



SEXUAL HARASSMENT POLICY

Introduction

The Sexual Harassment Policy sets out the legal responsibilities and obligations of all members of the Yarraville Seddon Eagles Football Club in relation to sexual harassment under the [Sex Discrimination Act 1984 \(Cth\)](#) and the [Equal Opportunity Act 2010 \(Vic\)](#). Sexual harassment is an unacceptable form of behaviour which will not be tolerated under any circumstances. YSE are committed to providing a safe, inclusive, and respectful club, which are free from sexual harassment. What is sexual harassment?

Sexual harassment is unwelcome conduct of a sexual nature towards another person which could reasonably be expected to make that other person feel offended, humiliated, or intimidated.

A single incident is enough to be considered sexual harassment — it does not have to be repeated behaviour.

The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.

A key element of sexual harassment is that it is unwelcome.

It is important to note that if a person does not object to inappropriate behaviour at the time; it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

Sexual harassment may include:

- comments about a person's sex life or physical appearance
- comments of a sexual nature
- leering and staring
- unwanted touching such as brushing up against a person, fondling or hugging.
- 'flashing'.
- sexual gestures or imitating a sexual act.
- sexual propositions or repeated unwanted requests for dates.
- making promises or threats in return for sexual favours
- sexual jokes
- offensive telephone calls, text messages or communications on social media platforms
- displays of offensive photographs, reading matter or objects
- sending jokes or graphics of a sexual nature by email, internet, fax, or mobile phone
- unwelcome questioning about a person's private life
- offensive screen savers
- unwanted requests for sex
- stalking, sexual assault, indecent assault, or rape (which are also criminal offences)

Sexual harassment can also occur through electronic means (such as emails or text messages or by viewing pornographic websites) and through social media, regardless of whether the post was made during work hours or not. Where there is a link to employment, employees are subject to the same rules about sexual harassment in the virtual world as they are in the real world.



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The Equal Opportunity Act 2010 (Vic) addresses sexual harassment in Part 6. Section 92(1) provides 'a person sexually harasses another person if he or she':

- a. makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person, or
- b. engages in any other unwelcome conduct of a sexual nature in relation to the other person,
- c. in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, or intimidated'.

Section 92(2) provides 'conduct of a sexual nature' includes:

- a. 'subjecting' a person to any act of physical intimacy,
- b. making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence,
- c. making any gesture, action, or comment of a sexual nature in a person's presence'

Similar provisions apply under the Sex Discrimination Act 1984 (Cth). Sexual harassment can also amount to discrimination on the grounds of gender under both the Commonwealth and State legislation.

Reporting or making a complaint

Members can report or make a complaint about any instance of sexual harassment to the club president or Child Safe Officer. (incidents@yseagles.com.au)

If a complaint of sexual harassment is made, or sexual harassment is observed or brought to the attention of the above, it must be acted upon immediately and managed in a sensitive and confidential manner.

Where a complaint of sexual harassment is found to be substantiated, the consequences for the person against whom the complaint is made will depend on the particular circumstances. The consequences may include an apology, counselling, undertaking training, or disciplinary action.

At any time, members may also choose to take a complaint of sexual harassment to the following organisations:

- [Australian Human Rights Commission](#) or phone [1300 656 419](tel:1300656419)
- [Victorian Equal Opportunity and Human Rights Commission](#) or phone [1300 292 153](tel:1300292153)

Bystander intervention

Bystanders who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment in our club. When grounded in behaviours of integrity and respect, action taken by members can positively impact on defining workplace culture. When safe to do so, bystanders that are aware of sexual harassment are encouraged to:

- provide support to the member who is being subjected to sexual harassment,
- formally or informally challenge concerning behaviour, and
- report sexual harassment.

The standard that people walk past is the standard that people accept.



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In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided. However, it may not be possible in all circumstances to keep the identity of a person, or people providing information, confidential. In some situations, it may be the case that full details of allegations are required for appropriate inquiries to be made or so that a respondent is afforded procedural fairness and natural justice.

Confidentiality

Disclosures of sexual harassment will be treated in confidence in order to protect a member's privacy. However, in some instances, a matter may need to be escalated or referred without agreement from the member, particularly in circumstances that may:

- constitute a criminal offence,
- constitute an occupational health and safety risk, or
- require disciplinary action.

If a matter needs to be escalated or referred, the person handling the matter will notify the person who made the disclosure of who has been informed of the disclosure.