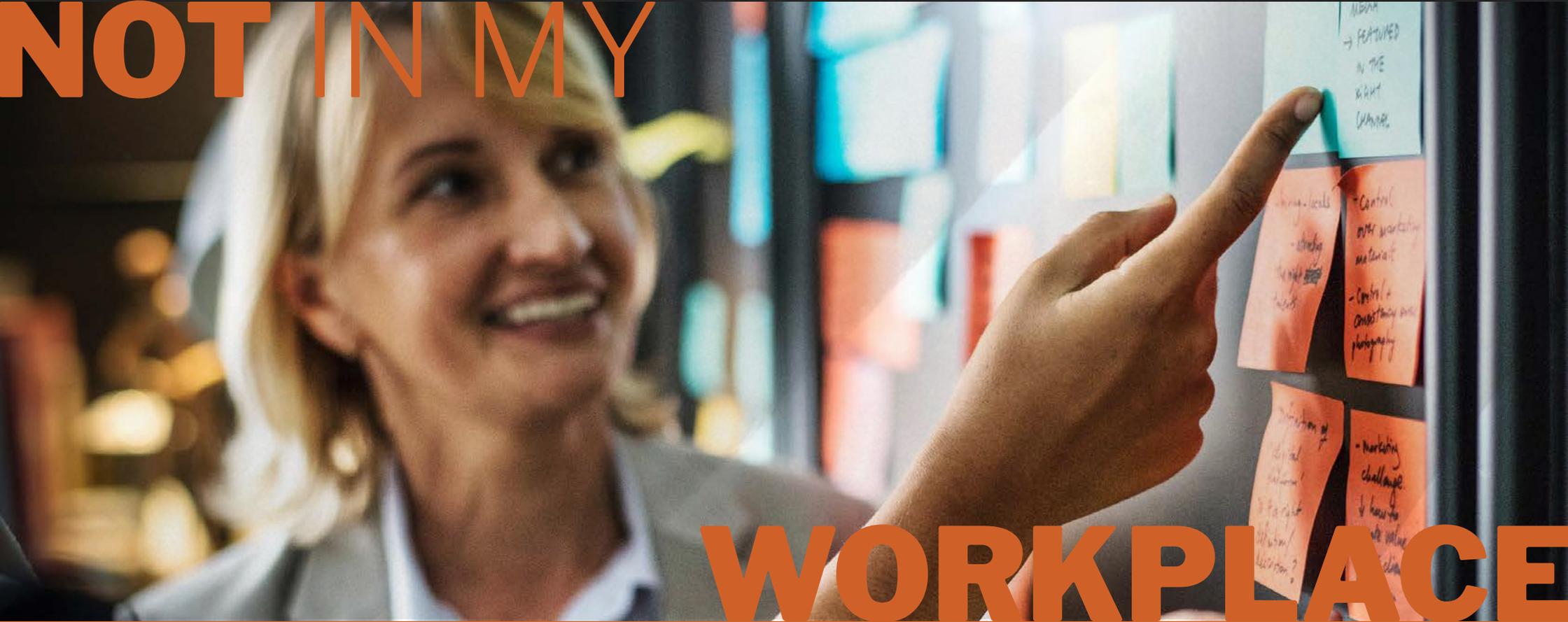


NOT IN MY



WORKPLACE

Sexual Harassment Tool Kit

Feb 2019



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### Fast Fact

The Australian Bureau of Statistics (ABS) states that 53% of women and 25% of men experience sexual harassment in their lifetime and the majority of these incidents occur in the workplace.

## Who We Are

We are a collective of CEOs, Senior Executives, Chairs and Board Directors from across private, not-for-profit and public sectors making a stand to bring about change. The organisation is incorporated under the Incorporated Associations Act in September 2018.

### We work together to end sexual harassment at work by:

- Creating a movement of like-minded leaders who will drive change
- Gathering and promoting resources to inspire change and build capacity for Boards and organisations
- Advocating for systemic and legislative change.

### Join Us

We work together to assist Boards and senior leadership to eliminate the risks and occurrence of sexual harassment in the workplace. We act as a conduit to connect responsible leadership with peers, tools and resources to create safe and positive workplaces. Become a member, visit:

[www.notinmyworkplace.org](http://www.notinmyworkplace.org)



We are leaders,  
**leading change.**

# What is sexual harassment?

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

It includes physical, verbal, and written behaviours.

For example, sexual harassment can include asking intrusive questions about someone's private life or appearance; sexually suggestive jokes; touching or brushing up against someone; and sexually explicit emails or social media posts.

## **Sexual harassment is against the law.**

The *Sex Discrimination Act 1984* (Cth) makes it unlawful to sexually harass another person in the workplace, schools, shops and sporting clubs. Sexual harassment is also prohibited by state and territory laws.



A blurred office scene showing a woman in a dark dress standing and talking to a man in a suit sitting at a table with a laptop. Another man in a suit is walking past in the foreground, blurred. The background shows a window with curtains and a lamp hanging from the ceiling.

