

POLICY NO: A - 003
POLICY: RLSSA ANTI-HARRASSMENT
ORIGINAL POLICY: OCTOBER 2001
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REVIEW DATE: CURRENTLY UNDER REVIEW

1. POLICY

The Royal Life Saving Society Australia (RLSSA) is committed to providing a sport and work environment free of harassment, where individuals are treated with respect and dignity. The RLSSA will not tolerate harassing behaviour under any circumstances and will take disciplinary action against anyone who breaches the policy.

This policy applies to all employees, directors, officers, volunteers, coaches, athletes, officials, professional personnel and members of the RLSSA.

This policy applies to behaviour occurring both within and outside the course of RLSSA's business, activities and events, when the behaviour involves individuals associated with the RLSSA and negatively affects relationships within the organisation's sport and work environment.

Definition

2. The definition of harassment immediately following has been adopted by the RLSSA for the purpose of this policy. It includes but goes beyond what is prohibited by law and does not distinguish between the various types of harassment.

Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, because of a particular characteristic of that person or people (including the person or people's level of empowerment relative to the harasser). The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as unwelcome.

3. Behaviour constituting harassment can take many different forms and may be explicit or implicit, physical, verbal or non-verbal. Examples include, but are not limited to:

- abusive behaviour aimed at intimidating someone in a less powerful position
- jokes or comments directed at a person's body, looks, age, race, religion, sexual orientation or disability
- unwelcome remarks including teasing, name calling or insults
- innuendo or taunting
- homophobic comments and/or behaviours
- uninvited touching, kissing, embracing, massaging
- staring, leering, ogling
- smutty jokes and comments

- persistent or intrusive questions about people's private lives
 - repeated invitations to go out, especially after prior refusal
 - sexual propositions
 - the use of promises or threats to coerce someone into sexual activity
 - the creation of a hostile or sexually permeated environment by constant inappropriate references to sexual matters, the display of sexually explicit material (posters, cartoons, graffiti) or by the use of offensive email, faxes, letters or notes
 - sexual insults, taunts, name-calling
4. Jokes and behaviour which are genuinely enjoyed and consented to by everyone present are not harassment. Sexual interaction or flirtation that is based on mutual attraction or friendship, and which is consensual or invited, is not sexual harassment.

Responsibilities

5. The RLSSA is responsible for taking all reasonable steps to prevent harassment and ensuring its position is widely known through all levels of the organisation's activities.
6. The RLSSA will ensure that appropriate procedures are identified to handle harassment complaints.
7. All employees, members, professionals and other persons associated with the RLSSA are responsible for complying with this policy.

Confidentiality

8. The RLSSA management and officers responsible for implementing this policy will keep confidential the names and details related to harassment complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

Complaint Procedures

9. The most effective complaint procedures offer a range of options for dealing with harassment including informal and formal resolutions. Attached is the prescribed procedure.
10. The RLSSA recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a dispute.

Disciplinary Action

11. Disciplinary action will be taken by the RLSSA against anyone who is found to be in breach of this policy.
12. Disciplinary action will also be taken against anyone who victimises or retaliates against a person who has complained of harassment.
13. The discipline will depend on the severity of the case and may involve an apology, counselling, suspension, dismissal or other form of action.

Right to Appeal

14. Both parties to a complaint have the right to appeal the decision and recommendation of a panel if a matter of procedure, bias, or fairness is called into question. An appeals

panel, made up of members other than those who formed the original review panel should handle formal appeals.

External Action

15. Both complainant and alleged harasser may pursue advice or action from an external authority at any stage of the complaint procedure.

Complaints Procedures

Internal

Informal

1. The person being harassed makes an initial approach to their choice of one of the following people, who then provides information about whether the behaviour constitutes harassment and about options for resolution. They are:
 - an officer designated to take responsibility for resolving harassment complaints (Complaints Officer)
 - a supervisor, coach or manager
 - a colleague
 - an official of the RLSS Australia (as appropriate)
2. The person approached must clarify whether the complainant wants them to act as a mediator or simply wishes to talk the matter through with them. If the complainant does want them to help resolve the complaint, then they will do this at an informal level. In their management role, they must do so in an impartial manner with respect to both parties.
3. There is no written complaint at this stage.

Formal Process

- If the matter is not resolved with the support and advice of the person initially approached, the complainant can make a formal complaint in writing about the alleged harassment to the Complaints Officer (person delegated by the RLSSA).
- The Complaints Officer should attempt to resolve the complaint between the parties concerned by mediation, unless this has already been attempted without success or is clearly not appropriate in the circumstances (for example, the complainant is too distressed to face the alleged harasser).
- If mediation fails, or is not feasible, the Complaints Officer must then ensure that a fair and impartial investigation is made of the allegations, and that appropriate action is taken to resolve the complaint and, where necessary, to deal with the harasser.
- The investigation is then conducted by a fairly constituted panel or a suitably skilled and impartial individual from within or outside the RLSSA. Natural justice is to be observed for the alleged harasser.

Steps for an investigation consistent with the principles of natural justice are:

1. the complainant is interviewed and the complaint is documented in writing;
2. the allegations are conveyed to the alleged harasser in full;
3. the alleged harasser is given the opportunity to respond;
4. if there is a dispute over the facts, statements from witnesses and other relevant evidence is gathered;
5. a finding is made as to whether the complaint has substance; and
6. a report documenting the investigation process, the evidence, the finding and the recommended outcome/s is submitted to the decision maker (the senior official with responsibility for the anti-harassment policy).

- Both parties are entitled to support through this process from their chosen support person/adviser.
- If the report is endorsed by the decision maker, the organisation then carries out the recommendations of the report. These may include such actions as an apology, counselling, a fine, dismissal or withdrawal of coaching/official accreditation.
- Both the complainant and the respondent have the right to appeal against the findings of the investigator/panel or against the resulting recommended action if they have any concerns about procedure, bias or fairness. Appeals are handled by an appeal panel made up of members other than those who conducted the original investigation.
- The appeal body can uphold the decision of the investigator/panel, reverse the decision of the investigator/panel, and/or modify any of the investigator/panel's recommendations for disciplinary action or remedial measures.
- If the internal investigation, appeal and disciplinary procedures do not achieve a satisfactory outcome for the complainant, or if the complainant believes it would be impossible to get an impartial investigation within the RLSSA, he/she may choose to approach the Australian Sports Commission to assist with a resolution.

External

A complainant may be dissatisfied with the outcome of harassment procedures within the RLSSA, or may not wish to use procedures internal to the RLSSA at all because of a lack of confidence in them. In this case, the complainant can utilise external complaint procedures.

Harassment of various kinds is unlawful under state and federal anti-discrimination laws in Australia, and complaints under these laws are dealt with by state and federal anti-discrimination bodies.

A person experiencing harassment can seek initial advice from one of these bodies without being obliged to make a complaint. If that body advises that the conduct being experienced appears to be a type of harassment that comes within its jurisdiction, the harassed person then makes the decision as to whether or not to lodge a formal complaint to the body.

Once a complaint is received, an investigation will be undertaken. If there appears to be a case that unlawful harassment has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the matter may proceed to a formal public hearing, where a finding will be made as to whether harassment occurred. Various remedies may then be prescribed by the tribunal. These can include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred by the complainant.

It should be noted that an anti-discrimination body can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.