Managing the risk of sexual harassment and sex or gender-based harassment at work:
Guide for PCBUs

Contents

1. Introduction

Although sexual harassment has long been identified as a risk in the workplace that must be managed, persons conducting a business or undertaking (PCBUs) have expressed uncertainty about how best to do this in a work health and safety context. On 1 September 2024, new requirements commenced for the regulation of sexual harassment and sex or gender-based harassment at work. The changes to the Work Health and Safety Regulation 2011 (WHS Regulation) now specifically require persons conducting a business or undertaking (PCBUs) to manage the risk of sexual harassment and sex or gender-based harassment at work. These changes expand on the existing requirements to manage psychosocial hazards.

From 1 March 2025, PCBUs must prepare and implement a **prevention plan** to manage identified risks to the health or safety of workers, or others, from sexual harassment and sex or gender-based harassment at work. The written plan provides a clear and familiar process to PCBUs for managing this kind of harassment in the same way that any other risk would be managed in the workplace. Importantly, the prevention plan is about proactive efforts to stop these forms of harassment, as opposed to operating as a complaints policy for managing harassment after it happens. PCBUs are required to proactively manage risks under work health and safety legislation, and a written plan helps fulfill this obligation.

2. Purpose of this guide

The purpose of this guide is to support PCBUs to understand and comply with their obligations under the WHS Regulation and the *Work Health and Safety Act 2011* (WHS Act). Further information on managing the risk of psychosocial hazards is available in the [Managing the risk of psychosocial hazards at work Code of Practice 2022](). PCBUs can use this guide to assist with meeting obligations to prepare and implement a prevention plan.

3. What is sexual harassment and sex or gender-based harassment?

Sexual harassment[1] happens if a person subjects another person to unwelcome sexual behaviour with the intention of offending, humiliating or intimidating the other person, or in circumstances where a reasonable person[2] would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Sex or gender-based harassment[3] is the harassment of a person on the basis of the person's sex or gender, by unwelcome conduct of a demeaning nature, with the intention of offending, humiliating or intimidating the person or in circumstances where a reasonable person would have anticipated the person would be offended, humiliated or intimidated by the conduct.

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[1] Defined in section 55BA(1) of the WHS Regulation.

[2] The 'reasonable person test' is a common law test that asks what a reasonable person, having access to all the facts, would consider to be appropriate.

[3] Defined in section 55BA(2) of the WHS Regulation.

Sexual harassment and sex or gender-based harassment can take various forms – 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.

Examples of harassment include:
- a caller uses offensive sexual language towards a call centre operator
- a manager makes negative comments about a worker's sexual orientation
- workers normalise inappropriate sexual jokes and innuendo as part of their accepted workplace culture
- suggestive posters displayed at a workplace
- a team of male workers make fun of their female colleague by questioning whether she is 'tough enough' for the job
- workers joke about homosexual relationships and use slurs to describe persons who identify as LGBTIQA+[4]
- a pub owner tells female workers to wear short skirts to look sexy for patrons
- a manager makes sexually suggestive comments on her male assistant's muscular physique
- a worker receives unwanted sexually explicit texts from a colleague
- a customer inappropriately touches a worker while they are being served.

4. Where can workplace sexual harassment and sex or gender-based harassment occur?

A workplace[5] is a place where work is carried out for a business or undertaking and includes any place a worker goes, or is likely to be, while at work. This means sexual harassment and sex or gender-based harassment at work can happen:
- at a worker's usual workplace
- in a place where the worker is undertaking work at a different location (such as a client's home)
- where the worker is engaging in work-related activities, such as work trips
- at work-related social activities, such as a work Christmas party
- by phone, email or online (for example, social media platforms)
- at worker accommodation (such as accommodation provided at fly-in, fly-out sites)
- in vehicles that are used for work.

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[4] LGBTIQA+ is an evolving acronym that stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning and asexual, that people use to describe their experiences of their gender, sexuality, and physiological sex characteristics.

[5] See section 8 of the WHS Act.

5. How are workers affected and who is most at risk?

Sexual harassment and sex or gender-based harassment can affect workers at all levels, across all industries[6] and can cause both short-term and longer-term harm, including:

- negatively affecting a person's job, career and finances
- decreased job satisfaction and lowered commitment to work and productivity
- emotional and cognitive reactions such as loss of confidence and self-esteem, difficulty managing emotions, irritability, anger, tearfulness, and mood swings
- physical injuries due to assault
- physical reactions such as headaches or loss of appetite and other general health and wellbeing issues
- difficulties in personal and social relationships, including with other colleagues
- illnesses such as cardiovascular disease, musculoskeletal disorders, immune deficiency and gastrointestinal disorders (for example, from stress)
- psychological injury including stress, depression, anxiety, post-traumatic stress disorder, self-harm or suicidal thoughts.

Sexual harassment and sex or gender-based harassment can also affect those who witness the behaviour. Work teams, persons supporting the affected worker, and the worker's social networks and communities may also be affected.

Almost two in five women and just over one in four men have experienced sexual harassment in the workplace, and although anyone can experience harassment, some workers are more at risk. Aboriginal and Torres Strait Islander people are more likely to have experienced workplace sexual harassment than non-Indigenous people, and women are more likely to experience harassment than men. Men are also more likely to engage in harassing behaviour than women.[7]

Workers at higher risk of experiencing harassment also include:

- workers who are new to the workforce
- young workers
- LGBTIQA+ workers
- workers who do not conform to traditional gender stereotypes
- workers with a disability
- workers from culturally and linguistically diverse backgrounds
- migrant workers
- workers holding temporary visas
- people in insecure working arrangements (for example, casual or labour hire).

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[6] The Fifth National Survey on Sexual Harassment in Australia found that one in three workers (33 per cent) experienced sexual harassment at work in the last five years: Australian Human Rights Commission Time for respect: Fifth national survey on sexual harassment in Australian workplaces (2022).

[7] Australian Human Rights Commission, Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces (2018).

Workers under 18 years

Workers who are minors (under the age of 18), may be at increased risk of sexual harassment and sex or gender-based harassment. This is because:

- Sexual harassment and sex or gender-based harassment are driven by power imbalance. Minors are likely to perceive they have less power than older workers regardless of workplace hierarchy.
- Minors are likely to have less experience recognising harassing behaviour and may have less confidence to report incidents.
- Minors learn workplace norms in their first jobs. If minors see or experience harassment in their first workplaces, they may come to believe that such behaviour is appropriate or 'normal'.

PCBUs with workers under the age of 18 should consider providing additional supervision to young staff, including training on what is acceptable workplace behaviour. PCBUs should also carefully consider the suitability of supervisors assigned to manage young workers.

Sexual behaviour directed at workers under the age of 18 may also constitute child-based sexual offences. If a PCBU suspects that sexual behaviour is being directed at a worker under the age of 18, the PCBU should contact child welfare authorities or the Queensland Police Service. PCBUs and workers may also have mandatory reporting obligations.

6. Factors that may contribute to the risk of sexual harassment and sex or gender-based harassment

Many factors contribute to the risk of sexual harassment and sex or gender-based harassment at work, including uncontrolled psychosocial hazards and characteristics of the workplace environment itself.

Characteristics of workplaces where an increased risk of sexual harassment and sex or gender-based harassment could occur, include workplaces:

- with 'high value' workers (for example, where the workplace is hesitant to take disciplinary action against an alleged harasser due to potential losses to the business)
- with strict hierarchical structures (for example, where there are limited options to identify, report or manage harmful behaviours outside the hierarchical structure, and therefore reporting harmful behaviour from one's superior may be seen as insubordination)
- with a culture of sexism, homophobia and/or norms that support harassment (for example, sexual innuendo or teasing women about periods)
- where breaking rules and breaching policies is tolerated (for example, breaking rules around the safe use of equipment or the personal use of workplace resources)
- with power imbalances (for example, where one gender holds the majority of management and decision-making positions).

Sexual harassment and sex or gender-based harassment are also more likely to occur when there are other uncontrolled psychosocial hazards in the workplace, including high job demands, violence and aggression, poor organisational justice, poor support, remote or isolated work, and bullying.

The risk of sexual harassment and sex or gender-based harassment can also be affected by the type of work being done, work systems, and the physical environment of the workplace.

7. How to prevent and manage risks

PCBUs must manage the risk to the health and safety of a worker, or other person, from sexual harassment and sex or gender-based harassment at work.[8] Creating safe workplaces can occur through the four-step risk management process.[9]

Risk management process

1. Identify hazards – identify the reasonably foreseeable hazard and the risks to the health and safety of workers and others.

2. Assess risks – understand the level of the risk and assess the risks.

3. Control risks – eliminate the risk of sexual harassment and sex or gender-based harassment so far as is reasonably practicable. If it is not reasonably practicable to eliminate the risk, minimise the risk so far as is reasonably practicable by applying the hierarchy of controls and considering all relevant matters.

4. Maintain and review control measures – maintain control measures and review their effectiveness to ensure the control measures are working and improve them where needed.

