

# SEXUAL HARASSMENT AT WORK

Please note that this is general information & may not be relevant to your particular matter. This should not be taken as legal advice.



## What is sexual harassment?

Sexual harassment occurs where there is conduct that is:

1. Sexual in nature
2. Unwelcome
3. Done with the intention of offending, humiliating or intimidation (or in circumstances where a reasonable person would anticipate the target would be offended, humiliated or intimidated).

Behaviour is unwelcome where it is unwanted or uninvited by the person being harassed.

It does not matter what the harasser intended.

Sexual harassment can occur in person, over the phone, in writing and online. It can be physical or verbal, obvious or subtle, a one-off incident, or repeated behaviour.

It has nothing to do with mutual attraction or friendship.

If there is consent, it is not sexual harassment.

Sexual harassment is against the law. You do not have to put up with it.



## Sexual harassment can take many forms:

- Sexually suggestive comments or jokes – including teasing, practical jokes, sexual name calling.
- Sexually based phone calls, emails and 'sms' messages, this would also include messages with sexual innuendos.
- Displaying or sharing sexually suggestive images, videos, drawings, photographs, jokes, or gifts.

- Persistent questions or comments about a person's private life or appearance.
- Unwelcome physical contact – including touching, hugging, patting, kissing, and brushing against another person's body.
- Inappropriate staring, ogling, or leering.
- Sexual gestures, indecent exposure, or other inappropriate display of the body.
- Unwanted requests for sex or other sexual acts.
- Repeated requests to go out on dates or pressure to have a relationship.
- Considering a person's physical attributes rather than their skill or experience.

**Some forms of sexual harassment may be a criminal offence and can be reported to the police.**

Some examples include:

- Sharing or threatening to share intimate images or videos without consent
- Actual or attempted rape or sexual assault
- Physically molesting a person
- Indecent exposure
- Stalking



**Impacts of sexual harassment**

**All types of sexual harassment can have serious effects on your health.**

- Loss of confidence, job satisfaction, promotion and other work entitlements
- Lowered job performance and or job insecurity
- Inability to concentrate
- Physical and mental ill health
- Difficulty sleeping and relaxing
- Difficulty coping with everyday tasks

**WHAT YOU CAN DO IF YOU HAVE BEEN SEXUALLY HARASSED**

- Keep clear notes (preferably diary notes). Document dates, places, times, who was there and what was said. Keep your notes in a safe place.
- Consider whether it is safe for you to talk to the harasser. If you are comfortable and only if it is safe to do so, you could tell the person their behaviour is inappropriate and ask them to stop. You may wish to have someone with you for support if you choose to have this conversation.

- Report incidents to a sexual harassment contact person in your workplace and discuss ways of resolving the issue.
- Talk to your co-workers, especially women who may have suffered harassment and will support your complaint.
- If you feel comfortable, speak to a supervisor or manager, a health and safety representative or union delegate.
- Contact Employee Assistance Program (EAP) if available – you may be able to use this to access free professional counselling.
- Speak with your Doctor if what has happened is impacting your health.

**NOTE:** You don't **have** to speak to the person or talk to anyone else about what happened before seeking help.

### **Formal ways of dealing with harassment:**

- Your workplace may have sexual harassment policies and processes in place. Think about whether you want to make a formal or informal complaint to human resources or your manager so it can be investigated.
- Review your workplace policy and if it exists, follow the procedures if you feel safe to do so.
- If you work under a modern award or enterprise agreement, you should follow the disputes procedure in your award or agreement.
- If you are a member of a union, contact your Union for advice and support. A union representative may be able to advocate on your behalf.
- Outside of your organisation you can make a complaint to the:
  - i. Queensland Human Rights Commission under the *State Anti-Discrimination Act 1991*; or
  - ii. Australian Human Rights Commission under the *Federal Sex Discrimination Act 1984*; or
  - iii. Fair Work Commission under the *Fair Work Act 2009 (Cth)*; or
  - iv. Queensland Industrial Relations Commission under the *Work Health and Safety Act 2011 (Qld)*.



**Your Union or Working Women Queensland may be able to assist with this.**

## How can Working Women Queensland help?

### Working Women Queensland can help by:

- Providing advice and information about sexual harassment;
- Informing you of complaint options and procedures;
- Helping you make a complaint;
- In some cases, advocating on your behalf up to and including conciliation.

Working Women Queensland is a free, confidential, and supportive service to help disadvantaged women seeking help with work matters.

You can find further information about Working Women Queensland at: <https://brq.org.au/working-women-qld/>, or call us on 1800 358 511.

## Where else can I go for help?

Other organisations that may be able to help include:

- Your union. If you are not already a member of a union, ring Queensland Council of Unions on 07 3010 2555 to find out which union to join.
- The Respect@Work Portal has many resources for both employees and employers. It includes best practice guides, training programs, workplace-assessment tools, information, videos and advice. Phone: 1300 369 711 Web: <https://www.respectatwork.gov.au/>
- Equal Opportunity Commission: Phone: (08) 8207 1977 Web: [www.eoc.sa.gov.au](http://www.eoc.sa.gov.au)
- The Fair Work Ombudsman: Phone: 13 13 94 Web: <https://www.fairwork.gov.au>
- 1800RESPECT is a national 24 hour online and telephone service offering counselling and support to anyone experiencing domestic and family violence and/or sexual assault and their family and friends. Freecall: 1800 737 732 (24 hours).

### Other Community legal services that may help can be found here:

Community legal centres provide free information, legal assistance and referral, representation and casework, community education and advocacy for vulnerable clients and communities facing legal problems. <https://www.communitylegalqld.org.au/>

**If your life or someone else's life is in immediate danger, phone 000 (triple zero).**