

Sexual Harassment Policy – template

Instructions

On company letterhead and customised as required.

This policy must be read in conjunction with any applicable Code of Conduct and or Disciplinary Policy and related procedures and processes as well as any applicable federal, state or territory legislation.

Members may need to develop specific formal and or informal complaints mechanisms and procedures to meet their needs. Records of all actions taken should be kept and stored confidentially.

Seek advice from TRMC should these issues arise in the workplace.

Policy Statement

[Insert company name] is committed to providing a safe working environment for all its workers free from discrimination on any ground and from harassment at work including sexual harassment.

The company operates a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence.

Any worker found to have sexually harassed another in breach of this policy will face disciplinary action, up to and including dismissal from employment.

Responsibility lies with every manager, supervisor and worker to ensure that sexual harassment does not occur. Managers or supervisors who fail to take appropriate corrective action when aware of the harassment of a worker will be subject to disciplinary action.

This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

Definitions

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.

Sexual harassment can involve one or more incidents and actions constituting harassment and may be physical, verbal and non-verbal. Examples of sexual harassment include, but are not limited to:

- staring or leering.
- unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching.
- sexually suggestive comments, taunts or jokes.
- repeated and unwanted social invitations for dates or physical intimacy.

- intrusive questions or statements about a coworkers private life.
- sending sexually explicit emails or text messages.
- inappropriate advances on social networking sites.
- Repeated and unwanted requests to go out on dates.
- behaviour that may also be considered an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Behaviour that is based on mutual attraction, friendship and respect and that is consensual is not sexual harassment.

Worker means any employee who is employed by the company. It also includes work experience students, contractors, employees of a contractor, sub-contractors, employees of a sub-contractor, volunteers, outworkers, clients or employees of a client.

Complaints procedures

The company strongly encourages any worker who feels they have been sexually harassed to take immediate action. If a worker feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The worker should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

Alternatively, or in addition, the complainant may report the behaviour in accordance with the relevant procedure. Once a report is made the organisation has the right to determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment will be treated seriously, promptly and with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.

Complainants have the right to determine how to have a complaint treated (formally or informally), to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No worker will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any worker who has been alleged to be a harasser.

All workers have the right to seek the assistance of an outside complaints mechanism to assist them in the resolution of any concerns.

Application

This policy will apply to all employees of the company, and other workers as defined. This policy will not form part of an employee's contract of employment.

Implementation

The company will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the company.

Every year, the company will require all employees to attend a refresher training course on the content of this policy.

Further assistance

Any employee who requires assistance in understanding this policy should first consult their [*supervisor, manager, human resources team*].

Policy Review

This policy must be reviewed and where appropriate amended by [*insert name/title/committee name*] every 2 years or sooner.

This policy commences on [*insert date*].

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Position: [Signed by appropriate officer]

Date:

[Next review date: insert next review date]