

# NSW CLAY TARGET ASSOCIATION POLICIES



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## PREVENTION OF HARASSMENT

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### APPENDIX ONE – HARASSMENT GUIDELINES

### APPENDIX TWO – HARASSMENT CONTACT OFFICERS SELECTION CRITERIA

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#### 1 COVERAGE

- 1.1 All NSW Clay Target Association (NSWCTA) affiliated members and clubs.
- 1.2 Members of the public on NSWCTA affiliated club grounds.
- 1.3 Worker's and Volunteers, working on N.S.W.C.T.A. affiliated grounds.

#### 2 POLICY

- 2.1 All NSWCTA affiliated members and clubs are entitled to be treated fairly in an environment free from harassment. Similarly, staff and delegates conducting business for NSWCTA within or outside of affiliated club premises have general responsibility to treat others in a way which will not cause distress.
- 2.2 NSWCTA will not condone harassment in any form. Harassing behavior is intimidation and disruptive to the wellbeing of individuals and their productivity. Harassment on the basis of sex, disability, homosexuality, race and marital status is unlawful.
- 2.3 NSWCTA is committed to the prevention of harassment. This is to be achieved through the development and implementation of appropriate strategies including awareness raising/training sessions and the appointment and support of Harassment Contact Officers. All Club officials have a general responsibility to model and maintain acceptable standards of conduct; promote a harassment free sporting environment and; ensure that competitors are aware of their rights and responsibilities.
- 2.4 Harassment is a breach of proper standards of conduct and sporting, and in extreme cases may constitute a criminal offence (see appendix 1)

- 2.5 NSWCTA has a high level of responsibility where competitors under 18 years of age are on affiliated club grounds. In relation to harassment, young people are generally not in a position to defend themselves. The younger the competitor, the higher level of duty of care NSWCTA has for such competitors.
  - 2.6 Club Management has a responsibility to deal with any complaints or grievances in accordance with procedures outlined in this policy.
  - 2.7 Affiliated members who experience harassment in the sporting arena or undergoing training can take action expecting support to remedy the situation.
  - 2.8 The privacy and confidentiality of those who allege harassment and those who are alleged to have harassed are to be respected at all times.
  - 2.9 Where action is taken, Club Management has a responsibility to prevent the victimisation of affiliated members within their club.
- 3 People who allege harassment and Club Officials investigating these allegations are protected by law against any defamation actions where the complaint is made in good faith through the proper channels. Where a complaint is motivated by ill-will or malice, the person alleging the harassment may lose this protection.
- GUIDELINES**
- 3.1 Definitions
    - 3.1.1 Harassment includes inappropriate conduct which is unwelcome, demeaning, unreciprocated, intimidating and/or offensive against an individual or a group of people (refer to appendix 1 for examples).
    - 3.1.2 Harassment can occur at any level within the NSWCTA can be experienced by women and men and can be perpetrated by both competitors and officials. Harassment can be perpetrated by both competitors and officials against both competitors and officials.
    - 3.1.3 There is sometimes confusion concerning what are appropriate behaviors. Behavior which is acceptable to one person may not be acceptable to another. The harasser or Club Management should not be the person(s) to decide that harassment or has not occurred. Behavior which may be acceptable in private, social or cultural settings among some groups of people may be unacceptable in a sporting situation (refer to appendix 1 for examples of harassment).
    - 3.1.4 Under Federal and NSW legislation it is against the law to discriminate against officials or competitors, or harass them on the following grounds:-
      - Sex
      - Homosexuality
      - Race (which includes colour, nationality, ethnic or national origin)
      - Physical/intellectual impairment
      - Marital status
      - Psychiatric/physical/intellectual disability
      - Pregnancy
    - 3.1.5 Harassment in the sporting setting can have serious consequences. It can:
      - Affect health, inter-personal relationships and undermine self confidence
      - Adversely affect sporting ability
      - Result in abandonment of sporting goals
  - 3.2 Duties and Responsibilities
    - 3.2.1 All Club Officials and competitors have a general responsibility to treat others in a way which will not cause distress.
    - 3.2.2 NSWCTA has a legal obligation to ensure a harassment free environment.
    - 3.2.3 Club Management is to promote a harassment free environment and to act promptly when harassment occurs and/or a complaint of harassment is lodged.
  - 3.3 Contact Officer

