



GOULBURN CLUB POLICY

Management and Reporting of Unacceptable Behaviour

INTRODUCTION

1. All Goulburn Club members and volunteers have a responsibility to foster an equitable, fair and safe Club environment free from all forms of unacceptable behaviour.

LEGAL CONTEXT

2. The Goulburn Club is obliged to comply with the following Commonwealth Acts:
 - a. the [Racial Discrimination Act 1975](#);
 - b. the [Sex Discrimination Act 1984](#);
 - c. the [Human Rights and Equal Opportunity Commission Act 1986](#);
 - d. the [Privacy Act 1988](#);
 - e. the [Disability Discrimination Act 1992](#);
 - f. the [Workplace Relations Act 1996](#); and
 - g. the [Age Discrimination Act 2004](#).
3. The Club is also required to comply with State Acts:
 - a. the [NSW Anti-Discrimination Act 1977](#); and
 - b. the [NSW Work Health and Safety Act 2011](#).
4. This policy does not generally apply to sexual offences or other criminal offences, for example, assault or threats of violence. Such offences should be dealt with by external authorities such as the police.
5. In the event that a complaint is initially referred to management, and the appropriate authorities determine that no action will be taken, the matter may in appropriate circumstances be managed under this policy.

TYPES OF DISCRIMINATION AND HARASSMENT

Discrimination

6. Discrimination happens when a person is treated unfairly or unequally because the person belongs to a particular group or category of people.
7. No person working at or visiting the Club will be discriminated against for any 'unlawful reason' – that is, because of:
 - a. sex, marital status or pregnancy;
 - b. sexual preference;
 - c. race, colour, nationality, national origin, ethnicity or religion;
 - d. physical or intellectual disability, or
 - e. age.

8. This means that:
- a. no person will be refused membership of the Club, or be treated less favourably in relation to their membership or their enjoyment of the Club's services and facilities, for any unlawful reason;
 - b. all offers of employment, conditions and benefits of employment and access to career opportunities at the Club will be decided on individual merit, and measured against the requirements of the job, without taking any unlawful reasons, or because of family responsibilities, political activity, union membership or social origin; and
 - c. no staff member or volunteer will be dismissed for any unlawful reason, or because of family responsibilities, political activity, union membership or social origin.

Harassment

9. Harassment is a form of discrimination. In general, harassment is any form of behaviour that is not wanted and not asked for, and that:
- a. humiliates someone, or puts them down;
 - b. offends them; or
 - c. intimidates them.
10. Everyone has the legal right not to be harassed for any unlawful reason, and everyone has the legal obligation not to harass any other staff member, Club member or patron.
11. Harassment may occur whether or not the person who is the target of the conduct feels that his or her job depends on accepting the conduct. In some cases, one act will be enough to create harassment, but in other cases there will need to be a persistent pattern of behaviour.
12. It is sometimes difficult to know whether other people will find your behaviour acceptable. You should be careful not to risk being misunderstood, because misunderstandings often lead to complaints. Remember that some people find particular types of behaviour offensive even though other people would not.
13. The behaviour must always be considered from the point of view of the person receiving it. It is no defence to harassment that you did not mean to cause offence.

Sexual Harassment

14. Sexual harassment may include, but is not limited to:
- a. pressure or demands for dates or sexual favours;
 - b. unnecessary familiarity – for instance, deliberately brushing against a person or constantly staring at a person;
 - c. unwanted physical contact – for example, touching or fondling;
 - d. sexual jokes or innuendo;
 - e. offensive telephone calls or text messaging;
 - f. offensive sexual gestures;
 - g. unwanted comments or questions about a person's sex life;
 - h. display or circulation of sexual material, including magazines, posters, pictures and messages; or
 - I. sexual assault.

15. Mutual attraction between people is not sexual harassment. Friendships, sexual or otherwise, which develop between people who meet at the Club, are a private concern. However, the Club expects and requires that your personal life does not interfere with your life as an employee or volunteer of the Club.

