



HR-POL005

SEXUAL HARASSMENT

MAY 2016

Purpose

Hockey SA is committed to providing a safe environment which is free from harassment, including sexual harassment:

- firstly for its staff and volunteers (including coaches, umpires, officials); and also
- for the athletes involved in Hockey SA programs.

This Policy outlines Hockey SA's position on sexual harassment and documents the process which is to be followed should any grievances arise.

Scope

This Policy applies in its entirety to the scope of the Association including the operation of the State Hockey Centre.

This Policy falls under the Hockey Australia Member Protection Policy which has been adopted by Hockey SA, and should be read in that context.

Definitions

Definitions of the following terms can be found within the Hockey Australia Member Protection Policy:

- harassment
- sexual harassment
- abuse.

Hockey SA Coaches include: coaches involved with Hockey SA schools outreach, holiday clinics, state teams, Development/Priority Athlete Programs, etc.

Policy Statement

Hockey SA recognises the right of every employee and volunteer to be able to attend work and to perform their duties without being subjected to any form of sexual harassment.

It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from sexual harassment.

Hockey SA is fully committed to its obligation to eliminate sexual harassment in the workplace. Sexual harassment will not be tolerated under any circumstances and disciplinary action will be taken against anyone who breaches the policy.

Hockey SA aims to:

- create a working environment which is free from sexual harassment and where all members of staff are treated with dignity, courtesy and respect
- implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities
- provide an effective procedure for complaints, based on the principles of natural justice
- treat all complaints in a sensitive, fair, timely and confidential manner
- guarantee protection from any victimisation or reprisals
- encourage the reporting of behaviour which breaches the sexual harassment policy
- promote appropriate standards of conduct at all times.

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, which for employees could include termination of employment.

Hockey SA 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.

Coach and staff training/screening

Hockey SA appointed Coaches and staff involved with athletes require screening in accordance with the Hockey SA Screening Policy.

Hockey SA Coaches are required to complete the *Play By the Rules* online training for:

- Child Protection
- Harassment & Discrimination.

Other Hockey SA staff will also be provided with training regarding sexual harassment as part of their induction and/or ongoing employment.

Responsibilities

Managers and supervisors have a responsibility to:

- monitor the working environment to ensure that acceptable standards of conduct are observed at all times
- model appropriate behaviour themselves
- promote the organisation's sexual harassment policy within their work area

- treat all complaints seriously and take immediate action to investigate and resolve the matter
- refer a complaint to their manager if they do not feel that they are the best person to deal with the case (for example, if there is a conflict of interest or if the complaint is particularly complex or serious).

All staff have a responsibility to:

- comply with the organisation's sexual harassment policy
- offer support to anyone who is being harassed and let them know where they can get help and advice (they should not, however, approach the harasser themselves)
- maintain complete confidentiality if they provide information during the investigation of a complaint. Staff should be warned that spreading gossip or rumours – including via social media – may expose them to a defamation action.

Complaints Procedure

Sexual harassment can occur at any level of the organisation, can be experienced by both men and women and may involve a co-worker, volunteer, supervisor, manager, service provider, client or customer. Lack of intent is no defense in sexual harassment cases.

Employees or volunteers who believe they are the subject of sexual harassment should take firm, positive and prompt action.

Where possible, the employee or volunteer will make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

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. Alternatively, an employee or volunteer may contact the CEO or another Manager they feel comfortable with.

The Manager will provide support and ascertain the nature of the complaint and the wishes of the complainant.

1. Informal Intervention

The Manager will explain the employee or volunteer's rights and responsibilities under the organisation's policy, procedures and Equal Employment Opportunity or anti-discrimination legislation.

Informal intervention may be undertaken through a process of mediation or conciliation. During informal intervention the alleged harasser will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed. If this occurs, no record will be made

of the proceedings, and any subsequent proceedings will begin anew. If this does not occur, the formal procedure should be followed.

2. Formal Complaints Procedure

The Manager may be obliged to carry out a formal investigation in relation to a complaint of sexual harassment.

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.

Records are to be kept and filed in a confidential and secure place. If no confidential area is available, these notes may be sealed, or held securely in an electronic file, and provided to the CEO, where they will be maintained, unopened, in a confidential filing system. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.

The findings as to whether sexual harassment 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:

- Formal apologies and undertaking that the behaviour will cease;
- Counselling;
- Disciplinary action against the harasser (e.g. demotion, transfer, suspension, probation or dismissal);
- Official warnings that are noted in the respondent's personnel file;
- Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- 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 sexual harassment complaint (irrespective of the findings), the Manager 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 CEO will retain a summary of the complaint and the action taken on the respondent's personnel file.

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.

3. Procedures for Dealing with Criminal Conduct

Some forms of severe sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.

While Hockey SA is committed to treat most sexual harassment complaints at a company level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system.

In relation to alleged criminal offences such as rape or sexual assault, the matter must be immediately referred to the CEO. Employees/volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the company to report such matters to the police on behalf of the complainant.

Review of policy

The Board of Hockey SA will review this policy annually or as often as it determines necessary and will make any changes it determines necessary or desirable.

Access to the policy

This policy will be available for viewing by any member of Hockey SA through its website or a copy will be provided upon request.