

# SafeWork NSW Respect at Work Strategy: preventing sexual harassment

October 2023 – October 2027





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**The Hon Sophie Cotsis MP**  
Minister for Industrial Relations  
Minister for Work Health and Safety

## Message from the Minister

Feeling and being safe at work is the bedrock for a thriving workplace.

We are committed to continuing to strive to make New South Wales' workplaces as safe as possible by raising awareness, providing education and resources and, where necessary, using compliance to enforce safety laws.

Safety at work takes many different forms across a wide range of industries. Unfortunately sexual harassment remains unacceptably high across NSW workplaces, with profound impacts on workers and business alike.

Responding to this challenge requires a multi-faceted and whole of community effort – and an urgent need to raise awareness that workplace sexual and gender-based harassment is a work health and safety issue.

I am immensely proud to present the first SafeWork NSW Respect at Work Strategy – a clear and ambitious four-year plan for addressing this pervasive workplace harm.

SafeWork NSW will play an elevated and pivotal role in regulating this issue within work health and safety. The Strategy provides a pathway for NSW businesses to take proactive action to stamp out sexual harassment in their workplaces.

Workplace sexual and gender-based harassment affects certain people at a much higher rate. This includes women, workers with from culturally and linguistically diverse (CALD) or culturally and racially marginalised (CARM) backgrounds, younger, LGBTIQ+, Aboriginal and Torres Strait Islander workers, workers with a disability and workers in insecure work arrangements, including casual, migrant and gig workers. This Strategy will consider targeted support for these workers to help ensure they are protected from risks to their health and safety.

Workplaces play a pivotal role in the prevention of sexual and gender-based harassment. The Strategy demonstrates the NSW Government's commitment to start driving this change.

I look forward to engaging with workers, unions, businesses and the community to raise work health and safety standards to ensure NSW workers are safe, respected and thriving at work.

# Executive summary

Workplace sexual harassment occurs across every industry in NSW. It can harm workers, businesses and the broader community – and it is preventable. The work health and safety framework provides a robust, prevention-led approach for addressing this workplace harm.

This inaugural Respect at Work Strategy sets out SafeWork NSW’s four-year plan for the prevention of gender-based harmful behaviours across NSW workplaces, with an initial focus on sexual harassment.

## Vision: to secure safe and respectful workplaces for NSW workers

Over the next four years, the following Outcomes will underpin the Strategy



### Educate

Raise awareness that NSW businesses have a proactive duty to prevent and respond to workplace sexual harassment as a work health and safety issue.



### Action

NSW workplaces take effective and systematic actions to prevent and respond to workplace sexual harassment.



### Capability

NSW workplaces are better equipped to prevent and respond to workplace sexual harassment.



### Effective regulation

SafeWork NSW is a more effective regulator, including strengthening and enforcing WHS laws to protect workers from sexual harassment.

As the NSW work health and safety regulator, SafeWork NSW is well placed to drive greater prevention-led efforts to address this workplace hazard.

Achievement of these Outcomes will be guided by prevention-led approaches, focused on building stronger workplace safety cultures in collaboration with stakeholders. This includes the voices of people with lived experience of workplace sexual harassment.

In addition to uplifting awareness and capability across NSW workplaces, SafeWork NSW will take a strategic focus on high-risk worker groups and industries as set out in section 5.

Creating safer and respectful workplaces requires a multi-faceted and whole-of-community effort. This Strategy complements and builds on broader efforts across NSW, nationally and globally.<sup>1</sup>

For more information, visit: [nsw.gov.au/respect-at-work](https://nsw.gov.au/respect-at-work)



1. This includes The National Plan to End Violence against Women and Children 2022-2032, NSW Sexual Violence Plan 2022-2027, NSW Domestic, Family and Sexual Violence Primary Prevention Strategy, NSW Women’s Strategy 2023-2026 and International Labor Organization C190 - Eliminating Violence and Harassment in the World of Work 2019.

# Strategy outline

## SafeWork NSW Respect at Work Strategy 2023–2027

### Vision

To secure safe and respectful workplaces for NSW workers



#### Educate

Raise awareness that NSW businesses have a proactive duty to prevent and respond to workplace sexual harassment as a WHS issue



#### Capability

NSW workplaces are better equipped to prevent and respond to workplace sexual harassment



#### Action

NSW workplaces take effective and systematic actions to prevent and respond to workplace sexual harassment



### Effective regulation

SafeWork NSW is a more effective regulator, *including strengthening and enforcing WHS laws to protect workers from sexual harassment.*

### Focus areas



#### Industries

Accommodation and food services (Hospitality)  
Healthcare and social assistance  
Retail



**Small and Medium Businesses** – the support they need in the way they need it  
**Public Administration** – work with government partners to model best practice  
Collaborate with other initiatives across  
**Construction** sector



**Workers** who are most-at-risk and most impacted by workplace harassment

### Guiding principles for the Strategy



#### Prevention-led

Address the underlying causes



#### Safety culture

Cultivate a stronger WHS culture which embeds systematic approaches



#### Collaborative

Actively engage with stakeholders and take a person-centred and trauma-informed approach



#### Targeted

Regulatory activities based on risk of harm

## Acknowledgements

SafeWork NSW expresses its gratitude for the insights shared by over 60 workers, unions, businesses, industry, government representatives across 18 industries as well as gender equality, organisational psychology, behavioural science and work health and safety experts during consultations to inform the Strategy. The Strategy was shaped by, and will continue to be informed by, people impacted by workplace sexual harassment.

