



Dealing with Workplace Sexual Harassment

A guide for workers.

Learn more about workplace sexual harassment, your rights and where to get help.

June 2025



What behaviour might be sexual harassment?

Workplace sexual harassment is **against the law.**

Workplace sexual harassment **can happen to anyone, in any type of work.**

It can make you feel **uncomfortable, embarrassed** or **unsafe.**

Workplace sexual harassment can include unwanted behaviours like **sexual comments, questions** or **jokes about:**

- how someone looks
- their cultural or religious background
- their sex or gender identity
- their disability
- their age
- their sexual orientation.

Workplace sexual harassment **can also look like:**

- staring in a way that makes you feel uncomfortable
- following (stalking)
- inappropriate touching without permission
- unwanted calling, texting or repeated requests to meet outside of work.

It can still be workplace sexual harassment even if the other person (or people) says they did not mean it.

Workplace sexual harassment can happen in person where you work, before or after work, and/or while travelling for work.

Workplace sexual harassment can come from someone you work with (like your boss, manager, colleague) or from a patient, a customer, or a contractor.

It can happen away from work and outside of work hours, like at a party or drinks with work people.

It can also happen on your phone or online such as email, texting, calling or social media, if it's with work people or is about work.



Your rights

You have a right to be safe at work.

Organisations and businesses¹ must take steps to keep you safe and stop workplace sexual harassment. Doing nothing or only responding to reports of sexual harassment is not enough.

What your organisation or business needs to do to stop workplace sexual harassment will depend on the size and type of your workplace. This could include:

- making it clear that workplace sexual harassment is not okay
- sharing your workplace's policy on workplace sexual harassment
- giving you and the people you work with training about workplace sexual harassment
- telling you how you can get help or make a report if you see or experience workplace sexual harassment
- providing you with support if you see or experience workplace sexual harassment (whether or not you make a report about it)
- taking steps to stop the sexual harassment from happening if you or someone else tells them about it
- being fair when responding to a report of sexual harassment.

If you have been sexually harassed at work, **you have a right to do something about it**, like get help or tell someone about what happened.

Your boss or the people you work with must not treat you badly or unfairly because you spoke about what happened (e.g. by not inviting you to meetings or lunches, leaving you out of group chats, not giving you shifts or firing you).

You have these rights if you work in Australia – **even if you are on a temporary visa. You may also have these rights even if you are not paid for work.**²



1 The Sex Discrimination Act requires 'persons conducting a business or undertaking' (PCBUs) and 'employers' to take steps to stop certain forms of discrimination, harassment and victimisation. For ease of reference in this document, these are referred to as 'organisations' and 'businesses'.

2 You have these rights if you work in Australia for an 'Employer' or 'Person Conducting a Business or Undertaking' (PCBU), as these terms are defined in the Sex Discrimination Act.

The Law


The Sex Discrimination Act says it is against the law to discriminate (treat someone badly) because of their sex, gender identity, sexual orientation, intersex status, marital or relationship status, pregnancy, breastfeeding and family responsibilities in many areas of life.³ **The Sex Discrimination Act makes workplace sexual harassment against the law.**

In the Sex Discrimination Act, there is an obligation called the Positive Duty. The Positive Duty means that most organisations and businesses must take steps to keep workers safe from certain bad behaviours at work. The Positive Duty should help stop these bad behaviours at work:

- sexual harassment
- sex discrimination
- sex-based harassment
- hostile work environments
- victimisation.

The Positive Duty requires organisations and businesses to take steps to stop bad behaviours, like sexual harassment, before they happen. Organisations and businesses should also deal with bad behaviours in the right way if they do happen.

Your boss has to follow this law which should help make sure your workplace is safer.



Learn more about the Positive Duty and the bad behaviours that are against the law.

"So, it took many years for me to be like, 'Oh, I don't think I have to deal with [workplace sexual harassment]. It's not part of being a woman, but it does take a long time, especially from just dealing with it so young."

