



Procedure

Preventing and responding to sexual harassment and related conduct at work procedure

Version: 2.0 | **Version effective:** 09/08/2025

Audience

Department-wide

Purpose

This procedure outlines the responsibilities and process to prevent, report and respond to sexual harassment and related conduct at work.

Overview

All workers have responsibilities to prevent, report and respond to sexual harassment and related conduct at work. A worker may choose the pathway to report alleged sexual harassment and related conduct and provide input into how they would like the matter resolved. The Director-General, delegates and managers must take appropriate action to address the matter and ensure the workplace is safe. This procedure should be read in conjunction with the process outlined in the relevant pathway.

This procedure supports the department's [Preventing and responding to sexual harassment and related conduct at work policy](#) (the policy) and requirements under the Public Sector Commission [Directive 02/25: Preventing and responding to sexual harassment and related conduct at work](#) (the directive).

Responsibilities

Workers

- treat each other with respect and dignity at work
- understand the behaviours that constitute sexual harassment and related conduct
- comply with the policy and this procedure, including the minimum standards of behaviour outlined in:
 - the directive
 - the Managing the risk of psychosocial hazards at work Code of Practice 2022 ([Code of Practice](#))

- the Code of conduct for the Queensland public service ([Code of Conduct](#))
- the department's [Standard of Practice](#)

Employees

- in addition to the responsibilities above, also have responsibilities to:
 - undertake leadership or employee training (unless an exemption applies)
 - comply with [Chapter 2](#), Equity, diversity, respect and inclusion, of the [Public Sector Act 2022 \(Qld\)](#) (PS Act)
 - act and make decisions in a way that is compatible with human rights and consider human rights when making a decision, in accordance with the [Human Rights Act 2019 \(Qld\)](#) (HR Act).

Director-General, delegates and managers

- in addition to all the responsibilities above, have further responsibilities when applying and making decisions under the PS Act, the directive, this policy and the procedure:
 - ensuring a worker who experiences, witnesses or reports sexual harassment and related conduct is safe and does not experience victimisation, reprisal action or adverse action as a consequence of making a report
 - providing person-centred support and advice
 - taking appropriate action to ensure reported conduct is addressed
 - considering individual employee grievances regarding an allegation of sexual harassment and related conduct
 - taking action that is consistent and proportionate for allegations that are substantiated.

Process

1. Reporting sexual harassment and related conduct at work

Workers who experience or witness sexual harassment and related conduct at work may choose an appropriate internal or external pathway to address, or report, their concerns.

Type of worker	Internal pathways	External pathways
All workers	<ul style="list-style-type: none"> • addressing the behaviour through self-management and keeping a record of the relevant details • seeking the support of their manager, or another appropriate person within their line management, to address the behaviour through local action 	<ul style="list-style-type: none"> • reporting a hazard to Workplace Health and Safety Queensland • reporting corrupt conduct to the Crime and Corruption Commission • reporting a complaint to the Queensland Ombudsman • lodging a complaint to the Queensland Human Rights Commission (QHRC), in

Type of worker	Internal pathways	External pathways
	<ul style="list-style-type: none"> reporting a hazard via MyHR Workplace Health and Safety (DoE employees only), or via a health and safety representative or manager reporting suspected misconduct, corrupt conduct or a public interest disclosure to the department (DoE employees only). 	<p>relation to alleged sexual harassment, within the relevant timeframes prescribed, including</p> <ul style="list-style-type: none"> asking the Queensland Industrial Relations Commission (QIRC), for help if the QHRC cannot resolve the worker's complaint or the QHRC has not actioned the worker's complaint after 6 months applying to the QIRC for an order, if required, to protect a complainant's interests. making a criminal complaint to the Queensland Police Service if there is any concern that the harassment could be a criminal offence
Additional pathways for employees only	<ul style="list-style-type: none"> lodging a grievance regarding the conduct or behaviour of an employee, agent or contractor under the Individual employee grievances procedure. lodging a Stage 3 grievance under section 7.2 of their modern award 	<ul style="list-style-type: none"> submitting a grievance to the Public Sector Commission Chief Executive about the conduct or behaviour of the Director-General under the Individual employee grievances procedure. lodging an industrial dispute with the QIRC

Workers must report concerns of harm, or risk of harm, to a student or child in accordance with the process outlined in the [student protection procedure](#).

