

**HONG KONG RUGBY UNION**

**香 港 欖 球 總 會**

Members : Asia Rugby, World Rugby, SF&OC of Hong Kong, China



**HKRU**  
香港欖球總會

# **HONG KONG RUGBY UNION**

## **ATHLETE HARASSMENT**

### **SAFEGUARDING POLICY**

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## Policy Statement

The Hong Kong Rugby Union (“HKRU”) has introduced an athlete harassment safeguarding policy in order to complement its existing child safeguarding policy. The HKRU 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 harassment and abuse and to develop a culture of dignity, respect and safety in sport. Sports organisations such as the HKRU 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) and is generally defined as repeated and unwanted attention.

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.

“**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.

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 the values and benefits of Rugby

## 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, HKRU staff and all accredited persons at HKRU sanctioned events. It is designed to protect the athletes.

This policy is not intended to cover incidents between HKRU employees (this is covered in the HKRU employee handbook) and does not cover paid employees of associated clubs (this is the responsibility of the employer).

It should also be noted that this policy applies at all times 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 particular 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 Harassment

The best policy for dealing with sexual harassment is to take pro-active measures to prevent it taking place at all. There are a number of 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 in order 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 HKRU reporting if necessary.

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

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

## Handling Harassment

It is important that there is a clear and confidential mechanism for the reporting of 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 many cases, initial action can be taken by the victim and no further action/reporting is required. This involves the victim clearly telling the harasser that their attention is not welcome and that they should cease. For more serious cases, including persistent sexual harassment, there may be a need to report these formally and follow up actions taken.

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 Mini Rugby club within Hong Kong already has a child safeguarding officer appointed by the club and the HKRU 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 HKRU as appropriate. Direct reporting to the HKRU is also possible if this is deemed appropriate in the circumstances.

It should also be noted that cases of 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 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 HKRU (these are detailed at the end of the document).
4. 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.

For the HKRU 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 with the HKRU CEO. They will then decide on the following actions;

1. Contact the harasser and inform them that a complaint has been filed against them. In the first instance, it should be discussed with the harasser and harasee whether the situation can be resolved between the parties and if harassment has taken place. If this is the case, the CEO will be informed and no further reporting will take place.
2. If it is decided that harassment has taken place, a written report will be made by the harasser detailing the incident, this will be passed to the HKRU's CEO for consideration.
3. Take disciplinary action against the offender if deemed appropriate.
4. If external reporting is made then the HKRU should seek legal advice and comply with the investigation as required. This may be the case in more serious cases such as sexual harassment.
5. Where the complaint received relates to an issue more than 12 months old, the HKRU 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).

It is important to note that anyone making false accusations without basis for doing so can also face disciplinary action.

## **Principles for the HKRU Handling Harassment Cases**

The following principles are guidelines for HKRU 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 HKRU 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

## 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 HKRU
- Rugby Clubs to disseminate the policy within their clubs
- HKRU to circulate policy internally

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 a number of professional sporting bodies. These provide a source of further information for club officials and other relevant persons.

[www.olympic.org](http://www.olympic.org)

The IOC has developed an extensive series of videos and free reading material to enhance knowledge and education in this area

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

The RFU in England has a good source of information for clubs on many issues, this includes safeguarding of participants.

## Contacts at Hong Kong Rugby Union

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## Reporting Flowchart

