



# Sexual Harassment, Discrimination, Harassment and Bullying Prevention Policies and Procedures

Reviewed: November 2015

Policy:	Grievance Procedure Policy
Policy Commencement Date:	November 2015
Last Reviewed:	November 2015



## Summary

The Mt Gravatt Bowls Club Inc. acknowledges that Club members may experience a range of problems in the Club which may affect their enjoyment of the game of bowls and to socialise in the Club. If these problems cannot be resolved and develop into a grievance, there needs to be a formal process to enable the grievance to be resolved. This process will provide a clear direction to Board and Committee members of what actions should be taken to resolve a grievance.

## Scope

The Grievance Procedure policy applies to all Club members of the Mt. Gravatt Bowls Club Inc. The policy is applicable in all situations where Club members have contact with another person or group of people, eg. with other Club members, and visitors to the Club.

## Principles

The Grievance Procedures will emphasise and promote the following principles:

- Fair and equitable treatment for all members;
- Confidential treatment of all grievances;
- Access to grievance resolution for all members;
- Timely resolution of grievances;
- Resolution of grievances by an accountable delegate wherever possible;
- Non-adversarial resolution;
- Open discussion; and
- Open communication and consultation with all stakeholders where appropriate and necessary.

## Procedure

The grievance procedure may be used by any Club member in relation to any matter that may be in dispute between a Board member, Committee members or another Club member and themselves concerning Club related issues.

In all cases, except those relating to termination or suspension of membership or a genuine health and safety issue, the game of bowls is to continue in the manner required by the Club while the grievance is investigated. The fact that play continues will not prejudice the member or the Club.

In the case of a grievance or dispute, the following procedure will apply:

**Step 1** Raise the issue with Board or Committee member:

- It is the Club member's responsibility to raise the issue or issues with a Board or Committee member. Except in the case of issues relating to termination or suspension of membership or a genuine health and safety issue, the game of bowls

is to continue in the manner required by the Club. The fact that the game of bowls continues will not prejudice the member or the Club.

- The Board or Men's or Ladies Council will provide an initial response to the issue.

**Step 2** Raise the issue, in writing, to the Secretary of the Board:

- If Step 1 is unsuccessful in meeting the needs of the Club member and the harmony of the Club, then the Club Member should raise the issue in writing to the Secretary of the Board. After investigation and within a reasonable timeframe, the Board will respond to the issue/grievance.

**Step 3** If the issue remains unresolved:

- If the issue remains unresolved, the Club member can resort to alternate remedies for resolving the grievance. These include petitioning the Board Secretary to convene a General Meeting of the Members or independent mediation.

While the parties are attempting to resolve any Club related dispute or grievance the game of bowls will continue in accordance with step 1 of this procedure.

*A breach of this policy may warrant disciplinary action up to and including termination of membership under Sections 12 and 13 of the Constitution of the Mt Gravatt Bowls Club Inc.*

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## Policy

It is the policy of Mt Gravatt Bowls Club Inc. that all members and visitors should enjoy good relationships with each other. This means that everyone should feel comfortable while playing bowls and socialising at the Club.

An important part of good sporting and social relationships is that everyone must be able to participate in an environment free of:

- Sexual harassment;
- Discrimination; and
- Harassment and Bullying.

Such behaviours will not be tolerated by Mt Gravatt Bowls Club Inc. as they are disruptive to the well-being of our membership and affects the enjoyment and safety of fellow members. Therefore, Mt Gravatt Bowls Club Inc. is committed to implementing strategies to prevent such behaviour from occurring and the elimination of sexual harassment, discrimination and harassment and bullying in the Club.

## Scope

The Sexual Harassment, Discrimination and Harassment Prevention policy applies to all members of Mt. Gravatt Bowls Club Inc. The policy is applicable in all situations where members have contact with another person or group of people, eg with other members, and visitors to the Club.

