

OFFICIAL

Strathbogie
Shire Council

Prevention and Management of Sexual Harassment Policy

February 2026



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Prevention and Management of Sexual Harassment Policy

Document ID:	704950
Effective Date:	18 May 2021
Last Review:	May 2021
Current Review:	November 2025
Date Adopted by Council:	17 February 2026
Next Scheduled Review Date:	February 2030
Responsible Officer:	Director People and Governance

1. PURPOSE

Sexual harassment is unlawful and prohibited by both the *Equal Opportunity Act 2010* (Vic) and the *Sex Discrimination Act 1984* (Cth).

Strathbogie Shire Council is committed to providing a safe, flexible and respectful environment for Councillors, employees and the community that is free from all forms of sexual harassment.

2. POLICY STATEMENT

The principles associated with this policy are that:

- sexual harassment is unlawful and will not be tolerated in the workplace.
- sexual harassment reports will be taken seriously and treated consistently and confidentially with a prioritisation of the wellbeing of the person who has made the report.
- Sexual harassment disproportionately affects some groups of employees and is often experienced with other forms of discrimination on the basis of disability, race, gender identity, sexual orientation, marital status and age. Sexual harassment and discrimination against people in these groups is driven by harmful attitudes and stereotypes, as well as structures or systems that maintain existing power disparities.
- sexual harassment is a form of gendered violence.
- Strathbogie Shire Council has a positive duty to ensure the health and safety of employees:
 - to eliminate risks to health and safety so far as is reasonably practicable; and
 - if it is not reasonably practicable, to eliminate risks to health and safety, to reduce those risks so far as is reasonably practicable.
- Strathbogie Shire Council recognises that comments and behaviour that do not offend one person can offend another. All Strathbogie Shire Council Councillors, employees, volunteers and contractors are required to treat others with dignity, courtesy, respect and professionalism and must not engage in unlawful conduct, including sexual harassment.

3. APPLICATION OF THIS POLICY

This policy applies to all Council employees, Councillors, volunteers, and contractors and sets out the legal responsibilities and obligations for Strathbogie Shire Council and its employees.

It applies to (including but not limited to):

- Councillors treatment of employees, community members encountered in the course of performing their role as Councillor.
- Staff treatment of Councillors, other clients and members of the public
- how Strathbogie Shire Council provides services to the community and how it interacts with other members of the public
- all aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport
- on-site, off-site, work-related social functions, conferences – wherever and whenever employees may be as a result of their working duties

- out of work hours interaction where there is a strong connection to the employment relationship
- employee treatment of other employees, community members and other members of the public encountered in the course of their working duties.

4. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities
Councillors	<ul style="list-style-type: none"> • Comply with this policy • Model appropriate behaviour • Participate in any training provided by Council • Treat information in relations to claims of sexual harassment with appropriate confidentiality • Support colleagues who disclose an experience of sexual harassment, or any other form of unacceptable or inappropriate behaviour and let them know where they can get help and advice • Report any instances of sexual harassment to the Mayor immediately • Ensure that a person is not victimised for making, or being involved in, a sexual harassment complaint • Act in accordance with the Councillor Code of Conduct <p>In addition to their responsibilities as a Councillor, the Mayor must also:</p> <ul style="list-style-type: none"> • Promote awareness of this policy with Councillors • Treat all complaints seriously and take prompt and appropriate action to address them • Consult the Chief Executive Officer for further detail on management of reports of sexual harassment
Employees	<ul style="list-style-type: none"> • comply with this policy • model appropriate behaviour • participate in any sexual harassment or respectful workplace training provided by the Strathbogie Shire Council, including completing any assessments • treat information in relation to reports of sexual harassment with appropriate confidentiality; and • ensure that a person is not victimised for making, or being involved in, a sexual harassment report; and • act in accordance with Code of Conduct.
Volunteers and Contractors	<ul style="list-style-type: none"> • Comply with this policy • Model appropriate behaviour

<p>Managers/Leaders</p>	<p>In addition to responsibilities listed for employees:</p> <ul style="list-style-type: none"> • Be familiar with, actively promote and implement this policy, and other related policies and procedures • Model appropriate behaviour based on the Council values • Take reports of sexual harassment or any other form of unacceptable or inappropriate behaviour seriously, and immediately address and action these reports • Take a leadership role across the organisation in raising awareness about issues of sexual harassment • Support employees who are subject to sexual harassment and/or take bystander action
<p>Chief Executive Officer and Executive Leadership Team</p>	<ul style="list-style-type: none"> • In addition to responsibilities listed for employees and Managers: • Championing this policy, both internally and with external parties and stakeholders • Promote the adoption of the Sexual Harassment Policy and Council commitment to providing a safe and respectful environment • Take a leadership role across the organisation, in raising awareness about issues of sexual harassment • Model appropriate behaviour based on the Council values
<p>People and Culture Department</p>	<ul style="list-style-type: none"> • Include all responsibilities listed above, in conjunction with: <ul style="list-style-type: none"> • Regular report to ELT on any sexual harassment • Managing and updating this policy, both internally and with external parties and stakeholders • Encourage and provide a safe reporting environment where raised concerns will be followed up and actioned • Take a leadership role across the organisation in the correct training a development of employees and leaders towards this policy • Provide advice to employees and leaders when actioning operational changes due to a complaint being raised • Model appropriate behaviour and confidentiality based on the Council values <p>Extend relevant support to all employees throughout process, either direct or indirect</p>

