Preventing and responding to sexual harassment and related conduct at work

Model policy template – supporting [Preventing and responding to sexual harassment and related conduct at work (Directive 02/25)](https://www.forgov.qld.gov.au/pay-benefits-and-policy/directives-policies-circulars-and-guidelines/preventing-and-responding-to-sexual-harassment-and-related-conduct-at-work-directive-0225).

# Leadership statement

Everyone has the right to feel safe at work.

[Organisation] has a positive duty under legislation to provide a safe, respectful and inclusive workplace free of sexual harassment, harassment on the basis of sex, conduct creating a work environment that is hostile on the basis of sex and related acts of victimisation. In this policy this is referred to as sexual harassment and related conduct.

This policy communicates [Organisation]’s responsibility and commitment to ensure the prevention, response and management of sexual harassment and related conduct at work. Sexual harassment and related conduct are harmful, unethical, unlawful and unacceptable in the Queensland public sector. Sexual harassment and related conduct is prohibited under the *Sex Discrimination Act 1984* (SD Act) and *Anti-Discrimination Act 1991* (AD Act). Sexual harassment may also be a criminal offence. The positive duty under anti-discrimination legislation requires [Organisation] to take reasonable and proportionate measures to eliminate, as far as reasonably practicable, sexual harassment and related conduct.

Additionally, sexual harassment and related conduct is a work health and safety risk. [Organisation] has obligations under the *Work Health and Safety Act 2011* (WHS Act) and *Work Health and Safety Regulation 2011* (WHS Reg) to provide a safe workplace, by ensuring workplace risks to both physical and psychological health and safety, including those relating to sexual harassment and related conduct, are promptly identified, and appropriate control measures are implemented to eliminate or minimise these risks, as far as reasonably practicable.

This policy adopts the term workers, which includes employees and anyone who works in any other capacity for [Organisation] including volunteer workers and contractors (consistent with the WHS Act). The organisation’s positive duty to eliminate, as far as reasonably practicable, sexual harassment and related conduct also extends to other persons in connection to work.

It is the responsibility of all workers and other persons in connection to work to behave in a way that is respectful and inclusive and ensures the safety and well-being of others.

[Organisation]:

* has an obligation to educate and support all workers to prevent, intervene early and respond to offensive behaviour
* acknowledges the significant impact of sexual harassment and related conduct on workers who experience or witness it
* is committed to being proactive to eliminate, as far as reasonably practicable, sexual harassment and related conduct
* is committed to a person-centred and trauma informed approach when addressing allegations of sexual harassment and related conduct
* is committed to ensuring leaders and managers will listen to, respect, empower and support workers who report allegations of sexual harassment and related conduct and act to resolve concerns.

Under the *Human Rights Act 2019* (HR Act) [Organisation] has an obligation to act and make decisions that consider and are compatible with human rights. When making decisions or acting under this policy, managers and decision-makers must comply with human rights obligations.

# Application

This policy applies to all [Organisation] workers, including:

* permanent, fixed term temporary, full-time, part-time or casual employees
* anyone who works in any other capacity for [Organisation] including volunteer workers and contractors.

It applies to workers in all their work-related dealings with each other and with other persons in connection with work including prospective workers, customers, contacts or clients. This includes:

* in the workplace or when working off site
* at work-related functions (including social functions and celebrations)
* on work-related travel, in worker accommodation and work vehicles
* attending conferences
* online via the use of technology and social media
* through work devices and IT networks such as mobile phones, Microsoft Teams and other work devices
* at any other location, in situations where the conduct commenced in the workplace and continued outside the workplace (and vice versa)
* out of hours interactions where there is a specific work relationship including conduct by workers towards other workers or prospective workers.

Reports of sexual harassment by workers to other persons in connection with work can be made by:

* a worker who witnesses the behaviour, using the reporting processes in this policy
* other persons in connection with work who experience or witness this behaviour can report via [insert entity specific customer complaints management framework].

These matters are to be dealt with as a conduct matter, in accordance with this policy and taking into account person-centred practices to the extent possible.

