



Sexual Harassment and Related Unlawful Conduct Policy

1. Introduction

Melbourne Archdiocese Catholic Schools Ltd (**MACS**) is a company limited by guarantee established in 2021 by the Archbishop of the Catholic Archdiocese of Melbourne to assume the governance and operation of MACS schools across the Archdiocese of Melbourne. MACS subsequently established Melbourne Archdiocese Catholic Specialist Schools Ltd (**MACSS**) to provide educational services to children with diverse learning needs and Melbourne Archdiocese Catholic Schools Early Years Education (**MACSEYE**) to provide early years care and education services.

The [Statement of Mission](#) in the MACS Constitution, and the constitutions of its subsidiaries, MACSS and MACSEYE, sets out the Archbishop's expectations of Catholic schooling in the Archdiocese and provides an important context and grounding for the company and the direction which the MACS Board must always observe in the pursuit of the company's objects.

The Board must ensure that all policies and procedures concerning the operations of MACS, and its subsidiaries are consistent with the Statement of Mission and company objects, as well as any directions issued by the Archbishop from time to time.

2. Background

Sexual harassment and related unlawful conduct is not tolerated or accepted in MACS' workplaces. Such behaviour is inconsistent with core values of the Catholic faith, including dignity, respect, justice, equity, compassion, trust and courage. The prevention and response to incidents of sexual harassment and related forms of unlawful conduct are more successfully fostered in workplaces that promote positive relationships and reflect Gospel values.

3. Purpose

This policy promotes the prevention of sexual harassment and related forms of unlawful conduct at MACS. It sets out what behaviours constitute sexual harassment and related unlawful conduct, the responsibilities of MACS staff, and the procedures MACS has in place to manage concerns or reports.

4. Scope

This policy applies to all MACS staff (except those employed by MACSEYE), and the expected standards of behaviour extend to third parties including visitors, parents and students in their dealings with MACS staff.

This policy applies to all aspects of a MACS staff member's work at MACS. That includes work carried out on-site or off-site, at work-related social events, conferences, and in any forum outside normal work hours including social media or other electronic communication where there is a connection to work.

5. Principles

- Sexual harassment, discrimination on the grounds of sex, sex-based harassment, conduct which creates a hostile workplace and related acts of victimisation are unlawful and will not be tolerated at MACS.
- MACS has a moral and mission-driven responsibility to create supportive workplace environments where all MACS staff are treated with respect and courtesy, inspired by our Catholic faith.

- MACS acknowledges its obligations under the *Sex Discrimination Act 1984* (Cth), the *Equal Opportunity Act 2010* (Vic) and the *Occupational Health and Safety Act 2004* (Vic) to prevent workplace sexual harassment and related unlawful conduct, as far as is reasonably practicable, as part of providing a safe and healthy workplace.
- Everyone at MACS has a shared legal obligation to not engage in sexual harassment and related unlawful conduct, and to ensure a safe and respectful workplace for all.
- Sexual harassment reports will be taken seriously and treated consistently and confidentially, whilst prioritising the wellbeing of the person who has made the report.
- MACS is committed to proactively identifying, managing and minimising the risk of sexual harassment and related unlawful conduct through robust, structured risk management procedures and processes, as prescribed by the MACS board, which help establish, promote and maintain a safe working environment for all MACS staff.

6. Definition of sexual harassment

Australian law states that sexual harassment occurs when:

- a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed
- engages in other unwelcome conduct of a sexual nature in relation to the person harassed or
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

A single incident can be considered sexual harassment, and it does not need to be repeated behaviour. Sexual harassment does not require the harasser to have a specific intention to harass; intention is irrelevant.

Sexual harassment can be physical, verbal or written. Examples include:

- comments with sexual connotations about someone's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- sexually suggestive comments or jokes
- displaying offensive images or objects (such as a screensaver or a poster)
- repeated requests to someone to go out on a date
- requests for sexual favours
- sexually explicit emails, texts or posts on social media

Mutual attraction or romantic interaction between consenting workers is not unlawful sexual harassment. However, this does not mean that consensual interactions in the workplace are always appropriate. The Conflicts of Interest Policy requires MACS employees to disclose actual, perceived or potential conflicts of interest between their personal interests (including personal relationships) and their official duties. This may require disclosure of a current or previous relationship between a MACS staff member and another worker in some circumstances.

