



SEXUAL HARASSMENT POLICY

Policy number	GEN108	Version	1.0
Drafted by	Secretary	Approved by Committee on	09/02/2022
Responsible person	Chairperson	Scheduled review date	Jan-2024

INTRODUCTION

Goonawarra Neighbourhood House Inc. will fiercely defend the right of every employee and volunteer to perform their work without being subjected to sexual harassment. Every employee and volunteer are responsible for providing an environment that is supportive of this aim. Everyone must treat everyone else with respect and must aim to act as a beacon for good behaviour in the workplace.

It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from sexual harassment. Everyone working at Goonawarra Neighbourhood House Inc. is responsible for the care and protection of our people and for reporting information about suspected sexual harassment.

Goonawarra Neighbourhood House Inc. is fully committed to its obligation to prevent and eliminate sexual harassment in the workplace.

PURPOSE

The purpose of this document is to outline Goonawarra Neighbourhood House Inc.'s position on sexual harassment and to document the process which is to be followed should any grievances arise.

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. Examples of sexual harassment include, but are not limited to,

- staring or leering
- unnecessary familiarities, such as 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 an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

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

Policies can be established or altered only by the Committee of Management: **Procedures** may be altered by the House Manager.

Goonawarra Neighbourhood House Inc. A0021521T



POLICY

Goonawarra Neighbourhood House Inc. will not tolerate sexual harassment under any circumstances. The responsibility lies with every employee/volunteer to ensure that sexual harassment does not occur.

Both Commonwealth and Victorian Equal Opportunity legislation provides 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, client, 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 as outlined in GEN103 Misconduct Policy

Goonawarra Neighbourhood House Inc. 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 to resolve 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.

However, given the seriousness of sexual harassment, we recommend that this discussion happens in consultation with the House Manager or the Chairperson of Goonawarra Neighbourhood House Inc.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential, but the person and 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 because 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 employees and volunteers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns and will be fully supported by Goonawarra Neighbourhood House Inc. in doing so.

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

Policies can be established or altered only by the Committee of Management: **Procedures** may be altered by the House Manager.

Goonawarra Neighbourhood House Inc. A0021521T

SEXUAL HARASSMENT PROCEDURES

Policy number	GEN108	Version	1.0
Drafted by	Secretary	Approved by Committee on	09/02/2022
Responsible person	Chairperson	Scheduled review date	Jan-2024

RESPONSIBILITIES

It is the responsibility of the **Committee of Management** to ensure that:

- They understand and are committed to the rights and entitlements of all employees to attend work and perform their duties, without fear of being sexually harassed in any form.
- They understand what constitutes an act of sexual harassment.
- All reasonable steps are made to eliminate sexual harassment.
- All employees and volunteers are regularly made aware of their obligations concerning providing a workplace free from sexual harassment.
- They provide an environment that discourages harassment and victimisation and set an example by their behaviour.
- They treat all complaints seriously and confidentially, and
- They take immediate and appropriate corrective action if they become aware of any offensive action or illegal behaviour.

It is the responsibility of the **House Manager** to ensure that:

- Policies and procedures are regularly reviewed and (if necessary) amended.
- Policies and procedures are complied with.
- Regular guidance and education are provided to employees regarding sexual harassment and inappropriate behaviour in the workplace.
- Is aware of their obligations and responsibilities concerning sexual harassment, and the rights and entitlements of their employees and volunteers.
- Ongoing support and guidance are provided to all employees concerning the prevention of sexual harassment.

Policies can be established or altered only by the Committee of Management: **Procedures** may be altered by the House Manager.

PROCEDURES

Complaint Process

Sexual harassment can occur at any level of the organisation, can be experienced by both men and women, and may involve a co-worker, volunteer, supervisor, manager, service provider, client, or customer. Lack of intent is no defence in sexual harassment cases.

Employees or volunteers who believe they are the subject of sexual harassment should take firm, positive and prompt action.

Where possible, the employee or volunteer should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact the House Manager. Alternatively, an employee or volunteer may contact the Committee of Management.

The House Manager will provide support and ascertain the nature of the complaint and the wishes of the complainant.

Informal Intervention

The House Manager will explain the employee or volunteer's rights and responsibilities under the organisation's policy, procedures, and Equal Opportunity & Anti-discrimination legislation.

Informal intervention may be undertaken through a process of mediation or conciliation. During an informal intervention, the alleged harasser will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed.

Formal Complaints Procedure

The House Manager may be obliged to carry out a formal investigation concerning a complaint of sexual harassment.

The formal procedure will be coordinated by the Manager, who will be guided by the Committee of Management.

Formal investigations may be conducted internally by a member of the Committee of Management or by an external investigator.

An investigation involves collecting information about the complaint and then making a finding (on the balance of probabilities) based on the available information as to whether the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint or implementing disciplinary action, including and up to termination of employment.

Policies can be established or altered only by the Committee of Management: **Procedures** may be altered by the House Manager.



The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be stood down from work or provided with alternative duties during an investigation in which case they will be paid their normal pay during any such period.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

Records are to be marked Restricted Materials under the Goonawarra Neighbourhood House Inc. Confidentiality Policy and stored in a secure place. These records should be kept for seven years. Under no circumstances will records be placed on the complainant's personnel file.

Based on 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, including termination of employment
- Official warnings 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 is conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation – as appropriate and in line with confidentiality obligations.

Following an investigation concerning a sexual harassment complaint (irrespective of the findings), the House Manager will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all employees and volunteers of their obligations and responsibilities concerning providing a workplace free from harassment.

If there has been any substantiated victimisation, disciplinary procedures will be followed.

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 shall be immediately referred to Victoria Police for investigation.

Policies can be established or altered only by the Committee of Management: **Procedures** may be altered by the House Manager.



RELATED DOCUMENTS

- GEN102 Bullying Policy
- GEN104 Confidentiality Policy
- GEN101 Anti-Discrimination Policy
- GEN103 Misconduct Policy
- GEN111 Equal Opportunity Policy
- Neighbourhood House Collective Agreement 2018

AUTHORISATION

Lockie Flenley

Secretary

Goonawarra Neighbourhood House Inc.

Andrew Gould

Chairperson

Goonawarra Neighbourhood House Inc.