



SEX-BASED MISCONDUCT POLICY

OBJECTIVE

The Kiama Golf Club Ltd (the Club) aims to providing a safe and respectful workplace for staff free from all forms of unlawful discrimination and harassment, including, sexual harassment. It aims to treat every allegation of sexual harassment extremely seriously.

Sexual harassment, sex-based harassment, and sex-based discrimination (collectively '**sex-based misconduct**') are unlawful, and the Club seeks to acknowledges observes and comply with the provisions of the *Sex Discrimination Act 1984 (Cth)*, *the Fair Work Act 2009 (Cth)* (**the Act**) and all other associated State and Federal legislation relating to the subject of sex-based misconduct in the workplace.

Sexual harassment will not be tolerated at the Kiama Golf Club. This Policy explains how the Kiama Golf Club will aim to eliminate and prevent sexual harassment in the workplace.

Who is covered by this policy?

This policy applies to all "employees". Employees for the purpose of this Policy only, means employees, managers, supervisors, apprentices, trainees, contractors, sub-contractors, interns, volunteers, and the Board of Directors.

A "employee" under this policy is referred also as a "person".

When does this policy apply?

All employees are entitled to a workplace free from sex-based misconduct. This policy applies to:

- conduct towards an employee or employees by another employee,
- conduct towards an employee or employees by a customer of the Kiama Golf Club (including members, guests and visitors), and
- hostile workplace environments.

Sex-based misconduct in the workplace

Sex-based misconduct includes:

- sexual harassment;
- sex-based harassment;
- sex discrimination;
- engaging in a hostile working environment; and/or
- victimisation of an employee in relation to any of the above.

Sex- based misconduct occurs in the workplace when it happens at work or at an event that is connected to work. A matter can be “connected to work ;, for example:

- at a work-related event;
- on certain occasions, between employees outside of work, which can sometimes include conduct on social media or messages sent via text and emails outside of work hours;

The Kiama Golf Club recognises that comments and behaviour that may not offend one employee may offend another. This Policy requires all employees to respect other employee’s limits. Furthermore, just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour on an ongoing basis. .

Definition of unlawful discrimination

Unlawful discrimination is treating, or proposing to treat, someone less favourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Definition of sexual harassment

Sexual harassment is a specific and serious form of harassment. It occurs if a person:

- a) makes an unwelcome sexual advance to another person;
- b) makes an unwelcome request for sexual favours to another person; or
- c) engages in other unwelcome conduct of a sexual nature in relation to another person,

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person would be offended, humiliated or intimidated.

Sexual harassment does not have to be repeated or ongoing. It can be a one-off incident. A person’s motive is irrelevant. It can also take many different forms and may include physical contact, verbal or written comments.

Definition of sex-based harassment

Sex-based harassment occurs if a person:

- engages in unwelcome conduct of a seriously demeaning nature in relation to another person by reason of the person’s sex (or characteristic that appertains generally or is generally imputed to that person’s sex); and
- the person does so in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Definition of Hostile Workplace Environment

A hostile work environment includes conduct that is not directed to any particular person or employee but can result in an employee or employees feeling unwelcome or offended by the general working environment. Examples of factors that contribute to a hostile workplace environment include but are not limited to:

- displaying offensive screen savers, photos, calendars or objects;
- sexually explicit posts on social networking sites;
- accessing sexually explicit internet sites in the workplace; and

- workplaces where sexual jokes or innuendo occur.

Hostile workplace environments are unlawful, and the Kiama Golf Club will take the appropriate action against any employee found to have contributed to, such as environment.

What is victimisation?

The Kiama Golf Club has a zero-tolerance approach to victimisation. Victimisation is against the law. Victimisation is subjecting or threatening to subject someone to a detriment because they have:

- d) asserted their rights under anti-discrimination and harassments laws (such as the *Sex Discrimination Act 1984*);
- e) made a complaint;
- f) helped someone else make a complaint; or
- g) refused to do something because it would be unlawful discrimination, sexual harassment or victimisation.

It is also victimisation to threaten or treat less favourably an employee (such as a witness) who may be involved in investigating a workplace concern or complaint.

Victimisation is a very serious breach of this Policy and is likely (depending on the severity and circumstances) to result in formal disciplinary action against the perpetrator, which may include termination of employment or engagement.

Prevention of Sex-based Misconduct

To minimise sex-based misconduct in the workplace, the Club will aim to ensure that all of its employees attend regular training relating to sex-based misconduct in the workplace. This training will assist employees to understand their rights and responsibilities in the workplace, encourage them to report any behaviour that breaches this Policy and understand the complaints procedure.

The Kiama Golf Club seeks to regularly monitor and assess this Policy and will take measures to prevent sex-based misconduct in the workplace. This may include:

- reporting on the nature and outcomes of employee complaints;
- anonymous surveys of employees to assess awareness of the Policy and comfortability with reporting concerns;
- regular consultation with employee representatives;

The Kiama Golf Club will aim to build a culture of workplace safety and address risk regularly. The Kiama Golf Club will do this by regularly identifying and assessing risk factors for sex discrimination, sex-based misconduct and victimisation. The Kiama Golf Club intends to undertake a risk assessment identifying the likelihood of, sexual harassment and sex-based misconduct and as a result take reasonable and proportionate measures to eliminate or control as far as possible sex-based misconduct.

