

Sexual harassment policy

What is sexual harassment?

The Human Rights Act 1993 defines sexual harassment as any unwelcome or offensive sexual behaviour that is repeated, or is of such a significant nature to have a harmful effect, or which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

Sexual harassment will not be tolerated at Company X.

The following explains how we will eliminate sexual harassment:

- Part One explains what everyone's responsibilities are.
- Part Two explains processes for dealing with sexual harassment.

Who's covered by this policy?

- Everyone who works in this company (at all levels) including contractors.
- All visitors including customers.

When does the policy apply?

- At our workplace.
- At work events (such as off-site training).
- Outside of our workplace (when it's related to our work).

Part One: Roles and responsibilities

Everyone has a role in preventing sexual harassment.

1. The company will:

- not tolerate sexual harassment
- eliminate the risks from sexual harassment so far as is reasonably practicable. If the risks can't be eliminated, they will be minimised so far as is reasonably practicable
- identify factors that contribute to sexual harassment, and put effective control measures in place
- put in place a policy that limits the amount of alcohol permitted at work functions
- establish a work culture that is fair and free of sexual harassment
- encourage positive leadership styles and invest in our managers to achieve this
- focus on behaviour rather than people, and aim to promote harmonious relationships across the company
- openly discuss sexual harassment in both formal and informal settings, and provide information and training about it including consequences of such behaviour (eg possible disciplinary actions)
- make sure employees know that they have the right to raise a personal grievance under the Employment Relations Act 2000 or submit a complaint under the Human Rights Act 1993 to the Human Rights Commission
- make sure independent contractors working under a contract for service know that they have the right to submit a complaint under the Human Rights Act 1993 to the Human Rights Commission
- make sure workers have a range of ways to report sexual harassment informally, formally or anonymously
- make sure processes and systems for reporting and responding to sexual harassment are fit-for-purpose and regularly reviewed
- train key workers to receive sexual harassment reports and give support and advice (sexual harassment contact persons)
- make sure workers know how to report sexual harassment, what support, protection and advice is available, and their rights to representation
- provide workers who believe they've been sexually harassed with a range of options to address the issue
- provide a supportive environment to those who believe they have been sexually harassed and the alleged harasser
- treat all parties fairly/impartially while allegations are dealt with
- seek advice from both parties as to how they wish to deal with the situation
- promote informal solutions before formal actions **where appropriate**
- aim to repair the working relationship and promote positive work values
- make sure this policy is visible to all workers, visitors and customers.

2. Managers will:

- make sure workers have clarity on what their roles entail
- intervene early to call out and deal with any unreasonable behaviour before it escalates
- take prompt action in response to any report of sexual harassment
- seek advice from both parties as to how they wish to deal with the situation
- where appropriate look for other solutions before escalating an issue to higher levels (eg investigation)
- provide a supportive environment to those who believe they have been sexually harassed and those accused
- treat all parties fairly while allegations are dealt with
- record and investigate complaints impartially and in line with the company's policies and processes.

3. Workers will:

- build a common understanding about what sexual harassment is
- behave in a manner that does not sexually harass others
- challenge inappropriate behaviour if they feel safe and comfortable to do so
- tell their managers or a sexual harassment contact person if they experience or see any sexual harassment – if the manager is the alleged harasser, then advise the HR manager or a senior manager
- follow the company's processes when reporting sexual harassment
- keep an eye out for other people – providing support when seeing a person being isolated or experiencing reprisals.

When dealing with an allegation of sexual harassment our company will:

- treat all matters seriously
- make sure complaints are taken seriously, and fairly and impartially investigated, and the alleged harasser is given the opportunity to offer an explanation
- make sure investigations are completed in a timely manner
- make sure neither the person who complained nor the alleged harasser are victimised (eg being punished, bullied, intimidated)
- support all parties involved (including witnesses and support people)
- find appropriate remedies and consequences for confirmed sexual harassment as well as false reports
- communicate the process and its outcome
- ensure confidentiality
- keep good documentation
- get help from specialist external advisors as required.

See Part Two for further details.

Part Two: Processes for dealing with sexual harassment

(adapted from WorkSafe's guidance)

What workers can do if they experience or see sexual harassment

Workers could take one or more of the following four options.

