



**Greyhound and Harness Racing
Regulatory Authority**
Racing Integrity

**GREYHOUND AND HARNESS
RACING INDUSTRIES**

HARASSMENT AND BULLYING POLICY

SEPTEMBER 2008

The Greyhound and Harness Racing Regulatory Authority (“the GHRRA”) draws the attention of all participants in the Greyhound and Harness Racing Industries to their rights and responsibilities relating to harassment and bullying.

The GHRRA considers that harassment or bullying by any person in or connected with the Greyhound and/or Harness Racing Industries to be unacceptable behaviour that will not be tolerated in any circumstances. That includes harassment and/or bullying by any person of any employee of the GHRRA.

Disciplinary action will be considered against any person involved in the harassment and/or bullying of any person in or connected with the Greyhound and/or Harness Racing Industries.

Persons involved in any behaviour that constitutes harassment or bullying may be subject to a range of penalties under the Rules of Greyhound and Harness Racing and may have their licence revoked by the GHRRA as no longer being a fit and proper person to be licensed by the GHRRA.

GHRRA employees involved in any behaviour that constitutes harassment and/or bullying will be subject to disciplinary action which may result in the termination their employment with the GHRRA.

Harassment and bullying are also unlawful under various Commonwealth and NSW Legislation such as the:

- *Anti-Discrimination Act 1977 (NSW)*
- *Human Rights and Equal Opportunity Commission Act 1986 (Cth)*

- *Occupational Health and Safety Act 2000 (NSW)*
- *NSW Occupational Health and Safety Regulation 2001*
- *Workers Compensation Act 1987*
- *Workplace Injury Management and Workers Compensation Act 1998*
- *Equal Opportunity for Women in the Workplace Act 1999 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*

As the regulatory body for Greyhound and Harness Racing in New South Wales, the GHRRA promotes environments in the Greyhound and Harness Racing Industries which are free of harassment and bullying.

GHRRA's Stewards have the power to suspend or disqualify the licence or registration of any person employed in the Greyhound or Harness Racing Industries who acts in contravention to this Policy. GHRRA Stewards will, where appropriate, refer complaints to relevant authorities (which may include the Police in some cases).

WHAT IS HARASSMENT?

Harassment is a type of discrimination and can take many forms.

It may involve inappropriate actions, behaviour, comments or physical contact which is objectionable or causes offence. It most commonly includes unwelcomed or unreciprocated behaviour which makes a person feel intimidated, offended, humiliated, frightened or uncomfortable. It can take place between:

- an employee and a manager or supervisor
- co-workers
- an employee and another person in the workplace, for example a customer/participant.

Unlawful forms of harassment under applicable legislation include harassment based on:

- age
- disability/impairment
- industrial activity/inactivity
- sexual activity
- marital status
- physical features
- political belief or activity
- religious belief or activity
- gender
- race
- pregnancy
- status as parent or carer
- personal association with someone of the above attributes
- irrelevant criminal conviction/s

Under applicable legislation it is irrelevant whether or not the inappropriate/unlawful behaviour was intended. The person who is subjected to the behaviour determines whether or not the behaviour is or is not welcome.

WHAT IS SEXUAL HARRASSMENT?

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of sexual nature that makes a person feel humiliated, intimidated or offended.

Sexual harassment can take various forms. It can include physical contact, verbal comments, propositions and the display of offensive material. For example:

- uninvited physical contact
- leering, patting, pinching, touching or unnecessary familiarity
- inappropriate jokes
- promises or threats in return for sexual favours
- repeated invitations to go out after prior refusal
- flashing or sexual gestures
- sexually explicit conversation
- persistent questions or insinuations about a person's private life
- offensive phone calls, letters or e-mails
- offensive screen saver messages
- stalking
- displays of sexually explicit material including posters, screen savers, desktops, cartoons, messages/graffiti left in common areas or for discovery by any person
- sexual assault
- obscene communications

WHAT IS BULLYING?