Other persons connected to work should report concerns via the [customer complaints management framework](#) or, for allegations of student harm, the [student protection procedure](#).

2. Responding to reports of sexual harassment or related conduct at work

Workers who report experiencing and/or witnessing sexual harassment and related conduct, may access information and support from:

- a [Workplace Sexual Harassment Contact Officer](#) (DoE employees only)
- a [regional HR team](#) (DoE employees only)
- the department's [Employee Assistance Program](#) (DoE employees only)
- a union representative.

The Director-General, delegate or manager, will:

- take appropriate action to ensure the workplace is safe
- offer support options and access to support that is guided by the principles of trauma-informed and gender informed support, fit for purpose, operationally sustainable and maintains a respectful and inclusive workplace
- promote cultural safety when responding to sexual harassment and related conduct at work which involves Aboriginal peoples and Torres Strait Islander peoples by:
 - ensuring that a person involved in the response or management of a concern has cultural learning experience and access to appropriate cultural resources
 - enquiring with Aboriginal people and Torres Strait Islander people to better understand cultural considerations for people involved with a concern, complaint or grievance
 - ensuring culturally appropriate support and communication during the process
 - considering any elements of conscious and unconscious bias that may impact reporting, including the use of mitigation strategies
 - considering cultural rights under [section 28 of the HR Act](#).
- provide relevant information by:
 - advising the worker of the protections from adverse action being taken against them for exercising their workplace right in making a report; and
 - advising the worker of their rights and obligations under the [Public Interest Disclosure Act 2010 \(Qld\)](#) and [Crime and Corruption Act 2001 \(Qld\)](#) including to reprisal action (if a public interest disclosure was made), where relevant.
- consider the preferences provided by the worker who experienced and/or witnessed the alleged conduct, when determining how to proceed. However, the worker's preferences may not solely determine the response or the outcome. Where the views of the worker are unable to be met, the reasons will be explained
- appropriately consult workers who experience and/or witness the alleged conduct about their workplace options and do not relocate them from their usual workplace, unless the worker requests to be relocated, or, after all other options have been explored, relocation is the only acceptable means of ensuring the safety of the worker
- where an employee advises they are represented by a union, include the union in correspondence about the management of the matter
- treat the worker who is the subject of the allegation/s with respect, support them in the workplace (where practicable), provide access to advice on their rights, support options and union representation, as well as procedural fairness throughout any process, for example a management enquiry or formal investigation
- consider human rights and document the assessment of whether the action taken in response to allegations of sexual harassment and related conduct engages or limits any human rights by examining the following questions:
 - Are any human rights engaged or impacted by the action?
 - If so, will the action limit those human rights?

- If so, is the limitation lawful, justified and reasonable in the circumstances?
- save the [assessment of human rights considerations](#) (DoE employees only) in the department's records management system.

The Director-General, delegate or manager, in dealing with the outcome of sexual harassment and related conduct reports, will, where allegations of sexual harassment and related conduct are substantiated, take action that is consistent and proportionate.

Possible outcomes include, but are not limited to:

- an apology
- agreement on protocols to manage the relationship/s in the future
- a change to working hours, locations or duties
- refresher sexual harassment and related conduct awareness and prevention training
- coaching or performance counselling
- disciplinary action (e.g. reprimand, reduction in classification level or dismissal).

The Director-General, delegate or manager:

- must provide advice on the outcome of the management action taken or discipline process arising from the complaint or grievance, if requested by the employee. The employee must keep this information confidential, unless disclosure is required by law. However, the employee may disclose the information to an immediate family member, support person, union representative or confidential counsellor, provided that any such person agrees to keep the information confidential
- determine whether to approve, or otherwise, an employee's request for an exemption from related leadership and/or employee training where it may genuinely negatively impact the employee's wellbeing.

