



Bullying and Harassment

First Produced:31.5.2018

Current Version:31.5.2018

Past Revisions:

Review Cycle: Annually following the AGM

Applies From:

Authorisation:

The Board

Queries:

Chief Executive

The following is included in this document:

- 1. Background Information**
- 2. What is Harassment**
 - **Sexual Harassment**
 - i. **Examples of Sexual Harassment**
 - **Racial Harassment**
 - i. **Examples of Racial Harassment**
- 3. What is Bullying**
- 4. What is NOT Workplace Bullying**
- 5. What Happens if you Breach this Policy**
- 6. Complaint Procedures**
 - **Self-help**
 - **Formal Intervention**
 - **Formal Complaint**
 - **Unresolved Complaints/External Agency**
- 7. Victimisation**
- 8. False or Malicious Complaints**
- 9. Responsibilities and Expected Workplace Behaviours**
 - **Club Responsibilities**
 - **Managers and Supervisors**
 - **Employees**
- 10. Confidentiality**
- 11. Assistance and Support**

1. BACKGROUND INFORMATION

Christchurch School of Gymnastics (CSG) is committed to providing a workplace that is free from any form of harassment, discrimination or bullying, whether it be sexual, racial or any other form of discrimination or harassment.

There may occasional differences in opinion, conflicts and problems in working relations but when behaviour is unreasonable and/or offends or harms employees, then it may amount to workplace bullying or harassment.

Workplace bullying or harassment is unacceptable at CSG and will not be tolerated.

If any employee experiences harassment or bullying they will be encouraged and supported to have the matter resolved. Harassment or bullying complaints will be taken seriously and investigated fairly, promptly and confidentially. Both the complainant and the person being accused of any unwanted behaviour are entitled to seek advice and support before or during this process.

Employees found to have been in breach of this policy will be subject to appropriate disciplinary action up to and including possible dismissal. A breach of this policy may also amount to a breach of other CSG policies such as the CSG Code of Conduct.

Managers and supervisors are responsible for ensuring that proper standards of conduct are maintained in the workplace and that employees understand that harassment or bullying will not be tolerated. In addition, managers and supervisors are responsible for ensuring that any person complaining of harassment or bullying is not victimised.

Employees are responsible for ensuring their behaviour is consistent with a harassment and bullying free working environment.

This policy is applicable to all CSG employees and any contractors or temporary staff engaged to work at CSG.

2. WHAT IS HARASSMENT

Harassment is when a person is subjected to behaviour that is unwelcome or offensive to them and that, either by its nature or through repetition, has a detrimental effect on that person's employment, job performance or job satisfaction.

It is important to note that it does not matter whether you intend to harass someone or not, it is how others perceive the behaviour that is relevant. Harassment can be a one-off incident or can be repeated behaviour.

Harassment based on the following (but not limited to) is unacceptable and unlawful:

- Race, colour, national or ethnic background
- Sex
- Marital or family status
- Pregnancy or potential pregnancy and childbirth
- Sexual preference/orientation
- Age
- Disability, including physical impairment or illness
- Psychiatric illness, intellectual disability or impairment
- Physical features
- Religious or political belief, opinion or activity

Sexual Harassment

Sexual harassment occurs where a person makes a request of anyone else for sexual intercourse, sexual contact or other form of sexual activity if that request is accompanied by either a promise of some kind of preferential treatment, or a threat (or implied threat) of some kind of detrimental treatment.

It is also sexual harassment to subject another person to behaviour that is unwelcome or offensive to that person and has a detrimental effect on that person's employment, job performance or job satisfaction, through:

- The use of language (written or spoken) of a sexual nature;
- The use of visual material of a sexual nature; or
- Physical behaviour of a sexual nature

Sexual harassment is unlawful. It is prohibited at the workplace, during working hours and at work-related activities such as training courses, conferences, field trips, work functions and Christmas parties.

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

Examples of Sexual Harassment (include but not limited to)

Sexual harassment in the workplace can take many forms. Some examples of behaviour that may constitute sexual harassment are;

- Unnecessary, unwelcome physical contact such as patting, brushing up against a person, touching, kissing, hugging against a person's will
- Displays of offensive or suggestive communications such as posters, cartoons, pin-ups, memos, voice mail, email, faxes, texts, computer screen savers, or downloading inappropriate material from the internet
- Repeated unwelcome requests to go out or sexual propositions
- Making fun of someone about a person's alleged sexual activities or preferences
- Sexual or smutty jokes (e.g. use of humour based on sexual innuendos)
- Intrusive questions about a person's private life or body
- Unwelcome social attention or telephone calls or contact at work or home
- Offensive hand or body gestures
- Offering benefits in return for sexual favours
- Threatening a person's career or remuneration if sexual favours are refused
- Leering (suggesting staring) at a person

Racial Harassment

Racial Harassment occurs when a person uses

- language (written or spoken),
- visual material; or
- physical behaviour

that expresses hostility against or brings into contempt or ridicule another person on the grounds of their race, colour or ethnic or national origins; is hurtful or offensive to that person; and has a detrimental effect on that person's employment, job performance or job satisfaction.

