



Mercy Education

Policy #P4.1

Sexual Harassment Policy

1. Introduction

Mercy Education Limited (**MEL**) is committed to providing a learning and working environment that is safe, inclusive, and free from sexual harassment. Sexual harassment is unacceptable, unlawful, and contrary to the values and mission of our organisation.

This Policy sets out MEL's position on sexual harassment; outlining the standards of behaviour expected of all MEL personnel and describing the procedures for preventing, reporting, and addressing incidents.

This Policy is informed by relevant legislation, including workplace and anti-discrimination laws, as well as the Mercy tradition and Catholic teaching, which guide us in upholding human dignity, justice, and respect in all interactions. By clearly articulating expectations, responsibilities and response processes, MEL seeks to foster a culture in which respectful conduct is the norm, concerns are raised early, and all members of our community are supported to work and learn in environments characterised by safety, accountability and care.

2. Purpose

The purpose of this Policy is to prevent, address, and respond to sexual harassment and related sex-based misconduct within MEL. This includes harassment because of a person's sex, sex-based discrimination, subjecting a person to a hostile work environment on the basis of sex, and victimisation connected with this conduct.

MEL recognises that sexual harassment poses a serious risk to the physical and psychological health and safety of individuals and undermines trust, dignity, and workplace culture. Such conduct is unlawful, inconsistent with the Mercy tradition and Catholic teaching, and contrary to MEL's values of **Compassion, Justice, Respect, Hospitality, Service, and Courage**. Sexual harassment is not tolerated by MEL under any circumstances. This Policy supports proactive measures to eliminate, as far as reasonably practicable, the risk of sexual harassment and related harm.

3. Policy Application

This Policy applies to all MEL directors, staff (including, but not limited to, Principals, teachers, school staff, and support staff), contractors, volunteers, consultants, and third parties such as parents,

guardians, suppliers, and visitors. If you are a former team member, you can raise a concern under this Policy regarding sexual harassment or related sex-based misconduct which you experienced or witnessed or became aware of whilst working for MEL.

This Policy applies to any work-related context, regardless of how, when, or where work or activities are performed. This includes any situation where there is a connection to work, including dealings during and outside normal working hours, electronic communications, work functions, on-campus activities, school-related events, excursions, work-related travel, conferences, and social media interactions where a connection to MEL could be known or reasonably inferred.

Line managers and relevant MEL representatives play a key role in taking reasonable and proportionate steps, on behalf of MEL, to:

- ensure employee and third-party awareness of appropriate workplace behaviour when interacting in the workplace or conducting business with MEL and our team;
- protect employees from sexual harassment and related unlawful sex-based misconduct from parents and third parties; and
- protect employees from sexual harassment and related unlawful sex-based misconduct by third parties at MEL sites, including the MEL National Office and Colleges.

MEL expects all its personnel to uphold appropriate standards of behaviour and to contribute to a safe, respectful, and inclusive environment.

4. Principles

MEL's approach to preventing and responding to sexual harassment is guided by the following principles:

Alignment with our Vision and Catholic teaching

We are guided by the teachings of Jesus Christ and the vision of Catherine McAuley, whose commitment to dignity, compassion and justice shapes the mission of MEL. A workplace free from sexual harassment reflects our call to uphold the inherent dignity of every person and to foster communities of respect, safety and care.

Human dignity and safety

All people have the right to work in an environment that is safe, respectful and free from sexual harassment. Conduct that humiliates, intimidates, degrades or threatens another person is inconsistent with respect for human dignity and has no place in MEL workplaces.

Prevention through culture and leadership

Preventing sexual harassment requires more than responding to complaints. It demands a culture of professionalism, respectful conduct and active leadership. MEL is committed to proactive measures, education and clear expectations to prevent harmful behaviour before it occurs.

Fairness, accountability and procedural integrity

Concerns of sexual harassment must be addressed promptly, sensitively and fairly. Processes must be lawful, procedurally fair, and protect the rights of all parties while ensuring appropriate accountability where misconduct is substantiated.

Shared responsibility

Maintaining a safe and respectful workplace is a shared responsibility across governance, leadership and the workforce. All staff are expected to contribute to a culture where inappropriate conduct is challenged, concerns are raised early, and people are supported to speak up.

