



ATTACHMENTS

**Under Separate Cover
Council Meeting**

6.00pm Tuesday 26 October 2021

Table of Contents

| | | |
|-----|--|---|
| 7.8 | Councillor Draft Sexual Harassment Policy for review | |
| | Attachment 1 Councillor Sexual Harassment Policy | 4 |

Councillor Sexual Harassment POLICY



Councillor Sexual Harassment Policy

Councillor Sexual Harassment POLICY

CONTENTS

| | | |
|-----|--|---|
| 1. | PURPOSE | 3 |
| 2. | SCOPE | 3 |
| 3. | POLICY STATEMENT | 3 |
| 4. | PROCEDURES | 3 |
| 5. | SUPPORTING INFORMATION | 4 |
| 6. | RESPONSIBILITIES | 4 |
| 7. | DEFINITIONS OF TERMS OR ABBREVIATIONS USED | 4 |
| 8. | RELATED LEGISLATION AND DOCUMENTS | 5 |
| 9. | HUMAN RIGHTS STATEMENT OF COMPATABILITY | 5 |
| 10. | POLICY OWNER | 5 |
| 11. | FEEDBACK | 6 |
| 12. | DOCUMENT INFORMATION | 6 |

Councillor Sexual Harassment POLICY



1. PURPOSE

The purpose of this policy is to set out Council's expectations regarding a zero-tolerance approach to sexual harassment in the workplace, as well as what to do if you experience or witness sexual harassment.

Any breach of this policy will be taken seriously and may lead to disciplinary action. Please refer to the **Councillor Dispute Resolution Policy 2021** for examples of sanctions and other measures that may be taken if a Councillor engages in sexual harassment.

Disciplinary action for Councillors who engage in sexual harassment against staff may include (but is not limited to):

- Counselling
- Requiring a formal apology
- Conciliation/mediation conducted by an impartial third party
- Training on expected standards of behaviour
- Verbal or written warning
- Changed working arrangements

2. SCOPE

This policy applies to all Councillors in the workplace.

All Councillors are expected to behave in a safe, respectful and inclusive manner in the workplace and must not sexually harass a job applicant, fellow Councillor, staff member or any other person in the workplace.

Staff and third parties (including suppliers, the public and any other third parties that Councillors may interact with whilst performing duties) are also expected to behave in a safe and inclusive manner when interacting with Councillors and must not sexually harass Councillors or any other person in the workplace. Council may be restricted in its ability to undertake an investigation or disciplinary action in relation to third parties, depending on its arrangements with that third party. However, it is important for Councillors to report any incidents in relation to third parties so that Council can take appropriate steps to ensure the safety of the Councillor so far as reasonably practicable and prevent incidents occurring to others.

Councillor Sexual Harassment POLICY

3. POLICY STATEMENT

Sexual harassment, in all its forms, is an abuse of power. It represents behaviours that are beneath the standards Golden Plains Shire Council (**Council**) expects across our organisation. It is unethical and against the law. Such conduct may also constitute criminal conduct.

Sexual harassment takes a psychological, emotional and physical toll and has detrimental consequences on the careers and personal lives of those affected, as well as their families and those close to them.

Council has a zero-tolerance approach to sexual harassment in the workplace and considers such behaviours to be an occupational health and safety issue. Council recognises that it must take reasonable and proportionate measures to eliminate sexual harassment as far as possible.

Council will act to prevent sexual harassment including by acknowledging and preventing the risks that make sexual harassment more likely to occur. Council will take a victim-centred approach to complaints of sexual harassment.

4. PROCEDURES

Councillors:

- Must comply with this policy.
- Are encouraged to address sexual harassment.
- Are encouraged to raise any concerns about sexual harassment by a staff member or third party to People & Culture; and concerns about sexual harassment by a fellow Councillor in accordance with the Councillor Dispute Resolution Policy. This may involve an application for an internal arbitration process (for misconduct) or for a Councillor Conduct Panel (for serious misconduct).
- Must otherwise treat any concerns about sexual harassment confidentially.
- Must ensure that a person is not victimised for making, or being involved in, a sexual harassment complaint.
- Encourage a respectful, safe and inclusive environment and role model appropriate behaviours.
- Monitor the Council environment and risk factors to ensure appropriate standards of conduct are observed.
- Must ensure that bystanders are supported to act if inappropriate behaviour is witnessed.

