

# Avoidance and Management of Sexual Harassment and Victimisation Policy

Drafted by	Katherine Hinton, Head of Corporate Services	Approved by	The Board of Our Village
Version	1	Approved date	31 July 2024
Reviewed by	Ruth Holdaway, CEO	Next review date	31 July 2026

## Introduction

Our Village Network Inc (“Our Village”) supports and defends the right of every staff member and volunteer to perform their duties without being subjected to sexual harassment. Every staff member and volunteer is responsible for providing an environment that is supportive of this approach. All staff and volunteers must treat one another with respect, and must act as a beacon for good behaviour in the workplace.

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

It is the obligation and responsibility of every board member, staff member and volunteer to ensure that the workplace is free from sexual harassment and victimisation. Everyone working or volunteering at Our Village is responsible for the care and protection of our people and for reporting information about suspected sexual harassment.

Our Village is fully committed to its obligation to prevent and eliminate sexual harassment in the workplace.

## Purpose

The purpose of this policy is to outline Our Village’s position on sexual harassment and to document the process which is to be followed should any grievance relating to sexual harassment arise. This policy should be read in conjunction with the Sexual Harassment Procedure.

## Scope

This policy applies to all staff and volunteers in the workplace. This policy also applies to the behaviour of third parties towards staff and volunteers.

'Staff' includes: employees, persons seeking employment, students and interns.

'Volunteers' includes: anyone donating their time to Our Village

'Third Parties' includes: all contractors and third party suppliers

'Workplace' includes:

- Our Village premises, during or outside business hours;
- Any other place where work is performed by Our Village staff or volunteers;
- Any other physical or virtual place where work-related activities (including retreats, conferences, Our Village organised social activities) take place;
- Transport used for business purposes; and
- Any other physical or virtual place where the conduct has caused (or is likely to cause) serious damage to the relationship between the relevant staff member, volunteer or third party and Our Village or damages Our Village interests or where the conduct is otherwise incompatible with the duty of a staff member/volunteer/contractor. For example this may include sexual harassment outside work.

## Definitions

'**Sexual harassment**' means any unwelcome sexual advance or unwelcome request for sexual favours, to the other person, or any other unwelcome conduct of a sexual nature in relation to the other person 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
- sexually suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about your sex life
- displaying posters, magazines or screensavers 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

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

Sexual harassment can occur even if there is no intention to sexually harass.

Turning pre-loved into re-loved so every child thrives.

A person can be subject to sexual harassment even if the behavior is not directed at them because they work in a hostile work environment where a reasonable person, having regard to all the circumstances, would have anticipated the possibility of the conduct being offensive, intimidating or humiliating to a person of the sex of the person impacted by the conduct.

If someone does not object to inappropriate behaviour in the workplace at the time it occurs, it does not mean that they are consenting to the behaviour.

A single incident is enough to constitute sexual harassment, it does not need to be repeated.

'**Victimisation**' means treating or threatening to treat someone badly because:

- they have made a complaint of sexual harassment
- it is believed they might make a complaint of sexual harassment
- they have assisted someone else make a complaint of sexual harassment
- they refused to do some act because it would amount to sexual harassment or victimisation.

Victimisation is unlawful under the anti-discrimination legislation and may also be unlawful discriminatory conduct under the workplace health and safety legislation. It may also be Adverse Action under the Fair Work Act.

## Policy

Our Village will not tolerate sexual harassment or victimisation under any circumstances. Responsibility lies with every staff member, volunteer and third party to ensure that sexual harassment and victimisation does not occur.

All staff are expected to behave in a safe, respectful and inclusive manner in the workplace. No staff at any level, or volunteer or third party, should subject any other employee, volunteer, customer, visitor or any third-party to any form of sexual harassment or victimisation.

A breach of this policy may result in disciplinary action, up to and including termination of employment (for employees) or the cessation of the contract or engagement.

Our Village strongly encourages any staff member who feels they have been sexually harassed, victimised, or believes they have observed such behaviour, to take immediate action. If a staff member feels comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. The staff member should identify the harassing or victimising behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

However, given the seriousness of sexual harassment and victimisation, we recommend that this discussion happens in consultation with the relevant manager, Head of Department or CEO.

Alternatively, or in addition, they may report the behaviour in accordance with the sexual harassment and victimisation procedure. Once a report is made the organisation will determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment or victimisation will be treated seriously and promptly with sensitivity. Such reports will be treated as confidential to the extent reasonably practicable.

Complainants have the right to have a support person.

The respondent also has the right to have a support person during any investigation, as well as the right to respond fully to any formal allegations made.

### Consequences of Breach of this Policy

Any breach of this policy will be taken seriously and may lead to disciplinary action, up to and including termination of employment (for employees) or the cessation of the contract or engagement.

