

Anti-Discrimination and Sexual Harassment Policy of Marcoola Surf Club

1. Purpose

- 1.1 Marcoola Surf Club 'the Club' is committed to ensuring a workplace free from unlawful discrimination and sexual harassment, where all staff are treated with dignity, courtesy and respect. The Club will not tolerate any form of discrimination or sexual harassment. This includes discrimination or sexual harassment that occurs in the workplace or in any work-related context including but not limited to conferences, work functions and business trips. Disciplinary action will be taken against any employee who breaches this policy to ensure sexual harassment and discrimination in the workplace ceases.
- 1.2 This document sets out the policy against discrimination and sexual harassment, the responsibilities and procedure that have been established to give effect to the policy which applies to all employees of the Club, including any volunteers, work experience placements, contract or commission workers.

2. Scope

- 2.1 This Policy applies to all employees of the Club, regardless of status, position or department.
- 2.2 This policy will be made available via <https://www.marcoolasurfclub.com.au/staff-portal/>

3. Definitions

- 3.1 It is unlawful to discriminate against a person on the basis of a defined attribute in an area of activity, such as in the area of employment either before or after they are employed, or in the provision of goods and services.

3.2 Direct Discrimination

- (a) Direct discrimination occurs where a person is treated less favourably than another person in the same or similar circumstances for the substantial reason of them having or being perceived as having any of the following attributes:
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| i. Sex; | x. Political belief or activity; |
| ii. Relationship status; | xi. Trade union activity; |
| iii. Pregnancy; | xii. Lawful sexual identity; |
| iv. Parental status; | xiii. Gender identity; |
| v. Breastfeeding; | xiv. Family responsibilities; or |
| vi. Age; | xv. Association with, or relation to, a person identified on the basis of any of the above attributes. |
| vii. Race; | |
| viii. Impairment; | |
| ix. Religious beliefs; | |

3.3 Indirect Discrimination

- (a) Indirect discrimination occurs when an unreasonable requirement, condition or practice is imposed that persons with one or more of the above attributes cannot comply with, whereas most persons without the attribute can comply.

3.4 Discrimination may include:

- i. Offensive "jokes" or comments about another worker's racial or ethnic background, sex, sexual preference, age, disability or physical appearance;
- ii. Display of pictures, computer graphics or posters which are offensive or derogatory;
- iii. Expressing negative stereotypes of particular groups, e.g. "married women shouldn't be working";
- iv. Judging someone on their political or religious beliefs rather than their work performance;
- v. Using stereotypes or assumptions to guide decision making about a person's career; or
- vi. Undermining a person's authority or work performance because you dislike one of their personal characteristics.

3.5 Sexual Harassment

- a) Conflict of interest Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.
- b) Sexual harassment may include:
 - i. Subject Subjects another person to an unsolicited act of physical intimacy,
 - ii. Makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person,
 - iii. Makes a remark with sexual connotations relating to the other person,
 - iv. Engages in any other unwelcome conduct of a sexual nature in relation to the other person, and the person engaging in the conduct described above does so:
 - (A) With the intention of offending, humiliating or intimidating the other person; or
 - (B) In circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

4. Responsibilities

4.1 The Club has a responsibility to:

- a) Take practical steps to prevent discrimination, sexual harassment and other behaviour in breach of this policy occurring at the workplace, as follows:
 - i. Create and promote a working environment which is free from discrimination and sexual harassment;
 - ii. Educate and train all staff to assist in preventing any instances of discrimination or other behaviour in breach of this policy, and to appropriately respond should an alleged breach occur;
 - iii. Where appropriate, delegate responsibility for compliance to Discrimination and Harassment Officers (DHOs);
 - iv. Maintain adequate grievance and complaint procedures;
 - v. Treat all complaints in a sensitive, fair, timely and confidential manner; and
 - vi. Encourage all staff to contribute to a healthy workplace culture.

4.2 Discrimination and Harassment Officers (DHOs) have a responsibility to:

- a) Raise staff awareness on discrimination and sexual harassment issues;
- b) Educate staff on options available if they experience a behaviour in breach of this policy;
- c) Facilitate early resolution of incidents of discrimination and sexual harassment;
- d) Strive to maintain a safe environment for staff to express concerns in a confidential manner;
- e) Make recommendations to management about ways to prevent further incidents; and
- f) Assist in promoting a workplace free from discrimination and sexual harassment.

4.3 Managers have a responsibility to:

- a) Monitor the working environment to ensure acceptable standards of conduct are observed at all times;
- b) If Managers observe discrimination or sexual harassment in the workplace, they should take appropriate steps in response to ensure the behaviour stops and is appropriately dealt with;
- c) Model appropriate behaviour themselves, including ensuring they do not engage in conduct in breach of this policy;
- d) Ensure all employees and other relevant persons understand this policy; and
- e) Treat all complaints seriously and take appropriate action in response to complaints.

4.4 **All employees of the Club have a responsibility to:**

- a) Ensure that they do not engage in any discriminatory or harassing behaviour or otherwise breach this policy;
- b) Report any incidents of discrimination or harassment in the workplace;
- c) Offer support to anyone who is being discriminated against or harassed and let them know where they can get help and advice; and
- d) Maintain complete confidentiality of information and cooperate during the investigation of a complaint.

5. Procedure

5.1 Persons who believe they have experienced behaviour or actions in breach of this policy should immediately report to the DHO or Club Manager to discuss the range of options available to deal with the matter.

5.2 **The Club Manager or DHO:**

- a) Is available to answer any questions about this policy or about what constitutes behaviour that might breach this policy;
- b) Can discuss concerns to assist understanding of the rights and options; and
- c) Can provide support to resolve concerns in a manner appropriate to the nature and seriousness of the matter.

5.3 An employee who believes they have experienced behaviour or actions in breach of this policy should follow the following process to have their complaint resolved.

Step 1: An employee who believes they have been discriminated against or experienced sexual harassment should contact the Club Manager or a DHO and advise them of the alleged breach. The employee may be asked to document their complaint and provide details of when the alleged breach occurred, what happened, who engaged in the alleged breach, whether there were witnesses present as well as any other relevant details.

Step 2: The Club Manager or DHO may then, upon receipt of the details of the complaint, commence an investigation into the complaint. This may involve interviewing witnesses, the complainant, the alleged contravener of this policy, and seeking other information to allow them to determine whether the breach has occurred.

Step 3: The investigator may make a determination on the balance of probabilities, having regard to the information gathered and the likelihood the discrimination or sexual harassment

occurred. The finding shall be reflected as either the complaint is substantiated, or the complaint is not substantiated.

Step 4: The investigator may advise the employee making the complaint and the person alleged to have conducted the alleged contravention (separately) of their findings and shall advise each party of the implications of the findings.

Where the investigator is a person external to the workplace, the investigation report will be provided to the Manager, DHO or an alternative person appointed.

At any stage of the investigation process, the complainant may seek to have a support person present.

6. Breach of Policy

- 6.1 Staff who make a complaint of discrimination or sexual harassment will not suffer any victimisation for making the complaint. This also applies to staff who agree to be a witness in the complaint or have a complaint made against them.
- 6.2 Disciplinary action may be taken by the Club against any staff member found to have breached this policy. Action will be appropriate to the breach and may include: an official warning and note on the person's personnel file, a formal apology, counselling, demotion, transfer, suspension or dismissal.

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