

Speaking from Experience:

What needs to change to address
workplace sexual harassment

June 2025



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Acknowledgement of Country

The Australian Human Rights Commission acknowledges the Traditional Custodians of Country throughout Australia, and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders – past, present and future.

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This publication can be found in electronic format on the Australian Human Rights Commission's website at <https://humanrights.gov.au/our-work/sex-discrimination/workplace-sexual-harassment-resources>

Further information

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- 1800RESPECT offers 24/7 confidential counselling and support. Phone: 1800 737 732 | Website: 1800respect.org.au
- Lifeline offers 24-hour crisis support and suicide prevention services. Phone: 13 11 14 | Website: lifeline.org.au
- 13Yarn offers 24/7 culturally safe crisis support for Aboriginal and Torres Strait Islander people. Phone: 13 92 76 | Website: 13yarn.org.au
- Mensline offers free confidential counselling and support for men. Phone: 1300 78 99 78 | Website: mensline.org.au
- Men's Referral Service offers 24/7 free confidential counselling to men who have caused harm. Phone: 1300 766 491 | Website: ntv.org.au/mrs
- Kids Helpline offers counselling for children and young people aged 5–25 years. Phone: 1800 55 1800 | Website: kidshelpline.com.au
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**Australian Human
Rights Commission**

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June 2025

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Glossary

Key term	Definition
Culturally and racially marginalised (CARM) worker	A worker who experiences disadvantage in the workplace because of their cultural background, migration status, race or ethnicity. This can happen due to barriers like discrimination, bias or lack of representation, which can affect their opportunities, treatment or sense of belonging at work.
Workers from diverse backgrounds	An imperfect term for a worker who brings diversity to the workplace, which can include differences in culture, language, ethnicity, gender, disability, sexual orientation, age, or other lived experience.
Intersectionality	Attitudes, systems and structures in society and workplaces can interact to create inequality and discrimination for particular groups of people. These include sexism, racism, homophobia, transphobia, ableism, class stigma, among others. “Intersectionality” is a framework for understanding how systems of inequality can create additional barriers to social and economic wellbeing.
Neurodivergent worker	A worker whose brain processes information, learns, or interacts with the world in ways that may be different from what is considered typical. This includes people with autism, attention deficit hyperactive disorder (ADHD), dyslexia, and other neurodevelopmental differences.
Safety at work	Safety at work has many meanings. In work, health and safety legislation, safety is seen as a state of low risk of injury, where steps have been proactively taken to deal with “hazards” that could cause injury. Workplace sexual harassment is understood to be a form of gender-based harassment that is a safety hazard. ¹ Victim-survivors also refer to safety as a state of being respected, valued and able to express themselves, and related to “cultural safety” for Aboriginal and Torres Strait Islander workers.
Workplace sexual harassment (WSH)	Unwanted or inappropriate sexual behaviour towards someone at work where it’s reasonable to expect that the person would be offended, humiliated, or intimidated. This can include sexual comments, jokes, advances, touching, or requests for sexual favours. It can happen in person, online, or through other forms of communication.
Victim-survivor	A person who has been harmed through violence, abuse, or harassment, and has survived the experience. This term recognises both their experience as a victim and their strength as a survivor. Contributors to this project may or may not identify with this term. The term “contributor” has been used interchangeably.

Foreword

Speaking from Experience was a ground-breaking listening and reform project. It provided a full picture of how harassers target people of all identities within our community: culturally and racially marginalised and migrant and refugee women, lesbian, gay, bisexual, trans, gender diverse, queer and other sexual or gender non-confirming people (LGBTQ+),² young people, First Nations people and people with disability. From community centres to parks and local legal centres, over 300 people with lived experience provided their expertise, making this a powerful addition to the national evidence base on workplace sexual harassment (WSH).

First and foremost, the diverse project team prioritised creating a space of safe listening for communities more likely to be targeted by harassers and less likely to be included in national WSH response and prevention initiatives. What we learnt was that WSH is rarely only an issue of gendered power. WSH relates to, and intersects with, other forms of discrimination such as race, migration status, sexuality, gender identity, disability, First Nations status and age.

