



two ways :: one outcome

Central Desert Regional Council Anti Sexual Harassment and Sex Discrimination Policy

REFERENCE NUMBER: P57
ORGANISATION UNIT: Corporate Services
RESPONSIBLE POSITION: Chief Executive Officer
RELEVANT DELEGATIONS: Nil
DATE ADOPTED: 06 June 2014 (088/2014)
REVIEW DATE: Every three years

Objectives:

To ensure that the workplace health and safety of the CDRC worker, officer, manager and Person Conducting a Business Undertaking (PCBU) and other persons at the workplace is not affected as a result of:

- sexual harassment and sex discrimination,
- and that all workers, officers, PCBUs and other persons at the workplace are aware that sexual harassment and sex discrimination are illegal and will not be tolerated by the Regional Council.

Legislation and Reference:

- NT Work Health and Safety (National Uniform Legislation) Act 2011,
- Sex Discrimination Act 1984 (Cth) as amended,
- Northern Territory Anti-Discrimination Act 1996 (NT),
- Fair Work Act 2009 as amended,
- Central Desert Regional Council's current and subsequent Enterprise Agreement and
- Central Desert Shire Council Anti Workplace Violence, Bullying, Sexual Harassment and Anti-Discrimination Guidelines.

Definition:

4.1 What is sexual harassment?

Sexual harassment is any unwelcome sexual behaviour which is likely to **offend, humiliate or intimidate**. It has nothing to do with mutual attraction or friendship. Examples include:

- unwelcome physical touching,
- staring or leering,
- suggestive comments or jokes,
- unwanted requests to go out on dates,
- requests for sex,
- emailing pornography or rude jokes,
- sending sexually explicit texts,
- intrusive questions about your private life or body,
- displaying posters, magazines or screen savers of a sexual nature and
- Stalking.

4.2 Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex.

It is important to note that behaviour or comments which may not offend one person may be unwelcome or offensive to another.

4.3 What is sex discrimination?

Sex discrimination happens when a person is treated less favourably than a person of a different sex would be treated in the same or similar circumstances.

Discrimination also happens when there is a rule or policy that is the same for everyone but has an unfair effect on people of a particular sex. This is called **indirect** discrimination.

Scope:

This policy applies to all PCBUs, other persons at the workplace, workers (inc. an employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company who has been assigned to work within the Regional Council, an apprentice or trainee, a student gaining work experience and a volunteer) Managers and Executives (Officers) of the Regional Council.

Policy:

1. Council considers sexual harassment and sex discrimination to be an unacceptable and unlawful form of behaviour which will not be tolerated.
2. Council strongly supports the concept that every PCBU, worker, officer, manager and other persons employed by or engaged in business with Council, has the right to an environment which is free from sexual harassment and sex discrimination, Council is committed to providing such a safe and healthy environment.
3. Council is committed to providing general training of the workforce and specific training for PCBU/s, Officers, Managers and Workers identified to deal with sex discrimination and sexual harassment complaints.
4. It is against the law and Council policy to treat a PCBU, worker, other person/s at work, manager, supervisor and an officer unfairly because of their: sex; gender identity; intersex status; sexual orientation; marital or relationship status (including same-sex de facto couples); family responsibilities; because there are pregnant or might become pregnant and because they are breastfeeding.
5. It is possible for a person to be sexually harassed and discriminated upon by his or her supervisor or manager, a co-worker, contractor, service provider, client or customer. Sexual harassment and discrimination is not just unlawful during working hours or in the workplace itself. Such behaviour is prohibited in any work-related context, including conferences, work functions, office Christmas parties and business or field trips.
6. In circumstances where Council has not taken every reasonably practicable steps to eliminate and deal with a case/s of sexual harassment and sex discrimination the Regional Council can be held vicariously liable for sexual harassment and discrimination perpetrated by a PCBU, worker, manager, supervisor and officer.
7. Sexual harassment and discrimination will be taken to incorporate all the behaviours listed under clauses 4 and 5 of this policy.
8. Any complaints of sexual harassment and discrimination made against another person associated with Council will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

9. Appropriate disciplinary action will be taken within a reasonable time period against any Council worker, PCBU/s, officer, supervisor and manager found to be engaging in conduct which is described in this policy.

10. A PCBU, worker, officer, supervisor and manager will not be victimised or discriminated upon for submitting a complaint about sexual harassment or sex discrimination.

11. An employee whose health or work performance has been affected by sexual harassment and sex discrimination will not have their employment status or conditions disadvantaged in anyway.

12. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.

History:

Adopted: This is a new policy, first adopted on 06 June 2014

Review: Every three years