Model Policy for the prevention of sexual harassment in the workplace

<insert organisation>

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1. POLICY STATEMENT
   1. Purpose

Sexual harassment is unlawful and prohibited by both the *Equal Opportunity Act 2010* (Vic)and the *Sex Discrimination Act 1984* (Cth).

The <insert organisation> is committed to providing a safe, flexible and respectful environment for staff and clients that is free from all forms of sexual harassment. This policy applies to staff and clients of <the organisation> and sets out the legal responsibilities and obligations for <insert organisation> and its staff.

In this policy:

* 'staff' is defined inclusively to include employees of <the organisation> (including employees covered by the *Victorian Public Service Enterprise Agreement 2020* and Executive Officers) as well as persons seeking employment, contract workers, consultants, agency on-hire staff, students and volunteers. The legislation and instruments mentioned in this policy may apply to particular categories of staff.
* 'client' is defined inclusively to include all persons to whom services are provided by <the organisation>.
  1. Scope

This policy applies to circumstances (including but not limited to):

* how <insert organisation> provides services to clients and how it interacts with other members of the public;
* all aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport;
* on-site, off-site, work-related social functions, conferences – wherever and whenever staff may be as a result of their working duties;
* out of work hours interaction where there is a strong connection to the employment relationship; and
* staff treatment of other staff, clients and members of the public encountered in the course of their working duties.

When managing reports of sexual harassment, the <insert organisation> will also refer to relevant industrial instruments.

* 1. Principles

The principles associated with this policy are that:

* sexual harassment is unlawful and will not be tolerated in the workplace.
* sexual harassment reports will be taken seriously and treated consistently and confidentially with a prioritisation of the wellbeing of the person who has made the report.
* Sexual harassment disproportionately affects some groups of workers and is often experienced with other forms of discrimination on the basis of disability, race, gender identity, sexual orientation, marital status and age. Sexual harassment and discrimination against people in these groups is driven by harmful attitudes and stereotypes, as well as structures or systems that maintain existing power disparities.
* sexual harassment is a form of gendered violence.
* <insert organisation> has a positive duty to ensure the health and safety of employees:
  + to eliminate risks to [health](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/ohasa2004273/s5.html#health) and safety so far as is reasonably practicable; and
  + if it is not reasonably practicable, to eliminate risks to [health](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/ohasa2004273/s5.html#health) and safety, to reduce those risks so far as is reasonably practicable.
* <insert organisation> recognises that comments and behaviour that do not offend one person can offend another. All <insert organisation> staff are required to treat others with dignity, courtesy, respect and professionalism and must not engage in unlawful conduct, including sexual harassment.
  1. Responsibilities

Staff

All staff must:

* comply with this policy;
* model appropriate behaviour;
* participate in any sexual harassment or respectful workplace training provided by the <insert organisation>, including completing any assessments;
* treat information in relation to reports of sexual harassment with appropriate confidentiality; and
* ensure that a person is not victimised for making, or being involved in, a sexual harassment report; and
* act in accordance with the Victorian Public Sector Employees Code of Conduct and Code of Conduct for Employees of Special Bodies (as applicable) and the <insert organisation>’s values, policies and procedures.

Management

In addition to their responsibilities as employees, those with management responsibilities must also:

* monitor the work environment;
* promote awareness of this policy within their area including ensuring staff are aware of how and where to make a report;
* treat all reports seriously and take prompt and appropriate action to address them;
* offer support to any staff member who discloses or reports sexual harassment to them, including the employee assistance program (EAP).
* discuss the report with their immediate supervisor as appropriate; and
* contact <Human Resources> for further detail on management of reports of sexual harassment.

1. LEGISLATION

Sexual harassment is a specific and serious form of harassment that is unlawful and prohibited by both Victorian and Commonwealth legislation.

* 1. Victorian legislation

The *Equal Opportunity Act 2010* requires <insert organisation> to take reasonable and proportionate steps to eliminate sexual harassment in the workplace as far as practicable.