- 3.3.1 Harassment Contact Officers are specially designated and trained NSWCTA Executive Members who are an important first point of contact for affiliated members and competitors seeking support and assistance in dealing with harassment. Harassment Contact Officers are trained in the issues involved in sex-based, racial and disabilities harassment (see appendix 2 for qualifications).
- 3.3.2 The role of the Harassment Contact Officer is to:
- Provide support and information to affiliated members and competitors who have an inquiry or complaint about harassment
  - Assist affiliated members/competitors identify options available to deal with the harassment
- 3.3.3 Harassment Contact Officers may also be involved in:
- Providing advice to Club Management on strategies for the prevention of harassment and;
  - Supporting the delivery of awareness raising/information sessions to affiliated members and complaints. NSWCTA will determine appropriated planning and other arrangements for the delivery of training and awareness raising activities.
- 3.3.4 NSWCTA will determine an appropriate number of harassment contact officers to adequately service the needs of affiliated members and competitors throughout NSW. At least half of the Harassment Contact Officers are to be women.
- 3.3.5 Club Management is to ensure affiliated members and competitors have access to assistance in relation to sex-based, racial and/or disabilities harassment.
- 3.3.6 The term of appointment of Harassment Contact Officers will generally be 2 years and may be extended by mutual agreement. On matters relating to Harassment Contact Officer activities, appointees will be responsible to NSWCTA Management Committee
- 3.3.7 Harassment Contact Officers will be required to participate in a Harassment training course. Arrangements for ongoing support of Harassment Contact Officers will be made by NSWCTA.
- 3.4 Avenues for action
- 3.4.1 Affiliated members and competitors who allege harassment may not wish to discuss the matter with Club Management in the first instance. Initial avenues of action may include:
- Discussing the problem with an Harassment Contact Officer (see section 3.3)
  - Letting the offender know that the behavior is offensive and unacceptable (it may be of assistance to have another person present during the discussion)
  - Keeping a record of the incident(s), including any witnesses
  - Lodging a complaint with the Anti-Discrimination Board
- 3.4.2 Where agreed to by the person(s) alleging harassment, club management or coach may lodge the matter on behalf of a person/group.
- 3.4.3 Affiliated members/competitors who have reasonable grounds to believe that anyone under the age of 18 years, for whom NSWCTA has a responsibility, has been or is being harassed on NSWCTA affiliated club grounds during an NSWCTA affiliated club activity, and that this harassment involves abuse (sexual or otherwise), are to report this to the Club Management. Affiliated members/competitors should be encouraged to report harassment involving the abuse of another affiliated members/competitors to the Club Management. Where the Club management receives a report concerning harassment involving abuse of a person under 18 years of age, for whom NSWCTA has a responsibility, then that management must notify the Department of Community Services directly.

3.4.4 Where an allegation of harassment indicates a criminal action, the Executive Member handling the investigation is to notify the NSWCTA President through the relevant Club Management (refer to appendix 1 which provides a guide to what constitutes criminal actions).

## APPENDIX ONE – HARRASSMENT GUIDELINES

Harassment is behavior which may include the following:-

- Victimisation
- Intimidation/abuse eg. Destruction of personal belongings
- Unfair allocation of work
- Exclusion from formal communication channels
- Isolation or segregation
- Display of offensive material

### Gender Based and Sexual Harassment

Sexual harassment occurs when a person is subjected to unwanted sexual behavior. Sexual harassment falls into two categories those forms that are explicit and those that are more subtle. Explicit forms are easier to identify as they often constitute overly offensive or intimidating behavior. Examples include:

- Fondling, pinching, patting, touching, embracing
- Persistent requests for dates, especially after prior refusal
- Requests for sexual favors
- Smutty jokes and sexually provocative comments
- Offensive, humiliating or intimidating displays of sexually graphic material.

