



## DISCRIMINATION & SEXUAL HARASSMENT POLICY SEXUAL HARASSMENT

### Overview

#### ***What is Sexual Harassment?***

Sexual harassment is any form of sexual attention that is unwelcome. It may include an unwelcome sexual advance (which may be physical, verbal or written), request for sexual favours, or any other form of unsolicited or unwelcome sexual conduct.

The following examples may constitute sexual harassment when they are offensive to an club officials, players or spectators, regardless of any "innocent intent" on the part of the offender:

1. The public display of pornography (especially where it is directed at individuals), ranging from material that might be considered mildly erotic, through to material that is sexually explicit. NOTE visiting web sites containing this material will be a breach of this policy.
2. Continued use of jokes containing sexual innuendo's, which humiliate or embarrass another person.
3. Intrusive inquiries into a person's private life, or in reference to their sexuality or physical appearance (these may be verbal or written);
4. Persistent requests for dates / drinks etc, which have been repeatedly rebuffed; and
5. Persistent staring or leering at a person or at parts of their body; Whilst single or isolated occurrences of the above behaviour may appear relatively innocent, when continued over an extended period they can become very wearing and stressful.

It is important to note that:

Behaviour or comments that may not offend one person may be unwelcome or offensive to another. Any disciplinary counseling or Club control practices based on objective assessment of performance do not constitute harassment.

Examples of more severe Sexual Harassment include:

1. Sexually offensive telephone calls.

2. Requests for, or expectations of, sexual activity under threat, or in exchange for favours or promises of preferential treatment.
3. Public displays of nudity - commonly referred to as flashing.
4. Deliberate and unnecessary physical contact, such as patting, pinching, fondling, or deliberate brushing against another body, attempts at kissing; and
5. Sexual violence - at the most serious extreme, sexual assault and forced attempts at sexual intercourse.

## **The Effects of Sexual Harassment**

The effects of sexual harassment on an individual can include:

1. Annoyance, embarrassment, intimidation, humiliation, distress, anxiety, fear, ill health, or a threat to personal safety (even suicide);
2. Sexual harassment can also interfere with an individual's performance on the job, and may induce lack of motivation, absenteeism from game days or training, needless requests for clearances, or resignations; and Submissions to or rejection of sexual harassment, may result in improper decisions affecting the individual's (and others') playing performance.  
All of these will also impact negatively on the Club.

## **DISCRIMINATION**

### ***Overview***

What is Discrimination?

Discrimination can be categorised into five types, which are:

1. **Direct discrimination:** Any (act or) practice which makes distinctions between individuals or groups so as to disadvantage some or advantage others. This is overt discrimination and may result from any action that specifically excludes a person or group of people from a benefit or opportunity, or significantly reduces their chances of obtaining it, because a personal characteristic, irrelevant to the situation, is applied as a barrier. Most of the anti-discrimination laws aim at preventing this form of discrimination.

2. **Indirect discrimination:** (where a practice or) a condition of playing for the Club is imposed which appears not to be discriminatory but has a Disadvantageous effect on a certain group or individual. Also known as covert discrimination, it occurs where actions or policies appear non-discriminatory however in operation have an adverse outcome for a group or individual by

reducing a benefit or opportunity. Indirect discrimination is also known as systemic discrimination as it is built into the system. To counter this form of discrimination, Affirmative Action needs to be taken which counters covert discrimination by bringing fair and equitable opportunities specifically to the notice of the minority group.

## Harassment

Harassment includes any unwelcome or offensive behaviour or conduct which has no legitimate function within the game and which intimidates, humiliates or offends another person or persons.

Two main types:

***Quid Pro Quo***: harassment with direct or implied threat, benefit or promise. In other words, blackmail.

***Hostile work environment***: Behaviour which creates a hostile or sexually permeated environment. E.g.: porn, sexual banter, crude conversation, and offensive jokes.

## Victimisation

Victimisation, "punishment etc" for certain (usually allowable) behaviours eg for whistle blowing and includes 'pay-backs', retribution or intimidation associated with a discrimination complaint or potential complaint. Protection against victimisation extends to actual or potential complainants, witnesses, supporters and those investigating or resolving complaints. Another form of victimisation is deliberate exclusion e.g. being cut out of office functions.

## Vilification

Vilification includes public acts which could incite, encourage, or urge others to hate, have serious contempt for, or severely ridicule, a person or group of people because they are (or are thought to be) members of a particular group, and which have no justification in 'free speech'. Other descriptors: disparagement, criticism, backbiting, denigration, slander, libel or defamation.

## Bullying

Bullying can be one or a combination of harassment, victimisation, or direct discrimination. A Bully is "a person who uses strength or power to coerce others by fear" and that to bully is to "oppress, persecute, physically or morally by (threat of) superior force." - Concise Oxford Dictionary. Bullying is not acceptable and will be dealt with under the Clubs articles of Association. Discrimination must not

be made against any individual or group on the basis of:

- Age
- Sex
- Political or religious conviction ·  
Pregnancy / potential pregnancy
- Race, ethnic background and nationality, and that of a relative or associate
- Parental status / family responsibilities
- Marital / defacto status / identity of the spouse ·  
Sexuality / sexual preference
- Disability (past, present, possible future or imputed and that of an associate or 'carer' or  
involving a therapeutic aid, for example a guide dog for a blind person, wheelchair, or a  
hearing aid etc.)
- Trade union activity / inactivity ·  
Irrelevant criminal record
- Social origin ·  
HIV / AIDS

## **Liability**

The Club could be vicariously liable for the unlawful discriminatory behaviour of its members or in a claim of sexual harassment. However, once the company has met its preventative obligations, the individual employees may be legally and financially liable for their own unlawful behaviour, either directly or as an accessory.

The possibility also exists for coaches and Club officials to be held vicariously liable for failure to take appropriate action when faced with a case of harassment /discrimination.

## **SEXUAL HARASSMENT and DISCRIMINATION POLICY**

In managing the Club's people, these three principles apply:

1. We will do everything possible to create and sustain an environment which supports mutual trust and assists our members to discover, develop and increase their fullest personal capacities within the sport of baseball; and
2. We will practice high ethical standards with each other, with spectators, with other clubs, with governments and with the community. The Club committee committed to action which ensures the absence of both sexual harassment and discrimination within the environs of local baseball and Club responsibility. Appropriate disciplinary action will be taken against any individual engaging in such unsuitable conduct.

**What you can do as a club member, official or coach:**

Do not ignore sexual harassment, thinking it will go away (ignoring the behaviour could be taken as or mistaken for tacit consent). Make it clear that such behaviour is offensive and unacceptable. If player, coach, committee member, supporter or spectator believes they have been sexually harassed or discriminated against by a member of the Club, they may discuss the situation in confidence with any appropriate member of the Committee.

A formal complaint may be made by contacting **Equal Opportunity Commission Victoria**. Level 3, 380 Lonsdale Street, Melbourne.