

# 18 Sexual Harassment Policy

## Modification History

Action	Body	Date
Approved	State Executive	2011-08-11
Amended	State Council	2018-12-08

## Definitions

**Complainant:** The person who is making a complaint of sexual harassment.

**Respondent:** The alleged harasser.

## Statement and Application of Policy

1. The Australian Greens Victoria (AGV) does not tolerate sexual harassment in any form or under any circumstances and is fully committed to eliminating such behaviours in our party. The AGV is committed to providing a safe environment for all members and volunteers.
2. Sexual harassment is unlawful and can be subject to criminal and civil sanctions. It limits the ability of members and volunteers to participate fully in the party, and can have serious negative effects on both the health and wellbeing of the person targeted by the behaviour, and on the culture and morale of the party.
3. Sexual harassment can be perpetrated against any person of any gender or sexual orientation. Sexual harassment is overwhelmingly perpetrated by men against women and is an inevitable result of a society that accepts sexism and misogyny.
4. All AGV members have a responsibility to ensure that sexual harassment does not occur, to challenge sexist behaviours when they see them, and to treat any complaint seriously, with sensitivity and respect.
5. This policy applies to and covers every AGV member and AGV volunteer.
6. Reports of sexual harassment will be treated promptly, seriously and confidentially, with the objective of creating a safe environment for all our members and volunteers. Complaints should be responded to with sensitivity towards the mental health and wellbeing of all parties, and with the understanding that sexual harassment can have great negative impacts on a person's mental health.
7. The AGV recognise that making a complaint of this nature can have a significant impact on complainants. Complainants have the right to determine how a complaint will be treated, and will be told any available options from the outset of a complaint being made. They also have the right to have a support person or representative chosen by them involved in the process and the option to stop the process at any time.
8. The respondent also has the right to have a support person or representative chosen by them present when they respond to the allegations made.
9. No AGV member or volunteer will be treated unfairly as a result of making a complaint of sexual harassment.

## Definition of Sexual Harassment

10. Sexual harassment includes any unwanted or unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, uncomfortable, humiliated or intimidated. This may include, but is not restricted to:
  - (a) an unwanted or unwelcome sexual advance;
  - (b) an unwelcome request for sexual favours;
  - (c) unwelcome, inappropriate or excessive comments, verbally or in writing, about someone's sexuality, sex life or physical appearance, or intrusive enquiries into someone's private life;
  - (d) unwanted and inappropriate body language, gestures, leering, staring and ogling;
  - (e) making, verbally or in writing, sexually offensive comments, stories or jokes;
  - (f) displaying sexually offensive images, reading matter or objects;
  - (g) unwelcome sexual propositions or continued requests for dates;
  - (h) unwanted intimate physical contact such as touching or fondling, or unnecessary brushing up against someone; and
  - (i) sexual or indecent assault, stalking, indecent exposure, physical molestation, obscene phone calls or electronic communications, threats to harm, or rape (these are criminal offences).
11. Sexual harassment may occur wherever AGV members, volunteers and/or AGV staff are interacting in the context of their position in the AGV, including in the AGV office, work for the AGV off site (such as at campaign events), in online spaces and at conferences, meetings and social functions organised by the AGV. It can occur in a variety of settings including but not limited to: face-to-face encounters, on the phone and online.
12. Consensual interaction does not constitute sexual harassment. However, it should be noted that whether or not an interaction is consensual might be reassessed and differently understood over time, and a number of factors may influence consent or perceptions of consent. These factors can include:
  - (a) personal factors, such as age (including age difference), maturity, working or personal relationships within or outside the party, hierarchical positions within the party, status or public image, sexual orientation, and/or gender identity; and
  - (b) situational factors, such as force or the fear of force, the fear of harm, alcohol or drug consumption, intoxication, if the complainant was asleep or unconscious, and/or the setting or location (including if the complainant was unlawfully detained).

## Making and Responding to a Complaint

13. An AGV member or volunteer who has been sexually harassed may choose to take their complaint to:
  - (a) an external body, including Victoria Police, the Australian Human Rights Commission who can be contacted on 1300 656 419, or the Victorian Equal Opportunity and Human Rights Commission who can be contacted on 1300 292 153; or
  - (b) an internal body, including:
    - (i) the AGV Disputes Panel who will follow its formal complaints procedure in respect of investigating and assisting in the resolution of the complaint. The Disputes Panel can be contacted at [disputespanel@lists.vic.greens.org.au](mailto:disputespanel@lists.vic.greens.org.au); or
    - (ii) the most senior staff member or the State Convenor/s who will follow an informal complaints procedure in respect of assisting in the reporting and resolution of the complaint as outlined in clauses 17-23. They can be contacted on [state.director@vic.greens.org.au](mailto:state.director@vic.greens.org.au) or [convenor@vic.greens.org.au](mailto:convenor@vic.greens.org.au).

14. The complainant and the respondent will be provided with information about service providers who may be able to offer additional support.
15. Any incidents that may fall within the scope of this policy will be recorded in an incidents register. The register shall include:
  - (a) the date and time that the disclosure was made;
  - (b) the name and role of the person to whom the disclosure was made;
  - (c) with permission only, the name of the complainant;
  - (d) the name of the respondent, if given;
  - (e) the date, time and location of the alleged incident;
  - (f) whether there are any exceptional circumstances that require breaking confidentiality and reporting the matter as required by law;
  - (g) the options discussed and what decisions were taken by the complainant; and
  - (h) details of the incident.
16. This record is to be kept confidentially and securely by the State Secretary. The existence of the record is not in itself misconduct. However, if the behaviour recurs or further complaints are made against the respondent, the matter may be referred to the Disputes Panel for misconduct investigations.

