

POLICY ON SEXUAL OR RACIAL HARASSMENT IN THE WORKPLACE

SEXUAL AND RACIAL HARASSMENT ARE UNLAWFUL

Sexual and racial harassment is unlawful under Human Rights legislation and can give rise to a personal grievance claim under the Employment Relations Act 2000.

WHAT ARE POLICIES?

- A governing tool
- A framework

They provide guidelines, and a framework for all sectors of the organisation whether it be volunteers or board members.

Policies should be formed after consultation at all levels, discussion debate and shared experiences. They should be a fundamental tool of the organisation and be held in a “Policy Manual” which is available to all sectors of the organisation.

REASON FOR THIS POLICY

As an introduction of this policy to your staff the organisation needs to make a strong statement. For example “The organisation is committed to preventing sexual harassment and avoiding complaints and grievances.”

The organisation’s policy in respect of sexual or racial harassment has four purposes:

1. To tell you that the organisation does not tolerate sexual or racial harassment and to explain what sexual or racial harassment is; and
2. To remind you that sexual or racial harassment is unlawful discrimination; and
3. To let you know about the organisation’s procedure for dealing with complaints of sexual or racial harassment; and
4. To spell out the consequences of sexual or racial harassment.

ORGANISATION’S VIEWPOINT

- The organisation does not tolerate sexual or racial harassment. We want to avoid sexual or racial harassment in this organisation and are committed to providing a safe working environment free from sexual or racial harassment. Our procedures for dealing with sexual or racial harassment issues provide for early reporting and

(hopefully) early resolution of any problems and we believe they will help us avoid sexual or racial harassment.

- Staff should note that their employment contracts expressly provides that sexual harassment is not permitted. Future employment agreements will also state that racial harassment is not permitted. All staff are requested to acknowledge that they have read and understand the policy and procedures contained in this memorandum, by signing and returning the enclosed acknowledgement form.

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is defined in the statutes at some length. The organisation uses the following definition as a guideline;

Sexual harassment is any objectionable emphasis on the sex of an individual (whether by a member of the opposite sex or the same sex). Any sexual-oriented conduct - verbal, physical or by innuendo - constitutes sexual harassment when:

- *submission to such conduct becomes either explicitly or implicitly a term or condition of employment;*
- *submission to or rejection of such conduct is used as a basis for employment decisions;*
- *such conduct has the purpose or effect of interfering with work performance;*
- *such conduct creates an intimidating, hostile or offensive working environment, or;*
- *such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort or humiliation to another person or group.*

Sexual harassment has 2 key ingredients:

- a. Sexual attention, and
- b. It is unwanted attention.

Here are three examples of sexual harassment:

Example 1:

When a client, or any staff member or partner ask you for sexual activity and:

- a. promises or implies that if you agree to their request, you will be treated better than your colleagues or promoted in some way; or
- b. threatens or implies that if you refuse, you will be treated badly or worse than your colleagues in some way; or
- c. threatens or implies that if you refuse, you could be in a danger of losing your particular job or position or status in the organisation.

Example 2:

When you are subjected:

- a. to written or spoken words of a sexual nature; or
- b. to physical behaviour of a sexual nature.

and this type of behaviour makes you feel uncomfortable to affects you to the extent that your work suffers or you are unhappy in your job and the offensive words or behaviour are repeated or significant.

Example 3:

Sexual attention can take the form of questions, jokes, pin-ups, offensive comments or gestures, suggestive remarks or deliberate physical contact.

The test is not how the behaviour is meant, but how the behaviour is received or interpreted by the other person. What one person considers to be acceptable behaviour, another can find objectionable.

If you are not sure what type of behaviour could be sexual harassment, speak to a partner or manager in the office in whom you have confidence.

WHAT IS RACIAL HARASSMENT?

Racial Harassment is:

“Spoken language, written words, visual material, or behaviour that expresses hostility, brings into contempt, or ridicules someone, on the ground of their colour, race, ethnic or national origins; and

- *is hurtful or offensive to that person, and through either being repeated or being of a significant nature;*
- *affects work performance;*
- *creates an intimidating, hostile or offensive working environment, or;*
- *causes embarrassment, insecurity, discomfort, or humiliation to another person or groups.*

Racial harassment includes offensive comments or innuendo, jokes or mimicking the language of another race or ethnic origin.

PROCEDURE FOR DEALING WITH SEXUAL OR RACIAL HARASSMENT COMPLAINTS

The organisation encourages any staff member who experiences sexual or racial harassment to say to the person responsible that such behaviour is unwelcome. You should take this action when the distressing incident occurs, or as soon as possible thereafter. If you are not comfortable addressing the party on your own, it is acceptable to have someone accompany you.

The procedure for dealing with sexual or racial harassment is designed to ensure that such circumstances are dealt with swiftly and directly by the organisation. Should this procedure be inappropriate or prove ineffective as a first resort, then a complaint may be made under the Human Rights Act, or, where employment is significantly affected, as a personal grievance proceeding under the Employment Relations Act 2000.

LINK WITH OTHER ORGANISATIONAL DOCUMENTS

Note should be taken that this policy refers to employment agreements and it is important that reference is made in staff contracts to this policy and is acknowledged by staff at the time of employment. It is important that the organisation also has a satisfactory complaint's policy in order for the complaint to be laid.

FURTHER RESOURCES

Literature from the Race Relations and Human Rights Office - many pamphlets and community resources are available free of charge.

If you would like a list of our other community resources, or to be put on our mailing list, contact us at:



Phone (09) 486-4820

Fax (09) 486-4823



Visit North Shore Community and Social Services Inc.
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