I would like to acknowledge the insights of everybody who shared their advice on what needs to change, and the dedication of the team. As one contributor said:

"talking is lovely, but action is what gets it done. Action is what creates the change. Action is what makes it happen."

(culturally and racially marginalised white-collar worker)³

I am grateful to everyone who contributed their lived experience, and hopeful that it will contribute to lasting change.



Dr Anna Cody,
Sex Discrimination
Commissioner



Executive summary

"Justice for me has got to include regaining my voice."

(neurodivergent agricultural worker)

"Co-design and co-create with the people who are the most affected... if you don't have the lived experience, it's so easy to just prescribe. Hearing from all the diverse lived experiences, perspectives, backgrounds, nuances ... that's important. Because that's the culture and culture is, again, made up of people in there."

(culturally and racially marginalised, non-for-profit worker)



This report addresses a gap in what workers from diverse backgrounds think needs to change to make workplaces safer. The Speaking from Experience project brings lived experience insights into the national conversation on workplace sexual harassment (WSH). The past decade has seen a change in the national approach to preventing and responding to WSH, and legal and policy reform has placed a greater responsibility on employers to create safe workplaces. Despite this, policy and practice gaps exist, particularly for people less likely to have secure employment, and who are more likely to be harassed.

In 2022, *Time for Respect: Fifth national survey on sexual harassment in Australian workplaces* (Time for Respect) found that

in the last 5 years, one in three Australian workers (33%) had been sexually harassed at work.⁴ This figure was much higher for particular groups of workers, with 47% of young people aged between 15-17; 46% of people who identified as gay, lesbian, bisexual, pansexual, queer, asexual, aromantic, undecided, not sure, questioning, or other; 70% of people with variations of sex characteristics or who identified as intersex; 56% of Aboriginal and Torres Strait Islander people; and 48% of people with a disability.⁵

Since the launch of the Australian Human Rights Commission's Respect@Work report in 2020, we have seen new frameworks for engaging with lived experience that have shaped the way that policymakers engage with victim-survivors as experts.⁶ For the first

time, victim-survivors were given a voice in the National Plan to End Violence against Women and Children 2022-32.⁷ Despite these changes, there remains a gap in how victim-survivors of WSH shape response, prevention and law reform.⁸ This gap is particularly acute for victim-survivors who face intersecting forms of discrimination and harassment. Through partnership with organisations and community groups across the country, the Speaking from Experience team met people where they are at, giving them choice and control over their voice – something often denied by harassers.

This report draws on their voices, using case studies and first-hand quotes from over 300 victim-survivors of WSH, “contributors” to the project. What we learnt was that WSH was not only an issue of gender and power. It also relates to other forms of discrimination such as race, migration status, sexuality, gender identity, disability, First Nations status and age. People bring their whole selves to work – their visa status, their level of social support and their ties to community and belonging. WSH can disrupt all spheres of life and harassers are more likely to target workers who have more to lose.⁹

Contributors were asked what they think a helpful response to WSH would look like, what an unhelpful response would look like, and what they think needs to change to make workplaces safer in Australia. Barriers to safety included insecure work, a lack of diversity in leadership and unhelpful workplace responses, ranging from a lack of accessible information to a lack of person-centred and culturally appropriate responses. In contrast, it was considered helpful when safety at work was a normal and expected part of the job, people were believed and supported, and actions towards justice were taken, even if this looked different from one person to another.

In response to what we were told needs to change, we developed a range of resources which can be accessed on the Australian Human Rights Commission website.¹⁰ These resources help workers, employers and advocates to prevent and respond to WSH. In addition to the resources, this report helps policy makers and service providers prioritise action, making recommendations for change in the areas of community awareness and action, safety and support, and accountability and justice. In some cases, contributors may be drawing on experiences that pre-date Respect@Work implementation, including the introduction of the positive duty into the *Sex Discrimination Act 1984* (Cth) (Positive Duty) in 2022. However, their collective insights speak to the importance of these reforms and the relationship between inclusive, stable and safe workplaces. Filling this gap is critical for building the capacity of policy makers, employers (workplaces), and the workforce more broadly, to better understand and respond to WSH.

