



Catholic Diocese of Sandhurst

Sexual Harassment Policy

1. Introduction

1.1. Sexual harassment is unlawful behaviour under the Commonwealth *Sex Discrimination Act 1984* and the Victorian *Equal Opportunity Act 2010*. It is an abuse of power and is not tolerated in parishes and diocesan agencies of the Catholic Diocese of Sandhurst (the Diocese).

2. Definition

2.1. According to Section 92 of the Victorian Equal Opportunity Act 2010 a person sexually harasses another person if he or she:

- makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or
- engages in any other unwelcome conduct of a sexual nature in relation to the other person, including:
 - 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;
 - making any gesture, action or comment of a sexual nature in a person's presence.

2.2. In circumstances in which a reasonable person having regard to all the circumstances would have anticipated that the other person would be "offended, humiliated or intimidated".

2.3. Under Section 28(A) Sex Discrimination Act 1984 (Cth) the circumstance to be taken into account includes (but is not limited to):

- the sex, age, marital status, sexual preference, religious belief, race, colour, or national or ethnic origin, of the person harassed;
- the relationship between the person harassed and the harasser;
- any disability of the person harassed; and
- any other relevant circumstance.

2.4. Sexual harassment can also amount to discrimination on the grounds of gender under both the Commonwealth and State legislation.

2.5. Sexual harassment can be physical, verbal or visual and may include statements or transmissions by phone, fax, email or any of the social communications media.

2.6. Sexual harassment may be explicit, or more subtle. It may include:

- comments about a person's sex life or physical appearance;
- comments or gestures of a sexual nature;
- suggestive behaviours such as leering and ogling;
- unnecessary physical intimacy such as brushing up against a person;
- physical contact such as touching or fondling;
- sexual propositions or repeated unwanted requests for dates;
- making promises or threats in return for sexual favours;
- sexual jokes, offensive telephone calls, displays of offensive photographs, reading matter or objects;
- sending jokes or graphics of a sexual nature by email, internet or fax;
- unwelcome questioning about a person's private life;
- offensive computer screen savers; and
- stalking, indecent assault or rape (which are also criminal offences).

2.7. In summary, sexual harassment is behaviour of a sexual nature that is uninvited, unreciprocated and unwelcome.

3. Scope

- 3.1. The policy applies to all individuals in the workplace including employees, religious (priests, sisters, brothers and seminarians), volunteers, contractors and visitors of the Diocese.
- 3.2. Every person in the workplace is responsible for maintaining a working environment free from sexual harassment and is liable for his or her actions if sexual harassment occurs.
- 3.3. Agency heads and the priest/administrator of a parish have roles and responsibilities under this policy to see that this policy is applied.
- 3.4. Where an agency of the Diocese has adopted its own sexual harassment policy, then the agency is to make reference to the principles contained within this document.

4. Purpose

- 4.1. The purpose of this policy is to promulgate the Diocese's Sexual Harassment Policy and procedures to be followed by parishes and agencies.
- 4.2. This policy is not a term of any contract, including any contract of employment. The Diocese may vary this policy from time to time.

5. Prohibition of sexual harassment

- 5.1. All people to whom this policy applies are prohibited from engaging in sexual harassment in relation to any other person while at the workplace and/or engaged in any work-related activity.
- 5.2. This prohibition applies to all at a common workplace. It is irrelevant whether each person is an employer, an employee or neither. If they are employees, it is irrelevant whether their employers are the same or different.

6. Roles and responsibilities

- 6.1. The responsibilities of parish priests/administrators and agency heads include:
 - complying with the Diocese's Sexual Harassment Policy;
 - modelling appropriate behaviour;
 - monitoring the working environment to ensure as far as practicable that acceptable standards of conduct are maintained at all times and that sexual harassment is not tolerated;
 - treating seriously complaints and behaviour which may constitute sexual harassment and taking appropriate steps in response to such complaints;
 - treating complaints of sexual harassment with appropriate confidentiality; and
 - ensuring that a person is not victimised for making, or being involved in, a complaint of sexual harassment.
- 6.2. All staff has a responsibility to:
 - comply with the Diocese's Sexual Harassment Policy;
 - model appropriate behaviour;
 - treat information in relation to sexual harassment allegations with appropriate confidentiality;
 - report observations of sexual harassment; and
 - ensure that a person is not victimised for making or being involved in, a complaint of sexual harassment.

