



## MEMBER PROTECTION POLICY

### INTRODUCTION

Prospect & Enfield Kindergym Inc is committed to providing an environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity. The Prospect & Enfield Kindergym does not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this policy.

### PURPOSE

Prospect & Enfield Kindergym Inc is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by the Kindergym. Accordingly, any person working or volunteering in the club and having contact with members under the age of 18 years will be asked to undergo screening procedures including police and other probity checks in line with Gymnastics SA and government requirements.

### POLICY

#### APPLICATION OF POLICY

1. This Policy applies to all members of Prospect & Enfield Kindergym Inc; employees, officers, administrators, volunteers, and leaders;
2. This Policy applies to behaviour occurring both within and outside the course of the Kindergym's business, activities and events, when the behaviour involves Members and negatively affects relationships within the Kindergym's environment.

#### 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, the Prospect & Enfield Kindergym has a legal responsibility to ensure that discrimination or harassment does not occur in the course of any of the Kindergym's activities.

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

#### Discrimination

1. It is unlawful to treat anyone unfairly on the basis of various attributes or personal characteristics in key areas of public life.
2. 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.
3. Indirect discrimination is also unlawful. This means that a Member cannot impose a requirement, condition or practise 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 circumstances it is likely to be indirect discrimination, even if there was never any intention to discriminate.

### Harassment

1. 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.
2. Sexual harassment is behaviour that has a sexual element, which 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.
3. A member must not engage in any form of harassment, including:

Written, verbal or physical abuse or threats

Unwelcome physical contact

The display of offensive materials

Promises or threats in return for sexual favours

Unwelcome sexual comments, jokes or propositions

Homophobic comments or behaviours

Jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status or pregnancy.

### Intimate Relations

1. The law is always the minimum standard for behaviour within the Prospect & Enfield Kindergym 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.

### Victimisation

1. A member must not subject any person to victimisation.
2. 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.

### Child Protection

1. The Kindergym must not employ or engage a person (whether paid or unpaid) to supervise a child under the age of 18 years without first:
  - a) Requiring that person to disclose whether or not he or she has been convicted of a serious sex offence.
  - b) Conducting a police or other appropriate probity check on that person.
2. The Kindergym must notify the appropriate authorities of the name and other identifying details of any person against whom relevant disciplinary proceedings have been completed by the Kindergym in relation to child abuse (sexual or otherwise) irrespective of the findings.



## REQUIREMENTS AND RESPONSIBILITIES

This section specifies the roles and responsibilities of all members of the Kindergym. In some cases, particular members have the additional roles and responsibilities that are also specified below.

### All Members

A member must:

- a) Comply with this policy
- b) Make complaints about a breach of the policy in accordance with the Kindergym's Complaints Procedure.
- c) Not make any frivolous or vexatious claim that another person is in breach of this policy.
- d) Conduct themselves in a proper manner so as not to bring the Kindergym into disrepute.

### Administrators

Administrators must ensure that the Kindergym:

- a) Provides and promotes an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and any supply of services.
- b) Promotes and implements this Policy and the Complaints Procedure.
- c) Encourages reporting of discrimination, harassment or child abuse, regardless of who the offender might be.
- d) Deals with complaints in an impartial, sensitive, timely and confidential manner.

### Leaders

Leaders must:

- a) Understand and respect that as a leader he or she has considerable power and authority over members and should not abuse it
- b) Not exclude or treat less favourably any member from activities on the basis of an attribute or personal characteristic.

## POLICY BREACHES AND CONSEQUENCES

Prospect & Enfield Kindergym Inc has a Grievance Procedure and deals with complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. Prospect & Enfield Kindergym Inc recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

Disciplinary action to be taken by Prospect & Enfield Kindergym Inc 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 complaint.

The discipline will depend on the severity of the case and will be determined by the Prospect & Enfield Kindergym Committee.



## CONFIDENTIALITY AND REPORTING

Prospect & Enfield Kindergym Inc's administration responsible for implementing this Policy to keep confidential the names and details relating to complaints, unless disclosure is:

- I. Necessary as part of the disciplinary or corrective process; &
- II. Required by law.

Policy name	MEM PROTECT1	Approved by	
		Committee on	Sept 2016
		Reviewed	Oct 2021
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