Recommendations

The following recommendations have been developed from what victim-survivors told us needs to change and our consultations with key stakeholders.¹¹ Suggestions ranged from what colleagues and managers can do to help to the need for change at the level of workplace leadership, agencies that deal with complaints and compensation, government policy and law reform, and the change that is needed at the level of community awareness and action. In response to what we have been told, a suite of resources have been created and are accessible on the Australian Human Rights Commission (the Commission) website. This report outlines principles for action on WSH and select recommendations informed by what we were told.

Overarching principles for action on WSH include:

- recognise the specific barriers workers from diverse backgrounds face in relation to work and include their voices in policy and practice reform
- embed lived expertise into WSH policy, practice, and the measurement of success through the inclusion of victim-survivor voices, data and advisory expertise
- invest in responses tailored for people who face specific inequalities and offer sustained support for people to end WSH, within a framework that balances empathy with accountability.

Recommendations for action by the Australian Government, informed by contributors to the project:

Reduce barriers to information

Recommendation 1

Fund specialist organisations to deliver accessible and culturally appropriate education and outreach on WSH. These organisations include settlement and multicultural services, LGBTIQ+ organisations, youth centres, disability services, women's services and Aboriginal and Torres Strait Islander services. This work would complement the work of unions, the National Access to Justice Partnership Agreement 2025-30 and the Respect@Work Working Women's Centre funding.

Recommendation 2

Deliver a national media campaign to drive behavioural and cultural change on workplace sexual harassment by building awareness, promoting prevention, and encouraging trauma and gendered violence informed action. The campaign should provide accessible and diverse guidance for workers and employers on recognising, responding to, and preventing harassment. With government support, the Australian Human Rights Commission is well-placed to lead this work as part of a coordinated national response.

Reduce barriers to safety

Recommendation 3

Resource the Australian Human Rights Commission to conduct the sixth National Survey on Sexual Harassment in Australian Workplaces in 2026, with specific funding for intersectional data collection, reporting and analysis.

Recommendation 4

Amend the *Workplace Gender Equality Act 2012* (Cth) to drive safer, more inclusive workplaces by requiring data collection on the experiences of workers with disability and those from LGBTIQ+, First Nations, and culturally and racially marginalised backgrounds. Introducing numeric targets under each Gender Equality Indicator will improve visibility of systemic inequities, support evidence-based action, and strengthen employer accountability for the safety and wellbeing of all workers.

Recommendation 5

Strengthen the safety and wellbeing of children and young people at work by:

- a) Conducting a review to identify and address inconsistencies in legislation, awards, regulatory policy and practice for working-age children and young people.
- b) Embedding WSH education into respectful relationships and consent education in all high schools.

Recommendation 6

Improve safety and access to justice for migrant and refugee workers by reducing immigration-related barriers to help-seeking. Expand the list of approved accreditors for the Workplace Justice Visa to include more legal services—such as community legal centres, legal aid commissions, Working Women's Centres—as well as unions and specialist organisations. This will increase timely access to support, reduce fear of visa-related consequences, and enable more migrant and refugee workers to report workplace harm and seek protection.

Recommendation 7

Evaluate the progress and effectiveness of all the Respect@Work recommendations, including, but not limited to, the recommendations relating to education and training and trauma informed care (8, 9, 10, 11, 12, 33, 34, 36, 37, 40, 41, 45). Findings should inform an ongoing commitment to address identified gaps and include appropriate resourcing.

Reduce barriers to victim-survivors being heard

Recommendation 8

Increase workplace transparency and protect workers' rights by:

- a) Amending the *Sex Discrimination Act 1984* (Cth) and relevant industrial laws to restrict the use of confidentiality and non-disclosure agreements in workplace sexual harassment cases, in line with section 14B of Ireland's *Employment Equality Act 1998*.
- b) Resourcing the Australian Human Rights Commission in the interim to update the Respect@Work Guidelines on non-disclosure and confidentiality agreements, drawing on section 14B of Ireland's *Employment Equality Act 1998* as a key guide.

Reduce barriers to workers accessing support after being harassed

Recommendation 9

Improve outcomes for workers who report workplace sexual harassment by updating national guidance on trauma and violence-informed responses. With government support, the Australian Human Rights Commission should lead this work to ensure employers are equipped to respond appropriately, reduce harm during the reporting process, and build greater trust in complaint systems.

