

## **I. INTRODUCTION**

The Legatus Group ('the Employer') is committed to ensuring that all current and prospective employees are not subjected to any form of sexual harassment in the workplace.

Sexual harassment by, or towards, any employee, contractor, supplier or customer in any work-related context is not tolerated under any circumstances.

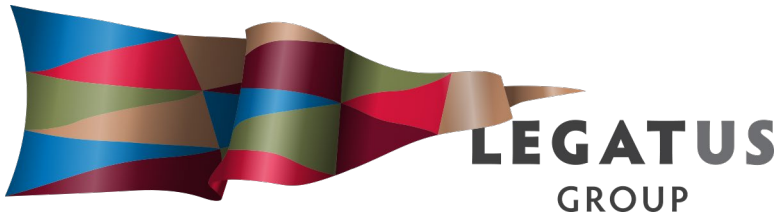
To ensure that this Sexual Harassment Policy is effective, the Employer aims to:

- create a working environment which is free from sexual harassment and where all employees are treated with dignity, courtesy and respect;
- implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities;
- provide an effective procedure for complaints based on the principles of natural justice;
- treat all complaints in a sensitive, fair, timely and confidential manner;
- guarantee protection from any victimisation or reprisals;
- encourage the reporting of behaviour which breaches this Sexual Harassment Policy;
- promote appropriate standards of conduct at all times.

## **2. DEFINITIONS**

Sexual harassment refers to any unwanted, unwelcome and uninvited behaviour of a sexual nature that results in a person feeling humiliated, intimidated and offended, and, under the circumstances, it would be reasonable for them to feel this way. The perception by an employee that they have been sexually harassed is sufficient for them to lodge a complaint.

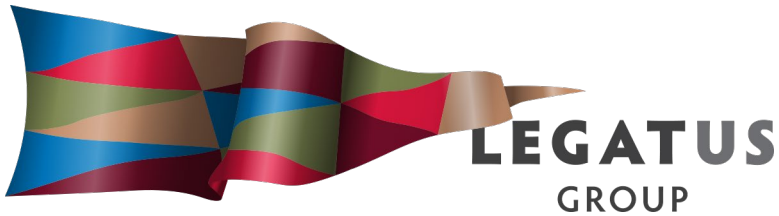
Sexual harassment does not refer to behaviour based on mutual attraction, friendship and respect or to consensual interactions which are welcome and reciprocated.



Sexual harassment is unlawful under both the Equal Opportunity Act 1984 and the Sex Discrimination Act 1984, and can expose employees and the organisation to both legal action and issues of liability.

Sexual harassment may include:

- uninvited touching;
- uninvited kisses or embraces;
- making promises or threats in return for sexual favours;
- sexually explicit conversation;
- gestures or remarks with sexual connotations;
- offensive phone calls or letters;
- stalking (criminal offence);
- offensive email messages, computer screen savers, wallpapers or any other electronic media;
- demands that revealing clothing be worn;
- sexual assault (criminal offence);
- obscene telephone calls (criminal offence);
- sexual jokes or innuendos;
- unwelcome comments or questions about a person's sex life or physical appearance;
- direct or implied sexual propositions or unwelcome and continual requests for dates;
- displays of sexually graphic material or pornography including posters, pin-ups, cartoons, graffiti, electronic images or messages left on screens, notice boards, desks or any other public area;
- flashing or sexual gestures (criminal offence);



- sex-based insults, taunts, teasing or name-calling;
- staring or leering at a person or at parts of their body;
- unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them.

The Employer recognizes and acknowledges that sexual harassment may involve comments and behaviour that offend some persons but not others. The Employer accepts that individuals may react differently to certain comments and behaviour and as a result, has determined that a high standard of behaviour is required of all employees at all times.

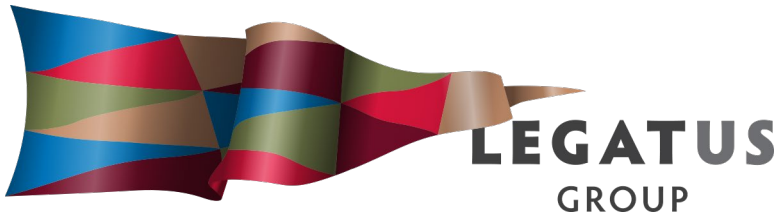
Management will ensure that any complaints of sexual harassment are investigated quickly and fairly and treated with complete confidentiality. Any employee found guilty of perpetrating sexual harassment will be subject to disciplinary action up to and including termination of employment.

### **3. POLICY DETAILS**

The Employer has a legal responsibility to take all reasonable steps to prevent sexual harassment from occurring in connection with the workplace.

