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PURPOSE

Sexual harassment is unlawful and prohibited by the *Equal Opportunity Act 2010* (Vic), the *Sex Discrimination Act 1984* (Cth) and the *Fair Work Act 2009* (Cth). Sexual harassment is also a workplace hazard or risk for the purposes of the *Occupational Health and Safety Act 2004* (Vic).

This Policy articulates Kardinia Park Stadium Trust's (KPST) commitment to providing a safe, flexible and respectful environment that is free from all forms of sexual harassment.

This policy applies to all employees of KPST, including the Chief Executive Officer (CEO), Trustees, job candidates, students on placements, trainees, volunteers, and other workplace participants (such as contractors, sub-contractors, service providers, hirers, gig workers).

SCOPE

This policy applies to circumstances including, but not limited to,:

- how KPST provides services to customers and other stakeholders, and how it interacts with other members of the public, patrons and fans;
- 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, business trips – wherever and whenever employees may be as a result of their working duties;
- out of work hours conduct, including conduct on social media, where there is a connection to the employment relationship; and
- the treatment of colleagues, customers and members of the public encountered in the course of their working duties.

RELEVANT LEGISLATION

KPST has a responsibility to prevent sexual harassment under both Commonwealth and State legislation, including the:

- *Equal Opportunity Act 2010* (Vic)
- *Occupational Health and Safety Act 2004* (Vic)
- *Sex Discrimination Act 1984*
- *Fair Work Act 2009*

Code of conduct and public sector values

Employees are also required to conduct themselves in a manner that is consistent with the public sector values and employment principles set out in the *Public Administration Act 2004*, and further defined through the *Code of Conduct for Victorian Public Sector Employees*.

Principles

KPST (all staff and specifically the CEO, members of the executive leadership team, other people managers and, where applicable, Trustees) is committed to the following guiding principles:

- sexual harassment is unlawful and KPST has a zero-tolerance of sexual harassment.
- sexual harassment is a workplace hazard or risk, and KPST must provide and maintain a work environment that is safe and without risk to the health and safety of employees, so far as reasonably practicable.
- 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 workers, such as women and gender diverse people, 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.
- KPST has a positive duty 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.
- KPST has legal obligations to eliminate as far as possible sex discrimination, sexual harassment and sex-based harassment, conduct that creates a hostile workplace environment on the ground of sex and victimisation.
- KPST is required to undertake risk assessment and risk management activities
- KPST recognises that comments and behaviour that do not offend one person can offend another.

All employees of KPST are required to treat others with dignity, courtesy, respect and professionalism and must not engage in unlawful conduct, including sexual harassment.

POLICY

SEXUAL HARASSMENT IN THE WORKPLACE

What is sexual harassment?

Sexual harassment in the workplace may take various forms and can be directed at, and perpetrated by, all persons including men, women, transgender people, and those who identify as non-binary. It may be physical, spoken or written and may include, but is not limited to:

- unwelcome physical contact of a sexual nature such as deliberately brushing up against someone, pinching, touching, grabbing, kissing or hugging;
- 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;
- sexually explicit conversation, sexually suggesting comments or jokes;
- displaying offensive screen savers, photos, calendars or objects;
- repeated requests to go out;
- unwanted displays or declarations of affection;
- requests for sexual favours;
- insults or taunts of a sexual nature;
- sexually explicit emails, text messages or posts on social networking sites;
- displaying sexually explicit sites and pornographic material at work;
- sexual assault, indecent exposure, physical assault and stalking (which are also criminal offences);
or
- actions or comments of a sexual nature in a person's presence (even if not directed at that person).

The *Equal Opportunity Act 2010* and the *Sex Discrimination Act 1984* provide that sexual harassment occurs in circumstances in which the conduct is unwelcome, sexual in nature 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.

Motive is irrelevant; the test focuses on how the behaviour is received by the other person. It is the responsibility of every employee to ensure that they do not engage in any behaviour that could amount to sexual harassment. Sexual harassment can occur even when a respondent does not intend to offend or humiliate. 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. 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.

Whether sexual or romantic interactions in the workplace are appropriate will depend on the circumstances. Please refer to KPST's Conflict of Interest Policy and its relevant procedure for more information on whether and how to disclose a workplace consensual personal relationship.

Being in or having once been in a consensual personal relationship with someone in the workplace does not mean conduct towards that person is not capable of constituting sexual harassment.

WHAT IS THE WORKPLACE?***Within the workplace***

For the purposes of sexual harassment, 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 premises or participate in activities connected to the workplace i.e. the same behavioural standards that exist in KPST's workplaces, apply at other premises that employees visit. This policy also covers the conduct of customers, patrons, fans, and members of the public.

