



PREVENTION OF WORKPLACE BULLYING, HARASSMENT AND DISCRIMINATION POLICY

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PURPOSE

Club Scotts (**the club**) is committed to creating a culture of harmony and respect and encouraging employees to realise their potential regardless of gender, age, ethnicity, cultural background, disability, religion and sexual orientation. We support an environment that actively promotes health, wellbeing and safety whilst meeting applicable legal and compliance responsibilities.

The club does not condone or tolerate discrimination, harassment or bullying behaviour.

The purpose of this policy is to provide a mechanism for employees to identify and understand their obligations, and where applicable to raise a grievance in regard to discrimination, harassment and bullying without fear of retribution. The club will deal with allegations of discrimination, harassment or bullying in a prompt and appropriate manner given the circumstances.

This policy is not exhaustive and does not form part of any contract of employment, nor does it form part of any contract of service.

SCOPE

This is policy of the Club Scotts and applies to:

- board members
- all employees, including: managers and supervisors; full-time, part-time or casual, temporary or permanent employees; future employees; student placements, apprentices, contractors, sub-contractors, volunteers and people conducting a business or undertaking.

(Hereafter, **You**)

during the course of your employment, and extends to:

- all functions and places whether on-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever employees may be as a result of their work duties
- how the club provides services to patrons and how it interacts 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
- the treatment of other employees, contractor, suppliers, volunteers, members/patrons or any other stakeholders or members of the public encountered in the course of their employment.

DEFINITIONS

Term	Definition
Aggrieved	The person(s) making the complaint
Cyber-bullying	Cyberbullying is any behaviour, using digital technologies, that could reasonably be considered humiliating, intimidating, threatening or demeaning to a person, or group of people, and which creates a risk to health and safety.
Discrimination	Discrimination occurs when a person with a certain characteristic (such as their race, sex or sexuality) is treated less favourably than a person without that characteristic in the same or similar circumstances.
Hostile work environment	A hostile work environment is a sexually hostile workplace which one sex is made to feel uncomfortable or excluded by the workplace environment for by example, offensive jokes, general sexual banter or innuendo.
Natural Justice	The right to be given a fair hearing and without bias. The respondent to be provided with knowledge of the nature and substance of the issue. All issues to be dealt with thoroughly and justly with the right to have an impartial decision making process.
Respondent	The person a complaint or grievance is about, the person who will be required to respond to an allegation (complaint) about them.
Sexual Harassment	Sexual harassment is any unwelcome conduct of a sexual nature that makes a person feel offended, humiliated and/or intimidated, where a reasonable would anticipate that reaction in the circumstances.
Workplace Bullying	Workplace bullying occurs when an individual or group of individuals repeatedly behaves unreasonably towards a worker or a group of workers at work, that creates a risk to health and safety.
Victimisation	means punishing or threatening to punish someone. It is against the law to punish or threaten to punish someone because they have: <ul style="list-style-type: none"> asserted their rights under equal opportunity law made a complaint helped someone else make a complaint refused to do something because it would be discrimination, sexual harassment or victimisation.



POLICY STATEMENT

The club is committed to providing an environment for effective work that is free from unacceptable and unlawful behaviour and ensuring that where it has occurred, that appropriate action is taken in a timely manner.

The club is committed to providing a safe, flexible and respectful environment for all employees and members free from all forms of discrimination, bullying and sexual harassment.

All club employees are required to treat others with dignity, courtesy and respect.

RIGHTS & RESPONSIBILITIES

You are entitled to (where applicable):

- a) recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- b) being able to work free from discrimination, bullying and sexual harassment
- c) the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- d) reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

You must:

- a) follow the standards of behaviour outlined in this policy
- b) offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- c) avoid gossip and respect the confidentiality of complaint resolution procedures
- d) treat everyone with dignity, courtesy and respect.

in addition, Managers and supervisors must also:

- a) model appropriate standards of behaviour.
- b) take steps to educate and make employees aware of their obligations under this policy and the law.
- c) intervene quickly and appropriately when they become aware of inappropriate behaviour.
- d) act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard.
- e) help employees to resolve complaints
- f) refer formal complaints about breaches of this policy to the appropriate complaint handling Manager for investigation.
- g) ensure employees who raise an issue or make a complaint are not victimised.
- h) ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made.
- i) Seriously consider requests for flexible work arrangements and make all genuine attempts to reach agreement.



CONFIDENTIALITY

It is unacceptable to talk with other employees, patrons, contractors or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal disciplinary action (including dismissal)

DISCRIMINATION

You must not discriminate against another person or group of people. Discrimination does not have to be calculated, intentional or even conscious. It can be either:

- direct discrimination; or
- indirect discrimination.

