



Procedure

Preventing and responding to workplace sexual harassment procedure

Version: 1.0 | **Version effective:** 22/01/2024

Audience

Department-wide

Purpose

This procedure outlines the responsibilities and processes for preventing, responding to, and managing sexual harassment across the Department of Education (department).

Overview

This procedure supports the department's duty to provide a safe, respectful and inclusive workplace free of sexual harassment and discrimination, as set out in the [Preventing and responding to workplace sexual harassment policy](#).

Employees have a number of pathways available to report sexual harassment. At each step, the department supports a person-centred approach to managing and resolving sexual harassment issues, and prioritises the care and support of impacted employees.

Sexual harassment is defined under [section 119](#) of the *Anti-Discrimination Act 1991 (AD Act)*. Sexual harassment happens if a person:

- 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), or
- makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person (for example, sexual propositions), or
- 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), or
- engages in any other unwelcome conduct of a sexual nature in relation to the other person (for example, offensive telephone calls or indecent exposure).

And the person engaging in the conduct described above does so:

Uncontrolled copy. Refer to the Department of Education Policy and Procedure Register at <https://ppr.qed.qld.gov.au/pp/preventing-and-responding-to-workplace-sexual-harassment-procedure> to ensure you have the most current version of this document.

- with the intention of offending, humiliating, or intimidating the other person, or
- in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated, or intimidated by the conduct.

Sexual harassment is a psychosocial hazard as outlined in the [Managing the risk of psychosocial hazards at work: Code of Practice 2022](#) (Code of Practice). It can cause psychological and physical harm. Sexual harassment may be obvious or subtle, physical or verbal. It may also occur through different mediums such as text messaging, face-to-face, email or social media. Sexual harassment can also be a behaviour that, while not directed at a particular person, affects someone who is exposed to it or witnesses it (for example, overhearing a conversation or seeing sexually explicit images in the workplace).

Sexual harassment behaviour does not have to be repeated or continuous to be against the law. A single act can be unlawful and where substantiated, may be a criminal offence.

Sexual harassment is not sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated.

Responsibilities

As there are multiple avenues for preventing, reporting and responding to sexual harassment, the person responsible for making decisions may be different in each scenario. Specific responsibilities are outlined below.

Employees will:

- model the Code of Conduct for the Queensland Public Service ([Code of Conduct](#)) and the [Queensland Government's values](#), including behaving in a way that promotes safe, respectful and inclusive workplaces free from sexual harassment and discrimination
- comply with this procedure and follow reasonable instructions and procedures to prevent and respond to allegations of sexual harassment
- be familiar with the available workplace support options and specialist referral services
- offer support to sensitively communicate with colleagues who have experienced sexual harassment, maintain their confidentiality and encourage them to seek assistance
- report sexual harassment through the channels outlined within this procedure
- support those who have experienced sexual harassment to report it through the channels outlined within this procedure
- comply with the responsibilities outlined above, as well as confidentiality requirements and follow all reasonable instructions if a participant in a grievance relating to alleged workplace sexual harassment.

Managers and supervisors will:

- inform employees about unacceptable behaviours that enable or condone sexual harassment
- 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 seriously and take immediate, appropriate and proportionate action when responding
- consider the severity of the reported behaviour, the wishes of the person who reported the alleged behaviour, and demonstrate respect and support for employees who report alleged sexual harassment
- ensure employees who report alleged sexual harassment, lodge grievances or witness sexual harassment are not victimised or discriminated against
- ensure employees who report alleged workplace sexual harassment are advised of their rights and obligations under the [Public Interest Disclosure Act 2010](#) (PID Act) and [Crime and Corruption Act 2001 \(Qld\)](#)
- seek advice and support for the management of complex or serious matters from areas such as Human Resources
- promote and implement this procedure and the [Preventing and responding to workplace sexual harassment policy](#) within their work area and within the team.

The Director-General will ensure appropriate systems and processes are in place to:

- provide and maintain safe and inclusive workplaces that protect the health and safety of employees
- support leaders and managers to take appropriate and proportionate action when responding to reports of alleged sexual harassment
- identify the risk of sexual harassment associated with the department's operations and workforce context
- consult with employees and their representatives about sexual harassment related health and safety issues such as through health, safety and wellbeing committees or consultative committees
- address sexual harassment risk through the use of appropriate resources and control measures (for example, training)
- ensure employees who report alleged workplace sexual harassment are advised of their rights and obligations under the PID Act and CC Act
- support person-centred practices and prioritise the care and support of impacted employees in the department's approach to resolving sexual harassment issues.

