

What to do if you are sexually harassed at work

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

If you experience workplace sexual harassment there are options available to you.

It is **your choice** which option will work for you and your circumstances.

You may wish to seek advice from 1800Respect, legal aid services or your union.

Options in your workplace

If you feel comfortable and safe you could ask the person to stop the behaviour.

You could talk to your supervisor about ways to address the behaviour.

You can make a formal report to your employer. Check if your employer has policies on how to report sexual harassment and how complaints will be handled.

Help outside the workplace

You may wish to seek help from organisations outside of your workplace. The following organisations operate under various legal frameworks:

Anti-discrimination laws

[The Australian Human Rights Commission \(AHRC\)](#) accepts written complaints about sexual harassment. It can investigate the allegations and may resolve them through conciliation - this is an informal process where you talk about the issues and try to find a resolution.

[State and territory anti-discrimination agencies](#) accept formal complaints. They will seek information about what happened and contact the respondent (person the complaint is about) and attempt a conciliation process. If this is not successful, they may refer you to the relevant state or territory tribunal.

Work health and safety laws

[State and territory Work Health and Safety regulators](#) can investigate if your employer complied with work health and safety (WHS) laws and review how your employer prevents sexual harassment at work. Penalties may be imposed if the person conducting the business or undertaking (PCBU) is not meeting their WHS duties. **WHS regulators usually can't resolve individual complaints.**



Call 000 if you are in danger

Employment laws

The [Fair Work Commission](#) accept online applications. It can assist you by issuing a **stop sexual harassment order** if you are still employed at that workplace. It can also examine unfair dismissal or breach of employment rights. Where this is proven, the Commission may order reinstatement or compensation.

Police

You may wish to contact the Police in your state or territory. They can investigate if the sexual harassment is a criminal offence.

Workers' compensation

[Workers' compensation](#) may be available in some instances if you have an injury or illness as a result of workplace sexual harassment.

Legal advice

You may wish to seek independent legal advice about the options available to you.

What to do if you are a PCBU

PCBUs, such as employers and small business owners, have a positive duty to do everything they reasonably can to prevent sexual harassment from occurring in the workplace.

Please see our [Preventing workplace sexual harassment guide](#) and our [workplace sexual harassment resources](#) to find out what you can do at your workplace.