

# Code of Conduct

## Policy Statement

Every worker and contractor of the Bellchambers Music School (BMS) are to conduct business fairly, respectfully, courteously and in a highly ethical manner. Fairness, respect, courtesy and honesty in dealings with any person connected to BMS is the essence of the Code of Conduct and it's the obligation of every BMS worker to commit to this.

Equal Opportunity (EO) is the absence in the workplace of unlawful discriminatory practices and behaviours. All workplace participants have equal access to participation and inclusion in workplace actions such as promotion, learning and development, and other activities. EO aims to ensure that every employee, contractor, student and visitor have the right to enjoy an environment free from unlawful discrimination. Unlawful discrimination will not be tolerated by BMS and we encourage the reporting of any alleged breaches to the Director.

BMS is committed to providing a safe work environment that is free from workplace bullying or harassment, and will actively work towards eliminating this behaviour. Bullying and/or harassment is considered a workplace health and safety issue and is not tolerated.

As a condition of using the services of BMS and our premises contractors must agree to follow this policy to ensure all services delivered on BMS premises are consistent and of a high standard.

## Purpose

The purpose of this Code of Conduct is to:

- Articulate the high standards of honesty, respect, courtesy, ethical and legal behaviour expected of BMS workers and encourage adherence to those standards to protect and promote the interests of all stakeholders in BMS
- Guide workers on the key practices considered necessary to maintain confidence in BMS integrity
- Articulate expected workplace behaviours
- Detail reporting and investigation actions of unethical or unlawful practices including unlawful discriminatory practice, bullying, harassment and discrimination.

The contents of this Policy are subject to change or withdrawal at the Company's absolute discretion.

Where this Policy refers to any obligation on BMS, these references are a guide only and do not, and are not intended to, create contractual obligations on the BMS or give rise to additional rights or entitlements. To the extent of any inconsistency between this Policy and relevant laws, the laws will apply to the extent of the inconsistency.

## Definitions

**Worker** means employee, volunteer or contractor.

**Harassment** is behaviour that is unwelcome, un-reciprocated and offensive to the recipient. It is one-sided, imposed and affects the dignity of an individual. It is the unwanted nature of the conduct that distinguishes harassment from welcome and mutually accepted behaviour. It includes actions, comments, jokes or suggestions, which cause the recipient to feel, threatened, humiliated or patronised. Harassment can be physical, verbal or non-verbal and it can occur outside the immediate workplace e.g. at an external function, meeting or training course.

Examples of sexual harassment	Examples of racial harassment
<ul style="list-style-type: none"> <li>• Requests or demands for sexual favours</li> <li>• Suggestive remarks and/or gestures of a sexual nature</li> <li>• Degrading abuse or insults</li> <li>• Jokes or tricks of a sexual nature</li> <li>• Unnecessary touching, Indecent exposure, actual assault, up to rape</li> <li>• Displays of material of an explicitly nature</li> </ul>	<ul style="list-style-type: none"> <li>• Offensive gestures or Facial expressions</li> <li>• Offensive publications including racist graffiti and inappropriate displays of posters, flags, emblems etc.</li> <li>• Threatening behaviour</li> <li>• Offensive letters/memos</li> <li>• Racist comments/jokes/songs and derogatory nick names</li> <li>• Offensive language, gossip, slander</li> <li>• Jostling and assault</li> </ul>

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In general, **bullying** and harassment go hand in hand and can be described as persistent, offensive, abusive, intimidating, malicious or insulting behaviour. It is an abuse of power, conducted by an individual or group against others, either overtly or insinuated, which makes the recipient feel upset, threatened, humiliated, vulnerable or undermines their self-confidence and which may cause them to suffer stress. Bullying can include verbal or physical bullying, gesture bullying, exclusion or extortion.