Racial harassment is unlawful. It is prohibited at the workplace, during working hours and at work-related activities such as training courses, conferences, field trips, tours, work functions and Christmas parties.

Examples of Racial Harassment (include but not limited to)

Racial harassment in the workplace can take many forms. Some examples of behaviour that may constitute racial harassment are;

- Threats, insults, name calling or bullying
- Campaigns of hate, silence, isolation or segregation
- Making offensive remarks about a person's race or nationality
- Mimicking the way a person speaks – i.e. if they have an accent
- Making fun of a person or making jokes about their race, nationality, ethnicity or colour

3. WHAT IS BULLYING

Workplace Bullying is repeated and unreasonable behaviour directed towards another worker or a group of workers that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time. Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Single incidents of unreasonable behaviour are not generally considered to be workplace bullying. However, a single incident can amount to harassment or to a serious breach of our health and safety policy and accordingly will not be tolerated.

Workplace bullying can occur between a worker and a manager or supervisor, or between co-workers. Bullying behaviour can range from very obvious verbal or physical assault to very subtle psychological abuse. Examples of bullying behaviour may include (but not limited to)

- Physical or verbal abuse
- Yelling, screaming or offensive language
- Excluding or isolating employees
- Repeated put-downs, malicious gossip
- Psychological harassment
- Inappropriate use of social media
- Intimidation
- Assigning meaningless tasks unrelated to the job or giving employees impossible tasks
- Deliberately changed work rosters to inconvenience particular employees

- Undermining work performance by deliberately withholding information vital for effective work performance

It is important that you do not ignore circumstances where you feel you are being bullied, thinking it will go away. Ignoring the behaviour could be wrongly interpreted as approval by the person causing the bullying.

4. WHAT IS NOT WORKPLACE BULLYING

Bullying is not:

- Reasonable steps taken by managers or supervisors to direct and control the way we work. For example (but not limited to)
 - Issuing lawful and reasonable work directions
 - Setting reasonable performance goals, standards and deadlines
 - Informing an employee about unsatisfactory work performance in an honest, fair and constructive way
 - A performance management process or taking disciplinary action, which may include warnings, suspension or termination of employment
- An interpersonal dispute
- One off or occasional instances of forgetfulness, rudeness or tactlessness

Bullying is unlawful under employment legislation, the human rights act and health and safety legislation.

5. WHAT HAPPENS IF YOU BREACH THIS POLICY

Employees who breach our 'Harassment and Bullying in the Workplace' policy may be subject to disciplinary action up to and including dismissal.

Contractors who breach this policy can expect that their agreements with CSG will be terminated.

6. COMPLAINT PROCEDURES - WHAT TO DO IF YOU FEEL SOMEONE IS HARASSING OR BULLYING YOU.

All employees are entitled to object to harassment or bullying and complain when it occurs.

You may choose to resolve the concern or complaint in one or more of the following ways -

Self-help

Speak to, or write to the person. Tell them that you find the behaviour offensive, why you find the behaviour offensive and ask them to stop.

You may want to seek confidential advice from another staff member, Staff Advocate, CEO, a Code Manager, Health and Safety representative, or another trusted person, on how best to handle the situation. Sometimes this is all that is required to put an end to the matter. The person may not be aware that their behaviour is upsetting or intimidating and they may stop immediately when they are told. Make a note of the date/time and content of your conversation.

This option is only useful where you feel that you prefer to deal with the issue in this way and that you are confident in approaching the person and confident that this approach will help.

Informal Intervention

If you do not feel comfortable dealing with the issue through "self-help" for example because of the relationship between the two individuals and/or power inequities or because you are too embarrassed or upset to approach the person directly then the "informal intervention" process may be appropriate.

This process may also be appropriate if you have tried the "self-help" option but it was not successful.

You can approach your Staff Advocate, CEO, Code Manager, Health and Safety representative, or another trusted person for help and have a confidential meeting to discuss the situation. You will need to provide full details of the alleged harassment or bullying.

In order to help to resolve the situation informally, the person you have approached will want to:

- Clarify with you what has happened
- Ask what you need to be able to address the situation and how you would like to see the situation resolved
- Talk about the complaint to the person who is being complained about
- If there is agreement on what has happened and what will fix the situation, the issue can be resolved quickly and confidentially

They will also be able to assist you in determining whether an outcome on an informal basis can be achieved or whether a formal investigation is required regarding the allegations made.

