

# Respect at Work

## Preventing workplace sexual harassment

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Communication toolkit

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December 2024

# Purpose of this toolkit



Workplace sexual harassment occurs in every industry across NSW. It harms workers, businesses and the broader community. It's a costly work health and safety hazard – and it's preventable.

Workplace sexual harassment can cost businesses with impacts including lost productivity, absenteeism, reputational damage and can impact staff retention and recruitment.

SafeWork NSW is the work health and safety (WHS) regulator for NSW. It supports businesses to comply with their WHS duties and can take appropriate enforcement action for serious breaches of relevant NSW WHS laws.

We have developed this toolkit to help you communicate important information about preventing workplace sexual harassment.

Learn more about workplace sexual harassment and how to prevent it by visiting [nsw.gov.au/respect-at-work](https://nsw.gov.au/respect-at-work)

## How to use this toolkit

This toolkit contains information and easy to share resources including key messages for newsletters or websites, videos, and translated social content, posters and factsheets.

## To download resources:

1. Click on the accompanying link which will take you to the [nsw.gov.au](https://nsw.gov.au) website or Dropbox
2. For [nsw.gov.au](https://nsw.gov.au) links, right click on the image or PDF on the website to 'Save'.
3. For Dropbox, on the upper right-hand side you will see a 'Download' button
4. Click 'Save' or 'Download'.

## Quick links to important information:



[Respect at work](#)



[Respect at work  
resource library](#)



[Essential webinar  
series for businesses](#)



[Respect at work  
strategy: preventing  
sexual harassment](#)



[Respect at work strategy  
summary and action plan](#)



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# Newsletter/web copy



## **Workplace sexual harassment is a work health and safety hazard**

Workplace sexual harassment occurs in every industry across NSW.

Sexual harassment is:

- any unwelcome sexual advance, request for sexual favours or other 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 reaction.

## **Workplace sexual harassment is costly**

Proactive steps to prevent workplace sexual harassment can reduce financial and reputational risks to your business. Workplace sexual harassment can cost businesses with impacts including lost productivity, absenteeism, reputational damage and can impact staff retention and recruitment. The impact of workplace sexual harassment on the Australian economy is significant with a 2018 report from Deloitte estimating the total cost to the economy to be around \$3.8 billion.

## **Workplace sexual harassment is preventable**

Understand your work health and safety responsibilities and get practical advice to prevent, manage and respond to sexual harassment in your workplace.

Businesses have a responsibility to proactively prevent workplace sexual harassment. This includes identifying work-related factors that can lead to sexual harassment risks and putting plans in place to control the risks. Free advice and business support is available from SafeWork NSW.

## **Prevent and manage the risk of sexual harassment in your workplace**

Build a safer workplace by understanding your WHS responsibilities to prevent and manage sexual harassment in your workplace:

- **Understand:** Learn more about your work health and safety responsibilities to prevent sexual harassment.
- **Prevent:** Take steps to address workplace sexual harassment in your workplace.
- **Respond:** Find out what to do if someone in your workplace reports sexual harassment.

SafeWork NSW is here to support NSW businesses comply with their WHS duties and can take appropriate enforcement action for serious breaches of relevant NSW WHS laws.

