Queensland Kendo Renmei
Discrimination, Bullying and Harassment Policy

Contents

Abbreviations 2

Policy Status Table 3

1. Preamble 4

2. Unacceptable Conduct 5

2.1. General 5

2.2. Discrimination 6

2.3. Bullying 8

2.4. Sexual Harassment 9

2.5. Victimisation 9

3. Application of This Policy 9

4. Responsibility of QKR Members 10

5. Consequences of Breach of the Policy 10

6. Support and Counselling 10

6.1. General 10

6.2. Acquire more information before deciding what to do 10

6.3. Self Help 11

6.4. Make an Internal Complaint 11

6.4. Make an external complaint: 11

7. Further Communication 12

8. Limitations 12

Attachment

QKR Code of Behaviour Agreement Form, July 2022 to June 2023

Abbreviations

AKR: Australian Kendo Renmei

MPIO: Member Protection Information Officer

QHRC: Queensland Human Rights Commission

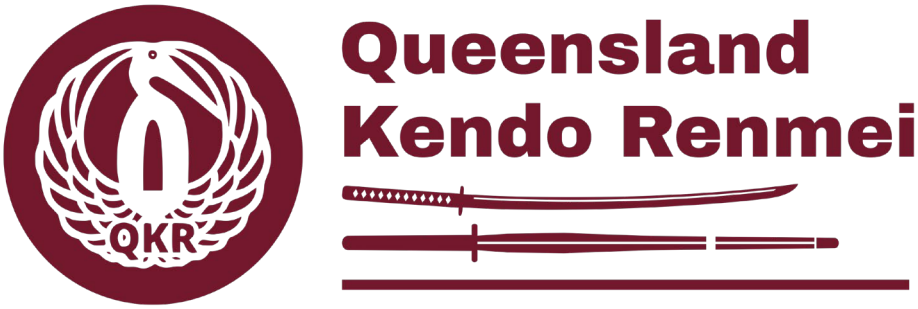
QKR: Queensland Kendo Renmei

QPS: Queensland Police Service

Queensland Kendo Renmei

Policy Status Table

Version	Status	Date	Remarks	Author/Review
1.0	Final	24 March 2022	Issue authorised by the QKR Executive Committee: 23 March 2022	QKR Secretary/QKR President
2.0	Draft	02 May 2024	Update logo and content Removed date specific on Agreement form	Tom Johnson President



1. Preamble

The Queensland Kendo Renmei (QKR) is committed to ensuring a safe training environment which is free from bullying, discrimination, and sexual harassment and where all members are treated with dignity, courtesy and respect. The QKR is a State Affiliate of the Australian Kendo Renmei (AKR)[1]. The AKR is recognised by the Australian Sports Commission as the National Sporting Organisation to develop Kendo, Iaido and Jodo in Australia. Our commitment to safe training and inclusive culture is shared with the (AKR). On this basis, the QKR Executive Committee (the Committee) has developed this policy on bullying, discrimination, and sexual harassment in accordance with the *QKR Presidential Statement – Cultural Change*[2], and in line with the goals and values embraced by the AKR[3].

The Committee recognises the importance of vicarious liability[4]. The Committee understands that under the *Anti-Discrimination Act 1991* (Qld), the person who discriminates against, victimises, sexually harasses, vilifies or asks for unnecessary information can be liable for the unlawful behaviour. This liability is the responsibility that the Committee has for the actions of QKR members while they are undertaking activities relevant to the QKR. It is therefore incumbent on the Committee to provide all QKR affiliated members (hereafter referred to as Members) with information about bullying, discrimination and harassment and take reasonable steps to prevent these behavioural issues.

Members and particularly those involved in teaching must ensure that our members are treated fairly and are not subject to any of unacceptable behaviours mentioned in this policy. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way. Members must not ignore discrimination, sexual harassment, vilification or requests for unnecessary information. Please remember that '*thinking it will go away and it is not my problem anyway*' will often get worse[5]. Members are encouraged to select the most appropriate action to prevent the behavioural problem.

Members are therefore required to:

- **Peruse this document and relevant AKR documents and policies including the AKR Member Protection Policy[6];**

[1] The AKR exists to provide governance, education and promotion of the arts as well as supporting its affiliates and being the interface between the arts, the International Kendo Federation and the public.

[2] Issued by the Queensland Executive Committee on 13 December 2021.

