

---

## Policy – Anti Harassment

### 1. Policy statement

The Football Federation Northern Territory Incorporated is committed to providing a sport and work environment free of harassment. We believe that anyone who works for us or represents us, and everyone, with whom we deal, has the right to be treated with respect and dignity. Football Federation Northern Territory Incorporated will not tolerate harassment in our organisation. We will take all complaints of harassment seriously, and will ensure they are dealt with promptly, seriously, sensitively and confidentially. Disciplinary action can be taken against a person who is found in breach of this policy.

### 2. Application of policy

2.1 This policy applies to all athletes, coaches, employees, administrators, officials, volunteers and members of the Football Federation Northern Territory Incorporated.

2.2 This policy applies to behaviour occurring both within and outside the course of the Football Federation Northern Territory Incorporated business, activities and events, when the behaviour involves individuals associated with the Football Federation Northern Territory Incorporated and negatively affects relationships within our sport and work environment.

2.3 This policy applies to harassment occurring between any participants in the organisation. Harassment may occur from, but not limited to:

- coach to athlete
- athlete to athlete
- administrator to employee
- athlete to coach
- administrator to coach
- coach to coach
- coach to administrator
- athlete to administrator.

### 3. Unlawful harassment

Sexual harassment and various other forms of harassment are unlawful under federal and state/territory anti-discrimination laws applying to the Football Federation Northern Territory. People engaging in harassment can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or which they represent. For this reason, the Football Federation Northern Territory Incorporated has a legal responsibility to ensure that harassment does not occur in the course of any of our activities.

## 4. Definitions

The definition of harassment immediately following has been adopted by the Football Federation Northern Territory Incorporated for the purpose of this policy. It includes but goes beyond what is prohibited by law and does not distinguish between the various different types of harassment.

- 4.1 General Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, because of a particular characteristic of that person or people (including the person or peoples' level of empowerment relative to the harasser). The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as unwelcome and likely to cause the person to feel offended, humiliated or intimidated.
- 4.1 The particular form of harassment known as sexual harassment is variously defined in federal and state/territory legislation. The Sex Discrimination Act 1984 (Commonwealth) provides that:
- 4.2 Sexual harassment 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 unwelcome conduct of a sexual nature in relation to the person harassed;
  - (c) 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
  - (d) '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.
  - (e) Sexual harassment is included within the general definition of harassment referred to in paragraph 4.1
- 4.3 Behaviour constituting harassment can take many different forms and may be explicit or implicit, physical, verbal or non-verbal. Examples include, but are not limited to:
- abusive behaviour aimed at humiliating or intimidating someone in a less powerful position
  - jokes or comments directed at a person's body, looks, age, race, religion, sexual orientation or disability
  - unwelcome remarks including teasing, name-calling or insults
  - innuendo or taunting
  - homophobic comments and/or behaviours
  - uninvited touching, kissing, embracing or massaging

- unwelcome staring, leering or ogling
- unwelcome smutty jokes and comments
- unwelcome persistent or intrusive questions about people's private lives
- repeated invitations to go out, especially after prior refusal
- unwelcome sexual propositions
- the use of promises or threats to coerce someone into sexual activity
- the creation of a hostile or sexually permeated environment by constant inappropriate references to sexual matters, the display of sexually explicit material (posters, cartoons, graffiti) or by the use of offensive e-mail, faxes, letters or notes
- sexual insults, taunts or name-calling.

4.5 Jokes and behaviour that are genuinely enjoyed and consented to by everyone present are not harassment. Sexual interaction or flirtation that is based on mutual attraction or friendship, and which is consensual or invited, is not sexual harassment. However, it is important to recognise that some people may accept or put up with behaviour they find harassing, especially if they hold a subordinate position relative to the group or individual engaging in the flirtatious or jovial behaviour. It is the responsibility of all people covered by this policy to err on the side of caution and to be sensitive to the impact of their behaviour, not just those to whom the behaviour is primarily directed.

