



# WARWICK GREENWOOD CRICKET CLUB

## ANTI-HARASSMENT POLICY

### POLICY STATEMENT

Warwick Greenwood Cricket Club is committed to providing a sport and work environment free of harassment. We believe that anyone who volunteers or represents us, and everyone with whom we deal, has the right to be treated with respect and dignity. WGCC will not tolerate harassment in our organisation. We will take all complaints of harassment seriously, and will ensure they are dealt with promptly, seriously, sensitively and confidentially. Disciplinary action can be taken against a person who is found in breach of this policy.

### APPLICATION OF POLICY

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

- Volunteers of WGCC
- Committee Members of WGCC
- Participants in activities and events held by WGCC
- Coaches
- Officials
- Sponsors or other business partners
- Spectators

### UNLAWFUL HARRASSMENT

Sexual harassment and various other forms of harassment are unlawful under Federal and State legislation (Sex Discrimination Act 1984 (Cth), Human Rights and Equal Opportunity Act 1986 (Cth), Disability Discrimination Act 1992 (Cth), Equal Opportunity Act 1984 (WA)). People engaging in harassment can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they represent. For this reason WGCC has a legal responsibility to ensure that harassment does not occur in the course of any of our activities.

## **DEFINITIONS**

### **Harassment (general)**

Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, usually because they are different or perceived to be different, from the harasser. The difference may be in gender, race, disability, sexual orientation, age, power (relative to the harasser), or some other characteristic. It is behaviour that is unwelcome and that could reasonably be expected to upset the person or people at who it is directed.

### **SEXUAL HARASSMENT**

Sexual harassment can be physical, verbal or written.

Sexual harassment can take many forms. It is an offence to discriminate against any individual on the basis of:

- Lawful sexual activity/sexual orientation
- Marital, parental or career status
- Physical feature
- Pregnancy
- Sex;
- Living with AIDS or Hepatitis C
- Personal association with a person who is identified by reference to any of the above attributes
- Sexually harassing another person
- Comments about a person sexual life or physical appearance
- Suggestive behaviour
- Unnecessary physical intimacy such as brushing up against a person
- Sexual jokes, offensive telephone calls, photographs, reading matter or objects
- Sexual propositions or continued requests for dates
- Physical contact such as touching or fondling
- Indecent assault or rape (which are also criminal offences)

### **Behaviour Constituting Harassment**

This 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 humiliating or intimidating someone in a less powerful position
- Jokes or comments directed at a persons 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 peoples 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 emails, faxes, letters or notes: and
- Sexual insults, taunts, name calling
- 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. However, it is important to recognise that some people may accept or put up with behaviour they find harassing, especially if they hold a subordinate position relative to the group or individual engaging in the flirtatious or jovial behaviour. It is the responsibility of all people covered by this policy to err on the side of caution and to be sensitive to the impact of their behaviour, not just those to whom the behaviour is primarily directed.

### **Responsibilities**

WGCC is responsible for taking all reasonable steps to prevent harassment in our organisation and for ensuring our policy is well known throughout the organisation. This means we will take whatever steps necessary to ensure that everyone in the organisation, knows:

- What harassment means;
- That it is against the law; and
- That it will not be tolerated

While the President has the ultimate responsibility for ensuring this organisation is free of harassment, Coaches and Managers must accept day to day responsibility for implementing this policy.

Administrators, officials, supervisors and Coaches have a direct responsibility to make sure that members, parents and other spectators understand this policy and adhere to it. They have been trained in this policy and implementation by means of:

- Workshops
- Appropriate behaviour

Members, parents and spectators will be informed about this policy through:

- Newsletters
- Club meetings
- Displaying notices and posters
- Including a copy of the policy on the WGJFC website

- Workshops
- Reminding members of the policy on membership renewal forms
- Notifying new members of the policy

WGCC is further responsible for ensuring that the policy and procedures are monitored and reviewed regularly.

It will be the responsibility of all volunteers, committee members, officials, coaches, members and athletes to comply with this policy.

### **Confidentiality**

WGCC committee 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.

### **Harassment Complaints**

We will deal promptly, seriously, sensitively and confidentially with any complaints about breaches of this policy.

We will ensure that appropriate complaints procedures are developed to handle harassment complaints. These will provide both formal and informal mechanisms for dealing with complaints. Please refer to Internal Complaints Process diagram (appendix 1) for details.

