

Workplace sexual harassment

1 in 3 Australians have experienced workplace sexual harassment in the past 5 years¹.

The impact can be significant for workers' mental and physical health, staff retention and business productivity.

Here's what you can do to provide a safer working environment.



What is workplace sexual harassment?

It's when sexual harassment happens at work and is:

- any unwelcome conduct of a sexual nature
- conduct that makes a person feel offended, humiliated or intimidated, where a reasonable person in the same circumstances would anticipate that reaction².

It doesn't matter if the conduct is intentional or not; it can be one-off or repeated and includes:

- unwelcome physical contact
- unwanted invitations to go out on dates
- sexually suggestive comments or jokes
- sexual assault.



What contributes to workplace sexual harassment?

There are often multiple and complex drivers of workplace sexual harassment.

Key drivers include gender inequality, poor workplace cultures where inappropriate and disrespectful behaviours are tolerated, and a lack of safe and confidential options to report sexual harassment.

- **Workers** include employees, trainees, volunteers and contractors.
- A **workplace** includes your usual place of work, it can be offsite or on location, or where you conduct any work-related activities such as a work trip, conference or event, or a client's home.

¹Australian Human Rights Commission *Time for respect: Fifth national survey on sexual harassment in Australian workplaces 2022*

²*Sex Discrimination Act 1984 (Cth)*, s 28A.



What do NSW businesses need to do?

Under NSW work health and safety (WHS) laws, NSW businesses³ need to take proactive steps to prevent harm to workers from sexual harassment so far as reasonably practicable.

These WHS obligations are in addition to other obligations businesses may have, including the positive duty to eliminate sexual harassment under the *Sex Discrimination Act 1984*.

For more information see the SafeWork NSW Resource: [Regulation Map for NSW businesses](#)



How can businesses prevent workplace sexual harassment?

- **Model** respectful workplace behaviours and address any harmful behaviours immediately
- Take a **risk management approach** – like any other WHS hazard, to identify, assess and control the risks that contribute to sexual harassment and review the controls, such as:
 - consulting with your workers at each stage of the risk management process

- considering:

- **how often workers may be exposed to sexual harassment**
- **whether exposure to other psychosocial hazards is likely**

- developing policies and procedures to prevent sexual harassment and communicating them to workers, visitors and customers
- considering work design, layout and environmental conditions like working at night, alone, in remote or isolated settings, alcohol use and client or home visit related-work
- addressing barriers to reporting, and providing clear and confidential (informal and formal) reporting options
- promoting the benefits of a gender equal, inclusive and diverse workplace.

³ Reference to 'business' in this document refers to a person conducting a business or undertaking (PCBUs) including employers, as defined under the NSW WHS Act. It refers to various forms of modern working arrangements and can include public and private companies, government departments and partnerships.

Disclaimer – To ensure you comply with your legal obligations you must refer to the appropriate legislation. Information on the latest laws can be checked by visiting the [NSW legislation website](#). This publication does not represent a comprehensive statement of the law as it applies to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.



What advice can SafeWork NSW provide?

SafeWork NSW provides free advice and support to help businesses, industry and workers maintain a safe workplace and meet their WHS duties.

Request a free SafeWork NSW Advisory visit if you have less than 50 staff or a **Safety Workshop** for business groups.

SafeWork NSW can also monitor compliance, inspect workplaces and prosecute breaches of WHS laws.



Other tools and resources

- NSW Code of Practice: [Managing Psychosocial Hazards at Work](#)
- [A Work Health and Safety \(WHS\) approach to preventing workplace sexual harassment - Poster](#)
- If you work in NSW and have experienced workplace sexual harassment, see the [Reporting Options Guide for NSW Workers](#)



Support and counselling services

The following services are available at any time:

- 1800RESPECT – 1800 737 732
- Lifeline Australia – 13 11 14
- beyondblue – 1300 22 4636



Visit nsw.gov.au and search 'Respect at Work'