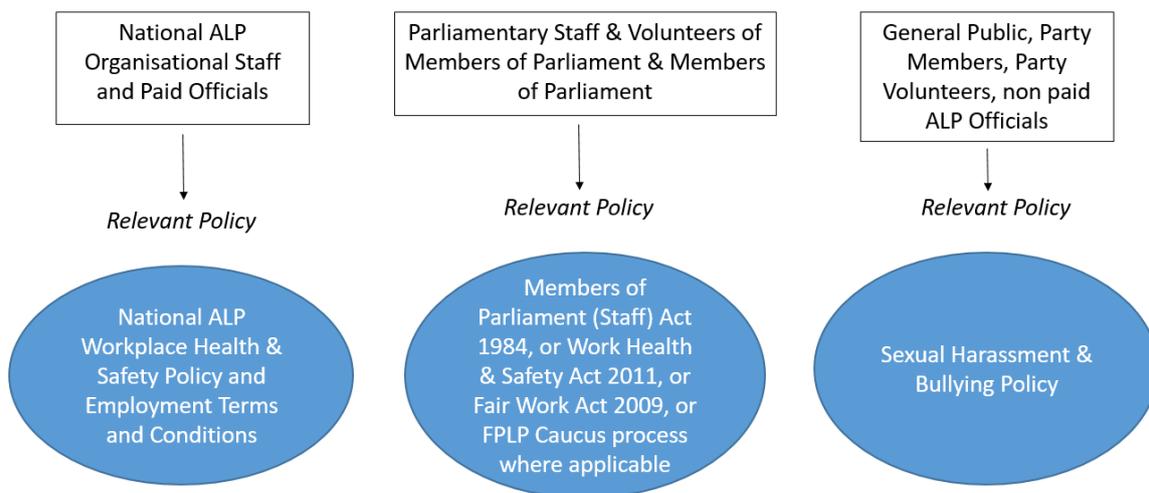




INTERIM – Interim Sexual Harassment and Bullying Policy

Responding to allegations of sexual harassment and bullying – third party complaints

The below schematic identifies the relevant sources of obligations which should be referred to in the event of an allegation of sexual harassment or bullying. This Policy enables unpaid officials, members, volunteers, and third parties to make complaints.



Note: In the event a complaint is arguably of a criminal nature, such a complaint shall be immediately directed to the relevant authority

1 ALP Policy Statement

- 1.1 Sexual harassment, bullying and other types of inappropriate behaviour are prohibited and will not be tolerated by the Australian Labor Party (the **ALP**).
- 1.2 Everyone is entitled to participate in ALP activities in an environment that is free from sexual harassment and bullying.
- 1.3 Sexual harassment, bullying and other inappropriate behaviour can cause harm to victims, and these behaviours also have the capacity to damage the ALP.
- 1.4 This Policy has been developed to ensure that:
 - (a) complaints of sexual harassment, bullying and other inappropriate behaviour are treated seriously, promptly and fairly;
 - (b) a complainant is not victimised or treated inappropriately; and
 - (c) a respondent is presumed innocent of wrong doing until the complaint is resolved.

- 1.5 Those involved in a complaints process under this Policy, including the complainant and respondent, should be offered appropriate support throughout the process including counselling.
- 1.6 Except for the purposes of obtaining legal advice, those involved in a complaints process under this Policy, including the complainant and respondent, must maintain confidentiality with regards to any complaint and the ALP's handling of the complaint.

2 Application

2.1 Complaints under this Policy may be made by :

- (a) ALP unpaid officials;
- (b) ALP members (except where excluded below);
- (c) ALP volunteers;
- (d) general public;

but not:

- (e) ALP employees (complaints will be handled in accordance with relevant workplace policies and procedures and complaints should be made to the National Secretary);
- (f) paid officials of the ALP (complaints will be handled in accordance with relevant workplace policies and procedures and complaints should be made to the National Secretary) ; and
- (g) persons covered by the *Members of Parliament (Staff) Act 1984* (Cth) (complaints should be made to the Department of Finance).

