

Managing the risk of sexual harassment and sex or gender-based harassment at work

Example prevention plan

All persons conducting a business or undertaking (PCBUs) **must** prepare and implement a **prevention plan** to manage identified risks of sexual harassment and sex or gender-based harassment in the workplace. 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.

The prevention plan must focus on managing identified risks to the health and safety of workers, or other persons, in the workplace. PCBUs must ensure that the plan complies with the requirements in section 55H of the [Work Health and Safety Regulation 2011 \(WHS Regulation\)](#).

The risk management process is set out in the [Managing the risk of psychosocial hazards at work Code of Practice 2022](#) (the Code) and involves:

- **identifying the risk of sexual harassment and sex or gender-based harassment** – find out what could cause harm
- **assessing risks** – understand the nature of the harm, how serious the harm could be and the likelihood of harm occurring
- **controlling risks** – implement the most effective control measures that are reasonably practicable in the circumstance
- **reviewing control measures** – to ensure they remain effective.

All of these steps must be supported by consultation. The prevention plan must be communicated to workers.

This document provides PCBUs with a template that can be used 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 in preparing a prevention plan.

WORKPLACE:

Lyn's Store

AUTHOR:

Lyn Smith

DATE:

1 March 2025

DATE OF NEXT REVIEW:

1 September 2025

Consultation

Sections 46, 47, 48 and 49 of the *Work Health and Safety Act 2011* (WHS Act) and section 55H(2)(e) of the *WHS Regulation 2011*

REQUIREMENT



PCBUs **must** consult with workers and others as part of the development of a prevention plan.

CONSIDERATIONS



- Have you consulted with your workers?
- How did you consult with your workers?
- Have you included other parties as part of your consultation process (for example, unions, representatives, shared duty holders)?
- Have you protected your workers' privacy and anonymity, where possible?
- Are you using consultation as an opportunity for improvement?

ACTIONS TAKEN



I met with my workers for afternoon tea when the store had closed early (staff were paid for their time).

I told workers that I could chat with them privately if needed. I confirmed that all discussions were confidential. One worker asked for a private meeting. I arranged for this the next day.

I also put a locked letterbox in the staffroom for workers who wanted to provide anonymous feedback.

I emailed my workers the WHSQ fact sheet before the meeting. I also discussed plans to review risks and develop a prevention plan.

Workers shared the following insights at our initial meeting:

- *feeling uneasy opening the store on their own and being alone in the store*
- *feeling unsafe taking the rubbish to the bins at the back of the shops late at night*
- *that flirtatious/inappropriate comments have been made to them by customers.*

I held a follow-up meeting and it was decided that:

- *where possible, workers will not be rostered on by themselves for shifts before 7am or after 5pm—propose to roster in pairs and check pairings before finalising roster*
- *rubbish can be left bagged at the rear of the store and taken to the bins the following morning*
- *signs will be displayed at the counter to show a zero-tolerance approach to inappropriate behaviour towards staff.*

Workers are encouraged to identify if/when customers behave inappropriately so that I can speak with the customer directly and/or refuse service if necessary.

Characteristics of workers and the workplace

Sections 46, 47, 48 and 49 of the WHS Act 2011 and section 55H(2)(e) of the WHS Regulation 2011

REQUIREMENT



PCBUs **must** have regard to the characteristics of workers, the workplace and the work environment when assessing, identifying, and controlling the risks for sexual harassment and sex or gender-based harassment.

CONSIDERATIONS



- What are the characteristics of your workers?
For example, number of workers, gender, age of workers, employment status (casual, part-time), isolated workers, LGBTIQ+, diversity of workers, etc.
- What are the characteristics of your workplace and/or work environment?
- Do direct observations of the workplace indicate any risks?

ACTIONS TAKEN



My workers:

- *are young (under 21 years, other than myself)*
- *are mostly female (three female workers and one male worker)*
- *one of my workers openly discloses that he is a Torres Strait Islander person*
- *are casually employed*
- *know that inappropriate behaviour is not tolerated in our workplace*
- *are respected and valued team members.*

I am the only full-time worker.

