

Jewish Community Radio Vic Inc
Workplace Sexual Harassment Policy

1. Policy Overview

- 1.1. Jewish Community Radio Vic Inc (**J-AIR**) is committed to providing all employees, broadcasters, contractors, volunteers and members of J-AIR with a healthy and safe environment.
- 1.2. This policy should be read in conjunction with J-AIR's Bullying Policy and Equal Opportunity and Discrimination Policy.

2. Application

- 2.1. This policy applies to:
 - 2.1.1. committee of management;
 - 2.1.2. employees;
 - 2.1.3. broadcasters;
 - 2.1.4. contractors;
 - 2.1.5. volunteers; and
 - 2.1.6. members,of J-AIR (collectively known as the **personnel**) and covers all activities related to J-AIR, including J-AIR broadcasts.
- 2.2. This policy will apply to the behaviour of all the personnel of J-AIR during the course of their work (collectively known as the workplace);
 - 2.2.1. in the workplace, including the physical premises of J-AIR and during normal work hours and outside normal working hours.
 - 2.2.2. during work activities, including J-AIR broadcasts.
 - 2.2.3. at work related events both onsite and off J-AIR premises, including conferences and social functions.
- 2.3. This policy does not replace existing complaint resolution processes, including where a member of the personnel has a complaint about legitimate and reasonable:
 - 2.3.1. performance management processes; or
 - 2.3.2. disciplinary action.

3. What is sexual harassment?

- 3.1. Sexual harassment is unwelcome sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances. Sexual harassment in employment is unlawful under the *Sex Discrimination Act 1984* (Cth).
- 3.2. Whether the behaviour is unwelcome is determined subjectively; how the conduct in question was perceived and experienced by the recipient rather than the intention behind it.
- 3.3. Whether the behaviour was offensive, humiliating or intimidating is determined objectively; whether a reasonable person would have anticipated that the behaviour would have this effect.
- 3.4. Sexual harassment in the workplace can take various forms. It can involve, but is not limited to:
 - 3.4.1. subtle pressure or demands for sexual favours or activity;
 - 3.4.2. repeated requests for social meetings especially after prior refusal.
 - 3.4.3. staring or leering at a person or at parts of their body.
 - 3.4.4. displays of sexually graphic material including posters, pictures and messages on desks, notice boards, lockers, or other areas where they are likely to be seen by others.
 - 3.4.5. unnecessary familiarity, such as deliberately brushing against a person; massaging them without invitation, etc.
 - 3.4.6. unwanted physical contact, such as touching, fondling, pinching, patting, embracing, hugging, grabbing and kissing.
 - 3.4.7. sex-orientated jokes, innuendo or offensive gestures.
 - 3.4.8. distribution of sexually offensive reading material or objects.
 - 3.4.9. unwelcome comments or questions about a person's sex life.
 - 3.4.10. suggestive comments or innuendoes about a person's physical appearance or sexual preferences.
 - 3.4.11. inferences of sexual morality;
 - 3.4.12. tales of sexual performance.
 - 3.4.13. sex based insults or taunt.
 - 3.4.14. Gestures or body movements of a sexual or intimidator nature.

4. On what grounds do anti-discrimination laws prohibit discrimination?

- 4.1. Under the Victorian *Equal Opportunity Act 1995*, the Victorian *Racial and Religious Tolerance Act 2001*, the Commonwealth *Sex Discrimination Act 1984*, the Commonwealth *Disability Discrimination Act 1992*, the Commonwealth *Racial Discrimination Act 1975*, and the Commonwealth *Fair Work Act 2009*, decisions or practices based on any of the following attributes may be discriminatory and unlawful:
 - 4.1.1. age;
 - 4.1.2. breastfeeding;
 - 4.1.3. carer status;

- 4.1.4. disability/impairment;
 - 4.1.5. gender identity;
 - 4.1.6. industrial activity;
 - 4.1.7. lawful sexual activity;
 - 4.1.8. marital status;
 - 4.1.9. parental status;
 - 4.1.10. physical features;
 - 4.1.11. political belief or activity;
 - 4.1.12. pregnancy;
 - 4.1.13. race;
 - 4.1.14. religious belief or activity;
 - 4.1.15. sex;
 - 4.1.16. sexual orientation; and
 - 4.1.17. personal association with someone who has, or is assumed to have, one of these personal characteristics.
- 4.2. A person who sexually harasses another person may be found personally liable for the sexual harassment, as well as J-AIR being found liable.
- 4.3. Some instances of sexual harassment may be criminal offences.

