



Royal Queensland Yacht Squadron

DIVERSITY, HARASSMENT & EQUITY
POLICY

2021

1. Purpose

Royal Queensland Yacht Squadron (RQYS) respects and values the diversity of its workplace and believes all people have a right to be treated equally and fairly. RQYS expects its workplaces to be characterized by fair and equitable treatment and that all employees, members, volunteers and visitors work to ensure RQYS workplaces, facilities and property are free from all forms of harassment, sexual harassment, bullying and unlawful discriminatory behaviour.

2 Scope

This policy applies to all RQYS employees, members, volunteers and visitors. It also applies to contractors who are working on RQYS facilities, property and vessels as well as members' vessels, whether engaged directly or through a third party arrangement.

3 Procedure

3.1 Unlawful discrimination

Discrimination may be direct or indirect. Direct discrimination occurs on the basis of an attribute happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

The attributes or characteristics referred to in anti-discrimination in Queensland may include:

- age;
- sex;
- religious beliefs;
- gender identity;
- breastfeeding;
- disability or impairment;
- marital or relationship status;
- sexual orientation or intersex status;
- physical features;
- family responsibilities;
- pregnancy or potential pregnancy;
- union or political affiliation;
- criminal record or spent convictions;
- race, colour, nationality, descent, ethnic, ethnic-religious or national origin; or
- association with a person with one of the above attributes.

Indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose a term that a person with an attribute does not or is not able to comply and with which a higher proportion of people without the attribute comply or are able to comply and that it is not reasonable. Discrimination can result from a person's conduct whether or not the person intended their conduct to have a discriminatory effect.

An employee, member, volunteer, visitor or contractor who discriminates against another may be subject to disciplinary action, up to and including termination from employment, suspension or termination of membership for members and volunteers, removal from RQYS premises, facilities and property for visitors or in the contractor's case termination of contract or banishment from access to RQYS facilities, property and vessels as well as members' vessels, whether engaged directly or through a third party arrangement.

3.2 Harassment, Sexual Harassment, Bullying and Equal Opportunity

RQYS through prevention strategies to provide a workplace that is free from harassment, victimization and bullying.

Harassment is any form of unwelcome, unsolicited, unreciprocated attention or behaviour that is perceived to be offensive, abusive, humiliating, or intimidating to a person. Harassment may be indirect, unintentional or deliberately directed behaviour towards an individual or group. Harassment may occur as a single incident, a series of incidents or be an ongoing pattern of behaviour. It can be verbal, behavioural, physical, written or of electronic format.

Sexual harassment is any verbal, written, visual or physical behaviour of a sexual nature that is unwelcome and uninvited where the harasser in all circumstances should have anticipated the possibility that the other person would be offended, humiliated or intimidated.

A person does not need to intend to offend, humiliate or intimidate, or even to know that this was the effect of their behaviour for this conduct to be against the law. For example, a practical joke that 'everyone else thinks is funny' can amount to sexual harassment of another person who finds it offensive.

Depending on the circumstances, the following kinds of behaviour may be deemed sexual harassment:-

- jokes or cartoons about someone's appearance, body shape or any other personal matter that may cause embarrassment and make people feel uncomfortable;
- sexual or physical contact such as putting your arm around someone, slapping, kissing, touching, pinching or patting them or other forms of unnecessary familiarity;
- staring or leering in a sexual manner (looking someone up and down);
- standing too close to someone or brushing him or her as you walk past;
- verbal abuse or comments that put down or stereotype people because of their sex, appearance or sexual preference. These gestures may not need to be obviously crude for the behaviour to be deemed sexual harassment;
- offensive gestures and 'wolf' whistling;
- displaying in the workplace or in personal belongings material that is sexist, sexually explicit or homophobic. This includes offensive emails, screensavers or posters;
- repeated sexual invitations when the person invited has refused similar invitations before; and
- intrusive questions or remarks about a person's sexual activities.

Employees, members, volunteers, visitors and contractors may be personally liable for sexual harassment in any legal proceedings.

Sexual assault and rape are not examples of harassment. They are criminal offences, which if they occur, will be placed in the hands of the police.

Bullying is repeated behaviour that a reasonable person having regard to all of the circumstances, would anticipate to be humiliating, intimidating, undermining or threatening and which causes a risk to the person's or others health and safety.

The following types of behaviour, where repeated as part of a pattern of behaviour would be considered to be bullying:-

- verbal abuse;
- use of offensive language;
- excluding or isolating employees;
- persistent teasing, joking or holding a person up to ridicule;
- sending offensive or humiliating emails;
- assigning meaningless tasks unrelated to a person's job;
- deliberately changing working hours to inconvenience particular employees;
- withholding information that is vital for effective work performance; and
- the use of RQYS's electronic email, facebook, messenger, whatsapp, or other computer systems to bully another person will be a breach of RQYS's computer policies.