Alignment with Mercy values

This Policy is grounded in MEL's values of **Compassion, Justice, Respect, Hospitality** and **Service**,

and reflects our commitment to workplaces where each person is treated with dignity and care.

5. Policy Requirements

5.1. What is sexual harassment and related sex-based misconduct?¹

MEL has a zero-tolerance approach to sexual harassment, harassment because of a person's sex or gender identity, sex discrimination, subjecting another person to a hostile workplace because of a person's sex and victimisation. MEL has a positive duty to eliminate, as far as possible, this unlawful behaviour.

What is sexual harassment?

Sexual harassment is any:

- unwelcome sexual advance;
- unwelcome request for sexual favours; or
- other unwelcome conduct of a sexual nature,

to the impacted person in circumstances where a reasonable person would have anticipated the possibility that the impacted person would be offended, humiliated or intimidated, having regard to all the circumstances.

A person's motive or intention is irrelevant in determining whether their behaviour constitutes sexual harassment. Whether the impacted person was actually offended, humiliated or intimidated is also irrelevant in determining whether the behaviour constitutes sexual harassment. Sexual harassment may occur in circumstances where a bystander raises concerns about the behaviour.

The behaviour may be unwelcome even if the impacted person does not acknowledge that the behaviour is unwelcome at the time the behaviour takes place.

Sexual harassment can be perpetrated by people of all ages, roles, genders and sexual identities, against people of all ages, roles, genders and sexual identities.

It can be physical, verbal or written. It can be a single instance of behaviour and does not need to be repeated. Examples of sexual harassment include, but are not limited to:

- gesturing, leering, physical contact (including kissing, hugging, touching, brushing against a person deliberately) or physically exposing yourself to another team member or third party* or vice versa;
- making sexually suggestive conversation, comments or jokes;
- whistling or catcalling at people;
- comments or intrusive questions about a person's private life (including about someone's sexual experiences or history, or their sexual activities) or the way that they look;
- making, sending, posting or displaying sexually provocative or sexually explicit comments, images and other material, messages or jokes*;
- requesting sexually provocative or sexually explicit comments, images or messages from a person, or coercing a person to provide these to you;
- requests for dates or sex; and/or
- sexual assault*.

*Some forms of sexual harassment, including the examples marked with an asterisk above, may also constitute criminal offences.

¹ The definitions in this Policy are derived from the *Sex Discrimination Act 1984* (Cth).

What is not sexual harassment?

Sexual harassment is **not** behaviour that is based on mutual attraction (for example, two team members who are in a consensual and lawful relationship), respect, friendship and positive working relationships. An interaction that is welcome, consensual and reciprocated is not sexual harassment. Regard should be had to age and power imbalance in an otherwise consensual relationship.

Behaviours and interactions that were previously welcome, consensual and reciprocated may constitute sexual harassment if they then become unwanted. Consensual sexual behaviour in the workplace between two people may also offend others in a work context and may amount to sexual harassment or another form of sex-based misconduct.

What should I do if I am in a personal relationship with another team member?

Whilst it does not constitute sexual harassment where there is an interaction or relationship between two team members that is welcome, consensual and reciprocated, there may need to be a disclosure made in order to comply with MEL's Conflict of Interest Policy. This may include where you are in a personal relationship with another team member and:

- you are in a position to influence their pay, career progression or other employment benefits;
- there is a significant power imbalance between parties (for example, seniority differences); and/or
- the relationship is potentially disruptive to team dynamics or has potential reputational implications for MEL.

What is 'harassment because of a person's sex'?

Harassment because of a person's sex is any unwelcome behaviour or conduct of a demeaning nature in relation to another person by reason of their sex and/or a characteristic of their sex, where a reasonable person would have anticipated the possibility that the impacted person would be offended, humiliated or intimidated, having regard to all the circumstances. This includes conduct that is *sexist* but not necessarily *sexual*.

References in this policy to 'harassment because of a person's sex' includes any unwelcome behaviour or conduct of a demeaning nature in relation to another person by reason of their gender identity, sexual orientation and/or intersex status.

A person's motive or intention is irrelevant in determining whether their behaviour constitutes harassment because of a person's sex.

