



NSW LABOR
**SEXUAL
HARASSMENT
PREVENTION AND
RESPONSE POLICY**



1. APPLICATION

1.1. The Code of Conduct (Code) sets out NSW Labor's expectations for all people involved with the Party. The following policies sit alongside the Code (Associated Policies):

1.1.1. Policy on Sexual Harassment Prevention and Response;

1.1.2. this Policy on Harassment and Bullying Prevention and Response; and

1.1.3. Complaints Handling Policy.

1.2. The Code and the Associated Policies are made pursuant to [insert reference to rule or policy making power] by NSW Labor.

1.3. The Code and Associated Policies apply to the conduct of all NSW Labor members, elected ALP parliamentary representatives, officials, employees, contractors and volunteers, who each agree they are bound by this Code and the Associated Policies. The Code and Associated Policies also apply to any person who attends a NSW Labor gathering or event.

1.4. The Code and Associated Policies apply to workplaces, after hours work, campaign events, social functions convened by NSW Labor, election campaigns, and meetings and conferences which individuals covered by the Code attend as a result of party-related duties or involvement.

2. PRINCIPLES

2.1. NSW Labor believes in an organisation, and a community, that is safe for everyone; and that it is imperative to take positive action to prevent sexual harassment.

2.2. Bullying and harassment, particularly sexual harassment, can cause physical, emotional, sexual, psychological and economic harm. Victims, survivors and complainants in many organisations have historically been silenced and left unsupported.

2.3. NSW Labor has harmonised its policies for Sexual Harassment Prevention and Response across its structure. This means the definition, response and prevention approach adopted by the ALP in response to these issues is consistent across all levels of the organisation.

2.4. NSW Labor is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of harassment and receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity. These same principles apply to all those participating in the democratic processes of the Party.

2.5. International Labour Organisation convention 190 - Violence and Harassment in the World of Work (Convention) recognises the fundamental right of every worker to be free from all forms of violence and harassment at work, regardless of their employment type. This includes volunteers, contractors, casuals, trainees and apprentices.

2.6. Consistent with the Convention, NSW Labor stands against work related gendered violence, in all its forms, including sexual harassment, bullying and other types of inappropriate behaviour, which are prohibited and will not be tolerated. If sexual harassment does occur, then the Party has a duty to ensure that it is responded to promptly, confidentially and safely.

3. AWARENESS AND TRAINING

3.1. NSW Labor recognises that simply having a policy or code is not enough, and that the Party must ensure that steps are taken to create a robust positive culture by improving awareness, providing training and putting in place robust systems and processes.

3.2. NSW Labor has a duty to ensure that everyone involved with the Party is aware of this Policy and the expectations of the ALP regarding sexual harassment.

3.3. NSW Labor recognises that it has a duty to provide adequate training to Members of Parliament (MP), elected ALP parliamentary officials, other elected officials, paid staff and support staff and to extend training opportunities to other members of NSW Labor as time and resources permit.

3.4. Training is mandatory upon induction for MPs, elected ALP parliamentary officials, other elected officials and senior staff, with regular refresher training. A register is kept of each person who has received training, including where persons have received appropriate equivalent training in a workplace setting.

4. WHAT IS SEXUAL HARASSMENT?

4.1. Sexual harassment is unwanted or unwelcome conduct of a sexual nature, including unwelcome sexual advances or unwelcome requests or sexual favours, in circumstances where it is reasonable to anticipate the possibility the recipient will feel offended, humiliated or intimidated. It is irrelevant whether the person committing the acts intends to sexually harass the recipient.

4.2. Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, online or in person, and repeated or one-off. Sexual harassment may include (this list is not exhaustive):

4.2.1. physical acts, such as unwanted touching or sexual gestures;

4.2.2. verbal acts, such as requests for sexual favours or dates, making promises or threats in return for sexual favours, inappropriate jokes and innuendos, explicit conversations, derogatory comments, insults, taunts, or intrusive questions about a person's private life; or

4.2.3. visual acts, such as leering or staring at a person, and viewing, displaying or distributing offensive or explicit material including via the internet.

4.3. Sexual harassment can be a form of discrimination and can have serious consequences for individuals and work teams. It can expose NSW Labor to disputes and litigation.

4.4. Sexual harassment can occur in person or online. Technology-facilitated abuse can take many forms, such as: abusive messages or calls, account take overs, image-based abuse, fake social media accounts; and being tracked through a phone or device.

4.5. Sexual harassment can cause distress and harm for people who are not directly involved.

4.6. Anyone can be a victim of sexual harassment, regardless of their gender and of the gender of the harasser. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

5. ACTIVE BYSTANDER INTERVENTION

5.1. NSW Labor encourages and values safe active bystander intervention by members of the Party to prevent or stop sexual harassment from occurring or continuing.

5.2. Steps involved in safe active bystander intervention are:

5.2.1. noticing the situation – paying attention to what is going on nearby;

5.2.2. deciding whether someone might need help;

5.2.3. checking with others if unsure;

5.2.4. accepting responsibility to take action – not assuming someone else will act; and

5.2.5. making a plan to step in, without being aggressive or putting oneself or others in danger.

6. RESOLUTION AND COMPLAINTS

6.1. Different informal and formal methods depending on the nature and seriousness of the allegations, and the wishes of the complainant.

6.2. The process to handle and resolve complaints is outlined in the Complaints Handling Policy.

7. SUPPORT

7.1. A member who alleges sexual harassment by a member of the Party, or a person who alleges that sexual harassment took place at a gathering or event under the auspices of NSW Labor, is entitled to a respectful response from NSW Labor.

7.2. Part of the resolution process is ensuring that a complainant is aware of available reporting options. This may involve referral to counselling or other independent avenues of professional advice and assistance, with the consent of the complainant.

7.3. Appropriately skilled and trained Party members can support a person who has experienced sexual harassment. However, it is of the utmost importance to ascertain and respect the wishes of the person making a complaint with respect to privacy and confidentiality.

7.4. Where criminal conduct, including sexual assault, has occurred, or may have occurred, referral to police by NSW Labor should only occur subject to the consent of the complainant and any mandatory reporting obligations.