



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

MSA SAFEGUARDING POLICY

FOREWORD – SAFEGUARDING EVERYONE IN SOUTH AFRICAN MOTORSPORT

WHAT IS SAFEGUARDING?

In the world of sport, the safety and well-being of all participants is of paramount importance. As the local governing body of motorsport, MSA recognises the fundamental right of every individual to compete, work, and thrive in an environment free from abuse and harassment.

Safeguarding aims to promote the well-being and safety of all individuals involved in sports activities, especially children and vulnerable adults, fostering an environment in which everyone can engage with confidence and peace of mind.

By establishing clear guidelines, procedures, and support mechanisms, the MSA Safeguarding Policy endeavours to create an environment where individuals are empowered to speak up, seek assistance, and act against any instances of abuse, harassment, or exploitation.

This *Safeguarding Policy* is founded on the following key principles already enshrined in the MSA regulations as published on the MSA website.

This policy has been created by Motorsport South Africa (MSA) with the aim of safeguarding the interests of all involved in South African motorsport, but particularly those of children and vulnerable adults (for example, adults suffering from physical and/or mental afflictions or disabilities).

MSA requires and expects the support and cooperation of all parties involved in South African motorsport with regard to its safeguarding objectives, aimed at protecting the integrity of the sport and promoting the values of safe sport for all. It is quite clearly the right thing to do.

Despite the numerous well-recognised benefits of sports participation, evidence indicates that harassment and abuse occur in all sports, at all levels. It is the responsibility of everyone involved with local motorsport, in whichever way, to assist in identifying and preventing any kind of harassment, abuse or discrimination and to develop a culture of dignity, respect and safety in the sport.

1. DEFINITIONS (as per IOC safeguarding guidelines)

“Harassment” or **“Abuse”** includes psychological abuse, physical abuse, sexual harassment and neglect. These forms of harassment and abuse may occur in combination or in isolation.

“Child Abuse” means the mistreatment of a person under the age of eighteen years by an adult.

“Psychological abuse” means any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment that may diminish the sense of identity, dignity and self-worth.

“Physical abuse” means any deliberate and unwelcome act - such as, for example, punching, beating, kicking, biting and burning - that causes physical trauma or injury. Such acts can also consist of forced or inappropriate physical activity (e.g., age-, or physique- inappropriate training loads; when injured or in pain), forced alcohol consumption, or forced doping practices.

“Bullying” (or cyberbullying if conducted online) is unwanted, repeated and intentional, aggressive behaviour usually among peers, and can involve a real or perceived power imbalance. Bullying can include actions such as making threats, spreading rumours or falsehoods, attacking someone physically or verbally and deliberately excluding someone.

“Sexual harassment” means any verbal or physical conduct of a sexual nature, which is unwelcome, or where consent is either coerced, manipulated or cannot be given. Sexual harassment can take the form of sexual abuse.

“Neglect” within the meaning of this policy means the failure of a coach or another person with a duty of care towards the competitor/athlete to provide a minimum level of care to the competitor/athlete, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.

“Discrimination” means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic including:

- Age
- Disability
- Athletic ability
- Athletic longevity
- Marital status
- Parental or career status
- Physical features
- Irrelevant medical record
- Irrelevant criminal record
- Political belief or activity
- Pregnancy
- Breastfeeding
- Race
- Ethnicity
- Religious belief or activity
- Sex or gender
- Sexual orientation
- Transgender orientation
- Socio-economic/Financial status
- Trade union membership or activity

Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include a once-off incident or a series of incidents. It may be in person or online. Harassment may be deliberate, unsolicited and coercive. Harassment and abuse often result from an abuse of authority, meaning the improper use of a position of influence, power or authority by an individual against another person.

MSA recognizes the welfare of all who take part in motorsport, regardless of their role. MSA further acknowledges that whilst any participants can be subjected to non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect; certain groups may be more vulnerable than others, including but not limited to:

- Children
- Young Adults
- People with a Mental and/or a Physical Disability
- Competitive Athletes
- Women
- Elderly Persons, and
- Other Vulnerable Adults

2. PARTICIPANTS RIGHTS

MSA is committed to promoting an environment within local motorsport in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment that promotes equal opportunities and prohibits discriminatory practices.

