



PARSA
ANU postgraduate &
research students'
association

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Sexual Harassment and Harassment

Introduction

The Associations are committed to providing a safe work environment which is free from harassment and sexual harassment, where all employees are treated with dignity, courtesy and respect.

This document covers the principles that apply to all employees, elected officials, and individuals who enter into a relationship with the Associations.

We have developed a policy on harassment and sexual harassment. We provide periodic staff training on harassment and sexual harassment, and have procedures for complaints outlined in our Employee Grievance Resolution Policy.

Scope and Application of this policy

This Policy applies to all Association employees, elected officials and to all individuals who enter into particular relationships with the Associations for a specified time period or time periods, for example contractors and volunteers participating in association activities (referred to as 'employees' for the purposes of this Policy).

This Policy applies to employees in all their work-related interactions with each other, and with customers, contacts or clients.

It applies in the workplace or off site, at work-related functions (including social functions and celebrations), while on trips and attending conferences.

"Associations" refers to ANUSA, PARSA & ANUSM.

Harassment

Harassment is any unwelcome actions, threats or demands against one party or group of people which embarrasses, offends, humiliates, intimidates or scares the person or group being harassed. Harassment may be physical, verbal or written.

Workplace harassment can take place off site. This includes unwanted phone calls to an employee's or representative's home, following an employee or representative home from work, harassment in online social media or through use of information technology.

Harassment on the following grounds is illegal under anti-discrimination law:

- race (including colour, descent, ancestry, national or ethnic origin);
- age;
- impairment (including biological, functional, learning, physical, sensory, mobility, cognitive, psychological or psychiatric impairment);
- religious belief or activity;
- sex or gender identity;
- sexual orientation;
- relationship status (including being in a same sex relationship);
- pregnancy, breastfeeding, parental status;
- family responsibilities;
- lawful sexual activity as a sex worker;
- trade union activity;
- political belief or activity;
- association with someone else who is identified because of one of these attributes.

Other behavior that is against the law includes:

- seeking unnecessary information which is not work-related, on grounds which harassment might be based;
- victimisation because a person made a complaint, agreed to be a witness or has had a complaint made against them;
- harassment on the basis of criminal or medical record.

Sexual Harassment

Sexual harassment is a specific and serious form of harassment. The Associations will not tolerate sexual harassment in the workplace, at work-related events, between people sharing the same workplace, or between colleagues outside of work or through the use of social media.

Sexual harassment includes, but is not limited to, unwelcome sexual behaviour, which can make a person feel uncomfortable, offended, humiliated or intimidated.

Sexual harassment can be physical, spoken or written.

A single incident is enough to constitute sexual harassment – it does not have to be repeated.

The person being harassed does not need to say that the behaviour is unwelcome. Even if they do not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Many people find it difficult to speak up. All employees are responsible for their own behavior. If you think the behavior may offend, then do not do it.

Sexual harassment can include:

- unwelcome comments, such as comments about someone's private life or appearance
- sexually suggestive or explicit comments, conversation, insults or jokes
- implying promises or threats in return for sexual favours
- displaying sexually graphic material, including offensive screen savers, photos, calendars or objects left on common areas
- sexually offensive communication, like explicit emails, calls, texts or posts on social media sites
- sexually suggestive behaviour, such as leering or staring
- repeated requests to go out

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- uninvited touching, like brushing up against someone, fondling, hugging, massaging without invitation, kissing or physical molestation
- indecent exposure or sexual gestures
- implied or direct requests for sex
- stalking
- victimisation

Responsibility of employees

The Associations expect all employees, elected officials, representatives, volunteers, members of the Association engaged in Association related activities to create a harassment-free workplace and an inclusive workplace culture.

All employees are expected to comply with this policy; to behave in a professional manner, to not participate in harassing behavior and to treat each other with dignity and respect when they are at work and off-site.

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

The Associations recognise that comments and behaviour that do not offend one person can offend another. This policy requires all employees to respect other people's limits.

A complaint of sexual harassment can be made using the Associations' Employee Grievance Resolution Policy and Procedure.

