



Sexual Harassment

Human Resources Policy

Effective Date: July 2008

1 PURPOSE

To outline the responsibility all employees have in ensuring the workplace is free from sexual harassment.

2 APPLICATION

This policy applies to all Queensland Health employees.

3 GUIDELINES

Guidelines may be developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

4 DELEGATION

The 'delegate' is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

5 REFERENCES

- *Anti-Discrimination Act 1991*
- Queensland Health Code of Conduct
- Workplace Ethics, Conduct and Behaviour - Policy Statement

6 SUPERSEDES

- IRM 3.15-5 Sexual Harassment

7 POLICY

7.1 Queensland Health commitment to a workplace free of sexual harassment

Queensland Health is committed to providing a workplace free from sexual harassment and ensuring that employees are not subjected to treatment which is offensive or unprofessional.

Sexual harassment is recognised as a form of discrimination and is unlawful under the *Anti-Discrimination Act 1991*. This is re-enforced in the Queensland Health Code of Conduct and the Workplace Ethics, Conduct and Behaviour Policy Statement.

7.2 Sexual harassment

Sexual harassment is any form of unwanted, unwelcome or uninvited sexual behaviour intended to, or likely to degrade or humiliate another person. It can include an unwelcome sexual advance, unwelcome request for sexual favours or other

unwelcome conduct of a sexual nature. Sexual harassment may be considered to have occurred 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 can take various forms and be obvious or indirect, physical or verbal. It includes behaviour which creates a hostile or intimidating environment.

Sexual harassment does not have to be repeated or continuous to be against the law. Some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated.

Examples of sexual harassment include:

- unwelcome physical touching
- sexual or suggestive comments, jokes or innuendo
- unwelcome requests for sex
- intrusive questions about a person's private life
- the display of sexually explicit material such as posters or pictures
- unwanted invitations
- staring or leering
- sex based insults or taunts
- offensive communications, including telephone calls, letters, faxes and email
- other single incidents, such as an unwanted invitation or compliment, may not be harassment if they are not repeated.

Sexual interaction such as flirtation and attraction is not sexual harassment when it is invited, mutual, consensual or reciprocated.

7.3 Employees effected by sexual harassment

Both women and men can be the victims of sexual harassment. Sexual harassment may occur among co-workers and between managers/supervisors and subordinate employees or between employees and members of the public.

Such behaviour can cause substantial emotional distress and diminished work performance. Sexual harassment lessens the integrity of the service we provide and the image of Queensland Health as an organisation within the community.

8 APPLYING THE POLICY

8.1 Responsibilities of employees

All employees are responsible for ensuring they understand the meaning of sexual harassment and the requirements of this policy.

8.2 Responsibilities of managers and supervisors

Managers and supervisors are responsible for ensuring that professional standards of conduct are maintained in Queensland Health at all times and that sexual harassment in any form is not condoned nor tolerated.

Managers and supervisors are responsible for taking reasonable steps to educate the workforce about the appropriate and acceptable workplace behaviours and are to ensure that allegations of sexual harassment are treated sensitively and investigated and resolved satisfactorily.

Failure to take appropriate preventative steps in the workplace or to treat allegations seriously and confidentially may lead to the manager or supervisor and Queensland Health being held legally liable for the harassing behaviour.

Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure should be reported to the Queensland Police Service in consultation with the Human Resources Branch.

8.3 Managing and resolving sexual harassment complaints

Trained workplace equity and harassment officers (WEHOs) in districts and Corporate Office are available to provide advice and support to employees who allege that they have been sexually harassed. They will assist anyone with an allegation by discussing the options available to them both internal and external to Queensland Health.

Complaints may also be made through grievance processes and directly to the employee's manager (or the next level of management if the manager is alleged to have committed or condoned the sexual harassment).

Potential complainants and witnesses are entitled to protection from any action taken against them as a result of their complaint. Victimisation or reprisal by any staff involved in a case of sexual harassment can result in disciplinary action.

9 DEFINITIONS

Sexual harassment	Any form of unwanted, unwelcome or uninvited sexual behaviour intended to, or likely to degrade or humiliate another person. It can include an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature.
Criminal offences	Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure are criminal offences.

10 HISTORY

July 2008	Amended to remove Queensland Health Guidelines for Managers and Supervisors – Preventing and Resolving Sexual Harassment, which are not available.
April 2008	Developed as a result of HR Policy Framework consolidation.