

1. Overview

The Board of Returned & Services League of Australia (Queensland Branch) South Eastern District Ltd (SED) is committed to providing an environment for volunteers, members, guests and staff free from sexual harassment.

Sexual harassment is unwelcome sexual conduct which makes a person feel offended, humiliated and / or intimidated where that reaction is reasonable in the circumstances.

Sexual harassment is against the law. It is unlawful wherever it occurs.¹ Sexual harassment in employment is also unlawful.²

2. Application

Sexual harassment will not be tolerated by RSL SED volunteers, members, guests or staff.

3. Definitions

What is sexual harassment?

Sexual harassment is defined as occurring when a person 'makes an unwelcome sexual advance, or an unwelcome request for sexual favours' to the person harassed, or 'engages in other unwelcome conduct of a sexual nature in relation to the person harassed ... in circumstances in which a reasonable person ... would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated'.³

Conduct of a sexual nature includes 'making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing'.⁴

Examples of sexual harassment include, but are not limited to:⁵

- unwelcome conduct of a sexual nature;
- unsolicited physical intimacy, such as patting pinching sexual touching;
- unnecessary familiarity, uninvited touching, kisses or embraces;
- staring or leering at a person or parts of their body;
- suggestive or smutty comments or jokes, remarks with sexual connotations;
- making promises or threats in return for sexual favours;
- displays of sexually graphic material including pictures, posters cartoons, graffiti;
- repeated invitations to go out on dates after prior refusal;
- unsolicited demands or requests for sexual favour, requests for sex;
- persistent questions or insinuations about a person's private life or body;
- unwelcome physical contact such as massaging without invitation or deliberately brushing up against a person;

¹ *Anti-Discrimination Act 1991* (Qld), section 118

² *Sex Discrimination Act 1984* (Cth), section 28B

³ *Sex Discrimination Act 1984* (Cth), section 28A(1)

⁴ *Sex Discrimination Act 1984* (Cth), section 28(2); *Anti-Discrimination Act 1991* (Qld), section 119

⁵ *Effectively preventing and responding to sexual harassment: A Code of Practice for Employers*, AHRC, (2008) <https://humanrights.gov.au/our-work/sex-discrimination/publications/effectively-preventing-and-responding-sexual-harassment> accessed 20 July 2021; *Sexual Harassment (A Code in Practice)* 4.2.2; *Anti-Discrimination Act 1991* (Qld), section 119

- touching or fiddling with a person's clothes including lifting up skirts or shirts, flicking bra straps, or putting hands in a person's pockets;
- offensive phone calls, letters, messages, correspondence or computer screen savers;
- sex-based insults, taunts, teasing or name calling;
- offensive or sexually explicit physical contact; and
- sexually explicit, conversations, emails or SMS text messages.

Sexual harassment is unlawful at all times, including during working hours or while participating in SED activities.

Certain forms of sexual harassment, such as unwanted touching which is a serious indictable offence, can also amount to criminal charges being laid.⁶

What is NOT sexual harassment?

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

It should be noted, though, that various circumstances, particularly in interactions between superiors and their employees, or those in positions of authority and their subordinates, are taken into account in determining what constitutes sexual harassment.⁷

4. Responsibilities

RSL SED is determined to ensure that its venues and workplaces are healthy and safe, and free from sexual harassment and the hurt and humiliation caused by such experiences.⁸

This policy should operate as a general warning of the consequences that may flow in the event of sexual harassment occurring. In addition to the potential consequences set out above, disciplinary action may be taken against anyone engaging in sexual harassment as well as against anyone who victimises or retaliates against a person who has complained of sexual harassment.

RSL SED has a legal responsibility to prevent sexual harassment. This means officebearers, managers, supervisors and those in positions of authority have a responsibility to⁹:

- monitor the SED environment to ensure that acceptable standards of conduct are observed at all times;
- model appropriate behaviours themselves;
- promote this sexual harassment policy;
- treat all complaints seriously and take immediate action to investigate and resolve the matter;
- refer complaints to another officer if they do not feel they are the best person to deal with the case.

In addition, all volunteers, members, guests and staff have a responsibility to¹⁰:

- comply with the organisation's sexual harassment policy;

⁶ *Criminal Code Act 1899* (Qld), section 352

⁷ *Sex Discrimination Act 1984* (Cth), section 28A(1), 28B

⁸ *Work Health and Safety Act 2011* (Qld); see also *Richardson v Oracle Corporation Australia Pty Ltd* [2014] FCAFC 82

⁹ *AHRC Sexual Harassment (A Code in Practice)* 4.2.2

¹⁰ *AHRC Sexual Harassment (A Code in Practice)* 4.2.2



Sexual Harassment Policy

- offer support to anyone who is being harassed and let them know where they can get help and advice (though they should not approach the harasser themselves);
- maintain complete confidentiality if they provide information during the investigation of a complaint, including issuing a warning that spreading rumours and gossip may lead to defamation claims.

