
THE GREENS (WA)

SEXUAL HARASSMENT BY-LAW

VERSION 1 | 2018

1. PREAMBLE

- 1.1. The Greens (WA) is committed to providing a safe environment for all members and volunteers. The Greens (WA) will not tolerate sexual harassment, assault or violence under any circumstances.
- 1.2. All complaints of sexual harassment will be taken seriously, handled efficiently, and treated with respect and confidence.
- 1.3. These by-laws should be read together with the Greens (WA) Conflict Resolution By-Laws.
- 1.4. The Greens (WA) acknowledges that sexual harassment is against the law, and notes the operation of the Sex Discrimination Act 1984 (Cth), and the Equal Opportunity Act 1984 (WA).

2. PURPOSE

- 2.1. The purpose of these by-laws is to set out the processes that are available to a person who has experienced Sexual Harassment within Greens (WA) spaces. This includes, but is not limited to, GWA online spaces and organised activities.
- 2.2. The process followed here is not to be used in response to complaints of sexual assault or violence. If an instance of assault or violence is brought to the attention of a Complaints Officer:
 - a. The Complaints Officer should immediately provide the complainant with the list of support services outlined in Annexure One;
 - b. The Complaints Officer should immediately refer the complainant to Police; and
 - c. With the complainant's consent, and regardless of whether the matter is referred to police, the Co-Convenors of GWA should be immediately advised of an incident, to allow them to consider commencing action under the GWA *Censure, Suspension and Expulsion By-Laws*.
- 2.3. These by-laws are not intended to apply to staff members of Greens (WA) or staff of Greens (WA) members of parliament, except when acting in their capacity as GWA members. Any member or volunteer wishing to raise a complaint about a staff member can do so following the relevant staff complaints process.

3. DEFINITIONS

For the purposes of these by-laws, and any associated materials:

“Activities” means the behavior, conduct or general participation of any Member or volunteer in their capacity as much, including by not limited to any meetings, events, or online spaces.

“AGM” means the Annual General Meeting of The Greens (WA) Inc.;

“Complaints Officer” means a person appointed under section 4 of these by-laws to receive complaints of sexual harassment;

“GWA” means The Greens (WA) Inc.

“Member” means a Party member as defined in Part 3 of the GWA Inc. Constitution;

“Party” means The Greens (WA) Inc.

“Parties” means the Aggrieved Person and the Respondent

“Respondent” means a Member identified by an Aggrieved Person whose alleged actions have been perceived to cause or contribute to a grievance.

“Reps” means the Representatives Council of The Greens (WA).

“Sexual Harassment” means an

- (a) unwelcome sexual advance;
- (b) unwelcome request for sexual favours; or
- (c) other unwelcome conduct of a sexual nature

which makes a person feel offended, humiliated or intimidated, where a reasonable person would anticipate that reaction in the circumstances. Please see Annexure Two for examples of conduct which may constitute Sexual Harassment.

“Support person” means a trusted friend or colleague chosen by the respondent and/or aggrieved person. To ensure the integrity of the process, they must be accepted by the Complaints Officer or Grievance Coordinator.



4. COMPLAINTS OFFICERS

- 4.1.** The Reps Council shall appoint no less than three officers to receive complaints of sexual harassment. The complainants officers shall include:
- At least one Grievance Coordinator or Resolution Officer; and
 - An Office Bearer of the Greens (WA)
- Provided that at least two officers who are not cis-gendered males.
- 4.2.** All Complaints Officers shall be provided with training in identifying and responding to sexual harassment, abuse and violence.
- 4.3.** There is no term limit for Complaints Officers, but their appointments shall be confirmed annually at the first meeting of Reps following the AGM.
- 4.4.** Contact details for Complaints Officers shall be made available from:
- The Greens (WA) central office; and
 - The Greens (WA) website.
- 4.5.** Contact details should also be published to members annually, and circulated through Regional Groups and working groups.

