northscollective

ANTI-BULLYING AND HARASSMENT POLICY

Norths Collective does not tolerate behaviours that is unlawful such as discrimination, bullying, harassment, vilification and victimisation.

This policy covers all Norths Collective venues across the group.

OBJECTIVE

Bullying and harassment both involve behaviour which harms, intimidates, threatens, victimises, offends, degrades, humiliates or undermines dignity in our workplace.

Bullying is repeated inappropriate behaviour, direct or indirect and by one or more persons which undermines an individual's right to dignity.

Harassment tends to focus on gender, race, ethnic background, colour, religion or belief, sexual orientation or disability. It may be a single incident or a series of incidents.

The purpose of Norths Collective's *Anti-Bullying and Harassment Policy* is to:

- Ensure employee protection, and a safe environment free from disruption and harm
- Outline the considerations that ensure bullying and harassment behaviour is limited or prevented at all its venues.

SCOPE

Norths Collective will not discriminate against any person on any grounds in accordance with the legislation set out in Commonwealth and relevant State legislation. This applies to all:

- Board members, management, employees, contractors, sub-contractors and job candidates
- Aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts; hours, leave arrangements, workload, equipment and transport
- Onsite, offsite or after-hours work, work-related social functions, conferences – wherever and whenever staff may be as a result of their Norths Collective duties

- Staff treatment of other staff, of members and guests encountered in the course of Norths Collective duties.

It is essential that everyone is familiar with this *Anti-Bullying and Harassment Policy*.

DEFINITIONS

Terms	Definitions
Diversity	*Diversity is the term used to describe the differences and uniqueness of all people – it includes skills, knowledge, experiences and perspectives of individuals and groups. It can refer to demographic characteristics, such as age, gender, gender identity, sexual orientation, intersex status, religion or national origin or social origin. Diversity can also be recognised by personal characteristics such as disability, medical condition, carers' responsibilities, pregnancy or potential pregnancy and any other characteristic of an individual.*
inclusive workplace	*An inclusive workplace:* • *values the diversity of its employees, customers and stakeholders* • *upholds the right of every employee to be treated with respect and fairness whilst performing their work* • *is fair and equitable*
Unacceptable behaviour	*Unacceptable behaviour is any behaviour that undermines Norths Collective having a diverse and inclusive workplace and includes behaviour that is not consistent with its Code of Conduct and values.*
Unlawful behaviours	*Unlawful behaviours are defined in various State and Federal laws and include discrimination, harassment, bullying, vilification and victimisation.*
Harassment	*Harassment is generally described as "unwanted conduct which affects the dignity of women or men at work; it encompasses unwelcome physical, verbal or non-verbal behaviour which denigrates or ridicules or is intimidatory". The essential characteristic of harassment is that the action(s) is unwanted by the recipient.*
Sexual harassment	*A person sexually harasses another person if:* • *the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person* • *the person engages in other unwelcome conduct of a sexual nature in relation to the other person* • *in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.*

Disability	*"Disability" means:* • *total or partial loss of a person's bodily or mental functions or of a part of a person's body* • *the presence in a person's body of organisms causing or capable of causing disease or illness* • *the malfunction, malformation or disfigurement of a part of a person's body* • *a disorder or malfunction that results in a person learning differently from a person without the disorder or malfunction* • *a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.*
Race	*"Race" includes colour, nationality, descent and ethnic, ethno-religious or national origin.*
Recognised transgender person	*"Recognised transgender person" means a person the record of whose sex is altered under Part 5A of the Births, Deaths and Marriages Registration Act 1995 or under the corresponding provisions of a law of another Australian jurisdiction.*
Disciplinary measures	*The process of dealing with behaviour that does not meet the expectations and communicated standards set by Norths Collective. The purpose is to ensure that employees understand the performance problem and the opportunities for improvement.*
Behaviour	*Actions or conduct towards oneself or others. Bad behaviour may relate to conduct towards other employees that is in an inappropriate manner considering the particular situation.*

OUR POLICY

This policy outlines the requirements that should be considered to manage bullying and harassment, and to create a positive environment for all our employees.

Norths Collective recognises that all employees have a right to work in an environment in which the dignity of individuals is respected and which is free from harassment and bullying. We are committed to providing a safe, flexible and respectful environment for all our employees, members and guests, free from all forms of discrimination, bullying and harassment.

All our employees are required to treat others with dignity, courtesy and respect.