## References

*Anti-Discrimination Act 1991 (Qld)*  
*Work Health and Safety Act 2011*

## Sexual Harassment Prevention

### Principles of the Sexual Harassment, Discrimination and Harassment Prevention Policy

- Sexual harassment, unlawful discrimination and harassment and bullying will not be tolerated under any circumstances.
- Any member may make a complaint under this policy to the Board of Management of Mt Gravatt Bowls Club Inc. or the Anti-Discrimination Commission Queensland.
- All complaints under this policy will be treated seriously, sympathetically, promptly, and confidentially.

- All complaints under this policy will be investigated fairly and impartially.
- Action will be taken to ensure that any inappropriate and/or unlawful behaviour stops.
- Complainants and witnesses shall not be victimised in any way for making a complaint or providing evidence in an investigation.
- Complaints will be settled within the Club whenever possible.
- Complainants have the right to discontinue a complaint.
- The privacy of the parties involved in a complaint will be maintained at all times, and as such, details of the complaint will not be disclosed to any person other than those directly involved in the resolution process.

## **Defining Sexual Harassment**

Sexual harassment refers to a range of behaviours which are sexual in nature and which are not wanted, not asked for, not reciprocated, and which make the recipient feel humiliated, intimidated, offended, hurt or upset. The behaviour can take many different forms and may include physical contact, verbal comments, jokes, propositions, display of offensive material or other behaviour which creates a sexually hostile social environment.

Sexual harassment may not be intentional. Acts or behaviour which are funny or trivial to one person may hurt or offend another.

Examples of Sexual Harassment may include:

### **Verbal sexual harassment**

- rude jokes or comments;
- making promises or threats in return for sexual favours;
- requests for sex;
- repeated invitations to go out after prior refusal;
- sex-based insults, taunts, teasing or name calling;
- offensive or abusive telephone calls; or
- persistent questions or insinuations about a person's private life.

### **Non-verbal sexual harassment**

- putting sexually suggestive, offensive, or insulting material including posters, pin-ups, cartoons, graffiti or messages, on walls, noticeboards, desks, computer screen savers, electronic mail or other common areas, "flashing" or offensive hand or body gestures;
- staring or leering at a person or parts of their body;
- wolf whistling; or
- unwelcome practical jokes.

### **Physical harassment**

- uninvited or unnecessary physical contact such as pinching, patting, brushing up against a person, touching, kissing, hugging or massaging a person without invitation;

- indecent or sexual assault or attempted assault putting a hand or an object (e.g. - score card) into someone's pocket, especially breast, hip or back pocket.

### **Sexual Harassment is Not:**

Sexual harassment does not refer to compliments or behaviour which neither party finds offensive and which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment.

### **Circumstances in which Sexual Harassment Might Occur**

A person might be sexually harassed by a fellow club member, visitor or service provider. The Mt Gravatt Bowls Club Inc. internal policies and procedures aims to deal with any sexual harassment which could affect the welfare of members and visitors.

Sexual harassment will not be tolerated, while playing the game of lawn bowls or any other activities conducted by the Mt. Gravatt Bowls Club Inc.

### **Discrimination**

#### **Defining Discrimination**

Under the *Queensland Anti-Discrimination Act 1991*, Discrimination is defined as treating anyone less favorably on the basis of the following attributes:

- (a) sex;
- (b) relationship status;
- (c) pregnancy;
- (d) parental status;
- (e) breastfeeding;
- (f) age;
- (g) race;
- (h) impairment;
- (i) religious belief or religious activity;
- (j) political belief or activity;
- (k) trade union activity;
- (l) lawful sexual activity;
- (m) gender identity;
- (n) sexuality;
- (o) family responsibilities;

association with, or relation to, a person identified on the basis of any of the above attributes.

This policy prohibits such behavior.

[Note: Discrimination may be intentional or unintentional]

Discrimination may occur either directly or indirectly.

Direct discrimination happens when a person treats, or proposes to treat, a person with an attribute less favorably than another person without the attribute.

