



Prevention of Harassment, Bullying and Discrimination Policy/Procedure

Policy Statement

Athletics Auckland Incorporated (AAI) policy on preventing harassment, bullying and discrimination (**harassment**) reflects our commitment to providing a work and athletics environment that is safe, inclusive and equitable. It is important to us that we provide an environment that is free from harassment and where everyone is treated with dignity and respect.

Harassment is not condoned or tolerated at AAI and any complaint will be handled appropriately, fairly and promptly.

We encourage you to speak up if you experience or witness behaviour that you consider may amount to harassment.

Purpose

Our aim is to:

- Have an environment where all people are treated with dignity, courtesy and respect.
- Ensure that everyone at AAI knows their rights and responsibilities.
- Have a culture where everyone feels comfortable to speak up about behaviour that is unacceptable and has confidence that appropriate action will be taken.
- Protect our community from victimisation or reprisals.

Scope

This Policy applies to the AAI community (including employees, board members, delegate committee members, contractors, athletes, officials, spectators, parents/caregivers, volunteers and coaches). It applies to all locations where our community engages in our sport and includes all interactions between members of our community.

What is harassment?

We have set out below relevant definitions under this Policy. In considering what might amount to harassment under this Policy, all AAI community should be mindful that:

- social or cultural backgrounds may lead people to perceive the same conduct differently;
- some people may accept as reasonable a behaviour that other people find offensive;
- harassment can arise where different values and beliefs are not respected;
- appropriate behaviour is behaviour which respects the rights and sensitivities of all people.

Harassment

Harassment is unacceptable, verbal or physical behaviour that is unwelcome, offensive, humiliating or intimidating to another person. It may be either repetitive, or of such a significant nature that it has a detrimental effect on the person, their performance or their work, online or athletic environment.

Racial harassment

Racial harassment is language (whether written or spoken), or visual material, or physical behaviour that:

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- Expresses hostility against, or brings into contempt or ridicule, any other person on the grounds of colour, race, or ethnic or national origins of that person so that it is hurtful or offensive to that person; and
- Is either repeated, or of such a significant nature, that it has a detrimental effect on the person's experience.

Racial harassment may include:

- verbal abuse or comments that put down or stereotype people based on their race;
- derogatory jokes;
- mimicking someone's accent or the habits of someone;
- offensive gestures;
- ignoring or isolating a person or group;
- displaying or circulating offensive material;
- excluding a person from activities.

Sexual harassment

Sexual harassment is uninvited, unwelcome or offensive verbal or physical behaviour or conduct of a sexual nature that either by its nature or through repetition has a detrimental effect on a person's experience or training/athletic performance.

It can also be defined as requests (directly or indirectly) for sexual intercourse, sexual contact, or other form of sexual activity that contains an implied or overt promise of preferential or implied or overt threat of detrimental treatment, or an implied or overt threat about present or future experience or training/athletic status.

Anyone may be sexually harassed by a person or persons of the same or opposite gender.

Sexual harassment examples may include but not limited to:

- demands for sexual favours or unwelcome social invitations either direct or implied;
- unwelcome comments or questions about a person's sexuality or sexual activity;
- jokes or innuendos of a sexual nature;
- derogatory comments;
- unwelcome physical contact such as patting, pinching, touching, kissing or hugging;
- offensive or obscene telephone calls, emails, text messages, social media contact;
- persistent and unwelcome social invitations or contact;
- derogatory, provocative or sexually offensive images, pictures, photographs, or screensavers;
- offensive gestures.

Behaviour can be sexual harassment where it is unwelcome, whether or not the person makes it known that they do not like the behaviour.

Sexual harassment is not behaviour that is based on mutual attraction or relationships between consenting parties. However, individuals should be aware of the repercussions that may arise if they have a personal relationship with another member of the AAI community.

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Bullying

Bullying is defined by WorkSafe New Zealand as “repeated and unreasonable behaviour directed towards worker or a group of workers that can lead to physical or psychological harm.

It includes victimising, humiliating, intimidating, or threatening a person. A single incident of unreasonable behaviour is not considered workplace bullying, but it could be unacceptable behaviour that should not be ignored”.

