

Prevention of Workplace Harassment Policy - Box Hill Institute Group

Purpose

To endorse the Box Hill Institute (BHI) Group's commitment to providing a safe, flexible and respectful environment for staff and clients free from all forms of harassment and affirm that Staff are required to treat others with dignity, courtesy and respect.

Scope

This policy applies to all current employees (whether fixed term or ongoing, casual or sessional) and contractors, consultants, volunteers and work experience students of the BHI Group (Staff).

The policy provides direction regarding conduct towards any person that Staff have contact with in connection with their employment or engagement with BHI Group, including at the work premises or at work related events. The policy is not limited to normal working hours, but applies in any work related context including conferences, work functions and business trips.

The policy applies to all form of communications, including mobile phones, email and other electronic communication (including social media).

Students may raise concerns or make complaints of alleged workplace harassment or sexual harassment under the *Learner Grievance Policy*.

Policy Statement

The BHI Group will not tolerate workplace harassment, including sexual harassment, towards employees, students, clients, contractors or visitors. Workplace harassment and sexual harassment is unlawful and against BHI Group policies.

Principles

This policy is based on the BHI Group's commitment to the following principles, ensuring that:

- the working environment is free from workplace discrimination and harassment
- workplace discrimination and harassment will not be tolerated under any circumstances
- disciplinary action will be taken against any employee, or Staff (as described) who breach this policy.

What is unlawful workplace harassment

Unlawful workplace harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under antidiscrimination or human rights legislation .

Effects of workplace harassment on people and business

The BHI Group recognises that workplace harassment has detrimental effects on people and business. It can create an unsafe working environment, result in a loss of trained and talented workers, the breakdown of teams and individual relationships, and reduced efficiency. People who are harassed may become distressed, anxious, withdrawn, depressed, and can lose self-esteem and self-confidence.

Actions that are not workplace harassment

Legitimate and reasonable management actions and business processes, such as, actions taken to transfer, demote, discipline, redeploy, retrench or dismiss a worker are not considered to be workplace harassment, provided these actions are conducted in a reasonable way.

Sexual Harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be

physical, spoken or written.

A person sexually harasses another person if he/she:

- Makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or
- Engages in any other unwelcome conduct of a sexual nature in relation to the other 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.

Conduct of a sexual nature includes:

- Subjecting a person to any act of physical intimacy;
- Physical, spoken or written remark(s) or statement(s) with sexual connotations to a person or about a person in his or her presence;
- Making any gesture, action or comment of a sexual nature in a person's presence.

Expressions of affection between people must be mutually acceptable and acceptability must not be taken for granted.

Sexual harassment is unlawful and strictly prohibited

Sexual harassment of and by a staff member, job applicant, student applicant, student, potential client, client, potential supplier, supplier or any person at a common workplace is unlawful behaviour. Sexual harassment is against the law and some types of sexual harassment can also be a criminal offence. These include indecent exposure, stalking and sexual assault, as well as obscene or threatening phone calls, letters, emails, text messages and posts on social networking sites.

BHI Group will not tolerate any form of sexual harassment under any circumstances. BHI Group may also be vicariously liable for sexual harassment by Staff. Any reports of harassment in the workplace will be treated seriously and investigated promptly, confidentially and impartially, regardless of where in the organisational hierarchy they arise. The BHI Group will comply with the provisions of applicable Federal and State legislation relating to harassment related to a Personal Attribute or harassment of a sexual nature.

Harassment complaints relating to students will be addressed through the *Learner Grievance Policy* and *Learner Code of Conduct*.

Responsibilities

BHI Group is responsible for:

- eliminating risks to health and safety of staff, or reducing those risks so far as is reasonably practicable
- monitoring the working environment to ensure that acceptable standards of conduct are observed at all times
- providing education, training and supervision to promote understanding of and compliance with this policy
- processing complaints of workplace harassment, including sexual harassment, in accordance with the *Guidelines for the Informal Resolution of Complaints* and *Guidelines for the Resolution of Formal Written Complaints*, as applicable
- taking appropriate disciplinary action for breach of this policy.

Employees are responsible for:

- complying with this policy during the course of their employment, engagement, voluntary work or work experience with BHI Group
- participating in training on this policy and related policies as required by BHI Group, during induction and at least every two years thereafter
- offering support to anyone who is being sexually harassed and informing them where they can get

help and advice

- reporting sexual harassment that is witnessed
- complying with the *Guidelines for the Informal Resolution of Complaints* and *Guidelines for the Resolution of Formal Written Complaints*, as applicable

Code of Conduct

All employees are expected to conduct themselves in a manner consistent with the BHI Group Code of Conduct for Employees, the Code of Conduct for Victorian Public Sector Employees, and any Code of Conduct applicable within a host organisation.

