


PROJECT	EWA - Empower Women Athletes: Tackling Feminine Abuse, Violence, and Discrimination in EU Sports Clubs (N°.: 623106-EPP-1-2020-1-IT-SPO-SCP)		 Co-funded by the Erasmus+ Programme of the European Union
INTELLECTUAL OUTPUT	Model: A Centralised Peer-to-Peer Helpdesk Model for Female Athletes (IO4)		
DOCUMENT	IO4.4 Testing Report	PARTNERS INVOLVED	



## **IO4 - Model: A Centralised Peer-to-Peer Helpdesk Model for Female Athletes**

### **IO4.4 Testing Report of the Helpdesk Model for Female Athletes**

*IO4.4 - Part of Testing Report*

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2023

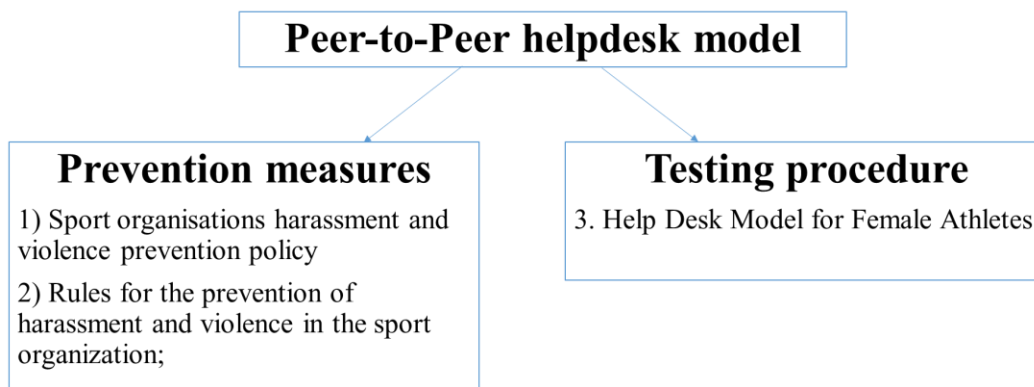
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# Centralised Peer-to-Peer Helpdesk Model for Female Athletes

The objective of A Centralised Peer-to-Peer Help Desk Model for Female Athletes (*hereinafter – Model*) was to ensure that each sport related workplace has a results-oriented policy which addresses the issue of harassment and violence.

The created Model set out the practical steps that can be taken by sports organizations, athletes and their family members, managers, coaches, judges and others involved in the sector to reduce, prevent and mitigate problems. The steps reflect the Policy Research and best practices developed in sport sector and they can be complemented by more specific and/or additional measures: structural policy, prevention mechanisms and reports of harassment and abuse management plan. Accordingly were prepared prevention measures and testing procedure - “Helpdesk” and divided into two pillars:



Prevention measures were presented as the draft documents for any sport organisation in EU to adapt according to their needs consisting from: Sport organisations harassment and violence prevention policy (Appendix - No. 1) and Rules for the prevention of harassment and violence in the sport organization (Appendix - No. 2). Both documents were placed on EWA’s web page in “Hotline” sub-webpage ([https://ewa-project.eu/platform/helpdesk\\_EN.php](https://ewa-project.eu/platform/helpdesk_EN.php)). Also, in this sub-page were created and published help measures to female athletes - National information referral service. This service is the process offering support to victims of violence and discrimination in sports by giving trusted contacts of local women’s rights organisations, legal service providers and other resources related to help and support for women in sports. Each partner organisation in the EWA project was operating as a national contact point and has developed cooperation with organisations (legal aid and/or psychological service), which could help prevent or deal with occurred harassment and violence circumstances.

# Social partners feedback on Helpdesk implementation

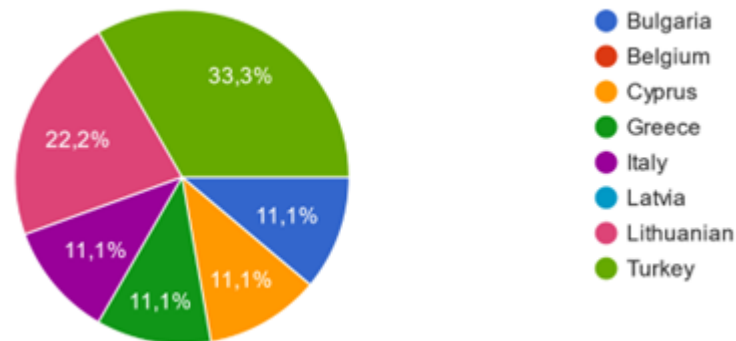
The Helpdesk system was active for 1 year, during the which data on the efficacy of the Helpdesk in offering support to victims of violence and discrimination in sports were gathered, analysed, and described in this report. The Questionnaire for the social partners regarding the Helpdesk implementation was created.

The aim of the following answers provided by social partners were to gather feedback about the A Centralised Peer-to-Peer Helpdesk for Female Athletes (hereinafter – Helpdesk) initiative they participated in. Social partners share their experiences in work they conducted to prevent and mitigate harassment-related actions and to combat violence, abuse and discrimination against women in sports. As well as, they shared their opinion how Helpdesk could be improved in order to work more efficiently.

## Survey answers from the Social partners

**General information** about organisations (social partners) which participated in the Helpdesk initiative. Consortium partners have all Contact information (responsible person, phone number, email address):

*Country in which Organisation operates:*



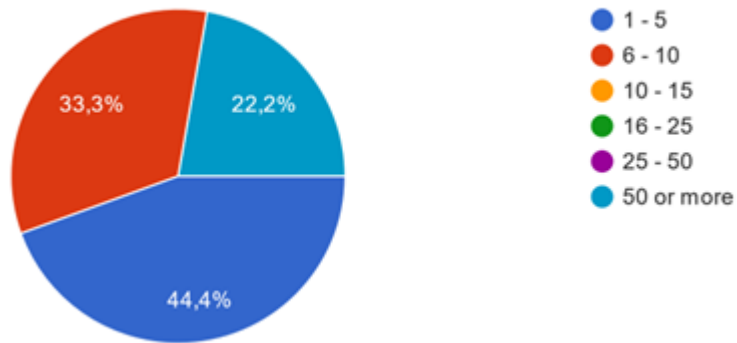
*Name of the organisation:*

1. Law firm Šarka, Jankauskas and partners;
2. Academy for Personal Development;
3. Beşiktaş Municipality;
4. Paydas Eğitim Kültür ve Sanat Derneği;
5. Efem Akdeniz Gençlik ve Spor Kulübü Derneği;
6. ETRHA ACCADEMIA SOCIALE;
7. SPAVO (Association for the Prevention and Handling of Violence in the Family);
8. SOCIALPOLIS KOINSEP.