7. Other unlawful conduct prohibited in the workplace

In addition to sexual harassment, other unlawful conduct prohibited in the workplace includes:

- discrimination on the grounds of sex in a work context
- sex-based harassment in connection with work
- conduct creating a workplace environment that is hostile on the grounds of sex, and
- related acts of victimisation (collectively referred to as **related unlawful conduct**).

Discrimination on the grounds of sex in a work context occurs when a person makes assumptions about the sort of work that people are capable, or not capable, of performing because of their sex. It can occur when a person thinks that people are suited to different kinds of work because of their sex or having personal preferences for working with people of a particular sex.

Sex-based harassment in connection with work involves unwelcome behaviour that is sexist and demeaning in nature but is not necessarily sexual in nature. Examples of this type of behaviour include asking personal questions based on a person's sex; making inappropriate comments and jokes based on a person's sex or displaying images or making comments that are sexist or strongly prejudiced against a particular sex.

Conduct creating a workplace environment that is hostile on the grounds of sex includes making gendered stereotypes (such as making only female workers responsible for cleaning the office); making demeaning comments about anatomical attributes or topics and the display or circulation of obscene, sexist, pornographic or sexual photos, materials, posters or gifts.

Related acts of victimisation involve retaliatory action against a person because they have asserted, or intend to assert, their rights under the law, or because another person thinks that they have. A person can also be victimised if they assist someone assert their rights and are subjected to the previously described conduct.

8. Responsibilities of MACS Staff

MACS Staff members must not unlawfully discriminate or harass any other employee or others in the workplace.

MACS Staff have a responsibility to:

- Comply with this policy
- Model appropriate behaviour that is consistent with this policy and the *Code of Conduct for MACS Staff*
- Always treat others with respect and contribute to a safe work environment
- Not engage in sexual harassment, discrimination on the grounds of sex, sex-based harassment or conduct which creates a hostile workplace
- Speak up and report any incident of sexual harassment and related unlawful conduct that they have either experienced or witnessed
- Participate in training and ensure any compulsory attendances are complied with
- Not victimise another person who has (or may have) raised a concern or complaint or because they have provided information in relation to a complaint or been involved in an investigation
- Comply with confidentiality requirements of regarding any allegations or complaints of sexual harassment and related unlawful conduct

MACS staff may be personally liable if they engage in sexual harassment and related unlawful behaviour and a legal claim is made. In some circumstances, MACS may also be vicariously liable for the actions of its employees, however, there are exceptions to this particularly when a MACS staff member has been made aware of their own obligations.

8.1. Bystander (Upstander) Obligations

Bystanders (also known as upstanders) play a critical role in preventing harm and supporting positive workplace culture. MACS staff are expected to:

- **Recognise** conduct that may be inappropriate, unlawful, or harmful, including sexual harassment, discrimination, or victimisation.
- **Respond** safely and appropriately when they witness such behaviour. This may include expressing disapproval, checking in with the affected person, or seeking support from a manager or relevant contact person.

- **Report** concerns to a line manager, Employee Relations, People Experience or through the appropriate reporting channels, even if they are not directly affected by the behaviour.
- **Support** colleagues who disclose incidents of unlawful conduct, including by listening respectfully, maintaining confidentiality, and encouraging them to seek assistance.

All MACS staff are encouraged to take reasonable and safe actions within their capacity and role. MACS does not expect staff to intervene in ways that would place their own safety at risk, but rather to contribute to a culture where unlawful conduct is not ignored or tolerated.

MACS is committed to providing support, training, and clear processes to enable staff to act as upstanders and to respond effectively and respectfully to concerns.

8.2. Consequences for Breach of this Policy

Any person who breaches this policy through engaging in sexual harassment, discrimination, or any other form of unlawful conduct will be held accountable for their actions. Such behaviour is never acceptable and if there is a finding that sexual harassment and/or related unlawful conduct has occurred, MACS will take appropriate and proportionate disciplinary action, up to and including termination of employment.

All MACS staff members are expected to uphold a workplace culture based on respect, dignity, and safety. If your behaviour causes harm, it is your responsibility to acknowledge it, take accountability, and cooperate fully with any investigation or remedial process.

Some forms of sexual harassment such as sexual assault and stalking may also constitute a criminal offence. In some cases MACS may be required to report the matter to Victoria Police.

9. Responsibilities of MACS

The *Sex Discrimination Act 1984 (Cth)* requires MACS to take proactive action to prevent sexual harassment and related unlawful conduct from occurring at its workplaces. This legal obligation is referred to as the 'positive duty' and it is focused on preventing unlawful behaviours in the context of work, workplaces and working relationships.

