



Policy for the prevention of sexual harassment and sex-based discrimination

Professional Standards Branch
People and Culture Directorate

Policy no CG02-015
30 September 2025

Foreword [Commissioner Jeremy Fewtrell]

Fire and Rescue NSW (FRNSW) is committed to safe, respectful and inclusive work environments, free from sexual harassment.

By having a standalone prevention policy, we call attention to what sexual harassment is, how it manifests in workplaces, and the role we all play in preventing it.

Sexual harassment is unlawful and prohibited by the *Anti-Discrimination Act 1977* (NSW) and the *Sex Discrimination Act 1984* (Cth). There are various Acts, interacting with policies and codes of conduct, which address sexual harassment in the NSW government sector.

The Australian Human Rights Commission's *Respect@Work: Sexual Harassment National Inquiry Report* (2020) found that there is a need for specific workplace policies that address the prevention of sexual harassment.¹

Sexual harassment is a serious workplace hazard and poses a risk to the physical and psychological health of our staff. FRNSW has a duty of care to ensure, so far as is reasonably practicable, the health and safety of our staff. This includes managing the risk of sexual harassment.

By ensuring safe and respectful work environments, we can attract and retain the best talent, drive better performance across our organisation, accelerate our diversity and inclusion efforts, and enhance innovation. This is good for our people and good for the communities we serve.

¹ *Respect@Work: Sexual Harassment National Inquiry Report* (2020), Australian Human Rights Commission, p.655 -660.

Contents

1	Purpose	4
2	Scope and application	4
3	Legal and policy framework	5
3.1	Legislation	5
3.2	Positive duty	6
3.3	Breach	6
3.4	Policy framework	6
4	Policy principles	7
4.1	What is sexual harassment	7
4.2	Where and how workplace sexual harassment can occur	8
4.3	Consent	9
4.4	Relationships in the workplace	9
4.5	Alcohol consumption and sexual harassment	10
4.6	Other relevant principles	10
5	Policy implementation	11
5.1	Prevention principles	11
5.2	Risk assessment	11
5.3	Leadership	12
5.4	Transparency	12
5.5	Diversity and Inclusion	12
6	Roles and responsibilities	13
6.1	All staff	13
6.2	Leaders at all levels	13
6.3	People managers	13
7	Reporting sexual harassment	14
7.1	Responding to and reporting sexual harassment as a bystander	14
7.2	Seeking support, advice and making a disclosure	15
7.3	Self-resolution - approach the individual (if safe and appropriate)	15
7.4	Making a report – to your manager or another senior manager	15
7.5	Making a report - directly to Professional Standards Branch	15
7.6	Making a report - anonymous complaints	16
7.7	Reporting the incident via NIIENM	16
7.8	Report to an external agency	17
8	Responding to a report of sexual harassment	17
8.1	Alternative resolution	18
8.2	Work health and safety investigation	18
8.3	Formal investigation	18
8.4	Procedural fairness	18
8.5	Confidentiality, privacy and transparency	19
8.6	Possible outcomes	19
9	Record keeping	20
10	Training and support	20
11	Monitoring and evaluation	21
12	Further information	21
13	Document information	24
13.1	Document control	24
13.2	Revision history	24

1 Purpose

The purpose of this policy is to ensure all staff understand:

- what sexual harassment is, how to prevent it, and how to respond to it in a way that minimises harm and ensures they meet their legal responsibilities
- the standard of behaviour expected of them, and their legal rights and responsibilities, in relation to workplace sexual harassment.

2 Scope and application

This policy concerns prevention of sexual harassment.

In this policy, 'workers', as per the *Work Health and Safety Act 2011 (NSW)*², are referred to as 'staff'.

This policy applies to all staff carrying out work in any capacity for FRNSW, including:

- Permanent Firefighters
- Retained Firefighters
- Admin and trades staff
- Contractors and subcontractors, and their employees
- Apprentices and trainees
- Work experience students
- Volunteers.

All staff must be aware of and comply with this policy, and its associated procedures, programs and strategies.

'Workplace' is any place where work is carried out for FRNSW, and includes any place staff go, or are likely to be, while at work, or in a capacity related or connected to, work.³ This policy applies to, but is not limited to, the following circumstances:

- interactions between staff, wherever staff may be for work-related duties, including working from home, and on-site or off-site work-related social functions and conferences
- interactions between staff and third parties (including visitors, clients or community members) where that interaction occurs in connection with any work-related activity
- out-of-work hours interactions, where there is a connection to the employment relationship
- all aspects of employment recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment, and transport
- online and phone communications, including calls, texts and/or group messages, email, and all other communication applications where the conduct is in connection with the employment or involves communications between staff or between staff and a third party, including, but not limited to, Microsoft Teams, and social media and messaging platforms

² Work Health and Safety Act 2011 (NSW) s 7.

³ Work Health and Safety Act 2011 (NSW) s 8.

- work-related travel, including business trips, conferences, and community events or home visits, where staff are representing FRNSW
- emergency and critical incident responses, where staff are engaged as part of their job responsibilities, or working with other emergency agencies
- mentoring and coaching relationships, whether formal or informal, in any work-related capacity.

Disclaimer

This policy does not offer, constitute or replace legal advice, including in relation to the prevention or management of sexual harassment in the workplace. While intended to be current and reflect best practice, it is not a comprehensive guide to applicable law, and may be or become incomplete, inaccurate or out of date.