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 and places of residence where employees are working or engaged in work related activities from their place of residence.

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 KPST;
- at social functions in connection with the team/workplace but not sponsored or paid by KPST;
- places of residence when employees are working remotely or there is otherwise a sufficient connection to work;
- 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 by KPST;
- social activities connected to the workplace held at a private residence;
- video link;
- 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. Employees should regulate their own behaviour and consumption of 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 KPST Code of Conduct, Victorian Public Sector Code of Conduct and public sector behavioural standards.

Social media and technology

Sexual harassment can occur through electronic means (such as emails or text messages) and through social media, regardless of whether the post was made during work hours or not. Where there is a link to employment, employees are subject to the same rules about sexual harassment in the virtual world as they are in the real world.

As such, employees are required to use technology and social media responsibly in the workplace and in relation to anything or anyone associated with the workplace. This extends to the use of technology and social media outside the workplace where there is a strong connection to the employment relationship (for example, between colleagues where the foundation of the relationship is a common workplace).

Victimisation

KPST will not tolerate victimisation in the workplace. Victimisation is unlawful under various laws including the *Equal Opportunity Act 2010* (Vic) and the *Australian Human Rights Commission Act 1986* (Cth).

Victimisation, which means to treat someone badly or unfairly, is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, witnessed or helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation.

Any person found to victimise, harass or take reprisal action against people participating in procedures associated with this policy may be subject to separate disciplinary action.

Please contact People and Culture immediately if you have experienced any unfair treatment or detriment as a result of making a report or helping another person to make a report.

PROCEDURE

REPORTING SEXUAL HARASSMENT

KPST will not tolerate any form of sexual harassment in the workplace.

KPST strongly encourages employees who believe they have been sexually harassed or have witnessed sexual harassment to consider reporting their experience in one of the following ways:

- Emailing or speaking to their direct line manager, General Manager, Contract or Account Manager, Supervisor
- Emailing or speaking to Executive Manager- People and Culture
- Contacting the Equal Opportunity Contact Officer

The report should provide information about what happened and when and where the sexual harassment occurred. A report of sexual harassment may also include a preference as to how the matter might be dealt with or resolved. This information will be considered in KPST's assessment of the appropriate course of action.

Reports of sexual harassment may also be lodged with the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal and in some circumstances, with a union, WorkSafe Victoria, Fair Work Commission, or the Australian Human Rights Commission.

In cases of sexual assault, indecent exposure, stalking, obscene communications or any other criminal conduct, employees are encouraged to make a report to the police. If the assault occurred in the workplace, KPST may be required to report the matter to police. Employees are encouraged to report the incident to their direct manager or People and Culture regardless of whether a report is made to the police.

Confidentiality

Where appropriate, reports of sexual harassment will be treated in confidence to protect 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 be escalated or referred without agreement from the employee, particularly in circumstances that may:

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

Only relevant persons in KPST will be advised of the report and any arrangements necessary for the purpose of managing the report.

Bystander intervention

Bystanders, including colleagues, who witness or are aware of sexual harassment, play an important role in responding to 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 strongly encouraged to:

- provide support to the colleague subjected to the sexual harassment;
- formally or informally challenge concerning behaviour; and
- report sexual harassment.

Public Sector and KPST employees are expected to report improper conduct. The standard that people walk past is the standard that people accept.

Health, safety and accessibility

Employers must provide and maintain a working environment that is safe and free of risks to health, so far as is reasonably practicable.

KPST will support employees affected by sexual harassment in making reports of sexual harassment and in participating in any process required to deal with a report.

KPST will listen to and work with employees, including bystanders and others impacted by sexual harassment, to ensure their safety and well-being as required by the *Occupational Health and Safety Act 2004*.

KPST will prioritise the safety and wellbeing of employees wishing to make a report. KPST will ensure that the reporting process is accessible for employees with disability and will assist employees with disability make their report and participate in the process as well as connecting employees to appropriate support services. Any assistance will be done so in the strictest of confidence to ensure confidentiality is maintained. KPST will communicate with the employee who they will be seeking assistance from and why, prior to doing so. Please contact the People and Culture Team at hr@kardiniapark.vic.gov.au.

RESPONDING TO SEXUAL HARASSMENT***Employer's responsibility***

If a report of sexual harassment is made, or sexual harassment is observed or brought to the attention of KPST, it must be acted upon as soon as practicable. Reports will be managed with consideration to the sensitive and confidential nature of the reports and ensuring procedural fairness to those against whom the report is made. Reports of sexual harassment will be considered in line with relevant industrial instruments and Trust policies and procedures.