Section 15 of the *Equal Opportunity Act 2010* imposes a positive duty to eliminate discrimination, sexual harassment or victimisation.

Section 92 of the *Equal Opportunity Act 2010* provides that a person sexually harasses another person:

* if they make an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or
* if they engage in any other unwelcome conduct of a sexual nature in relation to the other person;
* in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Section 93 of the *Equal Opportunity Act 2010* prohibits sexual harassment in the workplace. This prohibition covers employers, employees, any person seeking employment, contract workers and volunteers. Section 94 of the *Equal Opportunity Act 2010* prohibits sexual harassment in common workplaces (i.e. places that are the workplace of both people involved whether or not they have the same employer).

Conduct of a ‘sexual nature’may occur in person, in writing, or online, and includes:

* subjecting a person to any act of physical intimacy;
* making, verbally or in writing, any remark or statement with sexual connotations to a person or about a person in their presence;
* making any gesture, action or comment of a sexual nature in a person's presence.
  1. Commonwealth legislation

*Section* 28A of the *Sex Discrimination Act 1984* provides that a person sexually harasses another person (the “person harassed”) if:

* the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
* engages in other unwelcome conduct of a sexual nature in relation to the person harassed;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

The relevant circumstances to be taken into account may include, but are not limited to, the following:

* the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;
* the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
* any disability of the person harassed;
* any other relevant circumstance.

‘Conduct of a sexual nature’ includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Section 28B provides that it is unlawful for:

* a person to sexually harass an employee of the person, or a person who is seeking to become an employee of the person;
* an employee to sexually harass a fellow employee or a person who is seeking employment with the same employer;
* a person to sexually harass a commission agent[[1]](#footnote-2) or contract worker of the person, or a person who is seeking to become a commission agent or contract worker of the person;
* a commission agent or contract worker to sexually harass a fellow commission agent or contract worker;
* a workplace participant[[2]](#footnote-3) to sexually harass another workplace participant at a place that is a workplace of either or both of those persons.

1. CODES OF CONDUCT
   1. Codes of conduct and public sector values

Employees are required to conduct themselves in a manner that is consistent with the public sector values and employment principles set out in the *Public Administration Act* *2004*. These values and principles are further defined through the *Code of Conduct for Victorian Public Sector Employees* and the *Code of Conduct for Employees of Special Bodies* and Standards issued by the Victorian Public Sector Commissioner. Local policies and procedures issued by public sector organisations may include specific expectations for staff in particular roles.

Employees are obliged to adhere to the Victorian public sector values. In the context of sexual harassment, demonstrating the following values are particularly relevant:

* **Integrity -** using powers responsibly and reporting improper conduct;
* **Respect -** promoting an environment that encourages respect for colleagues and others by creating an environment that is free from discrimination, harassment and bullying;
* **Leading by example -** modelling behaviours based on the public sector values and acting in an ethical manner. For managers, providing a safe, encouraging and supportive work environment; and
* **Human rights -** seeking to protect the human rights of colleagues, public officials and the Victorian community by raising concerns regarding circumstances that could breach those rights and reporting any suspected breaches in accordance with procedures established by <the organisation>.
  1. Contract of employment for executives

The VPSC's standard contracts of employment for public sector executives provides that an executive shall conform to, observe and comply with the directions and restrictions and regulation of the employer and comply with all legal requirements.

The standard contract of employment for Victorian Public Service executives and the standard contract of employment for Victorian public entity executives’ detail that the employer has the right to summarily dismiss the executive at any time without the requirement to give notice, counselling or warning if the executive is guilty of serious misconduct.

* 1. Definition of misconduct

Sexual harassment may amount to misconduct.

The *Public Administration Act 2004* defines misconduct to include:

* a contravention of the provision of the Act, the regulations or a binding code of conduct; and
* improper conduct in an official capacity.

Section 61(6) of the *Public Administration Act 2004* confirms that contravention of a code of conduct by a public official who is bound by the code can constitute misconduct.