5. SEXUAL HARASSMENT IN THE WORKPLACE

5.1 WHAT IS SEXUAL HARASSMENT?

Sexual harassment in the workplace may take various forms and can be directed at, and perpetrated by, all persons including male, female, transgender, and gender diverse. It may be physical, spoken or written and may include, but is not limited to:

- unwelcome physical contact of a sexual nature
- comments or questions of a sexual nature about a person's private life or their appearance
- sexually suggestive behaviour, such as leering or staring or offensive gestures
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated requests to go out
- unwanted displays or declarations of affection
- requests for sex
- sexually explicit emails, text messages or posts on social networking sites
- sexual assault, indecent exposure, physical assault and stalking (which are also criminal offences); and
- actions or comments of a sexual nature in a person's presence (even if not directed at that person).

5.2 THRESHOLD

The *Equal Opportunity Act 2010* and the *Sex Discrimination Act 1984* provide that sexual harassment occurs in circumstances in which the conduct is unwelcome and where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.

Just because someone does not object to inappropriate behaviour in the workplace at the time it occurs does not mean that they are consenting to the behaviour or consenting for the behaviour to continue at another time.

5.3 WHAT IS THE WORKPLACE?

Within the workplace

For the purposes of sexual harassment law, a workplace is any place a person attends for the purpose of carrying out functions in connection with, or in the course of their employment or prospective employment. It includes a place that is a workplace of either, or both people involved in an incident of sexual harassment. For example, this policy also pertains to employees who visit other offices i.e. the same behavioural standards that exist in their workplaces, apply in other offices that employees visit.

Section 94 of the *Equal Opportunity Act 2010* provides that a workplace is the place a person attends for the purpose of carrying out functions in relation to their employment. It does not need to be the person's principal place of business or employment.

The workplace is not confined to the actual physical location used by the employees. It also extends to common areas such as lifts, entrances, vehicles, reception areas, corridors, kitchens and toilets of the premises.

Beyond the workplace and outside working hours

Behaviour constituting sexual harassment can occur beyond the usual workplace and outside normal working hours. For example, workplace sexual harassment can occur where there is a link to employment including (but not limited to):

- at social functions sponsored and paid for by Strathbogie Shire Council
- at social functions in connection with the team/workplace but not sponsored or paid by Strathbogie Shire Council

- in vehicles while on the way to work functions or meetings
- at after-parties to such events (regardless of their location)
- in accommodation (including hotel rooms) associated with or provided Strathbogie Shire Council
- online via use of technology and social media and
- any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa.

Consumption of alcohol at work functions or at a work-related event outside the usual workplace and hours of work is not an excuse for conduct that constitutes sexual harassment. Staff should regulate their own behaviour and consumption of alcohol (noting that some workplaces may have a zero tolerance approach to alcohol) to ensure their behaviour does not adversely impact others. Employees should be mindful that in such situations, they continue to be subject to the Code of Conduct.

6. REPORTING SEXUAL HARASSMENT IN THE WORKPLACE

Council strongly encourages all employees who believe they have been sexually harassed or have witnessed sexual harassment to report or make a complaint in one of the following ways:

- Emailing or speaking to the direct manager
- If they are not comfortable talking to their manager, they may contact:
 - People and Culture or
 - Strathbogie Shire Council's contact officers
- Anonymously reporting by providing an unidentifiable letter to People and Culture or using the incident reporting platform Elumina or any system replacing it,
- Making a public interest disclosure by filling out the secure online form at www.ibac.vic.gov.au; or
- Talk to the respondent directly - This should be done only if the individual feels comfortable and safe doing so (noting this approach may suit some situations and people but not others).

6.1 Confidentiality

Where appropriate, disclosures/reports of sexual harassment will be treated in confidence to protect an employee's personal privacy as much as possible. However, allegations of sexual harassment or potential criminal conduct are serious and should be considered accordingly. In some instances, a matter may need to be escalated or referred without agreement from the employee, particularly in circumstances that may:

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

The appropriate action for management to take when a complaint is raised, or when a matter is otherwise brought to their attention, is likely to vary on a case-by-case basis. However, it may not be appropriate not to act, or to maintain strict confidentiality over the matter, even where the complainant states that they do not want any further action to be taken. This is because in some instances, the conduct to which the subject of the complaint relates may constitute an occupational health and safety risk or a criminal offence or require disciplinary action to be taken.