[3] The AKR Mission Statement and Strategic Plan. Available at http://www.kendoaustralia.asn.au/content/?page_id=6. Last viewed on 21 March 2022.

[4] Please refer to the Queensland Human Rights Commission website. Available at https://www.qhrc.qld.gov.au/your-responsibilities/for-employers/discrimination-and-harassment-at-work/vicarious-liability#:~:text=Vicarious%20liability%20is%20the%20responsibility,they%20are%20on%20the%20job. Last viewed on 21 March 2022.

[5] QKR Affiliated members are encouraged to peruse 'Fact Sheet, Bystander Action' issued by the Anti-Discrimination Commission Queensland. Available at https://www.qhrc.qld.gov.au/__data/assets/pdf_file/0019/7471/Fact-sheet-Bystander-action.pdf. Last viewed on 21 March 2022.

[6] Available at http://www.kendoaustralia.asn.au/content/wp-content/uploads/2021/09/Part_A_member_protection_25_08_2021.pdf. Last viewed on 21 March 2022.

- **Treat others with dignity, courtesy and respect;**
- **All current members[7] are required to sign the QKR Code of Behaviour Agreement form (see Attachment) and submit it to the QKR Secretary together with a completed annual QKR membership form and proof of payment. Submission of the signed form is part of the QKR membership requirement; and**
- **All new QKR members are requested to sign the form and send it to the QKR Secretary, together with a completed annual QKR membership form and proof of payment. Submission of the signed form is part of the QKR membership requirement.**

2. Unacceptable Conduct

2.1. General

Discrimination, bullying and sexual harassment are unacceptable at QKR communities. Under the *Anti-Discrimination Act 1991* (Qld), discrimination, victimisation, sexual harassment, vilification and seeking unnecessary information on which discrimination might be based are illegal. In addition, the following Commonwealth statutes also make these conducts unlawful:

- *Sex Discrimination Act 1984* (Cth);
- *Racial Discrimination Act 1975* (Cth);
- *Disability Discrimination Act 1992* (Cth);
- *Age Discrimination Act 2004* (Cth); and
- *Australian Human Rights Commission Act 1986* (Cth).

Any QKR member found to have engaged in such conduct might be counselled, warned or disciplined by the Committee, the National Executive of the AKR or jointly. Severe or repeated breaches can lead to membership revocation. The Committee will report serious cases to the Queensland Police Service (QPS) and other relevant organisations.

For your information, **Sections 2.2 to 2.5** explain the definition[8] of each of the following behaviours:

- Discrimination;
- Bullying;
- Sexual harassment; and
- Victimisation.

[7] For underage members younger than 18 years old, parents and/or guardians must sign the form.

[8] The definitions presented are referenced from various sources including the Queensland Government website (https://www.qld.gov.au/law/your-rights/workplace-rights/workplace-bullying. Last viewed on 21 March 2022.

The Australian Human Rights Commission (https://humanrights.gov.au/our-work/employers/workplace-discrimination-and-harassment-policy-template. Last viewed on 21 March 2022).

2.2. Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age[9], race or disability.

Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law

Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

Protected personal characteristics under Federal discrimination law include, *inter alia*:

- A disability, disease or injury, including work-related injury;
- Parental status or status as a carer, for example, because they are responsible for caring for children or other family members;
- Race, colour, descent, national origin, or ethnic background;
- Age, whether young or old, or because of age in general;
- Gender;
- Industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- Religion;
- Pregnancy and breastfeeding;
- Sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual;
- Marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;
- Political opinion;
- Social origin;
- Medical record; and

[9] It is noted that the *Age Discrimination Act* (Cth) allows for "positive measures to be taken on the basis of age". The *Act* says that it is "not against the law to provide a genuine benefit to people of a particular age group or to do something that helps meet an identified need for people of a certain age group or is intended to reduce a disadvantage experienced by persons of a particular age". Available at https://humanrights.gov.au/quick-guide/12078. Last viewed on 21 March 2022. It is also important to consider occupational requirements (see https://www.qhrc.qld.gov.au/__data/assets/pdf_file/0006/19842/QHRC_factsheet_ADA_AgeDiscrimination.pdf. Last viewed on 21 March 2022).

- An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because it is assumed that that person has a personal characteristic or may have it at some time in the future.

The Committee has a zero-tolerance approach to discrimination. Persons receiving discrimination are requested to contact the Committee or the National Member Protection Information Officer (National MPIO) as soon as practicably possible. Depending on the severity and circumstances, the Committee will report relevant cases to the QPS and/or other authorities/associations.

