

Queensland Masters Athletics Association Inc.

Anti-Harassment Policy – Procedures and Detail

Policy statement

The Queensland Masters Athletics Association Inc. (QMA) is committed to providing a sport and work environment free of harassment. This commitment is documented in the QMA Anti-Harassment Policy. The purpose of this document is to provide more detail with respect to what constitutes harassment, the steps that a person may take if they believe they have suffered harassment and the action that QMA will take in response.

Application of policy

This policy applies to all athletes, coaches, employees, administrators, officials, volunteers and members of QMA.

This policy applies to behaviour occurring both within and outside the course of QMA business, activities and events, when the behaviour involves individuals associated with QMA and negatively affects relationships within our sport and work environment.

This policy applies to harassment occurring between any participants in the organisation. Harassment may occur, for example, from:

- coach to athlete
- athlete to athlete
- administrator to employee
- athlete to coach
- administrator to coach
- coach to coach
- coach to administrator
- athlete to administrator.

Unlawful harassment

Sexual harassment and various other forms of harassment are unlawful under federal and state/territory anti-discrimination laws applying to QMA (specifically the Queensland Anti-Discrimination Act 1991). People engaging in harassment can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or which they represent. For this reason, QMA has a legal responsibility to ensure that harassment does not occur in the course of any of its activities.

Definitions

The definition of harassment immediately following has been adopted by QMA for the purpose of this policy. It includes but goes beyond what is prohibited by law and does not distinguish between the various different types of harassment.

Harassment (general)

Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, because of a particular characteristic of that person or people (including the person or peoples' level of empowerment relative to the harasser). The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as unwelcome and likely to cause the person to feel offended, humiliated or intimidated.

This version adopted as a policy of QMA on: 9th January 2007

President: Original signed Stan Perkins

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The particular form of harassment known as sexual harassment is variously defined in federal and state/territory legislation. The *Sex Discrimination Act 1984* (Cwlth) provides that:

“Sexual harassment

A person sexually harasses another person (the ‘person harassed’) if:

- (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- (b) engages in unwelcome conduct of a sexual nature in relation to the person harassed;
 - in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.
 - ‘conduct of a sexual nature’ includes making a statement of a sexual nature to a person or in the presence of a person, whether the statement is made orally or in writing.”

Sexual harassment is included within the general definition of harassment referred to in paragraph 6.

Behaviour constituting harassment can take many different forms and may be explicit or implicit, physical, verbal or non-verbal. Examples include, but are not limited to:

- abusive behaviour aimed at humiliating or intimidating someone in a less powerful position
- jokes or comments directed at a person’s body, looks, age, race, religion, sexual orientation or disability
- unwelcome remarks including teasing, name-calling or insults
- innuendo or taunting
- homophobic comments and/or behaviours
- uninvited touching, kissing, embracing or massaging
- unwelcome staring, leering or ogling
- unwelcome smutty jokes and comments
- unwelcome persistent or intrusive questions about people’s private lives
- repeated invitations to go out, especially after prior refusal
- unwelcome sexual propositions
- the use of promises or threats to coerce someone into sexual activity
- the creation of a hostile or sexually permeated environment by constant inappropriate references to sexual matters, the display of sexually explicit material (posters, cartoons, graffiti) or by the use of offensive email, faxes, letters or notes
- sexual insults, taunts or name-calling.

Jokes and behaviour that are genuinely enjoyed and consented to by everyone present are not harassment. Sexual interaction or flirtation that is based on mutual attraction or friendship, and which is consensual or invited, is not sexual harassment. However, it is important to recognise that some people may accept or put up with behaviour they find harassing, especially if they hold a subordinate position relative to the group or individual engaging in the flirtatious or jovial behaviour. It is the responsibility of all people covered by this policy to err on the side of caution and to be sensitive to the impact of their behaviour, not just those to whom the behaviour is primarily directed.

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President:**

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Responsibilities

QMA is responsible for taking all reasonable steps to prevent harassment in our organisation and for ensuring our policy is well known throughout the organisation. This means QMA will take whatever steps necessary to ensure that everyone in the organisation knows:

- what harassment means
- that it is against the law
- that it will not be tolerated.

While the President has ultimate responsibility for ensuring this organisation is free of harassment, a senior official will be appointed to accept day-to-day responsibility for implementing this policy.

Administrators and officials have a direct responsibility to make sure that members, employees, volunteers and athletes know about this policy and adhere to it. They have been trained in this policy and its implementation by studying and discussing training material obtained from the Anti-Discrimination Commission Queensland.

Members, employees, volunteers and athletes will be informed about this policy through advice in the QMA Newsletter and availability of the Policy and Procedures on the QMA website or by applying to the Secretary for a hard copy. A copy of the Policy will also be placed on the Noticeboard at all QMA events conducted.