Misconduct can justify the imposition of a sanction, such as a warning or termination (with notice).

The *Victorian Public Service Agreement 2020* defines misconduct in clause 25.3. This includes:

* a contravention of a provision of the *Public Administration Act 2004*, the regulations to that Act, a binding code of conduct or a provision of any statute or regulation that applies to the employee in the employee’s employment; and
* improper conduct in an official capacity.

Section 33 of the *Public Administration Act 2004* entitles an appropriate public service body head to terminate the employment of a non-executive employee on the ground of serious misconduct. ‘Serious misconduct’ is not defined in the *Public Administration Act 2004* but is used in this policy to describe misconduct of such a nature that it would be unreasonable to require the employer to continue with the employee's employment whether during the required period of notice or at all. Some examples of serious misconduct could include conduct that causes serious and imminent risk to the health or safety of a person.

Each case needs to be considered individually.

1. SEXUAL HARASSMENT IN THE WORKPLACE
   1. What is sexual harassment?

Sexual harassment in the workplace may take various forms and can be directed at, and perpetrated by, all persons including men, women, transgender people, and those who identify as non-binary. It may be physical, spoken or written and may include, but is not limited to:

* unwelcome physical contact of a sexual nature;
* comments or questions of a sexual nature about a person’s private life or their appearance;
* sexually suggestive behaviour, such as leering or staring or offensive gestures;
* brushing up against someone, touching, fondling or hugging;
* sexually suggestive comments or jokes;
* displaying offensive screen savers, photos, calendars or objects;
* repeated requests to go out;
* unwanted displays or declarations of affection;
* requests for sex;
* sexually explicit emails, text messages or posts on social networking sites;
* sexual assault, indecent exposure, physical assault and stalking (which are also criminal offences); and
* actions or comments of a sexual nature in a person’s presence (even if not directed at that person).
  1. Threshold

The *Equal Opportunity Act 2010* and the *Sex Discrimination Act 1984* provide that sexual harassment occurs in circumstances in which the conduct is unwelcome and where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.

Just because someone does not object to inappropriate behaviour in the workplace at the time it occurs does not mean that they are consenting to the behaviour or consenting for the behaviour to continue at another time.

* 1. What is the workplace?

Within the workplace

For the purposes of sexual harassment law, a workplace is any place a person attends for the purpose of carrying out functions in connection with, or in the course of their employment or prospective employment. It includes a place that is a workplace of either, or both people involved in an incident of sexual harassment. For example, this policy also pertains to employees who visit other offices i.e. the same behavioural standards that exist in their workplaces, apply in other offices that employees visit.

Section 94 of the *Equal Opportunity Act 2010* provides that a workplace is the place a person attends for the purpose of carrying out functions in relation to their employment. It does not need to be the person’s principal place of business or employment.

The workplace is not confined to the actual physical location used by the employees. It also extends to common areas such as lifts, entrances, vehicles, reception areas, corridors, kitchens and toilets of the premises.

Beyond the workplace and outside working hours

Behaviour constituting sexual harassment can occur beyond the usual workplace and outside normal working hours. For example, workplace sexual harassment can occur where there is a link to employment including (but not limited to):

* at social functions sponsored and paid for by <insert organisation>;
* at social functions in connection with the team/workplace but not sponsored or paid by <insert organisation>
* in vehicles while on the way to work functions or meetings;
* at after-parties to such events (regardless of their location);
* in accommodation (including hotel rooms) associated with or provided by <insert organisation>;
* online via use of technology and social media; and
* any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa.

Consumption of alcohol at work functions or at a work-related event outside the usual workplace and hours of work is not an excuse for conduct that constitutes sexual harassment. Staff should regulate their own behaviour and consumption of alcohol (noting that some workplaces may have a zero tolerance approach to alcohol) to ensure their behaviour does not adversely impact others. Employees should be mindful that in such situations, they continue to be subject to the Victorian Public Sector Code of Conduct and public sector behavioural standards.