In the first instance, advice and assistance can be provided by the Member Protection Information Officer.

Member Protection Information Officer is able to help in several ways. He/she can:

- Listen and provide moral support
- Clarify whether the behaviour being experienced constitutes harassment, another form of unacceptable behaviour that requires other solutions, or legitimate supervisory/coaching behaviour;
- If it appears that the conduct is harassment, explain the courses of action available to deal with the harassment, from informal/internal measures through to formal/external complaints;
- Provide referral to other people or bodies charged with taking formal complaints
- Accompany the person experiencing harassment to approach the harasser or to take other actions under internal or external complaints procedures; and
- Follow up with the person after appropriate action has been taken, to ensure that they are satisfied with the resolution.

Names and contact points as below

- WGCC Member Protection Information Officer

While it is recommended that the MPIO be approached in the first instance, the person experiencing harassment also may seek advice and support in the first instance from another trusted person, for example:

- An officer designated to take responsibility for resolving harassment complaints, or
- The President, as the signatory for the anti harassment policy

### **Informal Resolution**

Informal resolution of complaints is the most common venue for finding resolution. Informal solutions may occur to the complainant while he or she is talking with the MPIO. These may then be carried out by the complainant with or without the assistance of the MPIO. Resolution of complaints at this level allows for complete confidentiality for both parties and can sometimes result in an improved working relationship.

The second level of informal resolution involves mediation by a third party. The mediator may be a Grievance Officer or could be a President, Supervisor, Coach or Official agreed to by both parties for this purpose.

### **Formal Resolution**

The complainant may decide, however after talking with the MPIO or another person, or after informal resolution has failed, to go to the stage of lodging a formal written complaint. A MPIO will be designated to receive formal written complaints about harassment. This person shall be the President of WGJFC.

On receiving the complaint, the MPIO will attempt to sort out the matter between the complainant and the alleged harasser by mediation, unless this is clearly inappropriate in the circumstances. If mediation fails, or is not attempted the MPIO will proceed to arrange a fair investigation of the complaint. The purpose of the investigation will be to establish whether harassment has occurred, and if so, what action should be taken to resolve this matter.

A complainant can withdraw from the complaint process at any time. However, this does not absolve WGCC from its obligation to pursue a complaint of harassment of a serious nature. The bottom line is that WGCC has a legal responsibility to maintain a harassment free work and sport environment. If a complainant does not wish to pursue a formal complaint, it is up to the MPIO to determine if the alleged harassment is serious enough to warrant an investigation or be referred to the Police.

### **RIGHT TO APPEAL**

After an internal investigation of a complaint has occurred, a decision has been reached and action recommended, both parties to the complaint have the right to appeal the decision and recommendation if a matter of procedure, bias or fairness is called into question. Formal appeals will be handled by WGCC committee,

The party wishing to appeal a decision shall advise the MPIO in writing within 48 hours of the delivering of the decision

The person bringing the appeal must also provide the grounds of appeal in writing within 5 days of lodging the Notice of Intention to appeal. If this is not complied with the appeal shall be deemed to be withdrawn.

**DISCIPLINARY ACTION**

WGCC can take disciplinary action against any person in the organisation that is found to be guilty of harassment. WGCC can also take disciplinary action against anyone who victimises a person who has complained of harassment. The discipline would depend on the severity of the case and could involve counselling, compulsory education, a fine, suspension, dismissal or withdrawal of coaching/official accreditation.

WGCC will take similar disciplinary action against any person in the organisation that is found to have made false, vexatious or frivolous charges of harassment.

Apart from these internal ways of making a complaint, complainants may, at any time, contact the relevant state/territory of federal anti-discrimination/human rights body for information or advice, or to lodge a complaint of discrimination. They may telephone, write or call into:

Western Australia Commissioner for Equal Opportunity  
2<sup>nd</sup> Floor, Westralia Square  
141 St Georges Terrace  
Perth WA 6000  
Tel: (08) 9267 1930

I endorse the Anti-harassment Policy.

..... (Signature)

..... (Position)

..... (Date)

..... (Witness name)

..... (Witness signature)

..... (Date)

# APPENDIX 1

## COMPLAINTS: THE INTERNAL PROCESS

