



PILGRIM UNITING CHURCH

We are called by God to be a prophetic witness in the city of Adelaide so that new life and vitality will be generated in our city and its people. We celebrate in our unity and diversity, our shared beliefs and past experiences, and value worship, teaching, creativity and justice.

HR-09

SEXUAL HARASSMENT POLICY

1. Introduction

1.1 Pilgrim Uniting Church (Pilgrim) is committed to:

- fostering a positive and productive workplace which is mutually beneficial for Pilgrim and our staff; and
- ensuring that employment practices are in accordance with relevant legislation and best practice in human resources management.

1.2 Pilgrim acknowledges its responsibility to do all that is reasonably practical to ensure that staff are safe from injury and risks to health at work, and to provide a workplace that is free from sexual harassment and victimisation.

2. Purpose

This Policy outlines Pilgrim's responsibility for ensuring that all current and prospective staff are not subjected to any form of sexual harassment in the workplace.

3. Definition - Sexual Harassment

Sexual harassment is defined in the Uniting Church in Australia Constitution and Regulations, Section 7.7.4 (a) as *"any unwelcome sexual advance, or unwelcome request for sexual favours to a person, or engagement in other unwelcome conduct of a sexual nature in relation to that person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the person complaining would be offended, humiliated or intimidated."*

4. Examples of Sexual Harassment

Incidents of sexual harassment may constitute a criminal offence, and therefore Pilgrim may report any such instances to the appropriate authorities.

Sexual harassment does not refer to behaviour based on mutual attraction, friendship and respect if the interaction is based on mutual consent, welcomed and reciprocated. Sexual harassment is unlawful under both the Equal Opportunity Act 1984 and the Sex Discrimination Act 1984.

Sexual harassment may include, but is not restricted to:

- uninvited touching or fondling;
- uninvited kisses or embraces;
- making promises or threats in return for sexual favours;

- sexually explicit conversation;
- offensive phone calls or letters;
- stalking (criminal offence);
- offensive e-mail messages or computer screen savers;
- demands that revealing clothing be worn;
- sexual assault (criminal offence);
- obscene telephone calls (criminal offence);
- sexual jokes or innuendos;
- unwelcome comments about a person's sex life or physical appearance;
- sexual propositions or continual requests for dates;
- displays of sexually graphic material or pornography including posters, pin ups, cartoons, graffiti or messages left on notice boards, desks or public areas;
- "flashing" or sexual gestures (criminal offence);
- sex-based insults, taunts, teasing or name-calling;
- staring or leering at a person or at parts of their body; and
- unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them.

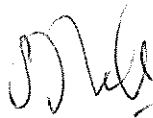
Pilgrim recognises and acknowledges that sexual harassment may involve comments and behaviour that offend some people but not others. Pilgrim accepts that individuals may react differently to certain comments and behaviour and, as a result, expects a high standard of behaviour from all staff.

Sexual harassment by or towards any staff member, contractor, supplier or visitor in any work-related context will not be tolerated under any circumstances and Pilgrim has a legal responsibility to take all reasonable steps to prevent sexual harassment from occurring in connection with the workplace.

Any complaint of sexual harassment will be treated seriously and immediate action will be taken to resolve the complaint quickly and fairly and with complete confidentiality. Staff who make a complaint or who support a staff member making a complaint of sexual harassment will not be subjected to victimisation.

Authorisation

Church Council Chair:



Reviewed February 2020

Approved: March 2020

Next review date: March 2022

SEXUAL HARASSMENT PROCEDURES

1. Responsibilities

1.1 Business Manager

The Business Manager is responsible for the management and implementation of the Sexual Harassment Policy, and for ensuring that the Policy and Procedures are adhered to.

1.2 Managers are responsible and accountable for ensuring that:

- they model appropriate behaviour and monitor the working environment to ensure that the appropriate standards of conduct are observed at all times;
- the principles of the Sexual Harassment Policy and Procedures are promoted to new and existing staff and that they are aware of their rights and obligations as outlined in this Policy.

1.2 Staff are responsible for ensuring that they understand their rights and responsibilities outlined in this policy and do not engage in any unlawful sexual harassment.

2. Actions for dealing with an alleged incident of sexual harassment

A staff member who believes that they have been sexually harassed may take one of the following courses of action.

- They may choose to approach the harasser themselves and ask them to stop the offending behaviour.
- If they are not satisfied with the outcome of their discussions with the harasser, or they feel uncomfortable about approaching the harasser on their own, they should seek the assistance of their Manager, or the Business Manager or the Chair of Church Council in dealing with the complaint.
- They may refer a formal complaint in writing to the Business Manager, outlining the circumstances of the complaint and the action they want taken in relation to the person(s) concerned. This will result in a formal investigation into the complaint.

3. Formal Complaints

3.1 Investigation of Complaints

Formal complaints must be referred to the Business Manager for investigation.

Note: In the event of a complaint being made against the Business Manager, the Chair of the Church Council will take responsibility for managing the complaint.

The Business Manager will ensure that all complaints are investigated quickly and fairly and treated with complete confidentiality.

Under the principles of procedural fairness the investigation will involve interviewing all parties to the complaint and they will be provided with the opportunity to put

their positions fully. Any other person(s) who may have been involved or who may have witnessed the incident(s) will also be interviewed as part of the investigation.

Pilgrim will take all necessary steps to ensure that people involved in a complaint are not victimised by anyone for coming forward with the complaint or for helping to resolve it.

3.2 Confidentiality

All details of complaints of sexual harassment will remain confidential unless specific permission is granted by the complainant. Any person who breaches confidentiality may be disciplined. It is also important that the complainant keeps the matter confidential to avoid idle gossip and the possibility of defamation proceedings against the complainant or Pilgrim.

3.3 Right to be represented

During any meetings or discussions, the complainant will have the right to be represented or accompanied by a person of their choice. This may be a family member or friend.

3.4 Outcome of the Investigation

Following the investigation, the complainant will be informed of what action (if any) is proposed to be taken by Pilgrim and/or the next steps to be taken.

Any staff member found guilty of perpetrating or condoning sexual harassment will be appropriately disciplined up to and including, termination of employment.

Any manager found guilty of condoning sexual harassment will be appropriately disciplined, or in serious cases, dismissed.

Any person found guilty of making malicious, vexatious or frivolous allegations of sexual harassment that are unfounded, will also be appropriately disciplined and, dependent upon all the circumstances, may also be dismissed.

3.5 Independent Advice

If, in the first instance, the staff member is not comfortable in approaching their Manager, the Business Manager or the Chair of the Church Council, or if they are not satisfied with the way their complaint has been handled by Pilgrim, they may seek independent advice from the Human Resources section of Synod or the Equal Opportunity Commission.

4. Related Policies and Information

- HR-1 - Grievance Policy
- HR-8 - Equal Opportunity Policy
- HR-10 - Workplace Harassment and Bullying Policy
- HR-11 - Code of Conduct - Staff
- Uniting Church in Australia Policy for dealing with a complaint of sexual misconduct made against a member or adherent of the Uniting Church in Australia (which can be accessed on www.assembly.uca.org.au)

- Uniting Church in Australia Constitution and Regulations, Section 7

Authorisation

Chair of Operations Committee:

Handwritten signature of Ki Russell in black ink.

Reviewed February 2020

Approved: March 2020

Next review date: March 2022

