

Harassment Free Sport Policy

Policy Statement

The South Australian Badminton Association is fully committed to the health, safety and well-being of all its members and participants and is dedicated to the provision of a safe and friendly environment for the participation of the sport of badminton.

The Association believes that anyone who volunteers, works for or represents us, and all those with whom we deal has the right to be treated with respect and dignity.

The South Australian Badminton Association will not tolerate harassment, discrimination or abuse of those involved in any of our activities.

All complaints of harassment, discrimination or abuse will be taken seriously and furthermore The Association will ensure that such complaints are dealt with promptly, seriously, sensitively and confidentially. Disciplinary action can be taken against a person who is found in breach of this policy.

Application of the Policy

The South Australian Badminton Association subscribes to the ideals of the Membership Protection Policy as developed by Badminton Australia and the procedures set out within this policy.

The policy applies to Volunteers, Coaches, Members, Participants and all other persons associated with the South Australian Badminton Association.

This policy applies to behavior occurring within and outside the course of The South Australian Badminton Association's business, activities and events, when the behavior involves individuals associated with The Association and negatively affects relationships within our sport and work environment.

This policy document will be made available to all Volunteers, Coaches, Members, Participants and other persons associated with this organisation.

Responsibilities

The South Australian Badminton Association is responsible for taking all reasonable steps to prevent harassment in our organisation and for ensuring that this policy is known throughout the organisation. The Association will take whatever steps are necessary to ensure that everyone in the organisation knows:

- What harassment means
- What constitutes harassment
- That harassment is against the law
- That harassment will not be tolerated

The ultimate responsibility for ensuring that the organisation is free of harassment will remain with the governing board of The Association; however the day to day implementation of this policy will be the responsibility of the appointed Membership Protection Officer.

The Association's Volunteers and Coaches have a direct responsibility to make sure that our members, participants and anyone else associated with the organisation know about this policy and adhere to it.

The Association undertakes to advise and inform our Volunteers, Coaches, Members and Participants and all other persons associated with the organisation, about this policy. This policy will be freely available for reference to any of the above mentioned parties.

Harassment Offences

This policy makes it an offence to engage in Harassment, Discrimination and Other Misconduct.

1- What is Harassment?

1.1

Harassment is any behaviour by a person or organisation to whom this policy applies which is offensive, abusive, belittling or threatening which is directed at any other person or a group of people and which refers to a particular characteristic of that person or group of people.

1.2

Whether or not the behaviour is Harassment is to be determined from the point of view of the person receiving the Harassment. The recipient must consider the behaviour to be unwelcome. It does not matter whether or not the person harassing intended to offend. The behaviour must also be assessed objectively in that it must be the type of behaviour that a reasonable person would find unwelcome.

1.3

Harassment can be expressed or implied, physical, verbal or non-verbal. Examples include, but are not limited to:

- Abusive behaviour aimed at humiliating or intimidating;
- Jokes or comments directed at a person's body, looks, age, race, religion, sexual orientation or disability (this may also be Discrimination);
- Unwelcome remarks including teasing, name calling or insults (for example to umpires or other officials);
- Innuendo or taunting;
- Offensive emails, letters, notes;
- Displaying offensive materials e.g. posters, computer screen savers;
- Sexual propositions

1.4

Harassment includes:

- Sexual Harassment (see clauses 1.5 to 1.8 below);
- Discrimination (see clause 2);
- Abuse (see clauses 1.9 to 1.11 below); and
- Vilification (see clause 1.12 below).

1.5

Sexual Harassment means:

- an unwelcome sexual advance; or
- an unwelcome request for sexual favours; or
- unwelcome conduct of a sexual nature (including a statement, orally or in writing, of a sexual nature), in circumstances where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.

1.6

Sexual Harassment is often, but need not be, behaviour which either: involves blackmail or a quid pro quo, in that the harassment is accompanied by a direct or implied threat, promise or benefit. For example, a coach who implies that a player's selection to a team is dependent on compliance with a sexual proposition; or creates a hostile or sexually permeated environment in that the harassment consists of crude remarks, jokes, the display of offensive material or by making the environment uncomfortable.

1.7

Examples of Sexual Harassment may include:

- Uninvited touching, kissing, embracing, massaging;
- Staring, leering, ogling;
- Smutty jokes and comments;
- Persistent or intrusive questions about people's private lives;
- Repeated invitations to go out, especially after prior refusal;
- Sexual propositions;
- The use of promises or threats to coerce someone into sexual activity;
- The display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters;
- Getting undressed in front of others of the opposite sex;
- Invading the privacy of others while showering or toileting;
- Photographing others while undressing showering or toileting;
- Sleeping in close quarters with children without other adults present;
- The use of sexually offensive emails, letters, faxes, notes;
- Sexual insults and name-calling.

1.8

Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, obscene telephone calls or letters. If you have any doubt that a criminal offence may have been committed you should seek legal advice and / or notify the police.

1.9

Abuse is a form of Harassment. It includes:

- (a) physical abuse (e.g. assault);
- (b) emotional abuse, (e.g. blackmail, repeated requests or demands);
- (c) neglect (i.e. failure to provide the basic physical and emotional necessities of life);
- (d) abuse of power which the harasser holds over the harassed. Examples of relationships in (d) that involve a power disparity include a coach-player, manager-player and employer-employee. People in such positions of power need to be particularly wary not to exploit that power.

1.10

Examples of abusive behaviour include:

- Bullying and humiliation of players by coaches;
- Abuse and insults directed by players or parents at opposing participants;
- Abuse of umpires by players and coaches;
- Physical intimidation of other players in competition;
- Practical jokes which cause embarrassment or which endanger the safety of others.