Reduce barriers to justice and accountability

Recommendation 10

Resource an organisation such as the Centre for Innovative Justice, in partnership with the Australian Human Rights Commission, to expand trauma, violence, and culturally informed responses to workplace sexual harassment. This includes developing restorative justice guidelines for workplace sexual harassment and piloting a restorative justice program, co-designed with lived-experience experts and with resources to evaluate how accountability processes enhance healing, justice, and prevention.

Recommendation 11

Strengthen employer accountability for preventing workplace sexual harassment by:

- a) Amending section 49 of the *Australian Human Rights Commission Act 1986* (Cth) to enable better information sharing between regulators.
- b) Introducing civil penalties for breaches of the Positive Duty under the *Sex Discrimination Act 1984* (Cth).

1. Introduction

“He is just a Romeo” people would laugh, after Jaya¹² told them about the intimidating way he would touch her neck and jewellery. Over three years of working with him she learnt to avoid being alone with him: missing opportunities for promotion and avoiding the administrative work that needed his signature. “I excel in what I do, and I love what I do ...” Jaya emphasised. But her harasser changed her life and after many decades of “continuous connection” to the campus she had once been a young international student on, she couldn’t go anywhere near her place of work. He completely derailed her teaching career. She felt that how the workplace treated her complaint was “traumatic”:

“This is public knowledge within the campus, which makes it really discombobulating that they [the employer] would say ‘nothing to see here’ ... He’s targeted junior staff, he’s targeted people from culturally diverse backgrounds. He’s targeted admin staff, people who were subordinate to him.”

For Jaya, it was her colleagues and their solidarity and “courage to support, to believe” that helped. She believed ongoing education on WSH was critical, noting that “particularly with the vulnerable and marginalised communities [education] is huge. So much to do. So much that we can do”.

Since the global rise of the #MeToo and #TimesUp movements, we have learnt a lot about how widespread and damaging WSH is. In Australia, a large body of research established the scale of the problem.¹³

In particular, the Commission’s National Inquiry into Sexual Harassment in Australian Workplaces and subsequent Respect@Work Report (Respect@Work) provided an in-depth look at what sexual harassment is and the conditions which make it more likely to happen at work.¹⁴

In response to this work, and the shift in awareness and understanding of WSH, significant changes have taken place to prevent WSH occurring. Work, health and safety laws were strengthened to recognise the risk to health that WSH is, and industrial laws were also strengthened. It is no longer enough for workplaces to simply respond to reports of unlawful behaviours. Under the *Sex Discrimination Act 1984* (Cth), most organisations and businesses now have a positive duty to take reasonable steps to eliminate certain unlawful behaviours. This is known as the ‘Positive Duty’ and includes sexual harassment involving workplaces, workers or working relationships.

The legal and policy changes that have taken place are critical to long-term sustainable change. However, restrictive claims and complaint processes, a lack of trauma-informed justice options, and non-disclosure agreements (NDAs) have restricted the ways that people who have been harassed can access justice and contribute to systemic change. To provide victim-survivors with a safe space to be heard, Recommendation 27 of Respect@Work recommended that “a disclosure process be established that enables victim-survivors of historical workplace sexual harassment to have their experiences heard and documented with a view to promoting recovery.” In 2022, the Australian Government funded the Commission to facilitate this process. In collaboration with a victim-survivor advisory group and trauma and violence informed expertise, the Commission established Speaking from Experience.

A summary of aims:

- give victim-survivors a chance to be heard and to contribute to strategies for education and positive change
- provide workers from diverse backgrounds who have been, or are being, harassed with appropriate and accessible information (informed by lived expertise) about their rights and where to seek support
- help employers and workers to access resources (informed by lived expertise) to better understand and upskill the workforce on what is needed for a safe workplace
- help key decision-makers understand intersectional harassment better so they can create safer workplaces for everyone
- contribute to cultural and legal reform on areas that remain in need of change (such as investigation processes, intersecting forms of discrimination and harassment, and use of NDAs).

