

### **Purpose and objectives**

This policy outlines the Translational Research Institute's (the Institute) commitment to a healthy and safe workplace where the Institute's employees, contractors, facility users, tenants, occupants and visitors are not subjected to behaviours, practices or processes that may constitute sexual harassment. Sexual harassment is unacceptable and will not be tolerated under any circumstances. Appropriate disciplinary or other action will be taken against anyone who engages in sexual harassment.

This policy promotes equality of opportunity for everyone by protecting them from sexual harassment. This is to be achieved by:

- prohibiting sexual harassment
- allowing a complaint to be made against a person who has sexually harassed
- dealing with a complaint of sexual harassment
- appropriately coordinating with tenants of the Institute (which includes licensees) regarding their policies and procedures relating to sexual harassment.

### **Policy scope**

This policy applies to all members of the Institute community who are engaged in Institute-related activity either on the Institute property or elsewhere. This includes volunteer workers or any other person whose workplace health and safety might be affected by the legitimate activities of the Institute.

Tenants of the Institute are required to ensure that their sexual harassment policies and procedures are compatible with this Policy and applicable laws. Tenants are required to implement their policies and procedures to areas of the Institute over which they have management and control and in respect of their employees, contractors, facility users and visitors.

### **Policy**

The Institute is committed to developing and maintaining an environment that is free of sexual harassment and which promotes respect for persons, integrity, equitable treatment and natural justice.

### **Definition of Sexual Harassment**

Sexual harassment happens if a person:

- subjects another person to an unsolicited act of physical intimacy or an unwelcome sexual advance
- makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person
- makes a remark with sexual connotations relating to the other person
- engages in any other unwelcome conduct of a sexual nature in relation to the other person

- in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

### **Examples of Sexual Harassment**

Sexual harassment often involves a misuse of power. Sexual harassment can occur between supervisor and staff or between co-workers.

Detailed below are some examples of behaviours that may be regarded as sexual harassment. This is not an exhaustive list; however, it does outline some of the more common types of harassing behaviours. Examples include:

- Physical contact such as patting, pinching or touching in a sexual way
- Unnecessary familiarity such as deliberately brushing against a person
- Sexual propositions
- Unwelcome and uncalled for remarks or insinuations about a person's sex or private life
- Suggestive comments about a person's appearance or body
- Sexually offensive phone calls
- Unwanted sexual attention using internet, social networking sites and mobile phones
- Indecent exposure
- A publication such as sexually offensive e-mails or graphics
- Sexually offensive screensavers or posters.

Sexual harassment may also occur where, during a situation that relates to their role, a member of the Institute's community engages in sexually harassing behaviour outside the work premises toward another person.

The Institute also treats as sexual harassment the creation of an environment that is 'hostile' to a person in a sexual context. Some of the factors that may indicate a potentially hostile environment include the display of obscene or pornographic materials, general sexual banter, crude conversation or innuendo and jokes of a sexual nature.

Sexual Harassment is unlawful when it falls within the relevant statutory definition under the *Queensland Anti-Discrimination Act 1991* (Qld) and/or the *Commonwealth Sex Discrimination Act 1984* (Cth).

### **Institute strategies to prevent Sexual Harassment**

The Institute is committed to ensuring that the work environment for all members of the Institute community is free from sexual harassment and all reasonable steps were taken to prevent sexual harassment.

All members of the Institute community are responsible for maintaining an environment free from sexual harassment. Tenants, managers, supervisors and all employees of the Institute or other entities are required to take all reasonable steps to prevent sexual harassment from arising. This includes, but is not limited to:

- Training staff on Prevention of Sexual Harassment policy, including during the induction program
- Ensuring that everyone understands the applicable policies and procedures for dealing with sexual harassment
- Modelling appropriate behaviour
- Monitoring workplace behaviours to ensure compliance with policies
- Ensuring all employees are aware of the Code of Conduct

- Removing any sexually inappropriate material from the work environment, including posters, graffiti and photos
- Making sure that all managers and supervisors understand their responsibility to provide a work environment free from sexual harassment
- Promptly investigating and dealing with all complaints of sexual harassment, and appropriately disciplining employees who sexually harass other employees
- Providing protection and support for the employees who feel they are being harassed.

The Institute does not employ or have management or control over all employees, contractors, facility users, tenants, occupants and visitors at the Institute. As a result, the Institute may not have the same scope of investigation or disciplinary powers in circumstances where its employees or contractors are not alleged to have breached this policy.

Tenants', employers' or other sexual harassment policies and procedures may also apply to a particular circumstance. The Institute is committed to ensuring that all members of the Institute community are aware of the options they have in respect of any sexual harassment.

### **Where people can go for assistance**

An Institute employee, contractor, facility user, visitor, board or committee member who is experiencing sexual harassment can contact the Institute CEO/Director of Research for information and assistance in the management and resolution of a workplace sexual harassment complaint. If a complaint involves the CEO/Director of Research a worker may alternately contact the Board Chair to make a complaint.

The Institute can give assistance to persons in relation to complaints where another body or entity may be more appropriate to receive the complaint or concern.

The Institute is committed to addressing complaints of sexual harassment in a confidential and sensitive manner after a grievance has been filed. Subject to requirements relating to meeting the Institute's duty of care to a staff member, all parties will maintain appropriate confidentiality throughout the entire grievance resolution process.

### **Commitment to promptly investigate complaints**

Any reports of workplace sexual harassment will be treated seriously and investigated promptly, fairly and impartially. A person making a complaint and/or who is a witness to workplace sexual harassment will not be victimised by the Institute or its employees. Victimisation is when a person does an act, or threatens to do an act against a person because:

- they have made a complaint, (complainant), or are associated with a person who has made a complaint, under this policy
- they have had a complaint made against them (respondent), or are associated with a person who has had a complaint made against them, under this policy.

Adverse action taken against a complainant may be unlawful under the *Fair Work Act 2009* (Cth) and the *Whistleblowers Protection Act* (Qld). TRI will not tolerate victimisation of a complainant, respondent or person legitimately associated with the resolution of a grievance.

Grievance procedures detailed in this policy do not pre-empt, limit or delay the parties' rights to pursue other avenues for resolution of grievances where applicable such as direct application to:

- their employer or the tenant for the relevant area

- Anti-Discrimination Commission Queensland under the Anti-Discrimination Act 1991
- Australian Human Rights Commission under the Commonwealth Disability Discrimination Act 1992, Racial Discrimination Act 1975 or Sex Discrimination Act 1984
- Fair Work Australia.

Some external agencies may require internal procedures to be used in the first instance. Where alternative external avenues are chosen, the complainant will no longer have access to the Institute's grievance procedures.

### **Consequences of breach of policy**

Disciplinary action will be taken against an Institute employee, board or committee member who discriminates against another employee, contractor, facility user, visitor, board or committee member, or who victimises a person who has made a complaint or is a witness to a complaint.

The Institute is committed to ensuring that appropriate investigation and action is taken in respect of any other person at the Institute who sexually harasses another employee, contractor, facility user, visitor or who victimises a person who has made a complaint or is a witness to a complaint.

Complaints of alleged sexual harassment found to be malicious, frivolous or vexatious<sup>1</sup> may make the complainant liable for disciplinary or other appropriate action.

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<sup>1</sup> Malicious, frivolous or vexatious complaints include complaints that are deliberately harmful, spiteful, trivial or unworthy of serious attention or resources.