



Sexual Harassment Policy

Policy Statement

Sexual harassment and sex-based harassment are not tolerated at ANC in any form or to any degree. ANC recognises its responsibility to provide a safe and supportive working environment. ANC is committed to respond with speed, compassion, respect, integrity, and legal compliance to any incident of sexual harassment or sex-based harassment.

ANC is committed to taking a proactive approach towards reasonable and proportionate measures to eliminate (as far as possible) sex discrimination, sexual harassment, sex-based harassment, hostile working environments and acts of victimisation.

ANC is committed to:

- The right of all workplace participant's to be treated with respect and dignity
- Creating a safe physical and online working environment
- Providing information, instruction, training, and support about the importance of preventing and addressing sexual harassment or sex-based harassment in the workplace
- Addressing unwanted or offensive behaviour early
- Encouraging reporting of sexual harassment or instances of sex-based harassment and having effective complaints procedures
- A work environment free from sexual harassment, sex-based harassment and victimisation (in any form).

In this regard, ANC's adoption and implementation of this policy is an important preventative step.

Purpose And Scope

This Policy is not limited to the workplace or work hours. This policy extends to all functions and places that are work related, for example, work lunches, conferences, workplace functions, celebrations, and client functions. This policy also extends to communications that occur during or outside of work hours such as phone calls, email, text, or social media.

This policy covers interactions between employees as well as between workplace participants and people external to our organisation, such as clients or customers that they will encounter through the course of their work with ANC.

This policy applies to all workplace participants which includes employees, contractors (and their employees) temporary contractors, agents, consultants, visitors, volunteers and labour hire of ANC collectively referred to as "workplace participants".

Any reports of sexual harassment or sex-based discrimination will be treated seriously by ANC with appropriate disciplinary action to be taken in instances where conduct breaches this policy.

Definitions

Workplace participant – workplace participants include employees, contractors (and their employees) temporary contractors, agents, consultants, visitors, volunteers and labour hire of ANC collectively referred to as "workplace participants".

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Sexual harassment – is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would interpret the behaviour in that situation.

Sex-based harassment – is any unwelcome conduct of a seriously demeaning nature by reason of the person's sex in circumstances in which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated, or intimidated.

Victimisation – is where one treats another person adversely or disadvantages them, either because they have made a complaint or have been involved in a complaint.

Hostile work environment – is a workplace where a person is subject to conduct which can reasonably be considered to be offensive, intimidating or humiliating to a person on the basis of sex.

Workplace – the workplace extends to out-of-work settings that have work-related connectivity.

Responsibilities

It is the obligation and responsibility of all who work at ANC to ensure that it is free from sexual harassment, sex-based harassment, sex discrimination and victimisation.

Managers and supervisors' responsibilities include but are not limited to:

Supporting and promoting the sexual harassment policy in the workplace by modelling acceptable behaviours that foster a positive and respectful workplace culture. This sets the standard of behaviour that is expected of everyone at work – workers, customers, clients and third parties.

Examples of sexual harassment

Examples of sexual harassment include:

- inappropriate physical contact, such as unwelcome touching
- staring or leering
- a suggestive comment or joke or overhearing a conversation/sexually explicit/inappropriate joke
- a sexually explicit picture or poster
- an unwanted invitation to go out on dates
- a request for sex
- intrusive questioning about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- an insult or a taunt of a sexual nature
- a sexually explicit email or text message

Please note the above list is not exhaustive.

Acts of sexual harassment may also constitute criminal offences.

Examples of sex-based harassment

Examples of sex-based harassment may include:

- Asking intrusive personal questions based on a person's sex
- Making inappropriate comments and jokes to a person based on their sex

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- Verbal abuse or insults on the basis of one's sex or gender
- Displaying images or materials that are sexist, misogynist or misandrist
- Making sexist, misogynistic or misandrist remarks about a specific person
- Requesting a person to engage in degrading conduct based on their sex
- Gender motivated threats, attacks, or other hateful conduct.

Please note the above list is not exhaustive.

Mutual attraction between people is not sexual harassment. Conduct which is welcome or consensual is not unlawful, and friendships (sexual or otherwise) which develop between people who meet at work are a private concern, provided they do not impact on the workplace.

