

# Know your rights and responsibilities: sexual harassment



We all have rights and responsibilities and want safe, respectful, and healthy relationships, communities and workplaces. We all have the right to live free from violence, including sexual harassment. In Australia, sexual harassment is not tolerated and there are laws to protect those affected by sexual harassment.

## SUMMARY

- Sexual harassment is unwanted sexual behaviour, including touching, kissing or hugging, sexual comments, jokes, or showing offensive content to you or others.
- Sexual harassment in the workplace or other public places is against the law – you could lose your job or face criminal charges.
- If you are a victim of sexual harassment, it is never your fault, and you have the right to seek help and speak to someone about what happened.

## What is sexual harassment?

Sexual harassment is any conduct of a sexual nature that is unwanted or unwelcomed, and which has a purpose or effect of being offensive, degrading, humiliating or intimidating, where a reasonable person would find the conduct offensive, degrading, humiliating or intimidating in the circumstances.

The person harassing you may be unaware that their behaviour is causing distress or offence. However, if you feel uncomfortable, offended or threatened by their behaviour, it is still considered sexual harassment and you have a right to be protected from it.

Sexual harassment can be written, verbal or physical, and can happen in person, over the phone or online. It can include sexual contact - like unwanted touching, hugging, or kissing. However, it does not have to be physical, and can also include sexual comments, inappropriate jokes, or showing offensive material to you or others. Image-based abuse is when someone shares, or threatens to share, intimate images without the consent of the person in the photo. This is a crime in Australia and can be reported to police. You can visit the [eSafety Commissioner website](#) and refer to this [Pacific Australia Labour Mobility \(PALM\) scheme fact sheet](#) to learn more about technology facilitated abuse, image-based abuse and laws on consent.

Sexual harassment is a much broader term than sexual assault and refers to a wider variety of inappropriate sexual behaviours. It must be unwelcomed – behaviours such as flirting that you agree or consent to is not sexual harassment. Learn more about sex and consent [here](#).



## SEXUAL HARASSMENT CAN INCLUDE SOMEONE:

- touching, grabbing or making other physical contact with you without your consent
- making comments to you that have a sexual meaning
- asking you for sex or sexual favours
- leering and staring at you
- displaying rude and offensive material so that you or others can see it
- making sexual gestures or suggestive body movements towards you
- making sexual jokes and comments around or to you
- questioning you about your sex life
- insulting you with sexual comments
- behaving on a phone call in a way that makes you feel uncomfortable
- indecently exposing themselves to you
- sexually assaulting you.

## Who is affected by sexual harassment?



Sexual harassment can affect anyone. The Australian Human Rights Commission<sup>1</sup> national survey on sexual harassment in Australian workplaces found that 71% of Australians have experienced sexual harassment at some point in their lives, and one third of Australians report experiencing sexual harassment in the workplace.

Sexual harassment is not confined to workplaces but can take place in many other areas, including public spaces, social venues and online contexts.

## Sexual harassment and the law



To be free from sexual harassment is a human right, a workplace right and a safety right. In Australia, it is against the law for a person to sexually harass anyone else in many areas of public life.

Extreme forms of sexual harassment, including sexual assault and indecent exposure, are also crimes and should be reported to the police. Criminal offences may result in penalties such as fines or jail time and could affect your ability to stay in Australia.

Learn more about sex and consent [here](#) and more about domestic and family violence [here](#).

## Sexual harassment in the workplace



Sexual harassment in connection to employment can be considered serious misconduct and can be a valid reason for dismissal. A connection to employment can include incidences that happen outside of work hours and outside of the workplace. Therefore, a connection to the workplace is enough for it to be considered a sexual harassment in connection to employment. Some forms of sexual harassment could constitute criminal offences and should be reported to the police.

Employers have a responsibility to take all reasonable steps to prevent sexual harassment in employment, such as implementing a sexual harassment policy and providing training or information on sexual harassment.

### WHAT CAN I DO IF I'M EXPERIENCING SEXUAL HARASSMENT AT WORK?



raise the issue directly with the harasser and tell them that their behaviour is unwelcome



talk to a friend or colleague for support



make a complaint to your manager/employer



contact a community legal centre or working women's centre for legal advice



contact 1800 RESPECT for telephone and online counselling, information and referral



contact the Australian Human Rights Commission or state and federal anti-discrimination agencies for information or to make a complaint

## What can I do if I am being sexually harassed?



You do not have to put up with sexual harassment - there are things you can do if you think someone is sexually harassing you in or outside of work. You can raise it directly with the harasser or speak to your employer or a friend, colleague, church minister or trusted community member for support.

## What support services are available?

If you have experienced sexual harassment, you might feel stressed, anxious or depressed. It's important to know that support is available. There are many services in Australia that give support to people experiencing sexual harassment. You might consider support for:



**personal safety and security**, you can call or go to your local police station



**healthcare providers** with the expertise to respond appropriately to workplace sexual harassment



**professional crisis services**, such as sexual assault support services



**mental health helplines** to promote recovery and provide counselling support



**legal assistance** can help you understand the law and representation in sexual harassment matters.



## Where to get help or talk to someone

If you've been sexually assaulted and you want to make a complaint, you should report it to the police as soon as possible. If you are unsafe or it is an emergency call 000. You can also get support from a sexual assault support service, such as 1800RESPECT on 1800 737 732.

## Can someone from the PALM scheme help me?

Adjusting to life in another country can be difficult but support and resources are available to help you. If you have questions about adjusting to life in Australia, you can ask your employer. If they don't know the answer, they can tell you who to talk to, including other PALM scheme supports such as:



### Country liaison officer (CLO) or labour attachés

You can find all current CLO contact details on the PALM website (<https://www.palmscheme.gov.au/contact>).