Area(-s) in which organisation operates:

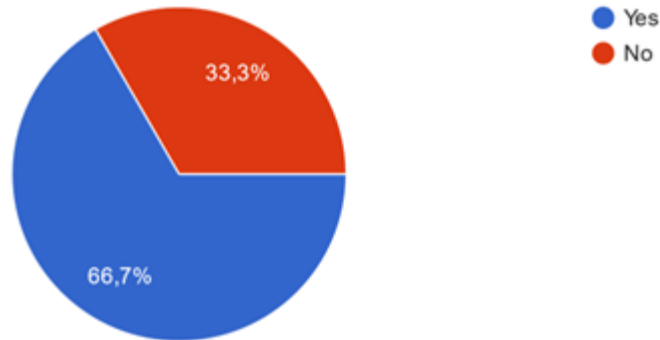


Number of employees in organisation:

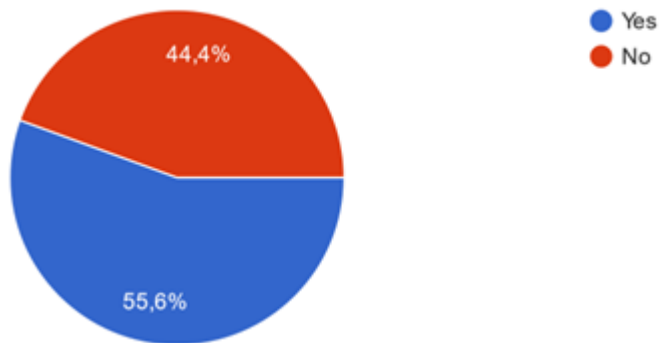


**Factors describing the implementation of the Helpdesk initiative**

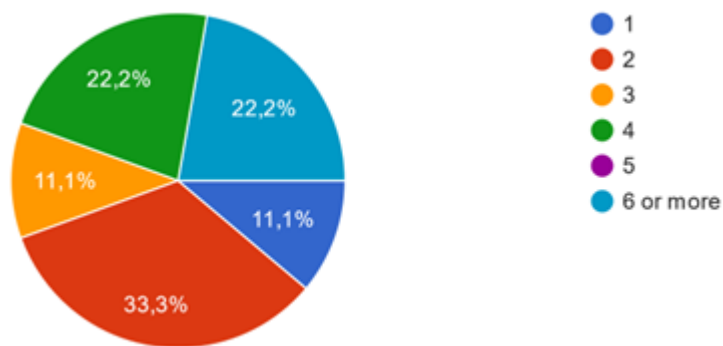
*Does your organisation have previous working experience in addressing the issue of gender-based harassment and violence?*



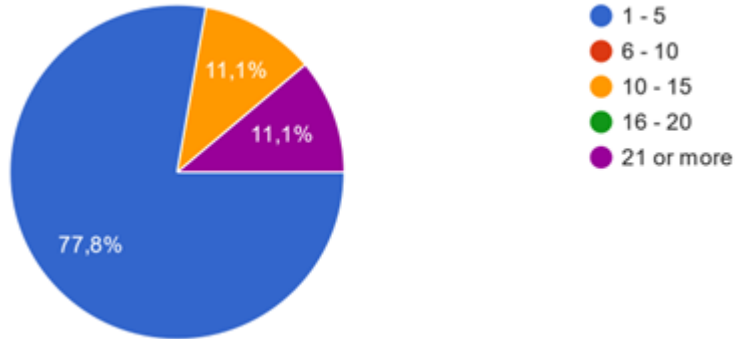
*Does your organisation have previous working experience in addressing the issue of gender-based harassment and violence with females from the sport sector?*



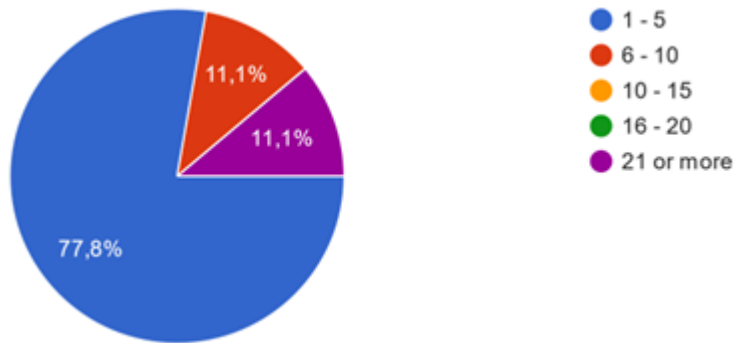
*Number of persons participated in the staff training before implementation of the Helpdesk initiative:*



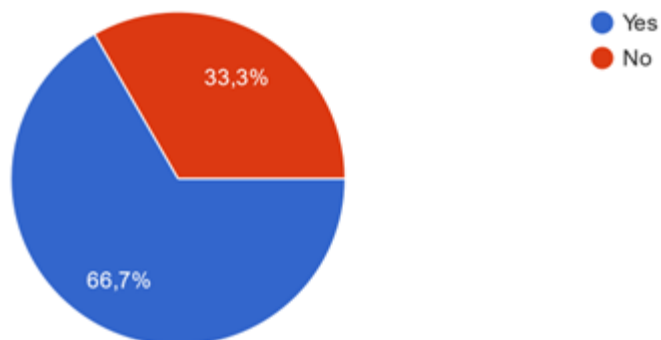
*Approximately how many women called/referred to the Helpdesk during its operation:*



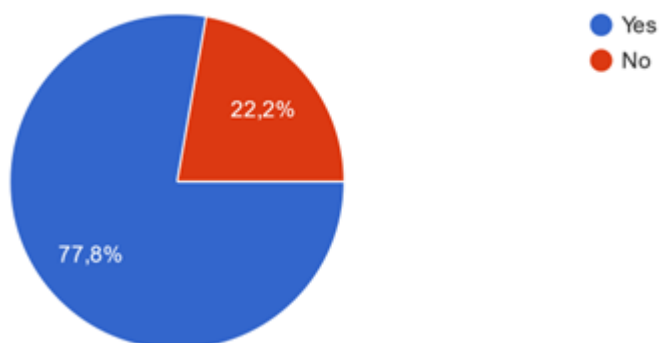
*Approximately how many women turned for help to the Helpdesk during its operation:*



*Did you got any feedback from the females from the sport sector regarding the Helpdesk initiative?*

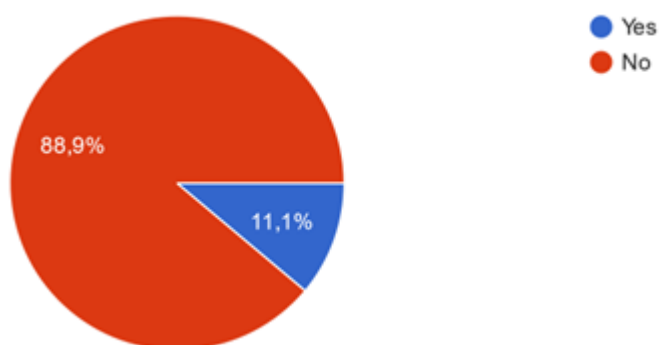


*Do women were interested in harassment and violence prevention measures for sport organisations?*



**Constraints** regarding the Helpdesk initiative

*Did you encountered any challenges during the implementation of the Helpdesk?*





# Recommendations

Gender-based harassment and violence in the sport sector is a serious problem that has received increased attention in recent years. The Helpdesk initiative is one approach that can be taken to address this issue, but its success depends on careful planning and attention to several critical factors.