## Bullying examples

- Using tactics, aggression, threats, staring, shouting abuse or obscenities towards a colleague
- Subjecting a colleague to constant humiliation, sneering or ridicule (may be in the form of horseplay or practical jokes) and criticising their efforts, often in front of others
- Undermining a person's authority
- Constantly taking the credit for another person's work but never taking the blame when things go wrong
- Subjecting a colleague to unreasonable scrutiny and being excessively critical about minor things.
- Maliciously removing whole areas of work responsibility from an individual or reducing their job to routine tasks, which are well below their skills and capabilities
- Setting a worker impossible objectives or changing the work requirements without telling them and then criticising or reprimanding the worker for not meeting these demands
- Deliberately withholding information that an individual requires in order to do their job effectively
- Ostracising or marginalising an individual, dealing with an individual only through a third party, excluding the individual from discussions, decisions etc.
- Spreading malicious rumours about the individual
- Blocking another worker's development
- Imposing your views on another person – in such a way as to make the person feel threatened and intimidated

The use of email or texting to distribute material, which could constitute any of the above forms of harassment, is also forbidden. Examples could be pornography, inappropriate jokes or messages.

**Discrimination** can be classified into two types:

- **Direct Discrimination** means treating someone unfairly/less favourably because of a personal characteristic (listed below), or because they associate with someone identified with one of those characteristics. For example, not getting a job because of the person's sex, race, and religious affiliation.
- **Indirect Discrimination** is generally more subtle and happens when a rule, policy or requirement unnecessarily or unreasonably disadvantages a person or group of people because of a protected personal characteristic they share. Indirect Discrimination describes practices that appear fair in form but are discriminatory in practice. For example, the last in first out rule for selecting workers for redundancy may have the effect of being indirectly discriminatory against a particular group of workers (e.g. women or young people).

No person working at BMS, whether employees, contractors, suppliers or students of BMS, will be treated unfavourably because of any personal characteristic including, but not limited to, the following areas:

- Race, cultural background, nationality, ethnicity, ethno-religious or national origin
- Age, gender identity or sexual orientation
- Marital status, pregnancy, family responsibilities or parental or carer status
- Disability or impairment
- Religious/political belief or activities
- Physical features
- Trade union membership or union industrial activity or employment activity

## Compliance with Laws, Regulations, Policies and Procedures

BMS requires and expects its workers to:

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- Comply with all laws, rules and standards that apply to BMS in the conduct of its business and affairs and abide by all applicable laws, regulations, rules and standards of bodies empowered to regulate the industry in which BMS operates
- Comply with all contractual obligations and other undertakings without attempting to evade or delay compliance
- Abide by all protocols, practices, policies and procedures of BMS.

## Honesty and Integrity

BMS expects that its workers will:

- Deal fairly, respectfully, honestly and courteously with all parties and be ethical in all dealings with others and treat them with respect, courtesy and without discrimination, harassment, bullying or victimisation
- Not engage in fraudulent, corrupt or unlawful behaviour. It is expected that workers will refuse all payments and incentives from third parties that may compromise decisions, adversely affect judgments, or result in conflicts of interest, and
- Represent BMS honestly, and not provide false or misleading information

## Proper Use of Position and Resources

BMS requires workers to comply with their legal and statutory as officers or workers of BMS. Broadly this includes duties to:

- Act in good faith and in the best interests of BMS and act with due care and diligence in the course of BMS employment or engagement
- Act for proper purposes and for bona fide reasons and comply with any lawful and reasonable direction given by someone in the BMS who has authority to give the direction
- Avoid conflicts of interest and refrain from
  - making improper use of information gained through the worker's office or employment
  - taking improper advantage of the worker's position
  - making improper use of the worker's duties, status or power of authority in order to gain, or seek to gain, a benefit or advantage for the worker or for any other person, or
  - soliciting gifts or benefits from other parties
- At all times behave in a way that upholds the values, integrity and good reputation of the BMS

BMS will not be bound by an agreement made by a worker where that agreement was made without appropriate authority and consent.

## Confidentiality

All workers must comply with the Privacy Act 1988 (Cwth) and Australian Privacy Principles as amended from time to time, including maintaining confidentiality and ensuring the security of all proprietary, commercial or other information that is confidential to BMS, its students, suppliers or workers and not make improper use of, or improperly disclose, confidential information to third parties, except as otherwise approved in writing by the Director of BMS, as required by law.

All information that is not publicly available concerning the activities, results or plans of BMS must be used for authorised purposes only. This confidential information should be treated and communicated with care and must not be disclosed outside BMS without prior written permission from the Director.

Workers must treat all information given to BMS by client/students as confidential. These obligations of confidentiality continue after the worker ceases employment with BMS.