Refer to the **Appendix A, Item A1** for examples of Direct Discrimination and Indirect Discrimination.

SEXUAL HARASSMENT

You must not engage in conduct that constitutes sexual harassment whether intentionally or unintentionally.

Sexual harassment is against the law wherever and whenever it occurs. Sexual harassment does not have to be repeated or continuous to be against the law. Some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated.

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

It is unlawful for a person to sexually harass another person, where:

- a) The other person is a worker in a business seeking to become a worker in a particular business or conducting a business; and
- b) The harassment occurs in connection with the other person being a person of the relevant kind.

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

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

Employers, including Managers and Supervisors may be liable for actions by their employees

Sexual harassment can take a number of forms and doesn't have to be specifically of a sexual nature. Refer to **Appendix A, Item A2** for examples.



WORKPLACE BULLYING (INCLUDING CYBER-BULLYING) AND HARASSMENT

A person is subjected to workplace harassment/bullying if the person is subjected to repeated behaviour, by a person or group of people that:

- is repeated, unwelcome and unsolicited
- a reasonable person would consider to be offensive, humiliating, intimidating or threatening, and
- Is a risk to health and safety

Examples of what is and is not Workplace bullying and workplace harassment (including cyber-bullying) are outlined in the **Appendix A, Item A3**. A person's intention is irrelevant when determining if bullying has occurred. Bullying can still occur where actions are not intended to be workplace bullying, but do actually have that effect.

Bullying in the workplace is harmful not only to the victim of the behaviour but also damaging to the culture and reputation of the club. It is unacceptable and will not be tolerated.

GOSSIP

Gossip can be explained as rumour or discussion of a personal or sensational tone. Gossip can be used by someone with a lower self-image as a way to connect with others and feel better about oneself, but at the expense of another.

Workplace gossip can be extremely destructive of workplace harmony and can lead to various problems and is inappropriate workplace behaviour.

VICTIMISATION

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under employment law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating a concern or grievance.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal disciplinary action against the perpetrator.

The club has a zero tolerance approach to victimisation.



BREACH OF POLICY

You are required to comply with this policy at all times. If an employee breaches this policy, they may be subject to disciplinary action up to and including termination. Contractors (including temporary contractors) who are found to have breached this policy may have their contracts with the club terminated or not renewed.

If a person makes an unfounded complaint or a false complaint in bad faith (e.g., making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), and the complaint is considered to be vexatious, that person may be appropriately disciplined.

GRIEVANCE HANDLING PROCEDURE

If you or another employee, feels that they have been subjected to any form of inappropriate or unlawful conduct contrary to this policy, then the matter should be reported and will be managed according to the Grievance Resolution Procedure.

The club has a grievance procedure for dealing with these issues. The grievance resolution procedure has numerous options available to suit the particular circumstances of each individual situation.

The **designated complaint officer for the club is the Secretary Manager**, who will handle the matter as determined by this policy and the Grievance resolution policy.

CONFIDENTIALITY

- a) In instances of any alleged breach of this policy, discretion is important to protect all people concerned. If you are involved in the grievance resolution process or an investigation, either as the aggrieved, respondent, a witness, support person or in any other way involved or privy to the information, then you must keep all information confidential and not disclose the details of either the grievance or the investigation with anyone. Disclosing information about the grievance/complaint could result in disciplinary action being taken against you.
- b) The club will endeavour to keep a grievance and the details of any resolution process as confidential as is reasonably possible, having regard to the rights of all involved in the process. However, there may be circumstances where full confidentiality cannot be maintained if the complaint is to be fully investigated in a procedurally fair manner or if disciplinary or corrective action is required.
- c) The obligation of confidentiality does not prevent the club from using or disclosing any material necessary to instigate or defend an investigation, any legal proceedings, or make submissions in relation to any enquiry or complaint or to refer a matter to the police.



VARIATIONS

The club reserves the right to vary or replace this procedure from time to time and in accordance with regulatory, changes in legislation or at the club's discretion.

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FURTHER INFORMATION

Legislation	<ul style="list-style-type: none">• Fair work Act 2009 (Cth)• Work Health and Safety Act 2011 (NSW)• Anti - Discrimination Act 1991 (NSW)
Related Policies	<ul style="list-style-type: none">• Code of Conduct• ICT policy• Grievance Resolution
Supporting Documents / Information	<ul style="list-style-type: none">• Employee Assistance Program

