

Workplace sexual, sex and gender-based harassment policy

Purpose

Ahpra has a positive duty under work, health and safety legislation to provide and maintain a safe and healthy workplace. Ahpra also has a positive duty under anti-discrimination legislation to take reasonable and proportionate measures to eliminate, as far as possible, sex discrimination, sexual harassment, victimisation and conduct that causes a workplace environment that is hostile to workers because of their sex.

We all have a shared legal obligation not to engage in sexual, sex or gender-based harassment, which includes between workers, practitioners or members of the public with whom our workers are engaging.

Ahpra's commitment to providing workers with a safe working environment is clearly stated in our *Code of conduct* and is consistent both with our corporate values and our legal obligations under anti-discrimination, work health and safety and industrial legislation.

The purpose of this policy is to make those covered by this policy aware of:

- what decisions, behaviours and actions constitute workplace sexual, sex and gender-based harassment, and
- the related policies and procedures Ahpra has in place to manage workplace disclosures and complaints related to sexual, sex and gender-based harassment.

Scope

This policy applies to all Ahpra workers, defined in accordance with [Definitions – people policies and procedures PC002](#) as a person who carries out work with Ahpra including: the Ahpra Board, National Executive, employees, contractors, agency workers, volunteers, interns, work experience staff and statutory employees (board, committee and panel members).

This policy applies to all workers at any time when they are engaging in work duties, interacting with others while working, and/or when they are at the workplace (including when engaging with others using technology such as video meetings, working remotely, and/or when at social or off-site events in connection with their work). The protections under this policy extend to prospective workers at Ahpra, and members of the public or a registered health practitioner or student in their dealings with Ahpra.

Policy

Ahpra is committed to creating a workplace that is free from sexual, sex and gender-based harassment and behaviour which contribute to unsafe and hostile workplace environments. Ahpra will respond to any actions or behaviour deemed to be in breach of this policy, in accordance with Ahpra's *Code of conduct* and *Code of conduct for board and committee members*.

Ahpra will promote anti-sexual, sex and gender-based harassment strategies through appropriate reporting mechanisms, procedures and learning opportunities, to:

- create awareness of sexual, sex and gender-based harassment and how it affects individuals and the broader community

- identify, promote and build on good practice initiatives to prevent and reduce sexual, sex and gender-based harassment, and
- empower communities and individuals to take action to prevent and reduce sexual, sex and gender-based harassment when it occurs.

1. Responsibilities

- 1.1 The Respect@Ahpra framework, in conjunction with Ahpra's *Health, safety and wellbeing policy*, *Workplace bullying and harassment policy* and *Anti-discrimination and equal opportunity policy*, defines key roles and responsibilities in relation to creating and maintaining a healthy and safe work environment.

2. Guiding principles

2.1 Ahpra:

- 2.1.1 acknowledges its responsibility to provide a safe working environment under relevant legislative instruments and that sexual, sex and gender-based harassment is unlawful
- 2.1.2 recognises and acknowledges that gender inequality is a key driver of sexual harassment
- 2.1.3 promotes an organisational culture that is inclusive of all and does not tolerate sexual, sex or gender-based harassment in any form. This means that Ahpra will be proactive in eradicating the behaviour and that there will be action and consequences that are appropriate and proportionate to the behaviour, taking into account the impact of the behaviour and the wishes of the person subjected to the behaviour (see the definitions section of this policy for a list of protected attributes)
- 2.1.4 sees it as a shared responsibility to combat sexual, sex and gender-based harassment and will support active bystanders who speak up
- 2.1.5 will manage all complaints of sexual, sex and gender-based harassment sensitively, fairly, and in accordance with its Workplace complaints and reporting procedure
- 2.1.6 will adopt a person-centred, trauma-informed, and culturally safe approach that actively listens to the needs of the complainant and ensures that the safety and wellbeing of the person disclosing or reporting the conduct or the behaviour is the priority
- 2.1.7 advises that workers may be personally liable if allegations of sexual, sex and gender-based harassment are substantiated against them. Some instances of sexual, sex and gender-based harassment may be investigated by external enforcement authorities (such as police, or a health and safety regulator) and individuals may also be subject to criminal prosecution
- 2.1.8 will provide workers with adequate training and instruction to manage the risk of workplace sexual, sex and gender-based harassment in line with their role and the risks identified.

