

BULLYING AND HARASSMENT POLICY

Swimable believes:

- Each person has the right to feel safe
- Each person needs to THINK about the effect that their actions may have on others
- Each person needs to CARE for themselves and others
- Each person needs to ACCEPT that we are not all the same

Swimable does not tolerate harassment or bullying in any form.

Bullying

Bullying is repeated intimidation of someone or a group of people whom the offender means to hurt, isolate, threaten, exclude, or embarrass. It is an ongoing misuse of power in relationships through repeated verbal, physical, written, visual and/or social behaviour that causes physical and/or psychological harm. Whether intentional or not, bullying creates a risk to health and safety and will not be tolerated by Swimable. It includes, but is not limited to:

- abusive, insulting or offensive language or comments
- physical or emotional threats
- aggressive threatening and intimidating conduct
- belittling or humiliating comments
- victimisation
- practical jokes or initiation
- unjustified criticism or complaints
- deliberately excluding someone from work related activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- spreading misinformation or malicious rumours and

Harassment

Harassment is behaviour that targets an individual or group due to their identity, race, culture or ethnic origin, religion, physical characteristics, gender, gender identity, gender expression, sexual orientation, marital, parenting, or economic status, age, ability, or disability.

Harassment may occur even if it is not intentional. It is the impact of the behaviour on the person concerned that is important, not the intention of the 'harasser'. The medium through which harassment can occur is vast– it may be physical, verbal, written, visual (including harassment through technologies such as the internet, mobile phones and social media) and involve gestures, exclusion, or extortion. Whether intentional or not, harassment creates a risk to health and safety and will not be tolerated by Swimable. It includes, but is not limited to:

- insensitive jokes and pranks
- lewd or abusive comments about appearance
- deliberate exclusion from conversations

- displaying abusive or offensive writing or material
- unwelcome touching and
- abusive, threatening or insulting words or behaviour.

Any incidents of bullying or harassment will be thoroughly investigated, and (if substantiated) appropriate action will be taken in line with our disciplinary policies and procedures.

If the behaviour involves violence and aggression such as physical assault or the threat of physical assault, the matter will be reported to the police.

Furthermore, harassment may be sexual in nature (see below for policy relating to sexual harassment).

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature against another individual, where the other individual reasonably feels offended, humiliated, or intimidated. In accordance with Sections 28A (1) of the Sex Discrimination Act (1984) a person sexually harasses another person (the person harassed) if:

- The person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- Engages in other unwelcome conduct of a sexual nature in relation to the person harassed.

It is the effect of the behaviour on the receiver that is relevant not the intent. Sexual harassment behaviours may include (but are not limited to):

- inappropriate physical contact, such as unwelcome touching or kissing
- inappropriate staring or leering
- verbal remarks with sexual connotations
- any action or comment of a sexual nature
- sexual pictures or posters, objects, phone calls, emails, text messages, letters, or literature
- making an unwanted invitation to go out on a date or to meet privately
- a request for sex
- intrusive questioning about a person's private life, body or regarding sexual activity
- unnecessary familiarity, such as deliberately brushing up against a person
- sexually explicit jokes, banter, or innuendo
- harassment on the grounds of sex
- behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications
- viewing/sharing, downloading, or printing pornography or sexually explicit material

Sexual harassment and sex discrimination are both unlawful under the Sex Discrimination Act and Fair Work Act.

Behaviour that may be considered sexual harassment in one situation may not be in others, for example flirtation or love and affection between two consenting individuals which is mutual, consensual, or reciprocated is not sexual harassment.

A single incident is enough to constitute sexual harassment – it does not have to be repeated. If substantiated, sexual harassment is considered serious misconduct under the Sex Discrimination Act.

The management team have an additional responsibility to ensure the safety and welfare of Swimable employees which includes modelling appropriate standards of behaviour, taking steps to educate and make staff aware of their obligations under this policy and the law and responding quickly and appropriately to any form of sexual harassment.

Expectations from the Swimable Community

The Swimable community which includes management, swimming instructors, assistants, parents/guardians, apprentices, trainees, volunteers, contractors, and students, has a responsibility to show that they believe that any form of bullying and harassment is unacceptable and to set an example, which reflects that view. All members of the Swimable Community should help to create an atmosphere in which bullying, and harassment will be spoken about openly, taken seriously and responded to with appropriate action.

Swimable expects all members of the community to:

- treat each other with respect and sensitivity
- think carefully before speaking in ways which may cause distress
- respect differences and variety
- be sensitive to the fact that what may seem fun to some (especially a group) may seem much more threatening to others (especially an individual)
- show kindness and consideration to those who appear unhappy or vulnerable
- make a stand against those who ignore or go against these aims

Policy Compliance

Swimable will not tolerate bullying and harassment in any form. Any breaches of this policy will be subject to Swimable's Reporting Process and Complaints Handling System and may be subject to disciplinary action.

In the case of employees, volunteers, trainees, apprentices, or contractors, this may include termination of their employment. (Note: there is a separate Sexual Harassment Policy for all Swimable employees).

In the case of parents/guardians and students this may include being asked to leave Swimable. Any form of abuse, discrimination, and/or threatening behaviour to the Swimable community will result in a refusal of entry.

Version Details:

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