



## **Sexual Harassment Policy**

### **PURPOSE**

The purpose of this policy is to promulgate the Diocesan Sexual Harassment Policy and procedures to be followed by parishes and diocesan agencies.

### **BACKGROUND**

The Catholic Diocese of Ballarat is committed to providing a safe working environment. Sexual harassment is unlawful behaviour under the Commonwealth Sex Discrimination Act 1984 and the Victoria Equal Opportunity Act 1995. It is an abuse of power and is not tolerated in parishes and diocesan agencies.

### **APPLICATION**

This policy applies to Portland – All Saints

This policy applies to all people in the workplace including staff (priests, brothers, sisters, seminarians and employees), volunteers, contractors, agents and clients of the Diocese. 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.

The responsibility for providing a working environment free from sexual harassment is discharged through agency heads or through the parish priest/administrator of a parish.

### **DEFINITION**

The Victoria Equal Opportunity Act 1995 addresses sexual harassment in Part 5. Section 85 (1) provides: *"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 – 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"*.

Section 85 (2) provides: *"conduct of a sexual nature" includes- subjecting a person to any act of physical intimacy; making, orally or in writing, and 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."*

Similar provisions apply under the Commonwealth Sex Discrimination Act 1984. Sexual harassment can also amount to discrimination on the grounds of gender under both the Commonwealth and State legislation.

Sexual harassment can be physical, verbal or visual and may include statements or transmissions by phone, fax, internet and email, and will vary in the degree and extent to which it causes affront and distress.

Sexual harassment 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;
- stalking, indecent assault or rape (which are also criminal offences).

In summary, sexual harassment is behaviour that is uninvited, unreciprocated and unwelcome.

## **ROLES AND RESPONSIBILITIES**

The responsibilities of agency heads/parish priest include:

- complying with the Diocesan 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 immediate action;
- treating complaints of sexual harassment with appropriate confidentiality;
- ensuring that a person is not victimised for making, or being involved in, a complaint of sexual harassment;

All staff have a responsibility to:

- comply with the Diocesan Sexual Harassment Policy;
- model appropriate behaviour;
- treat information in relation to sexual harassment allegations with appropriate confidentiality;
- report observations of sexual harassment;
- ensure that a person is not victimised for making or being involved in, a complaint of sexual harassment.

## **WHAT CAN YOU DO IF YOU ARE BEING SEXUALLY HARASSED?**

Complainants are encouraged to use the internal processes, but are free to refer the matter to an external body such as the Equal Opportunity Commission at any time.

The complainant is encouraged to raise the complaint directly with the person/people against whom the allegations are made.

If the above step is not appropriate, or is unsuccessful in resolving the complaint, the staff member with the complaint may raise the issues with their agency head or the parish

priest/administrator or the Diocesan Vicar General. If the matter is raised with the agency head or parish priest/administrator, the Diocesan Vicar General is to be informed. If the complaint relates to a priest, brother, sister or seminarian, the Vicar General is to be informed.

The complainant will be asked to provide an account of the allegation/s.

The investigation will be put in place, which 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.

A finding will be made regarding whether this or any other Diocesan policy has been breached. Recommendations for action will then be made and implemented.

Documents will only be kept on employee files where allegations are found to have occurred.

This complaint procedure has the following features:

- **Confidentiality:** Only the people directly involved in the investigation or attempted resolution of a complaint will have access to information about the complaint. There will be exceptional circumstances when information cannot be kept confidential, eg when physical threats are involved, when the matter has been referred to an external body such as the police.
- **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. All reasonable steps to ensure that anyone making 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 investigation 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.

For further information please contact the Diocesan Vicar General.

