Sexual Harassment Policy

Reference Number: Section 2 No. 10
Responsible Department: Human Resources
Related Policy/Procedure: Sexual Harassment Grievance Procedure
Date of Adoption: 16 September 1997
Current Review Date: 30 May 2017
Minute Reference: N/A
Version Number: Amendment No. 2
Workplace Health and Safety Act, 2012
Light Regional Council Employee Code of Conduct
Light Regional Council Sexual Harassment Grievance Procedures
Light Regional Council Equal Opportunity Policy

Next Review Date: June 2020
Review Frequency: Triennially

1. Purpose
Light Regional Council recognises the need for staff to work in an environment that is free from sexual harassment.

2. Scope
Council perceives any deliberate action taken by a member of staff, contractor or volunteer against or towards a council staff member within the workplace that may cause the recipient affront or distress due to its physical overtones or sexual verbal suggestion, to be grounds for sexual harassment.

3. Policy Aim
This policy aims to provide Light Regional Council employees a level of protection against sexual harassment, whereby Council shall automatically apply the disciplinary procedure to any member of staff found to have instigated any form of sexual harassment against a fellow worker. Further, any staff member found to have instigated or witnessed and did not report sexual harassment will be considered a breach of Council’s Employee Code of Conduct.

Council will investigate any claims of sexual harassment towards any member of staff from contractors or volunteers, and if the accusation is found true, will take appropriate measures to ensure this practise does not continue.

4. Definitions
For the purposes of this Policy, in accordance with the Section 87 (9) of the Equal Opportunity Act, 1984 —

(a) a person “sexually harasses” another (the “person harassed”) in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated if—
(i) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
(ii) engages in other unwelcome conduct of a sexual nature in relation to the person harassed; and
(b) “conduct of a sexual nature” includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing; and
(c) a person is a “fellow worker” if both carry out duties or perform functions, in whatever capacity and whether for payment or not, in or in relation to the same business or organisation; and
(d) “workplace” means a place (including a ship, aircraft or vehicle) at which a person works or attends in connection with the person’s work.
5. **Policy Details:**

   It is the responsibility of all members of staff to understand and ensure that their behaviour does not create or condone circumstances that may allow or lead to sexual harassment.

   Council places firm responsibility with its Managerial Staff for ensuring a work place free of sexual harassment.

   Claims of Sexual Harassment are to be managed in accordance with the Light Regional Council Sexual Harassment Grievance Procedures.

6. **Review and Re-evaluation**

   This policy can be reviewed at any time (outside of the scheduled reviews) in full consultation with all Council staff.

   This policy may be amended upon approval by the majority of staff members.

**History of Policy Amendment**


1. Amendment 1 approved by the Chief Executive Officer 13 November 2014, see Enterprise Bargaining Committee Meeting Minutes of the meeting held 13 November 2014.

2. Amendment 2 approved by the Chief Executive Officer 30 May 2017, see Enterprise Bargaining Committee Meeting Minutes of the meeting held 30 May 2017.