Our *Anti-Bullying and Harassment Policy* applies to bullying and harassment on the grounds of disability, gender, marital status, sexual orientation, age, creed, colour, race or ethnic origin.

Bullying and harassment breaches are serious offences which may result in disciplinary action including summary dismissal. In this regard, Norths Collective:

- Acknowledges that all employees are entitled to participate in their work duties without the disruption and harm of bullying behaviour
- Intends to limit all types of bullying including physical bullying, verbal bullying and indirect bullying, resulting in harm to an individual's indirect characteristics such as social reputation
- Recognises that as our employees are becoming more engaged with technology, bullying may occur through cyber-bullying. Therefore, it wishes to encourage employees to engage with accepted uses of technology to prevent harm being caused through cyber activity
- Outlines the considerations within this Policy to prevent bullying and to encourage active participation from its employees who may have enquiries regarding acceptable behaviour.

Generally, Norths Collective's approach to bullying and harassment may involve:

- Careful identification of the bullying and harassment behaviour and any resulting incident
- Interviewing/discussing/counselling the affected or involved employees
- Follow up discussions with employees
- Reinforce positive behaviour through instructions, warnings or remediation.

EMPLOYEE RIGHTS

All employees are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- Work free from discrimination, bullying and sexual harassment
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

UNACCEPTABLE WORKPLACE BEHAVIOUR

Bullying, discrimination and sexual harassment are not tolerated at Norths Collective and are unlawful under the following legislation:

- *Sex Discrimination Act 1984* (Cth)
- Racial Discrimination Act 1975 (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth).

Employees (including managers) found to have engaged in such behaviour may be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

OUR APPROACH TO ELIMINATING UNACCEPTABLE AND UNLAWFUL BEHAVIOUR

Norths Collective encourages employees to speak up about unacceptable and unlawful behaviour in its workplace and supports employees to do this by providing them with access to advice, support and a process to raise and resolve complaints.

Norths Collective provides targeted education and training for directors, managers and employees so they can recognise unacceptable and unlawful behaviour in the workplace and know what to do if they experience, witness or become aware of such conduct.

Managers and employees are expected and are encouraged to speak up about, and address, through appropriate channels, unacceptable behaviour if it occurs in our workplaces.

Norths Collective's preference is for an employee to try first to address the behaviour directly with the perpetrator, if this is possible or appropriate. If it is not possible to address the issue directly, then the employee should raise the issue with their direct manager, another manager or People & Culture.

Our process for addressing unacceptable and unlawful behaviour in the workplace upholds the principles of procedural fairness.

DISCRIMINATION

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic that is protected by the law.

It is any behaviour that makes distinctions between individuals and groups that disadvantages some people and/or advantages others. It is unlawful to discriminate against someone on the following "*prohibited grounds*" which are protected personal characteristics under Federal discrimination law:

- Colour
- Physical appearance
- Educational background
- Religious beliefs or activity
- Sexual orientation
- Medical record
- Trade union activity
- Cultural heritage
- Language
- Physical impairment / Disability
- Race
- Age
- Political views
- Family responsibilities
- National origin
- Marital and parental status
- Gender identity and expression
- Ethnic origin
- Values and beliefs
- Pregnancy or potential pregnancy
- Irrelevant criminal record

Not all these prohibited grounds apply in all States / Territories of Australia. However, all these grounds for discrimination and harassment are unacceptable at Norths Collective.

Discrimination can be direct or indirect:

Direct Discrimination

Direct discrimination occurs when a person is treated 'less favourably' than another simply because the person belongs to a particular category. For example, refusing to interview someone just because they are of a particular ethnic background or refusing to promote someone to a senior position because of their gender.

The prohibited grounds of discrimination are set out in the Federal, State and Territory anti-discrimination laws and a full list of the grounds of discrimination are listed under 'Our Policy' above.

Discrimination can occur directly when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (listed under 'Our Policy' above).

For example, an employee is not given a promotion because of their race.

Indirect Discrimination

Indirect discrimination may occur when an employer imposes a policy, requirement or condition which applies to everyone equally but has an unequal or disproportionate effect or result on a particular group because of a characteristic of that group, such as their sex, age, race, etc.

This may happen for example, scheduling meetings regularly outside normal work hours (in the evenings or on weekends) discriminates against people with family responsibilities, particularly women.

Discrimination also includes situations where employees harass others based on a ground of discrimination. Harassment is an unwelcome conduct that a reasonable person would find offensive, humiliating or intimidating.

