



NSW Squash Limited
ABN 52 992 519 238
PO Box 211
Thornleigh NSW 2120
T: 02 9484 8271
E: admin@nswsquash.com.au
W: www.nswsquash.com.au



Communities
Sport & Recreation

BULLYING AND HARASSMENT PREVENTION POLICY

Purpose

This policy sets out the relevant definitions, underpinning principles and the NSW Squash Limited commitment to eliminating harassment, bullying and discrimination.

NSW Squash Limited is committed to ensuring that all employees are treated fairly and equitably, and that they work in an environment that is free from all forms of harassment and bullying.

Bullying and harassment (including victimisation and vilification) will not be tolerated and all NSW Squash Limited staff are required to comply with the behavioural standards outlined in NSW Squash Limited's Code of Conduct.

Scope

This policy applies to all permanent employees, temporary employees and private contractors/consultants engaged by the organisation, competitions, work locations, conferences, coaching courses, workshops, business or field trips, and any other work functions including Christmas parties and farewells.

Policy

Bullying or harassment against any member of staff by another member of staff is unacceptable.

Bullying or harassment should not be confused with legitimate direction, comment and advice regarding standards of work, workplace behaviour or performance given appropriately by board members or co-workers.

All forms of harassment and bullying are of concern as the behaviour may:

- create an intimidating hostile, offensive or distressing work environment
- adversely affect the performance of individual staff
- adversely affect a person's admission into a program
- adversely affect an individual's recruitment, level of appointment, promotion and/or progression opportunities
- adversely affect an individual's access to and/or participation in the range of training and professional development opportunities
- adversely reflect on the integrity and standing of NSW Squash Limited
- increase the risk of NSW Squash Limited being exposed as vicariously liable.

Provisions relating to unlawful harassment are outlined in the federal and state anti-discrimination legislation.

Harassment on the following grounds is unlawful:

- race, colour, descent, national or ethnic origin, ethno-religious background
- sex, pregnancy or potential pregnancy
- marital status
- disability (physical, intellectual, psychiatric, sensory, neurological or learning disabilities and illnesses such as HIV/AIDS)
- age
- homosexuality
- transgender status
- carers responsibilities.

Bully and Harassment Prevention

The legislation also prohibits racial, homosexual, transgender and HIV/AIDS vilification, dismissal because of family responsibilities, and victimisation resulting from raising a complaint.

Occupational health and safety legislation prohibits any inappropriate behaviour, which undermines NSW Squash Limited's responsibility to provide a safe and healthy workplace for all staff.

1. Bullying

Bullying, which is a form of harassment, generally involves a persistent pattern of behaviour over a period of time, but can also be an isolated incident.

Bullying can be a form of unlawful harassment if it is directed at someone because of the grounds covered by anti-discrimination legislation (refer to 'Harassment' below).

Bullying behaviours range from the very obvious such as physical and verbal assault and abuse through to the very subtle such as continually undermining another person or constant criticism. The following are examples of the types of behaviour that might constitute bullying however are not limited to these:

- cruelty, belittling or humiliating behaviour
- public reprimand or behaviour intended to punish, such as isolation and exclusion from workplace activities
- ridicule, insult, sarcasm, gossip, false or malicious rumours
- trivialisation of views and opinions
- unsubstantiated allegations of misconduct
- physical violence such as pushing, shoving or throwing of objects
- threats, yelling, screaming or shouting
- deliberate exclusion, isolation or alienation of the employee from normal work interaction such as intentionally excluding the employee from meetings, work-related functions, training and development or career opportunities
- creating an oppressive and/or unhappy work environment to coerce or intimidate employees
- displaying written or pictorial material which degrades or offends an individual
- tampering with someone's personal effects, work materials or equipment
- an unacceptably aggressive style from a superior
- leaving abusive or offensive messages on email or by telephone.

Bullying is not about occasional differences of opinion, conflicts or work-related problems. These are part of working life and every conflict certainly does not constitute bullying.

Bullying may take the form of inappropriate supervisory practices such as yelling and abuse, setting impossible workloads, withholding information and resources needed to do the job, and personal criticism.

