



HARASSMENT POLICY

Purpose:

To ensure the right of all individuals who use, visit, and work at Sussex Neighbourhood House, to an environment free of harassment.

Broad Guidelines:

Sussex Neighbourhood House recognises that harassment may occur among peers and co-workers, between supervisors and subordinates, between staff (paid and volunteer), house members, tutors and learners, among staff/learners/participants and members of the public, between learners, and among tutors. Such behaviour lessens the integrity of staff, students, members and Sussex Neighbourhood House - and will not be tolerated under any circumstances.

Sussex Neighbourhood House has set out a policy and procedure to:

- prevent all forms of harassment
- to address harassment where it has occurred
- to resolve complaints relating to harassment

All complaints will be treated confidentially, seriously and sympathetically and appropriate action will be taken whenever harassment has occurred. No one will be disadvantaged as a result of raising concerns of complaints relating to harassment.

Legislation

Harassment is not only **unacceptable**, it is **unlawful** pursuant to State Legislation (Equal Opportunity Act, 1995) and Federal Legislation (Sex Discrimination Act, 1984; Racial Discrimination Act, 1975; Disability Discrimination Act, 1992; Human Rights and Equal Opportunity Commission Act, 1986).

What is Harassment?

Harassment is any form of verbal or physical behaviour that is uninvited, unreciprocated, unwelcome, personally offensive or humiliating to the recipient, and creates an intimidating, hostile, frightening or uncomfortable work/learning/social environment. Unlawful harassment may relate to any of the characteristics covered by various equal opportunity legislation such as:

- age
- disability / impairment
- industrial activity
- gender
- marital status
- physical features
- political features
- political belief or activity
- pregnancy
- race
- religious belief or activity
- sexual preference
- status as a parent or carer
- personal association with someone with any of the above attributes
- irrelevant criminal conviction

It is important to note that it is irrelevant at law as to whether or not the inappropriate behaviour was intended. It is also important to understand that it is the person being subjected to the behaviour who determines whether the behaviour is welcome or unwelcome.

Harassment may take the form of:

- favoritism
- victimisation
- coercion
- threats
- jokes or innuendo directed at an individual
- torment, intimidation, abuse or assault
- tasks not consistent with the position description

What is Sexual Harassment?

Sexual harassment is unwelcome, uninvited, unreciprocated, and personally offensive attention of a sexual nature that creates an intimidating, humiliating, frightening, or uncomfortable work/learning/social environment - and **it is against the law**.

It has nothing to do with mutual attraction or private consenting friendships, whether sexual or otherwise.

Sexual harassment may take the form of:

- sexually offensive staring, leering or gesturing
- verbal suggestions of a sexual nature
- sexually based jokes or innuendo directed at an individual
- displays of erotic pictures or publications
- offensive telephone calls
- physical conduct of a sexual nature such as patting, pinching, or brushing against a person unnecessarily
- requests for sexual favours
- indecent assault or rape
- use of the internet to transmit any communication where the meaning of the message, or its transmission or distribution, would violate any applicable law or regulation which is obscene, abusive or otherwise likely to be offensive or objectionable to the recipient or recipients of it.

Sussex Neighbourhood House recognises that comments and behaviour that do not offend one person can offend another. Sussex Neighbourhood House management and staff accept that individuals may react differently, and expects this right to be generally respected.

In Victoria, individuals are **personally liable for their own acts of sexual harassment**, provided the employer has taken "all reasonable steps" to prevent sexual harassment occurring.

Responsibilities

Everyone at Sussex Neighbourhood House that is Committee members, managerial staff, volunteers, teaching staffs, participants, members and visitors, have a responsibility to ensure that their behaviour does not create or condone circumstances that may lead to harassment. A person is personally liable for causing, instructing, inducing, aiding, or permitting another to discriminate, including discrimination involving sexual harassment.

Victimisation of people who have made complaints of harassment or other forms of discrimination is unlawful and is expressly prohibited by both the Equal Opportunity Act 1984, and the Sex discrimination Act 1984. (A person is personally liable for any act of victimisation).

Sussex Neighbourhood House will provide all staff (paid and unpaid) with a copy of the Sussex Neighbourhood House Harassment Policy. Support for staff, participants, visitors and members is available at any time.

The Internet shall not be used to transmit any communication where the meaning of the message, or its transmission or distribution, would violate any applicable law or regulation which is obscene, abusive or otherwise likely to be offensive or objectionable to the recipient or recipients of it.

Procedures For Dealing With Complaints Of Harassment

Whenever possible, a staff member, student, visitor or member who believes that s/he is the victim of harassment should, as a first step, bring her/his concern to the attention of the person whom they believe to be guilty of the harassment. Do not ignore the harassment (ignoring the behaviour could be taken as tacit consent).

If this is not possible, or the harassment continues, s/he should report the harassment to a member of staff, who will refer the victim to the Manager, or Sussex Neighbourhood House staff member designated to handle harassment complaints. All staff must act immediately on any reports of harassment.

Every effort will be made to resolve complaints by conciliation and/or mediation. Any complaints will be treated quickly, seriously and sympathetically. They will be investigated thoroughly, impartially and confidentially. If necessary, appropriate disciplinary action will be taken against anyone who is found to have harassed any person during the course of their employment/training/visits.

In addition to the Sussex Neighbourhood House Management Committee, the victim may approach the Equal Opportunity Commission for independent advice at any time: Initially direct inquiries to :

Equal Opportunity Commission
Level 3
380 Lonsdale Street
Melbourne 3000
Phone 03 9281 7100
Toll Free: 1800 134 142 (10am – 4pm)

Do not discuss complaints with anyone who is not authorized to deal with harassment complaints; as such discussions could lead to defamation proceedings.

This harassment policy has the full support and commitment of the Sussex Neighbourhood House staff and Committee of Management.

Your support is sought in monitoring and avoiding practices, attitudes and traditions that lead to harassment.

References:

Council of Adult Education, Harassment Policy
Human Rights and Equal Opportunity Commission 1996, Sexual Harassment – A Code of Practice
Victorian Employers' Chamber of Commerce and Industry 1996, Harassment Policy.