For further information, please refer to the <insert organisation> drug and/or alcohol policy.

1. REPORTING SEXUAL HARASSMENT

As reflected in the VSB’s statement on sexual harassment on 22 March 2018, the <insert organisation> will not stand for any form of sexual harassment in the workplace.

The <insert organisation> strongly encourages employees who believe they have been sexually harassed or have witnessed sexual harassment to consider reporting their experience (subject to the <organisation's> reports policy and procedure) in one of the following ways:

* Emailing or speaking to your direct line manager;
* If you are not comfortable talking to your manager, you may contact:
  + human resources (HR)/people and culture
  + [if applicable] <insert organisation>’s contact officers
  + [if applicable] <insert organisation>’s peer support officers, or
  + [if applicable] <insert organisation>’s workplace conciliator
* Anonymously reporting by [emailing XXX, using the online XX form, or telephoning XXX];
* Making a public interest disclosure by filling out the secure online form at [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au); or
* Talk to the respondent directly - This should be done only if the individual feels comfortable and safe doing so (noting this approach may suit some situations and people but not others).

Employees can consider how they want their report resolved and provide this information along with an account of what happened, as part of their report. This will be considered as part of <insert organisation>’s assessment of the most appropriate action to take.

Reports of sexual harassment can also be lodged with the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal and in some circumstances, with a union, WorkSafe Victoria, Fair Work Commission, or the Australian Human Rights Commission.

In cases of sexual assault, indecent exposure, stalking, obscene communications or any other criminal conduct, employees are encouraged to make a report to the police. If the assault occurred in the workplace, <insert organisation> may be required to report the matter to police. Employees are encouraged to report the incident to their direct manager or human resources (HR), regardless of whether a report is made to the police or not.

* 1. Confidentiality

Where appropriate, disclosures/reports of sexual harassment will be treated in confidence to protect an employee’s personal privacy as much as possible. However, allegations of sexual harassment or potential criminal conduct are serious and should be considered accordingly. In some instances, a matter may need to be escalated or referred without agreement from the employee, particularly in circumstances that may:

* constitute a criminal offence;
* constitute an occupational health and safety risk; or
* require disciplinary action.

Only relevant persons in <insert organisation> will be advised of the declaration/report and any arrangements necessary for the purpose of managing the disclosure/report. At the time a disclosure/report is made, the <insert organisation> should notify the parties who, within the organisation, will be privy to this information.

* 1. Bystander intervention

Bystanders, including colleagues, who witness or are aware of sexual harassment, can play an important role in responding to sexual harassment in the workplace. When grounded in behaviours of integrity and respect, action taken by colleagues can positively impact on defining workplace culture.

Bystanders that are aware of sexual harassment are encouraged to:

* provide support to the colleague subjected to the sexual harassment;
* formally or informally challenge concerning behaviour; and
* report sexual harassment.

The standard that people walk past is the standard that people accept.

* 1. Anonymous reports

Employees reporting sexual harassment may request to remain anonymous.

In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided. However, it may not be possible in all circumstances to keep the identity of a person, or people providing information, confidential. In some situations, it may be the case that a respondent may need to be provided with the full details of allegations when consideration of procedural fairness and natural justice are taken into account.

* 1. Health, safety and accessibility

Employers must provide and maintain a working environment that is safe and free of risks to health, so far as is reasonably practicable.

<insert organisation> will support employees affected by sexual harassment in making reports of sexual harassment and in participating in any process required to deal with a report.

The <insert organisation> will listen to and work with employees, including bystanders and others impacted by sexual harassment, to ensure their safety and well-being as required by the *Occupational Health and Safety Act 2004*.

