

SARRC Policies & Guidelines

Appropriate Behaviour Policy

May 2017

1. Policy Principles

South Australian Road Runners Club (**SARRC**) seeks to provide a work environment where employees and others in the workplace are treated fairly and with respect. SARRC aims to ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess.

SARRC also seeks to create a work environment which promotes good working relationships and where people are not subjected to unacceptable behaviour that makes them feel uncomfortable.

2. Scope

This Policy applies to all employees, agents and contractors of SARRC, collectively referred to in this Policy as 'workplace participants'. This Policy does not form part of any contract between a workplace participant and SARRC. However, a breach of a workplace participant's obligations under this Policy may result in disciplinary action, including immediate termination of employment or the termination of any other contractual relationship.

This Policy is not limited to the workplace or work hours. This Policy extends to all SARRC events including but not limited to Race events, workplace functions, all SARRC meetings and places that are work related. Workplace participants must comply with this Policy at all work-related functions. Workplace participants must also comply with this Policy when going to other workplaces in connection with work, for example, when visiting a client and during the course of any work-related travel.

3. Application

SARRC takes all reasonable steps to ensure that workplace participants and clients are not subjected to unlawful conduct. In some circumstances, workplace participants can be held legally responsible for their own behaviour.

Under EEO laws and this Policy, the following types of conduct are unlawful and strictly prohibited:

- » Discrimination;
- » Vilification;
- » Sexual Harassment;
- » Bullying;
- » Victimization.

4. Discrimination

4.1 Definition

Direct Discrimination occurs when a person is treated less favourably in their employment than others would be treated in the same or similar circumstances because of a ground of discrimination. Grounds of discrimination are set by law, differ between the States and Territories and include sex, race, age etc. A full list of the grounds of discrimination is set out below.

Indirect Discrimination occurs where there is a condition, requirement or practice that seems to apply equally to everyone, but:

- (a) workplace participants who have a ground of discrimination find it more difficult to comply with the condition, requirement or practice than those without a ground of discrimination; and
- (b) the condition, requirement or practice is not reasonable in the circumstances.

Discrimination also includes situations where a workplace participant harasses another person because of a ground of discrimination. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate. Harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

A person can unlawfully discriminate against another person even if they did not intend to do so, if they nevertheless treat that person less favourably, on one of the grounds below.

4.2 Grounds of Discrimination

It is unlawful to discriminate against or harass a person based on a prohibited ground of discrimination. The grounds across Australia are:

- » Sex;
- » Gender identity;
- » Age;
- » Marital status, relationship status or domestic status;
- » Transgender, gender history, intersex or gender identity;
- » Religion or religious belief, activity or conviction;
- » HIV/AIDS;
- » Physical features;
- » Political belief or activity;
- » Parental status, parental responsibilities and family responsibilities;

- » Carer's responsibilities or Carer's status;
- » Lawful sexual activity, Homosexuality, sexual orientation, or sexual preference;
- » Pregnancy (including potential pregnancy) or breastfeeding;
- » Impairment/Disability including physical, mental and intellectual disability);
- » Race (including colour, nationality, national extraction, descent, ethnic, ethno-religious, social origin or national origin);
- » Industrial activity or trade union membership;
- » Irrelevant criminal record;
- » Employment activity;
- » Political opinion, belief, view, activity or conviction;
- » Personal association with a person who is identified by reference to any of the above attributes.

4.3 Examples of Discrimination

- » Failing to offer training to an older workplace participant because you assume they will retire soon;
- » Failing to give a female workplace participant a promotion because she has children or is pregnant;
- » Racial or culturally insensitive jokes or racial nicknames;
- » Offensive comments about a workplace participant's sexuality;
- » Teasing a workplace participant about their disability;
- » Excluding or isolating a workplace participant because of their religion.

5. Vilification

5.1 Definition

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group because of an attribute. The attributes across Australia are race, religious belief, homosexuality, transgender, disability, transexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly by SARRC.

5.2 Examples of Vilification

- » Sending a group/staff email containing a highly offensive racial joke;
- » Making derogatory comments about gay employees in a group of employees.

6. Sexual Harassment

6.1 Definition

Sexual harassment is:

- (a) unwelcome conduct;
- (b) which is sexual in nature; and
- (c) that a reasonable person, having regard to all the circumstances, would anticipate the possibility that the conduct would offend, humiliate or intimidate.

Sexual harassment consists of unwelcome behaviour. Conduct can accordingly amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person.

Sexual harassment in the workplace is unlawful. The sexual harassment laws prohibit sexual harassment against both men and women. Same-sex harassment is also covered. Generally sexual harassment involves a pattern of unwelcome behaviour. However, one act is sufficient to constitute sexual harassment in some circumstances.

