



SEXUAL HARASSMENT POLICY AND PROCEDURE

A.M.Y. Nominees Pty Ltd is committed to providing and maintaining a safe and healthy workplace for all workers (including contractors and volunteers) as well as clients, visitors and members of the public. Sexual Harassment in the workplace will not be tolerated, complaints will be treated seriously, confidentially and with respect.

PURPOSE

The purpose of this policy is to prevent sexual harassment in the workplace and to provide a guide for recognising and dealing with associated behaviours.

The management of Antakarinja Matu-Yankunyjatjara (AMY) - AMY Nominees and it's entities are committed to preventing sexual harassment and aims to:

- Maintain a working environment which is free from sexual harassment;
- Maintain training and awareness raising strategies to ensure that all employees know their rights and responsibilities;
- Provide an effective procedure for complaints, applying the rules of natural justice;
- Treat all complaints in a sensitive, fair, timely and confidential manner;
- Encourage the reporting of behaviour that breaches the sexual harassment policy.

It applies to all employees, volunteers, and contractors working with/for AMY Nominees entities. The Workplace Grievance Complaint Form should be used to report instances of alleged sexual harassment, except where otherwise specified. Volunteers or contractors do not use the form but may be requested to put any complaint in writing. Depending on the circumstances, breaches of this Policy may result in termination of employment (or services).

References

Sex Discrimination Act 1984 (C'th)

Equal Opportunity Act 1984 (SA)

Definition

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature where it is reasonable to expect that the other person would feel humiliated, intimidated or offended.

Examples of Sexual Harassment

Sexual harassment may include:

- Uninvited touching, kisses or embraces;
- Smutty jokes or comments;
- Making promises or threats in return for sexual favours;
- Displays of sexually graphic material including posters, pinups, cartoons, graffiti or messages left on noticeboards, desks or common areas;
- Repeated invitations to go out after prior refusal;
- 'Flashing' or sexual gestures;
- Sex-based insults, taunts, teasing or name-calling;
- Staring or leering at a person or at parts of their body;
- Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them;
- Touching or fiddling with a person's clothing;
- Requests for sex;
- Sexually explicit conversation;
- Persistent questions or insinuations about a person's private life;
- Stalking;
- Offensive texting, phone calls or letters;
- Offensive email messages;
- Other offensive images on phones and computer equipment.

What is not Sexual Harassment?

Sexual harassment is not behaviour that is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment. However, be aware that overt sexual behaviour may be offensive to others and may be inappropriate in the workplace.

The Law

Sexual harassment is against the law. Civil action can be taken against the alleged perpetrator and the Organisation may also be liable for not taking sufficient steps to prevent it.

As well as being unlawful it becomes an employment issue in any work-related context, including conferences, work functions, office/Christmas parties, when travelling for work purposes, and outside of working hours (especially if on a work site).

Is Your Behaviour Likely to Cause Offence?

- Sexual harassment may be unintended; however another person's interpretation of your behaviour may be very different from yours.
- Be sensitive about the potential effect of your behaviour on other people and understand that they may pretend not to be offended because they are embarrassed.
- Check your behaviour by asking the person if it is offensive or inappropriate, and if so, apologise.

If You Consider You Are a Victim of Sexual Harassment

Sexual harassment can continue when a perpetrator considers their actions are acceptable to the person that the behaviour is directed at:

- Always inform someone if their words or actions are offensive or inappropriate.
- Be firm in your responses, even if the perpetrator does not consider their words or actions to be offensive.
- If the harassment continues it should be reported immediately using the procedure set out in the Employee Grievance Policy. If it is serious (e.g. sexual assault) police should be informed, although that may be subject to the wishes of the victim.

Reporting Sexual Harassment

If you are subjected to sexual harassment, it may be embarrassing and difficult to report. If you are uncomfortable reporting it to your Supervisor, it is acceptable to ask for assistance from another Supervisor or staff member or to seek the assistance of an outside Support person, representative or adviser. This applies throughout the process.

If you are a witness to behaviour that appears to be sexual harassment, you should only report it if you reasonably believe that offence has been caused. It may be more appropriate to offer support and assistance to the person affected to report it. If you are a witness, you may be required to co-operate with a workplace investigation.

Confidentiality

All staff involved with informal or formal complaints or allegations of sexual harassment, whether making a complaint, being a witness or support person, being subject to a complaint or dealing with it on behalf of management should maintain confidentiality where practical so that:

- The privacy of individuals is respected.
- Working relationships can be maintained regardless of the outcome.

Confidentiality should be maintained as far as is reasonably practicable at all times throughout processes of investigation or resolution, and afterwards. Failure to maintain confidentiality under this policy may result in disciplinary action.

PROCEDURES

Procedures for Reporting and Investigating Complaints or Allegations of Sexual Harassment

If sexual assault or other potentially criminal behaviour is alleged, a victim may choose to contact police in the first instance. Otherwise, you should follow the Employee Grievance Policy & Procedure.

Depending on the circumstances, an investigation may be carried out by a senior staff member and/or an external person.

Name:	Bill Ryan	Position:	General Manager
Signature:		Date:	June 2020
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