Harassment on other Unlawful Grounds

16. This may include, but is not limited to:
 - a. verbal abuse or comments that put down or stereotype people because of their race, homosexuality, pregnancy, disability etc;
 - b. jokes based on race, homosexuality, pregnancy, disability etc;
 - c. mimicking someone's accent, or the habits of someone with a disability;
 - d. offensive gestures based on race, homosexuality, disability etc;
 - e. ignoring or isolating a person or group because of their race, homosexuality, pregnancy, disability etc; or
 - f. display or circulation of racist or other offensive material.

ROLES, RIGHTS AND RESPONSIBILITIES

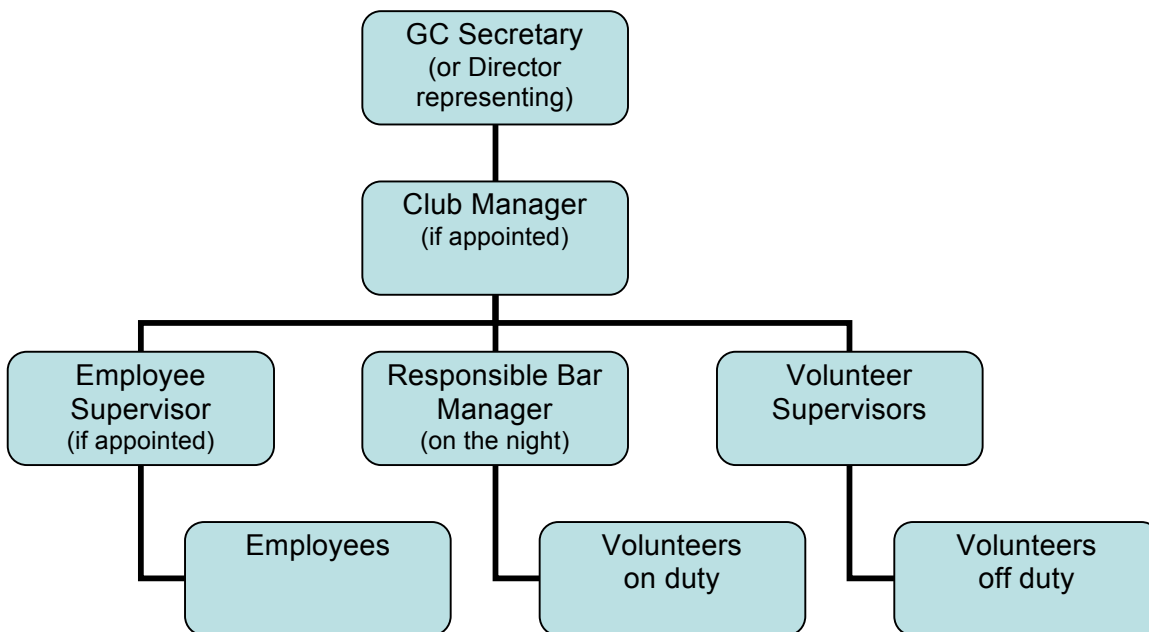
Introduction

17. Everyone in the Goulburn Club is required to be treated with respect, fairness and without harassment. The Goulburn Club requires everyone to accept personal responsibility and accountability for their actions and to think clearly about the consequences of their actions for the Goulburn Club.
18. Goulburn Club personnel found to have engaged in, contributed to, ignored, assisted, or personally encouraged unacceptable behaviour may be held personally responsible.

Supervisors and Managers

19. In the Goulburn Club, management includes:
 - a. the Secretary of the Goulburn Club;
 - b. the directors of the Goulburn Club, representing the Secretary when absent; and
 - c. any person employed to be the Club Manager.
20. In the Goulburn Club, supervisors include:
 - a. any persons employed to be supervisors; and
 - b. volunteer co-ordinators.

21. The chain of command in the Club is shown in the following diagram:



22. Supervisors and managers must:

- a. manage and report all unacceptable behaviour complaints promptly and impartially in accordance with this policy;
- b. make reasonable efforts to ensure that both the complainant and the respondent are treated fairly, without victimisation or disadvantage.

Complainants and respondents

23. During the management of an unacceptable behaviour complaint both the complainant and respondent will:

- a. be afforded procedural fairness in the management of a complaint;
- b. receive protection from victimisation, or other unfair disadvantage as a result of an unacceptable behaviour complaint; and
- c. be informed of the progress of the complaint, including the resolution and their rights to review.