1. Seek advice and support

Talk with a trusted person (eg a friend) about what happened.

Workers could seek advice and support from others at the company such as a colleague, their manager, one of our sexual harassment contact people (Carole S, Jill H, Bob M), the Human Resources team or the employee assistance program (EAP).

Workers could seek advice and support from public sector agencies or other organisations (eg unions), helplines, counsellors, lawyers etc.

Workers can have a support person present at interviews and meetings. To avoid conflicts of interest, the same support person should not support both parties involved.

2. Deal with it themselves

This means approaching the other person(s) involved to challenge their behaviour. Workers could have a support person when they do this.

But workers don't need to do this – they should only do it if they feel safe and comfortable to do so.

3. Report sexual harassment to the company

To report the sexual harassment, workers can make a written or verbal report. The company will look into all reports.

Written reports:

- The report form can be found on our internal website.
- Follow the instructions on the form and give to the person named on the form.

Verbal reports:

- Workers can report sexual harassment to:
 - one of our sexual harassment contact people – Carole S, Jill H, Bob M
 - their manager or
 - the HR manager.

4. Report the sexual harassment to outside agencies

Workers could instead decide to first seek help from an outside organisation (eg the Police for physical assaults and criminal harassment).

Workers (employees) could also decide to raise a personal grievance under the Employment Relations Act 2000 with the company first and then the Employment Relations Authority, or submit a complaint under the Human Rights Act 1993 with the Human Rights Commission.

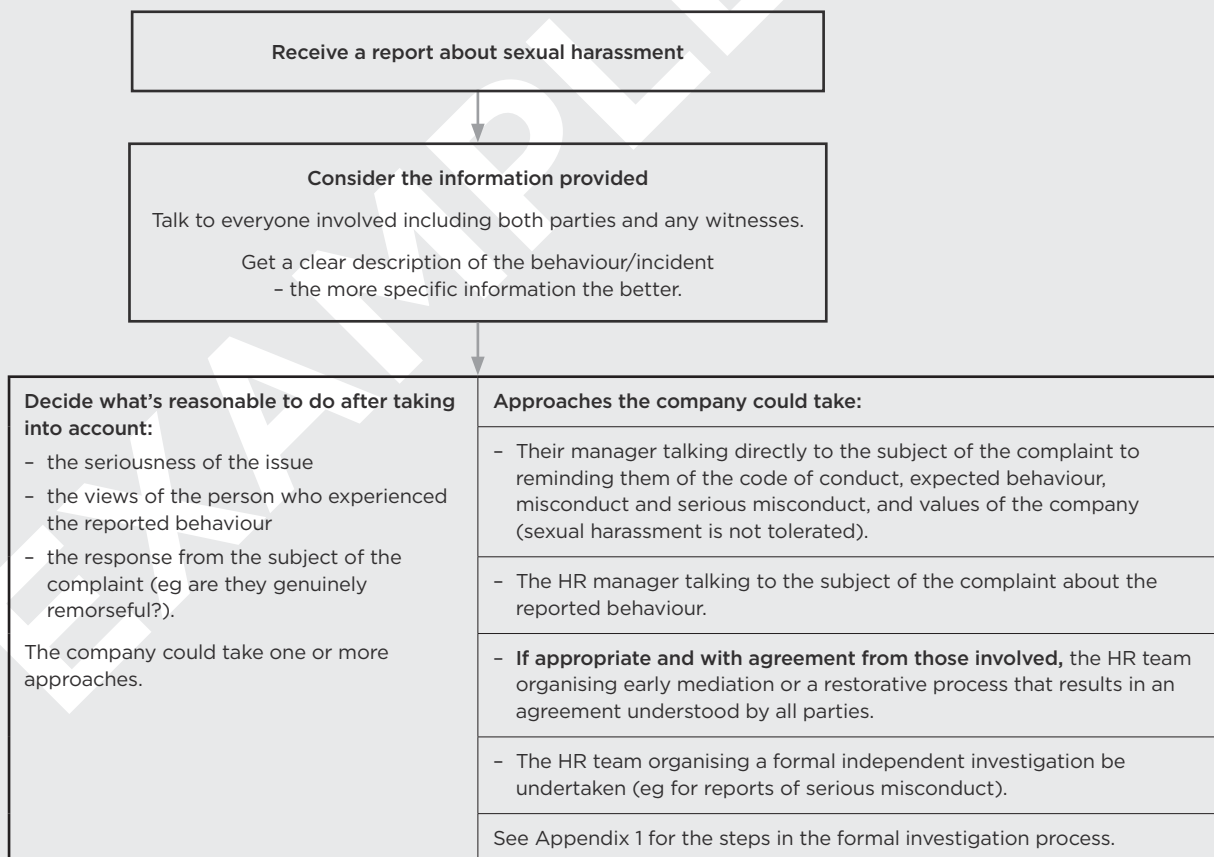
Note: As the Employment Relations Act is only relevant for employer/employee relationship problems, independent contractors should direct their complaints to the Human Rights Commission.

