



# **Employment Matter Guidelines**

## **Arrangements for Dealing with Sex-based Harassment**

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## Introduction

### **Providing a harassment-free workplace can benefit employee, team and organisational effectiveness by**

- o Improving workplace morale, productivity and trust.
- o Minimising financial and legal costs incurred when managing a complaint.
- o Avoiding potential damage to the corporate brand as a result of negative media coverage.

The information provided here aims to assist you to start thinking about:

- How you could analyse your workplace to identify any sex-based harassment issues for women.
- Suggested actions you could take to address the sex-based harassment issues for women you have identified.

Keep in mind that women are not a homogenous group but reflect the diversity of the larger population. By recognising and valuing women's differences (such as age, religion, cultural and linguistic backgrounds, disability, sexual orientation, etc) in the management of workplace issues, your business stands to benefit from the range of skills and experiences they are able to contribute.

Not all issues, actions and examples suggested here are relevant to your organisation. It is up to you to decide what is appropriate and relevant for your organisation to consider when analysing your workplace to identify issues for women, and taking actions to address these.

## Analysing Your Workplace

To assist you to analyse your workplace to identify sex-based harassment issues for women, you could:

- Revisit your workforce profile to find where your female employees are.
- Consult with your employees.
- Examine your current policies and practices that aim to promote a harassment-free workplace.

## Questions to Identify Sex-based Harassment Issues for Women

**Remember, your organisation is unique and may have unique issues. However, the following questions may be helpful when analysing your workplace.**

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### Policy and Complaints Procedures

?	Do you have a formal sex based harassment policy? Have you considered supplementing it with a broader anti-harassment policy?	?	How well are complaints managed? How do you know (eg is feedback sought over whether the dispute resolution process has been effective)?
?	Do you have a formal complaints mechanism?	?	Would your policy and complaints procedures withstand the rigour of a review by an independent third party?
?	Are there guarantees relating to privacy and confidentiality?		

### Monitoring the Level of Harassment

?	Do you monitor the incidence of harassment in your workplace?	?	Are you confident that no sex based harassment occurs in your organisation? What evidence do you have to support this?
?	Have you got mechanisms in place that would allow you to know whether complaints are being raised informally, without breaching confidentiality (eg a women's network, informally with a manager, harassment contact officers)?	?	Is information on sex-based harassment freely available, accessible and known to all staff?
?	Do you know who is raising the issues – Men? Women? Part-timers? Pregnant women? Women of a different cultural or linguistic background?	?	Have staff views on whether sex-based harassment is an issue been sought?
?	Have you surveyed employees to see whether they feel free to raise issues without fear of victimisation or reprisal?	?	Do you have any ways, other than through formal complaints, of telling whether there are any issues in your workplace? Such as:
?	Does your exit interview aim to identify whether people are leaving because of harassment issues?		<ul style="list-style-type: none"> <li>- Staff surveys</li> <li>- Exit interviews</li> <li>- Morale indexes</li> <li>- Informal feedback mechanisms</li> <li>- Independent audits</li> </ul>
?	Can you identify what the precise nature of the issues are (eg sexual harassment or pregnancy discrimination)?	?	What are these mechanisms telling you? Are some women more vulnerable than others to harassment, eg, due to poor English skills, or age?

### Suggested Actions to Take to Address Sex-based Harassment Issues for Women

To **comply** with the Act, you need to take actions to address the conditions of service issues for women you identified. You do not need to do everything all at once and you can aim to achieve equal opportunity over time.

To be **waived** from reporting in following years, you must demonstrate that you have taken all reasonably practicable measures to address sex-based harassment issues for women you have identified. For example, your issue may be a large pool of ongoing female casual staff who would prefer to have access to regular part-time work arrangements.

The following suggestions will help you start thinking about actions you could take to address any sex-based harassment issues you have identified.

