

Equal Opportunity, Anti-Discrimination, Anti-Harassment & Anti Bullying Policy

Purpose

The purpose of this Policy is to outline the Geelong Greyhound Racing Club's (Club) policies relating to:

- Equal Opportunity
- Anti-Discrimination
- Sexual Harassment; and
- Bullying

Scope

This Policy applies to all people involved in greyhound racing in connection with the Club, including all members of the Club committee, Club members, Club employees and any contractors, student placements, volunteers, prospective workers, participants and community members (**Club participants**).

This Policy does not form part of an employee's contract of employment or a contractor's contract of engagement

Policy

The Club is committed to taking reasonable steps to ensure a workplace free of all forms of discrimination, sexual harassment and bullying. It aims for equality of opportunity for all Club participants.

This Policy is intended to ensure that there is a shared understanding amongst all Club participants of the Club's expectations regarding acceptable and appropriate behaviour within the workplace.

Discrimination, sexual harassment and bullying are unacceptable, and unlawful, pursuant to the relevant legislation described below.

The Club is dedicated to a proactive approach by taking reasonable steps such as educating all people involved in greyhound racing in connection with the Club; as well as continuing to monitor behaviour and endeavouring to prevent any unacceptable conduct from occurring in the first instance, even in the absence of a formal complaint/grievance.

Club Management and the Club Committee will treat all complaints confidentially, seriously and sympathetically as far as is reasonably practicable. However, it may be necessary to speak with other people in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint.

Outlined within this Policy is an internal complaints process to assist people to raise issues of concern. Appropriate disciplinary action may be taken against anyone found to have breached this Policy.

Workplace

Discrimination, sexual harassment and bullying are not only forbidden within the physical workplace, but are also unlawful in any work-related context, including any place a person goes for the purpose of carrying out any work-related function. The workplace can extend to social functions and online activity.

Responsibilities

The Club, as an employer, has a duty to eliminate discrimination, sexual harassment and bullying in the workplace. Therefore, reasonable and proportionate measures must be taken to eliminate these behaviours as far as possible.

Managers and supervisors have the primary responsibility to take reasonable measures to provide a working environment free from discrimination, sexual harassment and bullying.

Managers and supervisors have a responsibility to:

- Monitor the working environment to ensure that acceptable standards of conduct are observed at all times
- Model appropriate behaviour themselves
- Promote this Policy and ensure that it is communicated
- Ensure that workers participate in training regarding appropriate workplace behaviour
- Treat all complaints seriously and take immediate action in a confidential and sensitive manner, including taking disciplinary action if necessary
- Provide appropriate support to people who believe that they have been the victim of, or involved in a complaint of, unacceptable behaviour
- Refer complaints to another manager if they do not feel that they are the best person to deal with the matter (for example, if there is a conflict of interest or if the complaint is particularly complex or serious).

All Club participants have a responsibility to ensure that they do not engage in unacceptable behaviour in the workplace, or cause, instruct, induce, aid or permit another person to do so.

All Club participants have a responsibility to:

- Comply with this Policy and all other workplace policies;
- Treat others with respect, dignity and in accordance with this Policy;
- Report behaviour that they witness or are subject to, which they believe may be in breach of this Policy.
- Maintain complete confidentiality if they provide information during the investigation of a complaint.

Equal Employment Opportunity

Equal Employment Opportunity (EEO) means that employment and management practices operate in a way that gives everyone equality of opportunity in the workplace.

EEO requires that all decisions and practices are based on clear, predefined, job-related criteria in areas including:

- Recruitment and selection
- Remuneration
- Conditions of employment
- Training and development

- Promotion
- Performance and disciplinary processes
- Termination of employment.

Such decisions and practices must be based only on a person's skills experience, qualifications and aptitude

Discrimination

The Equal Opportunity Act 2010 (Vic) prohibits unlawful discrimination in the form of direct and indirect discrimination.

Discrimination is also unlawful under federal legislation, including:

- Age Discrimination Act 2004 (Cth);
- Sex Discrimination Act 1984 (Cth);
- Racial Discrimination Act 1975 (Cth);
- Disability Discrimination Act 1992 (Cth);
- Human Rights and Equal Opportunity Commission Act 1986 (Cth); and
- Fair Work Act 2009 (Cth).

Direct discrimination is treating or proposing to treat a person, or group of people, with a protected attribute unfavourably because of that attribute (listed below). The test is whether certain treatment was less favourable to the person claiming discrimination, placing emphasis on the consequences of the treatment on the person claiming direct discrimination because of a protected attribute.

It is irrelevant whether or not that person is aware of the discrimination or considers the treatment to be unfavourable, or whether the attribute is the only or dominant reason for the treatment, provided that it is a substantial reason.

Indirect discrimination can occur when there is a requirement or condition or practice that is the same for everyone but disadvantages a person or is likely to disadvantage a person because they have one or more of the following protected attributes and which is not reasonable.

It is irrelevant whether or not that person is aware of the discrimination.

