



# Armadale Bowls Club @ South Caulfield Inc.

## Anti-discrimination and Harassment Policy

The following Anti-discrimination and Harassment Policy has been endorsed for immediate implementation by the Board of Management of the Armadale Bowls Club.

Adapted from Bowls Australia Members Protection Policy 2016

### 1. Anti-discrimination and harassment

Bowls Australia and Armadale Bowls Club are committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment. We recognise that people may not be able to enjoy themselves or perform at the best if they are treated unfairly, discriminated against or harassed.

#### a) Discrimination

Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by antidiscrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by antidiscrimination laws.

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws:

In Australia, it is against the law to discriminate against someone because of:

age sex or gender, gender identity, intersex status, race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration, disability/mental and physical impairment, 26 family/carer responsibilities, status as a parent or carer, marital status, pregnancy, potential pregnancy, breastfeeding, sexual orientation and gender identity, physical features, irrelevant medical record, irrelevant criminal record, spent convictions, political beliefs or activities, religion, religious beliefs or activities, national extraction or social origin, lawful sexual activity, profession/trade/occupation or calling, member of association or organisation of employees or employers, industrial activity, trade union activity, defence service, personal association with someone who has, or is assumed to have, any of the above characteristics.

For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as: holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years); excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and 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.

**b) Harassment**

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation. The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment. Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

**c) Prohibition against discrimination and harassment**

All forms of harassment and discrimination based on the personal characteristics listed in 1a) and 1b) is prohibited. Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with the Board of Management of Armadale Bowls Club for an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation such as Bowls Victoria or Bowls Australia.

Refer to Part D of the Bowls Australia Members Protection Policy 2016.

**2. Intimate relationships**

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation. Consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

If an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate. If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;

- any financial or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official;
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from a Member Protection Information Officer (MPIO, appointed by Bowls Australia) or the CEO of Bowls Australia to ensure that they have not involved themselves in inappropriate or unprofessional conduct. Should it be determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional Bowls Australia may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties. Should a coach, official or athlete believe they are being, or have been, harassed they are encouraged to seek information and support from a MPIO or the CEO.

The complaints procedure is outlined in Part D of the Bowls Australia Members Protection Policy 2016.

### 3. **Pregnancy**

Pregnant women are to be treated fairly and any unreasonable barriers to their full participation in our sport are to be removed. No discrimination or harassment against pregnant women will be tolerated. Reasonable care to ensure the continuing safety, health and wellbeing of pregnant women will be taken. Pregnant women will be advised that there may be risks involved with their continuing participation in sport and will be encouraged to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in the sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with Armadale Bowls Club. Armadale Bowls Club may require pregnant women to sign a disclaimer in relation to their participation in the sport whilst they are pregnant. Should a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint.

Refer to the attachments in Part D of the Bowls Australia Members Protection Policy 2016.

### 4. **Gender identity**

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

#### a) **Gender identity discrimination and harassment**

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity.

'Transgender' is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex.

The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

Armadale Bowls Club is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. Armadale Bowls Club will not tolerate any unlawful discrimination or harassment of a person because of their gender identity or has an association with someone who has or is assumed to be transgender or transsexual. We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation. If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

Refer to the attachments in Part D of the Bowls Australia Members Protection Policy 2016.

#### b) **Participation in sport**

Armadale Bowls Club recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. Armadale Bowls Club is committed to supporting participation in our sport on the basis of the gender with which a person identifies. Should issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World AntiDoping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

#### c) **Intersex status**

Federal anti-discrimination law, and some state and territory antidiscrimination laws, provide protection from discrimination against a person on the basis of their intersex status. Armadale Bowls Club and Bowls Australia is committed to providing a safe, fair and inclusive sporting environment

where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

## 5. **Bullying**

Armadale Bowls Club is committed to providing an environment that is free from bullying. Armadale Bowls Club understands that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport. Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying: - verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism; - excluding or isolating a group or person; - spreading malicious rumours; or - psychological harassment such as intimidation.

Bullying behaviour can include actions of an individual or a group. Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

Bullying includes cyber-bullying 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 through unwanted and inappropriate comments. Armadale Bowls Club will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at an umpire, 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. Should any person believe they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint.

Refer to the attachments in Part D of the Bowls Australia Members Protection Policy 2016.

## 6. **Handling complaints**

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this policy.

If a complaint relates to behaviour or an incident that occurred at Armadale Bowls Club level, or involves people operating at the Club level, then the complaint should be reported to and handled by the Club in the first instance.

If the complaint relates to behaviour at a higher level, it may be brought to Bowls Victoria or Bowls Australia.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Individuals and organizations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

## **7. Breach of Policy**

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- 7.1** breaching the codes of behaviour as published in its own document;
- 7.2** failing to follow Bowls Australia policies (including this policy) and the procedures of Armadale Bowls Club for the protection, safety and well-being of children;
- 7.3** discriminating against, harassing or bullying (including cyberbullying) any person;
- 7.4** victimising another person for making or supporting a complaint;
- 7.5** engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over
- 7.6** verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport
- 7.7** disclosing to any unauthorised person or organisation any Bowls Australia or Armadale Bowls Club information that is of a private, confidential or privileged nature;
- 7.8** making a complaint that they know to be untrue, vexatious, malicious or improper;
- 7.9** failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- 7.10** failing to comply with a direction given to the individual or organisation as part of a disciplinary process.
- 7.11** bringing Armadale Bowls Club, Bowls Victoria and/or Bowls Australia into disrepute or acting in a manner likely to bring bowls into disrepute

## **8. Discipline**

The form of discipline to be imposed on an individual or organisation will depend on factors, such as:

- a)** the nature and seriousness of the breach
- b)** if the person knew, or should have known, that the behaviour was a breach of the policy
- c)** the person's level of contrition
- d)** the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- e)** if there have been any relevant prior warnings or disciplinary action
- f)** the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- g)** any other mitigating circumstances.