



## **SEX-BASED MISCONDUCT (SEXUAL HARRASSMENT) POLICY**

### **INTRODUCTION**

Club Willoughby is committed to providing a safe and respectful workplace for staff to be free from all forms of discrimination and harassment, in particular to this policy, sexual harassment.

The Club has a zero-tolerance stance to sexual harassment. It aims to treat every allegation of sexual harassment extremely seriously and will not accept, condone, or tolerate workplace sexual harassment of any kind.

Sexual harassment, sex-based harassment, and sex-based discrimination (collectively 'sex-based misconduct') are unlawful, and the Club acknowledges, observes and complies with the provisions of the Sex Discrimination Act 1984 and all other associated State and Federal legislation relating to the subject of sex-based misconduct in the workplace.

### **OBJECTIVE**

The objectives of this policy are to:

- prevent sex-based misconduct from occurring in the workplace
- encourage reporting of sex-based misconduct if it occurs in the workplace
- ensure that all employees, contractors, volunteers, apprentices, trainees and Board of Directors of the Club ('worker' or 'workers') are aware of their rights and obligations if they are ever subject to or witness sex-based misconduct in the workplace
- ensure that any workers involved in a sex-based misconduct complaint are protected from victimisation

### **SCOPE**

This policy applies to all workers - which includes employees, managers, apprentices, trainees, contractors, sub-contractors, interns, volunteers, and the Board of Directors.

All workers are entitled to a workplace free from sex-based misconduct. This policy applies to:

- conduct towards a worker or workers by another worker.
- conduct towards a worker or workers by a customer of the Club (including members, guests, and visitors).
- hostile workplace environments.

#### *Sex-based misconduct in the workplace*

Sex-based misconduct occurs in the workplace when it happens at work or at an event that is connected to work. For example, at work-related events or between colleagues outside of work, which can also include conduct on social media or messages sent via text and emails outside of work hours.

The Club recognises that comments and behaviour that do not offend one person can offend another. This Policy requires all workers to respect other people's limits. Just because someone does not object to

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

## **DISCRIMINATION**

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability. For more information, see the Club's Anti-Discrimination policy.

### **DEFINITION OF SEXUAL HARRASSMENT**

Sexual harassment is a specific and serious form of harassment. It happens if a person:

- a) makes an unwelcome sexual advance to another person,
- b) makes an unwelcome request for sexual favours to another person, or
- c) engages in other unwelcome conduct of a sexual nature in relation to another person,

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

Sexual harassment does not have to be repeated or ongoing. It can also take many different forms and may include physical contact, verbal, or written comments. Some examples of sexual harassment include but are not limited to:

- comments about a person's private life or the way they look.
- sexually suggestive behaviour, such as leering or staring.
- brushing up against someone, touching, fondling or hugging.
- sexually suggestive comments or jokes.
- repeated unwanted requests to go out.
- requests for sex.
- insults or taunts of a sexual nature.
- intrusive questions or statements about a person's private life.
- sending sexually explicit emails or text messages.
- inappropriate advances on social networking sites.
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment is not behaviour that is based on mutual attraction, friendship, or respect. If the interaction is consensual, welcomed and reciprocated it is not sexual harassment.

### **DEFINITION OF SEX-BASED HARRASSMENT**

In addition to sexual harassment and sex discrimination outlined above, sex-based harassment falls between the two and is also unlawful under the Sex Discrimination Act 1984. Sex-based harassment is any unwelcome conduct of a seriously demeaning nature because of a person's sex, in circumstances which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

This means, a person harasses another person on the grounds of sex if:

- a person engages in unwelcome conduct of a seriously demeaning nature in relation to another person by reason of the person's sex (or characteristic that appertains generally or is generally imputed to that person's sex).
- the person does so in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

## **HOSTILE WORKPLACE ENVIRONMENTS**

A hostile work environment includes conduct that is not directed to any particular person or worker but can result in a worker or workers feeling unwelcome or offended by the general environment. Examples of factors that contribute to a hostile workplace environment include but are not limited to:

- displaying offensive screen savers, photos, calendars or objects.
- sexually explicit posts on social networking sites.
- accessing sexually explicit internet sites.
- workplaces where sexual jokes or innuendo occur.

Hostile workplace environments are unlawful, and the Club will take the appropriate action against any worker found to have contributed to one.

## **VICTIMISATION**

The Club has a zero-tolerance approach to victimisation.

Victimisation is against the law. Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law (such as the Sex Discrimination Act 1984), made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this Policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator, which may include termination of employment or engagement.

## **PREVENTION OF SEXUAL HARASSMENT**

To minimise sexual harassment in the workplace, the Club will aim to ensure that all workers are required to attend regular training relating to sexual harassment in the workplace. This training will assist workers to understand their rights and responsibilities in the workplace, encourage them to report any behaviour that breaches this Policy and understand the complaints procedure.

The Club seeks to monitor and assess this Policy and measures to prevent sex-based misconduct in the workplace. This may include:

- reporting on the nature and outcomes of complaints.
- Monitor and assess high risk situations

The Club will build a culture of safety and address risk regularly. The Club will do this by regularly identify and assess risk factors for sexual discrimination, sexual harassment and victimisation.

## **RESPONSIBILITIES**

### *Workers*

The Club requires all workers to behave responsibly by complying with this Policy, to not engage in sexual harassment or sex-based misconduct and to immediately report incidents of sexual harassment in the workplace to the Club in accordance with the procedure below.

### *Management*

The Club's Management have a positive duty to take reasonable and proportionate measures to eliminate workplace sexual harassment, victimisation and sex-based misconduct far as possible by:

- understanding their obligation in accordance with relevant legislation including Sex Discrimination Act 1984 what behaviour constitutes discrimination, sexual harassment and victimisation.
- personally demonstrate appropriate behaviour.
- promote this, Policy.
- encourage workers to report any behaviour that breaches this, Policy.
- assist with the implementation of training relating to sexual harassment and ensuring that workers are aware of this Policy.
- manage any complaints in accordance with the Club's policy.
- treat complaints seriously.
- provide support to workers who have been subject to or witnesses of sex-based misconduct in the workplace, including referring to an Employee Assistance Providers where appropriate.
- Identify and assess risk factors for discrimination, sexual harassment and victimisation.

## **PROCEDURE**

Any worker who is the subject sexual harassment in the workplace must notify the Operation/Events Manager, so that an investigation can be conducted, and appropriate action taken.

Any worker who witnesses another worker being subjected sex-based misconduct in the workplace must notify the Operations/Events Manager, so that an investigation can be conducted, and appropriate action taken.

If you are unsure whether the conduct is sex-based misconduct or not, you can discuss it further with the Operations/Events Manager.

If the complaint involves the Operation/Events Manager, then the worker may take their concerns to the Club's Chief Executive Officer.

## **BREACH OF POLICY**

The Club has a zero tolerance to sex-based misconduct. Any worker who breaches this Policy, or who makes a false sexual harassment claim may be subject to counselling and/or disciplinary action, which may include termination of their employment for misconduct or serious misconduct.

## **REVIEW OF POLICY**

This Policy may be amended or replaced at any time. If necessary, further changes and actions may be introduced to ensure that sex-based misconduct is prevented and controlled.

## **DISCLAIMER**

This Policy does not form part of a staff member's contract of employment. The Club may amend this Policy at any time.

RELATED POLICIES

- Anti-Discrimination Policy
- Staff Dispute & Grievance Policy
- Anti-Harassment and Workplace Bullying Policy

Policy Date	April 2025	Replaces Version	NA
Approved By	Chief Executive Officer & President of Board of Directors		