



## VIOLENCE, BULLYING AND HARRASSMENT POLICY

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### 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 implement follow-up action on a case by case basis in response to an act of violence, bullying or harassment 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.

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.

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Responsible Officer:	General Manager		

- 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 digital material
- displaying offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race or religion, sexual preference or sexual identity
- asking intrusive questions about someone's personal life

#### 6.4. Violence<sup>1</sup>

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. Member's 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 the member's guest is deemed an honorary (24 hour) member, but not a member of the Association for the purposes of this policy.

#### 6.8. Visitors

A Visitor is any person not a member of the Association that has attended the Association unaccompanied. Through signing of the visitor's book the visitor is deemed an honorary (24 hour) member, but not a member of the Association for the purposes of this policy.

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<sup>1</sup> Adapted from *An overview of occupational violence*: NOHSC (1999)

## 7. Guidelines/Procedures for Incidents Involving Physical Violence

### 7.1 Initial action:

- 7.1.1 Any act of physical violence on any part of the Association's premises by a member, member's guest or visitor will result in the perpetrator/s being temporarily evicted from the Association's premises by the General Manager and/or two committee members and, where applicable, their membership immediately suspended, for an initial period of 72 hours or until such time as the Management Committee can meet to determine an appropriate course of disciplinary action as per clause 7.2.1, whichever is less.
- 7.1.2 Where the perpetrator/s cannot be immediately identified, **all** persons involved may be evicted and suspended.
- 7.1.3 In the absence of the General Manager and/or two committee members, the most senior staff person on duty must give the perpetrator/s a template letter on behalf of the DBCYA Management stating their 72 hour eviction as per clause 7.1.1 (see Attachment A [for members of the Association] and Attachment B [for non-members of the Association]) and immediately advise the General Manager of the action taken.
- 7.1.4 The initial eviction and suspension allows 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 at the discretion of the Management Committee.
- 7.1.5 Any DBCYA Hard Stand 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.
- 7.1.6 Bar staff must complete a written incident report as soon as possible after the event in the Incident Book behind the bar for further management action, including perpetrator name and contact details (where possible), membership status, witness details and time references to any CCTV footage capturing the incident.
- 7.1.7 Should any member, member's guest or visitor refuse to leave the club premises upon request as per the terms of this policy, the General Manager or bar staff are to immediately contact the Police to request assistance with the removal of the person/s from the premises.

### 7.2 Follow-up deliberations to determine a course of further disciplinary action (if any) in response to incident:

- 7.2.1 In the event any perpetrator of physical violence on the Association's premises **is a member of the Association** a quorum of no less than three office bearers of the Management Committee and the General Manager, where reasonably practical, will convene to assess the incident and determine an appropriate course of action (including potential further penalty or expulsion) within 72 hours of a reported event. If the Management Committee does not meet within 72 hours the incident will be discussed at the next Management Committee meeting. No further penalty shall be imposed on the perpetrator/s past the initial 72 hour period until the Management Committee has convened to deliberate.
- 7.2.2 In the event any perpetrator of physical violence on the Association's premises **is not a member of the Association** the perpetrator/s must provide their name

and contact details for subsequent communication within 24 hours of the time of the incident otherwise they will receive an automatic permanent eviction from the Association's premises.

Where any perpetrator has provided their contact details, where reasonably practical a quorum of no less than three office bearers of the Management Committee and the General Manager may, at their discretion, convene to assess the incident and determine an appropriate course of action (including potential further penalty) within 24 - 72 hours of a reported event. If the Management Committee does not meet within 72 hours the incident will be discussed at the next Management Committee meeting. A further temporary eviction period may be imposed on any perpetrator past the initial 72 hour period until the Management Committee has convened to deliberate.

During deliberations it is to be determined whether the perpetrator was a bona-fide guest in the presence of a member (where information is obtainable through the Club Visitor Register/Incident Book). The outcome of these findings may form the penalty to be imposed. Where the perpetrator was a guest in the presence of a member of the Association, the Management Committee may also extend disciplinary action on that member.

- 7.3 The Secretary will inform the perpetrator/s of the outcome of this meeting and any penalty to be incurred verbally or via email within 48 hours of a decision being made (providing contact information is available), regardless of the outcome. Where contact details are not available written correspondence is to be left behind the bar for the bar staff to issue should the perpetrator/s present again.

## **8. Guidelines/Procedures for all other Incidents**

- 8.1. 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, by the victim/s, an observer or bar staff on duty.
- 8.2. On receipt of a written notification the Management Committee is to form a quorum as per clause 7.2.1 to investigate and respond.

## **9. Notes**

- 9.1 The quorum as per clause 7.2.1 must include the Commodore or their delegate as per the Constitution in the Commodore's absence or inability to attend.
- 9.2 Any complaint received and subsequently investigated must be considered by the Management Committee in a transparent, equitable and objective manner.
- 9.3 The processes utilised to determine outcomes will ensure all parties to a complaint are afforded the principles of natural justice and procedural fairness.
- 9.4 The 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.
- 9.5 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.

- 9.6 Victims of physical violence, bullying or harassment will be advised to report the incident to the Police as a civil matter should they wish to pursue charges. Any relevant CCTV footage will be supplied to Police upon their request.
- 9.7 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.
- 9.8 Any club member who has a grievance over a decision made against them in line with this policy can exercise their grievance rights under the DBCYA Constitution.

**Signed:**



**DBCYA Commodore:** \_\_\_\_\_

**Name: Joy Eggenhuizen**

**Dated: 28 February 2020**