



Hong Kong China Rugby Athlete Safeguarding and Harassment Policy

Background and Introduction

Hong Kong China Rugby (“HKCR”) has introduced an athlete harassment and abuse safeguarding policy to complement its existing safeguarding policy. The HKCR is committed to providing the highest levels of care and protection to its athletes within the sport and strives to be a market leader within sports associations in Hong Kong and Asia.

Everyone in sport shares the responsibility to identify and prevent sexual harassment and abuse and to develop a culture of dignity, respect, and safety in sport. Sports organisations such as the HKCR should demonstrate leadership in identifying and eradicating these practices. For the purposes of this policy the following definitions are relevant.

“**Harassment**” includes physical or psychological abuse and sexual abuse (which can be a form of physical and/or psychological abuse).

“**Physical or psychological abuse**” means any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence, harm, or humiliation to another.

“**Sexual abuse**” means any unwanted, groomed or forced involvement in sexual behaviour, unwelcome verbal or physical conduct of gesture of a sexual nature (e.g., the use of offensive stereotypes based on gender, sexual jokes, threats or intimidation) that might reasonably be expected or be perceived to cause offence or humiliation to another.

Harassment can be based on any grounds such as race, religion, colour, creed, ethnic origin, physical attributes, gender, or sexual orientation. It can include a one-off incident or a series of incidents. It may be in person or online. Harassment may be deliberate, unsolicited, or coercive.

These definitions are consistent with those provided in guidance from the International Olympic Committee to National Olympic Committees and International Sports organisations.

Sexual harassment is specifically outlawed in Hong Kong under Section 2(5) of the Sexual Discrimination Ordinance.

This policy is intended to.

- Safeguard athletes
- Protect the integrity of the sport of Rugby in Hong Kong
- Protect those working in Rugby.
- Protect the values and benefits of Rugby.



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Who this Policy Applies To

This policy applies to all involved in the game of rugby in Hong Kong including but not limited to coaches and support staff, athletes, referees, club officials and volunteers, HKCR staff and all accredited persons at HKCR sanctioned events.

It should also be noted that this policy always applies including but not limited to training sessions, matches, tournaments, festivals, overseas tours, classroom-based sessions, strength and conditioning sessions, injury rehabilitation and all engagement in rugby related activities.

With respect to athletes, the policy applies to all athletes, but vigilance should be given to groups which could be considered to be at higher risk; these include.

- Children
- Young adults
- Athletes with physical or mental challenges

Prevention of Sexual Harassment

The best policy for dealing with sexual harassment is to take pro-active measures to prevent it taking place at all. There are several ways this can be done.

“Information” This policy should be distributed to clubs and then within the clubs themselves to ensure that everyone in the Rugby community is aware of the need for vigilance in this area to protect the reputation of the game in Hong Kong.

“Appointment” Each club in Hong Kong should appoint a responsible person for reporting harassment cases. This person should be able to receive complaints within the club and assist with the HKCR reporting if necessary.

“Education” Athletes should be aware of what constitutes abuse and should be aware of reporting mechanisms with their club and within the sport.

“Record Checks” It is current HKCR practice that all coaches it employs are required to provide proof that they have not been convicted of any list of specified offences under the Sexual conviction record check scheme. This proof can be obtained from the Hong Kong police for a small fee. It is recommended that for coaches from overseas, they provide proof from their home country.

It is important to note that this check cannot be enforced unless the individual is an employee; it is therefore not possible to enforce on volunteer coaches but is recommended as best practice.

“Further Reading” There is a summary of further information on this subject at the end of this document.

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Handling Sexual Harassment

It is important that there is a clear and confidential mechanism for the reporting of sexual harassment. It should be emphasised that anyone believing themselves to be a victim reports this immediately and having a proper system in place facilitates this. By delaying reporting of a potential incident, the investigation and collection of evidence can be compromised. In Hong Kong, the Equal Opportunities Commission has a time limit of 12 months for acting on a case reported to it unless there are justifiable reasons for the delay.

Fear of reporting is one of the biggest hindrances in preventing sexual harassment; therefore, the reporting process should be readily available and well understood. Reports can be made in person, in writing or by phone to any of the contacts listed at the end of this document.