[Organisation] has taken proactive action to prevent sexual harassment and related conduct by other persons in connection with work (for example, customers, contacts or clients) to workers. Reports of sexual harassment and related conduct by other persons in connection with work to workers is to be managed in accordance with the person-centred and trauma informed support principles of this policy, as well as [insert relevant entity specific policy/processes e.g. WHS control measures, policy for entry to premises or dealing with unacceptable behaviour from customers etc].

# Authority

This policy has been approved by the Director-General/Chief Executive of [Organisation] and is consistent with the following legislation and codes:

* Preventing and responding to sexual harassment and related conduct at work (Directive 01/25) (directive)
* [*Public Sector Act 2022*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2022-034) (the Act)
* [Code of Conduct for the Queensland Public Service](https://www.forgov.qld.gov.au/__data/assets/pdf_file/0024/182292/code-of-conduct.pdf) (the Code)
* [*Work Health and Safety Act 2011*](https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2011-018)(WHS Act)
* [*Work Health and Safety Regulation 2011*](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-0240)(WHS Reg)
* [*Managing the risk of psychosocial hazards at work: Code of Practice 2022*](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0025/104857/managing-the-risk-of-psychosocial-hazards-at-work-code-of-practice.pdf)(the Code of Practice)
* *Sex Discrimination Act 1984* (Cth) (SD Act)
* [*Anti-Discrimination Act 1991*](https://legislation.qld.gov.au/view/html/inforce/current/act-1991-085)(AD Act)
* [*Industrial Relations Act 2016*](https://legislation.qld.gov.au/view/html/inforce/current/act-2016-063)
* [*Human Rights Act 2019*](https://legislation.qld.gov.au/view/html/inforce/current/act-2019-005)
* [*Crime and Corruption Act 2001*](https://legislation.qld.gov.au/view/html/inforce/current/act-2001-069)(CC Act)
* [*Public Interest Disclosure Act 2010*](https://legislation.qld.gov.au/view/html/inforce/current/act-2010-038)(PID Act)
* [*Criminal Code Act 1899*](https://legislation.qld.gov.au/view/html/inforce/current/act-1899-009)

# Effective date [insert date]

# Responsibilities

All workers have a responsibility to treat each other with respect and dignity and have the right to work without being subjected to sexual harassment and related conduct.

Workers must:

* model the standard of behaviour outlined in the Code, Chapter 2 (Equity, diversity, respect and inclusion) of the Act (employees only), the Code of Practice, the directive and [Organisation’s or the Queensland Government] values, including behaving in a way that promotes safe, respectful and inclusive workplaces free from sexual harassment and related conduct
* Under the Code, workers are required to report conduct that is not consistent with the Code, where it is safe to do so
* comply with this policy and follow reasonable instructions and procedures to prevent and respond to allegations of sexual harassment and related conduct
* familiarise themselves with available workplace support options and specialist referral services
* offer support to sensitively communicate with colleagues who have experienced or witnessed sexual harassment and related conduct, maintain confidentially to the extent required under this policy and encourage them to seek assistance
* report sexual harassment and related conduct through the channels outlined within this policy
* support those who have experienced sexual harassment and related conduct to report it through the channels outlined within this policy
* comply with the responsibilities outlined above, as well as confidentiality requirements, and follow all reasonable instructions if a participant in a matter relating to alleged sexual harassment and related conduct at work.

Managers and supervisors must:

* model the Code and public sector principles and behave in a way that promotes a safe, respectful and inclusive workplace free from sexual harassment and related conduct
* inform workers about unacceptable behaviours that enable or condone sexual harassment and related conduct
* identify and address inappropriate behaviours and advocate for zero tolerance of sexism
* monitor the workplace to ensure acceptable standards of conduct
* treat alleged sexual harassment and related conduct seriously and take immediate, appropriate and proportionate action when responding by considering:
  + the severity of the reported behaviour, and its impact on the victim
  + the wishes of the person who reported the alleged behaviour
  + how to demonstrate respect and support for workers who report alleged sexual harassment and related conduct
* ensure workers who report, or witness alleged sexual harassment and related conduct and employees who submit grievances about alleged sexual harassment and related conduct are not victimised or discriminated against or experience reprisal action or adverse action as a consequence of reporting, witnessing or lodging a grievance
* ensure workers who report alleged sexual harassment and related conduct at work are advised of their rights and obligations under relevant legislation including the AD Act, SD Act, IR Act, WHS Act, WHS Reg, PID Act, CC Act and the Criminal Code.
* seek advice and support for the management of complex or serious matters from areas such as Human Resources, Ethical Standards, Professional standards or legal advisers. [option to include organisation specific information]
* promote and implement this policy in their work area and within their team.

