

Case Studies: What is a 'helpful' response to workplace sexual harassment?

What would you do if a worker told you someone at work had sexually harassed them?

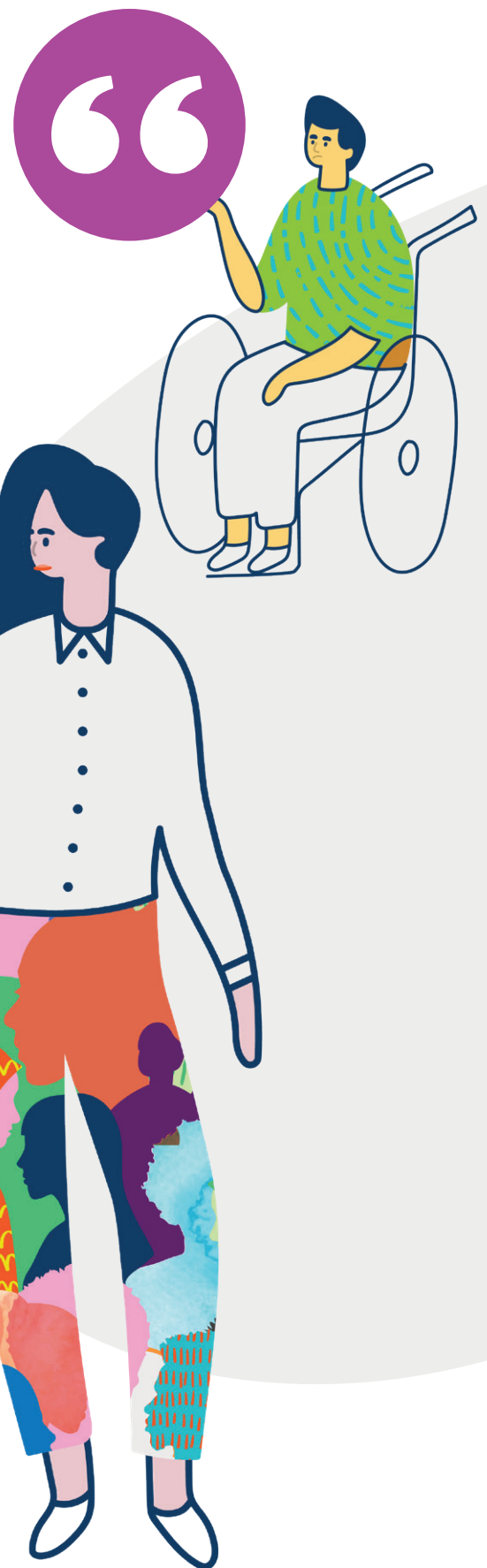
As a boss, the way you respond matters. It's your job to take steps to make sure your workers are safe at work.

Workplace sexual harassment must be taken seriously. It's the law.

We asked over 300 people who have been sexually harassed at work what a helpful response to workplace sexual harassment looks like. They told us that helpful responses are **person-centred**, **trauma informed**, and **intersectional**.

This means **putting people first, prioritising their safety and wellbeing**, and **adjusting responses to suit** the many barriers, challenges, and risks to safety that different people experience.

The following case studies were developed based on a range of experiences and what we heard a 'helpful' response looks like.¹



¹ This resource simplifies concepts of workplace sexual harassment to support community understanding. For a detailed explanation about the law, compliance, enforcement and examples of actions that organisations can take to satisfy the Positive Duty, visit the Australian Human Rights Commission website. This resource is not a substitute for legal advice.



Rita's story

Rita is a lesbian woman who works in finance. At her work Christmas party, an older male colleague, Kevin, who knew she was lesbian, made an inappropriate sexual

comment. In front of a group, he said, "Come back to my place, I'll fix you". Rita felt angry because Kevin was **suggesting there was something wrong with her because of her sexual orientation** ①. Later, Rita found out Kevin had told others that she "couldn't take a joke".

Rita wanted Kevin to understand that it was wrong to speak to someone that way, and to make sure he didn't speak to her – or anyone else – that way again. So, she made a report to her manager.

Her manager **listened carefully, took her report seriously** ②, and asked Rita **what she would like to happen** ③. Rita said her biggest concern was that this behaviour did not happen again. Her manager took her wishes into account and explained that given this, the best approach would be to let Human Resources (HR) know.