5. Responsibility

- 5.1. All personnel have an obligation and responsibility to proactively promote a workplace free of sexual harassment.
- 5.2. Committee of management is responsible for:
- 5.2.1. endorsing this policy and related procedures; and
 - 5.2.2. proactively promoting a workplace free from sexual harassment and act on incidents;
 - 5.2.3. providing for appropriate training and information to personnel of the workplace about what are acceptable and unacceptable workplace behaviours;
 - 5.2.4. informing personnel of the actions they can take if they feel they are being sexually harassed;
 - 5.2.5. arranging or providing adequate and appropriate support to personnel who make a complaint about sexual harassment, including ensuring that the matter is treated confidentially, and that the complainant is not victimised; and
 - 5.2.6. dealing fairly with all persons involved in allegations of sexual harassment including ensuring due process.
- 5.3. Employees, broadcaster, contractors, volunteers and members are responsible for:
- 5.3.1. ensuring they are familiar with this policy and complying with this policy;

5.3.2. understanding the responsibilities and adhering to the policies and procedures associated with maintaining an environment free of sexual harassment;

5.3.3. maintain complete confidentiality if they provide information during the investigation of a complaint.

5.4. This policy recognises that in some situations, people may not be aware that their behaviour is unacceptable or offensive, because such behaviour has become part of the prevailing culture of the workplace. It is the committee of management's role to set acceptable standards and apprise personnel of their expectations.

6. Complaint procedure

Making a formal complaint

6.1. Someone who feels they are being sexual harassment, or has witnesses another person being sexually harassed, is entitled to make a formal complaint to the chair of the committee of management (**chair**). The complaint may be made by another personnel member should they so choose, on behalf of a personnel member.

6.2. The complaint must be in writing and provide sufficient information for the chair to assess whether an investigation is warranted. The chair may seek further information from the complainant or the other personnel member in order to ascertain whether an investigation is warranted. The complaint should include details of what informal steps have been taken to seek to resolve the matter or, if these have not been taken, why they are inappropriate.

6.3. Unless the chair is convinced that the complaint is frivolous or malicious, the chair will instigate an investigation of the complaint in circumstances where:

6.3.1. informal efforts have not resolved the matter; and/or

6.3.2. someone complained against has refused to participate in, or withdrawn from, conciliation.

6.4. If the chair is convinced that the complaint is frivolous, vexatious or malicious, the chair may advise the committee of management to further investigate this and consider disciplinary action.

Investigation of formal complaints

6.5. Where the chair assesses that an investigation of a complaint is warranted, the chair will instigate a formal investigation into whether sexual harassment has occurred and, if so, who have been the perpetrators.

6.6. The person(s) against whom the complaint is made will be informed of the allegations and advised of their entitlement to be assisted by a work colleague or another representative, should they so choose. They will also be advised that the outcome of the investigation could lead to disciplinary action.

6.7. The chair shall ensure that whatever the outcome of the complaint, the complainant is not victimised.

6.8. The investigation may include gathering evidence from the complainant, the person(s) against whom the complaint is made and other relevant persons. The investigation shall be made in a

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timely manner, but ensure that everyone involved has adequate time and resources to provide relevant information. The report of the investigation shall be provided to the committee of management, the complainant and the person(s) against whom the complaint was made.

Action on the report

6.9. The chair shall advise the committee of management on:

6.9.1. the appropriate action, based on the findings of the investigation, which made include:

- an apology.
- changes to work practices.
- disciplinary action.
- training.
- notes placed in personnel file etc,

6.9.2. whether or not disciplinary action is warranted against the person or persons subject to the complaint;

6.9.3. remedial actions which should be taken by the committee of management to prevent sexual harassment; and

6.9.4. whether counselling, conciliation or mediation should be provided.

Disciplinary action

6.10. Any disciplinary action in regard to sexual harassment will be taken in accordance with any Agreement under which the person subject to the complaint is engaged (if applicable). It is recognised that the report of the investigation into a formal complaint may be used to formulate allegations of misconduct or serious misconduct.

7. Additional resources

Contact the Victorian Equal Opportunity and Human Rights Commission.

Phone: 1300 891 848
Address: Level 3, 204 Lygon Street Carlton Victoria 3053
Email: enquiries@veohrc.vic.gov.au
Web: www.humanrightscommission.vic.gov.au

Contact the Australian Human Rights Commission.

Phone: 1300 369 711
Address: Level 3, 175 Pitt Street Sydney New South Wales 2000
Email: infoservice@humanrights.gov.au
Web: www.hreoc.gov.au

Contact the Fair Work Commission

Phone: 1300 799 675
Website: www.fwc.gov.au

Contact the Victoria Police (for criminal offences)

Phone: your local police station

Website: www.police.vic.gov.au