5. Taking Action

There are a number of different ways that sexual harassment can be addressed. This includes informal action such as confronting the harasser directly (should the person feel confident enough to do so) or making a formal complaint.

A person who believes they have been subjected to sexual harassment, or knows of another person who has, should approach their manager, supervisor, branch delegate [insert other appropriate person] or a Director of RSL SED, including the Company Secretary, President, Treasurer or Vice Presidents who may direct the report to the appropriate person for management.

Complaints of sexual harassment will be treated seriously, promptly, confidentially and impartially in an environment where such reporting will not be victimised nor retaliated against. Complaints will be handled in accordance with the RSL SED complaints procedure set out below.

Bystander responsibilities

Managing sexual harassment is part of a broad obligation on us all to ensure a healthy and safe RSL SED environment. Bystander intervention sends a strong message as to what is acceptable and expected behaviour. RSL SED encourages anyone observing sexual harassment to engage the 'five D's of Bystander Intervention'¹¹:

- Distract – distract one or more people involved to interrupt the behaviour but not necessarily confront it in the moment.
- Delegate – look for people to back you up when it is time to intervene, asking for assistance to report the behaviour.
- Direct – if it is safe to do so, directly confront the situation where someone is being harmed or at risk, by speaking objectively to the harasser – addressing the behaviour not the person. Ask if everything is alright, or say you are uncomfortable with the situation.
- Delay – if more information is needed, then follow up with the person after the event and ask if they are ok and if there is any way you can provide support.
- Document – record the details of the event right away. This should include names, time and location, witnesses, what was said and observed.

6. Further information

Further information and confidential advice may also be available from sources including the Australian Human Rights Commission, Qld Human Rights Commission or Safework Australia

7. Policy Review

This policy will be reviewed annually by the SED Board.

¹¹ Your toolkit: Bullying, sexual harassment and discrimination, Episode 3: Being a bystander – what can I do?, Queensland Law Society, on demand resource, July 2020



Sexual Harassment Complaint Procedure 2022

1. Overview

The Board of Returned & Services League of Australia (Queensland Branch) South Eastern District Ltd (**SED**) is committed to providing an environment for volunteers, members, guests and staff free from sexual harassment. Sexual harassment will not be tolerated by RSL SED volunteers, members, guests or staff.

Sexual harassment can occur at any level of the organisation by either men or women and may involve volunteers, members, guests and staff, clients, contractors and service providers.

2. Complaint Process

If you are the subject of sexual harassment you should take firm, positive and prompt action. Where possible you should make the perceived harasser aware that you find their behaviour offensive, unwelcome, unacceptable and that it needs to stop immediately.

If the behaviour continues, or if you feel unable to confront the person directly, you should report the behaviour to a manager, supervisor, branch delegate [insert other appropriate person] or a Director of RSL SED (the **Responsible Person**) without delay.

3. Informal intervention

Informal action in response to complaints are generally appropriate for less serious behaviours and seek to resolve the situation rather than substantiate it. This may involve:

- seeking guidance from *the Responsible Person* on possible strategies to deal ensure the behaviour is addressed and not repeated;
- asking the *Responsible Person* to speak to the alleged harasser on their behalf. *The Responsible Person* privately conveys the concerns and reinforces the RSL SED expectations as set out in the Sexual Harassment Policy;
- a complaint being made, the harasser admitting the behaviour and the complaint being resolved through conciliation or counselling;
- an observer instigating the above steps even though no complaint has been made.

4. Formal complaints procedure

Formal complaints procedures will usually be appropriate in serious matters or where informal attempts have failed, where the allegations are denied or where they relate to a senior person in RSL SED. The *Responsible Person* should:

- instigate investigation and documentation of the allegations;
- afford procedural fairness (ie the accused is heard and an the decision maker is objective);
- make a finding as to whether the harassment occurred;
- submit a report (to the SED Board) with a recommended course of action;
- oversee implement an appropriate outcome.



Sexual Harassment Complaint Procedure

5. Further information

Further information, particularly in relation to the steps to be guide a formal investigation, is available from various sources including the AHRC.¹

A handwritten signature in black ink, appearing to read 'K. Gallagher'.

K. Gallagher AM
District President

¹ See in particular: *Effectively preventing and responding to sexual harassment: A Code of Practice for Employers*, AHRC, (2008), Ch 7 <https://humanrights.gov.au/our-work/sex-discrimination/publications/effectively-preventing-and-responding-sexual-harassment> accessed 20 July 2021