1.11

Some forms of Abuse may constitute a criminal offence, for example assault. If you have any doubt that a criminal offence may have been committed you should seek legal advice and /or notify the police.

1.12

Vilification involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by public act. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public. Vilification is an offence under this policy where it is based on any of the attributes or characteristics set out in clause 1.2.

1.13

Some forms of Vilification may constitute a criminal offence, for example where harm is threatened. If you have any doubt that a criminal offence may have been committed you should seek legal advice and / or notify the police.

1.14

Persons or organisations to whom this policy applies who engage in Harassment commit an offence under this policy and will be penalised in accordance with this policy.

1.15 The South Australian Badminton Association takes the view that intimate personal relationships or sexual relationships between coaches, managers, umpires or staff members and players, while not necessarily constituting Harassment, can have harmful effects on the individual player involved, on other players, and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches, managers, umpires or staff members and players in terms of authority, maturity, status and dependence. Given there is always a risk that the relative power of the coach, manager, umpire or staff member has been a factor in the development of such relationships, they should be avoided by coaches, managers, umpires or staff members working at all levels. In the event that a player attempts to initiate an intimate sexual relationship, the coach, manager, umpire or staff member must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

2- What is Discrimination?

2.1

Discrimination is treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have.

2.2

The applicable attributes or characteristics are:

- Age;
- Disability - this includes loss of bodily function (e.g. deaf or blind), presence of disease (e.g. hepatitis or HIV), loss of part of the body, disfigurement, malfunction of part of the body, psychological disease, slow learning difficulties;
- Marital status - this covers whether the person is single, married, de facto, married but living separately from one's spouse, divorced, or widowed;
- Parental/Carer status - this includes whether the person is a step parent, adoptive parent, foster parent or guardian and also includes whether the person is childless or is a carer (e.g. of children, or other dependents);

- Physical features - this includes a person weight, size, height and other physical features;
- Political belief/activity;
- Pregnancy - this includes whether the person is with child, has the supposed signs or symptoms of pregnancy (e.g. large stomach, morning sickness);
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;
- Transgender orientation.

2.3

The areas in which discrimination under this policy are not permitted are in:

- (a) employment (including unpaid employment) by The South Australian Badminton Association, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (b) the provision of goods and services by The South Australian Badminton Association, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (c) the selection or otherwise of any person for competition or team (domestic or international) by or on behalf of The South Australian Badminton Association, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club;
- (d) the entry or otherwise of any player or other person to any competition held or sanctioned by The South Australian Badminton Association, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club (note the exception in clause 2.9 below);
- (e) obtaining or retaining membership (including the rights and privileges of membership) of rights and privileges of membership) of The South Australian Badminton Association, a Member Association, an Affiliated Organisation, a Member Affiliated Organisation, a Regional Association or an Affiliated Club.

2.4

Not only is Discrimination unlawful, but The South Australian Badminton Association and the Members, also consider it is wrong because it denies people a chance by judging them on the basis of stereotypes or assumptions about what they can or cannot achieve.

2.5

Discrimination includes direct discrimination and indirect discrimination. Direct discrimination occurs if a person treats, or proposes to treat, someone with an attribute or characteristic less favorably than the person treats or would treat, someone without that attribute or characteristic, in the same or similar circumstances. Indirect discrimination occurs where a person imposes or intends to impose a requirement, condition or practice which on its face is not discriminatory, but has the effect of discriminating against a person(s) with a particular attribute.

2.6

Discrimination also includes victimisation. This is where a person is subject to, or is threatened to suffer, any detriment or unfair treatment, because that person has or intends to pursue their legal rights under anti-harassment legislation or this policy.

2.7

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination, is also Discrimination.

2.8

In addition to the description of Discrimination in clauses 2.1 to 2.7, any behaviour or conduct which is discrimination under any Federal or State legislation is Discrimination for the purposes of this policy and is an offence.

2.9

Discrimination is permitted if one of the exemptions under the applicable Federal or State legislation applies. These may include the following:

- (a) in relation to the selection of a team for competition or entry to a competition (in clauses 2.3 (c) and (d) above), Discrimination on the basis of a person's gender is permitted if the strength, stamina and physique of the competitor is relevant. However this exception cannot be used to discriminate against the selection or entry in competitions of coaches, umpires, or administrators; or
- (b) Discrimination because of the person's pregnancy, disability or physical features is permitted if it is necessary to protect the health and safety or property of any person or of the public generally.

2.10

Persons or organisations to whom this policy applies who engage in Discrimination commit an offence under this policy will be penalized in accordance with this policy.

3- How to make a Complaint?

3.1

Any person or organisation may make a complaint about a person or organisation to whom this policy applies to, if they consider that person or organisation has, or may have, committed an offence and/or breached any part of this policy.

3.2

A Complaint must be made in writing however it need not be called or referred to as a Complaint. In addition, please note that a person or organisation may provide information verbally.

3.3

A Complaint must be made to any one of the following people:

- (a) a Member Protection Officer of The South Australian Badminton Association; or
- (b) the President or in their absence their Nominee of The South Australian Badminton Association, the relevant Member Association, the relevant Affiliated Organisation, the relevant Member Affiliated Organisation, the relevant Regional Association or the relevant Affiliated Club.

3.4

Making a frivolous, vexatious or malicious Complaint is an offence under this policy and will be dealt with accordingly.

Any complaint received will be dealt with under the Code of Conduct and Disciplinary policies of The South Australian Badminton Association.