



REGULATION H: 3.2
Anti-Bullying and Harassment Policy

Summary

This Policy provide information about:

➤ **Regulation H – 3.2 Anti-Bullying and Harassment Policy**

that the Joint Zone Associations Competitions will operate under.

The Regulations, Procedures and Policies in conjunction with the Constitution and By-Laws of the Zone Association shall, with the approval of NSW Football and duly Registered with FA, apply from the date of approval and shall take precedence over any previous Regulations of the Zone Association.

Issued by the Joint Board of Directors of Macquarie Football, Newcastle Football, and Hunter Valley Football.

Issued: **February 2024**

Review: **January 2025**

Contents	Page
1 INTRODUCTION	3
2 BULLYING - GENERAL	3
3 SIGNS AND INDICATORS OF BULLYING	5
4 HARASSMENT - GENERAL	6
5 TYPES OF HARASSMENT	6
5.1 SEXUAL HARASSMENT	6
5.2 SEX-BASED HARASSMENT	8
5.3 RACIAL HARASSMENT	8
5.4 SEXUAL ORIENTATION	8
6 IMPACT OF HARASSMENT	9
6.1 IMPACT	9
6.2 EFFECTS OF HARASSMENT	10
6.3 MULTI-FACET HARASSMENT	10
7 LEGAL POSITION OF HARASSMENT	10
7.1 AUSTRALIAN LAW	10
7.2 STATES/TERRITORIES LAW	11
7.3 PROVISIONS ON RACIAL HARASSMENT IN ANT-DISCRIMINATION LAW	11
7.4 PROVISIONS ON SEXUAL HARASSMENT IN SEX DISCRIMINATION LAW	11
7.5 VICARIOUS LIABILITY	12
8 INTIMATE RELATIONSHIPS	12
9 POLICY CHECKLIST	13
9.1 POLICY CHECKLIST	13
9.2 ATI-BULLYING AND HARASSMENT PROGRAM	13
10 BULLYING AND HARASSMENT REPORTING PROCESS	14
RESOURCES	14

1.0 INTRODUCTION

This Policy is part of the Member Protection Policy, and it aims to prohibit any form of Bullying and Harassment in football, and to ensure that a Member is able to understand how to report Bullying or Harassment.

It is also intended to complement, operate in conjunction with the Joint Zone Associations Member Protection Policy and any applicable legislation.

It's essential Member Clubs of the Joint Zone Associations work towards building an anti-bullying, harassment-free culture, inclusive and respectful sporting environment to ensure the enjoyment of sport and in particular football by all involved.

“Everyone involved in our sport should be treated with respect and dignity and be free to participate without being discriminated against, harassed, bullied, or abused.”

(Football Australia's National Member Protection Framework: Safeguarding Policy – December 2020)

The Joint Zone Associations Codes of Behaviour Policy requires our Member Clubs and its members to be inclusive and respect other Players, Parents, Guardians, Caregivers, Team Officials, Match Officials, Club Officials, Zone Association Officials, community members, and to not abuse, bully, harass, or discriminate against anyone in our Football environment.

Everyone have a right to feel safe and to be treated fairly and respectfully.

Bullying or harassment can be a violation of these rights.

In NSW, it is against the law to harass a person on the basis of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, or carer's responsibilities.

All forms of bullying behaviour including online (or cyber) bullying and any kind of harassment will not be tolerated by the Joint Zone Associations and its Members.

2.0 BULLYING - GENERAL

Bullying can be defined as when people or an individual repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing.

These actions are usually done by people or a person who have more influence or power over people or someone else who are less powerful or in a position of vulnerability and feel helpless.

Bullying may be a serious or repeated behaviour or conduct, or it may be a single incident.

Bullying is not the same as conflict between people or a person (like having a fight) or disliking someone, even though people or a person might bully each other because of conflict or dislike.

