



MWGC MEMBER PROTECTION POLICY

POLICY NAME: MWGC Member Protection Policy
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CONTROLLING BODY: MWGC - Management

1. STATEMENT OF COMMITMENT

MWGC is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise). We believe that anyone who works for us or represents us, and everyone with whom we deal, has the right to be treated with respect and dignity. MWGC will not tolerate discriminatory or harassment behaviour under any circumstances. We will take all complaints of harassment or discrimination seriously, and will ensure they are dealt with promptly, sensitively and confidentially. Disciplinary action can be taken against a person who is found in breach of this policy.

MWGC is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by MWGC. Accordingly, any person involved in the instruction, management or coaching of any member under the age of 18 years may be asked to undergo screening procedures including police and other probity checks.

2. POLICY APPLICATION

This Policy applies to all athletes, coaches, judges, employees, administrators, officials, volunteers, and members of the club.

This Policy applies equally to Members involved in each of the clubs gymnastics disciplines, including Men's Artistic Gymnastics, Women's Artistic Gymnastics, Rhythmic Gymnastics, General Gymnastics, Sport Aerobics, Trampoline Sports and Sports Acrobatics.

This Policy applies to behaviour occurring both within and outside the course of the club's business, activities and events, when the behaviour involves individuals associated with the club and negatively affects relationships within the club's sport and work environment.

This policy applies to harassment occurring between any participants in the club. Harassment may occur, for example, from:

- Coach to athlete
- Athlete to athlete
- Administrator to employee
- Athlete to coach
- Administrator to coach

- Coach to coach
- Coach to administrator, and athlete to administrator

3. POLICY COVERAGE

Discrimination and all forms of harassment are unlawful under federal, state and territory law. People engaging in harassment can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or represent. For this reason, the Club has a legal responsibility to ensure that discrimination or harassment does not occur in the course of any of our activities.

The law is always the minimum standard for behaviour within the Club and therefore any criminal offence will be reported to the appropriate authorities.

Discrimination

It is unlawful to treat anyone unfairly on the basis of various attributes or personal characteristics in key areas of public life.

A Member must not treat a person less favourably than another person on the basis of an attribute (such as race, sex, age, marital status, sexuality, pregnancy or intellectual or physical impairment) than someone else without that attribute in the same or similar circumstances.

Indirect discrimination is also unlawful. This means that a Member cannot impose a requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all the circumstance it is likely to be indirect discrimination, even if there was never any intention to discriminate.

Harassment

Harassment can take many forms but can generally be defined as unwelcome verbal or written comments, conduct, or gestures directed toward an individual or group of individuals that the harasser knows, or should reasonably be expected to know, is insulting, intimidating, humiliating, malicious, degrading or offensive.

Sexual harassment is behaviour that has a sexual element, that is unwelcome and could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate or intimidate the person or people at whom it is directed.

A Member must not engage in any form of harassment, including:

- written, verbal or physical abuse or threats;
- unwelcome physical contact;
- the display of offensive materials;
- promises or threats in return for sexual favours;
- unwelcome sexual comments, jokes or propositions;
- homophobic comments or behaviours; or
- jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status or pregnancy.

Intimate Relations

The Federation takes the view that intimate sexual relationships between coaches and athletes, while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image.

Because there is always a risk that the relative power of the coach has been a factor in the development of such relationships, the Club takes the position that such relationships should be avoided by coaches working at all levels.

Should a sexual relationship develop between an athlete and a coach, the Club will investigate whether any action against the coach is necessary. If the Club determines that the sexual relationship is inappropriate, action may be taken to terminate the coaching relationship with the athlete. Action may include transfer of the coach or, if this is not feasible, a request for resignation or dismissal from employment or coaching duties. In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action.

The law is always the minimum standard for behaviour within the Club and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence and will be reported to the appropriate authorities.

Victimisation

A Member must not subject any person to victimisation. 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 his or her right to make a complaint or support another person in making a complaint against another person.

Child Protection

Members must not employ or engage a person (whether paid or unpaid) to coach or otherwise supervise a child under the age of 18 years without first:

- Requiring that person to disclose whether or not he or she has been convicted of a serious sex offence; &
- Conducting a police or other appropriate probity check on that person.

A member must notify the appropriate authorities such as the Commission for Children and Young People) of:

- Any applicants for employment that the member rejected as a result of risks identified through screening processes; &
- The name and other identifying details of any person against whom relevant disciplinary proceedings have been completed by the member in relation to child abuse (sexual or otherwise) irrespective of the findings.

4. ROLES AND RESPONSIBILITIES

This section specifies the roles and responsibilities of all Members. In some cases, particular classes of Members have the additional roles and responsibilities that are also specified below.

All Members

A Member must:

- Comply with this Policy;
- Make complaints about a breach of the Policy in accordance with the Club's Complaint Management Procedures;
- Submit to the Complaint Management Procedures if an allegation is made against that member;
- Maintain complete confidentiality if they provide information during the investigation of a complaint;
- Not make any frivolous or vexatious claim that another person is in breach of this Policy; and
- Conduct themselves in a proper manner so as not to bring that Member, the Club or the sport generally into disrepute.

Administrators

Administrators must ensure that the organisation he or she is employed or engaged by:

- Provides and promote an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and any supply of goods and services;
- Distributes, promotes and implements this Policy and Complaints Management Procedures;
- Encourages reporting of discrimination, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and implement this Policy;
- Deals with complaints in an impartial, sensitive, timely and confidential manner.

Coaches

Coaches must:

- Comply with the Coaches' Code of Ethics (incorporated in the Technical Membership Handbook);
- Understand and respect that as a coach he or she has considerable power and authority over athletes and should not abuse it;
- Avoid intimate relationships with athletes;
- Not exclude or treat less favourably any athlete from playing or coaching activities on the basis of an attribute or personal characteristic; &
- Avoid focusing on an athlete's disability unless this is the only way that the coach can find out what adjustments the athlete requires.

Judges

Judges must comply with the Official's Code of Ethics (incorporated in the Technical Membership Handbook).

5. COMPLAINT PROCEDURES AND DISCIPLINARY ACTION

MWGC has developed a Complaints Management Procedure and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. These will provide both formal and informal mechanisms for dealing with complaints.

MWGC recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

Disciplinary action will be taken by the Club against anyone who:

- Is found to be in breach of this Policy;
- Victimises or retaliates against a person who has complained of a breach of this Policy; or
- Is found to have made a frivolous or vexatious complaint.

The discipline will depend on the severity of the case and may involve an apology, counselling, suspension, dismissal or other form of action.

Apart from the internal ways of making a complaint, complainants may, at any time, contact the relevant state/territory or federal anti-discrimination/human rights body for information or advice, or to lodge a complaint of discrimination. They may contact:

Anti-Discrimination Board of NSW

Telephone: (02) 9318 5444

Facsimile: (02) 9310 2235

Commonwealth Human Rights and Equal Opportunity Commission (NSW Office)

Telephone: (02) 9284 9600

Facsimile: (02) 9284 9611

Freecall: 1800 021 199

6. COMPLAINT PROCEDURES AND DISCIPLINARY ACTION

Procedural Steps

MWGC undertakes to deal with any complaints of a breach of the Member Protection Policy promptly, seriously, sensitively and confidentially.

At any stage, it is the prerogative of the complainant to proceed with, or dissolve, a complaint.

Discussion

Should a complaint arise, MWGC encourages the complainant to consider the following options:

- Approach the person creating the problem and ask him or her to stop the behaviour;
- If the behaviour continues, or it is not possible to approach the person, contact either:
 - Coach or manager;
 - The club's Member Protection Contact Officer; &/or
 - CEO or other official of the club or Gymnastics NSW

Member Protection Contact Officer

If the complainant decides to proceed, the Member Protection Contact Officer refers the matter to the Member Protection Grievance Officer or designated person in authority for investigation.

Member Protection Grievance Officer

The member Protection Grievance Officer determines whether or not to investigate the complaint.

If the Member Protection Grievance Officer determines to investigate, the Officer:

- Informs the alleged wrongdoer;
- Interviews both parties separately;
- Keeps confidential records of the process;
- Attempts mediation to achieve resolution; &
- Follows up on the complainant.

Disciplinary Committee

If no resolution is achieved, the Member Protection Grievance Officer gives all reports to the Disciplinary Committee, who determines the appropriate course of action.

External Resolution

If the complaint is not resolved, the complainant may make a written complaint to an external organisation for mediation or arbitration. This can be done with the support of the Member Protection Grievance Officer.

If the complaint is upheld, a remedy will be prescribed by that external organisation.

7. RIGHT TO APPEAL

Both the complainant and the respondent have the right to appeal against the findings of the investigator/panel or against the resulting recommended action if they have any concerns about procedure, bias or fairness. Appeals are handled by an appeal panel made up of members other than those who conducted the original investigation.

The appeal body can uphold the decision of the investigator/panel, reverse the decision of the investigator/panel, and/or modify any of the investigator/panel's recommendations for disciplinary action or remedial measures.

If the internal investigation, appeal and disciplinary procedures do not achieve a satisfactory outcome for the complainant, or if the complainant believes that it would be impossible to get an impartial investigation within the organisation/sport, he/she may choose to approach one of the sport dispute resolution bodies (for example, the National Sport Dispute Centre, and possibly state sport associations) to assist with a resolution. These bodies offer both mediation and arbitration services for sport-related disputes. This avenue is internal to the sporting industry, but external to the organisation or specific sport of the complainant. (Whether these bodies can compel parties to attend dispute resolution proceedings, or whether they must rely on the parties agreeing to 'come to the party' will depend on whether arbitration/mediation clauses exist in relevant contracts or association documents).

Sport Dispute Resolution Bodies

Government Sport and Recreation Agencies

- Australian Sports Commission, Participation Division

Telephone: (02) 6214 1960

Facsimile: (02) 6214 1640

- NSW Department of Sport and Recreation, Women's Sport Unit

Telephone: (02) 9923 4234

Facsimile: (02) 9956 7026

Human Rights and Equal Opportunity Commission Offices

- NSW (central office)

Telephone: (02) 9284 9600

Facsimile: (02) 9284 9611

Freecall: 1800 021 199

State Anti-Discrimination

- Anti-Discrimination Board of NSW

Telephone: (02) 9318 5444

Facsimile: (02) 9310 2235

8. CONFIDENTIALITY AND REPORTING

The Club's administration responsible for implementing this Policy will keep confidential the names and details relating to complaints, unless disclosure is:

- Necessary as part of the disciplinary or corrective process; or
- Required by law.

The Director/CEO accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

APPENDICIES

Appendix A ~ Summary of Australian Anti-Discrimination Legislation

ADMINISTERED BY Human Rights and Equal Opportunity Commission

Racial Discrimination Act 1975 (Commonwealth)

Sex Discrimination Act 1984 (Commonwealth)

Human Rights And Equal Opportunity Commission Act 1986 (Commonwealth)

Disability Discrimination Act 1992 (Commonwealth)

Workplace Relations Act 1996 (Commonwealth)

ADMINISTERED BY Australian Industrial Relations Commission

New South Wales Anti-Discrimination Act 1977

ADMINISTERED BY Anti-Discrimination Board of NSW