To ensure that the Helpdesk initiative related to gender-based harassment and violence with females from the sport sector can be effectively adapted and upscaled, several organizational conditions should be met.

Firstly, strong leadership and commitment are essential to ensure that the initiative is prioritized and adequately supported. This includes leadership from key stakeholders such as sporting organizations, government agencies, and civil society organizations. These stakeholders must be committed to supporting the initiative and ensuring that it is given the necessary resources and attention.

Secondly, collaborative partnerships are crucial to ensure the effectiveness of the Helpdesk initiative. This includes partnerships with government agencies, sporting organizations, and civil society organizations to provide a coordinated response to gender-based harassment and violence. These partnerships should be built on mutual trust, respect, and shared goals to achieve the best possible outcomes.

Thirdly, access to resources is essential to support the initiative. This includes providing funding for training and education programs, staffing the Helpdesk with trained professionals, and investing in technology to support reporting and response mechanisms. These resources must be adequate and sustainable to ensure the initiative can operate effectively in the long term.

Fourthly, cultural sensitivity is important to ensure that the Helpdesk initiative is effective in Bulgaria. This includes addressing the unique cultural and social factors that may contribute to gender-based harassment and violence in Bulgaria and adapting the initiative to address these factors. This may involve working with local stakeholders to ensure that the initiative is culturally appropriate and responsive to the needs of those affected by gender-based harassment and violence.

Finally, a monitoring and evaluation framework should be developed to assess the effectiveness of the Helpdesk initiative in Bulgaria. This includes collecting data on incident reports, stakeholder feedback, and other relevant metrics to ensure that the initiative is achieving its goals and making a positive impact. The results of these evaluations should be used to inform ongoing improvements and adaptations to the initiative.

In conclusion, continuous monitoring and evaluation are essential for the success of the Helpdesk initiative. This involves regularly reviewing incident reports, collecting feedback from stakeholders, and making adjustments to the initiative as necessary.

By considering these factors, sport organizations can implement a Helpdesk initiative that effectively addresses gender-based harassment and violence with females from the sport sector. Such initiatives can create a safe and supportive environment for all athletes and promote gender equality in the sport sector.

## Conclusions

Gender-based harassment and violence is a serious issue in the sport sector that requires urgent attention: The Helpdesk initiative highlights the importance of recognizing and addressing gender-based harassment and violence in the sport sector. This issue can have serious consequences for the well-being and safety of female athletes, coaches, and other stakeholders, as well as the overall culture and inclusiveness of the sport sector.

The initiative had clear goals and objectives that are communicated to all stakeholders. These include addressing gender-based harassment and violence, providing support to those affected, and promoting a safe and inclusive sporting environment for all. The initiative had adequate resources, including funding, staffing, and technology, to effectively address gender-based harassment and violence such as trained personnel to respond to reports of harassment and violence, as well as sufficient technology to document and track incidents

One of the most important ways to improve the initiative is to increase awareness and education about gender-based harassment and violence. This should involve providing training and education to athletes, coaches, and other stakeholders on how to identify and report incidents of harassment and violence, as well as promoting gender equality in the sport sector. To ensure that this initiative is accessible to all athletes and stakeholders, it may be necessary to increase outreach efforts and make the initiative more accessible. It is essential to foster a supportive culture within the sport sector that promotes respect, inclusion, and gender equality. This involve creating policies and practices that are sensitive to the needs of diverse groups, promoting positive role models, and celebrating diversity and inclusion.

Gender-based harassment and violence in the sport sector is a serious problem that has received increased attention in recent years. The Helpdesk initiative is one approach that can be taken to address this issue, but its success depends on careful planning and attention to several critical factors.

Partnership and collaboration are also key factors in the success of the Helpdesk initiative. Collaboration with relevant stakeholders is critical to ensure that the initiative is effective and meets the needs of those affected by gender-based harassment and violence. These stakeholders should be involved in the planning and implementation of the initiative to ensure its effectiveness.

Confidentiality and privacy are critical factors for creating a safe and supportive environment for those affected by gender-based harassment and violence. The initiative must have clear protocols for reporting incidents, safeguarding personal information, and ensuring that the individual's privacy is respected throughout the process.

Cultural sensitivity is another important factor to consider when implementing the Helpdesk initiative. It is crucial to recognize and address the unique challenges faced by marginalized groups within the sport sector, such as Indigenous athletes and athletes with disabilities. The initiative must be culturally sensitive and responsive to the needs of diverse groups.

In summary, to ensure that the Helpdesk initiative related to gender-based harassment and violence with females from the sport sector can be successfully adapted and upscaled in some partner countries, yet strong leadership and commitment, collaborative partnerships, access to resources, cultural sensitivity, and a robust monitoring and evaluation framework are all essential organizational conditions that must be met.

# APPENDIX – No. – 1

## Sport organisations harassment and violence prevention policy



### IO4 - Model: A Centralised Peer-to-Peer Helpdesk Model for Female Athletes

## IO4.2 Sport organisations harassment and violence prevention policy

*IO4.2 -Part of Prototype of the Model to be tested*

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## **OBJECTIVE**

Sport organizations should strive to produce and preserve an environment in which employees, athletes, coaches, members and other interested persons are treated with dignity, decency and respect. The environment of the sport organization should be considered by common faith and the absence of intimidation, oppression and exploitation. Sport organization should not accept dishonest and illegal discrimination or harassment of any kind. Through implementation of policy and by teaching of employees, athletes, coaches, members and other interested persons, sport organization will seek to stop, correct and discipline behaviour that violates this harassment and violence policy.

All athletes, coaches, members and other interested persons, regardless of their positions, are covered by and are expected to comply with this harassment and violence policy and to take suitable actions to guarantee that prohibited behaviour does not happen. Suitable disciplinary action will be taken against any person which disrupts this harassment and violence policy. Based on the importance of the felony, disciplinary action may include verbal or written warning, suspension, termination from any connection to sport organization, as well as, legal consequences according the national laws.

Administrative staff, athletes, coaches, members and other interested persons who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to primary contact point which is dealing with harassment and violence policy implementation, advocacy and progress in sport organization, are in violation of this policy and subject to discipline.

## **REGULATORY ASPECTS**

### **EU-LEVEL LEGISLATION**

In Directive 2002/73/EC, harassment is defined as a situation ‘where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment’. Sexual harassment is said to take place where any form of ‘unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment’.

### **INTERNATIONAL LABOUR ORGANIZATION CONVENTION**

In June 2019, the General Conference of the International Labour Organization adopted the Violence and Harassment Convention, which defines ‘violence and harassment’ in the world of work as ‘a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result

in physical, psychological, sexual or economic harm, [including] gender-based violence and harassment'. The convention defines 'gender-based violence and harassment' as 'violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, [including] sexual harassment'.

