

AUSTRALIAN FOOTBALL LEAGUE

# RESPECT & RESPONSIBILITY POLICY





**RESPECT &  
RESPONSIBILITY**

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# INTRODUCTION

The AFL and our 18 Clubs are committed to gender equality.

We commit to ensuring women and men have equal opportunity to advance and to fully participate in the AFL code as players, employees, volunteers and supporters. We expect all who engage with our code to observe the terms of this Respect and Responsibility policy.

Our code, like many elite professional sports that have historically excluded women from full participation, have faced incidents which have led to the development of policies, processes and a commitment to broader cultural change aimed at addressing violence against women.

The AFL's first Respect and Responsibility Policy was launched in 2005 and had the objective of creating a safe and inclusive environment for women at all levels of Australian Football.

A lot of work has been completed; but more must be done.

The AFL is currently investing in:

- ♦ Strategies to get more women involved at all levels across the industry
- ♦ Training programs for Clubs and players on Respectful Relationships
- ♦ A three-year partnership with Our Watch to facilitate violence prevention activities in the AFL community and embedding gender equality and respectful relationships messages throughout the industry
- ♦ The development of a gender action plan.

With the establishment of the AFLW, our game has taken a major step towards equal opportunities for girls and women at every level in our game, from grassroots to elite.

A critical element of creating safe and inclusive environments for women and girls is a transparent process of the management of complaints or incidents of disrespectful conduct which includes sexual harassment, sexual or other assault (including threats), violence against women, discrimination based on sex, pregnancy, family responsibilities, sexual orientation, gender identity or intersex status.

In 2017 and beyond, this policy will need to be relevant and applicable across an ever-changing set of environments and understood in a gender neutral context.

This document is a renewed Respect and Responsibility Policy, supplemented by a new protocol for managing complaints and incidents, and forms part of a broader commitment by the AFL to being leaders in gender equality and inclusion.



**Gillon McLachlan CEO**  
August, 2017

# PURPOSE

The AFL expects that all people connected with the game will conduct themselves in a manner that demonstrates respect for all people, regardless of gender identity or sexual orientation, and recognises our game's responsibility to promote and model gender equality without tolerance for the harm of others based on gender.

The AFL is committed to:

- ♦ Promoting gender equality and ensuring women participate in the AFL at all levels and in every capacity;
- ♦ Promoting a safe and inclusive environment for all, including women and girls within the AFL industry;
- ♦ Promoting a workplace culture that is inclusive regardless of gender, sexual orientation, gender identity or intersex status;
- ♦ Partnering with government and appropriate organisations to deliver programs and education designed to promote gender equality and deliver improved understanding of inclusion and real change;

- ♦ Educating and creating awareness across our game that gender inequality is one of the causes of violence against women and children;
- ♦ Ensuring that individuals who have been subjected to disrespectful conduct, sexual harassment, assault or threatening behaviour within our industry are supported by best practice services focused on their individual needs;
- ♦ Deliver a sporting experience that is safe, fair and inclusive for all, whether you are a player, administrator, supporter, volunteer or any other person who engages with the code.

# SCOPE

This policy recognises that the AFL has a role to play as an employer, an elite code, and as the organisation responsible for managing and promoting football at all levels in the community.

We employ 700 people, have more than six million attendees every season, 1055 elite athletes, 18 clubs, 1.4 million participants, 2755 community clubs and reach 122 million people through our television viewership.

We recognise the role of our game in the broader community, including our ability to influence attitudes and behaviour and we therefore have a responsibility to play our part in leading on the issues of gender equality.