## 5. Responsibilities

5.1 The Football Federation Northern Territory Incorporated is responsible for taking all reasonable steps to prevent harassment in our organisation and for ensuring our policy is well known throughout the organisation. This means we will take whatever steps necessary to ensure that everyone in the organisation knows:

- what harassment means
- that it is against the law
- that it will not be tolerated.

5.2 While the Chief Executive Officer has ultimate responsibility for ensuring the Football Federation Northern Territory Incorporated is free of harassment, a senior official will accept day-to-day responsibility for implementing this policy.

5.3 Administrators, officials, managers, supervisors and coaches have a direct responsibility to make sure that members, employees, volunteers and athletes know about this policy and adhere to it.

5.4 Members, employees, volunteers and athletes will be informed about this policy through information provided for these groups.

5.5 We are further responsible for ensuring that the policy and procedures are monitored and reviewed regularly.

- 5.6 It will be the responsibility of all employees, officials, coaches, volunteers, athletes and members to:
- comply with this policy
  - offer support to anyone who is being harassed and let them know where they can get help and advice
  - maintain complete confidentiality if they provide information during the handling of a complaint
  - providing information as part of a legitimate investigation process
  - avoid gossiping or spreading rumours about harassment. Such behaviour can result in legal action for defamation.
  - Intimate relationships
- 5.7 The Football Federation Northern Territory Incorporated takes the view that intimate sexual relationships between coaches and adult athletes, while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be exploitative because there is usually a disparity between coaches and athletes in terms of authority, maturity, status and dependence. Because there is always a risk that the relative power of the coach has been a factor in the development of such relationships, Football Federation Northern Territory Incorporated takes the position that such relationships should be avoided by coaches working at all levels. Other professionals, such as teachers, doctors and counsellors, are required when dealing with relatively vulnerable clients or students, to avoid sexual relationships with them.
- 5.8 Should a sexual relationship develop between an athlete and coach the Football Federation Northern Territory Incorporated will investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete. If it is determined that the sexual relationship is inappropriate, action may be taken to terminate the coaching relationship with the athlete. Action may include transfer, or if this is not feasible, a request for resignation or dismissal from employment/coaching duties.
- 5.9 In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the [organisation's] member protection officer (MPO) or implementation officer if they feel harassed.
- 5.10 The law is always the minimum standard for behaviour within the Football Federation Northern Territory Incorporated and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence.

## 6. Harassment complaints

- 6.1 We will deal promptly, seriously, sensitively and confidentially with any complaints about breaches of this policy.
- 6.2 We will ensure that appropriate complaints procedures are developed to handle harassment complaints. These will provide both formal and informal mechanisms for dealing with complaints. Please refer to [complaints procedures document] for details.
- 6.3 In the first instance, advice and assistance can be provided by MPOs that are selected/appointed by Football Federation Northern Territory Incorporated.

6.4 MPOs are able to offer help in several ways. They will usually:

- listen and provide moral support
- clarify whether the behaviour being experienced constitutes harassment, another form of unacceptable behaviour that requires other solutions, or legitimate supervisory/coaching behaviour
- if it appears that the conduct is harassment, explain the courses of action available to deal with the harassment, from informal/internal measures through to formal/external complaints
- give information, where appropriate, on self-help measures, such as the harassed person approaching the harasser and explaining that the behaviour is unacceptable and upsetting
- provide referral to other people or bodies charged with taking formal complaints
- accompany the person experiencing harassment to approach the harasser or to take other actions under internal or external complaints procedures
- follow up with the person, after appropriate action has been taken, to ensure that they are satisfied with the resolution.