(Relevant Party), where the alleged misconduct occurred in ALP workplaces or at ALP functions.

- 2.2 The ALP requires all Relevant Parties to comply with the Policy.
- 2.3 The National Secretary is responsible for conducting the process for a National Complaint under this Policy.
- 2.4 Where a person makes a complaint of sexual harassment, bullying or inappropriate behaviour to the National Secretary against a member of the Party, this Policy should be followed as if that person was bound by this Policy.
- 2.5 This Policy applies when complaints are not covered by another policy.
- 2.6 If this Policy conflicts with the ALP's Federal Workplace Health and Safety Policy, the Workplace Health and Safety Policy prevails to the extent of any inconsistency.
- 2.7 If at the date this Policy comes into effect a complaint has already been made to a State or Territory ALP branch, the State or Territory ALP branch will continue to have carriage of that complaint and this Policy will not apply.

3 Sexual Harassment

- 3.1 Sexual harassment is unwanted, unwelcome conduct of a sexual nature in circumstances where it is reasonable to anticipate the recipient will feel offended, humiliated or intimidated. It is irrelevant whether the person committing the acts intends to sexually harass the recipient. Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.
- 3.2 Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, and repeated or one-off. Sexual harassment may include:
- (a) physical acts, such as unwanted touching or sexual gestures;
 - (b) 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
 - (c) visual acts, such as leering or staring at a person, and viewing, displaying or distributing offensive or explicit material including via the internet.

4 Bullying

- 4.1 Bullying is repeated unreasonable behaviour towards a person, or group of people, which creates a risk to physical or psychological health and safety. It can include behaviour that would reasonably be expected to threaten, intimidate, victimise, undermine, offend, degrade, humiliate or cause harm, distress or fear.

5 Inappropriate behaviour

- 5.1 Inappropriate behaviour includes behaviour that a reasonable person would deem inappropriate when at work or representing the ALP including but not limited to impairment by alcohol or drugs, violence and aggressive actions or behaviour resulting in intimidation.

6 Procedure for complaints

- (a) All complaints must be made in writing by the identifiable complainant. To ensure procedural fairness, no anonymous or third party complaints will be considered (except for complaints involving children in which case the National Secretary will accept all complaints).
- 6.1
- (b) Complaints can be made to:
 - National ALP Operations Manager, Sandy Rippingale, (02) 6120 0800, email sandy.rippingale@cbr.alp.org.au
 - National Labor Women's Network, Kay Densley, kay.densley@alp.org.au
 - National Labor Women's Network, Dimity Paul, dimity.paul@alp.org.au
 - National Labor Women's Network, Trish Marinozzi, trish.marinozzi@alp.org.au

- 6.2 The ALP is committed to ensuring that allegations of sexual harassment and bullying are dealt with promptly, confidentially, and in accordance with the principles of procedural fairness for all parties involved.
- 6.3 The ALP will treat allegations of bullying, sexual harassment and other inappropriate behaviour, seriously and fairly. A person who believes that he or she has experienced sexual harassment, bullying or inappropriate behaviour is encouraged to report it to the National Secretary.
- 6.4 Where a person makes a complaint of sexual harassment, bullying or inappropriate behaviour to a State or Territory Office in relation to or in connection with the National Office of the ALP including a complaint made in connection with a Federal Campaign or Federal Office (**National Complaint**):
- (a) the State or Territory Office must refer the National Complaint to the National Secretary;
 - (b) the National Secretary, in their sole and absolute discretion may either deal with the National Complaint or refer the National Complaint to the appropriate State or Territory Office (provided that there is one) only if the National Secretary believes the National Complaint can be resolved by the State or Territory Office; and
 - (c) in circumstances where the National Complaint is also made to the National Secretary, subject to the decision of the National Secretary under paragraph (b) above, only one of the relevant State or Territory Offices or the National Secretary will respond to the complaint.
- 6.5 In the event that a complaint is made against the National Secretary, or the National Secretary otherwise has an actual conflict of interest in relation to the complaint, the National President will make a ruling on the conflict and then determine the most suitable national official who will facilitate the process with the same authority as the National Secretary.
- 6.6 In the event that time or other circumstances do not permit the National Secretary to conduct the process for a National Complaint, the National Secretary may appoint another national official to facilitate the process with the same authority as the National Secretary.
- 6.7 After a referral by the National Secretary under clause 6.4(b), if the National Complaint has not been resolved by informal action (see clause 7 below) by the appropriate State or Territory Office, then the State or Territory Office must refer the National Complaint to the National Secretary who may:
- (a) in consultation with the complainant, take informal action;
 - (b) take formal action; or
 - (c) where the complaint includes allegations in respect of criminal conduct, refer the complaint to the police or other investigative agency, and the complainant will consent, and be deemed to have consented to that referral. Complaints referred to the police or other agency for investigation and prosecution will be determined by the outcome of the investigation or Court verdict.

