



NSW Fishing Clubs' Association Inc.

Member Discrimination and Harassment Grievance Policy and Procedures

1.0 POLICY

1.1 STATEMENT OF INTENT

- The NSW Fishing Clubs' Association Inc. is committed to providing an environment that is safe, fair and free from discrimination for all members. The association has a responsibility under State and Federal legislation to ensure members are not subjected to behaviour that may constitute unlawful discrimination, harassment, vilification or victimisation.
- An essential part of developing that environment is ensuring that members are encouraged to come forward with their grievances in the knowledge that the responsible divisions or the state executive committee will take prompt and effective action to address complaints of discrimination and harassment. Grievances that are not addressed have the potential to grow into major problems that can cause tension, low morale and reduced member satisfaction. Unresolved or poorly handled grievances can also lead to legal action against the association.
- This Policy does not limit the right of any member to seek the advice and assistance of their solicitor. At any time members may also seek the assistance of an external agency in the resolution of their grievance, where relevant.

1.2 COVERAGE

- The Policy applies to all NSWFCA members and covers all member grievances of unlawful discrimination and harassment. A grievance may involve unlawful

discrimination if it contains allegations of unfair and inequitable treatment on the basis of a person's race, ethnic and ethno-religious origin or nationality; sex or sexual preference (including transgender); marital status; status as carer; pregnancy or potential pregnancy; age; disability; religious, trade union or political affiliation. Vilification on the grounds of race, homosexuality and HIV/Aids status is also unlawful. Unlawful harassment is unwelcome and offensive or intimidating behaviour, comments or images based on any of these grounds. The most common forms of harassment are racial and sexual harassment.

- The grievance may be against another NSWFCA member. In certain circumstances, these procedures may be used to deal with a complaint against a person who is not a NSWFCA member but who is involved in an association related activity.
- These Procedures also cover the use of the association computing and telephone facilities (including voicemail, email and the Internet).

1.3 PRINCIPLES

- Grievances should be treated seriously and sensitively, having due regard to procedural fairness, confidentiality and privacy. Requirements relating to confidentiality and privacy extend to the use and storage of any information and records related to a grievance.
- Grievances should be handled quickly and as close as possible to their source. This may be modified by the nature of the grievance and the member's wishes. Members should raise concerns as early as possible after the incident/s occurred.
- Wherever possible, grievances should be resolved by a process of discussion, cooperation and conciliation. The aim is to reach an acceptable outcome that minimises any potential detriment to ongoing relationships.
- Both the member raising the grievance (the complainant) and the person against whom the grievance is made (the respondent) will receive appropriate information, support and assistance in resolving the grievance. Parties may bring a support person to any interview.
- No person should be victimised because they raise a complaint or are associated with a grievance.

- Members should not instigate grievances that are frivolous or malicious. All members are expected to participate in the grievance resolution process in good faith.

2.0 PROCEDURES

Preliminary Action

2.1 Before initiating the grievance procedures, the complainant is encouraged to try to resolve any grievance directly with the person/s concerned. If this is not possible or appropriate, the complainant should proceed to Step 1 of these Procedures.

Step 1 - Talk to the immediate person in charge

2.3 Where the complainant has been unable to resolve the grievance themselves, they should take the matter up with the appropriate person in charge. This may be a club or division president or some other executive member. Where the grievance involves that person, the complainant should refer the matter to the next most appropriate person.

2.4 The person in charge should address the grievance with a view to resolving it expeditiously, normally within two weeks of receiving the complaint. This would usually involve the person in charge:

- a) carefully listening to the member's concerns and their desired outcomes;
- b) providing the member with a copy of this document, explaining the grievance procedures and the range of options open to them;
- c) either attempting to resolve the matter or referring the matter to Stage 2 or 3 of these Procedures if it is unsuitable for resolution at this level;
- d) keeping all those involved informed about the progress of the matter; and
- e) monitoring the situation during and after the resolution process.

2.5 In any action taken the person in charge should ensure procedural fairness for all parties involved, which would normally

include such steps as fully informing the respondent of the allegations made against them and providing them with an opportunity to respond.

2.6 At the end of their direct involvement with the matter, the person in charge should make appropriate file notes on the grievance resolution process and outcomes, which should be stored in a separate and confidential grievance file.

Step 2 - Referral to the Divisonal or Body Executive Committee

2.7 If the complainant believes the grievance has not been resolved to their satisfaction during Step 1, they can refer the matter to the local executive. They may require the complainant to put the grievance in writing. The local executive would then normally try to resolve the matter within three weeks of receiving the grievance, following similar processes outlined in Step 1.

Step 3 - Referral to the NSW Executive

2.8 If the grievance remains unresolved, or is felt to be of such a serious nature that it cannot be resolved without investigation, it may be referred in writing to the NSW Executive. The complaint may be referred by the complainant, the person in charge or by the local executive.

2.9 After giving due consideration to the grievance the NSW Executive may do one or more of the following:

a) if the complaint is not clearly within the scope of the association's processes for misconduct/serious misconduct (**constitution of incorporated association within NSW – disciplining of members**) the NSW Executive may:

- i) refer the complaint back to the relevant person in charge or to a nominee, with advice, for resolution;
- or
- ii) initiate an investigation into the matter. This may involve referring the complaint to the police or other government department for further investigation and advice; or
- iii) seek to resolve the matter directly;
- or

b) if necessary, contact an appropriate outside agency.

2.10 Any determination made by the NSW Executive in accordance with Step 3 of these Procedures with regard to the grievance will be final save for the complainant/respondent's right to pursue the matter outside the association.

3.0 OUTCOMES

3.1 Outcomes will vary from case to case depending on the nature and circumstances of each grievance. Outcomes could include:

- the complainant gaining a better understanding of the situation and no longer feeling aggrieved;
- the complainant receiving a verbal or written apology;
- the respondent receiving a verbal or written reprimand;
- one or both parties agreeing to participate in some form of counselling ;
- disciplinary action where a NSW FCA BY-LAW or the constitution of the incorporated association were found to have been breached, and/or where misconduct/serious misconduct has occurred.

3.2 Disciplinary action may also be taken where:

- a grievance is found to have been malicious or vexatious;
- a person victimises another person because of their involvement in the grievance;
- unnecessary disclosure of information (a breach of confidentiality) has occurred.

4.0 ADVICE AND INFORMATION

Further advice may be gained from relevant government authorities, legal council and the police.

5.0 MONITORING AND EVALUATION

The operation of these Procedures will be monitored and a review carried out at the end of 12 months. The NSW Executive will be responsible for initiating the review.