



HOCKEY AUSTRALIA

# MEMBER PROTECTION POLICY

POLICY UPDATED JANUARY 2022

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## 1. Introduction

- 1.1. HA is committed to ensuring that everyone involved with hockey is treated with respect and dignity and is protected from abuse, bullying, harassment, sexual misconduct, unlawful discrimination, victimisation and vilification.
- 1.2. This Policy seeks to ensure the core values, good reputation, positive behaviours and attitudes of HA and Australian Hockey Organisations are maintained and enhanced.
- 1.3. This Policy seeks to ensure that everyone involved in hockey is aware of their rights and responsibilities. This Policy sets out the standards of behaviour expected of those involved in hockey, and the behaviours that are not acceptable.
- 1.4. This Policy:
  - a. Prescribes Prohibited Conduct;
  - b. Can be adopted by each Australian Hockey Organisation and Authorised Provider without amendment; and
  - c. Is to be read with the provisions set out in the HA National Integrity Framework (**Framework**). Any provisions inconsistent with the Framework apply to the extent of that inconsistency.

## 2. Scope

### 2.1. To whom the Policy applies

This Policy applies to:

- a. Relevant Persons; and
- b. Australian Hockey Organisations.

### 2.2. When the Policy applies

- a. All Relevant Persons and AHOs must always comply with this Policy (while they are a Relevant Person or AHO), including:
  - i. In relation to any dealings they have with HA, other AHOs or Authorised Providers or their staff, contractors and representatives;
  - ii. Subject to clause 2.2(b), wherever there is a recognised hockey, HA, other AHO or Authorised Provider connection, including participation in Activities sanctioned by AHOs or Authorised Providers and on social media where there is such a connection;
  - iii. When dealing with other Relevant Persons, Relevant Organisations or Authorised Providers in their capacity as a Relevant Person or Relevant Organisation; and
  - iv. In relation to their membership or standing as a Relevant Person or Relevant Organisation in general.
- b. The following is not within the scope of this Policy:
  - i. Where an interaction (including social media interactions) occurs involving one or more Relevant Persons and/or Relevant Organisations, and the only link or connection between the interaction and the sport of hockey is the fact that one or more individuals are Relevant Persons or Relevant Organisations<sup>1</sup>; and
  - ii. Where Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct or interaction(s) that, while related to the original Prohibited Conduct, no longer directly relates to any of HA, other AHO or Authorised Provider (even where such conduct or interaction(s) would otherwise be Prohibited Conduct)<sup>2</sup>; and

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<sup>1</sup> Such as two members of an AHO getting into a verbal or physical argument at a shopping centre, or two members sending abusive social media messages to each other that have no direct link to hockey.

<sup>2</sup> Such as where a member of an AHO allegedly breaches this Policy by physically assaulting another member at a match, but then the personal grievance(s) between those two individuals spills into issues not directly related to hockey, such as social media abuse or trolling.

- c. Where HA or another AHO (as applicable) determines, in their absolute discretion, that the alleged Prohibited Conduct would be more appropriately dealt with under a different policy, it may refer the alleged Prohibited Conduct for determination under that other policy.

### **3. Prohibited Conduct**

#### **3.1. Prohibited Conduct**

A Relevant Person or AHO commits a breach of this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct against one or more Relevant Persons or AHOs in the circumstances outlined in clause 2.2:

- a. Abuse;
- b. Bullying;
- c. Harassment;
- d. Sexual Misconduct;
- e. Unlawful Discrimination;
- f. Victimisation; or
- g. Vilification.

Examples of conduct that may constitute Prohibited Conduct under this Policy are outlined in Schedule 1.

#### **3.2. Additional matters**

Nothing in this Policy prevents HA, an AHO or an Authorised Provider from enforcing any other rules and regulations or referring any alleged Prohibited Conduct to a relevant law enforcement agency.

### **4. Complaints, Disputes and Discipline Policy**

The Complaints, Disputes and Discipline Policy applies to any alleged Prohibited Conduct under this Policy, including reports of breaches of this Policy.

### **5. Definitions**

#### **5.1. Defined terms**

Capitalised terms not defined in this Policy are defined terms in the Framework. In this Policy the following words have the corresponding meaning:

**Abuse** means any type of abuse (including physical, emotional, psychological, sexual and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.

**Bullying** means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.

**Harassment** means any type of behaviour (including one-off incidents) towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

**Member** means a member of HA admitted in any category of membership in accordance with clause 6 of the Hockey Australia Constitution.

**Policy** means this Member Protection Policy including any schedules and annexures.

**Prohibited Conduct** means the conduct proscribed in clause 4 of this Policy.

**Relevant Person** means:

- a. Members;
- b. Participants; and
- c. Any other person, including individuals and bodies corporate, who has agreed to be bound by this Policy.

**Sexual Misconduct** means:

- a. **Sexual Harassment**, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated or intimidated; and
- b. **Sexual Offences**, which include any criminal offence involving sexual activity or actions of indecency.

**Unlawful Discrimination** includes:

- a. **Direct Discrimination**, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and
- b. **Indirect Discrimination**, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.

