

POSITIVE DUTY PLAN

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APPROVALS

PLAN NUMBER	CORP-PLN-130	DOC. ID	5349242
DATE EFFECTIVE	26/05/2025		
PLAN OWNER:	People and Capability		
APPROVED BY	Cale Dendle – Chief Executive Officer		
PLAN REFERENCE NUMBER	CORP-PLN-130		

AIM

The positive duty plan aims to create change by preventing workplace sex discrimination, sexual harassment and other unlawful behaviour from happening, rather than reacting to it after it has occurred.

LEADERSHIP STATEMENT

Everyone has the right to feel safe at work.

Isaac Regional Council (IRC) has a duty to provide a safe, respectful and inclusive workplace free of discrimination and sexual harassment. This plan communicates IRC's responsibility and commitment to ensure the prevention, response and management of discrimination and sexual harassment in the workplace.

Discrimination and sexual harassment are unacceptable in any IRC workplace and work-related activity.

These expectations are outlined in:

- the Isaac Regional Council Code of Conduct
- managing the risk of psychosocial hazards at work: Code of Practice 2022
- other relevant legislation as prescribed.

Under the Code, employees are required to report behaviour that could amount to wrongdoing, including conduct that is not consistent with the Code, where it is safe to do so.

Isaac Regional Council

- has an obligation to educate and support all employees to prevent, intervene early and respond to offensive behaviour
- acknowledges the significant impact of discrimination and sexual harassment on employees who experience or witness it
- is committed to a person-centred approach when addressing allegations of discrimination and sexual harassment
- is committed to ensuring leaders and managers will listen to, respect, empower and support employees who report allegations of discrimination and sexual harassment and act to resolve concerns.

Under the Human Rights Act 2019 IRC has an obligation to act and make decisions that consider and are compatible with human rights. When making decisions or acting under this plan, managers and decision-makers must comply with human rights obligations.

APPLICATION

This plan applies to all IRC workers, including:

- permanent, fixed term temporary, full-time, part-time or casual employees, labour hire and elected members anyone who works in any other capacity for IRC including volunteer workers and contractors.

It applies to employees in all their work-related dealings with each other and with customers, contacts or clients.

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It applies to employees while:

- in the workplace or when working off site
- at work-related functions (including social functions and celebrations)
- on work-related travel, or
- attending conferences/training.

AUTHORITY

This plan has been approved by the Chief Executive Officer and is consistent with the following legislation and codes:

- *Sex Discrimination Act 1984 (Cth)*
- Preventing and responding to workplace sexual harassment
- *Local Government Act 2009*
- *Public Sector Ethics Act 1994*
- *Work Health and Safety Act 2011*
- *Managing the risk of psychosocial hazards at work: Code of Practice 2022*
- *Anti-Discrimination Act 1991*
- *Industrial Relations Act 2016*
- *Human Rights Act 2019*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Criminal Code Act 1899*

EFFECTIVE DATE

1 July 2025

REVIEW DATE

30 June 2028

RESPONSIBILITIES

All employees have a responsibility to treat each other with respect and dignity and have the right to work without being subjected to discrimination and sexual harassment.

Employees must:

- model the Code and IRC Values, including behaving in a way that promotes safe, respectful and inclusive workplaces free from discrimination and sexual harassment
- comply with this plan and follow reasonable instructions and procedures to prevent and respond to allegations of discrimination and sexual harassment
- familiarise themselves with available workplace support options and specialist referral services
- offer support to sensitively communicate with colleagues who have experienced discrimination and sexual harassment, maintain their confidentiality and encourage them to seek assistance
- report discrimination and sexual harassment through the channels outlined within this plan
- support those who have experienced discrimination and sexual harassment to report it through the channels outlined within this plan
- comply with the responsibilities outlined above including confidentiality requirements
- follow all reasonable instructions if participating in a grievance process relating to alleged workplace discrimination and sexual harassment.

Managers and supervisors will:

- model the Code and IRC Values and behave in a way that promotes a safe, respectful and inclusive workplace free from discrimination and sexual harassment
- inform employees about unacceptable behaviours that enable or condone discrimination and sexual harassment
- identify and address inappropriate behaviours and advocate for zero tolerance of discrimination and sexual harassment
- monitor the workplace to ensure acceptable standards of conduct
- treat alleged discrimination and sexual harassment seriously and take immediate, appropriate and proportionate action when responding by considering:
 - the severity of the reported behaviour
 - the wishes of the person who reported the alleged behaviour
 - how to demonstrate respect and support for employees who report alleged discrimination and sexual harassment
- ensure employees who report alleged discrimination and sexual harassment, lodge grievances or witness discrimination and sexual harassment are not victimised or retaliated against
- ensure employees who report alleged workplace discrimination and sexual harassment are advised of their rights and obligations under the *Public Interest Disclosure Act 2010* and *Crime and Corruption Act 2001*
- seek advice and support from areas such as People and Capability, Safety and Resilience, or union representative.
- promote and implement this plan in their work area and within their team.

Executive leadership team will:

- model the Code and IRC Values and behave in a way that promotes a safe, respectful and inclusive workplace free from discrimination and sexual harassment
- provide and maintain safe and inclusive workplaces that protect the health and safety of employees
- support leaders and managers to take appropriate and proportionate action when responding to reports of alleged discrimination and sexual harassment
- take all reasonable action to identify the risk of discrimination and sexual harassment associated with IRC's operations and workforce
- consult with employees and their representatives about discrimination and sexual harassment related health and safety issues through the relevant committees
- use appropriate resources, control measures (e.g. training) and processes to address discrimination and sexual harassment risks
- ensure employees who report alleged workplace discrimination and sexual harassment are advised of their rights and obligations under the *Public Interest Disclosure Act 2010* and *Crime and Corruption Act 2001*
- use person-centred practices and prioritise the care and support of impacted employees in IRC's approach to resolving discrimination and sexual harassment issues.

People and Capability must:

- support impacted employees and ensure they have had input into their preferred way for issues to be reported and managed
- promote this plan and resources to support:
 - employees who report alleged discrimination and sexual harassment (the complainant)
 - managers or supervisors managing discrimination and sexual harassment matters
 - employees who have been named in an allegation of discrimination and sexual harassment (the respondent)
- provide guidance and support to managers or supervisors managing discrimination and sexual harassment matters on options to resolve issues
- ensure appropriate internal and external support avenues are available to employees:
 - who report alleged discrimination and sexual harassment
 - identified as respondents to alleged discrimination and sexual harassment
- ensure that any response to discrimination and sexual harassment is managed in line with IRC's policies procedures and certified agreement.

KNOWLEDGE

Recognising discrimination and sexual harassment

As defined by the *Anti-Discrimination Act 1991* sexual harassment happens if a person:

- a) subjects another person to an unsolicited act of physical intimacy. For example: physical contact such as patting, pinching or touching in a sexual way, or unnecessary familiarity such as deliberately brushing against a person
- b) makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person. For example: sexual propositions
- c) makes a remark with sexual connotations relating to the other person. For example: unwelcome and uncalled for remarks or insinuations about a person's sex or private life, or suggestive comments about a person's appearance or body
- d) engages in any other unwelcome conduct of a sexual nature in relation to the other person and the person engaging in the conduct described in paragraphs (a), (b), (c) or (d) does so:
- e) with the intention of offending, humiliating, or intimidating the other person; or
- f) in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated, or intimidated by the conduct.

As defined by the *Anti-Discrimination Act 1991* discrimination can be direct discrimination and indirect discrimination.

Direct Discrimination

1. Direct discrimination on the basis of an attribute happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

Examples—

You are asked at a job interview if you have children. When you tell the interviewer that you have four children, they make a remark about you needing time off work if they're sick and says you won't be suitable for the position.

You answer a job advertisement for a receptionist. You're told over the phone that because you are a man, you'd be wasting your time.

Ryan works on a construction site. His co-workers recently found out he was gay and have started calling him "princess"

2. It is not necessary that the person who discriminates considers the treatment is less favourable.
3. The person's motive for discriminating is irrelevant.

Example—

R refuses to employ C, who is Chinese, not because R dislikes Chinese people, but because R knows that C would be treated badly by other staff, some of whom are prejudiced against Asian people. R's conduct amounts to discrimination against C.

4. If there are 2 or more reasons why a person treats, or proposes to treat, another person with an attribute less favourably, the person treats the other person less favourably based on the attribute if the attribute is a substantial reason for the treatment.
5. In determining whether a person treats or proposes to treat a person with an impairment less favourably than another person is or would be treated in circumstances that are the same or not materially different, the fact that the person with the impairment may require special services or facilities is irrelevant.

Indirect Discrimination

1. Indirect discrimination based on an attribute happens if a person imposes, or proposes to impose, a term—
 - (a) with which a person with an attribute does not or is not able to comply; and
 - (b) with which a higher proportion of people without the attribute comply or are able to comply; and
 - (c) that is not reasonable.
2. Whether a term is reasonable depends on all the relevant circumstances of the case, including, for example—
 - (a) the consequences of failure to comply with the term; and
 - (b) the cost of alternative terms; and
 - (c) the financial circumstances of the person who imposes, or proposes to impose, the term.
3. It is not necessary that the person imposing, or proposing to impose, the term is aware of the indirect discrimination
4. In this section—

term includes condition, requirement or practice, whether or not written.

Example 1—

An employer decides to employ people who are over 190cm tall, although height is not pertinent to effective performance of the work. This disadvantages women and people of Asian origin, as there are more men of non-Asian origin who can comply. The discrimination is unlawful because the height requirement is unreasonable, there being no genuine occupational reason to justify it.

Example 2—

An employer requires employees to wear a uniform, including a cap, for appearance reasons, not for hygiene or safety reasons. The requirement is not directly discriminatory, but it has a discriminatory effect against people who are required by religious or cultural beliefs to wear a particular headdress.

IRC's workplace extends beyond physical workspaces or worksites. Discrimination and sexual harassment may occur in the workplace or in work-related locations, including client sites or public spaces where IRC work is conducted.

It may also occur outside of normal working hours at work-related events such as at conferences, social events and business trips. It may also occur through different mediums such as text messaging, face to face, email or social media.

Examples include, but are not limited to, the following:

- Patting, pinching, touching or unnecessary familiarity;
- Someone asking intrusive questions about a coworker's sexuality, race, religion, gender etc;
- Customer groping or inappropriately touching a worker while being served;
- An employer insisting on hugging employees when they finish their shift;
- Directives that front of house staff should wear revealing clothing to attract customers;
- Suggestive comments or jokes;
- Unwanted invitations to go out on dates or requests for sex;
- Intrusive questions about a person's private life or body;

Preventing discrimination sexual harassment

Preventing discrimination and sexual harassment is everyone's responsibility. IRC is committed to building and maintaining a positive workplace culture, free of discrimination and sexual harassment and promoting gender equality, which is part of our positive duty under the *Work Health and Safety Act 2011* and the *Sex Discrimination Act 1984* (Cth).

Prevention activities within IRC include:

- The diversity and inclusion network meets regularly and is working to promote and develop an inclusive, diverse and equitable workplace.
- Provide positive training to employees through IRC induction and other training avenues in relation to sexual harassment and discrimination prevention and reporting. This will include education on expected standards of behaviour, prevention and response to relevant unlawful conduct and education on employee rights and responsibilities.
- Access to information for employees in relation to relevant unlawful conduct.
- Clear communication to employees of IRC's Positive Duty Plan and Statement.
- Fostering a culture that provides a safe, respectful and inclusive environment which values diversity and gender equality.
- Empowering employees to report relevant unlawful conduct, minimise harm and hold people accountable for their actions.
- We will actively engage with employees to prevent discrimination and sexual harassment and regularly assess the workplace climate to ensure there are no areas of concern within the organisation, particularly through the employee engagement survey.
- Analysis of reporting trends will be regularly reviewed as a prevention tool.