Formal Complaint

Sometimes the “self-help” or “informal intervention” methods are not appropriate because;

- These options have already been used to no avail
- The allegation of discrimination, harassment or bullying is of a more serious nature
- You wish to resolve the issue in a more formal manner

If you wish to make a formal complaint:

- Ask your Staff Advocate, CEO, Code Manager, Health and Safety representative, or another trusted person to assist you in making a complaint
- CSG will carry out an investigation into your complaint promptly and fairly
- While it is preferred that a formal complaint should be made in writing (formal complaint form can be found in the CSG Policy Manual), this will not preclude the investigation of a complaint which has been made verbally
- An independent investigation officer may be appointed in some circumstances, at our discretion. Alternatively, we may investigate the matter internally
- The manager overseeing the complaint will contact the person the allegations are being made against to notify them about the nature of the complaint, the process to be followed, the time of any interview, the timeframe for the investigation, the requirement for confidentiality and non-victimisation, the possible consequences and their right to have a support person
- The person investigating the complaint will interview relevant parties to the complaint and review any relevant documents
- If the person investigating the complaint considers that the complaint may be well founded, disciplinary action may be taken. Disciplinary action up to and including dismissal is a possible outcome. Any disciplinary investigation will be carried out in accordance with the CSG Code of Conduct
- If the investigation reveals that the complaint is malicious, disciplinary action may be taken against the complainant

For most instances of bullying or harassment, it will be preferable to resolve the situation within CSG. If you feel your complaint is unresolved the Chair of the Board or a Board member should be contacted or you can make a formal complaint to an external agency such as Gymnastics NZ.

You may also be able to seek advice and assistance from external agencies such as the Employment Relations Authority, the Human Rights Commission, the Race Relations Office or WorkSafeNZ.

7. VICTIMISATION

It is both unlawful and against company policy for an employee to harass or otherwise victimise or retaliate another employee because he or she has;

- Lodged a complaint of harassment or bullying or
- Assisted in the investigation of a complaint

Victimisation will not be tolerated under any circumstances. Employees who engage in victimisation of other employees, may be subject to disciplinary action up to and including dismissal.

8. FALSE OR MALICIOUS COMPLAINTS

Where a false and malicious complaint is made, persons making that complaint may be subject to disciplinary action.

9. RESPONSIBILITIES AND EXPECTED WORKPLACE BEHAVIOURS

Club Responsibilities

- Actively look for ways to create a positive workplace. Ensure workplace values are clear
- Train key staff to receive bullying and harassment reports and give support and advice
- Openly discuss bullying in both formal and informal settings and provide information and training about it
- Identify workplace factors that contribute to bullying and ensure controls are in place
- Provide staff who believe they have been bullied, with a range of options to resolve the issue. Where appropriate, promote the idea of low key solutions before formal action with an aim to repair the working relationship and promote positive workplace values
- Ensure workplace processes and systems are fit for purpose and regularly reviewed
- Have regular staff surveys on workplace culture

Managers and Supervisors

It is the responsibility of all Managers and Supervisors to ensure that all employees are treated fairly and

equitably on the basis of merit and are not subject to discrimination or harassment, including sexual harassment and bullying. 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 behaviours themselves and ensure Workplace Culture is clear
- Ensure managers and employees receive appropriate training and support in their role
- Insist all new employees, temps and CSG contractors are inducted to ensure understanding and acceptance of company values and policies
- Treat all complaints seriously and take immediate action to investigate and resolve the matter
- Take whatever steps are practicable to prevent any repetition of the reported undesirable behaviour and to inform the complainant of steps that have taken place or proposed to take place to prevent a repeat of such behaviour
- Seek advice or refer a complaint to another Manager or HR if they do not feel they are the best person to deal with the case
- Follow up and monitor all parties post investigation

Employees

All employees have an obligation to comply with this policy in relation to their own behaviour and their interactions with other staff, team members, members, volunteers and contractors, and to draw to management's attention situations where they believe discrimination (whether intentional or not), harassment or bullying is occurring. Employees also have a responsibility to maintain complete confidentiality if they provide information during the investigation of a complaint.

CSG expects EVERYBODY to:

- Behave in a responsible and professional manner
- Treat others in the workplace with courtesy and respect
- Listen and respond appropriately to the views and concerns of others
- Be fair and honest in their dealings with others

This policy applies to behaviours that occur:

- In connection with work, even if it occurs outside normal working hours
- During work activities, for example when dealing with customers
- At work-related events, for example at training events and work-related social functions
- On Social Media where workers interact with colleagues or customers and their actions may affect them directly or indirectly

10. CONFIDENTIALITY

Anyone involved in a complaint of harassment or bullying, or its investigation, must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution, or have a 'need to know'. In particular, it is important that staff who either make a complaint or may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.

11. FOR ASSISTANCE AND SUPPORT

Contacts

Confidential advice and information is available, and concerns raised by any employee will be treated with complete confidentiality. Should you require assistance, or have any queries regarding this policy, please do not hesitate to speak to CSG's Staff Advocate for Bullying and Harassment, or if you wish to seek help from outside of CSG you can contact People & Performance NZ Ltd.

CSG Staff Advocate for Bullying and Harassment

Name: Kendra Street

Number: 0272382936

Email: kendrastreet@gmail.com

Director of People & Performance NZ Limited

Name: Angela Cody Mandell

Number: 0275382928

Email: angela@peopleandperformance.co.nz