Indirect discrimination happens when a person imposes, or proposes to impose, a condition

- a) with which a person with an attribute does not or is not able to comply; and
- b) with which a higher proportion of people without the attribute comply or are able to comply; and
- c) that is not reasonable.

Discrimination occurs when someone is treated less favorably because one of the personal characteristics noted above. Discrimination may involve (but is not limited to):

- Making offensive 'jokes' about another member's racial or ethnic background, sex, sexual preference, age or disability;
- Expressing negative stereotypes about particular groups eg. 'Mothers shouldn't work';
- Judging someone on their political or religious beliefs rather than their personal performance as a bowler or member of the Club;
- Undermining a person's authority or bowls performance because you dislike one of their personal characteristics; or
- Using selection processes based on irrelevant personal characteristics such as age, race or disability rather than skills and merit.

## **Harassment/Bullying**

### **Defining Harassment/Bullying**

**Harassment/bullying can be defined as the repeated less favourable treatment of a person which may be considered as unreasonable and or inappropriate practice. It includes behaviour that intimidates, offends, degrades or humiliates a member possibly in front of another member or visitor.**

**Harassment/bullying can occur at all levels within an organisation, between individuals and groups – it may take place between:**

- A Club member and a Board / Committee member;
- Fellow Bowlers at all levels;
- Board or Committee Members;
- A Club member and another person, or staff members of Southside Sport and Community Club, or visitors or contractors.

Harassment / Bullying behaviours may include, but are not limited to:

- Poorly managed conflicts of opinion or personality;

- Intimidation;
- Abuse of power;
- Yelling, screaming abuse, offensive language, insults, inappropriate comments about a person's appearance, life or lifestyle, slandering a Club Member or their family;
- Belittling opinions or constant criticism;
- Isolating members from participating in normal team selection processes, interaction with other members, coaching and bowls development opportunities;
- Exclusion, creating a feeling of uselessness;
- Undermining playing performance, deliberately withholding game related information or resources, or supplying incorrect information;
- Unexplained team changes, meaningless tasks, tasks beyond a person's skills, failure to give credit where due;
- Tampering with a member's personal effects or bowls equipment;
- Teasing or regularly being made the brunt of pranks/practical jokes;
- Displaying written or pictorial material which degrades or offends a Club member or group of Club members;

### **Responsibility of Board and Committee Members**

Mt. Gravatt Bowls Club Inc. has a legal responsibility to prevent sexual harassment, discrimination, and harassment/bullying in the Club environment and may also be liable for the behaviour of Club members.

This means that Board and Committee members have a responsibility to:

- Monitor the Club and playing environment to ensure that acceptable standards of behaviour are observed at all times;
- Model appropriate behaviour themselves;
- Promote the Sexual harassment, discrimination, harassment/bullying prevention policy within the Club environment;
- Treat all complaints seriously and take immediate action to investigate and resolve them under the Grievance Procedure or Disciplinary Policy. The Board of Management must ensure that complete privacy is maintained. The details or names of anyone involved in a complaint must not be discussed with anyone other than those people immediately involved in the complaint; and
- Refer complaints to the Board of Management if they do not feel that they are the best person to deal with the case (eg if there is a conflict of interest or if the complaint is particularly complex or serious).

### **Club Members Responsibility**

All Club members have a responsibility to:

- Comply with the Mt Gravatt Bowls Club Inc. Sexual Harassment, Discrimination, Harassment/Bullying Prevention Policy;
- Respect the rights of others and not knowingly tolerate sexual harassment, discrimination and harassment/bullying in the Club environment;
- Offer support to a person being harassed by:
  - letting them know where they can obtain help and advice;
  - offering to act as a witness if the person being harassed decides to lodge a complaint;

- maintaining confidentiality if required to provide information during the investigation of a complaint. Breaching confidentiality by spreading rumours or gossiping may expose a person to action for defamation.