APPROVAL & REVIEW DETAILS

APPROVED BY: Vanessa Barbour **DATE:** 1st December 2023
Secretary Manager

REVIEW DATE: 1st June 2023

<p>A1</p>	<p>Direct discrimination means to treat someone with a protected attribute less favourably than a person without the attribute in the same or similar circumstances. The attributes covered are:</p> <ul style="list-style-type: none"> • race, colour, national extraction, or social or ethnic group • gender identity or intersex status • political belief or activity • Sex • Age • Marital Status • pregnancy or potential pregnancy • Breastfeeding • medical condition (not affecting work performance) • sexual orientation • impairment (including physical or mental disability) • personal association with a person who is identified by reference to a protected attribute • any other attributes protected <p>Indirect Discrimination occurs when an unreasonable requirement, condition or practice is imposed and someone with one of the above listed attributes is unable to comply. For example, an employer has a policy of not letting any staff work part-time. People with children or family responsibilities could be disadvantaged.</p>
<p>A2</p>	<p>Examples of behaviour that constitutes sexual harassment includes:</p> <p>Verbal sexual harassment</p> <ul style="list-style-type: none"> • rude jokes or comments; • crude conversations or sexual banter • requests for sex; • repeated invitations to go out after prior refusal; • sex-based insults, taunts, teasing or name calling; • uninvited comments about a person’s body or appearance; • persistent questions or insinuations about a person’s private life or physical appearance. <p>Non-verbal sexual harassment</p> <ul style="list-style-type: none"> • putting sexually suggestive, offensive, or insulting material including posters, pin-ups, cartoons, graffiti or messages, on walls, noticeboards, desks, computer screen savers, electronic mail or other common areas, "flashing" or offensive hand or body gestures; • staring or leering at a person or parts of their body; • uninvited attention for non-work related reasons such as afterhours contact (text messages, social media); • wolf whistling; or • unwelcome practical jokes. <p>Physical sexual harassment</p> <ul style="list-style-type: none"> • unwelcome or unnecessary physical contact such as pinching, patting, brushing up against a person, touching, kissing, hugging or massaging a person without invitation; or • indecent or sexual assault or attempted assault putting a hand or an object into someone’s pocket, especially breast, hip or back pocket.

	<p>Hostile work environment</p> <p>This does not need to be conduct directed at a particular person, and may include (provided it contravenes the 'reasonable person' test):</p> <ul style="list-style-type: none"> • Displaying inappropriate material such as on screen savers, mobile phone screens; • General sexual banter; • Innuendo <p><i>A reasonable person, having regard to all the circumstances, would need to have anticipated the possibility of the conduct being offensive, intimidating or humiliating to someone by reason of their sex or characteristics that generally concern a person of their sex.</i></p>
A3	<p>Examples of workplace bullying, if the behaviour is repeated or occurs as part of a pattern of behaviour and is a risk to the person(s) health and safety.</p> <ul style="list-style-type: none"> • Abuse of power, e.g., repeated threats of dismissal or other severe forms of punishment for no reason; • Belittling opinions or constant unjustified criticism; • Maliciously isolating and/or excluding employees from normal workplace activities; • Overwork, unnecessary pressure, impossible deadlines; • Underwork, creating a feeling of uselessness; • Undermining work performance, deliberately withholding work-related information or resources, or supplying incorrect information, hiding documents or equipment; • Tampering with an employee's personal effects or work equipment; • Humiliating a person through gestures, sarcasm, criticism and insults; • Teasing or regularly being made the brunt of pranks/practical jokes; or • Spreading gossip or false, malicious rumours about a person. <p>What is not workplace bullying:</p> <p>Workplace Bullying is not:</p> <ul style="list-style-type: none"> • A single incident of inappropriate behaviour; • Reasonable management action taken in a reasonable way by the person's employer in connection with the person's employment; • Reasonable managerial actions such as: <ul style="list-style-type: none"> • disciplinary action/ performance management, • work directions, • feedback and allocation of work in compliance with business needs and systems, • implementing changes in the workplace, either structural or operational are undertaken within the provisions of the relevant industrial instrument. • Low level workplace conflict, such as disagreeing with a work colleague on the strategies for delivery or differences of opinion.

Examples of behaviour which may constitute **Cyber Bullying** include:

- personal attacks that embarrass, humiliate, discredit, or portray the target in a negative light
- cyber-stalking—for example, using the internet to find, identify, and arrange to meet a person
- conducting online polls about employees—for example, about their level of competence—for the purpose of belittling them
- posting personal information about employees
- posting inappropriate content or links to disreputable websites
- publishing embarrassing or altered photos or videos of employees without their permission
- inappropriate and unreasonable use of online enquiry forms to convey abusive or offensive remarks to or about employees
- creating fake social networking profiles of employees.

Not every adverse comment or complaint using digital technologies is unreasonable or is an instance of cyber-bullying. However, in saying this, a series of relatively minor behaviours, each of which have minimal effect when viewed in isolation from each other might, when combined, may demonstrate systematic and significant episode of bullying when experienced over a period of time.