Examples of behaviours that may be associated with bullying are:

- ✓ threats and intimidation;
- ✓ shouting and verbal abuse;
- ✓ unreasonable demands;
- ✓ ridiculing, insulting behaviour, teasing, jokes, “funny surprises”, sarcasm;
- ✓ displays of rage, eg, yelling, throwing things, etc;
- ✓ humiliation (in public or private);
- ✓ spreading gossip/rumours;
- ✓ persistent unconstructive criticism (public or private);
- ✓ social exclusion;
- ✓ unjustifiably over-working or under-working individuals;
- ✓ belittling remarks;
- ✓ sending intimidating and/or abusive emails or text messages;
- ✓ physical violence or threats of harm;
- ✓ giving unachievable tasks, impossible deadlines, unmanageable workloads, overloading, “setting up to fail”;
- ✓ undervaluing contribution, no credit when it’s due, taking credit for work that’s not their own;
- ✓ unreasonable or inappropriate monitoring;
- ✓ inappropriate conduct towards another member of AAI’s community on social media.

Bullying is **not**:

- ✓ reasonable directions;
- ✓ setting key performance indicators, standards and deadlines;
- ✓ an official making a decision that you disagree with;
- ✓ genuine feedback about performance or behaviour;
- ✓ justified performance management or disciplinary processes;
- ✓ expressing differences in opinion;
- ✓ one-off or occasional instances of forgetfulness, rudeness or tactlessness;
- ✓ managing absences, illness or injuries;
- ✓ investigating genuine concerns or complaints;
- ✓ decisions regarding promotion, transfer, appointments and terminations.

Cyber-bullying

Can be described as unwanted or aggressive behaviour(s), perpetrated through electronic media, that may harm, threaten or demoralise the recipient(s), and can occur at any time. Cyber-bullying can take several forms, including harassment, cyberstalking, denigration and exclusion.

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Discrimination

Discrimination occurs when a person is treated less favourably than another person because of certain attributes. The protected grounds of discrimination are set out in the Human Rights Act 2003 and are:

- “sex, which includes pregnancy and childbirth;
- marital status;
- religious belief;
- ethical belief, which means the lack of a religious belief;
- colour;
- race;
- ethnic or national origins, which includes nationality or citizenship;
- disability (including physical and intellectual disabilities);
- age;
- political opinion;
- employment status;
- family status; and
- sexual orientation.

Direct discrimination occurs when someone is treated less favourably because they have one of the characteristics listed above.

Indirect discrimination is when a requirement (or rule) that is the same for everyone has an effect or result that is, or is likely to, disadvantage a person because they have one of the characteristics listed above (for example, a rule that employees can only be eligible for promotion if they are more than 175 cm tall would indirectly discriminate against women, whose average height is shorter than men).”

Options for Dealing with Harassment

In dealing with complaints of the types of behaviour outlined in this policy, or behaviour that falls short of our expectations or our values, we will:

- deal with the matter fairly and as quickly as possible;
- respect the feelings and views of the complainant; and
- provide a fair process for the respondent to the complaint.

There are three main ways of dealing with harassment and bullying available to all community.

We encourage you to raise concerns early in one of the following ways:

1. – **Speak Up – dealing with it yourself**

In the first instance, where appropriate, you can make it clear to the person you believe is harassing you or someone else that their behaviour is unwanted and unacceptable. You could do this in writing or in person (in private). You could take a support person with you, if you wish. This allows the problem to be kept informal and for them to understand the impact of their behaviour and choose to change it.

You may like to approach a designated contact person (see **Contact People**) who will explore options with you and assist with ways to approach the person directly, or to take a more



formal approach. It is not the role of the contact person to approach the person directly on your behalf.

Focus on describing the behaviour you have experienced (or witnessed) and how you feel rather than labelling it “*bullying*” or “*harassment*”. Listen to their point of view.

2. – Facilitated Discussion

You can seek to have the matter resolved through a facilitated discussion. In that situation, you should approach your manager/coaches, the HR Representative, the other community’s manager or one of the Contact People for assistance. This process may involve either an internal or external facilitator who is acceptable to both parties.

The facilitator can help guide the discussion to assist both parties to feel heard and to try to find a positive way forward. Both parties can bring a support person to the facilitated discussion.

3. – Internal Formal Complaint

If the issue is not resolved by speaking up or facilitation, or the complainant does not wish to take either of these options, you may lodge a formal complaint.