In addition to sexual conduct directed at a particular individual, sexual harassment also includes conduct that creates a sexually hostile working environment. Conduct that creates a sexually hostile working environment (eg one where pornographic materials are displayed generally as part of the accepted work culture), is equally unlawful.

Sexual harassment is not behaviour which is based on mutual attraction, flirtation or friendship. If the behaviour is mutual, consensual, welcome and reciprocated it is not sexual harassment.

6.2 Examples of Sexual Harassment

Sexual Harassment can be physical or non-physical. Examples include:

Physical

- » Physical contact, such as pinching, touching, grabbing, kissing or hugging;
- » Sexual assault.

Non-Physical

- » Staring or leering at a person or at parts of their body;
- » Persistent requests to go out where they are refused;
- » Suggestive comments about a person's body or appearance;
- » Sexual jokes or comments, sexually explicit conversations;
- » Displays of offensive material such as posters, screen savers, internet material

etc;

- » Accessing or downloading sexually explicit or inappropriate material from the Internet;
- » Sending rude or offensive emails, attachments or text messages;
- » Advances on email, social networking websites or internet chat rooms;
- » Sexually explicit gifts e.g. 'Kris Kringle' gifts.

7. Bullying

Bullying in the workplace will not be tolerated.

7.1 Definition

Bullying is:

- (a) a repeated pattern of unreasonable behaviour;
- (b) that a reasonable person, having regard to all the circumstances, would see as unreasonable including behaving that is victimising, humiliating, intimidating or threatening; and
- (c) that creates a risk to health or safety.

Bullying behaviour does not need to be based on a ground of discrimination, such as sex, race, age etc. A person can be bullied for any reason. It may be that someone just does not like them.

For conduct to constitute bullying it must be repeated. A one-off incident would not normally constitute bullying. There is no requirement that the person deliberately or intentionally bully the person, however, intention may be relevant in assessing the severity of the conduct.

7.2 Examples of Bullying

- » Physical assault or threats;
- » Initiation rites;
- » Verbal abuse or name calling;
- » Practical jokes;
- » Teasing/inappropriate comments;
- » Intimidating actions;
- » Excluding or isolating workplace participants e.g. withholding information, not talking to, excluding from discussion or meetings or exclusion from social occasions;
- » Rumours, gossip and innuendo;

- » Belittling opinions or unjustified criticism;
- » Deliberately setting objectives with unreasonable deadlines or changing objectives unfairly;
- » Unfair or unreasonable allocation of work and responsibilities;
- » Encouraging other employees to participate in the bullying behaviour.

7.3 What is not Bullying?

Bullying does not include:

- (a) Reasonable performance management;
- (b) Reasonable counselling; or
- (c) Legitimate managerial actions taken in a reasonable way such as disciplinary action, allocation of work in accordance with SARRC's policies and procedures, transfers/promotions/demotions/redundancies, work directions and orders and warnings about performance or conduct concerns.

It is not bullying for a Manager or supervisor to counsel a workplace participant about their performance or to warn them about unsatisfactory performance. Performance management and/or counselling are a necessary part of ensuring that workplace participants meet company standards of work and behaviour. Other reasonable managerial actions such as disciplinary action, work directions and orders, warning a workplace participant about unsatisfactory performance/conduct and allocation of work in compliance with business needs and systems do not constitute bullying.

8. Victimisation

8.1 Definition

Victimisation is where a person is retaliated against or treated detrimentally because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct.

If a workplace participant feels they have been subjected to unlawful conduct, they are encouraged to raise the issue using the complaint procedure outlined in this Policy. SARRC will not treat a workplace participant less favourably in their employment because they have made a complaint.

Further, workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment. However, where a person lodges a false complaint in bad faith, that person may be disciplined.

8.2 Examples of Victimisation

- » Excluding or isolating a person because they have lodged a complaint;

9. Responsibilities of Workplace Participants

All workplace participants are required to maintain confidentiality if they are involved in a complaint procedure. If a workplace participant breaches confidentiality, they may

be subjected to disciplinary action. Spreading rumours or gossip may also expose workplace participants to a defamation claim.

Workplace participants should be aware that in some circumstances they can be held legally responsible for their own unlawful conduct. Workplace participants who aid, abet or encourage other persons to engage in unlawful conduct can also be legally liable.

If you observe someone else at work being subjected to unlawful conduct or conduct that is potentially in breach of this Policy, SARRC encourages you to report this conduct particularly where it involves serious harassment or bullying that creates an unsafe work environment. However, it is not your responsibility to confront the alleged harasser or bully.

