

Bushwalking NSW

Bushwalking NSW Inc.

E: admin@bushwalkingnsw.org.au

W: bushwalkingnsw.org.au

[f bushwalkingnsw](https://www.facebook.com/bushwalkingnsw)

[@BushwalkingNSW](https://twitter.com/BushwalkingNSW)

P: (02)8003 5545

GUIDELINES FOR DEALING WITH DISCRIMINATION OR HARASSMENT

Version 2 16/10/18 - Procedure adopted by Bushwalking NSW for use by our clubs.

Bushwalking NSW does not tolerate discriminatory or harassing behaviour by members or non-members taking part in the organisation's activities. Because bushwalking is a potentially risky activity, trip leaders have the right to exclude members or visitors from participating where there are concerns about the person's capacity to complete the activity safely. This is not discrimination

Bushwalking NSW advises clubs to have their own Discrimination & Harassment Guidelines, which they can follow to resolve problems. Each club needs to have procedures to resolve such problems within the club as Bushwalking NSW can take no responsibility for this. The references in these guidelines are to NSW law. ACT has similar laws but the government organisations that can help are different.

DISCRIMINATION & HARASSMENT

Discrimination occurs when someone is treated unfairly because they belong to a particular group of people or have a particular characteristic. The Anti-Discrimination Board of NSW says that in this state, it is against the law to discriminate against a person because of his or her sex, pregnancy, breastfeeding, race (including colour, nationality, descent, ethnic or ethno-religious background), age, marital or domestic status, homosexuality, disability, transgender status or carer's responsibilities, all of these actual or perceived

Anti-discrimination law defines harassment as any form of behaviour that a person does not want, or offends, humiliates or intimidates the person, or creates a hostile environment. It is also against the law for a person to be harassed because of the sex, pregnancy etc of any of the person's relatives, friends, work colleagues or associates.

POSSIBLE METHODS OF RESOLUTION

A person who believes he/she has been subjected to discriminatory or harassing behaviour (the complainant), is advised to first tell the offender that the behaviour is unwelcome & ask that it stop. If the complainant feels unable to do this, or the behaviour does not stop, he/she should refer the matter to a member of the committee of Bushwalking NSW to discuss the complaint. The committee member may attempt to resolve the matter with the offender, or refer the matter to the whole committee. The complaint should be kept confidential. The committee will consider the complaint & attempt to conciliate the matter. If this is not possible, the complainant should exercise their right to lodge a formal complaint with the Anti-Discrimination Board. They offer conciliation & if this is unsuccessful, they can refer you to the Tribunal.

First, attempts should be made to resolve the complaint informally through discussion with and, if appropriate, between the parties. The respondent (person against whom the complaint is made) has the right to be provided with full details of any accusations made against him or her. The respondent has the right to respond to these accusations and to have the response considered in an impartially & sensitively. If after discussion, the complaint against the respondent is found to have substance, an apology and a commitment to stop the offending behaviour should be asked for. In serious and/or repeat offences, the respondent may be expelled from membership of Bushwalking NSW as set out in our Constitution.

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If resolution of the matter is not possible, the complainant may exercise the right to lodge a formal complaint with the Anti-Discrimination Board. The Board offers conciliation & if this is unsuccessful, the matter can be referred to the Tribunal.