



HARASSMENT AND DISCRIMINATION

Premier Clubs, Community Cricket Peak Bodies, Regions and Affiliated Clubs and Associations oppose all forms of Harassment, as defined by clauses 9 and 10 of Cricket Victoria's Member Protection Policy By-law that reads:

9. WHAT IS HARASSMENT?

9.1 Harassment is any behaviour by a person or organisation to whom this By-law applies which is offensive, abusive, belittling or threatening and which is directed at a person or a group of people because of a particular characteristic of that person or group of people. The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Whether or not the behaviour is Harassment is to be determined from the point of view of the person receiving the Harassment.

9.2 Harassment includes:

- (a) Sexual Harassment (clauses 9.3 to 9.6);
- (b) Racial Harassment (clauses 9.7 and 9.8);
- (c) Sexuality Harassment (clauses 9.9 to 9.11);
- (d) Disability Harassment (clauses 9.12 and 9.13);
- (e) Abuse (clauses 9.14 to 9.17);
- (f) Vilification (clauses 9.18 and 9.19); and
- (g) Discrimination (clause 10).

9.3 Sexual Harassment includes:

- (a) an unwelcome sexual advance;
- (b) an unwelcome request for sexual favours; or
- (c) unwelcome conduct of a sexual nature (including a statement, orally or in writing, of a sexual nature),
in circumstances where a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated.

9.4 Sexual Harassment is often, but need not be, behaviour which either:

- (a) involves blackmail, in that the harassment is accompanied by a direct or implied threat, promise or benefit. For example, a coach who implies that a player's selection to a team is dependent on compliance with a sexual proposition; or
- (b) creates a hostile or sexually permeated environment, in that the harassment consists of crude remarks, jokes, the display of offensive material or makes the environment uncomfortable.

9.5 Examples of Sexual Harassment may include:

- (a) uninvited touching, kissing, embracing, massaging;
- (b) staring, leering, ogling, whistling;

- (c) smutty jokes and comments;
- (d) persistent or intrusive questions about people's private lives;
- (e) repeated invitations to go out, especially after prior refusal;
- (f) the use of propositions, promises or threats to coerce someone into sexual activity or in return for sexual favours;
- (g) the display of sexually explicit material eg internet use, computer screen savers, calendars, posters, sms text phone messages;
- (h) the circulation of sexually explicit or sexually inappropriate material;
- (i) getting undressed in front of others of the opposite sex;
- (j) invading the privacy of others while undressing, showering or toileting;
- (k) photographing others while undressing, showering or toileting;
- (l) offering sexual favours;
- (m) sex-based insults, taunting, name-calling, innuendos; and
- (n) engaging in behaviour which is sexually embarrassing, humiliating or intimidating.

9.6 Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, obscene telephone calls or letters. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.

9.7 Racial Harassment includes harassment based on colour, descent, national or ethnic origin, cultural activity and sometimes religion.

9.8 Examples of Racial Harassment include:

- (a) jokes in which race is a significant characteristic of the "butt" of the joke;
- (b) hostile comments about food eaten, dress or religious or cultural practices;
- (c) inferences that all members of a racial or cultural group have particular negative characteristics, such as laziness, drunkenness, greed or sexual promiscuity; and
- (d) parodying accents.

9.9 Sexuality Harassment includes harassment based on actual or assumed homosexuality, heterosexuality, bi-sexuality or transexuality.

9.10 Examples of Sexuality Harassment include:

- (a) jokes in which sexuality is a significant characteristic of the "butt" of the joke;
- (b) hostile comments about actual or assumed sexual practices or social activities; and
- (c) hostility based on actual or assumed AIDS or HIV infection.

9.11 In severe cases, such as threats or acts of violence against a person based on their sexuality, Sexuality Harassment may be a criminal offence. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.

9.12 Disability Harassment includes harassment based on physical, mental or psychological disability or harassment of an associate or aide of a person with a disability.

9.13 Examples of Disability Harassment include:

- (a) jokes where a particular disability is a significant characteristic of the “butt” of the joke;
- (b) interfering with a disability aid (eg hearing aid);
- (c) obstructing a person in a manner that compounds his or her disability (eg putting obstacles in the path of a person with a vision impairment); and
- (d) mocking a person’s disability.