The behaviour may be unwelcome even if the impacted person does not acknowledge that the behaviour is unwelcome at the time the behaviour takes place.

Harassment because of a person's sex can be perpetrated by people of all ages, roles, genders and sexual identities against people of all ages, roles, genders and sexual identities. It can be physical, verbal or written. It can be a single instance of behaviour and does not need to be repeated. Examples of harassment because of a person's sex include, but are not limited to:

- ignoring, isolating, excluding or verbally abusing someone because of their sex;
- making unwelcome and offensive remarks, comments, innuendos or attempted jokes concerning gender stereotypes; and/or
- displaying, making, posting or sending sexist or inappropriate material in the tearoom or via digital communication.

What is 'sex discrimination'?

Sex discrimination is treating, or proposing to treat, someone less favourably because of their sex. A person's sex is a characteristic which is protected by the law. It is also unlawful to discriminate against someone because they have a personal association (as a relative or otherwise) with a person of a certain sex.

References in this policy to 'sex discrimination' includes less favourable treatment because of a person's gender identity, sexual orientation and/or intersex status.

Sex discrimination can occur:

- Directly, for example when a person or group is treated less favourably than another person or group in a similar situation because of their sex.
- Indirectly, for example when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people of a certain sex.

Sex discrimination can be perpetrated by people of all ages, roles, genders and sexual identities against people of all ages, roles, genders and sexual identities.

Examples of sex discrimination include, but are not limited to:

- refusing to work in a team with someone because of their sex;
- not promoting someone or denying them with an opportunity to apply for a promotion because of their sex;
- not providing someone with the opportunity to attend workplace training because of their sex; and/or
- not employing someone because of their sex.

What is 'subjecting someone to a hostile workplace on the ground of sex'?

Subjecting another person to a hostile workplace on the ground of sex occurs where:

- a person engages in conduct in a workplace; and
- another person is in the workplace at the same time or after the conduct occurs (the **second person**); and
- a reasonable person would have anticipated the possibility that the conduct would result in the workplace environment being offensive, intimidating or humiliating to the second person, by reason of the second person's sex and/or a characteristic of their sex.

A person may subject the second person to a hostile workplace on the ground of sex even if the conduct is not directed towards the second person, but results in a hostile workplace on the ground of sex. A person's motive or intention is irrelevant in determining whether their behaviour subjects someone to a hostile on the ground of sex.

Subjecting another person to a hostile workplace on the ground of sex can be perpetrated by people of all ages, roles, genders and sexual identities against people of all ages, roles, genders and sexual identities.

References in this policy to 'subjecting another person to a hostile workplace on the ground of sex' includes behaviour that is subjecting another person to a hostile workplace on the ground of gender identity, sexual orientation and/or intersex status.

Examples of action which could subject another person to a hostile workplace environment include, but are not limited to:

- displaying, making, posting or sending obscene or pornographic materials in the workplace; and/or
- engaging in sexual banter, innuendo, offensive jokes or comments in the workplace or via digital communication.

What is victimisation?

Victimisation is subjecting, or threatening to subject someone, to a detriment because they have (or are believed to have, or propose to do any of the following):

- asserted their rights under law;
- raised concerns or made a complaint;
- helped someone else raise concerns or make a complaint;
- been involved in a complaint process (for example, by being a witness or by providing information

or documents); and/or

- refused to do something because it would be inappropriate workplace behaviour.

Examples of victimisation include, but are not limited to:

- excluding, demoting or refusing to work with someone because they have made a complaint (or you think that they have made a complaint); and/or
- varying someone's work responsibilities because they supported a colleague to make a complaint or were a witness in a complaint (or you think that they have done these things).

Any situation where an employee feels they have been victimised or experienced negative consequences as a result of raising a concern related to sexual harassment or related sex-based misconduct will have this situation treated seriously by MEL.

What is work-related gendered violence?

Work-related gendered violence is any behaviour, directed at a person or that affects a person, because of their sex, gender, sexual orientation or gender identity, or because they do not adhere to socially prescribed gender roles, that creates a risk to health and safety. This includes violence or other harmful behaviour targeted directly at a person, for example because they are a woman, because of their sexual orientation or gender identity, or because they do not adhere to socially prescribed gender roles or stereotypes.

