

Policy Type	Corporate
Function	Personnel
Policy Owner	Chief Executive Officer
Policy Contact	Chief Executive Officer
Effective Date	27 May 2025

Purpose

The purpose of this policy is to outline Council's position on the prevention and elimination of sexual harassment.

Scope

This policy covers all employees of Council and all persons performing work at the direction of, in connection with, or on behalf of the Council (for example contractors, subcontractors, agents, consultants, volunteers) (collectively referred to as "workplace participants").

This policy does not form part of any employee's contract of employment. The policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

This policy covers all behaviour considered sexual harassment within and external to the workplace (including any work-related activities, functions, and events).

Exceptions

This Policy applies to all employees and contractors of Burdekin Shire Council.

Principles

The health and safety of all workplace participants is of primary importance to Council.

Sexual harassment is a risk to the health and safety of employees and contractors in the workplace. It is unacceptable and will not be tolerated by Council.

Policy Statement

Burdekin Shire Council is committed to providing a safe and healthy work environment in which all workplace participants can perform their duties and be present in the workplace without being subjected to sexual harassment.

Sexual harassment

A person sexually harasses another person if:

- they make an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- they engage in other unwelcome conduct of a sexual nature in relation to the person harassed;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated, or intimidated.

Whether behaviour is unwelcome is subjective to how the conduct in question was perceived and experienced by the recipient rather than the intention behind it.

Sexual harassment *does not* have to be repeated or ongoing.

Sexual harassment can occur to a worker, a person seeking to become a worker or a person conducting a business or undertaking. Sexual harassment applies to and can be experienced by both men and women.

‘Conduct of a sexual nature’, for the purposes of the definition of sexual harassment, includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Other examples of conduct of a sexual nature include, but is not limited to:

- unwelcome physical touching (such as brushing up against a person or unwelcome touching, hugging, cornering or kissing);
- sexual or suggestive comments, jokes or taunts;
- intrusive questions, comments or statements about a person’s private life or physical appearance;
- unwelcome requests for sex or unwanted invitations to go on dates;
- the display of sexual material or objects in the work environment (e.g. photos or pictures);
- accessing sexually explicit material;
- inappropriate advances on social networking sites (inside and outside of work hours);
- sexual reading matter (e.g. emails, faxes or letters); and
- behaviour that may also be considered to be an offence under criminal law, such as physical or sexual assault, indecent exposure, stalking or obscene communications.

What does NOT constitute sexual harassment?

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment.

Responsibilities of Burdekin Shire Council

Burdekin Shire Council has a legal responsibility to prevent and eliminate sexual harassment.

Burdekin Shire Council endeavours to:

- perform a risk assessment to identify, assess and control work hazards that may contribute to a person being sexually harassed (so far as is reasonably practicable);
- maintain and update, as necessary, the Bullying, Anti-Discrimination and Sexual Harassment Policy;
- treat all complaints seriously and take a fair, timely and appropriate approach to investigate and resolve matters relating to sexual harassment;
- consult with staff, so far as is reasonably practicable, who are (or are likely to be), directly affected by matters relating to sexual harassment (in line with consultation provisions in any relevant legislation, award or certified agreement).

Responsibilities of Management and Staff

Managers and staff play an important role in the prevention and elimination of sexual harassment in the workplace.

Managers and supervisors have a responsibility to:

- monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
- model appropriate behaviour themselves;
- promote Burdekin Shire Council’s Prevention and Elimination of Sexual Harassment Policy within their work area;
- treat all complaints seriously and take immediate action to investigate and resolve the matter;
- refer all complaints of sexual harassment to the Human Resources Coordinator or CEO;
- provide regular reminders to staff and training on sexual harassment education.

All staff have a responsibility to:

- comply with Burdekin Shire Council's Prevention and Elimination of Sexual Harassment Policy;
- offer support to anyone who is being sexually harassed and let them know where they can get help and advice (they should not, however, approach the harasser themselves);
- maintain complete confidentiality if they provide information during the investigation of a complaint. Staff should be warned that spreading gossip or rumours may expose them to disciplinary action, up to and including, termination of employment;
- Notify management if sexual harassment is witnessed.

Complaint Process

If an employee feels that they have been sexually harassed, they should not ignore it.

Burdekin Shire Council encourages employees to try to resolve the matter with the person involved in the first instance. However, Council acknowledges that employees may not always feel comfortable with this approach.

Where an employee feels they cannot address the matter directly with the person involved, or they have done so, and this has not stopped the behaviour, they can make a complaint to their Manager, Human Resources Officer, or a Director.

If an employee or contractor witnesses' sexual harassment in the workplace they should encourage the other person to speak up or seek support. Otherwise, the person witnessing the incident should also make a complaint.

All complaints will be dealt with confidentially and all participants must maintain confidentiality.

No employee or contractor will be subject to adverse actions or victimisation, as a result of making a complaint.

Employees and contractors can also make a complaint and seek remedies or orders from an external organisation, depending on the specifics of their matter. External complaints can be directed to:

- Queensland Industrial Relations Commission;
- Work Health and Safety Queensland;
- Australian Human Rights Commission; and
- the Police.

Breaches

Sexual harassment is taken very seriously by Burdekin Shire Council and will not be tolerated. Employees found in breach of this policy and to have participated or abetted sexual harassment of another employee, employee group or contractor, will be subject to disciplinary action up to and including dismissal (with or without notice). Please note that an offence under this policy may also be considered a criminal offence and reported to relevant authorities.

Risk Management

Through the completion of relevant risk assessments, Council will take steps to minimise the risk of sexual harassment through a risk management process.

The steps will include:

- identification of risk factors - these are matters and situations which could contribute to sexual harassment;
- assessment of the likelihood of sexual harassment occurring from the risk factors identified and their potential impact on workers;

- eliminating the risks, as far as reasonably practicable, or controlling, or minimising, them as far as is reasonably practicable;
- reviewing the effectiveness of the control methods put in place; and
- training workers about sexual harassment.

Legislation

Industrial Relations Act 2016 (Qld)

Work Health and Safety Act 2011 (Qld)

Local Government Act 2009 (Qld)

Australian Human Rights Commission Act 1986 (Cth)

Local Government Regulations 2012 (Qld)

Public Sector Ethics Act 1994 (Qld)

Definitions and Abbreviations

Council	Means Burdekin Shire Council
Workplace participants and/or employees	Includes Council direct employees, contractors, subcontractors, agents, consultants, and volunteers.

Related Documents

Reference Number	Document Title
HRS-POL-0001	Bullying, Anti-Discrimination and Sexual Harassment Policy
ECM 1068863	Code of Conduct for Workers
SAQ-POL-0001	Work Health and Safety Commitment Statement

Document History and Version Control

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