

Preventing workplace sexual harassment – guidance for small business

This information sheet provides guidance for small business about how you can meet your work health and safety (WHS) duties to manage health and safety risks from sexual harassment.

What is sexual harassment?

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, where that reaction is reasonable in the circumstances¹.

Sexual harassment can take various forms. It can include unwelcome touching or physical contact, suggestive comments or jokes, sexually offensive pictures, unwanted invitations to go on dates, requests for sex, sexually explicit emails, text messages or online interactions such as social media posts.

Sexual harassment can happen at a worker's usual workplace or where the worker is carrying out work at a different location (such as a client's house). It can also happen during a work-related activity such as a work trip, training course, conference or if you host a work-related social activity.

In a small business, there are often close working relationships where workers are on familiar terms with one another. Sexual harassment might come from co-workers, supervisors or managers, but it may also come from third-parties like your customers, clients or other businesses you work with, like suppliers.

What do you need to do?

Sexual harassment is a common and known cause of physical and psychological harm.

You must treat the risk of sexual harassment just as you would other workplace risks by using a risk management approach to eliminate or minimise risks so far as is reasonably practicable.

Managing risks involves:

- identifying how, where and when sexual harassment might happen
- assessing the likelihood that a worker may experience sexual harassment and how it may affect them (e.g. their physical or mental health)
- implementing the most effective control measures to prevent sexual harassment from happening, and work out how you will address it if it does happen

¹ The Guide: [Preventing workplace sexual harassment](#) defines sexual harassment as any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature in circumstances where a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated or intimidated. Legal definitions of 'sexual harassment' may vary in each state and territory.

- checking that your controls are working and whether there is anything more you can do, and
- doing all of these things in consultation with your workers and health and safety representatives (HSRs) if you have them.

Some forms of sexual harassment may be criminal acts, such as indecent exposure, stalking, sexual assault and obscene or threatening communications (e.g. phone calls, emails and posts on social media). These matters should be referred to Police as well as managed under WHS laws.

Depending on the circumstances, even if a matter has been referred to Police, the WHS Regulator may still be involved. You may need to notify your state or territory WHS regulator if the incident is a 'notifiable incident' (see our Factsheet: [Incident notification](#) for more information). You may also decide to contact the WHS regulator or other agencies for assistance and information to manage risks.

There are also anti-discrimination laws in Australia which prohibit sexual harassment in any workplace, including small businesses. The Australian Human Rights Commission publish guidance to help employers understand and meet their legal obligations under these laws. A list of resources is found at the end of this document.

Steps to prevent workplace sexual harassment

As a small business, there are a number of steps you can take to manage the risk of sexual harassment and meet your WHS duties. Here are some ideas to help you start thinking about what you can reasonably do to prevent sexual harassment at your workplace.

1. **Create a safe physical and online work environment.** Make sure work areas are secure, have good natural surveillance and are well lit. You should avoid having furniture, partitions or barriers which can restrict workers' movements and visibility of work areas. Address areas where workers could become trapped or cornered. Provide facilities to give privacy such as toilets and change rooms and communication systems like phones for workers who may need to raise an alarm. Consider the online working environment if relevant e.g. security settings, use of social media for work purposes and how workers, clients or customers interact online.
2. **Implement safe work systems and procedures.** Regularly check in with workers (particularly when they work remotely or from home) and talk to your workers about workplace policies and expected standards of behaviour, including at work social functions and online. Where you can, address lack of worker diversity (such as the workplace being dominated by one gender, age group, race or culture) and power imbalances e.g. where one gender holds most of the decision-making positions. Ensure clothing is practical for the work being done (avoid sexualised uniforms) and train workers in how to deal with difficult customers.
3. **Create a positive and respectful workplace culture.** As an employer, it is your responsibility to set the behaviour standards that provide a safe workplace for all workers. Make sure everyone at the workplace understands what sexual harassment is and that it will not be tolerated, including from customers and clients. It is important that everyone understands what behaviours can be sexual harassment.
4. **Implement workplace policies.** A workplace policy may help set out how your business will prevent and respond to sexual harassment and communicate to workers, customers, clients and visitors that it will not be tolerated. This only needs to be a simple written policy which is communicated to all workers. A policy may set out unacceptable behaviour, how to report sexual harassment, how reports will be dealt with and the support services available. Resources to help you develop a policy are listed at the end of this document.