3. Responding to sexual, sex or gender-based harassment

Self-management

- 3.1 If you are experiencing or witnessing workplace sexual, sex or gender-based harassment, Ahpra encourages you to take action which may help resolve the issue if you feel comfortable and safe to do so.
- 3.2 You have every right to make someone aware that their behaviour or conduct is making you feel uncomfortable or unsafe. When you feel comfortable and it is safe for you to do so, you can ask the person to stop or make it clear how their behaviour is unwelcome or upsetting. You may wish to speak to your manager first to seek guidance on how to have this conversation.
- 3.3 This can be an effective way of stopping the behaviour before it gets worse. In some circumstances, the self-management approach may be inappropriate, such as if there is a power imbalance between you and the other person(s), if previous attempts to discuss your concerns have been unsuccessful, or if there are safety concerns.

3.4 Self-management is never appropriate if it is unsafe or against your wishes.

Reporting to a manager or People and Culture Business Partner

3.5 If you do not feel comfortable asking the person to stop or you do not feel safe to do so, or if you would like to make a report about their behaviour, contact either a manager or People and Culture Business Partner as soon as possible after the incident or make an anonymous report to Ahpra's Independent Respect Hotline (refer to the Workplace complaints and reporting procedure for contact details).

Guidance on how to make a report or complaint

3.6 Further guidance on how to make a report or complaint, including in relation to workplace sexual, sex and gender-based harassment, is in the Workplace complaints and reporting procedure.

4. Support

4.1 Immediately following an incident, it is important to seek support. In addition to the support of your manager or People and Culture Business Partner, you may seek help from:

4.1.1 Ahpra's [Employee Assistance Program \(EAP\)](#), a confidential counselling, coaching and wellbeing service that is available to all employees and their immediate family members. Alternatively, the [I-CARE](#) program (as part of Ahpra's EAP offering) provides Aboriginal and Torres Strait Islander Peoples with access to qualified, specialist, counselling services provided by First Nations Peoples.

4.1.2 Ahpra's network of specially trained Respect Officers, who can assist with initial advice and guidance to navigate the Respect@Ahpra framework, policies and procedures.

4.1.3 Additional specialist support available externally. Contact numbers for these services can be found in Appendix A.

5. Non-compliance

5.1 Non-compliance with this policy will be managed in accordance with Ahpra's *Code of conduct*, *Code of conduct for board and committee members*, and other relevant policies listed in the related documents section of this policy.

Definitions

Term	Definition
Unlawful harassment	<p>Is a form of unlawful discrimination. Unlawful harassment includes sexual harassment and other types of harassment which the law does not allow.</p> <p>In general, unlawful harassment is any form of behaviour that:</p> <ul style="list-style-type: none">• is unwelcome (not wanted) or uninvited (not asked for)• a reasonable person would have anticipated would humiliate, offend or intimidate someone exposed to the conduct, and• is based on one of the grounds of unlawful discrimination. <p>Unlawful harassment may occur whether or not the person who is the target of the conduct feels that their job depends on 'putting up' with the conduct. In some cases, one action will be enough to create unlawful harassment. In others, there may need to be a persistent pattern of behaviour before unlawful harassment has occurred.</p> <p>Unlawful harassment includes, but is not limited to:</p> <ul style="list-style-type: none">• unlawful sexual harassment• verbal abuse or comments that put down or stereotype people because of any grounds for discrimination, including their race,