HARASSMENT

Harassment can take many forms and may be directed towards employees because of their age, disability, gender / gender reassignment, marriage, pregnancy, race, religion or belief, sex, or sexual orientation.

Harassment:

- May involve action, behaviour, comment or physical contact which is found to be objectionable or which causes offence
- Can result in the recipient feeling threatened, humiliated or patronised, and create an intimidating work environment
- Is any unreasonable, uninvited or unwelcome behaviour that a reasonable person would consider offensive, humiliating, intimidating or threatening, or makes a workplace uncomfortable and hostile for other employees
- Is against the law on the basis of one of the prohibited grounds that relate to unlawful discrimination
- May consist of an isolated incident, a series of incidents or an ongoing pattern of behaviour
- Does not have to be intentional or have to be directed at a particular individual.

SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. A conduct:

- Can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person;
- Will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person;
- Does not have to be directed at a particular individual to be deemed sexual harassment and unlawful; or
- Which creates a hostile working environment for other employees can also be unlawful.

Examples of sexual harassment that will not be tolerated include:

- Physical contact such as touching, grabbing, pinching, kissing or hugging;
- Sexual jokes or comments;
- Requests for sexual favours;
- Persistent requests to go out, where they are refused;
- Staring or leering at a person or at parts of their body;
- Sexually explicit conversations;
- Displays of offensive material such as posters, screen savers, internet material, etc.;
- Accessing or downloading sexually explicit material from the internet;
- Suggestive comments about a person's body or appearance;
- Sending rude or offensive emails, attachments or text messages;
- Unwelcome wolf-whistling;
- Intrusive questions about sexual activity; or
- Sexual Assault (also a crime under the *Crimes Act*).

Definition of sex-based harassment

Sex-based harassment occurs if a person:

- Engages in unwelcome conduct of a seriously demeaning nature in relation to another person by reason of the person's sex (or characteristic that appertains generally or is generally imputed to that person's sex); and
- The person does so in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated, or intimidated.

Definition of Hostile Work Environment

A hostile work environment included conduct that is not directed to any particular person or worker but can result in a worker or workers feeling unwelcome or offended by the general working environment. Examples of factors that contribute to a hostile work environment include but are not limited to:

- Displaying offensive screen savers, photos, calendars or object;
- Sexually explicit posts on social networking sites;
- Accessing sexually explicit internet sites in the workplace; and
- Workplaces where sexual jokes or innuendo occur.

Hostile workplace environments are unlawful, and the Club will take the appropriate action against any worker found to have contributed to one.

BULLYING

Bullying is repeated, unreasonable and inappropriate behaviour directed towards an individual or group, which creates a risk to health and safety. It generally involves excessive use of power over others, creating fear in order to control them, intimidation, degrades or humiliates a person or persons, and/or has the potential to create a risk to health, safety and wellbeing, including psychological, emotional and physical health.

Bullying is repeated, unreasonable behaviour directed towards an employee or a group of employees that:

- Creates a risk to health and safety. It includes both physical and psychological risks and abuse;
- Is unwelcome and uninvited;
- Victimises, humiliates, intimidates, threatens or demeans a person; and
- A reasonable person would consider the behaviour as victimising, humiliating, intimidating, threatening or demeaning.

Bullying does not need to be based on a ground of unlawful discrimination e.g. sex, race or age. A person may be bullied for any reason.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social media, social isolation or ignoring people, or unfair work practices. Behaviours that may constitute bullying include:

- Sarcasm and other forms of demeaning language;
- Threats, abuse or shouting;
- Coercion;
- Isolation;
- Inappropriate blaming;
- Ganging up;
- Constant unconstructive criticism;
- Deliberately withholding information or equipment that a person needs to do their job or access their entitlements; and
- Unreasonable refusal of requests for leave, training or other workplace benefits.

Note: If someone is being bullied because of a person characteristic protected by anti-discrimination and harassment laws, it is a form of discrimination. This behaviour does not need to be repeated to be discrimination – it may be a one-off event.

Bullying is not:

- Reasonable management action taken by managers or supervisors to direct and control the way work is carried out if the action is taken in a reasonable and lawful way;
- Explaining differences of opinion in an appropriate manner;
- Legitimate disciplinary action; or
- Reasonable management in the right forum in an appropriate manner.