5. **Provide information and training.** Everyone in your small business needs to understand the workplace policies and behaviours expected of them and that sexual harassment is unlawful. Training for workers and managers should include information on what sexual harassment is, what to do if they are sexually harassed, if they witness someone else being harassed and how to report it. You could display the workplace policy on notice boards, hand out brochures, put up posters or have informal discussions with workers to ensure they understand the policies. Links to posters and infographics are provided at the end of this document.
6. **Address unwanted or offensive behaviour early.** Dealing with unwanted or offensive behaviour early can stop it from escalating. Sometimes lower level (but still unacceptable) forms of harassment can be seen as a part of daily working life, like sexual jokes, gendered teasing or giving inappropriate nicknames to co-workers. These small acts of harassment may be more easily ignored, but these behaviours can quickly escalate to more serious forms of harassment and can create a culture where workers do not feel safe or supported to report sexual harassment. You should provide workers with information on how to address unwanted or offensive behaviour early e.g. advice on how to self-manage a situation (if the person feels safe to do so), seeking support from someone else within the business or reporting the sexual harassment.
7. **Encourage workers to report sexual harassment.** You should provide your workers with a range of accessible and user-friendly ways to report sexual harassment, such as informally, formally, anonymously or confidentially. Make sure workers know how to report sexual harassment and the support, protection and advice available to them. Small business owners and employers may nominate themselves or a senior employee as a contact officer. This person should be provided with training or resources which can be obtained from employer organisations, small business and industry associations, the Australian Human Rights Commission or state and territory anti-discrimination agencies.
8. **Respond to reports of sexual harassment.** Sexual harassment is best managed by responding as soon as possible after suspecting or becoming aware there is a problem. Talk to the person about how they wish to pursue the matter e.g. formally, informally or in some other way, and what support they require. Maintain confidentiality and treat everyone involved fairly. The Australian Human Rights Commission provides good practice guidelines for internal complaint processes in the guide [Ending workplace sexual harassment: A resource for small, medium and large employers](#) and in the [Respect@Work: Community Guide to the Sexual Harassment National Inquiry Report \(2020\)](#).
9. **Talk to your workers.** Workers and other people (such as other small business owners) may help you identify the hazards and risks that can lead to sexual harassment and give you ideas about how to control them. You must take the views of workers into account when making decisions about health and safety matters and advise them of your decision.

In some circumstances, workers or their HSRs have the right to refuse to carry out or stop unsafe work. The risk must be serious and imminent. They must tell you as soon as possible and be available for other suitable work. See the Guide: [Preventing workplace sexual harassment](#) for further information.

Further information and resources

Comprehensive information and more practical examples about how to manage the risk of sexual harassment can be found in the Guide: [Preventing workplace sexual harassment](#).

- For guidance about how to develop a workplace sexual harassment policy and your legal obligations under anti-discrimination laws, see the Australian Human Rights Commission guide [Ending workplace sexual harassment: A resource for small, medium and large employers](#) and the [Short Guide to the Sexual Harassment Code of Practice](#).

- Posters and infographics can be downloaded from the Australian Human Rights Commission: [Know the line](#). These infographics can be used in presentations or other communications materials to promote the prevention of sexual harassment in your workplace.
- Contact your employer organisation, small business and industry associations, the Australian Human Rights Commission or your state or territory anti-discrimination agency for more resources and information about relevant seminars or training sessions.
- For guidance on how to prevent and respond to violence and aggression, see the Guide: [Preventing workplace violence and aggression](#).

Support services

Australian Human Rights Commission

www.humanrights.gov.au

1300 656 419 or (02) 9284 9888

Our Watch

<https://www.ourwatch.org.au>

1800Respect

www.1800respect.org.au

1800 737 732

Beyond Blue

www.beyondblue.org.au

1300 224 636

Sexual assault support services

www.humanrights.gov.au/our-work/sex-discrimination/list-sexual-assault-services

Lifeline

www.lifeline.org.au

13 11 14

ReachOut

<https://au.reachout.com/>