



Sexual and Gender-Based Harassment Prevention Plan

Scope

This policy applies to Brook RED Community Members, Nominated Support People, Board Members, employees, contractors or consultants, students on placement, support workers assisting members of the Brook RED community, and other visitors to Brook RED run services.

Purpose

This policy outlines Brook RED's commitment to preventing and responding to both sexual harassment and gender-based harassment and sets forth how Brook RED will ensure that its interactions with all stakeholders are free from harassment.

Principles

Brook RED values diversity in our community and is committed to creating and maintaining a workplace that is free from harassment and discrimination. Brook RED is committed to equal opportunity employment and to ensuring that all aspects of employment are fair under relevant legislation. We value all people and treat all people with dignity and respect.

Policy

1. Staff Rights and Responsibilities

All staff are entitled to:

- Employment processes including recruitment which are based on merit and not affected by irrelevant personal characteristics;
- Work free from discrimination, bullying, sexual harassment, and sex-based harassment;
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and

All staff must:

- Model appropriate behaviour;
- Follow the standards of behaviour outlined in this policy;
- Offer support to people who experience discrimination, bullying, sexual harassment, or gender-based harassment, including providing information about making a complaint;
- Respect the confidentiality of complaint resolution procedures; and
- Treat everyone with dignity and respect.

Managers, Coordinators and Senior Peer Workers must additionally:

- Make staff aware of their obligations under this policy and the law;
- Intervene quickly and appropriately if they become aware of inappropriate behaviour;
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- Help staff resolve complaints informally;
- Refer formal complaints about breaches of this policy to the General Manager for investigation;



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- Ensure there are no recriminations for those who raise an issue or complaint;
- Ensure that recruitment processes and decisions are based on merit; and
- Seriously consider requests for flexible work arrangements.

2. Unacceptable Workplace Conduct

Gender-based harassment, sexual harassment, discrimination, bullying, and victimisation are unacceptable at Brook RED and are unlawful under the following legislation:

- Anti-Discrimination Act 1991 (Qld)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Fair Work Act 2009 (Cth)
- Work Health and Safety Act 2011 (Qld)
- Work Health and Safety Regulation 2011 (Qld)

Sexual harassment, gender-based harassment, discrimination, bullying, and victimisation are unacceptable at Brook RED. These behaviours are considered workplace matters when they occur at work, during work-related events, between individuals sharing a workplace, or between colleagues outside of work. Staff who engage in sexual harassment, gender-based harassment, discrimination, bullying, or victimisation may face disciplinary action. In cases of serious or repeated misconduct, this may include termination of employment.

Brook RED actively complies with the Positive Duty to take reasonable and proportionate measures to eliminate as far as possible discrimination, bullying, sexual harassment, gender-based harassment, and victimisation. Brook RED endorses the Australian Human Rights Commission's Guiding Principles and Standards and incorporate measures to ensure that we are continuously exploring ways to prevent and address unacceptable behaviour.

3. Confidentiality

Workers must not discuss any complaint of discrimination or harassment with other workers, Community Members, or stakeholders. Breaching the confidentiality of a formal complaint or inappropriately sharing personal information obtained through a professional role is a serious violation of this policy and may result in formal disciplinary action.

4. Equal Employment Opportunity

All recruitment and job selection decisions at Brook RED will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics. It is unacceptable to ask job candidates questions, or to in any other way seek information about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.



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5. Addressing and Resolving Issues

Everyone has the right to raise concerns, ask questions, or make a complaint in a respectful and reasonable manner without fear of victimisation. Brook RED encourages anyone who believes they have experienced discrimination, bullying, sexual harassment, gender-based harassment, or victimisation to take appropriate action by speaking with their Line Manager or any member of the management team, and/or by lodging a complaint under the Brook RED Complaints Policy.

Definition of Terms Used

Bullying

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices. Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event. If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Behaviours that may constitute bullying can include:

- Demeaning language;
- Threats, abuse, or shouting;
- Coercion;
- Isolation;
- Inappropriate blaming;
- Ganging up;
- Persistent unconstructive criticism;
- Deliberately withholding information or equipment; and
- Denial of workplace benefits such as leave or training.

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law. These include:

- A disability, disease or injury, including work-related injury;
- Parental status or status as a carer, for example, because they are responsible for caring for children or other family members;
- Race, colour, descent, national origin, or ethnic background;
- Age;
- Sex;
- Industrial activity, including being or not being a member of a trade union or taking part or not taking part in industrial activity;
- Religion;
- Pregnancy and breastfeeding;
- Sexual orientation or gender identity;
- Marital status, de facto relationship status, or same sex relationship status;
- Political opinion;
- Social origin;
- Medical record; and



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- Association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

Discrimination can be direct, where a person or group is treated less favourably than others in similar circumstances because of a personal characteristic protected by law, or indirect, where a seemingly neutral requirement, condition, or practice unfairly disadvantages people with a protected characteristic.