MACS acknowledges that sex discrimination, sexual harassment, sex-based harassment and conduct that creates a hostile workplace environment on the ground of sex have underlying drivers, such as gender inequality. MACS understands the importance of driving a culture of workplace respect and safety. MACS commits to:

- fostering a culture of respect that creates a safe physical and online work environment that values respect, diversity and inclusion
- setting clear standards of behaviour expected of all MACS staff
- facilitating training for all MACS staff members on expected behaviour
- treating complaints and unacceptable behaviour seriously and providing channels for reporting
- taking early and immediate action when it receives reports of any unacceptable behaviour in a considered and timely manner.

9.1. Key Manager responsibilities

Managers and leaders at MACS have a critical role in ensuring a safe, respectful, and lawful workplace. In addition to complying with this policy themselves, managers are expected to actively promote a culture of safety, dignity and inclusion.

Managers and leaders are expected to:

- **Model appropriate behaviour** at all times, demonstrating respect, professionalism, and a zero-tolerance approach to sexual harassment and related unlawful conduct.
- **Promote awareness** of this policy and ensure that MACS staff members understand their rights and responsibilities.

- **Act promptly and appropriately** when concerns or complaints are raised, whether formally or informally. This includes taking all reports seriously, maintaining confidentiality where possible, and following reporting procedures.
- **Take proactive steps** to identify and address risks in the workplace, including monitoring workplace culture, addressing early warning signs, and promoting open communication.
- **Provide support** to any staff member affected by unlawful conduct, including referring them to appropriate internal or external support services.
- **Cooperate fully** with any investigation processes and ensure there is no retaliation against those who raise concerns or participate in investigations.
- **Ensure training and education** requirements are met within their teams and directorates, including attendance at relevant sessions on workplace conduct and legal obligations.

10. Procedures

MACS is committed to fostering a safe, respectful and supportive environment for all individuals. MACS recognises that disclosing or reporting unlawful conduct can be a difficult and distressing experience and commits to taking a person-centred and trauma-informed approach to all disclosures and reports.

The safety, wellbeing, and dignity of the person making a disclosure will be prioritised. MACS aims to ensure that all individuals are treated with empathy and respect and are supported in a way that empowers them and minimises harm or trauma. MACS will treat the matter as confidentially as possible but reserves the right to speak to people internally and externally to appropriately deal with a report.

MACS is dedicated to responding to all concerns in a timely, sensitive and appropriate manner, in alignment with its core values and legal obligations.

MACS staff are referred to the Sexual Harassment and Related Unlawful Conduct Procedures for information on how to make a complaint and avenues for reporting any instances of sexual harassment and/or related unlawful conduct.

11. Definitions

Definitions of standard terms used in this Policy can be found in the [Glossary of Terms](#).

MACS staff or staff member

The term staff or staff member refers to all people who carry out work in any capacity for MACS or its subsidiaries, and includes MACS Board Directors, board committee members, employees, volunteers (including parent volunteers), consultants, contractors and School Advisory Council members, as the context requires.

Workplace

For the purposes of this policy, the workplace may include any location or circumstance where an employee is undertaking work-related activities. This may include the office, school or usual location of the employee's work, work-related travel or official work-related event outside the office/school, or outside normal working hours, online or via social media.

12. Related policies and documents

Supporting documents

Sexual Harassment and Related Unlawful Conduct Procedures

Related MACS policies and documents

Code of Conduct for MACS Staff
Health, Safety and Wellbeing Policy
Workplace Bullying Prevention Policy

Resources

[Respect@Work website](#)

[Australian Human Rights Commission website](#)

[Victorian Equal Opportunity & Human Rights Commission website](#)

[Victoria Police webpage on reporting sexual offences or child abuse](#)

13. Legislation and standards

Sex Discrimination Act 1984 (Cth)

Fair Work Act 2009 (Cth)

Equal Opportunity Act 2010 (Vic)

Occupational Health and Safety Act 2004 (Vic)

Policy information

Responsible executive	Director, People and Culture
Policy owner	General Manager, Employee Relations
Approving authority	MACS board
Assigned board committee	People and Culture
Approval date	23 September 2025
Risk rating	Extreme
Review by	September 2027
Publication	Gabriel, CEVN, internal school use

POLICY DATABASE INFORMATION	
Assigned framework	Employment
Supporting documents	See list of supporting documents above
Superseded documents	
New policy	New policy