	<p>sexual orientation, gender identity or expression, intersex, pregnancy, disability</p> <ul style="list-style-type: none"> • jokes based on any grounds for discrimination, including race, sexual orientation, gender identity or expression, intersex, pregnancy, disability • mimicking someone's accent, or the habits of someone with a disability • offensive gestures based on any grounds for discrimination, including race, sexual orientation, gender identity or expression, intersex, pregnancy, disability • ignoring or isolating a person or group because of any grounds for discrimination, including their race, sexual orientation, gender identity or expression, intersex, pregnancy, disability • display or circulation of racist, pornographic or other offensive material (including in electronic format).
<p>Sexual harassment</p>	<p>Is a form of unlawful harassment and includes any unwelcome physical contact and/or advance, comments or remarks of a sexual nature, unwelcome requests for sexual favours or other unwelcome conduct of a sexual nature in circumstances where a reasonable person, knowing all the circumstances, would anticipate that the person harassed would be offended, humiliated or intimidated.</p> <p>A single incident can constitute sexual, sex and gender-based harassment.</p> <p>Sexual harassment can also be behaviour that while not directed at a particular person, affects someone who is exposed to it or witnesses it.</p> <p>Examples of sexual harassment include:</p> <ul style="list-style-type: none"> • unwelcome physical contact, such as touching, fondling, hugging, grabbing or kissing • staring or leering at a person's breasts, genitals or other body parts • sexually suggestive comments, jokes or innuendo • using suggestive or sexualised nicknames for co-workers • display or circulation of sexual material, including magazines, posters, explicit pictures and emails • offensive or sexually explicit gestures or indecent exposure • persistent unwanted invitations to go out on dates • pressure, requests or demands for sex or sexual favours • unwelcome or intrusive questions or comments about a person's sex life or body • unnecessary familiarity, such as deliberately brushing up against a person or constantly starting at a person • following, watching or loitering near another person • insults or taunts based on sex • sexually explicit or indecent physical contact • offensive, sexually explicit or indecent emails or SMS text messages, phone calls or online interactions • threatening to share intimate images or film without consent • repeated or inappropriate advances online, such as social networking sites, and • actual or attempted rape or sexual assault. <p>Mutual attraction between people is not unlawful sexual harassment. Conduct which is welcome or consensual is not unlawful, and friendships (sexual or otherwise) which develop between people who meet at work are a private concern provided they do not impact on the workplace.</p>
<p>Sex-based harassment</p>	<p>Is a form of unlawful harassment. Sex-based harassment is any unwelcome conduct of a demeaning nature by reason of the person's sex in circumstances in which a reasonable person would have</p>

	<p>anticipated that the person harassed would be offended, humiliated or intimidated.</p> <p>Examples of sex-based harassment include:</p> <ul style="list-style-type: none"> • asking intrusive personal questions based on a person's sex, including about their body or anatomy • making sexist, misogynistic (prejudiced against women), or misandrist (prejudiced against men) remarks about a specific person or people who identify as non-binary • making inappropriate comments or jokes to a person based on their sex, including about their appearance, gestures and voice • asking a person to engage in degrading conduct based on their sex • displaying images or materials that are sexist, misogynistic or misandrist.
Gender-based harassment	<p>Is a form of unlawful harassment. Gender-based harassment is any behaviour, directed at any person, or that affects a person, because of their gender or sexual orientation, or because they do not adhere to socially prescribed gender roles, that creates a risk to health and safety.</p> <p>Examples of gender-based harassment include:</p> <ul style="list-style-type: none"> • treating someone inappropriately because they don't conform to gender stereotypes. This includes comments or actions that are homophobic, biphobic, transphobic and/or interphobic in nature • vulgar humour or language related to gender • threatening, taunting or demeaning someone based on their gender or gender expression • making a worker dress according to gender stereotype • making gender-related comments about someone's physical characteristics or mannerisms • alluding to 'outing' a person about their gender identity • displaying images or materials that degrade a person's gender.
Gender	<p>The term 'gender' refers to the way in which a person identifies or expresses their masculine or feminine characteristics. Gender is generally understood as a social and cultural construction. A person's gender identity or gender expression is not always exclusively male or female and may or may not correspond to their sex.</p> <p>The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.</p>
Sex	<p>The term 'sex' refers to a person's biological characteristics. A person's sex is usually described as being male or female. Some people may not be exclusively male or female. Some people identify as neither male nor female.</p>
Hostile workplace environment	<p>It is unlawful for a person to subject another person to a hostile workplace environment because of their sex.</p> <p>Whether a person subjects another person to a hostile workplace environment because of their sex is determined by whether a reasonable person, knowing all the circumstances, would have anticipated the possibility of the conduct resulting in the workplace environment being offensive, intimidating or humiliating to a person of the sex of the second person because of:</p> <ul style="list-style-type: none"> • the sex of that person • a characteristic that applies generally to people of the sex of that person, or • a characteristic that is generally imputed to people of the sex of that person.

