



Leisure Institute of WA Aquatics (Inc)

LIWA CONFERENCE 2016

CONFLICT IN WORK PLACE

DISCUSSION

CASE STUDY

- NAMES OF PATRONS CHANGED
- DUTY MANAGER AT THE TIME, RAF IS HERE TODAY TO HELP WITH DISCUSSION.
- RECEIVED EMAIL FROM DUTY MANAGER MONDAY 25 JANUARY 2016 RE INCIDENT SUNDAY 24
- INCIDENT INVOLVED PATRON GOING THROUGH SOMEONE ELSE BAG IN CHANGE ROOM
- LADY WHOSE BAG IT WAS APPROACHED STAFF

1ST EMAIL

- **From:** Raf
- **Sent:** Sunday, 24 January 2016 8:38 PM
- **To:** Chris Blankley;
- **Subject:** minor incident sun 24th
-
- Hi Chris,
- Just giving you a heads up we had another incident in the female change rooms last night
- Mrs J a regular approached staff telling us her bag had been clearly rifflled through whilst she was on the toilet, although nothing had been stolen. Another lady had identified to her who had been through her bag. (unfortunately had left by the time we were informed).
-

1ST EMAIL

- I double checked the accused lady was in the change room at the time of the incident.
- Me and LG TY approached the accused lady and her husband, “to get there version of events” (let them know we were aware of the incident). I politely asked about what had happened and asked her to double check she had the correct bag in future. They instantly took this as racist and became quite agitated. I assured them it was not and that my actions would be the same in reverse. They then left. Mrs J’s number and ifo are in the incident book.
- Although I doubt anything further will come of it I thought it best to let you know our version of events before hand
- Thanks Raf,.
- If you have any questions feel free to give me a ring as Monday is my RDO so I won’t be in.

MANAGER RESPONSE

- **From:** CB **Sent:** Mon25 Jan 8:48 AM
To: raf. **Subject:** FW: minor incident sun 24th. Hi Raf, TY,
- I've had a phone call from Mrs R, the lady that you spoke to re the bag in the change room. She is going to send in a more formal complaint. She felt this was racial profiling, you and TY's approach and manner was intimidating and why was she, an indigenous person singled out. Once we receive her email we will have to review the process.
- I spoke to Mrs R and apologised that she felt that this was a racist based intimidation and profiling. I explained that staff would have acted on what was reported. She was not so upset about the question it was more to do with the manner and wording.
- Can you both write out a more in depth response, including what you both said. I'll catch you later in the week. Cheers CB

REPORT

- RAF & TY RESPONDED WITH MORE DEATILS BY LUNCH TIME THAT SAME DAY THE MON 25.
- RAF WILL READ OUT HIS RESPONSE
- ONCE I HAD RAF'S RESPONSE WITH MORE DETAILS I THEN REPORTED THIS INCIDENT VERBALLY TO MY MANAGER

MANAGER

- Hi Raf& TY,
- Thanks for your prompt response and excellent feedback reports on this incident.
- As I said to both of you I think you handled the situation very well.
- It's not easy to follow up with these type of accuser incident.
- From what you both have said you tried to handle it as calm as possible and I think that shows you both were respectful.
- I'll let you both know if we get any thing else re this incident.
- Again thanks for your mature approach and well done under the circumstances.
- Cheers Chris

DISCUSSION

- BASED ON WHAT YOU'VE HEARD
- IS THERE ANY THING ELSE STAFF DM OR LG COULD HAVE DONE?
- WHAT ARE THINGS TO AVOID TO MAKE A SITUATION RACIAL?

DISCUSSION

- HOW DO YOU AVOID “HE SAID SHE SAID”?
- AT WHAT STAGE DO WE GET THE POLICE INVOLVED?

POLICE PERSPECTIVE

- I DISCUSSED WITH THE POLICE WHAT IS EXCEPTABLE FOR STAFF TO DO.
- BAG INSPECTION - if you have signage as part of conditions then are consenting if they enter your centre.
- SUSPECTED THIEFT - call 131 444
- HOLDING PERSON FOR POLICE TO INTERVIEW – no powers to hold and should not try to detain.
- REMOVAL OF PATRON – asking them leave and they don't they are breaching law, trespassing, call cops.

CRIMINAL CODE

- **WA CRIMINAL CODE ACT 1913.**
- Can be prosecuted under s 70A Criminal Code
- 70A (2) code provides that a person who, without lawful excuse, trespasses on a place is guilty of offence. Liable 12mths prison and a fine up to \$12,000
- 70A. Trespass
- 70B. Trespassers may be asked for name and address

- **LOCAL GOVERNMENT ACT 1995**
- Authorised office of Shire under s 9.10 LGA. Record request to leave & witness, written plus photo / date & time. Record that the person did not leave after reasonable amount of time.

- **LOCAL GOVERNMENT PROPERTY LOCAL LAW**
- **"authorised person"** under section 9.10 of the Act
- **"Code"** means the Code of Practice
- **"local government property"** means anything except a thoroughfare – (a) which belongs to the local government;
- **"Manager"**
- **"nuisance"**
- **"pool area"**

- **LOCAL GOVERNMENT PROPERTY LOCAL LAW**
- 4.1 Behaviour which interferes with others
- 4.2 Behaviour detrimental to property
- **PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT**
- **PROPERTY**
- *Division 1 - Swimming pool areas*
- **5.1 When entry must be refused**

- **LOCAL GOVERNMENT PROPERTY LOCAL LAW**
- *Division 2 - Fenced or closed property*
- *Division 3 - Toilet blocks and change rooms*
- **PART 9 - ENFORCEMENT**
- *Division 1 – Notices given under this local law*
- www.slp.wa.gov.au (state law publisher)



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WRAP UP

- QUESTIONS
- FOLLOW UP INFORMATION TO PASS ON TO OTHERS