Process:

- The complaint, in the first instance, must be made in writing to the Chairperson of the AAI Board or the President if it concerns the Chairperson.
- The complaint must set out what happened with details of time, date, location and potential witnesses. If you wish, you can advise on how you would like your complaint to be resolved (although this does not extend to expressing any view on whether another member of AAI’s community should be disciplined/dismissed or have their contract terminated).
- If appropriate, internal or external investigator(s) will be appointed to investigate the complaint for example by Sport New Zealand. The role of the investigator(s) is to gather the facts, decide what happened and whether this meets the test for harassment. Once the investigator has been appointed, the parties will be advised of the process that will be followed.
- The complaint will then be assessed fully, promptly and confidentially. Options include recommending an informal process including facilitation.
- We will also discuss temporary arrangements while any investigation takes place.
- If you make a complaint (or you are notified of a complaint about you) you should not approach any potential witnesses. Instead, you should let the investigator know so that they can talk to witnesses directly.
- The investigation will be handled sensitively and confidentially.

In some circumstances, AAI may decide that an investigation is necessary even where a formal complaint has not been made.

Other avenues of laying a formal complaint

- Athletics New Zealand;
- Mediation Services;
- Employment Relations Authority;
- Human Rights Commission;

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- Netsafe; and/or
- WorkSafe New Zealand.

Different Levels within AAI will have Different Responsibilities

Including:

- understand what harassment is;
- model appropriate behaviour at all times;
- ensure the community within their supervision are aware of this Policy and what can comprise harassment;
- listen and seek to fully understand concerns raised;
- intervene in any inappropriate behaviour, and seek to stop it;
- ensure that complainants are not victimised as a result of making a complaint;
- investigate any allegations of harassment of community; take reasonably practicable steps to prevent the recurrence of any harassment that has been found to have occurred; and
- make sure their team is aware of support available to them (such as EAP).

Behaviours Expected of the Athletics Community

Includes:

- promoting respect for each other;
- not retaliating if an issue is raised and providing support to those who may raise an issue;
- participating openly and honestly in any discussions or investigations taken;
- not trivialising or over-dramatising incidents;
- being aware of their own conduct and the potential impacts this may have on others;
- accepting personal responsibility for their actions;
- respecting cultural and social differences among colleagues and customers;
- treating people fairly; and
- contributing to a climate at work where bullying behaviour is unacceptable.

Harassment Contact People and Locations

In the first instance the AAI Board Chairperson (email: chairperson@athleticsauckland.nz) should be contacted, and they can provide information and assistance on this policy to community who feel that they have been harassed, bullied or discriminated against, or to community who are the subject of a complaint. The Board Chairperson is a neutral advisor.

Any discussions you have with the AAI Board Chairperson will be free of judgment and completely confidential (unless there are concerns for your safety or the safety of someone else).

The Chairpersons role is to:

- be available to listen to concerns and complaints about harassment;
- provide information to the complainant on the range of options available;
- work on solutions with the complainant and support them to make a decision;
- refer the complainant to the appropriate individual, professional support, or agency who will be able to assist further if required;
- follow-up with the complainant to ensure that they have the support they need and are satisfied with their decision;

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- if the matter cannot be resolved by the Chairperson, the Chairperson will refer the matter to the Board and/or independent arbitration.

The Outcome

AAI community found to have harassed another person may be subject to disciplinary action up depending upon the role of the person. Resolution could also include:

- an apology;
- individual counselling or mentoring for the complainant or respondent;
- whether the complaint is upheld or not, AAI may provide additional support such as education about harassment issues, or a return to relationship facilitation between the parties (if appropriate) after a formal complaint investigation.

Vexatious or Malicious Complaints

The purpose of the complaint procedure set out in this policy is to provide an avenue to raise genuine complaints in good faith.

If a complaint was vexatious or maliciously made, then disciplinary action against the complainant may be taken. However, just because a complaint is not upheld does not mean that it is vexatious and / or malicious.

Support Available

You can seek support from:

- EAP Services (0800 327 669 or www.eapservices.co.nz/booking)
- People & Culture
- Contact People (see details above)

Relevant Legislation

This Policy takes into account the following legislation:

- Employment Relations Act 2000
- Harassment Act 1997
- Health and Safety at Work Act 2015
- Human Rights Act 1993
- Privacy Act 1993
- Harmful Digital Communications Act 2015