



## HARASSMENT & BULLYING POLICY AND PROCEDURE

Policy number	8	Version	1
Drafted by	PIGC Board	Approved by Board on	20 January 2023
Responsible person	BOARD CHAIR	Scheduled review date	January 2026

### INTRODUCTION

Phillip Island Golf Club Inc. has implemented policies and procedures to promote an environment free of sexual harassment and bullying to ensure that it meets its obligations under Victorian and Commonwealth legislation.

The Policy applies to employees and prospective employees, contractors, members and guests of the Phillip Island Golf Club.

All persons covered by the scope of this policy are required to:

- Comply with this policy;
- Behave appropriately; and
- Promote appropriate standards of conduct at all times.

### OBJECTIVES OF THIS POLICY

To define what sexual harassment and bullying is.

To convey clearly to all employees, contractors, members and guests that behaviour which constitutes sexual harassment and/or bullying will not be tolerated in any form at the Phillip Island Golf Club.

To provide access to the information and training needed to prevent sexual harassment and bullying, and to address incidents.

To have procedures in place for complaints of sexual harassment and/or bullying which:

- Are accessible to employees, contractors and members;
- Observe the principles of natural justice;
- Provide support for those who report sexual harassment or bullying;
- Provide clear links to disciplinary procedures to address identified breaches and vexatious complainants; and
- Protect against victimisation of a complainant or a person associated with a complainant.

## 1. WHAT IS SEXUAL HARASSMENT?

In Victoria, the *Equal Opportunity Act 2010* provides that a person sexually harasses another person if he or she:

- “(i) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or*
- (ii) engages in any other unwelcome conduct of a sexual nature in relation to the other 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.”*

In accordance with the above, conduct of a sexual nature includes:

- Subjecting a person to any act of physical intimacy;
- Making orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence; or
- Making any gesture, action or comment of a sexual nature in a person’s presence.

Sexual harassment is prohibited under the relevant State Acts referred to above and the Commonwealth *Sex Discrimination Act 1984*.

(a) Examples of sexual harassment include:

- Uninvited touching, kisses or embraces;
- Smutty jokes or comments;
- Making promises or threats in return for sexual favours;
- Displays of sexually graphic material including emails, posters, pinups, cartoons, graffiti or messages left on notice boards, desks or common areas;
- Repeated invitations to go out after prior refusal;
- Sexual gestures, 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;
- Touching or fiddling with a person’s clothing, e.g. lifting up skirts or shirts, flicking bra straps, or putting hands in a person’s pocket;
- Requests for sex;
- Sexually explicit conversation;
- Persistent questions or insinuations about a person’s private life; and
- Offensive phone calls, emails or letters.

(b) Some sexual harassment may also be criminal behaviour. For example:

- Physical molestation or assault;
  - Indecent exposure;
  - Sexual assault;
  - Stalking; and
  - Obscene communications e.g. telephone calls, emails, letters etc.
- (c) Any behaviour of a sexual nature which makes another person feel offended, humiliated, threatened, uncomfortable or afraid, constitutes sexual harassment, regardless of whether such behaviour is considered offensive by others.
- (d) It is important to note that a person who is found to have engaged in sexual harassment may be found personally liable for the behaviour.

## **2. WHAT IS NOT SEXUAL HARASSMENT?**

- (a) Behaviour based on mutual attraction, friendship and respect.
- (b) Interaction that is consensual, welcome and reciprocated.

## **3. WHAT IS BULLYING?**

- (a) Bullying is repeated unreasonable behaviour, by an individual or group, that creates a risk to health and safety.
- (b) In most cases the behaviour is persistent and happens over a period of time.
- (c) A risk to health and safety occurs where there is a risk to a person's mental or physical health.
- (d) By way of guidance (although this list is not exhaustive) some examples include:
- Abusive, insulting or offensive language or comments;
  - Continuously and deliberately excluding someone from workplace activities;
  - Setting tasks that are unreasonably below or beyond a person's skill level;
  - Changing work arrangements such as rosters and leave to inconvenience a worker or group of workers; and
  - Excessive scrutiny at work.
- (e) Bullying can be physical, verbal or written, including electronically and online.
- (f) Bullying can be directed downwards (from managers to employees), sideways (between employees) or upwards (employees to managers).

- (g) This policy covers bullying that happens 'at PIGC'. However, this is not limited to the physical PIGC, and includes all behavior that is related to the PIGC, for example, electronic communications and work/PIGC related social events.

#### **4. WHAT IS HARASSMENT?**

- (a) Harassment is unwelcome physical or verbal conduct.
- (b) Harassment may involve (but is not limited to) any of the behaviours listed above under the definition 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.

