

Entertainment industry codes on discrimination, harassment, sexual harassment and bullying

Frequently asked questions

Why have LPA and SPA created the codes?

Employers, no matter how big or small, can be held legally responsible (i.e. vicariously liable) for acts of discrimination, harassment, sexual harassment or bullying that occur in the workplace or in connection with a person's employment. LPA and SPA have identified a need to harmonise industry efforts in understanding of, and compliance with, various federal, state and territory laws relating to prohibited conduct in the workplace. The codes represent best-practice industry standards developed through intensive consultation with employers and employee organisations.

How were the codes developed?

The codes have been developed as a joint initiative between Live Performance Australia (**LPA**), the body representing employers in live performance, Screen Producers Australia (**SPA**), the body representing employers in the screen industry, and Media Entertainment & Arts Alliance (**MEAA**), as the body representing employees. The codes were made available for industry comment. In addition, SPA conducted further consultation with Women in Film and Television.

Why are there two codes?

While the live performance and screen industries have a similar structure and workforce, LPA and SPA determined that the two industries have sufficiently different industry practices that warrant separate codes.

Why is the LPA code mandatory and the SPA code voluntary?

It is a condition of membership that LPA members abide by LPA codes and guidelines. LPA has a number of codes and guidelines (e.g. Ticketing Code of Practice) which its members must abide by. Compliance with this code is consistent with current LPA practice.

Although compliance with the code is not mandatory for SPA members, the code has been created to assist employers to develop and implement policies and procedures which will ensure consistency across the entire Australian screen industry. Further, SPA understands that commissioning platforms, broadcasters and screen agencies may require producers to comply with the industry code. On this basis, SPA firmly recommends that its members implement the code.

What is the legal status of the codes?

The codes are not and do not seek to be binding legal documents. They represent best practice standards developed through industry consultation. The codes are presented in general terms so that they can be applied across a diverse range of organisations. Employers should tailor their workplace policies and procedures to suit their individual circumstances.

How does the SPA code relate to the Screen Australia code?

In April 2018, Screen Australia announced a [Code of Conduct to Prevent Sexual Harassment](#). Screen Australia has stated that to avoid duplication it will consider replacing its code with the industry code. The screen industry code is consistent with Screen Australia's code.

What do the codes require organisations (e.g. production companies, venues, promoters, etc) to do?

The codes require organisations to develop and implement policies and procedures, and build a positive work environment. The codes provide practical information on how to implement the code, which may include providing training to workers and appointing contact and complaints officers.

What if an organisation already has policies and procedures?

Many organisations already have policies and procedures. The code and supporting resources may be used by organisations to review existing policies and procedures against best practice. Employers are legally required to take **all reasonable steps** to prevent discrimination, harassment, sexual harassment and bullying from occurring in their workplaces. "Reasonable steps" is taken to include developing clear workplace policies and procedures on discrimination, harassment, sexual harassment and bullying, including a complaint handling and investigation procedure. If an organisation has existing policies and procedures, SPA and LPA can provide advice to their members on implementing the industry codes.

What do the codes require workers to do?

It is important for workers to understand that all workers have a responsibility to create and maintain a safe and respectful workplace. Employers may require workers to sign a Code of Conduct, which commits workers to positive conduct while engaged by the production company. The code also promotes ethical bystanders; that is, people who witness events that choose to impact the situation positively.

Will training be provided on the industry codes?

LPA and SPA have committed to conducting industry training. LPA will announce details of training for its members shortly. SPA and LPA are exploring the possibility of online training.

When do the codes take effect?

The codes take effect from 3 September 2018.

Will the codes be reviewed?

Yes. LPA and SPA have committed to reviewing the effectiveness of the codes at the end of 2020.

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