3 Legal and policy framework

3.1 Legislation

Sexual discrimination, sexual harassment, and harassment on the grounds of sex are unlawful and prohibited under the *Anti-Discrimination Act 1977* (NSW), the *Sex Discrimination Act 1984* (Cth), the *Sex Discrimination Amendment Act 2013* (Cth), the *Australian Human Rights Commission Act 1986* (Cth), the *Crimes Act 1900* (NSW), the *Privacy and Personal Information Protection Act 1998* (NSW), and the *Work Health and Safety Act 2011* (NSW) (WHS Act). All of these Acts apply to NSW Government employees.

Under the *Sex Discrimination Act 1984*, there is a positive duty on employers or persons conducting a business or undertaking (PCBUs), as defined in section 4 of the WHS Act, to take reasonable and proportionate measures to eliminate, as far as possible, sexual harassment in the workplace.

Sexual harassment may also constitute unlawful sex discrimination, particularly where a person is harassed on the basis of their sex, sexual orientation, gender identity, intersex status, or marital/relationship status. The conduct covered by the positive duty is referred to as 'relevant unlawful conduct'.

From 12 December 2023, the Australian Human Rights Commission (AHRC) has inquiry and enforcement powers to ensure that organisations and businesses are complying with their positive duty.

An employer may be 'vicariously' liable (i.e. legally responsible) for sexual harassment committed by staff or agents if the employer fails to take all reasonable steps to prevent the harassment.

Some forms of sexual harassment (e.g. sexual assault, indecent exposure, stalking and obscene communications) may also be criminal offences.

Sexual harassment is also a Work Health and Safety (WHS) risk. Under the *Work Health and Safety Act 2011* (NSW), FRNSW and its officers have a duty to prevent sexual harassment, as it is a hazard and risk to the physical and psychological health of staff. Staff also have WHS duties to take reasonable care for their own health and safety and not adversely affect the health and safety of others.

Some incidents of sexual harassment may be notifiable incidents under ss.35-38 of the *Work Health and Safety Act 2011*⁴. A notifiable incident includes a person's

⁴ [Work Health and Safety Act 2011 No 10](#)

death, or serious injury or illness requiring immediate treatment as an in-patient in a hospital.

Sexual harassment is also contrary to the ethical framework for government sector employees outlined in the [Government Sector Employment Act 2013](#) (NSW) (GSE Act) and contrary to the *Code of Ethics and Conduct for government sector employees*⁵.

3.2 Positive duty

The positive duty imposes a legal obligation on organisations and businesses to take proactive and meaningful action to prevent relevant unlawful conduct from occurring in the workplace or in connection to work.

From December 2022, under the *Sex Discrimination Act 1984* (Cth)⁶, organisations and businesses now have a positive duty to eliminate, as far as possible, the following unlawful behaviour:

- discrimination on the grounds of sex in a work context
- sexual harassment in connection with work
- sex-based harassment in connection with work
- conduct creating a workplace environment that is hostile on the grounds of sex
- related acts of victimisation.

The positive duty 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. The positive duty removes the burden from staff by requiring organisations and businesses to take preventative action, regardless of whether a report is made.

3.3 Breach

Sexual harassment and other behaviour that contravenes this policy may amount to misconduct under the *Fire and Rescue Regulation (2023)* (the Regulation) and the *GSE Act* and may otherwise be unlawful. FRNSW will deal with misconduct in accordance with Section 32(e) of the *Fire and Rescue NSW Regulation 2023*, Part 8 of the *Government Sector Employment (General) Rules 2014*, Section 69 of the *GSE Act*, applicable laws, FRNSW's Procedural Guidelines and any other relevant industrial instruments.

3.4 Policy framework

This policy sits within the context of the above statutory provisions and operates in conjunction with internal and external policies and plans, including:

[Code of Ethics and Conduct for NSW government sector employees](#)

[FRNSW Code of Conduct and Ethics](#)

[FRNSW Conflict of Interest Policy](#)

[FRNSW Procedural Guidelines for the Management of Conduct \(Part 1 & 2\)](#)

[FRNSW Preventing and Managing Unreasonable Behaviour and Bullying Policy](#)

⁵ *Government Sector Employment Act 2013* (NSW) Part 2 and 2A (to commence 1 July 2023).

⁶ [Sex Discrimination Act 1984 Part 11A Section 47C](#)

[FRNSW Resolving Workplace Complaints Policy](#)

[FRNSW Equity, Diversity, and Inclusion Policy](#)

[FRNSW Work Health and Safety Policy](#)

[FRNSW Records Management Policy](#)

[FRNSW Privacy Policy](#)

SafeWork Australia [Model Code of Practice: Sexual and gender-based harassment 2023](#) and [Managing Psychosocial Hazards at Work 2021](#)

Australian Human Rights Commission [Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 \(Cth\)](#)

4 Policy principles

FRNSW is committed to providing safe, inclusive, and respectful workplaces, free from sexual harassment. FRNSW has a legal obligation and positive duty to prevent sexual harassment.

FRNSW has a zero-tolerance approach to sexual harassment.

It is important to note that zero tolerance is not the same as zero incidents. Increasing reports may indicate growing awareness of sexual harassment and changing attitudes, with employees feeling more comfortable to report and organisations more likely to take action. The reporting of incidents and responses is an indicator that the risk of sexual harassment is being managed appropriately. For the purpose of this policy, FRNSW defines zero tolerance as acting on every allegation in a fair and reasonable way with regard for procedural fairness.

4.1 What is sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature that could make a reasonable person (having regard to all the circumstances) feel offended, humiliated, or intimidated. Sexual harassment can be a one-off incident or a broader pattern of repeated behaviour.

Intention is not relevant.

Sexual harassment is any conduct:

- that is unwelcome (whether or not the person impacted has explicitly identified it as unwelcome or raised a concern about the conduct)
- of a sexual nature (a sexual advance, request for sexual favours or other conduct of a sexual nature)
- that a reasonable person (aware of all the circumstances) would anticipate could possibly make the person subjected to the conduct feel offended, humiliated or intimidated.

It can be physical, verbal or written, including through online and phone communication. Examples of behaviour that could be sexual harassment in the workplace include, but are not limited to:

- unwelcome or inappropriate touching, hugging, cornering or kissing
- inappropriate staring or leering that makes the other person feel intimidated
- sexually explicit or indecent physical contact
- actual or attempted sexual assault

- being followed or watched or having someone loitering nearby
- sexual gestures, indecent exposure, or inappropriate display of the body
- displaying sexually explicit images or objects around the office
- intrusive or sexually suggestive questions, comments or jokes
- comments or questions about a person's sexual activities or body
- unwanted or repeated invitations to go out on dates, start a relationship or propositions for sex
- emailing pornography or rude jokes
- sending sexual text messages, including photos, videos or memes
- communicating content of a sexual nature through social media
- threatening to share or sharing intimate images/video of someone without consent
- ongoing unwelcome contact (e.g. in person, by phone, via social media) following the end of a consensual relationship.

It should not be assumed that a person consents to another person's behaviour simply because they have not complained about it. Power imbalances and concerns about victimisation or reprisal may prevent the person from expressly objecting to the behaviour.

Some forms of sexual harassment are also criminal offences. Sexual assault (historically referred to in the community as rape and attempted rape), sexual touching and other sexual acts without consent are serious criminal offences.

There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. A broader pattern of behaviour can also constitute sexual harassment.

Sexual harassment may be perpetrated by various people, including an employer, supervisor, co-worker, client, community member, contractor, volunteer, casualty or customer.

Some conduct may not meet the definition of sexual harassment but still be unlawful. For example, conduct may not be sexual harassment, but amount to harassment on the ground of sex, sex discrimination and/or the creation of a hostile workplace.

A single act of conduct may fall into more than one of these categories, for example both sexual harassment and harassment on the ground of sex.

4.2 Where and how workplace sexual harassment can occur

FRNSW has a positive duty to prevent sexual harassment in FRNSW workplaces and work-related situations. The workplace is not confined to the actual physical location used by staff. It includes any place where work is carried out and extends to common areas, which include, but not limited to, lifts, entrances, vehicles, reception areas, corridors, kitchens, and toilets. It can also occur in the field or while in the community performing work-related duties.

Sexual harassment can also occur beyond the usual workplace and outside normal working hours. For example, workplace sexual harassment can occur in settings where there is a connection to employment, including:

- where a staff member is working remotely, including if the person's workplace is their home
- in a place where staff are undertaking work at a different location (e.g. at another business premises or in a community member's home)
- at social functions sponsored, facilitated or paid for by FRNSW
- at social functions in connection with the team/workplace, but not sponsored or paid for by FRNSW
- in vehicles while on the way to/from work functions or meetings, or in trucks on the way to or from an emergency incident
- at after-parties to such events (regardless of their location)
- in accommodation (e.g. hotel rooms or station reclines) associated with or provided by FRNSW
- online via use of technology and social media, or by phone
- any other location, in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa (e.g. carpooling to station or travelling to or from a deployment or training activity).

Sexual harassment can occur through electronic means, such as, but not limited to, emails, text messages, sending links to pornographic websites and through social media, regardless of whether it was sent during work hours or not. Where there is a link to employment (i.e. involving communications between staff), staff are subject to the same rules about sexual harassment in the virtual world as they are in the real world.

Staff are required to use technology and social media responsibly where there is any link to their employment with FRNSW.

Staff must treat others with dignity, courtesy, and respect, and not engage in sexual harassment or condone sexual harassment by others.

4.3 Consent

A key element of sexual harassment is that it is unwelcome.

Behaviour may be unwelcome even if it is not explicitly rejected. It should not be assumed that behaviour is consensual simply because the individual has not complained or has not verbalised that the behaviour is unwelcome.

Behaviour should be explicitly accepted and/or reciprocated. An individual should ensure their advances are welcome. This can be done verbally, by observing non-verbal reactions, and by paying attention to the tone and content of written communications, such as emails or text messages.

Complex workplace dynamics, including power imbalances and concerns about reprisal or adverse treatment may prevent an individual from expressly objecting to the conduct.

4.4 Relationships in the workplace

Sexual or romantic interaction that is entered into freely and is reciprocated between consenting adults is not sexual harassment. This includes sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated action.

This does not mean that consensual sexual or romantic interactions between staff are always appropriate.

The *Code of Ethics and Conduct for NSW government sector employees* requires employees to disclose actual, potential or reasonably perceived conflicts of interest between an employee's personal interests (including personal relationships) and their official duties. This may require disclosure of current or previous relationships between staff in some circumstances, as outlined in the *FRNSW Conflict of Interest Policy*⁷.

Reports of sexual harassment during or following the breakdown of a consensual relationship should be handled with care. Just because two individuals are, or used to be, in a consensual sexual relationship does not preclude the possibility of sexual harassment during or following the end of the relationship. Risk factors include where there has been a relationship breakdown or where the relationship involved employees with unequal power dynamics within an organisation.

