

By-Law No. 3

Dispute Resolution

Clause 41

Purpose of this By-Law

1. This RSL NSW Dispute Resolution By-Law aims to maintain ethical and informed decision-making and responsible behaviours within our organisation. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This By-Law informs everyone involved in our organisation of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.
2. The By-Law attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our organisation. As part of this commitment, the RSL NSW may take disciplinary action against any person or organisation bound by this policy if they breach it.
3. If a dispute (which, for the avoidance of doubt, does not include disciplinary action taken against a sub-branch, subsidiary or member under this constitution) arises between any member or body under the control of, or governed by RSL NSW and another member or RSL NSW, the dispute must be resolved in accordance with this By-Laws and Regulations.

To whom this By-Law applies

4. This RSL NSW By-Law applies to the following people, whether they are in a paid or unpaid/voluntary:
 - (a) Members of all RSL NSW sub-Branches and Subsidiaries
 - (b) Members of all RSL NSW Youth Clubs
 - (c) Members of all RSL NSW Women's Auxiliary Clubs
 - (d) Members of all RSL NSW Day Clubs
 - (e) All volunteers of RSL NSW
5. This By-Law will continue to apply to a person, even after they have stopped their association or employment with RSL NSW, if disciplinary action against that person has commenced.

Responsibilities of the Organisation

6. The RSL NSW, RSL sub-Branches and Subsidiaries must:
 - (a) Adopt, implement and comply with this By-Law;

- (b) Publish, distribute and promote this By-Law and Regulations and the consequences of breaches;
- (c) Promote and model appropriate standards of behaviour at all times;
- (d) Promptly deal with any breaches or complaints made under this By-Law and Regulation in a sensitive, fair, timely and confidential manner;
- (e) Apply this By-Law consistently;
- (f) Recognise and enforce any penalty imposed under this By-Law and Regulation;
- (g) Ensure that a copy of this By-Law is available or accessible to the persons and bodies to whom this By-Law applies;
- (h) Use appropriately trained people to receive and manage complaints and allegations; and
- (i) Monitor and review this By-Law at least annually.

Individual Responsibilities

7. Individuals bound by this policy are responsible for:
- (a) Making themselves aware of the By-Law and complying with its standards of behaviour;
 - (b) Complying with our screening requirements and any state/territory Working with Children checks;
 - (c) Placing the safety and welfare of children above other considerations;
 - (d) Being accountable for their behaviour;
 - (e) Following the procedures outlined in this By-Law if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
 - (f) Complying with any decisions and/or disciplinary measures imposed under this By-Law.

Position Statements

8. Child Protection

- (a) RSL NSW acknowledges that our members and volunteers provide a valuable contribution to the positive experiences of children involved in our organisation. RSL NSW aims to continue this and to take measures to protect the safety and welfare of children participating in our activities by:
- Prohibiting any form of abuse against children;
 - Ensuring people have completed a satisfactory Working with Children Check where the relevant state/territory law requires this;
 - Carefully selecting and screening people over the age of 16 years who work, coach or have regular unsupervised contact with children;
 - Promoting and enforcing our codes of behaviour, particularly for roles associated with juniors;
 - Responding to all reports and complaints of abuse promptly, seriously and confidentially;
 - Making information about child protection available, particularly for roles associated with children;
 - Adopting practices that reduce risks and provide the greatest opportunity of having a child safe environment.
- b) Anyone who reasonably suspects that a child has been or is being abused by someone within our organisation, is to report it immediately to the CEO RSL NSW, police or relevant government agency.
- (c) Descriptions of the sorts of activity which may be abuse are in the Dictionary contained in the RSL NSW Dispute Resolution Regulation. If anyone suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.
- (d) A person will not be victimised for reporting possible child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in RSL NSW Dispute Resolution.

9. Taking Images of Children

- (a) Images of children can be used inappropriately or illegally. The RSL NSW requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child who is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilet facilities.
- (b) If the RSL NSW uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our organization and ensure that the child is suitably clothed in a manner that promotes the organization and displays its successes.
- (c) We, the RSL NSW require our Members, sub-Branches and Subsidiaries to do likewise.

10. Anti-Discrimination and Harassment

- (a) The RSL NSW opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary contained in the RSL NSW Dispute Resolution Regulation, are against the law.
- (b) If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure contained in the RSL NSW Dispute Resolution Regulation. This will explain what to do about the behaviour and how the RSL NSW will deal with the problem.

11. Sexual Relationships

- (a) RSL NSW takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided as these relationships can have harmful effects on the individual athlete involved, on other athletes and coaches and on the organization's/sport's public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence.
- (b) Should a sexual relationship exist between an athlete and coach, RSL NSW will consider whether any action is necessary. Factors that may be relevant in this consideration 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 and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.
- (c) 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 or athlete may wish to approach the RSL NSW if they feel harassed. Complaints procedure is contained in the RSL NSW Dispute Resolution Regulation

12. Pregnancy

- (a) Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our organisation should be removed. We will not tolerate any discrimination or harassment against pregnant women.
- (b) While many organizational activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our activities.
- (c) The RSL NSW recommends that pregnant women wanting to participate in activities consult with their medical advisers, make themselves aware of the facts about pregnancy in recreation and ensure that they make informed decisions about participation. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

13. Gender Identity

- (a) Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary contained in the RSL NSW Dispute Resolution Regulation.
- (b) RSL NSW recognises that the exclusion of transgender people from participation in sporting events has significant implications for their health, wellbeing and involvement in community life. In general the National Sporting Organisation will facilitate transgender persons participating in their sport with the gender with which they identify.
- (c) RSL NSW also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, RSL NSW will seek advice on the application of those laws in the particular circumstances.
- (d) RSL NSW is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by RSL NSW.
- (e) Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

14. Dispute Resolution Regulation

- (a) Procedures and guidelines for the reporting of complaints and the handling of such complaints are contained in the RSL NSW Dispute Resolution Regulation.