

## SEXUAL HARRASSMENT

### PURPOSE:

To create a working environment which is free from all forms of sexual harassment and where all members of staff are treated with dignity, courtesy and respect.

### SCOPE:

- Definition of sexual harassment
- Reporting of sexual harassment

### POLICY:

1. Employees and consumers must be able to work and live in an environment free from sexual harassment and intimidation. Therefore, sexual harassment will not be tolerated within this organisation under any circumstances.
2. Reporting of behaviour which breaches this sexual harassment policy is to be encouraged and staff is at all times to promote standards of conduct that do not breach this policy.
3. Breakaway Toowoomba Inc. guarantees all complainants protection from victimisation or reprisals, and all complaints will be handled in a sensitive, fair, timely and confidential manner.
4. Sexual harassment is a civil offence, and is defined as:

*“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 which may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment. ”*

5. Sexual harassment is defined as when a person subjects another person to:
  - (a) an unsolicited act of physical intimacy;
  - (b) an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person;
  - (c) a remark with sexual connotations relating to the other person;
  - (d) engaging in contact with another person with the intention of offending, humiliating, or intimidating the other person;

(e) circumstances where a reasonable person would have anticipated a possibility that the other person would be offended, humiliated or intimidated by the conduct.

6 Sexual harassment is not behaviour that is based on mutual attraction, respect and friendship. If the interaction is consensual, welcomed and reciprocated it is not sexual harassment.

7 Facilitators will take immediate disciplinary action on any person who is found to have engaged in sexual harassment, the severity of such action will depend on the case in question. Such action will also be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment or who does not treat allegations in a confidential manner.

8 Breakaway Toowoomba Inc. acknowledges its legal responsibility to prevent sexual harassment and possible liability for its employees. Therefore, the Management Committee and the Facilitators have a responsibility to:

(a) monitor the working environment to ensure acceptable standards of conduct is observed at all times;

(b) model appropriate behaviour themselves;

(c) promote the organisation's sexual harassment policy within their work area;

(d) treat all complaints seriously and take immediate action to investigate and resolve the matter;

(e) refer complaints to their supervisor (refer to Grievance Procedure) if they do not feel that they are the best person to deal with the case (e.g. if there is a conflict of interest or if the complaint is particularly complex or serious).

All staff has the responsibility to:

(f) comply with Breakaway Toowoomba Inc.'s sexual harassment policy;

(g) offer support to anyone who is being harassed and let them know where they can get help and advice (they should not, however, approach the harasser themselves);

(h) maintain complete confidentiality if they provide information during the investigation of a complaint;

(i) not spread gossip or rumours of sexual harassment. Doing so may expose them to a defamation action.

9 Any member of Breakaway Toowoomba Inc. that is being sexually harassed may proceed with an informal action by confronting the harasser directly (only if this person feels confident enough to do so). Otherwise a formal complaint will be made to either the Facilitators who are to advise the Management Committee.

**PROCEDURE:**

The individual who has been harassed has two options;

- (a) he/she may take an informal approach by confronting the harasser, either by themselves or with the presence of an independent person. This should only be done if the individual feels confident enough to do so, or;
- (b) he/she may lodge a formal complaint with his/her Supervisor or, if the complaint is with that Supervisor, a complaint may be lodged with the Supervisor's Accountable Officer.

In the event of a formal complaint:

- 1 The complainant is to be interviewed by the Facilitators who are to advise the Management Committee of the allegation occurring. Allegations are to be detailed in writing.
- 2 The Facilitators or otherwise decided investigator is to convey the allegations to the alleged harasser who is given the opportunity for an advocate to be present during the discussion and investigation.
- 3 Response is to be gathered from the alleged harasser, and the opportunity must be given to defend themselves against the allegations. Information is to be documented.
- 4 Statements are to be collected from any witnesses by the Facilitators and other relevant evidence gathered.
- 5 A finding is made as to whether the complaint has substance.
- 6 A report documenting the investigation process, the evidence, the findings and recommended outcomes is submitted to the Management Committee which decides on the recommendations or an alternative course of action.
- 7 The Facilitators implement the outcomes and record any action taken.

Approved (Facilitators) .....Date .....

Approved (Chairperson) ..... Date .....