The Strategy has also drawn on the latest available research, data, evidence including by the Australian Human Rights Commission and Our Watch.

SafeWork NSW acknowledges the support provided by NSW Treasury and is proud to contribute to the NSW Government's efforts towards creating safer workplaces.

Immense efforts have been made by a range of individuals and organisations on ending gendered violence, which encompasses gender-based harassment and sexual harassment. SafeWork NSW looks forward to collaborating with stakeholders to prevent harm to workers from psychosocial hazards including sexual harassment.



## About SafeWork NSW

SafeWork NSW is the WHS regulator for NSW. It gives advice on improving work health and safety, investigates workplace incidents and enforces work health and safety laws in NSW including the *Work Health and Safety Act 2011* (NSW) and *Work Health and Safety Regulation 2017* (NSW).

If you have a work health or safety (WHS) issue – if safe and appropriate to do so – SafeWork NSW encourages first taking steps to resolve the issue with the workplace.

These steps may include:

- reporting the issue to your supervisor
- reporting the issue through the workplace's hazard reporting procedures
- raising the issue with the health and safety representative
- raising the issue with management through your union representative

If you are unable to, or are not satisfied with the response, details on writing or calling SafeWork NSW are available on this page: [safework.nsw.gov.au/contact-us](https://safework.nsw.gov.au/contact-us).

You can also:

- Complete the [Psychosocial hazards request for service form](#)
- Make an anonymous report via the [Speak Up Save Lives App](#).

SafeWork NSW provides free advice and support to help workers, businesses and industry meet their WHS duties. [Request](#) a free SafeWork NSW Advisory Visit if you have less than 50 staff or Safety Workshop for business groups.

See the SafeWork NSW [Reporting Options Guide](#) for more information on the government reporting options available to NSW workers who have experienced workplace sexual harassment.

## Reporting to NSW Police

NSW Police should be contacted to report physical assault, sexual assault or threats to harm someone. You can contact the Police by calling or attending your [local police station](#) – you can request to speak with the Sexual Violence Portfolio Holder. You can also make a report through the online [Sexual Assault Reporting Option \(SARO\)](#).

### 24/7 Support Services

If you need support, the following services are available 24/7:

- [1800RESPECT](#) – 1800 737 732
- [Beyondblue](#) – 1300 22 4636
- [Lifeline](#) – 13 11 14
- [Kids Helpline](#) (for under 25s) – 1800 55 1800
- [MensLine Australia](#) (support for men) – 1300 789 978
- [NSW Health Mental Health Line](#) – 1800 011 511
- [Suicide Call Back Service](#) – 1300 659 467

Free, confidential interpretation is available on the [Translating & Interpreting Service](#) on 131 450.

# Introduction

This inaugural Respect at Work Strategy (the Strategy) sets out SafeWork NSW's four-year plan for the prevention of gender-based harmful behaviours across NSW workplaces, with an initial focus on sexual harassment.

SafeWork NSW has developed this Strategy in response to the landmark Australian Human Rights Commission 2020 Respect@Work Report on the high rates of sexual harassment across Australian workplaces.

The Respect@Work Report called for an urgent need to raise awareness that sexual harassment is a work health and safety (WHS) issue, and for a shift from the current reactive model to a proactive approach, requiring employers to take action to prevent sexual harassment before it occurs.<sup>2</sup>

This Strategy responds to this call and sets out how SafeWork NSW will support businesses to prevent sexual harassment, and will take appropriate enforcement action to protect NSW workers today and in the future.

## What are gender-based harmful workplace behaviours?

**Harmful workplace behaviours** are a common type of workplace hazard that create risks to health and safety and can lead to psychological (mental) or physical harm - also referred to as a 'psychosocial' hazard.<sup>3</sup> This may include sexual harassment, bullying, racism and ageism.

**Gender-based harmful workplace behaviours** occur when such conduct is directed at or affects a person at work because of their gender, sex or sexuality, or because they do not adhere to socially prescribed gender roles - that is, traditional societal ideas about how men and women 'should' look or act or their roles at work or home. Workplace sexual harassment is a type of gender-based harmful workplace behaviour.

The Strategy will be led by SafeWork NSW Respect at Work Taskforce - one of the first Australian work health and safety regulators to establish a dedicated team focused on addressing gender-based harmful workplace behaviours. More information is available here: [nsw.gov.au/respect-at-work](https://nsw.gov.au/respect-at-work)



2. Australian Human Rights Commission, 'Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces' (2020).

3. Work Health and Safety Regulation 2017 (NSW) clause 55A; SafeWork NSW, *Code of Practice: Managing Psychosocial Hazards at Work*, (May 2021).

# 1. The work health and safety approach to preventing sexual harassment

Workplace sexual harassment occurs in every industry and at all levels across Australia – regardless of business size. It can have a significant impact on workers, including mental and physical harm, and on business productivity, economic growth and communities.<sup>4</sup>

Workplaces play a pivotal role in the prevention of sexual harassment. They can shape the work environment and practices, and influence broader norms, structures and relationships to drive a culture of safety and respect.