Definitions

The terms in this procedure have the meaning set out in the PS Act, directive and relevant legislation.

Term	Definition
Delegate	As provided in the Human resources delegation manual (DoE employees only).
Employee	A person employed by the department, including permanent, temporary and casual employees, officers and the chief executive. For the full definition see section 12 of the PS Act.
Gender-informed	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.

Term	Definition
Person-centred	Involves the individual being at the centre of decision-making and having control, as much as possible, over the actions/services they receive.
Related conduct	Is the collective term for harassment on the basis of sex, conduct creating a work environment that is hostile on the basis of sex, and related acts of victimisation (including victimisation related to sexual harassment) in the Queensland public sector.
Self-management	The term used to describe action by a worker who has experienced or witnessed sexual harassment or related conduct at work. The worker may take steps to deal with the behaviour themselves, if they feel safe to do so. This may include talking directly to the other person, drawing attention to the specific behaviour, and asking the person to stop.
Sexual harassment	<p>Happens if a person:</p> <ul style="list-style-type: none"> • (a) subjects another person to an unsolicited act of physical intimacy. For example: physical contact such as patting, pinching or touching in a sexual way, or unnecessary familiarity such as deliberately brushing against a person • (b) makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person. For example: sexual propositions • (c) makes a remark with sexual connotations relating to the other person. For example: unwelcome and uncalled for remarks or insinuations about a person's sex or private life, or suggestive comments about a person's appearance or body • (d) engages in any other unwelcome conduct of a sexual nature in relation to the other person. For example: offensive telephone calls, or indecent exposure • (e) and the person engaging in the conduct described in paragraphs above does so: <ul style="list-style-type: none"> ○ (i) with the intention of offending, humiliating, or intimidating the other person, or ○ (ii) in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated, or intimidated by the conduct. <p>The circumstances that are relevant in determining whether a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct include:</p>

Term	Definition
	<ul style="list-style-type: none"> • (a) the sex, age or race of the other person; and • (b) the age of the other person; and • (c) the race of the other person; and • (d) any impairment that the other person has; and • (e) the relationship between the other person and the person engaging in the conduct; and • (f) any other circumstance of the other person. <p>Sexual harassment and related conduct can be directed at a person or group of people and be carried out by one or more persons.</p>
Trauma-informed	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.
Worker	<p>A person who carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ul style="list-style-type: none"> • (a) an employee; or • (b) a contractor or subcontractor; or • (c) an employee of a contractor or subcontractor; or • (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or • (e) an outworker; or • (f) an apprentice or trainee; or • (g) a student gaining work experience; or • (h) a volunteer; or • (i) a person of a prescribed class.

Legislation

- [Human Rights Act 2019 \(Qld\)](#)
- [Preventing and responding to sexual harassment and related conduct at work \(Directive 02/25\)](#)
- [Public Sector Act 2022 \(Qld\)](#)

Delegations/Authorisations

- [HR Delegations Manual](#) (DoE employees only)

Policies and procedures in this group

- [Preventing and responding to sexual harassment and related conduct at work policy](#)

Supporting information for this procedure

- Nil

Other resources

- [OnePortal Harassment](#) (DoE employees only)
- External support may be available through:
 - 1800Respect
 - 13 YARN – 13 92 76 (for Aboriginal workers and Torres Strait Islander workers)
 - Lifeline – 13 11 14
 - QLife – 1800 184 527 (anonymous and free LGBTIQ+ peer support)

Contact

For further information about preventing, responding to or managing reports of sexual harassment and related conduct, please contact [HR Support](#) (DoE employees only).

For further information about this policy, please contact WorkforcePolicy@qed.qld.gov.au.

Review date

9/08/2028

Superseded versions

Previous seven years shown. Minor version updates not included.

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