



Improving gender equality and safety of women in mining



Sexual Harassment and Sexual Assault Policy

Note: this is a template policy. If used, please ensure that it is tailored to your organisation's operations.



Sexual Harassment and Sexual Assault Policy

[Company Name]

1. Introduction

[Company Name] is committed to providing a safe and respectful working environment for all workers, sub-contractors, and visitors. In particular, [Company Name] is committed to the elimination of sexual harassment and sexual assault (SHSA) within the workplace. At [Company Name], SHSA is not tolerated. All allegations of SHSA will be taken seriously and acted on promptly and effectively.

Any person found to have sexually harassed or sexually assaulted another person, will face action, up to and including termination of employment or engagement. No one will be victimised or subjected to any detriment for making a report of SHSA. Any person who is found to have committed an act of victimisation against another person, will face disciplinary action, up to and including termination of employment or engagement.

This policy outlines [Company Name]'s management of allegations or incidents of SHSA.

2. Definitions

2.1. Sexual harassment

Sexual harassment is an unwelcome sexual advance, or an unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can occur in person or online, can involve one or more incidents and may be physical, verbal, or non-verbal in nature. It extends to work-related activities and events.

Behaviour which constitutes sexual harassment includes, but is not limited to:

- Unwelcome hugging, touching, cornering, or kissing.
- Unnecessary familiarity, such as deliberately brushing up against a person.
- Suggestive comments or jokes.
- Insults or taunts based on sex.
- Using suggestive or sexualised nicknames.
- Persistent unwanted invitations to go out on dates.
- Requests or pressure for sex.
- Intrusive questions or comments about a person's private life, appearance or body.
- Threatening to share intimate images or video without consent.
- Inappropriate staring.
- Sexually explicit pictures, posters, or gifts.
- Circulating sexually explicit material.
- Sexual gestures or indecent exposure.
- Following, watching, or loitering near a person.
- Sexually explicit or indecent emails, phone calls, text messages, or online interactions.
- Repeated or inappropriate advances online.

2.2. Sexual assault

Sexual assault is any sexual behaviour which is threatening, violent, forced, coercive, or exploitative and in which the victim/impacted person has not given, was unable to give, or has withdrawn consent. Consent is when the person freely and voluntarily agrees to a sexual activity and they have the freedom and capacity to make that choice. Sexual assault describes a broad range of behaviours including sexual penetration without consent and indecent assault.

2.3. Impacted person

An individual who has experienced sexual harassment and/or sexual assault. Anyone can be a victim of SHSA, regardless of their sex and the sex of the perpetrator. SHSA may also occur between people of the same sex.

2.4. Perpetrator

An individual who is accused of perpetrating sexual harassment or sexual assault against another person. This may be a co-worker or manager, or third party such as a client or customer.

2.5. Workplace

Any place where work is carried out for **[Company Name]** including any place where a worker goes, or is likely to be, while at work. This includes (but is not limited to): **[note: edit list to make it company-specific]**

- worksites;
- offices;
- canteen/mess hall;
- gym;
- accommodation;
- laundry;
- transport;
- work related social events;
- online platforms including social media, Teams, Zoom;
- phone or text;
- during work hours, or after-hours; and
- during swing or rest and relaxation.

2.6. Worker

Any person who carries out work in any capacity for **[Company Name]** including work as an employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company who has been assigned to work in **[Company Name]**, an outworker, an apprentice or trainee, a work experience student or volunteer.

2.7. Bystander

An individual who witnesses sexual harassment and/or sexual assault. A bystander is also someone who is told about an incident.

An active bystander or an upstander is someone who takes some form of action to address SHSA behaviours when they witness these behaviours. They may step in or speak up to intervene, disrupt or provide support to the person being harmed.

A passive bystander is aware of the behaviour but does nothing to prevent or raise concerns about the behaviour.

2.8. Management of SHSA

Refers to the way **[Company Name]** actively identifies and responds to risks and reports of SHSA. This includes treating all identified risks and reports seriously and managing them promptly and confidentially. It also refers to providing ongoing support for all workers impacted by SHSA including impacted people, perpetrators, and bystanders.