Sexual Harassment

Sexual harassment refers to unwelcome conduct of a sexual nature that occurs in circumstances where a reasonable person, considering the context, would expect the behaviour to cause the person harassed to feel offended, humiliated, or intimidated. It can be overt, subtle, or covert, and may occur in person, over the phone, or online – including through social media.

Examples include:

- Unwelcome physical contact or unwelcome advances such as brushing up against someone, touching, fondling, or hugging;
- Repeated or inappropriate invitations to go out on dates;
- Sexualised gifts;
- Comments or questions about a person's private life or the way they look;
- Sexually suggestive behaviour, such as leering or staring;
- Sexually suggestive comments or jokes;
- Displaying offensive screen savers, images, videos, calendars, or objects;
- Requests for sex;
- Sexually explicit emails, text messages, or posts on social media;
- Insults or taunts of a sexual nature;
- Accessing sexually explicit internet sites; and
- Behaviours that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking, or obscene communications.

Sexual harassment is not always obvious or ongoing, and it does not need to be intentional to be unlawful. The behaviour does not have to be sexually explicit — it can include innuendo, insinuations, undertones, or sexual jokes. Sexual harassment may involve a single incident or a pattern of behaviour that creates a sexually hostile, uncomfortable, or threatening work environment.

Conduct can be considered unwelcome even if the person does not explicitly reject it. Power imbalances or fear of victimisation may prevent someone from speaking out. Behaviour that was previously accepted may also become unwelcome over time. While individual experiences of behaviour can vary, whether it constitutes unlawful sexual harassment under the Sex Discrimination Act depends on how a reasonable person would view the behaviour in the given circumstances. These circumstances may include factors such as the person's age, sex, sexual orientation, gender identity, religious beliefs, cultural background, disability, and the nature of the relationship between the individuals involved. Sexual harassment is not



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sexual interaction, flirtation, attraction, or friendship that is invited, mutual, consensual, or reciprocated.

Sex-Based Harassment

While they may sound similar and often occur together, sexual harassment and sex-based harassment are distinct. Sex-based harassment refers to unwelcome behaviour that is sexist, demeaning, or degrading, but not necessarily sexual in nature. Like sexual harassment, sex-based harassment is unlawful when it occurs in circumstances where a reasonable person, considering the context, would expect the behaviour to cause the person harassed to feel offended, humiliated, or intimidated.

It can happen when a person is degraded, put down, or disrespected because of their sex, or a characteristic generally associated with people of that sex.

Examples include:

- Asking intrusive personal questions based on a person's sex (for example, inappropriate questions about menopause, menstruation, or genitalia);
- Making inappropriate comments and jokes based on a person's sex;
- Displaying images or making comments that are sexist or strongly prejudiced against a particular sex; and
- Asking a person to engage in degrading conduct based on their sex.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, been involved in investigating a complaint, or refused to do something because it would be discrimination, bullying, sexual harassment, or sex-based harassment.



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Workplace:	Authors:	Date:	Date of Next Review:
Brook RED	James Landsberg, Kristyn Bagguley	July 2025	January 2026
Consultation			
Sections 46,47, 48 and 49 of the <i>Work Health and Safety Act 2011</i> (WHS Act) and section 55H(2)(e) of the WHS Regulation 2011			

Requirement	Actions Taken
PCBUs (Persons Conducting Business or Undertaking) must consult with workers and others as part of the development of a prevention plan	Members of the Brook RED management team arranged to meet with staff at all locations. Staff were paid for their time. Staff were notified that they could meet in teams or meet one on one if they would prefer. They were also offered the opportunity to email responses to any of the questions asked or follow up after the initial consultation.
	Staff were emailed the WHSQ (Work Health Safety Queensland) fact sheet prior to the meeting and told the purpose was to review risks and develop a prevention plan in consultation with them.
	<p>Staff shared the following insights:</p> <ul style="list-style-type: none"> During some group activities, staff may wear more form-fitting clothing (such as activewear at the gym or swimwear at the beach), which can sometimes prompt unwanted comments from community members. Lyrics in the karaoke group occasionally include risqué content, which may lead to remarks from community members. When guests are asked to leave the RED House or other services, they may become agitated and are more likely to use harassing language than usual. Occasionally, community members with limited social skills may offer well-intentioned but inappropriate compliments to staff or other community members. <p>We held a follow-up meeting, and it was decided that:</p> <ul style="list-style-type: none"> Staff should choose clothing for group activities that makes them feel comfortable, and they are encouraged to dress more modestly if they prefer. All staff share a responsibility to address and challenge any inappropriate comments made by others. Staff will pre-screen songs for karaoke groups and maintain control of the app, ensuring community members do not select songs directly.