### **What to Do If You Are Harassed**

Any person who claims to have experienced sexual harassment, discrimination or harassment/bullying may:

- Tell the harasser to stop. Also tell them that you do not like what they are doing and that it is not OK with you or with the Club Board.
- If the harassment does not stop, or if you do not wish to approach them directly, you should report the incident to the Club Board. The Club Board should take action to stop further sexual harassment, discrimination or harassment/bullying.
- Record incidents of sexual harassment, discrimination and harassment/bullying with dates, times, witnesses if any, what happened and what you said, did or felt.

### **Defamation**

Sexual Harassment, Discrimination and Harassment are serious matters and to formally lodge a claim against another person is also a serious matter.

A possibility of being sued for defamation arises when the person making the complaint speaks to someone other than the alleged harasser or those people involved in the process of formally resolving the complaint. It is in his or her own interests, that the person making the complaint should not discuss the matter with anyone else.

Complainants and those involved in investigating complaints need to ensure that the allegation is disclosed only to those with a genuine interest in resolving the dispute.

The defence of qualified privilege protects anyone necessarily involved in investigating or resolving the complaint both formally and informally.

It should be noted that the person accused also has rights and the principles of natural justice will be applied.

### **Rights of the Respondent**

- To be informed of what they have been accused of (the specific allegation) and of who is making the allegation;
- The right to natural justice and the opportunity to fully respond to any allegation made;
- The right to have a support person, other than a Solicitor, Barrister or other professional agent – Section 13 (a) of the Constitution, of their own choice during any investigation interviews;
- To fair treatment and procedures;
- Not to be prejudged or discriminated against on the basis of the complaint;
- The right to obtain professional advice throughout the investigation process;
- The right, taking into account all of the circumstances, not to be unfairly dismissed or otherwise treated harshly, unjustly, or unreasonably;
- Privacy to have the matter kept confidential on a “need to know” basis;

- The respondent is obliged not to victimise or harass the complainant, witnesses to the complaint or supporters of the complainant on the basis of the complaint.
- Protection from defamation and malicious complaints.

### **Consequences of Breaching the Sexual Harassment, Discrimination and Harassment/Bullying Prevention Policy**

Mt. Gravatt Bowls Club Inc. views any complaint of sexual harassment, discrimination or harassment/bullying seriously.

If a complaint is substantiated, it may be dealt with under Sections 12 and 13 of the Constitution of the Mt. Gravatt Bowls Club Inc. Depending on the severity of a case, possible disciplinary action can include:

- A reprimand and verbal or written apology to the complainant;
- Suspension of the privileges of membership for a period of not more than six months;
- Or, termination of membership

The Mt Gravatt Bowls Club Inc. may also seek to take disciplinary action against anyone who victimises or penalises a person who has complained of harassment or who is a witness to such actions.

### **Procedures for Dealing with Criminal Conduct**

Some forms of severe harassment (for example, sexual assault, stalking, indecent exposure, physical molestation, obscene telephone calls) may constitute criminal conduct.

While Mt Gravatt Bowls Club Inc. is committed to treat harassment complaints at an organisational level as far as possible, this type of conduct is not suited to internal resolution, and should be directed to the criminal justice system.

In relation to alleged criminal offences such as sexual assault, the matter must be referred in writing to the Secretary of the Board. Club members should be advised of the option of police support or intervention. It is not the obligation or duty of Mt Gravatt Bowls Club Inc. to report such matters to the police on behalf of the complainant.

### **Contacts for Further Information**

#### **Within the Club**

Club members wishing to confidentially discuss sexual harassment, discrimination, workplace harassment/bullying complaints should contact the Chairman of the Board for advice or further confidential contacts.

#### **Anti-Discrimination Commission Queensland**

You may at any time contact the Anti-Discrimination Commission Queensland for advice or to make a complaint, if you feel that your complaint is not being handled properly.

## **Related Policies and Documentation**

Grievance Procedure  
Constitution of the Mt Gravatt Bowls Club Inc.

*A breach of this policy may warrant disciplinary action up to and including termination of membership in accordance with Sections 12 and 13 of the Constitution of the Mt Gravatt Bowls Club Inc.*