

Sexual Harassment Prevention Policy

1. Our commitment

WEA Sydney is committed to providing a safe and healthy workplace free from sexual harassment. Workers and other people in our workplace are protected by this policy if they experience sexual harassment by anyone else in our workplace. Workers in our workplace include members of WEA's staff, WEA's tutors, other contractors and library volunteers. Other people in our workplace include WEA's students and members of the public.

WEA Sydney will treat reports of workplace sexual harassment seriously. We will respond promptly, impartially and confidentially.

WEA Sydney will implement appropriate training and awareness-raising strategies to ensure that people in our workplace know their rights and responsibilities with respect to sexual harassment.

WEA managers will:

- monitor the working environment to ensure acceptable standards of conduct
- model appropriate behaviours themselves
- treat all complaints seriously and take immediate action to resolve matters, or refer them to another manager.

This policy will be available to all workers including WEA tutors. New workers will be given a copy of this policy at their induction. Managers and supervisors will remind workers of the policy from time to time.

2. Expected workplace behaviours

Under work health and safety laws workers and other people in our workplace must take reasonable care that they do not adversely affect the health and safety of others.

WEA Sydney expects people to:

- behave in a responsible and professional manner
- treat others in the workplace with courtesy and respect
- listen and respond appropriately to the views and concerns of others
- be fair and honest in their dealings with others.

This policy applies to behaviours that occur:

- in connection with work, even if it occurs outside normal working hours
- during work activities, for example when dealing with students or other clients
- at work-related events, for example at conferences and work-related social functions
- on social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly.

3. What is sexual harassment?

Sexual harassment is unwelcome conduct of a sexual nature that a reasonable person anticipates could possibly make the recipient feel offended, humiliated and/or intimidated.

Sexual harassment can take various forms. It can involve:

- unwelcome touching, hugging or kissing
- staring or leering; suggestive comments or jokes
- sexually explicit pictures, screen savers or posters
- unwanted invitations to go out on dates or requests for sex
- intrusive questions about an employee's private life or body
- unnecessary familiarity
- insults or taunts based on sex
- sexually explicit emails or text messages
- suggestive or sexually explicit comments or references on social media networks
- using devices in the workplace or elsewhere to access sexually explicit internet sites if it is reasonably foreseeable that fellow WEA workers and WEA students may by this means be exposed to explicit content which they would not wish to view
- behaviour which would be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment may be perpetrated or experienced by people of any sexual orientation or gender identity. It may be a single incident or a persistent pattern of unwelcome behaviour.

If the person experiencing alleged sexual harassment does not immediately object, that fact does not imply that the conduct was welcome or consensual. In many cases, apparent consent may be based on intimidation or fear. Sexual co-operation may occur because a worker in our workplace, or another person in our workplace such as a WEA student, consents to inappropriate behaviour out of fear of the consequences if they do not co-operate. Sexual harassment in this context may include implied career or assessment rewards in return for sexual co-operation, or an implied detriment to a person's career prospects, assessments or reputation if they withhold consent to sexual advances.

4. What is NOT sexual harassment?

Sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual or reciprocated does not constitute sexual harassment.

5. What can you do?

If you feel you are being sexually harassed and are not comfortable dealing with the problem yourself, or your attempts to do so have not been successful, you should raise the issue with the executive director of WEA Sydney, another WEA manager or your supervisor. You may also raise the issue with the current President of WEA Sydney by requesting a meeting (via this email address:

president@weasydney.nsw.edu.au), if the relevant WEA staff are not available, under the following circumstances:

- (i) if the complaint involves the executive director
- (ii) if your manager or the executive director is not available
- (iii) if you feel that your complaint has not been properly dealt with.

The President will have the right to meet and assess this complaint with one other nominated WEA Sydney director.

If you are a member of a union, you may raise any issues with your delegate.

If you witness unreasonable behaviour that may constitute sexual harassment you should bring the matter to the attention of the executive director of WEA Sydney, another WEA manager or your supervisor as a matter of urgency.

6. How we will respond

If sexual harassment or similar unreasonable behaviour is reported (see point 5 above) or observed, we will take the following steps:

1. The responsible manager will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
2. If issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.
3. All complaints and reports will be treated in the strictest confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
4. There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith will result in disciplinary action.
5. Notice of the complaint and its resolution will be listed in WEA Sydney's Workplace Incident Management Register.

7. Consequences of breaching this policy

Appropriate disciplinary action will be taken against a person who is found to have breached this policy. These measures will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology
- one or more parties agreeing to participate in counselling or training
- a verbal or written reprimand
- transfer, demotion or dismissal of the person engaging in the harassing behaviour.

Alleged behaviour which may be a breach of the criminal law, such as alleged physical assault, indecent exposure, sexual assault, stalking or obscene communications, may be recommended for referral to NSW Police for investigation, rather than be reviewed internally.

8. If sexual harassment has not been substantiated

If an investigation finds bullying has not occurred or cannot be substantiated, WEA Sydney may still take appropriate action to address any workplace issues which led to the report.

9. Review date

This policy will be reviewed at least biennially after its date of adoption by WEA Sydney in consultation with its workers through the WEA Sydney Health and Safety committee. The policy may also be reviewed by WEA Sydney in consultation with its workers in response to legislative change.

10. Further resources

Australian Human Rights Commission

Employers who have a duty to ensure the health and safety of their workers, which includes the prevention of sexual harassment. The Human Rights Commission's [Ending workplace sexual harassment: A resource for small, medium and large employers – 2014](#) outlines what sexual harassment is and how to prevent it. This publication sets out appropriate procedures for investigating alleged breaches and responding appropriately.

For workers, the Human Rights Commission's [Recognising and responding to sexual harassment in the workplace: information for employees](#) helps you know if sexual harassment is occurring and how it may be resolved. It's a useful guide if you believe you are experiencing or witnessing sexual harassment, or if you have had a sexual harassment report made against you.

Download the two documents above as PDF files from the links above, or search for the documents from the following web page:

<https://www.humanrights.gov.au/>

Safe Work Australia

Safe Work Australia lists a number of resources to assist employers in ensuring the health and safety of their workers. Among these is the publication from the **National Guidance Material** by Safe Work Australia which produced, in June 2018 the document *Work-related psychological health and safety: a systematic approach to meeting your duties*. Here is the link to the full document <https://www.safeworkaustralia.gov.au/doc/work-related-psychological-health-and-safety-systematic-approach-meeting-your-duties>. The discussion on psychosocial hazards begins on page 8.

Legislation

Work health and safety in New South Wales workplaces is governed by:

Work Health and Safety Act 2011 (New South Wales)

Work Health and Safety Regulation 2017 (New South Wales).

Commonwealth legislation relevant to sexual harassment includes:

Sex Discrimination Act 1984.