



FINDING CONFIDENCE GROWING CHARACTER
Skills for Life

Member Protection Policy – Updated September 2022

1. Policy Statement

FCGC Inc. is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity. Discriminatory or harassment behaviour will not be tolerated under any circumstances and FCGC will take disciplinary action against anyone who breaches this policy.

FCGC is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in any activities run by the club. Accordingly, any person involved in the instruction, management or coaching of any member under the age of 18 years will be required to hold a current Working With Children (WWC) card and complete a child protection course.

2. Policy Application

This policy applies equally to all Members of FCGC whether they be employees, officers, administrators, volunteers, coaches, judges, athletes, family members or officials (Members).

This policy applies to all behaviour involving Members where this behaviour negatively affects relationships within the club's sport or work environment.

3. Policy Coverage

Discrimination and all forms of harassment are unlawful under federal, state and territory law. People engaging in such conduct 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 represent. For this reason, FCGC has a legal responsibility to ensure that discrimination or harassment does not occur in the course of any of the club's activities.

The law is always the minimum standard for behaviour within FCGC and therefore any criminal offence will be reported to the appropriate authorities.

3.1 Discrimination

- i. It is unlawful to treat anyone unfairly on the basis of various attributes or personal characteristics in key areas of public life.
- ii. A Member must not treat a person less favourably than another person on the basis of an attribute (such as race, sex, age, marital status, sexuality, pregnancy or intellectual or physical impairment) than someone else without that attribute in the same or similar circumstances.

10 Mitford Pde, West Footscray, 3012

9315 4010

E: info@fcgc.com.au

F: www.facebook.com/footscraycitygc

IG: @footscraycitygymnasticsclub



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- iii. Indirect discrimination is also unlawful. This means that a Member cannot impose a requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all the circumstances it is likely to be indirect discrimination, even if there was never any intention to discriminate.

3.2 Harassment

- i. Harassment can take many forms but can generally be defined as unwelcome verbal or written comments, conduct, or gestures directed toward an individual or group of individuals that the harasser knows, or should reasonably be expected to know, is insulting, intimidating, humiliating, malicious, degrading or offensive.
- ii. Sexual harassment is behaviour that has a sexual element, that is unwelcome and could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate or intimidate the person or people at whom it is directed.
- iii. A Member must not engage in any form of harassment, including:
 - a) Written, verbal or physical abuse or threats
 - b) Unwelcome physical conduct
 - c) The display of offensive materials
 - d) Promises or threats in return for sexual favours
 - e) Unwelcome sexual comments, jokes or propositions
 - f) Homophobic comments or behaviour
 - g) Jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status or pregnancy.

3.3 Intimate Relations

- i. FCGC takes the view that intimate sexual relationships between coaches and 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.
- ii. Given the fact that there is always a risk that the relative power of the coach has been a factor in the development of such relationships, FCGC takes the position that such relationships should be avoided by coaches working at all levels.

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- iii. Should a sexual relationship develop between an athlete and a coach, FC GC may refer this information to the Australian Gymnastics Federation which will investigate whether any action against the coach is necessary. 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 of the coach or, if this is not feasible, a request for resignation or dismissal from employment or coaching duties.
- iv. 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.
- v. The law is always the minimum standard for behaviour within the club and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence and will be reported to the appropriate authorities.

3.4 Victimisation

- i. A Member must not subject any person to victimisation
- ii. Victimisation means subjecting a person, or threatening to subject a person, to any detriment or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person.

3.5 Child Protection

- i. FC GC is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in any activities run by the club.
- ii. Specifically, FC GC considers that the health, safety and wellbeing of children takes priority over all other competing considerations. FC GC considers that this is necessary to ensure the health, safety and welfare of all members and to protect the image and reputation of the sport, the Organisation and its members.
- iii. GV has a zero tolerance to child abuse and is committed to promoting and protecting children from abuse and neglect to the greatest extent possible. All children have equal rights to protection from child abuse, regardless of their sex, religion, disability or sexual orientation etc.
- iv. Child protection is a shared responsibility between FC GC, its employees, workers, contractors, associates, parents/guardians, coaches, spectators, volunteers and members of the gymnastics community. Everyone that participates in FC GC's activities is responsible for the care and protection of children, and reporting information about child abuse.

