



WORKPLACE CONDUCT POLICY

1. INTENT

To detail the policy of Sydney Uni Sport & Fitness (**SUSF**) on harassment, discrimination, vilification, bullying and victimisation. This Policy should be read in conjunction with SUSF Workplace Conduct Complaints Resolution Policy.

2. SCOPE

This Policy applies to all employees, directors, officers, contractors, subcontractors, employees of contractors and subcontractors, volunteers, and work experience students who perform work for SUSF and any employees of labour hire companies who have been assigned to work for SUSF (**Workers**). This Policy applies to those Workers referred to above at all properties, buildings or other areas owned, controlled or leased by SUSF as well as any other grounds or locations at which Workers will perform duties for SUSF.

3. POLICY

SUSF seeks to provide Workers with an environment which is free from harassment, discrimination, vilification, bullying and victimisation and to that end, SUSF will not tolerate such conduct. Workers found to have engaged in conduct referred to below may be subject to disciplinary action up to and including termination of employment or engagement.

In addition to that which is set out in the 'Scope' section of this Policy, this Policy will also apply to Workers in the following circumstances:

- when performing any duties in connection with work, even if such duties are performed outside normal working hours or away from a Worker's usual place of work (for example, when a Worker is travelling to the UniSport Nationals);
- during work activities (for example, when engaging with customers or other Workers);
- at work related events, even if such events are held away from a Worker's usual place of work (for example, networking events and/or social functions); and
- when engaging on social media platforms in any way that has a connection or potential connection with SUSF or its Workers or customers (for example, on Twitter, Facebook or Instagram).

Obligations of Workers

SUSF recognises that it, and its Workers, have obligations to assist in the creation and maintenance of an environment free from bullying, harassment, discrimination, vilification and victimisation, and, to that end, SUSF requires that Workers must:

1. comply with relevant legislation, including but not limited to, the *Anti-Discrimination Act 1977* (NSW), federal discrimination legislation and the *Fair Work Act 2009* (Cth);
2. be familiar with and comply with this Policy;
3. not engage, encourage or assist others to engage in, conduct which constitutes bullying, harassment, discrimination, vilification or victimisation; and
4. report any conduct which is inconsistent with the relevant legislation or this Policy in accordance with the Workplace Conduct Complaints Resolution Policy.



Discrimination

Discrimination takes place when a person is treated unfairly or less favourably in certain contexts (such as employment) because that person belongs to, or is associated with, a particular group of people, or that person has a personal characteristic or attribute protected by the law. In New South Wales, there are a number of grounds and attributes on which it is unlawful to discriminate against someone, including the following:

- disability;
- sex;
- race;
- age;
- carer's or family responsibilities;
- pregnancy and potential pregnancy;
- breastfeeding;
- marital or domestic status;
- sexual orientation and lawful sexual activity;
- gender identity, intersex status, transgender or transsexual status; and
- infectious diseases.

There are two types of discrimination – *direct discrimination* and *indirect discrimination*.

Direct discrimination takes place when a person is treated less favourably than another person, in similar circumstances, because of one of the grounds or attributes listed above. Depending on the circumstances, some examples may include:

- offensive jokes about a work colleague's race, sex, disability etc;
- displaying pictures or screen savers in the workplace which are derogatory towards older people;
- repeatedly asking a work colleague personal questions about their sex life;
- expressing negative stereotypes about groups of people based on their race etc.

Indirect discrimination takes place when there is an unreasonable condition or requirement with which a high proportion of people with a ground or attribute listed above cannot comply. Depending on the circumstances, some examples may include:

- Failing to provide ramp access to a workplace where one of the employees uses a wheelchair;
- Failing to promote a part-time because of their non-attendance at team meetings which take place on their non-work days.

The legislation sets out certain exceptions to discriminatory conduct. For example, it is not unlawful to discriminate against a person on the grounds of their disability if they are unable to perform the inherent requirements of the job.