<insert organisation> will prioritise the safety, wellbeing and wishes of employees wishing to make a report. <insert organisation> will ensure that reasonable adjustments to the reporting process are provided to help an employee with disability make their report and participate in the process as well as connecting to appropriate support services. Any assistance will be done so in the strictest of confidence to ensure confidentiality is maintained. <insert organisation> will communicate with the employee who they will be seeking assistance from and why, prior to doing so. Please contact the Equity and Diversity team (or similar) for assistance and support’

1. RESPONDING TO SEXUAL HARASSMENT
   1. Employer’s responsibility

If a report of sexual harassment is made, or sexual harassment is observed or brought to the attention of the <insert organisation>, it must be acted upon as soon as practicable. Reports will be managed with consideration to the sensitive and confidential nature of the reports and ensuring procedural fairness to those against whom the report is made.

All staff with management responsibilities, regardless of level, have a responsibility to improve the work culture by adopting a zero-tolerance approach to sexual harassment. Management will take active steps to prevent sexual harassment in a workplace, not just respond to reports if they arise.

The appropriate action for management to take when a report is raised, or when a matter is otherwise brought to their attention, will vary on a case-by-case basis. However, it may not be appropriate not to act, or to keep quiet, even where the person who has made the report states that they do not want any further action to be taken. This is because in some instances, the conduct to which the subject of the report relates may constitute an occupational health and safety risk or a criminal offence or require disciplinary action to be taken.

The <insert organisation> must ensure the safety and well-being of all employees as per the *Occupational Health and Safety Act 2004*.

Ensure that the person who has made the report and respondent are informed of the supports available to them, such as the Employee Assistance Program or equivalent (EAP), as early as possible.

* 1. Process

Reports of sexual harassment will be considered by the <insert organisation> with advice from HR or an external consultant (for example in small organisations without dedicated HR officers or in complex matters). Processes will be undertaken in line with relevant industrial instruments (e.g., an enterprise agreement, Standard Executive Contract of VPS Executive Handbook) and organisational policies and procedures, where applicable.

Managers are required to contact <Human Resources> for assistance in dealing with a report or for advice as to the best way to address a report.

The manager, in consultation with HR, must conduct a risk assessment of the report to determine an appropriate course of action/s with the safety of the person who has made the report a priority. The person who has made the report will be advised how their report will be managed and the anticipated timeframes of any process. The person who has made the report will be informed of delays or changes to anticipated timeframes.

Informal process

In some instances, it may be appropriate to address a report of sexual harassment at a local level, such as conducting or facilitating discussions to address the behaviour, or refresher training for the general work area on the requirements of this policy.

Formal process

In other cases, a more formal approach may be appropriate. Formal processes typically involve investigating the report, making a finding, and deciding on an appropriate outcome.

Such process will be undertaken in line with relevant organisational policies, procedures and industrial instruments. Clause 25 of the *Victorian Public Service Enterprise Agreement 2020* sets out the management of misconduct process for employees covered by this agreement. Other industrial instruments may be applicable for other employees. In these instances, the misconduct provisions referenced will apply.

In some instances, it may be necessary or appropriate to temporarily change operations within a team to ensure a safe workplace and maintain the integrity of any review process. Changes may include:

* operational change to reporting lines and team composition;
* change to seating arrangements;
* performing alternative duties
* change to physical work location;
* taking periods of approved leave; or
* suspension.

It will not be presupposed that the temporary change will involve the person who has made a report. The person who has made the report should be consulted before any decision relating to temporary change involving them or the respondent is finalised. It is important that the measures do not result in any detriment to the person who has made the report (as this may amount to victimisation, which is unlawful). Safety and confidentiality of the process are key considerations in identifying appropriate temporary changes.

Any operational change should only be enacted in collaboration with <Human Resources> to ensure it is an appropriate and proportionate response to the matter and approved at the necessary delegate level (if required). <Human Resources> can assist with conducting discussions with affected staff about any operational changes.

* 1. Outcomes of substantiated claims

A substantiated report of sexual harassment may result in a number of outcomes against an employee, including termination of employment consistent with managing misconduct under Clause 25 of the *Victorian Public Service Enterprise Agreement 2020*.