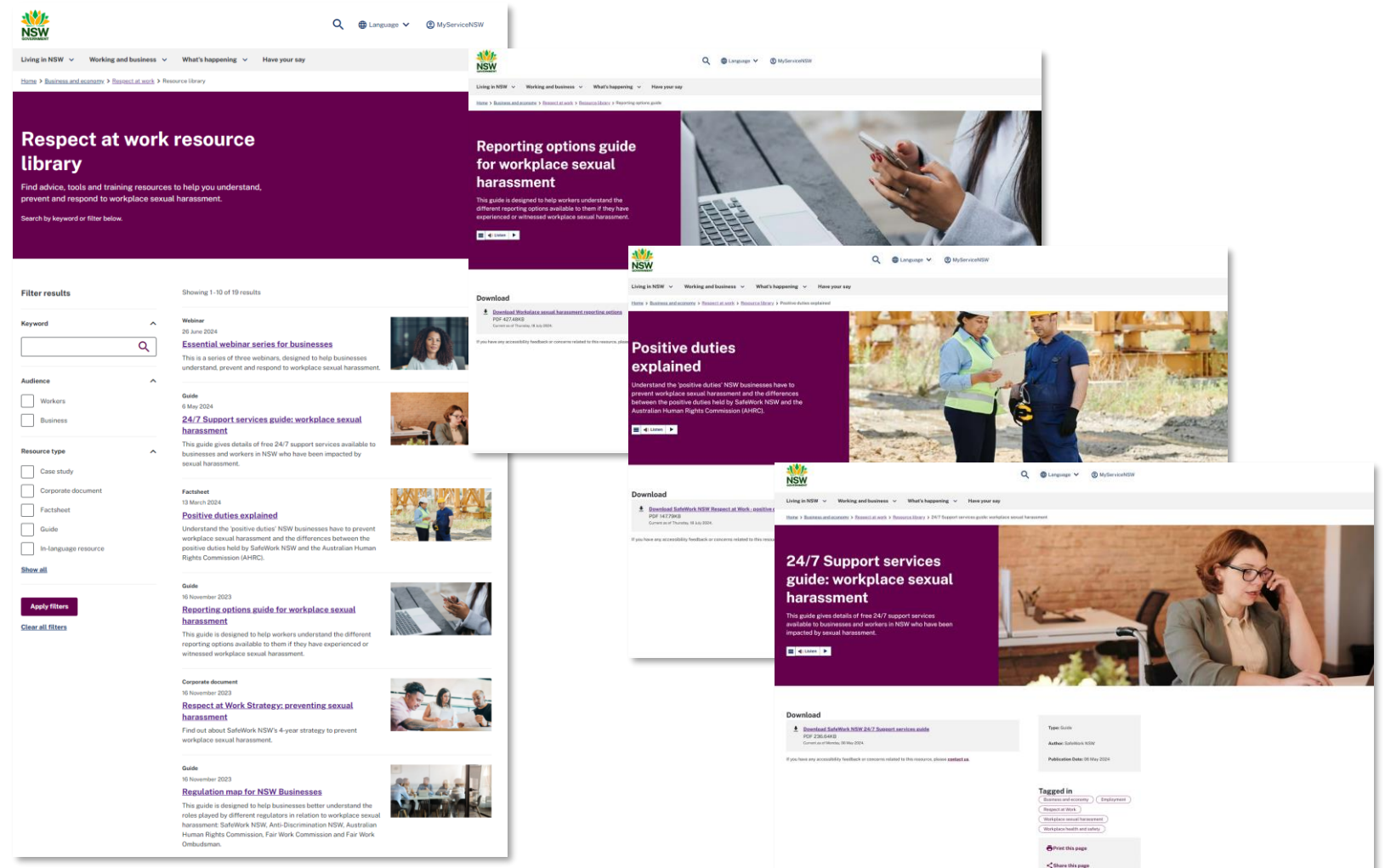
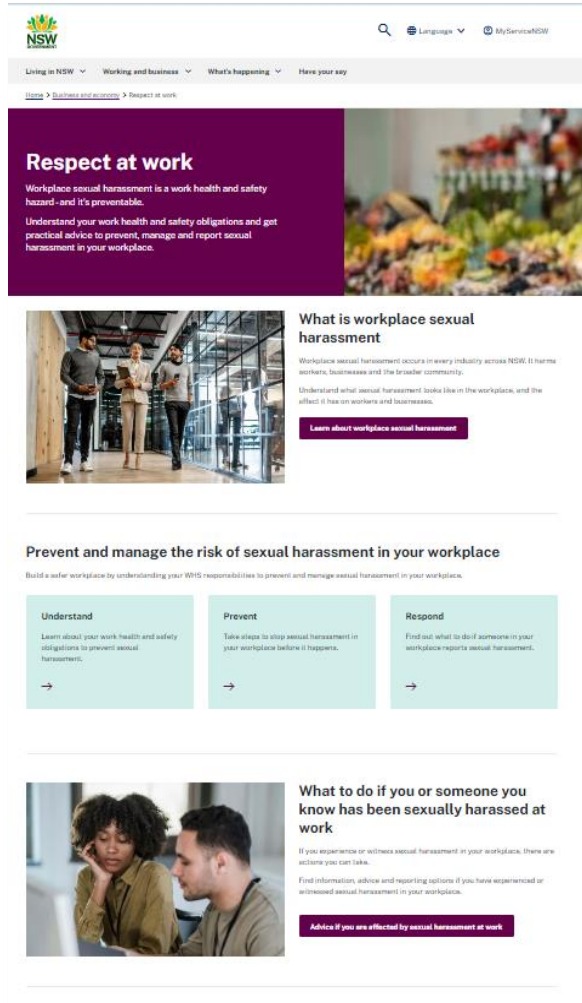
## **More information**

For more information, visit [nsw.gov.au/respect-at-work](https://nsw.gov.au/respect-at-work).

You can also [subscribe to receive the Respect at Work update](#).

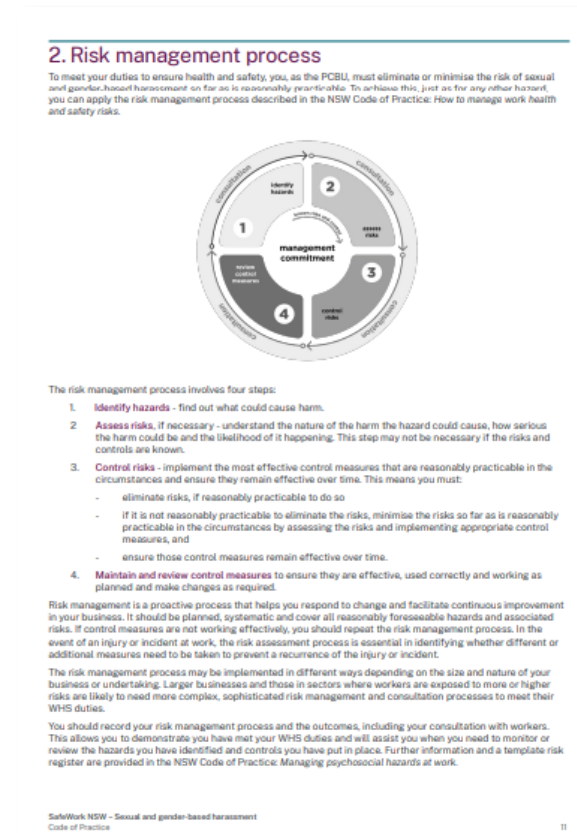
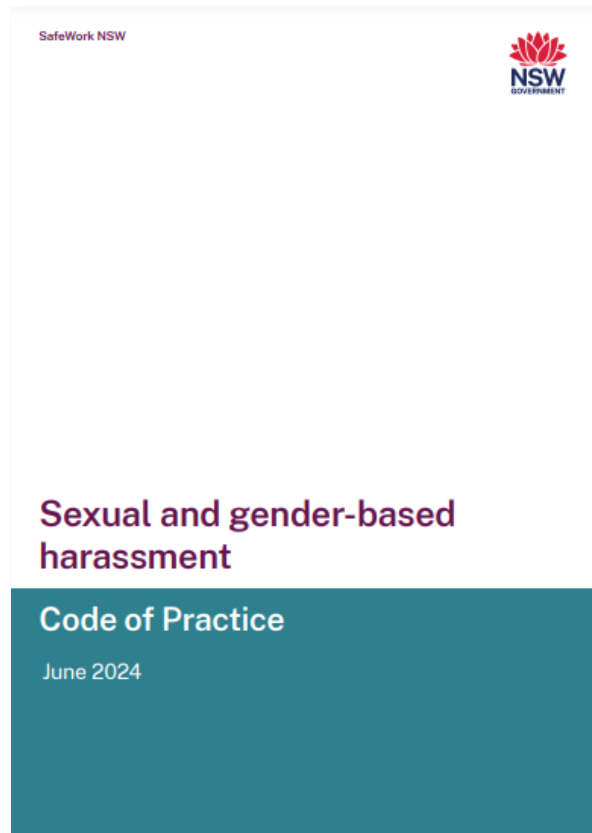
# Website – Advice and resource library

Visit Respect at Work for advice and guidance on how you can understand, prevent and respond to workplace sexual harassment. This includes a resource library with additional tools and training resources.



