

HR - Sexual Harassment

POLICY

Headway Gippsland Inc. is committed to ensuring that its employees, volunteers, and participants feel safe from sexual harassment in any venue used by Headway Gippsland Inc., for programs or activities. This policy document, therefore, has the full backing of the Board of Directors and will provide the basis for action to protect employees, volunteers, participants, against harassment and to discipline any employee, volunteer or participant who breaches the following code of conduct.

Sexual harassment is a crime. It has no place in this agency. A workplace which is free from harassment is a more pleasant and fair place to be and will help us to work together to fulfil our goals.

PROCEDURE

Aim of the Sexual Harassment Policy

This policy aims to:

- Help us work together to create an environment which is free from sexual harassment, where all members are treated with dignity, courtesy and respect.
- Help workers, volunteers, and participants to understand what sexual harassment is.
- Encourage workers, volunteers and participants to report incidents of sexual harassment.
- Outline the procedures that will be followed if anyone is sexually harassed in our agency.
- Provide a process which is fair, timely, and respects the sensitive and confidential nature of the complaint.
- Guarantee protection for the victim from any further victimisation and reprisals.
- Provide training to participants if required regarding this policy
- Help workers and volunteers understand the difference between sexual harassment and the cognitive disability of people with ABI in behaviour and speech.

Definition of Sexual Harassment

“Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment.” (Human Rights and Equal Opportunity Commission, 1996)

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Sexual harassment is not behaviour that is based upon mutual attraction, friendship and consent. It is unwelcome and uninvited, and is offensive to the victim.

Examples of sexual harassment include:

- Uninvited touching
- Uninvited kisses or embraces
- Making promises or threats in return for sexual favours
- Displays of sexually graphic material including posters, pinups, cartoons, graffiti or messages left on notice boards, desks or common areas
- Unwelcome sexual contact such as massaging a person without invitation or deliberately brushing up against them
- Requests for sex
- Sexually explicit conversation
- Persistent questions or insinuations about a person's private life
- Offensive phone calls or letters

Sexual harassment could be perpetrated by a manager, colleague, volunteer, contractor, service provider or participant. It can take place during work hours, or after hours at work-related functions such as programmed activities, workshops or forums.

The law concerning sexual harassment

Sexual harassment is illegal. In Victoria, it is covered under the Equal Opportunity Act, and the Federal Sex Discrimination Act. Sexual and physical assaults and threats can also be dealt with as criminal charges under the Crimes Act (Vic).

Both the person who commits the offence and their employer can be legally liable for sexual harassment. This can result in a public hearing and damages (financial payment) being awarded to the victim by the Federal Human Rights and Equal Opportunity Commission or the Victorian Commissioner of Equal Opportunity. Headway Gippsland Inc. regards sexual harassment as a very serious offence and will ensure that any complaint of sexual harassment is treated as a serious matter.

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Our responsibilities regarding sexual harassment

Every person in this agency has a responsibility to act in a way that promotes fair and courteous relationships between people.

The Board of Directors of Headway Gippsland Inc. And the CEO will:

- Monitor the work environment to ensure that acceptable standards of conduct are observed at all times
- Promote this sexual harassment policy
- Treat all complaints seriously and take immediate action to investigate and resolve the matter
- Assist the parties involved to gain access to information from their union, Human Rights and Equal Opportunity Commission, and Victorian Commissioner for Equal Opportunity

The workers of Headway Gippsland Inc. will:

- Comply with this sexual harassment policy
- Offer support to anyone who is being harassed, and let them know where they can go to get help
- Maintain complete confidentiality of parties involved. This confidentiality is vital because the spreading of gossip or rumours may also be harassment.

Sexual Harassment Complaint Procedures

If you are the victim of sexual harassment, you should report the matter to one of the following people:

- The CEO of Headway Gippsland Inc.
- Your manager
- OHS Coordinator
- A nominated member of workers.

This person will provide information about sexual harassment and your legal rights, and help you to sort out what you want to do about the situation. Options include:

(a) Complaint can be dealt with informally, the provision of an apology and/or acknowledgment by the harasser that they have broken the code of conduct and will not do so again.

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- a. If the complaint is dealt with informally each party will have the rights to; advocacy via union or trusted third-party representation, privacy, and assurance that the principles of natural justice will be adhered to.
- b. Complaint can be dealt with via agency grievance procedure
You should refer to the Grievance Procedure in the policy manual.
Headway Gippsland Inc. does not have to investigate this complaint. You may prefer to have the matter investigated by an expert statutory body. Headway Gippsland Inc., will assist you in making contact with the appropriate body, and will provide appropriate professional support for your complaint.
- c. Complaint made to Human Relations & Equal Opportunity Commission
Telephone 1800 021 199
Or write to:
Human Rights and Equal Opportunity Commission
GPO Box 5218
Sydney, 2001
- d. Complaint made to Victorian Commission of Equal Opportunity
Telephone 1300 292 153
Or write to:
Equal Opportunity Commission
Level 3,
Level 3, 204 Lygon Street,
Carlton 3053.

Victimisation of personnel connected with a complaint of sexual harassment.

Section 94 of the Sex Discrimination Act prohibits the victimisation of anyone connected with a complaint of sexual harassment. This matter can be dealt with as a criminal offence.

Headway Gippsland Inc. will not tolerate victimisation by its management, employees or volunteers and such action will be considered to constitute grounds for termination of employment.

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Keeping Records of Complaints

Headway Gippsland Inc. will keep appropriate records of sexual harassment complaints. In cases where informal action is taken, the names of the complainant and alleged harasser may not be recorded but the incident will be given a number, so that if formal action is required at a later date the record can show that informal action was previously taken.

In cases where formal procedures are undertaken, the agency will keep secure records of interviews with all parties. Such records will be given to the interviewee to peruse, correct and endorse their record of interview. These records will be securely locked away and available only to the Board of Directors as appropriate.

If a formal complaint against an employee or volunteer is found to be substantiated, a summary of the complaint, the finding and action taken will be recorded in their personnel file.

This summary may be removed from the file after a period of time determined by the disciplinary action taken against the employee, with due regard to the seriousness of the breach of conduct and providing there has been no repetition of the behaviour.

This policy is designed to complement the law regarding sexual harassment, and in no way is intended to divert employees, volunteers or participants from seeking legal redress.