

Sexual Harassment Policy

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Authorised Officer:	Chief Executive Officer	Due for review:	Annual 20/09/2022

Purpose

GOTAFE is committed to providing a safe working environment that is free from sexual harassment, as far as is possible. The purpose of this policy is to set out GOTAFE's expectations regarding a zero-tolerance approach to sexual harassment in the workplace.

Application of Policy

This policy applies to all employees, contractors, volunteers and Board members (staff) in the workplace.

'Workplace' includes:

- GOTAFE premises, during or outside business hours;
- Any other place where work is performed by staff of GOTAFE;
- Any other physical or virtual place where work-related activities (including retreats, conferences, GOTAFE-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 and GOTAFE; or damages GOTAFE's interests; or where the conduct is otherwise incompatible with the duty of a staff member. For example this may include sexual harassment outside work.

Policy Statement

Sexual harassment, in all its forms, is an abuse of power. It represents behaviours that are beneath the standards GOTAFE expects across our organisation. It is unethical and against the law. Such conduct may also constitute criminal conduct.

Sexual harassment takes a psychological, emotional and physical toll and has detrimental consequences on the careers and personal lives of those affected, as well as their families and those close to them.

GOTAFE has a zero-tolerance approach to sexual harassment in the workplace and considers such behaviours to be an occupational health and safety issue. GOTAFE recognises that it must take reasonable and proportionate measures to eliminate sexual harassment as far as possible.

GOTAFE will act to prevent sexual harassment including by acknowledging and preventing the risks that make sexual harassment more likely to occur. GOTAFE will take a victim-centred approach to complaints of sexual harassment.

It is expected that all staff will not engage in sexual harassment and will fulfil the responsibilities set out in this policy.

Roles and Responsibilities

All staff are expected to behave in a safe, respectful and inclusive manner in the workplace and must not sexually harass a job applicant, another staff member or any other person in the workplace.

Third parties (including students, suppliers and any other third parties that a GOTAFE staff member interacts with whilst performing duties) are also expected to behave in a safe and inclusive manner when interacting with staff and must not sexually harass staff or any other person in the workplace. GOTAFE may be restricted in its ability to undertake an investigation or disciplinary action, depending on its arrangements with that third party. However, it is important for staff to report any incidents so that GOTAFE can take appropriate steps to ensure the safety of the staff member so far as reasonably practicable and prevent incidents occurring to others.

Staff:

- Are encouraged to address sexual harassment if comfortable and safe to do so;
- Are encouraged to raise any concerns about sexual harassment to either their coordinator/manager or People & Culture. This includes any concerning behaviour that staff may have observed, rather than experienced.
- Must otherwise treat any concerns about sexual harassment confidentially.

Managers and coordinators must also:

- Encourage a respectful, safe and inclusive environment and role model appropriate behaviours;
- Monitor the GOTAFE environment and risk factors to ensure appropriate standards of conduct are observed;
- Ensure that bystanders are supported to act if inappropriate behaviour is witnessed;
- Identify, address and educate about behaviour that enables or condones inappropriate behaviour (such as sexual harassment), including tolerance for everyday sexism.

Meaning of Sexual Harassment

Sexual harassment means:

- Any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature
- Where a reasonable person, having regard to all of the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
- Conduct of a sexual nature includes:
 - subjecting a person to any act of physical intimacy;
 - making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence; and
 - making any gesture, action or comments of a sexual nature in a person's presence.

EXAMPLES OF SEXUAL HARASSMENT

Jokes, emails or comments with sexual connotations

Intrusive questions about a person's private life or physical appearance

Unwelcome light touch gestures, e.g. an arm around, a kiss hello

Displaying material (e.g. posters or screen savers) of a sexual nature

Engaging in banter or making jokes which are degrading to a person's sexual orientation or perceived sexual orientation

Sharing intimate images/video of someone without consent (including online)

Personal contact via email or social media (or other means) that is out of context, out of work hours

Unwelcome comments about looks, dress, hairstyles

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

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

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. All employees have the same rights and responsibilities in relation to sexual harassment.

All incidents of sexual harassment – no matter how large or small or who is involved – require supervisors and managers to respond quickly and appropriately.

GOTAFE recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff to respect other people's limits.

Drivers of Sexual Harassment

There is considerable research to show that sexual harassment is primarily driven by gender inequality and power imbalance. It is also driven by other power imbalances, for example inequalities that may exist based on race, disability, sexual orientation etc. Staff need to be aware of this and ensure that they do not abuse their power.

The existence of sexual harassment often reflects an environment that overlooks or excuses disrespectful behaviour towards others, particularly women and people who do not conform to expected gender roles, such as LGBTIQ+ people. GOTAFE aims to ensure that such an environment does not exist, and rather that a respectful, safe and inclusive environment is fostered.

What to do if you are sexually harassed (or witness sexual harassment)

If you believe you have been sexually harassed (or believe you have observed such behaviour), including by a third party, talk to your manager/coordinator or People & Culture or go to the Issue resolution and investigation procedure.

You will not be restricted by a time limitation between the incident and reporting the issue. We understand that people will share their experience when they feel comfortable and that it may take time to process what has happened and feel ready to talk. Knowing about incidents and issues is helpful for GOTAFE's future efforts to prevent repeat and escalated incidents.

There are a number of ways GOTAFE can help to resolve the issue depending on your wishes, the context and circumstance. We know that what most people who experience sexual harassment want is for the behaviour to stop, to have their experience validated, their organisation to know that it happened, and for it not to happen to anyone else. In many cases, all people want from the person who harassed them is an apology. Wherever possible, we will prioritise early intervention and informal pathways that deliver these types of outcomes.

GOTAFE is committed to a victim-centred and informed process. Where possible, and

subject to the requirements of procedural fairness and the law, GOTAFE will involve you in a discussion about how the matter may be resolved. Where possible, GOTAFE will aim to: prioritise your safety, privacy and wellbeing; respect your preferences; and ensure that investigations are designed to minimise harm. Further information about confidentiality and natural justice are set out in the **Issue Resolution and Investigation Procedure**.

Staff who report sexual harassment will be protected against retaliation and all staff members are reminded that victimisation will not be accepted (please see the **Anti-Discrimination and Bullying Policy** for further information about victimisation).

It is important to note that anyone who experiences sexual assault can report their experience to the police.

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 or contract. Examples of possible disciplinary action are set out in the **Issue Resolution and Investigation Procedure** and the relevant disciplinary policies and procedures set out below.

Reporting and evaluation

The prevention of and response to sexual harassment is a priority at GOTAFE, and any reported cases will be reported to management, to help inform further action GOTAFE takes to eradicate sexual harassment. This includes, for example, de-identified case studies of any serious incidents; number of investigations; high-level outcomes of investigations; consequences for offenders; restorative action taken for the individuals impacted; root cause analysis and organisational corrective actions.

This policy will be reviewed on an annual basis as part of our ongoing commitment to continuously improve our prevention efforts; create an environment that encourages early intervention on issues by everyone, and respect and support people who may be impacted by sexual harassment.

Related documentation and regulation

- Anti-Discrimination and Bullying Policy
- Issue resolution and investigation procedure
- Termination of Employment Procedure
- Discipline Policy for PACCT
- Discipline Procedure for PACCT
- Discipline Policy for Employees other than PACCT staff
- Discipline Procedure for Employees other than PACCT staff