

# Prevention of Sexual Harassment Policy

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### **Purpose**

To set out the legal responsibilities and obligations for East Gippsland Shire Council (EGSC) and its staff, Councillor's labour hire agency staff, contract workers, volunteers, persons seeking employment, consultants, students, trainees and volunteers in relation to sexual harassment and sexual assault.

Sexual harassment is unlawful and prohibited by both the Equal Opportunity Act 2010 (Vic) and the Sex Discrimination Act 1984 (Cth). Sexual assault is unlawful and is a criminal offence.

EGSC is committed to providing a safe, flexible and respectful environment that is free from all forms of sexual harassment and sexual assault and provides courses of action if you feel you have been sexually harassed or sexually assaulted. These courses of action are outlined in the Prevention of Sexual Harassment Procedure.

This policy aligns with Council's values of Respect, Collaboration, Integrity and Accountability and the associated expected behaviours.

### Scope

This policy applies to all staff engaged by EGSC, including all full-time, part-time and casual employees, labour hire agency staff, contract workers, Councillors, persons seeking employment, consultants, students, trainees and volunteers. The legislation and instruments mentioned in this policy may apply to particular categories of staff.

This policy applies to circumstances (including but not limited to):

- how EGSC provides services and how it interacts with members of the public:
- all aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport;
- whenever staff or Councillors are representing EGSC in the performance of their duties including on-site, off-site, at work-related social functions, conferences, training and development opportunities;
- out of work hours interaction where there is a strong connection to EGSC and the employment relationship; and
- staff treatment of others in the performance of their duties.

## **Policy Context**

The Equal Opportunity Act 2010 and the Sex Discrimination Act 1984 provide that sexual harassment occurs in circumstances in which the conduct is unwelcome and where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Sexual assault is any unwanted or forced sexual activity without a person's consent.

EGSC staff, Councillors, labour hire agency staff, contract workers, consultants, students, trainees and volunteers are required to treat others with dignity and respect, and engage in their responsibilities in a professional manner, and must not engage in unlawful conduct, including sexual harassment. Therefore, this Policy should be read and applied in conjunction with the relevant Code of Conduct for ESCG Staff and Councillors.

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Sexual harassment is unlawful and will not be tolerated in the workplace. A single incident can constitute sexual harassment.

EGSC has a duty to ensure the health and safety of employees, Councillors, labour hire agency staff, contract workers, consultants, students, trainees and volunteers:

- to eliminate risks to health and safety so far as is reasonably practicable; and
- if it is not reasonably practicable, to eliminate risks to health and safety, to reduce those risks so far as is reasonably practicable.

Individuals may be personally liable if allegations of sexual harassment are substantiated against them and legal action (civil and/or criminal) may be taken against a person who has engaged in sexual harassment.

Conduct constituting sexual harassment by an employee, Councillor, labour hire agency staff member, contract worker, consultant, student, trainee or volunteer may also expose the EGSC to liability. The EGSC may be vicariously liable for an individual's conduct undertaken in the course of, or in connection with, their employment or placement/appointment.

Most instances of sexual harassment (but importantly not all) are experienced by women.

EGSC recognises that comments and behaviour that do not offend one person can offend another.

When managing reports of sexual harassment, EGSC will also refer to relevant industrial instruments.

#### Legislation

Sexual harassment is a specific and serious form of harassment that is unlawful and prohibited by both Victorian and Commonwealth legislation.

#### Victorian legislation

The Equal Opportunity Act 2010 requires EGSC to take reasonable and proportionate steps to eliminate sexual harassment in the workplace as far as practicable.

Section 92 of the Equal Opportunity Act 2010 provides that a person sexually harasses another person:

- if he or she makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person;
- if he or she engages in any other unwelcome conduct of a sexual nature in relation to the other person: or
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Section 93 of the Equal Opportunity Act 2010 prohibits sexual harassment in the workplace. This prohibition covers employers, employees, any person seeking employment, contract workers and volunteers. Section 94 of the Equal Opportunity Act 2010 prohibits sexual harassment in common workplaces (i.e. places that are the workplace of both people involved whether or not they have the same employer).

