

Harassment, Bullying and Discrimination Policy

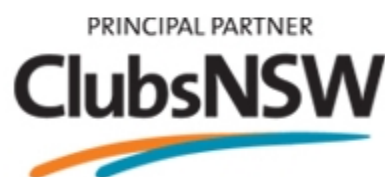
Approved by: CEO NSW Institute of Sport
 Commencement: 1st January 2013
 Review: 31st December 2016

Responsible officer: Human Resources Coordinator
 Manager Finance and Corporate Services

NSW Institute of Sport will not tolerate any form of discrimination, harassment or vilification against any individual.

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HARASSMENT, BULLYING AND DISCRIMINATION POLICY

Objective

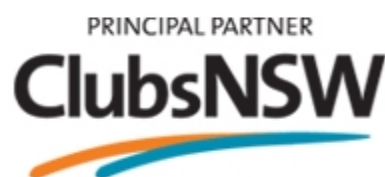
This policy is intended to ensure that the NSW Institute of Sport complies with the provisions of the Anti-Discrimination Act.

The NSW Institute of Sport is committed to promoting a fair and equitable environment which is free from discrimination, harassment, bullying and vilification in line with NSW Legislation.

Prohibition of Discrimination

NSWIS will not tolerate discrimination against, or harassment and vilification of any individuals or groups on prohibited grounds. Types of prohibited behaviour and grounds of prohibited discrimination or harassment are:

- Race/ethnicity
- Age
- Sexual orientation
- Lawful sexual activity
- Gender
- Marital status
- Relationship status
- Pregnancy
- Breastfeeding
- Parental status
- Family responsibilities
- Disability
- Industrial activity
- Political belief or affiliation
- Political activity
- Religious belief or affiliation
- Religious activity
- Irrelevant criminal record
- Irrelevant medical record; or
- Association with a person who has, or is believed to have, any of the above attributes



Authority & References

- NSW Anti-Discrimination Act 1977
- NSW Industrial Relations Act 1996
- NSWIS Fixed Term Employment Agreement 2009-2012 Clause 2
- NSWIS Code of Conduct

Environment free from harassment, bullying and discrimination

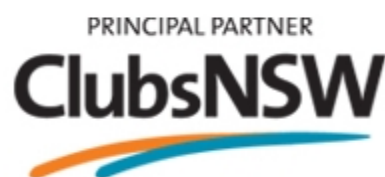
The NSWIS will also seek to ensure that its employees and agents do not engage in behavior that discriminates against other person, either directly or indirectly, on the basis of any of the following attributes:

- Physical features or appearance;
- Occupation or occupational status;
- Socio-economic status.

The NSWIS will also not tolerate:

- a) Any conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of any of the attributes listed in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed;
- b) Sexual harassment in the form of:
 - i. Subjecting another person to an unsolicited act of physical contact of a sexual nature;
 - ii. Making an unwelcome sexual advance or an unwelcome request for sexual favours to another person;
 - iii. Making an unwelcome remark or statement with sexual connotations to another person or about another person in that person's presence;
 - iv. Making any unwelcome gesture, action or comment of a sexual nature; or
 - v. Engaging in conduct of a sexual nature in relation to another person that is offensive to that person

in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.



Other forms of harassment including:

- i. Intrusive or inappropriate questions about a person's private life
 - ii. Unwelcome communications
 - iii. Improper promises or threats relating to a person's status in the NSWIS
 - iv. Actual or threatened physical violence
- c) Bullying behaviour, including:
- a. Abusive or insulting behaviour
 - b. Yelling or screaming
 - c. Behaviour that humiliates, intimidates, belittles or degrades
 - d. Teasing or making a person the brunt of jokes
 - e. Spreading malicious gossip, rumours or innuendo
 - f. Making improper demands regarding work performance; or
 - g. Covert behaviour that is designed to undermine work performance or to cause personal distress

Bullying does not, however, include reasonable management action taken in a reasonable manner to supervise and direct the performance of work, by setting reasonable goals and standards, monitoring and assessing work performance, and by taking appropriate remedial action where this is warranted.

Types of Prohibited Behaviour

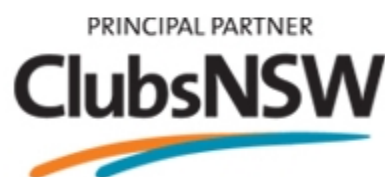
a) Direct Discrimination

Means treating or proposing to treat another person less favourably on the basis of an attribute than the person treats or would treat someone without that attribute in the same or similar circumstances.

b) Indirect Discrimination

Means imposing or intending to impose a requirement condition or practice that:

- A person with that attribute does not or cannot comply with
- A higher proportion of people with the attribute or with a different attribute, do or can comply with
- It is not reasonable in the circumstances



c) Vilification

The Institute will not tolerate offensive behaviour based on racial hatred or behaviour likely to humiliate, offend, intimidate or insult others.

- d) Under the Anti-Discrimination Act 1977, it is unlawful to victimize an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.

Responsibilities

All employees of the Institute have a responsibility to ensure that everyone works in an environment free from discrimination, harassment or bullying. It is a condition of employment that all employees report any instances of discrimination, harassment or bullying committed by any other employee of the Institute.

Lodging a complaint

Employees who believe that they are being discriminated against, harassed or bullied in contravention of this policy may take action under the Institute's Grievance Policy. All persons who are party to complaints are required to maintain confidentiality. Breaches of confidentiality may lead to disciplinary action.