

# Harassment Policy

## **1. SCOPE**

This policy & procedure applies to all persons whilst on Club premises and their relationship with each other and with employees of the club and aims to ensure that all guests, members and staff appreciate the Clubs ambience in an environment, which is free from all forms of harassment.

It describes the responsibilities of members, committee, staff and management and provides avenues for assistance in dealing with a harassment complaint.

## **2. POLICY**

An important part of good working relationships is that everyone must be able to accept the benefits of club membership, or working in a club environment free from harassment, that is, behaviour that is unwelcome and unwanted, they do not like or do not want to happen. All harassment that is sexual or sex-based, racial or relates to a persons marital status, disability, age, pregnancy or homosexuality is discriminatory and will not be tolerated in the club. Many types of harassment are also against Occupational Health & Safety Legislation by making the workplace unsafe. The Club will not tolerate harassment of staff or members, in any form, by any person.

## **3. PURPOSE**

To define and provide examples of what constitutes harassment whilst outlining the Marmion Angling & Aquatic Clubs commitment to ensuring that members and staff expect an environment that is free from all forms of harassment. This policy and procedure also describes the responsibilities of staff and management and provides an avenue for assistance in dealing with a harassment complaint.

## **4. RESPONSIBILITIES**

4.1 Committee, Mangers and Supervisors are responsible for:

Ensuring that privacy is maintained, within the context of the investigation and any potential implications (such as criminal activity).

Ensuring that the names of anyone involved in a complaint are not discussed with others except those immediately involved in the complaint.

Ensuring that staff or members are not victimised in any way.

Taking a complaint seriously, and must quickly and confidentially investigate the alleged harassment. It is the responsibility of Management to ensure that all staff, committee and members understand that harassment will not be allowed in the club, that complaints will be taken seriously.

4.2 Staff & Committee

Staff & Committee are responsible for:

Protecting the rights of others and never encouraging or participating in any form of harassment.

Ensuring that incidents of harassment that they become aware of are reported to Management or Committee promptly and confidentially.

Ensuring claims of harassment are not vexatious, frivolous or malicious.

## **5. PROCESS**

### **5.1 What is harassment?**

In WA, it is against the Equal Opportunity Act 1984 for employees and members to be harassed during the course of their club activity. Harassment is any behaviour that is unwelcome and unwanted, and that happens because of a person's:

Sex  
Pregnancy  
Race, (including colour, nationality, descent, ethnic or ethno-religious background)  
Marital status  
Disability (actual or perceived, past, present or future)  
Homosexuality (actual or perceived)  
Transgender (trans sexuality) – actual or perceived  
Age

It also includes any behaviour that offends, upsets, humiliates, intimidates or scares any person.

Harassment is not always intended. Sometimes acts of behaviour, which are funny or don't mean much to one person, may offend another. The club without harassment is a place where people respect and tolerate the rights and differences of others, and recognise and respect different people's where people respect and tolerate the rights and differences of others, and recognise and respect different people's perceptions of different actions.

### **5.2 Types of harassment**

Harassment in the workplace can take many forms. It can be overt (obvious) or subtle, direct or indirect (for example, where a hostile feeling/environment is created without any direct attacks being made on a person).

Some forms of verbal harassment include, but are not limited to:

Sexual or suggestive remarks.  
Making fun of someone.  
Imitating someone's accent.  
Propositions (sexual invitations).  
Spreading rumours.  
Obscene telephone calls/unsolicited letters facsimiles or E-mail messages.  
Repeated unwelcome invitations.  
Offensive jokes.  
Repeated questions about someone's personal life.  
Threats or insults.  
The use of language that is not suitable in the workplace.  
Name-calling.  
Teasing continually.

Some forms of non-verbal harassment include, but are not limited to:

Putting sexually suggestive, offensive or degrading/insulting materials on walls, computer screen savers, E-mail and so on.  
Suggestive looks or leers.  
Unwelcome practical jokes.  
Displaying or circulating racist cartoons or literature.  
Mimicking someone with a disability.  
Following someone home from work.

Ignoring someone or being particularly cold or distant to them.  
Not sharing information.  
Offensive hand or body gestures.  
Unnecessarily leaning over someone.  
Sending offensive material through computer, facsimile or E-mail.  
Wolf whistling.  
Continually ignoring or missing someone's contribution in a meeting/discussion.

