

Changes to the Industrial Relations Act

Sexual, Sex and Gender-based Harassment

Overview

Queensland industrial relations laws will now include coverage of disputes about sexual harassment as well as sex and gender based harassment complaints. These changes will complement the existing award grievance processes which escalate complaints about sexual harassment to the chief executive level of an organisation and requiring them to be dealt with within two weeks.

Definitions

Sexual harassment means unwelcome conduct of a sexual nature where the conduct is done with an intention of, or would make a reasonable person, feel offended, humiliated, or intimidated.

Sex or gender based harassment is a new concept for Queensland law which means unwelcome conduct of a demeaning nature in relation to a person, on the basis of their sex or gender, and where a person has done so with the intention of, or would offend, humiliate or intimidate a reasonable person.

Key Changes

- Expanding the definition of sexual harassment to include sex and gender-based harassment.
 - Clarifies that sexual, sex or gender-based harassment are an industrial matter giving the Queensland Industrial Relations Commission power to conciliate or arbitrate disputes about these matters.
 - Gives the Commission the power to issue interim orders to urgently protect an employee if they are at risk of harm of harassment, such as an order to suspend or remove an alleged harasser from a workplace while a complaint is properly investigated if there is sufficient evidence and risk to do so.
 - Gives the Commission the power to intervene in work-related discrimination or sexual harassment complaints made under Queensland's anti discrimination laws to protect employees until the outcome of the complaint is determined.
 - The changes also clarify that a finding of sexual harassment made against an employee may constitute serious misconduct for dismissal purposes.
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