Conduct of a 'sexual nature' includes:

- subjecting a person to any act of physical intimacy;
- making, verbally or in writing, any remark or statement with sexual connotations to a person or about a person in their presence;
- making any gesture, action or comment of a sexual nature in a person's presence.

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In Victoria, section 42 of the *Crimes Act 1958* contains the offence of Assault with Intent to Commit a Sexual Offence which is the unwanted application of physical force with the intention of performing an unwanted sexual act.

#### **Commonwealth legislation**

Section 28A of the Sex Discrimination Act 1984 provides that a person sexually harasses another person (the "person harassed") if:

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

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

The relevant circumstances to be taken into account may include, but are not limited to, the following:

- the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;
- the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
- any disability of the person harassed;
- any other relevant circumstance.

'Conduct of a sexual nature' includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Section 28B provides that it is unlawful for:

- a person to sexually harass an employee of the person, or a person who is seeking to become an employee of the person;
- an employee to sexually harass a fellow employee or a person who is seeking employment with the same employer;
- a person to sexually harass a commission agent<sup>1</sup> or contract worker of the person, or a person who is seeking to become a commission agent or contract worker of the person;
- a commission agent or contract worker to sexually harass a fellow commission agent or contract worker;
- a workplace participant<sup>2</sup> to sexually harass another workplace participant at a place that is a workplace of either or both of those persons.

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<sup>&</sup>lt;sup>1</sup> The Sex Discrimination Act 1984 defines a commission agent as "a person who does work for another person as the agent of that other person and who is remunerated, whether in whole or in part, by commission."

<sup>&</sup>lt;sup>2</sup> Workplace participant includes an employer or employee, a commission agent or contract worker or a partner in a partnership.

#### **Code of Conduct**

Employees, labour hire agency staff, students and trainees are required to conduct themselves in a manner that is consistent with the Staff Code of Conduct and in line with EGSC's values and expected behaviours as follows:

- **Respect** we treat all with courtesy and dignity
- **Collaboration** we build and maintain productive relationships
- Integrity we focus on taking the correct course of action
- **Accountability** we are responsible for our actions and outcomes.

Councillors are required to conduct themselves in a manner that is consistent with the Councillor's Code of Conduct.

Local policies and procedures may include specific expectations for staff or individuals in particular roles or undertaking particular projects including contract workers, consultants and volunteers.

# **Policy Statement**

EGSC will not tolerate any form of sexual harassment or more serious sexual assault in the workplace.

Sexual harassment is a specific and serious form of harassment that is unlawful and prohibited by both Victorian and Commonwealth legislation.

The Equal Opportunity Act 2010 requires EGSC to take reasonable and proportionate steps to eliminate sexual harassment in the workplace as far as practicable.

Sexual assault is a crime and conduct of this nature will be referred to police.

#### Sexual Harassment in the Workplace

#### What is sexual harassment?

Sexual harassment in the workplace may take various forms and can be directed at, and perpetrated by, all persons including men, woman, transgender and gender diverse. It may be physical, spoken or written and may include, but is not limited to:

- unwelcome physical contact of a sexual nature;
- comments or questions of a sexual nature about a person's private life or their appearance;
- sexually suggestive behaviour, such as leering or staring or offensive gestures;
- brushing up against someone, touching, fondling or hugging;
- sexually suggestive comments or jokes;
- displaying offensive screen savers, photos, calendars or objects;
- repeated requests to go out;
- unwanted displays or declarations of affection;
- requests for sex;
- sexually explicit emails, text messages or posts on social networking sites;
- sexual assault, indecent exposure, physical assault and stalking (which are also criminal offences); and

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Version number: 1 Next review date: May 2025  actions or comments of a sexual nature in a person's presence (even if not directed at that person).

There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.

Just because someone does not object to inappropriate behaviour in the workplace at the time it occurs does not mean that they are consenting to the behaviour or consenting for the behaviour to continue at another time.

#### What is sexual assault?

Sexual assault is any unwanted or forced sexual activity without a person's consent.

