

# INDEPENDENT EDUCATION UNION OF AUSTRALIA

## POLICY ON SEXUAL HARASSMENT IN UNION ORGANISATIONS AS WORKPLACES

It is a fundamental human right that all workers should be able to work in an atmosphere based on mutual respect and the dignity of each individual

### LEGISLATION

Sexual harassment is unlawful under the Federal Sex Discrimination Act and under most State and Territory Anti-Discrimination legislation. It is also contrary to the duty of care required of employers to provide a safe, harassment-free workplace for staff.

The Federal Sex Discrimination Act places responsibility on the employer to provide a workplace free from sexual harassment, as outlined in Section 106:

“An employer is legally responsible for any sexual harassment by an employee unless the employer has taken all reasonable steps to prevent the sexual harassment.”

### DEFINITION

The Human Rights and Equal Opportunity Commission defines sexual harassment as:

“any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment.” (Sexual Harassment – A Code of Practice, 1996.)

Harassment offends, upsets, humiliates or scares another person. It makes the workplace uncomfortable and unpleasant. Harassment often occurs when power is used inappropriately as in some employer/employee relations. Harassment is not always intended - acts or behaviour which some see as amusing or trivial may hurt or offend another. A workplace without harassment is a workplace where people respect the rights and differences of others.

### IEU COMMITMENT

**The IEU is committed to ensuring that its working environment is free of sexual harassment, that such harassment will not be tolerated under any circumstances, and that appropriate action will be taken against any employee who engages in sexual harassment.**

Union offices also have a vital role to play in modelling desirable employment practices. This includes ensuring that union workplaces are safe and healthy environments and that they have policies and procedures in place to prevent and address inappropriate behaviour such as sexual harassment. The emphasis should be on the prevention of harassment through information and awareness raising.

## PRINCIPLES AND PROCEDURES

As part of their commitment to eliminating sexual harassment in the workplace, all IEU offices will continue to raise awareness of sexual harassment issues and will implement appropriate training strategies to ensure that all employees are aware of their rights and responsibilities.

To meet their obligations under both federal and State or Territory legislation, all union offices should establish a policy and procedures clearly setting out what is expected of staff in terms of appropriate behaviour and what steps will be taken if a complaint of sexual harassment is made.

It is also necessary to ensure that there is no victimisation for having made a complaint or having supported someone else to do so, since victimisation is also unlawful. **The main aims of procedures to counter harassment should be to ensure:**

- the behaviour stops,
- that there are no reprisals for having made the complaint,
- where disadvantage has occurred, that the situation is redressed as far as possible to the complainant's satisfaction.

The guiding principles behind such aims are:

- the right of all individuals to be treated with respect,
- observance of natural justice,
- observance of confidentiality,
- acceptance of the legitimacy of the complainant's feelings,
- support and protection for all parties concerned,

Internal procedures which utilise advising, counselling, mediation and conciliation are most likely to provide the desired outcome – a satisfactory resolution for the complainant through a process that recognises individual rights and which enables all parties to keep their sense of self-worth intact.

To handle sexual harassment complaints within the union organisation, an organisation should have:

1. a statement of policy in respect of sexual harassment in the organisation
2. a set of procedures for handling complaints which takes account of the organisation's specific context and structure.
3. designated personnel – advisers, contact persons etc who will handle complaints procedures for ensuring that all people in the organisation are aware of the policy, procedures and how to make complaints.
4. training materials, both for training staff who will handle complaints, and also to educate all people within the organisation, with a view to reducing the likelihood of complaints occurring.

All complaints of sexual harassment will be dealt with by IEU offices in a sensitive, fair, timely and confidential manner. A review of these procedures will be conducted from time to time at Federal and Branch level in consultation with staff.