



DISCRIMINATION, BULLYING AND HARASSMENT POLICY

OBJECTIVE

The Kiama Golf Club Ltd (the Club) aims to provide a safe, fair and respectful environment for staff and patrons free from all forms of unlawful discrimination, bullying and harassment. All Club staff are required to treat others with dignity, courtesy and respect at all times.

The Kiama Golf Club will not tolerate or accept any unlawful conduct contrary to the anti-discrimination and harassment laws and will not tolerate unlawful discrimination and harassment under any circumstances.

SCOPE

This Policy applies to:

- board members
- all "staff", which includes managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers.

This Policy covers the following situations:

- all work-related activities both in and out of the workplace including official work functions, and conferences, whether onsite or offsite; and
- all aspects of recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements and workload.

Staff rights and responsibilities

All staff are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- work free from discrimination, bullying and harassment;
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- reasonable flexibility in working arrangements, for example, where needed to accommodate their family responsibilities, disability, health, religious beliefs or culture.

All staff must:

- follow the standards of behaviour outlined in this Policy;
- offer support to people who experience discrimination, bullying or harassment, including providing information about how to make a complaint;
- avoid gossip and respect the confidentiality of complaint resolution procedures; and
- treat everyone with dignity, courtesy and respect at all times.

Additional responsibilities of managers

Managers must also aim to:

- model appropriate standards of behaviour for all staff
- take appropriate steps to educate and make staff aware of their obligations under this Policy and the law, including providing staff training about the current Policy and any law reform
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard. This includes allowing relevant parties to have a support person present during meetings if they wish
- help staff resolve complaints informally
- refer complaints about breaches of this Policy to the appropriate Manager or Human Resources for investigation
- ensure staff who raise an issue or make a complaint are not victimised
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- appropriately consider requests for flexible work arrangements based on reasonable business grounds.

UNACCEPTABLE WORKPLACE CONDUCT

Unlawful discrimination, bullying and harassment will not be tolerated at the Kiama Golf Club. Under legislative requirements, the Kiama Golf Club can be found to be vicariously liable for the misconduct of its staff. Individual employees can also be held individually or jointly liable for any misconduct. Accordingly, all staff (including managers) found to have engaged in such conduct will be disciplined, up to and including termination of employment.

Discrimination

Discrimination occurs when a person is treated less favourably in their employment based on a protected characteristic or attribute such as race, sex, disability or age. A person can still treat another person less favourably, and unlawfully discriminate against them on one of the protected personal characteristics (set out below), even if they did not intend to do so. Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example, an employee is not given a promotion because of their race.

Indirectly, when an unreasonable requirement, condition or practice is imposed that on its face applies to everyone, however has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

Protected personal characteristics under Federal discrimination law include:

- a disability, including physical, mental and intellectual disabilities and medical record;
- parental status, carer's responsibility, family responsibilities;
- race, colour, descent, national origin, or ethno-religious background;

- age, whether young or old, or because of age in general;
- sex;
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- criminal record or spent convictions;
- religious belief or activity;
- pregnancy and breastfeeding;
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual;
- marital status, including married, divorced, unmarried or in a de facto relationship or same sex relationship;
- political belief or activity;
- social origin;
- breastfeeding;
- HIV/AIDs.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

Harassment

Harassment does not have to be directed at a particular individual to be unlawful. Behaviour that creates a hostile working environment for other staff members can also be unlawful. For example, telling crude jokes in an open plan office or an obscene screensaver.

Harassment is unwelcomed conduct or behaviour that a reasonable person would expect to offend, humiliate or intimidate the other person. It is important to understand that a one-off incident can constitute harassment.

Bullying

Bullying is repeated, unreasonable behaviour directed towards an employee or a group of employees that:

1. creates a risk to health and safety. It includes both physical and psychological risks and abuse;
2. is unwelcome and uninvited;
3. victimises, humiliates, intimidates, threatens or demeans a person; and
4. a reasonable person would consider the behaviour as victimising, humiliating, intimidating, threatening or demeaning.

Bullying does not need to be based on a ground of unlawful discrimination e.g. sex, race or age. A person may be bullied for any reason.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social media, social isolation or ignoring people, or unfair work practices. Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming

- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Note: If someone is being bullied because of a personal characteristic protected by anti-discrimination and harassment law, it is a form of discrimination. This behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Bullying is not:

- reasonable management action taken by managers to direct and control the way work is carried if the action is taken in a reasonable and lawful way;
- explaining differences of opinion in an appropriate manner;
- legitimate disciplinary action; or
- reasonable management in the right forum in an appropriate manner.

The following are some examples of reasonable management action:

- realistic and achievable performance goals, standards and deadlines;
- fair and appropriate rostering and allocation of working hours;
- transferring an employee to another area or role for operational reasons;
- deciding not to select an employee for a promotion where a fair and transparent process is followed;
- informing an employee about unsatisfactory work performance in an honest, fair and constructive way;
- informing an employee about unreasonable behaviour in an objective and confidential way;
- implementing organisational changes or restructuring; and
- taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

Effects of workplace bullying

Workplace bullying has detrimental effects on staff and the business. It can create an unsafe working environment, result in a loss of trained and talented employees, the breakdown of teams and individual relationships, and reduced efficiency. People who are bullied can become distressed, anxious, withdrawn and can lose self-esteem and self-confidence.

Sexual harassment

Sexual harassment is a specific and serious form of harassment – see the [Sex-based Misconduct Policy](#) for more information.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under anti-discrimination and harassment law, made a complaint, helped someone else make a complaint, or refused to do something because it would be unlawful discrimination, harassment or victimisation. Victimisation is against the law.

If a member of staff feels they have been subjected to victimisation they are encouraged to raise the issue with the Kiama Golf Club using the clubs Grievance procedure. The Club will not treat any staff member less favourably because they have made a complaint.

All staff must not retaliate against a person who raised a complaint or subject them to any detriment. However, where a person lodges a false complaint in bad faith, that person may be disciplined. The same applies for frivolous and vexatious complaints.

It is also victimisation to threaten, retaliate against or subject to a detriment someone, (such as a witness) who may be involved in investigating a discrimination, harassment or bullying concern of complaint.

Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, religious conviction, sexuality, intersex status, disability, gender identity or HIV/AIDs status. All staff are prohibited from engaging in any vilification.

Vilification is a particularly serious breach of Australian discrimination and harassment laws and will be dealt with accordingly by the Kiama Golf Club.

RESOLVING ISSUES AT CLUB

The Kiama Golf Club strongly encourages any staff member who believes they have been discriminated against, bullied, harassed, victimised or vilified to take appropriate action by speaking initially with your Duty Manager.

Staff who do not feel safe or confident to take such action may seek assistance from the Human Resource Manager or General Manager, for advice and support or action their behalf.

Breach of this Policy

All staff are required to comply with this Policy at all times. If a staff member breaches this Policy, they will be subject to disciplinary action. In serious cases for staff, this may include termination of employment. Contractors who have found to have breached this Policy may have their contracts with the Kiama Golf Club terminated or not renewed.

False Complaints in bad faith

If a person makes a false complaint in bad faith (for example, making up a complaint just to get someone else in trouble) that person may be disciplined which could lead to termination of employment. Further, if a person lodges an excessive number of complaints that the Kiama Golf Club determines to be unfounded, they may also be disciplined, including up to termination of employment.

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DISCLAIMER

This Policy does not form part of an employee's contract of employment. The Kiama Golf Club may amend this Policy at any time.

