

# ANTI-DISCRIMINATION REGULATIONS

## GUIDANCE NOTES

Anyone that wants to play, watch or be involved at any level of cricket must feel welcome and safe. Cricket has the power to connect people and communities. It is our collective duty to ensure an inclusive environment that allows those connections with our game and its people to thrive.

For 2025, the ECB's Anti-Discrimination Code ("**Code**") has been reintroduced as the Anti-Discrimination Regulations ("**Regulations**"). The reframing of the Code as Regulations reflects the mandatory obligation on all participants not to discriminate. The following guidance notes accompany the Anti-Discrimination Regulations.

### Why was the Code originally introduced?

- As part of the ECB's commitment to making positive change to ensure cricket is a game for everyone, the Code was introduced to ensure that there were consistent and appropriate obligations relating to discriminatory behaviour applicable across the professional and recreational games.
- The Code set out the discriminatory behaviour which could lead to disciplinary action being taken against the offender.
- Clubs, leagues and other cricket organisations were required to adopt and enforce the Code, to ensure the principles underlying the Code were supported and implemented at a local level and to reflect the fact that tackling discrimination is a game-wide ambition that everyone involved in cricket needs to be a part of.

### How are the Regulations Different to the Code?

- Aside from the change in title, and updates to certain terminology (e.g. First-Class County becoming Professional County Club), the Regulations are essentially the same as the Code and act in the same way:
  - In relation to professional players and teams, the Regulations form part of the wider suite of ECB rules and regulations that must be adhered to, breach of which can be referred to the Cricket Regulator for investigation and prosecution before the Cricket Discipline Panel.
  - In relation to the recreational game, breaches of the Regulations can be sanctioned through the relevant cricket organisation's disciplinary processes under the General Conduct Regulations or Recreational Conduct Regulations (as applicable).
- The main difference is that the Regulations contain a new reporting obligation which requires those holding senior/decision-making roles in clubs, leagues and other cricket organisations to report breaches of the Anti-Discrimination Regulations to the Cricket Regulator, the body responsible for enforcing the ECB's rules and regulations.

### What do we need to do?

- Relevant cricket organisations (including clubs and leagues) need to (1) adopt the Regulations into their own existing rules, and (2) implement the Regulations by dealing with breaches through their own disciplinary processes.
- For 2025 onwards, senior individuals within a cricket organisation will be obliged to report breaches of the Anti-Discrimination Regulations to the Cricket Regulator. This obligation

applies to any trustee, director, chair, lead officer, chief executive or lead safeguarding officer (or equivalent of such categories of individual) of a cricket organisation. If such an individual is aware, or has been given reason to believe, a matter constitutes a breach of Regulation 1 of the Anti-Discrimination Regulations, they must report this to the Cricket Regulator or else they will be in breach themselves.

- Concerns regarding a potential breach of the Regulations can be reported to the Cricket Regulator by following this link: [www.cricketregulator.co.uk/share-a-concern](http://www.cricketregulator.co.uk/share-a-concern).

## **How do we adopt/implement the Regulations?**

- **Adopt the Regulations**

- You will need to take steps to actively adopt the Regulations into your rules and ensure that they bind all the individuals and organisations under your jurisdiction.
- The steps you need to take to ensure all these individuals and organisations are bound by the Regulations may vary across different categories of participant. For example, it may be that you bind an employee to the provisions of the Regulations by reference to the Regulations in that employee's employment contract whereas spectators may be bound under the terms of the ground regulations or their ticket purchase for a given event. A recreational club will be bound through the terms and conditions of affiliation with its Recreational Cricket Board, and may also be bound through the conditions of its membership to a league. This will be for you as the body with jurisdiction over those individuals and organisations to determine.

- **Make your participants aware of the Regulations**

- Think about who within your organisation or your jurisdiction are bound by the Regulations. You should make sure that these individuals and organisations are aware of the Regulations and their responsibilities under them. Think about what steps you need to take to make sure that these individuals and organisations see, read and understand the Regulations and those responsibilities.
- You might wish to look at multiple forms of communication – for example, sending information about the Regulations in your regular or specific communications, uploading a copy to your website and also displaying relevant information within your building(s) or at ground(s).
- Also consider whether the Regulations fit in with or supplement any existing club/team/league documents, policies and/or initiatives. It may be that communication regarding the Regulations also requires communication about those other documents, policies and/or initiatives.

- **Understand Discrimination**

- Make sure participants understand discriminatory behaviour, what it includes and what behaviour might be captured as a breach of the Regulations. For example, breaches can include not only actively discriminatory actions and/or words but also making omissions and/or failing to act as required.
- The Cricket Regulator provides anti-discrimination training which can be accessed at <https://www.ecb.co.uk/about/edi/anti-discrimination-training>.
- Think about how you ensure that knowledge and awareness is maintained despite personnel turnover – your whole organisation and those within your jurisdiction

should understand the Regulations and not rely on one individual to keep on top of the requirements and obligations.

- Further guidance can be found [here](#).

- **Have Processes in Place**

- Check that you have procedures in place to ensure the Regulations are implemented effectively and breaches are disciplined accordingly.
- Think about how people might report complaints or concerns they have and whether there are any barriers to them doing so.
- Think about how you deal with complaints when they are received, and how to deal with the confidentiality of information that is disclosed. Consider how your processes will work effectively and take into account the potential sensitive issues involved. Consider whether staff/personnel need further training in this area.
- Think about whether you need to provide any support to individuals or organisations during the process, for example where the matter involves children or adults at risk.
- Your internal disciplinary procedures should be fair and robust.

## **Do we need to amend all employment contracts to explicitly refer to the Regulations?**

- Whether you will need to amend your employment contracts will depend on the contents of the contracts that you already have in place. By way of example:
  - an employment contract may refer to an employee being bound by all of the employer's policies as communicated to them, which could mean that the Regulations could be communicated to the employee as a policy which is applicable under the terms of their employment contract without requiring the contract itself to be amended;
  - alternatively, the contract may refer to the employee being bound by the terms of the Staff Handbook, which may merely require the Handbook to be updated rather than the contract itself; or
  - the contract may refer to the employee being bound by all of the ECB's rules and regulations in force from time to time, in which case the Anti-Discrimination Regulations will automatically be binding without requiring the contract itself to be amended.
- You should consider the contracts you have in place with your personnel and how best to ensure that they are all bound by the Regulations.

## **We already have anti-discrimination policies and processes in place. Do we also need to adopt the Regulations?**

- It is important that all participants within cricket are bound by the Regulations so that there are consistent rules in place.
- The Regulations do not contain their own separate processes for dealing with complaints – any complaints regarding an alleged breach of the Regulations should be addressed through your own internal policies, as you would with any other disciplinary matter. Some

participants, such as registered players, may also be subject to ECB disciplinary processes if they are alleged to have breached the Regulations.

- Where a cricket organisation is required to apply the General Conduct Regulations or Recreational Conduct Regulations, they should apply the disciplinary processes described in those regulations to deal with discrimination offences.

## Examples

The below does not amount to legal advice but contains examples that may be relevant.

- **Think about both direct and indirect discrimination and obtain advice as required since both are captured as an offence under the Regulations.**
  - Direct discrimination occurs where individuals are treated unfairly because of their protected characteristic (e.g. a derogatory comment is made to someone relating to their race).
  - Indirect discrimination occurs where all individuals are treated the same but the impact is worse on some people than others (e.g. a team requires players to undertake promotional activities for a sponsor who is a brewery but does not make provision for players who have a religious objection to being involved in promoting alcohol).
- **Discrimination may also occur based on someone's perceived protected characteristic(s). Even if a person does not hold the relevant characteristic, an act or omission against that person relating to the characteristic can still be discriminatory.**
  - For example, if person A makes a homophobic comment directed at person B, regardless of whether person B is homosexual or not, person A would be in breach of the Regulations having made the homophobic comment, because sexual orientation is a protected characteristic.
- **Discrimination may also occur based on the protected characteristic of someone else.**
  - For example, if person A makes a derogatory comment to person B referencing the disability of person B's friend, person A would be in breach of the Regulations because disability is a protected characteristic.
- **Discrimination does not need to include specific words – it can be by broad reference to someone's protected characteristic(s).**
- **A breach can take place because of actions or omission/inaction.**
  - For example, it is a breach of the Regulations to make a discriminatory comment and it is also a breach to fail to take appropriate action following an allegation of discriminatory behaviour.