

# Sexual Harassment Policy



## What is sexual harassment?

The Human Rights Act 1993 defines sexual harassment as any unwelcome or offensive sexual behaviour that is repeated or is of such a significant nature to have a harmful effect, or which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

## Sexual harassment will not be tolerated at the Three Blue Ducks (“The Ducks”).

The following explains how we will eliminate sexual harassment:

- Part One explains what everyone’s responsibilities are.
- Part Two explains processes for dealing with sexual harassment.

## Who’s covered by this policy?

- Everyone who works at The Ducks (at all levels) including contractors.
- All visitors including customers.

## When does the policy apply?

- At our workplaces.
- At work events (such as off-site training).
- Outside of our workplace (when it’s related to our work – such as team drinks or staff parties).

## Part One: Roles and responsibilities

Everyone has a role in preventing sexual harassment.

### The Ducks will:

- not tolerate sexual harassment
- eliminate the risks from sexual harassment so far as is reasonably practicable. If the risks can’t be eliminated, they will be minimised so far as is reasonably practicable

- identify factors that contribute to sexual harassment, and put effective control measures in place
- establish a work culture that is fair and free of sexual harassment
- encourage positive leadership styles and invest in our managers to achieve this
- focus on behaviour rather than people, and aim to promote harmonious relationships across our venues
- openly discuss sexual harassment in both formal and informal settings, and provide information and training about it including consequences of such behaviour (eg possible disciplinary actions)
- make sure employees know they have the right to raise a personal grievance under the Employment Relations Act 2000 or submit a complaint under the Human Rights Act 1993 to the Human Rights Commission
- make sure independent contractors working under a contract for service know they have the right to submit a complaint under the Human Rights Act 1993 to the Human Rights Commission
- make sure employees have a range of ways to report sexual harassment informally, formally or anonymously
- make sure processes for reporting and responding to sexual harassment are fit-for-purpose and regularly reviewed
- make sure employees know how to report sexual harassment, what support, protection and advice is available, and their rights to representation
- provide employees who believe they’ve been sexually harassed with a range of options to address the issue
- provide a supportive environment to those who believe they have been sexually harassed and the alleged harasser
- treat all parties fairly/impartially while allegations are dealt with

- seek advice from both parties as to how they wish to deal with the situation
- promote informal solutions before formal actions where appropriate
- aim to repair the working relationship and promote positive work values
- make sure this policy is visible to all employees, visitors and customers.

#### **Managers and Supervisors will:**

- make sure employees have clarity on what their roles entail
- intervene early to call out and deal with any unreasonable behaviour before it escalates
- take prompt action in response to any report of sexual harassment
- seek advice from both parties as to how they wish to deal with the situation
- where appropriate look for other solutions before escalating an issue to higher levels (eg investigation)
- provide a supportive environment to those who believe they have been sexually harassed and those accused
- treat all parties fairly while allegations are dealt with
- record and investigate complaints impartially and in line with The Ducks's policies and processes.

#### **Employees will:**

- build a common understanding about what sexual harassment is
- behave in a manner that does not sexually harass others
- challenge inappropriate behaviour if they feel safe and comfortable to do so
- tell their managers or supervisors if they experience or see any sexual harassment – or the HR manager or a senior manager if they would prefer
- follow The Ducks's processes when reporting sexual harassment

- keep an eye out for other people – providing support when seeing a person being isolated or experiencing reprisals.

#### **When dealing with an allegation of sexual harassment The Ducks will:**

- treat all matters seriously
- make sure complaints are taken seriously, and fairly and impartially investigated, and the alleged harasser is given the opportunity to offer an explanation
- make sure investigations are completed in a timely manner
- make sure neither the person who complained nor the alleged harasser are victimised (eg being punished, bullied, intimidated)
- support all parties involved (including witnesses and support people)
- find appropriate remedies and consequences for confirmed sexual harassment as well as false reports
- communicate the process and its outcome
- ensure confidentiality
- keep good documentation
- get help from specialist external advisors as required.

