



SEXUAL, AND SEX AND GENDER-BASED HARASSMENT AND VICTIMISATION POLICY

Lake Baroon Catchment Care Group Inc

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Policy Number	027	Responsible person	LBCCG Chair
Version	2025	Approved by Committee on	
Drafted by	Office Manager	Scheduled review date	As required

Introduction

Lake Baroon Catchment Care Group aims to ensure that every staff member can perform their work without being subjected to sexual, or sex or gender-based harassment. Every staff member is responsible for providing an environment that is supportive of this aim. Everyone must be treated with respect and must set an example of good behaviour in the workplace.

It is the legal obligation and responsibility of every board member, staff member and volunteer to ensure that the workplace is free from sexual, and sex and gender-based harassment and victimisation. Everyone working at Lake Baroon Catchment Care Group is responsible for the care and protection of our people and for reporting information about suspected harassment.

Lake Baroon Catchment Care Group is fully committed to its obligation to prevent and eliminate harassment in the workplace.

Purpose

The purpose of this policy is to outline Lake Baroon Catchment Care Group's position on sexual, and sex and gender-based harassment and to document the process which is to be followed should any grievances arise. This policy should be read in conjunction with the Sexual, and Sex and Gender-based Harassment Procedure.

Application of Policy

This policy applies to all staff in the workplace. It also applies to the behaviour of third parties towards staff.

Staff includes: Employees, Contractors, Volunteers, Persons seeking employment and Students.

Workplace includes:

- Lake Baroon Catchment Care Group premises (during or outside business hours)
 - Any other place where work is performed by Lake Baroon Catchment Care Group staff
 - Physical or virtual places where work-related activities occur (e.g. conferences, meetings, organised social events)
 - Transport used for business purposes
 - Any place (physical or virtual) where conduct may damage the relationship between the staff member and the organisation, or is otherwise incompatible with their duties
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Definitions

Unlawful Harassment

Unlawful harassment includes sexual harassment, and sex or gender-based harassment, and other forms of discrimination. It is any behaviour that is:

- Unwelcome or uninvited
- Reasonably expected to humiliate, offend, or intimidate
- Based on grounds of unlawful discrimination

Examples include:

- Sexual harassment (see below)
- Verbal abuse or stereotyping based on race, sex, sexual orientation, gender identity, disability, etc.
- Jokes or gestures based on discriminatory grounds
- Displaying or sharing offensive material (including electronic content)
- Mimicking accents or habits related to a person's disability
- Ignoring or isolating individuals due to protected characteristics

Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favours, or other unwelcome sexual conduct that makes someone feel offended, humiliated, or intimidated.

Examples include:

- Staring or leering
- Unwelcome touching or brushing up
- Sexual jokes or innuendo
- Display of sexual images or screensavers
- Sexual emails, texts, or messages on social media
- Repeated unwelcome invitations
- Criminal behaviours such as sexual assault or indecent exposure

A single incident is enough to constitute sexual harassment. Lack of objection at the time does not mean consent.

Sex-Based Harassment

Unwelcome conduct of a demeaning nature due to someone's sex, where a reasonable person would expect the behaviour to offend.

Examples include:

- Intrusive personal questions about anatomy
- Sexist, misogynistic or misandrist remarks
- Requests for degrading conduct based on sex
- Sexist material or imagery

Gender-Based Harassment

Behaviour that targets someone because of their gender, sexual orientation, or because they don't conform to gender norms.

Examples include:

- Taunts, threats, or vulgar language related to gender identity
- Forcing gender-stereotypical dress
- Homophobic, biphobic, transphobic or interphobic comments
- Comments on gender expression or physical traits
- 'Outing' someone regarding their gender identity

Victimisation

Victimisation is treating someone badly because:

- They made or supported a complaint of harassment
- They refused to take part in harassing behaviour
- They are believed to be considering a complaint

Victimisation is unlawful and may also breach workplace health and safety and industrial laws.

Policy Statement

Lake Baroon Catchment Care Group has **zero tolerance** for sexual, and sex and gender-based harassment or victimisation. Responsibility lies with every manager, supervisor, and staff member to ensure a safe and respectful workplace.

Expectations:

- All staff must behave safely, respectfully, and inclusively
- No one is to subject others to harassment or victimisation
- Breaches will result in disciplinary action, up to and including termination

Reporting:

- Staff are encouraged to act immediately if harassment occurs

- If comfortable, the issue may be raised directly with the person involved
 - Alternatively, a report can be made to a manager or the Management Committee
 - Reports will be treated confidentially and seriously
 - Both complainant and respondent may have a support person during the process
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Consequences of Breach

Any breach of this policy may result in disciplinary action, including but not limited to:

- Counselling
- Formal apology
- Conciliation or mediation
- Behavioural training
- Verbal or written warnings
- Changed working arrangements
- **Termination of employment** (with or without notice)
- **Cessation of contract or engagement**

Managers or supervisors who fail to act on known breaches may also face disciplinary consequences.

