



Australian Government
Comcare

Practical guidance
for **WORKERS**



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.

Supporting workers and employers to create safe workplaces through education about prevention and management is a critical part of Comcare's role as the national work health safety and workers' compensation authority.



Worker duties and obligations under the *Work Health and Safety Act 2011*

While at work, you have a duty to take reasonable care that your acts or omissions do not adversely affect the health and safety of co-workers. This means not acting in a manner which would constitute sexual harassment and complying with any reasonable health and safety instructions, policies, incident reporting and management processes your employer has on workplace sexual harassment.

You can seek further advice and guidance from your WHS regulator.



Sexual harassment – definition

Sexual harassment is defined in the *Sex Discrimination Act 1984*, as being any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.





Actions for workers

If you experience or witness workplace sexual harassment, you can seek support from your employer or report it – formally, informally, or anonymously. It is illegal to be disadvantaged because you make a report and if you choose not to report it, you should access support from someone at work, a trusted friend or one of the services listed under **For more information**.

Remember, everyone involved has the right to a safe and healthy workplace, including those that experience, witness or are accused of workplace sexual harassment.

If you experience sexual harassment

Your employer should provide you with information and support on how to respond and the reporting options available to you (some are listed under **For more information**).

Here are some further options on ways to respond:

- If you feel safe and comfortable, you might choose to tell the other person that the behaviour is inappropriate and ask that it stop.
- Seek support, including from other workers, organisational leaders, harassment officers, other people nearby or family and friends.
- If you are able, remove yourself from the situation and ask the person to leave the work area.
- Disconnect or disengage with the person if the harassment occurs on the phone or online.
- If the behaviour involves violence, such as physical assault, alert your manager or a trusted co-worker immediately.
- If you are not ready to make a formal complaint, keep a record of what happens, when and where, who was involved and anything else you think is important to ensure its documented.
- At any time, you can contact your WHS regulator for further advice or lodge a complaint with the AHRC or your state or territory anti-discrimination agency.

If you witness sexual harassment

- If you feel safe and comfortable, tell the other person that you object to their behaviour and ask that it stop.
- Talk to the person experiencing harassment. Ask what you can do and what support they need.
- Help the person decide a course of action to help ensure the harassment stops.
- If you have permission from the person experiencing harassment, you should report the incident to your employer.
- Talk to your employer or your representatives about a sexual harassment policy, training, and other prevention activities in your workplace.

Your actions will depend on the situation and the people involved. Remember the focus should always be on your safety and the safety of the person who is being harassed.



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.**



If you are accused of sexual harassment

You should always take any accusation seriously. It is important to be open to feedback from others, and if necessary, be prepared to change your behaviour. Your employer must have workplace health and safety policies and procedures on incident reporting and management processes that maintain confidentiality and privacy to protect all parties from victimisation, such as bullying, intimidation or retaliation.

If you experience, witness or are accused of sexual harassment, you may wish to seek advice and support from a trusted person, health and safety representative, or employee assistance program (EAP). You can also engage an external organisation such as counselling service, legal service, or trade union.



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. repeated invitations 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.



When and where can sexual harassment occur?

During work hours:

- Your usual workplace – e.g. office, site, or online if working from home
- Site visits
- External meetings or conferences
- Training, courses or workshops
- Social gatherings – e.g. birthday lunches or team celebrations
- At client or customer workplaces or homes.

Outside of work hours:

- 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.



Who is often responsible for incidents of sexual harassment?

- Other workers
- Managers, supervisors or senior officers
- Third parties – e.g. your clients, suppliers, or customers.

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).

How does sexual harassment impact workers that experience or witness it?

- 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 – Employee 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

Reporting options

- You can [find out more information](#) or [make a complaint](#) to the Australian Human Rights Commission or your relevant state or territory anti discrimination body. A solicitor advocate or union can also make a complaint to the Commission on your behalf.
- Your [WHS regulator](#) may be able to investigate if a business is meeting their WHS obligations or if you feel you have been discriminated against for raising a health and safety issue. For workers covered by Comcare, you can make an inquiry or seek advice via 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
- [Workplace sexual harassment: Practical guidance for employers](#)

- [Workplace sexual harassment: Practical guidance for managers and supervisors](#)
- [Regulatory guidance for employers on their work health and safety responsibilities](#)

Safe Work Australia resources

- Website: 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](#)

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.