## **Part Two: Processes for dealing with sexual harassment**

### **What employees can do if they experience or see sexual harassment**

Employees could take one or more of the following four options.

#### **1. Seek advice and support**

Talk with a trusted person (eg a friend) about what happened.

Seek advice and support from others at The Ducks such as a colleague, their manager, a supervisor or the HR Manager.

Seek advice and support from public sector agencies or other organisations (eg unions), helplines, counsellors, lawyers etc.

Employees can have a support person present at interviews and meetings. To avoid conflicts of interest, the same support person should not support both parties involved.

## 2. Deal with it themselves

This means approaching the other person(s) involved to challenge their behaviour.

Employees could have a support person when they do this.

Employees don't need to do this – they should only do it if they feel safe and comfortable to do so.

## 3. Report sexual harassment to The Ducks management

To report the sexual harassment, employees can make a written or verbal report. The Ducks will look into all reports of sexual harassment.

- Written reports: Email, SMS or send a Deputy message to their manager, supervisor or HR Manager.
- Verbal reports: speak to their manager, their supervisor or the HR manager.

## 4. Report the sexual harassment to outside agencies

Employees could instead decide to first seek help from an outside organisation (eg the Police for physical assaults and criminal harassment).

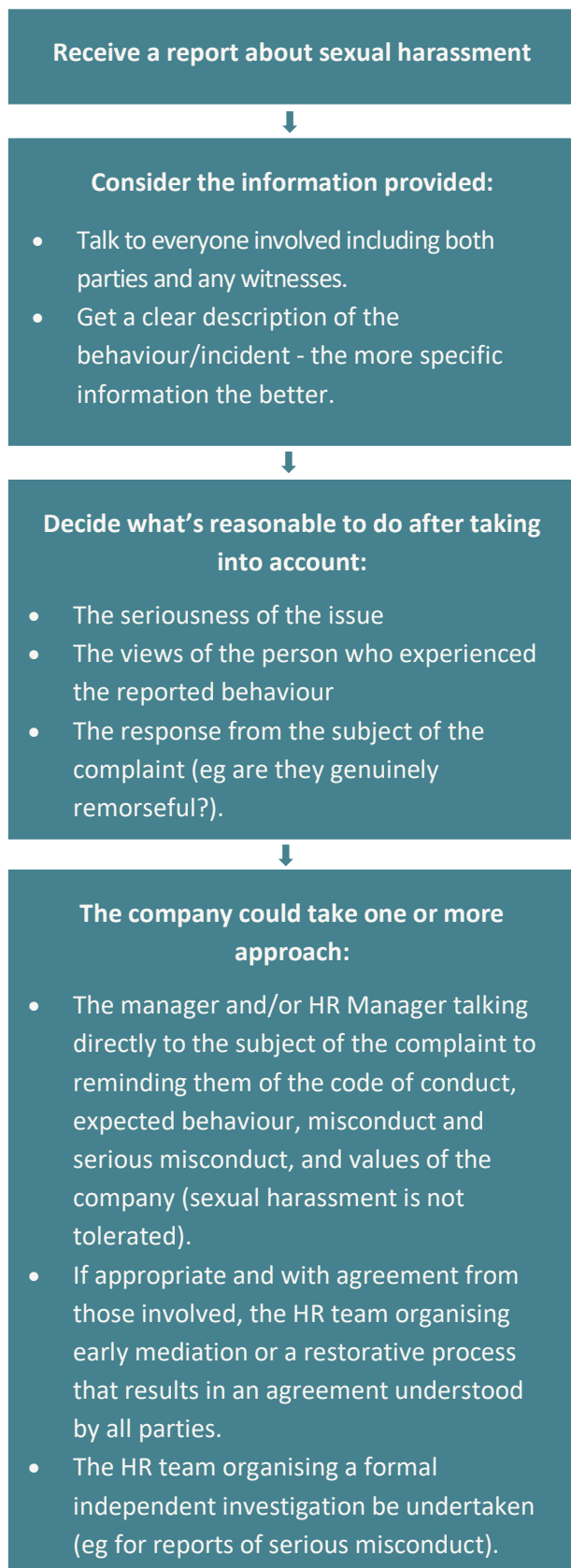
Employees could also decide to raise a personal grievance under the Employment Relations Act 2000 with The Ducks first and then the Employment Relations Authority, or submit a complaint under the Human Rights Act 1993 with the Human Rights Commission.