The recipient(s) may feel victimised, humiliated, threatened, degraded, offended, intimidated, unsafe, or uncomfortable if experiencing any form of bullying, it can cause significant harm to the safety and wellbeing of the recipient(s). Bullying may also manifest in a variety of often interrelated forms, which may include but are not limited to:

- a. ***verbal*** (such as name calling; putting that person or people down; or making threats)
- b. ***physical*** (such as hitting or punching, kicking, or spitting)
- c. ***social*** (such as exclusion or isolation; ostracising or alienating a person or people)
- d. ***psychological*** (such as spreading rumours; embarrassing someone in public or in front of their peers; hiding or damaging that person's or people's possession; or stalking) ***Football Australia's Member Protection Framework – December 2020***
- e. ***cyberbullying*** (using technology to target or Bully another person or group of people and may include harassment; threats; embarrassment; humiliation; or the spreading of rumours).

Inappropriate behaviour and conduct in the form of certain Bullying may also be unlawful, particularly where it involves physical assault, harassment, discrimination, or if it contributes to a psychological injury.

The sort of repeated behaviour that can be considered bullying includes:

- Keeping someone out of a group (online or offline)
- Acting in an unpleasant way near or towards someone
- Giving nasty looks, making rude gestures, calling names, being rude and impolite, and constantly negative teasing.
- Spreading rumours or lies, or misrepresenting someone (i.e., using their Facebook account/social media to post messages as if it were them)
- Mucking about that goes too far
- Harassing someone based on their race, sex, religion, gender, or a disability
- Intentionally and repeatedly hurting someone physically
- Intentionally stalking someone
- Taking advantage of any power over someone else like a Player, Club Official, or a Team Official.

Bullying can happen anywhere.

It can be in schools, at home, at training, at Match day, in online social spaces, via text messaging or via email.

Bullying can be physical, verbal, emotional, and it also includes messages, public statements and behaviour online intended to cause distress or harm (also known as *cyberbullying*).

Bullying behaviour has three key features:

- It involves the intentional misuse of power in a relationship.
- It is ongoing and repeated, and
- It involves behaviours that can cause harm.

But no matter what form bullying takes, the results can be the same: severe distress and pain for the person being bullied.

3.0 SIGNS AND INDICATORS OF BULLYING

(Football Australia's Member Protection Framework – December 2020)

A person who is being bullied may not always ask for assistance or support as they may feel threatened, afraid, ashamed, weak, or embarrassed.

Therefore, it is important to ensure that all Members are aware of the signs of Bullying to assist in stopping this conduct or behaviour and preventing it occurring in football.

The signs of Bullying can include, but are not limited to:

- * loss of interest or reduction in participation in positive activities or activities previously enjoyed, such a sport,
- * avoiding social situations or activities,
- * alienated from certain social or shared activities,
- * unexplained injuries,
- * clothing or other personal possession are missing or are damaged,
- * repeatedly 'loses' money or possession,
- * subdued or changed behaviour in the presence of certain individual(s),
- * sudden changes in behaviour,
- * difficulty concentrating or completing tasks,
- * sudden changes in physical abilities or performance,
- * isolation from family, peers, and/or social networks,
- * developing an eating problem,
- * withdrawn or isolated,
- * difficulty sleeping or sleep disorders,
- * anxiety; and
- * depression.

4.0 HARASSMENT - GENERAL

The Anti-discrimination law defines harassment as:

- any form of behaviour that you do not want, offends, humiliates, or intimidates you or creates a hostile environment.

Harassment consists of offensive, abusive, belittling, or threatening behaviour directed at a person or group, usually because the person or group is different or perceived to be different from the harassing person.

The difference may be in gender, race, disability, sexual orientation, age, power (relative to the harasser) or some other feature.

Harassment is behaviour which is unwelcome, and which would be reasonably expected to be upsetting to the person or group to whom it is directed.

Harassment in football must not be confused with legitimate comment and advice (including relevant negative comment or feedback) by coaches or managers on training routines or player performance or on the work of football related behaviour of an employee or player.

Feedback differs from harassment in that it is intended to assist the employee or player to improve performance, skill level or the standard of his/her behaviour.

A reasonable person would be likely to recognise or construe any behaviour or conduct as being unwelcome and likely to cause the recipient to feel or be offended, humiliated, threatened, or belittled as Harassment.

Harassment may be unlawful, it depends on the type of behaviour or conduct and the surrounding circumstances, as there are a range of Commonwealth and State legislation that protects individuals and groups against such behaviour or conduct.

In particular, the law protects against:

- a. Harassment that targets or has a consequential adverse impact on an individual or a group of people because of a personal characteristic or attribute that is protected by State or Commonwealth anti-discrimination laws; and
- b. sexual harassment, which is one type of Harassment.

