

# New South Wales Lacrosse Inc.

## Anti-Discrimination Policy

### KEY DEFINITIONS

#### 1 EQUAL OPPORTUNITY

- Equal opportunity is concerned with people being given a fair go when they are at work, and when they are looking for work.
- Equal opportunity means treating people as individuals with different skills and abilities, without making judgments based on stereotypes, or on characteristics (such as sex, age, race, sexuality, disability, pregnancy or marital status) that are irrelevant to a person's capacity to do the job.
- Equal opportunity means ensuring a work environment that allows all employees to work to their full potential, and that is free from all forms of discrimination and harassment, including sexual harassment.
- Equal opportunity works on the merit principle, so that the applicant who best meets the needs of the job is the one selected, and the worker who best meets the needs of the job is the one retained.
- Equal employment opportunity is thus a matter of management 'best practice'.
- Equal opportunity laws also allow special initiatives designed to overcome the results of long-term discrimination suffered by certain groups.

#### 2. DISCRIMINATION

- Unlawful discrimination means treating someone differently and less favourably because of one of the grounds spelled out in law. In South Australia, these grounds are: sex, sexuality, marital status, pregnancy, race, disability or age.
- Discrimination need not be DIRECT, or open. It can also be INDIRECT, and harder to detect because it is built into the structure of an organisation, or into policies or practices or just "the way things are done".
- INDIRECT DISCRIMINATION happens when there is a requirement that at first sight seems to treat everyone equally, but which in fact has an unfavourable effect on a certain group of people. For example, to state that only people over 180cms tall can apply for a job would have an unfavourable effect on women and on some ethnic groups: it would be unlawful Indirect Discrimination on the grounds of sex and race, unless it can be proved that the job could only be done by someone over 180cm tall.

#### 3. SEXUAL HARASSMENT

- Sexual harassment covers many forms of unwelcomed behaviour of a sexual nature or having sexual connotations. These are some of the forms that sexual harassment can take:
  - unwelcome touching or kissing in a sexual way
  - repeated comments or jokes, leering or staring, that are sexually suggestive
  - sexually explicit pictures, objects or reading matter
  - direct or implied sexual propositions, or unwelcome requests for dates
  - intrusive questions about sexual activity
  - abusing a position of power to try to obtain sexual favours.

- The key word is unwelcome. If any of the above behaviours are unwelcome, and it is reasonable for the person to whom it is directed to feel offended, humiliated or intimidated, then it is sexual harassment— regardless of the intentions of the person enacting the behaviour.
- Sexual harassment can also include the general climate of a workplace. A poor workplace atmosphere can create an uneasy, intimidating, hostile environment. This can have a bad effect on health, work performance, job satisfaction and productivity.
- Sexual harassment should not be confused with sexual attraction. It has nothing to do with mutual attraction or friendship. In fact, sexual harassment often has little to do with sex, and a lot to do with one person exercising power over another.
- Sexual harassment is often an assertion of power—even hostility—expressed in a sexual way. The victim of sexual harassment is often not in a position to demand that the behaviour stop.
- Humour, friendship and relationships based on mutual consent are not sexual harassment. Consent is something actively given, as opposed to “just going along with it” because one is too uncomfortable, embarrassed or scared to object openly.
- Sexual harassment can occur between
  - employer and employee (or potential employee)
  - employee and employee
  - or employer/employee and client.
- All categories of employee—full/part time, contract, casual, unpaid, agent and voluntary—are covered by the Equal Opportunity Act.
- Sexual harassment is mostly by men against women. However, it can also be by women against men, by men against men, or by women against women. All of these forms of sexual harassment are unlawful.

#### 4 WORKPLACE BULLYING

- *Workplace harassment* is defined as any form of behaviour (including comments, jokes, innuendo) which is unwelcome and causes a person to feel offended, humiliated or intimidated and that it is reasonable for the person to whom it is directed to feel this way. Where the behaviour is related to one of the grounds listed above (i.e. sex, race, sexuality, age, marital status, pregnancy, physical or intellectual impairment), it is also unlawful.
- *Workplace bullying* usually involves the persistent ill treatment of an individual at work by one or more other persons. It need not involve physical ill treatment, such as punching, kicking. Most cases of bullying involve such treatment as verbal abuse, ‘nit-picking’, threats, sarcasm, ostracism, or sabotage of a person’s work.
- It is important to note that where the workplace harassment/bullying does not relate to grounds covered by equal opportunity legislation, it still constitutes a serious workplace problem and can be considered as a breach of the Occupational Health, Safety and Welfare Act (1986), Workers Rehabilitation and Compensation Act (1986) or other criminal laws relating to assault, threatening behaviour, etc.

#### 5 STATEMENT OF COMMITMENT

- The management of New South Wales Lacrosse Inc. has a firm commitment to equal opportunity principles, and will ensure that no discriminatory policies or practices or procedures exist in any aspect of employment, including when:
  - offering employment, paid or volunteer
  - providing goods and services to our clients
  - offering or providing education
  - offering membership of our club/association, and providing the benefits of that membership

- offering a position in a representative team
- giving approval to qualifications.
- In addition, harassment of any type will not be tolerated.

