

## Sexual Harassment Policy

The purpose of this policy is to make employees aware of what constitutes sexual harassment in the workplace. This policy also seeks to explain the standard of behaviour expected of employees, including their responsibilities in preventing and managing such incidents.

Behaviour which is contrary to this policy will not be tolerated in the workplace or during work-related activities such as conferences, work functions, work parties/celebrations and business trips. This extends to conduct engaged in outside normal work hours.

Wettrade Apprenticeships is committed to ensuring a healthy and safe workplace that is free from sexual harassment.

The *Sex Discrimination Act 1984* (Cth) makes it unlawful to sexually harass another person in the workplace. It is also prohibited by the *Anti-Discrimination Act 1991* (Qld).

Managers, supervisors, and employees have a responsibility to maintain a working environment free from such behaviour.

Wettrade Apprenticeships commits itself to educating employees as to the nature and effects of harassing behaviour, and to providing the necessary resources to inform them of the contents of this policy.

Wettrade Apprenticeships aims to ensure that sexual harassment (in any form) does not occur. In the event that an employee has concerns about another employee's behaviour, Wettrade Apprenticeships will investigate and take remedial action as necessary.

The intended outcome is a workplace that is free from sexual harassment.

### Defining Sexual Harassment

Sexual harassment is defined as any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment does not have to be repeated or ongoing to be against the law. Sexual harassment can take different forms and may include:

- Staring, leering or unwelcome physical touching;
- Sexual or suggestive comments, jokes or taunts;
- The display of sexual material including photos, pinups;
- Making remarks with sexual connotations;
- Repeated invitations to go out on dates after prior refusal;
- Requests for sex;

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- Request for sexual favours;
- Intrusive questions about a person's private life or body;
- Unnecessary familiarity such as deliberately brushing up against a person;
- Unsolicited acts of physical intimacy;
- Sending sexually explicit letters, emails or text messages;
- Inappropriate advances on social networking platforms.

Sexual harassment can be a single incident - it depends on the circumstances. Some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation out, may not constitute harassment if they are not repeated and are polite and respectful.

Some sexual harassment, such as sexual assault, indecent exposure and stalking are also criminal offences and will be reported to the police.

**Sexual harassment does not refer** to interactions which are consensual, welcome and reciprocated and based on mutual attraction, friendship and respect.

All employees are entitled to work in an environment free from sexual harassment. Wettrade Apprenticeships is committed to protecting the dignity of all employees by working to prevent and eliminate all forms of behaviour that is contrary to this policy. The employer will not tolerate harassment in any form. The employer will take disciplinary action, up to and including dismissal, against any employee who:

- participates in any of the aforementioned examples of sexual harassment or any other act not mentioned in this document which nevertheless satisfies the criteria for sexual harassment in the workplace; or
- victimises or retaliates against an employee who, has lodged a complaint about sexual harassment or who has witnessed such behaviour.

Wettrade Apprenticeships acknowledges the importance of employees understanding the requirements outlined by this policy and commits to ensuring employees are appropriately inducted to the principles governing the prevention of unacceptable behaviour in the workplace. Reintroduction to this policy will occur on a regular and ongoing basis.

Wettrade Apprenticeships will provide appropriate support to employees who experience or witness behaviour which is contrary to this policy and promptly investigate complaints in a neutral and confidential manner.

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Where necessary, Wettrade Apprenticeships will take disciplinary action to ensure sexual harassment does not occur in the workplace, and where possible take appropriate steps to mitigate the possibility of similar incidents occurring in the future.

### **Responsibilities of Managers/Supervisors**

Managers/Supervisors are responsible for ensuring that all employees understand that sexual harassment must not be tolerated in the workplace. Managers must take early corrective action to deal with behaviour which may be contrary to this policy.

The prevention of all inappropriate behaviour, as prohibited by this policy, requires managers/supervisors to:

- be aware of, identify and prevent sexual harassment in the workplace.
- immediately address inappropriate behaviour they may directly witness, regardless of whether a complaint is received about that behaviour;
- encourage all staff to behave in accordance with the principles of this policy;
- provide leadership and role modelling in relation to appropriate and professional behaviour in the workplace;
- respond promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred;
- treat complaints seriously and confidentially;
- ensure that when a person lodges or is witness to a complaint, that the person is not victimised.

### **Responsibilities of all staff members**

All employees of Wettrade Apprenticeships must treat each other professionally, with fairness, respect and courtesy, not engaging in harassing, discriminatory, bullying or intimidating behaviour, nor condoning it by silently bearing witness to these behaviours. Employees should treat behaviour which is contrary to this policy seriously, and deal with the matter in a prompt, confidential and fair manner including reporting any incidents of inappropriate behaviour to an appropriate member of staff.

The prevention of behaviour which is contrary to this policy requires employees to:

- behave responsibly by complying with this policy;
- not tolerate unacceptable behaviour;
- speak with the alleged perpetrator to object to inappropriate behaviour, if such behaviour is witnessed or experienced, providing the employee feels able to do so;

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- immediately report incidents of behaviour contrary to this policy to an appropriate manager or supervisor;
- offer to act as a witness if the person experiencing harassment, decides to report the incident;
- keep a record or diary of incidents of harassing behaviour noting what happened, when and the names of any witnesses;
- maintain confidentiality during the investigation of complaints regarding inappropriate behaviour.

Employees who believe they have been subjected to inappropriate behaviour should contact their manager/supervisor for assistance in the management and resolution of a complaint of sexual harassment.

The manager/supervisor will:

- help clarify whether the behaviour constitutes sexual harassment;
- discuss the employee's procedural options (the informal complaints procedure or formal complaints procedure);
- be supportive but remain neutral – it is not the role of a manager/supervisor to side with one party against the other.

## Informal complaints

Informal mechanisms for resolution of a complaint of sexual harassment may include:

- an education session in relation to appropriate behaviour in the workplace;
- Requesting that the employee re-read this policy in order to refamiliarise themselves with the necessary standard of behaviour;
- mediation between parties where appropriate;
- an employee may ask their supervisor to speak to the alleged instigator on their behalf. The manager/supervisor may privately convey the employee's concerns and reiterate the principles of Wettrade Apprenticeships' sexual harassment policy without assessing the merits of the case;
- a supervisor or manager who observes unacceptable conduct occurring may take independent action to stop the behaviour even though no complaint has been made.

## Formal complaints

This procedure assumes that informal resolution of the complaint has been unsuccessful or is inappropriate. The formal procedure is as follows:

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- A formal complaint of sexual harassment should be made in writing by the employee (the complainant);
- The employer will undertake a confidential investigation into the complaint or may refer the complaint to an external investigator;
- Witnesses (if any) to alleged improper behaviour will be interviewed confidentially by the investigator;
- The alleged instigator (the respondent) will be given the detail of the complaint in writing. To satisfy natural justice, the written advice will include the identity of the complainant and any witnesses to the alleged behaviour;
- The respondent will be provided with the opportunity to respond to the allegations;
- The investigator will submit a written report to Wettrade Apprenticeships summarising the findings of the investigation;
- The employer will then determine appropriate remedial and/or disciplinary action;
- Subject to restrictions of confidentiality, the complainant and respondent will be advised of the ultimate outcome;
- All parties involved in the investigative process, including potential witnesses and nominated support person/s, will be instructed to stringently observe confidentiality during and after an investigative process.

During the investigative process, the complainant and respondent will be entitled to have a support person of their choosing present during interviews conducted as part of the process. The employer will determine whether it is necessary for the employee(s) involved in an investigation to be stood down pending the outcome.

### Options for remedies

The employer shall determine appropriate action as a result of an investigative report. Disciplinary action will be taken against a person who harasses a worker or who victimises a person who has made or is a witness to a complaint.

The disciplinary action will depend on the circumstances of the case, but can range from counselling the offender to termination of the offender's employment. In some instances, sexual harassment may also amount to a criminal offence or a breach of relevant legislation.

### Principles

The principles which apply to the complaints procedures outlined above are:

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- Everyone has a right to be treated with respect;
- Everyone has a right to “due process” i.e., the person against whom the allegation is made has the right to know what is alleged against them, the right to put their case in reply, the right for any decision to be made by an impartial decision maker, and the right to an appeal against a decision;
- Complaints will be treated in confidence and where confidentiality cannot be guaranteed this will be clearly indicated;
- All incidences of inappropriate behaviour will be dealt with promptly, thoroughly, fairly and confidentially;
- A person making a complaint and/or who is a witness to inappropriate behaviour will not be victimised;
- The employer is under a legal obligation of a duty of care to provide a safe workplace. Any instance of sexual harassment which is reported must be investigated, sometimes informally in the first instance, and formally if required, in order to comply with this duty of care. The employer accepts and acts on its duty of care;
- Making false or malicious complaints will also be regarded as a serious disciplinary offence and may result in disciplinary action being taken.

## Confidentiality

An accusation of sexual harassment can be potentially defamatory, especially if confidentiality is not observed and a person’s reputation is unfairly damaged. Discussions, information and records related to complaints will remain factual and confidential.

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