

ANTI-DISCRIMINATION POLICY

GOVERNED BY ANTI-DISCRIMINATION ACT 1977 NO 48

(AS PER CURRENT VERSION FOR 11 DECEMBER 2020 TO DATE)

Policy number	AD1	Version	004 - June 2021
Drafted by	Head Office	Approved by board on	August 2022
Responsible person	CEO	Review	As required

INTRODUCTION

The NSW Greyhound Breeders, Owners and Trainers Association (NSW GBOTA) endorses diversity, supports equal rights, and does not advocate, support or practice discrimination based on race, religion, age, national origin, language, sex, sexual orientation, or mental or physical handicap, whether covered by applicable legislation or not, except where affirmative action may be required to redress individual or social handicaps of people from disadvantaged groups.

The NSW GBOTA understands that workplace bullying is a threat to the health and wellbeing of its staff, volunteers and customers.

Accordingly, the NSW GBOTA is committed to eliminating, so far as is reasonably practicable, all forms of workplace bullying & sexual harassment by maintaining a culture of openness, support, and accountability.

This policy has been designed to facilitate the creation of a workplace culture that maximizes organisational performance through employment decisions. These decisions will be based on real business needs without regard to non-relevant criteria or distinctions, and will ensure that all decisions relating to employment issues are based on merit.

PURPOSE

This policy is designed to ensure that the NSW GBOTA complies with all of its obligations under the relevant legislation including but not limited to the Anti-Discrimination Act 1977 No 48.

This document sets out

- NSW GBOTA's policy against such discrimination
- The governance structures, responsibilities and processes that have been established to give effect to that policy.

POLICY

NSW GBOTA does not advocate, support or practice discrimination based on race, religion, age, national origin, language, sex, sexual orientation, or mental or physical handicap or any other personal attribute protected by law, except where affirmative action may be required to redress individual or social handicaps.

NSW GBOTA will make all reasonable accommodations to allow people who experience difficulties in their dealings with the organisation to benefit equally from its work.

The NSW GBOTA has a duty of care to provide a safe workplace, and ensure, so far as is reasonably practicable, that workers and other people are not exposed to health and safety risks.

The NSW GBOTA accepts and acts on its duty of care. Any reported allegations of workplace bullying will be promptly, thoroughly, and fairly investigated.

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties. All parties will be treated with respect.

The NSW GBOTA will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and employee/volunteer to ensure that sexual harassment does not occur.

Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establish minimum standards of behaviour for all employees.

This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.

No employee or volunteer at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment. A breach of this policy will result in disciplinary action, up to and including termination of employment.

The NSW GBOTA strongly encourages any employee who feels they have been sexually harassed to take immediate action. If an employee or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

Alternatively, or in addition, they may report the behaviour in accordance with the relevant procedure. Once a report is made the organisation has the right to determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No employee or volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any employee or volunteer who has been alleged to be a harasser.

All employees and volunteers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Managers or Supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

Every person will be given a fair and equitable chance to compete for appointment, promotion or transfer, and to pursue their career as effectively as others.

Employment decisions relating to appointment, promotion and career development will be determined according to individual merit and competence.

Consistent with this, the NSW GBOTA does not condone any form of unlawful discrimination or vilification, including that which relates to:

- gender;
- pregnancy;
- potential pregnancy;

- marital/domestic status;
- disability;
- race, colour, national extraction, social origin, descent, and ethnic, ethno-religious or national origin;
- age;
- family responsibilities, family status, status as a parent or carer;
- racial classification;
- sexuality;
- HIV/AIDS vilification;
- religious belief or activity;
- political belief or activity;
- industrial activity;
- employer association activity;
- trade union activity;
- physical features;
- breastfeeding;
- transsexuality;
- transgender;
- profession, trade, occupation or calling;
- medical record; and
- criminal record.

In all cases no factors other than performance and competence are to be used as the basis for performance assessment, training and development opportunities and promotions.

RESPONSIBILITIES

1. The Board will:

- Regularly review the leadership and commitment given to eliminating discrimination through active promotion of the organisation's Anti-Discrimination Policy.
- Monitor performance by way of periodic management reports and assurances.

2. Management will:

- Ensure that:
 - the organisation's practices and processes incorporate precautions against discrimination in such areas as hiring, client selection, and program delivery;
 - Reasonable accommodations are made to allow diverse groups to access benefits provided by the organisation;
 - Where appropriate, weight is given to the culture and experiences of individuals from disadvantaged groups.
- Where appropriate, delegate responsibility for compliance to officers with responsibility for particular sections.
- Oversee the performance of subordinate officers in these matters.
- Review and report to the Board, as appropriate, on the effectiveness of the management systems established to remove discrimination.
- Analyse material breaches and identified compliance system weaknesses for systematic trends and ensure that any adverse trends are addressed.
- Promote a culture of effective policy compliance across the organisation.

3. All staff and volunteers at all levels will:

- Ensure that they are aware of the organisation's policy against discrimination;
- Not act in a manner that would be considered to be discriminatory pursuant to this policy or any applicable legislation;

- Where appropriate, suggest ways in which practices, systems and procedures could be improved so as to reduce the likelihood of discrimination occurring.

