

## **Grievance Policy Statement**

The Australian Short Story Festival regards sexual harassment as a serious offence.

The Australian Short Story Festival supports the rights of individuals to be free from sexual harassment while engaged in activities undertaken as part of their employment, or in other associations with the Australian Short Story Festival.

### **Sexual harassment**

Unwelcome sexual behaviour or sexual innuendo that has the effect of offending, intimidating or humiliating a person in circumstances, which a reasonable person having regard to all the circumstances would have anticipated that the person harassed would be offended, humiliated or intimidated.

Sexual harassment may be explicit or implicit. It may be a single incident or occur over a period of time. In defining and identifying sexual harassment it is the effect of the behaviour that is relevant not the intent. It is the impact of the behaviour on the receiver that determines whether sexual harassment has occurred.

Examples of behaviours that may constitute sexual harassment include:

- sexual jokes, lewd suggestions, whistling, foul language, leering, obscene gestures
- belittling comments on a person's anatomy or based on sex-role stereotypes
- persistent demands for participation in social activities or repeated requests for dates
- asking about a person's private or sex life, explicit sexual suggestions in return for 'reward'
- unwanted physical contact of a sexual nature including touching, brushing, kissing
- display of pornographic and/or sexually suggestive pictures, screen savers, jokes etc and/or sexual objects
- sexually offensive written, telephone or electronic communications
- indecent exposure; and
- sexual assault and rape.\*

\* Sexual assault and rape are criminal offences and the person assaulted will be advised to report the offence to the police.

Sexual harassment does not refer to behaviour that is mutually acceptable to the parties involved. Friendships (whether sexual or otherwise) are a private concern.

In establishing appropriate standards of behaviour the Festival recognises:

- social or cultural backgrounds may lead people to perceive the same conduct differently
- some people may accept, as reasonable, a behaviour that other people find offensive
- sexual harassment can arise where different values and beliefs are not respected
- both men and women may be sexually harassed by a person or persons of the same or opposite gender
- appropriate behaviour is behaviour which respects the rights and sensitivities of all people in the Festival environment

- all individuals have a responsibility to contribute towards an environment of trust and respect which forms the basis of appropriate professional relationships.

## **Principles**

1 Consistent with legislation this policy is based on the philosophy of using education and conciliation as the principal approach to the prevention of discrimination and harassment; and in the resolution of grievances.

2 Sexual harassment is an unacceptable form of behaviour that causes distress and is detrimental to the Festival environment. Sexual harassment erodes the rights of the individual, debilitates morale and interferes with the effectiveness of the work and learning environment.

3 Sexual harassment most often occurs in relationships of unequal power or authority, although it may also take place between peers. In providing a working and learning environment free of harassment it is important to recognise that certain groups may be particularly vulnerable including:

- Indigenous women
- people from non-English-speaking backgrounds
- people with disabilities
- people working or learning in non-traditional areas
- women working in isolated areas.

## **Implementation requirements**

An essential element in the implementation of this policy is raising the awareness of all members of the Festival community of the principles of diversity, equity, social justice and procedural fairness.

## **Responsibilities and/or authorities**

All staff and volunteers are responsible for ensuring that equal opportunity principles are respected.

Managers and supervisors are responsible for understanding the legislation and ensuring that the Festival environment is safe and free from sexual harassment.

## What to do:

To ensure consistency and fairness, employers should document the steps involved in a formal complaint and clearly inform the parties about the processes involved in considering a complaint in advance. The usual sequence of events is that:

- the complainant is interviewed and the allegations are particularised in writing;
- the allegations are conveyed to the alleged harasser in full;
- the alleged harasser is given the opportunity to respond and defend themselves against the allegations;
- if there is a dispute over facts, statements from any witnesses and other relevant evidence are gathered;
- a finding is made as to whether the complaint has substance;
- a written report documenting the investigation process, the evidence, the finding and a recommended outcome/s is submitted to the decision-maker; and
- the decision-maker implements the recommended outcome/s or decides on an alternative course of action.

The parties should be permitted to have a union official, support person, advocate or other representative accompany them to any interviews or meetings.

Outcomes can include any combination of the following:

- counselling;
- disciplinary action against the harasser (such as demotion, transfer, suspension, probation or dismissal);
- official warnings that are noted on the harasser's personnel file;
- disciplinary action against the person who complained if there is **strong** evidence that the complaint was vexatious or malicious;
- formal apologies;
- conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution.

Outcomes will depend on factors such as:

- the severity or frequency of the harassment;
- the wishes of the person who was harassed;
- whether the harasser could have been expected to know that such behaviour was a breach of policy;
- the level of contrition; and
- whether there have been any prior incidents or warnings.

## Reporting to management

The Australian Short Story Festival encourage a person with a complaint to raise it with their immediate supervisor (or another manager if the supervisor is the alleged harasser).