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# Support link information assistant: accessible version

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This page contains content on sexual harassment in the workplace.

To access assistance and resources about sexual harassment at work and how to report it, select the scenario that applies to you from the 10 options in the accessing support section.

For more information on sexual harassment and discrimination select a topic from the 5 options in the learn more about sexual harassment and discrimination section.

**Remember, if you need immediate support there are resources available.**

## Accessing support

### Something happened to me ▼

If you have experienced sexual harassment, violence, abuse of power, rape, sexual assault, sex-based discrimination, or even if you aren't sure – support and information is available to you.

Sexual violence, which includes rape and sexual assault, is a serious crime, and there is professional support available.

Due to the nature of your experience, we recommend you **contact the NSW Sexual Violence Helpline via the online chat** or by **calling 1800 424 017**.

Full Stop counsellors are available 24/7, and you can remain anonymous. They can provide support working through options available to you, in addition to counselling.

## I want to know what my options are for making a report

You have a right to feel safe and respected in your workplace. There is support available if you have been harassed, discriminated against, or if someone has made you feel uncomfortable at work.

If you'd like to start the discussion internally, you could try talking with your manager, HR advisor Health and Safety Officer or union representative. It is ok if you do not feel comfortable doing this.

Here are some other supports and options for reporting available:

1. You have a right to report to external organisations such as the **Australian Human Rights Commission**, **Anti-Discrimination NSW**, **Fair Work Commission**, **Safe Work NSW**, or **NSW Police** . These agencies all have different functions and will produce different outcomes.
2. If you feel safe and comfortable to do so, you may decide to raise the incident with the person whose behaviour was inappropriate and offensive.

All of these options are valid, and you may choose your course of action based on whether you are seeking support for yourself or for a team member or colleague, the severity of the offending behaviour, as well as your personal level of comfort.

You may want to consider pursuing one or multiple options for reporting.

When a report is made, the relevant agency (usually the workplace of the person making the report) must follow the procedures in their sexual harassment prevention policy.

If the incident is being resolved by informal resolution, the appropriate manager or HR advisor may contact the person whose behaviour is in question.

If the incident is being investigated formally, it will be investigated in line with this policy.

You may also wish to find out more about the human resource policies in your workplace. You can access these via your agency intranet or by contacting your HR team. You can also **find more information on Sexual Harassment policies** on the NSW Public Service Commission website.

## I want to seek an informal resolution

An informal resolution is when the matter is managed internally, without external agencies, and when there is no formal response or investigation.

This does not mean the matter is not being treated seriously.

The aim of informal resolutions is to quickly stop any escalation or future incidents by educating the person whose behaviour is a problem.

Examples of responding to incidents through informal resolution include:

- A manager speaks directly to the person whose behaviour is the problem.
- An open and respectful mediated conversation between both parties.
- Supporting the person who has experienced the offending behaviour with their preference in system changes, such as moving their workstation or shift changes.
- Additional training for the team on acceptable behaviour and the requirements of the Sexual Harassment Prevention Policy.

You may also wish to find out more about the human resources policies in place at your workplace. You can access these via your agency intranet or by contacting your HR team. You can also [\*\*find more information on Sexual Harassment policies\*\*](#) on the NSW Public Service Commission website.

## I want to know more about formal investigations



A formal investigation is when someone either from within your organisation or from an external agency is appointed to investigate the incident.

All investigations are confidential and must be conducted in a timely, impartial, and fair manner.

The investigation will be conducted with what is known as a 'trauma-informed' approach. This means the investigator understands the sensitivity of these matters and is aware of the potential power imbalances between the people involved.

Support persons are a right for everyone involved – the person making the report, as well as the person whose behaviour is in question.

Generally, agencies will conduct a formal investigation within 90 days of the report being made.

Here's an overview of how formal investigations generally run:

- The person making the report will be interviewed.
- The person whose behaviour is in question will be notified and provided an opportunity to respond in accordance with what's known as 'procedural fairness.' This is to ensure the investigation is facts-based and fair.
- If necessary, statements from witnesses and any relevant evidence will be gathered.
- The investigator will consider all the information and decide whether the claim can be 'substantiated', which means is likely to have happened.
- The investigator will then provide a written report and recommended outcomes to the relevant agency (usually the parties' workplace).
- The agency will then decide upon an appropriate outcome based on the report.