# Code of Practice: Sexual and gender-based harassment

The Code of Practice: Sexual and gender-based harassment provides practical guidance on how to manage health and safety risks contributing to sexual and gender-based harassment at work and can help to achieve compliance with the NSW Work Health and Safety (WHS) Act and the WHS Regulation.





# Workplace sexual harassment factsheet for businesses

[Download factsheet \(PDF 270KB\)](#)

SafeWork NSW



## Workplace sexual harassment

1 in 3 Australians have experienced workplace sexual harassment in the past 5 years<sup>1</sup>.

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 reaction<sup>2</sup>.

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.

<sup>1</sup> Australian Human Rights Commission Time for respect: Fifth national survey on sexual harassment in Australian workplaces 2022  
<sup>2</sup> Sex Discrimination Act 1984 (Cth), s 28A.

### What do NSW businesses need to do?

Under NSW work health and safety (WHS) laws, NSW businesses<sup>3</sup> 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

### 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](https://nsw.gov.au) and search 'Respect at Work'

<sup>3</sup> Reference to 'business' in this document refers to a person conducting a business or undertaking (PCBU) 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.

## Languages available:

[Arabic \(PDF 311KB\)](#)

[Korean \(PDF 675KB\)](#)

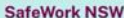

[Simplified Chinese \(PDF 438KB\)](#)

[Traditional Chinese \(PDF 637KB\)](#)

[Vietnamese \(PDF 259KB\)](#)

# Positive duties factsheet for businesses

[Download factsheet \(PDF 148KB\)](#)

## Respect at Work: 'Positive duties' explained

There are **two separate positive duties** that require workplaces to prevent sexual harassment. This document compares the positive duty applied by SafeWork NSW with the positive duty applied by the Australian Human Rights Commission.<sup>1</sup>

**What is a positive duty to prevent workplace sexual harassment?**

It means taking proactive action to prevent the risk of harm to workers from **workplace sexual harassment**, rather than waiting for incidents or reports before taking action.

There are two separate positive duties to prevent sexual harassment that exist under work, health and safety (WHS) and human rights law which **operate at the same time**. The duties support safer and more respectful workplaces.

**Who oversees these positive duties?**

SafeWork NSW and the Australian Human Rights Commission.

**SafeWork NSW** is the WHS regulator for NSW organisations and businesses<sup>2</sup> and regulates the broad positive duty requiring NSW organisations and businesses to eliminate or minimise risks to health and safety, so far as reasonably practicable. Sexual harassment is a WHS hazard, which businesses must proactively manage, just as they do any other WHS hazard, physical or psychological.

The **Australian Human Rights Commission** has the power to ensure organisations and businesses comply with the positive duty in the Sex Discrimination Act to eliminate work-related sexual harassment and other relevant unlawful behaviours, as far as possible. This came into effect in December 2023.



**See more from SafeWork NSW**

[Request a free SafeWork NSW Advisory Visit](#) if you have less than 50 staff or a Safety Workshop if you are part of a business group. These services allow you to get advice and support on how to meet WHS responsibilities, including about preventing sexual harassment.

Visit SafeWork NSW's website for more [resources and tools](#).

- For more information about the different legal obligations in relation to workplace sexual harassment, please see [SafeWork NSW's Regulation Map](#).
- For more information about reporting options see the [SafeWork NSW Guidance: Reporting Options for NSW Workers](#).

<sup>1</sup> Disclaimer:  
<sup>2</sup> The guide provides general information only and is not legal advice.  
<sup>3</sup> The information contained in this guide is accurate at the time of publication. However, relevant agencies and legislation may change over time and businesses are responsible for making independent enquiries as their responsibilities under relevant legislation may change. Information on the latest laws can be obtained by visiting the NSW legislation website [www.legislation.nsw.gov.au/](http://www.legislation.nsw.gov.au/) or the Federal Register of Legislation website [www.legislation.gov.au/](http://www.legislation.gov.au/). You can also contact the relevant agency for up-to-date information.  
<sup>4</sup> This guide does not provide information on other relevant legal and regulatory frameworks such as workers' compensation or industrial relations. Please contact the relevant organisations if you require more information.  
<sup>5</sup> Except for NSW mine or petroleum sites, which are regulated by the NSW Resources Regulator. For the purposes of this guidance, 'businesses' and 'organisations' refer to employers and persons conducting a business or undertaking (PCU) as defined respectively under WHS law and the Sex Discrimination Act. The term describes all forms of modern working business arrangements and is not limited to commercial or private entities.  
<sup>6</sup> The Sex Discrimination Act 1984 (Cth) defines 'sexual harassment' for the purposes of the AHRC positive duty. There is no definition for 'sexual harassment' under the Work Health and Safety Act 2011 (NSW). The Safe Work Australia Code of Practice: Sexual and gender-based harassment describes sexual harassment in similar terms.