6.5 Contact points for MPOs are as follows:

Kirsten Smooker  
Football Federation Northern Territory Incorporated  
GPO Box 3105  
Darwin NT 0801  
Phone: 8941 2444 b/h  
Fax: 8941 8644  
E-mail: [assistant@footballnt.com.au](mailto:assistant@footballnt.com.au)

6.6 While it is recommended that an MPO be approached in the first instance, the person experiencing harassment may also seek advice and support from another trusted person, for example:

- a supervisor, coach, manager
- a union representative

- an officer designated to take responsibility for resolving harassment complaints
- the Chief Executive Officer, as the signatory to the anti-harassment policy, or any other official of Football Federation Northern Territory Incorporated.

## **7. Informal resolution**

7.1 Informal resolution of complaints is the most common avenue for finding resolution. Informal solutions may occur to the complainant while he or she is talking to the MPO.

- These may then be carried out by the complainant with or without the assistance of the MPO.
- Resolution of complaints at this level allows for complete confidentiality for both parties and can sometimes result in an improved working relationship.

7.2 The second level of informal resolution involves mediation by a third party. The mediator may be a designated and trained officer, a director, president, coach or official agreed to by both parties for this purpose. It could also be a professional mediator operating in your region. Suggestions as to suitable people are held by the ASC.

## **8. Formal resolution**

8.1 The complainant may decide, however, after talking to the MPO or another person, or after informal resolution has failed, to go to the stage of lodging a formal written complaint. A mediator will be designated to receive formal written complaints about harassment all complainants should be addressed to:

Kirsten Smooker  
Football Federation Northern Territory Incorporated  
GPO Box 3105  
Darwin NT 0801  
Phone: 8928 1006 bh  
e-mail [assistant@footballnt.com.au](mailto:assistant@footballnt.com.au)

8.2 On receiving the complaint, the mediator will attempt to sort out the matter between the complainant and the alleged harasser by mediation, unless this is clearly inappropriate in the circumstances. If mediation fails, or is not attempted, the mediator involved in the case will provide information to the complainant about the external avenues for complaint.

8.3 A complainant can withdraw from the complaint process at any time. However, this does not absolve the Football Federation Northern Territory Incorporated from its obligation to pursue a complaint of harassment of a serious nature. The bottom line is that the Football Federation Northern Territory Incorporated has a legal responsibility to maintain a harassment-free work and sport environment. If a complainant does not wish to pursue a formal complaint, it is up to the mediator to determine if the alleged harassment is serious enough to warrant action by the organisation and whether that can be carried out without revealing the complainant's identity.

## **9. Right to appeal**

- 9.1 Both parties to the complaint have the right to appeal the decision and recommendation if a matter of procedure, bias or fairness is called into question. Formal appeals will be handled by an appeals panel made up of members other than those who formed the original review panel.

## **10. Disciplinary action**

- 10.1 The complainant can take disciplinary action against any person in the Football Federation Northern Territory Incorporated who is found to be guilty of harassment. The discipline would depend on the severity of the case and could involve counselling, compulsory education, a fine, suspension, dismissal or withdrawal of coaching/official accreditation.
- 10.2 The Football Federation Northern Territory Incorporated can also take disciplinary action against anyone who victimises a person who has complained of harassment. 'Victimisation' means discriminating against a person, or harassing or bullying them in any way because they exercised (or even considered exercising) their rights under the legislation. We will take similar disciplinary action against any person in the Football Federation Northern Territory Incorporated who is found to have victimised anyone in this way.
- 10.3 We will take similar disciplinary action against any person in the Football Federation Northern Territory Incorporated who is found to have made false, vexatious or frivolous charges of harassment.
- 10.4 Apart from these internal ways of making a complaint, complainants may, at any time, contact the relevant state/territory or federal anti-discrimination/human rights body for information or advice, or to lodge a complaint of discrimination. They may telephone, write or call [insert contact details of state/territory anti-discrimination body and the Commonwealth Human Rights and Equal Opportunity Commission].

The Board of Football Federation Northern Territory Incorporated accepts that the elimination of harassment leads to a more stable, productive and successful organisation.