I make all the decisions for the business.

My workplace/work environment:

- *exposes workers to third parties regularly, for short periods of time. This includes customers, delivery drivers/couriers, sales representatives, tradespeople and cleaners*
- *opens early (6am) on weekdays and closes late on Thursdays (7pm)*
- *is well-lit inside but can be dark when opening/closing the store*
- *has a lockable area away from customers (where staff break room and bathroom are located)*
- *provides lockers for workers to store their possessions safely.*

The work culture is fun and respectful. The team are very sociable, including celebrating birthdays and special occasions.

Identification of other risks and psychosocial hazards

Sections 55D(2), 55F, 55H(1) and 55H(2)(b) of the WHS Regulation 2011

REQUIREMENT



PCBUs **must** identify and assess any other risks and psychosocial hazards.

CONSIDERATIONS



- Have risks been identified in the workplace?
- How long are workers and others exposed to the risk and hazards?
- How often are workers and others exposed?
- How does exposure to the risk or hazard affect workers (for example, distress, stress, physical safety)?
- How does the hazard interact with or combine with other hazards?
- Have you consulted with workers to assess risks?
- Is there data to assess the risks?

ACTIONS TAKEN



Workers are exposed to third parties. This risk occurs regularly and for a short duration.

Workers are alone when opening the store in the dark, and when closing at night. They are also alone when emptying bins after dark. This is for a short duration, but the risk could be severe if something went wrong, and the worker could not get help.

Workers are sometimes alone when working in the store during their shifts. This happens daily but the severity of the risk is low as we have cameras in store/phones for emergencies.

Some of my workers are at a higher risk due to their young age, employment arrangement (casual workers) and Torres Strait Islander heritage.

I regularly check in with workers (through informal catch ups and regular team meetings) to ensure the workplace remains a safe place for them.

Workers understand that they are protected under anti-discrimination laws as well (there is a poster in the break room).

I have completed this template as a written record.

Control risks

Section 17 of the WHS Act 2011 and sections 55D(2), 55F(1), 55H(2)(c) and 55H(2)(d) of the WHS Regulation 2011

REQUIREMENT

PCBUs **must** implement control measures in accordance with the hierarchy of controls, aiming to eliminate then minimise the risk of sexual harassment.

CONSIDERATIONS

- What control measures have been implemented, or will be implemented, to manage each identified risk?
- Consider control measures based on the workers, workplace and work environment.
- How will control measures be recorded and reviewed to ensure that they are, and that they remain, effective?

ACTIONS TAKEN

The controls were developed in consultation with workers. The controls we agreed on are:

- *explaining to workers what sexual harassment and sex or gender-based harassment is and what it can look like. I have already sent around the fact sheets and links to the WorkSafe website*
- *communicating to workers that I am available if they wish to discuss their experiences at work. I also reminded them that they can share suggestions anonymously via the locked letter box (only I have keys to this)*
- *processes to ensure workers are safe when exposed to third parties by rostering workers in teams of two where possible*
- *changing rostering so that workers open/close the store in pairs for early starts/late finishes*
- *taking rubbish to bins in daylight hours instead of at night. If this is not possible, workers can leave the rubbish in the storeroom until morning*
- *ensuring cameras are working and visible by/notified to customers*
- *ensuring I have signage in store so customers and others know that inappropriate behaviour towards workers will not be tolerated*
- *ensuring workers and customers know that my business is inclusive of diversity. I am mindful of my workers' right to privacy but also want them to know that they can be themselves at work*
- *regularly checking in with workers through informal catch ups and team meetings to discuss any issues. I take notes at the team meetings so issues will be recorded*
- *together, my workers and I have agreed to review controls monthly for the next six months, and every three months after that*
- *I will keep talking with my workers and will review my employee HR information (for example, if I notice workers taking repeated/unplanned leave).*

If I have any resignations, I plan to hold an exit interview with that worker to understand their reasons for leaving.

