



**SWIMMING AUSTRALIA LIMITED**

**MEMBER WELFARE POLICY**

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## **PREFACE**

### **Message from the President**

Swimming Australia Limited is committed to the health, safety and general well-being of all its members. The organisation is dedicated to providing a safe environment for our members and service providers participating in our activities.

Sport in Australia is held as a positive influence that enriches the lives of all who are involved. As Australians, we greatly value this essence of sport in our culture and our community, and we all have the right to enjoy our sport, at whichever level we participate. This Policy is an essential part of our organisation's proactive and preventative approach to tackling inappropriate behaviour.

As a sport, we are proud to lead the way in ensuring safe and harassment-free sport for all of our competitors, coaches, officials, administrators, volunteers and supporters.

This Policy assists to ensure that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. It also aims to ensure that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

It is our commitment to ensure that everyone associated with Swimming Australia complies with this Policy and I wish you all safe and successful swimming.

**David Urquhart**

**President**

# SWIMMING AUSTRALIA LIMITED

## MEMBER WELFARE POLICY

### 1. Swimming Australia's Core Values

Swimming Australia Limited's ("SAL") strategic plan *Swimming for Life* states our vision as "Swimming seeks to become Australia's leading sport through increased participation, continual outstanding performances and commercial excellence". The plan represents SAL's strong commitment to its individual members to provide an environment characterised by fairness, safety and respect, and our desire to nurture and protect the sport because of its intrinsic value to the entire Australian community. This Policy reflects this commitment.

### 2. Purpose of this Policy

This Policy aims to ensure that:

- our core values, good reputation and positive behaviours and attitudes are maintained
- every person involved in our sport is treated with respect and dignity and is safe and protected from bullying, harassment or discrimination, and
- everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

Any form of Bullying, Harassment or Discrimination is actionable if the victim feels distress or concern as a result of the aggressive and upsetting behaviour. Descriptions of types of behaviour, which could be regarded as Bullying, Harassment or Discrimination, are provided in the Dictionary at clause 8

The "General Information & Procedures" for this Policy provide the procedures that support our commitment to preventing Bullying, Discrimination and Harassment and other forms of inappropriate behaviour in our sport.

This Policy is supplemented by SAL's Child Welfare Policy, which provides specific guidelines and procedures relating to the welfare and well being of Children.

The Board of SAL has endorsed this Policy and the "General Information & Procedures". The Policy replaces the original Member Protection Policy endorsed in October 2002 and starts on 1 November 2006 and will operate until replaced. This Policy and the accompanying procedures may be amended from time to time by resolution of the Board of Directors of SAL. Copies of the Policy and its attachments can be obtained from our office or our website [www.swimming.org.au](http://www.swimming.org.au).

### **3. Who this Policy Applies To**

This Policy applies to SAL, its stakeholders, directors, employees, contractors, volunteers and members, provided that this Policy only applies to an affiliate if the Policy is formally adopted by that affiliate.

It is intended that this Policy also apply to the following, whether they are in a paid, unpaid or voluntary capacity:

- (a) support personnel including but not limited to team/squad managers, physiotherapists, psychologists, masseurs and sport trainers;
- (b) coaches and assistant coaches;
- (c) technical Officials; and
- (d) any other person or organisation that is a member of or affiliated to SAL, such as athletes or who, in the reasonable opinion of SAL's Board, should be bound by this Policy, such as parents, guardians, spectators and sponsors to the full extent that is possible;

This Policy will continue to apply to a person even after they have stopped their membership, association or employment with SAL, or its Member Associations, if disciplinary action has been taken against them under this Policy during that person's membership, association or employment with that respective organisation.

### **4. Responsibilities**

All individuals and organisations bound by this Policy have a role to play in discouraging unacceptable behaviours in the Swimming environment and in promoting a tolerant and enjoyable atmosphere for all persons involved in Swimming.

SAL and its members must:

- a) adopt, implement and comply with this Policy and its accompanying procedures;
- b) cause the respective members of Member Associations to agree to be bound by and adhere to this Policy;
- c) publish, distribute and otherwise promote this Policy and the consequences for breaching it;
- d) promote appropriate standards of conduct at all times;
- e) promptly deal with complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner;
- f) apply this Policy consistently without fear or favour;
- g) recognise and enforce any penalty imposed under this Policy irrespective of the party imposing the penalty;

- h) ensure that a copy of this Policy is available or accessible to the persons to whom this Policy applies; and
- i) appoint or have access to appropriately trained people to receive and handle Complaints and allegations and display the names and contact details in a way that is readily accessible.