All athletes have a right to engage in “safe sport”, defined as a sporting environment that is respectful, equitable and free from all forms of non-accidental violence to athletes.

Everyone involved with MSA events has the right to enjoy the activities in a safe and respectful environment without any fear of misconduct or inappropriate behaviour from others.

All forms of harassment and abuse constitute a breach of human rights and may, in certain instances, constitute a criminal offence.

3. COMMITMENT

Safeguarding is everyone’s responsibility and MSA require all involved in South African motorsport, in whatsoever capacity, to respect the following:

- 3.1 Acknowledge individual responsibility for promoting the welfare of everyone involved in motorsport activities;
- 3.2 Protect the physical, emotional and social health as well as safety and rights of everyone involved in motorsport activities;
- 3.3 Respect all the participants in motorsport regardless of colour, race, nationality, ethnic or national origin, age, gender, sexual orientation, disability or religion;
- 3.4 Make sure that all the participants in motorsport have the right to participate, enjoy and develop through motorsport, in a safe and inclusive environment;
- 3.5 Adopt, implement and comply with this policy;
- 3.6 Deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 3.7 Recognize and enforce any penalty imposed under this policy.

4. PURPOSE

The purpose of the MSA Safeguarding Policy is to ensure that athletes and others taking part in the sport can do so without fear of harassment or abuse. The key objectives of the policy are to:

- Ensure everyone involved in motorsport understands that all forms of harassment and abuse are unacceptable and will not be tolerated.
- Enable anyone who has witnessed or experienced harassment or abuse within the sport to report the incident without fear of victimisation or retaliation.
- Ensure an appropriate and co-ordinated response to any incidents of harassment or abuse within or connected to the participation of the sport, irrespective of whether they arise at local, national or international level.
- Implement effective measures that minimise the likelihood of incidents of harassment and abuse arising.

5. EDUCATION

Safeguarding training will form part of MSA's webinar-based training activities.

- **DRAW THE LINE:**

- This e-learning is orientated toward younger athletes. This consists of scenario-based learning, and a certificate will be issued upon completion.

<https://drawtheline.olympics.com/#eyJ1c2VyX2kljoiRjc0ODUza0NW0Et4aTRWMSJ9>

- **IOC Sexual Harassment & Abuse Video Series**

- The Sexual Harassment and Abuse (SHA) tool has been developed for athletes, coaches and sports organisations.
- This educational series begins with an introductory video explaining the meaning of harassment and abuse in sport and continues with nine scenario-based videos presenting first-person experiences of different forms of harassment and abuse in sport.
- The final section of the tool highlights steps to be taken as an athlete, coach or sports organisation to help prevent cases of harassment and abuse as well as create a safe sporting environment for all.

<https://olympics.com/athlete365/articles/safesport/sexual-harassment-and-abuse-in-sport>

6. REPORTING AND PROCEDURE FOR ADDRESSING INCIDENTS OF UNACCEPTABLE BEHAVIOUR

Reports of unacceptable behaviour may be made in writing or verbally. Anyone may report an incident of unacceptable behaviour by:

- Talking to any of the MSA officials at MSA sanctioned motorsport events; and/or
- Emailing the MSA Safeguarding Official, Rashaad Monteiro at safeguarding@motorsport.co.za
- Using the online portal via the MSA website under the "MSA SAFEGUARDING" tab

We encourage all whistleblowers to utilize the Reporting Form (Appendix A) attached to the bottom of this policy.

An MSA official receiving any information in relation to safeguarding concerns at an MSA-sanctioned motorsport event has the responsibility to report the incident - depending on the nature of the case – either to the Stewards of the event, to the Chief Medical Officer/Coordinator (CMO/CMC) and to the MSA Safeguarding Official.

All incidents/concerns shall be referred to the MSA Safeguarding Official for appropriate investigation and action. Additionally, nothing shall prevent the race officials from taking action at a motorsport event should they deem such action to be both appropriate and necessary to protect a vulnerable person. Such action may take the form of an instruction to an offender to leave the event or to having an offender detained by the appropriate authorities.