The subtle forms tend to occur more frequently. Examples include:

- Leering and ogling
- Sexually oriented verbal remarks, jokes, etc
- Physical contact such as purposely brushing up against another person's body
- Suggestive comments about a person's physical appearance or sexual preferences
- Inferences of sexual immorality
- Persistent questions about a person's private life
- Unwanted invasion "personal Space".

Forms of sexual harassment which constitute criminal action include:

- Physically molesting a person
- Indecent exposure
- Sexual assault
- Child sexual assault

The NSW Child Protection Council's definition of child sexual assault places emphasis on the following factors:

- Child sexual assault involves sexual activity between a child or adolescent and an older or bigger person for that person's sexual gratification
- It involves abuse of the unequal power relationship between the child and the adult or bigger person, and a betrayal of the child's trust

- A wide range of sexual behavior is involved, including sexual suggestion, pornography, exhibitionism, fondling, masturbation, genital or anal penetration with a variety of objects, and intercourse
- Child sexual assault also includes a sexual relationship in which the difference in developmental age of the children is great even though their chronological age is similar

The definition excludes consequential activity between peers, although this may be of concern on other grounds.

Gender-based harassment is behavior based on sex-role stereotyping. It may be directed towards a group of people or at an individual, by a group or an individual. Examples include:

- Belittling comments based on sex role stereotyping
- Unfair treatment due to pregnancy, marital status or commitment to family responsibilities

#### Harassment on the Basis of Homosexuality

Harassment in relation to homosexuality may occur because a person is, or is assumed to be a lesbian or gay man. Some examples of this form of harassment may include:

- Humiliation eg. Jokes, slurs. Obscene gestures
- Overt acts of physical violence (this constitutes a criminal offence)
- Public acts of vilification (see below)

Homosexual vilification is any act that happens publicly as opposed to privately, and could incite others to hate, have serious contempt for, or severely ridicule a person(s) because they are, or assumed to be lesbian or gay. Some examples of this form of harassment may include:

- Publishing or distributing anti-homosexual literature
- Speeches and statements made in public that vilify lesbians and gay men

#### Racial Harassment

Racial harassment may occur with overt or covert reference to a person's race, colour, nationality, accent, ethnic or ethno-religious background. Examples include:

- Patronising or humiliating comments directed at a person's differences
- Persistent unwelcomed questions about a person's Aboriginality or racial or ethnic origin or cultural beliefs and customs
- Racially orientated ridicule eg. Derogatory reference to physical features, skin colour, or cultural and religious observances
- Derogatory remarks about, or imitations of, a person's accent or manner of speech
- Isolation or segregation of those from a minority racial or ethnic background on the basis of race or ethnicity
- Acts of physical violence (this constitutes a criminal offence)
- Public acts of vilification (see below)

Racial vilification is any act that happens publicly as opposed to privately, and could incite others to hate, have serious contempt for, or severely ridicule a person(s) because they of their race, colour, nationality, ethnic or national background. Some examples of this form of harassment may include:-

- Writing racist graffiti
- Wearing racist symbols (such as badges) or clothing with racist slogans in public

## Harassment on the Basis of Disability

Harassment on the basis of disability (past/present or future) can take place whether the victim has a real or presumed disability. Some examples of this form of harassment are:

- Derogatory remarks about a person's disability, impairment or appearance of physical difference
- Patronizing or humiliating a person with a disability
- Staring or other physical gestures which mock a person with a disability
- Inappropriate comments around requests for, or provision of, reasonable adjustment measures
- Offensive comments or behavior towards a person suffering a disease eg. HIV/AIDS.

## APPENDIX TWO - HARRASSMENT CONTACT OFFICERS SELECTION CRITERIA

### Harassment Contact Officers – Selection Criteria

Harassment Contact Officers should demonstrate the following:

- A good understanding of harassment and equal opportunity issues
- Good interpersonal, liaison and communication skills
- A willingness and capacity to provide support and assistance to affiliated members and competitors experiencing harassment
- A willingness and capacity to educate affiliated members/competitors on harassment matters

**Signature:** \_\_\_\_\_

Mark Rogers  
President

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