



Sexual harassment for SMEs

In 2018, sexual harassment was estimated to cost Australia \$3.8 billion. Two in five women and one in four men experienced sexual harassment in the workplace in the previous five years. The impact it has on individuals can include lower employee morale and productivity, more sick days, and damage to business reputations.

Are your staff at risk?

Some businesses may be at greater risk if some of the following are true:

- The business employs a lot more men than women.
- The industry is male-dominated.
- There is a high level of contact with customers/clients.
- There are opportunities for harassment to happen, e.g. off-site or remote work, alcohol at workplaces or events.
- Staff are not trained in understanding sexual harassment.
- Sexist behaviour is tolerated.
- There are no sexual harassment policies or complaints procedures.
- There are more personal interactions between employees in smaller businesses.
- Smaller businesses do not have trained staff to handle complaints.

The Australian Human Rights Commission runs a campaign called [Know the Line](#). This has resources businesses can use to educate their staff about appropriate behaviour.

Your legal obligations as an employer

The laws about sexual harassment can be confusing. As an employer you need to know that, you may face legal action under the Sex Discrimination Act if:

- You sexually harass an employee or customer/client.
- You allow sexual harassment by another staff member or by a customer to happen.
- Your employee perpetrates sexual harassment.
- The victim of harassment is unfairly treated (victimisation).

Other legislation under which you may face legal action includes:

Equal Opportunity Act – sexual harassment of co-workers, applicants, suppliers, customers, students, members. Victimisation of a person who complains.

Criminal Offences – sexual or physical assault or indecent exposure.

Fair Work Act – victimisation of a person who complains.

Work Health and Safety Act – you did not take steps to prevent sexual harassment.

Preventing sexual harassment in your workplace

- Consider a staff survey or this [checklist](#) to check if your business promotes respect for all employees. Check if employees feel comfortable to raise issues or make complaints.
- Tell your staff about sexual harassment policies and procedures for complaints.
- If you have policies and procedures in place for dealing with inappropriate behaviour by customers, ensure they include sexual harassment of staff. If not, consider developing them.
- Regularly train all employees to recognise and challenge sexual harassment.
- Challenge sexual harassment whenever you see it.
- Encourage and support your employees to challenge sexual harassment.
- Talk regularly with your employees about how they should behave. Use resources like [Words At Work](#) and [We Set the Tone](#) to help you guide discussions in staff meetings.
- Be honest about sexual harassment and sexism in your workplace if you are sure that female employees will not be victimised as a result of these discussions.

“Nothing about her without her”

Working Women’s Centres use this phrase to remind people that responses to sexual harassment should always consult the victim and to take into account their needs:

- Have multiple people victims can go to for complaints so they can choose someone they trust.
- Have formal and informal options for reporting harassment.
- Make sure victims know about what happens when they report.
- Minimise the impact of reporting, e.g. don’t make victims tell the story multiple times.

Our Watch developed the Workplace Equality and Respect program to prevent violence against women. Resources for businesses include a [Staff Survey](#) and [Practice Guides](#) to help you with:

- Understanding risk
- Developing policies
- Responding to victims and perpetrators
- Dealing with resistance to change
- Working in rural, regional and remote areas.



Links

Australian Human Rights Commission – Know the Line
[knowtheline.humanrights.gov.au/employers-info](https://www.knowtheline.humanrights.gov.au/employers-info)

Diversity Council of Australia – Words at Work
www.dca.org.au/research/project/wordsatwork-building-inclusion-through-power-language

Male Champions of Change – We Set the Tone
malechampionsofchange.com/wp-content/uploads/2018/04/We-Set-The-Tone_Eliminating-Everyday-Sexism.pdf

Our Watch – Staff Survey
workplace.ourwatch.org.au/resource/staff-survey/

Our Watch – Practice Guides
workplace.ourwatch.org.au/tools-and-resources/practice-guides/

WorkSafe Victoria – Work-related Gendered Violence (Checklist referred to above)
content.api.worksafe.vic.gov.au/sites/default/files/2020-03/ISBN-Work-related-gendered-violence-including-sexual-harassment-2020-03.pdf

