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## Policy No. 6

# Equal Opportunity, Anti-Discrimination, Harassment & Bullying

### DOCUMENT CONTROL

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## **TITLE**

Equal Opportunity, Anti-Discrimination, Harassment & Bullying

## **PURPOSE**

The SSAA Vic is committed to providing all employees with a healthy and safe work environment free of all forms of discrimination, harassment and bullying.

The SSAA Vic aims for equality of opportunity for all employees – both permanent and temporary – and is consistent with our policy of merit-based selection and promotion.

## **SCOPE**

State Office / ranges / branches / sub clubs

## **OBJECTIVE**

Provide direction

## **POLICY DETAILS**

Discrimination, Harassment and Bullying is not only **unacceptable** it is **unlawful** pursuant to state legislation (Equal Opportunity Act 1995) and federal legislation (Sex Discrimination Act, 1984; Racial Discrimination Act 1975; Disability Discrimination Act 1992; Human Rights and Equal Opportunity Commission Act 1986) and various Occupational Health & Safety legislation.

It is the responsibility of management to provide a working and sporting environment free from discrimination, harassment and bullying. Every employee, volunteer, member and visitor should work to ensure inclusion, protection, respect and opportunities for everyone.

### **What is Discrimination?**

Unlawful discrimination occurs when a person considers they have been treated less favourably owing to an attribute (listed below) when compared with a person not of that attribute.

### **Protected attributes in Victoria include:**

- Age
- Disability/impairment
- Industrial activity/inactivity
- Lawful sexual activity
- Gender identity
- Marital status, including defacto
- Physical features
- Political belief or activity

- Pregnancy
- Race
- Religious belief or activity
- Sex
- Status as a parent or carer
- Personal association with someone of the above attributes
- Irrelevant criminal conviction

Every person, employee, volunteer, member and visitor should work to ensure:

- Inclusion of every person regardless of their age, gender or sexual orientation;
- Inclusion of every person regardless of their race, culture or religion;
- Opportunities for people of all abilities to participate in the sport and develop to their full potential;
- Respect is shown towards others the club and the broader community;
- A safe and inclusive environment for all;
- Elimination of violent and abusive behaviour;
- Protection from sexual harassment or intimidation;
- Safety, welfare and well being of children.

### **What is Harassment?**

Harassment is an unwanted behaviour and can take many forms. It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence. Unlawful harassment may relate to any of the attributes protected in various equal opportunity legislation mentioned above.

It is important to note that it is irrelevant at law as to whether or not the inappropriate behaviour was intended. It is also important to understand that it is the person being subjected to the behaviour, who determines whether the behaviour is welcome or unwelcome. In Victoria, co-workers can be named sole respondents in cases of alleged sexual harassment.

Harassment may be seen to have occurred if the behaviour makes the victim feel:

- offended and humiliated;
- intimidated or frightened ;and/or
- uncomfortable at work.

### **What is Sexual Harassment?**

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.

It has nothing to do with mutual attraction or private, consenting friendships whether sexual or otherwise.

Some examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings;
- Leering, patting, pinching, touching or unnecessary familiarity;
- Offensive comments on physical appearance, dress or private life;
- The public display of pornography (especially when it is directed at particular individuals) ranging from material that might be considered mildly erotic through to material that is sexually explicit.

Comments and behaviour, which do not offend one person, can offend another as individuals may react differently.

### **What is bullying?**

Bullying is unwelcome or unreasonable behaviour that demeans, intimidates or humiliates people either as individuals or as a group.

Bullying behaviour is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behaviour (see “mobbing” below). Some examples of bullying behaviour are:

- Abusive, insulting and offensive language;
- Teasing or regularly making the brunt of pranks or practical jokes;
- Spreading rumour and innuendo;
- Unreasonable criticism;
- Trivialising of work and achievements;
- Deliberate exclusion, isolating people from normal work interaction;
- Excessive demands;
- Unfairly blaming for mistakes;
- Setting people up for failure and impossible deadlines;
- Excessive supervision;
- Belittle or disregarding opinions or suggestions.

Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults exchanged by long-term work colleagues and comments that are meant to be or taken as demeaning. While care should be exercised, particularly if a person is reporting alleged bullying as a witness, it is better to be genuinely mistaken than to let actual bullying go unreported.

Mobbing is a particular type of bullying behaviour carried out by a group rather than an individual. Mobbing is bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse. Although it is group behaviour, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behaviour.

Bullying is unacceptable behaviour because it breaches principles of equality and fairness and it frequently represents an abuse of power and authority. It also has potential consequences for everyone involved.