It relates to a wide range of unwelcome behaviour and conduct that is of a sexual nature, such as but not limited to comments, remarks or innuendo and can be verbal, written, visual or physical.

5.0 TYPES OF HARASSMENT

5.1 SEXUAL HARASSMENT

- a. The definition of sexual harassment will remain the same as it is in the Sex Discrimination Act.

Sexual harassment includes making an unwelcome sexual advance or request for sexual favours or engaging in other unwelcome conduct of a sexual nature, and in circumstances that a reasonable person would anticipate the possibility of “offending, humiliating or intimidating” the other person or group for whom it is directed.

- b.** Sexual harassment may involve physical contact, verbal remarks, or non-verbal conduct of a sexual nature; it may be explicit or implicit.

It may take many different forms, including, but not limited to:

- * uninvited touching, kissing, embracing, massaging,
 - * smutty jokes and comments,
 - * propositions, promises, or threats in return for sexual favours,
 - * the creation of a hostile or sexually permeated environment by constant inappropriate references to sexual matters, persistent or intrusive questions about a person’s private life, the display of sexually explicit material (posters, cartoons, graffiti) or by the use of offensive e-mail, SMSs, or social media messages,
 - * sexually graphic material,
 - * staring, leering, ogling,
 - * sex-based insults, taunts, name-calling,
 - * repeated invitations to go out, especially after prior refusal.
- c.** Behaviour that may be acceptable socially or in private life may well be quite inappropriate in a sporting context.
- d.** Sexual harassment may also involve indecent exposure, sexual assault, obscene telephone calls, letters, emails, and other electronic media – these are criminal offences and should be reported to the police.
- e.** An important point to understand is that sexual harassment is not as much about sex or sexual attraction as it is about a person inappropriately exercising power over another person.

Sexual harassment is about abuse of power.

- f.** Sexual harassment is an abuse of power particularly relevant in the coach/player relationship.

Coaches have considerable personal power over a player.

As all forms of abuse have at their centre the exploitation of a power differential, the coach/player relationship can be a cause for concern.

5.2 SEX-BASED HARASSMENT

- a. Sex-based harassment is unpleasant behaviour directed at a person simply because of his/her sex.
- b. Examples of sex-based harassment include (but are not limited to):
 - * sex-based insults, taunts, name-calling,
 - * comments that a person cannot or should not participate in particular grade of football or do a particular job because of biological or emotional differences allegedly affecting the person's capacity to do so,
 - * displays and behaviour which set out to offend or exclude women or men from a particular grade of football or particular work area.

5.3 RACIAL HARASSMENT

- a. Racial harassment is an incident, or a series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality, and a racist incident is any incident that is perceived to be racist by the victim or any other person.
- b. Examples of racial harassment behaviour include but is not limited to:
 - * jokes or hostile comments about food eaten,
 - * inferences that all members of a racial or cultural group have a particular negative characteristic, such as laziness, drunkenness, greed, or sexual promiscuity.
 - * Derogatory name calling.
 - * Verbal threats, insults, and racist jokes.
 - * Display of racially offensive material.
 - * Exclusion from normal workplace conversation or activities.
 - * Physical attack.
 - * Encouraging others to commit any such acts.

5.4 SEXUAL ORIENTATION

One of the things that make up our identity is sexuality or sexual orientation.

This is who we are attracted to romantically (who you love or sometimes called emotional attraction) and sexually (who we have sexual feelings for or sometimes called physical attraction).

Sexuality is on a spectrum; at one end some people might feel attraction only or mostly for people who are the same gender as them (these people may identify

as gay or lesbian). At the other end of the spectrum people might be attracted to only or mostly the opposite gender to themselves (these people may identify as straight or heterosexual).

People can exist anywhere along this spectrum, as some people can be attracted to multiple genders (these people may choose to identify as bisexual or pansexual). There are also people who might not feel any physical or romantic attraction to other people (these people may identify as asexual and/or aromantic).

Sexuality is about understanding the sexual feelings and attractions we feel towards others, it is not necessarily about who we happen to have sex with.

There are lots of ways to describe sexuality (and gender), many of the above labels are captured by the term LGBTIQA+ (which also includes gender identity).

