

TENPIN BOWLING AUSTRALIA LIMITED

ANTI-HARASSMENT POLICY

V1.0 9-9-02

Policy Statement

1. Tenpin Bowling Australia Limited is committed to providing a sport and work environment free of harassment. We believe that anyone who works for us or represents us, and everyone with whom we deal, has the right to be treated with respect and dignity. Tenpin Bowling Australia Limited will not tolerate harassment in our organisation. We will take all complaints of harassment seriously, and will ensure they are dealt with promptly, seriously, sensitively and confidentially. Disciplinary action can be taken against a person who is found in breach of this policy.

Application of Policy

2. This policy applies to all Board Members, athletes, coaches, employees, administrators, officials and volunteers affiliated with Tenpin Bowling Australia Limited.
3. This policy applies to behaviour occurring both within and outside the course of Tenpin Bowling Australia Limited business, activities and events, when the behaviour involves individuals associated with Tenpin Bowling Australia Limited and negatively affects relationships within our sport and work environment.
4. 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, and
 - . athlete to administrator.
 - . and so on

Unlawful Harassment

5. Sexual harassment and various other forms of harassment are unlawful under federal and state/territory anti-discrimination laws applying to Tenpin Bowling Australia Limited. 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, Tenpin Bowling Australia Limited has a legal responsibility to ensure that harassment does not occur in the course of any of our activities.

Definitions

6. For the purposes of this policy, **harassment** is defined as follows:

Harassment (general)

Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, usually because they are different, or perceived to be different, from the harasser. The difference may be in gender, race, disability, sexual orientation, age, power (relative to the harasser), or some other characteristic. It is behaviour that is unwelcome and that could reasonably be expected to upset the person or people at whom it is directed.

7. For the purpose of this policy, **sexual harassment** is defined as follows:

Sexual harassment

Sexual harassment is behaviour that has a sexual element, that is unwelcome and that could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate or intimidate the person or people at whom it is directed.

8. **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, massaging;
 - staring, leering, ogling;
 - smutty jokes and comments;
 - persistent or intrusive questions about people's private lives;
 - repeated invitations to go out, especially after prior refusal;
 - 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; and
 - sexual insults, taunts, name-calling.

9. Jokes and behaviour, which 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 the responsibility of all people covered by this policy to err on the side of caution in situations where people act as though they accept or 'consent' to behaviour, which in fact they do not like. (This may apply to peers who are 'different' from the majority group, or those who are younger or in a subordinate position to the person or people engaging in the behaviour).

10. Everyone also has a responsibility to be sensitive to the impact of their behaviour on the feelings of *all* people witnessing it, not just on the feelings of the person or people at whom the behaviour is primarily directed.

Responsibilities

11. Tenpin Bowling Australia Limited 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 we will take whatever steps necessary to ensure that everyone in the organisation knows:
- what harassment means,
 - that it is against the law, and

- that it will not be tolerated.
12. While the Chairperson has ultimate responsibility for ensuring this organisation is free of harassment, a senior official will accept day-to-day responsibility for implementing this policy. The Implementation Officer is yet to be appointed.
 13. TBA Board Members, Administrators, officials, managers, supervisors, and coaches 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 means of *[insert, for example, details of training, briefings, educational materials provided to responsible officers, and so on]*.
 14. Members, employees, volunteers and athletes will be informed about this policy through its publication in Tenpin Topics, displayed on the web site, sent in the TBA Egroup and distributed to all bowling centres and bowling associations in the Nation.
 15. We are further responsible for ensuring that the policy and procedures are monitored and reviewed regularly.
 16. It will be the responsibility of all TBA Board Members, 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 investigation of a complaint; and
 - avoid gossiping or spreading rumours about harassment (outside of giving information as part of a legitimate investigation process). Such behaviour can result in legal action for defamation.