In this regard, the Employer:

- establishes the complaint resolution procedures to be used when dealing with sexual harassment complaints;
- makes available to all existing and new employees the Employer's Sexual Harassment Policy;
- models appropriate behaviour and monitors the working environment to ensure that the appropriate standards of conduct are observed at all times;
- treats all complaints seriously and take immediate action to investigate and resolve any complaint quickly and fairly and with complete confidentiality;
- ensures that employees who make or support a complaint of sexual harassment are not subsequently subjected to victimisation;
- ensures that any employee found guilty of making mischievous or vexatious complaints relating to sexual harassment is disciplined accordingly; and



- takes all reasonable steps to ensure there is no recurrence of the offence.

In addition to this, all employees have a responsibility to assist the Employer by ensuring that:

- they comply with this Sexual Harassment Policy, by ensuring that they do not perpetrate sexual harassment in the workplace;
- they offer assistance or support to any person being harassed;
- they keep any complaint confidential by not discussing the details of the complaint with anyone outside of the normal complaints process.

To ensure that this Sexual Harassment Policy is adhered to properly, complaints are to be directed to the CEO who will appoint an appropriately trained and qualified external HR Consultant to undertake a professional review of the complaint. The CEO remains ultimately responsible for the appropriate management of all investigations and ensuring appropriate policy implementation and training takes place.

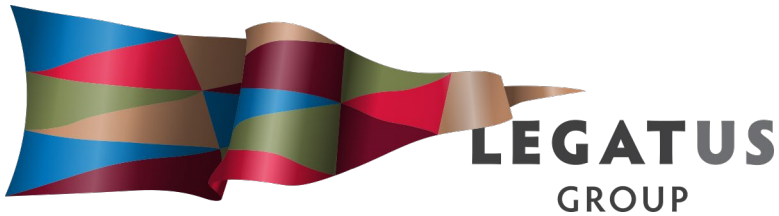
If any employee feels that they have been sexually harassed, they may make a complaint by following either the process set out in this policy, or other appropriate procedures, according to their preference.

### **Complaint Procedure**

If any employee believes or perceives that they are or have been sexually harassed, they should approach the harasser and ask them to stop the offending behaviour.

If the employee with the complaint is either not satisfied with the outcome of their discussions with the harasser, or feels uncomfortable about approaching the harasser on their own, the employee may seek the assistance of the external HR Consultant to provide support and advice to the employee of their options for resolving their complaint.

If the matter is not resolved informally, the employee may wish to make a formal complaint of harassment following the Employer's Grievance Policy and Procedure. An employee may elect to make such a complaint as an initial step without approaching the harasser, for example, if the allegations are serious. The support and advice of the externally appointed HR Consultant may still be accessed throughout this time.



Following the initial report, if the matter is deemed to warrant further action being taken, the employee is requested to put their complaint in writing, which is to include the action they want taken against the employee(s) concerned.

This action may include:

- arranging for someone to speak to the person(s) responsible for the alleged sexual harassment;
- arranging a mediation meeting where an independent party assists to resolve the issue(s);
- making a formal complaint that involves the conduct of an investigation into the alleged incident(s).

Complaints will be investigated promptly, fairly and confidentially. Investigations involve the interviewing of any employee who has been complained about. They will be provided with an opportunity to respond to the allegations made against them. Any other person(s) who may have been involved or who may have witnessed the incident(s) are also interviewed as part of the investigation. During any meetings or discussions, the employee has the right to bring a support person of their choosing.

Following the investigation, the employee who has made the complaint is informed of what action (if any) is proposed to be taken by the Employer and the reasons for such action, or lack of action being taken.

If any employee is not comfortable in approaching the nominated representative of the Employer in the first instance, or if they are not satisfied with the way their complaint has been handled by the organisation, they have the right to refer the matter to a relevant statutory authority, such as the Fair Work Commission or the South Australian Equal Opportunity Commission.

Related policies:

- Equal Opportunity Policy
- Grievance Policy
- Workplace Bullying Policy

Signature:



Date: 12 June 2020

*Chief Executive Officer*

If a conflict exists with any law in Australia, then the provisions of the law in Australia will prevail to the extent of the conflict.

#### **4. LEGISLATION & OTHER DOCUMENTS**

Fair Work Act 2009 (Cth)(as amended)

Freedom of Information Act 1991 (SA) (as amended)

Local Government Act 1999 (SA)(as amended)

State Records Act 1997 (SA) (as amended)

Work Health and Safety Act 2012 (SA)(as amended)

#### **5. AVAILABILITY & GRIEVANCES**

This policy is available for inspection at the Legatus Group office at 318 Main North Road, Clare during ordinary business hours.

It is also available for inspection, download or printing, free of charge, from the Legatus Group's website at [www.legatusgroup.sa.gov.au](http://www.legatusgroup.sa.gov.au)

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, Legatus Group, PO Box 419, Clare, SA 5453.

#### **6. REVIEW**

This Legatus Group Policy shall be reviewed by the Legatus Group within (4) years of the issued date.

Date	Revision Number	Reason for Amendment
12 June 2020	1	No amendment