



ANTI-HARASSMENT POLICY & COMPLAINTS PROCEDURE

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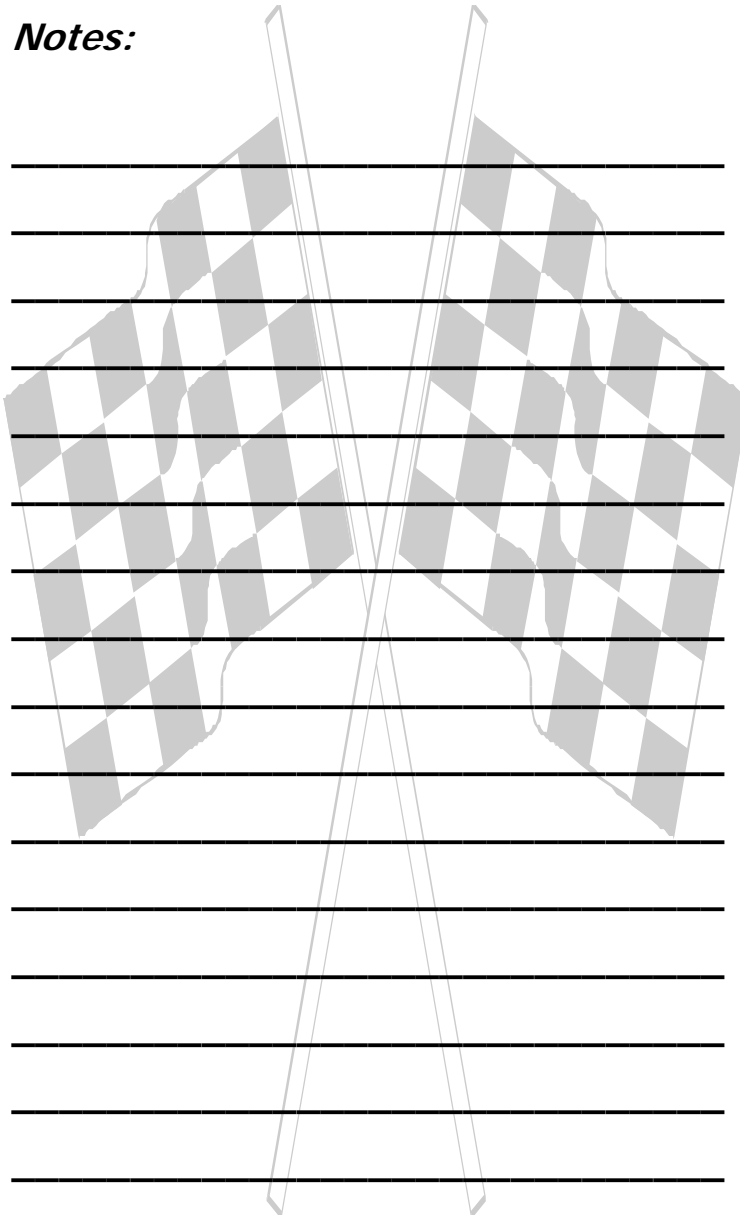
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INTRODUCTION

Notes:



A series of horizontal lines for writing notes, overlaid with a faint image of two crossed checkered flags on poles.

The WA Speedway Commission as directed by the WA State Government's Department of Sport & Recreation has been directed to create and implement various policies to aid in the protection of their affiliates, their members and the members of those clubs / associations which are affiliated to the WA Speedway Commission.

This document is the Anti-Harassment Policy which has been designed for use by our affiliates with the assistance of the WA Speedway Commission should the clubs / associations wish to delegate this role to the WA Speedway Commission.



The document covers the Anti-Harassment Policy details including the policy for the complaints procedure and the appropriate paperwork which is needed in the case of a complaint being made to your club. A copy of the Establishment of the Anti-harassment Appeals Board is a separate document. A copy of this is available from the Commission office.

This policy as stated in the outline will be reviewed on a periodical basis or as directed by the Department of Sport & Recreation.

Why Adopt a Policy?

By adopting a policy, the WA Speedway Commission is conveying a message that harassment is unacceptable and will not be tolerated within our sport, also assuring those who have experienced harassment that their complaints will be dealt with fairly.

Acknowledgements

The WA Speedway Commission wishes to thank the Department of Sport & Recreation for the assistance in creating this policy and the WASC Sport Development Advisory Committee who worked on the finer details to make the policy suitable for our sport.

**ANTI-HARASSMENT POLICY
RECORD OF COMPLAINT (*FORMAL REPORT*)**

Complaints Officer _____

Complainant _____ Respondent _____

Members of the Appeals Board _____ (*Chairman*)

Minutes of Hearing _____

Recommendation Made _____

Signed _____ Date ____ / ____ / ____

What is Harassment? Cont...