7.1 Identifying hazards

PCBUs must identify where sexual harassment and sex or gender-based harassment is a reasonably foreseeable hazard that could give rise to risks to the health and safety of workers and others. Sexual harassment and sex or gender-based harassment are hazards that can be present at any workplace and can occur across all industries.

Identifying risks is crucial for preventing further harm, understanding risk factors, prioritising which risks are most critical to address, and implementing effective controls.

This means identifying:

- **what, when and where** harassment could occur (for example, at the usual workplace, while making deliveries, via email)
- **how** harassment could occur (for example, from contact with customers or the public, or from other workers)
- the **potential nature** of the harassment (verbal or physical, overt, subtle)

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[8] As required under section 55C and Parts 3.1 and 3.2 of the WHS Regulation; see also section 17 of the WHS Act and the Managing the risk of psychosocial hazards at work Code of Practice 2022.

[9] See https://www.worksafe.qld.gov.au/safety-and-prevention/creating-safe-work/managing-risks for further information.

- who is **likely to be affected** by the harassment.

Sexual harassment and sex or gender-based harassment can come from a range of sources including:

- **other workers** of the business, regardless of how they are engaged (employees, contractors or volunteers) and at what level (supervisors or managers, co-workers at the same level or workers below their level)

- **another business or their workers** (for example, shared premises or where there is shared work on the same tasks)

- **third parties** such as customers, clients, patients, residents, students, parents, carers, service providers, businesses (for example, between a plumbing and an electrical sub-contractor at the same worksite; or a delivery person and a retail worker), members of the public, or anyone else workers encounter at work.

PCBUs should not rely solely on formal reports of harassment. PCBUs have a duty to prevent sexual harassment and sex or gender-based harassment from occurring, not only to respond to incidents that have already occurred.

A lack of reporting does not mean that incidents of sexual harassment and sex or gender-based harassment are not happening. Rather, it may mean that workers are not reporting incidents because they do not know how to, they are concerned about the confidentiality of the reporting process, or they do not feel safe to do so.

Consultation with workers and others, such as health and safety representatives, is essential for gathering information to identify risks in the workplace.

PCBUs can obtain information to identify risks through:

- conducting a **risk assessment –** for example using risk assessment tools to help identify risks and assess risks such as the [People at Work psychosocial risk assessment survey](#)
- **collecting and reviewing data** and information from within the workplace human resource and health and safety systems – for example, reviewing risk registers, incident reports, illness and injury data, conducting anonymous work surveys, reviewing exit interviews
- considering **work tasks** and the **design of work** – for example, enabling customers to order online from their table to minimise table service by workers
- considering how different **levels of the business** (for example, individual, team, organisation) and different parts of the business (for example, culture, processes, tasks, facilities and people) interact to create or increase risks
- considering the **physical work environment** – for example, whether workers are working near each other due to placement of desks; whether there is sufficient lighting and visibility at the workplace; whether there are inappropriate posters or materials on display
- observing and considering **work behaviours** – for example, whether a worker is performing differently or suddenly taking more leave, or multiple resignations, or how workers interact and work with one another

- considering **workforce structure, demographics and culture** – whether workers are using crude language, innuendo or offensive jokes; or whether there is an acceptance of inappropriate behaviour
- **seeking** information about harassment in your industry for example, from Workplace Health and Safety Queensland, the Queensland Human Rights Commission, industry associations, unions, technical specialists, and trend reports.

7.2 Assessing the risks

If a risk has been identified, PCBUs should assess the risk by considering:

- **where and when this risk may occur**
- the **duration** of the risk
- the **frequency** of the risk
- the **severity** of the risk.

The longer (for example, over a whole shift), more often (for example, most days) and more severe the exposure (for example, sexual assault), the more likely it is that workers will be harmed. Further, it is also important to consider how severe, distressing or stressful a worker perceives the risk to be.

PCBUs should consider where workers are likely to be at work, when work is done, who may harass workers, who is likely to be affected and the possible nature of the harassment.

PCBUs should also identify other hazards present and consider them together, as sexual harassment and sex or gender-based harassment rarely occur in isolation of other psychosocial hazards (for example, high job demands, other harmful behaviours, remote or isolated work or poor support). Psychosocial hazards can also interact to combine, change or increase risk of harm.

> In assessing risk, PCBUs should consider:
>
> - whether existing control measures are effective and control all forms of sexual harassment and sex or gender-based harassment
> - how work is carried out at the workplace, rather than how the work is explained in written manuals or procedures
> - infrequent or unusual situations (for example, occasions where policies or processes are not followed, or if there are manager absences).

PCBUs should keep a written record of risk assessments. Keeping records of the risk assessment is not mandatory, however it may be useful to demonstrate what a PCBU has done to comply with WHS requirements. Methods of recording the risk management process will vary depending on the PCBU, however records may include correspondence with workers, meeting agendas and minutes, exit interviews, notes from consultation with workers, or a completed risk register.

For assistance with assessing the risks of sexual harassment and sex or gender-based harassment, see the guidance at **Appendix 1** and the Managing the risk of psychosocial hazards at work Code of Practice 2022.

7.3. Controlling the risks

Once a risk has been identified, PCBUs must eliminate the risk so far as is reasonably practicable. Eliminating risks is the most effective control measure and PCBUs must always consider elimination before anything else.

Eliminating risks means completely removing the hazard and associated risks.

Examples of eliminating sexual harassment or sex or gender-based harassment may include:

- introducing online options to eliminate workers interacting with customers
- refusing service to customers where a high risk of sexual harassment or sex or gender-based harassment has been identified.

If it is not reasonably practicable to eliminate the risk, PCBUs must **minimise the risk so far as is reasonably practicable** by applying the **hierarchy of controls** and considering all **relevant matters.** This means considering the *characteristics of workers,* the *characteristics of the workplace* and the *work environment*, as further detailed below.

Examples of minimising a risk so far as is reasonably practicable may include:

- a bar owner instructing workers to empty bins into an outside skip the following morning rather than in darkness or while intoxicated people may be gathered in the area
- a support worker who visits clients in their homes being called by their supervisor at agreed intervals to check-in throughout the day
- a business owner installing sensor lights at the entrance/exit to their premises to avoid workers needing to enter the building in darkness.

Meaning of 'reasonably practicable'

Under section 18 of the WHS Act, a risk must be eliminated or minimised so far as 'reasonably practicable'. This means PCBUs must determine what is reasonably able to be done to ensure the health and safety of workers.

In determining what is reasonably practicable, PCBUs must consider:

- the likelihood of the hazard or the risk occurring
- the degree of harm that might result from the hazard or risk
- the availability and suitability of ways to eliminate or minimise the risk
- what the person knows, or ought to know, about the hazard or risk, and about ways of eliminating or minimising the risk
- after assessing the extent of the risk and the ways of eliminating or minimising the risk, the cost associated with eliminating or minimising the risk including whether the cost is grossly disproportionate to the risk.

If a risk of sexual harassment and sex or gender-based harassment has been identified, guidance in **Appendix 1** outlines the necessary steps to effectively address and manage those risks.

7.4 The hierarchy of controls

The hierarchy of controls ranks control measures from the highest level of protection and reliability to the lowest. Where elimination of the risk is not possible, the hierarchy of controls requires duty holders to minimise risks by one or more of the following methods:

- **Substitution**—minimise the risk by substituting (wholly or partly) or replacing a hazard or hazardous work practice with something that gives rise to a lesser risk.

  o *A business owner arranges for deliveries to be made inside their premises instead of instructing staff to accept deliveries in an isolated carpark.*

- **Isolation**—minimise the risk by isolating or separating the hazard or hazardous work practice from any person exposed to it. This involves physically separating the source of harm from people by distance or using barriers.

  o *The owner of a convenience store installs clear screening at the counter so that workers and customers are physically separated.*

- **Engineering controls**—minimise the risk by implementing engineering controls as a physical control measure**.**

  o *A business owner installs a camera in less visible areas to ensure staff feel safe when working alone.*

If the risk remains, it must be minimised by implementing **administrative controls**, so far as is reasonably practicable. Administrative controls rely on human behaviour and supervision, and used on their own, are the least effective control in minimising risk. Where possible, PCBUs should aim to combine administrative controls with higher order controls.
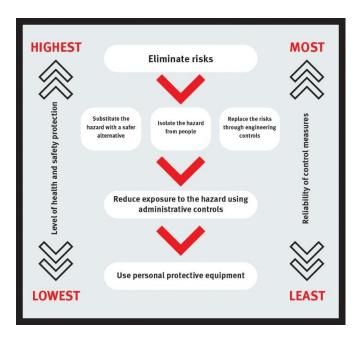
  o *A manager may implement training sessions to workers and offer online learning modules to learn about preventing sexual harassment and sex or gender-based harassment.*

If the risk remains after applying substitution, isolation, engineering and administrative control measures, PCBUs must minimise the remaining risk by ensuring the provision and use of suitable **Personal Protective Equipment (PPE)**, so far as is reasonably practicable. Protecting workers with PPE is a last resort and should only be used where there are risks that cannot be minimised using higher order controls. As with administrative controls, PCBU should aim to combine PPE with higher order controls.

  o *A store owner may introduce the provision of personal distress alarms for workers who are in service industries.*

Figure 1: The hierarchy of controls

Combining controls

The best combination of control measures to eliminate and minimise the risk of sexual harassment or sex or gender-based harassment will be tailored to the size, type, work activities, location and workforce of a PCBU.