Support options

As an organisation we are committed to supporting employees who have reported alleged discrimination and sexual harassment. This includes informing complainants of their rights and options to report concerns formally or informally with IRC, or through external pathways as outlined later in this document.

Support and regular communication will be provided through any resolution or investigation process.

IRC contacts

- Your supervisor
- People and Capability
- Governance
- Safety and Resilience
- Union representative

Counselling support services

Gryphon Psychology, IRC's Employee Assistant Program (EAP) partner offers support to all employees and their immediate family members. The EAP offers free and confidential support services through face-to-face, telephone and online counselling.

Our EAP can also provide specific advice to managers about how best to support employees who have experienced discrimination and sexual harassment, through the manager assist service.

Reporting incidents of sexual harassment

As outlined in the plan, there are internal and external avenues open to employees to take action about workplace discrimination and sexual harassment.

A complainant may choose to follow any of the options listed below and is not limited to one option.

The complainant's preference about the most appropriate option or action to address the behaviour will depend on their individual circumstances. Within IRC the options available to take action on discrimination and sexual harassment include:

- addressing the behaviour through self-management or local action
- anonymous complaints platform
- making an individual employee grievance
- external pathways such as Queensland Human Rights Commission or Queensland Police Services.

Self-management

If a complainant believes they are experiencing discrimination or sexual harassment or have witnessed discrimination or sexual harassment, and feels comfortable to do so, they may take steps to deal with the behaviour themselves. This may include talking directly to the other person, drawing attention to the specific behaviour, and asking the person to stop.

Where a complainant chooses to deal with the behaviour directly, the complainant should keep a record of what happened, when and where it happened, who was involved and anything else that believe may be important. This record will be relevant should the behaviour continue, and the employee proceeds with any of the options outlined below.

Local action

A complainant may seek the support of their manager, the People and Capability team or the Safety and Resilience team within IRC in dealing with the behaviour. This may include asking a person to be present during a conversation with the respondent, to facilitate the conversation, or asking them to speak with the other person on their behalf. A complainant may seek support from a senior manager rather than their direct manager if this is a more appropriate support option.

While the complainant may ask the manager to only deal with the behaviour through local action, managers have an obligation to deal with any wrongdoing they are made aware of. In some cases, further action may be required, even where the complainant has stated they do not want any further action to be taken. This may be the case in situations where the behaviour can be classified as a work health and safety risk or requires disciplinary action to be taken. The manager will work with the complainant to take their views into account and keep communicating with them if further action needs to be taken.

Anonymous complaints platform

IRC provides a platform for anonymous complaints reporting through a third-party provider. Employees have the option to report online, over the phone or by mailing a document to the provider. This option uses a person-centred, trauma-informed approach throughout the reporting process.

Making an individual employee grievance

Where a complainant isn't comfortable dealing with the behaviour directly or with the assistance of another person, they may choose to make an individual employee grievance.

A complainant who makes a grievance, will be given the opportunity to identify the resolution they consider appropriate. IRC will consider this in deciding how to best manage and resolve the concerns. This may involve less formal outcomes, such as the other person being spoken to about stopping the behaviour or other appropriate management action. Where possible, IRC will explain its reasons if it does not handle or resolve the matter in the way the complainant requested.

As outlined in this plan, a complainant who lodges an individual employee grievance for discrimination and sexual harassment matters, writes directly to the Chief Executive Officer or the relevant delegate of the department. The complainant is not required to have attempted to resolve the matter in any way in the first instance.

IRC will consult with the complainant on how they wish the matter to be resolved, including whether their complaint could constitute a public interest disclosure under the *Public Interest Disclosure Act 2010* or corrupt conduct under the *Crime and Corruption Act 2001* and provide a decision about the grievance within 14 days of receiving it.

