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# Sexual Harassment Policy

## 1. Overview

GPT is committed to providing a safe environment for all of our workers. We seek to ensure that our workplace is an environment free from harassment, discrimination and victimisation by minimising the conduct and actions which may lead to unacceptable behaviour.

Sexual harassment can take a psychological, emotional and physical toll on individuals and has detrimental consequences on careers and personal lives of those affected.

This policy is to be read in line with GPT's Code of Conduct, Equal Opportunity and Workplace Behaviour Policy, Diversity and Inclusion Policy, and Grievance Policy.

## 2. Purpose

This policy sets out GPT's approach to dealing with any sexual harassment, discrimination and victimisation within our workplace.

GPT has a 'zero tolerance' approach to sexual harassment. This means we will be proactive in eradicating the behaviour, and there will be actions and consequences taken that are appropriate and proportionate to conduct that amounts to sexual harassment. This does not mean each incident will be dealt with in the same way.

## 3. Scope

This policy applies to all GPT workers (whether permanent, fixed term, casual, temporary or contract), potential workers, visitors and clients. In this policy 'worker' means:

- (a) an employee; or
- (b) a contractor or subcontractor; or
- (c) an employee of a contractor or subcontractor; or
- (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- (e) an outworker; or
- (f) an apprentice or trainee; or
- (g) a student gaining work experience; or
- (h) a volunteer; or
- (i) a person of a prescribed class.

**Third Parties:** GPT will not tolerate unacceptable behaviour by third parties towards its workers. This includes behaviour by clients, customers, investors, suppliers<sup>1</sup> and others who interact with our workers. Likewise, unacceptable behaviour by our workers towards Third Parties will not be tolerated.

## 4. Sexual harassment

### 4.1. What is sexual harassment?

Sexual harassment is a specific type of harassment that is particularly prevalent where gender inequality exists. Sexual harassment of workers either by their co-workers, by their superiors/supervisors, or by third parties can be unlawful under the:

- (a) *Sex Discrimination Act 1984* (Cth) (Sex Discrimination Act);
- (b) *Anti-Discrimination Acts* of each State and Territory; or
- (c) *Fair Work Act 2009* (Cth).

Legal action can be taken against individuals who breach this legislation, as well as against GPT. This could include making an application to the Fair Work Commission to deal with a dispute or a complaint to the Australian Human Rights Commission.

### 4.2. Defining sexual harassment

The Sex Discrimination Act states that a person sexually harasses another person if:

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

**It can be a one off incident:** There is no requirement that the unwelcome conduct needs to be repeated. A one-off incident can be sexual harassment, including via electronic means such as text messages, or social media. The intention of the alleged harasser is also not relevant.

**Express objection not required:** Just because a person does not object to conduct at the time it occurs, does not mean they are consenting to or welcoming that type of conduct. Consent needs to be explicit, unambiguous and continuous.

Workers should be aware that some types of conduct that may constitute sexual harassment can be criminal offences. Where this occurs GPT may need to involve the police.

The Sex Discrimination Act also prohibits the following related conduct, which GPT will not tolerate:

**Sex-based harassment:** unwelcome conduct of a demeaning nature in relation to a person by reason of their sex, in circumstances in which a reasonable person would have anticipated the possibility that the person would be offended, humiliated or intimidated.

**Sex discrimination:** treating a person less favourably than another because of their sex, or

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<sup>1</sup> The Supplier Code of Conduct applies to all suppliers of goods and services to GPT. All suppliers of GPT are expected to comply with this Code.

imposing a condition or requirement that disadvantages people of one sex.

**Hostile workplace environment on the ground of sex:** conduct that results in a workplace environment that is offensive, intimidating or humiliating to people of one sex, even where the conduct is not directed at a particular person.

**Victimisation:** subjecting a person, or threatening to subject them, to a detriment because they have made or propose to make a complaint, or have been involved in a complaint or investigation. Victimisation is itself unlawful.

