



Are your workplace policies and training protocols adequate?

Principals are acutely aware of their obligation to provide a safe workplace for all workers. Many organisations already have workplace policies and procedures designed to protect workers from physical harm, bullying, discrimination, harassment, sexual harassment, victimisation, and broader psychosocial risks.

However, the recent decision in [Loquias v The Star Entertainment Group and John Dwyer](#) highlights that merely having policies in place is insufficient. Employers may still face significant liability where they fail to:

- conduct proper and meaningful induction into workplace policies and procedures;
- provide regular, engaging refresher training; and
- actively enforce compliance with those policies.

Key facts

The complainant, Ms Loquias, a 21-year-old casino games dealer, alleged that the Gaming Area Manager Mr Dwyer sexually harassed her between September 2020 and March 2021. The alleged conduct occurred both in the workplace and at a private social function held on 5 March 2021.

In the workplace, Ms Loquias claimed Mr Dwyer repeatedly:

- made unwelcome sexualised comments;
- pinched and touched her arm;
- made remarks about her appearance, suggesting she would “look ugly” if she frowned; and
- responded inappropriately to her

complaint about other supervisors.

At a colleague’s birthday event attended by several employees, Mr Dwyer allegedly:

- made explicit sexualised remarks;
- touched and grabbed the complainant’s buttocks;
- threw ice at her and pushed her; and
- admitted he had done so in an attempt to look up her dress.

These events were reported to police, and Mr Dwyer later pleaded guilty to assault charges in the Magistrates Court.

Proceedings and arguments

Ms Loquias brought proceedings against Mr Dwyer and The Star Entertainment Group (Star) in the Queensland Industrial Relations Commission (QIRC), under the *Anti-Discrimination Act 1991 (Qld)*, alleging sexual harassment and seeking to hold Star vicariously liable for Mr Dwyer’s conduct.

Star relied on a “reasonable steps” defence, citing its workplace policies, mandatory training modules, and employee acknowledgements. However, Mr Dwyer had completed his training superficially, often skipping content while working and relying on the ability to retry answers.

Star also argued that it should not be liable for conduct at the social function, as it was not work-related or authorised by the organisation.

Decision of the QIRC

The QIRC accepted that both instances constituted sexual harassment, emphasising the power imbalance arising from Ms Loquias’ junior position and Mr Dwyer’s senior managerial role.

While the QIRC found the social function

insufficiently connected to employment to establish vicarious liability, Star was held vicariously liable for the workplace conduct.

Critically, the QIRC determined that Star had not taken “reasonable steps” to prevent the conduct. Online training modules that lacked meaningful engagement were insufficient. Further, Star had failed to take additional preventative action following a prior substantiated complaint against Mr Dwyer in 2016, beyond routine refresher training.

Key takeaways

This case reinforces that employer obligations extend beyond publishing policies and requiring acknowledgment.

Employers must take proactive and meaningful steps to prevent harassment and discrimination through training that genuinely engages employees and ensures they understand their obligations. Passive or superficial compliance is unlikely to satisfy statutory requirements.

Additionally, where prior misconduct has been identified, employers must implement targeted measures to mitigate future risk. Failure to do so may significantly increase exposure to liability.

The decision also reminds employers that out-of-hours conduct may still carry legal and reputational risks where there is a connection to the workplace. Ultimately, organisations should regularly review their policies, training programs, and enforcement mechanisms to ensure effectiveness in practice, not merely on paper. Early legal advice can assist in identifying gaps and mitigating risk before issues arise.

This week in arts and entertainment

Lights, Camera, Compliance: WHS obligations extend beyond traditional workplace



Media reports concerning MAFS and SafeWork NSW improvement notices highlight growing regulatory scrutiny of psychosocial hazards, including aggression, harassment and inappropriate conduct, reinforcing that WHS obligations apply across all workplace environments and may extend beyond traditional employees to individuals who do not obviously fit the ordinary definition of workers.

LinkedIn posts, confidential information and the limits of “whistleblowing”

A recent decision of the Supreme Court of Western Australia, [Tronox Management Pty Ltd v Cokic \[No 2\]](#), is a timely reminder that confidentiality survives employment and that social media activity can expose former employees to significant legal risk.

The case involved a former senior contracts specialist who, following his termination in August 2024, forwarded confidential material to his private email and published related content on LinkedIn.

Tronox swiftly commenced proceedings in early 2026 alleging breach of contract, breach of confidence, conversion, injurious falsehood, and misuse of information under the Corporations Act, and obtained urgent ex parte interlocutory injunctions requiring the removal of the posts.

The Court granted summary judgment on the contractual claims, finding no arguable defence.

The former employee argued his conduct was protected under whistleblower and public interest disclosure laws and relied on Fair Work Act provisions. The Court rejected these arguments, finding that publication of confidential material on LinkedIn did not fall within protected disclosure regimes. The decision reinforces that protected disclosures must be made through prescribed channels, not public platforms.

The Court also accepted that the employer’s contractual definition of

“confidential information” was sufficiently broad to capture the conduct in question.

The relief granted was extensive, including removal of posts, delivery up of company property, deletion of confidential information (including via forensic examination), affidavit verification of compliance, and ongoing restraints preventing further disclosure.

Why this decision matters for employers

This decision reinforces the importance of robust confidentiality protections and swift enforcement action where sensitive information is at risk. It also highlights that courts will closely scrutinise attempts to characterise public disclosures as protected whistleblowing, particularly where confidential information is published on social media platforms.

Key takeaways for employers include:

1. Confidentiality obligations can continue after employment ends;
2. Well-drafted confidentiality clauses may extend to online and social media conduct;
3. Social media posts can amount to actionable disclosure of confidential information;
4. Public platforms such as LinkedIn are unlikely to attract whistleblower protection;
5. Courts may grant summary judgment where there is no reasonably arguable defence; and
6. Early injunctive action can significantly reduce reputational and commercial harm.

Use of AI in the workplace: are businesses implementing responsible practices?

As AI becomes increasingly embedded in workplaces, an important question arises: how widely is it used, and are organisations applying appropriate safeguards?

In August 2025, the Department of Industry, Science and Resources released findings from its AI Adoption Tracker, based on 400 businesses. The data showed a strong link between business size and AI use. Between January and March 2025, 82% of businesses with 200–500 employees reported using AI, compared with 68% of those with 20–199 employees, 40% with 5–19 employees, and 33% with fewer than five.

While AI presents opportunities for efficiency and innovation, it also introduces risks. These include the accidental disclosure of confidential information and inaccurate AI-generated outputs (“hallucinations”) being relied upon without verification.

The research also assessed responsible AI practices. Results suggest progress, but significant gaps remain:

- 43% review AI outputs before external use
- 32% have guidelines on acceptable AI use
- 23% protect customer or client data in AI systems
- 22% provide staff training
- 17% have implemented none of these measures

Further concerns arise from Jobs and Skills Australia, which highlights limited transparency. Surveys indicate 21–27% of employees use generative AI without managerial knowledge.

Employers should respond proactively by establishing clear frameworks. This includes formal AI policies, staff training, and defined expectations on acceptable use and verification of outputs. Where AI use is restricted, this must be clearly communicated and consistently enforced.

However, outright prohibition may be short-sighted. As AI adoption accelerates, organisations that adopt structured, responsible approaches will be best positioned to capture its benefits while managing associated risks.

Reminder to clients: Changes to look out for from 1 July 2026

- 1. Superannuation:** Employers will be required to pay superannuation guarantee contributions at the same time as employee wages, rather than on a quarterly basis.
- 2. Wage rates:** Increases to the national minimum wage and minimum award rates are yet to be announced, but are expected in the coming days.
- 3. Parental leave:** Enhancements to the Australian Government’s Paid Parental Leave scheme will increase the entitlement from 120 days to 130 days (26 weeks).