

Positive Duty Obligations relating to Sexual Harassment



Introduction

As of 22 December 2022, workplaces in Australia, including dental practices, are subject to new positive duty obligations concerning sexual harassment in the workplace. All dental professionals and staff need to understand what constitutes sexual harassment and how to take a proactive approach to prevent and address such behaviour.

What is Sexual Harassment?

Sexual harassment is defined as any unwelcome conduct of a sexual nature that creates an intimidating, hostile, or offensive work environment. This can include, but is not limited to:

- Verbal harassment, such as sexual comments, jokes, or propositions.
- Non-verbal harassment, including gestures, leering, or displaying sexually explicit materials.
- Physical harassment, such as unwanted touching, hugging, or kissing.
- Online harassment, such as sending inappropriate emails, texts, or social media messages.

Positive Duty Obligations

Under the new regulations, dental practices have a positive duty to take proactive measures to prevent and address sexual harassment in the workplace. This includes:

- Implementing clear policies and procedures prohibiting sexual harassment.
- Providing training to all staff on recognising and responding to sexual harassment.
- Creating a supportive and inclusive workplace culture that promotes respect and dignity for all employees.
- Designating a contact person or committee to receive and address sexual harassment complaints
- Conducting prompt and impartial investigations into sexual harassment allegations and taking appropriate disciplinary action if necessary.

Strategies for a Proactive Approach

To fulfil their positive duty obligations and create a safe and respectful workplace environment, dental practices can employ the following strategies:

1. **Policy Development:** Develop a comprehensive sexual harassment policy that clearly defines prohibited conduct, outlines reporting procedures, and emphasises zero tolerance for retaliation. (The EEO, Bullying and Harassment Policy on the ADA Inc. website has been updated to reflect the positive duty).
2. **Training and Education:** Provide regular training sessions for all staff on sexual harassment awareness, prevention, and reporting protocols. Ensure that training materials are accessible and culturally sensitive.
3. **Promote Reporting:** Encourage open communication and assure employees that reports of sexual harassment will be taken seriously and handled confidentially. Provide multiple avenues for reporting, such as anonymously or through designated contact persons.

4. Cultural Change: Foster a workplace culture that values diversity, inclusion, and mutual respect. Promote teamwork, professionalism, and ethical behaviour among staff members.
5. Support Resources: Offer support services and resources for employees who have experienced sexual harassment, such as counselling, legal assistance, or referrals to external support organisations.

Conclusion

By taking a proactive approach to preventing and addressing sexual harassment in the workplace, dental practices can create a safer, more inclusive, and productive environment for all employees. By fulfilling their positive duty obligations, dental practitioners and staff can work together to promote respect, dignity, and equality in the dental profession.

For more information or assistance implementing these strategies, please contact ADAVB Practice Plus on ph. (03) 8825 4600.