

Workplace sexual harassment: Your rights

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 be 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 someone 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.²

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.

In Australia, 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 organisations and businesses must take steps to keep workers safe from sexual harassment.

[Learn more about the Positive Duty.](#)

Endnotes

- 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 There is information on the Australian Human Rights Commission website about what is expected of organisations and businesses.
- ³ 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.

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.**³

Get help

If you think you may have been sexually harassed at work, you can get help. Contact the **Respect@Work Information Service** on 1300 656 419 or respect@humanrights.gov.au for *free and private information and help*.