People who have been bullied often suffer from a range of stress-related illness. They can lose confidence and withdraw from contact with people outside the workplace as well as at work. Their work performance can suffer and they are at increased risk of workplace injury.

Besides potential legal liabilities, the employer can also suffer because bullying can lead to:

- Deterioration in quality of work;
- Increased absenteeism;
- Lack of communication and teamwork;
- Lack of confidence leading to lack of commitment to the job.

People who witness bullying behaviours can also have their attitudes and work performance affected, They can suffer from feelings of guilt that they did nothing to stop the bullying and they can become intimidated and perform less efficiently fearing that they may be the next to get bullied.

#### *Responsibilities of Managers and Supervisors (Directors):*

- Ensure that all employees are aware of the anti-bullying policy and procedures;
- Ensure that any incident of bullying is dealt with regardless of whether a complaint of bullying has been received;
- Provide leadership and role-modelling in appropriate professional behaviour;
- Respond promptly, sensitively and confidentially to all situations where bullying behaviour is observed or alleged to have occurred.

#### *Responsibilities of Employees*

- Be familiar and behave according to this policy;
- If you are witness to bullying, report incidents to your supervisor or the CEO as appropriate;
- Any employee who feels victimised by bullying is encouraged to report the matter to their supervisor or CEO;
- Where appropriate, speak to the alleged bully to object to the behaviour.

### **What is Victimisation?**

Victimisation is seen to occur when someone who has raised an equal opportunity complaint suffers a negative consequence as a result of raising that concern.

## **Child Protection**

The SSAA Vic is committed to ensuring that the safety, welfare and well being of children is maintained at all times during their participation in activities run by members and service providers. SSAA Vic aims to promote a safe environment to children and to assist members and service providers to recognise report and prevent child abuse. The SSAA Vic will deal with allegations involving abuse, suspected abuse of children promptly, sensitively and in accordance with this policy.

## **Employment**

Equal opportunity shall be the guiding principle of employment in the SSAA Vic.

All positions, other than casual appointments or those of short duration shall be advertised. All permanent or consultant positions shall go through a selection process after appropriate advertising.

A potential employee may be selected from any area and all roles will be gender neutral. An officer of the Association may recommend a person for appointment based on personal knowledge and it shall not impair the application if that person is related in any way to the recommending officer. However, it shall be declared that such a relationship exists and that officer shall take no part in the appointment process nor sit on the selection panel.

## PROCEDURES FOR HANDLING ALLEGATIONS OF DISCRIMINATION & HARASSMENT

We the SSAA Vic undertake to deal with any complaints brought to us concerning a breach of this Member Protection Policy sensitively, promptly and respecting the privacy rights of individuals concerned.

Should a complaint arise, the SSAA Vic encourages the complainant to consider the following options:

### 1. Procedural Steps

- 1.1 The complainant may wish to approach the person(s) causing the problem—and ask them to stop the behaviour.
- 1.2 If the behaviour continues—or if it is not reasonable to approach the person—contact either a supervisor or manager or Director for advice and support on procedures (including police advice if such notification is required).
- 1.3 In the first instance the complainant should email [queries@ssaavic.com.au](mailto:queries@ssaavic.com.au). Management will consider and review and escalate to the Board as necessary.
- 1.4 Issues raised in respect of Administration or Board can in the first instance be addressed to the Audit Committee via [auditcommittee@ssaavic.com.au](mailto:auditcommittee@ssaavic.com.au). Emails received at this address can be escalated by the Secretary and/or CEO to the Audit Committee after review, for the Audit Committee to refer to the Board for consideration.
- 1.5 If the complainant chooses not to pursue or to withdraw the complaint, the SSAA Vic nevertheless has a legal responsibility to maintain a harassment-free environment.
- 1.6 If the complaint is not resolved, the complainant may put a written complaint to an external organisation for mediation and/or arbitration (eg the Federal /State/Territory equal opportunity or anti discrimination agency, Australian Sports Commission or State Department of Recreation and Sport).

### 2. Right to Appeal

Both parties to a complaint have the right to appeal the decision and seek the recommendation of a panel if the matters of procedure, bias, or fairness are called into question. An appeals panel, made up of members *other* than those who formed the original review panel, should handle formal appeals.

### 3. External Action

Both complainant and alleged harasser may pursue advice or action from an external authority at any stage of the complaint procedure. Your Federal/State/Territory equal opportunity or anti discrimination agency is the authority responsible for receiving complaints of unlawful discrimination or sexual harassment.

## **PROCEDURES FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

Organisations should deal with allegations involving the abuse, or suspected abuse, of children in a strictly confidential manner and with sensitivity. This is in the best interests of all parties involved. The matter should only be discussed within the organisation with the Member Protection Officer who has been appointed and trained to address harassment and abuse issues (if the organisation has one).

In most instances, the matter will have to be referred to the police or a family services authority. The person receiving the information on the allegation should consult these agencies if there is any doubt about whether an allegation should be reported. In such instances, it is not the responsibility of the organisation to investigate the allegation. This should only be handled by the appropriate authorities (for example, the state child protection agency or police). Where the organisation needs to make some inquiries to establish the basic facts, please follow the procedure in 1.2.

### **1. Types of Allegations**

a child tells them they have been abused;

- someone else tells them a child has been abused;
- a child tells them they know someone who has been abused (often they are referring to themselves);
- they observe a child's behaviour and/or injuries, and their knowledge of children leads them to suspect abuse; or
- they observe a member's abuse of another member.

A member of a club or organisation, or the organisation itself may also receive allegations that:

- (1) a person in the organisation (for example, a coach) has abused a child within the same organisation (for example, a junior athlete);
- (2) a person in the organisation (for example, a coach) has abused a child outside that organisation's jurisdiction (for example, a junior athlete he or she coaches for a state organisation or club); or a person outside the organisation (for example, a teacher or family member) has abused a young member of the organisation.

These allegations may be made by the child, his or her parents, or another person involved in the organisation. Where the allegation comes from is not as important as who the alleged offender and alleged victim are.

Allegations of types 1 and 2 will generally be the only ones about which the organisation may have the right to make further inquiries in accordance with their rules and regulations. An allegation of type 3 should, in all cases, simply be reported to the relevant authority and the organisation should consider any steps it can reasonably take to prevent that abuse, or similar incidents, occurring again.

### **2. Procedural Steps**

Where allegations are made regarding child abuse or someone suspects a child has been abused, the person receiving the information must treat the matter with great sensitivity.



The initial response of the person to whom the child confides is crucial to the wellbeing of the child. It is important for the person receiving information to:

- listen to and believe what the child says;
- reassure the child that what has occurred is not the fault of the child;
- ensure the child is safe;
- be honest with the child and explain that other people may need to be told in order to stop what is happening;
- ensure that what the child says is quite clear, but do not elicit detailed information about the sexual abuse;
- obtain and document the following information;
  - the child's name, age and address
  - the person's reason for suspecting abuse (that is, observation, injury or information)
  - the person's assessment of danger posed to the child, including information relating to the alleged perpetrator
  - what arrangements, if any, exist for the immediate protection of the child and
  - what involvement, if any, other agencies have in dealing with the suspected incident
- make direct and confidential contact with the Member Protection Officer appointed to address member protection, harassment and abuse issues. Consult with the officer on how to proceed (for example, reporting to the relevant state authority) and how to make a confidential and factual written report;
- ensure that there are procedures in place to protect the confidentiality of reports (paper and electronic versions).

### **3. External Action**

If there is any doubt about whether the allegation should be reported, a relevant state authority (for example, police or a family services agency) should be consulted. However, if the person receiving the information on the allegation is a member of a profession required, or 'mandated', to report any suspected child abuse, then he or she must report it to the appropriate authorities.

Depending on the rules of the organisation, the alleged offender may be suspended pending the results of an investigation by the relevant authority.

Where a matter has resulted in the suspension or dismissal of a person, the national, state, and regional bodies and clubs within the sport should be informed so that they can implement safeguards to prevent other clubs from engaging the services of the offender. Care should be taken with the way this is communicated to other agencies to ensure that any statements made are not defamatory.

A coach or official may suspect that a child has been abused by a family member or someone outside the sport because of behavioural signs or comments by the child. In such instances, advice should be sought from a child protection agency if the information presented is inconclusive. If there are enough reasons to suspect child abuse, the matter

should be formally reported to the appropriate child protection agency for investigation.

Source: *Australian Sports Commission 'Protecting Children from Abuse in Sport 2000'*, pp 19 - 21

## **ASSOCIATED REFERENCES / DOCUMENTS**

Enquiries Officer

Equal Opportunity Commission

3<sup>rd</sup> Floor

380 Lonsdale Street

MELBOURNE VIC 3000

Phone: (03) 9281 7100

Country calls 1800 134 142

Australian Sports Commission 'Protecting Children from Abuse in Sport 2000', pp 19 - 21

[http://www.vwa.vic.gov.au/\\_\\_data/assets/pdf\\_file/0008/42893/WS\\_Bullying\\_Guide\\_Web2.pdf](http://www.vwa.vic.gov.au/__data/assets/pdf_file/0008/42893/WS_Bullying_Guide_Web2.pdf)