

# WORKPLACE SEXUAL HARASSMENT POLICY

<b>Policy Number:</b>		<b>Version:</b>	1
<b>Drafted by:</b>	Strategic Finance Executive	<b>Board approval on:</b>	April 2024
<b>Responsible Person:</b>	Strategic Finance Executive	<b>Scheduled Review Date:</b>	June 2025

## INTRODUCTION

Big Yellow Umbrella (BYU) is committed to providing a safe environment for all participants, employees, students, and volunteers.

This workplace sexual harassment policy applies to all employees, volunteers, and students of the business. The objective of the policy is to ensure the workplace is free from sexual harassment.

It is expected that all workplace participants always comply with the Workplace Sexual Harassment policy and the related behaviours as presented below by Respect @ Work.



**What does sexual harassment look like?**  
Sexual harassment includes a wide range of behaviours such as:

- inappropriate physical contact
- intrusive questions about a person's private life or physical appearance
- sharing or threatening to share intimate images or video without consent
- images or videos that are sexually suggestive or that constitute a sexual advance
- unwelcome touching, hugging, cornering or kissing
- repeated or inappropriate invitations to go out on dates
- sexually suggestive comments or jokes that offend or intimidate
- requests or pressure for sex or other sexual acts
- sexually explicit gifts, images, videos, cartoons, drawings, photographs, or jokes
- actual or attempted rape or sexual assault
- being followed or watched inappropriately, or someone loitering inappropriately, either in person or via technology
- sexually explicit comments made in person or in writing, or indecent messages (SMS, social media), phone calls or emails—including the use of emojis with sexual connotations
- sexual gestures, indecent exposure or inappropriate display of the body
- technology-facilitated unwelcome conduct of a sexual nature—including on virtual meetings
- Inappropriate staring or leering
- repeated or inappropriate advances on email or other online social technologies

References: Australian Human Rights Commission, Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces (2018). Australian Human Rights Commission, Respect at Work: National Inquiry into Sexual Harassment in Australian workplaces (2020). Deloitte Access Economics, The Economic Costs of Sexual Harassment in the Workplace (Final Report, February 2019).

## PURPOSE

The purpose of this Workplace Sexual Harassment Policy is to establish a safe, respectful, and supportive working environment for all employees within Big Yellow Umbrella. We are committed to fostering a culture where everyone is treated fairly, equitably, and with dignity.

Sexual Harassment in the workplace is strictly prohibited and will not be tolerated under any circumstances. This policy aligns with the Australian Fair Work Act 2009 and relevant state and federal laws.

Big Yellow Umbrella is committed to:

- Promoting gender equality and ensuring women participate at all levels within the organisation.
- Promoting a safe and inclusive environment for all.
- Promoting a workplace culture that is inclusive for all regardless of sex, gender identity, sexual orientation, and intersex status.
- Educating and creating awareness across the organisation about sexual harassment
- Ensuring that employees who experience disrespectful conduct, sexual harassment, assault, or threatening behaviour within our organisation are supported and protected.

## POLICIES

The objectives of this Workplace Sexual Harassment Policy are to:

- Clearly define what constitutes sexual harassment in the workplace.
- Provide guidelines for reporting and addressing instances of workplace sexual harassment.
- Raise awareness among employees of their rights and responsibilities regarding workplace sexual harassment.
- Encourage a culture of mutual respect, support, and inclusiveness.
- Prevent adverse effects on the mental and physical well-being of employees resulting from workplace sexual harassment.
- Ensure compliance with all relevant laws and regulations.

## RELATED LEGISLATION, POLICIES & PROTOCOLS

The following legislation applies to Big Yellow Umbrella:

- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Human Rights & Equal Opportunity Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth) (Legislation):
- Age Discrimination Act 2004.
- Fair Work Act 2009

## POLICY REQUIREMENTS

Definition of Workplace Sexual Harassment

Workplace sexual harassment is defined by the Sex Discrimination Act 1984 as:

(1) a person sexually harasses another person (the person harassed) if:

(a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or

(b) engages in other unwelcome conduct of a sexual nature about the person harassed.

Where a reasonable person, would anticipate the possibility that the person harassed would be offended, humiliated, or intimidated.

Sexual harassment is not always obvious. It can include a wide range of behaviours. Some of the most common examples of sexual harassment are:

- Unwanted sexual advances, gestures, or comments.
- Requests for sexual favours in exchange for employment benefits.
- Displaying or sharing sexually explicit material, images, or jokes.
- Offensive or derogatory comments about a person's gender or sexual orientation.
- Unwanted physical contact, including touching, groping, or patting.
- Sexual propositions or innuendos.
- Persistent or unwanted attention of a sexual nature.
- Cyber-harassment, such as online sexual advances or explicit messages.

Other examples of sexual harassment include.