Explaining the difference	SafeWork NSW 	 Australian Human Rights Commission
Where does the duty apply?	Only in <b>NSW</b> . However, other states and territories may have similar duties.	<b>Australia-wide (Commonwealth law)</b>
Which law should I look at?	<i>Work Health and Safety Act 2011 (NSW)</i>	<i>Sex Discrimination Act 1984 (Cth)</i>
What is sexual harassment?	<b>It is very similar!</b> While both positive duties share common ground in how they describe sexual harassment, they differ slightly in wording and are contained in different sources. <sup>3</sup> Both definitions include that sexual harassment is: <ul style="list-style-type: none"> <li>• <b>unwelcome</b> sexual advances or request for sexual favours, or</li> <li>• other unwelcome conduct of a sexual nature</li> </ul> in circumstances in which <b>a reasonable person</b> would anticipate the possibility that the person harassed would be offended, humiliated or intimidated.	
How is the positive duty fulfilled?	They both require <b>positive action to prevent harm</b> .  Organisations and businesses are required to <b>eliminate</b> risks to health and safety and if it is not reasonably practicable to eliminate risks, to <b>minimise</b> those risks so far as is <b>reasonably practicable</b> .	Organisations and businesses must take <b>reasonable and proportionate measures</b> to <b>eliminate</b> specific discriminatory conduct by themselves, their employees, workers, agents or third parties (e.g. clients) <b>as far as possible</b> .
What is the standard for measures to be taken under the proactive duty?	The focus is on <b>degree of risk and potential harm</b> to worker health and safety.  "Reasonably practicable" means that which is, or was at the time, reasonably able to be done to ensure health and safety, <b>taking into account and weighing up all relevant matters</b> specified in the <b>WHS Act</b> such as the likelihood of the hazard or risk occurring, and the degree of harm from the hazard or risk.  <b>Cost</b> is taken into account only if it is grossly disproportionate to the risk.	The focus of the Sex Discrimination Act is <b>human rights and equality</b> .  Whether a measure is "reasonable and proportionate" is assessed by considering numerous factors, including the <b>nature, size and circumstances</b> of the business.  The <b>practicability and costs</b> of available measures to eliminate sexual harassment will also be relevant.
How is compliance promoted?	<b>It is very similar!</b> SafeWork NSW and the AHRC each provide <b>education, support, monitoring and enforcement of compliance</b> of organisations and businesses with their positive duties.	
What can happen if there is non-compliance with the positive duty?	<b>SafeWork NSW can:</b> <ul style="list-style-type: none"> <li>• <b>Visit workplaces</b> to enquire about compliance</li> <li>• <b>Compel production</b> of information and documents</li> <li>• <b>Provide advice and education</b></li> <li>• <b>Issue compliance notices</b> and warnings</li> <li>• <b>Conduct an investigation</b></li> <li>• Enter into <b>enforceable undertakings</b></li> <li>• Seek <b>criminal prosecution</b> for a serious breach of WHS laws.</li> </ul>	<b>The AHRC can:</b> <ul style="list-style-type: none"> <li>• <b>Compel production</b> of information and documents</li> <li>• <b>Educate</b> businesses</li> <li>• <b>Inquire</b> into compliance</li> <li>• <b>Issue compliance notices</b></li> <li>• Apply to the <b>Federal Courts for an order</b> to direct compliance</li> <li>• Enter into <b>enforceable undertakings</b>.</li> </ul>

# Poster for businesses

[Download poster \(PDF 158KB\)](#)

**SafeWork NSW**



## A work health and safety (WHS) approach to preventing workplace sexual harassment

### Let's debunk some myths

**1. Sexual harassment at work is uncommon.**  
Workplace sexual harassment is very common and occurs in every industry, across all occupations and all levels. In the last five years, 1 in 3 people (33%) have been sexually harassed at work.

**2. Sexual harassment is only repeated behaviour.**  
Not always, sexual harassment can be a single incident. It might include unwelcome physical contact, sexually suggestive comments or jokes or sexual assault.

**3. Sexual harassment only involves physical contact.**  
Incorrect. Sexual harassment can include any form of unwelcome sexual conduct such as intrusive personal questions, repeated requests to go out on dates, repeated advances online.

**4. I'm not responsible if there is an issue between my workers.**  
Not true. Under WHS laws you are required to protect your workers from risks to their health and safety. This includes taking steps to eliminate or minimise the risk of sexual harassment so far as reasonably practicable, regardless of whether there has been an incident between your workers.

Under work health and safety (WHS) laws, businesses are required to protect their workers from health and safety risks. Sexual harassment is a workplace hazard – and it's preventable. Using a risk management approach, here are some steps you can take:



#### Leadership & Culture

- ✓ Lead by example and demonstrate respectful behaviours
- ✓ Ensure fair and transparent training, recruitment and promotion opportunities that value gender equality, diversity and respectful behaviours
- ✓ Take continuous action to learn about and meet your WHS obligations.



#### Education & Consultation

- ✓ Have open and regular engagement with workers on sexual harassment risks and expected workplace behaviours
- ✓ Provide regular information, training and support to workers on preventing and responding to sexual harassment
- ✓ Communicate your policies on preventing sexual harassment to all workers (including leaders and supervisors), and communicate them to workers, visitors and customers.



#### Workplace Design & Environment

- ✓ Regularly assess environmental risks e.g. remote, evening, isolated or client/home visit work, alcohol use
- ✓ Empower workers to refuse or cease services to customers who are disrespectful or unsafe
- ✓ Review your workplace layout and consider restricting public access to areas where staff work alone or at night.



#### Safe Systems & Reporting

- ✓ Provide clear and confidential (informal and formal) reporting options, address barriers to reporting and offer support anyone who makes a report
- ✓ Ensure timely responses to reports including addressing any inappropriate behaviour immediately
- ✓ Design systems to eliminate or minimise risks of sexual harassment, for example, introducing processes to block and manage online harassment, in consultation with workers.



**SafeWork NSW provides free advice and support to help businesses, industry and workers meet their WHS duties.**

Request an Advisory Visit (less than 50 staff) or Safety Workshop for business groups

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



For more information visit [www.gpsaustralia.org.au](http://www.gpsaustralia.org.au)

[Respect@Work](#)

This document contains general information only and you should seek independent legal advice if you need assistance on the application of the law to your situation.

## Languages available:

[Arabic \(PDF 140KB\)](#)

[Korean \(PDF 183KB\)](#)

[Simplified Chinese \(PDF 419KB\)](#)

[Traditional Chinese \(PDF 629KB\)](#)

[Vietnamese \(PDF 145KB\)](#)



# 15-minute webinar series for businesses

This is a series of three 15-minute recorded webinars, designed to help businesses understand, prevent and respond to workplace sexual harassment.