## **Procedures for Dealing with Informal Complaints**

17. The State Convenor/s and most senior staff member are empowered to conduct an informal complaints process or, with the permission of the complainant, to delegate the conduct of this process to any other member/s with appropriate skills and expertise.
18. The objective of an informal complaints process is to provide an opportunity for reflection and self-regulation, recognising the significant impact that bystander intervention can have in challenging sexual harassment.
19. An informal complaint can be made to the State Convenor/s or most senior staff member. The complaint should outline details of the offending behaviour and its impact(s).
20. The State Convenor/s or most senior staff member or their delegate shall talk to the respondent. Ideally, the delegate will be a peer of the respondent, i.e. a staff member will talk to a staff member, an office bearer to an office bearer, etc.
21. Informal interventions should adopt a confidential, non-confrontational approach with a view to resolving the issue and preventing further inappropriate behaviour. The respondent will be informed that a complaint has been made, informed that sexual harassment is not acceptable within the party, and encouraged to reflect on their behaviour. The respondent will not be given the name of the complainant or any identifying information.
22. There are no possible sanctions through the informal complaints mechanism. However, if at any point that the State Convenor/s or most senior staff member reasonably believe it to be necessary, they may take additional actions, insofar as they are empowered to do so. Such actions may include an information or training session on consent and appropriate behaviour, a behaviour management plan, or actions to ensure the safety of the complainant or any other party. The respondent must be informed about any actions taken that restrict their participation in the party, and the reasons for those actions being taken.
23. A record will be kept of all complaints made as part of the informal complaints process. This record will be kept confidentially and securely by the State Secretary. The existence of this record is not in itself misconduct. However, if the behaviour recurs or if further complaints are made against the respondent, the matter may be referred to the Disputes Panel for misconduct investigations. The record shall be added to the incidents register and include:
  - (a) the name of the person who made the intervention; and

- (b) what was discussed at the intervention.

## **Procedures for Dealing with Formal Complaints**

24. The Disputes Panel is empowered to conduct a formal complaints process, and will follow its normal procedure in respect of investigating and assisting in the resolution of the complaint.
25. A formal complaints process requires an investigation, official findings and may result in a finding of misconduct.

## **Procedures for Dealing with Criminal Conduct**

26. Some conduct (e.g. sexual or indecent assault, stalking, indecent exposure, physical molestation, obscene phone calls or electronic communication, threats to harm, or rape) may be criminal in nature. Where relevant, complainants will be advised of the option of police support or intervention.
27. Normally, it will be a matter for the complainant to decide whether or not to report such matters to the police. However, in circumstances where the conduct falls within mandatory reporting requirements (for example, in relation to child abuse) or the conduct impacts the party's duty of care to the safety of others, the AGV may report an allegation of criminal conduct independently of the complainant. Complainants will be offered support throughout the process.
28. Where the complainant does report the matter to the police, the AGV will cooperate fully with the police including any requests to suspend or pause internal processes until the conclusion of the police investigation or any court proceedings. In its discretion, the AGV may impose an interim sanction in relation to the respondent.

## **Victimisation**

29. The AGV is committed to ensuring that victims of sexual harassment can make complaints without fear of retaliation or victimisation.
30. Victimisation or retaliation against any person who complains of conduct that falls within this policy is prohibited (whether or not that complaint resulted in a finding that the offending behaviour had occurred).
31. Anyone who victimises or retaliates against a complainant or a respondent may be dealt with under the Code of Conduct.

## **Contact Persons**

32. Any AGV event, activity or online space will have at least one contact person whose job it is to promote the aims of this policy and to respond to and assist with, where required or requested, allegations of sexual harassment.
33. If a contact person is not specifically named, the default contact persons are the State Convenor/s or the most senior staff member. No more than one contact person at any given AGV event, activity, or online space will be a man. Where only one contact person exists, it shall not be a man.
34. If an incident occurs at any AGV event, activity or online space, the contact person will record the incident, as well as how the complaint was handled and how the complainant was supported in line with clause 15. The contact person will then provide this record to the State Convenor/s or most senior staff member.
35. Any concerns regarding the conduct of a contact person may be raised with the State Convenor/s or most senior staff member.

## **Taking All Reasonable Steps**

36. The AGV acknowledge the legal, as well as moral, responsibility to take all reasonable steps to prevent sexual harassment. As such, the AGV commits to:
- (a) circulating this policy to all employees, office bearers of branches, regional councils, committees and working groups, and local, state and national holders of public office as well as ensuring the policy is publicly available;
  - (b) providing formal training on responding to disclosures of sexual harassment to state office bearers, the most senior staff member, and any other person who is given delegated responsibility as a contact person, to enable them to respond to disclosures effectively and with sensitivity;
  - (c) regular and ongoing monitoring of compliance and effective implementation of this policy every six months at a State Executive meeting, including feedback from complainants on how complaints have been undertaken and resolved, with the aim of reducing incidents over time and also successfully addressing and resolving them through the procedures outlined; and
  - (d) keeping National Council informed of the outcome of any complaints received that arise out of national activities.