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# **SEXUAL HARRASSMENT POLICY**

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## **POLICY OVERVIEW & OBJECTIVES**

NECA Group Training regards sexual harassment as a serious breach of the NECA Group Training's Equal Opportunity Policy. NECA Group Training supports the rights of individuals to be free from sexual harassment while engaged in activities undertaken as part of their TAFE learning, their employment, or in other associations with NECA Group Training.

## **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment refers to deliberate sexual comments and gestures or any other conduct of a sexual nature that is embarrassing, demeaning or compromising.

Sexual harassment occurs if the complainant feels ;

- Offended
- humiliated,
- Intimidated by the conduct and a reasonable person having regard to all the circumstances would have anticipated that the complainant 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. Sexual harassment does *not* refer to behaviour that is mutually acceptable to the parties involved. Friendships (whether sexual or otherwise) are a private concern.

Sexual harassment may consist of any or all of the following examples:

- sexual jokes, lewd suggestions, whistling, foul language, leering, obscene gestures;
- belittling comments on a person's anatomy, persistent demands for dates;
- asking about personal/sex life, explicit sexual suggestions in return for 'reward';
- unwanted physical contact of any sort including touching, brushing, kissing;
- display of pornographic and sexually suggestive pictures and/or sexual objects;
- 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.*

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BOARD APPROVAL DATE:.....

VERIFIED BY:..... Name: .....

Title:.....

File Name: Sexual Harassment Policy

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## **THE NATURE OF SEXUAL HARASSMENT**

Although women are much more likely to be harassed than men, it is possible for men to be harassed by women or other men, and women to be harassed by other women. However, sexual harassment is usually associated with the exercise of power by one person over another. It most often occurs in relationships of unequal power or authority as in staff/apprentice and supervisor/subordinate relationships, although it may also take place between peers.

Certain groups of staff and apprentices may be particularly vulnerable. Such groups may include women in non-traditional areas, women working in isolated areas, women from non-English-speaking backgrounds, women with a disability, and indigenous women. In addition different social or cultural backgrounds may lead people to perceive the same conduct differently. What one person may accept as reasonable behaviour another person may find offensive. Complaints of sexual harassment are often more to do with a clash of values than a clash of facts.

## **THE EFFECTS OF SEXUAL HARASSMENT**

Sexual harassment also impacts on NECA Group Training in a broader sense and may have serious negative implications. For example, it can:

- affect the reputation of NECA Group Training;
- decrease job/TAFE performance and work satisfaction;
- increase absenteeism; and
- create high levels of tension between apprentices, staff and/or host trainers.

Sexual harassment has serious ramifications for both the person being harassed as well as NECA Group Training. It can undermine the self confidence of students or employees as it communicates to them that they are seen merely as sex objects and are not taken seriously or accorded with the personal respect to which they are entitled.

## **WHO DOES THIS POLICY APPLY TO?**

The policy applies where sexual harassment has occurred either on NECA Group Training's premises or in any activity related to the employment of the apprentice (for example, job sites and TAFE).

The policy applies to the sexual harassment of:

- apprentices, by staff members;
- apprentices, by other apprentices;
- management staff, by other staff members;
- staff members, by apprentices;
- persons seeking to gain employment by NECA Group Training, by management staff or apprentices;
- staff members, by persons coming to courses or working in NECA Group Training;
- management staff or apprentices, by individuals engaged to provide a service for NECA Group Training; and
- Individuals engaged to provide a service for NECA Group Training, by staff or apprentices.

This policy does not automatically cover employees of NECA Group Training who undertake work placement in other organisations. In the event that sexual harassment occurs under these circumstances NECA Group Training will act as far as possible to protect the complainant, and will work jointly with the other organisation (and in accord with this policy, if deemed appropriate) to investigate the complaint and take such precautions as are possible to prevent further incidents.

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#### **THE CONSEQUENCES THAT CAN BE IMPOSED IF THE POLICY IS BREACHED**

Depending on the severity of the case, if the Policy is breached, consequences can include an apology, counselling, transfer, dismissal, demotion or other forms of disciplinary action. Immediate disciplinary action will be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, which could include dismissal or criminal charges.

#### **RESPONSIBILITY OF THIS POLICY**

Except where noted otherwise, the Group Scheme Manager of NECA Group Training is responsible for the implementation of this policy.

#### **REVIEW**

This policy is to be reviewed annually.