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# Sexual Harassment Policy

# TEMPLATE

## Purpose

The purpose of this document is to outline [Organisation]’s approach to sexual harassment and to document the process which is to be followed should any grievances arise.

1. **Application**

This policy applies to all directors and staff, including:

* Full time, part time, casual, permanent, temporary contractors, volunteers, vocational and work experience placements.
* All staff and Board Directors in their work-related interactions with each other, with clients and contacts.
* All staff while in the workplace, or off site at work-related functions.

## Definitions

*Sexual harassment* means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

* staring or leering
* unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
* suggestive comments or jokes
* insults or taunts of a sexual nature
* intrusive questions or statements about your private life
* displaying posters, magazines or screen savers of a sexual nature
* sending sexually explicit emails or text messages
* inappropriate advances on social networking sites
* accessing sexually explicit internet sites
* requests for sex or repeated unwanted requests to go out on dates
* behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Sexual harassment does not have to be repeated or continuous to be against the law. Some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation or compliment, may not be sexual harassment. Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure, are also criminal offences.

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

1. **Policy**

[Organisation] will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and employee/volunteer to ensure that sexual harassment does not occur.

Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establish minimum standards of behaviour for all employees.

This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.

No employee or volunteer at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment.

A breach of this policy will result in disciplinary action, up to and including termination of employment.

[Organisation] strongly encourages any employee who feels they have been sexually harassed to take immediate action. If an employee or volunteer feels comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

[Organisation] encourages any employee, volunteer, contractor or Board Director who feels they have been sexually harassed to take immediate action and if appropriate to consult with the relevant manager in the management of the communication.

Alternatively, or in addition, the behaviour may be reported in accordance with the Workplace Grievance and Disputes Resolution Policy. [Organisation] will determine how the report should be dealt with in accordance with its obligations and this policy.

Reports of sexual harassment will be treated seriously and promptly with sensitivity. Reports will be treated as completely confidential but the person the subject of the complaint must be notified under the rules of natural justice. The organisation will protect all those involved in the process from victimisation.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No employee or volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any employee or volunteer who has been alleged to be a harasser.

All complainants have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Managers who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

## Relevant legislation

* Crimes Acts of States and Territories
* Sex Discrimination Act 1984

## Associated policies

* Code of Conduct
* Workplace Bullying Policy
* Workplace Grievance and Disputes Policy

## Authorisation

<Signature of Board Chair>

<Signature of Manager>
<Date of approval by the Board>
<Name of Organisation>

# Sexual Harassment Procedures

# TEMPLATE

1. **Responsibilities**

It is the responsibility of the CEO to ensure that:

* all employees, volunteers, contractors and Board Directors understand and are committed to the policy, principles and legislation relating to sexual harassment and applying it in the workplace;
* the organisation has a workplace culture that dissuades sexual harassment; and
* sets an example by their own behaviour.

It is the responsibility of all employees, contractors and volunteers to ensure that they:

* comply with this policy and treat all colleagues and customers with respect and professionalism;
* refrain from engaging in harassing behaviour; and
* inform their manager if they believe that they (or someone else) has been harassed.
1. **Internal complaint reporting**

[ORGANISATION] treats all complaints of sexual harassment seriously. Complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented.

The complaint is to be dealt with in accordance with the Workplace Grievance and Disputes Resolution Procedures.

1. **Managing outcomes of the grievance procedure**

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

* Counselling;
* Disciplinary action against the harasser (e.g. demotion, transfer, suspension, probation or dismissal);
* Official warnings that are noted in the respondent’s personnel file;
* Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
* Formal apologies and undertaking that the behaviour will cease;
* Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
* Reimbursing any costs associated with the harassment;
* Re-crediting any leave taken as a result of the harassment.
1. **Procedures for dealing with criminal conduct**

Some forms of sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.

Such complaints should be dealt with by the relevant authorities (such as the police) as part of the criminal justice system.

## Authorisation

<Signature of Board Chair>

<Signature of Manager>
<Date of approval by the Board>
<Name of Organisation>