For more information, visit [nsw.gov.au/respect-at-work](https://nsw.gov.au/respect-at-work)

## Watch Webinar 2 – Safety steps: preventing workplace sexual harassment



## Watch Webinar 1 – Understanding workplace sexual harassment



## Watch Webinar 3 – Next steps for reporting and response



# Regulation map for NSW businesses

This guide is designed to help businesses better understand the different regulators in relation to workplace sexual harassment.

[Download Regulation map for businesses \(PDF 454KB\)](#)

SafeWork NSW

Last updated: November 2023

## Regulation map for NSW Businesses: workplace sexual harassment

More information on what is workplace sexual harassment\*

This 4-page guide provides a general overview of the different legal frameworks that apply to businesses and their enforcement and compliance responsibilities. The guide contains general information only and does not set out a SafeWork NSW has also developed a guide on Reporting Options.

Who they are	<b>SafeWork NSW</b> SafeWork NSW (SafeWork) is the work health and safety (WHS) regulator for NSW. Laws administered by SafeWork include the Work Health and Safety Act 2011 (NSW) (WHS Act) and the Work Health and Safety Regulation 2017 (NSW).
What they do	SafeWork provides advice to workers, businesses, industry, and the general community about workplace health and safety, including workplace sexual harassment. SafeWork also monitors compliance and issues appropriate enforcement action in relation to breaches of relevant legislation.
Do businesses have a positive duty to prevent sexual harassment?	Yes Businesses must eliminate risks to health and safety, including sexual harassment, as far as is reasonably practicable. This requires businesses to identify psychological risks and hazards such as sexual harassment and implement control measures to eliminate and minimise those risks so far as is reasonably practicable. Appropriate control measures will depend on the individual workplaces, but may include: - Clear policies to prevent sexual harassment - Regular training and information for staff about preventing sexual harassment - Creating respectful and positive workplace culture that is reinforced through communication from leaders and managers - Changes to the physical design and layout of the workplace (e.g. lighting, secure entry and exits, safe accommodation for remote work etc.) - Changes to work systems (e.g. considering the number of workers isolated too late or early shifts or in remote locations). See SafeWork's resources for further information: A WHS approach to preventing workplace sexual harassment.

For the purpose of this guidance, 'business' refers to employers (any legislation that describes all forms of modern workplace).  
\*Workplace sexual harassment includes sexual harassment that is:  
- Except for NSW mine or petroleum sites, which are regulated by