It's good to know that the standard of proof in these investigations is what's known as 'on the balance of probabilities.'

This means that based on the evidence gathered in the investigation, it was determined that it was more likely than not that the incident occurred.

You may also wish to find out more about the policies in place at your workplace. You can access these via your agency intranet or by contacting your HR team. You can also [find more information on Sexual Harassment policies](#) on the NSW Public Service Commission website.

## What is a false, malicious, or vexatious report?

If a report is found to be false or has been created for the purpose of damaging the reputation of a colleague, it is what is known as a ‘vexatious’ or ‘malicious’ complaint.

Vexatious or malicious complaints are serious matters and could lead to further investigation.

Depending on the outcome of the investigation, it may result in disciplinary action.

However, it’s important to note that generally reports are genuine, and not considered vexatious or malicious.

Some people may not want to make a report for fear of retaliation or bullying.

If someone is being bullied or intimidated because of a report they have made, it is considered victimisation and would likely constitute serious misconduct.

This behaviour would need to be further investigated and may also result in disciplinary action.

You may also wish to find out more about the policies in place at your workplace. You can access these via your agency intranet or by contacting your HR team. You can also [find more information on Sexual Harassment policies](#) on the NSW Public Service Commission website.

## I’d like to speak with a support service

Here is a list of services in NSW that can help you.

Employee Assistance Programs (EAPs) provide free, confidential counselling services – all NSW Government agencies offer EAPs.

EAP counselling is provided by an external mental health practitioner. No one at work will be notified if you access EAPs. You can find more information on EAPs on your agency intranet.

Here is a link to [Respect@Work’s guide on finding suitable help and support](#).

Support for sexual violence:

### [Fullstop - NSW Sexual Violence Helpline](#)

1800 424 017 and via online chat.

### **1800RESPECT**

The national sexual assault, domestic and family violence.

1800 737 732

### **Royal Prince Alfred Hospital Community Health Sexual Assault Service**

Support available for people aged 14+.

Phone daytime: (02) 9515 9040

Phone after hours: (02) 9515 6111

### **Sydney Sexual Health Centre**

LGBTIQ+ safe service.

### **ACON**

Safety & inclusion for LGBTIQ+ people.

### **Lifeline**

24-hour mental health help and crisis line.

13 11 14

### **Mensline Australia**

Support for Australian men, anywhere, anytime.

1300 78 99 78

### **Survivors and mates support network**

Support network for male survivors and their supporters.

1800 472 676

### **National Home Doctor Service**

13SICK

### **NSW Victims Services Access Line (Justice NSW)**

Assistance for victims of sexual assault.

Victims Access Line: 1800 633 063

First Nations Line: 1800 019 123

## **How can I make a report?**



Making a report can be difficult for some people, as it may bring up difficult feelings or memories related to the incident. Before making a report, it's a good idea to make sure you have the support you may need for this process.

If you'd like to report an incident to your manager or HR team, you may like to set up a meeting time with them. You do not have to disclose the reason for your meeting beforehand, but you may be asked.

It may be helpful for you to prepare some key points of information on your experience – what happened, who was involved, where it happened, and when it happened. This information will help your manager or HR handle the matter appropriately.

In NSW, you can report workplace hazards and incidents to SafeWork NSW. SafeWork NSW checks that workplaces are meeting their duties with the NSW [Work Health and Safety Act 2011](#) and the [Work Health and Safety Regulation 2017](#).

You can make a report to SafeWork NSW online or over the phone by calling 131 050.

- [Report a psychosocial hazard](#).
- [Make a report via the SpeakUp App](#).

Anti-Discrimination NSW handle matters on discrimination, sexual harassment, vilification, or victimisation in NSW. If you have experienced any of these, you can contact Anti-Discrimination NSW for free confidential information about your rights and get support on how to make a complaint.

You can contact Anti-Discrimination NSW by calling 1800 670 812 – available Monday to Friday, 9am to 4pm.