Chief executives must:

* model the Code and public sector principles and behave in a way that promotes a safe, respectful and inclusive workplace free from sexual harassment and related conduct
* provide and maintain safe and inclusive workplaces that protect the health and safety of workers
* support leaders and managers to take appropriate and proportionate action when responding to reports of alleged sexual harassment and related conduct
* make available, promote and require participation in leadership and employee training regarding expected standards of behaviour, and how to identify and appropriately respond to reports of sexual harassment and related conduct at work, except where this requirement may genuinely negatively impact an employee’s wellbeing.
* take all reasonable action to identify the risk of sexual harassment and related conduct associated with [Organisation]’s operations and workforce context
* ensure the entity develops, implements and monitors prevention plans consistent with WHS legislative requirements
* consult with workers and their representatives about sexual harassment and related conduct related health and safety issues such as through the agency work health and safety committee or agency consultative committee
* use appropriate resources, control measures and processes to address sexual harassment and related conduct risks
* ensure there are appropriate options for workers to report experiencing or witnessing sexual harassment and related conduct
* ensure workers who report alleged workplace sexual harassment and related conduct are advised of their rights and obligations under relevant legislation including the AD Act, SD Act, WHS Act, WHS Reg, PID Act and CC Act
* ensure the use of person-centred practices and prioritise the care and support of impacted workers in [Organisation]’s approach to resolving sexual harassment and related conduct issues.

Human resources and/or ethical standards practitioners must:

* support impacted workers and ensure they have had input into their preferred way for issues to be managed
* promote this policy and resources to support:
* workers who experience or witness alleged sexual harassment and related conduct (the complainant)
* managers or supervisors managing sexual harassment and related conduct matters
* workers who have been named in an allegation of sexual harassment and related conduct (the respondent)
* provide guidance and support to managers or supervisors managing sexual harassment and related conduct matters on options to resolve issues
* ensure appropriate internal and external support avenues are available to workers:
* who report alleged sexual harassment and related conduct
* identified as respondents to alleged sexual harassment and related conduct
* ensure that any response to sexual harassment and related conduct is managed in line with agency policies and employment directives.

# Recognising sexual harassment and related conduct

Sexual harassment and related conduct is defined in the directive.

**Sexual harassment**

Examples of behaviours that could be sexual harassment include, but are not limited to:

* unwelcome physical touching, staring or leering
* repeated or inappropriate requests to go on dates
* requests or pressure for sex or sexual acts
* emailing, displaying or texting pornography, suggestive material or sexual jokes
* sexual comments in person, online or in writing, including explicit comments or innuendo
* indecent text or social media messages, phone calls or emails, including the use of images, videos or emojis with sexual connotations
* sharing or threatening to share intimate images or video without consent
* sexualised gifts, images or video
* intrusive questions about a person’s private life or physical appearance
* sexual gestures, indecent exposure or inappropriate display of the body
* actual or attempted sexual assault.

**Harassment on the basis of sex**

Examples of behaviours that could be harassment on the basis of sex include, but are not limited to:

* asking intrusive personal questions based on a person’s sex (for example, inappropriate questions about menopause, menstruation or genitalia)
* making inappropriate comments and jokes to a person based on their sex
* displaying images or materials that are sexist (showing prejudice or discrimination on the basis of sex), misogynistic (strongly prejudiced against women) or misandrist (strongly prejudiced against men)
* making sexist, misogynistic or misandrist remarks about a specific person
* verbally abusing or insulting someone on the basis of their sex
* requesting that a person engage in degrading conduct based on their sex
* bullying, physical threats, attacks or other hateful conduct motivated by a person’s sex.

