Sexual Harassment Prevention Policy

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Policy Owner	Human Resources
Contact Officer	Human Resources and Safety Manager

PURPOSE

Diamantina Shire Council (Council) is committed to providing a safe, respectful and inclusive workplace where workers and visitors are treated with dignity and respect.

The purpose of this policy is to establish Council's commitment to preventing and eliminating sexual harassment and to outline the responsibilities of employees, contractors, supervisors and managers (workers) in maintaining a workplace free from sexual harassment.

Council recognises that sexual harassment presents a risk to the health, safety and wellbeing of workers and will not tolerate such behaviour under any circumstances.

POLICY OBJECTIVES

To provide a workplace that is free from sexual harassment by promoting respectful behaviour, preventing inappropriate conduct, supporting early reporting and ensuring complaints are addressed fairly, promptly and confidentially.

COMMENCEMENT OF POLICY

This policy commences on adoption.
It replaces all previous Council policies, procedures and provisions relating to sexual harassment, to the extent of any inconsistency.

SCOPE

This policy applies to all work-related activities and interactions, including:

- Council workplaces and facilities
- Work-related travel

- Meetings
- Conferences
- Training and professional development activities
- Social functions and events
- Online interactions and electronic communications
- Work-related activities conducted outside normal working hours.

This policy does not form part of an employee's contract of employment and is not intended to override any applicable legislation, award, agreement or contract.

HUMAN RIGHTS COMMITMENT

Council has considered the human rights protected under the *Human Rights Act 2019* (Qld) (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

POLICY PRINCIPLES

Council is committed to:

- maintaining a workplace free from sexual harassment
- promoting respectful and professional behaviour
- taking all reasonable steps to prevent sexual harassment
- treating reports and complaints seriously
- supporting people affected by sexual harassment
- investigating complaints fairly, confidentially and in a timely manner
- protecting workers from victimisation or adverse treatment for making a complaint or participating in an investigation.

SEXUAL HARASSMENT

A person sexually harasses another person if they:

- make an unwelcome sexual advance
- make an unwelcome request for sexual favours; or
- engage in other unwelcome conduct of a sexual nature

In circumstances where a reasonable person would anticipate the possibility that the other person would feel offended, humiliated or intimidated.

Whether conduct is unwelcome is determined by how the behaviour is experienced by the recipient, not by the intention of the person engaging in the behaviour.

Sexual harassment can occur as a single incident and does not need to be repeated or ongoing.

Sexual harassment may occur between individuals of any gender and may involve employees, contractors, applicants, customers, suppliers or members of the public.

Examples of Sexual Harassment

Examples include, but are not limited to:

- unwelcome physical contact, touching, hugging, cornering or kissing
- sexual or suggestive comments, jokes or taunts
- intrusive questions about a person's private life, relationships or appearance
- unwelcome requests for dates or sexual activity
- displaying or sharing sexually explicit images, videos or materials
- sending sexually suggestive emails, messages or social media communications
- inappropriate conduct through online platforms or social networking sites
- repeated unwelcome compliments of a sexual nature
- behaviour that may also constitute a criminal offence, including sexual assault, indecent exposure, stalking or obscene communications.

What is Not Sexual Harassment

Sexual harassment does not include interactions that are mutual, consensual, welcome and reciprocated.

Appropriate management action, including performance management, counselling, training or reasonable directions given in the course of employment, does not constitute sexual harassment solely because an employee disagrees with or is upset by the action.

RESPONSIBILITIES

Council

Council has a legal responsibility to prevent and eliminate sexual harassment.
Council will:

- take reasonable steps to prevent sexual harassment
- identify and manage workplace risks that may contribute to sexual harassment
- provide information, training and awareness programs
- maintain and review this policy as required
- investigate complaints fairly and promptly
- provide appropriate support to affected persons
- consult with workers on matters relating to workplace health and safety where required.

Managers and Supervisors

Managers and supervisors must:

- model respectful behaviour
- promote awareness of this policy
- address inappropriate behaviour promptly
- treat reports and complaints seriously
- maintain confidentiality where appropriate
- escalate complaints in accordance with Council procedures
- support employees involved in a complaint process.

