

ACT Labor Policy for

Sexual Harassment Prevention and Response

**SAFETY &
RESPECT**

Labor



1. APPLICATION

- 1.1. The *Code of Conduct (Code)* sets out the expectations of the Australian Labor Party (Australian Capital Territory Branch), known as ACT Labor for all people involved with the Party. The following policies sit alongside the *Code (Associated Policies)*:
 - 1.1.1. *Policy for Sexual Harassment Prevention and Response*;
 - 1.1.2. *Policy on Bullying and Harassment Prevention and Response*; and
 - 1.1.3. *Complaints Handling Policy*.
- 1.2. The *Code and Associated Policies* apply to the conduct of all ACT Branch members, elected parliamentary representatives, officials, employees, contractors and volunteers, who each agree they are familiar with and bound by this *Code and the Associated Policies*. The *Code and Associated Policies* also apply to any person who attends an ALP gathering or event.
- 1.3. The *Code and Associated Policies* apply to workplaces, after hours work, campaign events, social functions convened by the ALP, election campaigns, and meetings and conferences which individuals covered by the *Code* attend as a result of party-related duties or their involvement with the ALP.

2. PRINCIPLES

- 2.1. ACT Labor believes in an organisation, and a community, that is safe for everyone; and that it is imperative to take positive action to prevent and address sexual harassment.
- 2.2. Bullying and harassment, particularly sexual harassment, can cause physical, emotional, sexual, psychological, social and economic harm. Victims, survivors and Complainants in many organisations have historically been silenced and left unsupported.
- 2.3. The ALP has harmonised its policies for *Sexual Harassment Prevention and Response* across its structure. This means the definition, response and prevention approach adopted by the ALP in response to these issues is consistent across all levels of the organisation.
- 2.4. The ALP is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of harassment and receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity. These same principles apply to all those participating in the democratic processes of ACT Labor.
- 2.5. International Labour Organisation convention 190 – *Violence and Harassment in the World of Work (Convention)* recognises the fundamental right of every worker to be free from all forms of violence and harassment at work, regardless of their employment type. This includes volunteers, contractors, casuals, trainees and apprentices.

- 2.6. Consistent with the Convention, ACT Labor stands against work related gendered violence, in all its forms, including sexual harassment, bullying and other types of inappropriate behaviour, which are prohibited and will not be tolerated. If sexual harassment does occur, the Party has a duty to respond promptly, confidentially and safely.

3. AWARENESS AND TRAINING

- 3.1. ACT Labor recognises that simply having a policy or code is not enough, and that it must ensure that steps are taken to create a robust positive culture by improving awareness, providing training and implementing robust systems and processes.
- 3.2. ACT Labor has a duty to ensure that everyone involved with the Branch is aware of this Policy and the expectations of ACT Labor regarding sexual harassment.
- 3.3. ACT Labor recognises that it has a duty to provide adequate training to elected parliamentary officials, other elected officials, paid staff and support staff and to extend training opportunities to other members of ACT Labor as time and resources permit.
- 3.4. Training is mandatory upon induction for elected parliamentary officials, other elected officials and senior staff, with regular refresher training. A register is kept of each person who has received training, including where persons have received appropriate equivalent training in a workplace setting.

4. WHAT IS SEXUAL HARASSMENT?

- 4.1. Sexual harassment is unwanted or unwelcome conduct of a sexual nature, including unwelcome sexual advances or unwelcome requests or sexual favours, in circumstances where it is reasonable (considering the context of the situation and individuals) to anticipate the possibility the recipient will feel offended, humiliated or intimidated. It is irrelevant whether the person committing the acts intends to sexually harass the recipient.
- 4.2. Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, online or in person, and repeated or one-off. Sexual harassment may include (this list is not exhaustive):
 - 4.2.1. physical acts, such as unwanted touching, sexual gestures or sexually explicit contact;
 - 4.2.2. verbal acts, such as requests for sexual favours or dates, making promises or threats in return for sexual favours, inappropriate jokes and innuendos, explicit conversations, derogatory comments, insults, taunts, or intrusive questions or comments about a person's private life; or
 - 4.2.3. visual acts, such as leering or staring at a person, and viewing, displaying or distributing offensive or explicit material including via the internet or email/ text messages.

- 4.3. Sexual harassment can be a form of discrimination and can have serious legal and other consequences for individuals, bystanders and work teams. It can expose the ALP to disputes and litigation.
- 4.4. Sexual harassment can occur in person or online. Technology-facilitated harassment can take many forms, such as: messages or calls, account take overs, image-based abuse, fake social media accounts; and being tracked through a phone or device.
- 4.5. Sexual harassment can cause distress and harm for people who are not directly involved, including family members and colleagues.
- 4.6. Anyone can be a victim of sexual harassment, regardless of their gender and of the gender of the harasser. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

5. ACTIVE BYSTANDER INTERVENTION

- 5.1. ACT Labor encourages and values safe active bystander intervention by members of the Branch to prevent or stop sexual harassment from occurring or continuing.
- 5.2. Steps involved in safe active bystander intervention are:
 - 5.2.1. noticing the situation – paying attention to what is going on nearby;
 - 5.2.2. assessing and deciding whether someone might need help;
 - 5.2.3. checking with others if unsure;
 - 5.2.4. accepting responsibility to take action – not assuming someone else will act; and
 - 5.2.5. making a plan to step in, without being aggressive or putting oneself or others in danger.

6. RESOLUTION AND COMPLAINTS

- 6.1. Complaints and breaches of this Policy should be reported in accordance with the *Complaints Handling Policy*.
- 6.2. Various informal and formal methods are available to resolve complaints depending on the nature and seriousness of the allegations, and the wishes of the Complainant.
- 6.3. The process to handle and resolve complaints is outlined in the *Complaints Handling Policy*.

7. SUPPORT

- 7.1.** A member who alleges sexual harassment by a member of the Party, or a person who alleges that sexual harassment took place at a gathering or event under the auspices of ACT Labor, is entitled to a respectful and prompt response from ACT Labor.
- 7.2.** Part of the resolution process is ensuring that a Complainant is aware of available reporting options. This may involve referral to counselling or other independent avenues of professional advice and assistance, with the consent of the Complainant.
- 7.3.** Appropriately skilled and trained Party members can support a person who has experienced sexual harassment. However, it is of the utmost importance to ascertain and respect the wishes of the person making a complaint with respect to privacy and confidentiality.
- 7.4.** Where criminal conduct, including sexual assault, has occurred, or may have occurred, referral to police by ACT Labor should only occur subject to the consent of the Complainant and any mandatory reporting obligations.