**Conduct creating a work environment that is hostile on the basis of sex**

Examples of behaviours that may create a work environment that is hostile on the basis of sex include, but are not limited to:

* conduct involving gendered stereotypes, such as making women workers responsible for cleaning the office, take notes in meetings or suppling refreshments for meetings
* making demeaning comments about anatomical attributes or topics such as pregnancy, menstruation or menopause
* the display or circulation of obscene, sexist, pornographic or sexual photos, materials, posters or gifts
* making sexist, derogatory, suggestive or sexual comments, jokes or banter
* using sexist, derogatory, suggestive or sexual nicknames for others in the workplace
* sexual gestures or indecent exposure
* sexist, derogatory, suggestive or sexual emails, phone calls, text messages or online interactions, including the use of emojis with sexual connotations.

Depending on the circumstances, these behaviours might also amount to sexual harassment or harassment on the basis of sex.

**Victimisation**

Examples of behaviours that could amount to victimisation in relation to sexual harassment and related conduct include, but are not limited to:

* demoting or threatening to demote someone because they have made a complaint, or intend to make a complaint, of sexual harassment (for example, by asking for information about how to make a complaint)
* ostracising or excluding a worker in the workplace, or refusing them overtime shifts, because they appeared as a witness in support of a colleague who made a complaint of harassment on the basis of sex
* denying a promotion to a person because they reported that someone in the workplace sexually harassed them
* moving a worker who has made a complaint to another worksite, or a non-client-facing role (without first checking if they would like to move)
* reducing or threatening to reduce someone’s shifts or salary because they made a complaint (for example, offering fewer shifts to a casual worker because they are seen as a ‘troublemaker’)
* dismissing, or threatening to dismiss, someone who has made a complaint
* intimidating or threatening a worker to prevent them from making a complaint
* refusing to purchase from, or supply goods to, an independent contractor, because they made a complaint.

**Where sexual harassment and related conduct may occur**

[Organisation]’s workplace extends beyond physical workspaces or worksites. Sexual harassment and related conduct may occur in the workplace or in work-related locations, including client sites or public spaces where [Organisation] work is conducted.

It may also occur outside of normal working hours in settings where there is a connection to work such as at work-related events such as at conferences, social events and business trips. It may also occur through different mediums such as text messaging, face to face, email or social media.

Sexual harassment and related conduct may also occur between people who have a specific work relationship, regardless of where the conduct occurs. This includes conduct by workers towards other workers or prospective workers.

# Preventing sexual harassment and related conduct

Preventing sexual harassment and related conduct is everyone’s responsibility. [Organisation] is committed to building and maintaining a positive workplace culture, free of sexual harassment and related conduct and promoting gender equality, which is part of our positive duty under legislation.

Current prevention activities within [Organisation] address the following areas and include [list all current prevention activities ensuring that each of the headings are addressed. Some options for consideration are listed below].

Note that other prevention activities are included in the following sections – 8 Supporting workers, 9 Reporting incidents of sexual harassment and related conduct, 10 Responding to incidents of sexual harassment and related conduct and 11 Monitoring, evaluation and transparency.

**Leadership**

[Organisation] acknowledges that senior leaders play a critical role in preventing and responding to sexual harassment and related conduct. Senior leaders at [Organisation] are committed to ensuring a safe, respectful and inclusive workplace that values gender equity and diversity by understanding, role modelling, communicating and implementing the obligations under this policy.

[organisation to insert prevention activities related to leadership]

**Culture**

[Organisation] acknowledges that workplace culture is one of the most crucial factors impacting the risk of sexual harassment and related conduct, as well as an organisation’s response. [Organisation] is committed to fostering a culture that is safe, respectful and inclusive and addressing underlying drivers of sexual harassment and related conduct including gender inequality.

[organisation to insert prevention activities related to culture. E.g. obligations under chapter 2 of the Act]

**Knowledge**

[Organisation] acknowledges that educating workers has an important role in preventing and responding to sexual harassment and related conduct. This is achieved through implementation of this policy as well as completion of leadership and employee training regarding the expected standards of behaviour, and how to identify and appropriately respond to reports of workplace sexual harassment and related conduct.

[organisation to insert prevention activities related to knowledge]

**Risk Management and WHS**

[Organisation] recognises that sexual harassment and related conduct is an equality risk and health and safety risk, and takes a risk-based approach to prevention and response. This includes consideration of the risk to and from other persons connected to work.