Bullying is any behaviour or series of behaviours that is unreasonable or undesirable at a place of work and/or in the course of or related to employment which intimidates, humiliates and/or undermines a person or a group of people.

Bullying will generally meet the following four criteria:

1. It is repeated.
2. It is unwelcome and unsolicited
3. The recipient(s) considers the behaviour to be offensive, intimidating, humiliating or threatening.
4. Based on available information, the behaviour would be considered as offensive, intimidating, humiliating or threatening to the individual it is directed at, or, for that matter, others who are witness to or affected by it.

There is no finite list of bullying behaviours, however, the following types of behaviour, where repeated or occurring as part of a pattern of behaviour could be considered bullying:

- Being subjected to constant ridicule and being put down in front of colleagues or other people
- Being the victim of loud and abusive, threatening or derogatory language usually when other people are present
- Leaving offensive messages on email or by telephone, including offensive messages through the use of SMS and material posted on the internet
- Being subjected to practical jokes.

COULD HARASSMENT, DISCRIMINATION OR BULLYING AFFECT YOU?

YES!

Everybody who is engaged in activities related to the Greyhound and Harness Racing Industries must be aware of their responsibility and rights in relation to harassment, including sexual harassment, and bullying.

Everybody includes all customers, licensees, all employers, all employees, all contractors, trainees and students who are engaged in activities in or connected with any area of the Greyhound and Harness Racing Industries.

HOW CAN HARASSMENT OR BULLYING AFFECT YOU?

Harassment or bullying can have a serious and damaging effect on your life. Harassment and bullying can:

- affect work performance and opportunities
- create a hostile or unpleasant work environment
- make you insecure and fearful
- affect your studies and future career.

WHERE AND WHEN CAN HARASSMENT OR BULLYING HAPPEN?

Harassment and bullying is prohibited in any work-related context.

Harassment and bullying are not just unlawful during working hours or in the workplace itself. Harassment and bullying are prohibited in the following circumstances:

- *recruitment and selection* – for example, during job interviews;
- *the course of employment* – for example, at the workplace, during working hours, at work-related activities such as a race meeting, training courses, conferences, field trips, work functions and office Christmas parties

- *termination of employment* – for example, where an employee is dismissed for objecting to sexual harassment or resigns because of intolerable sexual harassment
- *any other circumstance* that could arise in the context of relationships such as sexual harassment of an employee by a fellow employee, regardless of when or where it occurs.

WHAT ARE YOUR RIGHTS?

- Everyone has the right to work in an environment which is free of harassment and bullying
- Harassment and bullying are against the law
- Harassment and bullying are against the Rules of the Greyhound and Harness Racing.

WHO IS RESPONSIBLE?

- Individuals
- Any person in the Greyhound and Harness Racing Industries, including employers, employees, contract workers and customers, are personally liable for their own acts of harassment and/or bullying
- A person is personally liable for any act of victimisation
- A person is personally liable for causing, instructing, inducing, aiding or permitting another to discriminate (including discrimination involving sexual harassment).

Are employers in the Greyhound and Harness Racing Industries responsible? YES

- An employer is vicariously liable for any act of harassment and/or bullying committed by any employee or agent unless “all reasonable steps” were taken by the employer to prevent that harassment and/or bullying from occurring
- Lack of awareness that an employee or agent sexually harassed another will not discharge an employer’s vicarious liability.

Vicarious liability is an employer’s legal responsibility for wrongs committed by employees in the course of work.

WHAT ARE EMPLOYEES' RESPONSIBILITIES?

- **Employees in the Greyhound and Harness Racing Industries should be aware of and understand both their rights and their responsibilities relating to harassment and bullying**
- **An employee must not engage in any act of harassment and/or bullying**
- **An employee must not cause, instruct, induce, aid or permit another person to commit an act of harassment and/or bullying.**

All employees have a responsibility to:

- comply with applicable legislation
- comply with any employer's harassment and bullying policy
- offer support to anyone who is being harassed or bullied and let them know where they can obtain help and advice (they should not, however, approach the harasser or bully themselves)
- maintain complete confidentiality if they provide information during the investigation of a complaint. Employees should be warned that spreading gossip or rumours may expose them to a various actions under the general law, such as an action for defamation.