Some forms of physical harassment include but are not limited to:  
Unnecessary physical contact (pinching, patting, brushing up against a person, touching, kissing, hugging against a person's will).  
Indecent or sexual assault or attempted assault.  
Pushing, shoving or jostling.  
Putting your hand on an object (like a pay slip or wage packet) or into someone's pocket (especially breast, hip or back pocket).  
Physical assault.

### 5.3 Confidentiality

A complaint of harassment against another member or employee is an allegation of misconduct.

Particular attention must be paid to the sensitive nature of such complaint and confidentiality must be maintained to minimise the likelihood of legal action defamation. Wherever possible, the handling of complaints and resolution cases should be at the workplace where they occurred. Care should be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.

At all times management must attempt to ensure privacy is maintained, within the context of the investigation and any potential external implications (such as criminal activity). The names of anyone involved in the complaint should not be discussed with others except those immediately involved in the complaint.

### 5.4 What to do if you are harassed

If you can, tell the person(s) that you find their behaviour offensive and that it's against the law. Insist that they stop doing it.

If they do not stop, you should tell your supervisor or club official if you can. Remember that the law says that employers and managers must do their best to make sure you aren't harassed.

Keep a notice of any harassment that happens with dates, times and witnesses if any, what happened and what you said, did or felt.

You can also get confidential advice from the Anti-Discrimination Board.

Alternatively, you could lodge a formal grievance through the Awards grievance procedure.

If any employee or a member becomes aware that someone you work with is being harassed, help prevent it by offering your support to the person being harassed. This can be done by:

Telling them you are willing to act as a witness if the person being harassed decides to lodge a complaint.

Refusing to join with any harassing activity.

Backing them up or supporting them to say no.

Reporting the incident to management.

Notify them of the clubs grievance policy.

It is not your responsibility to say anything to the person who they say is harassing them or to spread rumours about someone. If you participate in spreading rumours you may be subject to defamation action. Breaches of confidentiality surrounding harassment investigations may also result in disciplinary action if proven.

Should it be found that a vexatious or frivolous complaint was made (that is, it did not happen and the complaint was malicious), the club will discipline the party making the false allegations. The disciplinary action may include:

A written apology.

An official warning.

Counselling or education on acceptable/unacceptable work behaviour.

Demotion.

Dismissal.

Membership suspension or expulsion.

#### 5.5 Where to go for more information or help

Clubs WA is able to provide guidance and support to Committees and Managers in relation to their obligations under this policy and procedures, and the steps to take when a harassment-related issue arises. Please contact Clubs WA on 9312 1655.

You may go to your association, or to the Equal Opportunity Commission for information or for support for resolving a grievance. The Equal Opportunity Commission has an informative web page at: [www.equalopportunity.wa.gov.au](http://www.equalopportunity.wa.gov.au) or they can be contacted by telephoning 9216 3900.

The Equal Opportunity Commission have the legal power to investigate a complaint and, if it's against the law, to conciliate it. This means that the Commission will try to help you and the person or employer you're complaining about reach a private settlement that you both agree on. The settlement will depend on the circumstances of your case.

If the complaint is not resolved through conciliation, you may go to the Equal Opportunity Tribunal – a court that provides a legal judgement that must be followed.

## **GRIEVANCE PROCEDURE**

The following procedure shall be applied:

(1) In the first instance, the employee or the club member shall attempt to resolve the dispute with the employee's appropriate supervisor or a delegated representative of management or management committee.

(2) If the dispute is still unresolved within forty-eight (48) hours, the matter shall be referred to Management.

(3) If the grievance is still unresolved, then the Manager and two other persons, one chosen by each party, shall meet with all parties to the grievance or may refer the situation to an acceptable third party for arbitration.

*An arbitrator shall resolve any grievance arising between the employer and employee, or employee and club member that is unable to be resolved between the parties. The arbitrator will be a person whom the parties agree on or if no agreement will be a person appointed by Clubs WA.*

(4) It is agreed that (1) to (3) shall take place, wherever possible, within three (3) days.

(5) Except in the instance of a bona fide safety issue, work and services to the member shall continue normally in accordance with the custom and practice existing before the dispute arose, while discussions take place to resolve the issue.

(6) No party shall be prejudiced as to the final settlement by a continuance of work or a continuance of receiving member services.

(7) The decision of the Arbitrator should one be used (subject to any right of appeal per the courts or via the club constitution) will be final and binding on all parties to the dispute.