# RELATED LEGISLATION, POLICIES & PROTOCOLS

Relevant to this Respect and Responsibility policy, the AFL is bound by applicable legislation, including:

- ♦ **Racial Discrimination Act 1975 (Cth);**
- ♦ **Sex Discrimination Act 1984 (Cth);**
- ♦ **Human Rights & Equal Opportunity Commission Act 1986 (Cth);**
- ♦ **Disability Discrimination Act 1992 (Cth) (Legislation); and**
- ♦ **Age Discrimination Act 2004.**

The AFL has the following policies:

- ♦ **AFL HR Equal Opportunity Policy;**
- ♦ **National Vilification and Discrimination Policy;**
- ♦ **National Sexuality & Pregnancy Guidelines;**
- ♦ **National Social Media Engagement Policy**
- ♦ **AFL Respect & Responsibility Vilification Framework; and**
- ♦ **AFL Rules (these rules extend only to those involved at the elite AFL competition level)**

# RELATED LEGISLATION, POLICIES & PROTOCOLS

Related document	Details
<b>AFL HR Equal Opportunity Policy</b>	Applies to all employees, volunteers and contractors at AFL House and State Bodies and could also be deemed to apply to other AFL-related entities i.e. MSL/Etihad;  Clause 4 sets out relevant inclusion/anti-discrimination objectives
<b>National Vilification and Discrimination Policy</b>	This policy forms part of the AFL's Member Protection Policy (MPP) which applies to all levels of Australian Football (and all people involved including players, coaches, officials, volunteers);  Clause 4.1 sets out the relevant anti-discrimination statement
<b>National Sexuality &amp; Pregnancy Guidelines</b>	This policy forms part of the AFL's MPP; Clause 4 relates to sex and gender identity  At an organisation level, the Parental Leave policy applies to employees
<b>National Social Media Engagement Policy</b>	This policy forms part of the AFL's MPP;
<b>AFL Respect &amp; Responsibility Vilification Framework</b>	This document is not a policy but an educational document intended to explain the industry's inclusion framework.  The AFL Education Unit use this framework as a point of reference for club and player inductions and education programs;
<b>AFL Rules</b>	The AFL Rules extend only to those involved at the elite AFL competition level:  Rule 35 provides that discrimination is prohibited conduct;  <ul style="list-style-type: none"> <li>♦ Sanctions apply to players and officials who engage in this conduct (between \$10,000 and \$20,000);</li> <li>♦ There is also a complaints and conciliation process under this Rule 35</li> </ul>

# IMPLEMENTATION, OVERSIGHT & REVIEW

The responsibility for this policy resides across a number of areas of the AFL:

Issues	Issues	Mechanisms/Policies
<b>Employment, Workplace change, HR, Complaints/Incidents – internal, staff</b>	GM, People and Culture	HR  Legislative
<b>Education and Awareness, Social Leadership, Cultural change</b>	GM, Social Policy and Inclusion	Respect & Responsibility Policy  Gender Action Plan
<b>Complaints and Incident Management</b> ♦ <b>Public Issues</b> ♦ <b>Recognition issues</b>	Joint Responsibility: General Counsel  GM, Social Policy and Inclusion	Respect & Responsibility – Incident/Complaint Management Protocol  Laws of the Game
<b>Annual Reporting and Review of Policy</b>	GM, Social Policy and Inclusion	

# APPENDIX

## COMPLAINT & INCIDENT MANAGEMENT PROTOCOL

### PURPOSE

The AFL interacts with a large number of people at the community and elite sporting competition.

People representing our game will sometimes behave in a manner inconsistent with the expectations of the Respect and Responsibility Policy.

This document establishes the means of managing complaints and investigations when a member of the public is aggrieved by incidents that involve sexual harassment, sexual assault, family violence and/or threats of violence against women. This policy is also designed to be applied in matters that may be considered gender neutral.

The management of these issues by Clubs and the AFL are, at times, very public and involve intense media speculation and focus. The interaction with the code and the subsequent media attention can add extra stress and potential harm to complainants and other parties during a process of investigation and response.

The Respect and Responsibility incident management protocol recognises:

- ♦ that individuals may seek avenues for action for breach of the Respect and Responsibility policy, both low level incidents and more serious;
- ♦ that AFL Clubs may be perceived to be, or actually be found to have a conflict of interest in dealing with accusations against one of their club members or officials;
- ♦ that individuals may require additional support for harm caused by their interaction with the AFL code and will be offered appropriate services and support through an independent expert service provider;
- ♦ that individuals accused of breaching the policy should be treated fairly and consistent with the incident management process;
- ♦ the protocol and policy are subject to the AFL Code of Conduct and relevant provisions of the AFL/AFLPA Collective Bargaining Agreement;
- ♦ an alleged perpetrator shall have the right to representation in any investigation and/or hearing process;
- ♦ that action in response to conduct that is inconsistent with the Respect and Responsibility policy should be undertaken in a timely, fair and consistent manner. In addition confidentiality will be maintained within the context of the process being transparent, as appropriate.