9.14 Abuse is a form of Harassment. It includes:

- (a) physical abuse (eg assault);
- (b) emotional abuse, (eg blackmail, repeated requests or demands);
- (c) neglect (eg failure to provide the basic physical and emotional necessities of life); and
- (d) abuse of power, which the harasser holds over the harassed.

9.15 Examples of relationships in sub-clause 9.2(d) that involve a power disparity include a coach-player, manager-player, employer-employee, doctor-patient. People in such positions of power need to be particularly wary not to exploit that power.

9.16 Examples of Abuse includes verbal and/or physical abuse (including bullying, humiliation and insults) by any of the following to any of the following:

- (a) players;
- (b) parents of players;
- (c) coaches;
- (d) team personnel;
- (e) spectators;
- (f) umpires; and
- (g) any other person acting in an official capacity.

9.17 Some forms of Abuse may constitute a criminal offence, for example assault and child abuse. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.

9.18 Vilification involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by public act. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public. Vilification is a breach of this By-law where it is based on any of the attributes or characteristics set out in clause 10.2.



9.19 Some forms of Vilification may be a criminal offence, for example where harm is threatened. If you believe that a criminal offence may have been committed you should seek legal advice and/or notify the police.

9.20 Premier Clubs and Community Cricket Peak Bodies take the view that intimate relationships between coaches and players, while not necessarily constituting Harassment, can have harmful effects on the individual player involved, on other players, and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and players 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 that a player attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

10. WHAT IS DISCRIMINATION?

10.1 Discrimination is treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have.

10.2 The applicable attributes or characteristics are:

- (a) age;
- (b) disability;
- (c) marital status;
- (d) parental/Carer status;
- (e) physical features;
- (f) political belief/activity;
- (g) pregnancy;
- (h) race;
- (i) religious belief/activity;
- (j) sex or gender;
- (k) sexual orientation; and
- (l) transgender orientation.
- (m) Social origin; and
- (n) trade union/membership or activity.

10.3 The areas in which Discrimination under this By-law are not permitted are in:

- (a) employment or engagement (whether paid or unpaid) by Premier Clubs, Community Cricket Peak Bodies, Regions or Affiliated Clubs and Associations;
- (b) the provision of goods and services by Premier Clubs, Community Cricket Peak Bodies, Regions or Affiliated Clubs and Associations;



(c) the selection or otherwise of any person for competition or a team (domestic or international) by or on behalf of Premier Clubs, Community Cricket Peak Bodies, Regions or Affiliated Clubs and Associations;

(d) the entry or otherwise of any player or other person to any competition held or sanctioned by Premier Clubs, Community Cricket Peak Bodies, Regions or Affiliated Clubs and Associations (note the exception in clause 10.9);

(e) obtaining or retaining membership (including the rights and privileges of membership) of Premier Clubs, Community Cricket Peak Bodies, Regions or Affiliated Clubs and Associations.

10.4 Not only is Discrimination unlawful, but Premier Clubs, Community Cricket Peak Bodies, Regions and Affiliated Clubs and Associations also consider it is wrong because it denies people a chance by judging them on the basis of stereotypes or assumptions about what they can or cannot achieve.

10.5 Discrimination includes direct Discrimination and indirect Discrimination. Direct Discrimination occurs if a person treats, or proposes to treat, someone with an attribute or characteristic (as outlined in clause 10.2) less favourably than the person treats or would treat, someone without that attribute or characteristic, in the same or similar circumstances. Indirect Discrimination occurs where a person imposes or intends to impose a requirement, condition or practice which on its face is not discriminatory, but has the effect of discriminating against a person(s) with a particular attribute or characteristic as outlined in clause 10.2.

10.6 Discrimination also includes victimisation. Victimisation is where a person is subject to, or is threatened to suffer, any detriment or unfair treatment, because that person has or intends to pursue their legal rights under anti-harassment legislation or under this By-law.

10.7 Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination, is also Discrimination.

10.8 Any behaviour or conduct that is discrimination under any Federal or State legislation is also Discrimination for the purposes of this By-law.

10.9 Discrimination under this By-law may be permitted if an exemption under the applicable Federal or State legislation applies.