

SEXUAL HARASSMENT POLICY

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Responsible person	Siimon Hemmings	Scheduled review date	1 Jan 2025

INTRODUCTION

Cycling Without Age Australia (CWAA) will fiercely defend the right of every employee, contractor, volunteer and participants to perform their work without being subjected to sexual harassment. Every volunteer, employee, contractor and participant in the organization is responsible for providing an environment that is supportive of this aim. Everyone must treat everyone else with respect and must aim to act as a beacon for good behaviour in the workplace.

It is the obligation and responsibility of every employee, contractor, volunteer and participant in the organization to ensure that the workplace is free from sexual harassment. CWAA is fully committed to its obligation to prevent and eliminate sexual harassment in the workplace.

SCOPE

This policy applies to volunteers, employees, contractors and participants in the organization. This policy recognises the individual and shared responsibility for the care and protection of our people, and for reporting information about suspected sexual harassment.

PURPOSE

The purpose of this document is to outline CWAA's position on sexual harassment and to document the process which is to be followed should any grievances arise.

DEFINITIONS

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about your private life
- displaying posters, magazines or screensavers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- requests for sex or repeated unwanted requests to go out on dates

- 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

Behaviour based on mutual attraction, friendship and respect is not sexual harassment.

POLICY

CWAA will not tolerate sexual harassment under any circumstances. Responsibility lies with every office holder, volunteer, employee, contractor and participants in the organization to ensure that sexual harassment does not occur.

Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establish minimum standards of behaviour for all employees.

This policy applies to conduct that takes place in any volunteer work-related context, including conferences, work functions, social events and business trips.

No employee, contractor, volunteer or participants in the organization at any level should subject any other employee, volunteer, contractor, customer or visitor to any form of sexual harassment.

A breach of this policy will result in disciplinary action, up to and including termination of volunteer agreement or employment or denied future access to participate in CWAA services or activities.

CWAA strongly encourages any employee, contract, volunteer or participants in the organization who feels they have been sexually harassed to take immediate action. If an employee, contractor, volunteer or participant in the organization feels comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. The employee, contractor, volunteer or participant in the organization should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

However, given the seriousness of sexual harassment, we recommend that this discussion happens in consultation with the Community Captain, Chapter Chair or an organization Office holder.

Alternatively, or in addition, they may report the behaviour in accordance with the relevant procedure. Once a report is made the organization will determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential but the person the subject of the complaint must be notified under the rules of natural justice. The organization will protect all those involved in the process from victimization.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No employee, contractor, volunteer or participant in the organization will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any employee or volunteer who has been alleged to be a harasser.

All employees, contractors, volunteers and participants in the organization have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.


Community Captain, Chapter Chair or an organization Office holder who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

This policy is to be used in conjunction with the Discrimination and Harassment policies.

PROCEDURES FOR DEALING WITH CRIMINAL CONDUCT

Some forms of severe sexual harassment may constitute criminal conduct. While Cycling Without Age Australia is committed to treat most complaints about sexual harassment at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Complainants should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

AUTHORISATION



Secretary of Management Committee

Date: 2nd August 2023

Cycling Without Age Australia