All workers have:

- an entitlement to work in a safe and healthy workplace and to be treated with dignity and respect
- an entitlement to make a complaint in respect of any bullying, sexual harassment or discriminative behaviour
- a responsibility to take reasonable care for their own health and safety
- a responsibility to ensure they do not promote or engage in bullying, sexual harassment, discrimination and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
- a responsibility to co-operate and comply with this policy and any other relevant policy.

It is the responsibility of all managers to ensure that:

- they understand, and are committed to, the right of all employees and volunteers to attend work and perform their duties without fear of being bullied, sexually harassed or discriminated in any form
- all reasonable steps to eliminate bullying, sexual harassment and discrimination are made so far as is reasonably practicable
- all applicable occupational health and safety legislation is observed
- all employees and volunteers are regularly educated and made aware of their obligations and responsibilities in relation to providing a workplace free from bullying, sexual harassment and discrimination
- they provide an environment which discourages bullying, sexual harassment and discrimination and set an example by their own behaviour
- all complaints are treated seriously and confidentially
- they are as far as practicable aware of whether bullying, sexual harassment and/or discrimination is occurring, whether complaints are received or not, relying on such indices as:
 - sudden increases in absenteeism
 - unexplained requests for transfers
 - behavioural changes such as depression
 - sudden deterioration in work performance
- they take immediate and appropriate action if they become aware of any bullying, sexual harassment, discrimination or offensive behaviour
- any reported allegations of workplace bullying, sexual harassment and/or discrimination are promptly, thoroughly, and fairly investigated
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying, sexual harassment or discrimination
- ongoing support and guidance is provided to management, employees and volunteers in relation to the prevention of bullying, sexual harassment and/or discrimination
- this policy is displayed in the workplace and easily accessible to all workers and volunteers.

PROCEDURES

COMPLAINTS PROCEDURES

If an employee or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact their supervisor or manager, a human resources officer, or any other manager with whom they feel comfortable. The manager or officer will provide support and ascertain the nature of the complaint.

INFORMAL INTERVENTION

The manager will explain the rights and responsibilities of the employee or volunteer under the relevant policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the organisation's formal procedure should be followed.

FORMAL COMPLAINTS PROCEDURE

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally (by a manager or officer) or by an external investigator.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be stood down from work or provided with alternative duties during an investigation in which case they will be paid their normal pay during any such period.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings as to whether bullying has occurred will be determined on the basis of the evidence, and on the balance of probabilities.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling
- Disciplinary action (including an up to termination of employment)
- Official warning
- Formal apologies and undertaking that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- Reimbursing any costs associated with the harassment;
- Re-crediting any leave taken as a result of the harassment.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a complaint (irrespective of the findings), the manager concerned will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all employees and volunteers of their obligations and responsibilities in relation to providing a workplace free from bullying

Outcomes will depend upon factors such as:

- The severity and frequency of the harassment;
- The weight of the evidence;
- The wishes of the person who was harassed;
- Whether the harasser could have been expected to know that such behaviour was a breach of policy;
- The level of contrition;
- Whether there have been any prior incidents or warnings.

If the investigation determines that sexual harassment has occurred, the Manager must forward a summary of the complaint and the action taken to the Human Resources Department. A copy may be placed in the respondent's personnel file by the Human Resources Department, in accordance with Performance Counselling procedures.

The Manager will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews.

If there has been any substantiated victimisation, disciplinary procedures will be followed.

PROCEDURES FOR DEALING WITH CRIMINAL CONDUCT

Some forms of severe bullying (physical attack, for example, or obscene phone calls) and sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct. The NSW GBOTA is committed to treating complaints about bullying & sexual harassment at an organisational level as far as possible, whoever, serious complaints should be treated by the criminal justice system. Directors, employees, casual staff and volunteers should be advised of the option of police support or intervention. It is the obligation and duty of the organisation to report such matters to the police.

PROCESSES

The Management Committee will initially review the organisation's procedures in all areas to ensure that these are in accordance with the principles expressed in this policy, and will report to the Board on this matter.

The Management Committee will review any changes to the organisation's procedures in all areas to ensure that these are in accordance with the principles expressed in this policy.

Staff and volunteers will follow these procedures.

DEFINITIONS

"Bullying" is repeated and unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

"Repeated behaviour" refers to the persistent nature of the behavior and can involve a range of behaviours over time.

"Unreasonable behaviour" is behaviour that a reasonable person, having considered the circumstances would see as unreasonable, including behavior that is victimizing, humiliating, intimidating or threatening.

Examples of behavior, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- withholding information that is vital for effective work performance

- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

Workplace bullying can be carried out in a variety of ways including through email, text or social media channels.

Workplace bullying can occur between workers (sideways), from managers to workers (downwards), or workers to supervisors/managers (upwards).

Reasonable management action is not considered to be workplace bullying if it is carried out lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- deciding not to select a worker for promotion where a reasonable process is followed
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- taking disciplinary action, including suspension or terminating employment.

Differences of opinion and disagreements are generally not considered to be workplace bullying.

Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter (see below).

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about your private life
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

Discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. It can also occur if a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with an attribute; and that is not reasonable.

Equal Employment Opportunity consists of ensuring that all employees are given equal access to training, promotion, appointment or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.

Victimization means subjecting, or threatening to subject, a person to any detriment because they have:

- asserted their rights under equal opportunity law;
- made a complaint;
- helped someone else make a complaint; or
- refused to do something because it would be discrimination, sexual harassment or victimisation.

AUTHORISATION

NSW Greyhound Breeders, Owners and Trainers Association