It is not workplace bullying for president, vice president or board members within the framework of NSW Squash Limited to address poor performance, suggest ways of improving performance, follow through on poor work practices, deal with complaints from others, provide guidance, commence unsatisfactory performance procedures or misconduct procedures. The president, vice president and board members are expected to offer constructive advice and comment as part of their role in a way that does not demean or humiliate.

Bullying in the workplace is illegal under occupational health and safety legislation.

2. Harassment

Harassment can be either a series of events or just one act. This means behaviour does not need to be repeated or continuous to constitute harassment. Harassment may be intentional or unintentional.

Certain forms of harassment (such as physical contact, assault and/or stalking) may be unlawful under both State and Commonwealth anti-discrimination legislation. Such acts could be referred to external agencies (e.g. police) and may result in criminal prosecution.

Examples of harassment could include, but are not limited to:

- persistent verbal abuse or threats
- persistent disruption of an individual's work, workspace or equipment, or interfering with a person's property
- intrusive comments or questions about a person's customs or religion
- intrusive questioning about a person's private sexual activity
- sexual or physical contact such as slapping, kissing or touching
- sexual assault
- requests for sexual favours
- persistent following (stalking)
- jokes, derogatory or dismissive comments, either about a workplace participant or about a group in general
- gestures that are insulting or belittling
- suggestive looks or leering
- use of electronic communication equipment to send racist, anti-gay, sexist, pornographic or other offensive material
- circulating or displaying written or pictorial material, including screensavers and wallpaper, that is offensive or belittling
- downloading offensive material from the Internet where potential exposure may occur.

Harassment can take place between:

- an employee and a board member
- a board member and an employee

- co-workers
- an employee and another person in the workplace (e.g. customer, contractor, work experience placement or employee of another sporting organisation).

Harassment can occur in any location where people are working, including a location where services are delivered outside the usual place of work, such as a customer's home.

Harassment can occur at work-related activities outside the workplace, such as work parties, conferences and during work-related travel.

Any harassment that occurs outside of work, or external work-related activities, is not covered by anti-discrimination legislation. This means that, for example, a work social club function or section end of year party is covered by the legislation but an informal gathering of work colleagues is not. However, if an incident outside work affects a working relationship and/or workplace performance, management still has a responsibility and a right to resolve the issue.

Sexual harassment may include touching, patting, pinching, kissing, embracing, leering or gestures, sexual assault, rape, innuendo, smutty jokes, suggestive comments about someone's appearance or body, persistently inviting someone out, questions about a person's private or sexual life, requests for sexual favours, displays of sexually explicit material, suggestive phone calls, letters, emails or messages, indecent exposure, offensive noises, displays of graphic or suggestive material, or stalking.

Sexual harassment is not behaviour which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment unless the behaviour could be offensive to others in the workplace.

3. Reports and complaints

Reports and complaints of harassment and bullying will be treated seriously by NSW Squash Limited and will be investigated promptly in a sensitive, thorough and confidential manner ensuring that complainants and witnesses are not victimised.

The principles of natural justice apply and will guide the application of this policy and associated procedures. This means that before a decision is taken about them, staff have the right to be informed about the nature and content of the issue, have the right to be heard and have the right to have an unbiased decision maker.

Reports and complaints of bullying and harassment will be investigated in accordance to the Grievance Resolution Procedure, being settled efficiently and effectively within NSW Squash Limited wherever possible.

4. Victimisation

Victimisation is unacceptable and will not be tolerated by NSW Squash Limited. No person making a complaint, or assisting in the investigation of a complaint, is to be victimised.

Victimisation of people making complaints will be treated as seriously as the original behaviour giving rise to the complaint.

Procedures

Generally, the matter should be dealt with as close to the source as possible with graduated steps for further discussion and resolution at higher levels of authority.

Step 1: Tell the staff member behaving in an offensive way that their behaviour is unacceptable and that they should stop or change behaviour. Although this may be difficult, the issue must be confronted and dealt with by both parties. In the event you feel unable to do this, speak to the either the President or Vice President of NSW Squash Limited first.

Step 2: If they do not stop, you should tell another Board member. At all times the Board must make sure that confidentiality is maintained. The names of anyone involved in the complaint must not be discussed with others except those immediately involved in the complaint.