Where elimination of a risk is not reasonably practicable, in most cases, a combination of control measures will be the most effective approach.

- o *For example, in a call centre where workers have reported an increasing rate of inappropriate behaviours from callers, it is not reasonably practicable for a PCBU to eliminate the risk altogether. Instead, a PCBU might aim to minimise the risk by implementing a number of controls, including a recorded statement at the start of the call about expectations of caller behaviour, stating no tolerance for rude or inappropriate behaviour. The PCBU might also implement procedures on how and when it is appropriate to discontinue the service, and train workers and supervisors in the new procedures.*

7.5 Determining control measures

Once the risk of sexual harassment or sex or gender-based harassment has been identified and assessed, PCBUs must consider how to control the risk. PCBUs must consult with workers, and their representatives, and consider the circumstances of the work and workplace when making decisions about what control measures to implement to prevent sexual harassment and sex or gender-based harassment.[10]

A **control measure** in relation to a risk to health safety, means a measure used to eliminate or minimise the risk.

> In determining control measures, PCBUs must have regard to all **relevant matters** as they would for other psychosocial risks.

Matters to consider when determining control measures

PCBUs must also have specific regard to relevant matters for sexual harassment and sex or gender-based harassment risks[11] including:

- **Matters relating to the characteristics of workers** such as the worker's age, gender, sex, sexual orientation or disability status.
  - o Certain workers may be at higher risk of sexual harassment and sex or gender-based harassment (for example, due to factors like age, gender, sex, sexuality, race, or disability, cultural and linguistic diversity, Aboriginal or Torres Strait Islander status, working in isolation).
  - o Workers who face multiple forms of discrimination are at higher risk of experiencing sexual harassment or sex or gender-based harassment. Recognising this helps tailor prevention strategies and supports workers who may be less likely to report incidents.[12]

- **Matters relating to the characteristics of the workplace or work environment.**

Certain workplace environments or systems of work can contribute to cultures that permit unacceptable or inappropriate behaviour, for example:

  - o sex-segregated workplaces and environments where work is typically or historically performed by men or women (for example, where all the supervisory roles are occupied by men and all the lower-level administrative roles are occupied by women)
  - o lack of diversity in leadership, particularly in decision-making positions (for example, where all the leadership roles are occupied by women and a young, male worker from a different cultural background wishes to raise a concern about some of the women stroking his hair and telling him they like its 'different texture')
  - o male-dominated workplaces (for example, men in the workplace constantly make fun of one of the men in the workplace for being in a same-sex relationship)

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[10] Under sections 55D and 55F of the WHS Regulation.
[11] Section 55H(2) of the WHS Regulation.
[12] For further information on the intersectional nature of harassment, see the Sexual and gender-based harassment Code of Practice developed by Safe Work Australia.

- small businesses where confidentiality is harder to maintain and raising issues may be more difficult (for example, in a small business where a junior member of staff needs to report sexual harassment from a male business owner, but the only other manager at work is the business owner's wife)
- unquestioned authority in leadership, such as authority to hire, fire and promote (for example, a supervisor in an agricultural sector who works exclusively with workers on visas and repeatedly asks workers out on dates; this could mean workers are afraid to make a report in case they lose their opportunity for work)
- hierarchical structures that may discourage open dialogue about inappropriate behaviour (for example, a worker is concerned that reporting their immediate supervisor for touching another worker on the bottom to someone higher than their supervisor, could be viewed as insubordination)
- workplaces that prioritise profits over worker safety, especially where clients or customers are permitted to harass workers (for example, workers are told to always keep the customers happy in order to 'get the sale')
- high-pressure environments such as frontline and emergency services work, where inappropriate behaviour is sometimes excused as stress relief.

Other matters about the workplace or work environment may also affect a person's behaviour in relation to a worker, for example, a worker's status as a casual or part-time worker may be a relevant matter if other workers are permanent staff and have a supervisory role in relation to the worker. PCBUs must also have regard to all relevant matters relating to psychosocial risks detailed in Table 1 below.

Table 1: Matters to consider when determining control measures for psychosocial risk

The duration, frequency, and severity of the exposure of workers and other persons to psychosocial hazards	The following factors will help determine suitable control measures: • how long workers are exposed to psychosocial hazards (for example, poor organisation change management over weeks or months) • how often they are exposed (for example, long shift patterns of remote and isolated work) • how severe the exposure may be (for example, exposure to sexual harassment or a traumatic event). Risk control measures that reduce these factors will be the most effective at eliminating or minimising the risk.
How the psychosocial hazards may interact or combine	Understanding how interacting hazards can increase or change psychosocial risk is important when determining appropriate control measures. This is because psychosocial risk can increase when workers are exposed to a combination of psychosocial hazards. Risk control measures may be implemented that reduce exposure to one or more interacting hazards in order to minimise the risk.

The design of work, including job demands and tasks	Control measures for psychosocial hazards should predominantly be considered at an organisational, work and system design level (for example, organisational resilience) rather than at an individual level (for example, individual resilience and stress management), although some circumstances may require responses at both levels.
	Focusing on higher level control measures that address work design will ensure the risk of harm is addressed at the source, rather than less effective measures that only reduce the impact of harm after it has occurred.
	Effective work design considers:
	• **the work:** how work is performed, including the physical, mental and emotional demands of the tasks and activities, the task duration, frequency, and complexity, and the context and systems of work
	• **the physical working environment:** the plant, equipment, materials and substances used, and the vehicles, buildings, structures that are workplaces
	• **the workers:** physical, emotional and mental capacities and needs.
	See the Safe Work Australia Handbook: Principles of Good Work Design for more information about how to achieve good work design and work processes.
Systems of work used, including how work is managed, organised, and supported	Systems of work are organisational rules, policies, procedures and work practices used to organise, manage and carry out work. These systems can introduce psychosocial hazards but if carefully considered can also help control them. For example, a system of work that allows workers to seek assistance from supervisors or where tasks are allocated with regard for other work demands may assist with controlling risk.
The design, layout, and environmental conditions of the workplace, including safe access and egress, welfare facilities and any premises occupied by the worker	The design and layout of a workplace can assist with controlling psychosocial risk. For example, worker accommodation that provides adequate privacy and security can minimise the risk of violence and aggression or harassment.
Plant, substances and structures at the workplace	Well designed and maintained plant and structures can prevent exposure to psychosocial hazards such as high temperatures, loud noise, vibration or dust but can also be used to control other psychosocial hazards. For example,

	safe plant and structures that allow work to be performed more efficiently can reduce high work demands.
Workplace interactions or behaviours	Workplace interactions and behaviours are an important consideration in a psychosocial risk control plan. Supportive leadership, positive relationships and professional and respectful interactions can help to minimise a range of psychosocial hazards. A positive psychological safety climate can improve work health and safety by encouraging workers to seek and provide support, report hazards and participate in consultation.
Information, training, instruction and supervision provided to workers	Information, training, instruction and supervision may assist in controlling some psychosocial risk. For example, where low role clarity is creating a risk, information and training on the worker's role can assist in controlling this risk.

7.6 Maintain and review control measures

PCBUs must ensure control measures are effective and are maintained so that they continue to be effective.[13] This means ensuring the control measures remain fit for purpose, continue to be suitable for the nature and duration of the work, and are used correctly. One of the most effective ways to do this is to have regular consultation with workers to check whether controls are working. PCBUs should have clear evaluation metrics that are used to assess the effectiveness and sustainability of controls.

Reviewing control measures should be done regularly and must be done:

- if a person reports sexual harassment or sex or gender-based harassment
- if a control measure does not adequately control the risk it was implemented to manage
- before a change at work that is likely to give rise to a new or different risk to health or safety (for example, a change to the work environment or systems of work)
- where a new relevant hazard or risk is identified
- where consultation identifies that a review is necessary
- if a health and safety representative requests a review
- on agreed review dates.

Reviews may identify possible improvements that can be made through changes to how work is undertaken, the physical environment, new work procedures, and/or additional training. A review of risk control measures can include an examination of the physical environment, work functions and tasks.

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[13] Sections 37, 38 and 55G of the WHS Regulation.

PCBUs can use the same methods as in the initial risk identification step to check control measures and must also consult workers and health and safety representatives. Other common review methods include:

- inspecting the workplace
- consultation, feedback boxes, surveys, and interviews
- analysing workforce statistics, including turnover data, rates of absenteeism and other reports.

Examples of questions to consider during a review include:

- Have workers been consulted during the development and implementation of controls?
- Can risks be eliminated or minimised by changing how work is done?
- Have the hazards or risks changed or are they different to what was previously assessed?
- Is the effectiveness of the controls being recorded, reviewed, and evaluated?
- Are new control measures available that might better control the risk?
- Have risks been eliminated or minimised as far as is reasonably practicable?
- Have additional hazards been introduced as a result of implemented controls?
- Is the effectiveness of the controls being recorded, reviewed, and evaluated?
- Are outcomes of the review communicated back to workers?