Infringements of this policy by any party subject to the jurisdiction of MSA may be treated as a breach of the GCRs governing South African motorsport and may result in action being taken against offenders in terms of Parts VIII, IX and X of the MSA Handbook.

7. CONFIDENTIALITY

- 7.1 All matters pertaining to an alleged incident of harassment and abuse, in particular reports of harassment and abuse, personal information of the concerned persons, other information gathered during investigations and results of investigations (“Confidential information”) shall be treated as confidential.
- 7.2 MSA may disclose confidential information to appropriate persons or authorities if:
(i) a failure to disclose such information may cause harm to someone, or (ii) such information relates to a potential criminal act that comes to the attention of MSA.
- 7.3 Notwithstanding clauses 7.1 and 7.2 above, decisions pursuant to Section 6 shall, in principle, include Confidential Information and may be publicly disclosed by MSA, if such disclosure is deemed to be in the best interests of the sport and is likely to serve as a deterrent in the future. When disclosing any such disclosure, MSA shall: (i) not include any personal information of the victim without obtaining the victim’s consent, and (ii) anonymise personal information of other concerned persons in certain cases, taking into consideration the right to privacy of such concerned persons.

8. FURTHER INFORMATION AND IMPORTANT CONTACT DETAILS

- 8.1 MSA shall make further information in support of this policy available as and where appropriate and as and when such information becomes available.
- 8.2 **Childline Toll-Free Crisis Line** [080 005 5555](tel:0800055555)

9. SANCTIONS

Where the allegation is a criminal act, the alleged perpetrator shall be suspended from the sport immediately pending the outcome of the criminal and then independent investigation.

Where it is determined that harassment or abuse has been committed, the Court of Enquiry Panel shall impose appropriate sanctions upon the participant. The Panel may consider, singly or in combination, depending on the nature and severity of the conduct and whether there are any aggravating and mitigating circumstances the following:

- Written or verbal apology
- Formal warning
- Fine
- Risk assessment
- Training and/or supervision

- Temporary suspension
- Termination of membership, licence, agreement or contract; or
- Any other sanction that the Panel considers appropriate in the circumstances

Anyone who has been found guilty of breaching the Safeguarding Policy will have the right to appeal against the decision. Appeals must be made in writing to MSA within twenty-one (21) days of receipt of notice of the decision of the Court of Enquiry.

Everyone involved with MSA events has the right to enjoy the activities in a safe and respectful environment without any fear of misconduct or inappropriate behaviour from others.

All forms of harassment and abuse constitute a breach of human rights and may, in certain instances, constitute a criminal offence.

APPENDIX A
REPORTING FORM

FORM FOR REPORTING CONCERNS	
Whistle Blowers Information	
Name:	
Age/Date of birth:	
Nationality:	
E-Mail Address:	
Telephone:	
Relationship to the victim:	
Position on harassment:	<input type="checkbox"/> Witness <input type="checkbox"/> Someone reported you <input type="checkbox"/> Victim <input type="checkbox"/> Other (specify)
Victim's Information	
Name:	
Age/Date of birth:	
Nationality:	
E-mail address:	
Telephone:	
Victim is:	<input type="checkbox"/> Athlete <input type="checkbox"/> Staff <input type="checkbox"/> Volunteers <input type="checkbox"/> Officials <input type="checkbox"/> Others (clarify)
Other specific information (Young athlete, impaired athlete, etc.):	

Detail of the harassment or abuse	
Nature of the incident:	<input type="checkbox"/> Psychological abuse <input type="checkbox"/> Physical abuse <input type="checkbox"/> Sexual harassment <input type="checkbox"/> Sexual abuse <input type="checkbox"/> Neglect <input type="checkbox"/> Bullying <input type="checkbox"/> Other (specify)
Date, time, place, country of the incident:	
Information about the harasser or abuser if possible (identity, contact details):	
The incident is:	<input type="checkbox"/> Suspicion of harassment or abuse <input type="checkbox"/> Recognised harassment or abuse
Explication of the incident (as accurate as possible):	
Any action taken before the report (relevant authorities):	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other Information	
<i>All information in this document is strictly confidential and only the MSA Safeguarding Officer can read it. However, this document may also be given to appointed MSA Court Members and/or South African law enforcement agencies.</i>	