Workers
Workers must:

- comply with this policy
- treat others with dignity and respect
- refrain from engaging in sexual harassment
- report incidents of sexual harassment that they experience or witness
- cooperate with any investigation
- maintain confidentiality throughout any investigation process.

COMPLAINT PROCESS

Workers who believe they have experienced or witnessed sexual harassment should report the matter as soon as practicable. Where a worker witnesses sexual harassment, they should encourage the subjected person to speak up or seek support.

Where appropriate and safe to do so, individuals may advise the person that the behaviour is unwelcome and request that it stop.

Where a person does not feel comfortable addressing the behaviour directly, or where the behaviour continues, a complaint may be made to:

- their supervisor or manager
- Human Resources
- a Director
- the Chief Executive Officer.

Council will:

- treat complaints seriously
- assess complaints promptly
- maintain confidentiality as far as reasonably practicable
- provide procedural fairness to all parties
- take appropriate action based on the circumstances of the complaint.

No person will be subjected to victimisation, retaliation or adverse treatment because they have made a complaint, provided information or participated in an investigation in good faith.

Workers may also seek assistance or lodge complaints with external agencies including:

- Queensland Industrial Relations Commission
- Work Health and Safety Queensland
- Australian Human Rights Commission
- Queensland Human Rights Commission
- Queensland Police Service where appropriate.

BREACHES OF POLICY

Sexual harassment is taken very seriously and will not be tolerated.

Workers found to have breached this policy may be subject to disciplinary action, which may include:

- counselling
- training
- formal warnings
- termination of employment or engagement
- referral to external authorities where appropriate.

Conduct that constitutes a criminal offence may be reported to the relevant law enforcement agency.

SUPPORT AND WELLBEING

Council recognises that sexual harassment, and the reporting or investigation of sexual harassment, can have a significant impact on the health, wellbeing and psychological safety of those involved.

Support may be made available to:

- workers who have experienced sexual harassment
- workers who have witnessed sexual harassment
- workers involved in making, responding to or investigating a complaint
- managers and supervisors responsible for handling complaints
- any worker affected by workplace behaviours or incidents related to sexual harassment.

Council encourages workers to access available support services, including the Employee Assistance Program (EAP), where available. Dr Lisa Patterson-Kane of Changing Ways Psychology can be contacted at 0427 260 580.

The EAP provides confidential counselling and support services and may be accessed by employees and their immediate family members in accordance with Council's EAP arrangements.

Accessing support services will not affect an individual's employment, engagement or involvement in any complaint process.

Where appropriate, Council may implement additional measures to support the health, safety and wellbeing of affected workers during and following a complaint process. Such measures may include:

- wellbeing checks
- temporary changes to reporting arrangements or work locations
- leave arrangements where appropriate
- workplace adjustments to minimise further risk or distress
- referral to external support services.

Workers are encouraged to seek support as early as possible if they are impacted by sexual harassment or a related workplace matter.

DEFINITIONS

Term	Definition
Act	*Local Government Act 2009*
Council	Means Diamantina Shire Council
Regulation	*Local Government Regulation 2012*

SUPPORTING DOCUMENTATION

Legislation	*Local Government Act 2009* *Local Government Regulation 2012* *Public Sector Ethics Act 1994* *Industrial Relations Act 2016* *Work Health and Safety Act 2011* *Anti-Discrimination Act 1991* *Human Rights Act 2019*
Council Policies	Code of Conduct Workplace Health and Safety Policy Anti-Discrimination and Equal Employment Opportunity Policy Grievance Resolution Policy Disciplinary Procedure Employee Assistance Program
Council Delegations	Financial Delegations Administrative Delegation
Council Forms	Incident Reporting Forms Conflict of Interest Declaration
Supporting Documents	Corporate Plan 2026-2030

VERSION CONTROL

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1	17 August 2026	Resolution: CNL/26/203	330796