Her manager let her know that HR was going to start an investigation. Her manager **explained the investigation process to Rita** (i.e. the steps that would happen) ④. Her manager **asked whether she would prefer a man or woman to do the investigation** – noting she may feel more comfortable to share her experience with a woman ⑤. While the investigation was happening, her manager **checked-in regularly to see how she was doing, and offered support**, including the option to speak with a counsellor ⑥.

An independent investigator spoke with Rita in person and asked her to **write down what happened** ⑦. Rita was given the option to bring a **support person** ⑧ to the meetings. **After a few weeks** ⑨, the investigator told Rita about the outcome of the investigation. Based on his behaviour towards her and others, the business decided to **end Kevin's employment** ⑩.

Rita felt the business handled her report well because they **took her report seriously, gave her options for support, and kept her updated** throughout the investigation. They also **considered her preferred outcome**; that the behaviour would stop. Although she hadn't expected Kevin to lose his job, she understood why it happened.

Important points from Rita's story

- ① Workplace sexual harassment can happen in many ways. People who harass may target workers because of their differences.
- ② Taking reports seriously helps workers feel safe and supported.
- ③ Asking what outcomes they'd like to see helps you understand their needs, prioritise their preferences (as much as possible), and manage expectations.
- ④ Keeping workers updated about their report and the next steps help lower stress.
- ⑤ Asking a person for their preferences about how an investigation takes place can make them feel more comfortable and safer.
- ⑥ Checking in with workers and offering different kinds of support helps them to recover and feel safe.
- ⑦ Asking workers to repeat their story unnecessarily can make them feel worse. Letting them write it down or record it can be less stressful.
- ⑧ Allowing workers to bring someone to support them can help them to feel safe during the process.
- ⑨ Keeping investigation processes as short as possible helps to reduce stress and harm.
- ⑩ Providing the person with information about the outcome of their report helps them feel safe and shows that their concerns were taken seriously.



Cheryl's story

Cheryl is a young Aboriginal woman who works in construction. A male colleague, Bret, was constantly asking her out, making sexual comments about her in her work

uniform, and sexual comments about the colour of her skin. He often tried to pass these comments off as "jokes". Cheryl felt uncomfortable and tried to ignore him, but over time, it made her anxious about going to work. Things got worse when Bret's partner found out and blamed Cheryl for his behaviour. Cheryl felt like this was the last straw and built up the courage to tell her supervisor.

When Cheryl told her supervisor, **he listened carefully without interrupting 1**, **thanked her for telling him, and said that it was understandable she would feel anxious coming to work 2**. He made it clear that **sexual harassment was not okay in their workplace 3** and that he would be happy to look into it, if she wished.

Her supervisor asked Cheryl **what she wanted to happen 4**. Cheryl said she didn't want a formal investigation or for Bret to lose his job - she just wanted the behaviour to stop and to not work with him anymore. Her supervisor explained that he would try to respect her wishes, **but if they found Bret was a risk to others, they might need to take further action 5**. He told Cheryl he would need to ask **Bret about what happened 6**, and she agreed.

Her supervisor offered some options, including taking **paid leave to reset 7** while they handled the situation. Her supervisor also offered her the number of an **Aboriginal-led counselling service 8**, which the company would pay for.

After looking into what happened, her supervisor confirmed that Bret admitted the behaviour. Bret was **given a formal warning and placed on a performance improvement plan 9**. The business also decided to bring in some new policies and initiatives to take steps to prevent this kind of behaviour happening again. The **supervisor thanked Cheryl again for coming to him 10**. To respect Cheryl's wishes to no longer work with Bret, the supervisor **asked Cheryl if she would**

prefer her or Bret to move teams 11. Cheryl wanted to stay in her team and so Bret was moved to another work area.

The behaviour stopped, and Cheryl **felt safe** to come to work again. Cheryl was pleased with her supervisor's response because he **listened well, took her report seriously, was transparent about the process, and supported her to access free and culturally appropriate support**. She felt like a valued and respected member of the team and was reassured that the business took the sexual harassment seriously.

Important points from Cheryl's story

- 1 Letting someone speak without interrupting shows you care and that what they say matters.
- 2 Acknowledging how a person is feeling helps them start to heal.
- 3 Showing that you take workplace sexual harassment seriously helps people feel safe to report it and builds trust.
- 4 Asking what outcomes they'd like to see helps you understand their needs, prioritise their preferences (as much as possible), and manage expectations.
- 5 Being open and honest about the process helps manage expectations and build trust.
- 6 Being clear about the process also gives the person a chance to think about their own safety.
- 7 Workplace sexual harassment can have significant impacts on a worker. Providing the option for paid time off can allow them to get help.
- 8 Offering support options that fit the person's needs helps them heal. If you're unsure what support they need, just ask!
- 9 Making sure there are appropriate consequences for sexual harassment helps stop the behaviour from happening again.
- 10 Saying 'thank you' builds trust and encourages workers to come forward with concerns in the future.
- 11 Wherever possible, the person who was harassed should have a say in changes at work that affect them.



