



## **SEXUAL HARASSMENT PROCEDURAL GUIDELINES**

### **RATIONALE**

The Winton School BOT regards sexual harassment as a serious offence. Any person employed or associated with the school (hereafter referred to collectively as employees) will have the right to perform their duties unimpeded by any form of sexual harassment.

### **PURPOSE**

1. Sexual harassment is verbal or physical of a sexual nature by one person or group of persons towards another person or group. It includes the misuse of visual or written material. The behaviour is;
  - Unwelcome
  - Unsolicited
  - Offensive
  - Persistent
  - Sufficiently seriousto have a detrimental effect on the employee's employment, job performance or job satisfaction.
2. Harassment of employees must not occur in regard to people's sexual orientation.
3. Sexual harassment is prohibited by Section 62 and 69 of the Human Rights Act 1993 and is grounds for a personal grievance under Section 29 and 36 of the Employment Contracts Act 1991.
4. A complaint of sexual harassment is a serious offence and it is important therefore that employees are aware that they should present evidence clearly and accurately.
5. No one will be required to make a complaint against his or her wishes.
6. All discussion and investigations will take place in strictest confidence.

Sexual harassment is a serious allegation.

7. It should be clear to all parties that there is a possibility of being sued for defamation when a complainant speaks to anyone than the alleged harasser, or those with a genuine need to know. However, there is, for those properly involved in a complaint, a defence against defamation where the complaint is made honestly and is only made to those who have a duty to receive it.

The sexual harassment procedures should be made available to all staff.

Staff need to be aware of the options available to them as part of their contract.

## **PROCEDURES**

### **SELF HELP**

The employee may;

- Tell the person or persons, in private that their behaviour is offensive and request that it stop.
- Write to the person or persons about their behaviour, sealing and marking the letter 'personal and confidential' .
- Speak to the person or persons in private, in the presence of another person.

Since allegations of sexual harassment are extremely serious, it is important to keep any information confidential to those directly involved.

### **INFORMAL PROCEDURE**

The employee may approach another staff member to intervene. The selected member (skilled in facilitation and conflict resolution) must act quickly, discreetly and fairly and ensure that all discussions and any investigations are conducted in strictest confidence and according to procedure laid down.

It is the role of the Site representative to explain relevant procedures to the employee, and allow the employee to choose whether or not to proceed with this option.

### **FORMAL COMPLAINT**

Informing the principal/BOT **then** HRC if not satisfied:

If self help or informal intervention has not worked or if the allegation is, in the employee's view, serious enough to warrant formal disciplinary action, the employee should submit a detailed written complaint to the Principal or Human Rights Commission. Appropriate disciplinary action will be taken if investigation shows the complaint to be justified.

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