Disciplinary action may include (but is not limited to):

- Counselling
- Requiring a formal apology
- Conciliation/mediation conducted by an impartial third party
- Training on expected standards of behaviour
- Verbal or written warning
- Changed working arrangements
- Termination of employment, with or without notice (for employees)
- Cessation of the contract or engagement

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

### Related Documents

- Sexual Harassment and Victimisation Procedures

**-END-**

# Sexual Harassment and Victimisation Procedures

Drafted by	Katherine Hinton	Approved by	Ruth Holdaway, CEO
Version	1	Approved date	
Reviewed by	Ruth Holdaway, CEO	Next review date	

This procedure should be read in conjunction with the Sexual Harassment and Victimisation Policy.

## Responsibilities

### It is the responsibility of the CEO to ensure that:

- they understand and are committed to the rights and entitlements of all staff members and volunteers to attend work and perform their duties, without fear of being sexually harassed or victimised in any form;
- they understand what constitutes an act of sexual harassment or victimisation;
- all reasonable steps are made to eliminate sexual harassment and victimisation;
- all staff members and volunteers are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment and victimisation;
- they provide an environment which discourages harassment and victimisation and set an example by their own 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 Executive Leadership Team (ELT) 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 staff members regarding sexual harassment and inappropriate behaviour in the workplace;
- managers are aware of their obligations and responsibilities in relation to sexual harassment, victimisation and the rights and entitlements of their staff members and volunteers performing tasks under their team's supervision;
- ongoing support and guidance are provided to all staff in relation to the prevention of sexual harassment and victimisation

### **Staff and Volunteers:**

- must comply with the Sexual Harassment and Victimisation Policy;
- are encouraged to address sexual harassment if they are comfortable and it is safe to do so;
- are encouraged to raise any concerns about sexual harassment or victimisation with the Head of Corporate Services and People or CEO. This includes any concerning behaviour that staff may have observed, rather than experienced;
- must otherwise treat any concerns about sexual harassment or victimisation confidentially;
- must ensure that a person is not victimised for making, or being involved in, a sexual harassment complaint.

## Procedures

### **Complaint**

Sexual harassment can occur at any level of the organisation, can be experienced by all genders and may involve a co-worker, volunteer, manager, service provider, client or customer. Lack of intent is not a defense in sexual harassment cases.

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

Where possible, the staff member / volunteer should make the person(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the staff member/volunteer feels unable to speak to the person(s) directly, they should contact their Manager, or in the case of a volunteer their supervising staff member. Alternatively, staff or volunteers may contact the Head of Corporate Services & People or another member of the ELT with whom they feel comfortable.

Our Village will provide support and ascertain the nature of the complaint. Staff / volunteers who report sexual harassment will be protected against retaliation.

### **Informal Intervention Procedure**

Once someone reports sexual harassment to a Manager/Member of ELT, the Manager/Member of ELT must:

- Explain to the complainant what their rights and responsibilities are under the sexual harassment and victimisation policy and Equal Opportunity and/or anti-discrimination legislation.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to

respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as sexual harassment. If neither of these outcomes occurs, the organisation's formal procedure should be followed.

### **Formal Intervention Procedure**

If the informal intervention has not been successful, or was not possible/appropriate, the Manager must then escalate the complaint to the Head of Corporate Services and People and/or the CEO who may carry out a formal investigation in relation to the complaint of sexual harassment or victimisation.

The formal procedure will be coordinated by the Head of Corporate Services & People or CEO as appropriate.

Formal investigations may be conducted internally 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 or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint or implementing disciplinary action (up to and including termination of employment [for employees] or the cessation of the contract or engagement).

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 about.

If the Investigator considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be suspended from work/volunteering 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 kept informed about the investigation.

Records are to be forwarded electronically to the Head of Corporate Services & People or the CEO to be filed in a confidential folder. These records should be kept for a period of seven years.

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;
- Training

- Disciplinary action against the respondent (for employees) (e.g. transfer, training, written warning or dismissal);
- Cessation of engagement (for volunteers/visitors) or contract (for third parties)
- Official warnings that are noted in the respondent's personnel file;
- Disciplinary action against the complainant (but only 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;
- Re-crediting any leave taken as a result of the harassment.

### **Next Steps**

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 Head of Corporate Services & People or CEO, as appropriate, will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all staff members of their obligations and responsibilities in relation to providing a workplace free from harassment.

If there has been any substantiated victimisation, disciplinary procedures will be followed as per the Staff Grievance and Dispute Resolution Policy.

### **Procedure 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.

In such circumstances a report to the relevant authorities (such as the police) should be made immediately and in place of informal or formal intervention as described above.



## Related Documents

- [Staff Grievance and Dispute Resolution Policy](#)
- [Bullying Policy](#)
- [Code of Conduct](#)

**-END-**