External pathways

As outlined by the plan, a complainant may also choose to lodge concerns about discrimination and sexual harassment to external organisations.

External organisations that are responsible for discrimination and sexual harassment complaints are:

- The Queensland Industrial Relations Commission (QIRC)
- The Queensland Human Rights Commission (QHRC)
- Crime and Corruption Commission (CCC)
- Optional, Queensland Police Service (where the conduct, such as sexual assault could or does constitute a criminal offence).
- Helplines and Hotlines services – a list of these can be found in Appendix 1.

Complainants may:

- lodge an industrial dispute with the QIRC
- make a complaint to the QHRC about sexual harassment (within 12 months of the alleged conduct occurring)
- also if required, apply to the QIRC for an order to protect an employee's interests
- ask the QIRC for help if the QHRC can't resolve your complaint or the QHRC hasn't actioned your complaint after 6 months.

Responding to incidents of discrimination and sexual harassment

When an employee reports alleged discrimination or sexual harassment, IRC will ensure the employee is supported and their wishes are considered when deciding about how to manage the issue. IRC will respect the employee's wishes and best interests as far as possible, however it may not solely determine the organisation's response or the outcome.

Reported allegations of discrimination or sexual harassment will be taken seriously, with a focus on supporting the complainant. IRC may take interim action to ensure the ongoing health and safety of all employees. Any actions taken will be supportive and sensitive. IRC will make every effort to ensure the safety of the complainant in the workplace. Where possible, IRC will relocate the alleged respondent before relocating the complainant, unless the complainant requests different safety measures.

Throughout the course of resolving the issues, IRC will communicate regularly with the complainant and their union, if they advise they are represented by a union. IRC will ensure fair communication with the accused and maintains confidentiality of their information during the investigation until allegations are substantiated. Support will be provided to all parties involved as required.

Possible outcomes

Where issues can't be dealt with informally an investigation or possible discipline action will be considered.

Consequences for responsible employees

Where allegations of discrimination or sexual harassment are substantiated, the Chief Executive Officer will take action that is consistent and proportionate for the allegations that are substantiated. The possible outcomes will also depend on whether an informal resolution or a formal grievance was preferred by the complainant. The plan lists possible outcomes for the responsible employees, including action that may result if serious allegations of sexual harassment are substantiated.

CONFIDENTIALITY AND DISCLOSURE

The details surrounding discrimination and sexual harassment issues will be kept confidential. Only those who are involved in resolving or preventing further incidents should be made aware of the complaint and response. On occasion, a complainant may ask to limit who is aware of the information about alleged discrimination and sexual harassment. This may not always be possible, particularly when:

- the issues are serious
- involve a senior leader in the organisation
- there are safety risks to others
- IRC has a legislated obligation to report the alleged sexual harassment to another entity.

OUTCOME ADVICE

IRC recognises the positive impact on complainants when the outcome of grievance processes is known.

The plan requires organisations to advise a complainant of the outcome of a grievance process.

Complainants can request advice on the outcome of management action taken and the outcome of any discipline process arising from the grievance. IRC will provide this information, and the complainant must keep it confidential. However, the complainant may disclose it:

- if required by law
- to an immediate family member, support person, union representative or confidential counsellor, provided that any such person agrees to keep the information confidential.

DEFINITIONS

Unless otherwise defined, the terms in this plan have the meaning set out in the *Public Sector Act 2022*.