7. Consequences for breach of policy

- 7.1. Where an employee is suspected of breaching any obligation, duty or responsibility within this Policy this may result in disciplinary consequences such as, remedial education, counselling, suspension, termination of his or her employment.
- 7.2. If there is any reasonable belief that a criminal act has been committed, the concerned party is advised to contact Victoria Police.

8. What can you do if you are being sexually harassed?

- 8.1. Complainants are encouraged to use the internal processes to address concerns regarding sexual harassment, a sample Incident/Complaints form (Part E) can be located at the following address (www.sandhurst.catholic.org.au), but you are free to refer the matter to an external body such as the Equal Opportunity and Human Rights Commission at any time.
- 8.2. If the complainant feels comfortable doing so, he or she is encouraged to first raise the complaint directly with the person/people against whom the allegations are made.
- 8.3. If the above step is not appropriate, or is unsuccessful in resolving the complaint, the complainant may raise the issues with their parish priest/administrator or agency head, the Diocese's Business Manager (the Business Manager) or the Bishop. If the matter is raised with the parish priest/administrator or agency head, the Business Manager is to be informed. If the complaint relates to a religious, the Business Manager is to be informed. If the matter relates to the Business Manager, the Bishop is to be informed.
- 8.4. If the complainant raises the issues with their parish priest/administrator, agency head, the Business Manager or the Bishop, the complainant will be asked to provide an account of the allegation(s). The person with whom the issues were raised will then take appropriate steps to investigate the allegations or to refer the matter to an appropriate person for investigation.

9. Investigation Process

- 9.1. Any investigation will include putting the allegations to the person whose actions are alleged to have breached this policy. In addition, witnesses or other relevant people may be interviewed regarding aspects of the complaint.
- 9.2. A finding will be made regarding whether this or any other diocesan policy has been breached.
- 9.3. Recommendations for action will then be made and implemented.
- 9.4. Where the human resources management function is undertaken internally by a diocesan agency, the role identified for the Business Manager will be allocated to a person internal to that agency.
- 9.5. This complaint procedure has the following features:
 - *Confidentiality*: Ordinarily, only the people directly involved in the investigation or attempted resolution of a complaint will have access to information about the complaint. Procedural fairness will require that the alleged harasser be told of the matter at an appropriate stage of the investigation. This will be handled sensitively. There will be exceptional circumstances when information cannot be kept completely confidential (for example, when physical threats are involved, when the matter has been referred to an external body such as the police and/or when it is necessary to disclose information to conduct the investigation or to protect the interests of other members of staff or people in the workplace).
 - *Impartiality*: All parties will have a chance to tell their side of the story. No assumptions will be made and, to the extent possible, no action will be taken until all relevant information has been collected and considered.
 - *No Repercussions*: No action will be taken against anyone for making or helping someone to make a genuine complaint. Steps will be taken to ensure that anyone making such a complaint is not victimised.
 - *Promptness*: All complaints will be dealt with as quickly as possible.
 - *Outcome*: The outcome of a complaint could take a variety of forms, including: no further action, an apology, alteration of behaviour, removal of offending material, conciliation, training or counselling, re-assignment of one or both parties to another position or location, or even termination of employment. At any stage during the investigation, the investigating person may determine that the complaint warrants no further action, or refer it to the police as a criminal matter.
 - *Follow up*: Once the complaint has been determined, arrangements may be made for ongoing counselling and support for the complainant and the person who was found or not to have engaged in the harassing behaviour, where appropriate.

10. Approval

Approved by	Signature	Date
Bishop Leslie Tomlinson		1.7.18

11. Revision History

Version	Date	Revised By	Description of Revision	Next Review
1.0	1/7/2018	Child Safety Officer	New Policy	1/07/2020