7 Informal action

- 7.1 Informal action is aimed at allowing the respondent to understand that their conduct is causing offence, acknowledge any behaviour that breaches this Policy, and ensure that the offending behaviour ceases.
- 7.2 If the complainant feels able to do so, they may confront the person directly (including in writing), tell the person that they do not like the behaviour, and ask that it stop.
- 7.3 An agreed resolution may be facilitated, but any outcome may be dependent on the parties' willingness to engage in that process. Informal action may result in acknowledgement and an apology from the respondent.

8 Formal action for Non-Criminal Complaints

- 8.1 Where a complaint is not resolved by informal action and does not constitute a criminal offence or give rise to a civil claim it may be necessary for the National Secretary to take more formal action.
- 8.2 By way of general guidance, the following steps may be included as part of formal action:
- (a) an independent third party may be appointed by the National Secretary for the purpose of investigating the complaint (**Investigator**);
 - (b) the complainant may be asked to provide written details of the complaint or may be interviewed, with a support person or adviser if required;
 - (c) the complainant may be required to provide an affidavit or statutory declaration verifying on oath the truthfulness of the complaint;
 - (d) relevant details of the complaint will be conveyed to the respondent;
 - (e) the respondent will be given 7 days to respond, or as otherwise reasonably determined by the National Secretary;
 - (f) the respondent may be asked to provide written details of the response to the complaint or may be interviewed, with a support person or advisor, if required;
 - (g) the respondent may be required to provide an affidavit or statutory declaration verifying on oath the truthfulness of the response to the complaint;
 - (h) if there is a dispute over facts, other relevant evidence may be gathered and witnesses may be interviewed;
 - (i) a finding may be made as to whether the complaint is substantiated to the comfortable satisfaction of the Investigator; and/or
 - (j) a written report may be prepared, documenting the evidence, the finding and the recommended outcome.
- 8.3 If the complaint is substantiated, the National Secretary will determine the appropriate outcome.

9 Interim procedures

- 9.1 The ALP will not comment on any complaint while it is being investigated or subject to any process or action in relation to a complaint save to say that this Policy is being complied with.

- 9.2 The ALP recognises that it may be unfairly prejudicial for a respondent to be suspended or removed from their position before the resolution of any investigation, process or action in relation to a complaint.
- 9.3 The ALP recognises that measures may be required to ensure that interactions between a complainant and a respondent are managed during any investigation, process or action in relation to a complaint without admission.

10 Consequences and disciplinary action

10.1 A breach of this Policy may lead to disciplinary action being taken by the National Secretary, which may include:

- (a) counselling;
- (b) requiring a formal apology;
- (c) conciliation/mediation conducted by an impartial third party;
- (d) training on expected standards of behaviour;
- (e) performance management;
- (f) a formal warning;
- (g) demotion; or
- (h) suspension.

This list is not exhaustive and other appropriate outcomes may be determined by the National Executive.

- 10.2 Disciplinary action may also be taken against a person who takes any action to victimise a complainant for making a complaint, if applicable.
- 10.3 Disciplinary or other action may be taken against a complainant if there is evidence that the complaint was malicious or vexatious, if applicable.