• **Harassment on Grounds of Disability**

Harassment on grounds of disability includes harassment based on physical, mental or psychological disability or an associate or aide of a person with a disability.

• **Abusive Behaviour Generally**

Harassment can sometimes consist simply of an abuse of power which the harasser holds over the harassed, (bullying, humiliation, insults can be forms of this type of abuse).

Impact of Harassment

The cost of harassment is extremely high for all those involved. Harassment can be harmful not only to the victim of the harassment but also to the person/organisation against who a complaint is made.

Harassment that is not properly addressed can have the following effects:

For the Complainant:

- Interfere with and affect an individual's physical and emotional health;
- Reduce productivity and effectiveness;
- Reduce sporting opportunities;
- Undermine self-esteem;
- Diminish performance in their role within the sport;
- Created significant family and personal problems; and/or
- Result in a complete withdrawal from the sport.

Impact of Harassment cont...

For the WA Speedway Commission or it's Affiliates

- Result in a hostile and unpleasant environment;
- Lower morale;
- Increase turnover of staff and volunteers;
- Increase liability, insurance and legal costs; and/or
- Diminish the reputation and image of the organisation in the community.

For the respondent

- Disciplinary action;
- Loss of employment;
- Diminished reputation; and/or
- Legal liability and monetary costs.

Glossary of Terms

• Complainant

A person who has lodged a formal complaint against harassment under the internal harassment complaints procedure.

• Respondent

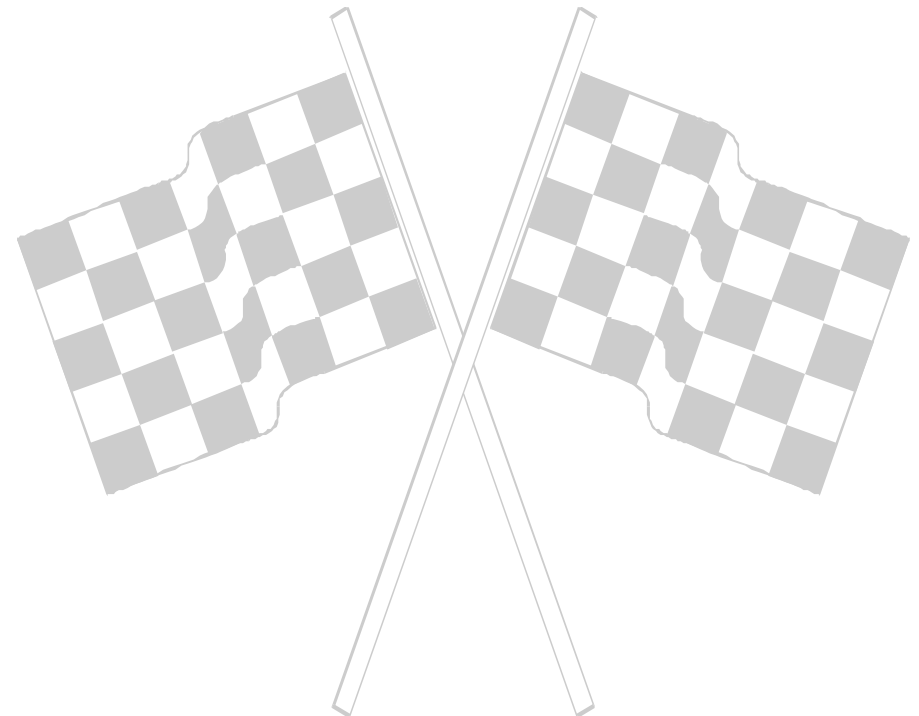
A person about whose behaviour a formal harassment complaint has been lodged.

11. Role of the Complaints Officer cont...

Although these guidelines are primarily about the rights of recipients of harassment, it must be emphasized that someone accused of harassing another person has the same rights as anyone else under the law.

Alleged harassers have the right:

- To be informed of the substance of the complaint made against them;
- To make a response;
- To be treated fairly;
- To be given information about their rights and ways in which the complaint may be resolved;
- To have the matter handled with confidentiality; and
- To have the matter heard by an impartial person or peo-



11. Role of the Complaints Officer cont...

In searching for solutions, the organisation may consider the following options, singly or in combination, depending on the severity of the harassment:

- A verbal apology;
- A written apology;
- A letter of reprimand from the sporting organisation;
- A fine or levy;
- A referral to counseling;
- The removal of certain privileges or membership or employment;
- A demotion or pay cut;
- A temporary suspension with or without pay;
- The termination of employment or contract; or
- The withdrawal of coaching / official accreditation for a set time or for life.