24. The complainant can expect:

- a. their complaint will be viewed seriously and dealt with as promptly as possible, and
- b. their wishes will be considered in determining how a complaint is to be resolved.

25. The complainant has a responsibility to:

- a. where practicable, attempt self-resolution at the lowest appropriate level in the circumstances; and
- b. if they make a complaint, to state clearly they have an unacceptable behaviour complaint, and provide a full, fair and honest account of the incident(s), include any supporting information and identify the outcome they seek to achieve.

26. The respondent will not be assumed guilty because a complaint has been made against them.

UNACCEPTABLE BEHAVIOUR COMPLAINTS

27. A complaint of unacceptable behaviour can be made either in writing or verbally. There is no distinction between a formal or informal complaint.
28. A complaint that includes a complainant's wish that no action be taken is a complaint. The complainant's desire for 'no action' should be given appropriate weight by the supervisor or manager when determining the optimal method for resolving the matter.
29. A complaint should be made in the first instance to the complainant's or the respondent's supervisor or manager. If that is not possible or appropriate in all the circumstances, for example there is a perceived conflict; the complaint is to be made to the next higher level in the chain of command or reporting line.
30. A complaint should:
 - a. clearly state it is an unacceptable behaviour complaint;
 - b. provide a brief, clear description of the incident(s), including the details of what happened, when it happened, where it happened and who was involved in the incident, including witnesses;
 - c. identify any steps taken by the complainant to seek resolution, and the outcome of such steps; and
 - d. identify the complainant's desired outcome.

Management initiated complaint

31. An incident of alleged unacceptable behaviour reported by a third party to a supervisor or manager may be managed as a complaint. Similarly, a supervisor or manager may determine that an incident, or series of incidents, should be addressed as a complaint of unacceptable behaviour even though an affected party has not made a complaint.

Vexatious and malicious complaints

32. A vexatious or malicious complaint may be a form of harassment, itself requiring management in accordance with this policy. Such complaints can have a detrimental effect on personnel, morale, workplace relationships and the wellbeing of all people involved. Each complaint is to be assessed on its merits.

Management of unacceptable behaviour complaints

33. A supervisor or manager must act on all unacceptable behaviour complaints brought to their attention in a prompt, fair and impartial manner.

Resolution of unacceptable behaviour complaints

34. Decisions about whether a person has engaged in unacceptable behaviour are decisions which may adversely affect a person's interests, rights or reputation. Any such decision must only be made after persons affected have been afforded procedural fairness. Good decision-making, which both promotes fairness and which is capable of withstanding later scrutiny, is best shown by the decision-maker documenting in detail what steps have been followed through the complaint management process.
35. Any measures aimed at resolution must include reasonable steps to ensure there is no repetition of the behaviour or victimisation of either party. This may require consideration of administrative and/or disciplinary action. Regular follow-up action may be necessary to ensure that the behaviour has not been repeated and/or victimisation has not resulted. If the supervisor or manager becomes aware of recurrence or victimisation, prompt preventative action is required.
36. Resolution of the complaint means that decisions have been made, appropriate action has been taken and the complaint has been dealt with effectively and with all due sensitivity to the needs of the

parties. Resolution of complaints does not necessarily mean that either the complainant or respondent is satisfied with the result.

37. There are a number of ways in which resolution can be achieved, including informal and formal options. When considering the most appropriate resolution process, regard must be given to the policy to resolve complaints at the lowest appropriate level.