Josh's story

Josh is a gay man who works in education. Two senior male colleagues kept making inappropriate sexual comments about his sexuality – including about his sex life and

sexual experiences. It made Josh feel extremely uncomfortable and like he was being singled out for being gay. One of the senior colleagues groped Josh and would deliberately brush past him. Josh also found out they had been taking pictures of him without his consent.

Josh was worried that his experience would be dismissed because the behaviour was about his sexuality, but when he told his manager, he was **relieved and reassured that they listened and acknowledged how he felt** ①. His manager said that what he reported sounded like **sexual harassment, which is against the law and workplace policy** ②.

The manager explained the workplace policy and asked Josh **what would make him feel safe right now** ③. Because the reported behaviour was serious, the manager told Josh it would need to **be escalated that that there may be an internal investigation** ④. The manager told Josh what this would involve, asked how he would like to be kept updated, and **arranged paid leave and counselling for Josh. They also gave Josh information about where he could get free legal advice** ⑤.

Josh was given a choice about whether or not to participate in the investigation. He agreed to participate. **The manager explained what would happen, how his privacy would be maintained, and asked what would help him feel safer during the process** ⑥. Josh was told he would be asked to describe each incident of sexual harassment at the first meeting. For this reason, he decided to bring his counsellor to the meeting, and Josh's story was recorded so he **wouldn't have to repeat himself unnecessarily** ⑦. Josh's manager scheduled weekly meetings with him to keep him updated on what was going on, and to **check-in with him** ⑧.

At the end of the investigation, **Josh was told that the two staff members would lose their jobs because of their behaviour** ⑨ – he was told this promptly after the two staff members were informed, and before others in the workplace found out.

The manager also asked Josh for his ideas about **how to make the workplace safer in the future** ⑩.

Josh suggested that leadership should openly call out sexual harassment as not acceptable and that all staff should get training. He **also asked for training to include the experiences and safety of LGBTIQ+ people** ⑪. The manager shared Josh's suggestions with the board, and they were actioned.

Even though this was a very hard time for Josh, he did feel **validated and that his safety was taken seriously**. This is because his manager **listened carefully, took meaningful action, checked in with him regularly, explained the process in detail, and asked him about his safety needs**. Further, being asked for his ideas about making the workplace safer helped Josh to feel **confident** that real workplace change would happen.

Important points from Josh's story

- ① Listening carefully and acknowledging how someone feels helps them feel heard and supported.
- ② It's helpful to be clear about what kind of behaviour is not okay, as this helps people feel like they're being taken seriously.
- ③ Checking in with workers about what would make them feel safe is important because everyone's needs are different.
- ④ If workplace policy or other legal obligations mean you have to take a particular action (like starting an investigation), it's important to explain why.
- ⑤ Helping workers understand their rights and options shows you are putting their needs first.
- ⑥ Investigations can be upsetting and stressful. Giving clear information about the process can help lessen stress and trauma.
- ⑦ Reducing the number of times someone has to talk about what happened can help lessen their stress and trauma.
- ⑧ Checking-in regularly is a great way to show workers you care.
- ⑨ It's important that there are appropriate consequences if someone is found to have sexually harassed another person.
- ⑩ Asking workers for advice on improving the workplace can lead to better safety practices.
- ⑪ It's important that different communities' experiences are included in training and education, to make sure everyone's safety is considered.



Athena's story

Athena is a migrant trans woman. She had to leave her home country as a young adult because she was targeted for her gender identity. When Athena arrived in Australia,

it was hard to find a job because her qualifications weren't recognised. Eventually, she found work as a cleaner at a small local business.

Soon after starting, her colleague named June began asking intrusive and sexual questions about her body, gender and sexuality. One day, June said that Athena needed to go to a conversion program, suggesting that Athena needed 'fixing'. June said it was 'just a joke' and that these kinds of jokes were 'part of Aussie culture'. Athena didn't find it funny and knew that kind of behaviour shouldn't be part of any culture.

Athena didn't want to 'cause trouble', so at first, she stayed quiet. **As a new migrant with no support system, she needed to stay safe, earn money and keep her visa. ①.**

Athena considered a solution and eventually asked her manager, Jim, if she could change her shifts. She didn't explain why at first. Jim **took the chance to give Athena some positive feedback about her work, and ask her about how things were going at work ②.** Jim's caring and genuine questions gave Athena the confidence to tell him what had been happening.

Jim was disappointed to hear about June's behaviour and explained to Athena that the behaviour she described could be sexual harassment and that **it was not okay in their workplace ③.** Jim told Athena that he wanted her **to feel comfortable coming to work, and that she was an important member of the team ④.**

Jim agreed to change Athena's shifts and asked if there was anything else he could do to support her and make sure she felt safe coming to work ⑤. Noting that June's behaviour may have had an impact on Athena, he gave her the phone number of a **free LGBTIQ+ counselling service and arranged for her to use a translator ⑥.**

Jim proposed some steps he could take to resolve the issue ⑦. He offered to speak directly with June about what Athena had reported and suggested that all staff take part in training about workplace sexual harassment. Athena agreed and felt happy that Jim was offering real solutions.

Athena felt more confident reporting the behaviour because her **manager was kind and built trust.** She felt pleased with the response because he **acknowledged how she felt, supported her to get appropriate help, agreed to her preferred adjustments, and took steps to make the workplace safer.** Athena felt safe returning to work knowing that her manager prioritised her safety and wellbeing.

Important points from Athena's story

- ① It is helpful to think about the things that may make it harder for workers to report and find ways to make it easier for them.
- ② Checking in with workers in a kind and genuine way can help to build trust.
- ③ It's important to let workers know what is and is not acceptable workplace behaviour.
- ④ Tell workers they are valued and that you will prioritise their safety and wellbeing.
- ⑤ It is helpful to ask workers what would make them feel safe and making this change (where possible).
- ⑥ Think about what supports will be most helpful for the person and tailor these to suit.
- ⑦ It's important to deal with the behaviour properly so it doesn't happen again.



Amy's story

On Amy's first day working in a small retail store, her manager **gave her information about the business and its policies about respectful behaviour and workplace**

sexual harassment 1. Amy was told that **disrespectful behaviour from anyone, whether it's workers or customers, is not allowed 2**. She was also given information about **who to speak to if she ever felt uncomfortable or unsafe 3**.

As part of her induction, Amy was paid to **attend training about workplace sexual harassment 4** which included information about her rights as a worker.

A young customer started commenting on her appearance and asked if she was in a relationship. He found her on social media, asked her out repeatedly, and sent her sexual messages after work hours. Amy started to feel unsafe as the behaviour continued and she worried about him returning to the store.

Amy knew that the behaviour might be sexual harassment from her earlier induction and felt that her manager would have her back. She told her manager what was going on and showed the manager some of the messages. **Her manager listened and thanked Amy for coming to her. Her manager agreed that the behaviour was not okay 5**.

Her manager took **quick action to ensure Amy was safe 6** including by offering to help her set up some privacy settings on her social media and block the person harassing her. She established a buddy system in the store, to ensure workers were not alone with customers. And she **contacted her industry body to find out what other steps she could take to reduce the risk of this happening again 7**.

Moving forward, **Amy's manager checked in with her regularly 8** to make sure she was safe and felt supported.

Amy's early induction to the workplace policies, options for who to tell, and the training helped Amy feel **clear about her options and rights from the start**. Amy's manager's response – **listening, acknowledging, and checking in with her** – helped Amy **trust** that her manager knew what they were doing, would take her report **seriously**, and helped Amy feel like **her concerns and opinions were important**. The **steps her manager took to improve her safety** made her feel safe and confident to come into work.

Important points from Amy's story

- 1** Giving workers clear information early on (and regularly) helps them know their rights and options.
- 2** Telling workers about acceptable standards of behaviour helps to create a more positive workplace culture.
- 3** Clearly explaining where to go for help allows workers to more confidently act if or when they need to.
- 4** Offering training to workers lets them know you take workplace sexual harassment seriously.
- 5** Thanking someone for coming to you is a great way to build trust and shows you take this seriously.
- 6** It's important think about the different ways to keep workers safe, depending on the situation.
- 7** Getting external help can mean you are better able to factor in all of the risks to your workers' safety.
- 8** Checking in with workers after an incident is a great way to know if your safety measures are working, or if there is anything else you need to do to keep them safe.

We can all do our bit to stop sexual harassment. Learn how you can make your workplace safer.

Scan the code or contact the **Respect@Work Information Service** on **1300 656 419** or **respect@humanrights.gov.au**