This report draws on what we were told in national listening sessions and through written and audio submissions. The report is one of over ten resources aimed at building the capacity of key stakeholders to understand, respond to and prevent WSH. It focuses on what over 300 people with lived experience say is helpful, unhelpful, and what they think needs to change about current WSH responses. In doing so, it draws attention to the need for the Positive Duty and the broader barriers to safety and justice that impact some groups more than others.

We hope this report can help:

Victim-survivors

acknowledge the resistance, strength and expertise of victim-survivors. It is through the generous contributions of their time and wisdom that this report and the key recommendations are possible.

Legal and advocacy bodies

understand the importance of collaborating with specialist LGBTIQA+, disability, migrant and refugee, youth and Aboriginal and Torres Strait Islander organisations to provide accessible information on rights and options.

Policy makers

strengthen their understanding of the cultural change and investment that is needed to end discrimination, end unsafe work practices and strengthen the Positive Duty to ensure just WSH outcomes.

Employers, business owners and workplace managers

better understand that intersecting forms of discrimination in employment can make WSH more likely to happen, and the power they have to positively shape the experiences of people who have been harassed.

2. Our approach

From March to October 2024, the Speaking from Experience team held nationwide in-person and online sessions of 1 to 2.5 hours for lesbian, gay, bisexual, trans and gender diverse, intersex, queer and asexual (LGBTIQA+) workers, workers with a disability, young workers, culturally and racially marginalised workers, including migrant and refugee workers, and First Nations workers who have been sexually harassed at work. The team also invited submissions of audio or written contributions via the website.

The design of the project was informed by a victim-survivor advisory group,¹⁵ trauma and violence-informed practice experts, and a range of end-users that included advocates, researchers, regulators and industry bodies. The approach drew on the principles of response-based practice¹⁶ and the primary aim of the sessions was to ensure contributors felt seen, heard and that their voices would contribute towards change. Research considerations focused on addressing key gaps in knowledge of lived expertise and intersectionality.

