

# **GSV HARASSMENT POLICY (INCLUDING SEXUAL HARASSMENT)**

## **DEFINITION OF HARASSMENT**

Harassment is offensive, belittling or threatening behaviour directed at an individual worker or group of workers. Harassment is often focused on the sex, cultural or racial background or disability of the individual or group.

Harassment is behaviour that is unwelcome, unsolicited, usually unreciprocated and usually (but not always) repeated. It makes the workplace or association with work unpleasant, humiliating or intimidating for the individual or group targeted by this behaviour. It can make it difficult for effective work to be done.

Harassment may occur between one volunteer and another, between volunteers and staff members, or between volunteers/staff and members, suppliers or visitors. It may occur wherever volunteers and paid staff are interacting with others in the context of their position in the organisation, including field trips, work off site and social functions.

## **POLICY**

Harassment is unlawful. This organisation does not tolerate harassment in any form. Every volunteer and staff member has a responsibility to ensure that harassment does not occur.

Anyone found to have harassed another person will be subject to disciplinary action that may include an apology, counselling, transfer of duties or dismissal.

Reports of harassment will be treated promptly, seriously and confidentially. Complainants have the right to determine how a complaint will be treated. They also have the right to have a supporter or representative chosen by them involved in the process and the option to stop the process at any time.

The alleged harasser also has the right to have a supporter or representative chosen by them present when he/she responds to the allegations made.

No volunteer or paid staff member will be treated unfairly as a result of making a complaint of harassment. Immediate disciplinary action will be taken against anyone who victimises or retaliates against someone who has made a complaint of harassment.

The organisation will afford natural justice to any person involved in a dispute.

A volunteer or paid staff member who has been harassed may choose to take their complaint to the Victorian Equal Opportunity and Human Rights Commission - telephone: 1300 292 153

## **PROCEDURES**

A volunteer or paid staff member who believes they have been harassed (the complainant) should:

- make a note of the date, time and location of the incident/s
- if comfortable to do so, inform the alleged harasser the behaviour is offensive, unwelcome, against the organisation's policy and should stop
- if not comfortable to confront the alleged harasser or if unwelcome behaviour continues, report the harassment to a senior member of the staff
- if this is inappropriate, speak to a member of the Executive or Council.

- Management of the harassment complaint will follow the procedures set out below. The complainant has the right to discontinue this process at any time.

## COMPLAINTS PROCESS

When a complaint is received, the harassment contact will:

- obtain and record a full, step-by-step account of the incident/s
- ensure the organisation's process for handling the complaint is understood
- ascertain the complainant's preferred outcome, e.g. an apology, the behaviour to cease, a change in working arrangements
- agree on the next step: informal resolution or formal investigation
- keep a confidential record of all details of this discussion and subsequent steps in the process.

## INFORMAL RESOLUTION

Where a complainant has chosen informal resolution, following an informal process the harassment contact will:

- inform the alleged harasser of the complaint and provide an opportunity to respond
- ensure both parties understand their rights and responsibilities under the organisation's policy
- if possible, mediate an outcome that is satisfactory for the complainant
- ensure that confidentiality is maintained
- follow up to ensure the behaviour does not re-occur.

## FORMAL INVESTIGATION

If a formal investigation is requested by the complainant, or if an informal resolution fails, the harassment contact will escalate the matter to a senior member of the organisation.

That person will:

- afford natural justice to all involved
- interview all directly concerned, separately
- interview witnesses, separately
- keep records of the interviews and investigation
- ensure confidentiality and minimise disclosure
- make a determination as to whether there is sufficient evidence that a reasonable person could conclude, on the balance of probabilities (i.e. it's more likely than not), that an incident/incidents of harassment as defined by legislation has occurred
- in such a case, determine appropriate action, which may include a change of duties for the harasser, change to working arrangements or, where the incidents were frequent and/or severe, dismissal
- where it cannot be determined by the required test, that an incident/incidents of harassment as defined by legislation has occurred, may still take action to ensure the proper functioning of the workplace; but these actions should not prejudice any party. They will also continue to closely monitor the situation and provide retraining where required
- check to ensure the action meets the needs of the complainant and organisation.

Outcomes as they affect the complainant will be discussed with the complainant to ensure that needs are met, where appropriate.