarding Policy 2024**, which is available upon request and online.

In addition to complying with the above, all are expected to:

- treat everyone with dignity and courtesy
- be fair, considerate and honest in all dealings with others
- refrain from any behaviour which may bring Encore Theatre Company into disrepute
- display control, respect and professionalism in all activities
- observe proper meeting conduct and protocols
- be courteous in dealings with other Encore Theatre Company people
- control their temper: verbal abuse of others during Encore Theatre Company activities is unacceptable
- not behave in any manner, or engage in any activity, whilst on Encore Theatre Company business which is likely to impair positive public perception of Encore Theatre Company and its members
- abide with the code of conduct or conditions of use of the venue being used (e.g. rehearsal venue, theatres etc.)

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Reportable Conduct

Where a complaint involves reportable conduct of a person under the age of 18 years, Encore Theatre Company operate in accordance with the Child and Youth Safe Organisations Framework (2023)

The Reportable Conduct Scheme is specifically aimed at strengthening oversight of how organisations with a high degree of responsibility for children and young people investigate concerns about workers/volunteers behaviour.

Reportable conduct includes criminal and non-criminal behaviour.

Broadly speaking, reportable conduct includes:

- significant emotional or psychological harm
- significant neglect
- physical violence
- a sexual offence
- sexual misconduct
- grooming
- relevant offences such as failing to report child abuse

Organisations will notify and update the Independent Regulator of the Framework within three business days about:

- allegations of child abuse and child-related misconduct, as well as
- the steps being taken to investigate it
- follow the requirements of the current version of the CSYOF

Discrimination

Committee members, performers, production team members and volunteers are expected to respect the rights, dignity and worth of others regardless of their gender, ability, sexual preference, cultural background or religion or of their physical or psychological attributes.

Encore Theatre Company will not tolerate discrimination.

Discrimination is any behaviour or practice which reflects an assumption of superiority of one group (or individual) over another or disadvantages people based on their real or perceived membership of a group and includes such behaviour as less favourable treatment, unfair exclusion and asking discriminatory questions.

Harassment

Encore Theatre Company will not tolerate harassment. Harassment is repeated behaviour or conduct which is unwelcome or unsolicited and that any reasonable person would interpret as offending, humiliating or intimidating.

A person's conduct needs not be intentional to constitute harassment.

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Examples of harassment include:

- offensive jokes, demeaning comments, displays of offensive material
- racially oriented verbal abuse
- repeated irrelevant reference to a person's racial, sexual, cultural, ethnic or religious background or affiliation
- mocking a person's physical appearance, attributes or behaviour

Harassment may be unlawful if it involves unwelcome or offensive behaviour that relates to individual characteristics protected under law.

Sexual Harassment

Encore Theatre Company will not tolerate sexual harassment. Sexual harassment may involve unwelcome approaches, unwelcome requests for sexual favours or unwelcome sexual behaviour or conduct which offends, intimidates or humiliates another person.

Examples of sexual harassment include:

- unwelcome comments about a person's sex life or physical appearance
- suggestive behaviour such as staring, leering at a person, or parts of their body
- sexual jokes, comments or innuendo
- offensive telephone calls, text messages, social media messages
- displaying offensive photographs, reading matter, graffiti or objects
- sexual propositions or continual requests for dates
- making promises or threats in return for sexual favours
- unwelcome physical contact such as touching or fondling
- stalking
- sexually explicit conversation
- touching or fiddling with another person's clothing
- indecent assault or rape (which are also criminal offences)

Behaviour which is based on mutual attraction, friendship and respect is not likely to involve sexual harassment as long as the interaction is consensual, welcomed and/or reciprocated.

Bullying

Equally, Encore Theatre Company will not tolerate bullying. Bullying is behaviour that intimidates, offends, degrades, insults or humiliates another person. Bullying can be physical or psychological. Examples of bullying include:

- aggressive or frightening behaviour
- threats of assault against a colleague or damage to their property or equipment
- rude comments
- standing in someone's way or deliberately blocking their path in an intimidating manner

Informal Complaints

Informal procedures emphasise solutions rather than factual proof or substantiation of a complaint. Informal complaints are those that can be resolved informally for the complainant or through discussion between the parties.

Encore participants who believe they are being harassed, bullied or subject to discrimination are encouraged to inform the other party(s) that their behaviour is offensive, unacceptable and a breach of Company Code of Conduct.

Alternatively, anyone who believes they are being harassed, bullied or subject to discrimination may choose to informally approach the President, Vice-President, Public Officer or another Committee member, depending on who they feel most comfortable approaching. A request may be made for this person to speak about the allegation on their behalf to the party(s) concerned.

Harassment, Bullying and Discrimination issues may also be resolved through mediation or consultation. An Investigator will be appointed by the Executive Committee to assist the two parties to discuss options, consider alternatives and reach a consensual agreement to the satisfaction of both parties.

Anyone who believes they are being harassed, bullied or subject to discrimination is encouraged to talk to the President, Vice-President, Public Officer or another Committee member and be assured of receiving assistance. Such complaints will be handled sensitively and confidentially.

Where issues have not been resolved through informal options, it may be necessary to pursue formal proceedings, or they may be pursued from the onset.

Keeping Record of Informal Complaints

It is the role of the appointed Investigator to ensure that records pertaining to the investigation of an Informal Complaint are kept strictly confidential, particularly when there has been no admission of the allegation, or where a consensual resolution has been achieved. The Public Officer should be informed of all informal complaints to ensure that the Company is not at risk of a liability complaint.

