

POLICY 8.12: BULLYING AND HARASSMENT PREVENTION

<p>Policy Rationale</p>	<p>Papatoetoe Pony Club is committed to providing a work and club environment and culture free from discrimination, harassment, bullying and victimisation for our employees, members, contractors and visitors</p> <p>This Policy aims to establish clear expectations of behaviour and responsibilities, and procedures for dealing with complaints of discrimination, harassment and bullying.</p>
<p>Policy</p>	<p>This Policy applies to all employees, contractors, members and visitors of Papatoetoe Pony Club.</p> <p>This Policy applies within the club as well as other situations, for example, when employees and members are travelling on club-related business, attending club-related gatherings outside of the club grounds, and dealing with competitors, officials and key stakeholders at formal competitions, rallies, anywhere on the grounds at any time.</p> <p>This Policy also applies to all telecommunications, internet and social media activity:</p> <ul style="list-style-type: none"> • On behalf of the Papatoetoe Pony Club; • During work hours; • Inside and outside of work hours, which references Papatoetoe Pony Club, its services, employees, contractors, temporary staff, customers, members, parents, key stakeholders or other organisations or individuals Papatoetoe Pony Club has a relationship with; • Inside and outside of work hours that could bring Papatoetoe Pony Club into disrepute; • Inside and outside of work hours that could bring into doubt a Papatoetoe Pony Club employee, contractor or member's ability to carry out their role and/or adequately represent Papatoetoe Pony Club; • That relates to Papatoetoe Pony Club post-employment and membership <p>Obligations and responsibilities</p> <p>Papatoetoe Pony Club has a statutory obligation to provide a safe workplace, free from the stress that discrimination, harassment and bullying can cause.</p> <p>Employee responsibility</p> <p>Every Papatoetoe Pony Club employee and member has a responsibility to:</p> <ul style="list-style-type: none"> • Be aware of the terms of this Policy (as varied from time to time) and their rights and obligations under it; • Comply with this Policy (as varied) at all times; and • Maintain confidentiality concerning any complaint and/or investigation. <p>Individual legal liability</p> <p>Under New Zealand law, any individual who discriminates against, harasses or bullies another person in the workplace, or engages in behaviour otherwise prohibited by legislation and/or this Policy may be held personally liable for their unlawful actions.</p> <p>Instances of discrimination, harassment and bullying could be considered (serious) misconduct and result in disciplinary action up to and including dismissal. Such behaviour could also amount to a breach of the club's Health and Safety Policy and similarly result in disciplinary action.</p>

	<p>Depending on the seriousness of the discrimination, harassment and/or bullying at issue, an individual employee or member may be personally liable for their conduct under both criminal and civil law. This liability is in addition to any liability which the club may have in respect of the conduct.</p> <p>In circumstances where your conduct may involve a breach of legislation, the Club may be legally obliged to notify the Police or other relevant government authority.</p> <p>Committee responsibility</p> <p>Committee members are expected to actively promote, implement and support this Policy.</p> <p>Failure by a committee member to act reasonably to prevent or resolve incidents of discrimination, harassment, bullying and victimisation may lead to personal liability under health and safety legislation.</p> <p>Vicarious liability</p> <p>Vicarious liability occurs when a person or company is held directly liable for someone else's actions, as if the person or company had actually engaged in the conduct. The law imposes vicarious liability in situations where a person or company is in a position to prevent conduct but does not do so.</p> <p>Discrimination</p> <p>Papatoetoe Pony Club is committed to providing an environment free of discrimination. Prejudices and stereotyped views must not influence the way we treat people, they only complicate our dealings in the club environment and prevent people from fully contributing. It is important to Papatoetoe Pony Club that no employee, job applicant or member is discriminated against or denied equal treatment.</p> <p>Unlawful discrimination occurs when a person is treated less favourably because they have, or are imputed to have, a particular characteristic or attribute which is protected by law (Protected Characteristic).</p> <p>Under New Zealand law, Protected Characteristics include:</p> <ul style="list-style-type: none"> • Sex (which includes pregnancy and childbirth); • Marital status; • Religious or ethical belief; • Race (including colour, ethnic or national origins); • Disability; • Age; • Political opinion; • Employment status; • Family status (including carer's responsibilities); and • Sexual orientation. <p>Discrimination can be both direct and indirect. Direct discrimination occurs when a person is treated differently because of a Protected Characteristic. Indirect discrimination can occur when a requirement, which is the same for everyone, has an unfair effect on some people because they possess a Protected Characteristic.</p>
	<p>Bullying</p> <p>Workplace bullying is a significant hazard. It affects people physically and mentally, resulting in increased stress levels, decreased emotional wellbeing, reduced coping strategies and lower work performance.</p>

Definition

Workplace bullying takes place if there is repeated, unreasonable behaviour directed towards a person or a group of people that creates a risk to health and safety.

Repeated behaviour is persistent and can involve a range of actions over time.

Unreasonable behaviour refers to behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples

Examples of bullying behaviours include:

- Yelling, screaming, or abusive language;
- Subtle intimidation (such as inappropriate comments about personal appearance);
- Continual criticism;
- Manipulation;
- Isolating or ignoring a person;
- "Ganging-up";
- Practical jokes gone wrong;
- Setting impossible deadlines;
- Sabotaging someone's work or their ability to do their job by not providing them with vital information and/or resources.

Examples of what are *not* bullying behaviours include:

- One-off or occasional instances of forgetfulness, rudeness or tactlessness;
- Setting high performance standards because of quality or safety;
- Constructive feedback and legitimate advice or peer review;
- A manager requiring reasonable verbal or written work instructions to be carried out;
- Warning or disciplining employees in line with the workplace's policies/code of conduct;
- A single incident of unreasonable behaviour (but it could escalate).

Reasonable management action, carried out in a reasonable way, is not bullying. Managers have a right to direct the way work is carried out, monitor workers and provide reasonable feedback on their performance. For example, informing a worker about unsatisfactory work performance in a constructive way is not bullying.

Bullying is in breach of this Policy and is strictly prohibited by the Papatoetoe Pony Club.

Victimisation

What is victimisation?

Victimisation occurs where a person subjects or threatens to subject another person to detriment as a result of:

- Making or proposing to make a complaint of discrimination, harassment, bullying, victimisation or other inappropriate workplace behaviour (whether against that person or not); or
- Giving information, evidence or acting as a witness in relation to such a complaint.

The Group will not tolerate victimisation of any nature and will take all necessary action to protect staff from victimisation.

Victimisation is in breach of this Policy and is strictly prohibited by the Group.

Procedures for resolving complaints

	<p>If you feel you have been discriminated against, harassed or bullied, we encourage you to address your complaint as soon as possible so that a resolution can be promptly achieved.</p> <p>All allegations and complaints will be treated seriously and dealt with expeditiously and confidentially, whether they are raised formally or informally.</p> <p>If you become aware of any conduct that may breach this Policy, you should report the conduct to a Committee Member.</p> <p>In line with the Club's responsibility under the relevant legislation, we will investigate and respond to any concerns of inappropriate workplace behaviour (including conduct which could constitute discrimination, harassment or bullying) which comes to our attention through your complaint or through the receipt of other separate claims or issues.</p>
Legislative Considerations	
Review Protocol	<p>Policy Owner: District Commissioner</p> <p>Approved By: Executive Committee</p> <p>Date Intro: March 2020</p> <p>Policy Reviewed By: Committee</p> <p>Next Review Date: March 2021</p>
Employment Agreement	Where there is any inconsistency between this policy and your employment agreement, your employment agreement prevails.