

Positive duty under the *Sex Discrimination Act 1984 (Cth)*

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Wominjeka, Welcome to Chisholm

Chisholm acknowledges the Bunurong people of the Kulin Nation as the Traditional Custodians of the Country on which our campuses are located.

We recognise their continuing connection to land and waters and thank them for protecting the Country and its ecosystems that we enjoy today.

We pay our respects to Elders, past and present, and extend that respect to all First Nations people.

Chisholm is committed to supporting and empowering our Aboriginal and Torres Strait Islander workforce, students and their communities by providing quality teaching and learning opportunities.



Message from the Chief People Officer

Dear colleagues,

Chisholm does not tolerate sexual harassment in any of its forms. This plan explains what we are doing to strengthen our commitment and outlines to you our legal requirements.

Changes to legislation

In November 2022, Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth) Bill passed Parliament. Critical amendments to the Act include the introduction of a 'positive duty' on employers to actively prevent discrimination, sexual harassment, and victimisation within the workplace.

Positive Duty requires organisations to take 'reasonable and proportionate measures' to eliminate, as far as possible:

- > discrimination on the ground of sex in a work context
- > sexual harassment in connection with work
- > sex-based harassment in connection with work
- > conduct creating a workplace environment that is hostile on the grounds of sex
- > related acts of victimisation.

Previously, the law focused on providing a mechanism for people to make complaints when they experienced unlawful conduct under the *Sex Discrimination Act 1984* (Cth) (SDA). Now, the SDA requires that organisations take proactive action to prevent discrimination and harm from occurring in the first place, therefore a person is no longer required to make a complaint of unlawful behaviour for Chisholm to be held to account.

In addition, there have also been changes to Fair Work Act 2009 (Cth) prohibiting sexual harassment. Sexual harassment is considered serious misconduct and perpetrators can face disciplinary action including up to termination of employment.

Implications for Chisholm

Chisholm has a zero-tolerance policy towards sexual harassment. Insights from the 2023 People Matter Survey indicate the necessity for further action, with 3% of our employees reporting experiences of sexual harassment.

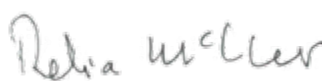
In response, we are embracing seven standards as a framework to determine the practical actions we will take to actively eliminate sexual harassment. The seven standards are: Leadership, Culture, Knowledge, Risk Management, Support, Reporting and Response, Monitoring, Evaluation and Transparency. Details on how we are meeting these standards is described in the pages below. This document should be read in conjunction with QMS212 Sexual Misconduct, Prevention and Response. Further information is also available on the Australian Human Rights Commission website.

What does this mean for our valued people?

As a Chisholm employee you are entitled to feel safe and respected within the workplace. The actions we are taking on the seven standards are shown in the following pages. We welcome additional ideas you might have.

At Chisholm we recognise that you, our people, are the heart of the organisation and therefore guide our success. Chisholm continues to focus on promoting a person-centred, trauma informed culture where your wellbeing is prioritised.

We ask you help us by being aware of your obligations and assist in making Chisholm a safe place for all.



Delia McIver
Chief People Officer

To speak to someone about this document and its subject matter, please contact pcsops@chisholm.edu.au

Standard 1: Leadership

- > Chisholm has an employee and student code of conduct which explicitly prohibits sexual harassment.
- > People, Culture and Safety Refresh workshops for people leaders train our leaders in appropriate workplace behaviours.
- > All people leader position descriptions are amended to include accountability for prevention and response to sexual harassment.
- > People Leaders will receive updates from People, Culture and Safety to ensure we remain up to date and informed on the prevention and response to sexual harassment.
- > Chisholm has documented proposed measures to eliminate relevant unlawful conduct (QMS117 Student Code of Conduct & QMS212 Sexual Misconduct Prevention and Response).
- > Chisholm will retain correspondence and evidence of consultation with employees (and their representatives, where relevant) such as meeting agendas and minutes.
- > Chisholm's values are displayed on notice boards and the intranet.
- > Chisholm has expectations of conduct be included in contractor induction.
- > All our people are required to complete Safetrac modules on sexual harassment periodically.
- > Chisholm participates in the People Matter Survey and monitors and reports the results to our people, Executive group and our Board. Areas that have high reported rates are examined further.

Standard 2: Culture

- > Chisholm conducts Respectful Workplace Behaviour workshops, which include bystander training, and employees are required to attend once every two years.
- > Chisholm pays attention to gender balance and diversity in recruitment, which is reported as part of our Gender Equality Action Plan.
- > Chisholm consults with employees (and their representatives, where applicable) on workplace issues concerning gender equality, diversity, and inclusion.
- > Chisholm has two governance committees that include oversight of the prevention and response to sexual harassment in their terms of reference. These committees are Belonging and Inclusion Committee and Gender Equality Committee and both give particular attention to the voices and experiences of our people who have lived experience of gender inequality and intersecting inequalities.
- > Chisholm has developed a gender equality strategy and undertakes Gender Impact Assessments on a range of policies.
- > Chisholm has developed a Gender Equality Action Plan and assesses performance against targets every two years.
- > Chisholm reviews its workforce and develops a plan to identify and eliminate discriminatory structures, norms and practices, including any issues relating to sex discrimination and gender inequality.
- > Chisholm promotes leaders, managers and all employees calling out positive behaviours in staff meetings. Employees are encouraged to call out disrespectful behaviour when they see it.
- > The role of all people in the workplace to create a positive workplace culture is openly discussed in team meetings and reflected in relevant policy documents.
- > Employee induction manuals, organisational values, codes of conduct, employees' contracts of employment and position descriptions explicitly mention expectations regarding behaviour.