Human resources (HR) branch will:

- support impacted employees and ensure they have had input into their preferred way for issues to be managed
- promote this procedure, the [Preventing and responding to workplace sexual harassment policy](#) and related resources to support:
 - employees who report alleged sexual harassment (the complainant)
 - managers or supervisors managing sexual harassment matters
 - employees who have been named in an allegation of sexual harassment (the respondent)
- provide guidance and support to managers or supervisors managing sexual harassment matters on options to resolve issues
- ensure appropriate internal and external support avenues are available to employees:

- who report alleged sexual harassment
- identified as respondents to alleged sexual harassment
- ensure that any response to sexual harassment is managed in line with [Directive 12/23: Preventing and responding to sexual harassment](#) (directive), [Directive 17/20: Workplace investigations](#), [Directive 11/20: Individual employee grievances](#) and is in accordance with the principles in the department's Preventing and responding to workplace sexual harassment policy.

Process

1. Preventing sexual harassment

Preventing sexual harassment is everyone's responsibility. All employees must support the department's commitment to building and maintaining a positive workplace culture, free of sexual harassment and discrimination and promoting gender equality. This is part of our positive duty under the [Work Health Safety Act 2011 \(Qld\)](#) and the [AD Act](#).

All employees must model the [Code of Conduct](#) and the [Queensland Government's values](#), including behaving in a way that promotes safe, respectful and inclusive workplaces free from sexual harassment and discrimination.

Employees can raise concerns and ideas about the department's approach to preventing sexual harassment with their local Workplace Health and Safety Committee, either directly or through their manager or supervisor.

Managers, supervisors and above must support the department's systematic approach to preventing sexual harassment by:

- using local risk management practices to identify and address sexual harassment risks
- highlighting positive workplace culture when inducting employees, and regularly thereafter providing advice, modelling behaviour, and promoting available training
- monitoring the workplace to ensure acceptable standards of conduct.

From 1 July 2024, education and training in preventing sexual harassment and maintaining respectful workplaces will be in place for all employees. Additional training will commence for leaders, HR practitioners, Integrity employees and contact officers.

More information on the department's sexual harassment prevention activities will be available on OnePortal (DoE employees only) from 1 July 2024.

2. Reporting incidents of sexual harassment

An employee may report witnessing or experiencing an incident of sexual harassment.

There are internal and external avenues open to employees who are considering action about workplace sexual harassment. More than one option may be chosen if reporting sexual harassment.

Options available to an employee are:

- addressing the behaviour through self-management or local action
- making an individual employee grievance

- external pathways.

The employee's choice of action to address the behaviour will depend on each individual circumstance.

Internal pathways

Addressing the behaviour through self-management or local action

Self-management

If a complainant believes they are experiencing sexual harassment or have witnessed sexual harassment, 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, when and where it happened
- who was involved
- anything else that may be important.

This record will be relevant should the behaviour continue and the employee proceeds with an alternative management option.

Local action

A complainant may seek the support of their manager or any other appropriate person within the department in dealing with the behaviour. A complainant may seek support from a senior manager rather than their direct manager if this is a more appropriate support option.

This support may include the complainant asking a person to:

- be present during a conversation with the respondent
- facilitate the conversation
- speak with the other person on their behalf.

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 requires disciplinary action to be taken. 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

As outlined in section 10.3 of the [directive](#), where the complainant isn't comfortable dealing with the behaviour directly or with the assistance of another person, they may choose to make an [individual employee grievance](#). Under this process, a complainant:

- can make an individual employee grievance by completing a [grievance submission form](#)
- is not required to have attempted to resolve the matter in any way in the first instance
- will be given the opportunity to identify the resolution they consider appropriate.

The full process steps are set out in the [Individual employee grievances procedure](#). However, all parties must note that sexual harassment grievances have a shorter mandated timeframe for initial decision, with the responsible officer to provide a decision within 14 days of receiving the complaint (rather than 28).

The responsible officer will consult with the complainant on how they wish the matter to be resolved. Resolution decisions may include:

- whether the complaint could constitute a public interest disclosure under the PID Act or corrupt conduct under the CC Act
- less formal outcomes, such as the responsible officer taking action to stop the alleged behaviour, or other appropriate management action.

Where possible, the responsible officer will explain reasons for not handling or resolving the matter in the way the complainant requested.

Throughout the course of resolving a complaint, if an employee advises they are represented by their union, the responsible officer must communicate regularly with the complainant and their union representative.

