

MAIN DUTIES OF THE WOMEN'S CONTACT

The work of organising Federation activities can be shared by a Workplace Committee made up of the Federation Representative, Women's Contact and additional committee member(s). In circumstances when the Federation Representative is unavailable, the Women's Contact may act on their behalf.

The Women's Contact is responsible for ensuring members in the workplace are informed about Federation policies affecting women. A key function of the Women's Contact is to provide advice and assistance on issues related to sex discrimination and sexual harassment for individual or groups of members.

It is not the role of the Women's Contact to resolve a complaint. That is the responsibility of the employer. The role of Women's Contacts and Federation Representatives is to provide support to members to ensure the Department's relevant policy and procedures are implemented appropriately.

SEX DISCRIMINATION AND SEXUAL HARASSMENT

The Sex Discrimination Act 1984 defines sex discrimination as the less favourable treatment of a person based on:

- their sex; or
- a characteristic that generally applies (or is perceived to apply) to persons of their sex.

Sex discrimination applies to discrimination against a person on the grounds of sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding and family responsibilities.

Sexual harassment is a type of sex discrimination. It is any unwanted or unwelcome sexual behaviour that makes a person feel offended, humiliated or intimidated. It is not interaction, flirtation or friendship that is mutual or consensual.

“Sexual behaviour” can be defined broadly as behaviour that is targeted at people based on their sex.

DEALING WITH DISCRIMINATION AND HARASSMENT

The Women's Contact can provide support to affected members on concerns about discrimination and harassment. The approach to take will depend on the nature of the concern or complaint, the people involved and the desired outcome.

Advice is available from the members' area of Federation's website

- *TR6 Complaints Handling*
- *TR8 Discrimination*
- *TR9 Dealing with sexual harassment*
- *TR14 Homophobia, biphobia and transphobia*

Department policies relating to discrimination and harassment apply across all its workplaces.

Relevant departmental policies include:

- Complaints handling policy
- Code of conduct policy
- Workforce diversity policy

The Dignity and Respect in the Workplace Charter is an important agreement between the Department and Federation, which commits the Department to eliminate bullying and harassment from its workplaces.

SOME IMPORTANT POINTS TO REMEMBER ABOUT SEXUAL HARASSMENT

Defining harassment

Harassment refers to any unwanted behaviour that makes a person feel offended, humiliated or intimidated. It is up to the person who is feeling harassed to define that behaviour and inform the other party that they want the behaviour to stop.

Making a complaint

If the behaviour does not stop, then the person being harassed can put in a complaint. Federation can provide advice to complainants and respondents to ensure that policies are followed appropriately and due process is applied.

Complainants, as well as those handling the complaint (usually a principal or manager), are protected from charges of defamation provided they:

- follow the procedures
- are not malicious or frivolous.

Confidentiality and privacy

As far as possible, confidentiality and privacy of matters relating to complaints of harassment must be respected. This means the substance of a complaint and the response to it should not be made public knowledge. Victimisation of either the complainant or respondent is unacceptable and could have legal consequences.

Where there is an issue of harassment which is broader than an individual complaint, collective action can be taken in a way that does not identify individuals.

WHAT FEDERATION RULES SAY

Rule 69 of the AEU NSWTF Branch Rules says members may conduct meetings in workplaces as necessary to deal with workplace matters. The first such meeting in each school/TAFE/workplace shall elect a Workplace Committee consisting of:

- Federation Representative
- Women's Contact who shall be a woman; and
- additional committee member(s).

Federation Executive may suspend or remove members from these roles on the grounds of non-compliance with the rules or policies of Federation.