## **EU GENDER EQUALITY STRATEGY**

On 5 March 2020, the European Commission presented its Gender Equality Strategy 2020–2025. This strategy covers all sources of gender inequality and violence against women. It contains various references to combating sexual harassment. The Commission intends to extend the areas of criminal activity where harmonisation is possible at European level to specific forms of gender-based violence, including sexual harassment and abuse of women. It encourages Member States to ratify the International Labour Organization convention, to implement the existing EU rules on protecting workers from sexual harassment and to raise people's awareness of these rules. As an employer, the Commission also intends to adopt a 'comprehensive legal framework' to combat all forms of sexual harassment in the workplace.

## **FORBIDDEN BEHAVIOUR UNDER HARASSMENT AND VIOLENCE POLICY**

Sport organisation, in compliance with all appropriate European Union, national and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines.

### **DISCRIMINATION**

European Observatory of Working Life defines discrimination as: different treatment of individuals or groups based on arbitrary ascriptive or acquired criteria such as sex, race, religion, age, marital or parental status, disability, sexual orientation, political opinions, socio-economic background, and trade union membership and activities. Also, this policy is intended to comply with the prohibitions stated in national anti-discrimination laws.

Therefore, it is a violation of Sport organization's policy to discriminate in the provision of employment, engagement, support opportunities, benefits or privileges and to create discriminatory conditions. Also, to use prejudiced values in employment, engagement, support opportunities if the basis of that prejudiced behaviour is, in whole or in part, the athlete's, coaches', member's and other interested person's race, colour, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination from any connection to sport organization and (if applicable) legal consequences according the national laws.

### **HARASSMENT**

European Observatory of Working Life defines violence and harassment at work as: unacceptable behaviour by one or more individuals [that] can take many different forms, some of which may be more easily identified than others harassment occurs when one or more worker or manager are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work. Violence occurs when one or more worker or manager are assaulted in circumstances relating to work. Harassment and violence may be carried out by one or more managers or workers, with the purpose or effect of violating a manager's or worker's dignity, affecting [their] health and/or creating a hostile work environment.

Consequentially Sport organisation bans harassment of any kind, including sexual harassment, and will take suitable and instant act in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any spoken or physical behaviour intended to threaten, intimidate or force an athlete, coach, member and other interested person working for or on behalf of Sport organization. It could be two harassment types: verbal and nonverbal.

Verbal harassment contains comments that are aggressive or undesirable regarding a person's national origin, race, colour, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, insults and negative stereotyping.

Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, colour, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

## **SEXUAL HARASSMENT**

According European Institute for Gender Equality sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. It could be three harassment types: verbal, nonverbal and physical.

Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual proposals, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "joking" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes,

facsimiles, e-mails, photos, text messages, tweets and internet postings; or other forms of communication that are sexual in nature and offensive.

Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Well-mannered, mutually respectful, agreeable, noncoercive interactions between the athlete's, coaches', member's and other interested persons in that are appropriate in the Sport organization and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.



# PREVENTION STEPS HANDLING HARASSMENT AND VIOLENCE IN SPORT ORGANIZATION

## MAINTAIN A STRONG POLICY

All sport organizations need a complete harassment and violence policy no matter of their size resources and/or organizational structure. Each sport organization has to follow the policy with reliability. There should be considerations not only regarding on sexual harassment and include the following:

- What is considered prohibited conduct with examples;
- The reporting procedure (preferably with more than one colleague listed as a resource);
- A notice regarding investigation procedures
- A non-retaliation policy
- A notice for disciplinary action, including disciplinary action for false claims

## PRIME CONTACT POINT IN SPORT ORGANIZATION

Sport organisation's harassment and violence policy should explain how to file a complaint and, accurately named primary contact point (person). In bigger sport organizations, the contact point may be an Equal Employment opportunity officer or a Harassment officer. In smaller organizations, the contact point may be Human resource manager or supervisor. The contact point should not be the same person who is responsible for investigating or making decisions about a complaint.

The contact point must:

- be available to listen to an employee's, athlete's, coach's, member's and other interested person's concerns about discrimination or harassment;
- not form a view of the merit of any allegations;
- provide information about the internal complaint procedure;
- advise the person that in some situations where serious allegations are raised (*for example, allegations that may expose the organisation to legal liability – the issue may need to be reported to management and dealt with as a formal complaint*);
- where suitable, offer support for an individual if she or he wants to attempt and resolve the problem personally;
- offer information about available support services (*if sport organization have it, for example, inhouse counselling services*);

- outline other possibilities accessible to the complainant, such as list a complaint of discrimination or harassment with an external agency.

As well as, if complaint involves felonies under the criminal code for example sexual assault, rape, indecent exposure, attack, stalking or obscene communication which has occurred in the premises of the Sport organisation or while engaged in Sport organisation's organized and/or related activity primary contact point have to deliver information to the President/Director of the SO, report the situation to the police and provided the information to the Office of the Equal Opportunities Ombudsman in addition to any other options under these procedures.

### **‘ZERO TOLERANCE’ - COMMUNICATION**

Notify employees, athletes, coaches, members and other interested persons ‘what is’ and ‘what is not’ acceptable conduct and behaviour in the sport organization. Remind them of the possible consequences of harassment and violence. It may be that they are unaware that their actions are harassing someone, so please explain with harassment and violence related actions, which includes:

- Offensive jokes;
- Lewd comments;
- Unwanted physical contact;
- Offensive pictures;
- Speculation about someone's private life;
- Threats of sexual violence;
- Deliberately isolating a colleague.

### **REQUIRE TRAINING ACROSS ALL PEOPLE INVOLVED IN ORGANISATION**

Promote a safe organization culture through concrete policies, in depth training and responsiveness. Provide this training and ensure it is repeated regularly. This will explicate employees, athletes, coaches, members and other interested persons with your sport organization's harassment and violence policies. Subsequently, as employees in management positions oversee others in organization, it's important that they receive additional guidance. Conduct training updates every year or after making any policy changes. Create an environment where your employees, athletes, coaches, members and other interested persons feel comfortable participating in the sport organizations daily life and events.

### **RETALIATION**

No hardship, loss, benefit or penalty may be imposed on an employees, athletes, coaches, members and other interested persons in response to:

- filing or responding to a bona fide complaint of discrimination or harassment;
- appearing as a witness in the investigation of a complaint;
- serving as an investigator of a complaint.

Lodging a bona fide complaint in no way has to be used against the employee, athlete, coach, members and other interested person or have a contrary impact on the individual's status in Sport organisation. However, filing groundless or malicious complaints is an abuse of this policy and should be treated as a violation.

Any person who is found to have violated this aspect of the policy should be subject to discipline up to and including termination from any connection to sport organization and (if applicable) legal consequences according to the national laws.

