



The Australian Esports Association

Anti-Discrimination and Harassment Policy

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Acknowledgements

The AESA would like to thank everyone who gave generously of their time during consultations, interviews and research to develop this policy.

Disclaimer

This policy is intended as a guide only and may be updated from time to time. For the latest version, check www.aesas.org.au/policies





Introduction

The Australian Esports Association (AESA) is dedicated to fostering inclusive, harassment-free gaming and has zero-tolerance for all forms of bullying, discriminating, and threatening behaviour. Such behaviours are harmful to the individual and to the integrity of esports.

Esports is an important part of life for many people. It can help us to engage, pursue and develop our talents, and has significant benefits. However, discrimination and harassment can affect some people's enjoyment of esports and prevent them from participating.

We have developed the Anti-Discrimination policy to provide a framework for the esports community to ensure a safe, fair and inclusive esports environment. It provides practical guidance and education about promoting an inclusive environment, being proactive in preventing discrimination and harassment, and responding appropriately if it occurs.

Discrimination and harassment is a type of behaviour that has various forms. It may be intended or unintended, direct or indirect and can involve a person's physical or mental state.

All forms of discrimination and harassment are intolerable in esports.

Objectives of this policy

The AESA Anti-Discrimination and Harassment policy aims to:

- Promote a safe, fair and inclusive esports environment
- Educate and raise awareness
- Implement prevention strategies
- Build social responsibility and support services
- Encourage compliance and accreditation

Who is this policy for?

This policy is aimed at esports organisations, promoters, clubs, teams, staff, athletes and all those who participate in esports. It can also help individuals understand their rights.

This policy provides the Australian esports community with a broad understanding of anti-discrimination and harassment, how to approach these issues that people might not be familiar with or find challenging, and to ensure a safe, fair and inclusive esports environment.

Contacting us

The Australian Esports Association welcomes your comments regarding this policy. If you have any questions about this policy and would like further information, please contact us by email.

Subject: Anti-Discrimination and Harassment Policy,

Attention: The Australian eSports Association,

Email: info@aesa.org.au





Our Commitment

The AESA is committed to working with the gaming and esports community to ensure a safe, fair and inclusive esports environment for all.

The AESA upholds the values of integrity and respect which are the rights of all involved within the esports community regardless of their age, race, gender, ability, cultural background, sexuality or religion.

We are committed to an esports environment where:

- The integrity and credibility of esports is maintained;
- All members of the community are welcome;
- All are treated with dignity, courtesy and respect;
- It is a right of all individuals in our community to feel safe in their interactions with one another and the public;
- It is the responsibility of all individuals and organisations to contribute in building a safe environment in esports for all to enjoy.

Policy review

The AESA is committed to ensuring the robustness, effectiveness and relevance of this policy. This policy will be reviewed quarterly with input from the public, individuals appointed or elected to boards, commissions, committees and sub-committees of the AESA.

Darren Kwan

Founding President

Australian Esports Association



Policy Statutes

1. Discrimination and Harassment

1.1. Discrimination and harassment can be in relation to:

- i) Sex, including pregnancy, marital or relationship status (including same-sex de facto couples) status, breastfeeding, family responsibilities, sexual harassment, gender identity, intersex status and sexual orientation;
- ii) Disability, including temporary and permanent disabilities; physical, mental, intellectual, sensory, psychiatric disabilities, diseases or illnesses; medical conditions; work related injuries; past, present and future disabilities; and association with a person with a disability;
- iii) Race, including physical appearance, colour, descent, national or ethnic origin, immigrant status and racial hatred;
- iv) Culture, including differences in traditions, practices, customs, values, dress, art, ideas, beliefs or religion, language and social behaviours;
- v) Age, covering young people and older people.