The standard contracts of employment for executives notes that an executive shall conform to, observe and comply with the directions and restrictions and regulation of the employer and comply with all legal requirements. The standard contract of employment for Victorian public service executives and the standard contract of employment for Victorian public entity executives’ detail that executives can be summarily dismissed if determined to have engaged in serious misconduct.

* 1. Natural justice and procedural fairness

Both the person who made the report and respondent are to be afforded natural justice and procedural fairness.

When considering the report of sexual harassment the person who made the report and respondent will be:

* treated fairly and respectfully; and
* allowed the opportunity to respond to any allegations made against them before a report is finalised and a final decision is made.
  1. Support / welfare

Disclosure of information or making a report can be very difficult for the affected staff member/s. Managers will take necessary welfare steps following the making of a report of sexual harassment. This may include allowing an employee to go home for the rest of the day, ensuring they have safe transport, connecting them with a support person and with the EAP or equivalent as well as supporting alternative work arrangements or other reasonable work adjustments for as long as is necessary.

* 1. Victimisation

<insert organisation> has a zero-tolerance approach to victimisation or detrimental treatment of any person who has made a report or witnesses.

It is unlawful to victimise a person, which means treat them badly or unfairly, because they have made a report about discrimination, sexual harassment or vilification, or have witnessed and / or helped someone else to make a report.

Please contact <Human Resources> immediately if you have experienced any unfair treatment or detriment as a result of making a report of sexual harassment or helping another person to make a report.

* 1. Findings

A substantiated report of sexual harassment may result in a number of outcomes against an employee, including termination of employment. Depending on the severity of the case, actions following a finding of sexual harassment can range from an apology to disciplinary action against the person found to have engaged in harassment (such as demotion, transfer or termination of employment).

Determination of outcomes will be undertaken in line with relevant industrial instruments. Each case will be assessed on its own merits.

* 1. Criminal matter

Although sexual harassment is generally a civil matter, not a criminal offence, some types of harassment may also be offences under criminal law. These include, but are not limited to:

* physical molestation or assault;
* indecent exposure;
* sexual assault;
* stalking; and
* obscene communications (telephone calls, letters, etc).

If an allegation appears to be a matter relevant to the police, the <insert organisation> is obliged to report this to the police regardless of whether the person who has made the allegation has made a report to the police or not.

It is recommended that management speak with <Human Resources> for advice on individual matters, as each matter must be considered on its merits.

* 1. Legal liability

Staff may be personally liable if allegations of sexual harassment are substantiated against them.

Legal action (civil and/or criminal) may be taken against a person who has engaged in sexual harassment and/or any other person who requests, instructs, induces, encourages, authorises or assists the unlawful conduct.

Conduct constituting sexual harassment by an employee may also expose the <insert organisation> to liability. The <insert organisation> may be vicariously liable for an employee's conduct undertaken in the course of, or in connection with, their employment.

* 1. Mandatory notifications

Some organisations might also have mandatory reporting requirements.

1. ADDITIONAL CONSIDERATIONS
   1. Consent

A key element of sexual harassment is that it is unwelcome.

It is important to note that if a person does not object to inappropriate behaviour at the time; it must not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

* 1. Intent

The *Equal Opportunity Act 2010* and the *Sex Discrimination Act 1984* provide that sexual harassment occurs in circumstances in which the conduct was unwelcome and a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, or intimidated.

Motive is irrelevant; the test focuses on how the behaviour is received by the other person. It is the responsibility of every employee to ensure that they do not engage in any behaviour that could amount to sexual harassment. Sexual harassment can occur even when a respondent does not intend to offend or humiliate.

The <insert organisation> will not tolerate sexual harassment which was intended as a joke if it meets the legal definition of sexual harassment.

* 1. Technology and social media

Sexual harassment can occur through electronic means (such as emails or text messages or by viewing pornographic websites) and through social media, regardless of whether the post was made during work hours or not. Where there is a link to employment, employees are subject to the same rules about sexual harassment in the virtual world as they are in the real world.