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- v. FCGC supports the active participation of all children. It listens to their views, respects what they say and involves them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety).
- vi. FCGC also committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.
- vii. For further details on Child protection at FCGC please refer to FCGC's Child Protection Policy

4. Roles and Responsibilities

4.1 All Members must:

- a) Comply with this Policy
- b) Make complaints about a breach of the Policy in accordance with Footscray City Gymnastics Club's Complaint Management Procedures.
- c) Submit to the Complaints Management Procedures if an allegation is made against that Member.
- d) Not make any frivolous or vexatious claim that another person is in breach of this Policy
- e) Conduct themselves in a proper manner so as not to bring that Member, the Club or the sport generally into disrepute.

4.2 Administrators must ensure that the club:

- a) Provides and promotes an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and any supply of goods and services
- b) Distributes, promotes and implements this Policy and Complaint Management Procedures.
- c) Encourages reporting of discrimination, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and implement this policy
- d) Deals with complaints in an impartial, sensitive, timely and confidential manner.

4.3 Coaches must:

- a) Comply with the Coaches' Code of Ethics as per Technical Membership Handbook
- b) Understand and respect that as a coach he or she has considerable power and authority over athletes and should not abuse it
- c) Avoid intimate relationships with athletes
- d) Not exclude or treat less favourably any athlete from playing or coaching activities on the basis of an attribute or personal characteristic

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- e) Avoid focussing on an athlete's disability unless this is the only way that the coach can find out what adjustments the athlete requires.

4.4 Judges must:

- a) Comply with the Judges' Code of Ethics.

5. Complaint Procedures and Disciplinary Action

5.1 FCGC has developed a Complaints Management Procedure and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. The club recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint. At any stage, it is the prerogative of the Complainant to proceed with, or dissolve, a complaint.

5.2 Disciplinary action will be taken by the club against anyone who:

- a) Is found to be in breach of this Policy
- b) Victimises or retaliates against a person who has complained of a breach of this Policy
- c) Is found to have made a frivolous or vexatious complaint.

5.3 The discipline will depend on the severity of the case and may involve any apology, counselling, suspension, dismissal or other form of action.

6. Policy Breaches and Consequences

6.1 Discussion

Should a complaint arise, FCGC encourages the Complainant to consider the following options:

- i. Approach the person creating the problem and ask him or her to stop the behaviour;
- ii. If the behaviour continues, or it is not possible to approach the person, the Complainant should follow the Steps under - 4. "Application and Responsibilities" of FCGC's "Complaint Management and Procedure Policy"

6.2 The Member Protection Grievance Officer

The Committee Chair will act as the Member Protection Grievance Officer and will determine whether or not to investigate the complaint. If for some reason the Chair is unable to act as the Member Protection Grievance Officer, a suitable person will be appointed to this role.

If the Member Protection Grievance Officer determines to investigate, they will:

- i. Informs the alleged wrongdoer;
- ii. Interviews both parties separately;

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- iii. Keeps confidential records of the process;
- iv. Attempts mediation to achieve resolution; &
- v. Follows up on the Complainant.

6.3 *Referral to Committee*

If no resolution is achieved, the Member Protection Grievance Officer gives all reports to the Committee, who determines the appropriate course of action.

6.4 *External Resolution*

- i. If the complaint is not resolved, the Complainant may make a written complaint to an external organisation for mediation or arbitration. This can be done with the support of the Member Protection Grievance Officer.
- ii. If the complaint is upheld, a remedy will be prescribed by that external organisation.

7. Confidentiality and Reporting

7.1 FCGC's administration responsible for implementing this Policy will keep confidential the names and details relating to complaints, unless disclosure is:

- a) Necessary as part of the disciplinary or corrective process
- b) Required by law.

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