Review and Updates

This policy will be reviewed **annually**, or sooner if there are legislative changes or organisational needs that require policy amendments.



SEXUAL, AND SEX AND GENDER-BASED HARASSMENT AND VICTIMISATION PROCEDURES

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This procedure should be read in conjunction with the Sexual, and Sex and Gender-based Harassment and Victimisation Policy.

Responsibilities

It is the responsibility of the Manager to ensure that:

- they understand and are committed to the rights and entitlements of all staff members to attend work and perform their duties, without fear of being harassed or victimised in any form;
- they understand what constitutes an act of harassment or victimisation;
- all reasonable steps are made to eliminate harassment and victimisation;
- all staff members are regularly made aware of their obligations in relation to providing a workplace free from harassment and victimisation;
- they provide an environment which discourages harassment and victimisation and set an example by their own behaviour;
- they treat all complaints seriously and confidentially; and
- they take immediate and appropriate corrective action if they become aware of any offensive action or illegal behaviour.

It is the responsibility of the Manager to ensure that:

- policies and procedures are regularly reviewed and (if necessary) amended;
- policies and procedures are complied with;
- regular guidance and education are provided to staff members regarding harassment and inappropriate behaviour in the workplace;
- managers are aware of their obligations and responsibilities in relation to harassment, victimisation and the rights and entitlements of their staff members;
- ongoing support and guidance are provided to all staff in relation to the prevention of harassment and victimisation.

Staff:

- must comply with the Sexual, and Sex and Gender-based Harassment and Victimisation Policy;
- are encouraged to address sexual harassment directly if comfortable and safe to do so;
- are encouraged to raise any concerns about sexual harassment or victimisation with the Manager or Management Committee. This includes any concerning behaviour that staff may have observed, rather than experienced;

- must otherwise treat any concerns about sexual harassment or victimisation confidentially;
- must ensure that a person is not victimised for making, or being involved in, a sexual, or sex or gender-based harassment complaint.

Procedures

Complaint Process

Harassment can occur at any level of the organisation, can be experienced by all genders and may involve a co-worker, volunteer, supervisor, manager, service provider, client or customer. Lack of intent is no defence in harassment cases.

Staff who believe they are the subject of sexual, or sex or gender-based harassment or victimisation should take firm, positive and prompt action.

Where possible, the staff member should make the person(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the staff member feels unable to speak to the person(s) directly, they should contact their Manager. Alternatively, staff may contact the Management Committee.

Lake Baroon Catchment Care Group will provide support and ascertain the nature of the complaint. Staff who report sexual, or sex or gender-based harassment will be protected against retaliation and staff are reminded that victimisation will not be tolerated.

Informal Intervention

The Manager will explain the staff member's rights and responsibilities under the sexual harassment and victimisation policy and Equal Opportunity and/or anti-discrimination legislation.

Informal intervention may be undertaken through a process of mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond.

Formal Complaints Procedure

The Manager may carry out a formal investigation in relation to a complaint of sexual harassment, or sex or gender-based harassment or victimisation.

The formal procedure will be coordinated by the Manager or Management Committee as appropriate.

Formal investigations may be conducted internally or by an external investigator.

An investigation involves collecting information about the complaint and then making a finding (on the balance of probabilities) based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint or implementing disciplinary action (including and up to termination of employment).

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the Lake Baroon Catchment Care Group considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be suspended from work or provided with alternative duties during an investigation in which case they will be paid their normal pay during any such period.

Throughout the investigation process, all parties involved in the investigation will be kept informed about the investigation.

Records are to be kept and filed in a confidential and secure place and the documents will be maintained, unopened, in a confidential filing system. These records should be kept for a period of seven years

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling;
- Disciplinary action against the respondent (for employees) (e.g. training, written warning or dismissal);
- Official warnings that are noted in the respondent's personnel file;
- Disciplinary action against the complainant (but only if there is strong evidence that the complaint was vexatious or malicious);
- Formal apologies and undertaking that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- Re-crediting any leave taken as a result of the harassment.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation – as appropriate and in line with confidentiality obligations.

Following an investigation concerning a sexual, or sex or gender-based harassment complaint (irrespective of the findings), the Manager or Management Committee will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all staff members of their obligations and responsibilities in relation to providing a workplace free from harassment.

If there has been any substantiated victimisation, disciplinary procedures will be followed.

Procedures for Dealing with Criminal Conduct

Some forms of sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.

Such complaints should be dealt with by the relevant authorities (such as the police) as part of the criminal justice system.

Related Documents

- P&P.010 Grievance and Dispute Resolution Policy