Work-related gendered violence can also be experienced indirectly. A person may be affected by gendered violence that is not directed specifically at them, such as overhearing conversations, witnessing behaviour directed at others, or being exposed to conduct that contributes to a hostile or unsafe workplace environment.

5.2. What should I do if I feel that I have been subjected to sexual harassment or related sex-based misconduct?

Anyone can be impacted by sexual harassment and related sex-based misconduct. It can happen to people of all ages, roles, genders and sexual identities. Being impacted by this behaviour is never your fault and there is support available for you.

All MEL personnel should report sexual harassment and any inappropriate workplace behaviour. This includes instances where third parties such as contractors or parents have engaged in sexual harassment or any inappropriate workplace behaviour. There are multiple avenues available for you to choose from to raise your concern, including options for you to remain anonymous. You can report conduct if you are directly affected, or if you are a bystander to events that you have witnessed or become aware of. MEL is committed to a culture where our personnel are supported to call out inappropriate conduct. Your concerns will be treated seriously and sensitively by MEL.

The available avenues to you to raise your concern are:

Stoptline

- You can raise your concerns about sexual harassment or related sex based misconduct through MEL's independent external reporting service, Stoptline. Stoptline is an external, confidential reporting service engaged by MEL to provide a safe and independent channel for reporting concerns. Stoptline operates 24 hours a day, 7 days a week, and offers multiple reporting channels, including telephone, online webform, email and other accessible communication options. Interpreting and accessibility supports are available where required.
- If you choose to remain anonymous, MEL will still take reasonable steps to assess and respond to the concern. However, anonymity may limit MEL's ability to fully investigate the matter or provide specific feedback or resolution options.
- Reports made via Stoptline will be provided to authorised MEL personnel responsible for managing sexual harassment and related misconduct matters. Where a report involves a person who would normally receive such reports, alternative authorised personnel will be used to ensure impartial handling.

- Through Stopleveline you can:
 - make a report confidentially and, if you choose, anonymously;
 - raise concerns outside your College or local management structure;
 - access the service at any time, including outside normal business hours;
 - communicate securely with Stopleveline and MEL through an online case management system;
 - upload documents or other information relevant to your concern; and
 - receive updates or provide further information after your initial report.
- To make a disclosure to Stopleveline:
 Phone: 1300 30 45 50
 Online: <https://makeareport.stopleveline.com.au/portal/landing/mercyeducation>
 Email: makeareport@stopleveline.com.au
 Mail: Mercy Education c/o Stopleveline PO Box 403 Diamond Creek, VIC 3089

Other avenues

- You can raise your concerns to the MEL National Office Legal and Risk Function via legal@mercy.edu.au.
- If you are comfortable and feel safe doing so, you can make it clear to the relevant person that their behaviour is unwelcome and/or offensive and ask them to stop. For some behaviours, an informal approach may resolve your concern quickly and effectively. However, this will not always be appropriate and you may, understandably, not feel comfortable making a direct approach. You do not have to make a direct approach if you are not comfortable doing so.
- If the behaviour continues or you are not comfortable making a direct approach, then you should seek the help of your line manager. If you are not comfortable speaking with your line manager (for example, if your concerns relate to your line manager), please raise your concerns with another manager with whom you are more comfortable. Line managers are expected to promptly manage inappropriate workplace behaviour, including instances of sexual harassment.
- You are also able to raise your concerns externally (although MEL encourages you to raise your concerns internally first, if you are comfortable doing so). If you would like to do so, you can raise your concerns with:
 - the Australian Human Rights Commission or another Court or Tribunal (there are time limits in which such claims need to be made);
 - the Fair Work Commission, including by bringing a claim under the Fair Work Commission's sexual harassment jurisdiction;
 - your union (if you are a member); and/or
 - the relevant state or territory police force.

There may be time limits which apply to raising complaints externally, and we recommend you seek legal advice. There are no time limits for raising an internal complaint and this can be done while you are working for MEL and/or after you leave MEL.

5.3. What are the options for resolving my concern?

MEL will respond promptly, sensitively, and confidentially to all reports of sexual harassment and misconduct.

Possible resolution options include:

- Informal resolution (e.g., facilitated discussion).
- Formal investigation by MEL or an external investigator.
- Alternative actions (e.g., training, workplace review).