2.3. Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, unfair practices, or cyber bullying[10].

This behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include, *inter alia* [11]:

- Sarcasm and other forms of demeaning language and/or non-verbal demeaning behaviour;
- Threats, abuse or shouting;
- Coercion;
- Isolation;
- Inappropriate blaming;
- Ganging up;
- Constant unconstructive criticism;
- Deliberately withholding information or equipment that a person needs to do their job or access their entitlements; and
- Unreasonable refusal of requests for leave, training or other workplace benefits.

The Committee has a zero-tolerance approach to bullying. Persons receiving bullying are requested to contact the Committee or the National MPIO as soon as practicably possible. Depending on the severity and circumstances, the Committee will report relevant cases to the QPS and/or other authorities/associations.

[10] The AKR Member Protection Policy (AKR MPP) includes cyber-bullying as a form of bullying. The AKR MPP states that '(*B*)*ullying includes cyber-bulling which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied though unwanted and inappropriate comments. The AKR will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body*'. Available at http://www.kendoaustralia.asn.au/content/wp-content/uploads/2021/09/Part_A_member_protection_25_08_2021.pdf. Last viewed on 21 March 2022.

[11] There are some examples that may not be necessarily considered as bullying behaviours including (1) a single incident of unreasonable behaviour and (2) differences of opinion. However, single incidents of unreasonable behaviour should not be ignored as they may be repeated or escalate. See https://www.qld.gov.au/law/your-rights/workplace-rights/workplace-bullying. Last viewed on 21 March 2022.

2.4. Sexual Harassment

Sexual harassment is a specific and serious form of harassment. It is unsolicited sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. According to the *Anti-Discrimination Act 1991* (Qld), sexual harassment includes, *inter alia*:

- Unsolicited physical touching;
- Sexual or suggestive comments, jokes or taunts;
- Unwelcome requests for sex;
- The display of sexual material (e.g. photos or pictures); and
- Sexual reading matter (e.g. emails, texts, social media platforms or letters).

Members and their stakeholders have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it does not have to be repeated. Please contact the Queensland Police Service if sexual harassment involves violence.

All incidents of sexual harassment – no matter how large or small or who is involved – should be reported to the Committee or the National MPIO as soon as time permits. Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure, are criminal offences. Any person witnessing sexual harassment is requested to contact the Committee or the National MPIO. Depending on the severity and circumstances, the Committee will report relevant cases to the QPS and/or other authorities/associations.

2.5. Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a serious breach of this policy and is likely to result in disciplinary action again the member who is found to be in breach of the policy.

The Committee has a zero-tolerance approach to victimisation. Persons receiving victimisation are requested to contact the Committee or the National MPIO as soon as practicably possible. Depending on the severity and circumstances, the Committee will report relevant cases to the QPS and/or other authorities/associations.

3. Application of This Policy

This policy applies to:

- All QKR members including QKR Executive Members; and

- All other relevant stakeholders including, *inter alia*, visitors, volunteers and any other third parties who may conflict with this Policy and other relevant AKR documents.

4. Responsibility of QKR Members

All QKR members contribute to maintaining a discrimination free and inclusive environment and a healthy culture.

All QKR members have the following responsibilities:

- To comply with this policy;
- To report incidents to club instructors and/or the Committee or the National MPIO, and
- Not to participate in discriminatory or harassing behaviour.

Those who are involved in instructing and coaching have additional responsibilities including, *inter alia*:

- To model appropriate behaviour;
- To promote this policy;
- To treat all complaints seriously and attend to them promptly;
- To commit to safe and inclusive training environments; and
- To seek assistance for complex or serious matters from the Committee or the National MPIO without any delay.

5. Consequences of Breach of the Policy

Any QKR member who makes a legitimate complaint of discrimination or sexual harassment will not suffer any victimisation for making the complaint. This also applies to any QKR members or relevant persons who agree to be witnesses in a complaint or have a complaint made against them.

Disciplinary action will be taken by the Committee against any QKR member found to have breached this policy. Such action may include, *inter alia*, an official warning and note on the person's personnel file, a formal apology, counselling, membership suspension and membership revocation. The Committee will report serious cases to the QPS and/or relevant authorities or associations.

6. Support and Counselling

6.1. General

The Committee provides confidential assistance to affected members in the form of wellbeing support and professional counselling and encourages these members to seek help.

