

# Athlete Protection Policy

**Owner:** Chief Executive Officer

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**Approved by:** WAIS Board

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WESTERN AUSTRALIAN INSTITUTE *of* SPORT

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## 1. POLICY

Athletes are to be provided with advice and services consistent with the WAIS commitment to safe and ethical practice

## 2. BACKGROUND

WAIS is committed to providing high quality services to athletes for the purpose of maximising their athletic performance potential. One of the four guiding principles for WAIS is Community Values; this principle commits WAIS to maintaining and reflecting high community values in all aspects of its operations. WAIS has chosen to support the achievement of sporting excellence through safe and ethical practice consistent with this Guiding Principle.

WAIS recognises that there are unsafe and/or unethical practices available to assist achieve higher levels of athletic performance. It also recognises that the pursuit of athletic success in the international sporting arena requires an approach that embraces new and emerging knowledge, technology, product and practice.

WAIS also recognises that its staff, contractors and consultants are in significant positions of power and authority in relation to athletes they assist. Therefore, the highest standards of professional and personal integrity must be defined and maintained to ensure this position is not inappropriately used to influence athlete decisions and or actions.

To manage and maintain our commitment to safe and ethical practice and advice to athletes it has developed a framework of policies that guide staff decision making. This decision making commences with the selection of staff and continues through their education of our approach and monitoring of compliance and enforcement.

A key element of our strategy to manage the delivery of safe and ethical practice is education of athletes in our approach and providing mechanisms for them to query and or raise complaint of recommended or delivered practice.

## 3. STANDARDS

- 3.1 The WAIS safe and ethical practice policy framework is the reference for this policy.
- 3.2 All WAIS athletes will be educated on the WAIS safe and ethical approach to practice as part of their initial scholarship induction and while they retain a scholarship at least every two years thereafter.
- 3.3 WAIS will maintain a list of designated athlete safe and ethical practice Grievance officers.
- 3.4 WAIS athlete safe and ethical practice Grievance officers will treat all formal complaints in accordance with the WAIS confidentiality policy and grievance process standards within this policy and the WAIS Staff Code of Conduct.

#### 4. ATHLETE GRIEVANCE OFFICERS

Designated Athlete Grievance officers are:

- 4.1 WAIS Chief Medical Officer
- 4.2 Administration Manager/Human Resources Manager
- 4.3 Performance Team Director – Technical Sports
- 4.4 Performance Team Director – Racing Sports
- 4.5 Performance Team Director – Invasion Sports