1.2. The AESA defines discrimination as:

Discrimination

noun

1. *The unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex.*

Synonyms: prejudice, bias, bigotry, intolerance, narrow-mindedness, unfairness, inequity, favouritism, one-sidedness, partisanship; sexism, chauvinism, racism, racialism, ageism, classism; positive discrimination, reverse discrimination, ableism

- i) Discrimination can be direct and indirect
- ii) Direct discrimination occurs when a person (or a group of people) is singled out for worse treatment, compared to others in similar circumstances, because of one or more attributes
- iii) Indirect discrimination occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute. The fact that the disadvantage was not intended is not an excuse.

1.3. The AESA defines Harassment as:

Harassment

noun

1. *Aggressive and intrusive pressure or intimidation. Being subjected to unwanted behaviour, and this behaviour offends, humiliates or creates a hostile environment.*



Synonyms: persecution, harrying, pestering, badgering, intimidation, bother, annoyance, aggravation, irritation, pressure, pressurization, force, coercion, molestation

2. *Sexual harassment involves being subjected to unwanted sexual advances or obscene remarks, unwelcome requests for sexual favours or other unwelcome conduct of a sexual nature.*

2. Scope

2.1. The AESA Anti-Discrimination and Harassment policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- i) Individuals appointed or elected to boards, commissions, committees and sub-committees of the AESA
- ii) Employees and volunteers of the AESA
- iii) All Members of the AESA covering all categories of membership
- iv) Athletes, coaches, officials, referees, administrators and any other personnel participating in any teams, events and activities, including camps and training sessions, conducted or sanctioned by the AESA or any organisation bearing accreditation from the AESA
- v) Parents, guardians, spectators and sponsors to the full extent that is possible

2.2. All events and activities, including camps and training sessions, conducted or sanctioned by the AESA or any organisation bearing accreditation from the AESA

2.3. The AESA encourages all stakeholders and members of the Australian esports community to adopt, contribute and adhere to this policy. Sharing in our belief in good governance, social responsibility, the fair play environment, integrity in esports, supporting Australian athletes and inclusiveness for all people regardless of sex, disability, race, culture or age

2.4. The AESA stresses the importance of maintaining a safe, fair and inclusive esports environment for all. There is a pressing need for all those involved in the Australian esports community to discuss, identify and work together to address all areas that have room for improvement

3. Inclusion and Diversity

3.1. The AESA encourages esports organisations to be open for all, allowing for an inclusive and diverse esports environment

3.2. Inclusion and diversity considerations applies to:

- i) Events, tournaments, leagues and competitions
- ii) Organisations and teams
- iii) Officials, administrators, referees and other staff or volunteers
- iv) Coaches and team managers
- v) Athletes



4. Restrictions of entry

- 4.1. Restrictions of entry and entry requirements must be clearly stated in the 'Terms and Conditions of Entry'
- 4.2. The AESA encourages the preservation of the fairness and integrity of esports for all competitors
- 4.3. The AESA will only endorse such an event if there exists fair and equal opportunity for competitors to compete in other tournaments
- 4.4. Promoters must be careful in their application of entry restrictions:
 - i) All athletes are to be treated fairly and equally
 - ii) A reasonable assessment must be made for alternative options of equal or similar opportunity for athletes, the promoter must willingly provide information to these
 - iii) An event must aim to be as inclusive and diverse as reasonably possible
- 4.5. By Gender
 - i) The AESA does not encourage single gender events in esports
 - ii) No refusal of entry can be made on the grounds of a person's gender identity, sexual orientation, gender status or other such matters
 - iii) A person must not be subjected to interrogation around gender identity, sexual orientation, gender status or other such matters
- 4.6. By Student
 - i) Such tournament must be explicitly for the purpose of providing an exclusive tournament environment for students
- 4.7. By Citizenship status
 - i) Such tournament must be explicitly for the purpose of seeking national representation
- 4.8. By Age
 - i) In the event of age-restrictions enforced on the game rating
 - ii) Should there be activities at the event requiring the enforcement of age-restriction
 - iii) Such tournament must be explicitly for the purpose of servicing a focused age group
- 4.9. Geography
 - i) Such tournament must be explicitly for the purpose of seeking location based representation