## 1 in 3



Australians have been sexually harassed at work in the past five years

## 1 in 5

people (18%) made a formal report or complaint. Of those who did,

## 2 in 5

people (40%) said that no changes occurred at their workplace as a result



In the last

## 5 years

some Australians experienced workplace sexual harassment at rates disproportionate to the total population 33%



## 41%

women



## 46%

people aged between 18–29



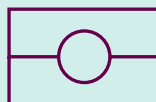
## 46%

people who identified as LGBTQIA+ or other



## 48%

people with a disability



## 56%

Aboriginal and Torres Strait Islander people

4. Australian Human Rights Commission, 'Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces' (2020), 13.

## The most common types of workplace sexual harassment include:



**27%**

sexually suggestive comments or jokes



**23%**

intrusive questions about a person's private life or physical appearance



**19%**

unwelcome touching, hugging, cornering or kissing



Increase in sexual harassment extending from offline to online – sexually explicit emails, text messages or social media comms

## Negative impacts include:

**62%**

decreased job satisfaction

**53%**

decreased commitment to their organisation



**67%**

negative mental health issues

**\$16M**

total estimated cost of workers compensation claims related to sexual harassment in the 2022 financial year

### What is workplace sexual harassment

#### Sexual harassment is:

- any unwanted or unwelcome sexual behaviour
- which makes a person feel offended, humiliated or intimidated, where a reasonable person in the same circumstances would anticipate that reaction.<sup>5</sup>

Whether the conduct is sexual harassment depends on how a reasonable person would interpret the behaviour in that situation. The intention of the alleged harasser is not relevant.

It is often not just about sex – it reflects power dynamics, cultural and organisational norms. It also often is the result of a failure to design work well and provide safe systems of work.

It may be a cluster of interrelated behaviours which range in frequency and severity, such as:

- gender harassment
- verbal and non-verbal behaviours that insult and degrade a person based on their gender or gender nonconformity
- unwanted sexual attention
- sexual coercion

The behaviours can be single incidences or repeated conduct such as:

- unwelcome physical contact
- spreading sexual rumours
- sexually suggestive comments or jokes
- unwanted online requests to go out on dates
- actual or attempted sexual assault.

**Workplace sexual harassment** is when sexual harassment occurs in connection with work. It may occur at a worker's usual workplace or in other places where they work, such as working from home or at a client's home. It can also happen during a work-related activity such as a work trip, social event, conference or another event.

The nature of workplace sexual harassment has also changed over time, including an increase in online sexual harassment.

5. See the full legal definition under section 28A of the *Sex Discrimination Act 1984* (Cth).

## What causes workplace sexual harassment

There are often complex and multiple drivers and causes of workplace sexual harassment. While it can affect any worker regardless of their gender or role, a key driver of workplace sexual harassment is gender inequality.<sup>6</sup>

Other workplace factors can increase the risk and occurrence of sexual harassment, such as:<sup>7</sup>

- poor workplace cultures where inappropriate and disrespectful behaviours are accepted
- highly hierarchical workplaces
- limited understanding of the nature and causes of sexual harassment
- work that involves a high-level of contact with third parties (customers, clients and patients)
- barriers to reporting or where reports are not taken seriously
- isolated or remote work
- lack of confidence and trust in the workplace policies and processes
- male-dominated industries
- irresponsible use of alcohol or drugs
- lack of diversity

## Why is sexual harassment a WHS issue

Sexual harassment is a WHS hazard because it creates risks to workplace health and safety and can lead to psychological (mental) or physical harm – also known as a psychosocial hazard.<sup>8</sup>

Under NSW WHS laws, a person conducting a business or undertaking (business)<sup>9</sup> must ensure, so far as reasonably practicable, the health and safety of workers. This includes taking steps to eliminate or minimise the risk of sexual harassment.

To do this, businesses must take a proactive, preventive approach also known as a ‘positive’ duty.

It requires more than addressing the individual harmful behaviours. It also requires reducing gender inequality and addressing the underlying causes and contributing workplace factors known to increase the risk of sexual harassment occurring.<sup>10</sup>

**A positive duty** usually refers to taking proactive, rather than reactive, steps to meet your obligations and prevent the harm from occurring in the first place.

**Reasonably practicable** means doing what you are reasonably able to do to ensure work health and safety.

## How can NSW businesses prevent workplace sexual harassment

The WHS framework supports a ‘prevention by design’ approach where businesses continuously identify and manage any reasonably foreseeable WHS hazards.

Under NSW WHS Laws, businesses have a positive duty to manage psychosocial hazards such as sexual harassment by first identifying the hazards which may arise from the work context or content.

Businesses must then take action – also referred to as implementing control measures - through considering all relevant matters including:

- the duration, frequency and severity of the exposure of workers and other persons to psychosocial hazards
- how the psychosocial hazards may interact or combine (for example are both bullying and sexual harassment present?)
- the design of work (or work design), including job demands and tasks
- the systems of work, including how work is managed, organised and supported
- the design and layout, and environmental conditions of the workplace
- workplace interactions or behaviours
- the information, training, instruction and supervision provided to workers.<sup>11</sup>

6. SafeWork Australia, ‘Preventing workplace sexual harassment guide’, (January 2021) 13 & 17; Our Watch, *Change the Story: A shared framework for the primary prevention of violence against women in Australia (second edition)*, (2021).

7. Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces’ (2020) 19-21.

8. A psychosocial hazard is a workplace hazard that arises from, or relates to the design or management of work, a work environment, plant at a workplace, workplace interactions or behaviours, and may cause psychological and/or physical harm. *Work Health and Safety Regulation 2017* (NSW) clause 55A

9. Businesses refers to persons conducting a business or undertaking (PCBUs) as defined under section 5 of the NSW WHS Act. The term refers to various forms of modern working arrangements and can include private companies, government departments and partnerships.