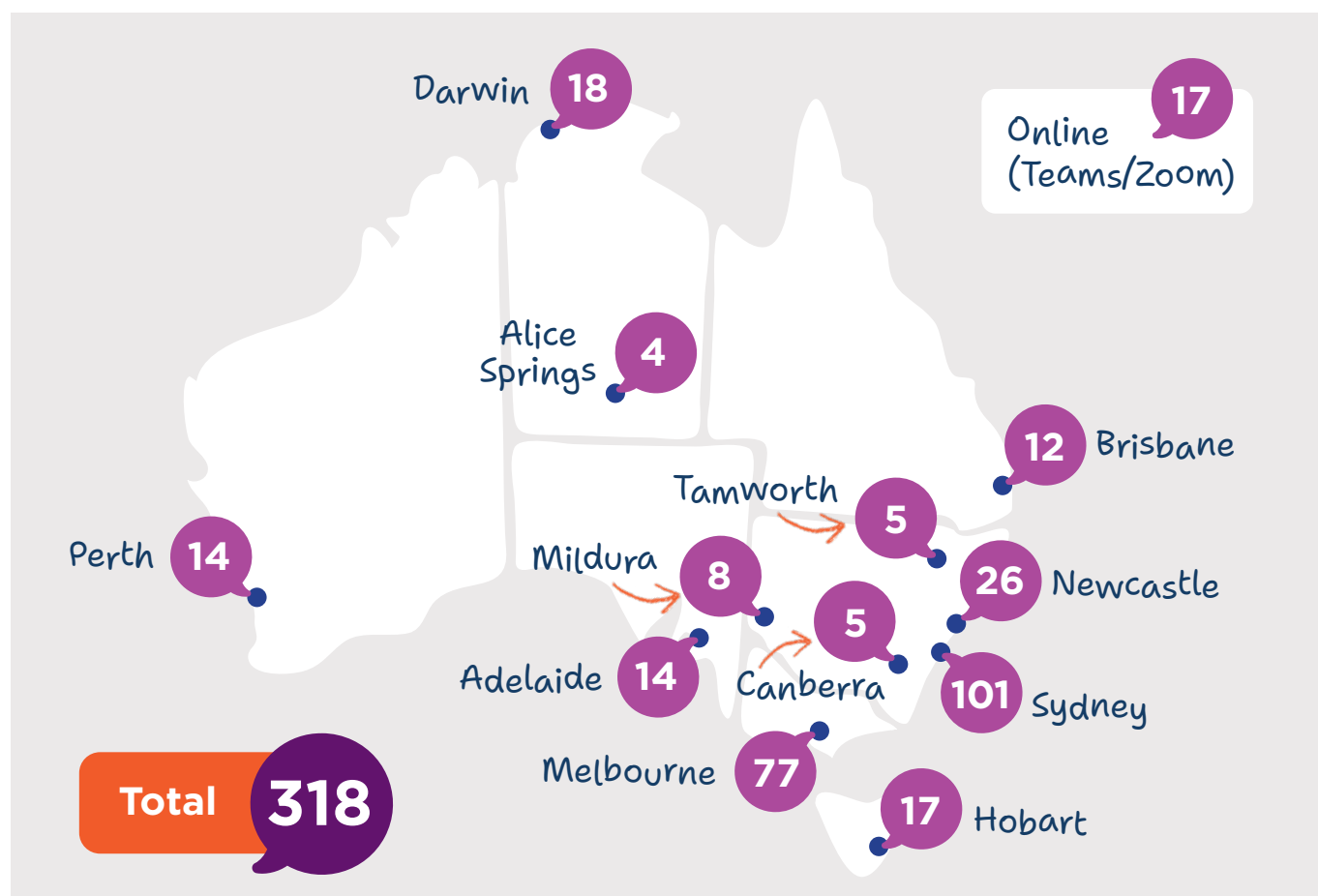


3. Our reach

During this project, we:

- worked with 884 national organisations
- partnered with 76 specialist organisations and community groups
- received 32 written and audio submissions
- held 61 consultations (39 group sessions and 22 one-on-one sessions)
- heard from 318 diverse victim-survivors of WSH.

The priority of the project was to create a space that people felt safe to attend. All contributors could opt to use a pseudonym and were not asked specific details about the WSH or any confidentiality agreements. The decision was made to not include mandatory demographic surveys. For this reason, any demographic analysis of data is limited. A voluntary survey was completed by just under one third of (n=94) contributors.



3.1 Demographic survey data

From the 94 people who responded to the survey

- 44% were Lesbian, Gay, Bisexual, Pansexual, Queer, Asexual
- 53% had a disability
- 11% were cisgender men
- 15% were transgender and gender diverse
- 3% were Aboriginal and Torres Strait Islander
- 26% were a citizen of another country or visa holder
- 42% were 18-29 years old, 47% were 30-49 years old and 11% were over 50 years old.

Group sessions were advertised by demographic group and the decision of what sessions to run was made together with partner organisations. Table 1 provides an overview of how many groups were run.

Table 1: Number of Speaking from Experience group sessions run per demographic group.

Groups that were run	Total
Workers with a disability	3
LGBTQIA+ ¹⁷ workers	6
First Nations workers	3
Culturally and racially marginalised (CARM) ¹⁸ workers	11
Young workers (aged 18-25) ¹⁹	5
Culturally and racially marginalised (CARM) LGBTQIA+ workers	3
A mix of workers with diverse backgrounds	12

Considerations

Group data is not an accurate representation of people's demographic characteristics, as most contributors belonged to two or more marginalised categories – such as being both First Nations and living with a disability; a young (aged 18-25) transgender neurodivergent person; or a gay temporary visa holder. Sessions included discussion of how various components of contributors' identities, structural position or status compounded their experience of WSH. Food was provided and the priority was facilitating a space that allowed people to discuss with each other, particularly for certain groups who may have held feelings of distrust or disinterest towards the Commission as 'just another federal government department or institution'. For example, for First Nations workers post Voice Referendum and workers with disabilities after the Royal Commission where only a few recommendations were adopted.

To ensure accessibility, there were options to attend online sessions and submit audio recordings. Auslan interpreters and closed captions were offered for all sessions and were requested for three. Sessions were held at a variety of times and community locations. Flyers advertising the sessions were translated into 17 different languages and bilingual workers or translators attended 16 sessions. Five sessions were hosted by Commission staff who conducted them in community languages. Partner organisations were paid according to their level of contribution to the sessions and all contributors were given a gift card.

