



# **Essendon Keilor**

## **Gymnastics Academy**

194-196 Roberts Rd Airport West 3042 | 03 9336 4077 | gymnastics@ekga.com.au

### **Member Protection Policy**

EKGA is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity. The Club will not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Policy.

The Club is committed to ensuring that the safety, welfare and well-being of children are maintained at all times during their participation in activities run by the Club. 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.

#### **POLICY APPLICATION**

This Policy applies to all members of the Club, employees, officers, administrators, volunteers, coaches, judges, athletes and officials (Members).

This Policy applies to behavior occurring both within and outside the course of the Club's business, activities and events, when the behavior involves Members and negatively affects relationships within the Club's sport and work environment.

#### **POLICY COVERAGE**

Discrimination and all forms of harassment are unlawful under Federal, State and Territory Law. People engaging in such conduct 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 the Club's activities.

The law is always the minimum standard for behavior 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 favorably 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



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particular groups. Unless this type of requirement is reasonable in all the circumstances, it is likely to be indirect discrimination, even if there was never any intention to discriminate.

### *Harassment*

Harassment can take many forms but 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 behavior 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 favors;
- Unwelcome sexual comments, jokes or propositions;
- Homophobic comments or behaviors; or
- Jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status or pregnancy.

### *Victimization*

A Member must not subject any person to victimization.

Victimization 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.

### *Intimate Relations*

The Club takes the view that intimate sexual relationships between coaches and adult 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 or 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 that is not feasible, a request for resignation or dismissal from employment or coaching duties.



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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 behavior 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.

### *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; and
- Requesting a current working with children check from that person.

A Member must notify the appropriate authorities of:

- Any applicants for employment that the Member rejected as a result of risks identified through screening processes; and
- 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.

### **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 Complaints Handling Procedure;
- Submit to the Complaints Handling Procedure if an allegation is made against that Member;
- 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 organization he or she is employed or engaged by:

- Provides and promotes 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 Handling Procedure;



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- 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; and
- Deals with complaints in an impartial, sensitive, timely and confidential manner.

### *Coaches*

Coaches must:

- Comply with the Coaches' Code of Ethics;
- 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 / junior coaches;
- Not exclude or treat less favorably any athlete from playing or coaching activities on the basis of an attribute or personal characteristic;
- Always assume that there are lesbian, gay and bisexual people on teams, and among the coaching and support staff, even if they have chosen not to identify themselves, and make it clear that the coach will not tolerate any prejudice based on sexual orientation; and
- Avoid focusing on an athlete's disability unless this is the only way that the coach can find out what adjustments the athlete requires.

### **COMPLAINT PROCEDURES AND DISCIPLINARY ACTION**

EKGA has a Complaints Handling Procedure and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. The Club recognizes 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;
- Victimizes 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 any apology, counseling, suspension, dismissal or other form of action.

### **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.



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### **PROCEDURAL STEPS**

The Club 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, the Club encourages the Complainant to consider the following options:

- Approach the person creating the problem and ask him or her to stop the behavior; or
- If the behavior continues, or it is not possible to approach the person, contact the Director or Supervisor (if Director is not on site).

If the Complainant decides to proceed, the Director will determine whether or not to investigate the complaint.

If the Director determines to investigate, the Director will:

- Inform the alleged wrongdoer;
- Interview both parties separately;
- Keep confidential records of the process;
- Attempt mediation to achieve resolution; and
- Follow up on the Complainant.

#### **Disciplinary Action**

If no resolution is achieved, the Director will determine the appropriate course of action.

#### **External Resolution**

If the complaint is not resolved, the Complainant may make a written complaint to an external organization for mediation or arbitration. If the complaint is upheld, a remedy will be prescribed by that external organization.