Reasonable management action carried out in a reasonable manner is not considered bullying.

Equal Employment Opportunity for Women is guided by the principal objectives of the Equal Opportunity for Women in the Workplace Act 1999 (Cwth) which are to:

- promote the principal that employment for women should be dealt with on the basis of merit;
- promote the elimination of discrimination and the provision of equal employment opportunity for women in relation to employment matters; and
- foster workplace consultation between employers and employees on issues concerning equal opportunity for women in relation to employment.

3.3 Victimisation

Victimisation is any paybacks, retribution or intimidation associated with the discrimination or harassment complaint. Victimisation refers not only to intimidation of complainants or potential complainants, but also to the alleged harasser or discriminator, witnesses, supporters and those resolving or investigating any complaints.

As with discrimination generally, motive is irrelevant. A complaint of victimisation can be successful even if the underlying EEO complaint does not succeed.

It is unacceptable and against the law for any person to be treated differently for the reason that he or she decided to exercise his or her legal rights under EEO laws or to help someone else to do the same.

If a person raises concerns with another person about his or her behaviour, it is important to appreciate they are taking the opportunity to tell the person directly that they find the person's behaviour unacceptable. The person should show them respect for giving the other person the opportunity to reflect upon his or her behaviour and consider changing it.

3.4 Vilification

Vilification is a public act which incites, encourages or urges others to hate, have serious contempt for, or severely ridicule a person or a group because they are (or are thought to be) members of a particular group.

An employee, member, visitor or contractor who vilifies against another may be subject to disciplinary action, up to and including termination from employment, suspension or termination of membership for members or volunteers, removal from RQYS premises for visitors or in the contractor's case termination of contract or banishment from access to RQYS facilities, property and vessels as well as members' vessels, whether engaged directly or through a third party arrangement.

In recognition of the diversity of the workforce, RQYS seeks to assist employees manage their life and work commitments in considering individual relevant personal circumstances and accommodating flexible work arrangements where it is operationally viable and can be reasonably accommodated by RQYS.

4 RESPONSIBILITIES

4.1 General Manager, Managers and Supervisors

It is the responsibility of the General Manager, every Manager and every Supervisor to take steps to prevent employees, members, volunteers, visitors and contractors to prevent the discrimination, harassment, victimisation and vilification of others. They must:-

- personally demonstrate appropriate behaviour as outlined in this policy;
- promote a diverse workplace that is free from harassment, discrimination, victimisation and vilification;
- monitor all persons behaviour and intervene early if they suspect or become aware of inappropriate behaviour;
- treat complaints seriously and investigate complaints in accordance with this policy;

- ensure confidentiality of all complaints; and
- manage employment matters without regard to attributes that may be the basis of discriminatory behaviour.

Managers and Supervisors must report all complaints of harassment, discrimination, victimisation or vilification immediately to the General Manager.

The General Manager, Managers and Supervisors must fully cooperate with any investigation allegations and must support efforts to resolve such matters. In conducting or being part of any investigation, all parties to a complaint must be treated fairly, should not be victimised, should not engage in retaliatory behaviour and must not be disadvantaged in their employment conditions, contractual conditions or opportunities at work in relation to promotion/training or hours of work.

In an event that an allegation is made against a Manager or Supervisor, the General Manager is responsible for the investigation process. The General Manager may seek support for his investigation from any other party.

4.2 Employees' Responsibilities

Employees are required to ensure they do not discriminate, harass, victimise or vilify any other person including fellow staff, members, volunteers, visitors, contractors and any other person whilst at the RQYS workplaces, premises and facilities.

Employee's must:

- demonstrate appropriate behaviour to ensure that RQYS workplaces, premises and facilities are free from unlawful discrimination, harassment, bullying, sexual harassment, victimisation or vilification;
- not tolerate harassing or discriminatory behaviour;
- Recognise their individual role in developing and maintaining harmonious workplace relations and promote a positive and cooperative workplace culture
- Take responsibility for their own behaviour and actions in the workplace, and where the actions of others are disagreeable to them, attempt to settle matters, where appropriate, with the other person/s in the first instance
- Always communicate verbally and non-verbally with respect and dignity to fellow staff, members, contractors and volunteers
- Immediately report incidents, maintaining confidentiality, to either the General Manager, your Manager or Supervisor;
- Actively participate in the complaint management process and provide managers with specific information regarding any concerns and be prepared to have complaints made known to those involved, to allow for fair management
- Not discuss or release information relating to complaints to any third party who has no legitimate involvement in the process
- Respect individual differences and needs of others;
- Understand, appreciate and demonstrate behaviour consistent with RQYS Diversity, Harassment and Equity Policy;
- Co-operate and maintain privacy during any investigation; and
- Ensure that any allegations are made honestly and not vexatiously, or to impede legitimate managerial action. Where a complaint is found to be vexatious and without foundation, disciplinary action may be taken against that person.
- Follow the complaint procedure in a timely and cooperative manner.