Recording the risk management process

PCBUs should keep a written record of the risk management process. This assists with demonstrating what has been done to comply with the WHS Regulation. It is also useful to assist with reviewing the effectiveness of controls, recording processes used to investigate and resolve issues, and as evidence for WHS inspectors who may ask to see a copy of records relating to risk management processes. PCBUs may choose a method of recording the risk management process that suits their circumstances best.

From 1 March 2025, where a risk of sexual harassment or sex or gender-based harassment at work has been identified, PCBUs must prepare and implement a prevention plan to manage the risk to the health and safety of workers. The prevention plan must be in writing and include the matters outlined in the WHS Regulation.[14] See Part 9 – Requirement to prepare a prevention plan and **Appendix 1**.

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[14] See section 55H(2) of the WHS Regulation.

8. Consultation with workers and others

Training and policies alone are not effective or reliable controls to prevent or manage risks. At each step of the risk management process, consultation must be undertaken with workers and any health and safety representatives, so far is as reasonably practicable.[15] PCBUs must also consult with other business operators who have the same duty in any situation.

Consultation encourages everyone to work together to identify hazards, understand risks, and implement and evaluate the effectiveness of control measures.

Worker commitment can be gained through frequent and open communication. Communication educates workers about the risk factors of sexual harassment and sex or gender-based harassment, which helps PCBUs and workers to identify risks, intervene where safe to do so, and encourage a culture that raises concerns. Communication is also necessary to successfully change worker attitudes and behaviours if workplace culture has been identified as an area of concern.

PCBUs must undertake consultation when:

- identifying new or changing risks
- making decisions about controls, and how to eliminate or minimise risks
- making decisions about adequacy of facilities for the welfare of workers
- proposing changes that may affect the health and safety of workers
- making changes and new decisions about procedures for consultation, resolving work health and safety issues, monitoring the health of workers, and monitoring the conditions at the workplace.

When consulting, PCBUs must ensure that:

- relevant information about the matter is shared with workers
- workers are given a reasonable opportunity to express their views, raise issues and contribute to decision-making processes
- the views of workers are taken into account
- workers are advised of the outcome of the consultation in a timely way.

PCBUs should also ensure that consultation mechanisms are accessible to all workers and should be tailored to workers, with consideration given to different literacy levels, language barriers, and technological proficiency.

During consultation, workers should be encouraged to share their knowledge and experience so that risks can be managed, and to share ideas on the best ways of addressing identified risks. This enables workers to contribute to decisions about their safety and wellbeing while reinforcing a workplace culture of respect. Consultation with workers results in more informed and effective solutions to address identified risks.

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[15] As required under sections 47, 48 and 49 of the WHS Act.

PCBUs are encouraged to be mindful that some workers may not feel comfortable disclosing sensitive matters relating to their own experiences or witnessing experiences of harassment, and that opportunities for workers to provide information anonymously should be considered. Consultation methods should therefore be tailored to suit the needs of the PCBUs workforce.

> Examples of ways to consult with workers include:
>
> - focus group discussions
> - culturally safe consultation and use of translated materials and/or interpreters (if required)
> - private and confidential individual discussions
> - team meetings
> - anonymous worker surveys.

Consultation is an effective tool for communicating with workers to continuously improve workplace culture and address emerging risks over time.

For further information on consulting with workers and others, see the [Work health and safety consultation, cooperation and co-ordination Code of Practice 2021](#) and the [Managing the risks of psychosocial hazards at work Code of Practice 2022](#).

9.   Requirement to prepare a prevention plan

From 1 March 2025, where a risk of sexual harassment or sex or gender-based harassment at work has been **identified**, PCBUs must prepare and implement a prevention plan to manage the risk to the health and safety of workers.[16]

> The prevention plan **must**:[17]
>
> - be in writing
> - state each identified risk
> - identify the control measures implemented, or to be implemented to manage each identified risk
> - identify the matters considered in determining the control measures
> - describe the consultation undertaken
> - set out the procedures for dealing with reports of sexual harassment and sex or gender-based harassment at work
> - be set out and expressed in a way that is readily accessible and understandable to workers.

PCBUs must take reasonable steps to ensure workers are made aware of the prevention plan and know how to access it.

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[16] Section 55H of the WHS Regulation.

[17] As required under section 55H(2) of the WHS Regulation.

Considering how to communicate the prevention plan in a readily accessible and understandable way to workers may include:

- considering and addressing barriers to communication and accessibility, such as language differences, literacy levels, physical accessibility and technological proficiency
- using plain English, which can be easily translated where required, and is inclusive, respectful and culturally sensitive
- making the plan accessible through multiple channels including staff meetings, induction processes, training sessions, emails, codes of conduct, notice boards and internal systems.

Clearly communicating the prevention plan to workers is a key step in educating, building awareness, reinforcing behavioural expectations, and supporting a safe and respectful workplace culture.

> PCBUs must **review** the prevention plan:[18]
>
> - if a report of sexual harassment or sex or gender-based harassment at work is made – as soon as practicable after the report is made
> - if a health and safety committee for the workplace or a worker's health and safety representative requests a review of the plan – as soon as practicable after the request is made
> - otherwise – every 3 years.

PCBUs may choose to utilise existing systems and processes to manage the risk of sexual harassment and sex or gender-based harassment at work, which document the identified risks and meet the requirements of a prevention plan.

A **prevention plan template** has been developed to support PCBUs to meet the requirements under the WHS Regulation. The template is not mandatory and PCBUs may choose to use other written documentation to support the prevention plan requirements. **Appendix 1** provides guiding principles and steps to prepare a prevention plan.

10. Reporting mechanisms and responding to reports

Clear and accessible procedures for handling reports of sexual harassment and sex or gender-based harassment are essential to creating a safe and supportive workplace culture and are required under the WHS Regulation.

Workers are more likely to raise concerns when there are clear reporting procedures. This helps build a culture of transparency and enables PCBUs to effectively respond to concerns, identify hazards and review whether control measures are working.

Workers may not report sexual harassment and sex or gender-based harassment for many reasons. For example, workers may:

- fear they may be blamed or that reporting may expose them to additional harm, discrimination or disadvantage

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[18] As required under section 55H(4)(b) of the WHS Regulation.

- hold concerns if the person who is the subject of the report has organisational power or holds a position of influence and that the report may be ignored, or not handled confidentially
- not know or understand the process for reporting
- not think the behaviour was serious enough
- think that no action would be taken.

To encourage reporting, PCBUs can:

- make it clear to workers that reporting incidents is encouraged
- treat all reports or concerns raised seriously and fairly
- provide workers with a range of accessible and user-friendly ways to report, including formal reporting systems for example, using health and safety representatives, or contact officers within the workplace or business
- provide workers with external pathways of reporting such as Workplace Health and Safety Queensland, Queensland Human Rights Commission, Queensland Police Service, the Fair Work Ombudsman or registered unions
- provide anonymous reporting options, such as secure mailboxes or app-based reporting tools
- regularly discuss sexual harassment and sex or gender-based harassment at team meetings so everyone is aware of what is unacceptable behaviour and options for seeking support
- make it clear that victimising a person who makes a report will not be tolerated and that the person making the report will be supported during any investigations
- ensure processes, systems and confidentiality for reporting and responding to reports are suitable, transparent and well understood by all workers, including those in higher management positions
- support workers tasked with handling reports to ensure they are appropriately trained to adopt a trauma-informed approach
- educate workers so they understand the risk factors of sexual harassment and sex or gender-based harassment and how it affects different groups (for example, at-risk workers) who may also need clear referral pathways to specialised services and ongoing support to manage difficult cases.

The reporting process should be appropriate and proportional for the business and the risks in the workplace. In larger businesses, investigations may be conducted by a Human Resources team.

Part 6 of the WHS Act provides protection for workers and others from being victimised or discriminated against for raising issues or concerns about work health and safety. This includes making reports of sexual harassment and sex or gender-based harassment.

Responding to reports

It is important that the process for investigating and responding to reports is confidential, proactive, fair, objective, conducted in a timely and impartial manner, applied consistently to all workers, and ensures procedural fairness for all parties involved.

The formality and comprehensiveness of an investigation and response can be proportional to the level of risk, the seriousness of actual or potential harm, the number of workers affected and the size of the business. An investigation does not require a formal complaint.

A formal investigation may not always be the most effective option. For example, an appropriate response to a first incident of a worker using inappropriate language may be an immediate informal discussion with the workers involved and a reminder about appropriate workplace behaviour.

Responding to reports and investigations should take a *trauma-informed* approach. This means that workplace systems recognise and acknowledge that if a worker has experienced trauma, it may impact how they interact with systems and processes. For example, trauma may impact how a worker responds or recalls events and can describe them. A trauma-informed approach to investigation procedures and practices supports workers' trust and participation. This includes the principles of safety (both physical and emotional), equity, respect and hope.

A response to a report of harassment may involve discussions with the parties and/or witnesses. Managers and supervisors should be trained in handling disclosures of sexual harassment and sex or gender-based harassment in ways that ensure the reporter does not experience further harm from making the report. Incident response policies and procedures should also be supported by training to ensure that workers are familiar with them.