5. Identification

- 5.1. If required, proof of identity must be requested equally from all participants
- 5.2. The privacy of a person's proof of identity must be respected
- 5.3. Additional proof of identity may only be requested in the following circumstances:
 - i) Verify the identity of a player or athlete during registration and for sign-in purposes
 - ii) Verify the identity of the player or athlete competing for the correct recording of performance and results





- iii) Verify the identity of an official, referee or administrator
- iv) Verify the identity of a coach or team manager

5.4. The acceptable forms of identification are:

- i) Proof of Age
- ii) Driver's licence
- iii) Passport

6. Prohibition against discrimination and harassment

6.1. The AESA maintains a zero-tolerance stance for all forms of bullying, discriminating, and threatening behaviour. We prohibit all forms of discrimination and harassment as described in this policy.

6.2. Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with the AESA. A person may make an internal complaint, and in other circumstances, they may make an external complaint.

7. Complaint Handling

7.1. Internal complaints

The AESA has an obligation to treat all complaints of discrimination, victimisation, sexual harassment, vilification or invasion of privacy seriously. All complaints are handled confidentially and impartially, investigated promptly and recommendations implemented. We encourage all esports organisations to adopt a similar treatment for internal complaint handling

- i) The starting point to resolving a complaint is to talk with a person of responsibility, this can include an official, administrator, referee, team manager or coach. Tell them what your concerns are; explain what has happened and how it has affected you
- ii) The person of responsibility may take immediate action
- iii) The person of responsibility may provide a range of options. One approach is to centre on the resolution of the issue, without deciding fault. The person of responsibility may speak to the person you are making a complaint about, to see if the situation can be resolved simply
- iv) Some matters are not resolved so easily, especially if the person being complained about denies or disputes the allegations, or the issues are complex. The person of responsibility (or another if appropriate) may handle your complaint, or refer it to specialist AESA official or engage an independent external agency. This option will involve an investigation, collecting evidence and witness statements, and making findings and recommendations to be implemented

7.2. External complaints

- i) You can complain to an Anti-Discrimination authority located in your state. We have listed the relevant authorities for each state. Contact the appropriate authority to you and they will





send you a complaint form and explain the process to resolve your complaint. Most complaint resolution services are free. Review each authority's website for more information including the complaint form. NOTE: A complaint to the Anti-Discrimination Commission must be made within one year of the incident, unless good reasons for any delay can be shown.

- ii) Call the Australian Human Rights Commission in Sydney on 1300 656 419 to make a complaint under federal anti-discrimination legislation.

7.3. AESA designated official

- i) If the above are not appropriate you may reach out an AESA designated official or Member Protection Information Officer (MPIO), whom you can speak confidentially with, discuss how to handle the problem, find out about the options available, or seek assistance in elevating the concern should it persist.

7.4. Privacy

- i) During the complaint handling process the privacy, private information and the nature of the complaint for those involved in the matter must be respected and maintained, on a need to know basis only
- ii) Procedural fairness (natural justice) means the AESA is required to provide the person/people complained about with full details of the complaint so they have a fair chance to respond

8. Accreditation

8.1. The AESA may afford an esports organisation accreditation relating to this policy, such accreditation should reflect only those who uphold the highest standards of integrity in esports contributing to the open, fair, safe and inclusive esports environment for all

- i) Accredited esports organisations may bear the name and logo of the Australian Esports Association
- ii) Accreditation is subject to the adoption of and compliance with all AESA policies in unison with this policy

8.2. The AESA will maintain a register of accredited esports organisations and those who have infringed on this policy

8.3. The merit of an esports organisations accreditation in accordance with this policy will be unique and separate from other policies.