4.3 General Manager's Responsibilities

The General Manager is responsible for investigating and where possible any incidents covered by this policy. This includes disseminating relevant documentation and ensuring participation in the introduction of this policy to ALL persons including RQYS employees, members, volunteers, visitors and contractors.

The RQYS Management will provide support and information to any person who has been the victim of harassing, bullying or discriminatory behaviour within RQYS workplaces, premises, facilities and property.

The General Manager has overall responsibility for the investigations, outcomes and subsequent decisions affecting employees, volunteers, visitors and contractors. A report of an investigation of a complaint of a RQYS member by the General Manager will be submitted to RQYS General Committee to make decisions upon that complaint.

RQYS Management must:

- maintain a complaint and investigation system to report and resolve complaints;
- ensure complaints are treated seriously and investigated promptly, confidentially and impartially in accordance with this policy;
- implement strategies that assist employees to manage personal work commitments;
- foster the contribution of staff through proactive and practical employee engagement strategies.

5 COMPLAINTS RESOLUTION PROCEDURE

5.1 Complaints

RQYS takes all complaints regarding unlawful discrimination, harassment, bullying, sexual harassment, victimisation or vilification seriously.

If an employee, member, volunteer, visitor or contractor feels they have been unlawfully discriminated against, harassed, bullied, victimised or vilified, they should make an assessment on how to deal with the issue. The employee, member, volunteer, visitor or contractor can:-

- deal with the issue themselves informally;
- deal with the issue themselves after seeking assistance from the General Manager;
- make an internal formal complaint to RQYS; or
- make an external complaint to the Office of EEO.

Employees will not be disadvantaged in their employment or contractors under their contract of service nor volunteers or members disadvantaged as a result of lodging an internal or external complaint or by providing a show of support to a complaint.

5.2 What can the General Manager, Managers and Supervisors do?

It is important for the General Manager, Managers and Supervisors to respond promptly to allegations from any person regarding discrimination, harassment, bullying, sexual harassment, victimisation or vilification.

The General Manager, Managers and Supervisors must listen, record details, keeping in consideration the confidentiality of the complaint, and work with all persons to assist in the resolution of the complaint.

There is a range of informal resolution options available:-

- speak with the complainant privately;
- speak with the person complained about (separately)
- speak with both parties together; or
- arrange a mediation session if agreed.

If a person wishes to remain anonymous the General Manager, Managers or Supervisors can still take action to rectify and resolve the concerns raised.

It is critical that any conversation with any party concerning the complaint that proper records be kept.

5.3 Internal Complaints

Formal complaints can be made to:-

- General Manager;
- Managers; and
- Supervisors.

Investigations will be co-ordinated by the General Manager. Confidentiality of matters which are subject of an investigation will be respected and maintained.

5.4 External Complaints

The DH&E Policy goal is to resolve issues internally. However if an employee, member, volunteer, visitor or contractor does not feel the issue can be resolved internally they may seek the assistance of the Equal Opportunity Commission.

Both Federal and State Legislation allow any person to lodge a complaint with the Equal Opportunity Commission at any stage, whether or not an internal complaint has been lodged.

6 DISCIPLINARY ACTION

If an investigation reveals that a complaint of unlawful discrimination, harassment, bullying, sexual harassment, victimisation or vilification is substantiated, disciplinary action will be taken against the perpetrator.

The General Manager is to decide on what disciplinary action is to be taken against employees, visitors and contractors.

The General Manager is to submit to the General Committee a report on the findings of the complaint against any member or volunteer and the General Committee is to decide on the disciplinary action to be taken.

7 RECORDS AND CONFIDENTIALITY

All discussions relating to potential or actual complaints of discrimination will be documented regardless of whether a formal complaint has been made. All subsequent meetings, discussions and actions taken must be documented by the General Manager. If the complaint is discussed in General Committee minutes of the discussion must be recorded.

Information received, recorded or disseminated during the course of investigating a complaint must be treated as RQYS Proprietary information. Such information should only be disclosed on a 'need to know' basis and all parties involved in the investigation must be advised of their confidentiality obligations with respect to that information.

The General Manager, Managers and Supervisors must put in place practical security measures to restrict access to places where such confidential information is used or stored whether it be electronic or otherwise.

8 NON RETALIATION

Retaliation against an individual for reporting incidents of discrimination, harassment or bullying, or against someone taking part in an investigation of an incident, is prohibited by the Royal Queensland Yacht Squadron and State and Federal law. Retaliation is a serious violation that will be treated independently of the original allegation.

The Royal Queensland Yacht Squadron has an obligation to address allegations of sexual harassment, bullying or discrimination when it obtains information that would lead a reasonable person to believe that the policy has been violated.