	<p>'Conduct' includes making a statement, whether the statement is made orally or in writing.</p> <p>The circumstances to be taken in account include, but are not limited to:</p> <ul style="list-style-type: none"> • the seriousness of the conduct • whether the conduct was continuous or repetitive • the role, influence or authority of the person engaging in the conduct • any other relevant circumstance. <p>Examples include:</p> <ul style="list-style-type: none"> • sexually crude conversations, innuendo or offensive jokes are part of the accepted culture • display of obscene or pornographic materials.
Victimisation	<p>Refers to subjecting a person to some detriment, for example, ostracising a worker.</p> <p>Workers must not victimise another worker because they have made or propose to make a complaint or because they have provided information related to a complaint.</p>
Worker	<p>A person who carries out work for Ahpra, including: National Executive, employees, contractors and agency staff, volunteers, interns, work experience staff and statutory appointees (board, committee and panel members).</p>

Related documents

- Ahpra Enterprise Agreement
- [PC011 - Code of conduct](#)
- [Privacy Policy](#)
- Respect@Ahpra framework
- Anti-discrimination and equal opportunity policy
- Workplace bullying and harassment policy
- Workplace violence and aggression policy
- Workplace complaints and reporting procedure
- [HSW014 – Health, safety, and wellbeing policy](#)
- Health and safety policy
- [HSW010 - HSW responsibilities guideline](#)
- [Information and IT acceptable use policy – Ahpra staff – IS002](#)
- [Information and IT acceptable use policy – board and committee members IS010](#)
- Grievance policy

Discipline policy Relevant legislation

- *Age Discrimination Act 2004* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Fair Work Act 2009* (Cth)
- *Discrimination Act 1991* (ACT)
- *Anti-Discrimination Act 1977* (NSW)
- *The Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021* (NSW)
- *Anti-Discrimination Act 1966* (NT)
- *Anti-Discrimination Act 1991* (Qld)
- *Equal Opportunity Act 1984* (SA)

- *Anti-Discrimination Act 1998 (Tas)*
- *Equal Opportunity Act 2010 (Vic)*
- *Racial and Religious Tolerance Act 2001 (Vic)*
- *Equal Opportunity Act 1984 (WA)*

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Appendix A – List of external supports

This is a list of organisations that can help you seek advice and support.