Formal Complaints

Formal complaints are complaints that are put in writing to Encore Theatre Company Inc and necessitate written records of the proceedings and the interviewing of other relevant parties.

Formal complaints are investigated promptly by an Investigator appointed by the Executive Committee with strict reference to Encore Theatre Company's Code of Conduct and associated policies. The Investigator may be an internal or an external party, subject to the severity of the complaint and at the discretion of the Executive Committee.

Formal complaints may result in a formal investigation.

A formal investigation will consider all available evidence, including any surrounding evidence. This may include:

- supporting evidence
- head of department reports or statements
- previous complaints about the behaviour of the alleged person/party

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- records kept by the person making the allegation

The process used to manage a complaint must adhere strictly to the principles of natural justice. This means the respondent has the right to:

- know what they are accused of (specific allegations)
- know who is making the allegations
- have a support person of their own choice present during the investigation interviews
- fair treatment and procedural fairness
- not be prejudged or discriminated against
- representation and advice throughout the process
- not be dismissed, or involvement terminated, unfairly or otherwise treated unfairly, harshly or unreasonably, considering all the circumstances
- privacy; that is, to have the matter kept confidential and on a “need to know” basis
- protection from defamation and malicious complaints

Keeping Record of Formal Complaints

Where a formal complaint is substantiated based on the investigation process, records of the complaint and actions taken, including records of the investigation and witness statements are to be kept by the Public Officer in a separate, confidential file. The file is to be retained for a period of seven years in a secure location with strict access limitations.

Where a complaint is inconclusive or unsubstantiated, the parties should be informed and a record of the complaint or resolution, including records of the investigation, personnel involved in the process and witness statements are to be kept by the Public Officer in a separate, confidential file. The file is to be retained for a period of seven years in a secure location with strict access limitations.

Disciplinary Action

Any subsequent action is intended to ensure that the harassment, bullying or discrimination does not continue.

If a claim of harassment, bullying or discrimination is substantiated, the matter will be considered by the Committee and will lead to disciplinary action.

Depending on the circumstances, disciplinary action may take the form of an apology, counselling, formal warning, suspension or dismissal from Encore Theatre Company related activities.

In the case of a confirmed serious breach of the Code of Conduct, the Company may invoke Clause 32 – Expulsion of Members contained within the Constitution of Encore Theatre Company Inc.

Disciplinary action will depend on factors such as:

- the severity and frequency of the harassment, bullying or discrimination
- whether the person or party could have been expected to know that such behaviour was a breach of the Code of Conduct, for example – they have not been issued with the Code of Conduct
- whether there had been any prior incidents or warnings

The outcome of the complaint should not disadvantage the person who made the complaint in any way.

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Victimisation

Nobody may be threatened, victimised or disadvantaged as a result of making a complaint. Where such behaviour has been demonstrated, or the complaint process has been threatened, the victimisation should be reported to the Company President, Vice President or Public Officer immediately.

Disciplinary action will be taken against anyone who victimises or retaliates against a person who has made a complaint.

Disciplinary action will be taken against anyone who victimises or retaliates against a person who is subject to a reported complaint.

Confidentiality

All parties involved in a complaint are responsible for ensuring confidentiality at all times, with respect to verbal discussions and written comments (in all forms) related to the complaint.

The number of people involved in any investigation should be kept as small as possible and limited based on genuine "need to know".

The Company is aware that complaint investigations can affect the reputations of those involved and aims to prevent innocent people from being injured by breaches of confidentiality.

All parties to a complaint should be warned about the legal risk (defamation) associated with disclosing allegations and counter-allegations.

Vexatious Complaints

Vexatious complaints are those complaints made:

- in bad faith without genuinely believing it to be true
- motivated by ill will or malice
- motivated by "bad blood" or personal dislike
- motivated by rumour and/or prompted by collusion
- by indiscriminately broadcasting the allegations publicly

It is unlikely for a complaint to be deemed defamatory if it is made in good faith and through the proper channels.

Disciplinary action will be taken against anyone who makes a complaint if there is evidence that the complaint was vexatious or malicious.

Health and Safety

Everyone has the right to participate in an environment that is physically and emotionally safe.

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Committee members, performers, production team members and volunteers are asked to take responsibility for their own health and safety, ensuring that their actions do not risk the health and safety of others. All are required to take reasonable care at all times by following all lawful instructions from those in authority at Encore Theatre Company in its efforts towards providing a healthy and safe environment.

All hazards, accidents or injuries must be reported to the Encore Theatre Company representative in charge of the activity. Incident report forms are required to be completed and forwarded to the administrative officer.

Alcohol and Drug consumption

Illegal or prohibited drugs are not to be consumed by Committee members, performers, production team members and volunteers while performing duties with Encore Theatre Company.

Alcohol may be consumed at the rehearsal venue bar (subject to Liquor Licencing regulations) to the extent it does not affect the comfort, safety or performance of any party, nor harm the reputation of Encore Theatre Company. Alcohol must not be consumed in any hired theatre venue (unless as part of an official function or a licensed bar within the venue).

In the context of this provision, anyone exhibiting signs of being intoxicated or under the influence of alcohol, or an illegal or prohibited drug will be prevented from commencing, recommencing or continuing their activity.

Grievances

If anyone has a grievance or feels that they have been unfairly treated they are encouraged to raise this issue with any member of the Committee of Management or the Public Officer (publicofficer@encoretheatre.org.au) for immediate and confidential assistance.

The management of Encore Theatre Company is committed to uphold both the letter and spirit of this Code and the mediation and resolution of any grievance in an expeditious manner.

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