

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

## Prevention plan template

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:

AUTHOR:

DATE:

DATE OF NEXT REVIEW:

## 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

# 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



## CONSIDERATIONS



## ACTIONS TAKEN



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.

- 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?

# Identification of other risks and psychosocial hazards

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

## REQUIREMENT



## CONSIDERATIONS



## ACTIONS TAKEN



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

- 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?

## 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



# 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



## 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



# 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).