We are further responsible for ensuring that the policy and procedures are monitored and reviewed regularly.

It will be the responsibility of all employees, officials, coaches, volunteers, athletes and members to:

- comply with this policy
- offer support to anyone who is being harassed and let them know where they can get help and advice
- maintain complete confidentiality if they provide information during the handling of a complaint
- providing information as part of a legitimate investigation process
- avoid gossiping or spreading rumours about harassment. Such behaviour can result in legal action for defamation.

Harassment complaints

We will deal promptly, seriously, sensitively and confidentially with any complaints about breaches of this policy.

We will ensure that appropriate complaints procedures are followed to handle harassment complaints. These will provide both formal and informal mechanisms for dealing with complaints.

In the first instance, advice and assistance can be provided by MPOs that are selected/appointed by QMA.

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MPOs are able to offer help in several ways. They will usually:

- listen and provide moral support
- clarify whether the behaviour being experienced constitutes harassment, or any other form of unacceptable behaviour that requires other solutions, or legitimate supervisory/coaching behaviour
- if it appears that the conduct is harassment, explain the courses of action available to deal with the harassment, from informal/internal measures through to formal/external complaints
- give information, where appropriate, on self-help measures, such as the harassed person approaching the harasser and explaining that the behaviour is unacceptable and upsetting
- provide referral to other people or bodies charged with taking formal complaints
- accompany the person experiencing harassment to approach the harasser or to take other actions under internal or external complaints procedures
- follow up with the person, after appropriate action has been taken, to ensure that they are satisfied with the resolution.

Names and contact points for MPOs are as advised in the QMA Newsletter, on the QMA website and on the Noticeboard at QMA events.

While it is recommended that an MPO be approached in the first instance, the person experiencing harassment may also seek advice and support from another trusted person, for example:

- a coach, fellow athlete or official
- the QMA President, as the signatory to the anti-harassment policy
- any other QMA official.

Informal resolution

Informal resolution of complaints is the most common avenue for finding resolution. Informal solutions may occur to the complainant while he or she is talking to **an** MPO. These may then be carried out by the complainant with or without the assistance of **an** MPO. Resolution of complaints at this level allows for complete confidentiality for both parties and can sometimes result in an improved relationship.

The second level of informal resolution involves mediation by a third party. The mediator may be a designated and trained officer, a director, president, coach or official agreed to by both parties for this purpose. It could also be a professional mediator operating in your region. Suggestions as to suitable people are held by the Australian Sports Commission.

Formal resolution

The complainant may decide, however, after talking to **an** MPO or another person, or after informal resolution has failed, to go to the stage of lodging a formal written complaint **addressed to the QMA Secretary**. A mediator will be designated by QMA to receive formal written complaints about harassment.

On receiving the complaint, the mediator will attempt to sort out the matter between the complainant and the alleged harasser by mediation, unless this is clearly inappropriate in the circumstances. If mediation fails, or is not attempted, the mediator involved in the case will provide information to the complainant about the external avenues for complaint.

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A complainant can withdraw from the complaint process at any time. However, this does not absolve QMA from its obligation to pursue a complaint of harassment of a serious nature. The bottom line is that QMA has a legal responsibility to maintain a harassment-free work and sport environment. If a complainant does not wish to pursue a formal complaint, it is up to the mediator to determine if the alleged harassment is serious enough to warrant action by the organisation and whether that can be carried out without revealing the complainant's identity. **A panel will be formed to review the allegations and determine what action is appropriate.**

Right to appeal

Both parties to the complaint have the right to appeal the decision and recommendation if a matter of procedure, bias or fairness is called into question. **Appeals must be made within four weeks of the advice of the decision being given to the parties.** Appeals will be submitted in writing to the QMA Secretary and will outline the grounds on which the appeal is being made. The appeal will be handled by an appeals panel made up of members other than those who formed the original review panel. **The decision on the appeal will be advised in writing.**

Disciplinary action

QMA can take disciplinary action against any person in QMA who is found to be guilty of harassment. The discipline would depend on the severity of the case and could involve counselling, compulsory education, a fine, suspension, or withdrawal of QMA membership. QMA can also take disciplinary action against anyone who victimises a person who has complained of harassment. 'Victimisation' means discriminating against a person, or harassing or bullying them in any way because they exercised (or even considered exercising) their rights under the legislation. QMA will take similar disciplinary action against any person within its organization who is found to have victimised anyone in this way.

We will take similar disciplinary action against any person in QMA who is found to have made false, vexatious or frivolous charges of harassment.

Apart from these internal ways of making a complaint, complainants may, at any time, contact the relevant state/territory or federal anti-discrimination/human rights body for information or advice, or to lodge a complaint of discrimination. They may telephone, write or call the Anti-Discrimination Commission Queensland or the Commonwealth Human Rights and Equal Opportunity Commission.

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