## **MANAGEMENT OF HARASSMENT AND VIOLENCE IN SPORT ORGANIZATION**

### **FEATURES OF INTERNAL COMPLAINT PROCESS**

Sport organizations can establish a detailed process for harassment and violence complaints. Nevertheless, it is important to address that discrimination and harassment complaints can be complex, sensitive and may potentially involve external agencies, such as Office of the Equal Opportunities Ombudsman or other legal authorities. Therefore, it is significant that those responsible for dealing with internal complaints have the suitable skills. Consequently, these people should follow appropriate complaint process:

- Fair – This means that both the persons the complainant (the person reporting the complaint or the subject of the harassment) and respondent (person alleged to have engaged in the conduct) person being complained about should have the chance to present their version of events, deliver supporting material and respond to any potential negative decisions. Furthermore, the individual examining and/or making decisions about the complaint should be neutral; that is, she or he should not favour the complainant or the respondent or prejudge the complaint in any way;
- Confidential – This means that information about a complaint is only provided to those people who need to know about it, in order for the complaint to be actioned properly;
- Transparent – The complaint procedure and the possible consequences of the complaint should be clearly explained and those involved should be kept informed of the development of the complaint and the details for any verdicts;
- Accessible – The complaint procedure should be easy to access and comprehend, and everyone should be able to contribute alike;

- Efficient – The complaint procedure should be conducted without unnecessary postponements, because retention could cause relevant information deteriorate which would impact on the fairness of the process. Furthermore, unsolved complaints could have a harmful and constant effect on a sport organisation.

## **EARLY RESOLUTION OPTION**

In some circumstances, it may be appropriate to consider early resolution of an initial complaint without undertaking an assessment of its merit. Early Resolution is a possibility which could help sport organizations and employees, athletes, coaches, members and other interested persons resolve a discrimination or harassment matter early, quickly and informally, before it becomes too serious or needs a more formal process. It aims to resolve a dispute in the initial stages or help progress a disagreement that has stalled. It is a flexible process which could be conducted by a primary contact point described in harassment and violence policy in sport organization or experienced mediator.

This approach may be useful where:

- the complainant indicates a wish to sit down and discuss the matter with the respondent informally and this seems appropriate in the particular circumstances;
- the information on hand supports a view that the complainant has arisen from a misinterpretation or miscommunication;
- the behaviour being complained about is not serious and does not appear to be discrimination or harassment, as defined by the organisation's policy.

Early resolution may involve:

- a direct private discussion between the complainant and the respondent;
- an impartial third person (primary contact point) conveying information among involved individuals;
- an impartial third person (primary contact point) helping those involved to talk to each other and find a solution.

In some cases, the impartial third person may need to be someone external to the organization, such as a professional mediator.

Usually, early resolution efforts should be completed within thirty (30) calendar days of receipt of the complaint. If it is mutually agreeable among involved individuals, this timeframe may be extended. If at any point during this process, the reporter, complainant, respondent or primary contact point wishes to stop early resolution process and proceed through formal resolution procedures, a formal process has to start. Early resolution is not available in cases involving sexual assault.

## **FORMAL RESOLUTION PROCESS**

Sport organization's employee, athlete, coach, member and other interested person who have experienced harassment, violence and sexual harassment or other degrading incident may choose to make a formal resolution along with any further explanation as appropriate about the incident that has taken place. Formal resolution process is intended to provide with prompt, fair, and effective means of addressing complaints. Formal resolution has to be filled according the agreed in Sport organization's harassment and violence policy form, and outline the events, when and how they occurred and the impact of any situation on the employee concerned, any action the complainant may have taken to stop the behaviour, and an indication of the desired outcome the complainant is seeking.

The complaint is to be lodged with the appropriate person – primary contact point. Primary contact point who receives a complaint must deal with it promptly.

If the complaint has sufficient substance, the primary contact point in sport organization has to initiate an investigation. Where it appears that there has been an incident of misconduct or serious misconduct (and possibly a criminal offence to be referred to appropriate external authorities), an investigation has to be performed in accordance with the Sport organization's harassment and violence policy and/or employee, athlete, coach, member and other interested person contract/agreement and the principles of natural justice (*According the Oxford Languages - Natural justice is principles, procedures, or treatment felt instinctively to be morally right and fair*).

The complaint has to be filed within thirty (30) calendar days of the most recent alleged violation regardless if it's discrimination and harassment.

On receipt of a formal complaint, the complainant has to be informed of how the investigation will proceed and be provided with an indicative timeframe for the investigation. The complainant will be kept informed during the investigation.

During the investigation it may be necessary to gather information and interview other individuals. Content of any interviews have to be documented and verified by the individual supplying the information for the purposes of being included in the investigation and the investigation report.

Where a formal complaint is submitted for investigation, the complaint together with any supplementary information obtained during the course of the investigation will, in line with the principles of natural justice, be given to the respondent who is the subject of the complaint, to answer.

If an employee, athlete, coach, member and other interested person who have experienced harassment, violence and sexual harassment or other degrading incident in sport organization wants to proceed with a formal complaint the following steps are recommended.

#### ***Obtain information from the complainant***

- The primary contact point - person which handling the complaint must:
- provide information about the complaint process, potential outcomes, options for assistance/support and protections from victimisation;
- ensure the allegations are documented, either by the complainant or the primary contact point;
- explain that the process is confidential, what this means and why it is important;
- explain what records of the complaint will be kept, for how long and where;
- explain the action that may be taken if the complaint is found to be vexatious or malicious;
- ask the complainant to provide relevant documents or details of witnesses that may support the allegations.  
*(If the concern appearing regarding the supporting information being destroyed or compromised, the primary contact point should try to obtain this information before taking any further action).*

### ***Advise the respondent about the complaint***

The primary contact point should:

- advise the respondent that a complaint has been made against him or her and provide as much information as possible about the allegations and supporting information (where applicable);
- confirm that he or she will be given the opportunity to respond to the allegations in writing or through an interview;
- provide information about the complaint process, potential outcomes and options for assistance/support;
- explain that the process is confidential, what this means and why it is important;
- explain what records of the complaints will be kept, for how long and where;
- explain that it is unacceptable to victimise someone who has made a complaint.

### ***Assess the information***

If the respondent confirms that he or she did what is alleged to have occurred, and if this behaviour would be considered discrimination or harassment as defined in the organisation's policy, the next step is to consider an appropriate outcome (see below). It is recommended that the respondent is provided with the opportunity to comment on any proposed decision and outcome before a final decision is made.

If there is disagreement about what happened, the primary contact point should consider whether there is other information that will help to determine what happened. It is generally understood that the person making the decision should be satisfied that it is 'more probable than not' that what is alleged to have happened did happen.

Given the nature of discrimination and harassment, there may often be no direct witnesses or documents to support the complainant's version of events. This does not mean that the allegation is untrue. In these circumstances, the

complainant should be given the opportunity to comment on the information that has been provided by the respondent and to provide any other information to support his or her allegations before a final decision is made.

## **POTENTIAL CONSEQUENCES FROM THE RESOLUTION PROCESS**

### ***If accusations are admitted or validated***

Potential consequences for the respondent may include (one or several action might be used):

- disciplinary counselling;
- an official warning;
- a requirement to attend discrimination and harassment awareness training;
- a requirement to provide a formal apology to the complainant;
- disciplinary action (e.g., demotion, transfer, suspension, probation or dismissal)
- participation in mediation to restore relationships in the workplace.
- Potential consequences for the complainant may include (one or several action might be used):
- supportive counselling;
- re-crediting of any leave taken as a result of the discrimination or harassment;
- a change in the sport organization environment, as requested, for example, a change in work teams or location;
- participation in mediation to restore relationships in the sport organization environment.