Protected attributes in Victoria include:

- age;
- colour;
- descent or national or ethnic origin;
- disability/impairment;
- industrial or employment activity/inactivity;
- lawful sexual activity/sexual orientation or preference;
- gender identity or intersex status;
- marital status, including de facto;

- physical features;
- political belief or activity;
- pregnancy/breastfeeding;
- race;
- religious belief or activity;
- sex;
- status as a parent or carer;
- personal association with someone of the above attributes; and
- irrelevant criminal conviction (under the Australian Human Rights Commission Act 1986 (Cth)).

It is also illegal to discriminate on the basis that a person is perceived to have one of the above attributes.

Workplace discrimination can occur in:

- recruiting and selecting staff;
- terms, conditions and benefits offered as part of employment; who receives training and what sort of training is offered;
- who is considered and selected for transfer, promotion, retrenchment or dismissal; and
- any other unfavourable treatment including harassment.

It is important to note that from a legal perspective it is irrelevant whether or not the discrimination was intended.

Sexual Harassment

Sexual harassment is unlawful under the Equal Opportunity Act 2010 (Vic) and the Sex Discrimination Act 1984 (Cth) (SD Act).

Sexual harassment occurs when:

- a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person or
- engages in any other unwelcome conduct of a sexual nature in relation to another person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated. It has nothing to do with mutual attraction or consenting friendships, whether sexual or otherwise.

Some examples of sexual harassment include, but are not limited to:

- persistent, unwelcome demands or even subtle pressures for sexual favours or outings;
- staring or leering at a person or at parts of their body;
- unwelcome patting, pinching, touching or unnecessary familiarity, such as unnecessarily brushing up against a person;
- offensive comments or questions about a person's physical appearance, dress or private life;

- sexually explicit pictures or posters or screen savers (words and images);
- sexually explicit telephone calls, letters, faxes, emails or voice mail messages;
- humour such as smutty or suggestive jokes or comments;
- innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality, or tales of sexual performance;
- requests for sex;
- insults or taunts based on sex; and/or
- sexually explicit physical contact.

Some types of sexual harassment can also be offences under the criminal law, such as:

- physical molestation or assault;
- indecent exposure;
- sexual assault;
- stalking; and
- obscene communications (by way of telephone calls, letters, emails etc.).

The definition sexual harassment also includes 'harassment on the grounds of sex', which occurs if: by reason of:

- the sex of the person harassed; or
- a characteristic that appertains generally to persons of the sex of the person harassed; or
- a characteristic that is generally imputed to persons of the sex of the persons harassed,

a person engages in unwelcome conduct of a seriously demeaning nature in relation to the person harassed.

In addition to sexual harassment, the SD Act prohibits conduct that subjects another person to a workplace environment that is hostile on the ground of sex (e.g., sexist conversation).

Accordingly, Club participants must not engage in conduct that a reasonable person would have anticipated the possibility of being offensive, intimidating or humiliating to someone by reason of the sex of the person impacted by the conduct, or characteristics that generally appertain or are imputed to persons of their sex.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If an interaction is consensual, welcome and reciprocated it is not sexual harassment.

Bullying, harassment and occupational violence

Bullying is a significant occupational health and safety issue, as it can cause harm to a person's health and wellbeing, both physical and psychological.

Under the Occupational Health and Safety Act 2004 (Vic) employers have a primary legal duty to provide a healthy and safe workplace. Employees also have a responsibility to abide by safety standards and to cooperate with their employer's actions to ensure a healthy and safe workplace is maintained.

Bullying may also be unlawful under federal and state anti-discrimination legislation where the bullying is linked to, or based on, one of the attributes covered by the various pieces of legislation (for example, age, sex, race, disability, etc.).

Serious cases of bullying may also be illegal under the Crimes Act 1958 (Vic) and can result in imprisonment of up to 10 years.

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.

"Unreasonable behaviour" means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the other person.

"Behaviour" includes actions of individuals or a group and may involve using a system of work as a means of victimising, humiliating, undermining, punishing or threatening.

"Risk to health and safety" includes risk to the mental or physical health of the employee.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour could be considered to be workplace bullying:

- physical or verbal abuse;
- intimidation;
- yelling, screaming or offensive language;
- excluding or isolating employees;
- psychological harassment;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible jobs;
- deliberately changed work rosters to inconvenience particular employees;
- creating and/or spreading rumours;
- undermining work performance by deliberately withholding information vital for effective work performance;

Other types of behaviour may also constitute bullying.

Workplace bullying can occur between a worker and a manager or supervisor, or between co-workers.

Bullying does not cover situations where an employee has a grievance about legitimate and reasonable:

- performance management processes;
- disciplinary action; and
- allocation of work in compliance with systems.

Harassment is unwelcome physical or verbal conduct.

Harassment may involve (but is not limited to) any of the behaviours listed above under the meaning of bullying. Harassment may be found to have occurred if the behaviour makes the person claiming to have been harassed feel:

- Offended and humiliated
- Intimidated or frightened and/or
- Uncomfortable at work.

Harassment may occur as a single act, or a series of incidents, or persistent innuendos or threats. It can take many forms, be silent or loud, subtle or openly hostile and it may be private or public.

