

## Policy Statement

This policy acts to ensure that:

- Our service is committed to providing an environment that is free from Sexual Harassment, where all individuals are treated with respect and dignity

## Explanation

Sexual Harassment is against the law, and in accordance with the Commonwealth Sex Discrimination Act 1984, the Fair Work Act 2009 and the NSW Anti-Discrimination Act 1977. Country Children's Early Learning will not tolerate Sexual Harassment under any circumstances. We will take disciplinary action against anyone who breaches this policy.

## Definitions

### Sexual Harassment:

Sexual harassment is any unwanted, unwelcome, or uninvited behaviour of a sexual nature, which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment.

The behaviour may be a single incident or repeated. It may be explicit or implicit, verbal, or non-verbal and it may include promises or threats in return for sexual favours. Although the intent may vary, if it is unwelcome and the effect is to offend, humiliate or intimidate, the behaviour should stop.

Sexual Harassment can occur between men and women, women and other women, and men and other men.

Sexual Harassment may include:

- Staring or leering
- Unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- Suggestive comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about your private life
- Displaying posters, magazines or screen savers of a sexual nature
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Requests for sex or repeated unwanted requests to go out on dates

Policy Created  
February 2016

Policy Last Updated  
March 2024

Policy Review Date  
March 2026

- 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

#### **Sexual Harassment Is Not:**

Sexual Harassment is **not** behaviour that is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not Sexual Harassment.

### **Goals**

- To keep all Educators, staff, and families safe from sexual harassment

### **What can you do if you are being Sexually Harassed?**

If you think you have been, or are being sexually harassed there are a number of things that you can do:

- Speak or write directly to the harasser
  - If possible and you feel able, promptly tell the offender directly or in writing that their behaviour is offensive and unacceptable and request that it stop immediately
- Seek Advice
  - If you feel you are not able to speak or write to the offender yourself, seek advice from your Coordinator on possible strategies to resolve the issue
- Keep confidential records about the harassment
- Always keep a record of or a diary of incidents noting:
  - What happened
  - When and where the harassing occurred
  - The names of witnesses

### **Internal Complaints**

- If you wish to make a complaint, follow the procedure as set out in CCEL's Complaints Handling Policy
- All complaints of Sexual Harassment will be treated seriously, investigated promptly, impartially and confidentially
- If Sexual Harassment is found to have occurred, action will be taken to stop the behaviour and appropriate disciplinary action will be taken against the offender(s) under the relevant provisions related to Staff, Educator or Family misconduct

## External Complaints

- If you wish to take the complaint further, you can make a complaint about Sexual Harassment to:
  - The NSW Anti Discrimination Board Complaints in writing – visit [www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au) for more information
  - The Australian Human Rights Commission Ph: 1300 656 419

## Roles and Responsibilities

### Approved Provider/Coordinators

- Create a working and learning environment that is free from Sexual Harassment and where all Staff, Educators and Families are treated with dignity, courtesy and respect
- Receive appropriate training in order to appropriately deal with any issues that may arise from Sexual Harassment
- Conduct regular training sessions for Staff and Educators
- Provide relevant posters and brochures for Staff and Educators
- Provide an effective procedure for complaints based on the principles of natural justice
- Treat all complaints in a sensitive, fair and confidential manner
- Treat all complaints seriously and take immediate action to resolve the matter
- Protect the health and wellbeing of complainants by ensuring any acts of victimisation or retaliation are investigated and dealt with promptly
- Refer a complaint to another staff member if they do not feel that they are the best person to deal with the case (for example, if there is a conflict of interest, or if the complaint is particularly complex or serious)
- Report incidences of sexual harassment that they witness
- Encourage the reporting of behaviour which breaches the Sexual Harassment Prevention Policy
- Offer support to anyone who is being harassed and advise them on where to seek assistance and support
- Maintain confidentiality of information provided during an investigation of a complaint
- Be aware that spreading gossip or rumours may expose them to misconduct proceedings and/or defamation action
- If you witness a person being sexually harassed, you can help by offering support to the person being harassed. This can be done by:
  - Refusing to join in with any sexually harassing behaviour

- Offering to act as a witness if the person being sexually harassed decides to report the incident
- Backing them up or supporting the person to say no to the harassment
- Model appropriate behaviour and standards of conduct at all times
- Monitor the working environment to ensure that acceptable standards of conduct are maintained at all times

### **Educators/Families**

- Report incidences of sexual harassment that they witness
- Offer support to anyone who is being harassed and advise them on where to seek assistance and support
- Maintain confidentiality of information provided during an investigation of a complaint
- Be aware that spreading gossip or rumours may expose them to misconduct proceedings and/or defamation action
- If you witness a person being sexually harassed, you can help by offering support to the person being harassed. This can be done by:
  - Refusing to join in with any sexually harassing behaviour
  - Offering to act as a witness if the person being sexually harassed decides to report the incident
  - Backing them up or supporting the person to say no to the harassment

### **Continual Monitoring and Improvement**

Continual improvement and monitoring will occur in the following ways:

- Incidental and planned consultation with families
- Approved Provider and Coordinators accessing current relevant information
- Approved Provider, Coordinators and Educators accessing current and relevant training
- Internal evaluation of incidences and the improvement of systems

#### **LINKS TO:**

- **Education & Care Services National Law**
- **Education & Care Services National Regulations**  
168, 169, 170, 171, 17
- **National Quality Standards/Elements:**  
4.1, 4.2, 6.1,, 6.2, 7.1, 7.2
- **Child Safe Standards**  
1, 2, 3, 4, 5, 6, 7, 8, 9, 10

## SOURCES

- Education and Care Services National Regulations
- Education and Care Services National Law
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations
- Guide to the National Quality Standard
- Implementing the Child Safe Standards: A Guide for Early Education and Outside School Hours Care Services, NSW Department of Education, 2021
- A Guide to the Child Safe Standards, NSW Office of the Children's Guardian, 2020
- ACECQA – FDC Approved Provider compliance responsibilities – October 2017
- Be You
- My Time Our Place: Framework for School Age Care in Australia
- The Early Years Learning Framework
- ECA Code of Ethics
- United Nations Convention on the Rights of the Child
- Anti-Discrimination Act (NSW) 1977
- Sex Discrimination Act 1984
- Sex and Age Discrimination Legislation Amendment Act 2011
- Fair Work Act 2009
- Australian Human Rights Commission
- NSW Government, Lawlink Attorney General & Justice, Anti-Discrimination Board

## LINKS TO OTHER POLICIES

- Communication
- Dealing with Complaints
- Governance & Management
- Inclusion & Diversity
- Philosophy
- Privacy & Confidentiality
- Staff Code of Conduct
- Workplace Harassment & Bullying Prevention
- WH&S