It is important that the complainant is provided with complete information about the consequence of a complaint, as this may affect their verdict to pursue the matter with an external agency. The level of details provided should be balanced compared to the requirement to respect the confidentiality of the respondent.

### ***If accusations are not admitted or validated***

Where accusations have not been admitted or validated, it may still be suitable for the sport organization to take some action as a result of the complaint. It may be suitable to:

- deliver updated training for all employees, athletes, coaches, members and other interested persons regarding suitable behaviour in sport organisations regarding the prevention of the harassment and violence; and/or
- re-issue the Sport organisation's harassment and violence policy of conduct to all employees, athletes, coaches, members and other interested persons.

If such action is taken, it is significant that it is not completed in a means which might be understood as singling out or punishing the respondent, especially where there has been no finding that he or she has breached the Sport organization's harassment and violence policy.

## INVESTIGATE COMPLAINTS

Effective investigations of complaints are prompt, organized and consistent. Discuss with managerial staff a plan for the investigation. Keep the complainant in the loop on the investigation progress and results. Harassment and violence complaints must be reacted quickly and follow a set process without delay. Even if you feel that there is no genuine complaint or no substance to a complaint, you should not ignore it. In order to examine the complaint, it can be appointed internal investigator or could be hired external assistance – organization providing legal services. Below is listed set of tips for investigating the a complain of harassment and/or violence:

- *Listen to their concerns:* if an employees, athletes, coaches, members and other interested persons alleges that they have been harassed, sport organization should deal with their concerns sensitively and sympathetically, reassuring them that their concerns will be investigated systematically.
- *Obtain details:* sport organization should meet with the complainant and try to get as much detail as you can from them - such as where, when and how, as well as details of any witnesses. This will enable to carry out a thorough investigation.
- *Ask questions:* sport organization must have a Q&A session with any witnesses identified. These meetings should take place in private and it is important to keep a detailed record of the conversation (it could be in written form).
- *Approach the respondent:* sport organization need to speak to the alleged respondent. It's important that you explain to them that the purpose of the Q&A session is not to accuse but to hear their version of events.
- *Make adjustments:* do the complainant and the alleged respondent involved into the same activities together? If so, is it vital for them to be completely separated in order for them to continue participation in sport organizations activities, pending a full investigation.
- *Consider suspension:* if it is not possible to separate them and if there is a risk of a further incident occurring, it is need to consider suspending the alleged respondent. This should be confirmed in writing.
- *DO NOT suspend the victim:* in this situation sport organization MUST avoid suspending the complainant or requiring them to move to another organizations location as this could be viewed as victimization.
- *Withhold judgement:* avoid making or communicating any judgments before the investigation has been completed.

## WHAT IF THE COMPLAINT IS UNFOUNDED?

If during investigation it becomes apparent that there is no substance to the complaint – it is needed to meet with the complainant and explain in a sensitive way your findings.



Responsible person – which is appointed by the sport organization (Management board, Executive Committee, Director) to deal with harassment and /or violence cases should confirm whether any further action or some sort of mediation is necessary.

However, if the allegations are well founded, sport organisation need to take a different approach and dealt with in accordance with organisations' disciplinary procedure.

## **SUPPORT THE COMPLAINANT**

It is important for the complainant to be kept informed of the situation. Reassure her / him that organization taking their concerns seriously and are addressing them. Complainant need to know that the matter has been dealt with appropriately. Responsible person should also look at ways to support the complainant moving forward.

Please note that if the complainant has raised the complaint as a formal grievance, the process must be followed and concluded in full. This remains the case even if they go off sick during the process. Responsible person, should maintain contact and reassure the complainant that their concerns are being taken seriously. Conversations should also take place in terms of how the sport organization can help or support them in returning back.

## **RECORD KEEPING AND FILE MANAGEMENT**

Sport organization's is committed to maintaining the privacy of personal information. All personal information collected during the Early resolution option or Formal resolution process have to be held and used in accordance with the Sport organization's privacy policy, if such a policy does not exist the data have to be kept according the European Union [General Data Protection Regulation](#) (*regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC -General Data Protection Regulation*)

Sport organization's employees, athletes, coaches, members and other interested persons should be informed that:

1. Primary contact point has to keep confidential original records and other working papers created or used in relation to inquiries or complaints on a file. This file has to be marked *Confidential* and stored in locked cabinets to which only primary contact point has access.
2. Records kept on files are the property of Sport organization's not the complainant and/or respondent or the primary contact point and as such are subject to privacy regulation written in Sport organization's privacy policy or according the GDPR.
3. Records have to be kept only in hard copy format and not on computer hard drive or on *external hard drive's* which can be removed from the sport organisation.
4. Complainant and/or respondent has the right to access their file on request in accordance with the provisions of privacy policy.

5. Primary contact point is encouraged to keep notes to a smallest stating only facts and appropriate details as described by the complainant and/or respondent. Primary contact point should record the outcome of each interview and where suitable have the complainant and/or respondent initial these as a correct record. The outcome recorded could include the complainant's and/or respondent's preferred course of action (if any) and any undertaking the primary contact point makes to the complainant and/or respondent.
6. Any additional information or subsequent links with the complainant and/or respondent should be recorded in the same way.
7. These files have to be kept by the Primary contact point for the number of days described in the Sport organization's privacy policy or according the GDPR.

## **CONFIDENTIALITY**

All complaints and investigations in Sport organization are treated privately to the extent possible, and data is revealed strictly on a need-to-know basis. It limits contact to and distribution of material, enquiring that data is accessible only to a restricted number of approved persons (generally the assigned person, primary contact point and/or senior management) of the Sport organization for the purpose of closing required investigations. All information concerning a complaint or investigation under this policy will be maintained in secure files within designated in accordance with the Sport organization's internal rules.