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Characteristics of workers and the workforce

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	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.	<p>Brook RED staff:</p> <ul style="list-style-type: none"> • range in age from 22 – 64 (median age 33) • more than 70% of the staff are female, non-binary, or transgender • more than 40% of the staff identify as LGBTQIAP+ • more than 25% of the staff identify as being from Culturally and Linguistically Diverse or Aboriginal and Torres Strait Islander backgrounds • are aware that inappropriate behaviour is not tolerated in the workplace • review our policies and procedures annually covering topics such as our code of conduct, sexual harassment policy, and complaints procedure • are valued and respected team members <p>Business decisions are made by the management team in consultation with the board.</p> <p>The workplace environment:</p> <ul style="list-style-type: none"> • regularly exposes workers to third parties for short periods, including support persons, delivery drivers, and tradespeople. • involves daily interaction with new people, some of whom have experienced, or are experiencing social isolation and/or significant distress. • operates a phone line service from 5pm to 9pm staffed by a single employee. • includes staff working one-on-one within the community. • has a location situated in a basement room at Princess Alexandra Hospital. • includes staff working alone on weekends.



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Identification of other risks and psychosocial hazards

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

Requirement	Actions Taken
PCBUs must identify and assess any other risks and psychosocial hazards	<p>We maintain a psychosocial hazards risk register</p> <p>Staff are consulted annually about psychosocial hazards</p> <p>Staff are encouraged to identify any psychosocial hazards and raise them with their line managers, who are required to inform the management team</p> <p>The following hazards have been identified:</p> <ul style="list-style-type: none">• working alone on Warm Line and weekend shifts• providing support to people who are distressed and may be less able to regulate their emotions at the time• working in high crime areas• working alone in the community/at people's houses• high job demands/stress• working in a location where Brook RED staff have limited ability to change the physical space (PAH)



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

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

Requirement	Actions Taken
PCBUs must implement control measures in accordance with the hierarchy of controls, aiming to eliminate then minimise the risk of sexual harassment.	<p>The controls were developed in consultation with staff. The controls we agreed to are:</p> <ul style="list-style-type: none"> • Warm Line and weekend staff are encouraged to contact their Line Manager in the event they are uncomfortable, if they are not able to get in touch with their Line Manager they are to contact any member of the management team • staff are encouraged to ask for support from another staff member when appropriate and they anticipate a challenging conversation with a Community Member/participant (for example when timing someone out from the service) • staff in individual support roles regularly check-in with the team and their Line Manager when working in less safe areas, or when meeting someone for the first time, or at a new participant's house. First meetings are not completed at someone's house, and are instead arranged at a public place such as a cafe or park • staff are encouraged to access external supervision in accordance with Line Management and Practice Supervision Guidelines, and are encouraged to raise any concerns with their Line Manager, or a member of the management team at their preference • Brook RED has an Employee Health and Wellbeing Policy and maintains an open dialogue with employees about how to best support health and wellbeing and a range of formalised supports are on offer to employees • To promote safety and well-being and to limit the risk of harassment staff should collaborate on appropriate adjustments to the locations they work in, and are also encouraged to step away from their workspace when it is appropriate to do so



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Requirement	Actions Taken
<p>The prevention plan must detail the procedures for dealing with reports of sexual harassment and sex or gender-based harassment at work, including</p> <ul style="list-style-type: none"> • 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 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. 	<p>Brook RED considers that addressing complaints appropriately supports high quality service and ensures a just and inclusive community in which all stakeholders' perspectives are valued.</p> <p>The report handling procedure was developed in consultation with staff and guided by our established policies for handling complaints.</p> <p>Brook RED is committed to:</p> <ul style="list-style-type: none"> • maintaining a Complaints Procedure to ensure that complaints are responded to in a timely, impartial, and respectful fashion • ensuring that a record of any complaint is kept and that complaints are reviewed annually to support service and operational improvement • encourage and support anyone who may have a complaint about Brook RED's services or operations to express this through the Complaints Procedure • ensuring that the Complaints Policy and Complaints Procedure are made clear to individuals accessing its services and to the Brook RED Board of Directors, management team, employees, volunteers, and students on placement • handling all complaints in a confidential manner • undertaking action to resolve a complaint as soon as is practicable and within ten business days of receiving the complaint (if a complaint is complex and requires considerable investigation, the resolution time may be extended. Complainants will be notified of this where contact details have been provided) • ensuring that the complaints investigation process will be conducted impartially and with consideration for the safety and dignity of all parties • ensuring that there are no punitive repercussions for complainants • encouraging any individual who is unsatisfied with the outcome of the Complaints Procedure to consider seeking external support or advocacy as they may find appropriate



