

BULLYING, HARASSMENT AND DISCRIMINATION POLICY

PURPOSE

The purpose of this policy is to provide an environment within the Sorrento Bowling Club that is free of bullying, harassment, and discrimination, and to establish a clearly defined procedure for investigating complaints of bullying, harassment, and discrimination. Behaviours involving bullying, harassment and discrimination pose a risk of harm and/or injury to workers, contractors, members, guests or visitors and will not be tolerated.

DEFINITIONS

Board: Means the management committee of the Club.

Bullying: Behaviour by which a person or group of people act unreasonably towards another worker, or a group of workers, contractors, members, guests or visitors and the behaviour creates a risk to health and safety.

Club: Means the Sorrento Bowling Club (Inc.).

Complainant: Refers to a person who lodges a complaint pursuant to this policy.

Discrimination: Discrimination consists of treating a person less favourably, purely on the grounds of a characteristic such as race, gender, age, disability, or sexuality.

Harassment: Harassment can be defined as either a single or repeated behaviour that:

- Is unwelcome and unsolicited.
- Any reasonable person would consider the behaviour to be offensive, humiliating, intimidating, or threatening.

Race: Includes a person's colour, descent, ethnic or national origin, nationality or immigrant status.

Racial Harassment: Behaviour including threats, abuse, insults, and taunts based on a person's race or a characteristic belonging to, or generally believed to belong to, a particular race.

Respondent: Refers to a person against whom a complaint has been lodged.

Sexual Harassment: Behaviour that is unwelcome sexual conduct which makes a person feel offended, humiliated and/or intimidated, where that reaction is reasonable in the circumstances.

Victimisation: Behaviour that includes threatening, harassing, or punishing a person in any way because they have raised a complaint or objected to the manner in which they have been treated.

Vilification: Occurs when vicious and defamatory statements are made about another person.

Worker: Any person employed by the Club in a permanent, temporary, or casual capacity.

POLICY STATEMENT

The Sorrento Bowling Club understands and takes very seriously our responsibility towards incidents of bullying, harassment, and discrimination, and we will ensure that any incident that comes to our notice is dealt with immediately and effectively. The Club considers bullying, harassment, and discrimination to be unacceptable and we will not tolerate it under any circumstances.

Bullying, harassment, and discriminatory behaviour towards another person is a breach of the behaviour prescribed in the Equal Opportunity Act 1984, the Racial Discrimination Act 1975, the Disability Discrimination Act 1992, the Sex Discrimination Act 1984, and the Work Health and Safety Act 2020.

The Sorrento Bowling Club seeks to develop a positive and inclusive workplace and club environment. All workers, contractors, members, guests or visitors have a responsibility to ensure they do not promote or engage in bullying, harassment, or discriminatory behaviour, and should seek advice and report any incidents of such behaviour so a process of resolution can be initiated. Any person who causes, instructs, induces, aids, or knowingly permits another person to engage in bullying, harassment, or discrimination shall be deemed to have committed the act and shall be treated accordingly.

All workers, contractors, members, guests or visitors are responsible for ensuring they understand this policy and are aware of the behaviours that could be considered unacceptable. Some examples of bullying, harassment, and discriminatory behaviours have been outlined below; however, these examples are not exhaustive, and a wide range of behaviours could amount to bullying, harassment, and discrimination. If you are unsure about whether a behaviour is reasonable or unreasonable or you feel you are subject to any form of bullying, discrimination or harassment, it is recommended that you discuss this with any member of the Board.

Bullying

Bullying at a workplace is recognised as a hazard under the Work Health and Safety Act 2020. Incidents of bullying should be reported and managed in accordance with the Workplace Health and Safety processes which are reflected in the relevant Sorrento Bowling Club's policies and procedures.

A worker, contractor, member, guest or visitor is bullied if a person or group of people repeatedly act unreasonably towards them, or a group of workers, and the behaviour creates a risk to health and safety. Bullying can be physical, verbal, or psychological, and can include victimisation, humiliation, intimidation, or threatening behaviour. Examples of bullying include:

- behaving aggressively or passive aggressively.
- teasing or practical jokes.
- humiliating or belittling comments.
- pressuring someone to behave inappropriately.
- excluding someone from work-related events.
- unreasonable work demands.
- not providing information necessary for the worker to perform their tasks or providing incorrect information which prevents the worker from performing their tasks.

A manager can make decisions about poor performance, take disciplinary action, and direct and control the way work is carried out. Reasonable management action that's carried out in a reasonable way is not bullying. Management action that isn't carried out in a reasonable way may be considered bullying.

How is bullying different to discrimination?

Discrimination happens when there's 'adverse action', such as firing or demoting someone, because of a person's characteristics like their race, gender, or sexual preferences. Bullying happens when someone repeatedly behaves unreasonably towards a person or group of people and that behaviour causes a risk to the health and safety of others. This behaviour doesn't have to be related to the person or group's characteristics and adverse action doesn't have to have happened.

Harassment

Harassment can be defined as either a single or repeated behaviour, by a person including a member, contractor, guest or visitor, the person's employer or a co-worker, or group of co-workers of the person, that:

- Is unwelcome and unsolicited.
- The person considers to be offensive, intimidating, humiliating, or threatening.
- A reasonable person would consider to be offensive, humiliating, intimidating, or threatening.

Examples of harassment may include the use of racially offensive language, requests for sexual favours, other verbal or physical conduct of a sexual nature, and all forms of unfair treatment.

Racial Harassment

Racial harassment may take many forms including threats, abuse, insults, and taunts, based on a person's race or a characteristic belonging to, or generally believed to belong to, a particular race. Race includes colour, descent, ethnic or national origin, nationality or immigrant status. It is also unlawful to harass a person because a relative or associate of that person is of a different racial identity.

If a person is threatened, abused, insulted, or taunted about their race, colour, descent, ethnic or national origin, nationality or immigrant status, and if they reasonably believe by objecting to that behaviour they will be disadvantaged, then they have been racially harassed under the *Equal Opportunity Act*.

Racial harassment creates a climate of fear and insecurity. We are all responsible for putting a stop to any racist behaviour that occurs. Racial harassment can include a range of behaviour which, whether intentionally or not, creates a feeling of unease, humiliation, or discomfort and can include:

- Racist jokes and name-calling.
- Derogatory or stereotypical statements.
- Displaying racially offensive material or graffiti.
- Deliberately isolating or not co-operating with someone because of their race.

The Racial Discrimination Act makes it unlawful to discriminate when advertising jobs, during recruitment and selection processes, when making decisions about training, transfer, promotion opportunities or membership applications, and in the terms, conditions, and termination of employment or club membership.

An example of discrimination in recruitment is not employing someone from a particular racial group because 'those people are unreliable'.

Sexual Harassment

Sexual harassment is unwelcome sexual conduct which makes a person feel offended, humiliated, and/or intimidated where that reaction is reasonable in the circumstances.

There are a number of forms of sexual harassment which can upset, embarrass, intimidate, or offend. Some examples include:

- Displaying sexually explicit or offensive material.
- Touching a person in a sexual way.
- Pressuring someone into providing sexual favours.
- Offensive or derogatory language.
- Unwanted comments and suggestive comments.
- Intrusive questioning about a person's private life or body.

Sexual harassment can also happen where an environment or culture is sexually charged or 'hostile', even if the conduct is not directed at any particular employee or person.

Sexual Harassment Guidelines

The Sex Discrimination Act 1984 outlines a positive duty for organisations to actively prevent sexual harassment at the workplace. The positive duty requires organisations and businesses to eliminate, as far as possible, the following unlawful behaviours from occurring:

- discrimination on the grounds of sex in a work context.
- sexual harassment in connection with work.
- sex-based harassment in connection with work.
- conduct creating a workplace environment that is hostile on the grounds of sex.
- related acts of victimisation.

Under the guidelines, organisations are required to take proactive measures to actively prevent sexual harassment, sex discrimination, and other relevant unlawful conduct, in addition to responding after an event occurs.

The Sorrento Bowling Club is committed to taking reasonable and proportionate measures to eliminate, as far as possible, sexual harassment and related inappropriate conduct. Some of these measures include the following:

- Ensuring managers and senior leaders in the Club understand the positive duty, know what conduct is unlawful, and ensure appropriate measures are taken.
- Ensuring managers and senior leaders role model respectful behaviour and set the standard for inclusion and equality.
- Creating a safe, respectful, and inclusive club environment and culture, where people are encouraged to report any unlawful behaviour.
- Establishing this policy to ensure managers, workers, contractors, guests or visitors are aware of their obligations and the process for reporting sexual harassment and inappropriate conduct.
- Providing training for managers and workers to ensure they all understand their rights and responsibilities and the expected behaviour standards.
- Providing appropriate support to those who experience or witness unlawful behaviour in the

workplace/club premises.