Assault occurs when a person:

- Touches another person inappropriately without their consent groping is a form of sexual assault
- Forces another person against their will to commit an act of gross indecency a sexual
  act that does not involve penetration, for example a person forces another person to
  touch their genitals
- Forces another person to see an act of gross indecency, for example the person masturbates in front of the other person.

Rape is the most serious form of sexual assault – forcing someone to have sexual intercourse without his or her consent.

#### Third party sexual harassment

Third-party sexual harassment happens when the harassment is committed not by another employee or someone within the organisation, but by an outsider. Typical perpetrators of this type of harassment include clients, customers, vendors who come on site or otherwise interact with employees, independent contractors who work for the company, and employees or contract workers of a different company, volunteers, students or trainees.

#### What is the workplace?

#### Within the workplace

For the purposes of sexual harassment law, a workplace is any place a person attends for the purpose of carrying out functions in connection with, or in the course of their employment or prospective employment. It includes a place that is a workplace of either, or both people involved in an incident of sexual harassment.

This policy also pertains to employees, Councillors, labour hire agency staff, contract workers, consultants, students, trainees and volunteers who visit other offices i.e. the same behavioural standards that exist in their workplaces, apply in other offices that these individuals visit.

Section 94 of the *Equal Opportunity Act 2010* provides that a workplace is the place a person attends for the purpose of carrying out functions in relation to their employment. It does not need to be the person's principal place of business or employment.

The workplace is not confined to the actual physical location used by the employees, Councillors, labour hire agency staff, contract workers, consultants, students, trainees and volunteers. It also extends to common areas such as lifts, entrances, vehicles, reception areas, corridors, kitchens and toilets of the premises.

#### Beyond the workplace and outside working hours

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Behaviour constituting sexual harassment can occur beyond the usual workplace and outside normal working hours. For example, workplace sexual harassment can occur where there is a link to employment including (but not limited to):

- at social functions sponsored and paid for by EGSC;
- at social functions in connection with the team/workplace but not sponsored or paid by EGSC:
- in vehicles while on the way to work functions or meetings;
- at after-parties to such events (regardless of their location);
- in accommodation (including hotel rooms) associated with or provided by EGSC;
- online via use of technology and social media; and
- any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa.

Consumption of alcohol at work functions or at a work-related event outside the usual workplace and hours of work is not an excuse for conduct that constitutes sexual harassment. Individuals should regulate their own behaviour and consumption of alcohol to ensure their behaviour does not adversely impact others. Employees, Councillors, labour hire agency staff, contract workers, consultants, students, trainees and volunteers should be mindful that in such situations, they continue to be subject to the EGSC Staff Code of Conduct, our values and behavioural standards, the Councillor Code of Conduct and/or other relevant policies and procedures.

For further information, please also refer to the EGSC Drugs and Alcohol in the Workplace Policy.

#### **Reporting Sexual Harassment**

EGSC has a zero-tolerance approach to any form of sexual harassment or in the workplace and is committed to taking reasonable steps to providing a workplace free of this behaviour.

EGSC strongly encourages employees, Councillors, labour hire agency staff, contract workers, consultants, students, trainees, volunteers or person's seeking employment who believe they have been sexually harassed or, or have witnessed sexual harassment or to follow the process outlined in the Prevention of Sexual Harassment Procedure.

Complaints can be made formally or informally and will be handled in accordance with the Procedure.

#### Confidentiality

Where appropriate, complaints of sexual harassment will be treated in confidence in order to protect an individual's personal privacy as much as possible. In some instances, a matter may need to be escalated or referred without agreement from the individual as outlined in the Prevention of Sexual Harassment Procedure. Confidential information should be managed in accordance with the EGSC Staff and Councillor Codes of Conduct, which are in line with obligations under the Local Government Act 2020 and Information Privacy Policy and Guidelines.

#### **Bystander intervention**

Bystanders, including colleagues, who witness or are aware of sexual harassment are encouraged to:

- provide support to the colleague or person who is being subjected to sexual harassment;
- formally or informally challenge concerning behaviour; and
- report sexual harassment.

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Please refer to the Prevention of Sexual Harassment Procedure for more information.

#### **Reporting Sexual Assault**

In cases of sexual assault, employees are encouraged to make a report to the police. Employees are also encouraged to report the incident to their direct supervisor or Human Resources Coordinator, regardless of whether a report is made to the police or not.

#### **Responding to Sexual Harassment**

#### Employer's responsibility

All staff with management responsibilities, regardless of level, have a responsibility to improve the work culture by adopting a zero-tolerance approach to sexual harassment. EGSC must take active steps to prevent sexual harassment in the workplace, not just respond to complaints if they arise.

Under the *Occupational Health and Safety Act* 2004 (OHS Act), employers must provide and maintain a work environment that is safe and without risk to the health of their employees, so far as is reasonably practicable. Employees include independent contract workers and any employees of the independent contract worker.

EGSC also extends this responsibility to labour hire agency staff, Councillors, persons seeking employment, consultants, students, trainees and volunteers.

EGSC will ensure that any complainant and respondent are informed of the supports available to them.

#### **Process**

Complaints of sexual harassment will be handled in accordance with the Prevention of Sexual Harassment Procedure.

Should you feel you have been sexually harassed or feel you may have witnessed sexual harassment please refer to the process outlined in the Prevention of Sexual Harassment Procedure.

#### Natural justice and procedural fairness

Both the complainant and respondent are to be afforded natural justice and procedural fairness.

Natural justice is the rules or process to ensure fairness which must generally be followed by a person or body which has power to resolve disputes.

Procedural fairness requires that the alleged perpetrator of sexual harassment has the opportunity to be made aware of and to respond to allegations that may result in any adverse findings made against them.

#### **Findings**

A substantiated complaint of sexual harassment may result in a number of outcomes against an individual, including termination of employment or termination of contract or termination of placement or appointment.

#### Misconduct

The process for managing misconduct will be undertaken under the EGSC Disciplinary Procedure, or Staff/Councillor Code of Conduct or other relevant policy or procedure related to the placement or appointment of the individual.

#### Criminal matter

Although sexual harassment is generally a civil matter, not a criminal offence, some types of harassment may also be offences under criminal law.

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#### **Mandatory notifications**

EGSC has staff employed that are required to undertake mandatory reporting requirements as part of their roles.

#### **Additional Considerations**

#### Consent

A key element of sexual harassment is that it is unwelcome.

It is important to note that if a person does not object to inappropriate behaviour at the time; it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

#### Intent

The *Equal Opportunity Act 2010* and the *Sex Discrimination Act 1984* provide that sexual harassment occurs in circumstances in which the conduct was unwelcome and a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Sexual harassment can still occur even when a harasser does not intend it. Motive is irrelevant; the test focuses on how the behaviour is received by the other person.

EGSC will not excuse sexual harassment which was intended as a joke if it meets the legal definition of sexual harassment.

#### Technology and social media

Sexual harassment can occur through electronic means (such as emails or text messages or by viewing pornographic websites) and through social media, regardless of whether the post was made during work hours or not. Where there is a link to employment, employees, Councillors, labour hire agency staff members, contract workers, contract workers, consultants, students, trainees and volunteers are subject to the same rules, policies, standards and expectations about sexual harassment in the virtual world as they are in the real world.

#### Behaviour not considered to be sexual harassment

Romantic or sexual interaction that is entered into freely and is reciprocated between consenting individuals, is not a form of sexual harassment. This includes sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated action. In circumstances where a relationship is forming or formed within the workplace, it may be prudent for the individuals to declare the situation in-confidence to their supervisor or the Human Resources Coordinator.

This does not mean that sexual or romantic interactions between employees, Councillors, labour hire agency staff members, contract workers, contract workers, consultants, students, trainees and volunteers are always appropriate. Individuals may face disciplinary action where their actions adversely affect other employees or individuals or their workplace responsibilities.

#### Reprisals and harassment

Any person found to victimise, harass or take reprisal action against people participating in procedures associated with this policy may be subject to separate disciplinary action.

#### Information or claims without substance

Employees, Councillors, labour hire agency staff members, contract workers, consultants, students, trainees or volunteers found to have knowingly provided false information, or knowingly made allegations of sexual harassment without any substantive merit, may be subject to separate disciplinary action.