Standard 3: Knowledge

- > Chisholm provides education, including Safetrac, QMS policy and Respectful Workplace Behaviours training.
- > Chisholm conducts sexual harassment prevention training annually for people leaders.
- > Information is included in posters, brochures, fact sheets and written policies.
- > Regular updates are provided in our employee newsletter People Talk.

Standard 4: Risk management

- > Chisholm has risk management frameworks, outlined in QMS405 Occupational Hazard and Risk Management and QMS602 Risk Management, amongst others.
- > Chisholm reviews People Matter Survey results and conducts focus groups where there are areas of concern.
- > Senior leaders are actively involved in, and responsible for, the risk management process including those relating to relevant unlawful conduct. Senior leaders and the Board are regularly provided with information about:
 - > the risks, nature and extent of relevant unlawful conduct in the organisation/business.
 - > actions taken to prevent and respond to relevant unlawful conduct.
 - > outcomes of reports of relevant unlawful conduct and consequences for people who engage in relevant unlawful conduct.
 - > trends, patterns and lessons learned.
 - > People Culture and Safety report to the executive monthly. Chisholm asks about sexual harassment and other negative behaviours in exit interviews and reports trends to the Executive.
 - > Chisholm periodically undertakes analysis of de-identified incident reports to look for trends.

Standard 5: Support

- > Chisholm provides a variety of different support structures. These include the Employee Assistance Program (EAP), Our People, Culture and Safety team and specialised support when required.
- > After an employee has lodged a concern, Chisholm has a range of support services the employee is invited to access.
- > Leaders and managers responding to queries about, and reports of, relevant unlawful conduct receive training, information and resources specific to their roles and responsibilities and are adequately supported.
- > Chisholm has a Mental Health First Aid Officer program, whose role is to be a first responder to mental health first aid issues.
- > Chisholm has Koorie liaison officers and a Belonging and Inclusion Lead to enable cultural safety and the provision of LGBTIQ+ support.
- > Posters, flyers and other information about support options are displayed on campuses.
- > It is expressly stated in relevant materials that support will be offered to workers even if they choose not to make a formal report about the conduct that they have experienced or witnessed.
- > Employees who choose to make a report are provided with a nominated contact person with whom they can discuss any concerns (including victimisation). Wherever possible, this contact person is independent from people responsible for managing reports of relevant unlawful conduct and making decisions about outcomes.
- > Employees can continue to access support after a reporting and response process has concluded. This is to support their wellbeing, the restoration of working relationships and to assist with career progression (to ensure that their career prospects are not impeded and that they do not experience victimisation or other adverse consequences).
- > Chisholm has trained family violence support officers and provides support and referral for our students and staff experiencing family violence.



Standard 6: Reporting and response

- > QMS212 Sexual Misconduct Prevention and Response outlines many of our processes around sexual harassment prevention and remediation process.
- > People handling reports have appropriate knowledge and skills.
- > Third parties (such as parents, students and contractors) can lodge a report from the website.
- > A clear process exists for making and handling reports about senior leaders (including Board members where relevant).
- > Employees and their representatives are consulted in relation to reporting processes.
- > Chisholm will utilise external referral options for the investigation and management of reports when needed.
- > Chisholm has a dedicated Safer Communities function in the People, Culture and Safety team to support the Chisholm community in specific circumstances that can include sexual harassment
- > Processes allow the person to tell their experiences in their own words and minimise the need to tell it multiple times and to multiple people.
- > The affected person can withdraw from the process at any time.
- > The affected person has a clear understanding of the timeframes and decision points. They will receive regular updates on their report.
- > Consequences of inappropriate behaviour are applied consistently regardless of the alleged perpetrator's role at Chisholm.
- > Reporting can be anonymous, if preferred. An employee can make a complaint to any member of the People, Culture and Safety team.

Standard 7: Monitoring, evaluation and transparency

- > Chisholm will undertake periodic reviews of its process.
- > Chisholm will undertake reviews of Employee Assistance data to look for trends.
- > Sharing of data on previous year's negative behaviours and outcomes (statistics only) through a variety of mechanisms.
- > Chisholm monitors Safetrac completion rates and follows up those who are overdue.
- > Chisholm monitors results for People Matter Survey. Evaluation is informed by the data that is collected.
- > Case studies and information about incidents, associated lessons (including themes of harmful behaviours) and progress over time are shared with leaders, managers and employees. This information could be communicated through team meetings or 'toolbox talks' and supplemented by internal emails, sent on an annual basis or post-incident, acknowledging any issues and reiterating that relevant unlawful conduct is unacceptable.

Chisholm