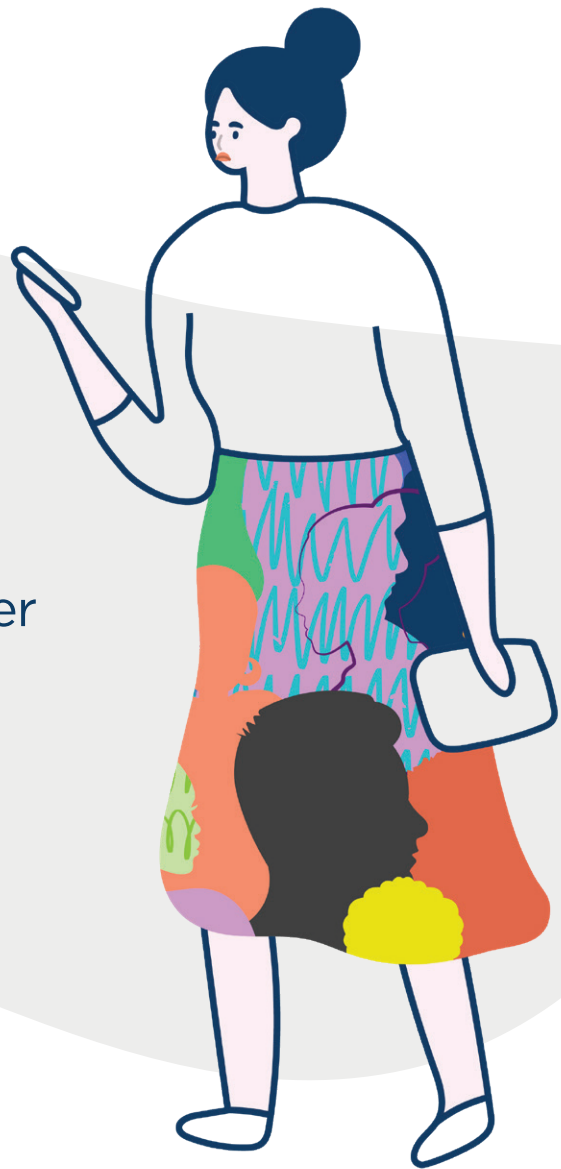
- Young worker, Darwin

³ This includes employment, education, accommodation and housing and getting or using services.

What you can do

You
could
get help
through

- A counsellor
- Free legal help
- Your doctor
- A friend, partner or family member
- Your union



If you have been sexually harassed at work, there are many things you can do to get help or advice.

You can do what is best for you.

Sometimes, it is hard to do something immediately after you have been sexually harassed.

For many people who have been sexually harassed, they need time to think about what has happened or time to feel safe again. Sometimes this can take days, weeks, months or years.

Sometimes, it can be helpful to do something about it sooner because time limits can apply to take legal action. Getting free help from a lawyer or a counsellor can help you to process what has happened and to learn about what your options are.

"I think, a lot of the time, once you experience something that, I guess, intense or traumatic, it takes time for you to understand what actually happened to you."

- Culturally and racially marginalised worker, Sydney

Where you can get help and advice outside your workplace

Get help from a counsellor to talk about how you are feeling.

1800 RESPECT

1800 737 732 webchat: 1800respect.org.au

FullStop Australia

1800 385 578 fullstop.org.au

13YARN (Aboriginal and Torres Strait Islander 24/7 crisis support)

13 92 76 13yarn.org.au

Kids Helpline

1800 55 1800 webchat: kidshelpline.com.au

FullStop Rainbow Helpline (LGBTQ+ support and referral service)

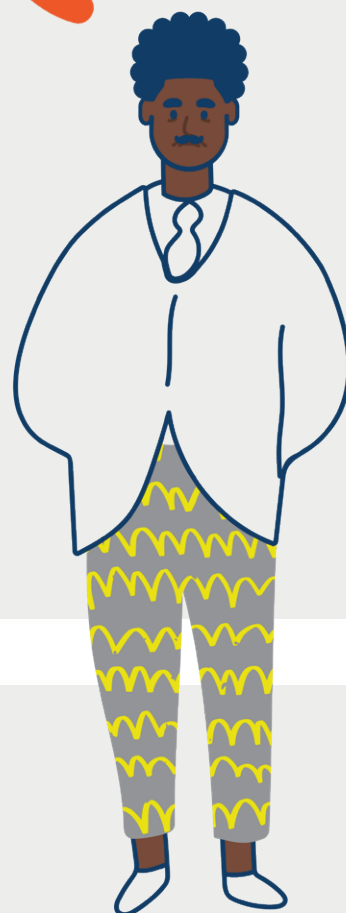
1800 497 212 fullstop.org.au

These services are free and confidential.

You can also contact the **Respect@Work Information Service** for free and private referrals to a counselling service near you. Phone 1300 656 419 or email respect@humanrights.gov.au.

Call 000

*if it is an emergency,
you are in danger
or need urgent
medical help.*



Get free help from a lawyer.

A lawyer can:

- listen to your story
- keep your information private
- explain the law
- help you to speak up for yourself
- talk to your boss
- tell you about your options at the Fair Work Commission, Fair Work Ombudsman, work health and safety regulators, anti-discrimination agencies (including the Australian Human Rights Commission) or workers' compensation
- help you make a legal report.

There are many free legal services available. Contact the **Respect@Work Information Service** for free and private referrals to a free legal service near you. Phone 1300 656 419 or email respect@humanrights.gov.au.

You can also get help by:

- Speaking with your doctor, who can refer you to help, tell you about a mental health care plan and support any later workers' compensation claim.
- Telling a trusted friend, partner or family member.
- If you are a union member, speaking to your union representative.

For help calling these services:

Translating and Interpreting Service

(13 14 50) links to a telephone interpreting service to help with communication in a different language.

The National Relay Service

(13 36 77) links to help for people who are deaf or have a hearing or speaking impairment.



Many people who have been sexually harassed wished they got free legal advice or spoke to a counsellor or union representative before they told someone at their workplace.

"I found it really helpful to have union representation...Had I not had that help, it would've just been me against the monolith. Being able to talk to them about what had happened and because I felt, like, very alone...having them in my corner...was the saving grace of that whole experience."

- LGBTQ+ young worker, Melbourne

"Legal Aid are actually doing a great job...they have a lot of amazing supports and lawyers that could help you."

- Culturally and racially marginalised worker, Brisbane

Telling your workplace

You can tell someone at your workplace, like your boss, manager or Human Resources (HR). **When you tell someone, they should listen to you and ask how you want to be supported or helped.**

When you tell someone at work, they might ask if you would like to **make a report**.



A report is a way to make a record of what you went through in a workplace, to ask for the behaviour to stop, and may bring about change in the workplace to stop the behaviour from happening again.

You can say 'yes' or 'no', and **you have the right to get advice** before deciding what to do. Your workplace should offer you support no matter what you decide.

Your workplace may start a reporting process even if you didn't ask for one. The workplace may start this process if there is a risk to you and others of more harm. Someone else could also make a report for you because they are worried about your safety, or because they were also impacted by what happened. If this happens, you should be told, be given support and asked about what you would like to happen next.

Making a report at work can look like:

- Telling your boss, manager or HR what happened.
- Asking someone to help you tell your boss, manager or HR what happened.
- Someone else who saw or heard what happened telling their boss, manager or HR.
- Your workplace may also have options like:
 - making an anonymous report
 - calling a phone number or sending an email which has been set up for reports.

While many reporting processes are okay, some can take a long time, and may not prioritise your safety and wellbeing. In these cases, you may want support from a free lawyer, a counsellor, a union representative, and/or a trusted friend, partner or family member.

Your story is evidence

When you make a report, you might also be asked to provide evidence of what happened. **Your story**, told by you, **is evidence**.

When you share what happened, you may want to tell:

- **who** was involved
- **what** happened that made you feel uncomfortable
- **when** it happened
- **where** it happened.