#### **4.3. Behaviours that may constitute sexual harassment**

GPT encourages all workers to step forward and report unlawful conduct. To assist workers in recognising potentially problematic conduct, behaviours that may constitute sexual harassment could include:

- (a) unwelcome comments about appearance, looks or dress;
- (b) staring or leering;
- (c) gender-based insults or taunting, including inappropriate 'humour' such as smutty or sexist jokes or comments;
- (d) statements of a sexual nature, either verbal or written and either made to a person or in their presence;
- (e) deliberate and unnecessary physical contact, such as touching, pinching, patting or deliberately brushing against another body;
- (f) kissing or attempts at kissing;
- (g) repeated requests for dates, especially after prior refusal;
- (h) sexual propositions;
- (i) suggestions or innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality or tales of sexual performance;
- (j) unwelcome comments or intrusive questions into a person's private life or in reference to a person's sexuality, including those asked at pre-employment interviews;
- (k) making any gesture, action or comment of a sexual nature;
- (l) displays of sexually graphic material including posters, pictures, calendars, cartoons, graffiti or messages left on boards or desks;
- (m) electronic mail messages, voice mail messages, screen savers, any material of a sexual nature downloaded from the internet, or viewed on a computer, offensive telephone calls, faxes, or gifts;
- (n) any predatory behaviour of a sexual nature – involving one person targeting another with unwelcome sexual conduct; or
- (o) attempts at sexual intercourse or some other overt sexual connection.

#### **4.4. Where and how sexual harassment may occur**

Conduct can have a connection to work even if it is not occurring at a physical workplace belonging to GPT or during typical working hours. This means the locations and circumstances in which sexual harassment may occur is expansive and can include:

- (a) in the workplace during work hours including common areas such as lifts, entrances, vehicles, reception areas, corridors, stairwells, kitchens and toilets;
- (b) at work related locations including client sites, worksites, work events, public spaces where work is conducted, remote sites or regionally based offices;
- (c) beyond the workplace and outside normal working hours where there is a link to employment such as conferences, social events, business trips, accommodation, and after-parties; and
- (d) online via technology and social media, irrespective of whether work resources were used.

## 5. Positive duty to eliminate sexual harassment

GPT has a positive duty under the Sex Discrimination Act to take reasonable and proportionate measures to eliminate:

- (a) sexual harassment, sex discrimination and sex-based harassment;
- (b) conduct that amounts to subjecting a person to a hostile workplace environment on the ground of sex; and
- (c) certain acts of victimisation.

GPT expects all levels of its workforce to take proactive measures to make sure they do not engage in unlawful conduct.

GPT has a responsibility to eliminate hostile work environments. If a work environment is hostile, it may increase the likelihood of sexual harassment or sexual discrimination occurring. Indicators of a sexually hostile workplace could include:

- (a) display of obscene or pornographic materials;
- (b) general sexual banter;
- (c) crude conversation or innuendos; and/or
- (d) offensive jokes.

GPT has a Behavioural Conduct Working Group (**Working Group**) which has been established to regularly address behavioural conduct (including sexual harassment) matters to ensure that GPT is taking a systematic approach to managing the risks and minimising them as far as is reasonably practicable. The Working Group is responsible for ensuring robust processes and procedures are in place for the oversight, and where applicable, handling of all behavioural conduct (including sexual harassment) matters and taking proactive measures to mitigate the risk of behavioural matters occurring.

Risk assessments are periodically reviewed by the Working Group and Managers have an obligation to fulfill their responsibilities, as outlined in section 5.

## **6. Responsibilities of management and workers**

### **6.1. Managers**

GPT expects all managers to model correct behaviours and uphold this policy in full. This includes but is not limited to the following behaviours and actions:

- (a) ensure early intervention is a priority and that business systems are in place to support this, including making teams aware of this policy;
- (b) require regular reporting of frequency and types of incidents, immediate outcomes and long-term implications for parties involved;
- (c) support transparency of incidents and encourage teams to speak up if they witness or experience unlawful behaviours;
- (d) prioritise the care and support of victims;
- (e) monitor the workplace and any out of hours work functions for unlawful behaviours;
- (f) identify, address and educate workers about unlawful conduct;
- (g) treat any complaints with sensitivity and confidentiality; and
- (h) ensure a person is not victimised for making or being involved in a complaint.

### **6.2. Workers**

GPT expects all workers to uphold this policy at all times. This includes but is not limited to the following behaviours and actions:

- (a) be aware of your own actions both in the workplace and out of hours and how your actions may impact others;
- (b) promptly and appropriately report any witnessed or experienced unlawful behaviours to your manager or the People team;
- (c) speak up or intervene in any potentially unlawful conduct you witness in a way that is comfortable for you and if you feel safe to do so;
- (d) participate in any inquiries or investigations about incidents;
- (e) treat any complaints with sensitivity and confidentiality; and
- (f) ensure a person is not victimised for making or being involved in a complaint and listen to them without judgement or preconceived solutions.