It is important that PCBUs develop supportive environments where workers feel safe to raise sexual harassment and sex or gender-based harassment risks and disclose instances of harassment, including as part of an investigation. Workers should also be made aware of how their personal information will be managed and protected when making a report.

An internal investigation may occur in parallel with other investigations such as an investigation into whether there has been a breach of employment codes of conduct, professional standards or other legal frameworks.

Principles for responding to reports

PCBUs should adopt the following principles when responding to reports of sexual harassment and sex or gender-based harassment:

- **Act promptly** – respond quickly, reasonably and within established timeframes; advise relevant parties how long it will likely take and keep them informed.
- **Ensure immediate safety** – take steps to eliminate or minimise ongoing exposure and provide immediate support so far as reasonably practicable.
- **Treat all matters seriously** – take all reports seriously and assess them on merits and facts.

- **Use a trauma-informed approach** – recognise and acknowledge that a worker's experience of trauma may impact how those they interact with systems and processes.
- **Maintain confidentiality** – maintain the confidentiality of all parties and ensure sensitive and personal information is protected.
- **Be neutral** – being impartial towards everyone is critical.
- **Support all parties and advise parties of the support available** – support could include employee assistance programs and offering workers the chance to have a support person present if needed.
- **Do not victimise** – ensure anyone who reports is protected from victimisation.
- **Communicate the process and outcomes** – inform all parties of the process, any rights and obligations that may apply, how long it is estimated to take and what they can expect during and at the end of the process, including rights of appeal and review.
- **Keep records** – keep a record of who made the report, when the report was made, who the report was made to, the details of the issue reported, action taken to respond, and any further action required.

Procedure for dealing with reports

The prevention plan must set out the procedure for dealing with reports of sexual harassment or sex or gender-based harassment at work, including:[19]

- how a person may make a report
- how the report will be investigated
- that the person who made the report may be represented by a health and safety representative
- how the person who made the report and other parties will be informed of the results of the investigation
- that the person who made the report may also use the issue resolution procedures and the dispute resolution process in part 5, divisions 5 and 7A of the WHS Act.

Support in responding to reports

Some businesses may require assistance if a report has been made which is complex or has a high risk. Advice can be sought from [Workplace Health and Safety Queensland](#), your industry body or a work health and safety expert.

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[19] Section 55H(2)(f) of the WHS Regulation.

Appendix 1: How to develop a prevention plan

Guiding principles

The following guiding principles[20] can be used to inform the development of a prevention plan, which builds upon the risk management process.

1. Trauma-informed processes and systems

All interactions with individuals affected by sexual harassment or sex or gender-based harassment should prioritise safety (both physical and emotional), trust, choice, equity and respect.

PCBUs should prioritise the person affected in decision making, ensuring their wishes for resolution are respected, while maintaining safety for all. It is important to consult with the individual throughout the process and to avoid exacerbating harm.

Multiple resolution options should be offered and PCBUs should communicate regularly with those involved to ensure the process remains sensitive to the individual's needs and preferences.

PCBUs should provide access to appropriate support and ensure that those managing incidents adopt a trauma-informed approach, prioritising consultation and collaboration to minimise further distress.

It is recommended that a trauma-informed lens be applied when communicating and writing a prevention plan. Avoid using terms such as 'complainant' and 'complaint' where possible, instead use the terms 'person affected or affected person(s)' and 'report'.

2. Management commitment

Leaders at all levels should aim to foster a workplace culture that is safe, respectful and inclusive, which means:

- modelling and enforcing behaviours that align with workplace policies to demonstrate a commitment to safe, respectful and inclusive behaviour
- addressing inappropriate behaviour at any level early, and in consultation with those affected by the inappropriate behaviour or actions
- recognising that a positive workplace culture starts with leadership but requires all workers to engage in open dialogue and consultation to support a safe and respectful environment.

Active and visible commitment from PCBUs to the prevention and management of sexual harassment and sex or gender-based harassment is critical for achieving positive changes in the workplace and ensuring the continuous management of risks.

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[20] Inspired by the Respect@Work Report and Australian Human Rights Commission's recommended action in four areas to effectively prevent sexual harassment.

3. Understanding risk factors

Effective education plays a critical role in eliminating sexual harassment and sex or gender-based harassment in the workplace.

Building knowledge about how sexual harassment and sex or gender-based harassment can occur will help prevent and address these behaviours.

4. Benefits to the workplace and workers

Managing the risk of sexual harassment and sex or gender-based harassment has many benefits in the workplace, including:

- fostering workplaces free from harm, where workers feel safe and valued
- improving worker wellbeing and morale
- improving work outcomes such as job satisfaction, productivity, and reduced absenteeism
- reducing worker turnover and improving retention rates
- reducing legal, reputational and financial risk for the business.

Effective implementation of a risk management process is important for preventing sexual harassment and sex or gender-based harassment in the workplace.

Figure 1 below has been developed to depict the risk management process specific to managing the risk of sexual harassment and sex or gender-based harassment and can inform the development of a prevention plan. It is adopted from the risk management process depicted in the [Managing the risk of psychosocial hazards at work Code of Practice 2022](link) (Code of Practice).

Consistent with the Code of Practice, all steps in this process must be supported by consultation. Figure 1 also emphasises the importance of supporting the risk management process by knowing your workers and workplace, as required under the WHS Regulation.

The figure emphasises three key guiding principles that are critical components in supporting a safety culture including: having trauma-informed processes and systems, having management commitment, and understanding risk factors.

Figure 1. The risk management process for sexual harassment and sex or gender-based harassment

Preparing a prevention plan

PCBUs must prepare and implement a prevention plan to manage identified risks to the health or safety of workers, or others from sexual harassment and sex or gender-based harassment at work. To ensure that the prevention plan has been effectively implemented PCBUs must:

- consider how workers were consulted in the development of the prevention plan
- consider how the prevention plan is communicated to workers
- confirm that relevant matters have been considered in the plan's development, such as the characteristics of workers, the workplace and the work environment
- follow the risk management process
- have clear processes for handling reports of sexual harassment and sex or gender-based harassment
- review controls for effectiveness.

Each step in the risk management process must be supported by consultation and have regard to relevant matters.

Steps for preparing a prevention plan

All PCBUs must manage the risk of sexual harassment in accordance with the WHS Regulation. This includes identifying hazards, eliminating or minimising risks, controlling

risks in accordance with the hierarchy of controls and maintaining and reviewing control measures. This process is referred to as the **risk management process**.

All of these steps must be supported by the following:

- **Consultation** – PCBUs must consult with workers and must be aware of the obligation to consult, the nature of consultation, and when consultation is required.
- **Know your workers and workplace** – PCBUs must have regard to the characteristics of their workers, workplace and work environment that may increase the risk of sexual harassment or sex or gender-based harassment occurring.

The risk management process shown in **Figure 1** details the following steps:

Step 1a. Identify and assess risks

If a risk has been identified, assess the risk by considering the **duration** of the risk, the **frequency** of the risk and the **severity** of the risk.

The longer (for example, over a whole shift), more often (for example, most days) and more severe the exposure (for example, sexual assault), the more likely it is that workers will be harmed.

Consider where workers are likely to go at work, when work is done, who could harass workers, who is likely to be affected and the possible nature of the harassment.

Identify other hazards present and consider them together. Sexual harassment and sex or gender-based harassment rarely occur in isolation of other psychosocial hazards (for example, high job demands, other harmful behaviours, remote or isolated work or poor support).

Step 1b. Prepare a prevention plan

The prevention plan must be in writing, state identified risks, state the control measures being implemented and describe the consultation undertaken to develop the plan. The plan needs to be easily understood and accessible to workers.

Step 2. Control risks

The risk of sexual harassment or sex or gender-based harassment must be eliminated. If elimination is not reasonably practicable, the risk must be minimised so far as is reasonably practicable. This may require redesigning the workplace or how the work is carried out.

Eliminating risks of sexual harassment and sex or gender-based harassment requires a significant focus on prevention, so far as is reasonably practicable. If it is not reasonably practicable to eliminate the risk, PCBUs must minimise the risk so far as is reasonably practicable by applying the hierarchy of controls and considering all relevant matters.

Every workplace is different so the best combination of control measures will depend on the work, workplace and workers.

Step 3. Report handling procedures

The prevention plan must set out the procedure for dealing with reports of sexual harassment or sex or gender-based harassment at work, including how a person may make

a report, how the report will be investigated, that the person who made the report may be represented by a representative and how parties will be informed of the results of the investigation.

The prevention plan must also state that the person who made the report may use the issue resolution procedures and the dispute resolution procedures as contained in the WHS Act.

Step 4. Communicate and implement

The prevention plan must be in writing and must be communicated and readily accessible and understood by all workers, with consideration of any communication barriers. Implementation in the workplace means that PCBUs must ensure that workers know about the plan and how it operates.

Step 5. Review control measures

The control measures must be reviewed if a report of sexual harassment or sex or gender-based harassment is made, if a workplace health and safety representative or committee requests it or, otherwise, every three years.