## What we will do with reports of sexual harassment

When we receive a report we will do the following:

- Take all reports of sexual harassment seriously.
- Act promptly and set timelines and deal with reports as soon as they can.
- Carefully and clearly consider response options for the specific circumstance.
- Clearly communicate the process by telling everyone involved what the process is.
- Let the people involved know if there are delays to timelines.
- Protect the people involved:
  - Protect all the people involved (including both sides of the complaint, support people and witnesses) from victimisation (eg being punished, bullied, intimidated).
- Support the people involved:
  - Anyone involved can have a support person present at interviews or meetings (eg in-house support person, their union delegate, colleague, friend, legal representative).
  - Tell everyone involved what support and representation is available to them.
- Maintain confidentiality:
  - Ensure details of the matter are only known to those directly concerned (including their representative or support person) and those involved in investigating and considering the reported behaviour.
- Treat everyone involved fairly:
  - Get someone unbiased and trained to look into the report of sexual harassment.
  - Make decisions based on the facts.
  - Clearly tell the people involved what actions will be taken (taking into account privacy).
- Keep good documentation:
  - Ensure actions and decisions are documented.
  - Store all information securely and where access is restricted.

## The Ducks will follow this process to decide what actions to take:



## Checking how well the sexual harassment control measures are working

Every year the Leadership Team will carry out an anonymous survey asking employees about sexual harassment.

When employees leave, our exit interview/survey will ask specific questions about sexual harassment.

The results will be used to review and if needed improve the control measures.

## Appendix 1: Steps in the formal investigation process

### Planning and Preparation

- ✓ Inform the subject of the complaint as soon as possible after a complaint has been received.
- ✓ Ensure there is support available for everyone involved.
- ✓ Treat the complaint confidentially – this information will only be provided to the subject of the complaint, support persons and those who will investigate/consider it.
- ✓ Decide what interim measures to take to ensure the safety and welfare of the people involved during the investigation. Depending on the circumstances, options could include:
  - reassignment to other duties or relocation to another part of the company until the investigation is complete,
  - the subject of the complaint taking a voluntary leave of absence or being suspended pending the outcome of the investigation,
  - the complainant taking leave.



### Investigation

- ✓ Choose the investigator in consultation with the parties (someone who is trained to carry out investigations into sexual harassment complaints and is unbiased/not involved in the incident).
- ✓ Prepare a terms of reference document after consulting with the parties about the intended process.
- ✓ Agree on the most appropriate decision maker(s) for any outcome.
- ✓ The investigator:
  - confirms the process and timelines with everyone involved
  - interviews all parties involved and any witnesses, and reviews any relevant documentation to determine the facts
  - gives the subject of the complaint reasonable opportunity to respond to the allegations/concerns in writing and in person
  - gives a written report on their findings to the relevant decision maker.



### Communicating outcomes

- ✓ Decision maker decides on the most appropriate outcome.
- ✓ Meets with the people involved separately to discuss the report and the actions the company proposes to take if the complaint is upheld.
- ✓ Tell the people involved what the final decision is.
- ✓ Tell the people involved what the processes are if either is unhappy with the outcome.



### Review & support

- ✓ Regularly check the wellbeing of the people involved for a period of time.
- ✓ Repair working relationships and put things right if the situation has resulted in a hostile work environment.
- ✓ Review and improve control measures if they're not managing the risks from sexual harassment.