[insert reference to risk management framework and the organisation’s WHS prevention plan to manage identified risks to health and safety of workers and other persons from sexual harassment and related conduct (as required under the WHS Reg)].

For more information about these prevention actions please visit our sexual harassment and related conduct prevention intranet information [insert link].

# Supporting workers

As an organisation we are committed to supporting workers who have experienced or witnessed alleged sexual harassment and related conduct. This includes informing complainants of their rights and options to report concerns formally or informally with the organisation, or through external pathways as outlined later in this document.

Support and regular communication will be provided through any resolution or investigation process.

Current support activities within [Organisation] include [list all current support options].

**Organisation contacts**

[Include any internal organisation contacts and support options relevant, including HR department, sexual harassment contact officers, First Nations cultural liaison officer, mental health support officer or similar.]

**Counselling support services**

[Organisation] offers [name of employee assistance service (EAS)], to all workers and their immediate family members. The EAS offers free and confidential support services through face-to-face, telephone and online counselling. [If the organisation’s EAS provides specific support for First Nations workers, provide these details].

EAS can also provide specific advice to managers about how best to support workers who have experienced sexual harassment and related conduct, through the manager assist service.

External crisis support may be available through:

* 13 YARN – 13 92 76 (for Aboriginal and Torres Strait Islander workers)
* Lifeline – 13 11 14
* QLife – 1800 184 527 (anonymous and free LGBTIQ+ peer support)

# Reporting incidents of sexual harassment and related conduct

As outlined in the directive, there are internal and external avenues open to workers to take action about workplace sexual harassment and related conduct.

A complainant may choose to follow one or more of the options listed below.

The complainant’s preference about the most appropriate option or action to address the behaviour will depend on their individual circumstances. Within [Organisation] the options available to take action on sexual harassment and related conduct include:

[List all options available within the organisation including, but not limited to, the following options.]

* addressing the behaviour through self-management or local action
* making an individual employee grievance (available to employees only, not workers)
* external pathways.

**Addressing the behaviour through self-management or local action**

**Self-management**

If a complainant believes they are experiencing sexual harassment and related conduct or have witnessed sexual harassment and related conduct, and feels comfortable to do so, they may take steps to deal with the behaviour themselves. This may include talking directly to the other person, drawing attention to the specific behaviour, and asking the person to stop.

Where a complainant chooses to deal with the behaviour directly, the complainant should keep a record of what happened, when and where it happened, who was involved and anything else that believe may be important. This record will be relevant should the behaviour continue, and the employee proceeds with any of the options outlined below.

**Local action**

A complainant may seek the support of their manager or any other appropriate person within [Organisation] in dealing with the behaviour. This may include asking a person to be present during a conversation with the respondent, to facilitate the conversation, or asking them to speak with the other person on their behalf. A complainant may seek support from a senior manager rather than their direct manager if this is a more appropriate support option.

While the complainant may ask the manager to only deal with the behaviour through local action, managers have an obligation to deal with any wrongdoing they are made aware of. In some cases, further action may be required, even where the complainant has stated they do not want any further action to be taken. This may be the case in situations where the behaviour can be classified as a work health and safety risk or warrants consideration of disciplinary action. The manager will work with the complainant to take their views into account and keep communicating with them if further action needs to be taken.

**Making an individual employee grievance (available to employees only)**

Where an employee isn’t comfortable dealing with the behaviour directly or with the assistance of another person, they may choose to submit an individual employee grievance.

An employee who submits a grievance, will be given the opportunity to identify the resolution they consider appropriate. [Organisation] will consider this in deciding how to best manage and resolve the concerns. This may involve less formal outcomes, such as the other person being spoken to about stopping the behaviour or other appropriate management action. Where possible, [Organisation] will explain its reasons if it does not handle or resolve the matter in the way the complainant requested.

As outlined in clause 10.6 of the directive [update to link to new directive], an employee who lodges an individual employee grievance for sexual harassment and related conduct matters, writes directly to the chief executive or the relevant delegate of the department. The employee is not required to have attempted to resolve the matter in any way in the first instance.

