

Racing Queensland Limited

AWARENESS OF DUTIES POLICY, INCLUDING SEXUAL HARASSMENT, BULLYING AND UNLAWFUL DISCRIMINATION IN THE RACING INDUSTRY

DATE POLICY WAS MADE

This policy was made on 1 July 2010.

COMMENCEMENT DATE

This policy comes into effect on 1 July 2010.

PURPOSE

The *Racing Act 2002* (Act) authorises Racing Queensland Limited (Racing Queensland) to make policies for the sound management of the industry. Section 81(p) of the Act requires Racing Queensland to make a policy on making its officials, other staff and licensees aware of their duties under laws such as the *Anti-Discrimination Act 1991*.

It is in the interest of the Queensland racing industry and the public generally that the industry is a safe place to work, free from unsafe work practices, unlawful discrimination, sexual harassment, bullying, victimisation and misconduct. Racing Queensland will not tolerate these forms of behaviour and will take action when necessary to prevent sexual harassment, bullying, victimisation and unlawful discrimination from occurring in the industry.

Racing Queensland has developed policies and practices to make its workplace safe and productive, such as:

- A Code of Conduct and Ethics, which details the standard of behaviour expected of its employees
- A Whistleblower Policy, which gives guidance and support to employees who encounter or disclose improper conduct
- An Harassment, Discrimination and Bullying Policy that applies to all Racing Queensland Board members, officials, other employees, workers and agents, including contractors, consultants, work experience students and other volunteers
- An employment contract that states that employees have a duty to not endanger health and safety and must uphold the Code of Conduct and Ethics
- A draft Workplace Health and Safety Policy and Procedures
- Training for staff on their rights and responsibilities regarding workplace safety, harassment, discrimination and whistleblowing
- A Harassment and Discrimination Referral Officer to provide advice and support to staff that experience harassment or discrimination.

Racing Queensland also provides information and support for licensees who experience harassment and discrimination.

The purpose of this policy is to help ensure that the racing industry is free from unsafe work practices, sexual harassment, unlawful discrimination, bullying, victimisation, and misconduct by making Racing Queensland officials, and other staff and licensees aware of their responsibilities in this regard.

POLICY STATEMENT

Racing Queensland will foster a culture of high ethical standards and support for whistleblowers and will not tolerating unlawful discrimination, sexual harassment, bullying, victimisation or unsafe work practices.

Racing Queensland will provide information and training to its officials and other staff and licensees to help ensure they are aware of their rights and responsibilities under relevant legislation, including:

- *Anti-Discrimination Act 1991*
- *Disability Discrimination Act 1992*
- *Human Rights and Equal Opportunity Commission Act 1986*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Whistleblowers Protection Act 1994*
- *Workplace Health and Safety Act 1995*
- *Crime and Misconduct Act 2001*
- *Trade Practices Act 1974*

Information provided for officials and other Racing Queensland workers will take the form of an HR Policy on Harassment, Discrimination and Bullying. This will be provided as part of employee inductions and on a regular and ongoing basis and information will be posted on staff noticeboards. Officials and other Racing Queensland staff will also receive regular training about the Harassment, Discrimination and Bullying Policy and its implications for conduct and behaviour.

Racing Queensland managers and supervisors will model appropriate standards of behaviour and use staff meetings regularly to discuss ethical standards and expectations of appropriate behaviour.

Racing Queensland encourages all race clubs, licensees and other employers within the racing industry to:

- model appropriate standards of behaviour and clearly articulate expected standards of behaviour for their employees
- develop codes of conduct and policies on sexual harassment, bullying and unlawful discrimination
- provide training to staff on their rights and responsibilities regarding the prevention of sexual harassment, bullying and unlawful discrimination
- provide support for employees who have experienced sexual harassment, bullying or unlawful discrimination.

Racing Queensland stewards will use their powers under the Rules of Racing to investigate allegations of sexual harassment and discrimination made against licensees, lay charges and impose penalties.

Racing Queensland has an appointed Harassment and Discrimination Referral Officer, who provides advice and support to Racing Queensland officials, employees and workers who experience sexual harassment, bullying and unlawful discrimination.

APPLICATION

This Policy applies to Racing Queensland officials, all licensees, race club officials and other participants in the Queensland racing industry and provides standards of conduct for them to observe.