All employees with management responsibilities, regardless of level, have a responsibility to improve the work culture by adopting a zero-tolerance approach to sexual harassment. Management will take active steps to prevent sexual harassment in a workplace, not just respond to reports if they arise.

The appropriate action for management to take when a report is raised, or when a matter is otherwise brought to their attention, will vary on a case-by-case basis. However, it may not be appropriate not to act, or to keep quiet, even where the person who has made the report 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 report relates may constitute an occupational health and safety risk or a criminal offence or require a disciplinary process to be undertaken.

KPST must take reasonably practicable steps to ensure the safety and wellbeing of all employees as per the *Occupational Health and Safety Act 2004*.

KPST will ensure that the person who has made the report and respondent are informed of the supports available to them, such as the EAP, as early as possible.

Responsibilities

CEO and People Managers are responsible to ensure that they:

- Take measures to proactively prevent behaviour which breaches this Policy;
- Identify and address any behaviour that could be discriminatory, bullying, sexually harassment, victimising or vilifying within their work teams;
- Inform their employees about their responsibilities to not discriminate against, bully, sexually or racially harass, victimise, or vilify or authorise or assist anyone else to do so;
- Promote awareness of this policy including ensuring employees are aware of how and where to make a report
- Treat all reports seriously and take prompt and appropriate action to address them;
- Model appropriate standards of behaviour;
- Seriously consider requests for flexible work arrangements, as per KPST's Flexible Working Arrangements Policy.
- Ensure employees and others who raise an issue or make a report are not victimised; and
- Offer support to any employee who discloses or reports sexual harassment to them, including the employee assistance program (EAP).

Managers and Supervisors

In addition to their responsibilities as employees, those with management responsibilities must also:

- Model appropriate standards of behaviour;
- Offering support to any employee who discloses or reports sexual harassment to them, including the employee assistance program (EAP);
- Refer complaints about breaches of this policy to the appointed by KPST complaint handling officer for investigation such as the Executive Manager, People and Culture
- Ensure employees who raise an issue or make a complaint are not victimised;
- Seriously consider requests for flexible work arrangements, as per KPST's Flexible Working Arrangements Policy;
- Seek advice from People and Culture if they are unclear or unsure what to do;
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- Promote awareness of this policy within their area including ensuring employees are aware of how and where to make a report; and
- Treat all reports seriously and take prompt and appropriate action to address them.

All Trust employees must ensure that they:

- Understand their responsibilities and contribute to an environment which is free of discrimination, bullying and harassment by treating others with dignity and respect, and acting in accordance with our Code of Conduct;

- Do not discriminate against, bully, sexually or racially harass, victimise or vilify anyone or authorise or assist anyone else to discriminate against, sexually harass, bully, victimise or vilify others;
- Report, address and resolve offensive action and participate in good faith;
- Conduct themselves appropriately and lawfully at all times within the workplace;
- Treat everyone with dignity, courtesy and respect; and
- Maintain complete confidentiality if they are involved in (amongst other things) the investigation of a report or dispute resolution procedures.

Informal process

In some circumstances, it may be appropriate to address sexual harassment informally. This may include speaking directly to the person concerned, explaining you find their behaviour unwelcome and unacceptable and that it needs to stop immediately. Employees should only speak directly to the person concerned if they feel comfortable. They should also keep notes of their concerns and the steps taken to resolve them.

In other circumstances, employees may prefer to contact a Manager, Supervisor, Account Manager, Executive Manager or People and Culture, who may arrange other informal processes including conducting or facilitating discussions to address the behaviour, or refresher training for the general work area on the requirements of this policy.

Where a report is dealt with informally, management should document and keep a record of any action taken in relation to the report.

Employees may also prefer to contact an Equal Opportunity Contact Officer who is trained in equal opportunity principles. They are a point of contact for employees, and provide assistance and support. Their role is not to resolve the complaint, but to provide information and present options for resolution. Equal Opportunity Contact Officers do not represent KPST or the employee, and they do not provide legal advice.

Formal process

In other cases, a more formal approach may be appropriate. Formal processes typically involve the Executive Manager, People and Culture, direct manager or Contract/Account Manager assessing the report and determining whether the conduct occurred, and if it breaches this Policy or is unlawful. In some circumstances, it may be appropriate to appoint an independent third party to conduct the investigation. Such process will be undertaken in line with relevant organisational policies, procedures and industrial instruments.

In some instances, it may be necessary or appropriate to temporarily change operations within a team to ensure a safe workplace and maintain the integrity of any review process. Changes may include:

- operational change to reporting lines and team composition;
- change to seating arrangements;
- performing alternative duties;
- change to physical work location;
- a change of roster;
- taking periods of approved leave; or
- suspension.