- Referral to external authorities where required (including mandatory reporting obligations in relation to students or children in compliance with applicable State and Territory mandatory reporting requirements).

5.4. What are the possible outcomes of you raising an issue about sexual harassment or related sex-based misconduct?

Possible outcomes may include (without limitation):

- an apology;
- an inquiry or investigation into the complaint;
- a facilitated discussion;
- an agreed form of contact between you and the person who is the subject of your complaint;
- counselling support; and/or
- disciplinary action for the person who is the subject of your complaint, up to and including dismissal or termination of contractual arrangements.

Not all of these outcomes may be appropriate in all circumstances.

5.5. What should I do if I witness or become aware of sexual harassment or related sex-based misconduct?

Everyone has a role to play in raising a concern if they witness or become aware of sexual harassment or related sex-based misconduct occurring at any MEL workplace. All employees should report this behaviour.

People who speak up about concerns or report behaviours they witness or become aware of, make a valuable contribution to the health and safety of the workplace. By speaking up, you can:

- support someone who may have been subjected to sexual harassment or related inappropriate behaviour;
- prevent a repeat or escalation of the behaviour; and
- help to maintain a safe, respectful and inclusive workplace culture.

If you witness or become aware of sexual harassment or related sex-based misconduct, there are multiple avenues available for you to choose from to raise your concern, including options for you to remain anonymous.

You should also encourage or support others who have experienced or witnessed inappropriate behaviour to report the behaviour to their line manager or another appropriate line manager.

MEL endeavours to support team members who report inappropriate behaviour and will take action against anyone who victimises them.

5.6. What are the responsibilities of line managers and other leaders?

Line managers are **required** to raise a concern through the appropriate channel for all sexual harassment matters and/or sex-based misconduct matters that are raised with them or that they witness.

MEL can be held vicariously liable for such conduct committed by our team members, contractors, consultants, business partners, participants or other people working for MEL, except where it has taken reasonable and proportionate steps to prevent the conduct from occurring in the workplace. MEL is also subject to legal obligations to provide a safe workplace and to take all reasonably practicable steps to prevent sexual harassment and unlawful sex-based misconduct from occurring. This is why the role played by our line managers is critically important.

Line managers and other leaders within MEL are expected to promptly manage and stop any conduct that they are aware of that breaches this Policy.

Line managers and other leaders within MEL are expected to:

- lead by example and challenge others to do the same;
- help employees understand what is expected of them in their roles;
- build employees' knowledge of this Policy and all relevant laws that affect their role;
- report any instance of sexual harassment or any related sex-based misconduct (that they become aware of), including for record keeping purposes;
- monitor the work environment and promptly manage instances of sexual harassment and related sex-based misconduct, which includes taking all reasonable steps to prevent the behaviour occurring or reoccurring;
- provide an environment where employees can raise their concerns and discuss them openly without fearing or experiencing negative consequences;
- work, think and act safely as well as empowering their team to do the same;
- undertake all relevant training on appropriate workplace behaviour on a regular basis and encourage their team members to do the same;
- promptly seek advice from the MEL Legal and Risk Function if they are unsure how to address sexual harassment and related sex-based misconduct; and/or
- support an individual who is impacted and understand how they would like the issue managed, which may include referring to external support services.

If line managers or other leaders within MEL require advice on responding to concerns or reports of sexual harassment and related sex-based misconduct, they should raise a case with the MEL Legal and Risk Function.

5.7. Will I be victimised or disadvantaged for reporting sexual harassment or related sex-based misconduct?

MEL will always support our people who utilise the procedures available under this Policy in a genuine way. We will not tolerate victimisation against individuals for raising a genuine concern about or making a report of sexual harassment or related sex-based misconduct, or for your participation in any inquiries or investigation into a complaint that is undertaken. Victimisation is unlawful.

If you feel that you are experiencing victimisation, or concerned that this might occur, you can raise your concerns with your line manager or the MEL National Office. If you are not comfortable speaking with your line manager (for example, if your concerns relate to your line manager), please raise your concerns with another manager with whom you are more comfortable.