Additional guidance

The following pages provide a comprehensive guide to assist PCBUs through each step of preparing their prevention plan.
- Each section explains the importance of that particular step.
- A series of prompts to help PCBUs consider key factors and implement effective measures is also included.
- PCBUs can refer to and print out specific pages where more detailed support is required.

Key element 1 | Consultation

Why does consultation matter?

Consultation is a key element of providing a healthy and safe workplace. It is also required under the WHS Act and must form part of the development of a prevention plan. Effective and regular consultation encourages collaboration, empowers workers and fosters a safer work environment. Here is why it matters:

- **Gives workers a voice** – allowing workers to express their views, share concerns, and contribute to decisions about their safety and well-being promotes a sense of ownership and inclusion.
- **Supports informed decision-making** – engaging workers through consultation is an opportunity for valuable, practical insights into the real issues affecting the workforce. This can lead to more informed, effective, and actionable solutions.
- **Fosters a culture of collaboration and safety** – regular consultation demonstrates a commitment to ongoing dialogue with workers, reinforcing a workplace culture of respect, inclusion and shared safety responsibility.

What and when is consultation required?

Questions to consider:

- When is consultation required?
    - PCBUs must consult with other duty holders and with workers in many instances including when making changes to work, identifying new or changing risks, or following incidents.
    - PCBUs must understand the nature of consultation required, and where a worker is represented by a health and safety representative, involve that representative.
- How often is consultation occurring?
    - Consultation should be conducted regularly and not as a once-off when an incident occurs.
- How and when do you consult with relevant stakeholders?
    - Unions, representatives and duty holders who share a responsibility for worker safety form part of successful consultation.
- Have you considered using different methods of consultation?
    - Various methods of consultation, such as one-on-one discussions, surveys, focus groups or team meetings should be considered and tailored to the needs of workers.
    - Private and anonymous methods of providing feedback (for example, anonymous surveys or reporting) for workers hesitant to discuss incidents or concerns should also be considered.
- Is there adequate worker representation (where possible) in the consultation process?
    - The views of workers with increased risk factors for experiencing harassment should be included.
- Have you advised workers of the outcome of consultation?
    - Any action taken based on feedback received from consultation should be communicated back to workers.
- Is consultation used as tool for continuously improving workplace culture and addressing emerging risks over time?

Consultation methods vary depending on many factors, for example, workforce size. Consultation can be conducted through a range of approaches, including phone calls, emails, one-on-one conversations or interviews, focus groups, worker surveys (anonymous and identified), staff workshops, WHS committee meetings, consultative committees and team meetings.

Tailor your consultation approach to your workers and workplace to ensure meaningful dialogue.

Useful resources

- Chapter 2 - Consultation, cooperation, coordination. [Managing the risk of psychosocial hazards at work Code of Practice 2022](#)

Key element 2 | Know your workers and workplace

Why is it important to know your workers and workplace?

PCBUs must consider the characteristics of **workers** and the **workplace** and **work environment** in developing a prevention plan. Understanding the workers and workplace helps with communication, consultation, identification of risks and the implementation of effective controls. Here is why it matters:

- **Identifies risks and enhances controls** – understanding when and where sexual harassment or sex or gender-based harassment can occur, and how workplace structures and culture contribute to risks, allows for more targeted and effective control measures to be implemented.

- **Recognises and protects vulnerable groups** – workers who face multiple forms of discrimination (for example, due to age, gender, sex, sexuality, race or disability) are at higher risk of sexual harassment and sex or gender-based harassment. Recognising these intersecting vulnerabilities helps with tailoring prevention strategies and can support workers who may be less likely to report incidents.

- **Addresses workplace culture** – analysing the workplace culture and systems of work can help to identify any tolerance for unacceptable or inappropriate behaviour. By recognising these issues PCBUs can work towards fostering a culture of respect.

What are the characteristics of your workers and workplace?

To effectively manage sexual harassment and sex or gender-based harassment risks, it is crucial to understand the characteristics of your workers, workplace and the work environment. By recognising these characteristics and how they interact you can take proactive measures to mitigate risks.

Worker characteristics

Certain workers may be at higher risk of experiencing sexual harassment and sex or gender-based harassment. These workers include:

- **female workers**
- **young workers** – including those under 18 years of age, interns, apprentices, graduates, other junior workers or workers who are new to the workforce
- **LGBTIQA+ workers** – workers who identify as lesbian, gay, bisexual, transgender and gender diverse, intersex, queer or questioning and asexual people
- **Aboriginal or Torres Strait Islander workers**
- **workers with a disability**
- **culturally and linguistically diverse (CALD) workers** – including those from migrant and non-English speaking backgrounds
- **workers in insecure working arrangements** – workers in short-term, casual, labour hire, part-time roles, backpackers, volunteers, students, migrant workers or workers holding temporary visas
- **isolated workers** – workers working alone, working at night or in isolated or remote locations.

Consider: How do the characteristics of workers interact to increase the risk of sexual harassment and sex or gender-based harassment? These risks can be managed through consultation and targeted interventions.

Work environment characteristics

Certain workplace environments or systems of work can contribute to a workplace culture that permits unacceptable or inappropriate behaviour. Risk factors include:

- **sex-segregated workplaces** where work is typically or historically performed based on gender stereotypes (for example, 'men work outside, women work in the office')
- **lack of diversity in leadership,** particularly in decision-making positions
- **male-dominated workforces** and workplaces with predominantly male workers in management, leadership, customer, or client base
- **small businesses** where confidentiality is harder to maintain and raising issues may be more difficult
- **unquestioned authority in leadership** where leaders have unquestioned authority to hire, fire and promote
- **hierarchical structures** that may discourage open dialogue about inappropriate behaviour
- **profit-driven environments** such as workplaces that prioritise profits over worker safety, especially where clients or customers have access to workers who could be targeted
- **high-pressure environments** including frontline and emergency services workplaces where inappropriate behaviour may be excused as stress relief.

Consider: If the above characteristics are identified in the workplace, PCBUs are encouraged to review existing systems, consider power dynamics and take steps to create an inclusive, accountable workplace culture.

Workplace characteristics

Physical workplace features that could contribute to an increased risk include those with:

- **isolated or poorly lit spaces** such as loading bays or storage rooms
- **sexualised or sexist materials on display** including posters, calendars, or screensavers
- **a lack of privacy** especially in bathrooms, change rooms or other personal areas
- **in-home work settings** for workers providing services in clients' homes, such as childcare, nursing, cleaning services and aged or disability care, with direct client contact and limited oversight.

Consider: Are workplace spaces conducive to safety and privacy? If the above characteristics are identified, PCBUs should consider redesigning spaces, removing inappropriate materials and maintaining regular communication with workers who are in isolated environments.

Characteristics of work

The nature of certain work arrangements can increase the risk of sexual harassment and sex or gender-based harassment, including workplaces with:

- **high client or customer interaction roles** – work that involves frequent interactions with the public, such as retail, hospitality, healthcare, or service industries
- **unclear boundaries between personal and professional relationships** – environments where personal and professional lives overlap such as shared housing for workers onsite (for example, remote or rural work, fly-in, fly-out or seasonal work)
- **temporary or transient work environments** – short-term or project-based work, such as event staffing and gig economy roles, may foster environments where oversight is limited, and workers have minimal support

- **work that depends on tips or customer satisfaction** – work where income is tied to customer or client approval (for example, service industry roles such as waitstaff or ride-sharing drivers) may pressure workers to tolerate inappropriate behaviour
- **work requiring travel** – frequent travel, overnight stays and regional and remote work
- **shift work, after-hours work, and longer hours** being expected of workers
- **alcohol served** such as hospitality and at workplace events.

Consider: Are these factors present? PCBUs should evaluate how work characteristics influence the risk of sexual harassment and sex or gender-based harassment and consider policy adjustments, stronger oversight and worker protections.

Useful resources

- Safe Work Australia – [Preventing workplace sexual harassment](#)
- WHSQ [Managing the risk of psychosocial hazards at work Code of Practice 2022](#) – Risk assessment process
- WHSQ [Psychosocial risk assessment](#) – suitable for all businesses
- [People at Work©](#) – suitable for workplaces larger than 20 workers
- [Focus group guide](#) – suitable for all businesses.

Step 1a | Risk identification and assessment

Why does risk identification and assessment matter?

Regularly identifying and assessing risks is essential for preventing workplace sexual harassment and sex or gender-based harassment. Here's why it matters:

- **Identifies key risk factors** – understanding specific risk factors helps to identify risks and implement prevention strategies.

- **Prioritises risks** – risk assessments assist with identifying the most critical issues, enabling resources to be allocated effectively.

- **Ensures regular monitoring and adaptability** – regular assessments allow for new or changing risks to be identified and for prevention strategies to be adapted.

How to assess and identify risks?

(i) Identify all work-related risks and other psychosocial hazards (section 55H(1) WHS Regulation 2011).

(ii) Conduct a risk assessment to consider what could happen if someone is exposed, the degree of harm that may result, the likelihood of that outcome and the potential outcome of exposure (section 55F WHS Regulation 2011).

