



# HARASSMENT INCL. SEXUAL HARASSMENT

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## WHAT IS HARASSMENT AND SEXUAL HARASSMENT?

Harassment is characterised by unwanted and offensive behaviours directed towards an individual, creating an intimidating, hostile, or offensive work environment.

Harassment can include actions, comments, gestures, or any form of conduct that belittles, discriminates against, or violates the dignity and rights of an individual, particularly in relation to their gender, sex, or other protected characteristics.

Sexual harassment specifically refers to unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature that creates an uncomfortable, hostile, or intimidating atmosphere at work. It is unlawful under the Commonwealth Sex Discrimination Act 1984 and is also prohibited by state and territory anti-discrimination laws.

The Australia Fair Work Commission specifically defines sexual harassment as unwelcome conduct of a sexual nature in relation to a person. It occurs in circumstances where a reasonable person would anticipate the possibility of the person who is harassed being offended, humiliated or intimidated. Conduct of a sexual nature includes making a statement of a sexual nature to, or in front of, a person. The statement can be spoken or in writing.” For more information, visit [Sexual harassment | Fair Work Commission](#)

## EXAMPLES OF HARASSMENT AND SEXUAL HARASSMENT

Some examples of harassment include:

**Verbal harassment:** This involves offensive or derogatory comments, insults, or slurs directed towards an individual based on their gender, sex, or other protected characteristics.

**Displaying offensive material:** Showing or sharing explicit or offensive images, photos, or written content that creates a hostile or intimidating atmosphere.

**Bullying and intimidation:** Persistent, malicious, or intimidating behaviour that undermines, belittles, or humiliates an individual, causing psychological distress.



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**Cyber harassment:** Harassment through electronic communication channels, such as sending explicit or offensive messages, emails, or social media interactions.

**Discriminatory actions:** Treating an individual unfairly or differently based on their gender, sex, or other protected characteristics, leading to humiliation or exclusion.

**Sexual harassment** can include:

- Unwelcome physical contact such as touching, hugging, cornering, or kissing
- Inappropriate staring or leering
- Displaying the body in an indecent or inappropriate manner
- Making sexually suggestive comments or jokes
- Sharing sexually explicit pictures, posters, or gifts
- Repeated or inappropriate invitations for dates
- Intrusive questioning about personal life or physical appearance
- Inappropriate physical contact
- Being followed, watched, or loitered around
- Requests or pressure for sex or sexual acts
- Actual or attempted rape or sexual assault
- Indecent phone calls or leaving explicit messages
- Sexually explicit comments in emails, SMS messages, or on social media
- Repeated or inappropriate advances on email, social networking sites, or chat rooms
- Sharing or threatening to share intimate images or videos without consent
- Any other unwelcome conduct of a sexual nature that occurs online or through technology.

### IMPACTS OF HARASSMENT AND SEXUAL HARASSMENT

The impacts of harassment, including sexual harassment, on both workers and organisations is numerous. Some impacts to consider are:

#### ON WORKERS

**Mental health conditions:** such as depression, anxiety disorders, post-traumatic stress disorder (PTSD), or adjustment disorders.

**Physical health problems:** The stress and anxiety caused by harassment can manifest in physical symptoms such as headaches, gastrointestinal issues, sleep disturbances, and compromised immune function.

#### ON ORGANISATIONS

**Decreased productivity:** Harassment creates a hostile work environment, which can lead to decreased employee productivity and engagement. When employees are subjected to harassment, their focus and energy may be diverted from their work responsibilities.

**Increased absenteeism and turnover:** Harassment can contribute to increased absenteeism as employees may



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**Decreased job satisfaction:** Harassment creates a hostile work environment, leading to decreased job satisfaction, engagement, and productivity. It can affect concentration, focus, and the ability to perform tasks effectively.

**Strained interpersonal relationships:** Harassment can damage relationships between colleagues, leading to conflicts, mistrust, and a breakdown in teamwork. It may also create a culture of fear and silence within the workplace.

**Career setbacks:** Workers who experience harassment may face career setbacks due to decreased opportunities, missed promotions, or even wrongful termination. It can negatively impact their professional growth and advancement.

choose to stay away from work to avoid the hostile environment. Additionally, it can lead to higher turnover rates as employees may seek employment elsewhere to escape the harassment. This can disrupt workflow, increase recruitment costs, and result in the loss of valuable talent.

**Damaged reputation:** Harassment incidents within an organisation can damage its reputation both internally and externally. News of harassment can spread quickly, impacting the perception of the organisation among employees, clients, customers, and the public. It may result in loss of trust, credibility, and potential business opportunities.

**Increase in workers compensation claims.**

**Legal consequences and financial costs:** Harassment can expose organisations to legal liability. Victims may file complaints or lawsuits, resulting in legal investigations, settlements, or judgments. Defending against harassment claims can be financially draining for organisations, including legal fees, potential fines, and compensation pay-outs.

**Decline in employee morale and teamwork:**

Harassment erodes employee morale and trust within the organisation. It creates a toxic work environment where employees may feel unsafe, stressed, and demoralised. This can lead to a breakdown in teamwork, collaboration, and a negative organisational culture.

**Recruitment and retention challenges:** Organisations with a reputation for tolerating harassment may face difficulties attracting and retaining top talent. Prospective employees may be hesitant to join an organisation known for its hostile work environment, while current employees may actively seek opportunities elsewhere.

**Decreased organisational effectiveness:** Harassment can hinder organisational effectiveness by undermining communication, cooperation, and employee commitment. It creates a climate of fear and silence, hindering open dialogue, innovation, and the free flow of ideas.



## RISK MANAGEMENT

***Risk Management involves identifying potential risks, assessing their likelihood and impact, and developing strategies to mitigate or control them. It is a proactive process that seeks to prevent risks from occurring or minimise their impact if they do occur.***

No person should be injured in their workplace, including psychological injury. To meet their duties to ensure health and safety, employers must identify and eliminate or minimise psychosocial risks so far as is reasonably practicable. How long (duration), how often (frequency) and how significantly (severity) workers are exposed to psychosocial hazards impacts the level of risks. Hazards interacting or combining with each other may also impact this. Further guidance on the risk management process is available in the Code of Practice: [How to manage work health and safety risks](#). For more information on the risk management process for psychosocial hazards, please view [Section 2 of the Model Code of Practice](#).

Mind Your Head advocates for *prevention* – that is, identifying risk, implementing or changing systems to prevent worker harm or injury *before it occurs*.

### **Examples of Risk Management Strategies for Harassment including Sexual Harassment include:**

- **Establish a strong commitment to a respectful workplace:** Develop a clear and comprehensive policy statement that explicitly condemns all forms of harassment, including sexual harassment. Clearly communicate the organisation's commitment to maintaining a safe and respectful work environment.
- **Create a robust policy:** Develop a comprehensive anti-harassment policy that outlines what constitutes harassment, the reporting procedures, and the consequences for offenders. Ensure the policy is accessible to all employees and regularly communicated and reinforced.
- **Provide education and training:** Conduct regular training sessions to educate employees about harassment, its impact, and the organisation's policies and procedures for reporting and addressing incidents. Training should cover prevention strategies, bystander intervention, and promoting a culture of respect.
- **Encourage reporting and provide support:** Establish multiple reporting channels, both formal and informal, for employees to report incidents of harassment. Assure employees that their complaints will be taken seriously, investigated promptly, and kept confidential. Provide support mechanisms such as counselling services or Employee Assistance Programs (EAPs) for affected employees.
- **Implement a thorough investigation process:** Develop clear procedures for investigating harassment complaints that ensure fairness, impartiality, and confidentiality. Train designated personnel or establish an investigation team to handle complaints professionally and efficiently.



### WAYS TO MANAGE RISKS

**Consult workers and HSRs.** Establish Health and Safety Committees with at least 50% representation from workers. Encourage feedback, especially on any changes.

**Consider how long, how often and how severely workers are exposed to hazards.** The longer, more often and worse the low job control, the higher the risk that workers may be harmed.

**Utilise surveys and tools to assess psychosocial risks** in the workplace, particularly for businesses with over 20 employees.

**Establish a system for workers to report their concerns**, while ensuring anonymity and treating their concerns with respect and seriousness to encourage reporting.

**Observe work and behaviours**, such as prolonged work duration, excessive paperwork, or customer frustration, which may indicate low job control.

**Review available information**, including employee retention, incident reports, complaints, time-off records, injuries, incidents, and workers' compensation to identify potential hazards.

**Identify other hazards present and evaluate how they may interact or combine to create new, heightened risks.** For instance, low job control could pose a greater risk in workplaces with high job demands if workers are unable to take breaks or switch tasks to manage fatigue. Finally, consider the duration, frequency, and severity of workers' exposure to hazards, as prolonged and severe exposure to low job control could increase the risk of harm.

### CONTROL MEASURES

***Control measures are specific actions or procedures that are put in place to manage or mitigate identified risks. They are reactive measures that are implemented after risks have been identified and assessed as part of the risk management process. Control measures are designed to reduce the likelihood or impact of risks, and they can take many forms, including administrative controls, engineering controls, and personal protective equipment.***

**Promote a culture of respect and inclusion:** Foster a work environment that values diversity, inclusivity, and respect for all employees. Encourage positive interactions, teamwork, and mutual support to prevent instances of harassment.

**Encourage bystander intervention:** Empower employees to intervene when they witness or suspect harassment. Train employees on how to identify and respond to incidents of harassment,



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and emphasize the importance of supporting victims and reporting any observed or suspected misconduct.

**Regularly assess and update policies:** Continuously review and update harassment policies and procedures to align with best practices and legal requirements. Stay informed about emerging issues and adapt policies accordingly.

**Enforce consequences:** Ensure that appropriate consequences are enforced for individuals found responsible for harassment. This may include disciplinary action, ranging from counselling and retraining to suspension or termination, depending on the severity and frequency of the offense.

**Foster open communication:** Encourage open dialogue between management and employees regarding harassment concerns. Maintain regular communication channels to address any issues, provide updates on policy changes, and reinforce the organisation's commitment to addressing harassment.

**Monitor and review:** Regularly monitor and evaluate the effectiveness of the implemented control measures. Review incident reports, conduct surveys, and seek feedback from employees to identify areas for improvement and take proactive measures to prevent harassment.

### DO

establish a clear and comprehensive anti-harassment policy that explicitly condemns all forms of harassment, including sexual harassment.

provide regular education and training on harassment prevention, reporting procedures, and creating a respectful work environment.

encourage and support employees to report incidents of harassment promptly and assure them of a fair and confidential investigation process.

enforce appropriate consequences for individuals found responsible for harassment, following a thorough and impartial investigation.

foster a culture of respect, diversity, and inclusion in the workplace through open communication, teamwork, and mutual support.

### DO NOT

ignore or downplay reports of harassment. Take all complaints seriously and conduct prompt investigations.

retaliate against employees who report harassment. Ensure there are protections in place for individuals who come forward.

make assumptions or stereotypes about harassment victims. Treat all complaints with objectivity and respect.

neglect regular review and updating of anti-harassment policies and procedures to stay current with legal requirements and best practices.

tolerate any form of harassment, even if it appears minor or occurs infrequently. Address all instances promptly and effectively.