INFORMAL RESOLUTION OPTIONS

38. The objective of an informal approach is to resolve the matter with a minimum of conflict or distress for individuals. Informal resolution should be attempted, where practicable prior to making a complaint.
39. Where informal resolution has not been possible or appropriate, or the complainant had a previous unsuccessful attempt at informal resolution prior to making a complaint, other avenues for resolution are to be pursued.
40. **Self-resolution.** Any person who believes they are being treated unacceptably may choose to speak directly with the person(s) demonstrating the unacceptable behaviour. Dealing directly with the person responsible, may result in the behaviour ceasing. For this approach to be successful, the information must be delivered to the respondent in a confidential, non-confrontational way with a view to resolving the issue in an informal low-key manner. A good technique to use is to focus on the behaviour being exhibited by the other party. The aim is to communicate exactly what behaviour is unacceptable and distressing. This lessens the likelihood that the other party will take the comments as a personal attack.
41. **Supported self-resolution.** Barriers may exist which interfere with the complainant's ability to communicate with the respondent. The complainant may fear retribution or lack confidence needed to have the conversation. The respondent may be of significantly different rank or position, or they may simply not have the organisational experience to carry it through. It can sometimes be helpful for the individuals to request the presence of a third party for support. The third party can be an Goulburn Club member, supervisor, friend or any other person with whom the individual feels comfortable. The third party attends to support the complainant or respondent but does not contribute to the process in any other way. The third party is not an advocate for the complainant.
42. **Apology.** The complainant may be satisfied if the respondent acknowledges the alleged unacceptable behaviour and apologises voluntarily (a respondent cannot be directed to apologise). If the complainant is satisfied with the apology and the supervisor or manager considers that the respondent is fully aware of the inappropriateness of the behaviour and will not continue the behaviour, then the matter can be finalised. However, the supervisor or manager may take further informal or formal action, regardless of the apology, depending on the seriousness of the alleged behaviour.
43. **Alternative Dispute Resolution.** Consideration may be given to informal alternative dispute resolution processes, such as mediation and group facilitation.
44. **Counselling.** The supervisor or manager may determine that the complaint is best resolved by counselling the respondent on the reason the behaviour was unacceptable, and directing the respondent not to exhibit that behaviour again. This option may be appropriate, if after completing the inquiry and substantiating the complaint, the supervisor or manager determines that whilst the behaviour was unacceptable, it was not serious enough to merit formal administrative action.
45. At the conclusion of the informal resolution, the supervisor or manager must determine whether this approach option has successfully resolved the complaint. If the complaint has not been resolved to the satisfaction of the supervisor or manager, other resolution options, either informal or formal must be pursued. For example, a complainant may have attempted supported self-resolution and an apology may have been forthcoming. However the supervisor or manager may deem that the apology is insincere and the unacceptable behaviour has not been remedied.

FORMAL RESOLUTION

46. **Administrative sanction.** Following an inquiry by the appropriate authority where the respondent's behaviour is considered to constitute unacceptable behaviour, consideration is to be given to imposing an administrative sanction. The purpose of administrative action is to reinforce high standards of behaviour and performance.
47. Administrative sanctions may vary in significance and impact depending on the nature of the unacceptable behaviour, and the respondent's appointment and duties. It must be appropriate and proportional to the form of unacceptable behaviour. Administrative sanction is usually imposed when the conduct or performance of a person is below the standard expected and is not in the interest of the Goulburn Club.
48. In most circumstances, administrative sanctions against respondents should not be taken until all disciplinary action is finalised. However, circumstances may be such as to require action of an administrative nature to be initiated, for example relocation from the workplace, reassignment of duties, or in significant cases administrative action leading to termination or suspension of employment or volunteer involvement. If there is an ongoing prosecution or civilian police investigation, termination or suspension of employment should not be finalised until the relevant authorities have been consulted.

REVIEW PROCESSES

Goulburn Club members or employees

49. Should a Goulburn Club member or employee be dissatisfied with the outcome or handling of a complaint, they may request, through their supervisor or manager, a reconsideration of the decision(s), or the provision of a Statement of Reasons for their decision.
50. If, after this, the person is still dissatisfied, the person may refer the matter to the Board of the Goulburn Club for final consideration.

MANAGEMENT

Confidentiality

51. Complainants and respondents may need advice and support before they feel that they are able to report or deal with an unacceptable behaviour incident. Complainants and other parties may confidentially discuss their complaint or matters related to the complaint with a support person, such as a colleague. Complaints are not to be discussed openly in the Club. A discussion with a supervisor or manager is to be confidential.
52. Communications with Goulburn Club management, supervisors and members will be regarded as confidential except where the communication reveals a criminal offence, a threat to life, health or security. Confidential discussions will not constitute making a complaint.