Data from the *Fourth National Survey on Sexual Harassment in Australian Workplaces*, conducted by the Australian Human Rights Commission (2018) shows:

## How **common** is sexual harassment?

- 85% of Australian women and 57% of Australian men over 15 have been sexually harassed at some point in their lives.
- In the last five years, 39% of women and 26% of men have experienced sexual harassment at work.
- People aged 18-29 (45% of this group) are more likely to have experienced sexual harassment at work than those in other age groups.
- 20% of 15-17 year olds have been sexually harassed at work.
- Sexual harassment is more common in certain industries. In the last five years, the industries where the highest proportion of employees had been sexually harassed at work were:
  - ▶ information, media and telecommunications (81%)
  - ▶ arts and recreation (49%)
  - ▶ utilities and retail trade (42%)
  - ▶ mining (40%)
- Aboriginal and Torres Strait Islander people, people who identify as LGBTIQA and people with disabilities are more likely to have experienced sexual harassment.
- Perpetrators of workplace sexual harassment are overwhelmingly male. In 79% of workplace sexual harassment cases in the past five years, one or more of the perpetrators were male.
- Most people (64%) who experienced workplace sexual harassment were sexually harassed by one person. However, in industries which tended to be male-dominated, the likelihood of being sexually harassed by more than one person was higher.
- In general, women were more likely than men to experience negative consequences as a result of workplace sexual harassment.



## Who reports sexual harassment?

### According to the Australian Human Rights Commission survey:

- Fewer than one in five people (17%) made a formal report or complaint about workplace sexual harassment.
- Almost one in five people who did report were labelled a troublemaker (19%), were ostracised, victimised or ignored by colleagues (18%) or resigned (17%).
- A substantial proportion (40%) of workplace sexual harassment incidents were witnessed by at least one other person, and in the majority of cases (69%) the witness did not try to intervene.

### What happens when sexual harassment is reported?

The Australian Human Rights Commission survey found that:

- In one in five cases (19%) the formal report or complaint brought no consequences for the perpetrator. The most common outcome of reports or complaints was a formal warning to the perpetrator (30% of cases).
- Almost half (45%) of people who made a formal report said that no changes occurred at their organisation as a result of the complaint. This was more likely to be the case for complaints lodged by women (55%) than for complaints lodged by men (31%).

## Why does sexual harassment occur?

While men do experience sexual harassment, it disproportionately affects women. Sexual harassment of women is part of a continuum of violence that includes street harassment, sexual assault and online abuse, and is connected to the widespread objectification and sexualisation of women in our society.

The evidence shows that gender inequality in public and private life increases the likelihood of violence against women (including sexual harassment) occurring. That is, everyday sexism creates the context for more serious forms of violence. This means that to stop sexual harassment before it starts, we need to promote gender equity at work and in our communities.



Sexual harassment is  
**fundamentally**  
all about power

# What are employers' obligations?

Under the *Sex Discrimination Act 1984*, employers are legally responsible for acts of sexual harassment by their employees or agents, unless they can show they have taken reasonable precautions to prevent such acts. Employers also have a duty to be proactive and take steps to prevent it from occurring in the first place.

**At a minimum, employers should take the following steps to prevent and respond to sexual harassment:**

- **have a workplace policy on sexual harassment**
- **put in place a process for dealing with complaints**
- **train employees to identify and deal with sexual harassment**
- **take appropriate remedial action if sexual harassment occurs.**

As noted above, sexual harassment takes place in the context of sex discrimination and gender inequality in the workplace. So, in addition to the steps above, it's important that employers also take steps towards promoting gender equity in the workplace. Resources on preventing sexual harassment and promoting gender equity are included in the section on Preventing sexual harassment below.



# Support services

If you have experienced sexual assault or sexual harassment and feel you would like to speak to someone for support or information, **1800RESPECT** (Phone: 1800 737 732) can provide counselling 24-hours a day, 7 days a week.

Details of the sexual assault support services in each state and territory can be found [here](#).

If you are feeling unsafe right now, call 000.

**Lifeline** – 13 11 14 – 24 hour crisis support and suicide prevention

**Beyondblue** – 1300 224 636 – Mental health support, including for depression and anxiety

**Kids Helpline** – 1800 551 800 - Free, private and confidential 24/7 phone and online counselling for young people aged 5 to 25