Each rugby club within Hong Kong already has a safeguarding officer appointed by the club and HKCR recommends that reporting of harassment is included in the mandate of this individual. It is recommended that for adult clubs a reporting officer is appointed. This person will then in turn will be responsible for reporting to the HKCR as appropriate. Direct reporting to the HKCR is also possible if this is deemed appropriate in the circumstances.

It should also be noted that cases of sexual harassment do not have to be reported by the victim and can be reported by a third party. If a person believes they have been sexually harassed, then they should take the following actions.

1. Speak up as soon as possible by letting the harasser know their actions are not welcome and should stop them immediately.
2. Keep a written record of the incident and note down as many details as possible (location, witnesses, nature of the event, date, time, location etc)
3. Report the incident as soon as possible to the appointed club representative or if it is believed to be appropriate, the personnel at the HKCR (these are detailed at the end of the document).
4. If necessary, a complaint should be lodged with the Equal Opportunities Commission who will advise on reconciliation or investigation as necessary.
5. For more serious allegations, legal advice should be sought, and a report made to the Hong Kong police. Once reported to the Hong Kong police it becomes a police matter.



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For the HKCR personnel receiving a complaint against an individual either from a club representative or from a victim directly; they should discuss the report at the earliest opportunity. It will then decide on the following actions.

1. Decide whether further investigation is necessary (by discussion with the club representative and/or the victim) and subsequently whether a report to the Equal Opportunities Commission or the police is necessary.
2. Take disciplinary action against the offender if deemed appropriate. As a minimum it would normally be recommended that any individual be suspended from HKCR or club activities whilst an investigation is taking place and until that investigation has been concluded with a conclusion that no harassment has taken place.
3. If external reporting is made, then HKCR should seek legal advice and comply with the investigation as required.
4. Where the complaint received relates to an issue more than 12 months old, HKCR personnel should decide whether this case merits further investigation on a case-by-case basis (e.g., is the alleged harasser still involved in the sport).

Principles for the HKCR Handling Harassment Cases

The following principles are guidelines for HKCR personnel in dealing with reports of harassment. In case of any doubt, it is highly recommended that professional legal advice should be sought.

“Fairness” Enquiries and complaints should be handled in a just and impartial manner to ensure that the complainant and the alleged harasser are fairly treated, and both parties have chances to present their case.

“Confidentiality” Assurance should be given to complainants that all information and records related to a sexual harassment complaint must be confidential and will only be disclosed to relevant staff members handling the case and the alleged harasser on a need-to-know basis.

“Timeliness” Complaints should be handled promptly and without delay.

“Protection” Complainants and witnesses should be protected from victimization including retaliation.

“Avoid Conflict of Interest” If the staff member dealing with the complainant is closely related to the complainant or alleged harasser then they should step away from the case and it should be dealt with by an alternate person.

“Anonymity” In the case of an anonymous complaint, the HKCR shall consider the evidence and seriousness of the case before making enquiries or conducting investigations. If the complainant is a minor, they should be accompanied by a parent or guardian to attend any meetings.

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Summary of Key Actions

- Rugby Clubs to extend the child safeguarding officers mandate to include harassment reporting and ensure this person is aware of reporting channels to the HKCR.
- Rugby Clubs to disseminate the policy within their clubs.
- HKCR to circulate policy internally.
- Rugby Clubs to obtain sexual conviction record checks for coaches or officials where possible.

Studies have shown that one factor which significantly affects the effectiveness of athlete safeguarding policies is a disconnect between the governing body and the clubs associated with the body. Therefore, it is important to communicate this policy effectively within the club and ensure that club representatives are aware of their responsibilities.

Further Reading

There is a body of literature available on harassment and safeguarding measures which have been produced by several professional sporting bodies. These provide a source of further information for club officials and other relevant persons.

The **International Olympic Committee (IOC)** has developed an extensive series of videos and free reading material to enhance knowledge and education in this area.

<https://olympics.com/ioc/safe-sport>

Other useful resources can be found at the following websites from **England Rugby** and **Sport Integrity, Australia**.

<http://www.englandrugby.com/governance/safeguarding/>

<https://www.sportintegrity.gov.au/what-we-do/safeguarding>

Local information and forms are also available at the **HKCR** website.

<https://www.hkrugby.com/pages/safeguarding>

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Reporting Flowchart

