



Sexual Harassment Policy

Sexual harassment is unlawful under the Victorian *Equal Opportunity Act 2010* and under federal legislation (*Sex Discrimination Act 1984* (Cth)).

What is Sexual Harassment?

Sexual harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated. It has nothing to do with mutual attraction or consenting friendships, whether sexual or otherwise.

Sexual harassment is unlawful in the workplace, which includes any place a person goes for the purpose of carrying out any function in relation to his/her employment. The workplace can also extend to social functions.

In Victoria, co-workers can be named sole respondents in cases of alleged sexual harassment.

Some examples of sexual harassment include:

- persistent, unwelcome demands or even subtle pressures for sexual favours or outings
- staring or leering at a person or at parts of their body
- unwelcome patting, pinching, touching or unnecessary familiarity, such as unnecessarily brushing up against a person
- offensive comments or questions about a person's physical appearance, dress or private life
- sexually explicit pictures or posters or screen savers (words and images)
- sexually explicit telephone calls, letters, faxes, emails or voice mail messages
- humour such as smutty or suggestive jokes or comments
- innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality, or tales of sexual performance
- requests for sex
- insults or taunts based on sex
- sexually explicit physical contact.

Please note that this is an indicator only, and not a definite list

Some types of sexual harassment can also be offences under the criminal law (Crimes Act 1958 (Vic)), such as:

- physical molestation or assault
- indecent exposure
- sexual assault
- stalking
- obscene communications (by way of telephone calls, letters, emails etc.).

Sexual Harassment Summary:

It is essential for all Staff, Apprentices, Trainees, Contractors and Visitors to realise that:

- whilst they may regard any particular action to be funny or a practical joke, it could deeply offend, hurt, embarrass, or intimidate another person, whether directed to that person specifically or not.
- it takes only one employee of the entire organisation to be so affected by that action, for a sexual harassment situation to arise, even though there may not have been any malicious intent on the part of the perpetrator.
- you can never gauge another person's reactions or feelings by your own.
- the intention of the alleged harasser is not a relevant factor in determining whether or not harassment occurred.

Transition Recruitment & Labour Hire aims to provide a working environment that is free of sexual harassment. Sexual harassment is illegal and will not be condoned or tolerated in any form. Disciplinary action, up to and including dismissal may be taken against any Staff, Apprentices, Trainees or Contractors who are found to have breached this policy.

This Policy addresses the requirements of the National Standards for Group Training Organisations. The Policy has been developed with consideration of access and equity principles and legislative requirements.