**Victimisation** means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.

**Vilification** means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender or HIV/AIDS status.

## 5.2. Interpretation

Definitions of Abuse, Bullying, Harassment, Sexual Misconduct, Unlawful Discrimination, Victimisation and Vilification must be read in the context of the Schedule.

## Schedule

### Examples of Prohibited Conduct

1. **Abuse** must be behaviour of a nature and level of seriousness which includes, but is not limited to:
  - a. Physical abuse and assault including hitting, slapping, pushing, punching or scratching, kicking, destroying property and throwing things, sleep and food deprivation, forced feeding, unreasonable physical restraint, spitting at another person or biting;
  - b. Sexual abuse including rape and assault, using sexually degrading insults, forced sex or sexual acts, deliberately causing pain during sex, unwanted touching or exposure to pornography, sexual jokes, using sex to coerce compliance;
  - c. Emotional abuse such as intentional embarrassment in public, unreasonably telling someone what to wear, preventing or excluding someone from participating in sport activities, preventing someone from seeing their friends and family, stalking, humiliation or intimidation;
  - d. Verbal abuse such as repeated or severe insults, name calling, continuous criticism, swearing and humiliation, attacks on someone's intelligence, body or parenting, aggressive yelling;
  - e. Financial abuse such as restricting access to bank accounts, taking control of finances and money, forbidding someone from working, taking someone's pay and not allowing them to access it; and
  - f. Neglect of a person's needs.
2. **Bullying** must be behaviour of a nature and level of seriousness which includes, but is not limited to:
  - a. Keeping someone out of a group (online or offline);
  - b. Acting in an unpleasant way near or towards someone;
  - c. Giving nasty looks, making rude gestures, calling names, being rude and impolite, and constantly negative teasing;
  - d. Spreading rumours or lies, or misrepresenting someone (i.e., using their social media account to post messages as if it were them);
  - e. 'Fooling around', 'messaging about' or other random or supposedly playful conduct that goes too far;
  - f. Harassing someone based on their race, sex, religion, gender or a disability;
  - g. Intentionally and repeatedly hurting someone physically;
  - h. Intentionally stalking someone; and
  - i. Taking advantage of any power over someone else,but does **not** include legitimate and reasonable:
  - a. Management action;
  - b. Management processes;
  - c. Disciplinary action; or
  - d. Allocation of activities in compliance with agreed systems.
3. **Harassment** must be behaviour of a nature and level of seriousness which includes, but is not limited to:
  - a. Telling insulting jokes about particular racial groups;
  - b. Sending explicit or sexually suggestive emails or text messages;
  - c. Displaying racially offensive or pornographic images or screen savers;
  - d. Making derogatory comments or taunts about someone's race;
  - e. Asking intrusive questions about someone's personal life, including his or her sex life;
  - f. Sexual harassment or any of the above conduct in the workplace by employers, co-workers and other workplace participants;

- g. Any of the above conduct in the workplace based on or linked to a person's disability or the disability of an associate; and
  - h. Offensive behaviour based on race or racial hatred, such as something done in public that offends, insults or humiliates a person or group of people because of their race, colour or national or ethnic origin.
4. **Sexual Misconduct** is behaviour including, but not limited to:
- a. Unwelcome touching;
  - b. Staring or leering;
  - c. Suggestive comments or jokes;
  - d. Showing or sharing sexually explicit images or pictures;
  - e. Unwanted invitations to go out on dates;
  - f. Requests for sex;
  - g. Intrusive questions about a person's private life or body;
  - h. Unnecessary familiarity, such as deliberately brushing up against a person;
  - i. Insults or taunts based on sex;
  - j. Sexually explicit physical contact;
  - k. Sending or sharing sexually explicit or suggestive emails, texts or other electronic/social media messages;
  - l. Displaying pornographic images or screen savers;
  - m. Asking intrusive questions about someone's personal life, including about his or her sex life; and
  - n. Criminal offences such as rape, indecent or sexual assault, sexual penetration or relationship with a child under the age of 16 and possession of child pornography.
5. **Unlawful Discrimination** is unfair treatment based on a person's:
- a. Age;
  - b. Disability;
  - c. Race, colour, national or ethnic origin or immigrant status;
  - d. Sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding; and
  - e. Sexual orientation, gender identity or intersex status.
6. **Victimisation** is behaviour including, but not limited to:
- a. Dismissal of an employee/volunteer or disadvantage to their employment/involvement in sport;
  - b. Alteration of an employee's position or duties to his or her disadvantage;
  - c. Discrimination between an employee and other employees;
  - d. Repeated failure to select an individual on merit;
  - e. A reduction in future contract value; and
  - f. Removal of coaching and other financial and non-financial support.
7. **Vilification** is behaviour including, but not limited to:
- a. Speaking about a person's race or religion in a way that could make other people dislike, hate or ridicule them;
  - b. Publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;
  - c. Repeated and serious verbal or physical abuse about the race or religion of another person;
  - d. Encouraging violence against people who belong to a particular race or religion, or damaging their property; or
  - e. Encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, or using websites or email.