Professional Boxing and Combat Sports Board

RESPECT IN THE WORKPLACE POLICY

# Summary

1. This Policy sets out the position of the Professional Boxing and Combat Sports Board (the Board) on bullying, harassment (including sexual harassment), discrimination, victimisation and vilification.
2. The Board is committed to ensuring that boxing and combat sports are conducted in safe, inclusive and respectful workplaces. As part of this commitment bullying, harassment, discrimination, victimisation and vilification will not be tolerated.
3. All participants in the boxing and combat sports industry are required to treat others with dignity, courtesy and respect.
4. The purpose of this Policy is to prevent bullying, harassment, discrimination, victimisation and vilification.

# Scope

1. This Policy applies to all participants in the boxing and combat sports industry, including Board members, registered contestants, licence holders and spectators.

# Guiding principles

1. Everyone in the workplace has a role to play in creating and sustaining a safe, inclusive and respectful workplace.
2. A positive workplace is one where everyone works well together and contributes to a productive and respectful work environment. These work environments are characterised by:
* applicable codes of conduct being followed;
* leadership and management modelling appropriate standards of behaviour;
* everyone being treated with dignity, courtesy and respect;
* harmonious and productive work relationships;
* open discussion that leads to timely resolution of any conflict;
* risks being well managed; and
* support offered to those who experience bullying, harassment, discrimination and victimisation.
1. Codes of conduct applicable to the boxing and combat sports industry are:
* *Code of Conduct for Directors of Victorian Public Entities 2024* ­– applies to Board members;
* *Code of Conduct for Victorian Public Sector Employees 2015* – applies to employees, including contractors, of the Department of Jobs, Precincts, Industry and Regions eg Combat Sports Unit (CSU) staff; and
* the Board’s Code of Conduct - applies to registered contestants and licensed officials.
1. Under the Victorian *Equal Opportunity Act 2010*, organisations (including employers, clubs and sporting organisations) have a positive duty to eliminate discrimination, sexual harassment and victimisation as far as possible. This means that positive action should be taken to prevent these behaviours, regardless of whether someone has made a complaint.

# What is workplace bullying?

1. WorkSafe Victoria defines workplace bullying as repeated, unreasonable behaviour directed at an employee or group of employees that creates a risk to health and safety.
2. Behaviours which are repeated or part of a pattern of behaviour may include:
* making threats towards another employee;
* using abusive or offensive words in the presence of another employee;
* performing abusive or offensive acts in the presence of another employee;
* directing abusive or offensive acts towards another employee; or
* acting in any other way that could reasonably be expected to cause physical or mental harm to another employee (including self-harm), or arouse fear of such harm;

in circumstances where the employee knows or should know that such behaviour is likely to cause physical or mental harm (including self-harm) to the other employee, or arouse fear of such harm. Note that it is also possible to be criminally liable as an ‘accessory’ or ‘abettor’ to such bullying.

1. The following behaviours, where repeated or occurring as part of a pattern of behaviour, are likely to be workplace bullying:
* verbal abuse;
* excluding or isolating someone;
* intimidation;
* assigning meaningless tasks unrelated to the job;
* making unreasonable demands – such as allocating impossible assignments and setting impossible deadlines;
* undermining an employee‘s work performance or position – such as trying to harm another person’s reputation or their relationship with their manager;
* unfair allocation of tasks and/or working hours;
* changing work rosters to deliberately inconvenience particular employees; and
* deliberately withholding information or equipment that is vital for effective work performance.
1. These behaviours can occur face-to-face or via email, SMS messages or social networking sites. They can happen in any workplace and can also happen outside of work hours and at work-related events. This list of behaviours is not exhaustive.
2. Bullying is also a crime and employees need to be aware of what constitutes criminal bullying, such as a physical attack or threat of physical attack, which may constitute occupational violence. Such behaviours are beyond the scope of this Policy.
3. Examples of behaviours that are not bullying include carrying out legitimate or reasonable management decisions or actions, undertaken in a reasonable way and with respect and courtesy, such as:
* raising concerns with an employee about inappropriate behaviour;
* allocating work to an employee and setting reasonable goals, standards and deadlines; and
* offering constructive feedback (although providing it in a way that demeans or humiliates them, could involve bullying).

# What is harassment?

1. Harassment is a single or sequence of unwelcome offensive comment(s) or actions and can include behaviour such as telling insulting jokes about particular racial groups, displaying racially offensive or pornographic posters or screen savers, making derogatory comments about someone’s race or disability, or asking intrusive questions about someone’s personal life.
2. Harassment can be against the law when it is discriminatory (discrimination), when it includes conduct of a sexual nature (sexual harassment) or when it causes a risk to someone’s health or safety (occupational health and safety). If the behaviour is not on the basis of a protected personal characteristic or attribute it may, instead, be workplace bullying.

# What is discrimination?

1. Under the *Equal Opportunity Act 2010*, it is against the law to discriminate against a person on the basis of:
* age;
* breastfeeding;
* carer status;
* disability;
* employment activity;
* gender identity;
* industrial activity;
* lawful sexual activity;
* marital status;
* parental status;
* physical features;
* political belief or activity;
* pregnancy or potential pregnancy;
* race;
* religious belief or activity;
* sex;
* sex characteristics;
* sexual orientation;
* spent conviction; and
* personal association with someone who has, or is assumed to have, one of these attributes.
1. The *Equal Opportunity Act 2010* covers discrimination in certain areas of public life. These public places include:
* employment;
* education;
* accommodation;
* clubs;
* sports;
* local government;
* transport services; and
* shops, restaurants and nightclubs.
1. People working in these areas of public life have a positive duty to make sure a person doesn’t face discrimination. The positive duty applies to employers of all sizes and covers all types of workers eg full-time, part-time and casual employees, and agents and contract workers.
2. Discrimination can be direct or indirect on the basis of an attribute. Both are against the law.
3. Direct discrimination occurs if a person treats, or proposes to treat, someone with a protected attribute (personal characteristic) unfavourably because of that attribute.
4. In relation to persons with a disability, direct discrimination also occurs if an employer does not make, or proposes not to make, reasonable adjustments for a person with a disability and a failure to make those reasonable adjustments has the effect of that person being treated unfavourably because of the disability.
5. Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging a person with a protected attribute and where that requirement, condition or practice is not reasonable.