You can report workplace sexual harassment without physical evidence, but it can be helpful to keep:

- text messages
- emails
- screen shots
- notes (made by you) at the time of the incident or other records that are relevant to **who** was there, **what** has happened, **when** and **where** it happened.

Investigation process

If you decide to make a report or someone else makes a report, your workplace may ask someone to look into what happened. Sometimes this is called an 'investigation process'. This might mean:

- People from inside or outside your workplace asking questions about what happened. They may speak to you, the person who you say harassed you, and others who might have seen or heard what happened.
- After speaking to everyone, the people doing the investigation may share what they learned. The workplace will then decide what to do. This might include:
 - an apology
 - agreement the behaviour will stop
 - consequences for the person who harassed you
 - paid time off work to process what has happened (e.g. through workers' compensation)
 - workplace change (e.g. training for workers, a better workplace culture, more lighting in dark areas)
 - better awareness in your workplace
 - payment made to you (compensation)
 - sometimes, they may decide to do nothing.

During the investigation process, there might be lawyers involved, and you may be asked not to talk to anyone at your work about what happened. However, you can still talk to a counsellor, a trusted friend, family member or partner.

If you are not okay with how your workplace responds, the reporting process or an investigation process you can contact the **Respect@Work Information Service** for free and private information and referrals.

Phone: 1300 656 419 or
email: respect@humanrights.gov.au

How you should be treated

If you do tell someone or make a report at your work, they should listen to you, treat you with respect and help you to be safe. Safety means different things to different people, and your workplace should ask you what you need to be okay.

You can ask for:

- Your workplace's policy for dealing with workplace sexual harassment and help to understand it.
- Information about what happens at the end of the reporting process, and why.
- Someone to translate policies, processes, and conversations into the language you prefer.
- What you want to happen to make you be okay and safe.
- Updates on what happens with your report.
- Support from a lawyer, a union representative, a counsellor and/or someone else you trust who isn't involved in the investigation.
- Things that are important for you culturally, like having someone from your community there and included in conversations.

Telling anyone about sexual harassment can be really hard. You may feel uncomfortable, embarrassed or unsafe. People at your work should care how you feel, and, if you tell them what happened, they should respond by listening to you, being kind, and making your options and rights clear.

We spoke to over 300 people who have been sexually harassed. They told us some responses were really helpful after they reported workplace sexual harassment.

Things we heard were helpful:	This could sound like:
Letting you know that it is not your fault.	<i>"I am so sorry this has happened. It's not your fault this happened."</i>
Asking if you are okay and what you need to be safe and supported.	<i>"How are you doing? What do you need to be safe and supported?"</i>
Giving you options for a counsellor or mental health support.	<i>"Here is the number of a counsellor or our EAP Service if you want to talk to someone..."</i>
Making sure you know that your job is safe, and that nothing bad will happen because you spoke about what happened.	<i>"Thank you for telling me what happened. I imagine it was hard. You are valued in this workplace, and we want you to be safe."</i>
Giving you options about what the workplace can do and asking what you would like to do.	<i>"What would you like to do? Here are some options..."</i>
If you want to make a report, they should explain the reporting process, and how they can keep you updated.	<i>"Here is what the reporting process involves..."</i> <i>"How would you like me to keep you updated?"</i>
If you are making a report, giving you options to make the reporting process easier for you.	<i>"You can do a written or spoken statement about what happened, so you don't have to keep repeating it."</i> <i>"You can bring a lawyer, a union representative or another person to support you."</i> <i>"Would you like a support person from your community or who speaks your language?"</i>
Explaining how your information will be kept private.	<i>"We will only share your private information when it is necessary as part of this process or to manage risk. You can speak to family or friends, a counsellor, a lawyer or union representative, about what happened."</i>
Including you in talks about what you think is needed in the workplace to make it safer.	<i>"We really want to do what we can to make this workplace safer for everyone. What do you think would help?"</i>

- Your workplace **should** give you options for support when you tell them what happened.
- Your workplace **should** work towards making you feel safe, supported, and that you have a voice.
- Your workplace **should** keep you updated and let you know about any decisions they make.
- Your workplace **should not** make you feel like it was your fault that someone sexually harassed you.
- Your workplace **should not** try to make you talk to the person behaving badly or tell you to solve the problem yourself (unless this is what you want).
- Your workplace **should not** treat you badly or unfairly because you spoke about what happened (e.g. by not inviting you to meetings or lunches, leaving you out of group chats, not giving you shifts or firing you).
- Your workplace **should not** make you sign a 'non-disclosure agreement' if you don't want to.