What the company will do with reports of sexual harassment

When the company is given a report it will do the following:

- Take all reports of sexual harassment seriously.
- Act promptly:
 - Set timelines and deal with reports as soon as they can.
 - Carefully and clearly consider response options for the specific circumstance.
- Clearly communicate the process:
 - Tell everyone involved what the process is.
 - Let the people involved know if there are delays to timelines.
- Protect the people involved:
 - Protect all the people involved (including both sides of the complaint, support people and witnesses) from victimisation (eg being punished, bullied, intimidated).
- Support the people involved:
 - Anyone involved can have a support person present at interviews or meetings (eg in-house support person, their union delegate, colleague, friend, legal representative).
 - Tell everyone involved what support and representation is available to them.
- Maintain confidentiality:
 - Ensure details of the matter are only known to those directly concerned (including their representative or support person) and those involved in investigating and considering the reported behaviour.
- Treat everyone involved fairly:
 - Get someone unbiased and trained to look into the report of sexual harassment.
 - Make decisions based on the facts.
 - Clearly tell the people involved what actions will be taken (taking into account privacy).
- Keep good documentation:
 - Ensure actions and decisions are documented.
 - Store all information securely and where access is restricted.

The company will follow this process to decide what actions to take:



Checking how well the sexual harassment control measures are working

- Every year the HR team will carry out an anonymous survey asking workers about sexual harassment.
- When workers leave, the HR team will carry out exit interviews, and ask specific questions about sexual harassment.

The results will be used to review and if needed improve the control measures.

This policy was developed after consultation with workers and their representatives and approved by the Senior Management Group and Board of Directors, Company X.

This policy will be reviewed yearly in July.

EXAMPLE ONLY

Appendix 1: Steps in the formal investigation process

Inform the subject of the complaint as soon as possible after a complaint has been received.

Support everyone involved.

Treat the complaint confidentially – this information will only be provided to the subject of the complaint, support persons and those who will investigate/consider it.

Decide what interim measures to take to ensure the safety and welfare of the people involved during the investigation. Depending on the circumstances, options could include:

- reassignment to other duties or relocation to another part of the company until the investigation is complete
- the subject of the complaint taking a voluntary leave of absence or being suspended pending the outcome of the investigation
- the complainant taking leave.

Choose the investigator in consultation with the parties (someone who is trained to carry out investigations into sexual harassment complaints and is unbiased/not involved in the incident).

Prepare a terms of reference document after consulting with the parties about the intended process.

Engage the investigator.

The investigator:

- **confirms** the process and timelines with everyone involved
- **interviews** all parties involved and any witnesses, and reviews any relevant documentation to determine the facts
- **gives** the subject of the complaint reasonable opportunity to respond to the allegations/ concerns in writing and in person
- **gives** the HR team a written report on their findings to be given to the decision maker.

Give the people involved a copy of the report.

Meet with the people involved separately to discuss the report and the actions the company proposes to take if the complaint is upheld. Seek the views of the people involved about this.

Tell the people involved what the final decision is.

Tell the people involved what the processes are if either is unhappy with the outcome.

Regularly check the wellbeing of the people involved for a period of time.

Repair working relationships and put things right if the situation has resulted in a hostile work environment.

Review and improve control measures if they're not managing the risks from sexual harassment.