

***‘Your Voice in the Valley’***

**2YAS**

Yass Community Radio Assn. Inc.

**Policy No. 13.**

**ANTI-DISCRIMINATION.**

**Introduction.**

Yass Community Radio Association Inc. recognises it is the right of every volunteer to be able to attend and perform their duties without being subjected to any form of discrimination or harassment. Equally it is the obligation and responsibility of every volunteer to ensure that the workplace is free from discrimination and harassment. Yass Community Radio Association Inc. is committed to its obligations to eliminate discrimination and harassment in the workplace and in customer relations.

**Purpose.**

The purpose of this document is to outline Yass Community Radio Association Inc.’s position on discrimination and harassment and to document the process which is to be followed should any grievance arise.

**Policy.**

Discrimination in volunteering is specifically prohibited. Yass Community Radio Association Inc. will not tolerate any form of discrimination, or victimisation under any circumstances. The responsibility lies with every manager or supervisor and every volunteer to ensure that discrimination or victimisation does not occur.

Yass Community Radio Association Inc. considers that legislative obligations under the Acts establish minimum standards of behaviour for volunteers. The principles set out in this policy are intended to apply to any volunteer context. A breach of this policy will result in disciplinary action. Depending on the severity of the case, consequences may include, apology, counselling, demotion from duty or dismissal.

Yass Community Radio Association Inc. strongly encourages any volunteer who feels they have been harassed to take action, preferably by making it clear that such behaviour is unwelcome and offensive; alternatively, or in addition, follow the procedures for reporting the behaviour. Any reports of harassment will be treated seriously and promptly with sensitivity and complete confidentiality. Complainants have the right to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process. The alleged harasser will be given the right to have a support person of their own during any investigation procedures, to representation and advice throughout the process and to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed. No volunteer will be treated unfairly as a result of complaining of discrimination or harassment. Disciplinary action may be taken against any person who victimises or retaliates against a person who has complained of discrimination or harassment, or against any volunteer who has been alleged to be a harasser.

All volunteers reserve the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns. Members who fail to take appropriate action when aware of discrimination or harassment of a person will be subject of disciplinary action.

**Definitions.**

*Discrimination* is showing prejudice or unfair preference for one person or group over another, in similar circumstances.

*Harassment* is uninvited, unwelcome behaviour which does not have any legitimate workplace function. Harassment includes any written, physical or verbal conduct that from the perspective of a reasonable person is intimidating, offensive or humiliating against another person.

**Responsibility.**

It is the responsibility of management to ensure that;

1. they understand and are committed to the rights and entitlements of all volunteers to attend and perform their duties, without fear of being discriminated against or harassed in any form;
2. all reasonable steps are made to eliminate discrimination and harassment are made;
3. all volunteers are regularly made aware of their obligations in relation to providing a workplace free from discrimination or harassment;
4. they provide an environment which discourages harassment and victimisation and set an example by their own behaviour;
5. all complaints are treated seriously and confidentially;
6. they take immediate and appropriate corrective action if they become aware of any offensive action.

It is the responsibility of the volunteer to ensure that;

a they understand and are committed to the rights and entitlements of all volunteers to attend and perform their duties without fear of being discriminated against or harassed in any form;

b. they provide an environment which discourages victimisation, discrimination and harassment;

c. they immediately report any offensive action.

It is the responsibility of the Association to ensure that;

1. guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to discrimination or harassment;
2. management and volunteers are aware of their obligations and responsibilities in relation to discrimination or harassment and the rights of their volunteers;
3. ongoing support and guidance is provided to volunteers in relation to the prevention of discrimination and harassment.

**Procedures.**

 **Complaints procedures**.

Current legislation states that it is illegal to discriminate, victimise, harass or vilify on the basis of;

1. sex
2. sexual harassment
3. pregnancy
4. potential pregnancy
5. marital/domestic status
6. disability
7. race, colour, national extraction, social origin, descent, and ethnic, ethno-religious or national origin;
8. age, compulsory retirement;
9. family responsibilities, family status, status as a parent or carer;
10. racial vilification;
11. homosexual vilification;
12. HIV/AIDS vilification;
13. religious belief or activity;
14. political belief or activity;
15. physical features;
16. industrial activity;
17. volunteer association activity;
18. trade union activity;
19. breastfeeding;
20. sexuality;
21. Tran sexuality;
22. transgender;
23. profession, trade, occupation or calling;
24. medical record; and
25. criminal record.

