



# POLICY

## Sexual Harassment

Tribe FM Incorporated

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### INTRODUCTION

**Tribe FM Incorporated** (Tribe FM) will fiercely defend the right of every volunteer to perform their work without being subjected to sexual harassment. Every volunteer is responsible for providing an environment that is supportive of this aim. Everyone must treat everyone else with respect and must aim to act as a beacon for good behaviour in the workplace.

It is the obligation and responsibility of every volunteer to ensure that the workplace is free from sexual harassment. Everyone working at Tribe FM is responsible for the care and protection of our people and for reporting information about suspected sexual harassment.

Tribe FM is fully committed to its obligation to prevent and eliminate sexual harassment in the workplace.

### PURPOSE

The purpose of this document is to outline Tribe FM's position on sexual harassment and to document the process which is to be followed should any grievances arise.

### DEFINITIONS

*Sexual harassment* means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about your private life
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

## **POLICY**

Tribe FM will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and volunteer to ensure that sexual harassment does not occur.

Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establishes minimum standards of behaviour for all employees.

This policy applies to conduct that takes place in any work-related context, including show presentation, outside broadcasts, fund-raising and other social events or functions.

No volunteer at any level should subject any other volunteer, sponsor, interviewee or visitor to any form of sexual harassment.

A breach of this policy will result in disciplinary action, up to and including termination of membership.

Tribe FM strongly encourages any volunteer who feels they have been sexually harassed to take immediate action. If a volunteer feels comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. The volunteer should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

However, given the seriousness of sexual harassment, it is recommended that this discussion happens in consultation with the relevant board member or committee member.

Alternatively, or in addition, volunteers may report the behaviour in accordance with the relevant procedure. Once a report is made the board of management will determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential but the person the subject of the complaint must be notified under the rules of natural justice. The board of management will protect all those involved in the process from victimisation.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment or against any volunteer who has been alleged to be a harasser.

All volunteers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Managers or supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

## **RESPONSIBILITIES**

It is the responsibility of the Tribe FM Board of Management to ensure that:

- they understand and are committed to the rights and entitlements of all volunteers to attend work and perform their duties, without fear of being sexually harassed in any form;
- they understand what constitutes an act of sexual harassment;
- all reasonable steps are made to eliminate sexual harassment;

- all employees and volunteers are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment;
- they provide an environment which discourages harassment and victimisation and set an example by their own behaviour;
- they treat all complaints seriously and confidentially; and
- they take immediate and appropriate corrective action if they become aware of any offensive action or illegal behaviour.

It is the responsibility of the Tribe FM Board of Management to ensure that:

- policies and procedures are regularly reviewed and (if necessary) amended;
- policies and procedures are complied with;
- managers are aware of their obligations and responsibilities in relation to sexual harassment, and the rights and entitlements of volunteers;

## **PROCEDURES**

### **Complaint Process**

Sexual harassment can occur at any level of the organisation, can be experienced by both men and women and may involve a volunteer, supervisor, manager, service provider, interviewee or sponsor. Lack of intent is no defense in sexual harassment cases.

Volunteers who believe they are the subject of sexual harassment should take firm, positive and prompt action.

Where possible, the volunteer should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact their supervisor or Manager. Alternatively, a volunteer may contact the Board of Management or another Manager they feel comfortable with.

The Manager will provide support and ascertain the nature of the complaint and the wishes of the complainant.

### **Informal Intervention**

The Manager will explain the employee or volunteer's rights and responsibilities under organisation's policy, procedures and Equal Employment Opportunity or anti-discrimination legislation.

Informal intervention may be undertaken through a process of mediation or conciliation. During informal intervention the alleged harasser will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed.