



Australian Government  
Comcare

Practical guidance for  
**MANAGERS** and **SUPERVISORS**



**Workplace**  
**SEXUAL HARASSMENT**

Never part of the job.



# Influencing POSITIVE change

One in three workers experienced sexual harassment at work in the past five years. The majority of workers chose not to report it, as some believed it would be seen as an overreaction, while others felt it was easier to keep quiet. These are findings from *Respect@Work*, the Australian Human Rights Commission's (AHRC) national inquiry into workplace sexual harassment.

**In every industry and at every level, workplace sexual harassment is unlawful and harmful to workers, particularly when reporting is poorly handled. It is often an abuse of power and enabled by systemic risk factors including low diversity, isolated or remote work and poor workplace culture.**

Managers and supervisors have a critical role to play in preventing sexual harassment. A safe and respectful working environment starts with strong leaders that understand their duties and ensure their workers are supported, protected and understand their reporting options through education and training. Remember, workers will often reach out to their manager or supervisor as a first step.



## Policy – set the standard

Managers and supervisors must support and promote the sexual harassment policy in their workplace by modelling acceptable behaviours that foster a positive and respectful workplace culture. This sets the standard of behaviour that is expected of everyone at work – workers, customers, clients and third parties.

Workplace policies help to outline this standard and provide clear guidance around acceptable behaviours and attitudes, controls and consequences, actions and reporting, and support and referrals for workers that experience or witness sexual harassment.



## Sexual harassment is unlawful – *Sex Discrimination Act 1984*

This is a serious issue that presents a significant financial, legal, and reputational risk for employers and officers (persons conducting a business or undertaking). In the workplace, it is often an abuse of power and enabled by factors including isolated or remote working conditions and environments, a workforce that lacks diversity (e.g. gender imbalance) and poor workplace culture.





## Actions for managers and supervisors

### How to support prevention

- Set a strong example of the types of behaviours and attitudes that create a healthy and safe work environment based on respect.
- Build a culture of openness, trust and respect to help minimise the risk of sexual harassment and support incident reporting.
- Be aware of enablers to sexual harassment, including power imbalances, low workforce diversity (e.g. gender imbalance) or isolated working environments.
- Identify risks and develop an understanding of what actions to take to reduce or eliminate them, so far as reasonably practicable.
- Promote your organisation's sexual harassment policy and ensure workers receive information and training about their rights, obligations and reporting pathways.

### How to support workers that report sexual harassment

- Act promptly and outline the reporting process, including available support and representation options.
- Treat every report impartially and without bias.
- Discuss how information will be handled in a way that maintains confidentiality, privacy and protects all parties involved from victimisation such as bullying, intimidation or retaliation.
- Ensure that all decisions are documented and stored securely.
- When it is not possible to resolve the complaint internally, it is important to respect a worker's desired outcome and preferred way of managing the complaint.
- Refer the worker to external support services such as an employee assistance program or independent medical assistance.
- **If you feel you or anyone in your workplace is in immediate danger, call the Police on 000.**

### What are some examples of sexual harassment?

- Inappropriate and unwelcome physical contact – e.g. touching, hugging, kissing
- Staring or leering
- Intrusive questions about your private life or physical appearance
- Suggestive comments or jokes
- Unwanted invitations – e.g. to go out on dates, requests for sex
- Sexually explicit content – e.g. emails, text messages, calls or online
- Displaying images of a sexual nature around the workplace
- Unnecessary familiarity – e.g. deliberately brushing up against you.



Certain forms of sexual harassment can be criminal offences that may need to be reported to the Police. For example, physical or sexual assault, stalking, indecent exposure or obscene or threatening communication. **If you feel you or anyone at your workplace is in immediate danger, call the Police on 000.**



## Who is most at risk of sexual harassment?

All workers are at risk of workplace sexual harassment however the following groups have been found to be at greater risk:

- Women (experience higher rates of workplace sexual harassment than men)
- Young workers aged less than 30 years
- Lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI) workers
- Aboriginal or Torres Strait Islander workers
- Workers with disability
- Workers from culturally and linguistically diverse (CALD) backgrounds
- Migrant workers or workers holding temporary visas
- People in working arrangements described as 'precarious' or 'insecure'.

## Why workers may choose not to report sexual harassment:

- A perception that incidents are 'part of the job' or work culture and nothing can be done
- Concerns that complaints will be ignored or not handled respectfully and confidentially
- Fear of being blamed for the incident, or that reporting may expose them to additional harm, discrimination, or disadvantage (e.g. losing their job)
- A perception that a perpetrator has organisational power over them (e.g. manager or senior officers).



## When and where can sexual harassment occur?

### During work hours:

- Your usual workplace – e.g. office, site and often in an isolated workspace
- Site visits
- External meetings or conferences
- Training, courses or workshops
- Social gatherings – e.g. birthday lunches or team celebrations
- Client or customer workplaces or homes

### Outside of work hours at:

- Work-related events or trips – e.g. corporate functions, weekend trips, workshops or training courses
- Work related social activities – e.g. Christmas parties, office celebrations, client events or functions
- External meetings or site visits
- Client or customer workplaces or homes.



## Latest research shows:

**39%**

Of women and 26% of men have experienced sexual harassment in the workplace in the past five years.

**\$3.8B**

Workplace sexual harassment cost the Australian economy an estimated **\$3.8 billion in 2018**



The key driver of sexual harassment is power disparity, including gender inequality.



## Sexual harassment – impacts

For people who experience or witness workplace sexual harassment, the following physical and psychological impacts are possible:

- Feelings of isolation, social isolation, or family dislocation
- Loss of confidence and withdrawal
- Physical injuries as a result of assault
- Depression, anxiety, and stress
- Post-traumatic stress disorder (PTSD)
- Illness such as cardiovascular disease, musculoskeletal disorders, immune deficiency, and gastrointestinal disorders (for example, as a result of stress)
- Self-harm or suicide.





## For more information

### About sexual harassment

- [Australian Human Rights Commission](#)
- [State and Territory WHS regulators](#)
- [Know the Line – Employer Information](#)

### Support services for workers

- Employee Assistance Program (EAP)
- 1800RESPECT **1800 737 732**
- [Sexual assault support services](#)
- Lifeline **13 11 14**
- Beyond Blue Support Service **1300 22 4636**
- For employers covered by Comcare, make an inquiry or seek advice via [whs.help@comcare.gov.au](mailto:whs.help@comcare.gov.au) or call us on **1300 366 979**.
- If you feel you or anyone in your workplace is in immediate danger, call the Police on **000**
- If anyone in your workplace would like to make a report with the Police and is not in immediate danger, call **131 444**

### Comcare resources

- Website: [comcare.gov.au](http://comcare.gov.au)
- [Workplace sexual harassment: Practical guidance for employers](#)
- [Workplace sexual harassment: Practical guidance for workers](#)
- [Regulatory guidance for employers on their work health and safety responsibilities](#)

### Safe Work Australia resources

- Website: [safeworkaustralia.gov.au](http://safeworkaustralia.gov.au)
- [Preventing workplace sexual harassment](#)
- [Preventing workplace violence and aggression](#)
- [Preventing and responding to workplace bullying](#)

- [Dealing with workplace bullying – a worker's guide](#)
- [Work-related psychological health and safety: A systematic approach to meeting your duties](#)
- [Model Code of Practice: How to manage work health and safety risks](#)

### Australian Human Rights Commission resources

- [National Information Service](#)
- [Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces \(2020\)](#)
- [Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces Community Guide \(2020\)](#)

## Comcare's position and role

Comcare's purpose is to promote and enable safe and healthy work. We recognise workplace sexual harassment as a psychosocial hazard which has the potential to cause workers psychological or physical harm. As the national work health safety and workers' compensation authority, Comcare's legislated functions include securing the health and safety of workers and workplaces. Our functions also include responding to incidents of psychological harm, educating employers about ways to prevent and manage all forms of harm including, workplace bullying and harassment and encouraging leaders to foster a positive workplace culture where this behaviour is not tolerated. There may be circumstances where an injured employee is entitled to workers' compensation under the *Safety Rehabilitation and Compensation Act 1988*, however as the WHS Act does not provide for compensation, individuals may turn to other organisations for support.