

1. Purpose of the policy

Transport is committed to a working environment free from sexual harassment in which everyone is treated with courtesy, dignity, and respect.

This Policy supports Transport's positive duty to protect its staff from sexual harassment in the workplace. It explains what Transport will do to:

- prevent sexual harassment in the workplace
- provide reporting pathways and protection from victimisation for impacted staff, and
- manage reports of sexual harassment.

2. Who does it apply to?

This policy applies to permanent, temporary, and casual staff, staff seconded from another organisation, and contingent workers including labour hire, professional services contractors and consultants performing work for any of the following:

Department of Transport except for staff in the Department of Transport who follow Department of Planning and Environment policies and procedures under special arrangements	YES
Transport for NSW	YES
NSW Trains	YES
Sydney Trains	YES
Sydney Metro	YES
Sydney Ferries	YES
The Point to Point Transport Commissioner	YES

3. Definition

Sexual harassment is defined as an unwelcome sexual advance, unwelcome request for sexual favours, or any other unwelcome conduct of a sexual nature which a reasonable person would expect to make a person feel offended, humiliated and/or intimidated.

Examples of sexual harassment include, but are not limited to:

- staring, leering or unwelcome touching
- 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
- unnecessary familiarity, such as deliberately brushing up against a person

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- emailing pornography or rude jokes
- displaying images of a sexual nature around the workplace
- communicating content of a sexual nature through social media or text messages.

4. Principles and requirements

4.1 Principles

Transport's approach to preventing and responding to sexual harassment is based on the following principles:

- **Preventative.** We will implement best practice prevention initiatives, with the aim of eliminating sexual harassment in the workplace and helping to make Transport one of the best places to work in Australia. This includes providing a clear understanding of what constitutes sexual harassment in the workplace, so that our employees understand what is and what is not appropriate, and proactively identifying and responding to areas of risk.
- **Sensitive and supportive.** Transport recognises that experiencing, witnessing, and reporting experiences of sexual harassment, and being party to a complaints-handling process, can be difficult. Transport will provide all employees with appropriate supports and information about external support services.
- **Fair, confidential, and respectful.** Transport will deal with all matters relating to sexual harassment confidentially, with the aim of protecting people's privacy wherever possible. All staff impacted by workplace sexual harassment, because they have experienced it, witnessed it, or been accused of it, must be treated equitably and respectfully, and afforded procedural fairness.
- **Appropriately responsive.** Transport will take appropriate remedial and/or disciplinary action if sexual harassment occurs, in accordance with established processes. Transport will provide clear reporting pathways for impacted staff and protect them from victimisation, so that staff feel confident in coming forward.

4.2 Requirements

To give effect to the principles in this Policy, we will:

- Conduct regular risk assessments using Workplace Health and Safety mechanisms to identify, assess and manage any risks of workplace sexual harassment
- Support our leaders to uphold the policy and proactively encourage others to do so as well
- Where appropriate, consider sharing relevant de-identified information on a regular basis to encourage organisational learning and prevent similar incidents from happening in the future
- Foster a diverse and inclusive workplace including by addressing gender inequality as fundamental to eliminating workplace sexual harassment.

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Sexual Harassment Prevention Policy

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- Provide ongoing training of managers and staff to understand their rights and responsibilities, to identify, prevent and respond to sexual harassment using a range of approaches
- Provide clear reporting pathways for impacted staff through the provision of information, training, and procedures
- Encourage and support staff who experience or witness sexual harassment to make timely reports of sexual harassment or other behaviour which breaches this policy
- Protect staff who report or provide information regarding alleged sexual harassment, so they are not subject to adverse action
- Undertake prompt workplace enquiries as appropriate in response to any reports of sexual harassment
- Regularly measure the prevalence of sexual harassment in the workplace to inform our prevention activities and responses

5. Compliance and breach

You are required to comply with this policy and its related procedures and standards. If you do not, this may result in remedial and/or disciplinary action up to and including termination of your employment or contract.

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Appendix A:

6. Accountabilities and responsibilities

Who	
Secretary	Accountable for setting the strategic direction of Transport's sexual harassment prevention program in line with organisational objectives and compliance obligations.
Executive Director Workforce Relations Strategy and Management	Accountable for ensuring this policy continues to align with Transport's strategic direction, and that guidance and controls are in place to help business areas measure and monitor compliance with this policy and any related documents.
Chief Executives of the Transport agencies to which the policy applies	Accountable for their agency's compliance with this policy.
All staff to whom the policy applies	Responsible for complying with the principles and requirements in this policy and any related procedures or standards.

7. Related/supporting material

1. *Anti-discrimination Act 1977 (NSW)*
2. *Sex Discrimination Act 1984 (Cth)*
3. *Fair Work Act 2009 (Cth)*
4. *Work Health and Safety Act 2011 (NSW)*
5. *Transport Code of Conduct*
6. *Sydney Trains and NSW TrainLink Enterprise Agreement*
7. *Transport Safety and Wellbeing Policy*
8. *TfNSW Psychosocial Hazard Management Procedure*
9. [SafeWork NSW Code of Practice: Managing Psychosocial Hazards at Work](#)
10. *Transport Conduct Management Policy*
11. *Transport Conduct Management and Discipline Procedure*

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12. *TfNSW Bullying, Harassment and Discrimination Management Procedure*
13. *NSW Trains Responding to Bullying and Harassment Procedure*
14. *Sydney Trains Dignity and Respect in the Workplace Procedure*

8. Document control

8.1 Superseded documents

No policies are superseded by this document.

8.2 Document history

Date & Policy No	Document owner	Approved by	Amendment notes
28/2/2024 CP24002	Chief People Officer	Chief People Officer	New Policy

8.3 Feedback and help

For advice on interpreting or applying this document, please contact HRPolicy@transport.nsw.gov.au.

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