Specifically:

- (a) SAL, Clubs, Member Associations, Affiliates, MPIOs and people in positions of authority (including but not limited to Coaches, Officials and Managers) should understand what Bullying, Harassment and Discrimination are, know this Policy and follow and implement the correct Complaints Procedures when any of these behaviours are reported.
- (b) All individuals bound by this Policy should be aware that Bullying, Harassment and Discrimination are not tolerated and know what to do if they are a victim of these behaviours, or witness these behaviours.
- (c) Athletes should:
  - take appropriate steps to discourage and prevent Bullying, Harassment and Discrimination in any form; and
  - advise an appropriate official (Coach, Manager, or Committee Member) if any of these behaviours occur, even if they are not the target.
- (d) Coaches, Officials and other persons in positions of authority should:
  - be alert to these behaviours and signs of distress and anxiety in athletes and other members;
  - respond to incidents of Bullying, Harassment and Discrimination according to this Policy and Complaints Procedure;
  - avoid intimate sexual relationships with adult athletes, even where initiated by the athlete;
  - model tolerant and accepting behaviours; and
  - make it known that Bullying, Harassment and Discrimination are not acceptable, no matter what the excuse.
- (e) Clubs should:
  - make recognition and adherence to this Policy and Complaints Procedure a condition of membership of the Club;
  - disseminate information on this Policy widely to make the Policy known and available to all members and employees (paid and voluntary).
  - respond to incidents of Bullying, Harassment and Discrimination according to this Policy and Complaints Procedure;
  - act in the best interests of their members and their safety and welfare; and
  - foster an environment of tolerance, friendship and enjoyment, even at elite levels.

SAL has developed a General Code of Behaviour and specific Codes of Conduct as guidelines for acceptable behaviour for all of its members

## **5. What is a Breach of this Policy**

It is a breach of this Policy for any person or organisation to which this Policy applies, to have been found to have:

- a) done anything contrary to or in breach of this Policy;
- b) discriminated against or harassed any person;
- c) victimised another person for reporting a complaint;
- d) failed to follow SAL policies and procedures for the protection, safety and welfare of children;
- e) engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- f) disclosed to any unauthorised person or organisation any information in relation to a complaint under this policy of a private, confidential or privileged nature;
- g) made a complaint under this Policy that they knew to be untrue, vexatious, malicious or improper;
- h) failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- i) failed to comply with a direction given to the individual or organisation during the disciplinary process under this policy.

## **6. Complaints Procedures**

Complaints procedures as defined in the “General Information and Procedures” aim to provide an easy to use, confidential and trustworthy process for handling complaints based on the principles of Natural Justice. Any person may make a Complaint about an organisation or individual bound by this Policy if they reasonably believe that an organisation or individual bound by this Policy has breached this Policy.

All Complaints will be dealt with promptly, seriously, sensitively and confidentially and in accordance with the Complaints Procedure.

SAL, Member Associations and Affiliates must take all reasonable steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a Complaint or for helping to deal with it. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

## **7. Forms of Discipline**

If an organisation or individual bound by this Policy breaches this Policy, one or more forms of discipline may be imposed. These may include but are not limited to making a verbal or written apology, paying a fine, being suspended or de-registered or having a person’s appointment or employment suspended pending formal Police investigations.

More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is contained in the “General Information and Procedures. In addition members should refer to individual club constitutions for guidance.

## 8. Dictionary

This Dictionary sets out the meaning of words used in this Policy and in the “General Information and Procedures” without limiting the ordinary and natural meaning of the words. Where a term is not defined it should be given its ordinary and natural meaning.

**Abuse** means any form of Harassment and includes physical abuse, emotional abuse (including psychological abuse), sexual abuse, and abuse of power that has caused, is causing or is likely to cause harm to a person’s wellbeing or development. Examples of abusive behaviour include but are not limited to bullying, humiliation, verbal abuse and insults.

**Athlete** means a swimmer, diver, water polo player or synchronised swimmer, whether recreational or competitive and who is an individual Member of SAL, a Member Association or Affiliate.

**Affiliate** means associations which are not full members of Swimming Australia and affiliate with Swimming Australia for FINA requirements e.g. Water Polo, Diving, Aussi Masters, Synchronised Swimming.