Anti-Discrimination Law

Some discriminating behaviour, such as sexual harassment and racial discrimination, is illegal in Australia.

This policy does not cover the entirety of the legal implications, obligations and responsibilities relating to federal and state law. The reader is encouraged to examine these further in their own capacity, or seek further independent legal advice.

Over the past 30 years the Commonwealth Government and the state and territory governments have introduced laws to help protect people from discrimination and harassment.

The following laws operate at a federal level and the Australian Human Rights Commission has statutory responsibilities under them:

- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984.

The following laws operate at a state and territory level, with state and territory equal opportunity and anti-discrimination agencies having statutory responsibilities under them:

- Australian Capital Territory – Discrimination Act 1991
- New South Wales – Anti-Discrimination Act 1977
- Northern Territory – Anti-Discrimination Act 1996
- Queensland – Anti-Discrimination Act 1991
- South Australia – Equal Opportunity Act 1984
- Tasmania – Anti-Discrimination Act 1998
- Victoria – Equal Opportunity Act 2010
- Western Australia – Equal Opportunity Act 1984.



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Where can I find more advice?

This policy does not cover every situation you may encounter and sometimes you may need to seek specific advice.

For more information please contact the following entities, please note this information is up to date at the time of publication:

Human Rights Commission Australia

<https://www.humanrights.gov.au/>

Address

Level 3, 175 Pitt Street
SYDNEY NSW 2000

GPO Box 5218 Sydney NSW 2001

Telephone: (02) 9284 9600
National Information Service: 1300 656 419
General enquiries and publications: 1300 369 711
TTY: 1800 620 241
Fax: (02) 9284 9611

Office Hours

Counter and general enquiries: 9:00 AM - 5:00 PM AEST
National Information Service: 10:00 AM – 4:00 PM AEST

State Authorities

ACT hrc.act.gov.au/

Address

Level 2, 11 Moore Street
Canberra ACT 2601

GPO Box 158 Canberra ACT 2601

Telephone: (02) 6205 2222
TTY: (02) 6205 1666
FAX: (02) 6207 1034

QLD adcq.qld.gov.au/

Address

Level 20, 53 Albert Street
Brisbane QLD 4000

GPO Box 15565 City East QLD 4002

Freecall: 1300 130 670
TTY: 1300 130 680
Fax: (07) 3247 0960

NT adc.nt.gov.au/

Address

7th Floor, 9-11 Cavenagh Street
Darwin NT 0800

LMB 22 GPO Darwin NT 0801

Telephone: (08) 8999 1444
Freecall: 1800 813 846
FAX: (08) 8981 3812

SA eoc.sa.gov.au/

Address

Level 17, 45 Pirie Street
Adelaide SA 5000

GPO Box 464 Adelaide SA 5001

Telephone: (08) 8207 1977
TTY: (08) 8207 1911
Fax: (08) 8207 2090





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TAS equalopportunity.tas.gov.au

Address
Level 1, 54 Victoria St
Hobart TAS 7000

GPO Box 197 Hobart TAS 7001

Telephone: (03) 6165 7515
Freecall: 1300 305 062
Fax: (03) 6173 0207

WA eoc.wa.gov.au/

Address
Level 2, Westralia Square, 141 St Georges Terrace
Perth WA 6000

GPO Box 7370, Cloisters Square, Perth WA 6850

Telephone: (08) 9216 3900
TTY: (08) 9216 3936
Fax: (08) 9216 3960

VIC humanrightscommission.vic.gov.au/

Address
Level 3, 204 Lygon Street
Carlton VIC 3053

Freecall: 1300 891 848
TTY: 1300 289 621

NSW antidiscrimination.justice.nsw.gov.au/

Address
Level 7, 10 Valentine Avenue,
Parramatta NSW 2150

PO Box W213, Parramatta Westfield NSW 2150

Telephone: (02) 9268 5544
Freecall: 1800 670 812
Fax: (02) 9268 5500