10. Australian Human Rights Commission, Respect@Work [www.respectatwork.gov.au](http://www.respectatwork.gov.au).

11. *Work Health and Safety Act 2011*s 19; *Work Health and Safety Regulation 2017* clauses 55A-D and Part 3.1; SafeWork NSW, *Code of Practice: Managing Psychosocial Hazards at Work*, (May 2021).

SafeWork NSW has also developed the [Code of Practice for Managing Psychosocial Hazards at Work](#). The Code provides practical guidance on how to achieve compliance and has the following recommended four-step process to manage these risks.<sup>12</sup>



In addition to the NSW WHS Laws, businesses may have obligations to address sexual harassment under Federal and NSW laws. Sexual harassment is a form of unlawful sexual discrimination and some types of sexual harassment, such as sexual assault, may also be a criminal offence. See the [SafeWork NSW Regulation Map](#) resource for more information on the various obligations.

Workers, officers and ‘other persons’ at a workplace which may include clients, customers, suppliers or visitors, also have obligations under WHS Laws. These include an obligation to not harm others’ health and safety and to comply with reasonable instructions by a business in relation to WHS issues.<sup>13</sup>

Taking a prevention-led approach to sexual harassment not only ensures businesses meet their WHS obligations, it can also bring significant benefits.

When workers are safer and more respected, this can improve staff recruitment, retention, morale and productivity; saving business costs and improving business and broader economic growth.

### Role of SafeWork NSW

Through this Strategy, SafeWork NSW will be a more responsive and effective regulator of workplace sexual harassment. This includes providing advice and support to help workers, businesses and industry to drive the change needed to prevent sexual harassment.

SafeWork NSW will also assess whether businesses, officers and other duty holders under the WHS Laws have taken the necessary steps within their roles to address workplace sexual harassment. Any compliance and prosecution activities will follow the [SafeWork NSW Prosecution Guidelines](#).

As the WHS regulator for NSW, SafeWork NSW is well placed to strengthen its role in regulating this workplace harm.

## 2. Vision: what SafeWork NSW wants to achieve

**SafeWork NSW’s vision is to secure safe and respectful workplaces for NSW workers**

### What does ‘Respect at Work’ mean

Respect at work may mean different things to different workers and workplaces. It is generally understood to refer to a workplace that is free from harassment, discrimination and incivility (discourteous or rude behaviour) and where gender equality, inclusion and diversity are promoted and embedded in the workplace.<sup>14</sup>

It can be characterised by a workplace where:

- the nature, causes and impacts of workplace sexual harassment are understood and addressed;
- there is regular and open consultation with workers, including marginalised and vulnerable workers, about issues affecting them;
- decisions about recruitment, development and promotion of opportunities are fair, transparent and value equality, diversity and respectful behaviours;
- standards of expected workplace behaviours are developed in consultation with workers and recognise workers have diverse backgrounds.

<sup>12</sup> SafeWork NSW, *Code of Practice: Managing Psychosocial Hazards at Work*, (May 2021).

<sup>13</sup> *Work Health and Safety Act 2011* ss 28 & 29.

<sup>14</sup> Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, 2020; OurWatch, *Change the Story: A shared framework for the primary prevention of violence against women in Australia* (second edition), 2021.

# 3. Strategic Outcomes: how SafeWork NSW will achieve the Vision

This four-year Strategy (October 2023–October 2027) has the following Strategic Outcomes. The Strategic Outcomes are interlinked and the first three Outcomes are not necessarily linear – a workplace may start at any point across the first three Outcomes. The ‘Effective Regulation’ Outcome is cross cutting and underpins the other three Outcomes.

Preventing workplace sexual harassment is a complex and multi-faceted challenge which will require ongoing monitoring and evaluation. After the first two years (October 2023–October 2025), the Strategy will undergo a mid-point evaluation. The outcomes or activities may be adjusted, to ensure that the Strategy meets the changing landscape and needs of NSW workplaces.

|  |   |  |   |
|--|---|--|---|
|  | <p><b>Educate</b></p> <p>Raise awareness that NSW businesses have a proactive duty to prevent and respond to workplace sexual harassment as a work health and safety issue.</p> |  | <p><b>Action</b></p> <p>NSW workplaces take effective and systematic actions to prevent and respond to workplace sexual harassment.</p>   |
|  | <p><b>Capability</b></p> <p>NSW workplaces are better equipped to prevent and respond to workplace sexual harassment.</p>   |  | <p><b>Effective regulation</b></p> <p>SafeWork NSW is a more effective regulator, including strengthening and enforcing WHS laws to protect workers from sexual harassment.</p> |

# 4. Guiding Principles

|  |   |  |   |
|--|---|--|---|
|  | <p><b>Prevention-led</b></p> <p>Support NSW workplaces to take prevention-led approaches to address the underlying drivers of workplace sexual harassment.</p>  |  | <p><b>Safety culture</b></p> <p>Build a stronger WHS culture that embeds systematic approaches to managing WHS risks, recognising that workplace sexual harassment often intersects and combines with other psychosocial hazards.</p> |
|  | <p><b>Collaborative</b></p> <p>Strategy activities will be designed through active consultation, engagement and collaboration with stakeholders including workers and their representatives and take a person-centred<sup>15</sup> and trauma-informed approach.<sup>16</sup></p> |  | <p><b>Targeted</b></p> <p>SafeWork NSW will take compliance and enforcement action based on the risk of harm, and make decisions based on robust data, research and evidence.</p>   |

In addition to SafeWork NSW’s efforts, multi-pronged and whole-of-community initiatives will be needed to end sexual harassment. The Strategy complements and builds on broader efforts, including the SafeWork NSW Psychological Health and Safety Strategy, [Australian Work Health and Safety Strategy 2023–2033](#) and other initiatives to end sexual harassment.<sup>17</sup>

15. Person-centred: A person-centred approach is a way of providing services or support that focuses on the individual needs and preferences of a person. This approach involves treating the person as an active participant in the process.