**Bullying** means any use of aggression or taunting with the intent to cause harm to the victim. Bullying may be physical or emotional and in serious cases may also be discrimination. Bullying may be done in person, by phone, email, SMS or other means.

**CEO** means the chief executive officer of SAL or stakeholder organisation, and includes the executive officer, general manager or other similar title.

**Child/Children** means an Athlete who is under 18 years of age.

**Club** means any swimming club of Swimming Australia or an affiliate organisation.

**Codes of Conduct** means the Role Specific Codes of Conduct outlined in the “General Information and Procedures” section 1.

**Complaint** means a complaint made under clause 6 of this Policy.

**Complainant** means the person making a complaint.

**Complaints Procedure** means the Complaints Procedure set out in the “General Information and Procedures”.

**Discrimination** means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics include but are not limited to the following:

- Age;
- Disability;
- Marital status;
- Parental or carer status;
- Physical features;

- Political belief or activity;
- Pregnancy;
- Race;
- Religious belief or activity;
- Sex or gender;
- Sexual orientation;
- Trade union membership or activity; and
- Transgender orientation.

Discrimination also includes any other behaviour recognised by Commonwealth, State or Territory law as discrimination.

**General Code of Behaviour** means the code of conduct outlined in section 1 of the “General Information and Procedures.”

**General Information and Procedures** means the supporting information and procedures for the implementation of the Policy

**Harassment** means 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. Harassment includes bullying.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation 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. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

**Hearing Tribunal** means the panel created in accordance with the General Information and Complaints Procedures.

**Involved Organisation** means the relevant organisation to receive a complaint and may be SAL, a Club, Member Association or Affiliate.

**Mediator** means a person, preferably with relevant skills, qualifications or training in mediation, appointed to mediate a Complaint made under this Policy.

**Member** means an individual member of Swimming Australia or its affiliates.

**Member Association** means an organisation that is a member of Swimming Australia or its affiliates.

**Member Protection Information Officer and MPIO** means a person appointed as the contact for a person seeking assistance with a complaint under, or a breach of, this Policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging a breach of this Policy.

**Natural Justice** incorporates the following principles:

- A person who is the subject of a complaint must be fully informed of the allegations against them;
- A person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence;
- All parties need to be heard and all relevant submissions considered;
- Irrelevant matters should not be taken into account;

- No person may judge their own case;
- The decision maker(s) must be unbiased, fair and just; and
- The penalties imposed must not outweigh the breach of this Policy or offending behaviour.

**Panel Members** means members of an Appeals Tribunal or Hearing Tribunal convened under this Policy.

**Policy** means this Member Welfare Policy

**Respondent** means the person who is being complained about.

**SAL Constitution** means the constitution of SAL as in force and amended from time to time.

**Victimisation** means subjecting a person or threatening to subject a person to any detrimental or unfair treatment because that person has or intends to pursue their rights to make a complaint under law or under this Policy, or for supporting another person to make a complaint.

## 9. Other relevant Policies:

Other relevant policies can be found at [www.swimming.org.au](http://www.swimming.org.au). Some of those policies which contribute to the welfare of all our Members include:

### 9.1 Child Welfare Policy

The Child Welfare Policy provides guidelines and procedures specifically to protect the safety and welfare of Children.

### 9.2 Privacy Policy

SAL routinely collects personal information about individuals and considers that protecting their personal information is important and SAL takes their right to privacy seriously. The Privacy Policy covers SAL's regulations on the collection, purpose, storage, use and distribution of information.

### 9.3 Risk Management Policy

Risk Management identifies the chance of something happening which will impact on an organisation's objectives, measured in terms of consequence and likelihood. SAL's Risk Management Policy aims to either reduce, transfer or avoid risks in order to protect its Member.

### 9.5 Anti-Doping Policy

SAL is bound by the World Anti Doping Authority and Australian Sports Anti Doping Agency policies in ensuring Athletes are able to participate in a drug free environment.

## 9.6 Intimate Relationships Policy

This Policy takes the position that sexual relationships between coaches and adult Athletes, whilst not necessarily constituting Harassment, can have harmful effects on the individual athlete involved, on other athletes and on the sports public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and athletes in terms of authority, maturity, status and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event an athlete attempts to initiate an intimate relationship, the coach should take personal responsibility for discouraging such approaches, explaining the ethical basis for such decisions.

In the event that an Athlete attempts to initiate an intimate sexual relationship, the coach or other person in a position of power must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the MPIO if they feel Harassed.