As such, employees are required to use technology and social media responsibly in the workplace and in relation to anything or anyone associated with the workplace. This extends to the use of technology and social media outside the workplace where there is a strong connection to the employment relationship (for example, between colleagues where the foundation of the relationship is a common workplace). For further information, please refer to the <insert organisation> IT and social media policy.

* 1. Behaviour not considered to be sexual harassment

Sexual or romantic interaction that is entered into freely and is reciprocated between consenting employees, is not a form of sexual harassment. This includes sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated.

This does not mean that sexual or romantic interactions in the workplace are always appropriate. Employees should familiarise themselves with relevant polices dealing with consensual personal relationships in the workplace For further information, please refer to the <Include reference to organisation’s Conflict of Interest Policy>.

* 1. Reprisals and harassment

Any person found to victimise, harass or take reprisal action against people participating in procedures associated with this policy may be subject to separate disciplinary action.

* 1. Information or claims without substance

Employees found to have knowingly provided false information, or knowingly made allegations of sexual harassment without any substantive merit, may be subject to separate disciplinary action.

1. SUPPORT OPTIONS

A range of options are available to provide support in regard to sexual harassment. The <insert organisation’s> primary contacts include <HR support>, <Workplace Conciliator> and <Appropriate Workplace Behaviour Registrar>.

* 1. Employee Assistance Program

The <insert organisation> provides an EAP, which is a short-term, confidential, counselling service designed to offer a problem-solving, solution-oriented approach to support employees with personal or work-related issues.

The EAP is staffed by independent qualified practitioners.

All employees (and their immediate family) have access to the EAP, which provides for a limited number of counselling sessions at no cost to the employee and can be provided over the phone or face-to-face.

Managers and supervisors can access Manager Assist through the EAP, to help with workplace issues.

The <insert organisation> EAP provider is <insert detail>.

* 1. External support

An employee may wish to access external support services, such as:

* **1800RESPECT** - 1800RESPECT provides information, referral and counselling services to people experiencing or at risk of experiencing sexual assault, domestic or family violence. It is also available to friends, family and professionals. 1800RESPECT provides a confidential service 24 hours a day, seven days a week. You can contact 1800RESPECT by visiting [www.1800respect.org.au](http://www.1800respect.org.au) or calling 1800 737 732.
* **Centres Against Sexual Assault** - Centres Against Sexual Assault are non-profit, government-funded organisations that provide support, counselling and crisis care to child and adult victims of sexual assault and their family. You can find your local centre by visiting [www.casa.org.au](http://www.casa.org.au).
* **Lifeline** - Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24-hour crisis support and suicide prevention services. You can contact Lifeline by visiting [www.lifeline.org.au](http://www.lifeline.org.au),calling 13 11 14 or texting 0477 13 11 14
* **Sexual Assault Crisis Line** - The Sexual Assault Crisis Line is a state-wide, after-hours, confidential, telephone crisis counselling service for people who have experienced both past and recent sexual assault. You can contact the Sexual Assault Crisis Line Victoria by visiting [https://www.sacl.com.au](https://www.sacl.com.au/) or by calling 1800 806 292.

An employee may also wish to contact their union for representation and support.

* 1. Human resources

In the context of this policy, <Human Resources> is responsible for:

* providing advice in relation to matters covered by this policy;
* assisting employees and managers in understanding their roles and responsibilities;
* conducting reviews and/or engaging an independent external reviewer to do so; and
* assisting with assessing whether a report of sexual harassment requires action under a different process.
  1. Related policies

<Insert detail relevant to organisation>.

1. The *Sex Discrimination Act 1984* defines a commission agent as “a person who does work for another person as the agent of that other person and who is remunerated, whether in whole or in part, by commission.” [↑](#footnote-ref-2)
2. Workplace participant includes an employer or employee, a commission agent or contract worker or a partner in a partnership. [↑](#footnote-ref-3)