# Sexual harassment

1. Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:
* comments about a person’s private life or the way they look;
* sexually suggestive behaviour, such as leering or staring;
* brushing up against someone, touching, fondling or hugging;
* sexually suggestive comments or jokes;
* displaying offensive screen savers, photos, calendars or objects;
* repeated unwanted requests to go out;
* requests for sex;
* sexually explicit posts on social networking sites;
* insults or taunts of a sexual nature;
* intrusive questions or statements about a person’s private life;
* sending sexually explicit emails or text messages;
* inappropriate advances on social networking sites;
* accessing sexually explicit internet sites; and
* behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.
1. Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.
2. Sometimes people accused of sexual harassment say they were only joking. However, jokes can still be insulting, threatening and unwelcome. It doesn’t matter what the intention is: sexual harassment is against the law.
3. Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.
4. A single incident is enough to constitute sexual harassment – it doesn’t have to be repeated.
5. All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.
6. The large majority of sexual harassment complaints made to the Victorian Equal Opportunity & Human Rights Commission are work related. Women are more likely to experience sexual harassment than men.

# Victimisation

1. It is against the law to subject anyone to victimisation. Victimisation is when a person is treated badly or unfairly because they have made a complaint about discrimination, sexual harassment or racial and religious vilification, it is believed they intend to make a complaint, or they have helped someone else to make a complaint.
2. In the workplace, this means there must be no ‘pay-backs’, reprisal actions, threats, defamatory comments, retribution or intimidation (eg as a way of stopping people from raising concerns) against, or directed towards, an employee who has made, or may make, a claim or complaint or any employee who is identified as a witness in a claim or complaint.

# Vilification

1. Under the *Racial and Religious Tolerance Act 2001*, vilification is unlawful. Vilification is behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group of people because of their race and/or religion.
2. Unlike anti-discrimination laws, the *Racial and Religious Tolerance Act 2001* is not limited to conduct in specific areas of public life, such as employment or sports. Instead, it applies to any vilifying conduct that occurs in public. This means that vilifying conduct that occurs in the street, at a community event, in the media etc is covered by the *Racial and Religious Tolerance Act 2001*.
3. Examples of behaviour that could be vilifying are:
* speaking about a person’s race or religion in a way that could make other people hate or ridicule them;
* repeated and serious spoken or physical abuse about the race or religion of another person; and
* encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, or websites, email or social media.

# Resolving issues

1. The Board strongly encourages any person who believes they have been bullied, harassed, discriminated against, sexually harassed, victimised or vilified to take appropriate action. This could be by:
* making a report to the Board or the CSU;
* making a report to your employer and/or relevant association/organisation;
* making a complaint to the Victorian Equal Opportunity and Human Rights Commission about discrimination, sexual harassment, victimisation or vilification. Information on how to make a complaint can be found here: [Make a complaint | Victorian Equal Opportunity and Human Rights Commission](https://www.humanrights.vic.gov.au/complaints/make-a-complaint/);
* lodging a dispute about discrimination, sexual harassment, victimisation or vilification with the Victorian Civil and Administrative Tribunal (VCAT). Information on how to lodge a dispute can be found here:

[Unlawful discrimination, sexual harassment, victimisation or vilification | VCAT](https://www.vcat.vic.gov.au/case-types/equal-opportunity/resolve-a-dispute-about-unlawful-discrimination-sexual)

* seeking assistance about bullying, sexual harassment and discrimination from the Fair Work Commission. Information on how the Fair Work Commission may be able to help can be found here:

[Issues we help with | Fair Work Commission (fwc.gov.au)](https://www.fwc.gov.au/issues-we-help);

* making a report to Victoria Police;
* making a report to WorkSafe;
* if a union member, seeking support from your union; or
* seeking support from counselling services and/or someone you trust eg a manager, GP, friend.
1. Where the Board becomes aware of a registered contestant or licensed official engaging in conduct that constitutes bullying, harassment, discrimination, victimisation or vilification, the Board will consider suspending or cancelling that person’s registration or licence.

# Related policy, legislation and other documents

* *Code of Conduct for Directors of Victorian Public Entities 2024;*
* *Code of Conduct for Victorian Public Sector Employees 2015;*
* *Occupational Health and Safety Act 2004;*
* *Crimes Act 1958;*
* *Equal Opportunity Act 2010;*
* *Equal Opportunity Act 2010: Quick Guide*

[*Equal Opportunity Act: Quick guide (June 2022) (humanrights.vic.gov.au)*](https://www.humanrights.vic.gov.au/static/05d17cd2dab7e353b4d71d22a0aacc60/Resource-EOA_Quick_Guide-June_2022.pdf)

* *Racial and Religious Tolerance Act 2001;*
* WorkSafe WorkWell Toolkit titled *Prevent bullying in your business*

 [WorkWell Toolkit: Prevent bullying in your business | WorkSafe Victoria](https://www.worksafe.vic.gov.au/workwell-toolkit-prevent-bullying-your-business).

# Review

This Policy is subject to annual review.

# Version history

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| **Version** | **Date** | **Author** | **Summary of change** |
| 1 | May 2024 | B Trevean | Creation |
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