Step 3: The President or Vice President will address the matter as soon as possible of being notified, either by resolving the grievance or negotiating an agreed method and timeframe for proceeding. If the grievance cannot be resolved at this level, or by you do not wish to discuss the grievance with the President or Vice President, you may raise the grievance with a trusted Board member.

Roles and responsibilities

President, Vice President and/or Board member

President, Vice President and Board member are accountable for the conduct of staff. It is integral to identify, prevent and redress potential problems in the workplace before these become the subject of complaints. The President, Vice President and/or Board member are responsible for ensuring the workplace is free of harassment, bullying and discrimination.

They must:

- Ensure their behaviour provides a model of the standards required.
- Actively promote and support NSW Squash Limited policy and strategies for combating harassment and bullying in the workplace.
- Communicate to all employees under their direction that harassment and bullying will not be tolerated and complaints will be treated seriously.
- Take appropriate action in circumstances where they become aware of harassment and bullying whether a complaint has been lodged or not.
- Ensure that staff members are not victimised or penalised for making a complaint about harassment and bullying, and that they retain full access to all entitlements and benefits.
- All staff must ensure that their behaviour is consistent with NSW Squash Limited Code of Conduct and contributes to a productive workplace environment.

They must:

- Ensure that they treat work colleagues fairly and sensitively and do not participate in, or condone any behaviour that is offensive.
- Be aware of and comply with this policy.
- Report any improper behaviour to the Board.
- Maintain complete confidentiality concerning any complaint or investigation.

- Not make false or vexatious complaints of harassment, bullying or discrimination. A staff member who makes untrue allegations may be subject to disciplinary measures.

Definitions

Bullying

Bullying is defined as the repeated less favourable treatment of a person by another or others in the workplace which may be considered unreasonable and inappropriate in workplace practice. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten, and has the potential to create a risk to health, safety and wellbeing.

Discrimination

Discrimination occurs when a person is treated less favourably than another person because of certain attributes. It is against the law to discriminate against people or to harass them, in employment because of their race (including colour, ethno-religious background or nationality), sex or pregnancy, transgender, marital status, disability, carers' responsibilities, homosexuality, or age. Direct discrimination is where someone is treated less favourably because of their sex, age, race, disability, pregnancy or any of the other grounds covered by anti-discrimination legislation. Indirect discrimination occurs when a requirement or practice (or rule) that is the same for everyone has an effect or result that is, or is likely to, disadvantage staff because of their sex, race, disability or any of the other grounds covered by anti-discrimination legislation.

Harassment

Harassment is any behaviour by a person in the workplace that is:

- not welcome
- not returned
- uninvited
- intimidates, humiliates, ridicules, embarrasses or offends another person because of their (or their relatives', friends' or colleagues') sex, pregnancy, marital status, race, ethnic or ethno-religious background, disability, homosexuality, transgender, age or carers' responsibilities. Harassment (including vilification and victimisation) is against the law.

Natural justice

Natural justice refers to a process that is fair to all parties and free of bias. The principles include the right for the affected person to be heard before any decision which has the potential to affect them is made, the right to be informed of allegations made, the right of response, the right to representation and consistency in NSW Squash Limited approach to issues.

Sexual harassment

Sexual harassment is any behaviour of a sexual nature, which is unwelcome. It may involve a single incident or a series of incidents. The Commonwealth Sex Discrimination Act 1984 and the NSW Anti-Discrimination Act 1977 declare sexual harassment to be unlawful.

Victimisation

Victimisation includes any unfavourable treatment of a person as a result of their involvement in a complaint. Examples of unfavourable treatment include adverse changes to the work environment, denial of access to resources, work opportunities or training, refusing to provide information, ignoring the person, dismissal, or refusing progression. Victimisation is also treated as an unlawful act under anti-discrimination legislation.

Vilification

Vilification is any public act (including in the workplace) that could incite hatred, serious contempt or severe ridicule against a particular group or individual. Racial vilification, homosexual vilification and HIV/AIDS vilification are unlawful under the NSW Anti Discrimination Act (1977).