

ANTI-DISCRIMINATION AND HARASSMENT POLICY

Unlawful discrimination and harassment are not tolerated at Maccabi, and any reports will be investigated.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; in the selection or otherwise of any person for competition or a team (domestic or international); and in the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in unlawful discrimination or harassment may also be against the law.

DISCRIMINATION

Unlawful discrimination and harassment can include:

- Direct discrimination: when a person treats, or proposes to treat, someone unfavourably because of a personal characteristic protected by law. Direct discrimination often happens because people make unfair assumptions about what people with certain personal characteristics can and cannot do.
- Indirect discrimination: when an unreasonable condition is imposed that disadvantages a person with a personal characteristic protected by law. Indirect discrimination happens when a policy, practice or behaviour seems to treat all parties the same way, but it actually unfairly disadvantages someone because of a personal characteristic protected by law.
- Any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via phone or online channels and is based on a protected characteristic.

Relevant attributes or characteristics covered by discrimination law in various Australian jurisdictions include:

ATTRIBUTE	EXCEPTIONS	EXAMPLE
Age	Events or activities are restricted to persons of a specified age	A club refusing to allow a suitably qualified older person to coach a team because of their age
Disability	<p>Events or activities are restricted to persons of a specified disability classification</p> <p>it is permissible not to select a Participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity</p>	A junior athlete being excluded from a club due to an autism diagnosis
Gender identity/transgender status	Subject always to the overriding nature of any specified Rules and Regulations for that sport or event	An athlete refusing to call a transgender athlete in their team by their personal pronouns
Marital status or relationship status		An athlete being excluded from social functions because they are single
Parental/family/carer responsibility and status		A club choosing not to employ someone because they have young children, even if they are the most qualified person for the job
Pregnancy and breast feeding		A club member being asked to leave the clubroom because they are breastfeeding
Race or national or ethnic origin		A team disrespecting their coach because they come from another country and have a strong accent

ATTRIBUTE	EXCEPTIONS	EXAMPLE
Religious beliefs/activity	Permitted exclusions under legislation - particularly those involving the right to preserve a minority culture and to maintain religious identity and connection	A club choosing to not accept someone on their committee because they are observant and keep Shabbat
Sex or gender	it is permissible to hold a competitive sporting activity for a single gender in some circumstances – eg for particular ages and where strength, stamina and/or physique are relevant	A coach only offering specialised training to the male players in a mixed team
Sexual orientation		An athlete being ostracised by their team when it becomes known that they are in a same-sex relationship
Social origin and social class		An athlete being left out of team social activities because they attend a different school

Other protected attributes include:

- Irrelevant medical record
- Irrelevant criminal record
- Political beliefs/activity
- Trade union membership/activity

Note: State and Territory laws do not always deal with these characteristics the same way.

HARASSMENT

Harassment is any type of behaviour that is unwelcome and of a type that a reasonable person would recognise as likely to cause the recipient to feel offended, humiliated or intimidated. Unlawful harassment targets a person based on the protected characteristics listed above.

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is that, if someone else finds it harassing, then it could be unlawful harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes harassment via electronic communication.

It includes behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying racially offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race
- asking intrusive questions about someone's personal life, including his or her sex life.

SEXUAL HARASSMENT

Sexual harassment is broadly defined as unwelcome sexual conduct that a reasonable person would anticipate would offend, humiliate or intimidate the person harassed. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Some sexual harassment is serious enough to constitute sexual assault, which is a crime.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

VICTIMISATION

Victimisation means subjecting or threatening to subject a person to some form of detriment because they have:

- lodged, or are proposing to lodge, a complaint of discrimination or harassment
- provided information or documents to an internal investigation or an external agency
- attended a conciliation conference
- reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws
- made an allegation that a person has acted unlawfully under federal anti-discrimination laws.

Example: a player is ostracised by her male coach for complaining about his sexist behaviour or for supporting another player who has made a complaint.

VILIFICATION

Public acts which incite hatred towards, serious contempt for, or severe ridicule of a person or group defined by race or some of the other characteristics set out above are called vilification.

Racial vilification is prohibited by law. 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 on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability.

Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public. For example, it could be vilification to:

- send a group email containing a derogatory racist joke; or
- make contemptuous comments about gay people to a group of colleagues or team mates.

If any person feels they are being harassed, discriminated against, victimised or vilified by another person or body bound by the MPP, they should refer to the grievance and complaint handling procedures outlined in Chapter 6 of the Handbook.

