



Croydon Shire Council

Sexual and Sex or Gender-Based Harassment Policy

Document Control

Responsible Officer: Director of Corporate Services

Director Signature:

Date: 16 October 2025

Category (tick):

- ☒ **Policy** *Council resolution required*
- ☐ **Procedure** *Director of Corporate Services approval required*
- ☐ **Guideline** *Director of Corporate Services approval required*

APPROVAL DATE	HEAD POLICY #	REFERENCE NUMBER	REASON/COMMENT	NEXT REVIEW
16/10/2025	N/A	POL STRAT 31	New Policy	Oct 2027

Purpose

This policy aims to ensure the risks of sexual harassment and sex or gender-based harassment are eliminated or minimised within Croydon Shire Council work and other places covered by this policy.

It ensures compliance with the Work Health and Safety Regulation 2011, as well as other legislation, and fosters a safe, respectful, and inclusive work environment.

Scope

This policy applies to all Croydon Shire Council Workers, Councillors, Third Parties or external stakeholders.

It covers all forms of sexual harassment and sex or gender-based harassment, both at work and outside of work, in any work-related context, including but not limited to:

- Behaviour during normal work hours, whether in Council's premises or not, and
- Behaviour out of work hours including at conferences, work camps, work and client functions, office social events (including externally held social events)
- Conduct engaged in on social media (e.g., Facebook, X (Previously Twitter), Snapchat, WhatsApp, Instagram etc by a person where there is a connection with the person's engagement or employment by Council

Background

Sexual harassment and sex or gender-based harassment are significant workplace risks that can cause harm to individuals and negatively impact workplace culture, productivity, and morale.

Croydon Shire Council recognises its responsibility to create a safe and respectful workplace and is committed to implementing proactive measures to prevent harassment and support affected workers.

It is also recognised that employees may be exposed to acts of sexual and sex or gender-based harassment in the course of their work from third parties with whom they interact, such as members of the community, customers and other stakeholders. Council may be vicariously liable for this conduct unless it takes reasonable precautions to prevent it.

If Council becomes aware of alleged behaviour, which if proven, would constitute a breach of this policy, it may act to prevent the behaviour from recurring even in situations where the target or victim of the alleged behaviour has not made a complaint and/or does not wish to have the behaviour investigated.

Sexual harassment and sex or gender-based harassment can take various form – a singular incident, repeated behaviour, or conduct that is obvious or subtle. The most serious acts, such as sexual assault, may also be criminal offences.

Acts of sexual harassment include:

- Unwelcome touching or physical contact, suggestive comments or jokes, sexually offensive pictures, unwanted invitations to go on dates, requests for sex, sexually explicit emails, text messages or online interactions such as social media posts

Sex or gender-based harassment includes:

- Denying opportunities or promotions to an individual based on their gender or perceived gender, or excluding someone from social events or team building activities based on their gender or perceived gender

Harassment may come from co-workers, subordinates, supervisors or managers, or from third parties such as customers, clients, patients, students, visitors, or other businesses (for example, suppliers).

Acts of harassment may also be experienced indirectly. For example, a person may experience harassment by overhearing a conversation or witnessing harassment that is directed at someone else.

Sexual behaviour directed at workers under the age of 18 may also constitute child-based sexual offences

Legislation

This policy aligns with the following legislative instruments:

- Work Health and Safety Act 2011 (Qld)
- Work Health and Safety Regulation 2011 (Qld)
- Work Health and Safety (Sexual Harassment) Amendment Regulation 2024
- Managing the Risk of Psychosocial Hazards at Work Code of Practice 2022
- Anti-Discrimination Act 1991 (Qld)
- Human Rights Act 2019 (Qld)

Term	Definition
Employee Assistance Program (EAP)	Council's Employee Assistance program is a free and confidential service and is available to Council employees and all members of their household regardless of whether they work for Council or not.
Employee	All employees of Council, whether employed on a permanent, temporary, casual or part-time basis
Psychosocial Hazard	A psychosocial hazard is a hazard that arises from, or relates to, the design or management of work, a work environment, plant at a workplace, or workplace interactions and behaviours and may cause psychological harm, whether or not the hazard may also cause physical harm. In severe cases exposure to psychosocial hazards can lead to death by suicide.
Reasonable Person Test	A common law test that asks what a reasonable person, having access to all the facts, would consider appropriate behaviour in the given circumstances.
Contact Officer	A person who has the training and authority to take specific action to prevent, report and respond to sexual harassment.
Sexual Harassment	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.
Sex or Gender-Based Harassment	Harassment of a person on the basis of the person's sex or gender, by unwelcome conduct of a demeaning nature, where a reasonable person would have anticipated the person would be offended, humiliated or intimidated by the conduct.
Third Parties	Non council workers such as customers, clients, patients, residents, students, parents, carers, service providers, businesses (for example, suppliers), members of the public, or anyone else workers encounter at work.

