



Australian Government

AFTRS

AFTRS

AFTRS Workplace Anti-Harassment Policy

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| Responsible Officer | Director, Corporate Services |
| Contact Officer | Head of Human Resources |
| Authorisation | Chief Executive Officer |
| Effective Date | Initial September 1999 Reviewed 7 th September 2011 Reviewed 1 st January 2012 |
| Associated Documents | AFTRS Enterprise Agreement 2011 AFTRS Code of Conduct Workplace Bullying Policy Equal Employment Opportunity Policy Access and Equity Policy Human Resources Privacy Policy <i>Racial Discrimination Act 1975</i> <i>Sex Discrimination Act 1984</i> <i>Disability Discrimination Act 1992</i> <i>Age Discrimination Act 1992</i> <i>Australian Human Rights Commission Act 1986</i> <i>Work Health and Safety Act 2011</i> |

1. Policy Name

The AFTRS Workplace Anti-Harassment Policy.

2. Preamble – Background

AFTRS recognises a worker's entitlement to work in an environment free from harassment of kind and, in the AFTRS Enterprise Bargaining Agreement 1998/99 included a Code of Conduct forbidding harassment, a provision retained in all reviews of the Code of Conduct. The first AFTRS Anti-Harassment Policy was approved in September 1999.

3. Policy Scope

This policy applies to all employees, contractors, and volunteers.

4. Definitions

Harassment means any behaviour which is unwelcome and is based on a person's age, gender, sexual orientation, transgender status, marital status, family responsibilities, pregnancy, disability, religion, culture, ethnic or national extraction, political opinion, or trade union affiliation or activity. It is usually

repeated behaviour but can also consist of a single act. It is not behaviour which is based on mutual attraction, friendship or respect.

Verbal Harassment includes:

- sexual comments, advances or propositions;
- lewd jokes or innuendo;
- racist comments or jokes;
- spreading rumours;
- comments or jokes about a person's age, gender, sexual orientation, transgender status, marital status, family responsibilities, pregnancy, disability, religion, culture, ethnic or national extraction, political opinion, or trade union affiliation or activity;
- repeated questions about personal life;
- belittling someone's work or contribution in a meeting or other public place;
- threats, insults or abuse;
- repeated unwelcome invitations, and
- obscene telephone calls, unsolicited letters, e-mails, texts etc.

Non-verbal Harassment includes;

- leering;
- putting offensive material on notice boards, computer screen savers, e-mails etc;
- wolf whistling;
- nude or pornographic posters;
- displaying sexist or racist cartoons or literature;
- demoting, failing to promote, or transferring someone because they refuse requests for sexual favours;
- following someone home from work;
- standing very close to someone or unnecessarily leaning over them;
- mimicking someone with a disability or accent;
- practical jokes which are unwelcome;
- ignoring someone, or being cold or distant with them, or
- crude hand or body gestures.

Physical Harassment includes;

- unwelcome physical contact such as kissing, hugging, pinching, patting, touching, or brushing up against a person;
- indecent or sexual assault or attempted assault;
- hitting, pushing, shoving, throwing objects at a person, or
- any removing or undoing of clothing.

Harassment Contact Officers are staff representatives who have been trained in all aspects of harassment procedures.

5. Policy Statement

AFTRS values the diversity of our workforce and respects the differences between workers, recognising that each person has individual talents and skills to bring to their work. We believe that all workers are entitled to work in an

environment in which they can enjoy their work and their relationships with their colleagues, free from harassment of any kind.

It is against policy and a breach of discrimination laws and health and safety laws to harass employee worker because of their age, gender, sexual orientation, transgender status, marital status, family responsibilities, pregnancy, disability, religion, culture, ethnic or national extraction, political opinion, or trade union affiliation or activity.

Harassment will not be tolerated at AFTRS. If, after an investigation by the Chief Executive Officer or delegate, it is found that harassment has taken place, the person responsible will be disciplined. In serious cases of harassment, dismissal may be the result. Normal misconduct review procedures apply. Serious cases of harassment involving assault may also constitute a crime.

6. Implementation and Guidelines

Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the work environment unpleasant and sometimes even hostile. If a person is being harassed then their ability to do their work is affected. They often become stressed and suffer health problems as a result.

Harassment can often be the result of behaviour which is not intended to offend or harm, such as jokes or unwanted attention. Harassment is still illegal even if it is not intended. The differences between people should be acknowledged and respected ... never ridiculed.

There are many types of harassment. These can range from direct forms, such as abuse, threats, name calling and sexual advances, to less direct forms, such as where a hostile work environment is created, but no direct attacks are made on an individual.

What to do if you are harassed?

Tell the person to stop, that their behaviour is unacceptable and that they must not do it again. It is important to say these things to the harasser as they might interpret silence as tacit consent. If, however, you are too frightened or embarrassed to say anything, this does not mean that your complaint will not be taken seriously.

If the behaviour does not stop, or even if it does stop but you wish to report it, tell your manager or supervisor, the Manager Student Services, or a Harassment Contact Officer. These people will be able to tell you what your options are. If you so wish, you may make a formal complaint in accordance with the Misconduct Procedures.

It is a good idea to make a written note of any harassment, including details of dates, times, witnesses, what happened, and what you said and felt.

Be frank and open with the AFTRS representative who is investigating the complaint. This will enable appropriate action to be taken.

You can also get advice from your union, a government agency such as the Australian Human Rights Commission, or through the AFTRS Employee Assistance Program.

Complaints

Complaints of harassment will be investigated in a sympathetic and fair manner consistent with the principles of natural justice. As far as an investigation allows confidentiality will be preserved. Where a complaint is found to have substance action will be taken to stop the harassing behaviour. You will not be victimised or treated unfairly for making a harassment complaint.

Privacy

Complaints of harassment will be investigated with as much privacy to all involved individuals as is possible. Information about the complaint will only be given on a “need to know” basis. It must be remembered that both the alleged harassed and the alleged harasser have a right to confidentiality and a breach of this may result in disciplinary action for a breach of the Code of Conduct or an external defamation action.

What can you do if you see someone being harassed?

Tell them you are willing to act as a witness if they decide to make a complaint and back them up or support them in saying “no” to the harasser. However you should remember it is not your responsibility to say anything to the alleged harasser and that if you spread rumours about anyone, you may be subject to a defamation action.

7. Roles and Responsibilities

Chief Executive Officer

- Instigate and determine investigations into complaints of harassment.

AFTRS Managing Executive

- Ensure their behaviour adheres to the AFTRS Code of Conduct.
- Review all health and safety related matters including harassment.

Head of Human Resources

- Provide advice to workers on options and forward formal complaints to the Chief Executive Officer.
- Provide information to workers on harassment e.g. during staff inductions, information on the intranet etc.
- Maintain all misconduct complaint records.
- Ensure a list of Harassment Contact Officers is available to workers on the Intranet.

Manager and Supervisors

- Ensure they do not engage in harassing behaviour.
- Ensure harassing behaviour does not occur in the workplace.
- If harassing behaviour is observed, take steps to stop it and warn the person of the consequences if the offending behaviour continues.
- Ensure their workers are aware that harassment will not be allowed in the workplace and complaints will be dealt with.
- Refer matters to the Head of Human Resources if appropriate.

Harassment Contact Officers

- Accept approaches by anyone who believes they have been harassed and provide information and support.
- Do not advise on appropriate action or investigate claims of harassment.

Workers

- Not engage in or encourage harassing behaviour.

8. Review

This policy will be reviewed as required by changes to legislation, government policy, guidelines, or review of the Code of Conduct.