Occupational Violence is when a person is abused, threatened or assaulted in a situation related to their work. It might come from anywhere - clients, customers, the public or co-workers.

Examples of Occupational Violence can include:

- Yelling and abuse, swearing and calling names;
- Standing over someone;
- Spitting, shoving, tripping, grabbing, hitting and punching;
- Threats of violence, threats with weapons.
- Sexual assault can constitute occupational violence as well as sexual harassment.

Responding to unacceptable behaviour

It is in the interest of any person or group who believes they have been discriminated against, sexually harassed, bullied or victimised to take action.

The Club believes that all issues of concern should be resolved quickly, confidentially (where possible) and wherever appropriate, at the lowest applicable level.

A range of internal issue resolution options are available including:

- self-resolution;
- informal resolution by immediate manager/team leader;
- local workplace resolution involving mediation and conciliation; or
- formal investigation/assessment by an appropriate Club representative or external provider.

The Club will take all reasonable steps to ensure that those making complaints of unacceptable behaviour and those against whom allegations have been made, will be supported throughout the process.

What can you do if you have experienced unacceptable behaviour?

If you believe that you have been discriminated against, sexually harassed or bullied it should not be ignored.

Anybody who experiences or witnesses these types of behaviour encouraged either:

- (if they are comfortable/feel safe doing so) to inform the offender that the behaviour is offensive and unacceptable and against Club policy; or
- to seek assistance in having the behaviour stopped.

This may include reporting the issue to your manager or speaking to another appropriate Club representative.

Where these issues may breach occupational health and safety laws the incident should also be reported immediately in accordance with the Club's occupational health and safety policy.

Please refer to the Club Grievance Process which outlines how to raise a grievance

Who can assist you in making a report or complaint?

If you feel that you are unable to resolve the matter yourself, the following people will be able to assist you:

- your Manager (if you are an Employee);
- Club Manager/CEO; or
- Club President;

Employees who believe they are being bullied or sexually harassed in the workplace may apply to the Fair Work Commission for an order to stop bullying or stop sexual harassment.

In addition, you may approach the:

- Victorian Human Rights and Equal Opportunity Commission;
- WorkSafe; or
- Fair Work Ombudsman

What will happen if you make a Report or Complaint?

Any complaints or reports of discrimination, sexual harassment or bullying will be treated quickly, seriously and sympathetically.

They will be investigated thoroughly, impartially and where possible, confidentially (when investigating some complaints confidentiality is not always possible).

Managers and/or Committee/Board must act immediately on any reports of unacceptable behaviour.

Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

What will happen to the person against whom you have made a complaint?

The Club considers all forms of workplace discrimination, sexual harassment and bullying to be unacceptable behaviour which will not be tolerated. Accordingly, where such complaints have been substantiated, appropriate disciplinary action will be taken.

Such action may range, based on severity of the complaint, from a formal warning to termination of employment for serious breaches of this policy.

Similarly, where necessary, action will be taken against anyone including employees, participants or independent contractors, who have been found to have discriminated against, sexually harassed or bullied a co-worker, or any other person during the course of his/her employment or contract for services with the Club. This includes during their attendance at the Club.

Victimisation

Victimisation occurs where a Club participant is treated adversely because of their involvement in a complaint in accordance with this Policy. That person might be the person who made, witnessed, or is the subject of, the complaint.

Victimisation is strictly prohibited and will not be tolerated.

If a Club participant feels that they are being victimised, they should report it and the allegation will be dealt with as a separate disciplinary process. Where an allegation of victimisation is substantiated, disciplinary action may be taken up to and including termination of employment or cessation of engagement.

Natural Justice and Procedural Fairness

A complaint of discrimination, sexual harassment and/or bullying is a serious allegation to bring against someone.

It is important that the person appointed to manage or investigate a complaint uses their best endeavours to maintain neutrality and uphold the principles of natural justice and procedural fairness.

The principles of natural justice mean that all parties have the right to be heard and judged without bias; and all issues will be investigated thoroughly and justly.

The principles of procedural fairness include:

- The required standards of behaviour are made clear
- The person responding to allegations understands the process
- All persons involved can bring a support person to formal meetings
- All relevant and available evidence will be collated and considered
- Investigations (whether formal or informal and whether conducted internally or externally) will be conducted in an efficient and transparent manner

Vexatious Claims

A vexatious complaint is a complaint intended to harass, subdue, annoy or cause harm to the respondent.

The Club will not deal with complaints that:

- are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter; and

- taken at their highest, do not constitute discrimination, sexual harassment or victimisation as defined by this Policy.

Where a person makes a frivolous, vexatious or malicious claim against another person, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution, then depending on the circumstances, disciplinary action may be taken

Consequences

For employees – any breach of this Policy may result in disciplinary action up to and including termination of employment.

For Independent contractors and other non–employees - any breach of this policy may result in the termination of their contract or suspension or ban from attendance or any other activities with the Club.

For Club committee members or Club members – any breach of this Policy may result in suspension or cancellation of membership.

If an individual's conduct results in a breach under law, they may also be personally liable

The Club may amend and vary this policy from time to time.