5. SUPPORTING INFORMATION

There is considerable research to show that sexual harassment is primarily driven by gender inequality and power imbalance. It is also driven by other power imbalances, for example inequalities that may exist based on race, disability, sexual orientation etc. Councillors need to be aware of this and ensure that they do not abuse their power.

Councillor Sexual Harassment POLICY

The existence of sexual harassment often reflects an environment that overlooks or excuses disrespectful behaviour towards others, particularly women and people who do not conform to expected gender roles, such as LGBTQ+ people. Council aims to ensure that such an environment does not exist, and rather that a respectful, safe and inclusive environment is fostered.

6. RESPONSIBILITIES

What to do if you are sexually harassed (or witness sexual harassment)

Sexual harassment by another Councillor

If you believe you have been sexually harassed (or believe you have observed such behaviour) by another Councillor, go to the **Councillor Dispute Resolution Policy**.

In addition to the **Councillor Dispute Resolution Policy**, there are a number of ways Council may be able to help resolve the issue depending on your wishes, the context and circumstance. We know that what most people who experience sexual harassment want is for the behaviour to stop, to have their experience validated, their organisation to know that it happened, and for it not to happen to anyone else. In many cases, all people want from the person who harassed them is an apology. Wherever possible, we will prioritise early intervention and informal pathways that deliver these types of outcomes (for example, empowering you to have a conversation with the perpetrator if you feel comfortable or arranging a facilitated conversation).

In an instance where a staff member or third party believes they have been sexually harassed (or believe they have observed such behaviour) by a Councillor and this has been reported to People and Culture, they will notify, in strict confidence and ensuring full privacy of the alleged victim is maintained, the Councillor Code of Conduct officer who will advise the Mayor, through the CEO, to discuss with the councillor subject to the allegations with the aim to facilitate early intervention and informal pathways to reach an agreed and satisfactory outcome. If an agreed outcome is not achieved, the process will be managed through the **Councillor Dispute Resolution Policy**.

Sexual harassment by a staff member

If you believe you have been sexually harassed (or believe you have observed such behaviour) by a staff member, talk to People & Culture or refer to the **Resolution of Issues Procedure**. Although this procedure applies to staff in the workplace, the stages of the procedure (informal to formal) can also apply to complaints by Councillors against staff members. In terms of stage 2, instead of a discussion with your 'supervisor', this would be a discussion with the supervisor of the perpetrator or People & Culture.

Sexual harassment by a third party

If you believe you have been sexually harassed (or believe you have observed such behaviour) by a third party, talk to Council's Code of Conduct Officer being the Director Corporate Services.

All complaints

Council is committed to a victim-centred and informed process. Where possible, and subject to the requirements of procedural fairness and the law, Council will involve you in a discussion about how the matter may be resolved. Where possible, Council will aim to prioritise your safety, privacy and wellbeing; respect your preferences; and ensure that any investigations are designed to minimise harm.

As part of Council's victim-centred approach, Councillors must ensure that no person is victimised for making or being involved in a sexual harassment complaint. Victimisation means

Councillor Sexual Harassment POLICY

subjecting, or threatening to subject, someone to any detriment because they, or a person associated with them, has or intends to make a complaint about discrimination or sexual harassment. If you believe you have experienced victimisation (or believe you have observed such behaviour), speak to People & Culture.

It is important to note that anyone who experiences sexual assault can report their experience to the police. Please see the 'external agencies' section below for information on other external agencies that Councillors can seek assistance from.

Bystander intervention

Bystanders, including colleagues, who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment in the workplace. When grounded in behaviours of integrity and respect, action taken by colleagues can positively impact on defining workplace culture.

Bystanders that are aware of sexual harassment are encouraged to:

- provide support to the colleague who is being subjected to sexual harassment;
- formally or informally challenge concerning behaviour; and
- report sexual harassment.

The standard that people walk past is the standard that people accept.

In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided.

7. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Sexual harassment means:

- Any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature
- Where a reasonable person, having regard to all of the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
- Conduct of a sexual nature includes:
 - subjecting a person to any act of physical intimacy;
 - making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence; and
 - making any gesture, action or comments of a sexual nature in a person's presence.

| EXAMPLES OF SEXUAL HARASSMENT | |
|---|--|
| Jokes, emails or comments with sexual connotations | Intrusive questions about a person's private life or physical appearance |
| Unwelcome light touch gestures, e.g., an arm around, a kiss hello | Displaying material (e.g., posters or screen savers) of a sexual nature |
| Engaging in banter or making jokes | Sharing intimate images/video of |

Councillor Sexual Harassment POLICY

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| which are degrading to a person's sexual orientation or perceived sexual orientation | someone without consent (including online) |
| Personal contact via email or social media (or other means) that is out of context, out of work hours | Unwelcome comments about looks, dress, hairstyles |

Sexual harassment can occur even if there is no intention to sexually harass.

If someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

| Term | Definition |
|-----------|--|
| Council | Golden Plains Shire Council |
| Staff | Employees, contractors, volunteers, agency on-hire staff, persons seeking employment and students. |
| Workplace | <ul style="list-style-type: none"> • Council premises, during or outside business hours • Any other place where work is performed by Councillors • Any other physical or virtual place where work-related activities (including retreats, conferences, Council-organised social activities) take place • Transport used for business purposes; and • Any other physical or virtual place where the conduct has caused (or is likely to cause) serious damage to the relationship between the relevant Councillor and Council; or damages Council's interests; or where the conduct is otherwise incompatible with the duty of a Councillor. For example, this may include sexual harassment outside work. |
| Complaint | An expression of dissatisfaction with: <ul style="list-style-type: none"> • the quality of a service provided, an action taken, or decision made by Council or its contractor • a delay or failure in providing service, taking an action, or making a decision by Council or its contractor. |

8. RELATED LEGISLATION AND DOCUMENTS

- Councillor Code of Conduct 2021
- Councillor Dispute Resolution Policy 2021
- Employee Assistance Program (EAP):
 - Council's employee assistance program is a confidential and free counselling service for staff and Councillors experiencing problems, including problems relating to complaints made under this policy. The program is available to complainants, bystanders and respondents. For more information or to access the program, click [here](#).
- Equal Opportunity Act 2010 (Vic)
- VAGO Report - Sexual Harassment in Local Government
- Victorian Public Sector Commission's Model Policy for the Prevention of Sexual Harassment in the Workplace

Councillor Sexual Harassment POLICY

External Agencies

Councillors may seek the assistance of an external agency at any time. External agencies can provide advice, information and support. As well as external agencies referred to in the **Councillor Dispute Resolution Policy 2021**, relevant agencies may include:

National Sexual Assault, Domestic Family Violence Counselling Service

Phone: 1800RESPECT (1800 737 7327)

Web: 1800respect.org.au

Sexual Assault Crisis Line

Phone: 1800 806 292 (24 hours) – diverts to local Centre Against Sexual Assault (CASA) services during standard business hours

Email: ahcasa@thewomens.org.au

Web: sacl.com.au

Beyond Blue

Phone: 1300 224 636 (24 hours)

Web: beyondblue.org.au

Mensline

Phone: 1300 789 978

Web: mensline.org.au

WIRE: Women's Support Line

Phone: 1300 134 130 Mon–Fri: 9am to 5pm

Email: inforequests@wire.org.au

Web: wire.org.au

Victorian Civil and Administrative Tribunal

Phone: 1300 018 228

Australian Human Rights Commission

Phone: 1300 369 711

WorkSafe Victoria

Phone: (03) 9641 1555

9. HUMAN RIGHTS STATEMENT OF COMPATABILITY

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

10. POLICY OWNER

10.1 The Code of Conduct officer (Corporate Services Director) is the policy owner.

10.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

11. FEEDBACK

You may provide feedback about this document by emailing enquiries@gplains.vic.gov.au

Councillor Sexual Harassment POLICY

12. DOCUMENT INFORMATION

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|--------------------------|--|
| DOCUMENT TYPE: | Council Policy |
| DOCUMENT STATUS: | Not Approved |
| DOCUMENT OWNER POSITION: | Director Corporate Services |
| APPROVED BY: | Council |
| DATE ADOPTED: | [Insert Date/Month/Year] By council resolution |
| VERSION NUMBER: | 01 |
| REVIEW DATE: | |
| DATE RESCINDED: | Not Applicable |
| FILE LOCATION: | [Include a file location (AltusECM Ref) so that it may be accessed in future and amended - Word and PDF – insert file path] INT[XX/XXXX] |
| NOTES: | <p>Policy documents are amended from time to time; therefore, you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date.</p> <p>Available at: [Select one URL below and delete the other]</p> <p>[for Council policy]</p> <p>https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies</p> <p>[for organisational policy]</p> <p>https://intranet.goldenplains.vic.gov.au/the-hub</p> |