16. A trauma-informed approach recognises the prevalence of trauma and its impacts on the emotional, psychological and social well-being of people and communities. The goal of this approach is to avoid re-traumatising individuals and taking into account the safety, choice and control of people impacted by workplace sexual harassment.

17. This includes The National Plan to End Violence against Women and Children 2022-2032, NSW Sexual Violence Plan 2022-2027, NSW Domestic, Family and Sexual Violence Primary Prevention Strategy, NSW Women’s Strategy 2023-2026 and International Labor Organization C190 - Eliminating Violence and Harassment in the World of Work 2019.

## 5. Focus areas

In addition to uplifting awareness and capability across NSW workplaces, strategic focus will be undertaken with certain worker groups and industries. Increased support for small and medium business will also be provided.

### High-risk worker groups

Sexual harassment can affect any worker. Some worker groups are exposed to a higher risk of, or are disproportionately affected by, workplace sexual harassment. Focused support will be considered for these groups, which include:

- Women
- Younger workers
- LGBTQIA+ workers
- Workers with a disability
- First Nations and Aboriginal and Torres Strait Islander peoples

It is also recognised that certain workers may face other forms of discrimination and disadvantage that can combine (intersect) and increase their exposure to, and harm from, workplace sexual harassment. This may include workers from culturally and linguistically diverse (CALD) and culturally and racially marginalised (CARM) backgrounds and people in insecure work arrangements (such as casual, migrant and gig economy workers).

### Focus Industries over the next four years



Accommodation and food services (hospitality)



Health care and social assistance



Retail

These focus industries were based on several factors including reported prevalence of workplace sexual harassment, reported workplace incident data, workers' compensation claims data, research, data, stakeholder feedback, proportion of high-risk worker groups and workplace factors that pose a higher risk (including high contact by workers with third parties and highly hierarchical environments).

SafeWork NSW will continue to support initiatives across the Public Administration and Construction sectors including by the NSW Public Service Commission and the NSW Government's Women in Construction program.

SafeWork NSW will consider other focus industries and at-risk worker groups in response to emerging issues, risk of harm, latest data and evidence, agency priorities and stakeholder feedback.



## 6. Proposed Activities

SafeWork NSW will deliver a range of broad and targeted activities to achieve the four Strategic Outcomes. The initial proposed activities are summarised below, developed in consultation with stakeholders.

When designing the activities SafeWork NSW will take into account:

- focus areas listed in section 5
- designing targeted resources for businesses and certain workers (such as managers, bystanders or health and safety representatives)
- ensuring any activities are accessible, easy to understand, practical and consider diverse audiences particularly those from CALD and CARM backgrounds
- current knowledge gaps and build on existing efforts.

### Activity topics and themes

Communications, resources and tools may focus on the following topics and themes (non-exhaustive):

- What is workplace sexual harassment?
- What are the drivers, causes and impacts of workplace sexual harassment?
- what are the rights and responsibilities of NSW workers and how can they report sexual harassment safely?
- What are the risks within different industries, workplace settings and worker groups?
- How can workplace sexual harassment be identified and managed as a WHS issue?
- What are the roles and responsibilities of NSW businesses, workers, bystanders, health and safety representatives and other duty holders?
- How to respond to emerging harms such as online workplace-related sexual harassment?
- Case studies on what compliance and best practice looks like as well as lessons learned
- How should workplaces respond to reports and incidents of workplace sexual harassment?
- How can businesses support injured workers to return and recover at work?



# Activities to support Strategic Outcomes

## Educate, Capability, Action

The proposed activities listed below will help ensure that NSW businesses:



are aware of their proactive duty to address, including prevent and respond to, workplace sexual harassment as a WHS issue  
**(Outcome 1: Educate)**



are equipped to address workplace sexual harassment  
**(Outcome 2: Capability)**



take effective and systematic actions to address workplace sexual harassment  
**(Outcome 3: Action)**

### 1. Deliver broad and targeted education and awareness-raising campaigns to NSW workplaces:

for example, launch multiple cross-channel education and awareness campaigns, active engagement at conferences, roundtables and relevant public and stakeholder events to boost awareness and share insights and research on prevention-led approaches.

### 2. Deliver broad and targeted resources to NSW workplaces:

for example, develop guidance on workers' rights and businesses' obligations and review existing resources to understand gaps to inform future resources.

### 3. Provide broad and targeted support to NSW workplaces to implement advice and education:

for example, collaborate with industry bodies to develop industry-specific resources such as 'industry packs', support Health and Safety Representatives on prevention and response and encourage NSW business leaders to make public commitments on preventing sexual harassment and to report on their progress.

### 4. Share tools and resources from relevant providers:

to avoid duplication and to build on existing resources including launching a dedicated website to host and share resources.

### 5. Support knowledge-sharing mechanisms for NSW workplaces:

to share experiences, insights and resources for example through mentoring and peer-to-peer collaboration, support peak bodies to include segments about workplace sexual harassment at relevant events and share case studies to showcase good practice and lessons learned.