## REFERENCE

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- Employment New Zealand, Early Resolution: <https://www.employment.govt.nz/resolving-problems/steps-to-resolve/early-resolution/>
- Entrepreneur and Family Business Councils at DePaul University Driehaus College of Business, 6 Key Steps for Preventing and Addressing Workplace Harassment: <https://www.myefbc.com/6-key-steps-harassment/>
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- European Institute for Gender Equality, What is sexual harassment: <https://eige.europa.eu/publications/sexism-at-work-handbook/part-1-understand/what-sexual-harassment>

- International Labour Organization, C190 - Violence and Harassment Convention, 2019 (No. 190): [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)
- Lesley University, Discrimination and Harassment Complaint Resolution Procedure: <https://lesley.edu/students/policies/behavior-policies/discrimination-and-harassment-complaint-resolution-procedure>
- Massey University, Harassment and discrimination resolution procedures: <https://www.massey.ac.nz/massey/fms/PolicyGuide/Documents/People%20and%20Organisational%20Development/Harassment%20Prevention%20Procedures.pdf>
- Pennsylvania State University, Discrimination and Harassment Complaint Procedures: <https://affirmativeaction.psu.edu/welcome/discrimination-complaints/discrimination-and-harassment-resolution-procedures/>
- REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation): <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=LT> SHRM, Anti-harassment Policy and Complaint Procedure (includes Dating/Consensual Relationship Policy Provision): [https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms\\_000534.aspx](https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_000534.aspx)
- University of Southern Queensland 2018, Harassment and Discrimination Complaint Resolution for Students Policy and Procedure: <https://policy.usq.edu.au/documents/13333PL>

# APPENDIX – No. – 2

## Rules for the prevention of harassment and violence in the sport organization



### IO4 - Model: A Centralised Peer-to-Peer Helpdesk Model for Female Athletes

## IO4.2 Rules for the prevention of harassment and violence in the sport organization

*IO4.2 -Part of Prototype of the Model to be tested*

Disclaimer:

*"The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein"*

2023

## I. GENERAL PROVISIONS

1. The Sport Organization (hereinafter -SO) is guided by the principle that every SO employee, athlete, coach, member or other interested person respects the dignity of another person, politely and respectfully communicates with others, ensures a work environment in which the other person does not experience hostile, unethical, degrading, aggressive, offensive actions.
2. All SO employees, athletes, coaches, members and other interested persons must be acquainted with and comply with these Rules for the Prevention of Harassment, Sexual Harassment and Violence (hereinafter referred to as the Rules), which are published on the SO website and/or other information channels. SO employees, athletes, coaches, members and other stakeholders must actively participate in the creation of a friendly working environment that respects human dignity, ensures equal opportunities and non-discrimination.
3. Harassment, sexual harassment or violence against SO employees, athletes, coaches, members and other interested persons is prohibited.
4. SO harassment, sexual harassment and violence prevention policy is based on the requirements of legal acts and these Rules.

## II. DEFINITIONS USED IN THE RULES

5. Responsible person - a person appointed by the SO (Appointed primary contact point, Management board, Executive Committee, Director) who is the first to receive a notification or complaint about an event and organizes the examination of the complaint or event in accordance with the established procedure. The name and contact details of the responsible person shall not be made public.
6. SO employee - an employee of the SO Directorate who has an employment relationship with the organization.
7. SO member – member which has legal approval from the SO i.e. athletes, coaches etc.
8. Other stakeholders - other service staff and voluntaries.
9. Physical abuse - an intentional and undesirable act, such as fisting, beating, kicking, biting and burning, which results in injury or injury.
10. Commission - a commission formed by the order of the President/Director of SO to investigate cases of violence, harassment and sexual harassment.
11. Victim - an SO employee, athlete, coach, member or other interested person who has been harassed, sexually harassed and has been subjected to violence.
12. Report - means the provision of oral or written information about sexual harassment, violence and harassment.

13. Harassment - means unwanted conduct which, on the grounds of sex, race, nationality, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnicity, religion, seeks to insult or insult the dignity of a person and creates or creates an intimidating, hostile, degrading, or offensive environment.
14. Psychological abuse - any unwanted act, including imprisonment, isolation, verbal abuse, humiliation, intimidation, psychological aggression, threats of physical force, or any other conduct that may impair one's sense of identity, dignity, and self-esteem, as well as physical harm, the mental, spiritual, moral or social health, safety and well - being of an SO employee, athlete, coach, member or other interested person.
15. Sexual harassment - means any conduct of a sexual nature, expressed orally, in writing, in writing or in physical form, intended to create or intimidate a person who is being harassed, intimidated, hostile, humiliating, humiliating or abusive. offensive environment.
16. Complaint - a written application of the victim regarding harassment, sexual harassment, violence.
17. Complainant - a person whose conduct has been reported, a complaint of sexual harassment, harassment or violence.
18. Violence - intentional physical, mental, sexual or other impact on a person by actions or omissions, as a result of which the person suffers non-pecuniary, physical or material damage.

### **III. FORMS OF HARASSMENT, SEXUAL HARASSMENT AND VIOLENCE**

19. Sexual harassment, harassment and violence can take the following forms:
  - 19.1. unwanted physical contact (e.g., slapping, stroking, caressing, flicking, trying to kiss, kissing, etc.) or requiring such contact;
  - 19.2. verbal or written humiliation (offensive laughter and jokes, constant remarks, hate speech, gossip, spreading rumors, slander, etc.);
  - 19.3. display of offensive pictures, notes or other material, offensive gestures;
  - 19.4. Demonstration or transmission of pornographic or sexist photographs, images, texts by electronic means;
  - 19.5. deliberate isolation or non-communication in sports activities, separation from social activities;
  - 19.6. intrusive communication, tracking of a person or collection of information about a person, when it is not related to the work functions performed or sports;
  - 19.7. threats or other intimidating behavior aimed at restricting a person's freedom of choice;
  - 19.8. impact on an SO employee, athlete, coach, member or other interested person in pursuit of certain conduct, services or sexual services not related to the performance of work functions or sports;

- 19.9. unjustified deterioration of working conditions compared to other persons.
20. The list of forms of harassment, sexual harassment and violence is not exhaustive.
21. Harassment, sexual harassment and violence may take other forms which are not obvious but which create an unpleasant, intimidating, humiliating or offensive environment.

#### **IV. RECOMMENDED BEHAVIOR OF SO EMPLOYEES, ATHLETE, COACH, MEMBERS AND OTHER STAKEHOLDERS TO AVOID HARASSMENT, SEXUAL HARASSMENT AND VIOLENCE AND PROSECUTION**

22. SO is recommended to follow the following principles:
  - 22.1. Analyze your behavior and evaluate whether it complies with the provisions of the Rules.
  - 22.2. Be aware, know, or guess what potential behaviors can be considered sexual harassment and violence.
  - 22.3. To be attentive and sensitive to other SO employees, athletes, coaches, members and other interested persons, to respect their private life, views, beliefs, their physical and mental integrity, to try to understand whether his or her oral, written or physical behavior may cause unpleasant, unwanted, dignified may interfere with another person in the work environment, which may prevent them from performing their functions properly, such as:
    - 22.3.1. a familiar way of greeting;
    - 22.3.2. compliments not related to the sporting characteristics of the person;
    - 22.3.3. comments on physical appearance or clothing, signs of human identity;
    - 22.3.4. unethical comments about views, weaknesses or strengths, his private life;
    - 22.3.5. unethical references (e.g., acronyms, nicknames, diminutive references);
    - 22.3.6. jokes or jokes of a sexual nature, offensive or disrespectful;
    - 22.3.7. physical contact with an SO employee, athlete, coach, member or other interested person, causing physical or psychological discomfort without observing a respectable physical distance;
    - 22.3.8. annoying showing attention, inspecting physical appearance;
    - 22.3.9. speaking tone, sounds and movements that can hurt, humiliate a person or evoke sexual associations;
    - 22.3.10. use of visual means degrading honor and dignity (posters, photographs, drawings, objects, etc.);
    - 22.3.11. sending offensive messages that degrade honor and dignity.
  - 22.4. In order to avoid unpleasant, unacceptable behavior and negative consequences of such behavior, in case of doubt that certain behavior may be undesirable or may make another person feel uncomfortable, degrade her/his dignity, it is recommended to contact in advance, discuss with SO employees, athletes, coaches, members and other interested persons, if certain behaviors, a form of communication is acceptable.
  - 22.5. If an SO employee, athlete, coach, member or other interested person orally, by actions or lack of response shows that certain behavior, unrelated and / or unnecessary for the performance of work functions,



is not acceptable to him - it is necessary immediately to stop such behavior and limit communication to mandatory work functions.