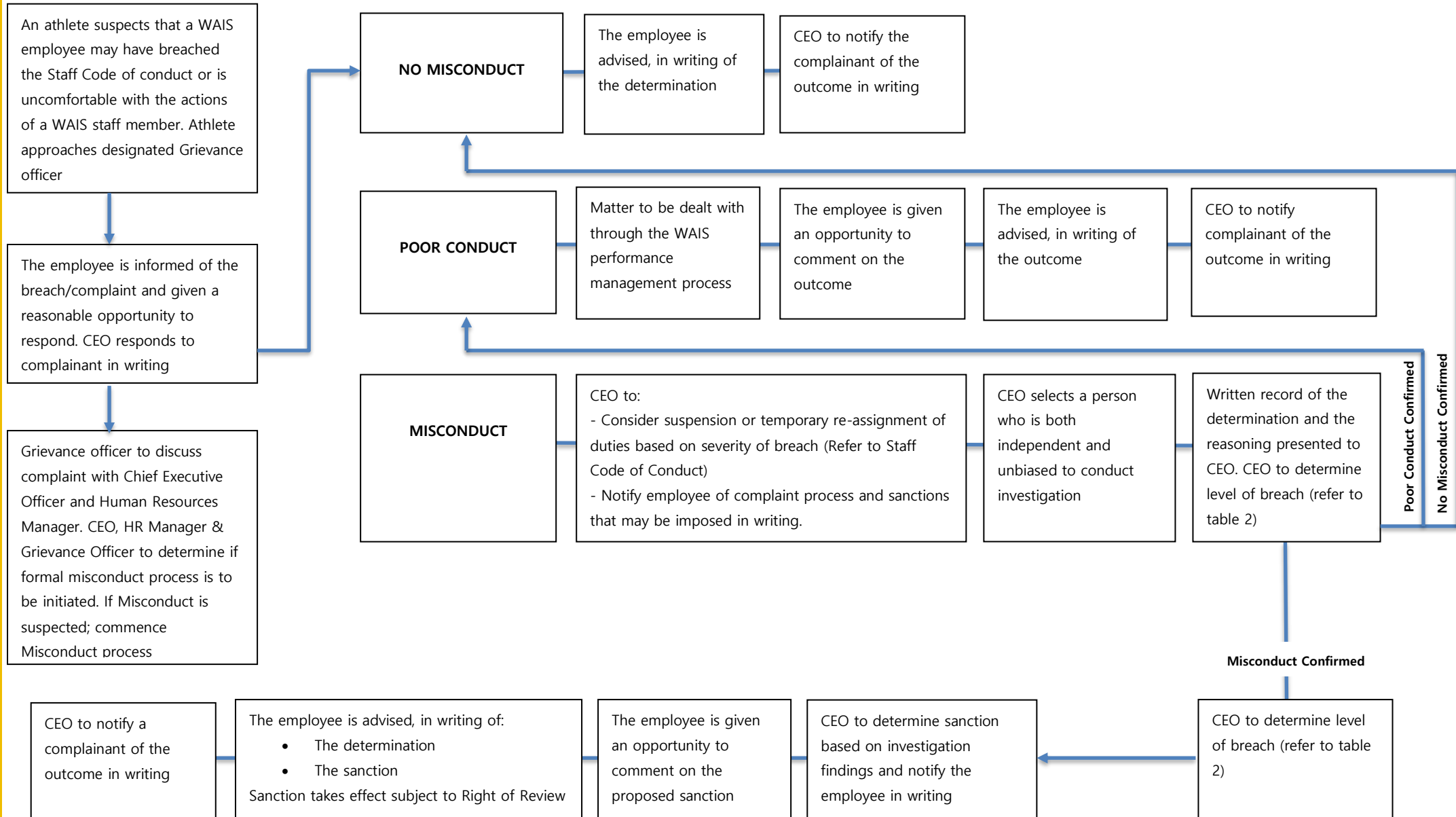
#### 5. DEFINITIONS

- 5.1 **Grievance** - An actual or supposed circumstance regarded as just cause for complaint or an issue of concern raised by any athlete in respect of any issue which is related to their interactions with WAIS staff.
- 5.2 **Complainant** - Athlete with the grievance or putting forward the complaint.
- 5.3 **Respondent** - Staff member whom the complaint/grievance is about.

#### 6. ATHLETE GRIEVANCE PROCESS STANDARDS

- 6.1 Grievances are expressed and addressed in a manner which is not threatening and in which there is no fear of retribution.
- 6.2 The complainant shall not be subject to any reprisal as a result of their registration of a complaint. This includes obvious reprisal as well as subtle or implied reprisal. Reprisal for complaints will not be accepted in any form.
- 6.3 Athletes have the right to raise a grievance at a number of levels of the organisation. However the grievances should be addressed and where possible resolved at the point of conflict by the persons concerned, or at as low a level in the organisation as is possible.
- 6.4 Athletes have the right to have their chosen support person present at any time.
- 6.5 After discussing a grievance with someone, athletes have a right to indicate what course of action they wish to be taken.
- 6.6 The person investigating the complaint has the responsibility to do so and try to resolve the issue as soon as practicable.
- 6.7 If the grievance is deemed to be serious, management has the right to investigate the complaint even if the complainant has not requested that course of action.
- 6.8 All grievances are treated as confidential. However if an athlete requests that a grievance be investigated and the grievance is about a staff member, then the respondent will be told about the nature of the grievance. The identity of the complainant will also be disclosed. The respondent has the right to respond to the complaint and to have support from a person of their choice.
- 6.9 In any case where a formal investigation is required, a record shall be kept outlining the nature of the grievance, the results of any investigation and the final outcome.
- 6.10 If the grievance remains unresolved, parties will be required to follow the Dispute Resolution Procedure set out in this document.

## 7. ATHLETE GRIEVANCE RESOLUTION PROCEDURE



*\*If the breach may also be considered a criminal offence, refer to the Police*

## **8. GRIEVANCE PROCESS MINIMUM GUIDELINES**

- 8.1 All employees have the right to a support person present during the grievance process
- 8.2 All interviews are to be recorded (either audio or written) and signed by the interviewee
- 8.3 Complainant to receive written acknowledgement of complaint and expected time frame for investigation.
- 8.4 If the breach may be considered a criminal offence consider referral to the Police
- 8.5 The identity of the complainant may be disclosed to the employee should the CEO determine that this needs to occur for the grievance process to be fairly delivered.

## **9. SUSPENSION OF EMPLOYMENT GUIDELINES**

- 9.1 An Employee may be suspended, with or without remuneration, where the Executive Director believes on reasonable grounds that the employee had, or may have, breached a WAIS Policy and or Code of Conduct, and where the suspension is in public interest, or the interests of WAIS.
- 9.2 Where the suspension is without remuneration, the maximum period is generally to be no more than 30 days. A longer period of suspension without remuneration is permitted only where there are exceptional circumstances.
- 9.3 Exceptional circumstances are not defined but could include;
  - 9.3.1 Where an employee has been charged with a criminal offence and is waiting to have the charge heard or determined
  - 9.3.2 Where an employee has appealed against a conviction and is waiting to have the appeal heard
- 9.4 Continuing suspension must be reviewed at reasonable intervals
- 9.5 Suspension must immediately end when the Executive Director no longer believes on reasonable grounds that the employee has, or may have breached WAIS policy and or Code, or that it is in public or WAIS interest to continue the suspension. In addition, suspension must cease as soon as any sanction is imposed for the relevant breach of the policy and or Code.
- 9.6 In exercising suspension powers, the Executive Director must have due regard to procedural fairness, unless on reasonable grounds they believe it would not be appropriate to do so in the particular circumstances, for example, where there is a serious threat to the safety and integrity of other employees and WAIS property.

## **10. SANCTIONS MAY INCLUDE;**

- 10.1 Reprimand
- 10.2 Performance Management
- 10.3 Performance Review
- 10.4 Re-assignment of duties
- 10.5 Reduction in classification
- 10.6 Termination of employment

**Table 2:**

<b>Level of Breach</b>	<b>Meeting Criterion for Breach of the Code</b>	<b>Description of Behaviour</b>
Poor Conduct	No	<p>Nuisance Behaviour</p> <p>This includes behaviours that are irritating, unpleasant but not physically dangerous or likely to cause concern to the WAIS reputation.</p>
Misconduct	Yes	<p>Offensive Behaviour</p> <p>This includes behaviours where there may be some physical danger to individuals or property and/or where the behaviour is likely to lead to some damage of the reputation of WAIS or its people. May include repeat incidents of nuisance behaviours</p>
Serious Misconduct	Yes	<p>Serious Misconduct</p> <p>This includes behaviours that may be dangerous to individuals or property and are highly likely to lead to significant damage of the reputation of WAIS or harm to its people.</p>