

Overview

This Spotlight is on workplace sexual harassment in Australia and the resources available for employers and employees to address it. For information on related topic areas such as online gendered harassment see our previous [Connectors](#).

Under Victoria's *Equal Opportunity Act 2010* (Vic) s 92, sexual harassment is defined as unwelcome sexual behaviour, which could reasonably be expected to make a person feel offended, humiliated or intimidated.¹ It can include physical, verbal or written behaviours, such as intrusive questions about someone's private life or appearance; sexually suggestive jokes; touching or brushing up against someone; or sexually explicit emails or posts on social networking sites.

Employers are legally responsible for acts of sexual harassment by their employees or agents, unless they can show they have taken reasonable precautions to prevent such acts. Employers also have a duty to be proactive and take steps to prevent it from occurring in the first place.

Women are more likely than men to be the victims of sexual harassment. In Australia, one in four women (25% of women) and 16% of men has experienced sexual harassment in the workplace.² Men are most often the perpetrators - for example, a national survey found that 79% of harassment (of men and women) was by a male.²

Sexual harassment is more likely to occur in male-dominated workplaces.³ Younger women, those in junior roles or in precarious employment,² are frequently the targets of sexual harassment. However, studies also find that in some workplace contexts, women in positions of authority may be more likely to be targeted than those in junior roles.⁴

The impacts of sexual harassment on victims include harm to physical and mental health, isolation and exclusion within the workplace, financial consequences and reduced opportunities for professional advancement.⁵ A national survey found it was reported by only 20% of victims.² Barriers to reporting include a fear of not being believed, the risk of negative consequences for their career or reputation, a belief that the behaviour is not 'serious enough' and/or that reporting will make no difference.

In Victoria, people who have been sexually harassed can contact the [Victorian Equal Opportunity and Human Rights Commission](#) (VEOHRC) for free information and dispute resolution. [The Australian Human Rights Commission](#) also have a complaint handling service.

Violence prevention programs are offered by women's health services and others, to assist workplaces to prevent and address sexual harassment and other forms of violence against women.⁶ In addition, VEOHRC provides education and consultancy options for workplaces and employees.

WHV thanks the following expert reviewers for their input:

- Dr Skye Saunders, Australian National University College of Law
- Kylie Smith and Gina Squatrito, Victorian Equal Opportunity and Human Rights Commission
- Pia Cerveri, Victorian Trades Hall Council

Prevalence in Australian workplaces

[Working without fear : results of the 2012 sexual harassment national telephone survey](#) Australian Human Rights Commission, 2012

[Change the course : national report on sexual assault and sexual harassment at Australian universities](#) Australian Human Rights Commission, 2017

[Independent review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police : phase one report](#) Victorian Equal Opportunity and Human Rights Commission, 2015

[Review into the treatment of women in the Australian Defence Force : phase 2 report](#) Australian Human Rights Commission, 2012

[Cultural change : gender diversity and inclusion in the Australian Federal Police](#) Elizabeth Broderick and Co., 2016

[Survey exposes sexual harassment crisis in hospitality industry](#) United Voice, 2017

[Prevalence of bullying, discrimination and sexual harassment in surgery in Australasia](#) ANZ Journal of Surgery, 2015

Current policy and legislative context

[Section 92 : What is sexual harassment?](#) *In:* Equal Opportunity Act 2010 (Vic.) Victorian Consolidated Legislation, 2015

[Division 3: Sexual harassment](#) *In:* Sex Discrimination Act 1984 (Cth.) Australian Consolidated Acts, 2015

Nature and dynamics in workplaces

[Unwanted sexual advances at work : variations by employment arrangement in a sample of working Australians](#) Australian and New Zealand Journal of Public Health, 2009

[Sexual harassment, workplace authority, and the paradox of power](#) American Sociological Review, 2012

Impact on victims

[Harmful workplace experiences and women's occupational well-being : a meta-analysis](#) Psychology of Women Quarterly, 2015

[The impact of sexual harassment on depressive symptoms during the early occupational career](#) Society and Mental Health, 2011

Recourse and resources for victims and bystanders

[Sexual harassment](#) Victorian Equal Opportunity and Human Rights Commission, 2017

[Know your rights : sex discrimination and sexual harassment](#) Australian Human Rights Commission, 2017

[Recognising and responding to sexual harassment in the workplace : information for employees](#) Australian Human Rights Commission, 2014

[Sexual Assault Crisis Line Victoria \(SACL\)](#) Royal Women's Hospital, 2017

Guidelines for employers

[Guideline : Sexual harassment : complying with the Equal Opportunity Act 2010](#) - 2nd ed. - Victorian Equal Opportunity and Human Rights Commission, 2014

[Sexual harassment know where the line is : for employers](#) Australian Human Rights Commission, 2014

[Ending workplace sexual harassment : a resource for small, medium and large employers](#)
Australian Human Rights Commission, 2014

Prevention and promising practice

[Sexual harassment : know where the line is \[Website\]](#) Australian Human Rights Commission, 2014

[Respect. Now. Always. \[Universities Australia campaign to address campus sexual harassment and sexual assault\]](#) Universities Australia, 2017

[Stop gendered violence at work : Women's Rights At Work report](#) Victorian Trades Hall Council, 2016

[Promising practices in workplace and organisational approaches for the prevention of violence against women : report prepared for Our Watch](#) RMIT University, 2015

[Part 2: Sexual harassment from the perspective of bystanders](#) *In: Encourage, support, act! : bystander approaches to sexual harassment in the workplace* Australian Human Rights Commission, 2012

[Preventing violence against women in the workplace : an evidence review : full report](#) VicHealth, 2012

References

1. The Commonwealth, and every Australian state and territory has its own equivalent law which prohibits sexual harassment. For more information, see: Australian Human Rights Commission (AHRC) (2014) [A quick guide to Australian discrimination laws](#). Australian Human Rights Commission, Sydney.
 2. Australian Human Rights Commission (AHRC) (2012). [Working without fear : results of the 2012 Sexual harassment national telephone survey](#). Australian Human Rights Commission, Sydney.
 3. Saunders S, Easteal P (2013). [The nature, pervasiveness and manifestations of sexual harassment in rural Australia : does 'masculinity' of workplace make a difference?](#) Women's Studies International Forum, 40 : 121–131.
 4. Wynen, J (2016). [Sexual harassment : the nexus between gender and workplace authority : evidence from the Australian public service](#). Australian Journal of Public Administration, 75(3), 345-358.
 5. Sojo, VE, Wood RE, Genat, AE (2015). [Harmful workplace experiences and women's occupational well-being : a meta-analysis](#). Psychology of Women Quarterly 23.
 6. For example, Women's Health Victoria's [Take a Stand](#) program.
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