Only relevant people at Council will be advised of the disclosure and any arrangements necessary for the purpose of managing the disclosure.

6.2 Bystander Intervention

Bystanders, including colleagues, who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment in the workplace. When grounded in behaviours of integrity and respect, action taken by colleagues can positively impact on defining workplace culture.

Bystanders that are aware of sexual harassment are encouraged to:

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

7. RESPONDING TO SEXUAL HARASSMENT IN THE WORKPLACE

Employees affected by sexual harassment will be supported in determining how they wish to address the matter and take action. Council will listen to and work with employees to ensure their safety and wellbeing as required by the *Occupational Health and Safety Act 2004*.

In cases of sexual assault, employees will be encouraged to make a report to the Victoria Police as soon as possible. Employees will also be encouraged to report the incident to their direct manager or the People and Culture Team, regardless of whether a report is made to Victoria Police or not.

7.1 Informal Complaint Process

An individual, who is unsure of whether or not to make a formal or informal complaint, may make an informal complaint first and decide if they want to escalate the complaint to a formal complaint after speaking with their manager or the People and Culture Team. Different options for handling informal complaints may include, but are not limited to:

- The person who is unhappy with the behaviour having a direct conversation with that individual and requesting that they stop the offending behaviour
- Manager having a conversation with the person against whom the complaint is being made
- Manager having a meeting with the individuals concerned in an attempt to reach a resolution.

7.2 Formal Complaint Process

To lodge a formal complaint, the employee will need to do so by advising Council in writing. A written complaint shall include the names of individuals concerned, details of the incident(s) and the names of any witnesses present.

In instances where a formal complaint is made verbally, it will need to be documented in order to formalise the complaint – for example the manager could record the discussion and the employee signs to confirm that details recorded are correct.

Formal processes involve investigating the complaint, making a finding as to whether the sexual harassment occurred, and deciding on an appropriate outcome. Such process will be undertaken in line with the Staff Code of Conduct CEO Directive and the Disciplinary CEO Directive.

Depending on the nature of the concerns raised and the parties implicated, it may be necessary or appropriate to take precautionary action and temporarily change operations within a team to ensure a safe workplace and maintain the integrity of any review process. Working with the People and Culture Team several precautionary actions could be considered including:

- operational change to reporting lines and team composition
- change to seating arrangements
- change to physical work location
- taking periods of approved leave
- suspension.

The complainant should be consulted before any decision relating to temporary change involving them or the respondent is finalised. It is important that the measures do not result in any detriment to the complainant (as this may amount to victimisation, which is unlawful).

Any operational change should only be enacted in collaboration with the People and Culture Team to ensure it is an appropriate and proportionate response to the matter and approved at the necessary delegate level (if required). The People and Culture Team can assist with conducting discussions with affected staff about any operational changes.

7.3 Anonymous Complaint Process

In instances where Councillors/ employees/ volunteers do not feel comfortable coming forward, they may make an anonymous complaint by providing an unidentifiable letter to People and Culture or using the incident reporting platform Elumina or any system replacing it.

Council will also complete bi-annual surveys that will allow employees to provide anonymous responses. Anonymous complaints are unlikely to result in a proper investigation, Council may facilitate informal discussions or refresher training for a work unit or the entire organisation.

7.4 Outcomes of Substantiated Claims

A substantiated complaint of sexual harassment may result in a number of outcomes against an employee, including termination of employment. Depending on the severity of the case, actions following a finding of sexual harassment can range from an apology to disciplinary action against the person found to have engaged in harassment (such as demotion, transfer or termination of employment). Determination of outcomes will be undertaken in line with relevant industrial instruments. Each case will be assessed on its own merits.

The person making the complaint will be advised of the outcome of their matter at the conclusion of the review or investigation of the report or complaint.

Although sexual harassment is generally a civil matter, not a criminal offence, some types of harassment may also be offences under criminal law. These include, but are not limited to:

- physical molestation or assault
- indecent exposure
- sexual assault
- stalking
- obscene communications (telephone calls, letters etc.).

If an allegation appears to be a matter relevant to the Victoria Police, Council is obliged to report this to the Victoria Police regardless of whether the complainant has made a report to Prevention and Management of Sexual Harassment Policy Document 704950

the Victoria Police or not. It is recommended that management speak with People and Culture for advice on individual matters, as each matter must be considered on its merits.

