



Healesville Community Renewable Energy Inc

Person04 – Sexual Harassment Policy

Policy Id	Person04	Version	1.0
Policy Type	Person	Subject	Sexual Harassment
Approved	February 2021	Scheduled review	February 2024

1 Introduction

Healesville CoRE regards the dignity and autonomy of all people as a core value of the organisation.

Healesville CoRE believes that all people should be able to work in an environment free from discrimination, harassment, bullying and victimization.

An independent report by Dr Freckelton QC, released in March 2018, found that a person's sexual harassment conduct towards fellow employees made the organisation an unsafe workplace for the two women involved. This means that an employer's responsibility of maintaining the health and safety of employees, includes attention to the prevention of sexual harassment which poses a health and safety risk for employees.

WorkSafe Victoria released a guide for employers on work-related gendered violence in 2020. The guide explicitly includes sexual harassment as an occupational hazard, and this comes under the jurisdiction of workplace health and safety regulators.

A Sexual Harassment National Inquiry Report (2020) (Ref: Respect@Work) found that employers should have a "positive duty" to eliminate workplace sexual harassment. This includes businesses, educators, suppliers, clubs and sporting organisations.

The positive duty is about addressing the systemic causes of discrimination, sexual harassment and victimisation.

A small, not-for-profit community organisation must have an action plan for meeting its positive duty obligations under the Act. Healesville CoRE has an established policy register which includes a Bullying Policy and a Sexual Harassment Policy to demonstrate that the organisation is meeting its positive duty.

2 Purpose

The purpose of this document is to identify what Healesville CoRE considers as sexual harassment, to outline Healesville CoRE's position on sexual harassment and to document the process which is to be followed should any instances of sexual harassment be reported.

3 Policy

Harassment is any form of behaviour which is perceived to be offensive, humiliating, demeaning, insulting or intimidating and may be directed at a person's race, age, disability, sexual orientation, political belief, religious belief or appearance.

Sexual harassment is a distinct category of harassment that is prohibited specifically under anti-discrimination laws.

Sexual harassment can be written, verbal or physical, and can happen in person or online.

Sexual harassment can include someone:

- touching, grabbing or making other physical contact with you without your consent
- making comments to you that have a sexual meaning
- asking you for sex or sexual favours
- leering and staring at you
- displaying rude and offensive material so that you or others can see it
- making sexual gestures or suggestive body movements towards you
- cracking sexual jokes and comments around or to you
- questioning you about your sex life
- insulting you with sexual comments
- committing a criminal offence against you, such as making an obscene phone call, indecently exposing themselves or sexually assaulting you.

Both men and women can be the victims of sexual harassment

Harassment is bullying. The Bullying Policy (Person03) applies and must be referenced and observed.

Sexual harassment is a common form of gendered violence.

Work-related gendered violence is any behaviour, directed at any person, or that affects a person, because of their sex, gender or sexual orientation, or because they do not adhere to socially prescribed gender roles, that creates a risk to health and safety.

This includes violence targeted directly at someone specifically because, for example:

- they are a woman
- they identify as LGBTIQ+
- they don't follow socially prescribed gender roles and stereotypes.

Work-related gendered violence can also be experienced indirectly. A person may experience gendered violence not targeted specifically at them.

4 Complaints Procedure

The complaints procedure for a Sexual Harassment concern is the same procedure that is followed for Bullying Complaints. Reference Bullying Policy (Person03), section 4. The same Affirmative Action Procedure, Informal Complaints Procedure or Formal Complaints Procedure apply.

Some forms of sexual harassment (for example physical/tactile contact or inappropriate/obscene statements) may constitute criminal conduct. While Healesville CoRE is committed to treat most complaints about sexual harassment at an organisation level as far as possible, not all type of conduct is suited to internal resolution. Such complaints should be treated by the criminal justice system. Volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of Healesville CoRE to report such matters to the police on behalf of the complainant.

5 Related Documents

Person03 - Bullying

Value02 - Code of Ethics

6 Reference Documents

ReachOut - online mental health service com for young people and their parents in Australia:

https://au.reachout.com/articles/what-is-sexual-harassment?qclid=CjwKCAiAsaOBBhA4EiwAo0_AnOYvs91YG-k_7va2R77V2IMg5yEZRmnUadwLWn_PhCeE6MtHMs-THxoCMfcQAvD_BwE

WorkSafe guide for employers [Work-related gendered violence including sexual harassment:

<https://content.api.worksafe.vic.gov.au/sites/default/files/2020-03/ISBN-Work-related-gendered-violence-including-sexual-harassment-2020-03.pdf>

Victorian Equal Opportunity Act 2020 - Positive Duty:

<https://www.humanrights.vic.gov.au/for-organisations/positive-duty/>

Respect@Work: Sexual Harassment National Inquiry Report (2020):

<https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>

Occupational Health and Safety **Act** 2004 (OHS **Act**):

<https://www.worksafe.vic.gov.au/occupational-health-and-safety-act-and-regulations>