10. Breach of this Policy

All workplace participants are required to comply with this Policy at all times. If an employee breaches this Policy, they will be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors who are found to have breached this Policy may have their contracts with SARRC terminated or not renewed.

11. Complaint Procedure

11.1 What you should do if you have a complaint

If you feel that you have been subjected to any form of unlawful conduct contrary to EEO laws or this Policy, you should not ignore it. You should address the issue in accordance with SARRC's complaint procedure set out in this Policy. SARRC encourages all workplace participants to raise issues under this Policy, and will treat all complaints seriously. Accordingly, once a complaint is made, SARRC will deal with the matter appropriately in accordance with this Policy.

If a workplace participant makes a false complaint in bad faith (i.e. making up a complaint to get someone else in trouble) that workplace participant may be disciplined. Such malicious complaints can also expose the complainant to a defamation claim. Further, if a workplace participant lodges an excessive number of complaints that SARRC determines to be unfounded, they may be disciplined.

11.2 How do I confront the issue? Step 1

If you feel comfortable doing so, address the issue with the person concerned. You should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

11.3 How do I report the issue? Step 2

You should report the issue to a Company Contact Person. The following people are Contact Persons:

- » your Supervisor/Manager; or
- » A member of the Board Executive committee

Normally, the Contact Person will discuss your complaint with you. They will explain the relevant steps that can be taken to address your complaint.

The Contact Person will then determine the best way to deal with your complaint. There are two types of complaint procedures that can be used: informal and formal. The type of complaint procedure used will depend on the individual circumstances.

11.4 What will the Contact Person do?

12. Given the nature of EEO complaints, and the need to maintain flexibility to resolve complaints, the action taken by SARRC will depend on the particular circumstances.

12.1 Is my complaint confidential?

The Contact Person will maintain confidentiality as far as possible. However, it may be necessary to speak with other workplace participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct had potentially occurred, in order to uphold this Policy, SARRC will need to take appropriate action in relation to the complaint.

All workplace participants involved in the complaint must also maintain confidentiality, including the person who lodges the complaint. Spreading rumours or gossip may expose workplace participants to disciplinary action, and in serious cases may constitute defamation.

Workplace participants may discuss the complaint with a designated support person or representative. However, the support person or representative must also maintain confidentiality.

12.2 What happens under the Informal Complaint Procedure?

Under the informal complaint procedure there is a broad range of options for

addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case.

Possible options include:

- » the Contact Person discussing the issue with the person against whom the complaint is made; and/or
- » the Contact Person facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that do not warrant disciplinary action being taken. In the informal complaint procedure there is no decision made about what did or did not occur, but rather, the Contact Person attempts to facilitate an outcome that is acceptable to all parties, including SARRC.

12.3 What happens under the Formal Complaint Procedure?

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by a Contact Person, a SARRC employee or a person from outside SARRC (including consultant representatives), appointed by SARRC.

Where a complaint involves a disputed allegation that, if proven, may result in disciplinary action, it will generally be dealt with in accordance with the formal complaint procedure.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether it is more likely than not that the alleged behaviour occurred or did not occur. Once a finding is made, a decision maker appointed by SARRC will consider any outcomes arising from the Investigation.

If SARRC considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be required not to report for work during an investigation. SARRC may also provide alternative duties or work during an investigation. Employees will be paid their normal pay during any such period.

12.4 Possible Outcomes

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. The procedures outlined below are intended as a guide only to the possible outcomes which may be implemented. In every case, the actual outcomes and/or disciplinary procedure to be adopted will be a matter for the company's determination and in consideration of the circumstances as a whole.

12.5 What are the possible outcomes if unlawful conduct has occurred?

Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors concerning the employee's employment, and may include:

- » a formal warning;
- » counselling;

- » suspension/termination of employment.

Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected employee and SARRC. Agents and contractors who are found to have engaged in unlawful conduct and/or breached this Policy may have their contracts with SARRC terminated or not renewed.

12.6 Are there other non-disciplinary outcomes?

SARRC may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include:

- » training to assist in addressing the problems underpinning the complaint;
- » monitoring to ensure that there are no further problems;
- » requesting an apology;
- » requiring an undertaking that certain behaviour stop;

Acknowledgement

The contents of this Policy, as varied from time to time, are an accurate reflection of the conditions applying to unlawful conduct by workplace participants of SARRC. This Policy does not form part of any contract between you and SARRC. Any reference to obligations or requirements of SARRC in this Policy is not intended to give rise to contractual obligations binding on SARRC.

Further Information

If you are unsure about any matter covered by this Policy, you should seek the assistance of Club manager or Board executive members..

Approval

Approved in principal May 16

Review Date

Every 2 years