6.2. Acquire more information before deciding what to do

Additional information is available by contacting either the National MPIO, the QHRC or the QPS:

1. Contact the National MPIO:

   Name: Claire Rippon

Position: Child Safety Policy Officer (AKR)

Affiliation: Victorian Kendo Renmei

Email: childsafety@kendoaustralia.asn.au

2. Contact the Queensland Human Rights Commission (QHRC) by phone on 1300 130 670 or TTY 1300 130 680 or by email at info@qhrc.qld.gov.au for information about your rights and responsibilities[12].
3. Contact the QPS by phone on 000 (Emergency) or by visiting the online service at https://www.police.qld.gov.au/policelink-reporting.

6.3. Self Help

If you feel confident and want to deal with the situation by yourself, you can use self-help techniques. However, it is not necessary that you try to resolve the complaint this way.

This option involves approaching the person responsible for the discriminatory or sexually harassing behaviour. You should tell the person what you are unhappy about, why you are unhappy about it, and what you would like to happen. Taking a reliable person with you for support may be helpful.

6.4. Make an Internal Complaint

The Committee has an obligation to treat all complaints of discrimination, victimisation, sexual harassment, vilification or seeking unnecessary information seriously. All complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented in accordance with the AKR Member Protection Policy.

It is noted that if at any point in the complaint handling process the Committee or the National Executive considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, such a complaint will result in disciplinary action against the complainant.

6.4. Make an external complaint:

Any QKR member can complain to the QHRC[13]. The QHRC has offices in Brisbane, Rockhampton, Townsville, and Cairns can be contacted by phone on 1300 130 670 (state-wide) or by email at enquiries@qhrc.qld.gov.au.

An enquiry officer can send you a complaint form and explain the process to resolve your complaint. The QHRC complaint resolution service is free. Please note that a complaint to the QHRC must be made within one year of the incident, unless good reasons for any delay can be shown.

[12] Detailed information including complaint forms is available at https://www.qhrc.qld.gov.au/. Last viewed on 21 March 2022.
[13] See above n 12.

7. Further Communication

Please contact the QKR Secretary by email at secretary@qkr.asn.au should there be any questions or concerns.

8. Limitations

The QKR Executive Committee has prepared this document in good faith, exercising all due care and attention. The contents of this document have been prepared on the basis of readily available public information. The Committee does not accept responsibility for any inaccurate or incomplete information supplied by third parties. No representation is made about the accuracy, completeness or suitability of the information in this document for any particular purpose. The Committee must not be liable for any damage which may occur to any person or organisation taking action or not on the basis of this document.

Attachment: QKR Code of Behaviour Agreement Form
Active from date of Sub-mission

Queensland Kendo Renmei

Code of Behaviour Agreement Form,

I,_____ have perused the QKR Discrimination and Harassment Policy.

Name

I have fully familiarised myself with the objectives and scope of this policy. I agree that I will:

- Treat each person as an individual, with dignity, courtesy and respect.
- Respect the rights and worth of every person regardless of their gender, ability, cultural background, and religion.
- Encourage and support opportunities for people to learn appropriate behaviours and skills.
- Support opportunities for participation in all aspects of the martial arts.
- Display control and courtesy to all involved with the martial art.
- Respect the decisions of the QKR, the AKR and other State/Territory Affiliates.
- Adopt appropriate and responsible behaviour in all interactions.
- Adopt responsible behaviour in relation to alcohol and other drugs.
- Act with integrity and objectivity and accept responsibility for my decisions and actions.
- Ensure that my decisions and actions contribute to a safe environment.
- Ensure that my decisions and actions contribute to a harassment free environment.
- Do not tolerate harmful or abusive behaviours.
- Commit to the safety and welfare of QKR members.
- Be honest and do not allow my qualifications to be misrepresented.

Signing this form requires me to:

- Agree to abide by the QKR Discrimination and Harassment Policy.
- Acknowledge that the QKR Executive Committee and/or the National Executive may take disciplinary action against me, if I breach the code of behaviour or any terms of the QKR Discrimination and Harassment Policy.
- Acknowledge that disciplinary action against me may include membership revocation and law enforcement.

When signed, this form must be returned to the QKR Secretary by email at secretary@qkr.asn.au.

Signed by:

Name (print): _____ Signed: _____ Date: _____

AKR Membership ID no.: _____

Please tick the appropriate box.

☐ I am applying to renew my existing agreement as part of membership renewal.

OR

☐ Applying for new QKR membership.