[More information on reporting to Anti-Discrimination NSW can be found on their website.](#)

LawAccess NSW can help you understand your legal options, by providing legal help and information.

You can contact LawAccess NSW by calling 1300 888 529.

[More information about LawAccess NSW's services can be found on their website.](#)

## I'm worried about someone/someone disclosed something to me



Thank you for seeking support for this.

It can be difficult to know what to do or how to respond when someone shares information about an incident or experience, they have had with unacceptable or unfair behaviour.

The most important thing you can do is listen to them, not judge, and accept their disclosure in their own words.

They may not use the words 'assault' or 'harassment,' and it may have been recent, or occurred a while ago – but that doesn't make their experience less valid or upsetting for them.

Avoid asking 'why?' or 'why not?' questions.

Reassure them that they are not responsible for someone else's behaviour and the incident is not their fault.

If there are silences or pauses as they share their story, don't feel the need to fill them. Try to just sit and give them the space to talk.

A question you may like to ask is if you can assist them in finding support but be careful not to pressure them either way. It's important they feel in control of their options.

Even though you may not be a counsellor or trained in this area, how you respond to someone's disclosure can play a big role in how they recover from the incident.

Show empathy by actively listening and not judging, condemn the harmful behaviour, and reassure them that support is available when they are ready.

Sometimes disclosure happens indirectly, with the person affected by the behaviour sharing details in a casual, or even joking way.

Here is an example scenario.

You and a colleague are having a casual drink after work and begin discussing the aggressive behaviour from another colleague in a heated discussion in the office earlier that day.

The mood is generally light-hearted, and your colleague says laughingly "Oh let me tell you, you haven't seen anything from them."

You pause, processing what they are saying to you.

They continue, realising the look on your face, and share that they and the colleague had had a brief flirtation, and that on multiple occasions - both in the office and after work in bars - they had been forcibly propositioning them, sometimes touching and requesting sex.

A good response to this example is to say 'I'm so sorry this has happened - can I help you find some support?'. This response shows empathy, acknowledges the problematic behaviour, and offers to support without instructing.

You may find that someone's disclosure affects you more than you anticipate, so please remember you are able to access support too.

Just remember, if you are seeking support for yourself, be careful not to mention the other person's information without their knowledge.

## What can I do if I have witnessed something?



When someone has witnessed sexual harassment or sex-based discrimination and they intervene in some way, they are known as an active bystander.

It's important to make sure you **stay safe** as an active bystander, and not put yourself in the way of harm.

Providing it is safe to do so, you may wish to approach the person affected and check in to see if they are OK.

They may not feel like talking at that moment, so make sure you respect their wishes and don't force them into a discussion.

You may wish to support them by letting them know that what you witnessed made you feel uncomfortable, and you are available to help if they would like to find support options, such as the Employee Assistance Program.

If it's safe and you feel comfortable doing so, you may wish to call out the behaviour in the moment.

Depending on the situation, you may decide to escalate or report the incident to a manager or security officer.

If you're not sure if this is the best thing to do, you could start with a discreet conversation with your line manager or a manager you trust, without mentioning any names.

Sometimes it is hard to feel confident in identifying problematic behaviour.

When someone witnesses or is made aware of sexual harassment or sex-based discrimination in the workplace, they can play an important role in building a safe and respectful workplace culture.

People who witness sexual harassment in the workplace are encouraged to:

- Offer support to the person subjected to the harassment.
- Formally or informally challenge the concerning behaviour.
- Report sexual harassment.

It is understood and acknowledged that not everyone will feel comfortable or confident to respond directly or straight away.

In these cases, bystanders are encouraged to have a discreet conversation with managers or HR advisors.

If someone does feel able to engage, some suggested responses include:

- "I don't think that joke was very funny."
- "For people who respect each other, we seem to be a bit off-course today."
- "I think we should take a break and reflect on what has been said/done in this conversation".
- "Let's just pause for a moment. I want to make sure we can continue in a respectful way."

Here is an example scenario.

An individual in your team consistently interrupts women colleagues whilst they are speaking, and often makes sexist or gendered remarks.

He has been overheard making jokes at other people's expense, and his EA finds him to be belittling.

He is quite senior, so no one has said or done anything about his behaviour.