To avoid doubt, vexatious, frivolous or malicious claims without basis (such as where intentionally false or misleading information is provided, relevant information is withheld, or facts are distorted) are not protected. A person who makes a vexatious, frivolous or malicious claim may be subjected to disciplinary action by MEL, up to and including dismissal or termination of contractual arrangements.

5.8. What support is available to me if I experience and/or report sexual harassment or related sex-based misconduct?

MEL is committed to supporting staff, students, and others affected by sexual harassment.

Support options include:

- Employee Assistance Program (EAP) for confidential counselling.
- Pastoral care services and school-based wellbeing staff.
- External support services such as Lifeline (13 11 14), Beyond Blue (1300 224 636), 1800RESPECT (1800 737 732), Suicide Call Back Service (1300 659 467) and 13 Yarn on 13 92 76 for Aboriginal and Torres Strait Islander team members.

Accessing support, advice or treatment from a personal doctor, counsellor or psychologist is another option. You are encouraged to access these supports as needed.

6. Implementation and Accessibility

The Policy will be the subject of induction and subsequent in-service refresher training. Regular training will be provided to every employee.

The Policy is accessible to all people connected with MEL and the public. This includes being available on the MEL Portal, public website and College websites.

This Policy may be varied by MEL from time to time pursuant to the MEL Policy Framework.

7. Failure to Comply with this Policy

Individuals who engage in sexual harassment and related sex-based misconduct, in breach of this Policy, may be subjected to disciplinary action by MEL, up to and including dismissal, and can also be held personally responsible in some cases following legal action by third parties. Other individuals, including line managers and other team members may, depending on the circumstances, also be held personally responsible for such conduct if they are found to be an accessory (e.g. directly or indirectly assisting another person to engage in this conduct), or involved in a contravention of a law. Breaches of this Policy by third parties may result in termination of contractual arrangements or being prevented from entering MEL sites.

8. Definitions

Term	Definition
Harassment because of a person's sex	As defined in section 5.1 of this Policy
MEL	Mercy Education Ltd (ABN 69 154 531 870)
Policy	P4.1: Sexual Harassment Policy
Sexual Harassment	As defined in section 5.1 of this Policy
Sex Discrimination	As defined in section 5.1 of this Policy
Work-related gendered violence	As defined in section 5.1 of this Policy
Victimisation	As defined in section 5.1 of this Policy

9. Related Documents

This Policy should be read in conjunction with the following MEL documents:

Policy Implementation Framework
Conflict of Interest Policy
Whistleblower Policy
Code of Conduct - Employees & Volunteers
Code of Conduct - Suppliers
Code of Conduct - Parents
Child Safety and Wellbeing Policy
Complaints Management Policy
Workplace, Health, Safety and Wellbeing Policy
Critical Incident Management Plan Policy

Related legislation, regulations and standards:

Federal:
Sex Discrimination Act 1984 (Cth)

Work Health and Safety Act 2011 (Cth)

Fair Work Act 2009 (Cth)

Workplace Gender Equality Agency: Policy and strategy guidance: Workplace sexual harassment, harassment on the ground of sex and discrimination

Victoria:

Equal Opportunity Act 2010 (Vic)

Occupational Health and Safety Act 2004 (Vic)

South Australia:

Equal Opportunity Act 1984 (SA)

Work Health and Safety Act 2012 (SA)

Western Australia:

Equal Opportunity Act 1984 (WA)

Work Health and Safety Act 2020 (WA)

10. Policy Review History

This is the first version of this Policy. The Policy was prepared in consultation with the MEL Executive Team before being presented to the Risk and Compliance Committee of the MEL Board for recommendation to the Board.

This Policy is in alignment with the new MEL Policy Framework developed in early 2026.

This Policy will be reviewed in accordance with the MEL Policy Framework to:

1. ensure that it remains current with respect to legal and regulatory requirements;
2. ensure reports or breaches are appropriately recorded, investigated and responded to;
3. ensure that it operates effectively; and
4. confirm whether any changes are required.

Any amendments to this Policy must be done in consultation with the MEL Executive Team, endorsed by the Risk and Compliance Committee of the MEL Board and approved by the MEL Board.

This Policy will be reviewed every three years, or earlier if required.

Version	Date Released	Next Review	Executive Sponsor	Approved
1.0	March 2026	March 2029	Head of Legal	Board