Harassment

Harassment is conduct in certain contexts (such as employment) that is:

1. unwanted;
2. offends, humiliates or intimidates; and
3. creates a hostile environment, on the basis of the grounds and characteristics prohibited by law.

Harassment may be a single incident or a prolonged pattern of behaviour. It may be unintentional or deliberate. Depending on the circumstances, examples of harassment may include:



- telling insulting jokes about particular racial groups;
- making derogatory comments or taunts about someone's religion or sexuality;
- offensive communications about transsexuals; or
- mocking cultures or customs.

Some types of harassment, such as physical assault and/or stalking, may also constitute crimes under relevant legislation. Legitimate and reasonable feedback provided to Workers about work performance or work related behaviour does not generally constitute harassment, including in the following instances:

- requesting a Worker to repeat a task;
- requesting a Worker to turn up for work;
- counselling a Worker in respect of unjustified absenteeism or failing to notify an absence from work;
- requesting a Worker to carry out a lawful and reasonable direction;
- undertaking disciplinary action;
- undertaking an investigation in respect of conduct at work;
- engaging in discussions about behaviour or work performance; and
- monitoring a Worker's performance or workplace behaviour.

Sexual harassment

Sexual harassment is any form of behaviour that:

- is an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- is other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated by this behaviour. Depending on the circumstances, the types of conduct which may constitute sexual harassment include:
 - sexual comments, including questions about a person's sex life, propositions and comments about a person's body or appearance;
 - exposure to sexually explicit magazines, posters recordings, emails or SMS messages;
 - sexually suggestive jokes or obscene language;
 - intrusive invitations to go out socially;
 - intrusive questions about someone's personal life;
 - requests for sex;
 - sexual touching, including hugging, kissing, squeezing, massaging;
 - staring or leering at a person's physical features; and
 - conduct that could also be a criminal offence, including assault, indecent exposure and stalking.

Vilification

Vilification is a public act that could incite or encourage hatred, serious contempt or severe ridicule toward people because of their race, colour, nationality, descent, ethnic-religious or national origin, homosexuality, HIV or AIDS status or transgender status. This includes vilification because a person is thought to be lesbian, gay or transgender, even if they are not, or thought to have HIV or AIDS, even if they don't. Depending on the circumstances, examples of vilification may include:

- remarks in a newspaper, journal or other publication;
- remarks on radio or television;
- material on the internet, including social networking sites such as Facebook;
- graffiti;



- putting up posters or stickers;
- verbal abuse;
- making speeches or statements;
- making gestures in a public space; or
- wearing badges or clothes with slogans on them

Bullying

Bullying means repeated and unreasonable behaviour directed towards a 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 refer to a range of behaviours over time. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Although a single incident of unreasonable behaviour is not considered to be workplace bullying, it may also present a risk to health and safety and will not be tolerated.

Examples of behaviour, whether intentional or unintentional, that may be considered to be bullying includes:

- abusive, insulting or offensive language or comments;
- unjustified criticism or complaints;
- continuously and deliberately excluding someone from workplace activities;
- withholding information that is vital for effective work performance;
- setting unreasonable timelines or constantly changing deadlines;
- setting tasks that are unreasonably below or beyond a person's skill level;
- denying access to information, supervision, consultation or resources such that it has a detriment to the Worker;
- spreading misinformation or malicious rumours;
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular Worker or Workers; and
- excessive scrutiny at work.

There is a potential for workplace bullying to occur in any forum where people work together including but not limited to, face to face, gossip, email, text messaging, internet chat rooms and social media platforms. As such, any method of communication through which bullying can occur will fall within the scope of this Policy. Low level workplace conflict, such as differences of opinion and disagreements, are generally not workplace bullying.

Reasonable management action

Reasonable management action will not constitute workplace bullying when the action is taken by management in a reasonable way.

