



Department  
of Sport and  
Recreation

# positionstatement

## Harassment Free Sport and Recreation

The Department of Sport and Recreation advocates for sport and recreation settings which are harassment-free and encourage greater participation by Western Australians. Behaviours including discrimination, ribbing, exclusion based upon factors not related to the sporting activity and verbal abuse are considered inappropriate and constitute harassment by legal definition.

### Background

There are many legal and ethical reasons as to why providers of sport and recreation services and facilities need to ensure participants are not discriminated against. Often harassment and discrimination go unnoticed, or some groups have become conditioned to them so they become part of the social and cultural norms of the sport and recreation.

There are specific behaviours (e.g. unwelcome sexual propositions) which may be considered offensive by the recipient, hence constitute harassment or discrimination and in some instances these may be against the law.

The objective of a harassment-free sport and recreation policy is to provide a safer environment for all Western Australians to participate in sport and recreation. Effective mechanisms and procedures need to be developed by sport and recreation groups to prevent and/or manage incidents of harassment and discrimination.

The Australian Sports Commission (ASC) has developed a set of resources to support harassment free sport and recreation that has been endorsed by all state/territory governments.

### Definition

*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's or people's level of empowerment relative to the harasser. The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as being unwelcome. (ASC 1998d).*

### Contact

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### Resources

Australian Sports Commission. (1998a). *Harassment-free sport: Guidelines for sports administrators*. Canberra, Australian Capital Territory: Author.

Australian Sports Commission. (1998b). *Harassment-free sport for Australia: Guidelines for Athletes*. Canberra, Australian Capital Territory: Author.

Australian Sports Commission. (1998c). *Harassment-free sport for Australia: Guidelines for coaches*. Canberra, Australian Capital Territory: Author.

Australian Sports Commission. (1998d). *Harassment-free sport for Australia: Guidelines for sport and recreation organisations*. Canberra, Australian Capital Territory: Author

Australian Sports Commission. (1998e). *Harassment-free sport for Australia: Risk management training program for managers*. Canberra, Australian Capital Territory: Author.

Ministry of Sport and Recreation. (1999). *Harassment free sport and recreation*. Perth, Western Australia: Western Australian Government.

Public Service Commissioner. (1993). *Dealing with sexual harassment in the workplace*. Perth, Western Australia: Western Australian Government.

## **Legislation**

The Commonwealth and State legislation that prohibits harassment is listed below:

The *Commonwealth Racial Discrimination Act* (1975) that prohibits racial discrimination and racial vilification (Section 18C).

- The Western Australian *Equal Opportunity Act* (1984) prohibits racial discrimination in areas of employment, education, clubs and accommodation, as well as racial harassment in employment, education and accommodation.
- The Western Australian *Criminal Code*, Chapter 11, prohibits the publication; possession and display of material designed to incite racial hatred.
- The Commonwealth *Sex Discrimination Act*, (1984), Section 28A prohibits unwanted actions and statements of a sexual nature, be they verbal or written. The Act also makes it unlawful to discriminate against a person on the grounds of gender.
- The *Human Rights and Equal Opportunity Commission Act* (1986).
- The Commonwealth *Disability Discrimination Act* (1992), Section 35-36, makes harassment of a person with a disability unlawful. Such harassment may include offensive, abusive, threatening or excluding behaviour.
- The Commonwealth *Workplace Relations Act* (1996).