Who is protected?	SafeWork NSW	Anti-Discrimination New South Wales	Australian Human Rights Commission	Fair Work Commission	Fair Work Ombudsman
Who is protected?	All 'workers' (as defined under the WHS Act) who carry out work in support of a business are protected under the law. This includes: <ul style="list-style-type: none"><li>Employees</li><li>Contractors or subcontractors</li><li>Apprentices or trainees</li><li>Work experience students</li><li>Volunteers or interns.</li></ul> Businesses also have a duty to ensure the health and safety of people (other than workers) is not put at risk from the work carried out as part of their operations.	The following people are protected by the prohibition against sexual harassment: <ul style="list-style-type: none"><li>Employees</li><li>A person seeking employment</li></ul>	Businesses owe a positive duty to eliminate sexual harassment as far as possible, including in relation to 'workers'. This includes: <ul style="list-style-type: none"><li>Employees</li><li>Contractors or subcontractors</li></ul>	In relation to sexual harassment disputes, the FW Act covers all 'workers' as defined under WHS laws. This includes: <ul style="list-style-type: none"><li>Employees</li><li>Contractors or subcontractors</li></ul>	In relation to sexual harassment disputes, the FWO Act covers all 'workers' as defined under WHS laws. This includes: <ul style="list-style-type: none"><li>Employees</li><li>Contractors or subcontractors</li></ul>
What are the agency's enforcement and compliance powers?	SafeWork's compliance and enforcement powers include: <ul style="list-style-type: none"><li>Providing advice on compliance</li><li>Inspecting workplaces and conducting investigations</li><li>Compelling the production of information, documents, and responses to questions</li><li>Issuing prohibition notices that require duty holders to remedy contraventions</li><li>Requiring suspension or cessation of activities</li><li>Accepting alternative enforcement measures (e.g. enforceable undertakings, orders of caution)</li><li>Commencing civil penalties or criminal prosecutions.</li></ul>	ADNSW provides assistance with resolving complaints to: <ul style="list-style-type: none"><li>Investigating the complaint</li><li>Resolving the people involved in the complaint to provide relevant information and documents</li><li>Resolving dispute resolution processes such as mediation or conciliation or to help the people involved reach an agreement on how to resolve the complaint.</li></ul> ADNSW does not make determinations about whether sexual harassment occurred or not. If the complaint is not resolved, and at the request of the complainant, ADNSW can refer the matter to the NSW Civil and Administrative Tribunal (NCAT) for a decision.	AHRC powers in relation to complaints from individuals alleging sexual harassment include: <ul style="list-style-type: none"><li>Investigating complaints and understanding the workplace's response to the allegations</li><li>Requesting further information from the parties</li><li>Facilitating conciliation to resolve disputes. If the complaint is not resolved at conciliation, the complaint will be referred to the courts.</li></ul> Once your complaint is referred to the Federal Court of Australia or the Federal Circuit and Family Court of Australia to seek a decision about your complaint.	The FWC's powers include: <ul style="list-style-type: none"><li>Making a stop sexual harassment order to prevent further sexual harassment from occurring</li><li>Referring disputes to alternative dispute resolution</li><li>Dealing with disputes by facilitating mediation, conciliation, making a recommendation or encouraging an option</li><li>Authorising the dispute if the parties consent.</li></ul> Once your complaint is referred to the FWC, the FWC will refer the matter to the Court.	The FWO's functions include: <ul style="list-style-type: none"><li>Providing education, assistance, and advice about obligations under the FW Act</li><li>Monitoring compliance with the FW Act</li><li>Investigating a workplace for failure to comply with FWO stop sexual harassment orders</li><li>Referring matters to relevant bodies where issues are raised that are outside the FWO's statutory functions.</li></ul> The powers of FWO inspectors include the ability to: <ul style="list-style-type: none"><li>Enter premises, conduct interviews and inspect documents</li><li>Commence court proceedings for breaches of the prohibition on sexual harassment under the FW Act</li><li>Enforceable orders made by the FWO</li></ul>
Can businesses be held responsible for the conduct of workers?	Yes Businesses may be criminally liable for the actions of their workers if they did not take all reasonably practicable steps to prevent the conduct from occurring. This requires businesses to identify psychological risks and hazards such as sexual harassment and implement control measures to eliminate and minimise those risks so far as is reasonably practicable. Appropriate control measures will depend on the individual workplaces, but may include: <ul style="list-style-type: none"><li>Clear policies to prevent sexual harassment</li><li>Regular training and information for staff about preventing sexual harassment</li><li>Creating respectful and positive workplace culture that is reinforced through communication from leaders and managers</li><li>Changes to the physical design and layout of the workplace (e.g. lighting, secure entry and exits, safe accommodation for remote work etc.)</li><li>Changes to work systems (e.g. considering the number of workers isolated too late or early shifts or in remote locations).</li></ul> See SafeWork's resources for further information: A WHS approach to preventing workplace sexual harassment.	Yes A business may agree to provide any of the following to workers through consultation with their workers: <ul style="list-style-type: none"><li>An apology or statement of regret</li><li>A commitment to train relevant staff</li><li>A commitment to change workplace policies and procedures to prevent sexual harassment</li><li>Payment of financial compensation</li><li>Any other measures that the parties agree to.</li></ul> If the complaint is referred to NCAT, outcomes can include: <ul style="list-style-type: none"><li>Order requiring the business to pay damages to their worker up to \$100,000</li><li>Order to stop the business from continuing or repeating any unlawful conduct</li><li>Order requiring the business to publish an apology</li><li>Order requiring the business to rectify any loss or damage that their worker has suffered.</li></ul>	Yes Outcomes from an AHRC facilitated conciliation in response to a complaint of sexual harassment can include: <ul style="list-style-type: none"><li>An apology or statement of regret</li><li>Job reinstatement</li><li>Compensation for lost wages</li><li>Implementing certain measures such as training or changing/developing their policies to prevent sexual harassment</li></ul> Any outcome must be agreed to by the relevant parties. If the complaint progresses to Court following the facilitation of the complaint, outcomes can include: <ul style="list-style-type: none"><li>Order requiring the business to pay compensation to a worker</li><li>Order requiring employment or re-employment if a worker was unlawfully terminated</li><li>Order requiring the business to perform reasonable acts to redress loss.</li></ul>	Yes The FWC can issue a stop sexual harassment order. This could require a business to take steps to prevent sexual harassment from occurring, such as: <ul style="list-style-type: none"><li>Making changes to working arrangements</li><li>Regularly monitoring the behaviour of a worker</li></ul> When matters are referred to the court, outcomes may be decided by the parties. These might for example include: <ul style="list-style-type: none"><li>An apology or statement of regret</li><li>Implementation of staff training</li><li>Updates to relevant policies and procedures to prevent sexual harassment</li><li>A safety risk assessment of the workplace.</li></ul> For applications that relate to conduct that occurred on or after 1 March 2023, the FWO can deal with the dispute through the broader dispute resolution powers which include dealing with the dispute through conciliation or mediation.	Yes The FWO can commence proceedings in the Australian Federal Court of Australia for breaches of the prohibition on sexual harassment in the FW Act. Outcomes of court proceedings can include penalties. If the FWO has made a stop sexual harassment order, the FWO can enforce compliance with the order. See compliance and enforcement for more information about the Fair Work Ombudsman's compliance and enforcement work.
What outcomes are possible?	SafeWork focus on improving safety within the workplace and strengthening workplace systems to ensure appropriate measures are in place to eliminate or minimise the risk of harm to workers. While SafeWork investigates complaints, from workers about possible breaches of WHS legislation, it does not investigate workplace disputes or record individual remedies (e.g. does not order individual compensation, an apology). As part of their policy on preventing sexual harassment, SafeWork can require a business to: <ul style="list-style-type: none"><li>Change their policies on preventing sexual harassment</li><li>Update their risk registers and implement a plan to control risks</li><li>Implement suitable training, for example prevention of sexual harassment training</li><li>Seek damages to the workplace by issuing improvement or prohibition notices.</li></ul>	Yes A business may agree to provide any of the following to workers through consultation with their workers: <ul style="list-style-type: none"><li>An apology or statement of regret</li><li>A commitment to train relevant staff</li><li>A commitment to change workplace policies and procedures to prevent sexual harassment</li><li>Payment of financial compensation</li><li>Any other measures that the parties agree to.</li></ul> If the complaint is referred to NCAT, outcomes can include: <ul style="list-style-type: none"><li>Order requiring the business to pay damages to their worker up to \$100,000</li><li>Order to stop the business from continuing or repeating any unlawful conduct</li><li>Order requiring the business to publish an apology</li><li>Order requiring the business to rectify any loss or damage that their worker has suffered.</li></ul>	Yes Outcomes from an AHRC facilitated conciliation in response to a complaint of sexual harassment can include: <ul style="list-style-type: none"><li>An apology or statement of regret</li><li>Job reinstatement</li><li>Compensation for lost wages</li><li>Implementing certain measures such as training or changing/developing their policies to prevent sexual harassment</li></ul> Any outcome must be agreed to by the relevant parties. If the complaint progresses to Court following the facilitation of the complaint, outcomes can include: <ul style="list-style-type: none"><li>Order requiring the business to pay compensation to a worker</li><li>Order requiring employment or re-employment if a worker was unlawfully terminated</li><li>Order requiring the business to perform reasonable acts to redress loss.</li></ul>	Yes The FWC can issue a stop sexual harassment order. This could require a business to take steps to prevent sexual harassment from occurring, such as: <ul style="list-style-type: none"><li>Making changes to working arrangements</li><li>Regularly monitoring the behaviour of a worker</li></ul> When matters are referred to the court, outcomes may be decided by the parties. These might for example include: <ul style="list-style-type: none"><li>An apology or statement of regret</li><li>Implementation of staff training</li><li>Updates to relevant policies and procedures to prevent sexual harassment</li><li>A safety risk assessment of the workplace.</li></ul> For applications that relate to conduct that occurred on or after 1 March 2023, the FWO can deal with the dispute through the broader dispute resolution powers which include dealing with the dispute through conciliation or mediation.	Yes The FWO can commence proceedings in the Australian Federal Court of Australia for breaches of the prohibition on sexual harassment in the FW Act. Outcomes of court proceedings can include penalties. If the FWO has made a stop sexual harassment order, the FWO can enforce compliance with the order. See compliance and enforcement for more information about the Fair Work Ombudsman's compliance and enforcement work.