Breach of the policy

Where harassment or sexual harassment takes place, the Associations will implement the provisions their Underperformance and Misconduct policy. Disciplinary action will be taken in accordance with the Associations Underperformance and Misconduct Policy against any employee found to have breached this policy. The action to take will be assessed in consultation with the complainant and will be appropriate to the breach. Further actions may include:

- an official warning and note on the person's personnel file;
- a formal apology;
- counselling, including further education;
- transfer;
- suspension;
- dismissal for very serious matters; or
- referral to the police for potentially criminal matters.

Resolving issues

The Associations strongly encourage any employee who believes they have been harassed or sexually harassed to take appropriate action (see *Employee Grievance Resolution procedure*).

Please do not suffer in silence. Choose the action you feel most comfortable with.

Employees have the option to address the matter themselves, and discussing it with the perpetrator

of the harassment or sexual harassment.

Employees also have the option to seek assistance from the Operations Manager, President or Editor-in-Chief for advice, support or action on their behalf.

Employees who make a complaint of bullying, discrimination, harassment or sexual harassment will not suffer any victimisation by the Associations for making the complaint. This also applies to employees who agree to be a witness in a complaint or have a complaint made against them.

Informal Personal Resolution

If you want to deal with the situation yourself, you may do so. *However, it is not necessary that you try to resolve the complaint this way.*

This option involves approaching the person responsible for the harassing or sexually harassing behavior yourself. You could tell the person what you are unhappy about, why you are unhappy about it, and what you would like to happen. Taking a person with you for support may be helpful.

Other useful resources include:

Canberra Rape Crisis Centre: 02 6247 2525

Contact officers

Contact officers are employees who have been trained to provide confidential and impartial information and support to help other employees make an informed decision about how to try to resolve an issue.

Contact officers will not solve the problem for you, but they can be a very useful sounding board for you to go through this procedure, help you understand the options that are available to you.

The contact officers at ANUSA are Eleanor Boyle and Eleanor Kay.

Make an internal complaint

The Associations have an obligation to treat all complaints of harassment and sexual harassment seriously. All complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented.

1. The starting point to resolving a complaint is to talk with someone. This can be your manager/contact officer (or member of an Association Executive if more appropriate). Tell them what your concerns are; explain what has happened and how it has affected you.
2. The person you approach may take immediate action (e.g. removing offensive graffiti or posters).
3. The person you approach may provide a range of options. The manager may speak to the person you are making a complaint about, to see if the situation can be resolved informally.

4. Some matters are not resolved so easily, especially if the person being complained about denies or disputes the allegations, or the issues are complex. Your manager (or another manager if appropriate) may handle your complaint, or refer it to specialist human resource staff or engage an independent external agency. This option will involve an investigation, collecting evidence and witness statements, and making findings and recommendations which will be implemented by the Associations. The following people are available to discuss these options:

Name: Eleanor Boyle

Position: Operations Manager

Location: ANUSA offices

Contact Details: Eleanor.boyle@anu.edu.au or phone 6125 2444

Employee assistance program

All Association employees plus the ANUSA Executive & Department Officers and the PARSA employees and Executive are entitled to free, professional counselling from our employee assistance program.

Employees can access the service by visiting www.eapdirect.com.au and registering using our organisational details:

Organisation Name: ANU PARSA

Organisation Token: PARSA

Organisation Password: usrkey

Once these have been entered, each person can create their own confidential account.

To book an appointment or get some more information, please call **1300 360 364**

Make an external complaint

All Associations staff and Executive are able to make an external complaint of harassment to the Human Rights Commission at <https://www.humanrights.gov.au/complaint-information>

Other relevant ANUSA policies

Staff are encouraged to read this policy in conjunction with other relevant Association policies, including:

- Workplace equal opportunity policy
- Flexible work arrangements policy
- Pregnancy and work procedure and policy
- Occupational health and safety policy
- Workplace complaint resolution policy and procedure
- Discipline procedure
- Mission, vision and values statements
- Enterprise bargaining agreements

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More information

If you have a query about this policy or need more information please contact your Office Manager, President or Editor-in-Chief.

References:

- Human Rights and Equal Opportunity Commission Act 1986
- Race Discrimination Act
- Sex Discrimination Act
- Disability Discrimination Act Discrimination Act 1991 (ACT)
- Fair Work Act 2009 (s. 351 Discrimination)
- Work Health and Safety Act 2011 (ACT)
- Work Health and Safety Regulations 2011 (ACT)