There are multiple things you can do about this:



- Discuss the behaviour with your manager, mentioning that it makes you feel uncomfortable.
- Call out the behaviour the next time it happens by saying something like ‘that’s not funny’.
- Check in with the EA. Acknowledge the behaviour is inappropriate and see if they would like some support.

## What happens when my behaviour has been reported? ▼

It can be a stressful and distressing experience if you have been accused of unacceptable or inappropriate behaviour.

It’s important to be aware that NSW workplaces will not make assumptions and will not consider a person ‘at fault’ until a formal report has been investigated. All of those involved in a formal complaint will be treated fairly and offered advice and support.

You may like to take time to reflect about the other person’s perception of your behaviour, and its impact.

Even if you feel that your behaviour was well-intended, your words or actions may have caused offence or been hurtful, so this can be an opportunity for reflection, learning, and perhaps a change in approach.

NSW Government sexual harassment policies are guided by procedural fairness, and each agency commits to do the following as part of the process:

- Confirming the complaint is only an allegation until information or evidence obtained through an investigation substantiates the complaint.
- Providing both parties with information about their rights, the progress and outcome of any investigation.
- Referring both parties to the Employee Assistance Program for support.
- Allowing both parties the opportunity to respond to any allegations made against them before any report is finalised and a final decision is made.

Any reports made that are found to be intentionally falsified or vexatious in nature will be actioned accordingly, noting that this conduct may amount to misconduct under the GSE Act.

So what can you do?

Listen carefully to the concern about your behaviour and reflect on the other person’s experience.

Stop the behaviour that has been complained about straight away. If you are deemed to have continued your behaviour after the issue has been raised or if the behaviour escalates, it will be treated as a more serious issue.

Seek advice and support by discussing the issue with someone you trust, or a support service.

If you feel you are being unjustly accused, then you can consider asking for support or mediation from HR.

When a report is made, procedures set out in your agency's sexual harassment policy will be followed.

If an informal resolution is pursued, then the reported person will be contacted by an appropriate manager or HR.

If the matter proceeds formally, the reported behaviour will be investigated by either an internal or external investigator.

If allegations of sexual harassment are substantiated (found via the investigation to have likely occurred), appropriate and proportionate action will be taken to hold the person responsible to account for their behaviour.

This may include:

- A change to working hours or locations.
- An apology.
- An agreement on protocols to manage the relationship moving forward.
- Sexual harassment prevention training.
- Coaching or performance counselling.
- Disciplinary action (e.g., warning, suspension, demotion or dismissal).

You may feel challenged or even distressed when your behaviour is called out and, in some instances, it may be the case that the complaint is untrue and reported maliciously.

If a complaint is found to be false or created with the intent to damage the reputation of a colleague, it will be considered a serious issue and investigated.

Depending on the outcome of the investigation, it may result in disciplinary action.

However, it is important to remember people may experience barriers to reporting, such fear of retaliation from the person reported.

If someone has made a report and is then bullied or intimidated because they made the report, the bullying and intimidating behaviour will be considered victimisation—and is a serious misconduct of the policy.

The behaviour will be investigated further and may also result in disciplinary action.

## Learn more about sexual harassment and discrimination

### Sexual harassment



Sexual harassment is any conduct that is unwelcome, of a sexual nature and that a reasonable person would have anticipated the possibility the person subjected to the behaviour feel offended, humiliated or intimidated.

It can be physical, verbal or written (including through online and phone communication).

Sexual harassment is unlawful and prohibited under law and may arise in civil and criminal penalties.

Examples of behaviour that could be sexual harassment include unwelcome:

- Staring or leering.
- Displaying sexually explicit images or objects around the office.
- Sexually suggestive questions, comments or jokes.
- Comments or questions about a person's sexual activities or body.
- Invitations to start a relationship or propositions for sex.
- Touching, hugging or kissing.
- Emailing pornography or rude jokes.
- Sending sexual text messages including photos or memes.
- Communicating content of a sexual nature through social media.
- Sharing intimate images/video of someone without consent.
- Ongoing contact (including in person, via phone or social media) following the end of a consensual relationship.