## 6 THE LAW

- *Discrimination*
  - The Equal Opportunity Act 1984 (South Australia) makes unlawful discrimination on the grounds of:
    - **Age** (people of all ages)
    - **Sex** (whether a person is female or male)
    - **Race** (This includes colour, descent, ethnic origin or nationality. It also applies if you are treated unfairly because of the race of the people you live with or associate with. For example, in Port Augusta in 1989 three Aboriginal people were refused a drink in a hotel—and so was a non-Aboriginal person who was with them. The Aboriginal people and the non-Aboriginal person all lodged complaints of discrimination, and all were upheld.)
    - **Physical Disability** (This includes the total or partial loss of any function of the body, or the loss of a limb, or the malfunctioning of a part of a person's body, or any malformation or disfigurement—whether temporary or permanent. Thus, a wide range of disabilities is covered, such as partial or total blindness, deafness, epilepsy, AIDS, amputation, diabetes, asthma, heart conditions, paraplegia, skin conditions, cerebral palsy and so on.)
    - **Intellectual Impairment** (This includes permanent or temporary loss or imperfect development of mental faculties, resulting in reduced intellectual capacity. However, it excludes mental illness, which may be covered by Federal law but is not covered by the SA Equal Opportunity Act.)
    - **Sexuality** (This refers to whether a person is heterosexual, homosexual, bisexual or transgender.)
    - **Marital Status** (This refers to whether a person is single, married, divorced, separated, widowed, or living in a de facto relationship with a person of the opposite sex.)
    - **Pregnancy** (This includes whether a woman is pregnant, is suspected of being pregnant, or is expected to become pregnant in the future.)
  - Discrimination on any of the grounds listed is unlawful if it occurs in most areas of public life, including employment.
  - All aspects of employment are covered.
  - This includes:
    - recruiting and selecting staff
    - policies, practices and procedures (including unwritten ones)
    - terms and conditions of work
    - training, promotion and transfer
    - the methods and reasons for ending employment.
  - All types of employees are covered. This includes:
    - applicants for positions

- current employees, whether full time, part time or casual
- volunteers and unpaid workers
- agents remunerated by commission
- contract workers.

#### *Victimisation*

- Victimisation is also unlawful.
- Victimisation means treating someone unfairly because they have acted on the rights given them by equal opportunity law, or because they have supported someone else who acted upon those rights—for instance, if your job is threatened because you have made a complaint to the Equal Opportunity Commissioner.
- Victimisation is unlawful, and may attract severe financial penalties

### 7 RIGHTS AND RESPONSIBILITIES

- The Equal Opportunity Act gives rights and responsibilities to potential employees, current employees and employers.
- Potential and current employees have:
  - the right for decisions about who should be offered a job to be made on merit
  - the right not to be sexually harassed by other employees or by the employer.
  - the right to be protected by their employers from sexual harassment by the people to whom they provide goods and services.
  - the right to work in an environment free of discrimination and harassment
  - the responsibility not to discriminate against, or harass, other employees or clients.
  - the responsibility not to sexually harass other employees or people to whom they are providing goods or services.
- People who are being offered or provided with goods or services have:
  - the right not to be sexually harassed by the providers of those goods or services.
- Employers (and managers and supervisors) have:
  - the responsibility to ensure that the workplace and the services given to clients are free of discrimination and harassment; employers—and managers and supervisors—have a legal responsibility to take all reasonable steps to make sure that this happens
  - the responsibility to ensure that the workplace is free of sexual harassment, and that clients are not sexually harassed while being provided with goods or services
  - a legal responsibility to take all reasonable steps to make sure this happens.

### 8 WHAT THIS MEANS IN PRACTICE

- This Policy is one of the steps taken by **New South Wales Lacrosse Inc.**
- The other steps are:
  - A member of senior management will accept day-to-day responsibility for implementing this policy. The person with this responsibility is the appointed **President of New South Wales Lacrosse Inc.**

- Managers, supervisors and members of the Board have a direct responsibility to make sure that employees, volunteers and other relevant persons within their portfolio know about this policy and adhere to it. Relevant persons are trained in this policy and its implementation by means of **a training program** as required
- Employees will know about this policy through **the Board at the onset of employment with the organisation.**

## 9 GRIEVANCE HANDLING (COMPLAINTS OF DISCRIMINATION OR HARASSMENT)

- The **President of New South Wales Lacrosse Inc** has ultimate responsibility for Equal Employment Opportunity.
- Any complaints about breaches of this policy will be dealt with seriously, confidentially and quickly. The people to contact in the first instance are **members of the New South Wales Lacrosse Inc. Board.**
- A Contact Person will be able to help you in the following ways:
  - Names and contact points for the Contact People are **outlined on the New South Lacrosse Inc. web site.**
  - The decision about what further action to take (if any) lies with the person who has made the complaint.
- You may also approach your union for assistance, as appropriate.
- In addition, any person has the right at any time to contact the Equal Opportunity Commission for information or advice, or to lodge a complaint of discrimination.

You can phone or write to:

Physical Address	6a Figtree Drive, Sydney Olympic Park NSW 2127
Postal Address	PO Box 210 Sydney Markets NSW 2129
Office phone	(02) 8116 9714
Office fax	(02) 8732 1605
Mobile Number	0423 224 053
Email	<a href="mailto:sdo@nswlacrosse.org">sdo@nswlacrosse.org</a>
website	<a href="http://www.nswlacrosse.org">www.nswlacrosse.org</a>

The Board of New South Wales Lacrosse Inc. accepts that the absence of discrimination and harassment leads to a more stable, more contented and therefore more productive workforce, in which people are treated fairly.

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