3. Elimination of SHSA

[Company Name] is committed to eliminating SHSA in the workplace. This involves identifying, assessing, and addressing factors that contribute to the risk of SHSA, and ensuring a workplace environment and ethos whereby SHSA behaviours are not tolerated. **[Company Name]** requires all workers to undergo SHSA training during the induction period and participate in annual SHSA training to ensure all awareness of current organisational expectations, policies, and procedures.

4. Risk management

[Company Name] aims to eliminate or minimise the health and safety risks of SHSA in the workplace. The risk management process involves:

- identifying hazards;
- assessing risks;
- implementing measures to eliminate or minimise risks; and
- regularly reviewing control measures to ensure they remain effective.

Risk management will be undertaken by **[relevant manager/delegate role]** in consultation with Health and Safety representatives, and workers of all levels. Drawing on the experience and knowledge of workers is more likely to result in the identification of all hazards and better risk management solutions.

4.1. Risk management review

Following a SHSA incident, risk management systems will be reviewed by **[manager/delegate]** to identify and address factors that may have facilitated the risk of SHSA.

5. Reporting incidents of SHSA

Any report of SHSA will be treated seriously and from a trauma-informed approach. **[Company Name]** will handle all reports impartially, and confidentially as far as possible, and will promptly investigate any incidents with appropriate disciplinary action taken where allegations are substantiated.

[Company Name] will provide both internal and external reporting options to allow workers to choose how, when, and to whom they wish to report.

- Internal reporting pathways involve reporting to **[persons/positions appropriately trained to receive disclosures of SHSA]** at **[Company Name]**.
- External reporting pathways are available for workers who may not feel comfortable making an internal report, or who wish to make an external report in addition to their internal report. Reporting pathways will be clearly outlined for all workers and are accessible via **[name of staff portal or other means of dissemination]**.

Who can report?

Reports can be made by the impacted person, bystanders, or other persons who know of SHSA occurring. [Company Name] provides workers the opportunity to share their experience when they feel comfortable and understands it may take time for those involved to process what has happened and feel ready to talk.

[Company Name] also acknowledges that bringing SHSA to light is not an impacted person's responsibility. [Company Name] maintains a positive duty to provide a safe workplace free from SHSA and other psychosocial hazards which pose risks to the physical and psychological health of workers. Additionally, workers have a duty to take reasonable care to ensure that their behaviour does not adversely affect the health and safety of others.

Do time limitations apply?

[Company Name] does not impose time limits between an incident and reporting. However, if a person wishes to report externally, limitation periods may apply.

Are there repercussions for reporting?

There will be no repercussions for those who report SHSA. As well as being unlawful, repercussions are contrary to [Company Name]'s values and policies.

5.1. Reporting pathways

Self-resolution

At first instance, if a worker feels comfortable doing so, they are encouraged to raise their concerns directly with the perpetrator to ensure they are fully aware that the conduct is unwelcome or inappropriate. This will often resolve the issue quickly and effectively.

There is no expectation for the impacted person to attempt self-resolution if they do not feel safe or confident to do so. If behaviour continues or if the impacted person feels unable to speak to the perpetrator(s) directly, [Company Name] encourages workers to contact [Name of Delegate(s)] who are trained and responsible for handling SHSA reports on behalf of the company.

In the case of sexual assault, the impacted person should go directly to [Name of Delegate(s)] and/or the WA Police and not attempt self-resolution.

Internal pathways

[Edit company-specific reporting pathways below, as relevant]

[Contact officer/s]: [Company Name] has a network of [Name of contact officer/s] who are specially trained to receive and respond to reports of SHSA. They can:

- listen to concerns;
 - talk about options;
 - give information about where to get support; and
 - describe how [Company Name] can help to resolve the issue.
- Report or escalate serious matters to [Grievance Officer/s] for a formal resolution process.

[Grievance Officer/s]: **[Company Name]** has **[Grievance officer/s]** trained to investigate and mediate following a report or a complaint of misconduct including sexual harassment. They will:

- respond to the report, including formal complaints;
- investigate complaints;
- bring involved parties together (if appropriate);
- conduct mediation; and
- assist human resources with formal proceedings.

External pathways

There are a range of external pathways for workers to obtain support and information on SHSA **[Company Name]**.

Workers will be supported if they wish to contact:

- [The Australian Human Rights Commission](#)
- [The WA Equal Opportunity Commission](#)
- [The Fair Work Commission](#)
- WA Police **[local police phone number]**
- Call 000 if in immediate danger

Anonymous reporting: workers may submit anonymous reports through [WorkSafe](#).

