



VIOLENCE, BULLYING AND HARRASSMENT POLICY

1. Purpose

To promote and maintain an environment for its employees, members and guests that is free from physically violent and threatening behaviors in which individuals are treated with dignity and respect.

2. Scope

This policy applies to all Dinah Beach Cruising Yacht Association (The Association) Management Committee members, members, employees, volunteers and visitors to the premises.

3. Policy Statement

The Association will, through effective management and planning, aim to minimize the incidence of bullying, harassment or violence on the Association's premises.

4. Business Need

Section 55 of the Workplace Health and Safety Act (2007) imposes a statutory duty of care on the Association to ensure, so far as is reasonably practicable, its employees, members and guests are not exposed to risks to their safety or health.

5. Responsibilities

5.1. The Management Committee shall take all reasonable steps to:

- ensure employees, members and guests are aware of the Association's zero tolerance to harassment, violence and bullying and adhere to the conditions contained herein.
- ensure they do not personally engage in violent, bullying or harassing behaviour.
- promote a threat-free and violence-free environment with an aim to minimize instances of bullying, harassment and violence. This will be achieved where possible through training and the implementation of appropriate risk management strategies and/or operational procedures.
- consider and declare follow-up action on a case by case basis in response to an act of violence, bullying or harassment committee on DBCYA premises by members, staff, contractors or guests in consideration of General Manager recommendations
- review and approve policy update recommendations as per the strategic documents sub-committee to ensure currency to relevant legislation and the objectives of the Association.
- advise the next incoming committee of their obligations under this policy.

Policy title/no:	DBCYA Violence, Bullying and Harassment Policy	Policy Category:	Governance
Policy Created:	2011	Date of review:	June 2015
Date of Review approval:	21 June 2015	Date of next review:	June 2016
Creator:	unknown	Version:	V1.2
Responsible Officer:	General Manager		

5.2. The General Manager is responsible for:

- promoting a safe environment for all staff, members and guests, with an aim to minimize instances of bullying, harassment and violence.
- ensuring the requirements and responsibilities of this policy are included in the induction process of all employees whether they be permanent, part time, casual or contract
- developing and implementing staff operational procedures that address prevention, response and recovery in relation to bullying, harassment and violence.
- managing and responding to all incidents in accordance with this policy and any established operational procedures
- ensuring all incidents are recorded in writing and reported to committee.

5.3. Employees are responsible for:

- ensuring they understand the intent and requirements of this policy and any operational procedures relating to violent, bullying or harassing behaviour.
- following established procedures or direction from the General Manager/Bar Supervisor in response to an incident.
- reporting to the General Manager all incidents of bullying, harassment or violent behaviour either as a witness or involved party in accordance with established procedures.
- recording all incidents in writing in the incident Register and procuring witness statements where possible
- ensuring they do not personally engage in violent, bullying or harassing behavior.
- demonstrating interpersonal skills appropriate to the hospitality industry when interacting with members and guests, particularly in potentially violent or aggressive situations.
- ensuring they do not put themselves at risk or behave in a manner to potentially suffer another person to be at risk

6. Definitions

6.1. Bullying

The less-favorable treatment of a person by one or more people, which harms, intimidates, threatens, victimises, undermines, offends, degrades, insults or humiliates, whether in front of another person or alone.

NOTE: Bullying is not occasional differences in opinions and non-aggressive conflicts or problems in work relationships. Workplace counseling or managing poor performance is not bullying.

6.2. Harassment

Behaviours that are perceived to be offensive, abusive, belittling or threatening, that is unwelcome, unsolicited, unreciprocated and usually repeated. It may be indirect, unintentional or deliberately directed at an individual or group of people.

6.3. Unlawful harassment

Unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. It can also happen if someone is working in a hostile or intimidating environment.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails
- displaying offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race or religion
- asking intrusive questions about someone's personal life, including their sex life.

6.4. Violence¹

The attempted or actual exercise by a person of any force so as to cause injury to another person, including any threatening statement or behavior which gives the person reasonable cause to believe he or she is at risk. This may include, but is not limited to;

- Injuring another person physically through direct contact (ie: kicking, punching or pushing) or indirect contact (ie: using weapons or throwing objects).
- Behaviour that creates reasonable fear of injury to another person, including verbal threats or threatening behaviour.
- Intimidation, bullying and harassing behaviours, including cyber-bullying.
- Behaviour that evokes extreme emotional distress in another individual.
- Intentionally damaging property in a violent manner.
- Retaliating against another person who, in good faith, reports a violation of this policy.

Note: In some circumstances the perpetrator of violence may not have the mental capacity to form intent, however is physically capable of violence.