Name	Contact information
Federal	
Australian Human Rights Commission	Website: www.humanrights.gov.au Info Line: 1300 656 419 (local call) TTY: 1800 620 241 (toll free) Email: complaintsinfo@humanrights.gov.au
Fair Work Ombudsman	Website: www.fairwork.gov.au/ Phone: 13 13 94
Fair Work Commission (contains state and territory contact details)	https://www.fwc.gov.au/about-us/contact-us
Community Legal Centres Australia	Website: www.naclc.org.au/directory Phone: (02) 9264 9595
National Sexual Assault, Domestic Family Violence Counselling Service Line	Website: www.1800respect.org.au/ Phone: 1800 respect (1800 737 732)
DVConnect Womensline (assists women obtain safe refuge accommodation, confidential counselling and referral to other services)	Website: www.dvconnect.org/ Phone: 1800 811 811
DVConnect Mensline (helps men seeking counselling, information and referral services)	Website: www.dvconnect.org/ Phone: 1800 600 636
People with Disability Australia (advocacy support)	Website: https://pwd.org.au/get-help/discrimination/ Phone: 1800 843 929 (toll free) Email: info@wayfinderhub.com.au .
Aboriginal and Torres Strait Islander Legal Services	Website: www.natsils.org.au/MembersPartners.aspx (Access state and territory based services) Phone: (03) 9418 5928
Lifeline	Website: www.lifeline.org.au/ Phone: 13 11 14
Beyond Blue	Website: www.beyondblue.org.au/ Phone: 1300 224 636
QLife (LGBTQ)	Website: https://qlife.org.au/ Phone: 1800 184 527
Police (in an emergency)	000
Australian Capital Territory	
ACT Human Rights Commission	Website: https://hrc.act.gov.au/discrimination/sexual-harassment/ Phone: (02) 6205 2222 TTY: (02) 6205 1666 FAX: (02) 6207 1034 Email: human.rights@act.gov.au Victims Support ACT: 1800 822 272 (free call)

New South Wales

Anti-Discrimination NSW	Website: https://antidiscrimination.nsw.gov.au/ Phone: (02) 9268 5544 Free call: 1800 670 812 Email: adbcontact@justice.nsw.gov.au
Legal Aid NSW	Website: www.legalaid.nsw.gov.au Legal Helpline: 1 300 888 529
Australia Centre for Disability Law	Phone: 1800 800 708
Migrant Employment Legal Service	Website: https://mels.org.au/contact/ Phone: (02) 8002 1203
Inner City Legal Centre (LGBTQ)	Website: www.iclc.org.au/

Northern Territory

NT Anti-Discrimination Commission	Website: https://adc.nt.gov.au Phone: (08) 8999 1444 or 1800 813 846 Email: antidiscrimination@nt.gov.au
NT Working Women's Centre	Website: www.ntwwc.com.au Phone: (08) 8981 0655 or 1800 817 055 Email: admin@ntwwc.com.au

Queensland

QLD Human Rights Commission	Website: www.qhrc.qld.gov.au/your-rights/sexual-harassment Phone: 1300 130 670, TTY: 1300 130 680 Email: info@qhrc.qld.gov.au
LGBT legal service	Website: https://lgbtilegalservice.org.au

South Australia

SA Equal Opportunity Commission	Website: https://eoc.sa.gov.au Phone: (08) 8207 1977 or 1800 188 163 Email: EOC@sa.gov.au If you are deaf, hard of hearing and/or have a speech impairment, contact us via: TTY: by phoning 133 677 then asking for AGD on 1800 177 076 Speak and Listen by phoning: 1300 555 727 and ask for AGD on 1800 177 076 Internet Relay: by connecting to the National Relay Service and asking for AGD on 1800 177 076
Working Women's Centre SA	Website: https://wwcsa.org.au Phone: (08) 8410 6499 or 1800 652 697

Tasmania

Equal Opportunity Tasmania	Website: https://equalopportunity.tas.gov.au Phone: (03) 6165 7515 or 1300 305 062 Email: office@equalopportunity.tas.gov.au
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Victoria

Victorian Equal Opportunity and Human Rights Commission	Website: www.humanrights.vic.gov.au/for-individuals/sexual-harrassment/ Phone: 1300 292 153 Email: enquiries@veohrc.vic.gov.au
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Victoria Legal Aid	Website: www.legalaid.vic.gov.au Phone: 1300 792 387 Online chat: www.legalaid.vic.gov.au/get-legal-services-and-advice/free-legal-advice/get-help-online-with-legal-help-chat
Disability Discrimination Legal Service	Website: www.ddls.org.au Phone: (03) 9654 8644 Email: info@ddls.org.au
LGBTIQ Legal Service	Website: https://lgbtiqlegal.org.au
Western Australia	
WA Equal Opportunity Commission	Website: www.eoc.wa.gov.au Phone: (08) 9216 3900 Email: eoc@eoc.wa.gov.au