# Guides for workers

[Download guide \(PDF 237KB\)](#)

## 24/7 Support services guide

Everyone has the right to a safe and healthy workplace free from sexual harassment

If you have experienced or witnessed workplace sexual harassment, you can:

- report the incident to your workplace, e.g. your manager, HR, health and safety or union representative
- make a report to a government agency, see our [Reporting Options Guide](#)
- access support services and health professionals if you need help, see list of 24/7 services below

### Lifeline

A service for anyone experiencing emotional distress or who needs crisis support.

Phone: 13 11 14  
Text: 0477 13 11 14  
Chat online: [lifeline.org.au/crisis-chat](https://lifeline.org.au/crisis-chat)

### 1800 RESPECT

A domestic, family and sexual violence counselling, information and support service.

Phone: 1800 737 732  
Text: 0458 737 732  
Chat online: [1800respect.org.au](https://1800respect.org.au)

### Full Stop

This service provides counselling for people who have experienced violence and abuse.

Phone: 1800 358 578  
More services: [fullstop.org.au/get-help/our-services](https://fullstop.org.au/get-help/our-services)

### Beyond Blue

A mental health and wellbeing support service, where you can talk with a counsellor or visit discussion forums.

Phone: 1300 224 636  
Chat online: [beyondblue.org.au/support-service/chat](https://beyondblue.org.au/support-service/chat)  
Online forums: [forums.beyondblue.org.au](https://forums.beyondblue.org.au)

### NSW Health Mental Health Line

This service provides mental health advice and a brief assessment of mental health for yourself or for someone you're calling about and links you with other mental health services.

Phone: 1800 011 511

For more information visit [nsw.gov.au/respect-at-work](https://nsw.gov.au/respect-at-work)

[Download Reporting options guide \(PDF 427KB\)](#)

## Reporting options for NSW workers: workplace sexual harassment

Information on what is workplace sexual harassment\*

This 4-page guide provides a general overview of the external reporting options available to NSW workers who may have experienced sexual harassment, and the outcomes available through each Government agency. If you are unable to report the issue to your workplace or are not satisfied with the response, you may want to consider these reporting options.

The guide contains general information only and does not set out all of the relevant laws or each agency's requirements. To understand which option may be most suitable for your circumstances, you may want to seek independent legal advice. You can call Law Access NSW on 1300 888 559 for further information and referrals to legal services.

SafeWork NSW has also developed a [Regulation Map for NSW Businesses](#) setting out the legal obligations in relation to workplace sexual harassment.

	SafeWork NSW	Anti-Discrimination New South Wales	Australian Human Rights Commission	Fair Work Commission	NSW Police
<b>Who they are</b>	SafeWork NSW (SafeWork) is the work health and safety (WHS) regulator for NSW. It is administered by SafeWork inside the Work Health and Safety Act 2017 (NSW) (WHS Act) and the Work Health and Safety Regulation 2017 (NSW).	Anti-Discrimination New South Wales (ADNSW) is the New South Wales government body that administers the Anti-Discrimination Act 1991 (NSW).	The Australian Human Rights Commission (AHRC) is Australia's National Human Rights institution and an independent body of statutory agency.	The Fair Work Commission (FWC) is Australia's national workplace relations tribunal established by the Fair Work Act 2009 (Cth).	The NSW Police Force is the primary law enforcement agency in NSW.
<b>What they do</b>	SafeWork provides advice to workers, businesses, industry, workplaces and the community about workplace health and safety, which includes workplace sexual harassment. SafeWork can investigate whether a duty holder has breached their WHS duties, engage with workers and businesses to improve workplace health and safety, and prosecute breaches of WHS laws. SafeWork does not resolve individual disputes (e.g. via mediation).	ADNSW receives, investigates and resolves individual complaints of discrimination which includes sexual harassment. ADNSW responds to inquiries, investigates and resolves complaints, and raises awareness about discrimination. This includes managing individual complaints from workers against others, including individuals and/or their employers.	The AHRC engages into and attempts to conciliate discrimination and human rights complaints, including engaging into and attempts to conciliate complaints of sexual harassment under the Sex Discrimination Act 1984 (Cth) (SDA Act). This includes managing individual complaints from workers against others in their workplace and/or their employer. The AHRC is also responsible for promoting and enforcing compliance with the positive duty in the SDA Act to eliminate workplace sexual harassment as far as possible.	The FWC makes awards, approves enterprise agreements and helps resolve issues at work. This includes dealing with applications for orders to stop workplace sexual harassment and enforce the alleged sexual harassment commenced on or after 6 March 2023, dealing with workplace sexual harassment disputes through its dispute resolution process.	Police investigate criminal conduct under the Crimes Act 1900 (NSW) including sexual offences and personal violence offences. Some forms of sexual harassment may amount to criminal offences, or may be grounds for an Apprehended Violence Order (AVO) to be made for your protection.
<b>How do I lodge my request?</b>	You can lodge a request for service or incident report to SafeWork by: <ul style="list-style-type: none"> <li>Completing the Physiological Incident Request for Service form</li> <li>Making an anonymous report via the Speak Up (SUI) App</li> <li>Email: <a href="mailto:contact@safe-work.nsw.gov.au">contact@safe-work.nsw.gov.au</a></li> <li>Visiting the SafeWork contact us webpage</li> </ul>	You can lodge a complaint in writing by: <ul style="list-style-type: none"> <li>Completing the ADNSW Online Form</li> <li>Mailing the Form to Anti-Discrimination NSW</li> <li>Lodging the Form by email to <a href="mailto:complaints@adns.wa.gov.au">complaints@adns.wa.gov.au</a></li> </ul> <p>If you are more comfortable setting your complaint in a language other than English, ADNSW can translate your complaint into English at no cost.</p>	You can lodge a complaint in writing by: <ul style="list-style-type: none"> <li>Completing the AHRC Online Form</li> <li>Mailing the Form to the Australian Human Rights Commission</li> <li>Emailing the Form to <a href="mailto:complaints@humanrights.gov.au">complaints@humanrights.gov.au</a></li> </ul>	You can lodge an application for sexual harassment that commenced prior to 6 March 2023 through Form 725. For sexual harassment that commenced on or after 6 March 2023 through Form 25.	You can make a report to the police by calling or attending your local police station. There are often specialised departments that deal specifically with sexual offences. You can also make an online report using the Sexual Assault Reporting Option (SARO).