### 6. Support NSW workplaces to measure actions taken to prevent workplace sexual harassment as a WHS issue:

SafeWork NSW will support NSW workplaces to measure, assess and improve actions taken to prevent workplace sexual harassment. This could include promoting and facilitating tools to help businesses identify areas for improvement or of potential risk.

# Effective Regulation

SafeWork NSW will be a more responsive and effective regulator of workplace sexual harassment. This includes providing advice and support to help businesses, industry and workers prevent sexual harassment.

SafeWork NSW will also assess whether businesses, officers and other duty holders under WHS Laws have taken the necessary steps within their roles to address workplace sexual harassment.

## 7. Uplift internal SafeWork NSW capability:

this includes the establishment of a specialist SafeWork NSW team on gender-based harmful workplace behaviours, ongoing education resources for the SafeWork NSW workforce and improving data collection activities to inform system and process improvements.

## 8. Improve ability for NSW workers and businesses to report workplace sexual harassment to SafeWork NSW:

this could include providing resources, identifying barriers to reporting, improving reporting systems and helping NSW workers and businesses navigate different agencies involved in responding to workplace sexual harassment.

## 9. Improve SafeWork NSW's regulatory response to workplace sexual harassment:

SafeWork NSW will improve the quality and consistency of its response to workplace sexual harassment matters. This could include informing the public about initiatives undertaken to address workplace sexual harassment, developing tools and resources to assist the SafeWork NSW Inspectorate to advise duty holders and assess compliance and share learnings on compliance activities.

## 10. Undertake strategic and risk-based compliance and enforcement activities:

this could include conducting proactive and targeted compliance visit programs to support early detection of risk, and intervening to address serious risk and harm.

## 11. Strengthen the WHS policy and regulatory environment:

SafeWork NSW will engage with other government agencies, including other WHS regulators, to improve regulatory responses. This could include through improved interagency information sharing and referrals and strengthening the WHS policy and regulatory environment. SafeWork NSW will also engage with the State Insurance Regulatory Authority (SIRA) and workers compensation insurers such as iCare to improve recovery at work outcomes post injury.



### Table: proposed activities for each outcome

As several activities support more than one Outcome, the table below illustrates which Outcomes are supported by which activities.

### Table Key:

✓ The activity relates primarily to this outcome

✓ The activity also relates to this outcome.

| Activities   | Educate | Capability | Action | Effective Regulation |
|--|---------|------------|--------|----------------------|
| 1. Deliver broad and targeted education and awareness-raising campaigns to NSW workplaces                | ✓       | ✓          |        |                      |
| 2. Deliver broad and targeted resources to NSW workplaces  | ✓       | ✓          |        |                      |
| 3. Provide broad and targeted support to NSW workplaces to implement advice and education                |         | ✓          | ✓      |                      |
| 4. Share tools and resources from relevant providers   | ✓       | ✓          | ✓      |                      |
| 5. Support knowledge-sharing mechanisms for NSW workplaces   | ✓       | ✓          | ✓      |                      |
| 6. Support NSW workplaces to measure actions taken to prevent workplace sexual harassment as a WHS issue | ✓       | ✓          | ✓      |                      |
| 7. Uplift internal SafeWork NSW capability   | ✓       | ✓          | ✓      |                      |
| 8. Improve ability for NSW workers and businesses to report workplace sexual harassment to SafeWork NSW  | ✓       | ✓          | ✓      | ✓                    |
| 9. Improve SafeWork NSW's regulatory response to workplace sexual harassment                             | ✓       | ✓          | ✓      | ✓                    |
| 10. Undertake strategic and risk-based compliance and enforcement activities                             | ✓       | ✓          | ✓      | ✓                    |
| 11. Strengthen the WHS policy and regulatory environment   | ✓       | ✓          | ✓      | ✓                    |

# 7. What does a safe and respectful workplace look like



## Exceptional Leadership

Leaders who embody respectful behaviours, and actively champion a culture that embraces gender equality, inclusion and diversity.



## Comprehensive Risk Management

Implementing the recommended four-step risk management process is crucial (see page 12). This involves the identification, assessment, and control of any potential risks related to workplace sexual harassment, followed by periodic reviews to ensure effectiveness.



## Trust and Accountability

Trust and accountability at every level of the organisation including empowering workers to speak up about harmful behaviours and taking early action in response to reports.



## Effective Work Design and Systems

Addressing workplace hazards and risks can be more effectively and efficiently achieved through improved design of the work, workplace, and systems of work. Applying 'systems thinking' can help duty holders to better identify which work design control options are important to workers' health and safety.



## Proactive Engagement

Proactive and regular engagement with workers is key. Open channels of communication promote trust and facilitate the exchange of ideas and concerns.



## Supportive Return and Recovery

Offering a safe and supportive return-to-work process after injuries occur, aiding in their recovery and reintegration into the workforce.