Worker	A person is a Worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: • An employee; or • A contractor or subcontractor; or • An employee of a contractor or subcontractor; or • An employee of a labour hire company who has been assigned to work in the person's business or undertaking; or • An outworker; or • An apprentice or trainee; or • A student gaining work experience; or • A volunteer; or a person of a prescribed class
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Responsibilities

Chief Executive Officer (CEO)	Will ensure compliance with legal obligations and allocate resources for implementation.
Leadership Team, Managers and Supervisors	Will lead by example, enforce this policy, consult with workers, implement control measures, and respond to reports promptly whilst fostering a safe and respectful workplace culture.
Director of Corporate Services and Work Health Safety Advisor	Will consult with each other regarding these matters once aware of such matter having occurred. WHS Advisor will support workers in identifying risks, implementing control measures and ensuring workers are consulted with the prevention plan implementation and review. Both the Director of Corporate Services and the WHS Advisor will ensure promotion of this Policy and related resources to support: • Workers who report alleged sexual harassment (the complainant) • Workers managing sexual harassment matters • Workers who have been named in an allegation of sexual harassment (the respondent) • Ensure appropriate internal and external support avenues are available to workers who report alleged sexual harassment and or identified as respondents to alleged sexual harassment
Workers	Comply with the policy and any supporting procedure, attend training, report incidents of sexual harassment and sex or gender-based harassment, support a respectful and inclusive workplace and maintain confidentiality if they are involved in the complaint procedure.

Policy

Croydon Shire Council is committed to:

- Implementing written procedures and a Sexual Harassment Prevention Plan to identify risks, control measures, and procedures
- Risk management by identifying, assessing, and controlling hazards using the hierarchy of controls
- Ensures all workers are consulted and the policy is effectively communicated and understood
- Ensuring all workers are trained and educated on harassment prevention
- Providing clear reporting mechanisms and support services
- Responding to reports of sexual or sex or gender-based harassment in appropriate and proportional manner
- Protect workers and others from being victimised or discriminated against for raising issues or concerns about sexual harassment and sex or gender-based harassment
- Regularly reviewing control measures and workplace culture

Support and Advice

Internal support is available to all workers through:

- Director of Corporate Services (Human Resources) or the Work Health Safety Advisor
- Contact Officers
- Council's Employee Assistance program (EAP) which is free and confidential. This service is available to all workers, and members of their household regardless of whether they work for Council or not

External support is available to all workers through:

- WorkSafe Queensland
- Fair Work Ombudsman
- Queensland Human Rights Commission
- Mental health hotlines and crisis support services

Awareness and Training

Council will ensure all workers are aware of:

- The risks and impacts of harassment
- Reporting procedures and available support services
- Their rights and responsibilities under this policy

Council will ensure awareness and provide training through:

- Training and induction programs
- Regular consultation, toolbox talks, and internal communication
- Easy access to the prevention plan and this policy
- Regular evaluation of awareness levels via surveys and feedback mechanisms

Breach of this Policy

Breaches of this policy may result in:

- Disciplinary action, up to and including termination of employment
- Referral or reporting to external authorities if criminal conduct is suspected and or required
- Penalties under the relevant legislation

Related Documents

- Croydon Shire Council's WHS Policy
- Croydon Shire Council's Psychological Health, Safety & Wellbeing Policy
- Croydon Shire Council's Code of Conduct
- Croydon Shire Council's Preventing and Responding to Sexual and Sex or Gender-Based Harassment Procedure
- Croydon Shire Council Prevention Plan for Sexual Harassment and Sex or Gender-Based Harassment
- Croydon Shire Council's WHS Risk Management Procedure
- Croydon Shire Council's WHS Information, Training and Supervision Procedure
- Croydon Shire Council Consultation, Participation and Representation Procedure
- Managing the Risk of Sexual and Sex or Gender-Based Harassment at Work: Guide for PCBU's WHS Qld
- Sexual Harassment Fact Sheet: Qld Human Rights Commission

Document Maintenance and Review

This Policy must be reviewed:

- At least every two years or as required by Council
- Following a significant workplace change
- In consultation with workers
- Management arrangements show that application of the Policy fails to deliver the required outcomes
- There are changes in associated legislation and standards

WORKER ACKNOWLEDGEMENT

All Workers:

Please complete the declaration below.

Once signed, the page should be returned to the Director of Community Services.

SEXUAL & SEX OR GENDER-BASED HARASSMENT POLICY

I acknowledge:

- receiving the Council Policy.
- that I must comply with the Policy; and
- that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your name:

Signed:

Date:
