

## **Bullying and Harassment Policy**

Harassment or bullying by or towards any Service user, employee, contractor, supplier, customer or visitor will not be tolerated by Inclusive Sport SA Incorporated under any circumstances

Inclusive Sport SA Inc. is committed to providing its Service users and employees with a safe environment that is free from inappropriate behaviour and will take all reasonable steps to minimise any form of harassment or bullying.

Inclusive Sport SA recognises that harassment and bullying may involve comments and behaviours that offend some people and not others. The management of Inclusive Sport SA acknowledges that individuals may react differently to comments and behaviour and therefore expects its employees to maintain a standard of behaviour that is respectful of everyone at all times.

It is important for employees to be aware that workplace harassment and bullying does not include the legitimate exercise of authority by an employer or manager/supervisor to direct and control how an employee performs their duties whilst at work, to monitor work flow or to provide feedback to employees about their performance.

For the purposes of this policy, the following applies:

- > **“harassment”** is any verbal, written or physical behaviour or conduct that is of an offensive, threatening, intimidating, abusive or belittling nature and that is unwelcome, unreciprocated, uninvited and usually, but not always, repeated;
- > **“bullying”**, as defined by the Occupational Health, Safety and Welfare Act 1986, is behaviour that is directed towards an employee or a group of employees, that is repeated and systematic, and that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the employee or employees to whom the behaviour is directed, creating a risk to health or safety;
- > **“occupational violence”** in the workplace can be defined as any incident where an employee is physically attacked or threatened in the workplace. Inclusive Sport SA advises that incidents of occupational violence may, in fact, constitute criminal assault, and therefore Inclusive Sport SA will report any instances of occupational violence to the appropriate authorities.
- > **“Sexual harassment”** refers to any unwanted, unwelcome and uninvited behaviour of a sexual nature that results in a person feeling humiliated, intimidated and offended, and under the circumstances, it would be reasonable for them to feel this way. The perception by an employee that they have been sexually harassed is sufficient for them to lodge a complaint. Sexual harassment does not refer to behaviour based on mutual attraction, friendship and respect if the interaction is consensual, welcome and reciprocated. Sexual harassment is unlawful under both the Equal Opportunity Act 1984 and the Sex Discrimination Act 1984.

The following are examples of harassment:

- ⇒ Unwelcome practical jokes
- ⇒ The use of unsuitable language
- ⇒ Spreading gossip or rumours
- ⇒ Sexist jokes

The following are examples of bullying:

- ⇒ Verbal abuse
- ⇒ Intimidating behaviour
- ⇒ Denying opportunities for training, promotion or interesting work
- ⇒ Excluding and/or isolating people.

Sexual harassment may include:

- > uninvited touching or fondling;
- > uninvited kisses or embraces;
- > making promises or threats in return for sexual favours;
- > sexually explicit conversation;
- > offensive phone calls or letters;
- > stalking (criminal offence);
- > offensive e-mail messages or computer screen savers;
- > demands that revealing clothing be worn;
- > sexual assault (criminal offence);
- > obscene telephone calls (criminal offence);
- > sexual jokes or innuendos;
- > unwelcome comments about a person's sex life or physical appearance;
- > sexual propositions or continual requests for dates;
- > displays of sexually graphic material or pornography including posters, pin ups, cartoons, graffiti or messages left on notice boards, desks or any other public area;
- > "flashing" or sexual gestures (criminal offence);
- > sex-based insults, taunts, teasing or name-calling;
- > staring or leering at a person or at parts of their body;
- > unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them.

Within the above definitions, it is generally accepted that:

- > **"repeated"** refers to the persistent nature of the behaviour, not the specific form of the behaviour. For example, the harassment or bullying may involve a variety of unreasonable and inappropriate behaviours such as verbal abuse, persistent and unwarranted criticism and open or implied threats of being demoted or terminated;
- > **"systematic"** means having, showing or involving a method or plan;
- > **"risk to health or safety"** includes the risk to the physical or emotional health of the employee or employees concerned.

Any employee found guilty of perpetrating or permitting workplace harassment or bullying will face appropriate disciplinary action, and may, in serious cases, be dismissed. Any person found guilty of making malicious, vexatious or frivolous allegations of harassment or bullying that are held to be unfounded, will face appropriate disciplinary action and in certain circumstances may also be dismissed.

Inclusive Sport SA recognises the rights of the person accused of harassment or bullying to be treated with natural justice. This includes the right to know full details of allegations against them, a right of reply to those allegations, a presumption of innocence until evidence against them shows otherwise and the benefit of any reasonable doubt.

As part of Inclusive Sport SA's commitment to minimising and eliminating instances of workplace harassment and bullying at work, Inclusive Sport SA will:

- > provide information for all employees relating to workplace harassment or bullying;
- > as required, provide training workshops and information sessions related to harassment and bullying.
- > provide training for managers/supervisors and other employees involved in the complaint resolution process and establish the complaint resolution procedures to be used when dealing with complaints of workplace harassment or bullying;
- > distribute and regularly promote this Policy statement to all existing and new employees;
- > model appropriate behaviour as management and monitor the working environment to ensure that the appropriate standards of behaviour and conduct are observed at all times;
- > treat all complaints of workplace harassment and bullying seriously and take immediate action to investigate and resolve any complaint quickly and fairly and with complete confidentiality;
- > ensure that employees who make or support a complaint of workplace harassment or bullying are not subsequently subjected to victimisation; and
- > take all reasonable steps to ensure there is no recurrence of the offence.