Discrimination and harassment can occur at any level of the Association, can be experienced by both men and women and may involve a co-volunteer, Board Member, service provider, client or customer. Lack of intent is no defence in discrimination or harassment cases.

Formerly agreed behaviour may be found to be harassment or discrimination when it continues after a request from the recipient for the behaviour to stop, or at a point it becomes intimidating, offensive or humiliating.

Volunteers who believe they are the subject of discrimination or harassment should take firm, positive and prompt action.

If deemed appropriate the volunteer should make the deemed harassers aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the volunteer feels unable to speak to the persons directly, they should contact the President. Alternatively, a volunteer may contact a supervisor or manager with whom they feel comfortable. The President, supervisor or manager, will provide support, ascertain the nature of the complaint and the wishes of the complainant. The complainant does not have to request a full formal investigation if they will be satisfied by less formal treatment of the issue.

**Informal intervention.**

The President, will explain the volunteer’s rights and responsibilities under the Association policies and procedures. Informal Intervention may be a process of mediation or conciliation. During Informal Intervention the respondent will be made aware of the allegations being made against them and given the right to respond. This procedure will be completed when the alleged harasser respects the individual’s request to cease unwelcome and unwanted behaviour. If this does not occur, the formal procedure should be followed.

**Formal Complaints Procedure.**

Proceeding with a formal complaint requires the written consent or request of the person complaining, particularly as witnesses and other Association members will be involved. The formal procedure will be co-ordinated by the President with or without the help of an investigating committee co-opted by himself/herself.

The investigation may involve but is not limited to;

1. a private interview to ascertain the allegations, eg. parties involved, timing, location and nature of conduct complained against;
2. an interview with the alleged harasser to ascertain their defence;
3. interviews with other volunteers or individuals who may be able to assist;
4. examination of any relevant documents; and
5. determination of any previous behaviours or issues.

All available evidence is to be forwarded to the person conducting the investigation. Such evidence may include;

1. supporting evidence provided by a medical practitioner, counsellor, family member, friend or co-volunteer;
2. unexplained requests for change or sudden increase in unavailability;
3. complaints or other information provided by other volunteers about the behaviour of an alleged harasser;
4. records kept by the person claiming to be harassed;
5. information on credibility and consistency of the evidence; and
6. information on the absence of evidence where it should logically exist.

On completion, the complainant and the leader of the investigation, will where possible determine a course of action to be taken. Where this cannot be agreed upon, the Board will make a determination, using only a summary of the information which the investigation has heard. In any situation where a penalty is proposed this must be ratified by the Board, again using a summary of the information heard at the investigation.

Possible courses of action may include, but is not limited to;

1. counselling;
2. demotion, transfer, suspension, probation or dismissal;
3. official warning;
4. disciplinary action against the complainant where there is strong evidence that the complainant was vexatious or malicious;
5. formal apologies or undertakings that the behaviour will cease;
6. conciliation/mediation, by an impartial third party where the parties to the complaint agree to mutually acceptable resolution;

Where the investigation determines that harassment or discrimination has occurred, a summary of the complaint and the action taken is to be lodged with the Board, for safe keeping for seven years minimum.

If there is insufficient proof to decide whether or not the discrimination or harassment occurred, the President or investigation leader will;

1. remind those involved of expected standards of conduct;
2. ensure further training awareness raising sessions for volunteers are conducted;
3. monitor the situation carefully.

The President will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow up interviews. If there has been any substantial victimisation Disciplinary Procedures will be followed.

**Procedures for Dealing with Criminal Conduct.**

Some forms of severe harassment, eg, physical attack, obscene phone calls, may constitute criminal conduct. While Yass Community Radio Association Inc. is committed to deal with most harassment claims at internal level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Volunteers should be advised of the option of Police support or intervention. It is not an obligation, nor a duty of the Association to report such matters to the police on behalf of the complainant.

**Authorisation**

This policy was adopted by the Board of Yass community Radio Association Incorporated, at its meeting held on 19 April 2010. .

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Secretary President

Yass Community Radio Assn. Inc.