Responsibilities

Everyone has a role in preventing sex-based misconduct in the workplace.

The Kiama Golf Club will aim to:

- prevent sexual harassment, sex discrimination, victimisation or sex-based misconduct.
- eliminate the risks of sexual harassment so far as is reasonably practicable. If the risks cannot be eliminated, they will be minimised so far as is reasonably practicable;
- regularly identify factors that contribute to sexual harassment, sex discrimination, sex-based misconduct and victimisation and aim to put effective control measures in place.
- build a culture of workplace safety and address risks regularly;
- ensure that all employees attend regular training relating to sex-based misconduct in the workplace;
- encourage positive leadership styles and invest in our managers to achieve this;
- promote harmonious relationships across the Kiama Golf Club;
- openly discuss sexual harassment in both formal and informal settings, and provide information and training about it including consequences of such behaviour (e.g., possible disciplinary actions);
- ensure employees know that they have the right to raise a personal grievance or submit a complaint;
- ensure independent contractors working under a contract for service know that they have the right to submit a complaint;
- ensure employees have a range of ways to report sex-based misconduct, including anonymously;
- ensure processes and systems for reporting and responding to sex-based misconduct are fit for purpose and regularly reviewed;
- train key employees to receive sexual harassment concerns and complaints from other employees and give support (i.e.. perform the role of sexual harassment contact persons);
- make sure employees know how to internally and externally report sex-based misconduct, including what support and advice is available, and their rights to representation;
- provide employees who believe they have been sexually harassed with a range of options to address the issue;
- provide a supportive environment to those who believe they have been sexually harassed and to the alleged harasser;
- treat all parties fairly/impartially while allegations are dealt with;
- promote informal solutions before formal actions where appropriate;
- where possible, repair the working relationship and promote positive work values; and
- endeavor that this Policy is visible to all employees, visitors and customers.

Managers should:

- personally demonstrate appropriate and professional behaviour at all times in the workplace;
- intervene early to call out and deal with any unreasonable or inappropriate behaviour before it escalates;
- take prompt action in response to any report of sex-based misconduct;
- seek feedback from the complainant as to how they wish to deal with the situation;
- depending on the circumstances, where appropriate, look for other solutions before escalating an issue to higher levels (e.g., investigation);
- provide a supportive environment to those who believe they have been sexually harassed and the accused;
- treat all parties fairly while allegations are dealt with;
- record and investigate complaints impartially and in line with the Club's policies and process.
- understand their obligations in accordance with relevant legislation.
- promote this, Policy; and
- identify and assess risk factors for discrimination, sex-based misconduct and victimisation.

Employees will:

- comply with this Policy and not engage in any sex-based misconduct
- understand what sex-based misconduct is;
- challenge inappropriate behaviour if they feel safe to do so or otherwise report it to their manager immediately;
- immediately tell their managers or a sexual harassment contact person if they experience or see any sex-based misconduct – if the manager is the alleged perpetrator, then advise the HR manager or the General Manager; and
- follow the Kiama Golf Club's processes when reporting sex-based misconduct.

Process

Report sex-based misconduct to the Kiama Golf Club

Any employee who is the subject of sex-based misconduct in the workplace must notify the Duty Manager or General Manager or Human Resources Manager, so that an investigation can be conducted, and appropriate action taken.

Any employee who witnesses another employee being subjected sex-based misconduct in the workplace must:

1. challenge the behaviour if they feel safe to do so; and
2. notify the Duty Manager or General Manager or Human Resources Manager, so that an investigation can be conducted, and appropriate action taken.

If you are unsure whether the conduct is sex-based misconduct or not, you can discuss it further with the Human Resources Manager.

If the complaint involves the Human Resources Manager, then the employee may take their concerns to the Club's General manager.

Breach of the Policy

The Kiama Golf Club has a zero tolerance to sex-based misconduct. Any employee who breaches this Policy, or who makes a false/malicious complaint may be subject to counselling and/or disciplinary action, up to and including termination of their employment for misconduct or serious misconduct.

Review of the Policy

This Policy may be amended or replaced at any time. If necessary, further changes and actions may be introduced to ensure that sex-based misconduct is prevented and controlled.

Disclaimer

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

Related policies

Discrimination, Bullying and Harassment Policy, Employee Code of Conduct Policy and the Grievance procedure.

For more information – internal and external options

Internal

HR Manager – Email hr@kiamagolfclub.com.au

External

Australian Human Rights Commission:

- website: www.humanrights.gov.au
- phone: 1300 656 419

Fair Work Ombudsman:

- website: www.fairwork.gov.au
- phone: 13 13 94

Anti-Discrimination NSW

- Website: www.antidiscrimination.justice.nsw.gov.au
- Phone: 1800670812

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