4.5 Alcohol consumption and sexual harassment

Consumption of alcohol at work functions or work-related events can increase the risk of sexual harassment occurring. Sexual harassment is unlawful and unacceptable in any setting, regardless of where it occurs, including when individuals have been consuming alcohol. Individuals should regulate their own behaviour and consumption of alcohol to ensure their behaviour does not adversely impact others.

Staff should be mindful that in such situations, they continue to be subject to the [Code of Ethics and Conduct for NSW government sector employees](#) and the [FRNSW Code of Conduct and Ethics](#). Leaders, managers and supervisors should be particularly mindful of their conduct in such situations, as power imbalances may make it harder for employees to address unwelcome behaviour.

For further information, please also refer to the *FRNSW Alcohol and Other Drugs Policy*.

4.6 Other relevant principles

The following principles are foundational to this policy:

Strong and consistent leadership

FRNSW leaders at every level must continuously model safe and respectful behaviour, reinforce that sexual harassment is unacceptable, and foster a culture of safe reporting.

Sexual harassment is a work health and safety issue

All reasonable and practicable steps must be taken by FRNSW and its representatives to eliminate or minimise the health and safety risks of sexual harassment in the workplace.

Prevention

Gender inequality and unequal power are recognised as key drivers of harassment. Prevention efforts will focus on addressing these factors and identifying and managing key risk factors.

Early intervention

⁷ *FRNSW Conflict of Interest Policy*

Early intervention approaches are used, where possible, to address and prevent escalation of workplace sexual harassment.

Trauma informed and person-centred

The safety and wellbeing of impacted staff member(s) are prioritised through a trauma-informed and person-centred approach. This means recognising the individual needs, experiences, and agency of those affected, ensuring they are supported with dignity, respect, and choice. A trauma-informed approach acknowledges the widespread impact of trauma, responds in ways that listen to, validate, and empower those affected, and understands potential paths for recovery. A person-centred approach further ensures that responses are tailored to the individual's preferences, needs, and circumstances, rather than applying a one-size-fits-all approach. This includes ensuring clear communication, access to appropriate support, and involvement in decision-making about their own recovery. Together, these principles create an environment that minimises re-traumatisation, promotes trust and healing, and upholds the autonomy and wellbeing of the person impacted.

Responsive to diverse needs

Individuals have different identities shaped by factors such as gender, race, ethnicity, sexual orientation disability, age, cultural background, and the intersectionality of these factors. In preventing and addressing sexual harassment, it is crucial to understand and respect these aspects of identity. This includes being aware of how organisational power dynamics and organisational hierarchies can affect individuals differently and ensuring that all responses are culturally sensitive, inclusive, and tailored to the needs of those impacted.

5 Policy implementation

5.1 Prevention principles

FRNSW is committed to taking a proactive and holistic approach to prevent sexual harassment in the workplace. This is consistent with WHS legislation.

Under WHS laws, FRNSW has a positive duty to prevent sexual harassment, as it is a hazard and risk to the physical and psychological health of staff.

For further information contact respectatwork@fire.nsw.gov.au or visit the Respect@Work Intranet Toolkit.

5.2 Risk assessment

The positive duty requires FRNSW to eliminate risks to the health and safety of staff and other people so far as is reasonably practicable. If it is not reasonably practicable to eliminate risks, they must be minimised so far as is reasonably practicable.

An employer who fails to maintain a safe workplace may be held liable under common law or under applicable WHS legislation. From 1 December 2023, an employer who fails to discharge its positive duty to prevent sexual harassment may be required to comply with an enforcement notice⁸. An employer may also be held liable for sexual harassment by staff under anti-discrimination legislation if they fail to take all reasonable steps to prevent the harassment.

⁸ Australian Human Rights Commission Act 1986 (Cth) s35J, introduced by the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022.

Prevention requires identification of risks. Leaders and managers should regularly identify and assess risk factors for sexual harassment, including seeking feedback from staff. Staff should understand and evaluate work systems and practices to identify risks of exposure.

Examples of risk factors include:

- working after hours with minimal supervision
- working in restrictive spaces like cars or small rooms
- isolated work locations
- attending emergency incidents where staff may be in high-stress, unpredictable environments with limited oversight
- shared accommodation or travel arrangements for deployments, training, or remote standbys or relief.

Prevention also requires assessment of the work environment. Sexual harassment may occur where a work environment or culture is sexually charged or hostile, even if the conduct is not directed at a particular person. Factors that point to a sexually hostile workplace include the display of obscene or pornographic materials, general sexual banter, crude conversation or innuendo, and offensive jokes. It should be noted that even if such conduct does not amount to sexual harassment, it may be unlawful because it subjects another person to a workplace environment that is hostile on the ground of sex and may breach the employer's positive duty to prevent such unlawful conduct⁹.

Risks in relation to sexual harassment and related unlawful conduct are integrated into FRNSW Enterprise Risk Management Framework to ensure continuous review and reporting to the Commissioner and the Audit and Risk Committee.

5.3 Leadership

It is expected that leaders at all levels within FRNSW will uphold this policy in full and proactively encourage others to do so.

Power imbalance is a significant risk factor for sexual harassment. Therefore, it is critical that leaders at all levels comply with the *Code of Ethics and Conduct for NSW government sector employees* and all behavioural policies in place at FRNSW to foster a culture that prevents workplace sexual harassment and sex-based discrimination.

5.4 Transparency

FRNSW is committed to transparency on the number of incidences of sexual harassment in the organisation. This builds confidence in our reporting processes.

5.5 Diversity and inclusion

Diverse and inclusive workplaces are essential for building safe and respectful workplace environments that are free from sexual harassment. Addressing gender inequality is fundamental to eliminating workplace sexual harassment.

⁹ *Sex Discrimination Act 1984 (Cth) ss. 28M and 47C.*

6 Roles and responsibilities

6.1 All staff

All persons employed or contracted by FRNSW have an obligation to act professionally, protect others from sexual harassment, and are prohibited from committing, excusing, or ignoring incidents of sexual harassment.

All staff and all persons contracted by FRNSW, and all those who attend a FRNSW workplace, must:

- comply with all aspects of this policy
- demonstrate high levels of personal conduct consistent with this policy and their responsibilities under *the Code of Ethics and Conduct for NSW government sector employees* and the *FRNSW Code of Conduct and Ethics*.
- seek assistance when unsure about how to implement this policy or address specific incidents
- understand how, and to whom, suspected breaches of the policy should be reported
- be an active bystander by intervening to prevent or stop sexual harassment from occurring or continuing, if safe to do so
- report breaches of the policy
- treat complaints of sexual harassment with absolute confidentiality, ensuring the privacy of all parties involved
- ensure that no one is victimised for making a complaint of sexual harassment
- extend confidentiality and support to any other party involved in a complaint
- participate in any training provided by FRNSW on sexual harassment when directed.

6.2 Leaders

Leaders and managers at all levels within FRNSW are responsible for upholding this policy in its entirety and proactively encouraging others to do the same.

6.3 People managers

People managers play a critical role in preventing sexual harassment and sex-based discrimination and fostering a safe, inclusive, and respectful workplace. Managers are expected to:

- be vigilant in identifying and addressing inappropriate and/or unlawful conduct, including sexual harassment and sex-based discrimination
- model appropriate behaviours and actively promote a culture of respect and accountability
- foster a safe reporting culture, responding promptly and sensitively to reports of sexual harassment or sex-based discrimination
- treat all reports of sexual harassment seriously and confidentially, taking prompt action to address them, while considering the wishes of the person subjected to the harassment

- report the matter to the Professional Standards Branch (PSB) at the earliest opportunity, follow advice provided, and take appropriate remedial or other necessary actions as directed by PSB
- ensure compliance with legal obligations by taking all reasonably practicable steps to eliminate or minimise the health and safety risks associated with sexual harassment.

In line with the Australian Human Rights Commission guiding principles¹⁰, managers should provide a trauma-informed and person-centred response by:

- listening without judgment and acknowledging the person's experience
- avoiding language or actions that could minimise their concerns or cause further distress
- offering clear information about the available reporting systems and support services
- respecting the person's choices and agency
- recognising that the individual's emotional safety is key in addressing the reported behaviour.

When a people manager receives a complaint of sexual harassment, they must immediately refer the matter to PSB. If there is any uncertainty about whether the alleged behaviour falls within the scope of this policy, the manager must consult with PSB as per the process outlined in section 9 of this policy.

In cases where the reported behaviour may pose an immediate risk to the staff member's health and safety, the manager must urgently consult PSB and the Health and Safety Branch. It is the manager's responsibility to ensure that the affected staff member is provided with immediate support.

7 Reporting sexual harassment

FRNSW strongly encourages individuals who have been sexually harassed or have witnessed sexual harassment to report the behaviour.

Sexual harassment is **against the law** and should never be ignored. It is a known psychosocial hazard that can cause psychological and physical harm to those who experience and/or witness the behaviour.

Reporting sexual harassment does not automatically trigger a formal investigation, although this may be appropriate in some cases. Support, advice, and early intervention may help prevent further or more serious instances of sexual harassment.

Staff are encouraged to report harassment in a timely manner but are reassured that they will not be treated unfairly due to any delay in reporting.

7.1 Responding to and reporting sexual harassment as a bystander

Bystanders who witness or are aware of sexual harassment play an important role in preventing sexual harassment in the workplace. FRNSW strongly encourages and supports bystanders to be proactive and report inappropriate behaviour where it is safe for them to do so. Support, advice and early intervention may prevent further or more serious instances of sexual harassment from occurring.

¹⁰ [Factsheet Series: Positive Duty under the Sex Discrimination Act 1984 \(Cth\) Steps to meet the Positive Duty](#)

Bystanders who witness sexual harassment are encouraged to:

- provide support to the person subjected to sexual harassment
- formally or informally challenge concerning behaviour (if it is safe and they feel confident enough to do so)
- report sexual harassment.

Incidents of sexual harassment can be reported informally, formally, anonymously, or confidentially. Reporting pathways are outlined in more detail below.

7.2 Seeking support, advice and making a disclosure

People who have experienced or witnessed sexual harassment can:

- speak to any manager, supervisor, or directly to PSB to raise a concern, receive support, and discuss options that could help resolve the issue
- access the Employee Assistance Program (EAP) on **1300 OUR EAP (1300 687 327)**
- seek advice from an external body, such as the Australian Human Rights Commission, Anti-Discrimination NSW, SafeWork NSW, NSW Women's Legal Service, or Wirringa Baiya Aboriginal Women's Legal Centre (see section 12 at the end of this document for contact details).

7.3 Self-resolution - approach the individual (if safe and appropriate)

No staff member should feel compelled to independently resolve any instance of sexual harassment or other inappropriate behaviour if they feel threatened, vulnerable, or unsafe, or if the conduct is criminal in nature. If a staff member has been subjected to sexual harassment or criminal behaviour, it should be reported to any people manager, PSB or the NSW Police Force.

However, if it is safe to do so, a complainant or bystander can directly address the witnessed behaviour in the first instance. This is appropriate in some circumstances, as the person in question may be completely unaware of their behaviour and its impact, and may apologise for and/or cease the behaviour immediately.

Sexual harassment is best dealt with as soon after an incident as possible.

7.4 Approach your manager or another senior manager

For matters relating to sexual harassment or assault, staff are not required to report via the chain of command. There is the option to report directly to PSB or to any other people manager, in the first instance. If the staff member wishes to report the matter to their manager or another senior manager, they may do so.

7.5 Making a report - directly to Professional Standards Branch

PSB staff are trained in receiving and managing sexual harassment reports and complaints. Staff will listen to concerns, talk about options, and provide advice on where further support is available and the different ways FRNSW can help to resolve the issue.

Any report to PSB should include as much detail as possible about the incident and documentation, as soon as is practicable.

7.6 Making a report - anonymous complaints

Reporting sexual harassment or other instances of inappropriate behaviour can be difficult and there is the option for staff to report allegations of sexual harassment anonymously.

Anonymous complaints and disclosures will be treated in confidence. However, it should be noted, anonymity can make it difficult for PSB to obtain further or clarify information about the incident.

Anonymous reports can be made via a phone call to PSB, via email or via a letter addressed to PSB. Staff can also ask a trusted person to contact PSB to discuss other anonymous ways to make a complaint. PSB will support anonymous reporting in a way that the victim feels comfortable coming forward.

7.7 Reporting the incident via NIIENM

The person impacted may also choose to record the matter using a Notification of Injury, Illness, Exposure, and Near Miss (NIIENM) as a Workplace Health and Safety (WHS) mechanism, as sexual harassment is considered a workplace hazard.

The affected person submitting a NIIENM regarding bullying, harassment, discrimination, violence, or workplace stress and anxiety will be given the option to select "Do you want the workflow of the NIIENM to bypass your direct supervisor?"

If "yes" is selected, the NIIENM will not progress to the affected person's supervisor or manager. Instead, it will automatically be forwarded to PSB for assessment. If certain parameters are met, PSB will make contact to ask the person if they wish to make a complaint; however, not all bypass NIIENMs will result in further action. It is important to note that submitting a NIIENM is not the same as making a complaint. If an affected person wishes to escalate the matter as a formal complaint, they can do so by contacting PSB directly, or via the Resolving Workplace Complaints toolkit on the Intranet.

The affected person may also receive contact from the Health and Safety Branch for welfare and/or injury management purposes. Affected persons can also proactively seek support services, which are available through the Mental Health and Wellbeing Toolkit, Organisational Development, Professional Standards, and Area Command/Management Teams.

When a report of sexual harassment is received, Fire and Rescue NSW (FRNSW) will:

- ensure the person impacted receives appropriate support and is involved in decisions about how to respond.
- respond to all reports promptly, seriously, and confidentially.
- take steps to protect anyone who makes a report from reprisals, adverse treatment, or victimisation.

In cases of sexual assault, employees will be supported to make a report to the police and referred to specialised sexual assault support services, if applicable.

In some instances, staff may be eligible to apply for Worker's Compensation, where the incident has occurred in a work-related setting and has led to an injury or illness.

7.8 Report to an external agency

A formal report about sexual harassment can be made to the following agencies (contacts for these agencies are at section 12 of this document):

- Anti-Discrimination NSW
- Australian Human Rights Commission
- Safe Work NSW
- NSW Police Force
- Fair Work Ombudsman
- NSW Independent Commission Against Corruption if corrupt conduct is suspected or may be involved.

The person impacted can make an external report regardless of whether they have raised a complaint internally.

8 Responding to a report of sexual harassment

FRNSW is committed to taking a trauma-informed and person-centred approach when responding to reports of sexual harassment. This includes:

- ensuring the safety, privacy, and well-being of the person impacted are prioritised
- listening to the person impacted in a compassionate, non-judgmental, and sensitive manner
- ensuring all processes are designed to minimise harm
- ensuring reports are handled fairly, impartially, and reasonably in accordance with procedural fairness principles
- ensuring all participants in the process have clear information about the process and how procedural fairness will be provided
- ensuring confidentiality is understood and maintained
- ensuring responses are provided in a timely manner.

If an allegation of misconduct is made, FRNSW must address the allegation in accordance with any applicable legislation and FRNSW's policies and procedures.

FRNSW will always seek input from the person impacted on how they would like the matter resolved and will take this into account when determining how to proceed with the complaint. Where possible, FRNSW will explain its reasons if the complaint is not handled or resolved in the way requested by the person impacted.

In some cases, the person impacted may not want any action taken and may report the behaviour so that the organisation is aware it has occurred. However, FRNSW has an obligation to address any wrongdoing it becomes aware of. Action may be warranted even when the person impacted does not wish further action to be taken, such as in situations where the behaviour:

- constitutes a WHS risk
- is a criminal offence
- requires disciplinary action
- involves repeated complaints regarding an individual's behaviour.

FRNSW is also obligated to take measures to eliminate acts of victimisation in relation to sexual harassment complaints.

8.1 Alternative resolution

Alternative resolution (often referred to as alternative dispute resolution) of some complaints may be recommended. Examples of alternative resolution may include:

- training and education initiatives
- remedial actions such as counselling the staff member
- implementing conduct improvement plans or non-disciplinary transfers (of the respondent)
- alternative conflict resolution processes, utilising accredited providers

As all complaints of sexual harassment must be referred to PSB, alternative dispute resolution approaches and/or remedial actions will only be implemented following an assessment of the complaint by PSB.

8.2 Work health and safety investigation

When staff choose to report sexual harassment as a WHS hazard, or when the incident is identified as a WHS hazard, FRNSW will investigate in accordance with WHS legislation and FRNSW's Work Health and Safety policies and procedures.

8.3 Formal investigation

When a formal investigation is assessed as being the most appropriate response, FRNSW will appoint an internal or external investigator to examine the allegations, make factual findings, and provide a report, which will recommend an outcome in accordance with applicable legislation and FRNSW policies and procedures.

Investigations will be conducted in a confidential, impartial, timely, and fair manner, adopting a trauma-informed approach and in accordance with Section 32(e) of the *Fire and Rescue NSW Regulation 2023*, Part 8 of the *Government Sector Employment (General) Rules 2014*, and Section 69 of the *Government Sector Employment Act 2013* (GSE Act). Other legislation such as the *Crimes Act 1900* or industrial instruments may also apply.

A FRNSW decision maker will determine an outcome in line with the *Procedural Guidelines for the Management of Misconduct* or the *GSE Act* (for administrative and trades staff).

8.4 Procedural fairness

FRNSW acknowledges that being the subject of allegations of wrongdoing can be a stressful experience. FRNSW is committed to protecting respondents by:

- assuring them that any report will be handled impartially, fairly, and reasonably in accordance with the principles of procedural fairness
- providing them with information about required procedures and the progress and outcome of any investigation
- ensuring they are aware of their right to have a support person or union representative assist them throughout
- referring them to the FRNSW Employee Assistance Program (EAP) for support

- allowing them the opportunity to respond to any allegations made against them, before the matter is finalised and a final decision is made.

Any reports found to be intentionally falsified or vexatious in nature will be actioned accordingly, noting that such conduct may itself constitute misconduct under the *GSE Act*.

8.5 Confidentiality, privacy and transparency

FRNSW will treat reports of sexual harassment confidentially, including:

- the identity of the person impacted
- the identity of the respondent(s) and any other participants involved in the investigation process
- information provided or collected during the investigation of an allegation.

All staff involved in an investigation are expected to keep details of the allegation confidential. Failure to do so may impact the progress of the investigation and amount to misconduct.

Maintaining confidentiality does not prevent the individuals involved from seeking support, such as accessing the EAP or bringing a support person to meetings.

Some information may need to be disclosed to the involved parties to facilitate a proper investigation.

Where there is reason to believe that a staff member is a risk to themselves or others, and in the case of reportable conduct (such as child protection matters), FRNSW must notify appropriate authorities in compliance with relevant legal requirements and legislation.

8.6 Possible outcomes

8.6.1 Consequences for the respondent/s

Where allegations of sexual harassment are substantiated, consistent and proportionate action will be taken. This may include remedial and/or disciplinary action under the *Procedural Guidelines for the Management of Misconduct*, the *Fire and Rescue NSW Regulation 2023*, or the *GSE Act* (Admin and Trades staff).

Remedial and/or disciplinary action can include, but is not limited to, a:

- caution/reprimand
- a written warning
- conduct improvement measures such as training or performance monitoring
- a fine or reduction of salary
- demotion
- direction to resign or termination of employment.

8.6.2 Restorative actions for the impacted staff member (s)

FRNSW will work collaboratively with the impacted staff member(s) to understand and, where possible, implement actions that support their recovery from the incident, help rebuild workplace relationships, and enable them to continue a successful career with FRNSW.

8.6.3 Criminal matters

Where a report of sexual harassment is made that may involve behaviour constituting a criminal offence (e.g. sexual assault, indecent exposure, stalking, obscene communications), PSB should be contacted immediately for advice.

FRNSW policies require PSB to report potentially criminal allegations to NSW Police, however the victim's wishes will be carefully considered in determining the nature of the referral to police.

8.6.4 Protection against victimisation

Victimising another person for making an allegation or report of sexual harassment is unlawful under the *Anti-Discrimination Act 1977* and the *Sex Discrimination Act 1984*, unless it involves lawful action in relation to an allegation that is proven to be false and not made in good faith¹¹. Victimisation occurs when a person is subjected to, or threatened with, detrimental action for their involvement in the matter.

Examples of victimisation could include:

- bullying or intimidation by other staff members
- ostracising or excluding a staff member because they helped/supported a colleague to make a complaint
- being denied a promotion or being moved to a position with less responsibility
- dismissal or threatened dismissal from employment
- being refused further contract work.

Victimisation of staff who have, or might, complain of sexual harassment, as well as bystanders or staff perceived to have helped a person make a report of sexual harassment, is also unlawful.

Additionally, taking reprisal or detrimental action against a staff member for making a complaint can constitute misconduct under Section 32(e) of the *Fire and Rescue NSW Regulation 2023*, Part 8 of the *Government Sector Employment (General) Rules 2014*, and Section 69 of the *GSE Act*.

9 Record keeping

FRNSW maintains confidential records of all correspondence related to reports of sexual harassment. This includes details on how reports are addressed, as well as letters, emails, file notes from phone calls and conversations, investigation reports, and all evidence collected.

Records are maintained in accordance with applicable legislation, including the *Government Sector Employment (General) Rules 2014*, *State Records Act 1998*, and relevant privacy legislation, as well as the [FRNSW Records Management Policy](#), and the [FRNSW Privacy Policy](#).

10 Training and support

For further training, information or resources on preventing sexual harassment and sex-based discrimination in the workplace, contact PSB or visit the Respect@Work Toolkit on the Intranet.

¹¹ *Anti-Discrimination Act 1977* (NSW) s 50 and *Sex Discrimination Act 1984* (Cth) ss 47A, 94.

11 Monitoring and evaluation

FRNSW is committed to effective monitoring, evaluation and organisational learning processes that will foster a safe and respectful work environment. This includes:

- regularly collecting and assessing reports and relevant data for trends, patterns and lessons to drive continuous improvement
- regularly consulting with workers and unions to share knowledge and understand issues from a worker perspective
- regularly reviewing and updating sexual harassment prevention plans to drive continuous improvement
- sharing information about trends, patterns and lessons with staff, leadership, unions management boards or committees and relevant stakeholders
- ensuring staff have confidence that sexual harassment is being eliminated in their workplace.

PSB will monitor compliance with this policy and provide regular reporting on the number of sexual harassment matters to the Executive Leadership Team, unions and the Audit and Risk Committee. PSB will also share information about trends and lessons with staff.

The Australian Human Rights Commission and Safework NSW, which is responsible for ensuring workplaces comply with Work Health and Safety laws, can also investigate whether FRNSW has fulfilled its duties to prevent sexual harassment and comply with the positive duty.

12 Further information

Service Provider	Contact Details
Converge International, FRNSW's Employee Assistance Program	Call 1300 OUR EAP (1300 687 327) or visit www.convergeinternational.com.au
Australian Human Rights Commission	www.humanrights.gov.au Info Line: 1300 656 419 (local call) TTY: 1800 620 241 (toll free) Fax: (02) 9284 9611 Email: infoservice@humanrights.gov.au
Anti-Discrimination NSW	https://www.antidiscrimination.justice.nsw.gov.au/ Phone: (02) 9268 5544 Free call: 1800 670 812 Email: complaintsadb@justice.nsw.gov.au
Community Legal Centres Australia	www.naccl.org.au/directory Phone: (02) 9160 9500
NSW Police Force	Phone: 000 (for emergencies)

	13 14 44 (Police Assistance Line – for nonurgent police assistance)
Fair Work Commission	https://www.fwc.gov.au/about-us/contact-us Phone: 1300 799 675
SafeWork NSW	https://www.safework.nsw.gov.au/contact-us Phone: 13 10 50
NSW Sexual Violence Helpline (formerly NSW Rape Crisis)	https://dvnsdsm.org.au/dvsm_directory/nsw-sexual-violence-helpline/ Phone: (02) 9621 0800 (provides support for people escaping/experiencing domestic and family violence and homelessness)
Lifeline Australia	https://www.lifeline.org.au/ Phone: 13 11 14 (24hour crisis support)
1800 RESPECT	https://www.1800respect.org.au/ Phone: 1800 737 732 (24hour support for those experiencing or at risk of experiencing domestic, family or sexual violence)
Rainbow Sexual, Domestic and Family Violence Helpline	https://fullstop.org.au/contact-us Phone: 1800 497 212 (24hour support for anyone from the LGBTIQ+ community whose life has been affected by sexual domestic and/or family violence)
QLife	https://qlife.org.au/ Phone: 1800 184 527 (3pm – midnight – provides anonymous and free LGBTIQ+ peer support and referral for people in Australia wanting to talk about sexuality, identity, gender, bodies, feelings or relationships)
Law Access NSW	https://www.lawaccess.nsw.gov.au/ Phone: 1300 888 529 (9am to 5pm, Monday to Friday (excluding public holidays) a free government telephone service that provides legal information, referrals and in some cases, advice for people who have a legal problem in NSW)
eSafety Commissioner	https://www.esafety.gov.au/report
Fire Brigade Employees Union	www.fbeu.net 1-7 Belmore St Surry Hills NSW 2010. Phone: (02) 9218 3444
Public Service Association	www.psa.asn.au psa@psa.asn.au 160 Clarence St, Sydney NSW PSA of NSW GPO Box 3365, Sydney NSW 2001
NSW Women’s Legal Service	https://www.wlsnsw.org.au/

Phone: (02) 8745 6988 1800 801 501 (rural) (9:30am – 12:30pm Monday, 1:30pm – 4:30pm Tuesday, 9:30am – 12:30pm Thursday) Free confidential legal information, advice and referrals for women in NSW with a focus on family law, childcare and protection, Victims Support, and sexual assault.

Wirringa Baiya Aboriginal
Women's Legal Centre

<https://www.wirringabaiya.org.au/> Phone: 1800 686 587 (9am – 5pm) a NSW state-wide community legal centre for Aboriginal and Torres Strait Islander women, children and youth.

13 Document information

13.1 Document control

Policy Manager	Director, Professional Standards Branch
Contact Officer	
Contact No	respectatwork@fire.nsw.gov.au
Document type	Policy
Applies to	<input checked="" type="checkbox"/> Firefighters <input checked="" type="checkbox"/> Community Fire Unit Members <input checked="" type="checkbox"/> Administrative and Trades Staff <input checked="" type="checkbox"/> Contractors and Consultants
Status	Approved
Security	OFFICIAL
File Reference	D25/110557
Review Date	26 June 2026
Rescinds	CG02 - 015
Copyright	© State of New South Wales through Fire and Rescue NSW
Version approved by	Commissioner
Date approved	30 September 2025
Approval File Reference	APP25/1517

13.2 Revision history

Version	Date	Status	HPE RM Ref	Details
FINAL	30/09/2025	Approved	D25/110557	Approved by Commissioner and ELT on 20/9/25
4 Draft C	30/09/2025	Draft	D25/71893	Updated policy to be submitted to EDPC & JCC after consultation
4 Draft B	20/02/2025	Draft		Updated policy to reflect positive duty.