The following are some examples of reasonable management action:

- Realistic and achievable performance goals, standard and deadlines;
- Fair and appropriate rostering and allocation of working hours;
- Transferring an employee to another area or role for operational reasons;
- Deciding not to select an employee for a promotion where a fair and transparent process is followed;
- Informing an employee about unsatisfactory work performance in an honest, fair and constructive way;
- Informing an employee about unreasonable behaviour in an objective and confidential way;
- Implementing organisational changes or restructuring; and
- Taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

VICTIMISATION

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under anti-discrimination and harassment law, made a complaint, helped someone else make a complaint, or refused to do something because it would be unlawful discrimination, harassment or victimisation. Victimisation is against the law.

If a member of staff feels they have been subjected to victimisation, they are encouraged to raise the issue with the Club using the Complaint Handling Policy. The Club will not treat any staff member less favourably because they have made a complaint.

All staff must not retaliate against a person who raised a complaint or subject them to any detriment. However, where a person lodges a false complaint in bad faith, that person may be disciplined. The same applies for frivolous and vexatious complaints.

It is also victimisation to threaten or retaliate against a person who raised a complaint or subject them to any detriment. However, where a person lodges a false complaint in bad faith, that person may be disciplined. The same applies for frivolous and vexatious complaints.

It is also victimisation to threaten or retaliate against someone, (such as a witness) who may be involved in investigating a discrimination, harassment or bullying concern of complaint.

VILIFICATION

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group and is unlawful under the NSW Anti-Discrimination Act and a serious breach of EEO laws.

GOSSIP

It is unacceptable for employees at Norths Collective to discuss with other employees, members, customers or suppliers about any complaint of bullying, discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this Policy and may lead to formal discipline.

MERIT AT NORTHS COLLECTIVE

All recruitment and job selection decisions at Norths Collective will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position, regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

OUR RESPONSIBILITIES

RESPONSIBILITIES OF ALL EMPLOYEES

Every employee has a personal responsibility **NOT** to harass or bully other members of staff. All employees have the following responsibilities for managing bullying and harassment behaviour:

- Familiarise with this *Anti-Bullying and Harassment Policy* and resources
- Follow the standards of behaviour outlined in this Policy and contribute to promoting an inclusive workplace by valuing and respecting others' differences
- Complete all compulsory training including induction and refresher training
- Observe any distress signs from employees affected by bullying
- Offer support to people who experience bullying, discrimination or harassment, including providing information about how to make a complaint
- Avoid gossip and respect the confidentiality of complaint resolution procedures
- Treat everyone with dignity, courtesy and respect
- An employee who becomes aware of harassment or bullying occurring should bring the matter to the attention of his/her manager
- Speak up about behaviour in the workplace that is not consistent with this Policy, by raising issues with Managers, Supervisors or People & Culture.

RESPONSIBILITIES OF MANAGERS

Every manager within Norths Collective has an obligation to prevent bullying and harassment, and to take immediate action once it has been identified, whether or not a complaint has been made. Managers' responsibilities include:

- Being an active role model against bullying and harassment
- Promptly and sensitively deal with allegations of harassment or bullying, received either informally or formally
- Recognise that sexual harassment is any sexual advance unwanted by the recipient or behaviour which causes offence to the recipient
- Recognise that racial harassment is behaviour which is racially offensive to the recipient

- Take care not to pre-judge situations based on their own sexual or racial attitudes and perceptions
- Take steps make employees aware of their obligations under this Policy and the law
- Act fairly to resolve issues and enforce workplace behavioural standards
- Help employees resolve complaints informally
- Refer formal complaints about breaches of this Policy to People & Culture
- Ensure employees who raise an issue or make a complaint are not victimised
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made.

RESPONSIBILITIES OF PEOPLE & CULTURE

People & Culture is responsible for promoting appropriate behaviours and the value of a diverse and inclusive workplace with Norths Collective's managers. Their responsibilities include:

- Providing advice and support to managers in relation to managing bullying and harassment and to create a positive environment for all employees
- Assisting managers to apply this Policy appropriately
- Supporting Managers and Supervisors, and arranging ongoing training on bullying and harassment
- Proactively monitoring Norths Collective's performance in complying with this Policy.

RESOLVING ISSUES AT NORTHS COLLECTIVE

Norths Collective strongly encourages any employee who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by speaking with their Manager or contacting People & Culture.

Employees who do not feel safe or confident to take such action may seek assistance from a Contact Officer for advice and support. Contact Officer information is located on Sage People Communications.

