

Sexual harassment

Information on our work to create safe workplaces and how you can support employees.

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Sexual harassment is unlawful and not tolerated in our workplaces.

Sexual harassment is prohibited by the *Anti-Discrimination Act 1977 (NSW) (Anti-Discrimination Act)* and the *Sex Discrimination Act 1984 (Cth) (Sex Discrimination Act)*. Both these Acts apply to all NSW public sector employees.

Some forms of sexual harassment (e.g., sexual assault, indecent exposure, stalking and obscene communications) may also be criminal offences. These negative behaviours could also amount to misconduct under the *Government Sector Employment Act 2013 (NSW) (GSE Act)*.

Sexual harassment is a work health and safety (WHS) risk. Under the *Work Health and Safety Act 2011 (NSW)*, all NSW Government agencies have a positive duty to prevent sexual harassment, as it is a hazard and risk to employee physical and psychological health.

We all have a responsibility to ensure employees feel safe and supported at work by establishing inclusive and ethical workplace cultures. Together we can foster a world class public service where everyone belongs.

All NSW Government agencies have committed to creating safe workplaces that reflect recommendations from the Commonwealth Respect@Work report. This includes initiatives in reporting, education and training, and prevention and response. Our collective action toward creating safer workplaces is a win for us all.

NSW leadership statement

In March 2023 the NSW Secretaries Board came together and committed to lead the sector, affirming that there is no place for sexual harassment in public sector workplaces, and calling on everyone in the sector to join in committing to a respectful and inclusive workplace culture.

[Download a copy of the statement](#) →

Sexual harassment model policy

We have developed a model sexual harassment policy to help NSW Government agencies create appropriate processes for dealing with incidents of sexual harassment and prevent these negative behaviours from occurring.

The policy was developed in response to recommendations made in the Australian Human Rights Commission National Inquiry into Sexual Harassment in the Workplace report, Respect@Work, Commonwealth and NSW reviews into parliamentary sexual harassment and misconduct, legislative changes, and People Matter Employee Survey results.

The model policy:

- ensures that best practice guiding principles are incorporated into your processes
- positions NSW government as a leader in this space and aligns with our commitment to women's workforce participation and economic security
- provides guidance on updated legislative requirements with consideration to recent amendments to the *Sex Discrimination Act 1984 Cth* (SDA) which means the SDA now applies to State public sector and statutory office holders, assisting agencies to meet the requirements under these amendments.

The implementation of a model policy complements and aligns with the work that will be done as part of **SafeWork NSW Respect at Work Taskforce** announced in the 2022 Budget Women's Economic Opportunity Statement.

Public Service Commissioner's Direction

On 8 May 2023 the NSW Public Service Commissioner issued a Direction requiring all NSW Government Sector agencies to implement a sexual harassment policy.

[View the Commissioner's Direction.](#)

Sexual harassment model policy

Use this template and make adaptations to meet the needs of your workplace. The template provides guidance around consideration of workforce composition, workplace setting and any particular duties your agency may have.

[Download the Model Policy](#) →

Implementation guide

Use this guide to help you implement your sexual harassment policy in your workplace. The guide includes information on key concepts in relation to preventing workplace sexual harassment.

[Download a copy of the implementation guide.](#) →

Mandatory reporting

Some agencies have mandatory reporting requirements in relation to children or adolescents who are suspected to be at risk of significant harm.

It is important for agencies subject to this requirement consider how this may be included in their sexual harassment policies. You need to ensure you consider existing internal policies when developing your sexual harassment policy.

Supporting your staff

SafeWork NSW has developed resources to eliminate or minimise the risk of sexual harassment for your staff and in your workplace.

SafeWork NSW sexual harassment resources

Use these resources to better understand how to create safe workplaces for your employees.



Respect at work resources

Resources to help you understand and foster respectful workplaces.