## **7. Reporting sexual harassment**

If a worker feels that they have witnessed or been the subject of sexual harassment, GPT encourages them to report it. A worker can report in whichever way feels safe for them, and is not expected to raise the matter with the person involved first. Where a worker feels safe and comfortable to do so, one option is to raise the behaviour directly with the person involved, but this is always a choice and never a required step.

A worker can report the incident to their manager, or, if they would prefer not to raise it with their manager (for example, because their manager is the person involved), to another manager or to

any member of the People team. A worker may make a report anonymously. There are no time limits for reporting sexual harassment, but GPT encourages workers to report promptly to assist with any potential investigation. Please refer to our Whistleblower Policy for further details on reporting anonymously as a whistleblower.

The report will be taken seriously and dealt with promptly, appropriately and confidentially in-line with this policy and the Grievance Policy and flowchart.

A report may not necessarily trigger an investigation but if it does we set out the process below.

## **8. Responding to reports of sexual harassment**

GPT is committed to taking a victim-centred approach to handling reports of sexual harassment. This means no worker will be victimised for making a report or for participating in any investigation.

GPT takes a person-centred and trauma-informed approach. Support and any response will be tailored to the individual's needs and circumstances, recognising that a worker's experience of sexual harassment can be shaped by intersecting aspects of their identity, such as their sex, age, cultural background, disability, sexual orientation or gender identity. GPT will handle reports in a way that aims to avoid causing further harm.

This also means that the victim's wishes for how to handle a situation will be taken into account when responding to a complaint. There may be occasions however where a victim does not want a matter investigated but GPT is legally obliged to do so.

### **8.1. Investigations**

If appropriate, an investigation into the alleged conduct may occur.

Investigations will be conducted confidentially, sensitively, impartially and in a timely way. The matters raised by the investigation will only be discussed with others on a "need to know" basis (to the extent this is reasonably possible). Investigations will also be conducted with procedural fairness at the forefront.

All workers are required to cooperate and assist these investigations.

Parties involved will be notified of their right to have a support person present.

GPT aims to finalise any investigation within a reasonable timeframe.

GPT will consider on a case by case basis whether risk mitigation strategies such as suspension, change of reporting lines or change of location is required while an investigation is conducted.

All workers who need support are encouraged to reach out to the Employee Assistance Program support (Telus Health) direct on 1300 361 008.

Support is available to anyone affected by sexual harassment, whether or not they make a report and regardless of whether an investigation occurs. In addition to the Employee Assistance Program, free and confidential external support is available through 1800RESPECT (1800 737 732) and the national, trauma-informed Respect@Work Information Service provided by the Australian Human Rights Commission.

## 8.2. Potential outcomes

Where an allegation is substantiated, proportionate action will be taken. Potential outcomes could include one or more of the following actions:

- (a) disciplinary action, for example warning, suspension, demotion or dismissal;
- (b) change to working hours or locations;
- (c) an apology; or
- (d) coaching or performance counselling.

## 9. Record keeping

GPT will keep confidential all information, correspondence and evidence with parties in relation to reports of sexual harassment.

Records are kept in accordance with all relevant legislation, including applicable privacy legislation and related GPT Policies.

## 10. Reporting on complaint numbers

GPT will continually monitor and evaluate organisation wide complaint numbers.

General statistics outlining the number of sexual harassment complaints, themes and outcomes are periodically reported to the Leadership Team and Board to assist them in assessment and management of GPT's culture.

## 11. Further Information

This policy is to be reviewed every 2 years as part of GPT's ongoing commitment to improve preventative efforts and create a safe working environment for all workers. Any amendments will be approved by the Chief People Officer.

If you require additional information about this policy and/or you have any questions issues or concerns or suggestions for improvement to this policy please contact the Policy Owner.

## 12. Related policies, procedures and guidelines

- Code of Conduct
- Grievance Policy and flowchart
- EEO and Workplace Behaviour Policy
- Diversity & Inclusion Policy
- Work Health and Safety Policy

**Document Control**

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