5. PROCESS

- 5.1.** In order to initiate a complaint of sexual harassment, a complainant may contact a Complaints Officer in any way that they feel comfortable. A complaint does not need to be made in writing.
- 5.2.** When a complaint is received, a Complaints Officer will:
- Refer the complainant to the support services outlined in annexure one;
 - Obtain and record a full, detailed account of the incident/s;
 - Explain the options available under these by-laws, the GWA Conflict Resolution By-Laws, and the GWA Censure, Suspension and Expulsion By-Laws to the complainant;
 - Ascertain the complainant's preferred outcome (for example, an apology, the behavior to change, or a change in the circumstances in which the parties come into contact);
 - Agree on the next step; and
 - Keep a confidential record of all details of the discussion and decisions taken in the course of the discussion, which will be retained by The Greens (WA).
- 5.3.** If the Complaints Officer considers that:
- The nature of the alleged conduct is so serious as to present an immediate organisational risk to GWA; or
 - There is a significant risk that the safety of the complainant will be prejudiced by the respondent's ongoing involvement with GWA
- 5.4.** Then they may, subject to the agreement of the complainant, refer the matter to a Co-Convenor of GWA, with a recommendation that the respondent be suspended

pursuant to s. 11 of the Greens (WA) Constitution and the Censure, Suspension and Expulsion By-Laws.

- 5.5.** If possible, the complainant should inform the respondent the conduct is unwelcome and unwanted. If the complainant can't do this directly, the Complaints Officer may support the complainant in making a direct approach to the respondent. The conversation should include:
 - a. Informing them of the relevant conduct; and
 - b. Explaining the complainant's preferred outcome.
- 5.6.** If the complainant is not comfortable making a direct approach to the respondent, then the Complaints Officer may mediate an informal resolution of the matter. The Complaints Officer should ensure that the following process applies:
 - a. inform the respondent of the complaint and provide them with an opportunity to respond;
 - b. ensure both parties understand their rights and responsibilities under the GWA Constitution and relevant by-laws;
 - c. if appropriate, mediate an outcome that is satisfactory for the complainant and the respondent; and
 - d. follow-up to ensure the behavior does not re-occur.
- 5.7.** Both the complainant and the respondent are entitled to have a support person present during any stage of this process.
- 5.8.** If a satisfactory resolution cannot be reached through the processes outlined at 5.4 or 5.5, then the matter should be referred to a GWA Grievance Coordinator and dealt with pursuant to the GWA Conflict Resolution By-Laws. The Complaints Officer may support the complainant through the initial stages of the referral.

6. CONFIDENTIALITY

- 6.1.** GWA acknowledges that raising complaints of sexual harassment can involve difficult and intimate conversations.
- 6.2.** Regardless of the process followed under these by-laws, all aspects of any allegations are to remain confidential.
- 6.3.** Any member who breaches the confidentiality provisions of these by-laws may be referred to the Reps Council pursuant to the Censure, Suspension and Expulsion By-Laws.
- 6.4.** These confidentiality provisions do not apply to the complainant or the respondent.

7. VEXATIOUS COMPLAINTS

- 7.1.** A person whose complaint is found to be vexatious may be referred to the Reps Council pursuant to the Censure, Suspension and Expulsion By-Laws.
- 7.2.** A complaint under these by-laws will be vexatious if:



- a. It lacks reasonable ground and is malicious or defamatory;
- b. The complainant's conduct is unreasonable, in raising the complaint; or
- c. The complaint is raised with the intent of wasting time or resources, or cause stress and confusion to the respondent, GWA office bearers or staff, or anyone involved in investigating the grievance.

7.3. Should the Respondent believe the grievance to be vexatious, they should advise the Complaints Officer. The Complaints Officer should refer the entirety of the initial complaint to the Grievance Coordinator for resolution pursuant to the Conflict Resolution By-Laws.



Annexure One: Relevant Service Providers in Western Australia

Sexual Assault & Domestic Violence National Help Line

1800 Respect (1800 737 732)

Sexual Assault Resource Centre (SARC)

Crisis 24 hour (08) 9340 1828

Country areas (free call) 1800 199 888

Ph: (08) 9340 1820 (office)

Fax: (08) 9381 5426

http://www.health.wa.gov.au/services/detail.cfm?Unit_ID=319

Waratah Support Centre (Bunbury)

Phone: (08) 9791 2884

Freecall: 1800 017 303

Fax: (08) 9721 3102

<http://www.waratah.asn.au>



Annexure Two: Conduct that may constitute Sexual Harassment

Sexual harassment includes any unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated.

This may include (but is not restricted to):

- an unwelcome sexual advance;
- a request for sexual favours;
- unwelcome comments about someone's sex life or physical appearance;
- leering and ogling;
- sexually offensive comments, stories or jokes;
- displaying sexually offensive photos, pinups or calendars, reading matter or objects;
- sexual propositions or continued requests for dates;
- physical contact such as touching or fondling, or unnecessary brushing up against someone; or
- Sending sexually explicit messages by phone, email or any other source.