22.6. Not to be a passive observer of behavior that violates the provisions of the Rules, but to take active steps to stop such behavior. If such behavior takes place, do not tolerate it, do not consider it a joke or a mockery, do not encourage such behavior with a supportive smile, laughter or other actions that support such behavior.

22.7. If you experience such behavior, which shows signs of harassment, sexual harassment, violence, it is advisable to say or inform the person behaving in such a calm, polite tone that the behavior is unacceptable and must be stopped. This can also be done by email or message. It is advisable to explain what gestures, words, comments, physical behavior or other actions are unpleasant, creating a degrading, offensive work or sport environment.

22.8. It is advisable to record all acts of harassment, sexual harassment, violence (behavior), time, witnesses and other significant circumstances.

22.9. If harassment, sexual harassment or violence has taken place against another SO employee, athlete, coach, member or other interested person, it is advisable to encourage her or him to speak up, encourage the respondent to report it and inform her or him immediately that such behavior is undesirable.

## **V. PRINCIPLES OF NOTIFICATION OR COMPLAINT INVESTIGATION**

23. The investigation of a notification or complaint shall be based on the following principles:

23.1. innocence - the accused is presumed innocent until a decision on violation of the Rules is made;

23.2. promptness - the investigation is carried out in the shortest possible time;

23.3. Immediateness - the victim, the complainant, the witness (es) has every opportunity to provide explanations, a version of the assessment and interpretation of their actions;

23.4. assistance to the victim - upon receipt of a complaint about violation of the rules, safe working conditions are created;

23.5. application of active preventive measures - in case of violation, appropriate individual preventive measures are applied, ensuring safe and dignified working conditions for SO employees, athletes, coaches, members and other interested persons;

23.6. objectivity and impartiality - the investigation is carried out objectively, without any preconceived notions regarding the assessment of the circumstances.

## **VI. NOTIFICATION OR COMPLAINT PROCEDURE. TERMS**

24. An SO employee, athlete, coach, member or other interested person who reasonably believes that she or he or another person is being harassed, sexually harassed or subjected to mental and / or physical violence has

the right to submit a report or complaint to the responsible person, who would receive the information immediately but no later than the next working day to the President/Director of the SO or directly to the Office of the Equal Opportunities Ombudsman. The responsible person, among other things, also informs the victim about the possibility to access free legal aid by applying to the Legal Organization (hereinafter - LO), which provides free legal services to SO employees, athletes, coaches, members and other interested persons, in cases of harassment, sexual harassment and / or violence.

25. In the notification (complaint), an SO employee, athlete, coach, member or other interested person shall provide the following information:
  - 23.1. detailed explanations of the incident regarding the situation, manifestations and circumstances of the experienced violence, harassment or sexual harassment;
  - 23.2. identify potential witnesses
  - 23.3. provide all other available information (audio recordings, correspondence, etc.).
26. Upon receipt of a report or complaint about an event from the responsible person by the President/Director of SO, an appropriate commission consisting of 5 (five) members shall be convened. Only a member of the SO Management board, Executive Committee or President/Director may be appointed as the Chairman of the Commission, who is one of the 5 (five) members of the Commission.
27. Members of the Commission must ensure confidentiality. Members of the Commission shall be prohibited from disclosing any information relating to an investigation to persons not participating in the investigation procedure. A member of the Commission who discloses information relating to an investigation to other persons shall be liable to disciplinary action.
28. When interviewing a victim or respondent, her or his representative may also participate in the interview.
29. It is recommended that the notice or complaint be submitted as soon as possible after the date of the act or clarification of the act complained of.
30. After conducting the investigation, the commission evaluates the data received during it and within 5 working days prepares and submits a conclusion to the President/Director of SO, who makes a decision on the application of disciplinary liability or other measures.
31. The notification or complaint shall be investigated or the prevention procedure shall be performed within the shortest possible time, but not longer than within 1 month from the date of receipt of the notification or complaint.
32. The term for the investigation of a report or complaint may be extended by the SO only if due to justified circumstances (illness, etc.) it is not possible to interview the victim, the respondent or a witness. The decision on the extension of the term shall be made by the chairman of the commission.

## **VII. ATHLETES NOTIFICATION OR COMPLAINT PROCEDURE AND INFORMATION ON FREE LEGAL AID**

33. An Athlete who has reasonable grounds to believe that she or he or another Athlete is being harassed, sexually harassed or subjected to mental and / or physical violence shall have the right to submit a report or complaint to the responsible person, who shall respond to the information received.
34. Upon receipt of a complaint or report of harassment, sexual harassment, mental and / or physical violence against an Athlete, the Responsible Person shall promptly inform the Athlete Victim by providing her / him with an information about the possibility of contacting LO, a free legal aid service. All information provided by the Athlete and obtained in the course of the Athlete's assignment by the LO will be protected as a lawyer's professional secret and will not be disclosed to the public.
35. The provisions of Article 23 of the Rules shall apply to the content of the notice or complaint.

## **VIII. PREVENTION PROCEDURE**

36. The purpose of the prevention procedure is to ensure a safe and respectful working and sport environment in the SO, even in the absence of obvious signs of harassment, sexual harassment or violence or other violations of professional ethics.
37. The precautionary procedure also applies if the victim only wants to discipline the complainant and prevent such actions in the future, but does not want an investigation to be opened or there are insufficient grounds to open an investigation.
38. Following the Commission's decision to initiate the preventive procedure, the responsible person shall re-acquaint the complainant with the rules, drawing attention to the points in respect of which the preventive procedure has been initiated.
39. The prevention procedure takes the form of an interview, during which the responsible person communicates separately with the respondent, with or without the participation of the victim, in order to resolve the disagreements amicably.

## **IX. FREE LEGAL AID**

40. SO employees, athletes, coaches, members and other interested persons who have experienced harassment, violence and sexual harassment or other degrading incident shall be provided with free legal aid with the help of the partnership of legal service organizations.
41. The scope of legal services ranges from consultation to assistance in gathering evidence to the preparation of complaints for further investigation (e.g. the Office of the Equal Opportunities Ombudsman).

42. Information on the provision of free legal aid to victims of harassment, sexual harassment and / or mental / physical violence to SO employees, athletes, coaches, members and other interested persons, including information on the conditions, procedure and confidentiality of free legal aid, is published on the SO website.

## **X. FINAL PROVISIONS**

43. These Rules and all their amendments are published on the SO website.