

Responding to workplace sexual harassment scenarios

Scenario one – informal resolution

Constance (she, her) emails her manager, Arlo (he, him), to let him know about an experience she had of being sexually harassed by another manager, Gina. Constance requests a meeting with Arlo to discuss what has happened and the outcome she is seeking.

At this meeting, Arlo checks on two issues, does Constance feel safe in the workplace and does she need support. Constance says that she does feel safe, but she needs assistance to address the sexual harassment incident as quickly and informally as possible.

Constance discloses to Arlo that Gina had brought staff complaints to her attention regarding the clothing she wore at work. Gina made comments about Constance's clothing being too tight, in particular a dress that was described as 'too booby,' i.e. it emphasised the size and shape of her breasts. Constance said that she was offended by these comments because they were about her body, rather than her clothing, and that the idea of staff members making complaints related to her breasts was also humiliating.

Arlo listens supportively and asks what outcome she is seeking. Constance advises she just wants Gina to understand that her comments were unwelcome, offensive and humiliating. Constance says she is worried that if she talks to Gina about it herself she will experience further embarrassment, hence why she has come to Arlo for support. Arlo asks if Constance would like him to have a supportive conversation with Gina about how she is feeling, and Constance agrees with this course of action.

Arlo speaks with Gina about Constance's complaint with reference to the definition of sexual harassment as contained within the directive. Gina understands that the way she raised the clothing issue was inappropriate and feels that while she may not have intended to cause offence, she can understand why Constance had felt that way. Gina reflects on using a different approach to conversations regarding clothing choices with any staff member in the future, should the need arise.

Arlo meets with Constance to talk through the outcome of the action he has taken. Constance feels satisfied that the matter has been resolved.

Scenario two – formal resolution

Mabel (she, her) asks to meet with her manager Susan (she, her), to talk to her about a colleague, Cedric (he, him), who has been making comments about her recent promotion. Cedric has asked Mabel things like “who did you have to sleep with to get the job?”, as if he is joking. Mabel has told Cedric she doesn't find his comments funny and has asked him to stop. Cedric has continued to make these comments.

Susan listens supportively to Mabel and asks what outcome she is seeking. Mabel advises she just wants the behaviour to stop. Susan speaks with the Cedric, who confirms he has been making those comments to Mabel and she advises him the comments must stop. However, Cedric disregards the advice and continues to make comments. Mabel decides to make a formal grievance via an email to the Director-General (DG).

Possible next actions – depending on organisational intake processes

Day 1: The DG

receives the grievance and nominates a Deputy Director-General (DDG) to be the decision-maker for the grievance.

Day 1 or day 2: The DDG writes to Mabel (or an intake officer calls Mabel) to:

- acknowledge receipt of her grievance and advise that the DG has asked them to act on her grievance
- advise her that somebody from HR will be her contact officer and they will be in touch soon to discuss her safety in the workplace and what support is available
- let her know that they will be back in touch with her within 14 days to advise on the proposed course of action.

The nominated contact person calls Mabel and sensitively checks-on two issues: whether she feels safe in the workplace; and the support that is available. The contact officer may also talk to Susan (the manager) to see if she needs any help to take any action from a WHS perspective.

By day 14: The DDG writes to Mabel to:

- advise that the DDG has read the information that Mabel has provided and needs to undertake local enquiries
- advise that the agency will be talking to Cedric as part of these enquiries and will need to speak with Mabel as well and provide an indicative period for completing these enquiries
- confirm the actions taken to keep Mabel safe in the workplace (including that there be no one-to-one meetings between Cedric and Mabel)
- confirm the contact person will continue to stay in contact with Mabel and that her manager will also continue to provide support.

The letter from the DDG advising what action they are going to take is regarded as a decision, as required by the directive.

Once the enquiries have been completed, the DDG is to advise Mabel of the outcome, in accordance with the Directive sections 10.3 and 10.4

Scenario three – formal resolution

Rory (she, her) has been working in a customer service role as the receptionist in a regional office.

She writes to the Director-General (DG) with details of treatment she has been experiencing since she commenced the role. Rory's email makes several serious allegations of sexual harassment against her immediate supervisor, her manager and director. The allegations are very concerning.

Day 1 – the DG:

- nominates a Deputy Director-General (DDG) to be the decision-maker in the matter
- asks a senior person from Corporate/Central Office to contact Rory to check that she is safe at work (this may be Work Health & Safety, Human Resources or Ethical Standards)
- formally writes to Rory to advise that the allegations have been referred to a DDG for action and that the DDG would be in contact within the next 14 days.

By day 2

A Corporate team member contacts Rory to make sure she is safe and supported. They also ask Rory what outcome she is seeking (if this wasn't clear in her email to the DG).

