

Prevention of sexual harassment in the workplace

Council policy

1 Policy statement

We will create and maintain a work environment that is free from sexual harassment by ensuring our employees, Council representatives and community are aware of, and understand their rights and responsibilities on conduct (in the work environment) which may constitute sexual harassment. Sexual harassment will not be tolerated in the workplace and disciplinary action will be taken where it is found that sexual harassment has taken place.

2 Scope

This Policy applies to all employees and representatives of Blacktown City Council as well as all members of the public in their dealings with representatives of Blacktown City.

3 Definitions

Community	The customers, residents and visitors to Blacktown City Council.
Employee	Any person with an employment contract with Council and works full time, part time, a casual or tem contract basis.
Council representative	Councilors, contractors, consultants, volunteers, delegates of the Council and members of Council committees who represent or act on behalf of Blacktown City Council.
Grievance	A cause of complaint, especially unfair treatment.
Prevention	The action of stopping something from happening or arising.
Sexual harassment	Anything that involves the harassment of a person due to their sex. Actions may include unwelcome sexual advances, requests for sexual favours, verbal or physical harassment of a sexual nature, or the creation of a hostile working environment.
We, us, our	Blacktown City Council.
Zero tolerance	Strict and consistent punitive measures for infractions of a stated rule.

4 Prevention of sexual harassment in the workplace

We will promote a safe and healthy workplace with a culture of zero tolerance towards sexual harassment in all work environments.

We will ensure our employees and representatives are aware of the behaviours which may or may not constitute sexual harassment. They must comply with the requirements of our policies and procedures, our Code of Conduct and the law. Sexual harassment is illegal, and both State and Federal legislation applies. Legal action can be taken against employees, as well as against Council as the employer.

Members of the community should educate themselves on behaviours which may or may not constitute sexual harassment. Members of the community should not be subject to, or act in any way that could constitute, sexual harassment.

Preventing and addressing sexual harassment is a shared responsibility. We encourage and support employees, representatives and members of our community in preventing, identifying, reporting and resolving any sexual harassment in the workplace. This is of great importance to the health and well-being of employees and other workers as well as strengthens working and customer relationships.

5 Committing sexual harassment in the workplace

We will not tolerate breaches of this policy. Disciplinary action will be taken where it is found that sexual harassment has taken place and may result in instant dismissal. We will monitor the workplace and address any grievances or observations of workplace sexual harassment in a prompt, confidential and sensitive manner.

6 Reporting sexual harassment

Any members of the community impacted by sexual harassment at Blacktown City Council should report it immediately by utilising this [link](#) or emailing this address with details: council@blacktown.nsw.gov.au

Any employees and representatives impacted by sexual harassment at Blacktown City should report it immediately using our Grievance Resolution Policy and Procedure and the Guide to Effective Grievance Resolution.

Where an employee requires to report their supervisor or an executive member this can be done by contacting either the Manager People and Culture or the Chief Executive Officer (CEO) Directly.

Where an employee requires to report a Councillor complaints must be lodged direct with the CEO as per the Office of Local Government Code of Conduct Procedures.

Disciplinary action will be taken against any employee or representative found to have breached this policy. Any complaints in relation to Council employees and representatives in regard to this policy will be addressed in line with our internal Grievance Resolution Policy and Procedure.

Members of the public who are reported to be sexually harassing employees or representatives will be reported to the police.

7 Standards and procedures

Standards

In order to further understand what constitutes sexual harassment and please refer to the.
Prevention of and response to sexual harassment in the workplace – Standard.

8 Responsibilities and approvals

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Responsible Officers	• CEO • Director Corporate Services • Manager People and Culture
Related policies	• NSW Government Premier and Cabinet, Your obligations as a member of staff • Blacktown City Council Code of Conduct 9th ed • Blacktown City Council Grievance Resolution policy and procedure.
Related delegations	• N/A
Related law	• Australian Human Rights Commission Act 1986 (Cth) • Anti-Discrimination Act 1977 (NSW) • Sex Discrimination Act 1984 (Cth) • Work Health and Safety Act 2011 (NSW) • Work Health and Safety Regulation 2017 (NSW) • Industrial Relations Act 1996 (NSW) • Government Sector Employment Act 2013 (NSW).
Related documents	• Blacktown City Council Preventing Sexual Harassment Fact Sheet • Blacktown City Council Grievance Resolution procedure • Prevention of and response to sexual harassment in the workplace – Standard • Blacktown City Council Minimum Conditions of and Benefits of Employment Agreement 2018-2021 • Blacktown City Council Respectful Behaviours Commitment Statement • Office of Local Government Code of Conduct Procedures • Prevention of Sexual Harassment in the Workplace, Toolbox Talks.
Attachments	N/A



Prevention of and response to sexual harassment in the workplace - Standard

Connect - Create - Celebrate

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1. Preamble

We are committed to promoting an equitable workplace where every person is treated with respect, courtesy and dignity. This commitment recognises that each worker has a responsibility to cooperate in the creation of a positive work environment.

This guide aims to positively influence workplace behaviour so that a safe and respectful workplace is maintained and sexual harassment prevented.

The benefits of creating a workplace free from sexual harassment are:

- improved health and wellbeing
- strong working and customer relationships
- ability to attract and retain high performing individuals
- improved job satisfaction and job commitment
- decreased absenteeism and employee turnover
- increased productivity and performance
- improved morale.

This guide outlines the responsibilities of all workers to contribute to the prevention of sexual harassment. It reinforces the ethical standards of behaviour expected of all workers under the Blacktown City Council Code of Conduct and Respectful Behaviours Commitment Statement.

This guide is not intended to cover dissatisfaction or complaints with organisational and management practices or poor management practices on their own. Sexual harassment in any of our workplaces is unacceptable and will not be tolerated. Disciplinary action will be taken where an employee is found to have engaged in sexual harassment against a person in the workplace or a member of the public which may result in instant dismissal.

2. Understanding what sexual harassment is

The purpose of these guidelines is to ensure that all our workers understand that sexual harassment is an:

- unwelcome sexual advance
- unwelcome request for sexual favours
- unwelcome touching or interference in personal space
- 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. It has nothing to do with mutual attraction or consensual behaviour.

Sexual harassment happens if a person:

- subjects another person to an unsolicited act of physical intimacy
- makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person
- makes a remark with sexual connotations relating to the other person or another person
- engages in any other unwelcome conduct of a sexual nature.

Sexual harassment does not have to be deliberate or repeated to be unlawful and the victim does not have to ask for the behaviours to stop.

Examples of sexual harassment include and are not limited to:

- staring, leering or unwelcome touching
- suggestive comments or jokes
- unwanted invitations to go out on dates or requests for sex
- intrusive questions or comments about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- emailing inappropriate images, pornography or rude jokes
- displaying images of a sexual nature around the workplace
- communicating content of a sexual nature through social media or text messages.

All workers need to be aware that sexual harassment is against the law under the *Sex Discrimination Act 1984* and *Anti-Discrimination Act 1977*. State and Federal legislation also applies. Legal action can be taken against workers, as well as against Council as an employer.

A person who sexually harasses someone else is primarily responsible for their behaviour. However, in many cases, employers can also be held responsible for sexual harassment by their workers. This is called 'failure to prevent'.

Employers have a responsibility to take all reasonable steps to prevent sexual harassment in the workplace, such as implementing a sexual harassment policy and

providing training or information to support the identification and prevention of sexual harassment.

3. Responsibilities

We are all responsible for working collaboratively to prevent sexual harassment in the workplace and for reporting instances of sexual harassment where identified.

Disciplinary action may be taken against any employee found to have breached their responsibilities under our policy *Prevention of Sexual Harassment in the Workplace*.

The Executive must:

- Set policy and standards
- Lead by example

Managers and supervisors must:

- understand what constitutes sexual harassment
- promote and maintain a work environment based on respect, fairness and trust
- model appropriate behaviours, principles and our values, ensuring their own conduct reflects a commitment to a workplace free from sexual harassment
- ensure all workers are aware of their responsibilities and that sexual harassment will not be condoned or tolerated
- encourage workers to report all incidents of sexual harassment to them in a prompt manner
- ensure sexual harassment is promptly addressed via the *Grievance resolution policy and procedure* for resolution
- monitor and manage the impact of any incident of sexual harassment in a sensitive and confidential manner
- ensure all affected parties are aware of our *Employee Assistance Program* (EAP).

Managers may:

- contact the People and Culture section for advice and support
- access the EAP Hotline to obtain specialised advice, support and strategies.

Workers must:

- understand what constitutes sexual harassment in the workplace
- conduct and present themselves in a professional courteous manner demonstrating our principles and core values
- demonstrate respect for all persons, including other workers, clients or members of the public
- be aware of rights and responsibilities in relation to preventing and maintaining a work environment free from workplace sexual harassment

- if appropriate, attempt to address and resolve issues with the other party/parties as soon as possible
- identify reasonable and desired outcomes and participate in any actions deemed necessary to resolve and/or prevent workplace sexual harassment and maintain confidentiality.

People and Culture section representatives must:

- raise awareness and assist to educate workers about their rights and responsibilities regarding appropriate workplace behaviour
- provide impartial advice to managers/supervisors and workers to address and resolve concerns about sexual harassment
- maintain confidentiality and promote this requirement to all parties involved in reports of workplace sexual harassment
- ensure all workers involved or impacted by reports of sexual harassment are aware of the support options available
- assist managers/supervisors to implement strategies to resolve workplace sexual harassment
- advise when there is a duty to report an issue due to duty of care reasons.

4. Zero tolerance

The Executive, managers and supervisors are critical to setting and promoting a workplace of respect, where sexual harassment is not tolerated.

They play a key role in setting a culture through the behaviours they model, and those they expect of their workers. Our *Code of Conduct* and *Respectful Behaviours Commitment Statement* and values assist in defining what appropriate workplace behaviour is.

Our Code of Conduct outlines that workers must not harass, discriminate against or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the ground of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

5. Training and information

Education on what workplace sexual harassment is, will help prevent or control exposure to sexual harassment. Creating awareness for and prevention of workplace sexual harassment reinforces our commitment to this matter.

Training and education will ensure you:

- have knowledge of what may constitute as sexual harassment

- are aware of their roles and responsibilities in preventing and responding to workplace sexual harassment
- are informed and encouraged to take action against sexual harassment
- are aware of how to report workplace sexual harassment
- are equipped to manage incidents involving unacceptable behaviour.

5.1 Induction

We will ensure that information about workplace sexual harassment is available in their workplace. Managers are to ensure that workers attend induction and are aware of any mandatory and non-mandatory training about preventing and responding to sexual harassment.

5.2 Information and education resources

Managers and supervisors are to share the below resources with their teams to ensure all have both an awareness and understanding of Sexual Harassment.

- Review and understand the Blacktown City Council:
 - *Prevention of Sexual Harassment in the Workplace Policy*
 - *Prevention and Response to Sexual Harassment - Standard*

Note: The above will require all workers to acknowledge their understanding in TRIM or in writing. This is mandatory for all workers.

- Review and understand the Blacktown City Council Guidelines for Preventing and Responding to Sexual Harassment in the Workplace.
- Complete the mandatory Prevention of Sexual Harassment in the workplace toolbox talks. It is mandatory for managers and/or supervisors to organise this tool box talk for their section at least once per annum.
- The Executive, Managers and Supervisors mandatory face to face training. Contact the People and Culture section to find out more.
- Attend a face to face training session to learn more about how to prevent sexual harassment in the workplace. Contact the People and Culture section to find out more.
- Review the *Blacktown City Council Grievance resolution policy and procedure*.