7.5 Natural Justice And Procedural Fairness

Both the complainant and respondent are to be afforded natural justice and procedural fairness. This will allow relevant evidence to be examined in a procedurally fair way. Relevant evidence might include manager reports, emails, witness reports of the alleged conduct, text messages or the complainant's personal records.

When considering the report of sexual harassment, the complainant and respondent will be:

- treated fairly and respectfully
- allowed the opportunity to respond to any allegations made against them before any report is finalised and a final decision is made.

7.6 Support and Welfare

Disclosure of information or making a complaint can be very difficult for the affected person. Managers should take necessary welfare steps, such as letting staff members go home for the day, ensuring they have safe transport, connecting them with a support person and with the Employee Assistance Program (EAP) or equivalent.

Council's primary support contacts include Contact Officers, the People and Culture Team and Employee Assistance Program (EAP). A list of Council's Contact Officers may be found on noticeboards located around Council buildings. Employees may also wish to access other external support services such as Centres Against Sexual Assault. Any person making a complaint under this policy will continue to be supported by Council throughout the process, including during the investigation, and at the conclusion of the matter.

8. CONSENSUAL INTERACTIONS

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 must 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 or romantic interaction that is entered into freely and is reciprocated between consenting employees, is not a form of sexual harassment. This includes sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated action.

This does not mean that sexual or romantic interactions between employees are always appropriate. Employees may face disciplinary action where their actions adversely affect other employees or their workplace responsibilities.

9. WORKPLACE INITIATIVES

Initiatives to promote a workplace free from sexual harassment will be implemented at all levels of the organisation and will include:

- Staff training and development activities
- Regular communication with customers and employees advising Council does not tolerate any form of sexual harassment within the workplace including from the public
- Audits and reviews to collect information about the prevalence and nature of sexual harassment at least once every two years
- Assessment of resource allocation; and

- Action to address identified issues.

10. DEFINITIONS

Term	Meaning
Bystander Action	action taken by a person or persons not directly involved in the incident, to identify, speak out about or seek to engage others in responding to specific incidences or behaviours, attitudes, practices or policies. Bystander action is an effective strategy to address sexist language, sex discrimination and sexual harassment and an important part of providing a safe and inclusive environment.
Centres Against Sexual Assault	non-profit, government-funded organisations that provide support, counselling and crisis care to child and adult victims of sexual assault and their family
Contact Officers	staff who have volunteered to take on the role and are then specially trained in equal opportunity law (including in responding to sexual harassment). Contact officers are supported but remain impartial, enabling workers to talk informally about their concerns, identify their issues and weigh up the best options for resolution
Council	means the Strathbogie Shire Council
Employees	for the purposes of this policy, employees refer to all Council employees, Councillors, contractors and volunteers.
Employee Assistance Program (EAP)	a free and confidential counselling service offered by employers to their employees to support their wellbeing in the workplace and in their personal lives.
Precautionary Action	action taken by an employer before an investigation of sexual harassment has concluded that is necessary to protect the wellbeing and safety of the complainant or other workers
Sexual Assault	a type of sexual violence that involves any physical contact, or intent of contact, of a sexual nature against a person's will, using physical force, intimidation or coercion and is also a criminal offence
Sexual Harassment	any unwelcome, unwanted or uninvited behaviour of a sexual nature towards another person which could reasonably be expected to make that other person feel offended, humiliated and/or intimidated. Sexual harassment can take many different forms and may include physical contact, verbal comments, sexual jokes, propositions, unwelcome questions about a person's private life, leering and staring, the display of offensive material or other behaviour which creates a sexually hostile working environment. It can be both a single incident and/or a series of incidents.

Workplace	for the purposes of sexual harassment law, a workplace is any place a person attends for the purpose of carrying out functions in connection with, or in the course of their employment or prospective employment. It extends beyond the usual workplace and working hours - for example after-hours events or functions regardless of location, travel or accommodation provided by Council, or online via technology and social media.
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11. RELATED POLICIES AND LEGISLATION

The following Council, State, regional and national plans and policies are relevant to this policy under each subtitle.

Legislation

- Local Government Act 2020*
- Equal Opportunity Act 2010*
- Fair Work Act 2009*
- Family Violence Protection Act 2008*
- Occupational Health and Safety Act 2004*
- Sex Discrimination Act 1984*
- Victorian Charter of Human Rights and Responsibilities Act 2006*

Related Council documents

- Council Plan 2025-29
- Respectful Workplaces CEO Directive and Guideline.
- Staff Code of Conduct CEO Directive
- Prevention of Bullying and Occupational Violence CEO Directive
- Flexible Working Arrangements CEO Directive
- Staff Disclosure of Family Violence CEO Directive

12. POLICY REVIEW

Council may review this policy at any time and at least four years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).