

ACT Greens Sexual Harassment Policy

Introduction

The ACT Greens is fully committed to its obligation to eliminate and prevent all forms of sexual violence (including harassment, and assault). Our commitment is embodied in our efforts to eliminate and prevent all forms of harassment in the ACT Greens workplace.

The ACT Greens recognise the right of every employee and volunteer to be able to attend work and to perform their duties without being subjected to any form of sexual harassment. It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from sexual harassment.

Purpose

The purpose of this document is to outline The ACT Greens' position on sexual harassment and to document the process which is to be followed if anyone experiences sexual harassment while participating in the activities of the ACT Greens.

Definitions

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature 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
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about your private 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, consent and respect is not sexual harassment. It is important however to ensure that conduct within workplaces and work environments meets professional standards.

Manager, within the context of this policy and procedure refers to an Office Bearer or employee with supervisory responsibilities. Volunteers who are not Office Bearers, HR Working Group members or supervise other volunteers are outside of the scope of this definition.

Disciplinary Action, action up to and including probation, termination of employment, cessation or suspension of volunteer opportunities and/or initiation of expulsion proceedings from the party.

Policy

The ACT Greens will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and employee/volunteer to ensure that sexual harassment does not occur.

Both federal and territory Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establish minimum standards of behaviour for all employees. This policy applies to conduct that takes place in any work-related context, including conferences, work functions, campaign activities, Greens endorsed social events and business trips.

No employee or volunteer at any level should subject any other employee, volunteer, or any other person to any form of sexual harassment.

A breach of this policy will result in disciplinary action, (see definition).

The ACT Greens strongly encourages any employee or volunteer who feels they have been sexually harassed to take immediate action. If an employee or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops. Alternatively, or in addition, they may report the behaviour in accordance with the below procedures. Once a report is made the organisation has the right to determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or

informal complaint is lodged against a particular person, at which point that person must be notified about the nature of the complaint under the rules of natural justice.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No employee or volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any employee or volunteer who has been alleged to be a harasser.

All employees and volunteers have the right to seek the assistance of the ACT Greens internal bodies including the Wellbeing Officers, the Support and Mediation Group, the Arbitration and Conciliation Committee, or external bodies such as the Human Rights Commission to assist them in the resolution of any concerns.

All employees and volunteers related to the complaint have the right to access Employee Assistance Services and will be advised how to access this if required.

Managers or Supervisors have the right to seek advice on the management of the complaint from HR Working Group members or Office Bearers, providing there is no conflict of interest.

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

Managers or Supervisors who are subject of any sexual harassment complaint shall not participate in any investigation or handling of the matter.

ACT Greens Sexual Harassment Procedures

Responsibilities

It is the responsibility of the Convenor to ensure that:

- they understand and are committed to the rights and entitlements of all employees to attend work and perform their duties, without fear of being sexually harassed in any form;
- they understand what constitutes an act of sexual harassment;
- all reasonable steps are made to eliminate sexual harassment;
- Managers and Supervisors are aware of, and ensure that all employees and volunteers are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment;
- they provide an environment which discourages harassment and victimisation and set an example by their own behaviour;
- HR policies and procedures are complied with;
- they treat all complaints seriously and confidentially; and
- they take immediate and appropriate corrective action if they become aware of any offensive action.

It is the responsibility of the Human Resources Working Group to:

- provide regular review of policies and procedures and (if necessary) recommend amendments;
- work with the Convenor to ensure policies and procedures are complied with;
- Recommend guidance and education for employees, office bearers and volunteers regarding sexual harassment and inappropriate behaviour in the workplace;
- ensure that managers are aware of their obligations and responsibilities in relation to sexual harassment, and the rights and entitlements of their employees and volunteers;
- provide ongoing support and guidance to all employees and volunteers in relation to the prevention of sexual harassment.

It is the responsibility of Paid Manager or Supervisor to:

- Understand their obligations and responsibilities in relation to sexual harassment, and the rights and entitlements of their employees and volunteers;
- Ensure they are aware of this policy and its application.

Procedures

Complaint Process

Sexual harassment can occur at any level of the organisation, can be experienced by both women and men and may involve a co-worker, volunteer, supervisor, manager, service provider, or member of the public. Lack of intent is no defense in sexual harassment cases. Employees or volunteers who believe they are the subject of sexual harassment should take firm, positive and prompt action and be assured their complaint will be taken seriously.

Where possible, the employee or volunteer should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact a Wellbeing Officer. The Wellbeing Officer will hear the complaint and the wishes of the complainant and provide information about the available resolution options. The procedures for resolution of all grievances within the Party are outlined within the ACT Greens Grievance Policy and Procedures document.

Resources:

- **Canberra Rape Crisis Centre**
www.crcc.org.au
Crisis line: 6247 2525
- **1800 RESPECT**
<https://www.1800respect.org.au/>
Telephone Counselling: 1800 737 732
- **Sexual Assault**
ACT Victim Support
<https://www.victimsupport.act.gov.au/criminal-justice-system/types-of-crime/sexual-assault>
- **Effectively preventing and responding to sexual harassment: A Quick Guide**
Australian Human Rights Commission
<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/effectively-preventing-and-responding-sexual-harassment>

- **Bystander Resources**

Hollaback

<https://www.ihollaback.org/resources/bystander-resources/>

Related Documents

ACT Greens Workplace Bullying Policy

ACT Greens Health and Safety Handbook

ACT Greens Grievance Policy and Procedures

ACT Greens Arbitration and Conciliation Committee Policy and Procedures