Workplace participants should take care however, before engaging in conduct they believe to be welcome. Always remember that some people may not feel comfortable speaking up and saying that a behaviour is offending them and is not welcome. This may be because of their personality or may be because they are too worried about the possible impact on their employment if they complain. It is the responsibility of the workplace participant to ensure that they do not engage in conduct which is not welcome. Similarly, it is the responsibility of the workplace participant to tell someone if they do not feel comfortable with another person's behaviour, or at least to raise the issue with their direct manager or another manager if appropriate.

Workplace participants should also remember that even conduct which is welcome may not be appropriate in the workplace. If a workplace participant is unsure whether a certain type of conduct is appropriate, they should speak with their manager.

Any personal friendships that develop should not impact on the person's responsibilities to do their work or on the performance or productivity of co-workers.

Victimisation

Disciplinary action will be taken against any person who victimises or retaliates against a person(s) who has lodged or is involved in a personal grievance issue under this Policy. Such action may include termination of employment.

Confidentiality

As much as possible, ANC will uphold the confidentiality of all parties involved into an investigation into sexual harassment or sex-based harassment, however, occasionally, it may be necessary to speak with other workplace participants in order to access further information.

Where potentially unlawful conduct has occurred, ANC may need to alert the appropriate authorities.

Procedure

Complaint Handling Procedure

If a workplace participant feels that they have been subjected to any form of sexual harassment or sex-based harassment, they should not ignore it. Workplace participants should use ANC's *Grievance Resolution Policy* for dealing with these issues.

If all avenues available under ANC's *Grievance Resolution Policy* are exhausted, a complaint application can be made to the Fair Work Commission or by lodging a complaint with another government body such as the Australian Human Rights Commission or state/territory based regulatory bodies where individuals can bring harassment and/or discrimination claims under the relevant state of territory anti-discrimination legislation.

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Breaches Of This Policy

ANC takes very seriously its commitment to providing a safe and healthy work environment, free from sexual harassment and/or sex-based harassment. All workplace participants are required to comply with this policy.

If a workplace participant breaches this policy (for example – they are found to be engaging in sexual harassment or sex-based harassment), they may be subject to disciplinary action. In serious cases, this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this policy may have their contracts with ANC terminated or not renewed.

If a person makes a false complaint, or a complaint in bad faith (e.g., making up a complaint to get someone else in trouble, or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

Confidential Support

ANC recognises that sexual harassment and sex-based harassment may cause both harm and distress. It is further recognised that workplace sexual harassment or sex-based harassment is a psychosocial hazard which has the potential to cause workers psychological or physical harm. In cases where it is felt that support cannot be provided or an individual feels uncomfortable to approach ANC management for support, the following support services are available:

ANC Employee Assistance Program

Mindfit At Work

You can book a counselling session via the toll-free number: Australia

Ph: 1800 862 042

To access to the EAP Portal:

Download the 'Mindfit EAP' app or go to eap.mindfitatwork.com

Click on 'Create Account'

Enter ANC's code – 227783

Website: eap.mindfitatwork.com

Lifeline

Ph: 131114

Website: <https://www.lifeline.org.au/>

Beyond Blue Support Service

Ph: 1300 224 636

Website: <https://www.beyondblue.org.au/get-support>

Emergency Services (Police, Ambulance Services)

Ph: 000 (in an emergency) or 131444 (if a report needs to be made and the individual is not in immediate danger)

Variation And Review

ANC reserves the right to vary, replace or terminate this policy from time to time.

Unless altered earlier, this policy will be reviewed every 2 years.

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Employee Agreement

I have read, understand and agree to comply with the foregoing policies, rules and conditions governing ANC's Sexual Harassment Policy. I understand that violations of this policy may subject me to disciplinary action, including termination from employment, legal action and criminal liability. I further understand that my actions and behaviour may reflect on the image of ANC to our customers, competitors, and suppliers and that I have responsibility to maintain a positive representation of the company. Furthermore, I understand that this policy can be amended at any time.

Dated:_____

[Signature]

[Printed Name]

[Job Role]

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