'LGBTIQA+' is an evolving acronym that stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual.

- a. Harassment on the grounds of sexual orientation or sexuality is unpleasant treatment of homosexual or bisexual persons or the LGBTIQA+ community or of persons assumed to be homosexual or bisexual.
- b. Examples of sexual orientation harassment include, but are not limited to:
 - * taunts and negative comments about a person's sexual orientation,
 - * taunts and negative comments about a person's assumed sexual practices,
 - * taunts and negative comments about a person's assumed HIV/AIDS infection status.
- c. In severe cases of sexual orientation harassment, this can mean threats and acts of violence against a homosexual person.

These constitute criminal offences and should be dealt with by the police.

6.0 IMPACT OF HARASSMENT

6.1 IMPACT

Harassment can occur at any level and may be experienced by all sexes.

However, because of the unequal power relations between the sexes in our society, women and girls are more often the recipients of this behaviour, particularly of sexual harassment.

6.2 EFFECTS OF HARASSMENT

Harassment in any form which is not properly addressed, can have any or all of the following effects on the individual or group, but it is not limited to these:

- * interferes with and affect an individual's health,
- * reduce productivity and effectiveness,
- * reduce job and sporting opportunities,
- * undermine self-esteem,
- * diminish work, academic and sporting performance,
- * create significant family and personal problems,
- * results in a complete withdrawal from sporting and social activities,
- * create a hostile or unpleasant environment,
- * create low morale in an organization,
- * increases turnover of staff and volunteers,
- * increases an organisation's liability, insurance, and legal costs,
- * diminishes the reputation and image of the organization in the community.

6.3 MULTI-FACETED HARASSMENT

A person may be the recipient of more than one form of harassment.

It is possible for harassment based on racial or ethnic background or disability to be overlaid by sexual harassment.

Those persons responsible for dealing with such incidences should recognize the 'double disadvantage' which the recipients of such behaviour suffer.

The need to act quickly, effectively, and sensitively is even more important in such situations.

7.0 LEGAL POSITION OF HARASSMENT

7.1 AUSTRALIAN LAW

Under Australian Law, harassment can be against the law when an individual is treated less than favourable on the basis of certain personal characteristics, such as sex, race, colour, age, religion, disability, marital or family status, pregnancy, breastfeeding, sexual orientation, gender identity or inter sex status.

Some limited exemptions and exceptions apply.

Relevant Commonwealth legislation includes:

- * Criminal Code Act 1995
- * Family Law Act 1975

- * Racial Discrimination Act 1975
- * Sex Discrimination Act 1984
- * Disability Discrimination Act 1992

7.2 STATE/TERRITORY LAW

Harassment on some or all of these grounds - sex, race, colour, age, religion, disability, marital or family status, pregnancy, breastfeeding, sexual orientation, gender identity or inter sex status is also prohibited by anti-discrimination laws which exist in all States and Territories.

Relevant State legislation includes:

- Crime (Domestic and Personal Violence) Act 2007 (NSW)

7.3 PROVISIONS ON RACIAL HARASSMENT IN THE ANTI-DISCRIMINATION LAW

A number of provisions of the Racial Discrimination Act 1975 cover racial harassment.

Section 9 (1) states:

“It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin of a person which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, or an equal footing of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.”

7.4 PROVISIONS ON SEXUAL HARASSMENT IN THE SEX DISCRIMINATION LAW

Sexual harassment is defined in section 28A of the Sex Discrimination Act (1984):

“... a person sexually harasses another person (the ‘person harassed’) if:

- (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or*
- (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.*

‘Conduct of a sexual nature’ includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.”

7.5 VICARIOUS LIABILITY

It is general legal principle that an individual is personally liable for his/her own unlawful acts.

However, employers can be held liable for wrongs committed by employees in the course of work, even if there is no deliberate contribution to the wrongful act on the part of the employer.

Similarly, organizations on whose behalf a person is acting can be held liable for the behaviour of that person.

This is referred to as vicarious liability.

This means that if an employee harasses Players, Club Officials, Match Officials, Team Officials or other staff in the workplace, the employer can be held legally responsible and may be liable to pay damages.

It also means that if someone representing a sporting organization, even in a voluntary capacity, harasses a player, a staff member or anyone else encountered in the course of carrying out that role, the organization can be held liable.