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#### Third party sexual harassment

Although it may be difficult to control the actions of third-parties, EGSC will work to minimise the risks of third-party sexual harassment occurring at the workplace so far as is reasonably practicable.

#### **Support**

EGSC provides several support options to individuals who feel that may have been sexually harassed or sexually assaulted as outlined in the Prevention of Sexual Harassment Procedure.

#### **Breach of Policy**

Any breach of this policy by an employee, Councillor, labour hire agency staff member, contract worker, consultant, student, trainee or volunteer will be considered serious misconduct and action will be taken in accordance with Council's disciplinary and termination procedures or in line with other relevant policies related to the discipline or termination of the placement or appointment.

# **Roles and Responsibilities**

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities		
Chief Executive Officer	Protecting the health and safety of employees while at work by providing and maintaining a working environment that is safe and without risks to health.		
Contact Officers	<ul> <li>To assist with setting a standard of acceptable behaviour in the workplace;</li> <li>To assist staff who may have a perceived issue related to unlawful discrimination, bullying or sexual harassment in the workplace;</li> <li>To assist the organisation promote Equal Employment Opportunity and anti-bullying policies and processes.</li> </ul>		

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Party / Parties	Roles and Responsibilities				
Coordinators/Managers/General	Abide by their responsibilities as employees.				
Managers/Team Leaders/Supervisors	<ul> <li>Monitor the work environment.</li> <li>Promote awareness of this policy within their area.</li> </ul>				
	Treat all complaints seriously and take prompt and appropriate action to address them.				
	Discuss the complaint with their immediate supervisor as appropriate.				
	<ul> <li>Contact the Human Resources Coordinator for detail on the management of reports of sexual harassment.</li> <li>Responsible for reporting any form of sexual harassment to Human Resources.</li> </ul>				
Councillors	Required to treat others with dignity and respect, and engage in the responsibilities in a professional manner, and must not engage unlawful conduct, including sexual harassment.				
	All Councillor's must:				
	comply with this policy;				
	model appropriate behaviour;				
	<ul> <li>participate in any training provided by the EGSC, including completing any assessments;</li> </ul>				
	<ul> <li>treat information in relation to claims of sexual harassment with appropriate confidentiality; and</li> </ul>				
	<ul> <li>ensure that a person is not victimised for making, or being involved in, a sexual harassment complaint; and</li> </ul>				
	Act in accordance with the Councillor Code of Conduct and the EGSC's values, policies and procedures.				
Employees/staff, labour hire agency staff, contract workers, trainees, students and volunteers					
	All staff must:				
	comply with this policy;				
	model appropriate behaviour;				
	<ul> <li>participate in any training provided by the EGSC, including completing any assessments;</li> </ul>				
	<ul> <li>treat information in relation to claims of sexual harassment with appropriate confidentiality; and</li> </ul>				
	<ul> <li>ensure that a person is not victimised for making, or being involved in, a sexual harassment complaint; and</li> </ul>				
	act in accordance with the Code of Conduct and the EGSC's values, policies and procedures.				

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Party / Parties	Roles and Responsibilities		
General Manager, Business Excellence	Overall responsibility for the implementation of this policy.		
Human Resources Coordinator	In the context of this policy, the Human Resources Coordinator is responsible for:		
	providing advice in relation to matters covered by this policy;		
	<ul> <li>assisting employees and direct supervisors in understanding their roles and responsibilities;</li> </ul>		
	<ul> <li>receiving complaints of sexual harassment;</li> </ul>		
	<ul> <li>conducting reviews and/or engaging an independent external reviewer to do so; and</li> </ul>		
	<ul> <li>assisting with assessing whether a complaint of sexual harassment requires action under a different process.</li> </ul>		
Manager People and Capability	Reviewing and updating this policy procedure as required.		