Definitions

Complainant the person or persons who have made a verbal complaint or are considering making a formal written complaint, or who has made a formal complaint.

Complaint a genuine concern from an employee/s about the behaviour of another employee/s, or matters that adversely affect their ability to work productively in a positive environment, that they believe is workplace harassment or sexual harassment complaint under this policy

Complaints Register means a register maintained by a nominated Officer of the Executive Director People and Capability for all complaints relating to employees.

Formal Written Complaint means a signed written complaint received by BHI group via fax, email or hard copy

Personal Attributes are defined by Victorian and Federal equal opportunity and anti-discrimination laws are as follows:

- Age
- Carer and parental status
- Gender identity
- Lawful sexual activity
- Physical features
- Pregnancy
- Sexual Orientation
- Race, colour, nationality, social or ethnic origin
- Personal association with a person with any of the listed attributes
- Breastfeeding
- Disability/Impairment
- Industrial activity
- Marital status
- Political belief or activity
- Religious belief or activity
- Sex

Respondent depending on the context of this policy the Respondent could be either: the person or each of the persons who are the subject of the complaint; or the BHI Group or an entity within the BHI Group.

Sexual harassment in the workplace is defined under the Equal Opportunity Act 2010 (Victoria) as follows:

A person sexually harasses another person if he or she:

- makes an unwelcome sexual advance, or an unwelcome request for sexual favours to the other person; or
- engages in any other unwelcome conduct of a sexual nature in relation to the other person: or
- 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.

	<p>Conduct of a sexual nature includes:</p> <ul style="list-style-type: none"> • subjecting a person to any act of physical intimacy; • making, orally or in writing or via email, any remark or statement with sexual connotations to person or about a person in his or her presence; and • making any gesture, action or comment of a sexual nature in a person's presence. <p>Sexual harassment is not behaviours arising from mutual friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.</p> <p>Support Person is a person who attends a meeting to support and advise an employee, but does not represent, speak on behalf of, or answer questions for the employee. They will generally be a trusted colleague of the employee or a representative of a union that the employee is eligible to be a member of. BHI Group may in certain circumstances permit a family member or legal representative to be a support person. If a Union official or legal representative attends an interview, a People & Capability Business Partner must also attend the interview.</p> <p>Victimisation occurs when a person receives less favourable treatment because they:</p> <ul style="list-style-type: none"> • have made or propose to make a complaint or submit a grievance against any person; or • are associated with another person who has made a complaint; or • have participated in processes associated with the investigation or resolution of a complaint/grievance.
Related Procedures	<p>The following procedures are linked below:</p> <ul style="list-style-type: none"> • Discipline Procedure
Related Operating Guidelines	<ul style="list-style-type: none"> • Guidelines for the Informal Resolution of Complaints • Guidelines for the Resolution of Formal Written Complaints
Related Forms	See linked forms below.
Related Policy, Legislation and Regulation	<p>Box Hill Institute Group</p> <ul style="list-style-type: none"> • BHI Group Code of Conduct • Staff Discipline Policy • Equal Opportunity and Discrimination policy • Grievance Policy • Prevention of Victimisation Policy • Prevention of Workplace Bullying Policy <p>External</p> <ul style="list-style-type: none"> • Age Discrimination Act 2004 (Cth) • Australian Human Rights Commission Act 1986 (Cth) • Code of Conduct Victorian Public Sector employees • Crimes Act 1958 (Victoria) • Disability Discrimination Act 1992 (Cth) • Equal Opportunity Act 2010 (Vic) • Fair Work Act 2009 (Cth)

	<ul style="list-style-type: none"> • Human Rights Commission Act 1986 (Cth) • Occupational Health and Safety Act 2004 (Vic) • Racial and Religious Tolerance Act 2001 (Vic) • Racial Discrimination Act 1975 (Cth) • Racial Hatred Act 1995 (Cth) • Sex Discrimination Act 1984 (Cth) • Workplace Gender Equality Act 2012 (Cth) • WorkSafe Victoria Guidance Note - Prevention of Bullying and Violence at Work 2012 • Various legislation as appropriate from time to time are applicable to BHI Group employees overseas.
Records	Records will be maintained in accordance with the requirements of BHI Group's Records Management Policy and Procedures. Records will be maintained as confidential.
Review	This policy and any associated procedures must be review no later than five (5) years from the date of approval. The policy and associated procedures will remain in force until such a time as they have been reviewed and re-approved or rescinded. The policy and procedures may be rescinded or amended as part of continuous improvement prior to the scheduled review date.
Approval Body	Chief Executive Officer
Endorsement Body	Executive Team
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Owner	Executive Director People and Capability
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