6.5. Employees

For the purposes of this Policy, employees are any person employed by the Association on salary or hourly hire, either directly employed or contracted and can include permanent, part time or casual.

6.6. Members

A Member is any person accepted into the Association as having met the bona fide requirements of the classifications identified within the Association's Constitution. A visiting yacht person that has been afforded honorary membership will be classified as a member for the purposes of this policy.

6.7. Guests

A Guest is any person not a member of the Association that has been introduced to the Association by a Member through signing of the visitor's book.

¹ Adapted from *An overview of occupational violence*: NOHSC (1999)

7. Guidelines/Procedures

7.1 Any act of physical violence on the Association's premises (licensed area and surrounds) by a member may result in the perpetrator/s being evicted from the Association's premises and their membership immediately suspended for an initial period of 48 hours or until such time as the Management Committee can determine an appropriate course of disciplinary action, whichever is less. Where the perpetrator/s cannot be immediately identified, **all** persons involved may be evicted and suspended. This disciplinary action is at the discretion of the General Manager and/or two committee members. Any Boat Park resident who is a perpetrator of violence is not exempt from potential eviction and if so advised must not be present on the Association's premises for the suspension period. This initial eviction and suspension serves only to provide the Management Committee time to meet and discuss the best course of disciplinary action. Further disciplinary action may be imposed on the offending member/s.

7.1.1 Where reasonably practical a quorum of no less than three office bearers of the Management Committee and the Association's General Manager will convene to determine the appropriate penalty within 48 hours of a reported event.

Note: The quorum must include the Commodore or their delegate as per the Constitution in the Commodore's absence or inability to attend.

7.1.2 The Secretary will inform the offending member/s of the outcome and any penalty to be incurred verbally within 24 hours (providing contact information available) and via mail within 72 hours of a decision being made, regardless of the outcome.

7.1.3 The Commodore is responsible for informing the General Manager of the outcome where it involves suspension of rights to attend the premises.

7.2 In the event the perpetrator of physical violence on the Association's premises is not a member of the Association they may be immediately evicted from the premises for a period of not less than seven days.

7.2.1 During this period a quorum of no less than three Office Bearing Members of the Management Committee and the Association's General Manager will convene to determine an appropriate penalty.

Note: The quorum must include the Commodore or their delegate as per the Constitution in the Commodore's absence or inability to attend.

7.2.2 During deliberations it is to be determined whether the perpetrator was a bona-fide guest in the presence of a member (where information obtainable through the Club Visitor Register/Incident Book). The outcome of these findings may form the penalty to be imposed. The penalty to be imposed may range from and is not limited to:

7.2.2.1 no action beyond the initial period of expulsion already in place

7.2.2.2 extending the period of expulsion to one agreed by the Management Committee without limit

7.2.2.3 also suspending the member whom the guest accompanied for an agreed period of time

7.3. Any member or guest can be requested by any two members of the Management Committee or a staff member to leave the Association's premises as a result of an act

of violence. In the event a person requested to leave refuses to do so the Police are to be immediately contacted and requested to assist with the removal of the person from the premises.

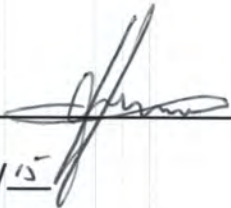
- 7.4. In the event a member of the Management Committee Executive or the Association's General Manager are either the perpetrator or victim of an act of violence they will automatically be excluded from any involvement in the investigation and decision making process.
- 7.5. Any other act of bullying or harassment that may fall within the stipulation of this Policy is to be reported in writing to the Association's General Manager as soon as practicable.
- 7.6. On receipt of a written notification the Management Committee is to form a quorum as identified above to investigate and respond in the timeliest manner possible.

8. Notes:

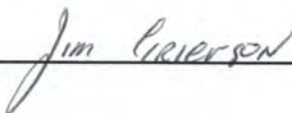
- 8.1. The outcome of any complaint received and subsequently investigated will be considered in a transparent, equitable and objective manner.
- 8.2. The processes utilised to determine outcomes will ensure all parties to a complaint are afforded the principles of natural justice and procedural fairness.
- 8.3. The Association's Management Committee may refuse to accept or investigate any complaint deemed to be frivolous, vexatious or lacking sufficient evidence or substance. The Association may encourage the parties to seek mediation to assist with resolution in this event.
- 8.4. A convicted charge of assault by Police (where known) will be considered as evidence against the alleged perpetrator and may influence the decision making process of the management committee.

Signed:

DBCYA Commodore:



Name:



Dated:

6 JUL 15