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# Sexual Harassment & Harassment Policy

February 2021

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# ST JOHN NSW VALUES

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Our values define who we are. They guide our actions and behaviour. They influence the way we work with each other, our customers and communities.



## RESPECT

We are ambassadors for St John. We are respected for the work that we do and the way that we do it. We recognise our strength comes from our diversity. We have the courage to be authentic and true.



## INTEGRITY

We do the right thing. We are honest and trustworthy. We are accountable for our actions and take ownership of our shared goals. We are there when you need us. You can depend on us.



## LEADERSHIP

We are the custodians of our future. We enable our teams to grow and succeed. We lead by example and learn from our mistakes. Our passion and commitment engage and inspire.



## COMMUNICATION

We are sincere in our voice and actions. We share ideas and listen to each other, our customers and community. We are open and transparent in all that we do.



## COLLABORATION

We work best when we work together. We care for our colleagues and our community. We take initiative, generate new ideas and embrace change. We share success. Together we can make a difference.

## 1. Purpose

As a staff or volunteer member of St John Ambulance Australia NSW (St John NSW) we need to ensure our actions maintain the good name and charitable image of St John NSW at all times. St John NSW is committed to creating a safe, flexible, and respectful environment, free from all forms of discrimination against and sexual harassment of volunteers, staff members (members) contractors and the community that reflect and support our St John Values of Respect, Integrity, Leadership, Communication and Collaboration. Our Values describe the way in which we behave towards each other as well as with our customers, partners, contractors, and the community, with a particular focus on the vulnerable including children and young people.

All St John NSW staff, volunteers, contractors, and all others associated with St John NSW, are protected by this policy and required to treat others with dignity, courtesy and respect.

This policy is to ensure St John NSW's approach to addressing unlawful sexual harassment and any form of harassment is one of zero tolerance. Zero Tolerance means a policy of not tolerating any form of sexual or other harassment and delivering the most severe punishment possible to every person who commits a crime or breaks a rule. It is important to note that St John NSW will always take a fair and transparent approach to managing reports of sexual harassment and harassment and the members - who report these incidents are treated in a fair manner.

Staff members and volunteer members are protected by this policy whether they feel harassed or by a member, Manager, Volunteer Leader, client, contractor or member of the public.

## 2. Expected Workplace & Volunteer Space Behaviours

Sexual harassment and any other form of harassment is unacceptable at St John NSW and is unlawful under the following legislation:

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth).

Under this legislation staff members, volunteers and other people at our workplace and volunteer space must take reasonable care they do not adversely affect the health and safety of others. Staff (including managers) and volunteers, found to have engaged in such conduct might be counselled, warned, or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

St John NSW expects people to:

- Behave in a responsible and professional manner.
- Treat others in the workplace and volunteer space with dignity, courtesy and respect.
- Listen and respond appropriately to the views and concerns of others.

- Be fair and honest in their dealings with others.

This policy applies to behaviours that occur:

- In connection with work and/or volunteering, even if it occurs outside of normal working and/or volunteering hours.
- On-site and off-site wherever and whenever staff may be as a result of their St John NSW duties.
- During work and/or volunteering activities, for example when dealing with clients and members of the public.
- At work related or volunteer related events, for example meetings, events and St John related social events.
- On social media where members interact with colleagues or clients and their actions may affect others either directly or indirectly.

### **3. What is considered Sexual Harassment or Harassment?**

#### **3.1 Sexual harassment**

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- Comments about a person's private life or the way they look.
- Sexually suggestive behaviour, such as leering or staring.
- Brushing up against someone, touching, fondling, or hugging.
- Sexually suggestive comments or jokes.
- Displaying offensive screen savers, photos, calendars, or objects.
- Repeated unwanted requests to go out.
- Requests for sex.
- Sexually explicit posts on social networking sites.
- Insults or taunts of a sexual nature.
- Intrusive questions or statements about a person's private life.
- Sending sexually explicit emails or text messages.
- Inappropriate advances on social networking sites.
- Accessing sexually explicit internet sites.
- 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.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment. A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. St John has a zero tolerance attitude towards sexual harassment of any kind.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers, managers, and volunteer leaders to respond quickly and appropriately.

### **3.2 Harassment/Victimisation**

Victimisation is a form of harassment and is subjecting, threatening, or harassing someone because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator. St John NSW has a zero tolerance approach to victimisation.

Other examples of harassment may include:

- Racial slurs and stereotyping of other co-workers.
- Making negative comments about someone's religious beliefs.
- Insulting someone because of their sexual orientation.
- Displaying pictures and clothing which might be offensive to a particular ethnic group.
- Making fun of someone's accent.
- Making negative comments about another co-worker's disability or mental health.
- Telling insulting jokes about particular racial groups.
- Asking intrusive questions about someone's personal life, including their sex life.

### **3.3 Gossip**

It is unacceptable for staff at St John NSW to talk with other staff members, clients, or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint or investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

## **4. What is not considered harassment?**

First, actions do not constitute harassment if they arise out of a relationship of mutual consent. Respectful workplace banter, interactions and behaviours that are considered the norm, such as respectful compliments on someone's outfit would not constitute harassment unless there is a power imbalance. Some examples that are not considered harassment are:

- A Manager or Volunteer Leader insisting upon work performance. A Manager or Volunteer Leader can set standards and can insist that workers meet the standards.
- Criticism for poor work performance. It's okay to do performance reviews and to talk to people about poor performance.

- Ensuring policies and rules are followed (so long as they are enforced equally and with consistency).

## **5. What should you do if you are experiencing or witness any form of extreme harassment?**

If you feel uncomfortable, unsafe or you are experiencing or witnessing any form of sexual harassment or harassment it is important you raise the matter as a matter of urgency with your Manager, Volunteer Leader or the GM People Performance and Culture (PPC).

## **6. How will St John NSW respond to a sexual harassment or harassment complaint?**

If sexual harassment or harassment is reported or observed the organisation will take the following steps in line with the Complaints Handling Procedure Policy:

- In cases of extreme sexual harassment or harassment members are encouraged to contact your Volunteer Leader or the GM PPC directly. Otherwise Staff members and volunteers including parents, cadets and juniors are encouraged to provide feedback or submit a complaint to their Manager or Volunteer Leader in the first instance. Members can make the complaint verbally or in writing by completing the Complaints & Feedback Form found on St John NSW Members Website
- Where this is not appropriate because the issue may involve them, then we encourage members to reach out to their Manager's Manager or Volunteer Leader's Manager.
- If it is not appropriate to go to these Managers or Volunteer Leaders, you can go directly to the General Managers or Zone Leader/Deputy Commissioner.
- If members want to ensure the complaint or issue remains anonymous then the member can go directly through to our external Whistleblower provider Hotline on 1300 30 45 50 or <http://stjohnnsw.stoplinereport.com>. More information can be found in our Whistleblower Policy.
- All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
- There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously, vexatiously or in bad faith may result in disciplinary action.

## **7. Consequences of Breaching This Policy**

Appropriate disciplinary action may be taken against a person who is found to have breached this Policy. The action taken will depend on the nature and circumstance of each breach and could include the following:

- In the case of a sexual harassment complaint, immediate suspension of duties will occur whilst the matter is being investigated.
- Where appropriate the matter will be reported to the relevant Authorities.
- If allegations are substantiated, immediate termination of duties.

In less severe cases of harassment consequences can include:

- Verbal or written apology.
- One or more parties agreeing to participate in counselling.
- Training/education, which may be provided by their Manager, Volunteer Leader or another appropriate person or organisation.
- Ongoing coaching and support by their Manager or Volunteer Leader
- Verbal or written reprimand.
- Personal Improvement Plan (PIP).
- Transfer or demotion of the person engaging in the bullying behaviour.
- Final Written Warning that employment or volunteer membership may be terminated.
- Termination of employment or volunteer membership.

## **8. What are the Support Services available?**

Being involved in any incident or complaint can be a very stressful time for members. St John NSW actively encourages members to utilise the support services available. These support services include:

- Peer Support Services
- Chaplaincy Services
- Employee/Volunteer Assistance Program:

Contact information is available on the Members Website.

## **9. Privacy and Confidentiality**

St John NSW will maintain the privacy and confidentiality of a member's personal information in accordance the Privacy Policy. This Policy is available on the Members Website.

Breaches to privacy and confidentiality are to be made in writing to the General Manager, PPC.

## **10. Additional Responsibilities for those in Leadership Positions**

All Managers and Volunteer Leaders must also:

- Model appropriate standards of behaviour.
- Take steps to educate and make members aware of their obligations under this Policy and the law.
- Intervene quickly and appropriately when they become aware of inappropriate behaviour.
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard.
- Help staff resolve complaints informally.
- Refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation ensure members who raise an issue or make a complaint are not victimised.

## **11. Definition of words used in this Policy**

- Sexual Harassment is behaviour characterised by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation.
- Harassment is consistent and/or continued unwanted and annoying actions of one party or a group.
- Complaint is a concern with a behaviour and/or conduct.
- Discrimination occurs when a person or group of people are treated less favourably than another person or group of people because of their background or certain personal characteristics when there is no basis for so doing.
- Investigation Officer is the person conducting an independent formal investigation.
- Dispute is a disagreement around issue relating to aspects of work or volunteering.
- Member refers to both a staff member and a volunteer member.
- Respondent is the member who the complaint is about.
- Victimization is subjecting or threatening someone detrimentally because they have asserted their rights, made a complaint, helped someone else make a complaint, or refused to do something because it would be in breach of the organisation policies, be discriminatory, harassing or victimising in nature.

## **12. What are the other St John NSW Policies this relates to?**

- Values & Statement of Behaviour
- Complaint Handling Policy & Procedure
- How to Make a Complaint Guidelines
- Discrimination & Harassment Policy
- Sexual Harassment Policy
- Health & Safety Policy
- Privacy Policy
- Criminal Charge & Convictions Policy
- Whistleblower Policy
- Social Media Policy

## **13. Who to contact with questions?**

- If you would like further information please contact the Member Services & Safety Manager, the People & Culture Partner, your Manager or Volunteer Leader or the GM PPC. Contact details are available on the St John NSW Members Website.
- The Policy will be reviewed every 3 years.



# ST JOHN AMBULANCE (NSW)

## WEBSITE

[www.stjohnnsw.com.au](http://www.stjohnnsw.com.au)

## CONTACT

1300 St John (78 5646)

## ADDRESS

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