### PALM support service line on (1800 51 51 31), or email ([support@pacificlabourfacility.com.au](mailto:support@pacificlabourfacility.com.au))

Please note the support service line and email inbox are monitored 8.30am – 6.30pm AEST - calls after hours should be for critical incidents only.



# How can I get more information or confidential professional help?







If you or someone you know wants to find out more information about sexual harassment while in Australia, you can contact the following information and support services in the table below. These organisations can help you or point you in the right direction to find a service that is relevant to your needs and accessible to you.

KEY REFERRAL AND SUPPORT SERVICES IN AUSTRALIA		
SERVICE	WHAT DOES IT DO?	CONTACT INFORMATION
<b>Emergency services</b>	Triple zero (000) is Australia's main emergency service number. You should <b>call 000 if you need urgent help</b> from police, fire or ambulance services.	 Phone: 000 Nationwide, 24/7
<b>Local police or ambulance service</b>	If a situation is not urgent, you should look up the number of your <b>local police, fire or ambulance service</b> .	 To find your local police station, search 'Find my local police station in [your region]'.
<b>Health Direct</b>	The best way to find a doctor near you is to visit Health Direct website. You can use their service finder to look for help nearest to you – select 'GP – General Practice' under services and enter your postcode to find the doctor service closest to you, or search 'sexual harassment' under the 'health topics A – Z tab'.	 Call: 1800 022 222 Nationwide, 24/7  Web service finder: <a href="https://www.healthdirect.gov.au/australian-health-services">https://www.healthdirect.gov.au/australian-health-services</a>  Web information on sexual harassment: <a href="https://www.healthdirect.gov.au/sexual-harassment">https://www.healthdirect.gov.au/sexual-harassment</a>
<b>1800RESPECT</b>	If you need to talk to a professional counsellor about domestic or family violence or sexual assault, this organisation provides a free confidential support line service and a web-based chat support service. You can go to their web page to <b>find services</b> to assist you and <b>information</b> about healthy relationships.	 Phone: 1800 737 732 Nationwide, 24/7  Web: <a href="https://www.1800respect.org.au/">https://www.1800respect.org.au/</a>

## KEY REFERRAL AND SUPPORT SERVICES IN AUSTRALIA

SERVICE	WHAT DOES IT DO?	CONTACT INFORMATION
<p><b>Reach Out</b></p>	<p>Reach Out is an online self-help information, peer-support program and referral tools to help people be well and stay well.</p> <p>If you want more information on sexual harassment, like what to do and who to contact, visit Reach Out website.</p>	<p> Visit their website <a href="https://au.reachout.com">https://au.reachout.com</a> for more information on:</p> <p><a href="#">What is sexual harassment?</a></p> <p><a href="#">5 ways you can call out your mates for sexist behaviours</a></p>
<p><b>Beyond Blue</b></p>	<p>Beyond Blue is a mental health support organisation. Their website provides information about mental health and wellbeing, and available support services and how to access them. They provide confidential counselling by phone or web-based chat. Visit the website for more information.</p>	<p>Phone: 1300 22 46 36</p> <p>Nationwide, 24/7</p> <p>Web: <a href="#">https://Get mental health support - Beyond Blue</a></p>
<p><b>The Fair Work Commission (FWC)</b></p>	<p>The Fair Work Commission (FWC) is the national workplace relations tribunal that deals with applications to stop sexual harassment at work under the Fair Work Act, and their website has information and guidance about making applications to stop sexual harassment at work.</p> <p>Find out about your options to stop sexual harassment at work. Also learn how to respond to an application about sexual harassment at work and how the Fair Work Commission deals with applications.</p>	<p> <a href="https://www.fwc.gov.au/issues-we-help/sexual-harassment">https://www.fwc.gov.au/issues-we-help/sexual-harassment</a></p> <p><a href="#">What is sexual harassment at work?</a></p> <p><a href="#">What to do if you are sexually harassed at work</a></p> <p><a href="#">Respond to an application about sexual harassment at work</a></p>

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<p><b>The Australian Human Rights Commission</b></p>	<p>The Australian Human Rights Commission investigates and conciliates complaints about discrimination and breaches of human rights.</p> <p>If you believe you have experienced sexual harassment, you can contact the Australian Human Rights Commission's National Information Service or make a complaint online.</p>	<p> Rights Commission's National Information Service: 1300 656 419.</p> <p> Make a complaint online at <a href="http://www.humanrights.gov.au/complaints/make-complaint">http://www.humanrights.gov.au/complaints/make-complaint</a></p> <p> Or visit the website, <a href="https://humanrights.gov.au/">https://humanrights.gov.au/</a> , for more information on:</p> <p><u><a href="#">Sexual Harassment</a></u></p> <p><u><a href="#">Recognising and responding to sexual harassment in the workplace: Information for employees</a></u></p> <p><u><a href="#">Know your rights: Sex discrimination and sexual harassment (2012)</a></u></p>
<p><b>eSafety Commissioner</b></p>	<p>eSafety helps Australians prevent and deal with harm caused by serious online abuse or illegal and restricted online content. Go to their website to find out how to report image based abuse, remove content, report to the police etc.</p>	<p> Visit the website, <a href="https://www.esafety.gov.au/key-issues/image-based-abuse">https://www.esafety.gov.au/key-issues/image-based-abuse</a></p> <p>Fact sheet:</p> <p><u><a href="#">Online safety for parents and carers</a></u></p> <p><u><a href="#">Young peoples guide to dealing with online sexual harassment and image-based abuse</a></u></p>

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