Initiating a modern award grievance

An employee may choose to initiate the grievance procedures set out in the relevant [modern award](#), and must follow the process outlined in the award.

An employee may choose to start the grievance process by writing directly to the Assistant Director-General, Human Resources (Stage 3), as the responsible officer for resolving award grievances.

In all cases, the responsible officer will consult with the complainant on how they wish the matter to be resolved, and consider these preferences when determining how to proceed with the grievance. Where the views of the complainant are unable to be met, the responsible officer will explain their reasons to the complainant.

External pathways

Lodging concerns to an external organisations

A complainant may choose to lodge a concern about sexual harassment to an external organisation, and does not have to go through internal processes before taking this step. The complainant may:

- lodge an [industrial dispute](#) with the Queensland Industrial Relations Commission (QIRC)
- make a complaint to the Queensland Human Rights Commission (QHRC) about [sexual harassment](#) (within 12 months of the alleged conduct occurring)
- [lodge a complaint](#) with the Crime and Corruption Commission (CCC)
- make a [report to the Queensland Police Service](#) (where the conduct, such as sexual assault could or does constitute a criminal offence)
- apply to the QIRC for an order to protect an employee's [interests](#)
- ask the [QIRC](#) for help if the QHRC can't resolve the complaint or the QHRC hasn't actioned the complaint after 6 months.

3. Responding to incidents of sexual harassment

When an employee reports alleged sexual harassment, the responsible officer responding to an incident of sexual harassment will:

- ensure the employee is supported and their wishes are considered when deciding about how to manage the issue
- respect the employee's wishes and best interests as far as possible, however it may not solely determine the organisation's response or the outcome
- take the allegations seriously, with a focus on supporting the employee
- take actions that are supportive and sensitive
- make every effort to ensure the safety of the complainant
- where possible, relocate the alleged respondent before relocating the complainant, unless the complainant requests different safety measures
- communicate regularly with the complainant, and their union representative if involved, through the course of resolving the issues.

The responsible officer may take interim action to ensure the ongoing health and safety of all employees.

The responsible officer will inform all parties of the process and any rights and obligations that may apply. An estimation of how long the process may take will be provided, along with information on what to expect during and at the end of the process, including rights of appeal and review. Should the process be delayed for any reason, the responsible officer will advise all parties of the delay and when the process is expected to resume.

Reasons for actions that have been taken or not taken will also be explained to all parties wherever possible, so that the process and outcome is transparent.

The responsible officer responding to an incident of sexual harassment should keep records of:

- who made the report
- when was the report made
- who the report was made to
- details of the issue reported
- action taken to respond to the issue
- any further action that is/was required – what, when and by whom.

Confidentiality and disclosure

The responsible officer must ensure that the details surrounding sexual harassment issues are kept confidential and that only those who are involved in resolving or preventing further incidents should be made aware of the complaint and response.

A complainant may ask to limit who is aware of the information about alleged sexual harassment. This may not always be possible, particularly when:

- the issues are serious

- it involves a senior leader in the organisation
- there are safety risks to others
- the department has a legislated obligation to report the alleged sexual harassment to another entity.

Support options

The responsible officer responding to an incident of sexual harassment must inform complainants of their rights and options to report concerns formally or informally with the department, or through external pathways. The responsible officer must provide support and regular communication throughout any resolution or investigation process.

The department's contact officers, HR team members and the Employee Assistance Program (EAP) [TELUS Health](#) are available to all employees. The EAP offers free and confidential support services through face-to-face, telephone and online counselling. This service is also available to an employee's immediate family members.

A support person may be present throughout a process and can be a Health and Safety Representative, union representative or work colleague.

The EAP can also provide advice and support to managers through the manager hotline service.

4. Resolution

Possible outcomes

Where issues can't be dealt with informally, the responsible officer will consider an investigation or possible disciplinary action.

Consequences for responsible employees

As outlined in section 11 of the [directive](#), where allegations of sexual harassment are substantiated, the responsible officer 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.

Possible outcomes, including action that may result if serious allegations of sexual harassment are substantiated, include:

- disciplinary action, for example, reprimand, demotion or dismissal
- a change to working hours or locations
- an apology
- agreement on protocols to manage the relationship in the future
- refresher sexual harassment awareness and prevention training
- coaching or performance counselling.

Outcome advice

The department will advise a complainant of the outcome of a grievance process.

The complainant can request advice on the outcome of management action taken and the outcome of any discipline process arising from the grievance. The responsible officer 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.