Questions to consider:

- **What risks are present in the workplace?**
  - Are any psychosocial and/or physical risks present, including the risk of sexual harassment or sex or gender-based harassment?

- **How long and how often are workers and others exposed to risks of sexual harassment or sex or gender-based harassment?**
  - Are workers exposed regularly and how severe do they perceive the risks to be?
  - How do hazards interact or combine with other risks to increase the likelihood of harm?
  - What are the effects of exposure to these risks over time?

- **Do workers report a psychological or an emotional response to the hazard** (for example, do they find it distressing, stressful, or physically unsafe)?

- **Are any workers at a higher risk?**

- **Has consultation occurred?**

- **What data can be collected to assess risks regularly?**
  - Information such as surveys, incident reports and staff turnover data can be used to monitor the extent and nature of sexual harassment in the workplace.
  - Internal data sources (for example, leave records, WHS complaints) and external trends can also be reviewed.

- **Have the physical workspaces, systems of work, work culture and work tasks been considered** to determine if they have contributed to a risk of sexual harassment or sex or gender-based harassment?

- **How are risks identified at various levels in the organisation?**
  - Is data collected and reviewed using a variety of methods? This may include worker interviews, team discussions, surveys, focus groups, risk registers, incident reports, illnesses and injury data, existing policies or procedures, records of leave, WHS complaints, pre-employment checks, issues raised with work groups/managers, risk registers, risk

assessments, workers' compensation data, safety inspections, internal investigations and processes, statements from workers and retention data including exit interviews.

- o Has the workplace been observed to understand how work is performed and how people work with each other?
- o Have risk assessment tools been used to help identify and assess risks (for example, the [People at Work© psychosocial risk assessment survey](#))?

- **Has a systems-thinking approach to identifying and assessing risks been applied?**
  - o How do different parts of the organisation, such as the culture, processes, tasks, resources and people, interact to create or increase risks?
  - o Are hazards at different levels being examined, including at the individual, job, team, and organisational levels?

- **Is there a written record of risk assessments?**
  - o Are assessments documented through correspondence, meeting notes, consultation records or risk frameworks?
  - o Records may vary depending on business size, but may include correspondence with workers, meeting agendas and notes, exit interviews, survey results, notes from consultation with workers or a completed risk framework and/or risk register.

Step 1b | Prepare a prevention plan

Where a risk of sexual harassment or sex or gender-based harassment at work is identified, PCBUs must prepare and implement a prevention plan.

Additional guidance is available and includes:

- **Prevention plan template** which can be completed to satisfy the requirements under the WHS Regulation to develop and implement a prevention plan. The template is not mandatory but exists as a tool for PCBUs who may need support or are preparing a prevention plan for the first time.

- **Example of a completed prevention plan template** that may assist PCBUs with identifying what to include in a plan.

Useful resources

- The [People at Work©](#) – Psychosocial risk assessment tool
- WHSQ [Managing the risk of psychosocial hazards at work Code of Practice 2022](#) – Risk assessment process.

Step 2 | Control measures

Why do control measures matter?

A **control measure**, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk. Implementation of effective controls is the key to managing the risk of sexual harassment and sex or gender-based harassment in the workplace. Here are some important considerations:

- **Hierarchy of controls** – PCBUs must aim to eliminate the risk of sexual harassment and sex or gender-based harassment where possible. Elimination is the most effective and reliable control measure in managing workplace risks. If it is not reasonably practicable to eliminate the risk, aim to minimise the risk of harm by working down the hierarchy of controls.

- **Work design principles** – PCBUs should use a systems-thinking approach to design out identified hazards. Consider how different elements in the workplace (for example, culture, processes and tasks) interact, and address issues at multiple levels (for example, task, team and organisation) to ensure controls are comprehensive and effective.

- **Combining controls** – in many cases, using a combination of control measures may be necessary. If no single control is sufficient to eliminate the risk, apply multiple layers of controls.

What are the control measures implemented or to be implemented to manage each identified risk?

Questions to consider:

- How have workers been consulted about the development and implementation of the controls (see Key element 1. Consultation)?

- What control measures will be used in relation to workers, the workplace and the work environment (see Key element 2. Know your workers and workplace)?

- What is the duration, frequency or severity of the exposure of workers and others to the hazard (see Step 1a. Risk identification and assessment)?

- Do the needs of any workers (for example, reasonable adjustments to work environment, work hours or location) need to be accommodated?

- Are the implemented controls being recorded, reviewed and evaluated (see Step 5. Review control measures)?

- Has implementing a control introduced any new risks?

Hierarchy of controls

Has the risk of sexual harassment and sex or gender-based harassment been managed in accordance with the hierarchy of controls, beginning with higher order controls then descending to lower order controls?

Elimination

- Can the risk be eliminated from the workplace?
- Can any of the following be redesigned to eliminate the risk so that workers are not exposed?
    - **work**: including how it is performed, the demands of work, the context and systems of work
    - **worker needs:** including their needs, preferences and capacities
    - **physical work environment:** including the workplace itself, plant, equipment, materials, substances, vehicles, buildings and structures

o **systems and processes:** including information technology, business management, products and services and human interaction.

Substitute, isolate or implement engineering controls

- If it is not reasonably practicable to eliminate the risk, then consider how to substitute, isolate or engineer to reduce the risk through redesign. Some examples may include:
  - o ensuring safe means of entering and exiting the workplace
  - o installing cameras in less visible areas
  - o installing internal and external lighting for visibility
  - o improving natural surveillance in areas with restricted visibility areas such as offices, storerooms and other segregated areas (for example, using semi opaque glass or screens) or amenities (for example, in restricted areas where workers could be trapped or cornered)
  - o providing specific spaces for clients and customers, and specific spaces for workers to take breaks
  - o considering whether the use of online and virtual environments increase the risk (for example, security settings, use of social media for work purposes and how clients or customers interact online).

Administrative controls

- If the risk remains, it must be minimised by implementing administrative controls such as:
  - o providing workers with information, training, instruction and supervision
  - o implementing check-in systems for remote workers
  - o clearly communicating workplace policies, behavioural expectations and standards (including for work functions and online environments)
  - o offering formal training on sexual harassment and sex or gender-based prevention strategies.

Personal Protective Equipment (PPE)

- If the risks still exist, reduce them with personal protective measures that may include the provision of personal distress alarms and training on how to use them.

Combining controls

- In many cases, using a combination of control measures may be necessary. If no single control is sufficient to eliminate the risk, apply multiple layers of controls (for example, changing physical spaces, implementing clear policies, and providing training) to effectively minimise the likelihood of the risk from occurring.

Useful resources

- [Managing the risk of psychosocial hazards at work Code of Practice 2022](#) – Chapter 3.3. Controlling the risk of psychosocial hazards
- [Comcare](#) – Resources on harassment including sexual harassment
- [SafeWork Australia](#) – Good work design
- [The Centre for Work and Health and Safety](#) – Psychosocial Hazard Work Re-Design Tool.

Step 3 | Report handling procedure

Why does the procedure for handling reports matter?

Clear and accessible procedures for handling reports of sexual harassment and sex or gender based harassment are essential to creating a safe and supportive workplace culture and are required under the WHS Regulation. Here is why it matters:

- **Encourages reporting** – clear, effective, simple and transparent processes for reporting increases the likelihood that workers will feel comfortable reporting incidents.
- **Training for those handling reports** – workers responsible for managing internal reports should be trained on adopting a trauma-informed approach. Workers should also be educated to understand the risk factors of sexual harassment and sex or gender-based harassment and that workers can be affected. This may include awareness of referral pathways to specialised services and ongoing support can be used to manage difficult cases.
- **Builds a safe and consistent reporting culture** – underpinned by transparency, that encourages reporting of incidents. This includes encouraging workers to report incidents and offering a range of formal and informal reporting pathways. It is also important to have consistent disciplinary outcomes where sexual harassment or sex or gender-based harassment has been substantiated.

What is the procedure for handling reports of workplace sexual harassment and sex or gender-based harassment?

Questions to consider:
- **What are the reporting processes?**
  - Are there clear and well-documented processes in place?
  - Are there multiple reporting pathways available?
  - Do the reporting processes consider the diverse characteristics of workers?
  - Do workers understand the external reporting pathways available to them, such as [Workplace Health and Safety Queensland](#), the [Queensland Human Rights Commission](#) or the [Queensland Police Service](#)?
  - Are there options for anonymous reporting, for example secure mailboxes or app-based reporting tools?
  - How is confidentiality managed if a report is made?
- **What support systems are in place?**
  - What formal and informal support systems are available, both internally and externally?
  - Are support services such as confidential mental health services, an Employee Assistance Program (EAP), or free community supports easily accessible?
  - Are these support systems available after the report and response process has concluded?
  - Is there a process to ensure a worker can have a representative when making a report?
- **What training and capacity building is available?**
  - How are leaders, managers and workers trained to respond effectively to reports?
  - What training and support are available for those handling internal reports, including training on supporting affected workers?
- **How are reports investigated and documented?**
  - How is the report handling procedure documented?
  - Are timeframes, decision points, and steps for investigating clearly communicated to all parties?

