

# Sexual Harassment Policy

## Policy statement

Tic Tag Systems regards sexual harassment as a serious breach of its Equal Opportunity responsibility to all employees and contractors in providing a workplace free from harassment of any kind.

Tic Tag Systems supports the rights of individuals to be free from sexual harassment while engaged in activities undertaken as part of their employment.

As an employer, Tic Tag Systems, through management will take all reasonable steps to eliminate sexual harassment of or by staff and contractors.

## Definitions

### Sexual harassment

Unwelcome sexual behaviour or sexual innuendo that has the effect of offending, intimidating or humiliating a person in circumstances, which a reasonable person having regard to all the circumstances would have anticipated that the person harassed would be offended, humiliated or intimidated.

Sexual harassment may be explicit or implicit. It may be a single incident or occur over a period of time. In defining and identifying sexual harassment it is the effect of the behaviour that is relevant not the intent. It is the impact of the behaviour on the receiver that determines whether sexual harassment has occurred.

Examples of behaviours that may constitute sexual harassment include:

- sexual jokes, lewd suggestions, whistling, foul language, leering, obscene gestures
- belittling comments on a person's anatomy or based on sex-role stereotypes
- persistent demands for participation in social activities or repeated requests for dates
- asking about a person's private or sex life, explicit sexual suggestions in return for 'reward'
- unwanted physical contact of a sexual nature including touching, brushing, kissing
- display of pornographic and/or sexually suggestive pictures, screen savers, jokes etc and/or sexual objects
- sexually offensive written, telephone or electronic communications
- indecent exposure; and
- sexual assault and rape.\*

\* Sexual assault and rape are criminal offences and the person assaulted will be advised to report the offence to the police.

Sexual harassment does not refer to behaviour that is mutually acceptable to the parties involved. Friendships (whether sexual or otherwise) are a private concern.

In establishing appropriate standards of behaviour Tic Tag Systems recognises:

- social or cultural backgrounds may lead people to perceive the same conduct differently

- some people may accept, as reasonable, a behaviour that other people find offensive
- sexual harassment can arise where different values and beliefs are not respected
- both men and women may be sexually harassed by a person or persons of the same or opposite gender
- appropriate behaviour is behaviour which respects the rights and sensitivities of all people within Tic Tag Systems work environment
- all individuals have a responsibility to contribute towards an environment of trust and respect which forms the basis of appropriate professional relationships.

## **Principles**

**1** Consistent with legislation this policy is based on the philosophy of using education and conciliation as the principal approach to the prevention of discrimination and harassment; and in the resolution of grievances.

**2** Sexual harassment is an unacceptable form of behaviour that causes distress and is detrimental to the workplace environment. Sexual harassment erodes the rights of the individual, debilitates morale and interferes with the effectiveness of the work environment.

**3** Sexual harassment most often occurs in relationships of unequal power or authority, although it may also take place between peers. In providing a working environment free of harassment it is important to recognise that certain groups may be particularly vulnerable including:

- Indigenous women
- people from non-English-speaking backgrounds
- people with disabilities
- people working in non-traditional areas
- women working in isolated areas.

## **Implementation requirements**

An essential element in the implementation of this policy is raising the awareness of all employees and contractors of the principles of diversity, equity, social justice and procedural fairness.

State and federal legislation provide that Tic Tag Systems can be found vicariously liable for the sexual harassment of others by its employees. State and federal legislation also provide that the Tic Tag Systems may be found vicariously liable for the sexual harassment of others by its agents. In this policy the term 'agent' is deemed to mean

- employees
- individuals engaged to provide a service for Tic Tag Systems
- persons seeking to work on Tic Tag Systems premises
- volunteers

As a defence against any finding of vicarious liability, Tic Tag Systems, through management will:

- fulfil its commitment to educating employees and contractors as to the nature and effects of sexual harassment and provide the necessary resources to inform its

community about this policy, focusing on developing understanding of the rights and responsibilities of the individual

- develop effective measures for the resolution of complaints.

Staff who fail to fulfil the responsibilities required by this policy may find themselves personally liable for damages.

The policy applies where sexual harassment has occurred either on Tic Tag Systems grounds or when participating in other activities related to work or training at Tic Tag Systems, (for example, camps or field trips).

### **Responsibilities and/or authorities**

All employees and contractors are responsible for ensuring that equal opportunity principles are respected.

Managers and supervisors are responsible for understanding the legislation and ensuring that the workplace environment is safe and free from sexual harassment.

Authorised by



Clinton Smith

Managing Director

Tic Tag Systems