WHAT ARE AN EMPLOYER'S RESPONSIBILITIES?

Every employer in the Greyhound and Harness Racing Industries is legally required to take all reasonable steps to prevent harassment and bullying in the workplace.

- Employers are not only liable for their own acts of harassment and/or bullying, they can also be held responsible for harassment and/or bullying by their employees unless all reasonable precautions were taken by them to avoid the occurrence of those acts
- Employers must actively implement precautionary measures to minimise the risk of harassment and/or bullying occurring in the workplace.

WHAT CAN YOU DO IF YOU ARE BEING HARASSED?

- Do not ignore harassment and/or bullying
- Inform the offender that the behaviour is not acceptable to you and is against the law
- Seek assistance in having the behaviour stopped by making a complaint to an appropriate person/authority.

HOW TO MAKE A COMPLAINT

Seek a complaint channel that you both trust and feel comfortable with. First consult your employer's harassment and bullying policy procedures and investigate internal complaint channels. External complaint channels include:

- The GHRRA
- The NSW Anti-Discrimination Board
- The Commonwealth Human Rights and Equal Opportunities Commission

The GHRRA's Harassment Complaints Officer is:

Kay Johnson, Human Resources Manager

The Harassment Complaints Officer may be contacted at the GHRRA by:

- ✉ Mail: PO Box 358, Bankstown, NSW, 1885 (please place complaint in sealed envelope marked '*Private and Confidential*')
 - ☎ Telephone: (02) 9722 6600
 - ☒ Facsimile: (02) 9722 6690 (*only where the fax communication is marked "Private and Confidential" and has been preceded by arrangement with the Harassment Complaints Officer prior to transmission to that number*).

Complaints by GHRRA Employees

The Grievance and Dispute Settling Procedures clause contained in the *Crown Employees (Greyhound and Harness Racing Regulatory Authority – Greyhound Racing Employees) Award 2007* and the *Crown Employees (Greyhound and Harness Racing Regulatory Authority - Harness Racing Staff) Conditions of Employment Award 2007* will apply for any complaints by GHRRA employees.

WHAT WILL HAPPEN IF YOU MAKE A COMPLAINT OR REPORT?

Any complaints or reports of harassment and/or bullying to the GHRRA will be treated quickly, confidentially, seriously, sensitively and fairly. They will be investigated thoroughly and impartially.

Employees of the GHRRA must act immediately on any reports of harassment and/or bullying.

WHO YOU CAN CONTACT APART FROM THE GHRRA'S HARASSMENT COMPLAINTS OFFICER?

If you do not feel comfortable reporting the matter to the relevant GHRRA's Harassment Complaints Officer, you may report your complaint to any of the following persons:

- CEO of the GHRRA;
- Deputy CEO of the GHRRA;

Either of those persons may be contacted at the following address (you should provide any written complaint in a properly sealed envelope marked '*Private and Confidential*')

The Greyhound and Harness Racing Regulatory Authority
PO Box 358
BANKSTOWN NSW 1885
Phone: (02) 9722 6600
Fax: (02) 9722 6690

Apart from the GHRRA, you may also be able to report your complaint to or seek counselling/assistance from the following bodies:

- NSW Police;
- NSW Anti-Discrimination Board;
- Lifeline;
- Rape Crisis Centre;
- Central Sydney Sexual Assault Service;
- Child Abuse Line
- Women's Information & Referral Service
- Child Protection & Family Crisis Service
- Department for Women
- DoCS Domestic Violence Line
- Sydney Sexual Health Centre
- Victims of Crime
- Women's Gateway

PETER BALDWIN

Acting Chief Executive Officer

22 September 2008