Sexual harassment	means behaviour that contravenes section 119 of the Anti-Discrimination Act 1991. Sexual harassment is unethical, unlawful and may be a criminal offence.
Discrimination	Discrimination can be direct or indirect. Direct discrimination occurs when a person with an identified attribute (such as their race, sex or pregnancy) is treated less favourably than a person without that attribute in the same or similar circumstances. Indirect discrimination occurs when an unreasonable policy or condition, which applies to everyone has an unfair impact on a person or group of persons because of a certain attribute. It is the responsibility of all employees to behave in a way that is respectful and inclusive and ensures the safety and well-being of others.
Corrupt conduct	In the context of sexual harassment, section 15 of the Crime and Corruption Act 2001 defines corrupt conduct as conduct by anyone that adversely affects the performance of functions or exercise of powers of an individual or department and results in the performance of functions or the exercise of power that: • is not honest or impartial • knowingly or recklessly breaches trust placed in a person holding an appointment • involves a misuse of information or material acquired in connection with work. • If proved, it would be a criminal offence, or a result in a disciplinary breach providing reasonable grounds for terminating a person's services. Corrupt conduct also involves specific types of conduct that impairs, or could impair, public confidence in public administration. For example, sexual harassment committed by a senior departmental official may be corrupt conduct if it adversely affects the exercise of powers of the individual, knowingly breaches trust placed in a person holding an appointment and is a criminal offence.

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Person-centred	A person-centred approach to responding to sexual harassment involves the individual being at the centre of decision-making and having control, as much as possible, over the actions/services they receive. See: (Person centred approaches to workplace sexual harassment Respect@Work (respectatwork.gov.au)).
Public Interest Disclosure	Chapter 2 of the Public Interest Disclosure Act 2010 defines a public interest disclosure as the disclosure, in the public interest, of information about wrongdoing in the public sector. This can include information about: • a substantial and specific danger to the health and safety of a person with a disability • an offence or contravention of legislation that would cause a substantial and specific danger to the environment • reprisal because of a belief that a person has made or intends to make a public interest disclosure • corrupt conduct • maladministration that adversely affects a person's interest in a substantial and specific way • a substantial and specific danger to public health or safety • a substantial and specific danger to the environment.
Trauma Informed Support	Trauma informed support recognises and acknowledges the impact of distress experienced by an employee and focuses on an understanding of the elements necessary to support the employee's recovery. Some key principles to consider in providing trauma informed support include, but are not limited to: Safety – employees should be made to feel physically and psychologically safe. Personal interactions should be conducted in a way that promotes a sense of safety and do not trigger further trauma. Trust and transparency – decisions should be made openly and transparently and with the goal of building trust. Clear expectations of what support is available to employees should be communicated. Collaboration – power differences between employees and managers should be levelled to support shared decision making and healing. Empowerment – employee's strengths should be built upon and validated, including a belief in resilience and the ability to heal from trauma. Choice – every employee's experiences are unique and managing them requires an individual approach. See: Trauma informed practice Mental Health Australia (mhaustralia.org)

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DOCUMENT ID/NAME

ID	NAME
STAT-POL-065	Workplace Bullying and Harassment Plan
CORP-POL-079	Code of Conduct
CORP-PRO-003	Disciplinary Procedure
CEO-PRO-056	Recruitment and Selection Procedure
CORP-POL-009	Anti-Discrimination and Equal Employment Opportunity Policy
COP-PRO-003	Disciplinary Procedure
CORP-PRO-095	Employee Complaints and Grievance Handling Procedure

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Appendix 1

Service provider	Phone number	Location
Gryphon Psychology	1800 056 076	IRC EAP
13 HEALTH	13 43 25 84	Statewide
Statewide Sexual Assault Helpline	1800 010 120	Statewide
1800RESPECT	1800 737 732	Nationwide
DVConnect	1800 811 811	Statewide
Queensland Health Sexual Assault Service	(07) 4968 3919 or after hours (07) 4968 6000	Mackay
Victim Assist Queensland	1300 546 587	Statewide
Women's Legal Service Queensland	1800 957 957	Statewide
54 Reasons	1800 874 996	Statewide
Blue Knot	1300 657 380	Statewide
Victim Connect	1300 318 940	Statewide
Legal Aid	1300 651 188	Statewide
Lifeline	13 11 14	Statewide

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Service provider	Phone number	Location
Kids Helpline	1800 551 800	Statewide
Mackay Women's Sexual Assault Service	(07) 4953 1788	Mackay