\* Except for NSW mine or petroleum sites, which are regulated by the NSW Resources Regulator.  
\* Workplace sexual harassment includes sexual harassment that occurs in connection with work.

This guide is designed to help workers understand the different reporting options available to them if they have experienced or witnessed workplace sexual harassment.



# Social content

[Download social tile for retail businesses \(JPG 139KB\)](#)



**Post:** Sexual harassment can cost your workers their mental and physical health, and your business thousands in lost productivity, staff absences and reputational damage. Build a safer and respectful workplace – access resources and tools from [SafeWork NSW](#).

[Download social tile for healthcare businesses \(JPG 645KB\)](#)

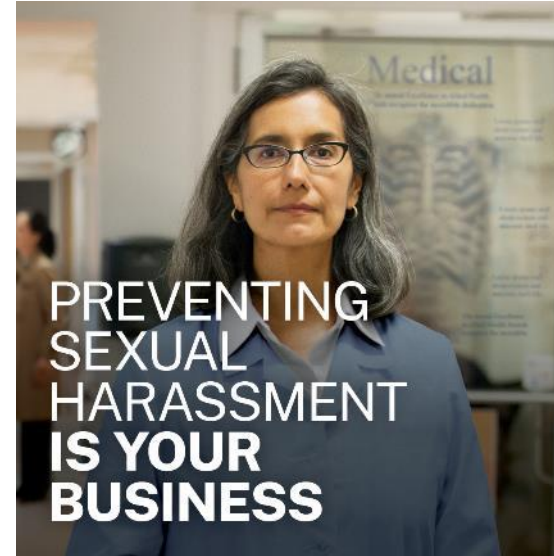


**Post:** Sexual harassment can cost your workers their mental and physical health, and your business thousands in lost productivity, staff absences and reputational damage. Build a safer and respectful workplace – access resources and tools from [SafeWork NSW](#).



# Social content: social carousel

[Download social carousel](#)



**Note:** All four tiles need to be used together to form the carousel.

**Post:** Sexual harassment can cost your workers their mental and physical health, and your business thousands in lost productivity, staff absences and reputational damage. Build a safer and respectful workplace – access resources and tools from [SafeWork NSW](#).

# Social content: story carousel

[Download social story carousel](#)



**SafeWork NSW**  
can help you create  
a safe workplace.

**Note:** All four tiles need to be used together to form the carousel.



# Translated social content: Arabic

[Download social tile \(JPG 658KB\)](#)



## Post:

التحرش الجنسي يمكن أن يؤثر على الصحة النفسية والجسدية للعاملين لديك، ويكلف مجال عملك آلاف الدولارات من الأتعاب القانونية، خسارة الإنتاجية، غياب الموظفين وتضرر السمعة التجارية.

اجعل مكان العمل أكثر أماناً واحتراماً – احصل على مصادر المعلومات ووسائل الدعم من الموقع الإلكتروني SafeWork NSW

## Description:

اجعل مكان العمل أكثر أماناً.

## CTA:

تعرف على المزيد

[Download social story \(JPG 0.95MB\)](#)



# Translated social content: Korean

[Download social tile \(JPG 656KB\)](#)



## Post:

성희롱은 직원의 정신적, 신체적 건강을 해치고 생산성 손실로 인한 수천 불 손해, 직원 결근, 평판 훼손을 초래할 수 있습니다. 더 안전하고 존중하는 직장을 만드세요.

SafeWork NSW에서 드리는 자료와 도구를 이용하세요.

## Description:

더 안전한 직장을 만드세요.

## CTA:

더 보기

[Download social story \(JPG 0.98MB\)](#)





# Translated social content: Traditional Chinese

[Download social tile \(JPG 678KB\)](#)



## Post:

性騷擾會損害員工的身心健康，並使您的企業生產力下降、員工缺勤以及聲譽被毀，損失數以千元計。打造一個更安全、互相尊重的工作場所 - 可從SafeWork NSW網站獲取相關的資源和應用方案。

## Description:

打造更安全的工作場所。

## CTA:

了解更多

[Download social story \(JPG 0.96MB\)](#)



# Translated social content: Vietnamese

[Download social tile \(JPG 737KB\)](#)



## Post:

Quấy rối tình dục có thể khiến nhân viên của quý vị bị tổn hại về sức khỏe tinh thần và thể chất, và khiến doanh nghiệp quý vị tổn hàng ngàn đô la vì bị mất năng suất, nhân viên nghỉ làm và mất danh tiếng. Hãy xây dựng chỗ làm an toàn hơn và tôn trọng – lấy tài liệu và các công cụ từ SafeWork NSW.

## Description:

Tạo chỗ làm an toàn hơn.

## CTA:

Tìm hiểu thêm

[Download social story \(JPG 1.1MB\)](#)