At the end of a worker's employment/engagement with BMS, and at any time on the request of BMS, the worker must immediately return or destroy all confidential information in the possession, custody or control of the worker.

## Conflicts of Interest

All workers are obliged to disclose ethical, legal, financial, or other potential or actual conflicts of interest involving BMS, and remove themselves from a position of decision-making authority with respect to any conflict situation involving the BMS.

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In addition, during the course of the employment or engagement, workers should refuse any personal payment, inducement or incentive from a third party offered to them whilst performing their duties as a worker of BMS to avoid the appearance of a conflict of interest.

The primary obligation is to disclose the potential conflict of interest in advance. Failing to disclose a potential or actual conflict of interest appropriately could be regarded as serious misconduct.

## **Fair Dealings**

BMS will at all times respect the rights and dignity of workers by endeavouring to provide fair, open, honest, dignified, equal opportunity and non-discriminatory treatment; a safe and healthy working environment; fair, competitive and equitable remuneration, and the opportunity to receive feedback on their work and individual performance.

BMS expects workers will not take advantage of any party dealing with the School through illegal conduct, manipulation, duress, undue influence, concealment, abuse of privileged or confidential information, misrepresentation of material facts, or any other unfair dealing, and recognise the importance of open, helpful and timely communication in furthering BMS's interests.

## **Gifts and Entertainment**

Workers must not solicit gifts or benefits from any person, and exercise due care and discretion when giving or receiving business related gifts or benefits. If the gift or entertainment could reasonably be regarded as influencing the recipient or creating business obligations on the part of the recipient to the detriment and disadvantage of BMS, and thus creates a conflict of interest situation.

All workers should disclose potential or actual conflicts of interests which include personally accepting anything that would be valued at greater than \$30, whether cash or cash equivalent.

## **Protection and Proper Use of Assets**

All workers/contractors must use reasonable endeavours to protect the assets of BMS.

Employees must use the assets of BMS (such as funds, products, equipment, computers etc.) for legitimate business purposes only in the best interests of BMS.

## **Obligation to Disclose Relevant Information**

Employees are obliged to inform the Company of any change in their circumstances that may affect their ability to perform their normal duties.

## **Workplace Behaviour**

We expect high standards of honesty, integrity, ethical and legal behaviour in order to sustain a productive and harmonious working environment, and BMS aims to prevent and minimise behaviour which may adversely affect the harmony of the workplace.

Behaviour or conduct which is not consistent with the BMS Code of Conduct is unacceptable and will not be tolerated. These behaviours include (but is not limited to):

- Gross disobedience in carrying out reasonable requests or directions of managers, or sustained failure to follow reasonable management directions
- Abuse, rudeness or other behaviour which is in the opinion of BMS unacceptable to clients or other workers and which is likely to injure the reputation, business or standing of BMS
- Sexual harassment, harassment, bullying, discrimination, victimisation on prohibited grounds (as protected and defined under the relevant State and Commonwealth legislations) against any worker, client or supplier of the BMS
- Serious breaches of health and safety rules and unsafe work practices or behaviour which may harm or cause injury to others including aggressive or abusive behaviour including physical, verbal, fighting, or other indecent behaviour in the workplace
- Accepting or offering bribes
- Serious breaches of the IT use such as downloading pornography
- Acts of dishonesty in relation to BMS and its workers, including fraud or theft

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- Breach of confidentiality of information pertaining to BMS or a student of BMS which in the opinion of BMS is likely to injure or tend to injure the reputation, business or standing of BMS
- Being consistently under the influence of illicit drugs and alcohol and/or distributing illicit drugs in the workplace

## Reporting

Any suspected incidents or breaches (on reasonable grounds) of any aspect described in this document should be reported to the Director immediately for investigation.

Any report made will be treated confidentially and any person making allegations, unless the allegation proves to be vexatious, will be treated fairly and discreetly.

Investigation into any matter will be undertaken confidentially and provide all individuals involved with procedural fairness.

Procedural fairness is concerned with the processes used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. The Ombudsman considers it highly likely that a decision-maker who follows a fair procedure will reach a fair and correct decision.

Any breach of these guidelines may result in dismissal/termination of contract.

BMS reserves the right to vary, replace or terminate this policy from time to time.

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