# **References and Supporting Documents**

#### **Applicable Legislation:**

- Charter of Human Rights and Responsibilities Act 2006
- Equal Opportunity Act 2010 (Vic)
- Fair Work Act 2009 (Cth)
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Local Government Act 2020
- Occupational Health and Safety Act 2004 (Vic)
- Privacy Act 1988 (Commonwealth)
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012
- Public Administration Act 2004
- Racial and Religious Tolerance Act 2001 (Vic)
- Sex Discrimination Act 1984 (Cth)
- Gender Equality Act 2020

#### **Applicable Policy and Procedure:**

- Anti-bullying and Harassment Policy
- Bullying and Harassment Resolution Procedure
- Unacceptable Behaviour by Member of the Public Procedure
- Disciplinary Process Policy
- Protected Disclosure Policy
- Workplace Health and Safety Policy
- Drugs and Alcohol in the Workplace Policy

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#### **Supporting Documents:**

- Staff Code of Conduct
- Councillor Code of Conduct
- EGSC Enterprise Agreement

# **Privacy and Human Rights Consideration**

All personal information collected by East Gippsland Shire Council in connection with the Prevention of Sexual Harassment Policy will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of assessing a disclosure and all information received will be treated with the utmost confidence.

The Prevention of Sexual Harassment Policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act* 2006.

# **Gender Impact Statement**

The Prevention of Sexual Harassment Policy has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian Gender Equality Act 2020.

This stand-along policy on the Prevention of Sexual Harassment, provides Council with the ability to remove any negative impacts of not having a clearly defined policy and strengthen the ability for all staff including women and gender diverse people to feel confident in Council's expectations and zero tolerance approach towards sexual harassment.

### **Definitions**

Term	Meaning	
Allegations	A claim or assertion that someone has done something illegal or wrong, typically one made without proof.	
Behaviour	Includes actions of individuals or a group and may involve using a system of work as a means of sexually harassing, victimising, humiliating, undermining, punishing or threatening.	
Client	All persons to whom services are provided by EGSC.	
Complainant	A person who makes a formal complaint of sexual harassment in a workplace or work-related setting. The complaint may be made internally with an employer or with an external agency.	
Complaint	A statement that something is unsatisfactory or unacceptable.	
Contact Officer	A staff member who assists employees, labour hire agency staff, contract workers, students, trainees and volunteers who experience discrimination and harassment in the workplace.	

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Term	Meaning	
Contract worker	Person or company engaged to undertake works for Council, including service providers / service partners.	
Council	East Gippsland Shire Council	
Councillor	Person who has been elected to the office of "Councillor" of East Gippsland Shire Council.	
Direct supervisor	The person you directly report to.	
Duty of care	Responsibility to take appropriate action in relation to actual or potential harassment or bullying.	
Employees	All staff engaged by the East Gippsland Shire Council, including all full-time, part-time and casual employees.	
Formal complaints process	Generally initiated by the victim (complainant), will be investigated and can be referred for disciplinary action.	
Informal complaints process	A fully voluntary, structured interaction between the parties that is designed to help them address and resolve an issue at the earliest stage possible.	
	Complainant retains the right to withdraw without an agreement or to proceed with an immediate formal process.	
Natural justice	Principles, procedures, or treatment felt instinctively to be morally right and fair.	
Procedural fairness	Acting fairly in administrative decision making.	
Respondent	A person who has been alleged to have sexually harassed others in your workplace.	
Risk to health and safety	Includes risk to the mental or physical health of the employee.	
Sexual Assault	Unwanted or forced sexual activity without a person's consent.	
Sexual Harassment	Unwelcome sexual behaviour, that a reasonable person would consider, could make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, verbal or written.	
Unreasonable behaviour	Behaviour that a reasonable person, having regard to all the circumstances, would expect to sexually harass, victimise, humiliate, undermine or threaten the other person.	
Victimisation	To subject or to threaten to subject another person to any detriment because the other person or someone associated with the other person, has made an allegation or complaint of sexual harassment.	
Volunteer	Formally recognised, unpaid member of the public who assists with the provision of Council services e.g. Visitor Information Centre/Library.	
Zero-tolerance	Council will not tolerate sexual harassment at all.	

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# **Revision History and Review**

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	17/05/2022	Council	9499054	New policy