Keep in mind that:

- Not all of these actions may be relevant to your organisation. You will need to decide whether you choose to do all, some, or none of the suggested actions, and whether you wish to tailor suggested actions to suit the needs of your workplace.
- If your workplace analysis demonstrates your organisation has no issues for women in this employment matter, you would not need to take any actions.



### Reviewing your Policy

- Ensure your organisation abides by lawful workplace practices ([HREOC website](#)).
- Ensure the CEO and senior management endorse your organisational policy. They will need to be role models for the behaviour they expect from staff.
- Consider linking your policy to an organisational commitment affirming the value of diversity – that is, principles that respect all employees.
- Look at supplementing your sex-based harassment policy with a broader anti-harassment policy.
- Integrate your policy with a code of conduct or code of practice that respects diversity and the rights of all employees. Have employees agree to this code of practice as part of their employment contract.
- Ensure your line managers to actively support your policy.
- Ensure your policy covers all types of issues (eg, harassment via inappropriate use of e-mail or Internet).
- Establish complaints procedures.
- Ensure that your complaints procedures are transparent and easy to follow.
- Ensure that your complaints procedures are accessible and that all staff feel confident to use them.
- Ensure the complaint process is objective, for both the complainant and the respondent.
- Communicate your procedures to managers and all staff.
- Put in place a network of harassment contact officers and ensure that officers are trained in respect to diversity issues.



### Resolving Complaints

- Deal with all complaints promptly and confidentially.
- If harassment complaints are assessed to be other than sex-based, be prepared with a procedure for dealing with them.
- Provide training to staff that are dealing with complaint resolution. Ensure that training encompasses issues related to managing diversity in the workplace.
- Insist all staff keep matters confidential, with resulting disciplinary action if they don't.

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- Ensure that proven offenders are not simply transferred to another area or department.
- If proven offenders remain with the organisation, require them to undergo further training and counselling.
- Ensure that all complaints, whether proven or false/misconceived, are managed well.
- Provide support to people who are involved in a complaint.



### Communicating your Policies and Procedures

- Ensure that your policy is accessible to all staff. (For example, make sure it is displayed in a physically accessible location for all employees, and in alternate languages for employees who lack English fluency.)
- Educate new staff and new managers on the company policy and complaint process on an ongoing basis. Conduct refresher training for all employees regularly.
- Educate your managers and supervisors on how to manage their people more effectively.
- Ensure that staff are aware of the consequences of breaching the policy and of making false or misconceived complaints.
- Integrate harassment prevention training into mainstream management training. Ensure that training encompasses diversity principles – that is, respect for all employees – and recognises potential vulnerabilities of some employees (for example, women who may experience cultural or linguistic barriers to reporting harassment.)
- Keep a record of who has attended harassment training.
- Ensure education campaigns promote better understanding of harassment so that staff feel comfortable raising issues, and are aware of the consequences of making false or misconceived complaints.
- Link results in this area to performance reviews and bonus allocations for managers.
- Effectively monitor outcomes of previous disputes to ensure that your resolution has been successful.
- Put strategies in place so that there are no 'repeat performances'.
- Be aware of where problems may arise (for example, the office Christmas party) and prepare accordingly, such as a reminder notice or e-mail to all staff who will be attending about expectations of their behaviour at the party.
- Ensure managers actively support the policies in place.
- Promote a workplace culture based on openness and trust, where behaviours that treat people with dignity and respect are valued.



### Predominantly Male Workplace Issues

An equal opportunity program must deal with the specific needs and issues of your organisation. Such a program identifies and outlines the issues you are addressing and the initiatives you will put in place to achieve results. The most significant issues facing organisations with a majority of male employees may be:

- A lack of applications from female employees.
- A low proportion of women in management.
- A low proportion of women in non-traditional occupational categories eg. trades, labouring, plant and machinery operators.
- Problems retaining female employees.