- o   Is there a commitment to ensuring timely and fair resolution of incidents?
- o   What processes are in place to ensure impartiality (for example, does the worker know about external reporting referral, for example, the [Australian Human Rights Commission](#), [Queensland Human Rights Commission](#), the [Fair Work Commission](#), the [Fair Work Ombudsman](#) or [Workplace Health and Safety Queensland](#))?
- o   Is there a requirement to notify external authorities about the incident?

- **What is the dispute resolution process?**
  - o   What is the process for resolving disputes related to the incident?
  - o   How is a positive and supportive culture of reporting encouraged within the organisation?
- **How often are report handling procedures reviewed for effectiveness**? (see Step 5. Review control measures)
  - o   PCBUs must review and evaluate the prevention plan whenever:
    - ▪ a report of sexual harassment or sex or gender-based harassment is made
    - ▪ if requested by a health and safety committee or representative
    - ▪ otherwise, every three years.

Useful resources

- [Fair Work Commission](#) – Order to stop sexual harassment at work
- [ComCare](#) – Responding to incidents
- [Managing the risk of psychosocial hazards at work Code of Practice 2022](#) – Chapter 4 Responding to complaints, incidents or reports of psychosocial hazards.

Step 4 | Communicate and implement

Why does implementation matter?

Effective implementation of a risk assessment process is crucial for preventing sexual harassment and sex or gender-based harassment in the workplace. Here is why it matters:

- **Translates risk assessment into action** – ensuring that identified risks are addressed through clear policies, controls and reporting pathways—reducing the likelihood of sexual harassment and sex or gender-based harassment occurring at work.

- **Engages workers** – effective implementation involves clear communication, ongoing consultation and incorporates workers' feedback to tailor measures to the workplace.

- **Strengthens workplace culture** – proper implementation fosters a culture of safety, respect and accountability—ensuring continuous improvement and encouraging workers to report concerns.

Note: A failure to implement the prevention plan may attract a maximum penalty of 60 penalty units.[21]

How will the PCBU implement and take reasonable steps to ensure workers are aware of the prevention plan and how to access it?

Questions to consider:

- **How were workers consulted** during the development and implementation of the prevention plan?

- **Were the characteristics of workers, the workplace and the work environment** considered when implementing the plan?

- **How were risks** of sexual harassment or sex or gender-based harassment **identified and assessed**?

- **Were controls implemented in accordance with the hierarchy of controls?**

- **What is the procedure for handling reports?**

- **How will** the **effectiveness of controls** and of **implementation** more broadly be **reviewed and evaluated**?

Useful resources

- [Managing the risk of psychosocial hazards at work Code of Practice 2022](#).

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[21] Section 55H(3) WHS Regulation.

Step 5 | Review control measures

Why does reviewing control measures matter?

Regular review of control measures ensures they remain effective, while also improving workplace culture. Here's why it matters:

- **Using data helps capture the nature and extent of the problem** – data helps PCBUs understand when, where and how prevalent sexual harassment and sex and gender-based harassment is in the workplace. This enables PCBUs to implement better control measures.

- **Fosters continuous improvement** – regular monitoring and evaluation ensures that control measures are continuously improved and adapted to maintain a safe and respectful workplace.

- **Commits to transparency** – being open and honest about the nature and extent of reported behaviours and the actions taken to address them, can assist with workplace culture and morale.

Reviewing, monitoring and maintaining controls

Questions to consider:

- **When should controls be reviewed or revised?**
    - during periods of significant change or workplace adjustments
    - when a control appears to no longer be effective
    - when a new hazard is identified
    - where consultation indicates a review is necessary
    - at the request of a Health and Safety Representative
    - on agreed review dates
    - after a serious incident, injury or psychological injury occurs related to sexual harassment or sex or gender-based harassment.
- **Are the current controls working to eliminate the risk? If not, why?**
- **How will the controls be maintained to ensure they remain effective?**
- **Who is responsible for reviewing the controls?**
- **How are controls monitored for effectiveness? What type of data is collected?**
    - Are both qualitative and quantitative data considered?[22]
- **How is the effectiveness and sustainability of the controls assessed?**
- **How are workers and other relevant stakeholders consulted during evaluation?**
- **How is the effectiveness of report handling procedures monitored, evaluated and reviewed?**
- **How is workers' satisfaction and trust in the reporting process measured?**
    - For smaller businesses this could involve formal reflection sessions following the resolution of individual reports. For larger organisations, a systematic analysis of data and trends may be more appropriate.
- **Is public reporting relevant to the organisation?**

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[22] Quantitative data refers to measurable numbers, while qualitative data refers to feelings, opinions, and perceptions, both of which are important sources of data.

- **How are monitoring and evaluation processes recorded?**
  - Examples may include notes of reflections undertaken, meeting notes of consultation conducted with workers, survey results, feedback, exit interviews, any third-party analysis, business data and metrics, reporting registers and evidence of an assessment of control measures (for example, a prevention plan).

Useful resources

- [Managing the risk of psychosocial hazards at work Code of Practice 2022](#) – Chapter 3.4 Maintaining and reviewing control measures.

Appendix 2: Further resources, information and support services

Legislation

- *Work Health and Safety Act 2011*
- Work Health and Safety Regulation 2011
- Work Health and Safety (Sexual Harassment) Amendment Regulation 2024.

WHSQ resources

- The Managing the risk of psychosocial hazards at work Code of Practice 2022
- Understanding sexual harassment and sex and gender-based harassment:
    - Sexual harassment and sex or gender-based harassment
    - Factsheet and communications kit
- People at Work psychosocial risk assessment process:
    - Psychosocial risk assessment – suitable for all businesses
    - Focus group guide
- Injury Prevention and Management Program – Injury Prevention and Management Program (IPaM) is a joint initiative delivered by WHSQ and WorkCover Queensland. It is a free program designed to help Queensland businesses develop and implement sustainable health, safety and injury management systems.
- WHSQ Advisory Services on 1300 362 128.

Resources from Safe Work Australia

- Model Code of Practice: Sexual and gender-based harassment
- Preventing workplace sexual harassment – National guidance material
- Guidance for small business: Preventing workplace sexual harassment
- Workplace sexual harassment - advice for workers
- Infographic resources:
    - What is workplace sexual harassment?
    - The impacts of sexual harassment
    - Workplace sexual harassment – Your WHS duties
    - Steps to prevent workplace sexual harassment
    - Workplace sexual harassment statistics
    - What to do if you are sexually harassed at work.

Resources from Respect@Work

- Time for respect: Fifth national survey sexual harassment workplaces

Other resources

- Guidance and resources | Comcare
- Learning module | Fair Work Commission
- Act now to stop sexual harassment: Australian Human Rights Commission
- Guidelines for Complying with the Positive Duty (2023)
- A Resource for Small Business on the Positive Duty (2023)

Support resources

- In an emergency, call 000 or go to the local hospital emergency department.

Mental health support services

- Lifeline Australia: 13 11 14, available 24 hours a day, seven days a week, confidential crisis support for all Australians.

- [Beyond Blue:](#) 1300 224 636, available 24 hours a day, seven days a week, via phone or online chat.
- [Suicide Callback Service:](#)1300 659 467, available 24 hours a day, seven days a week, confidential crisis support, including support for those affected by suicide.
- [Mental Health Access Line:](#) 1300 642 255 (1300MHCALL), available 24 hours a day, seven days a week, confidential first point of contact to public mental services to Queenslanders.
- [Kids Helpline:](#) 1800 55 1800, available 24 hours a day, seven days a week, confidential support for young people aged 5 to 25.
- [13 YARN](#): 13 92 76, available 24 hours a day, seven days a week, confidential support connecting you with an Aboriginal or Torres Strait Islander (incl. mobile or pay phone).
- [MensLine Australia:](#) 1300 78 99 78, available 24 hours, seven days a week, confidential support for and referral service for men with family and relationship concerns.
- [Workers' Psychological Support Service](#): assists Queensland workers who have experienced a work-related psychological injury.

Sexual harassment and sex or gender-based harassment crisis support services

- [1800RESPECT:](#) 1800 737 732, available 24 hours a day, seven days a week, confidential crisis support for those affected by family violence or sexual violence (including work related).
- [Sunny app:](#) is an app for people living with a disability.
- [Sexual Assault helpline:](#) 1800 010 120 Queensland based, 7:30 - 11:30 am, seven days per week, confidential crisis support for those experiencing sexual violence.

Reporting to Police

- For emergencies contact triple zero (000). Non urgent reporting information is available through the [Queensland Police Service](#) website or by contacting [PoliceLink](#).

Additional health services and resources

- [Queensland Health – Sexual Health Clinic](#): a list of government sexual health services in Queensland.
- [Living Well](#): support for men affected by sexual assault.
- [WWILD](#): support for those with intellectual and learning disabilities that have experienced or are at risk of experiencing sexual violence or other crime or exploitation.
- [Immigrant Women's Support Service](#): information and support for immigrant women and children from
  non-English speaking backgrounds with experiences of sexual violence.
- [Queensland Mental Health Commission:](#) for mental health information and support.
- [OurWatch:](#) a national leader in the prevention of violence against women and children.