**Sexual Assault Crisis Line** (Victoria) 1800 806 292



# Making a complaint

## Human rights and anti-discrimination agencies

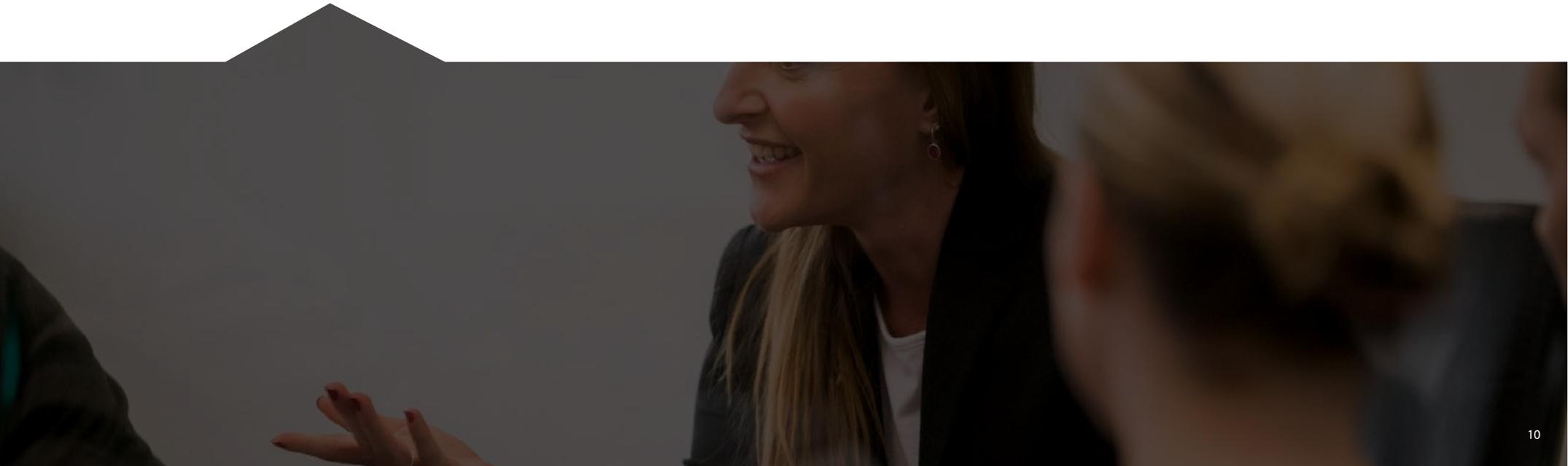
If you would like to make a complaint about sexual harassment, you can lodge your complaint with the Australian Human Rights Commission or your State or Territory anti-discrimination or human rights agency.

Be aware that there are different processes and timelines for lodging complaints with different agencies.

Information about how to make a complaint to the Australian Human Rights Commission can be found [here](#).

Click on the links below for state and territory agencies.

- [Anti-Discrimination Board of New South Wales](#)
- [Victorian Equal Opportunity & Human Rights Commission](#)
- [Anti-Discrimination Commission Queensland](#)
- [Equal Opportunity Commission Western Australia](#)
- [South Australian Equal Opportunity Commission](#)
- [Equal Opportunity Tasmania](#)
- [ACT Human Rights Commission](#)
- [Northern Territory Anti-Discrimination Commission](#)



# Further resources on workplace sexual harassment

## Human rights and anti-discrimination agencies

### General resources

Australian Human Rights Commission (2018), Everyone's Business: [Fourth national survey on sexual harassment in Australian workplaces](#)

Victorian Trades Hall Council (2016), [Stop Gendered Violence at Work](#) – Findings from consultations with Victorian working women about their experience of work

Australian Human Rights Commission (2014), [Ending workplace sexual harassment: a resource for small, medium and large employers](#)

Victorian Equal Opportunity & Human Rights Commission, [Guideline: Sexual harassment > Complying with the Equal Opportunity Act 2010](#)

### Preventing sexual harassment

Some resources to assist workplaces to promote gender equity and prevent sexual harassment and violence against women include:

Gippsland Women's Health, [Challenging the foundations of violence against women](#) – Short video making the link between gender inequality and violence against women

Victorian Equal Opportunity & Human Rights Commission, [Positive duty](#) – Information about employers' positive duty to eliminate discrimination, sexual harassment and victimisation under the Equal Opportunity Act 2010 (Vic)

Our Watch, [Workplace Equality & Respect Hub](#) – Workplace standards and resources

[Workplace Gender Equality Agency](#) – Works with employers to promote and improve gender equality in Australian workplaces

Women's Health Victoria, [Take a Stand program](#) – An award-winning whole-of-organisation program for the prevention of violence against women which uses the positive bystander model

Gender Equity Victoria, [Action to Prevent Violence against Women](#) – Resource hub for Victorian organisations and communities to engage with their local Women's Health Service to prevent violence against women and promote gender equity

### Recognising and responding to sexual harassment

[Know the Line](#): A resource on workplace sexual harassment for employees and employers

Australian Human Rights Commission (2014), [Recognising and responding to sexual harassment in the workplace: Information for employees](#)

Victorian Equal Opportunity & Human Rights Commission – [Responding to sexual harassment](#)



## CONNECT WITH US

If you require further information to assist in your efforts to cultivate a workplace free from sexual harassment, please contact:

### **Karen Bolinger**

#### **Summit Chair**

**M: 0438 899 922**

**E: [karen.bolinger@melbournecb.com.au](mailto:karen.bolinger@melbournecb.com.au)**

or

### **Nikki May**

#### **Communications Advisor**

**M: 0407 066 105**

**E: [nmay@fisherleadership.com](mailto:nmay@fisherleadership.com)**

# Workplace harassment is everyone's business

## PREMIUM SUPPORTER



## MAJOR SUPPORTER



## NETWORKING SUPPORTER



## SUMMIT SUPPORTERS



## SUMMIT ORGANISER



[notinmyworkplace.org](http://notinmyworkplace.org)