## 8. Glossary

|  |  |
|--|--|
| <b>Business</b>                                  | Refers to persons conducting a business or undertaking (PCBUs) as defined under section 5 of the <i>Work Health and Safety Act 2011</i> (NSW). The term refers to various forms of modern working arrangements and can include private companies, government departments and partnerships. Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU.  |
| <b>CALD</b>                                      | This refers to cultural, linguistic and ethno-religious diversity. We recognise current conversations on inclusive language, including research on culturally and racially marginalised (CARM) women by the Diversity Council Australia. <sup>18</sup>   |
| <b>Discrimination</b>                            | Discrimination happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. This can include direct or indirect discrimination on the basis of sex, gender or sexuality.  |
| <b>Gender-based harassment</b>                   | Gender-based harassment is any unwelcome conduct of an offensive or demeaning nature by reason of the person's gender, sex, or sexuality, in circumstances in which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment is a form of gender-based harassment.  |
| <b>Gender-based harmful workplace behaviours</b> | Gender-based harmful workplace behaviours are where such conduct is directed at or affects a person at work because of their gender, sex or sexuality, or because they do not adhere to socially prescribed gender roles – that is, traditional societal ideas about how men and women 'should' look or act or their roles at work or home. Workplace sexual harassment is a type of gender-based harmful workplace behaviour.   |
| <b>Gendered violence</b>                         | <p>Gendered violence is a broad term that captures any behaviour directed at any person or that affects a person because of their sex, gender or sexuality, or because they do not adhere to socially prescribed gender roles. For example, this includes violence targeted at someone because they identify as lesbian, gay, bisexual, transgender, intersex, queer or asexual (LGBTIQ+).</p> <p>Socially prescribed gender roles are society's traditional ideas about how men and women should look or act, what characteristics they should have, or their roles in the workplace, home or public life. Sexual harassment is a form of gender-based or sex-based harassment.</p> |
| <b>Harmful workplace behaviours</b>              | Harmful workplace behaviours are a common type of workplace hazard that create risks to health and safety and can lead to psychological (mental) or physical harm (also referred to as a 'psychosocial' hazard). This may include sexual harassment, bullying, racism and ageism.  |
| <b>LGBTIQ+</b>                                   | Lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual, and more.   |
| <b>Person-centred</b>                            | Refers to providing services or support that focuses on the individual needs and preferences of a person. This approach involves treating the person as an active participant in the process.  |
| <b>Proactive or positive duty</b>                | Refers to the WHS legal obligation that requires businesses to be continually proactive in eliminating or minimising WHS risks so far as reasonably practicable, rather than responding only after incidents occur.  |
| <b>Psychological harm</b>                        | Includes psychological injuries and illnesses caused by a single exposure or event, or multiple or long-term exposure. This can include occupational burnout, anxiety, depression or post-traumatic stress disorder (PTSD).  |

18. Diversity Council Australia (V. Mapedzahama, F. Laffernis, A. Barhoum, and J. O'Leary), *Culturally and racially marginalised women in leadership: A framework for (intersectional) organisational action*, Diversity Council Australia, 2023.

|                                    |  |
|------------------------------------|--|
| <b>Psychosocial hazards</b>        | As defined under clause 55A of the <i>Work Health and Safety Regulation 2017</i> (NSW) it is a workplace hazard that arises from, or relates to: <ul style="list-style-type: none"> <li>• the design or management of work, or</li> <li>• a work environment, or</li> <li>• plant at a workplace, or</li> <li>• workplace interactions or behaviours, and</li> </ul> may cause psychological and/or physical harm. <sup>19</sup> |
| <b>Psychosocial risks</b>          | As defined under clause 55A of the <i>Work Health and Safety Regulation 2017</i> (NSW) it is a workplace risk to the health or safety of a worker or other person arising from a psychosocial hazard. <sup>20</sup>  |
| <b>Requestor</b>                   | A requestor is anyone who has contacted SafeWork NSW to report an incident, seek information or who is part of a workplace investigation. They may also be referred to as the complainant, harassed, victim and/or survivor and may include the requestor's representative (such as a union representative, parent, colleague).  |
| <b>SafeWork NSW</b>                | SafeWork NSW is the WHS regulator for NSW except in relation to NSW mine or petroleum sites where the Resources Regulator is the WHS regulator.  |
| <b>Sexual harassment</b>           | Is defined under section 28A of the <i>Sex Discrimination Act 1984</i> (Cth) and refers to any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.  |
| <b>Small and medium business</b>   | <b>Small businesses:</b><br>Businesses with less than 20 full time employees (including local businesses, sole traders and start-ups).<br><b>Medium businesses:</b><br>Businesses with 20-199 full time employees.   |
| <b>Systematic action</b>           | Refers to regular, holistic and integrated actions to identify, assess, control, monitor and review WHS risks.   |
| <b>Trauma-informed</b>             | An approach that recognises the prevalence of trauma and its impacts on the emotional, psychological and social well-being of people and communities. The goal of this approach is to avoid re-traumatising individuals and supporting safety, choice and control.   |
| <b>WHS Laws</b>                    | WHS Laws means the <i>Work Health and Safety Act 2011</i> (NSW) and the <i>Work Health and Safety Regulation 2017</i> (NSW) and does not refer to the separate WHS laws governing mines and petroleum sites.   |
| <b>Work design</b>                 | Work design also known as work redesign or design of work is a methodical process to understand the work context, work content and work-related risks. <sup>21</sup>   |
| <b>Worker</b>                      | A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking (see section 7 of the <i>Work Health and Safety Act 2011</i> (NSW) for full list of types of workers).   |
| <b>Workplace</b>                   | A workplace is defined under section 8 of the <i>Work Health and Safety Act 2011</i> (NSW) as any place where work is carried out for a business or undertaking and any place where a worker goes, or is likely to be, while at work. A workplace can include a vehicle, vessel, aircraft, mobile structure or any installation on water that a worker might be at while at work.  |
| <b>Workplace sexual harassment</b> | Sexual harassment that occurs in connection with work.   |