For matters involving alleged conduct by senior leaders within the organisation, an individual employee grievance is to be made directly to the chief executive of the organisation. For matters involving alleged conduct by the chief executive of the organisation, an individual employee grievance can be made to the Public Sector Commissioner, in accordance with clause 10 of [Directive 11/20: Individual employee grievances](https://www.forgov.qld.gov.au/pay-benefits-and-policy/directives-policies-circulars-and-guidelines/individual-employee-grievances-directive-1120). For all matters involving senior leaders, [Organisation] will provide additional support to the employee who submitted the grievance as required.

[Organisation] will consult with the employee on how they wish the matter to be resolved, including whether their complaint could constitute a public interest disclosure under the PID Act or corrupt conduct under the CC Act and provide a decision about the grievance within 14 days of receiving it.

[Include any other agency specific reporting options, including options to lodge anonymously, through WHS reporting mechanisms or similar].

**External pathways**

As outlined by the directive, a complainant may also choose to lodge concerns about sexual harassment and related conduct to external organisations.

External organisations that are responsible for sexual harassment and related conduct complaints are:

* The Queensland Industrial Relations Commission (QIRC)
* The Queensland Human Rights Commission (QHRC)
* Crime and Corruption Commission (CCC)
* Work Health and Safety Queensland (WHSQ)
* Optional, Queensland Police Service (where the conduct, such as sexual assault could or does constitute a criminal offence).

Complainants may:

* lodge an [industrial dispute](https://www.qirc.qld.gov.au/industrial-matters) with the QIRC (employees only)
* make a complaint to the QHRC about [sexual harassment](https://www.qhrc.qld.gov.au/your-rights/sexual-harassment) or related acts of victimisation within the relevant timeframes prescribed
* if a complaint is made to the QHRC, employees may apply to the QIRC for an order, if required, to protect an employee’s [interests](https://www.qirc.qld.gov.au/anti-discrimination-and-bullying)
* ask the [QIRC](https://www.qirc.qld.gov.au/anti-discrimination-and-bullying) for help if the QHRC can’t resolve your complaint or the QHRC hasn’t actioned your complaint after 6 months
* raise the concerns under the work health and safety framework externally to WHSQ.

# Responding to incidents of sexual harassment and related conduct

When a worker experiences, witnesses and/or reports alleged sexual harassment and related conduct, [Organisation] will ensure the worker is supported using trauma-informed and person-centred approaches and their wishes are considered when deciding how to manage the issue. [Organisation] will respect the worker’s wishes and best interests as far as possible, however it may not solely determine the organisation’s response or the outcome.

Reported allegations of sexual harassment and related conduct will be taken seriously, with a focus on supporting the complainant. [Organisation] may take interim action to ensure the ongoing health and safety of all workers. Any actions taken will be supportive and sensitive. [Organisation] will make every effort to ensure the safety of the complainant in the workplace. Where possible, [Organisation] will relocate the alleged respondent before relocating the complainant, unless the complainant requests different safety measures.

Throughout the course of resolving the issues, [Organisation] will communicate regularly with the complainant and their union, if they advise they are represented by a union.

**Possible outcomes**

Where issues cannot be dealt with informally, more formal options, such as an investigation or possible discipline action, will be considered.

**Consequences for responsible workers**

As outlined in clause 11 of the directive where allegations of sexual harassment and related conduct are substantiated, the chief executive will take action that is consistent and proportionate for the allegations that are substantiated. The possible outcomes will also depend on whether an informal resolution or a formal grievance was preferred by the complainant. The directive lists possible outcomes for the responsible persons, including action that may result if serious allegations of sexual harassment and related conduct are substantiated.

**Confidentiality and disclosure**

The details surrounding sexual harassment and related conduct issues will be kept confidential. Only those who are involved in resolving or preventing further incidents should be made aware of the complaint and response.

On occasion, a complainant may ask to limit who is aware of the information about alleged sexual harassment and related conduct. This may not always be possible, particularly when:

* the issues are serious
* involve a senior leader in the organisation
* there are safety risks to others
* [Organisation] has a legislated obligation to report the alleged sexual harassment and related conduct to another entity.