A Workplace Health and Safety (WHS) risk assessment begins and action on whether any alternate duties or suspensions need to be actioned as a matter of priority, while the DDG is considering the information provided by Rory.

From day 2 to day 14

During this time, the DDG reads the allegations and determines that there needs to be a formal workplace investigation because of the serious nature of the allegations.

A risk assessment is completed. The immediate supervisor has been suspended and alternate duties have been arranged for the manager. Rory has increased her work from home arrangements for the short term.

By day 14

The HR or Ethical Standards team works with the DDG to draft an email to Rory advising her that a workplace investigation will be undertaken.

At this point, the DDG has communicated to Rory that there has been a decision to investigate.

Once the enquiries have been completed, the DDG is to advise Mabel of the outcome, in accordance with the Directive sections 10.3 and 10.4

Scenario four – informal resolution

Milo (she, her) asks to meet with her manager, Cecil (he, him) about concerns of sexual harassment in the workplace. Milo is a transgender woman and has stayed silent for a long time about colleagues who spread rumours, engage in innuendo and ask intrusive questions about her personal life including the relationship with her partner. However, the situation has escalated with a number of colleagues asking questions about Milo's forthcoming gender affirming surgery, which is causing a lot of distress. Milo has asked Cecil for assistance, not wanting to lodge a formal complaint but wanting the behaviour to stop.

Cecil listens to Milo supportively and asks her what he can do to help her feel safe in the workplace. He also provides Milo with information on the available support options such as the organisations employee assistance service as well as the details for the organisation's sexual harassment contact officer. Milo tells Cecil she doesn't feel she will be heard if she talks to the team and would prefer Cecil to talk to them without her present and reiterates that she just wants people to be respectful.

Possible next steps

Option one – group conversation and education

Cecil could arrange a team meeting and to talk about how their behaviour is affecting Milo and use it as an opportunity for education. Cecil checks the Queensland Public Sector Commission website for resources to assist in the discussion and shares them with the team.

Option two – individual conversations

Cecil could meet with each team member individually to talk with them about the questions they are asking, and help them understand why they need to stop and what the expectations are.

Once discussions with the team are completed, Cecil must confirm with Milo that she is happy with the action that has been taken and make a record of the situation and outcome.

Scenario five – formal resolution

Philip (he, him) has worked in his agency for nearly a year and has experienced ongoing racist comments from colleagues about his First Nations background. Philip chose to ignore these comments because he didn't feel that he was safe to speak up.

Recently, one colleague noticed a pride flag on Philip's desk and has begun subjecting him to intrusive questions about his private life as well as making sexually suggestive comments. Philip has decided to lodge a formal complaint via his manager, Mary (she, her).

Mary knows that she must first check whether Philip feels safe in the workplace and whether he is aware of the support available from the agency's employee assistance scheme. Mary also recognises there are additional elements of supporting Philip's psychological and cultural safety in the process of responding to the complaint.

Here are some further points for Mary to consider and sensitively talk with Philip about:

- Would Philip feel comfortable with a woman being involved in the complaint (as First Nations people can prefer that men's business remains men's business)?
- Would Philip prefer a First Nations person handle the complaint or be the primary point of contact, or would this be something that Philip would prefer to be handled outside his community?
- Would Philip prefer support from somebody who identified as LGBTIQ+?

Day 1

Mary takes a person-centred approach and has a conversation with Philip to ask how he would like the matter handled, including who handles the complaint and who provides support.

Mary advises Philip that a formal complaint will need to go to the DG's office for action, but in the meantime, there are actions Mary can take locally, including adjustments to work arrangements such as working from a different location for a time. Would this be okay with Philip?

Mary documents the discussion and works with the HR area to implement Philip's requests.

Day 1 or day 2:

The decision-maker formally writes to Philip (or an intake officer calls Philip) to advise:

- that they have been appointed to take action on the grievance.
- the name of the nominated contact officer, who will be in touch soon to confirm action taken by Mary to ensure Philip's safety in the workplace and identify what support is available.
- that they will be back in touch with Philip within 14 days to advise on the proposed course of action.

The nominated contact person calls Philip and sensitively checks on two issues – whether he feels safe in the workplace and what support is required. The contact officer may also talk to Mary (the manager) to see if she needs any help to take any action from a WHS perspective.

By day 14:

The decision-maker writes to Philip to:

- advise that, upon reading the information that Philip has provided, they have determined to proceed to a formal investigation and explains their reasons.
- confirm the actions taken to keep Philip safe in the workplace.
- confirm that the contact person will stay in contact with Philip and that Mary will also continue to provide support.

This letter from the decision-maker advising what action they are going to take is regarded as a decision, as required by the directive.