Sexual Harassment Policy

Objective

The Shire of Jerramungup considers sexual harassment to be an unacceptable form of behaviour in the workplace. This policy provides appropriate procedures to deal with the problem and prevent its recurrence. This policy encourages and promotes the development and implementation of policies and procedures that will lead to the creation of workplaces that are free of sexual harassment, where employers and employees respect one another's integrity and dignity, their privacy, and their right to equity in the workplace.

Policy

Council strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Council, has a right to do so in an environment, which is free from sexual harassment, and the Council is committed to providing such an environment.

Council considers sexual harassment to be an unacceptable form of behaviour, which will not be tolerated and recognises that sexual harassment is unlawful. Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general.

Council recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council is therefore committed to any action, which ensures the absence of sexual harassment in the workplace including general training of the workplace and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Council will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face-to-face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.

An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

A formal complaints/grievance procedure is attached to this Policy and will be utilised to effectively resolve complaints of sexual harassment.

Purpose

The Jerramungup Shire Council is committed to providing employees, volunteers and other agents with a safe and healthy work environment free from sexual harassment and regards this to be a primary responsibility as an employer. The purpose of this policy is to provide the appropriate procedures and measures to prevent the occurrence of sexual harassment, as well as the appropriate procedures should this occur.

Rationale

Sexual harassment creates an unsafe working environment and increases risks to the health of employees. Employers have a duty, under the Work Health and Safety Act 2020, to ensure, so far as practicable, risks to health and safety as a result Harassment in the workplace are eliminated or reduced. Council is committed to eliminating, as far as possible, all forms of Harassment in the workplace and in its relationships with its users through a culture of openness, support, and accountability.

Standards of Behaviour

Council aims to create positive working relationships, and requires everyone observe the Staff Code of Conduct and follow minimum standards of behaviour, including:

- Being polite and courteous to others;
- Being respectful of the differences between people and their circumstances;
- Ensuring they do not engage in any harassment of any nature or offensive behaviour(s) towards others;
- Ensuring they do not assist or encourage others to engage in offensive behaviour(s); Supporting colleagues and reporting of any harassment they see happening to others and Keeping information confidential if involved in any investigation of sexual harassment.

Terms Used

Harassment
Harassment is a type of bullying but may arise from fewer incidents and is where a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation.

Complaint
A complaint is about any type of situation, activity, behaviour or item, which causes concern about work or workplace. It can be against or about a person or a workplace system or procedure. It includes actions of an individual or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

Complaint Handler
The person who handles the complaint to its conclusion. This will usually be the Management. **Repeated Behaviour**
Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Sexual Harassment
Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, which makes a person, feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances. The Sex Discrimination Act 1984 defines the nature and circumstances in which sexual harassment is unlawful. It is also unlawful for a person to be victimised for making, or proposing to make, a complaint of sexual harassment to the Human Rights and Equal Opportunity Commission. **Unreasonable Behaviour**
Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, and would expect to victimise, humiliate, undermine or threaten.

Sub-Definitions

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the examples listed as follows:

- Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- Reverse harassment occurs where an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.
- Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or salary increases.
- Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching.
- Subtle or explicit demands for sexual activities or molestation.
- Intrusive enquiries into a person's private life.
- Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.

Governance

1. All workers and Council representatives have a responsibility to observe this policy
2. It is the responsibility of management to ensure compliance with this policy
3. All Reports of Sexual harassment incidents will be completed in writing on Councils Hazard, Incident, and Injury form.
4. The implementation of this policy will be monitored at an organisational level by Jerramungup Shire Council's Management.

Related Legislation

Work Health and Safety Act 2020

Work Health and Safety (General) Regulations 2022

Review

This Policy/Code of Practice will be reviewed every two (2) years. It may be reviewed and updated as necessary when legislation or policy requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Internal Appointments.

Document Control			
Action	Date	Officer	Comments
Adopted	October 2009	Brent Bailey	Adopted by Council at Ordinary Meeting
Review	April 2011	Brent Bailey	Update and Incorporate Injury Management Procedure
Review	May 2014	Janna Kleszewski	Restructured/upgraded OSH Manual Incorporated OSH Policies, reviewed and amended existing policies and procedures, included important contact details
Review	April 2016	Lizzy Hyde	Review of entire document
Review	December 2018	Danielle Wisewould	Restructured/upgraded OSH Policy, reviewed and amended existing policies and procedures, included important contact details
Adopted	August 2019	Danielle Wisewould	Adopted by Council at Ordinary Meeting
Changed	September 2023	Danielle Wisewould	Changed to WHS legislation
Review	September 2025	Martin Cuthbert	Review of document
Rebrand	September 2026	Danielle Wisewould	Updated with rebrand template

Chief Executive Officer
Martin Cuthbert

_____ 1/10/2026

Work Health and Safety Supervisor
Danielle Wisewould

_____ 1/10/2026