

1. Introduction

- Sexual harassment in the workplace is against the law and illegal, under the *Equal Opportunity Act 2010* (Vic) and the *Sex Discrimination Act 1984* (Cth).
- Sexual harassment describes a wide range of unwelcome behaviour of a sexual nature, which could reasonably be expected to make a person feel uncomfortable, offended, humiliated or intimidated.
- Fishcare Victoria considers acts of discrimination or sexual harassment to be a form of unacceptable behavior which will not be tolerated in any circumstances.
- Individuals found to have breached this policy or found engaging in discriminatory or sexually harassing conduct toward any person during the course of their employment in relation to fellow workers, customers or work contacts will be subject to disciplinary action, which may include dismissal.

2. Scope

- This policy applies to:
 - All conduct which occurs at Fishcare Victoria workplaces.
 - Including all persons at Fishcare Victoria workplaces, including but not limited to all management, office staff, outdoor staff, contract workers, consultants, volunteers, full-time, part-time and casual workers.
 - Conduct which occurs in connection with a person's work with Fishcare Victoria.
 - This includes conduct which occurs whenever a person carries out any functions in relation to his or her employment with Fishcare Victoria.
 - This includes conduct at work functions, outside of work hours or at customer's premises.

3. Sexual Harassment

What is sexual harassment?

- A person sexually harasses another person if the person:
 - Makes an unwelcome sexual advance;.
 - Makes an unwelcome request for sexual favours; or
 - Engages in other unwelcome conduct of a sexual nature in relation to the person harassed.

- In circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated. Mutually acceptable friendships which develop between people who meet at work have nothing to do with sexual harassment.
- Sexual harassment:
 - Is unwelcome, uninvited conduct which is offensive *from the view of the person harassed*, regardless of any “innocent intent” on the part of the offender;
 - Can involve any physical, visual, verbal or non-verbal conduct of a sexual nature;
 - Can be experienced by both men and women
 - May include conduct which occurs in your workplace or in connection with your work, for example at a work function outside of work hours or at a customer’s premises; and
 - Can involve a series of incidents or it can be once off occurrence.

Examples of Sexual Harassment

- Depending on the circumstance, sexual harassment may include;
 - Deliberate and unnecessary physical contact, such as patting, pinching, fondling, or deliberately brushing against another body, attempts at kissing;
 - Constant requests for drinks or dates, especially after prior refusal;
 - Request for sexual favours, gestures or body movements of a sexual intimidating nature;
 - Displays of offensive material, including posters, pictures, calendars, cartoons, graffiti or messages left on boards or desks;
 - Remarks about a person’s sexual activity or private life
 - Crude comments, jokes and suggestions;
 - Electronic mail messages, voice mail messages, screen savers (words and images), offensive telephone calls or faxes, kris kingle gifts;
 - Innuendo, including sexually provocative remarks, suggestive or derogative comments about a person’s physical appearance, references of sexual morality or tales of sexual performance.

4. Vicarious Liability

- An employer, as well as the discriminator or harasser, may be legally responsible for discrimination or sexual harassment which occurs in the workplace, in connection with the person’s employment or in the provision of goods and services.

- Fishcare Victoria may be vicariously liable for the conduct of:
 - Individual employees or groups of employees.
 - Committee members, supervisors or managers.
 - Contract workers, consultants or people employed on commission.
 - Persons acting as representatives of Fishcare Victoria dealing with members of the public
- A manager or supervisor may also be vicariously liable for the conduct of staff for whom he or she is responsible.

5. Victimisation

- It is also against the law and against Fishcare Victoria policy to victimise another person by subjecting or threatening to subject the other person to any detriment because the other person, or a person associated with the other person;
 - Has made a complaint against any person;
 - Has refused to do anything that would contravene this policy;
 - Has alleged that the person has contravened this policy (unless the allegation is false and was not made in good faith);
 - Because the person believes that the other person or the associate has done or intends to do any of these things.

6. Complaint resolution process

- Accusing another person of discrimination and / or sexual harassment is serious. However, every person who believes he or she is being discriminated against or sexually harassed has the right to complain and take action.
- If you think or believe you are being subjected to discrimination or sexually harassed you are encouraged to speak in confidence to Executive Officer.
- Should your complaint involve the Executive Officer, you are to approach the President of the Committee.
- If you chose to make a complaint it will be handled in a confidential, impartial and sympathetic manner.
- A full and impartial investigation of the matter will occur and Fishcare Victoria will take appropriate action to ensure that any discrimination or sexual harassment found to exist does not continue.
- This may include disciplinary action being taken against an offender, including dismissal.

Endorsed by Committee

17th February, 2020

This policy can be updated as required