Reasonable management action includes, but is not limited to, the following:

- setting reasonable performance goals and deadlines;
- allocating working hours where the requirements are reasonable;
- transferring a Worker for operational reasons;



- deciding not to promote a Worker in circumstances where a reasonable process is followed and documented;
- discussing a Worker's unsatisfactory performance with the Worker;
- discussing a Worker's inappropriate behaviour in an objective and confidential manner;
- implementing organisational change or restructuring;
- termination of employment or engagement of a Worker;
- performance management programs; and
- setting reasonable performance standards (for example, when coaches provide strong encouragement and advice to athletes or when a manager at the Swim School directs a worker to leave the pool in front of parents for reasons related to a child's safety in the pool).

Victimisation

Victimisation occurs when a person performs or threatens to carry out an act to the detriment of another person because that person has:

1. made, or proposes to make, a complaint in accordance with SUSF's policies;
2. been involved in another person's complaint (e.g. as a witness); or
3. reasonably asserted their rights under this Policy, the Workplace Conduct Complaints Resolution Policy, the Whistleblower Policy or the laws that underpin those policies.

Depending on the circumstances, examples of detriment may include termination of employment, failure to promote, transfer, demotion, disparaging comments or being subject to gossip.

Responsibility of workers

SUSF expects Workers:

1. not to engage in conduct prohibited by this Policy;
2. not to aid, abet or encourage others to engage in conduct prohibited by this Policy;
3. to behave in a responsible and professional manner;
4. to treat others in the workplace with courtesy and respect;
5. to listen and respond appropriately to the views and concerns of others; and
6. to be fair and honest in their dealings with others.

Liability

Workers may be held personally liable for conduct engaged in by them. Workers can also be held liable as an accessory if they fail to take steps to prevent conduct occurring. Finally, depending on the circumstances, SUSF can be held vicariously liable for the conduct of its Workers.

Reporting

Any Worker who experiences or witnesses conduct contrary to this Policy is required to raise the matter with their direct manager or the Human Resources Manager. The SUSF Workplace Conduct Complaints Resolution Policy will apply to any complaints that are made, and Workers should refer to this Procedure which sets out the steps involved. Workers will not be victimised or treated unfairly for raising a matter in good faith. Despite the above, Workers found to have made frivolous or vexatious claims may be subject to disciplinary action up to and including termination of employment or engagement.



Unacceptable external conduct

Unacceptable external conduct refers to discrimination, vilification, harassment, bullying or victimisation by SUSF members, clients, customers, parents, visitors, suppliers or other external stakeholders of the organisation (and includes the behaviours described above) that is directed towards a Worker or a member, client, customer, parent or other external stakeholder of SUSF. Unacceptable external conduct does not include:

- Occasional differences of opinion, and non-aggressive conflicts and problems in working relations; or
- Work-related interpersonal conflicts and differences of opinion or disagreement with decisions.

All Workers must report incidences of unacceptable external conduct, whether directed at them personally or otherwise, in accordance with the SUSF Workplace Conduct Complaints Resolution Policy.

Breach

Failure to comply with this Policy may result in disciplinary action up to and including termination of employment or engagement. Victimisation of, or detrimental action towards, any person who raises a complaint in accordance with this Policy will be treated seriously, and may also result in disciplinary action up to including the termination of employment or engagement.

In the case of unacceptable external conduct, appropriate action will be taken by SUSF depending on the circumstances. This may include asking a member to leave SUSF's premises or terminating that member's membership with SUSF.

Any queries about this Policy should be directed to Human Resources or the Human Resources Manager.

4. RELATED POLICIES, PROCEDURES AND FORMS

- Workplace Conduct Complaints Resolution Policy
- Whistleblower Policy

5. ABOUT THIS POLICY

All individuals subject to this Policy are required to comply with its terms. However, to the extent this Policy describes benefits or entitlements provided by SUSF; these are discretionary in nature and are not intended to be contractual or binding on SUSF.

Subject	Workplace Conduct Policy
Authorised by	Chief Executive Officer
Contact	Human Resources
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