Intimate Relationships

17. Tenpin Bowling Australia Limited takes the view that intimate sexual relationships between coaches and adult athletes, while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be exploitative because there is usually a disparity between coaches and athletes in terms of authority, maturity, status and dependence. Because there is always a risk that the relative power of the coach has been a factor in the development of such relationships, Tenpin Bowling Australia Limited takes the position that such relationships should be avoided by coaches working at all levels. Other professionals, such as teachers, doctors and counsellors, are required when dealing with relatively vulnerable clients or students, to avoid sexual relationships with them.
18. Should a sexual relationship develop between an athlete and coach, Tenpin Bowling Australia Limited will investigate whether any action against the coach is necessary. Factors that it may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete. If it is determined that the sexual relationship is inappropriate, action may be taken to terminate the coaching relationship with the athlete. Action may include transfer, or if this is not feasible, a request for resignation or dismissal from employment/coaching duties.
19. In the event that a coach and an athlete are married to each other (or in an established de facto relationship) then Tenpin Bowling Australia Limited shall use its discretion as to

their accommodation arrangements while they are its representatives in competition away from their home state.

20. In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the Tenpin Bowling Australia Limited Harassment Contact Officer (HCO), Complaints Officer, or Implementation Officer if he/she feels harassed.
21. The law is always the minimum standard for behaviour within Tenpin Bowling Australia Limited and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence.

Harassment Complaints

22. We will deal promptly, seriously, sensitively and confidentially with any complaints about breaches of this policy.
23. We will ensure that appropriate complaints procedures are developed to handle harassment complaints. These will provide for both formal and informal mechanisms for dealing with complaints. Please refer to [*Complaints Procedures document*] for details.
24. In the first instance, advice and assistance can be provided by HCOs. HCOs are selected/appointed by [*insert details of process followed and person responsible for this process*].
25. HCOs are able to offer help in several ways. They can:
 - listen and provide moral support;
 - clarify whether the behaviour being experienced constitutes harassment, another 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 suggesting that the harassed person approach the harasser and explain 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; and
 - follow up with the person, after appropriate action has been taken, to ensure that they are satisfied with the resolution.
26. Names and contact points for HCOs are as follows: [*insert details*]. Each State?
27. While it is recommended that an HCO be approached in the first instance, the person experiencing harassment also may seek advice and support in the first instance from another trusted person, for example:
 - a supervisor, coach, manager;
 - a union representative;
 - an officer designated to take responsibility for resolving harassment complaints [*Complaints Officer*]; or

- the [Chairperson/*Director/Chief Executive*], as the signatory to the anti-harassment policy, or any other official of the organisation (as appropriate).

Informal Resolution

28. 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 the HCO. The complainant with or without the assistance of the HCO may then carry these out. Resolution of complaints at this level allows for complete confidentiality for both parties and can sometimes result in an approved working relationship.
29. The second level of informal resolution involves mediation by a third party. The mediator may be a Complaints Officer or could be a Director, president, supervisor, coach or official agreed to by both parties for this purpose.

Formal Resolution

30. The complainant may decide, however, after talking to the HCO or another person, or after informal resolution has failed, to go to the stage of lodging a formal written complaint. A Complaints Officer will be designated to receive formal written complaints about harassment.
31. On receiving the complaint, the Complaints Officer 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 Complaints Officer will proceed to arrange a fair investigation of the complaint. The purpose of the investigation will be to establish whether harassment occurred, and if so, what action should be taken to resolve the matter.
32. A complainant can withdraw from the complaint process at any time. However, this does not absolve Tenpin Bowling Australia Limited from its obligation to pursue a complaint of harassment of a serious nature. The bottom line is that Tenpin Bowling Australia Limited 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 Complaints Officer to determine if the alleged harassment is serious enough to warrant an investigation by the organisation and whether that can be carried out without revealing the complainant's identity.

Right to Appeal

33. After an internal investigation of a complaint has occurred, a decision has been reached and action recommended, 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. An appeals panel made up of members other than those who formed the original review panel will handle formal appeals.

Disciplinary Action

34. Tenpin Bowling Australia Limited can take disciplinary action against any person in the organisation who is found to be guilty of harassment. They can also take disciplinary action against anyone who victimises a person who has complained of harassment. The discipline would depend on the severity of the case and could involve counselling, compulsory education, a fine, suspension, dismissal or withdrawal of coaching/official accreditation.
35. We will take similar disciplinary action against any person in the organisation that is found to have made false, vexatious or frivolous charges of harassment.

36. 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 into [*insert contact details of state/territory anti-discrimination body and the Commonwealth Human Rights and Equal Opportunity Commission*].

The Chairperson of Tenpin Bowling Australia Limited accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

I endorse the Anti-Harassment Policy.

..... (signature)

..... (Chairperson)

..... (date)

..... (witness name)

..... (witness signature)

..... (date)