Sexual harassment can be a once-off incident – there is no requirement that the unwelcome conduct is repeated.

Additionally, a broader pattern of behaviour can constitute sexual harassment.

No one is above being held accountable for their behaviour, including employers, supervisors, co-workers, clients, contractors, volunteers, patients or customers.

A key element of sexual harassment is that it is unwelcome behaviour.

Behaviour may be unwelcome even when it is not explicitly rejected, so it should not be assumed that behaviour is consensual simply because someone has not said they didn't appreciate the behaviour.

Complex workplace dynamics, including power imbalances and concerns about retaliation, may form barriers to a person expressly objecting to the behaviour.

## Other forms of harassment



Harassment can be unlawful when a person is treated less favourably based on certain personal characteristics such as a race, ethnicity, gender, sexual orientation, ability, pregnancy, marital status, breastfeeding or age.

Harassment can include behaviour such as:

- Telling insulting jokes about particular groups.
- Sending explicit or sexually suggestive emails or text messages.
- Displaying offensive or pornographic posters or screensavers.
- Making derogatory comments or taunts about someone's identity.
- Asking intrusive questions about a person's personal life, including their sex life.

## Sex-based discrimination



Sex-based discrimination occurs when someone is treated less favourably, or not given the same opportunities as a person of a different sex or gender in terms of opportunities for promotion, transfer or training, or any other benefits associated with employment, because of their sex or gender.

It also occurs when a rule or policy applies to everyone but disadvantages a person based on their sex or gender and the policy is not reasonable.

Here is an example:

A female employee claims she was paid less than male colleagues in equivalent roles because she was female. She also claims she was offered less promotional, training and professional development opportunities than her male colleagues because she was female. It is reasonable to suggest that this could be found to be discrimination on the ground of sex.

## Consent



To consent is to freely agree.

It is active, which means that a person must continuously agree for the action to be consensual.

A person may change their mind at any time, which means consent has been withdrawn, and the actions will no longer be consensual.

A person may consent to one type of behaviour but not another.

It may help to think of someone enthusiastically consenting, especially in the context of a sexual or intimate relationship.

No one is entitled to consent, and it must never be assumed.

By law, a person cannot be assumed as consenting if the person was:

- Asleep or not fully conscious.
- Significantly intoxicated or under the influence of drugs.
- Intimidated, coerced or threatened over a fear of harm to themselves or another person, or when a person is pressured to participate by another person of higher rank or authority.
- Unclear about the identity of the other party or tricked into participating.
- Detained or held against their will.
- Under the legal age of consent (16 years of age) or where the person is over the legal age of consent but does not have the mental or physical capacity to fully consent.

## Intersectional experiences of sexual harassment



Other forms of disadvantage or inequality which create power imbalances in the workplace can also drive sexual harassment.

People who experience overlapping inequalities or disadvantage on the basis of gender, disability, religious or political belief, race, ethnicity, sexual orientation, socioeconomic background, marital status, age, educational background or visa status, may be disproportionately affected by sexual harassment, and may experience unique forms of sexual harassment.

Intersectionality is the consideration of how people experience multiple and intersecting forms of discrimination and disadvantage.

An intersectional approach is important to understanding and responding to workplace sexual harassment.

Examples of ways to integrate an intersectional lens to the prevention on sexual harassment include:

- Collect and analyse data on the experiences of sexual harassment disaggregated by diverse characteristics. Be careful to do this in a way which maintains the privacy of the people involved.
- Understand and respond to the different experiences and drivers of sexual harassment for diverse groups and the additional barriers they may experience in reporting and accessing support.
- Develop specific strategies to address intersectional bias and discrimination. An example is to consider how race and gender bias may play a role in recruitment and promotion processes.
- Dive into the data to identify the representation of women with intersecting identities in particular roles. For example, in lower paid, part-time, or precariously employed roles.

## Easy read guides

**Sexual harrassment and sex based discrimination**

[Download the easy read guide](#) →

**Speaking up about sexual harassment or sex based discrimination**

[Download the easy read guide](#) →

**Making a report**

[Download the easy read guide](#) →

**Complaints**

[Download the easy read guide](#) →

**Support services**

[Download the easy read guide](#) →