A 'non-disclosure agreement' (NDA) or 'confidentiality agreement' is something a workplace might ask you to sign to stop you from talking about what happened. Talking about what happened could be important to you at some point in the future.

You should not be forced to sign one.

You should talk to a lawyer before signing if you are unsure. It may also be helpful to speak to a counsellor.

If you are not okay with the way your workplace responds, you can contact the **Respect@Work Information Service** for free and private information and referrals.

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email: respect@humanrights.gov.au



You are not alone

People respond to sexual harassment in different ways.

Workplace sexual harassment can be difficult to talk about and can make you feel alone. It is important to know that you are not alone.

"I genuinely thought I was the first person to ever, in the whole company, in the whole world, to go through something like this. And I had to keep it to myself and so I was alone. And it turns out, it happens all the bloody time."

- Young neurodivergent worker, Perth

Sometimes, you might not understand what's going on:

"As a queer migrant, I found myself pretty much [lacking] understanding about sexual harassment. Also being a young person, not having any formal education in the country.."

- LGBTQ+ migrant worker

It's normal to wish you had responded differently:

"The first time [it happened] I was very young. I didn't know how to deal with it. [I wish] I'd done more and I struggled for a long time afterwards with not having done anything about it."

- Young worker, Hobart

Note: These quotes are from discussions with people who have been sexually harassed at work for the 'Speaking from Experience' project

You might feel angry and call out the bad behaviour:

"When I realised that they had used my honesty and vulnerability to weaponise against me, I just snapped."

- LGBTQ+ young worker, Melbourne

You might try to act like nothing's wrong:

"At the time years ago I was very new, very quiet at the time. And I was just laughing. But in order to deescalate, I can only just say, 'I'm not sure.' ... I didn't say I wasn't happy or I wasn't feeling comfortable."

- International student, Melbourne

You might find it hard or not want to tell your boss or to report what happened.

"Often people from marginalised backgrounds, there is a power imbalance there. If the person harassing you is a leader, male, respected in the workplace... It's so overwhelming to even go through a process when you are starting from the back foot. [...] It's also a barrier if English is your second language."

- Culturally and racially marginalised worker, Brisbane.

Sometimes the workplace will respond in a harmful way:

*"When I brought my concerns to my boss, I was met with **dismissive and victim-blaming remarks**. I was told that the harassment was somehow a consequence of how I dressed."*

- Written submission

*"I was sexually harassed by a cis woman and my previous workplace, when I reported it to a cis man, I was laughed at..and **completely invalidated** because 'that doesn't happen between two women.'"*

- LGBTQ+ worker, Perth

Remember: Your workplace **should not** treat you badly or unfairly because you spoke about what happened.

Your workplace **should** provide you with support if you see or experience workplace sexual harassment.

You might not make a report, but you might prefer to take other action:

"I told the head of security what had been going on and showed her the messages he had been sending."

- Written submission

*"I ended up **going to a psychologist** again and having EMDR therapy and a whole range of things."*

- Young worker, Hobart

Getting support can be a helpful way to process what has happened.

Some people feel guilty or ashamed. If you're ever feeling guilty or ashamed, just remember:

*"I don't really have to be ashamed and guilty because I'm not the problem, even though I feel like the problem. **It just takes having people to relate to, to make it less your fault.**"*

- Culturally and racially marginalised worker, Hobart

Workplace sexual harassment is **never your fault**. You have a right to be safe at work. Organisations and businesses are responsible for taking steps to stop sexual harassment at work and keep you safe. It's the law.

Note: 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 AHRC website](#). This resource is not a substitute for legal advice.