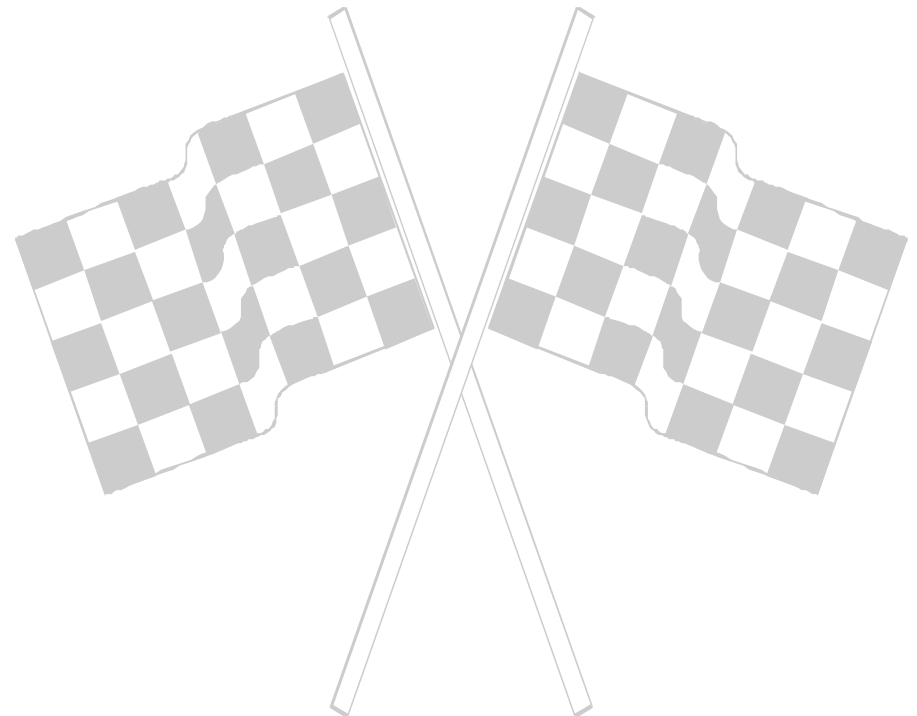
Glossary of Terms cont...

- **Controlling Body (for the event)**

This is the club / association who was in control of the event where the alleged harassment took place. This body can opt to handle the situation within their own organisation or request that the WA Speedway Commission takes over the procedural role of investigation.

- **Risk Management**

Is the systematic process of identification, assessment and analysis, treatment and ongoing motoring system or risks. It is part of the way in which the WA Speedway Commission can ensure that risks associated with our sporting activities are kept to a minimum.



ANTI-HARASSMENT POLICY

1. Policy Statement

- i. The WA Speedway Commission and its affiliates are committed to providing a sport environment free of harassment, where individuals are treated with respect and dignity. The WA Speedway Commission and its affiliates will not tolerate harassing behaviour under any circumstances and will take disciplinary action against anyone who breaches the policy.
- ii. This policy applies to all employees, directors, officers, volunteers, trainers, coaches, competitors, pit crews, officials, stewards and members of the WA Speedway Commission and its affiliated clubs / associations.
- iii. This policy applies to behaviour occurring within the course of WA Speedway Commission and its affiliates activities and events, when the behaviour involves individuals associated with the WA Speedway Commission or its affiliates and negatively affects relationships within the organisation's sport environment.

11. Role of the Complaints Officer cont...

Duties

Complaints Officers may be from within the organization, for example, Commissioners, Officials, Managers, Coaches, or from outside the organization, such as consultants or officials from another organisation,.

Selection Criteria

Complaints Officers are selected according to their:

- Ability to conciliate / mediate in sensitive situations;
- Ability to carry out an unbiased investigation and make reasonable recommendations; and
- Complete support for the organization's Anti-harassment Policy.

Resolving Cases / Disciplinary Action

When determining appropriate corrective measures and / or disciplinary action, the organisation needs to consider factors such as:

- The nature of the harassment;
- Whether the harassment involved any physical contact;
- Whether the harassment was an isolated incident or part of a continuing pattern;
- The nature of the relationship between the complainant and the harasser;
- The age of complainant;
- Whether the harasser had been involved in previous harassment incidents; and
- Whether the harasser retaliated against the complainant.

10. Formal Process cont...

- Both the complainant and the respondent have the right to appeal against the findings of the investigator / panel or against the resulting recommended action if they have any concerns about procedure, bias or fairness. Appeals are handled by an appeal panel made up of members other than those who conducted the original investigation.
- The appeal body can uphold the decision of the investigator/panel, reverse the decision of the investigator/panel, and/or modify any of the investigator/panel's recommendations for disciplinary action or remedial measures.

11. Role of the Complaints Officer

Duties

Complaints Officers are appointed by the Chairman or in his absence the Deputy Chairman of the Commission and make recommendations regarding internal harassment complaints. Complaints Officers are required to carry out these tasks in accordance with the complaints procedure adopted by the organization for the resolution of internal complaints.

