

## MEMBER PROTECTION AND INCLUSION

Maccabi recognises that its members come from all backgrounds, abilities and identities. We strive to:

- enable all members of the Jewish community to participate in sport and active recreation;
- ensure that Maccabi reflects the diversity of the communities in which we live; and
- work towards supporting and developing staff, volunteers, boards, clubs, programs and offerings where everyone can be included.

### MEMBER PROTECTION POLICY: discrimination, harassment and bullying and other behavioural issues

Maccabi opposes all forms of unlawful discrimination, harassment, and bullying. We require that our Participants do not engage in these types of behaviour towards people with whom they interact at Maccabi.

If any person feels they are being harassed, discriminated against, bullied, victimised or vilified by another person or body bound by the Integrity Policies, they should refer to the grievance and complaint handling procedures outlined in Chapter 8 of the Handbook.

### DISCRIMINATION

Unlawful discrimination and harassment can include:

- treating or proposing to treat one person less favourably than another because of a particular protected characteristic ("**direct discrimination**");
- imposing or intending to impose a requirement, condition or practice which may appear to be fair but which has an unequal or disproportionate effect on people with a particular protected characteristic ("**indirect discrimination**"); or
- any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone or computer.

Requesting, assisting, instructing, inducing or encouraging another person to do something that is unlawful discrimination, or harassment may also be against the law.

Relevant **Protected Attributes** (or **characteristics**) covered by anti-discrimination laws across Australia include:

- sex or gender;
- gender identity/transgender status;
- sexual orientation; and
- marital status or relationship status;
- parental/family/carers responsibility and status;
- pregnancy and breast feeding;
- race or national or ethnic origin;
- age;
- disability;
- religious beliefs or activity;
- political beliefs or activity;
- social origin and social class.

Unlawful discrimination and harassment are not permitted at work (including in volunteer activities and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; when selecting a person for competition or a team (domestic or international); and in relation to membership of clubs and organisations.

There are some exceptions to anti-discrimination law, including for example:

- it is permissible to hold a competitive sporting activity for a single gender in some circumstances – e.g. for particular ages and where strength, stamina or physique is relevant; and
- it is permissible not to select a person if that person's disability means they are not reasonably capable of performing the actions reasonably required for that particular sporting activity.

## HARASSMENT

Harassment is any type of behaviour that is unwelcome and of a type that a reasonable person would recognise is likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is a form of unlawful discrimination – that is, harassment that targets a person based on one of 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 this includes conduct via electronic communication..

It can include 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
- harassing someone (for example by teasing them or excluding them) because of their gender
- asking intrusive questions about someone's personal life.

## SEXUAL HARASSMENT

Sexual harassment is harassment that involves behaviour of a sexual nature. 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.

An example of victimisation is 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

Vilification is a public act which incites 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.

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 teammates.

## BULLYING

Bullying is defined in safety laws as repeated and unreasonable behaviour that creates a risk to someone's physical or psychological safety.

Bullying can have long-term effects on those affected, including bystanders. It has the potential to cause great anxiety and distress.

Maccabi regards bullying in all its forms as unacceptable, and prohibits bullying at or in connection with events Maccabi is involved in.

Bullying behaviour can include:

- **physical bullying:** kicking, punching, pushing, shoving, jostling, pinching or spitting; damaging or destroying someone's property; unwelcome physical intimidation, such as gestures or staring;
- **verbal bullying:** offensive or abusive comments, sarcasm, teasing, rude jokes and comments; verbally ridiculing someone's appearance, actions or beliefs; teasing, sledging or otherwise putting someone down; obscene or threatening phone calls and other forms of verbal intimidation;
- **social bullying:** excluding someone; spreading rumours or gossip or writing graffiti about someone; giving them impossible or meaningless work tasks or undermining work performance by deliberately withholding information;
- **cyber-bullying:** bullying that takes place digital devices like mobile phones, computers, and tablets Cyberbullying can occur through SMS, text, and apps, or

online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying behaviour might include:

- abusive texts and emails;
  - hurtful messages, images or videos;
  - imitating, excluding or humiliating someone online;
  - spreading nasty online gossip and chat; or
  - creating fake accounts to trick someone or humiliate them;
- **emotional bullying:** instilling fear in someone, extortion (forcing someone to hand over money, food or other possessions), forcing someone to do your work.

Conduct that is not bullying includes:

- legitimate comment and advice, including relevant feedback, coming from an appropriate person (e.g. Club President or Coach);
- respectful conflict or disagreement; and
- children not getting along well.

Bullying may also be unlawful harassment or discrimination if it is linked to, or based on, one of the Protected Attributes covered by Australian laws, such as a person's age, sex, race or disability.

In some cases, bullying can be a criminal offence (including under safety laws) punishable, amongst other things, by imprisonment – in which case, it should be dealt with and reported in the same manner as any other criminal offence.

You can report incidents of cyberbullying and image-based abuse to the eSafety Commissioner at <https://www.esafety.gov.au/>