**Outcome advice**

[Organisation] recognises the positive impact on complainants when the outcome of grievance processes is known. Trauma-informed and person-centred approaches encourage transparency in the action taken to address complainants’ concerns.

The directive requires organisations to advise a complainant of the outcome of a grievance process. [Organisation] leaders will be transparent with complainants about actions/outcomes taken in processes that follow informal resolution.

Complainants can request advice on the outcome of management action taken and the outcome of any discipline process arising from the grievance. [Organisation] will provide this information and the complainant must keep it confidential. However, the complainant may disclose it:

* if required by law
* to an immediate family member, support person, union representative or confidential counsellor, provided that any such person agrees to keep the information confidential.

# Monitoring, evaluation and transparency

[Organisation] will collect, use and where appropriate report on data about sexual harassment and related conduct to understand the nature and extent of this within the organisation, inform prevention and response actions, assist in education initiatives and support positive change within the organisation.

The use of data will be done so in a way that protects the privacy, confidentiality and anonymity of workers. There is no obligation for workers to provide data about sexual harassment and related conduct if they do not want to.

# Definitions

Unless otherwise defined, the terms in this policy have the meaning set out in the *Public Sector Act 2022* and [Preventing and responding to sexual harassment and related conduct at work (Directive 02/25)](https://www.forgov.qld.gov.au/pay-benefits-and-policy/directives-policies-circulars-and-guidelines/preventing-and-responding-to-sexual-harassment-and-related-conduct-at-work-directive-0225).

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| **Corrupt conduct** | In the context of sexual harassment and related conduct, section 15 of the *Crime and Corruption Act 2001* defines corrupt conduct as conduct by anyone that adversely affects the performance of functions or exercise of powers of an individual or department and results in the performance of functions or the exercise of power that:   * is not honest or impartial * knowingly or recklessly breaches trust placed in a person holding an appointment * involves a misuse of information or material acquired in connection with work * If proved, it would be a criminal offence, or a result in a disciplinary breach providing reasonable grounds for terminating a person’s services.   Corrupt conduct also involves specific types of conduct that impairs, or could impair, public confidence in public administration.  For example, sexual harassment and related conduct committed by a senior departmental official may be corrupt conduct if it adversely affects the exercise of powers of the individual, knowingly breaches trust placed in a person holding an appointment and is a criminal offence**.** |
| **Gender-informed support** | In the context of sexual harassment and related conduct, a gender-informed approach recognises that sexual harassment and trauma are shaped by gender stereotypes and inequities including gender related factors such as roles, relationships, attitudes, power imbalances and identities, and that systems and support need to be inclusive and tailored to individual needs. |
| **Other persons connected to work** | Other persons connected to work are persons who are not workers and may include clients, customers or visitors. |
| **Person-centred approach** | A person-centred approach to preventing and responding to sexual harassment and related conduct involves the individual being at the centre of decision-making and having control, as much as possible, over the actions/services they receive. |
| **Public Interest Disclosure** | Chapter 2 of the *Public Interest Disclosure Act 2010* (PID Act) defines a public interest disclosure as the disclosure, in the public interest, of information about wrongdoing in the public sector.  This can include information about:   * a substantial and specific danger to the health and safety of a person with a disability * an offence or contravention of legislation that would cause a substantial and specific danger to the environment * reprisal because of a belief that a person has made or intends to make a public interest disclosure * corrupt conduct * maladministration that adversely affects a person’s interest in a substantial and specific way * a substantial and specific danger to public health or safety * a substantial and specific danger to the environment. |
| **Trauma- informed support** | Trauma-informed support recognises and acknowledges the impact of distress experienced by an employee and focuses on an understanding of the elements necessary to support the employee’s recovery.  Source: [AHRC Guiding principles: Person-centred and trauma-informed approaches to safe and respectful workplaces](https://humanrights.gov.au/sites/default/files/factsheet_-_person-centred_and_trauma-informed_approaches_to_safe_and_respectful_workplaces_0_0_0.pdf) |

# Document control

[Insert position/team] is responsible for this policy. To provide feedback on this policy please contact [insert email address].

This policy will be reviewed [insert timeframe e.g. annually].

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| **Date** | **Revision** | **Approval** |
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