ANTI-BULLYING AND HARASSMENT POLICY

PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT

An employee who feels that he/she has been bullied or harassed has a right to seek redress via the procedures set out below.

1. An employee who feels that he/she is being subjected to harassment or bullying may attempt to resolve the matter informally in the first instance. In some cases, it may be possible and sufficient to explain clearly to the person(s) engaged in the unwanted activities that the behaviour is unwelcome, that it offends or makes him/her uncomfortable.
    - If at the initial informal discussion stage, the circumstances are too difficult or embarrassing to approach the harasser alone, the complainant may wish to be accompanied by a friend or colleague
    - The complainant may wish to write a letter to the harasser
    - The complainant should keep a record of any incidents, detailing when, where, what occurred, and witnesses (if any)
    - In some cases, victims of harassment or bullying may not be sufficiently confident to tell the harasser that his or her behaviour is unacceptable. Norths Collective emphasises that employees are not required to approach the harasser in an attempt to resolve the problem informally and are entitled to report the matter immediately if they so wish
2. Where the steps outlined above are unsuccessful or inappropriate, the complainant should raise the matter informally and in confidence with his/her manager or with a more senior manager. If the complaint relates to the conduct of the complainant's manager, the complainant may choose to discuss the matter with his/her manager's immediate line manager
3. The manager will discuss the matter with the complainant and agree a course of action. The complainant may be accompanied by a representative or work colleague at these meetings. The alleged harasser will also have the right to state their version of events to the manager and to also be accompanied by a representative or colleague
4. The complainant must be assured that he/she will not be discriminated against or victimised for raising the complaint. Confidentiality will be observed throughout and the need for any disclosure of the details of the case will be discussed and agreed

5. At any stage of the process the complainant, the manager dealing with the complaint or the accused may feel that they need the help of an independent person before deciding on the best course of action. Norths collective will seek the advice of a suitably trained person who can give confidential advice and assistance

6. If the situation cannot be resolved informally then the complainant has the right to pursue the complaint formally with People & Culture

7. Where management considers that there may be evidence of harassment, they may consider to undertake a full investigation of the circumstances. In this case a manager not connected with the department involved, or an individual external to Norths Collective will be commissioned to undertake this investigation. Best practice in relation to confidentiality will be maintained during this investigation and both the complainant and alleged harasser will have the opportunity to have their say. The investigator will also interview and take statements from any appropriate witnesses to the alleged harassment.

Where there is evidence that harassment has occurred, prompt and corrective action will be taken, including disciplinary action where appropriate. Harassment is a serious offence which may result in summary dismissal.

EMPLOYEE ASSISTANCE PROGRAM

Norths Collective employees are entitled to a certain amount of free, professional counselling from our Employee Assistance Program. To access this program, contact *BetSafe on 1800 238 723*.

Employee Assistance Program counselling is confidential, and nothing discussed with a counsellor will be communicated back to Norths Collective. Employee assistance program counselling is available free to all employees regardless of whether the issue is related to a workplace problem or some other issue for the employee.

ANTI-BULLYING AND HARASSMENT POLICY

COMMUNICATION

All employees will be informed of the *Anti-Bullying and Harassment Policy* and Procedure which will be part of staff induction. They must be re-assured regarding:

- Fear that others will consider the behaviour trivial and not take complaints of bullying and harassment seriously
- Fear that no action will be taken against a person guilty of bullying and harassment
- Fear of retaliation or victimisation in registering a complaint either informally or formally.

MONITORING AND REVIEW

The effectiveness of this *Anti-Bullying and Harassment Policy* will be reviewed regularly.

In order to assess the effectiveness of this Policy and Procedure, statistics will be maintained in respect of related complaints. Strict confidentiality will be maintained, and the monitoring process will comply with the Data Protection Act.

BREACH OF THIS POLICY

Norths Collective has legal obligations under State, Territory and Federal legislation to provide a safe working environment that is free from discrimination, harassment, bullying and other unlawful behaviour.

Norths Collective and all its employees have an obligation to consistently apply and enforce this Policy.

Any employee who breaches this policy shall be subject to counselling and/or disciplinary action, which may include termination of employment.

northscollective

ANTI-BULLYING AND HARASSMENT POLICY

DOCUMENT CONTROL

Policy name	Anti-Bullying and Harassment Policy
Approved by	Norths Collective CEO
Date approved	June 2024
Frequency of review	Every two years
Last reviewed	June 2024
Next review date	June 2026