All employees have a responsibility to take reasonable care to protect their own health, safety and welfare whilst at work and to avoid adversely affecting the health, safety and welfare of any other person at work as outlined in the *Occupational Health, Safety and Welfare Act 1986*. Further, all employees have a responsibility to comply with this Policy by ensuring that they do not commit or encourage workplace harassment or bullying in the workplace.

Employees are also encouraged to offer assistance or support to any person being harassed or bullied, and to keep any complaint confidential to avoid idle gossip and to prevent potential defamatory proceedings being taken against them.

Employees should be aware that they could be held personally liable for harassing or bullying another person or aiding, abetting, encouraging or condoning other persons to harass or bully.

Any employee who requires advice, information or support in relation to workplace harassment or bullying should contact management to assist them in such matters.

If any employee feels that they have been harassed or bullied, they may make a complaint in accordance with the attached Workplace Harassment and Bullying Procedure or other appropriate company procedures. If an employee is not satisfied with the way their complaint has been handled by the company, they have the right to refer the matter to an external party.

## **Workplace Harassment and Bullying Procedure**

Allegations and incidents of workplace harassment and bullying can often be most effectively resolved if they are dealt with at an early stage, rather than left until the matter has become serious and attitudes entrenched. Therefore, Inclusive Sport SA encourages all employees to report all instances of workplace harassment or bullying as soon as they occur.

To assist with the resolution of issues of workplace harassment or bullying in the workplace, Inclusive Sport SA provides employees access to both formal and informal resolution procedures.

Employees who believe that they are or have been harassed or bullied within the workplace should report the incident(s) to Senior Management (Chief Executive Officer or Senior Projects Manager).

### **Informal Resolution Process**

The complainant may approach the individual who is the subject of the complaint and request that the offending behaviour stop. Alternatively, a manager/supervisor who observes unacceptable conduct occurring may take independent action even though no complaint has been made.

If the complainant consents, a mediation meeting may be organised where an independent party will assist to resolve the issue(s).

The basic principles behind the informal resolution process are that:

- > participation is voluntary;
- > both parties are required to be committed to resolving the issue;
- > the focus is placed on the behaviour that is of concern rather than on the individual or parties responsible for the behaviour;
- > a non-blaming approach is used which attempts to change the behaviour rather than disciplining the individual or parties responsible; and
- > the individuals are responsible for their own behaviour and discussing how the situation may be resolved.

If the employee is not satisfied with the outcome of the informal resolution process the employee may wish to proceed with the formal resolution process or seek a remedy through an external party.

### **Formal Resolution Process**

If informal attempts have been unsuccessful, or if the behaviour is too serious to be dealt with using the informal resolution process, a formal complaint may be lodged. On receipt of a written formal complaint and if the matter is deemed to warrant further action, the CEO will conduct an impartial and confidential investigation of the complaint to establish the facts.

The investigation will involve interviewing the person allegedly responsible for the harassment or bullying, who will be offered the opportunity to respond to the allegations made against them. Any other person(s) who may have been involved or who may have witnessed the incident(s) will also be interviewed as part of the investigation.

During any meetings or discussions, all parties will have the right to be represented or accompanied by a person of their choosing such as a union representative, family member or friend.

Throughout this process, management may consider the transfer or suspension on full pay of an employee, pending the outcome of the investigation. If the complainant and the alleged harasser/bully are required to remain working together, steps will be taken in order to ensure that neither party is experiencing difficulties at work as a result of the complaint.

Following the investigation, the person who has made the complaint will be informed of what action (if any) is going to be taken by the CEO and the reasons for such action or lack of action being taken.

Should an employee accused of the workplace harassment or bullying be found guilty, they may be subject to disciplinary action, including:

- > a verbal warning;
- > a written warning;
- > a final written warning;
- > suspension;
- > dismissal. (refer Termination of Employment Policy)

In instances where the complaint is not substantiated, a record of the complaint will still be attached to both parties' personal file, clearly outlining the findings of the investigation and the verdict reached. All parties shall have the right to appeal the finding.

If an employee is not comfortable approaching the CEO with a complaint of workplace harassment or bullying, or if they are not satisfied with the way their complaint has been handled by Inclusive Sport SA they have the right to refer the matter to an external party for resolution.

### **External Assistance Available:**

Stop Bullying in SA website: [www.stopbullyingsa.com.au](http://www.stopbullyingsa.com.au)

Central Psychology Services  
Provider of Sasrapid Employee assistance program  
84102342

Safe Work SA  
83030400  
1300365255  
[www.safeworksa.gov.au](http://www.safeworksa.gov.au)

Australian Services Union  
8363 1322

Equal Opportunities Commission of SA  
82071977  
[www.eoc.sa.gov.au](http://www.eoc.sa.gov.au)

Working Women's Centre  
1800 652 697  
84106499

POLICY REVIEW

This Policy is to be reviewed on or before December 2015

SIGNED \_\_\_\_\_ Chairman

SIGNED \_\_\_\_\_ Chief Executive Officer    DATE: December 11, 2014