6. Open communication

Good communication can assist in preventing instances of sexual harassment in the workplace.

You are encouraged to have good channels of communication, for example, participation in regular team meetings. You are urged to openly raise and discuss issues that may affect you.

Managers are required to have 'open door' management styles and implement transparent decision-making processes.

7. Reporting

Workers are more likely to report instances of sexual harassment in an environment where reporting is encouraged and supported. We are committed to empowering you to report and actively participate in the resolution of any workplace issues as early as possible.

7.1 Local reporting

Local reporting is always encouraged. You are encouraged to report any instances of sexual harassment to your Executive, Manager, Supervisor or to a People and Culture representative. All complaints or reports of sexual harassment are to be addressed in line with our:

- *Grievance resolution commitment statement*
- *Grievance resolution policy and procedure*
- *Guide to effective grievance resolution.*

7.1 Reporting your leader, Executive member or a Councillor

Where an employee requires to report their supervisor or an executive member this can be done by contacting either the Manager People and Culture or the General Manager directly.

Where an employee requires to report a Councillor complaints must be lodged direct with the General Manager as per the Office of Local Government Code of Conduct Procedures.

7.2 Alternative reporting

You are always encouraged to report instances of sexual harassment to your supervisor or manager. However alternative reporting processes may be explored.

Alternative reporting can be made before, after or instead of local reporting. Alternative reporting can be to:

- the Manager People and Culture
- the General Manager directly, in writing or via a meeting
- the Anti-Discrimination Board, NSW
- the Australian Human Rights Commission.

7.3 Alternative support

In the event you require further support, outside of that provided by your supervisor or manager, you can contact:

- People and Culture section
- doctors and health professionals
- the Employee Assistance Program - 1300 687 327.

8. Responding to sexual harassment in the workplace

When a complaint of sexual harassment is raised, the immediate response can influence how and when the issue is resolved. We are committed to empowering workers to work together to resolve any workplace issues as early and informally as possible.

All workers are responsible for initially attempting to resolve workplace issues. But there may be situations where this approach is inappropriate or simply does not work. The next step is a more formal process.

Our Grievance Resolution procedure guides managers and workers on how to address formal complaints. It promotes a shared responsibility to resolve issues locally and as quickly as possible.

If you are dissatisfied with the local level process, there is an option to request an internal review to be conducted by the People and Culture section.

In the event of dissatisfaction of a local level process and internal review you may email the General Manager to seek further review.

We encourage local resolution using the documents referred within this Guide (all of which are available on Insite or by contacting the People and Culture section).

Managers and Supervisors need to be aware that sexual harassment may not always be committed by a worker. It may be perpetrated by a client, customer, person in position of authority, or other business contact and can also be carried out by an individual or a group. Any occurrence such as these is to be forwarded in writing to the Manager People and Culture.

All complaints will be reviewed in line with our Grievance resolution policy and procedure. This will be utilised to ensure a fair process is undertaken to understand the views of each party prior to the formulation of outcomes and recommendations.

9. Useful resources

The following internal resources are available on Insite:

- *Preventing sexual harassment fact sheet*
- *Grievance resolution policy and procedure*
- *Guide to effective grievance resolution*
- *Respectful behaviours commitment statement*
- *Minimum conditions of and benefits of employment agreement 2018-2021*
- *Grievance resolution commitment statement*
- *Prevention of sexual harassment in the workplace, toolbox talks.*

10. Legislation

Legislation in both the State and Federal jurisdictions makes provisions for regulation of sexual harassment matters which can include dismissal and further legal repercussions.

- *Australian Human Rights Commission Act 1986 (Cth)*
- *Anti-Discrimination Act 1977*
- *Sex Discrimination Act 1984 (Cth)*
- *Work Health and Safety Act 2011 (NSW)*
- *Work Health and Safety Regulation 2017 (NSW)*
- *Industrial Relations Act 1996 (NSW)*
- *Government Sector Employment Act 2013 (NSW).*