

ANTI – DISCRIMINATION POLICY



Scope

This policy is an approved policy of the South Australian Little Athletics Association Inc. Affiliated members of the association are required to adhere to this policy and are encouraged to adopt this at Centre level for the benefit of all members of the association.

Introduction

The South Australian Little Athletics Association Inc endorses diversity, supports equal rights, and does not advocate, support or practice discrimination based on race, religion, age, national origin, language, sex, sexual orientation, or mental or physical handicap, whether covered by applicable legislation or not, except where affirmative action may be required to redress individual or social handicaps of people from disadvantaged groups.

Harassment is defined as any unwanted physical or verbal conduct that offends or humiliates the recipient, that interferes with their ability to work and learn or leads to adverse consequences, and that any reasonable person ought to have known would be unwelcome

Harassment includes the following categories of behaviour, whether the behaviour occurs once or many times:

Policy Statement

South Australian Little Athletics Association opposes all forms of harassment, discrimination and bullying.

This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at clause 1, are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in the attachment of this policy. This will explain what to do about the behaviour and how the South Australian Little Athletics Association will deal with the problem.

South Australian Little Athletics Association encourages individuals to report (on a confidential basis) any harassment or discrimination which they observe against another person for consideration by the Association.

1. Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

Affiliated member means a Centre or Club that has applied to the Board for admission to membership as an affiliate member.

Child means a person who is under the age of 18 years

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Child Abuse:

Physical Abuse refers to allegations of physical harm caused to a child by another person. Some signs and symptoms may include unexplained

- Bruising
- Lacerations or welts
- Burns or scald
- Fractures, sprains or dislocations.

Sexual Abuse occurs when someone in a position of power to the child uses that power to involve the child in sexual activity. Some signs and symptoms may include:

- Age inappropriate behaviour and/or persistent sexual behaviour, promiscuity
- Marked changes in behaviour or mood, tantrums, aggressiveness, withdrawal, self-destructive behaviour
- Allusions to problems at home, not wanting to return home
- Fear and loss of trust
- Physical symptoms including bruising or bleeding in the genital area.

Emotional Abuse refers to harm caused to the child by excessive or unreasonable demands as well as failing to provide the psychological nurturing necessary for development. Some signs and symptoms may include:

- Severe verbal abuse or threats of abuse
- Being physically or socially isolated as punishment
- Feelings of worthlessness about life and self
- Extreme attention seeking behaviour
- Behavioural disorders such as disruptiveness, bullying, aggressiveness

Neglect refers to the failure to provide the basic necessities of life including food, clothing, shelter, emotional security, medical care and adequate supervision of the child's growth and development. Some signs and symptoms may include:

- Poor standard of hygiene, inadequate clothing for the weather conditions.
- Malnutrition, complaints of hunger, hiding food.
- Untreated medical or dental problems
- Lack of appropriate supervision – either supervised or under supervised when engaging in certain activities
- Extreme longing for adult affection.

Complaint means a formal expression of dissatisfaction with some aspect of the Association's services, policies and procedures whether justified or not. A complaint does not include a request for information or clarification of Association rules, policies, procedures or decisions.

Complainant means a person making a complaint.

Complaint Handler/Manager means a person appointed under this policy to investigate a Complaint

Relevant History Assessment is a decision about whether a person is suitable to work with children based on the person's criminal history (if any) and the assessed risk of harm to children who receive a service from the organisation. The assessment must be conducted by an organisation or authorised screening unit in accordance with section 8B of the *Children's Protection Act 1993*.

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Criminal History Report refer to definition of “police check”

Discrimination means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). The characteristics covered by discrimination law across Australia are:

- Age
- Disability
- Family/carer responsibilities
- Gender identity/transgender status
- Homosexuality and sexual orientation
- Irrelevant medical record
- Irrelevant criminal record
- Political belief/activity
- Pregnancy and breastfeeding
- Race
- Religious belief/activity
- Sex or gender
- Social origin
- Trade union membership/activity

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

Examples of Discrimination

- **Age:** A Club refuses to allow an older person to coach a team simply because of age.
- **Breastfeeding:** A member of the Club who is breastfeeding a baby in the Club rooms is asked to leave.
- **Disability:** A junior player is overlooked because of mild epilepsy.
- **Family responsibilities:** A Club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
- **Gender Identity:** A transgender contract worker is harassed when employees refuse to call her by her female name.
- **Homosexuality:** An athlete is ostracised from her team after it becomes known that she is a lesbian.
- **Marital Status:** A player is deliberately excluded from team activities and social functions because she is single
- **Pregnancy:** A woman is dropped from a squad when she becomes pregnant.
- **Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- **Sex:** Specialist coaching is only offered to male players in a mixed team.

Harassment is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the

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entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of Clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples include:

- holding a competitive sporting activity for females only who are under 12 years of age or of any age where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour or for supporting another player who has made such a complaint.

Public acts of racism or racial discrimination which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Mediator means an impartial/neutral person appointed to mediate Complaints.

Member means a member of the South Australian Little Athletics Association.

Member Protection Information Officer (MPIO) means a person trained to advise a complainant of their options regarding a complaint under, or a breach of, this Policy.

Minor Complaint means a complaint dealing with a matter that can be explained or resolved by existing rules, policies and procedures.

Natural justice (also referred to as procedural fairness) means observing the following principles:

- people are entitled to be informed of allegations made against them
- all persons affected by a decision should be given the relevant information to enable an informed submission to be made to the decision-maker or person subsequently reviewing a decision
- during the review of a decision, all persons affected by a decision should have an opportunity to put their case, relevant arguments should be heard, and relevant information should be accessible to all parties
- decision-makers act fairly and impartially
- the penalties imposed must be fair.

Offence that indicates a prima-facie risk of harm has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*;

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Offence that potentially indicates unsuitability to work with children has the same meaning as described under Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*;

Police check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

Prescribed Position is set out under section 8B (8) of the South Australian Children's Protection Act 1993)

Relevant criminal offence means an offence that indicates a prima-facie risk of harm or that potentially indicates unsuitability to work with children.

Respondent means the person who is being complained about.

Risk assessment in the context of child protection 'refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children'. (*Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*).

Role-specific codes of conduct means standards of conduct required of certain roles (e.g. coaches).

Sexual harassment is any unwelcome sexual attention. It can occur between men and women and people of the same sex. It can involve:

- physical contact
- displays of sexually explicit or offensive material
- A coach giving an athlete a massage that involves unwanted sexual contact.
- A team official staring and leering at an athlete.
- A team manager asking players intrusive questions about sexual activity.
- A Club official 'wolf whistling' or making sexual gestures towards a team member.
- An athlete making repeated sexual invitations towards another team member when the person invited has refused similar invitations before.
- A Club publishing a sexist joke (or sexually explicit images) on its website.
- Team members conducting initiation ceremonies that involve unwelcome sexual or sexist behaviour.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution

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- Possession of child pornography
- Publishing child pornography and indecent articles.

Social Networking refers to any interactive website or technology that enables people to communicate and /or share content via the internet. This includes social networking websites such as Facebook and Twitter.

This policy means this Member Protection Policy.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

Authorisation

<Signature of the Chief Executive Officer> _____

<Date of approval by the Board> _____

For Further information on this document, please contact:

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