?	Is the culture accepting of women?	?	Do you have an elected EO or Sexual Harassment contact officer on site?
?	Do you provide a sexual harassment free workplace?	?	Have you implemented and publicised a grievance handling mechanism?
?	Have you developed and publicised a sexual harassment policy and procedures?	?	Have you ensured that there are adequate grievance procedures, and that all management and supervisors were trained in handling grievances?
?	Have you removed gender bias in all policy manuals and increased the availability of female facilities at all work sites?	?	Do you monitor progress by using exit interviews and climate surveys to see whether sexual harassment is still an issue?
?	Has the organisation held sexual harassment training sessions for all employees, backed up by a publicity campaign and further reminders at other training sessions?		



## Case Studies

All case studies are available from [www.eowa.gov.au](http://www.eowa.gov.au)

### Predominantly Female

Why are **Aldersgate** an *EOWA Employer of Choice for Women* in addition to being Waived? Because their brilliant actions such as contracting the Anti-Discrimination Commission (ADC) to educate staff and review policies, procedures and educational material make a remarkable difference to their workplace. [Find out what the ADC concluded about their policies.](#)

**Australian National Credit Union** (ANCU) wanted to make certain that staff were educated with respect to sex-based harassment. As part of this procedure, ANCU reviewed the use of Internet and e-mail systems, trained all staff and sent constant reminders of the policy. Since the new training, there have been no reported cases of sex-based harassment issues. [Find out what else the ANCU did to achieve this great result.](#)

Through focus groups and exit interviews, **Country Road** found a need to improve understanding of how to make and/or resolve a sex-based harassment complaint. Through policy review, training and exit interviews, staff are now fully aware of policy. The policy now also resides on their intranet and Enterprise Agreement. [Find out how you too can do this...](#)

**Go-Lo** was made aware through forums, surveys and interviews with staff that not all employees were aware of the harassment-free workplace policy and not all managers realised the seriousness of sex-based harassment. With some simple yet effective and powerful actions, Go-Lo has been able to achieve excellent results. [Find out here...](#)

### Predominantly Male

To educate staff and managers, **Kimberly Clarke Australia** wrote a policy document on sex-based harassment that was included in their internal training manual. This ensured that all staff was made aware of company policy resulting in no reported cases of sex-based harassment. [Find out more...](#)

### Case Study – re broader harassment position

Qantas is using an innovative approach to help establish a harassment free workplace culture. [How do you change behaviour?](#))



## Related Links and Resources

Human Rights & Equal Opportunity Commission

<http://www.hreoc.gov.au/>

[Guidelines for human resource managers, equity personnel and senior managers](#)

A range of workplace guidelines covering workplace harassment, grievance procedures and sample policies and procedures. Produced by the NSW Anti-discrimination Board. (AUST)

[Diversity Policy Template](#)

A sample policy with broad commitments related to recruitment, career development and promotion, as well as and flexible work practices. Made available by the Programme for the Practice of Diversity Management of the Australian Centre for International Business. (AUST)

[Maintaining a harassment-free Workplace](#)

A publication of the Public Service and Merit Protection Commission, this booklet includes useful information and advice suited to private sector organisations. (AUST)

[Policy on Harassment](#)

Provided here as an example, this is the policy on harassment from the University of Newcastle. (AUST)

[Diversity Australia](#)

[www.diversityaustralia.gov.au](http://www.diversityaustralia.gov.au) is a newly developed portal for diversity management, directed mainly to business, including business educators. The site is provided by the Department of Immigration, Multicultural and Indigenous Affairs and complements another new portal which has a government and community focus. Both sites will be available in April 2002.

[Anti-Harassment Policies for the Workplace: An Employer's Guide](#)

Includes useful and adaptable advice for employers on how to develop workplace policies, together with a model policy for medium and large organisations. Provided by the Canadian Human Rights Commission. (CANADA)

[www.workplaceinfo.com.au](http://www.workplaceinfo.com.au)

WorkplaceInfo is a specialist subscription-based website designed specifically for Australian HR and IR professionals.

[http://www.workplaceinfo.com.au/templates/say/sexual\\_harassment.htm](http://www.workplaceinfo.com.au/templates/say/sexual_harassment.htm)