6. Incident response

When **[Delegate(s) role]** receives a report of SHSA, they will:

[Note: the following is an example only. This section should be edited to include company specific processes]

- record the dates, times, and facts of the incident(s);
- determine the desired outcome of the impacted person;
- ensure the impacted person understands the company's procedures for dealing with a report;
- discuss and agree on either informal or formal resolution procedures, on the understanding that choosing to resolve the matter informally does not preclude the impacted person from pursuing a formal report if they are not satisfied with the outcome;
- keep confidential records of all discussions and ensure these are stored securely;
- ensure the impacted person understands they can lodge a report outside of the organisation and that they will be supported if they wish to lodge a report with the Australian Human Rights Commission, the WA Equal Opportunity Commission, the Fair Work Commission, WorkSafe WA, and/or the WA Police; and
- respect the choice of the impacted person.

6.1. Resolution processes

- **Informal resolution** can occur by mediation or conciliation, in which the alleged perpetrator is made aware of the allegations brought against them and is given the right to respond.
- **Formal resolution** will be followed where:
 - informal intervention is unable to resolve the issue;
 - the impacted person expresses preference for formal proceedings;
 - the incident(s) of harassment have been severe and/or ongoing; or
 - the report involves sexual assault.

[Note: the following is an example only. This section should be edited to include company specific processes]

In the case of formal resolution, the designated staff member who initially received the report will refer the matter to **[a senior staff member]** to instigate a formal investigation. The **[senior staff member]** may **[deal with the matter themselves, refer the matter to an internal or external investigator or refer it to a committee in accordance with this policy]**.

6.2. Criminal conduct

Some forms of SHSA e.g., sexual assault, stalking, indecent exposure and obscene or threatening communications (e.g. phone calls, letters, emails, text messages and posts on social media) may be offences under criminal law and should be reported to the relevant authorities, such as the WA Police.

6.3. Mandatory WorkSafe reporting

SHSA that results in a notifiable or reportable injury or illness must be reported to WorkSafe Mines Safety. Failing to report a notifiable or reportable incident is an offence.

7. Disciplinary action

[Note: This section should be edited to include company specific processes]

Anyone who has been found to have committed SHSA against another person under the terms of this policy may be subjected to any of the following:

- conciliation/mediation conducted by an impartial third party;
- formal apology and undertaking a commitment that the behaviour will cease immediately;
- SHSA training/education;
- verbal or written warning;
- adverse performance evaluation;
- demotion;
- transfer;
- suspension;
- probation;
- dismissal (with or without notice); and/or
- counselling.

Where proven, certain serious cases (including but not limited to physical violence, sexual assault, or sexual violence) will result in the immediate dismissal of the perpetrator, without notice or payment in lieu of notice.

8. Support for people impacted by SHSA

All workers who are involved in a SHSA incident (including the impacted person, the perpetrator, and bystanders/witnesses) will be advised of the availability of and provided time to attend counselling with a registered clinician. They may also be provided with support through the [Company Name]'s Employee Assistance Program (EAP) **[Note: include a link to the EAP provider]**.

9. Implementation

[Note: the following is an example only. This section should be edited to company specific implementation plans]

[Company Name] will ensure this policy is widely disseminated to all workers. All new workers must be trained on the content of this policy as part of their induction into the company. This policy will be displayed on notice boards, accessible on the company intranet and emailed to all workers at the commencement of employment or engagement and after each update.

[Company Name] will require all workers to attend an annual refresher training course on the content of this policy.

It is the responsibility of every manager/supervisor to ensure all their workers are aware of this policy.

10. References

This policy template has been adapted from the following documents:

- Government of Western Australia. (n.d). Gendered violence: [Sexual assault](#). WorkSafe Western Australia.
- Government of Western Australia. (n.d). Gendered violence: [Sexual harassment](#). WorkSafe Western Australia.
- Government of Western Australia. (2022). [Code of practice](#): Workplace behaviour.
- Minerals Council of Australia. (2021). [Reporting sexual harassment](#). Respect@Work MCA Industry Toolkit.
- Minerals Council of Australia. (2021). [Workplace policy on eliminating sexual harassment](#). Respect@Work MCA Industry Toolkit.
- SafeWork Australia. (2021). [Preventing workplace sexual harassment](#): National guidance material.