Definitions

Term	Definition
Modern award	<p>Modern awards are a type of industrial instrument which cover the minimum conditions of employment for a particular industry or occupation. They are legally enforceable documents. Modern awards applying to the department include:</p> <ul style="list-style-type: none"> • General Employees (Queensland Government Departments) and Other Employees Award – State 2015 • Queensland Public Service Officers and Other Employees Award – State 2015 • Teaching in State Education Award – State 2016
Person-centred	A person-centred approach means placing people – the targets of sexual harassment – at the centre of any response to sexual harassment. It is about listening to, empowering and supporting people who are impacted by sexual harassment.
Positive duty	Imposes a legal obligation on employers and persons conducting a business or undertaking (or PCBU) to take proactive and meaningful action to prevent workplace sexual harassment, sex discrimination, sex-based harassment, conduct that amounts to subjecting a person to a hostile workplace environment on the ground of sex and victimisation from occurring in the workplace or in connection to work.
Responsible officer	Generally a supervisor, manager, principal or other decision maker who has authority to take specific action to prevent, report and respond to sexual harassment.
Sexual harassment	<p>Any unwelcome conduct of a sexual nature that is done either to offend, humiliate or intimidate another person, or where it is reasonable to expect the person might feel that way. It includes uninvited physical intimacy such as touching in a sexual way, uninvited sexual propositions, and remarks with sexual connotations.</p> <p>For the full definition see the 'Overview' section of this procedure, or section 119 of the Anti-Discrimination Act 1991 (Qld).</p>
Workplace	Means a place where work is carried out for the department and includes any place where an employee goes, or is likely to be, while at work.

Term	Definition
	This encompasses working from home using online collaboration tools to conduct meetings, send messages and capture group conversations.

Legislation

- [Public Sector Act 2022 \(Qld\)](#)
- [Work Health Safety Act 2011 \(Qld\)](#)
- [Anti-Discrimination Act 1991 \(Qld\)](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Industrial Relations Act 2016 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Managing the risk of psychosocial hazards at work: Code of Practice 2022](#)
- [Preventing and responding to workplace sexual harassment \(Directive 12/23\)](#)
- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Public Interest Disclosure Act 2010 \(Qld\)](#)
- [Criminal Code Act 1899 \(Qld\)](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)

Delegations/Authorisations

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

Policies and procedures in this group

- Preventing and responding to workplace sexual harassment policy

Supporting information for this procedure

- Nil

Other resources

- [Australian Human Rights Commission Act 1986 \(Cth\)](#)
- [Australian Human Rights Commission](#)
- [Department Employee Assistance Program \(EAP\)](#) (DoE employees only)
- [Code of Conduct for the Queensland Public Service](#)
- [Decision-making framework](#)

- [Diversity and inclusion policy](#)
- [Employee support person information](#)
- [How to make a complaint](#) (DoE employees only)
- [Individual employee grievances \(Directive 11/20\)](#)
- [Individual grievances policy and procedure](#)
- [Industrial Court of Queensland - Queensland Industrial Relations Commission](#)
- [Managing the risk of psychosocial hazards at work: Code of Practice 2022](#)
- [Preventing and responding to workplace sexual harassment \(Directive 12/23\)](#)
- [Queensland Government workplace sexual harassment information](#)
- [Queensland Government Public service values](#)
- [Queensland human rights commission](#)
- [Respect@work](#)
- [Safe Work Australia](#)
- [We All Belong workplace inclusion and diversity framework \(DoE employees only\)](#)
- [Workplace investigations \(Directive 17/20\)](#)

Contact

For general advice about preventing sexual harassment, please contact your regional HR Business Partnering team:

Central Queensland Region
CQRegion.HUMANRES@qed.qld.gov.au

North Queensland Region
HumanResources.NQR@qed.qld.gov.au

Central Office
HRBPCentralOffice@qed.qld.gov.au

South East Region
HR.Southeast@qed.qld.gov.au

Darling Downs South West Region
ddswregion.humanres@qed.qld.gov.au

North Coast Region
HumanResourcesCorrespondence.NCR@qed.qld.gov.au

Far North Queensland Region
HumanResources.FARNTHQLD@qed.qld.gov.au

Metropolitan Region
Metropolitan.HRSouth@qed.qld.gov.au

[For](#) advice on lodging employee grievances, please contact:

Employee Relations

Email: EmployeeRelations.HUMANRES@qed.qld.gov.au

Review date

22/01/2026

Superseded versions

Previous seven years shown. Minor version updates not included.

Nil

Creative Commons licence

Attribution CC BY

Refer to the [Creative Commons Australia](https://creativecommons.org/licenses/by/4.0/) site for further information