

Sexual and Gender Harassment

Cutting to the chase

- Any form of Sexual and Gender Harassment is not OK
- Any staff found to breach this policy will face consequences that could include termination

Objective and Scope

This policy:

- outlines the appropriate behaviour expected in the workplace of The Cheesecake Shop Franchisees
- explains how The Cheesecake Shop (TCS) and Franchisees will deal with Sexual and Gender Based Harassment in the workplace
- applies to all Workers and Franchisees of TCS

Background

At TCS we wish to promote a respectful and professional culture, where all staff feel comfortable and able to perform at their best in our workplace. As such, TCS exercises a zero-tolerance approach to harassment, bullying and discrimination within the workplace.

Sexual and Gender Harassment

Sexual and Gender Harassment is defined as any unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated. Sexual and Gender Harassment is not interaction, flirtation or friendship which is mutual or consensual.

Sexual and Gender Harassment can occur:

- at a Worker's usual workplace
- where Workers are carrying out work at a different location (such as a customer's house on a delivery)
- during a work-related activity such as a work trip, training course, conference or work-related social activity. Sexual and Gender Harassment does not have to occur within the workplace to be unlawful.

Sexual and Gender Harassment can take many different forms – it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex or genders. Sexual and Gender Harassment can involve conduct such as:

- unwelcome touching, hugging or kissing
- staring or leering
- suggestive comments or jokes
- sexually explicit pictures, screen savers or posters
- unwanted invitations to go out on dates or requests for sex
- intrusive questions about an employee's private life or body

- unnecessary familiarity, such as deliberately brushing up against someone
- insults or taunts of a sexual nature
- sexually explicit emails or SMS messages
- accessing sexually explicit internet sites
- inappropriate advances on social networking sites
- behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual and Gender Harassment does not have to be repeated or continuous to be against the law. It can be a one off incident.

Acts such as indecent exposure, stalking, sexual assault and obscene or threatening communications (e.g. phone calls, letters, emails, text messages and posts on social media) should be referred to the police as well as managed under WHS laws and may also be a notifiable incident.

Making a complaint

Any Worker who feels that they have been harassed, TCS would encourage them to immediately make the perpetrator aware that their behaviour is unwelcome or making the Worker uncomfortable. In circumstances where the behaviour could be seen as a 'minor discretion or error of judgement' this may be the only response required to stop the behaviour from occurring again.

However, we would also encourage all Workers to report the incident(s) to a manager or Franchisee (regardless of whether you feel it was minor or not) in order for TCS management to be able to assess the situation and take necessary steps. Any complaints against a Franchisee or where it not appropriate to escalate within the store should be made via our third party service – Stopline. Complaints can be lodged with the Stopline service on **1300 30 45 50** or via makeareport@stopline.com.au . Further details about Stopline and other escalation options are available via <https://cheesecake.stoplinereport.com/>

Any complaints of Sexual and Gender Harassment will be treated with the utmost discretion. Complete confidentiality cannot be guaranteed in order for TCS to investigate effectively, however all Workers involved will have their privacy respected, as far as possible. Appropriate action will be taken against the perpetrator if they are found, on the balance of evidence, to have committed an offence.

If a Worker witnesses any incidents of Sexual and Gender harassment (even if the Worker was not the target), we encourage you to come forward and speak with a manager or Franchisee so TCS may endeavour to provide a safe work environment for all our staff.

What are the possible outcomes where a complaint is made?

The outcomes will vary according to the seriousness of the complaint and the wishes of the complainant. The company **Grievance Policy and Procedure** provides guidance on how to escalate a complaint.