DEFINITIONS

'Discrimination' occurs when a person is treated more or less favourably than another person would be under similar circumstances. Discrimination is unlawful when it is on the basis of an attribute described in the *Anti-Discrimination Act* (i.e. sex, marital status, pregnancy, parental status, breastfeeding, age, race, impairment, religion, political belief or activity, trade union activity, lawful sexual activity, sexuality, gender identity, family responsibilities; or association with, or relation to, a person identified on the basis of any of the above attributes).

'Licensee' refers to a person who holds a licence issued by Racing Queensland.

'Official misconduct' generally means conduct that involves:

- behaviour which is dishonest or not impartial in the exercise of powers or authority (e.g. soliciting or receiving benefits);
- behaviour which adversely affects or could adversely affect, directly or indirectly, the honest or impartial exercise of powers or authority (e.g. allowing personal relationships to affect decisions, or using sexual harassment to obtain a gain at the expense of the public);
- a breach of trust placed in a person by reason of his or her employment (e.g. to breach the confidentiality of matters of a personal nature);
- misuse by any person of information or material acquired in connection with his or her employment, either for the benefit of the person or another person (e.g. disclosing confidential or privileged information to an unauthorised other person); and
- which constitutes or could constitute a criminal offence or a disciplinary breach that provides reasonable grounds for termination of employment.

'Racing Queensland policies' refers to policies from time to time adopted by Racing Queensland.

'Race club official' includes committee members of the club and all other persons employed or remunerated by the club, whether full-time, part-time, permanent, fixed-term, contract or casual.

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

'Statutory obligations' refers to obligations imposed from time to time by legislation including, where relevant and without limitation, obligations imposed on licensees, race club officials and other racing industry participants by the: *Anti-Discrimination Act 1991*, *Crime and Misconduct Act 2002*, *Financial Administration and Audit Act 1977*, *Public Records Act 2002*, *Racing Act 2002*, *Statutory Bodies Financial Arrangements Act 1982*, *Whistleblowers Protection Act 1994* and *Workplace Health and Safety Act 1995* and any relevant regulations made pursuant to statute.

'Whistleblower' refers to a person who discloses information about official misconduct, maladministration, negligent or improper management of public funds, reprisal, or danger to persons or the environment in the public interest to an authority that is able to investigate and remedy the matter.

PROCEDURES

Racing Queensland has established a manual, which deals with sexual harassment, bullying and unlawful discrimination in the racing industry. This manual will serve as a guide for licensees and participants in the racing industry who are not Racing Queensland officials or workers. Racing Queensland officials and workers should refer to the HR Policy on Harassment, Discrimination and Bullying to obtain further detail on these matters.

Roles and responsibilities

Racing Queensland officials and other staff

In accordance with the Code of Conduct and Ethics, all Racing Queensland officials and other employees must maintain the highest standards of professionalism, probity, diligence and integrity. They must ensure they understand their responsibilities under this Policy, the Code of Conduct and Ethics, the Racing Queensland HR Policy on Harassment, Discrimination and Bullying, Awareness of Duties Policy, Whistleblowers Policy and draft Workplace Health and Safety Policy and Procedures. They have a duty to disclose breaches of the code, the policies or any official misconduct they may encounter.

Racing Queensland managers and supervisors

Racing Queensland managers and supervisors must model the highest standards of ethical behaviour; provide a work environment for their staff that is free of unsafe work practices, unlawful discrimination, bullying, victimisation and harassment. They must regularly discuss the ethical standards and behaviour expected of their staff. They must act on any ethical or behavioural breaches they become aware of and provide support to staff who experience harassment or discrimination or who disclose misconduct.

Licensees

Under the Rules of Racing, licensees have a responsibility not to act in an improper, unseemly or dishonourable way in connection with racing or to engage in conduct prejudicial to the image, interests or welfare of racing.

Rules of Racing

Rules of Racing will not be made for this policy.

Review

This policy was reviewed in September 2010.

Next review date will be September 2012.

REVISION HISTORY

Version	Date	Description
1.01	July 2010	Board adopted under exceptional circumstances
1.02	September 2010	Board confirmed subject to recommended amendments, this policy continues to have effect.