

Workplace Sexual Harassment Policy

This Workplace Sexual Harassment Policy applies to all Employees of the business.

The objective of the policy is to ensure the workplace is free from sexual harassment.

The requirement is for all staff to comply with Workplace Sexual Harassment Policy.



What does sexual harassment look like?
Sexual harassment includes a wide range of behaviours such as:

- inappropriate physical contact
- intrusive questions about a person's private life or physical appearance
- sharing or threatening to share intimate images or video without consent
- images or videos that are sexually suggestive or that constitute a sexual advance
- unwelcome touching, hugging, cornering or kissing
- repeated or inappropriate invitations to go out on dates
- sexually suggestive comments or jokes that offend or intimidate
- requests or pressure for sex or other sexual acts
- sexually explicit gifts, images, videos, cartoons, drawings, photographs, or jokes
- actual or attempted rape or sexual assault
- being followed or watched inappropriately, or someone loitering inappropriately, either in person or via technology
- sexually explicit comments made in person or in writing, or indecent messages (SMS, social media), phone calls or emails—including the use of emojis with sexual connotations
- sexual gestures, indecent exposure or inappropriate display of the body
- technology-facilitated unwelcome conduct of a sexual nature—including on virtual meetings
- inappropriate staring or leering
- repeated or inappropriate advances on email or other online social technologies

References: Australian Human Rights Commission, Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces (2018); Australian Human Rights Commission, Respect at Work: National Inquiry into Sexual Harassment in Australian workplaces (2020); Deloitte Access Economics, The Economic Costs of Sexual Harassment in the Workplace (Final Report, February 2019).

(Source: Respect at Work)

Purpose

The purpose of this Workplace Sexual Harassment Policy is to establish a safe, respectful, and supportive working environment for all employees within Disability Macarthur. We are committed to fostering a culture where everyone is treated fairly, equitably, and with dignity.

Sexual Harassment in the workplace is strictly prohibited and will not be tolerated under any circumstances. This policy aligns with the Australian *Fair Work Act 2009* and relevant state and federal laws.

Disability Macarthur Family Support & Care is committed to:

- Promoting gender equality and ensuring women participate at all levels within the organisation.
- Promoting a safe and inclusive environment for all.
- Promoting a workplace culture that is inclusive for all regardless of sex, gender identity, sexual orientation, and intersex status.
- Educating and creating awareness across the organisation about sexual harassment
- Ensuring that employees who experience disrespectful conduct, sexual harassment, assault, or threatening behaviour within our organisation are supported and protected.

Objective

The objectives of this Workplace Sexual Harassment Policy are to:

- Clearly define what constitutes sexual harassment in the workplace.
- Provide guidelines for reporting and addressing instances of workplace sexual harassment.
- Raise awareness among employees of their rights and responsibilities regarding workplace sexual harassment.
- Encourage a culture of mutual respect, support, and inclusiveness.
- Prevent adverse effects on the mental and physical well-being of employees resulting from workplace sexual harassment.
- Ensure compliance with all relevant laws and regulations.

Related Legislation, Policies & Protocols

The following legislation applies to Disability Macarthur Family Support & Care:

- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Human Rights & Equal Opportunity Commission Act 1986 (Cth)*

- *Disability Discrimination Act 1992 (Cth) (Legislation):*
- *Age Discrimination Act 2004.*
- *Fair Work Act 2009*

Policy Requirements

Definition of Workplace Sexual Harassment

Workplace sexual harassment is defined by the *Sex Discrimination Act 1984* as:

(1) a person sexually harasses another person (the person harassed) if:

- (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed.

Where a reasonable person, would anticipate the possibility that the person harassed would be offended, humiliated, or intimidated.

Sexual harassment is not always obvious. It can include a wide range of behaviours. Some of the most common examples of sexual harassment are:

- Unwanted sexual advances, gestures, or comments.
- Requests for sexual favours in exchange for employment benefits.
- Displaying or sharing sexually explicit material, images, or jokes.
- Offensive or derogatory comments about a person's gender or sexual orientation.
- Unwanted physical contact, including touching, groping, or patting.
- Sexual propositions or innuendos.
- Persistent or unwanted attention of a sexual nature.
- Cyber-harassment, such as online sexual advances or explicit messages.

Other examples of sexual harassment include.

- Sharing or threatening to share intimate images or video without consent.
- Repeated or inappropriate invitations to out on dates
- Requests or pressure for sex or other sexual acts
- Sexually explicit gifts, images, videos, cartoons, drawings, photographs, or jokes
- Actual or attempted rape or sexual assault
- Sexually explicit comments made in person or in writing, or indecent messages, phone calls, emails or texts, including emojis with sexual connotations.
- Sexual gestures, indecent exposure, or inappropriate display of the body.

Reporting Workplace Sexual Harassment

All employees have the responsibility to report any instances of workplace sexual harassment they experience or witness. Reports should be made to an appropriate manager, supervisor, or the human resources department. All reports will be treated confidentially, and no employee will be penalised for making a report in good faith.

Addressing Workplace Sexual Harassment

Disability Macarthur Family Support & Care will promptly investigate all reported instances of workplace sexual harassment in a fair and unbiased manner. Investigations will be conducted in accordance with the principles of natural justice, ensuring procedural fairness and confidentiality. If an investigation substantiates an allegation of workplace sexual harassment, appropriate disciplinary action will be taken, which may include:

- Counselling or mediation
- Formal warnings
- Reassignment of duties or work locations
- Suspension or termination of employment

Company Expectations

Every employee has the right to come to work in an environment that is free from sexual harassment. All employees are expected to adhere to the Company Code of Conduct. Sexual harassment will not be tolerated within the Disability Macarthur Family Support & Care. All employees have a legal obligation under the legislation to ensure that they behave in an appropriate manner.

Employees caught sexually harassing others may face disciplinary action up to and including termination of employment.

What steps to take if you are sexually harassed in the workplace?

- 1) Review the company's sexual harassment policy.
- 2) Keep notes on the incidents of sexual harassment.
- 3) Seek out support (from Management, HR or a colleague or counselling services)
- 4) If possible, approach the person to discuss the situation if you are comfortable with this.
- 5) Notify your Manager, Director or HR by making a formal complaint.
- 6) If not resolved, you can raise a complaint with Australian Human Rights Commission or Fair Work Commission.

Confidentiality and Investigation:

All reports will be treated with sensitivity, confidentiality, and respect for privacy to the extent reasonably possible.

The organisation will conduct a prompt and impartial investigation into the reported incident, involving appropriate personnel.

Non-Retaliation:

Disability Macarthur Family Support & Care prohibits any form of retaliation against individuals who report incidents of sexual harassment or cooperate in investigations. Retaliation against complainants or witnesses will be treated as a separate violation of this policy and may result in disciplinary action.

Training and Awareness

Disability Macarthur Family Support & Care will provide regular training and resources to all employees regarding workplace sexual harassment, including the rights and responsibilities of employees, the process for reporting incidents, and available support services.

Monitoring and Review

This Workplace Sexual Harassment Policy will be reviewed periodically to ensure its ongoing relevance, effectiveness, and compliance with legislative and regulatory requirements. The Disability Macarthur Family Support & Care is committed to continuous improvement and will incorporate feedback from employees, management, and external stakeholders as part of the review process.

The Director is responsible for communicating the Workplace Sexual Harassment Policy to all persons working for or on behalf of the organisation and making it available to interested parties.

Reference Sources:

- 1) *Respectatwork.gov.au*
- 2) *Humanrights.gov.au*