- Sharing or threatening to share intimate images or videos without consent.
- Repeated or inappropriate invitations to out on dates
- Requests or pressure for sex or other sexual acts
- Sexually explicit gifts, images, videos, cartoons, drawings, photographs, or jokes
- Actual or attempted rape or sexual assault
- Sexually explicit comments made in person or writing, or indecent messages, phone calls, emails or texts, including emojis with sexual connotations.
- Sexual gestures, indecent exposure, or inappropriate display of the body.

## **ROLES AND RESPONSIBILITIES**

The Chief Operations Manager and the Strategic Finance Executive are responsible for the implementation and monitoring of all aspects of this anti-discrimination policy.

All staff, students and volunteers are responsible for adhering to this policy internally and externally. Failure to comply with this policy could include counselling, warnings and in the worst case, dismissal/termination.

Workers, students, and volunteers should be aware that they can be held legally responsible for their unlawful conduct.

Workers, students, and volunteers who aid, abet, or encourage other workers to behave in a manner contrary to the law, can also be legally liable.

The staff, students and volunteers are responsible for notifying the Chief Operations Manager and the Strategic Finance Executive of all complaints and any other updates in team meetings.

This policy may be changed from time to time. The policy does not form part of any contract.

## **PROCEDURES**

### **Reporting Workplace Sexual Harassment**

- All employees have the responsibility to report any instances of workplace sexual harassment they experience or witness. Reports should be made to an appropriate manager, supervisor, or the human resources department. All reports will be treated confidentially, and no employee will be penalised for making a report in good faith.

### **Addressing Workplace Sexual Harassment**

- Big Yellow Umbrella will promptly investigate all reported instances of workplace sexual harassment in a fair and unbiased manner. Investigations will be conducted in accordance with the principles of natural justice, ensuring procedural fairness and confidentiality. If an investigation substantiates an allegation of workplace sexual harassment, appropriate disciplinary action will be taken, which may include:
  - Counselling or mediation
  - Formal warnings
  - Reassignment of duties or work locations
  - Suspension or termination of employment

## Company Expectations

- Every employee has the right to come to work in an environment that is free from sexual harassment. All employees are expected to adhere to the Company Code of Conduct. Sexual harassment will not be tolerated within Big Yellow Umbrella. All employees have a legal obligation under the legislation to ensure that they behave in an appropriate manner.
- Employees caught sexually harassing others may face disciplinary action up to and including termination of employment.

## What steps to take if you are sexually harassed in the workplace?

- Review the company's sexual harassment policy.
- Keep notes on the incidents of sexual harassment.
- Seek out support (from Management, HR or a colleague or counselling services)
- If possible, approach the person to discuss the situation if you are comfortable with this.
- Notify the Chief Operations Manager, Strategic Finance Executive, a member of the Board, or HR by making a formal complaint.
- If it is not resolved, you can raise a complaint with the Australian Human Rights Commission or Fair Work Commission.

## Confidentiality and Investigation:

- All reports will be treated with sensitivity, confidentiality, and respect for privacy to the extent reasonably possible.
- The organisation will conduct a prompt and impartial investigation into the reported incident, involving appropriate personnel.

## Non-Retaliation:

- Big Yellow Umbrella prohibits any form of retaliation against individuals who report incidents of sexual harassment or cooperate in investigations. Retaliation against complainants or witnesses will be treated as a separate violation of this policy and may result in disciplinary action.

## Training and Awareness

- Big Yellow Umbrella will provide regular training and resources to all employees regarding workplace sexual harassment, including the rights and responsibilities of employees, the process for reporting incidents, and available support services.

## Monitoring and Review

- This Workplace Sexual Harassment Policy will be reviewed periodically to ensure its ongoing relevance, effectiveness, and compliance with legislative and regulatory requirements. Big Yellow Umbrella is committed to continuous improvement and will incorporate feedback from employees, management, and external stakeholders as part of the review process.
- The leadership team is responsible for communicating the Workplace Sexual Harassment Policy to all persons working for or on behalf of the organisation and making it available to interested parties.

RELATED DOCUMENTS
Access & Equity Policy
Age Discrimination Act 2004.

Anti-Discrimination Act 1977 (NSW)
Australian Human Rights Commission Act 1986
Bullying & Harassment Policy
Code of Conduct Policy
Complaints Management Policy
Confidentiality and Declaration Policy
Customer Service Policy
Disability Discrimination Act 1992
Disclosure of Information Policy
Fair Work Act 2009
Human Rights & Equal Opportunity Commission Act 1986 (Cth)
Humanrights.gov.au
LGBTIQ+ Policy
Managing Difficult Behaviours Policy
Performance Appraisal Policy
Performance Management Policy
Personal Grievance Policy
Privacy Policy
Racial Discrimination Act 1975
Recruitment Policy
Respectatwork.gov.au
Sex Discrimination Act 1984
Staff Induction Policy
Trauma Informed Care Policy
Volunteer Management Policy
WHS Policy
Working with Children Policy

## AUTHORISATION

The Board of Big Yellow Umbrella has reviewed and approved this policy.

Signature of Board Secretary: \_\_\_\_\_

Date of approval by the Board: \_\_\_\_\_

On behalf of the Big Yellow Umbrella