

RESPECT @WORK



MCA INDUSTRY TOOLKIT

The minerals industry is committed to eliminating sexual harassment in its workplaces and has adopted a national Industry Code that provides clear expectations on members to establish both preventative and response measures to address sexual harassment.

This document is part of the MCA Industry Toolkit that has been developed for our members and their employees and comprises a suite of Fact Sheets, Guidance and Templates.

GUIDANCE

Relationship policy

Personal relationships are formed in many workplaces. Sexual, romantic or intimate interaction that is entered into freely and reciprocated between consenting employees is not a form of sexual harassment. However, if people behave in a sexually inappropriate way at work, it could still create a sexualised atmosphere that is unwanted by others in the workplace.

To avoid any confusion, it may be useful to develop a relationship policy that focuses on “actual, potential or perceived” conflicts of interest arising from at-work relationships.

The policy could include:

- A requirement that interactions between all employees at work remain professional
- Acknowledgement that consensual relationships can and do form between co-workers and set expectations around workplace behaviour in these cases.
- Requirements for business confidentiality where one person has access to business sensitive knowledge
- Any requirements for placement in separate work groups
- When a relationship requires disclosure to the employer (e.g. in all cases, or a conflict or perceived conflict of interest, or of a form not encouraged in the workplace)
- Acknowledgement that the disclosure will be treated confidentially
- Set expectations on what personal relationships are acceptable and those that aren't examples include - relationships between direct reports, senior management and junior employees, or where there is a significant power imbalance with respect to recruitment/promotion.
- A statement that decisions related to one party will not be taken by the other party.
- How conflicts will be resolved e.g. alternate work arrangements

The Australian Human Resources Institute provides the following examples of actual and perceived conflict¹

Actual conflict of interest

Sam is a partner at the firm who was divorced two years ago. He and Eloise, a third-year lawyer in his practice group, have had a consensual sexual relationship for two weeks and they are planning to live together in Sam's apartment. This relationship is reportable because of the hierarchical relationship.

Potential conflict of interest

Angela (a senior associate) and Jane (a third-year lawyer in another practice group) have been in a personal relationship for two years. They have been very careful to avoid any discussion of matters which could result in inadvertent disclosure of client confidential information or a conflict of interest. Jane wants to apply for a newly advertised position in Angela's practice group.

This relationship is reportable if Jane applies for the vacant position so as to avoid Angela being involved in the recruitment process or otherwise unfairly influencing the course of events in Jane's favour.

¹ <https://www.hrmonline.com.au/topics/hr-policies-and-procedures/create-workplace-relationship-policy/>