## PRINCIPLES & IMPLEMENTATION CONSIDERATIONS

The AFL is committed to implementing a complaint and incident management protocol that is underpinned by the following principles and implementation considerations:

- ♦ Clarity and transparency for all parties involved in the complaint management process with an appreciation for the importance of resolving complaints in a timely manner.
- ♦ Clear reporting systems and governance oversight of all reported issues by the AFL, including post incident resolution review processes.
- ♦ A commitment to a victim's rights model in handling sexual assault disclosures and investigations.
- ♦ Trauma informed responses: While the AFL and the broader industry should not, in any context, present itself as a provider of support services, its investigative and complaint handling services should not contravene core principles of crisis services of not causing further harm or further disempowering a complainant – importantly this includes in responding to disclosures of harassment, domestic violence or assault by AFL or Club staff/players.
- ♦ Limiting further harm to complainant by maintaining confidentiality and minimising media scrutiny.
- ♦ In instances of sexual assault disclosures, ensuring that information about appropriate support services and case management are facilitated by a third and independent party with costs to be absorbed by the AFL (for example, Centres for Sexual Assault in Victoria,).
- ♦ Any investigation or action under the Policy shall afford principles of natural justice to any person alleged to have committed an offence.
- ♦ Ensure that the model adopted recognises diversity and responds inclusively to the needs and experiences of LGBTQI people.
- ♦ Ensure that the model adopted is accessible by people with disability.
- ♦ Investigations must comply with all legal requirements and must not interfere with, impede or in any way undermine criminal investigations. However, wherever practicable, investigations should be carried out in a timely manner.
- ♦ Training for staff in responding to disclosures and complaints.
- ♦ Ensure that the model establishes accountability for violence against women.

# APPENDIX

## SCOPE

The AFL's approach to management of breaches of our Respect and Responsibility Policy contemplates three scenarios:

- 1. Staff issues:** Issues of sexual harassment, sexual or other assault and discrimination on the basis of sex, pregnancy, family responsibility, gender identity and sexual orientation or intersex status which involve AFL staff, officials, players during the course of their work, but not by members of the public.
- 2. Public issues:** Issues of unacceptable behavior which involve AFL personnel and members of the public, or AFL personnel conduct outside AFL work.
- 3. Recognition issues:** A mechanism for the AFL and Clubs to consider how issues of alleged or proven unacceptable conduct in personal life of AFL personnel will impact their ongoing recognition as a leader of the game and in our community.

This protocol will be used to guide the handling of incidents and/or complaints under the second and third scenarios, and has as its sole focus the complaints of incidents by persons (including members of the public, AFL officials or players) against AFL officials or players.

Issues only involving AFL staff are matters for the GM of People and Culture under AFL employment policies, and existing legislation. This is for final decision by the Commission

The complaints process for community football is set out in the MPP (details/hyperlink).

## PROCESS

The process for the management of complaints is laid out below, and mandates:

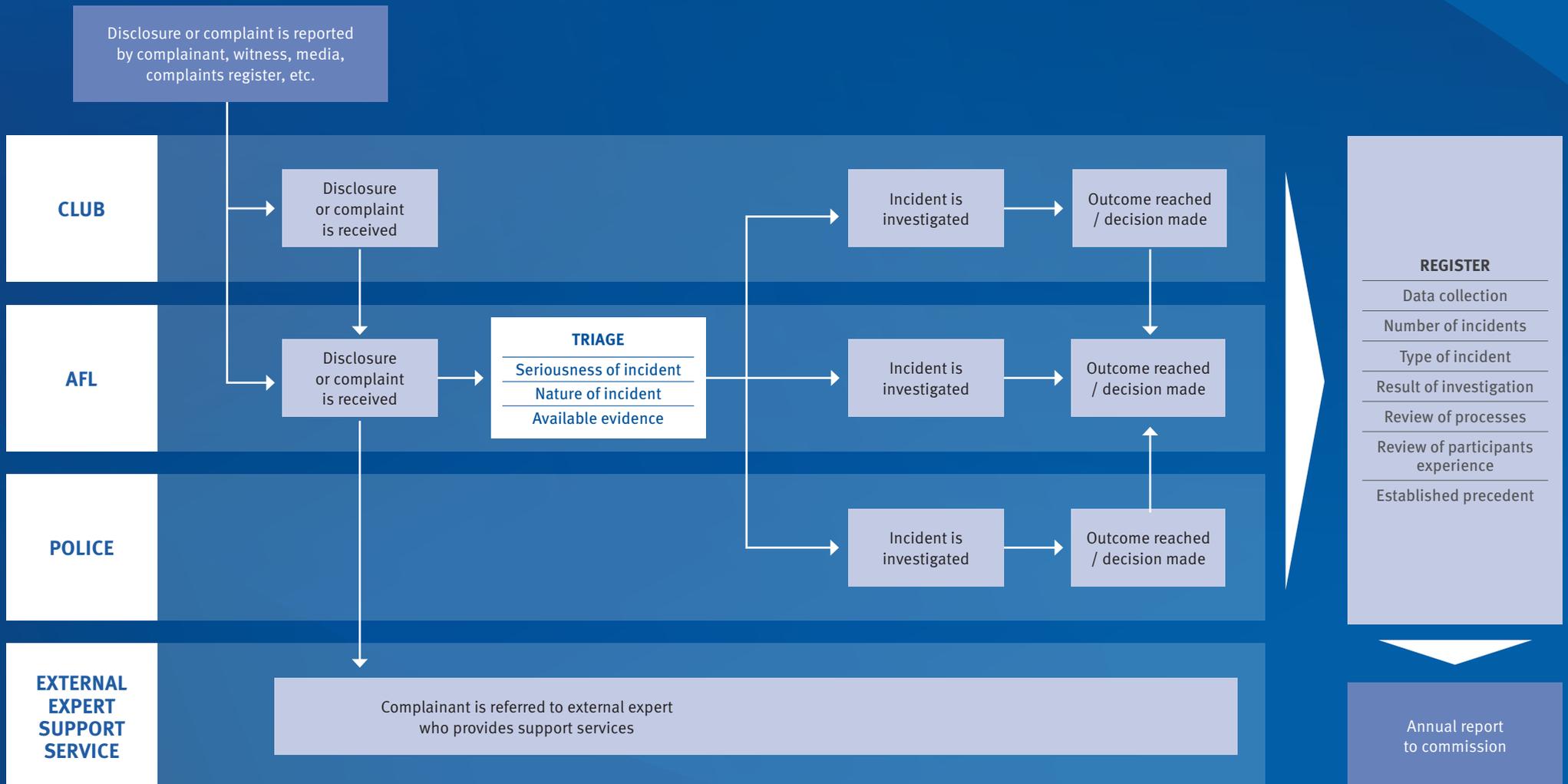
- ♦ All complaints must be notified to the AFL Head of Integrity.
- ♦ All complainants must be offered an AFL approved external support service.
- ♦ The AFL Head of Integrity makes the decision as to the investigation process (triage.)
- ♦ The AFL Head of Integrity may instigate an investigation without knowledge of a Club or personnel involved.
- ♦ During a police investigation, only the AFL Head of Integrity or nominee of the AFL Head of Integrity and the alleged perpetrator (and any representative of them) may be in contact with the relevant police.
- ♦ The AFL Head of Integrity can take action at its own initiative where it believes there has been conduct that breaches the terms of the R and R policy and where there is an absence of a complaint.

# APPENDIX



## RESPECT & RESPONSIBILITY

### COMPLAINTS, INVESTIGATIONS & SUPPORT PROTOCOL





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