It will not be presupposed that the temporary change will involve the person who has made a report. The person who has made the report 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 person who has made the report (as this may amount to victimisation, which is unlawful). Safety and confidentiality of the process are key considerations in identifying appropriate temporary changes.

The CEO will be kept informed of any sexual harassment matters under investigation from a risk management perspective, while ensuring strict confidentiality for all parties involved. In some cases, it may be appropriate for the investigator to work directly with the Trustees, as identified by the Chair of the Trust, to ensure transparency and appropriate oversight.

Outcomes of substantiated claims

A substantiated report of sexual harassment may amount to misconduct or serious misconduct, and may include disciplinary action up to and including termination of employment or service agreement.

Natural justice and procedural fairness

Both the person who made the report and respondent are to be afforded natural justice and procedural fairness.

When considering the report of sexual harassment, the person who made the report and respondent will be:

- treated fairly and respectfully; and
- provided the opportunity to respond to allegations of sexual harassment made against them.

Support / welfare

Disclosure of information or making a report can be very difficult for the affected employees. Managers will take necessary welfare steps following the making of a report of sexual harassment. This may include allowing an employee to go home for the rest of the day, ensuring they have safe transport, connecting them with a support person and with the Employee Assistance Program (EAP) or equivalent as well as supporting alternative work arrangements or other reasonable work adjustments for as long as is necessary.

Criminal matters

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; and
- obscene communications (telephone calls, letters, etc).

If an allegation appears to be a matter relevant to the police, KPST is obliged to report this to the police regardless of whether the person who has made the allegation has made a report to the police or not.

Management and People and Culture will consider the specific facts of each matter.

Legal liability

Employees may be personally liable if allegations of sexual harassment are substantiated against them.

Legal action (civil and/or criminal) may be taken against a person who has engaged in sexual harassment and/or any other person who requests, instructs, induces, encourages, authorises or assists the unlawful conduct.

Conduct constituting sexual harassment by an employee may also expose KPST to liability. KPST may be vicariously liable for an employee's conduct undertaken in the course of, or in connection with, their employment.

Information or claims without substance

Employees found to have knowingly provided false information, or knowingly made allegations that are false or vexatious, may be subject to separate disciplinary action

Seeking Support

A range of options are available to provide support in regard to sexual harassment, including People and Culture and Equal Opportunity Contact Officers.

Employee Assistance Program (EAP)

KPST runs a voluntary external EAP available to all employees at all times via independent professional counsellors. Employees can find information about EAP via their manager, People and Culture, OH&S boards and on TURF (KPST's intranet).

To make a confidential and free EAP appointment, KPST employees can click here [Login page - Page to login into TELUS Health One App - TELUS Health One](#) – **Username:** kardiniaparkstadiumtrust
Password: Kardiniaparkstadiumtrust01 or call 1300 360 364

External support

An employee may wish to access external support services, such as:

- **1800RESPECT** - 1800RESPECT provides information, referral and counselling services to people experiencing or at risk of experiencing sexual assault, domestic or family violence. It is also available to friends, family and professionals. 1800RESPECT provides a confidential service 24 hours a day, seven days a week. You can contact 1800RESPECT by visiting www.1800respect.org.au or calling 1800 737 732.
- **Centres Against Sexual Assault** - Centres Against Sexual Assault are non-profit, government-funded organisations that provide support, counselling and crisis care to child and adult victims of sexual assault and their family. You can find your local centre by visiting www.casa.org.au.
- **Lifeline** - Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24-hour crisis support and suicide prevention services. You can contact Lifeline by visiting www.lifeline.org.au, calling 13 11 14 or texting 0477 13 11 14
- **Sexual Assault Crisis Line** - The Sexual Assault Crisis Line is a state-wide, after-hours, confidential, telephone crisis counselling service for people who have experienced both past and recent sexual assault. You can contact the Sexual Assault Crisis Line Victoria by visiting <https://www.sacl.com.au> or by calling 1800 806 292.

An employee may also wish to contact their union for representation and support.

RELATED DOCUMENTS

HRPOL002 EEO Discrimination, Harassment and Bullying Policy and Procedure

HRPOL001 Code of Conduct

HRPOL009 Disciplinary Policy and Procedure

GOV024 Conflict of Interest Policy and its relevant procedure

[Conditions of entry - Kardinia Park Stadium Trust](#)

VERSION CONTROL AND CHANGE HISTORY

Version Number	Date	Details of Change
1	June 2025	First version- sexual harassment policy and procedure separated from KPST's current EEO, Discrimination, Harassment and Bullying Policy and Procedure