#### **5. WHAT IS NOT BULLYING/ HARASSMENT?**

Bullying or harassment does not include reasonable management action taken in a reasonable manner, including:

- Directing an employee in the performance of his or her work;
- Changing work practices and procedures;
- Managing employee performance;
- Investigating alleged misconduct;
- Disciplining an employee for misconduct; or
- Allocating work in accordance with company policies and procedures.

#### **6. PROCEDURE FOR DEALING WITH SEXUAL HARASSMENT & BULLYING:**

If a person believes that he or she has been bullied or sexually harassed, the process to be followed is:

- (b) The person may speak to the alleged bully/harasser directly if he or she feels safe to do so. This would involve the person stating politely and firmly that the alleged behaviour is unwelcomed and asking for the behaviour to stop.
- (c) If direct discussion is ineffective or the person does not feel safe to speak directly with the alleged bully/harasser, he or she must contact their immediate Manager (or in the case of members, the PIGC General Manager) to discuss the matter, or where the allegation(s) relates to their immediate Manager, the next level Manager.

A statement should be completed by the person, describing the allegation(s) and this statement should be provided to their immediate Manager or next level Manager (or in the case of members, to the PIGC General Manager), as appropriate.

- (d) When allegations of bullying and/or harassment are made, it will be seen as a serious matter and will be investigated in a timely manner.
- (e) Where possible/ appropriate in the circumstances, the PIGC will attempt to manage complaints of bullying and/or harassment first through a mediation process between the parties.
- (f) If mediation is inappropriate (for example, in cases of physical assault) or is unsuccessful, the PIGC will arrange for an investigation of bullying and/or harassment complaints by an investigator. The investigation will be conducted in accordance with the principles of natural justice. The person accused of bullying and/or harassment will be given the details of the allegation(s) in writing, and will be given an opportunity to respond to the allegation(s).
- (g) Reporting and investigation of bullying and/or harassment allegations are to be conducted in a confidential manner. Any breach of confidentiality during and following the reporting and investigation process may lead to disciplinary action up to and including summary dismissal or cessation of services or in the case of PIGC members, suspension or cancellation of membership.
- (h) The parties will be advised of the outcome of the investigation upon its completion.
- (i) Where the allegation(s) of bullying and/or harassment are substantiated, action to be taken will depend upon the seriousness of the allegations. The action might include, for example:
- Requiring a commitment from the person accused of bullying that such behaviour will not occur in future, and / or an apology;
  - Mediation where appropriate;
  - Counselling and / or training for the person accused of bullying, the person who suffered the bullying and / or the wider workplace; or
  - Disciplinary action up to and including summary dismissal or cessation of services or in the case of PIGC members, suspension or cancellation of membership of the person accused of bullying.
- (j) Where the allegations of bullying and/or harassment are not substantiated, the parties will be advised of the outcome.
- (k) Should a party be unsatisfied with the outcome of the investigation, he or she may take further steps in accordance with the company's Grievance Policy and Procedure.

## **7. WHO MAY COMPLAIN?**

Both men and women may make complaints of sexual harassment and be respondents to complaints.

The Phillip Island Golf Club has a duty to take reasonable and proportionate measures to eliminate sexual harassment as far as possible, whether committed by or against:

- Employees or prospective employees;
- Members or prospective members;
- Contractors employed by PIGC and their employees on club premises; or
- Visitors/Guests to PIGC.

## **8. VICTIMISATION**

It is unlawful for a person to commit an act of victimisation against another person. Victimisation occurs where a person subjects or threatens to subject another person to any detriment because the other person, or someone associated with the other person, has made or proposes to make an allegation or complaint of sexual harassment or brought or participated in proceedings under sexual harassment legislation.

Examples of victimisation may include:

- An employee being moved to a position with lesser responsibilities while their complaint is being considered;
- An employee being ostracised by other employees because that person lodged a complaint against another employee;
- A member being ostracised by other members because that person lodged a complaint against another member.

If an employee, contractor or member engages in victimisation, that person may be subject to disciplinary action under the Procedure set out in this Policy. Under Federal legislation, victimisation is also a criminal offence. Complainants will not be victimised or treated unfairly for making a complaint.

## **9. WHAT WILL HAPPEN IF I AM FOUND TO HAVE SEXUALLY HARASSED OR BULLIED SOMEONE?**

- (l) Those found to have engaged in sexual harassment or bullying may be subject to disciplinary action up to and including summary dismissal or cessation of services, or in the case of PIGC members, suspension or cancellation of membership.
- (m) It should also be noted that where an instance of sexual harassment or bullying constitutes a criminal offence, the police will become involved.

## **ASSOCIATED POLICIES / DOCUMENTS**

1. Complaints Policy.
2. Model Rules for Incorporated Bodies.
3. PIGC Constitution.