- Committing to continual improvement in building a positive club environment and culture free from sexual harassment and unlawful conduct, and regularly assessing policies and training programs to ensure their effectiveness.

The Sorrento Bowling Club will not tolerate sexual harassment and related inappropriate conduct and will take action depending on the conduct and its impact.

The Board encourages all who experience sexual harassment or inappropriate conduct in the workplace/club premises to report these instances as soon as possible using the procedures below or as outlined in the Grievance and Dispute Resolution policy and the Award.

Where someone does not feel comfortable lodging a formal complaint, they may choose to report the occurrence informally to their manager or another trusted person within the Club. The Club will take into account the preferences of the person lodging the informal report, where possible, while also considering relevant legal duties of the Club.

Persons who witness instances of sexual harassment or inappropriate conduct in the workplace/club premises are also encouraged to come forward and report the behaviour. Reporting can be done anonymously where the person wishes to protect their identity.

The Club will ensure there is appropriate support available to those who experience or witness relevant unlawful conduct.

Responsibilities

Workers, contractors, members, guests or visitors are responsible for:

- Adhering to the guidelines outlined in this policy.
- Ensuring they do not bully, harass, or discriminate against any other person, worker, contractor, guest or visitor at the Sorrento Bowling Club.
- Reporting any instances of bullying, harassment, and discrimination.
- Ensuring they do not engage in victimisation or vilification.

Members of the Board, managers and senior leaders of the Sorrento Bowling Club are responsible for:

- Ensuring workers, contractors, members, guests or visitors adhere to the guidelines outlined in this policy.
- Ensuring all workers, contractors, members, guests or visitors are treated fairly and are not bullied, harassed, or discriminated against, and complainants are not victimised.
- Fostering a culture that is safe, respectful, and inclusive.
- Promptly managing any incidents of bullying, harassment, or discrimination as a matter of priority and following correct procedures where a report or complaint has been made.
- Role modelling appropriate behaviours and ensuring that unlawful and disrespectful behaviours are addressed and not tolerated.

PROCEDURES

All complaints of bullying, harassment, and discrimination will be treated seriously and confidentially with the appropriate support and action taken to resolve the offending behaviour. The victimisation of

people making complaints, who are intending to make a complaint, or are giving evidence in relation to a complaint, is inexcusable and will not be tolerated.

The investigation and resolution of **worker's** complaints of bullying, harassment and discrimination should comply with the procedures outlined above, the Club's Grievance and Dispute Resolution Policy and Procedure and the Award. Complaints from **contractors, members, guests or visitors** should comply with the Club's Constitution. All complaints will be treated confidentially and dealt with promptly.

The principles of natural justice and procedural fairness will apply to all processes undertaken and decisions made in relation to the resolution of complaints.

All people involved in the investigation and resolution of a complaint are under an obligation to maintain absolute confidentiality for the protection of all parties involved. The complainant has a right for their complaint to remain confidential, and the respondent is to be regarded as innocent unless proven guilty.

Every effort should be made by the parties to resolve the complaint internally where possible. Complainants have the option to submit a complaint to the Commissioner for Equal Opportunity, the Fair Work Commission, or Work Cover in the case of bullying.

Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged respondent is victimised. If the matter is taken before a tribunal, the internal investigation will cease so as not to prejudice either party.

Where, at any stage in resolving the complaint, the Club is satisfied that a complaint is frivolous, vexatious, misconceived or lacking in substance, the Club may dismiss the complaint. For workers, a finding that a complaint has been made frivolously may lead to disciplinary action under the Performance Management Policy.

The Sorrento Bowling Club will ensure there are appropriately trained personnel to support workers and managers in the resolution of complaints.

BREACHES

If a worker is found to have breached this policy, they will be subject to disciplinary action which may result in termination of employment. This is determined on a case-by-case basis depending on the severity of each case.

ADDITIONAL SUPPORT

Workers can contact their manager if they require assistance with the Club's Bullying, Harassment, and Discrimination policy, or they wish to discuss a matter of concern. For others, please discuss your concerns with any member of the Board.

APPROVED BY THE BOARD
SORRENTO BOWLING CLUB (INC.)

18 NOVEMBER 2024