8.0 INTIMATE RELATIONSHIPS

A particular area of concern with regard to coach/player relationships is the issue of consenting sexual relationships between coach/manager (Team Officials) and player.

Not every intimate relationship between a Team Official and a player is based on an abuse of power; however, such relationships are a danger area as this may constitute harassment.

This is due to the usually great disparity between a Team Official and a player in terms of authority, maturity, status, and dependence, even if the player has reached the age of consent.

Intimate relationships between Team Officials and adult players, while not against the law, can have harmful effects on the individual player involved, on the other players, Club officials, Team Officials and on the image of the sport.

Because there is always a risk that the relative power of the Team official/coach has been a factor in the development of such relationships, Team officials/coaches are advised to avoid sexual relationships with players altogether, regardless of their age.

Other professionals who have responsibility for the physical and mental well-being of their clients, such as doctors and counsellors, have adopted and work to similar ethical requirements.

On the question of a Team official's responsibility when a sexual relationship is initiated by a player, Team officials should take personal responsibility to discourage such relationships, explaining the ethical basis for such action.

All Team Officials are responsible for setting and maintaining appropriate boundaries between themselves and their players.

It must be pointed out that the law is always the minimum standard for behaviour and that sex with a minor is illegal.

9.0 POLICY CHECKLIST

9.1 POLICY CHECKLIST

It is recommended that an anti-bullying and anti-harassment policy contains the following:

- * a statement setting out what persons and situations that are covered by the policy
- * an outline of the organisation's objectives and strategies regarding harassment
- * explanation of the options available for dealing with bullying and harassment – an effective, understandable, and manageable internal complaint mechanism which fairly balances the rights of both the complainant and the alleged harasser.
The mechanisms should include options for informal and formal resolution of complaints.
- * a declaration of the sport organisation's commitment to take appropriate disciplinary action whenever a complaint of bullying or harassment is substantiated
- * a parallel provision for taking disciplinary action against those who bring false, vexatious, or frivolous charges of bullying or harassment
- * assurances of confidentiality to both complainant and respondent
- * information on where individuals can get help, advice or make a complaint

9.2 ANTI-BULLYING AND HARASSMENT PROGRAM

The anti-bullying and harassment policy is just one element of an overall Football Member Protection assessment program, which includes:

- * applying the policy consistently,
- * monitoring the policy's effectiveness,
- * where needed, providing training to those involved in implementing the policy,
- * educating all of the organisation's employees and members about bullying and harassment issues.

Football organizations should concentrate on the training and education elements of the anti-bullying and harassment program so that they are in place by the time the policy takes effect, or shortly thereafter.

To ensure that these things happen, responsibility for the maintenance and circulation of the policy should be allocated to a specific senior position and included as an agenda item on pre-season Zone Association Member Club meetings.

10.0 BULLYING OR HARASSMENT REPORTING PROCESS

10.1 REPORTING (*As per Regulation H*)

Each Member Club/Association under the Member Protection policy are required to appoint a Member Protection Information Officer (**MPIO**).

A MPIO is generally the first point of contact for persons with member protection or bullying and harassment enquiries or complaints.

The MPIO provides information and guidance on complaints procedures – they are the ‘go to’ person if you want to discuss bullying or harassment problems at your club/association.

MPIOs provide information to participants about the options available to them about bullying or harassment.

A Member Protection Information Officer (MPIO) provides information to participants about the rights, responsibilities, and options available to an individual making an enquiry or complaint about bullying or harassment matters.

MPIOs can also provide information to clubs about member protection, related issues, and policies. (*Refer to Regulation H Section 9 and 10 plus Attachment 2 and 3*)

More serious complaints of bullying or harassment may be escalated to Zone Association, NSW Football or Football Australia.

RESOURCES:

[Kids Help Line](#) (1800 55 1800)

Reachout: [When Life Doesn't Go To Plan](#)

Australian Human Rights Commission: [Harassment and Bullying Factsheet](#)

Harassment and Discrimination Course: [Sport Integrity Australia](#)

Bullying No Way: [Understanding Bullying](#)

Workplace Bullying: [SafeWork NSW](#)

LGBTIQA+ [Glossary of common terms](#)

Approved and Issued: February 2024

Assessment/Review: **January 2025**