19. Work Health and Safety Regulation 2017 (NSW), cl 55A.

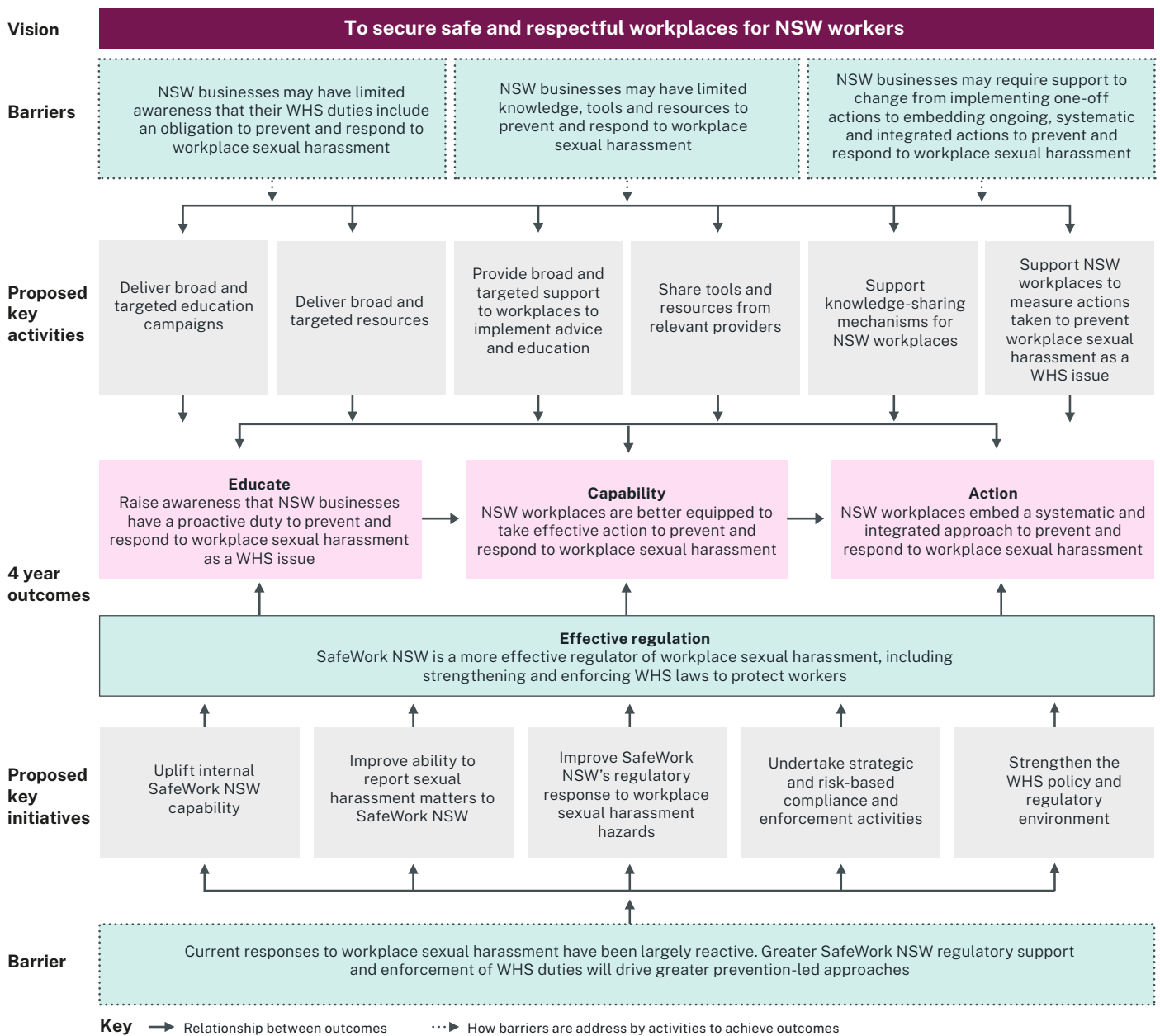
20. Work Health and Safety Regulation 2017 (NSW), cl 55B.

21. For further information, please see Safe Work Australia's Principles of Good work design and the NSW Code of Practice – Managing psychosocial hazards at work.

# Annex – Strategy Theory of Change

This Theory of Change communicates the relationships between the Strategic Outcomes, and highlights the mechanisms to explain why a key activity is expected to achieve a particular Outcome.

The Strategic Outcomes follow a narrative structure, and there are dependencies between the Outcomes (i.e. businesses need to be aware of their positive duty in order to act effectively). The key activities within each of the Strategic Outcomes are designed to overcome specific barriers. Linking key activities to specific barriers communicates how and why the activities are expected to achieve the Outcome. The barriers and activities are not exhaustive and are illustrative only – they will be considered throughout the Strategy’s implementation.



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## More information

Join our mailing list to stay informed.

E: [respectatwork@safework.nsw.gov.au](mailto:respectatwork@safework.nsw.gov.au)

W: [nsw.gov.au/respect-at-work](http://nsw.gov.au/respect-at-work)

This publication may contain information about the regulation and enforcement of work health and safety in NSW. It may include some of your obligations under some of the legislation that SafeWork NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation. Information on the latest laws can be checked by visiting the NSW legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au). This publication does not represent a comprehensive statement of the law as it applies to particular situations or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.