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Communicate and implement

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

Requirement	Actions Taken
<p>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.</p>	<p>To communicate the plan:</p> <ul style="list-style-type: none"> • The plan was developed in consultation with staff. • Once the plan was written it was emailed to all staff. • A copy of the plan is available on the Brook RED website. <p>To implement the plan, we have:</p> <ul style="list-style-type: none"> • communicated the plan to all staff • consulted with all staff who wished to be involved in the process • met with staff upon completion of the plan to discuss how we will implement the plan • considered the characteristics of the staff, 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.



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* Pursuant to Part 5, Division 7A of the WHS Act, the dispute resolution provisions facilitate timely resolution of WHS disputes providing certainty for parties where a dispute remains unresolved.

A WHS dispute is a dispute that exist between any of the following:

- a person conducting a business or undertaking;
- a worker affected by a WHS matter;
- a health and safety representative (HSR) affected by a WHS matter; or
- a relevant union for a worker affected by a WHS matter; or
- a representative for a worker affected by a WHS matter.

A WHS dispute is a dispute about a WHS matter such as:

- issue resolution (under Part 5, Division 5 of the WHS Act);
- access to information by a health and safety representative (under s 70(1)(c) of the WHS Act in relation to hazards and the health and safety of workers in a work group); the giving of a notice or information to a HSR (under s 70(1)(cb) or (cc) of the WHS Act)
- a request by a HSR for a 'suitable entity' assisting the HSR to have access to the workplace (under s 70(1)(g) of the WHS Act);
- an issue regarding the obligation to train HSRs (such as the choice of training, attendance and payment of training costs - under s 72(2)(aa), (a) or (b), or s 72(4)(a), (b), or (c) of the WHS Act);
- an issue about the right to cease or direct cessation of unsafe work (under Part 5, Division 6 of the WHS Act).

The intention of the WHS Act is to encourage parties to resolve issues at the workplace without the need for escalation to the Regulator or the Commission. However, if a WHS dispute remains unresolved, a party to the dispute may give the Industrial Registrar written notice of the dispute (see section 102B of the WHS Act).

Furthermore, if a WHS dispute is regarding the determination of a work group, a work group variation matter or a health and safety committee matter, then a party may give the Industrial Registrar written notice if an inspector has been appointed to assist the parties to the dispute to reach an agreement and that inspector has made a decision relating to the dispute (under s 54(5)(a) or (b), or s 76(6B) of the WHS Act).

The Commission may then:

- deal with the dispute in anyway it thinks fit, whether that be mediation, conciliation or arbitration;
- if the matter is dealt with by arbitration, make any order it considers appropriate for the prompt settlement of the dispute (see section 102C of the WHS Act);
- review a compliance decision made by an inspector and either confirm, vary or set aside that decision (see section 102D of the WHS Act);
- decide not to deal with the dispute (and may order costs) if the Commission believes the matter to be frivolous, vexatious, misconceived or lacking substance (see section 102E of the WHS Act).



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References

Age Discrimination Act 2004 (Cth)
Managing the risk of psychosocial hazards at work Code of Practice 2022 (Qld)
Work Health and Safety Act 2011 (Qld)
Anti-Discrimination Act 1991 (Qld)
A quick guide for complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth), Australian Human Right Commission
Australian Human Rights Commission Act 1986 (Cth)
Brook RED Code of Conduct
Brook RED Complaints Policy and Procedure
Brook RED Human Resources Policy and Procedure
Disability Discrimination Act 1992 (Cth)
Workplace Health and Safety QLD
QLD Industrial Relations Commission
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)

Document Control and Record of Changes

Version	Effective Date	Approved by	Summary of Change	Date of Next Review
Version 01	Developed collaboratively through 2025	Blake Barber	Introduction of new policy	January 2026

The General Manager has overall responsibility for this policy. If there are any questions regarding this policy, please direct these to the Business Services Manager or General Manager.