Reporting

Part 5, Divisions 5 and 7A of the WHS Act 2011 and section 55H(2)(f) of the WHS Regulation 2011

REQUIREMENT



The prevention plan must detail the procedures for dealing with reports of sexual harassment and 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 health and safety representative
- how the person who made the report and other parties will be informed of the result 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.

CONSIDERATIONS



- What are the procedures for dealing with reports?
- Consider the following in developing procedures:
 - ensure clear and well-communicated reporting processes
 - offer multiple formal and informal reporting pathways, where available
 - educate workers on external reporting pathways
 - offer anonymous reporting options and manage confidentiality
 - provide accessible support systems for affected persons
 - provide training and support for workers handling reports
 - communicate timeframes and decision points to parties
 - ensure fairness and impartiality in investigations
 - review report-handling procedures to assess effectiveness.

ACTIONS TAKEN



The report handling procedure was developed in consultation with my workers and will be discussed in the next team meeting. It explains that workers can make reports to me and that I will investigate their report as best as I am able and take appropriate action.

I have informed workers that they can make reports to external agencies (for example, the Queensland Human Rights Commission) if they would prefer.

The report-handling procedure will be confidential. I have told workers that if a report is made, I will record it in writing in a secure location on my password protected laptop.

If a report is made, I will try to respond to the worker/s with the outcome of my investigation within two weeks (where possible).

I will keep talking with workers and encourage feedback at team meetings, so that I can check whether this process is working well.

Any investigations will not just focus on the specific incident reported but will also attempt to identify its cause and any additional control measures that may be needed.

Communicate and implement

Sections 55H(3) and 55H(4)(a) of the WHS Regulation 2011 (maximum penalty—60 penalty units)

REQUIREMENT



The prevention plan **must** be implemented. Reasonable steps **must** be undertaken to ensure workers are aware of the prevention plan and how to access it.

CONSIDERATIONS



- How has the prevention plan been implemented?
- Is the prevention plan set out and expressed in a way that is readable, accessible and understandable to workers?
- What reasonable steps have been taken to ensure workers are aware of the prevention plan and how to access it (for example, communicated plan clearly and consulted with workers during implementation)?

ACTIONS TAKEN



To communicate the plan:

- *The plan was developed in consultation with workers.*
- *Once the plan was written, it was emailed to all workers.*
- *A hard copy of the plan is attached to the notice board in the break room, with printed out copies available.*
- *The location of the plan was communicated to workers in person and via email.*
- *Workers are all able to read and understand English, so there is no need to translate it.*

To implement the plan, I have:

- *communicated the plan to all workers*
- *consulted with all workers*
- *considered the characteristics of the workers, workplace and work environment when developing the plan*
- *assessed and identified risks through the risk assessment process*
- *implemented controls in accordance with the hierarchy of controls*
- *established a report handling procedure and communicated this to workers.*

Reviewing the prevention plan and control measures

Sections 55G and 55H(4)(b) of the WHS Regulations 2011 (maximum penalty—60 penalty units)

REQUIREMENT



CONSIDERATIONS



ACTIONS TAKEN



The prevention plan must be reviewed:

- if a report is made—as soon as practicable after the report is made
- if a health and safety committee or a health and safety representative requests a review of the plan—as soon as practicable after the request is made
- otherwise—every three years.

How will the prevention plan be reviewed and evaluated?

- review controls during workplace changes, when the controls become ineffective or after serious incidents
- review controls when new hazards are identified, a health and safety representative requests a review or on agreed review dates
- evaluate controls after serious incidents, injuries or psychological harm have occurred
- assign responsibility for reviewing controls
- record evaluation processes with documentation (for example, feedback, reports, consultation notes).

To review and evaluate the effectiveness of this plan, I will:

- *review controls regularly by observing the workplace and work behaviours and looking at any information that I might have that could be useful (for example, exit interviews)*
- *review the controls monthly for the next six months, then every three months after that. I will update this plan if there are changes to the controls*
- *otherwise, I will review this plan three years from the date on this plan, or if a report is made or new risk identified through regular catchups, or through anonymous reporting options*
- *continue to consult with workers regularly to help identify new risks and to ensure the plan is working effectively.*