

THE GLIDING FEDERATION OF AUSTRALIA INC

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Discrimination and Harassment Policy

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REVISION RECORD

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1 Purpose

To outline the Gliding Australia's policy framework for members, officials, coaches, parents and visitors in relation to Discrimination and Harassment.

2 Scope

This Policy is one of a suite of Gliding Australia Member Protection Policies. This Policy applies to all members of the Gliding Federation of Australia, parents and guardians and affiliated organisations.

3 Policy Statement

Gliding Australia prohibits all forms of harassment (including sexual harassment) and discrimination and aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

It is Gliding Australia's commitment to provide an environment which is free from harassment and abuse for everyone, which promotes respectful and positive behaviour and values. It is up to all its members and affiliates to provide and participate in a sporting environment free of discrimination and harassment.

All members and affiliates shall abide by this Policy. All States and Territories have individual legislation regarding Anti-Discrimination and Bullying which must be complied with. This policy reflects the policy of the Gliding Australia but at all times, legislation prevails.

It is incumbent on members to prevent racist, sexist, slanderous, defamatory, homophobic, or other remarks or behaviour that are not directed to any particular individual or member, but remain inappropriate for the sporting environment, nonetheless.

Breaches of this Policy will be dealt with via

- procedures, and/or
- discipline, and/or
- removal as a member or affiliated organisation, and/or
- referral to authorities

Refer to the Gliding Australia Complaints Procedure for details on making a complaint under this Policy.

4 Training and Communication

Gliding Australia office bearers, club management, senior Operations members and Regional Board members are strongly encouraged to undertake training on Harassment and Discrimination. Sport Australia offers online courses at <https://www.playbytherules.net.au/online-courses/harassment-and-discrimination-online-course>. Members who have obtained a certificate should ensure this certificate is added to their member profile in GoMembership®.

5 Discrimination

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.

Discrimination can be either direct or indirect:

- **Direct** discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect** discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

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

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
- 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

Examples of discrimination are available on the Play by the Rules website:
www.playbytherules.net.au/legal-stuff/discrimination

Under this Policy, discrimination is not permitted in club operations, between members and in the sporting environment in general:

- when accepting or renewing membership of clubs and organisations,
- providing or retaining membership or in providing the rights and privileges of membership.
- with any employment or engagement (including contractors, volunteer and unpaid employment);
- when providing sporting goods and services including access to sporting facilities;
- when providing education and accommodation;
- in deciding the selection or otherwise of any person for a course, competition or a team (domestic or international); and
- in deciding the entry or otherwise of any member to any competition.

6 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.

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

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexuality or 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. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

7 Bullying

Gliding Australia prohibits all forms of bullying and aims to provide a sport environment without bullying. Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons. One-off instances can amount to bullying. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or group.

Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

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
- using Social media to harass, bully or intimidate.

Public acts of racial hatred 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 people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability.

Bullying includes cyber-bullying which occurs through the use of technology. 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. Gliding Australia will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

In particular, social media activity including but not limited to postings, blogs, status updates, and tweets:

- must not contain material that is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- must not contain material that is inaccurate, misleading or fraudulent;
- must not contain material that is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

8 Stalking

Stalking is illegal in all states and territories and criminal penalties apply. Stalking can be defined as persistent unwanted attention, communication or contact that could cause significant harm and distress and disrupt a person's life. It is the following of a person about or the watching or frequenting of the vicinity of, or an approach to a person's place of residence, business or work or any place that a person frequents for the purposes of any activity.

Intimidating behaviour such as following a person in such a way that makes them feel apprehension or fear of violence or causes them detriment is an offence. The stalking behaviour can occur on one or more occasions.

Other behaviours which cause a person detriment or fear of violence, such as the following, can lead to an unlawful stalking charge:

- Posting or leaving material that is offensive where it could be found by the victim, given to them or brought to their attention;
- Providing offensive material to a person either directly or indirectly;
- Contacting a person, including through the use of any technology;
- Watching, approaching, entering or idly waiting near a place where a person works, visits or lives;

- Being near, following, watching or approaching a person;
- Using harassment, threats or intimidation against a person; or
- Threats or any act of actual violence made against a person or property of anyone

9 Procedures

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 immediately. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.

Refer to the Gliding Australia Complaints Procedure that will explain what to do about the behaviour and how the Gliding Australia will deal with the problem.

In many circumstances, instances of bullying and discrimination are against the law and in particular relevant legislation applicable to such matters include Work Health and Safety laws and any associated regulations, and the Fair Work Act 2009 (Cth).

10 Terms and Abbreviations

| | |
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| 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 club | means any group of Members of the Gliding Australia or other organisation, formed for the purpose of conducting gliding operations or activities associated therewith and accepted as a club by the region to which the club is affiliated. |
| Complaint | means a complaint made under this Policy or an allegation of breach of this Policy. |
| Harassment | is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (see the list under "Discrimination"). |
| Member | means a natural person or organisation (such as clubs, state associations, other affiliated associations and the national body) that holds any form of membership with the Gliding Australia. |
| Member protection | is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, instructors, coaches and officials, and the member organisations. |
| 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 giving information or evidence in connection to complaint. |
| 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 |

11 Discrimination legislation (at 2020)

- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Australian Capital Territory Discrimination Act 1991 (ACT)
- New South Wales Anti-Discrimination Act 1977 (NSW)
- Northern Territory Anti-Discrimination Act 1996 (NT)
- Queensland Anti-Discrimination Act 1991 (QLD)
- South Australia Equal Opportunity Act 1984 (SA)
- Tasmania Anti-Discrimination Act 1998 (TAS)
- Victoria Equal Opportunity Act 1995 (VIC)
- Western Australia Equal Opportunity Act 1984 (WA)
- Criminal Codes and Acts in all States

12 Other References

- <https://www.aascf.com.au/files/Australian-Sports-Commission-Factsheet-Bullying.pdf>
- <https://www.playbytherules.net.au/online-courses/harassment-and-discrimination-online-course>
- Gliding Australia Complaints procedure
- Gliding Australia Mediation
- Gliding Australia Investigation procedure
- Gliding Australia Record of complaint