2. Definition

- i. The definition of harassment immediately following has been adopted by the WA Speedway Commission for the purpose of this policy. It includes and goes beyond what is prohibited by law and does not distinguish between the various types of harassment.

Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, because of a particular characteristic of that person or people (including the person or people's level of empowerment relative to the harasser). The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as unwelcome.

- ii. Behaviour constituting harassment can take many different forms and may explicit or implicit, physical, verbal or non-verbal. Examples include, but are not limited to:
 - Abusive behaviour aimed at 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, suggestive remarks 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;

2. Definition cont...

- iii. 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: (cont..)
- 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, notes.
 - Sexual insults, taunts, name-calling.
- iv. 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.

10. Formal Process cont...

The typical steps for an investigation consistent with the principles of natural justice are:

- i. The complainant is interviewed and the complaint is documented in writing.
 - ii. The allegations are conveyed to the alleged harasser in full.
 - iii. The alleged harasser is given the opportunity to respond.
 - iv. If there is a dispute over the facts, statements from witnesses and other relevant evidence is gathered.
 - v. A finding is made as to whether the complaint has substance.
 - vi. A report documenting the investigation process, the evidence, the finding and the recommended outcome/s is submitted to the appropriate Controlling Body or the WA Speedway Commission.
- Both parties are entitled to support through this process from their chosen support person / adviser.
 - If the report is endorsed by the decision maker, the WA Speedway Commission or the appropriate Controlling Body then carries out the recommendations of the report.

10. Formal Process

- i. If the matter is not resolved with the support and advice of the person initially approached the complainant can make a formal complaint in writing about the alleged harassment to one of the persons listed under section 9(i).
- ii. The Complaints Officer would attempt to resolve the complaint between the parties concerned by mediation, unless this has already been attempted without success or is clearly not appropriate in the circumstances (for example, the complainant is too distressed to face the alleged harasser).
- iii. If mediation fails, or is not feasible, the Complaints Officer (person receiving the complaint) must then ensure that a fair and impartial investigation is made of the allegations, and that appropriate action is taken to resolve the complaint and, where necessary, to deal with the harasser.
- iv. The investigation is then conducted by a fairly constituted panel or suitably skilled and impartial individual from within the WA Speedway Commission or the appropriate Controlling Body. Natural Justice is to be observed for the alleged harasser.

3. Responsibilities

- i. The WA Speedway Commission and its affiliates is responsible for taking all reasonable steps to prevent harassment and ensuring its position is widely known through all levels of the sporting fraternity.
- ii. The WA Speedway Commission will ensure that appropriate procedures are identified to handle complaints.
- iii. All employees, members, professional and other persons associated with the WA Speedway Commission or its affiliates are responsible for complying with this policy.

4. Confidentiality

The WA Speedway Commission and its affiliates; management and officers responsible for implementing this policy will keep confidential the names and details related to harassment complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

5. Complaint Procedures

- i. The most effective complaint procedures offer a range of options for dealing with harassment including informal and formal resolutions.
- ii. The WA Speedway Commission recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a dispute.

See complaints procedure attached to this document.

COMPLAINTS PROCEDURE

6. Disciplinary Action

- i. Disciplinary action will be taken by the WA Speedway Commission or the Club / Association the complainant is affiliated with against anyone who is found to be in breach of this policy.
- ii. Disciplinary action will also be taken against anyone who victimises or retaliates against a person who has complained of harassment.
- iii. The discipline will depend on the severity of the case.

7. Right to Appeal

Both parties to a complaint have the right to appeal the decision and recommendation of a panel 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 should handle formal appeals.

8. Policy Review and Approval

The WA Speedway Commission's Board of Commissioners approved this policy on [INSERT DATE].

The Administrator and Board of Commissioners responsible for this policy will ensure a review of the policy is conducted periodically.

9. Informal Process

- i. The person being harassed makes an initial approach to their choice of one of the following people, who then provides information about whether the behaviour constitutes harassment and about options for resolution. They are:
 - WASC Administrator or WASC Observer;
 - WASC Commissioner
 - Member of the Executive Committee (of the Controlling Body of the event); or
 - An Official (from the SCB or Controlling Body of the event).
- ii. The person approached must clarify whether the complainant wants them to act as a mediator or simply wishes to talk the matter through with them. If the complainant does want them to help resolve the complaint, then they will do this at an informal level. In their management role, they must do so in an impartial manner with respect to both parties.
- iii. There is no written complaint at this stage. (although if you are approached and a complaint is made you must document the action you have taken with regards to the matter in case further action needs to be taken, this report is to be filed in an appropriate place where the complainants privacy is upheld).