There was no record of case characteristics, such as when the harassment occurred or the relationship with the harasser (for example, if the harasser was a manager or colleague). We did not collect information on when the harassment happened. This means we cannot cross-check whether suggestions for workplace change arose from contributors' experiences of harassment that pre-dated recent legislative changes, such as the Positive Duty, or not.



4. What we heard

Consultation sessions began with an invitation for contributors to share what they were proud of.

"I am proud of Gungayun'mirr [help giving work]."

(First Nations community worker and artist)

"I migrated to Australia by myself. I'm really strong because I was alone without my family."

(culturally and racially marginalised social worker)

"I'm grateful that I'm brave enough to use my experience for the greater good."

(LGBTQ+ worker)

"[I'm proud of] my ability to use my voice. When I see injustice, I speak up about it."

(young hospitality worker and student)

"I'm proud of speaking up for my safety even when I met with disapproval."

(young healthcare worker)

"I'm proud to be a voice to my trans sisters, their voices have been silenced for a long time."

(trans refugee community advocate)

"I'm from Indonesia. I still volunteer in my 70s. I'm a volunteer of more than 30 years, I'm proud of still doing community services for everybody who needs help."

(culturally and racially marginalised volunteer)

"I'm proud to be a mum. So having two girls to deal with as teenagers. I am proud of finding community, and in that community finding a source of resilience and support."

(Pacific Islander community worker)

"I'm proud that I didn't give up."

(neurodivergent office worker)

"I [came] from Afghanistan in 2020 ... I'm proud for living in Australia, which is a peaceful environment ... I am doing uni and I'm really proud of myself."

(young refugee student and casual fast-food worker)

"I'm proud of my mother and my grandmother and all of the women in my life who made sure that my experience was better than theirs."

(culturally and racially marginalised community worker)

Case Studies

From this starting point, contributors described the many ways they worked to keep themselves and others safe and how they want to contribute to lasting change. Prompting questions were kept purposefully open. No one was asked to draw on the details of their harassment. Instead, the focus was on what was unhelpful in relation to responses to WSH, what was, or would have been helpful, and what they think needs to change to make workplaces safer. For this reason, insights range from population-level cultural change to specifics about workplace responses.

Diya, Petra, Lani and Jay

The following four case studies are of people who attended the sessions.²⁰ While the focus was not on the “incident” of WSH and identifiable details have been removed or modified, their story will help ground the following sections in real life examples with the aim to:

- strengthen our understanding of WSH and overlapping forms of discrimination
- understand current gaps in response and prevention from the perspective of this group of victim-survivors.



Case Study 1: Diya

Diya (she/her) is a young international student who worked casually at a pub. She was rostered on late shifts alone with her manager. Her manager started staring at her and making a point to brush across her body when he passed her. She felt scared about what he could do next, but she couldn't afford to lose her job.

International students are not eligible for social security and the cash from her job helps her get by and send a little back home. Her work is hard, she is always on her feet and finishes well after midnight. There are no break rooms at the pub, so she has to sit outside in the dark for breaks, as well as catch the bus home late at night. She is overwhelmed about how much she has to learn about life in Australia.



Case Study 2: Petra

Petra (she/her) graduated with an MBA from Brazil but found it very difficult to get employed when she arrived in Australia. To get by, she worked as a cleaner, a receptionist, then a bartender before landing her dream job at a male-dominated marketing agency. Not long after joining, a colleague started making extra effort to talk to her, stared when she was entering the kitchen and kept telling her she was 'a hot Latina woman'. She tried to ignore him until one day he pushed into her when they were in a lift. Petra was scared but wasn't even sure if what had happened would count as sexual harassment.

When Petra spoke to HR about the behaviour, she was given a 50-page WSH policy to read. It outlined that making a report required her to provide detailed evidence of what happened. Even though her colleague was at the same level as her, she didn't think anyone would believe her over him because he was Australian.



Case Study 3: Lani

Lani (she/her) is a proud First Nations worker in a local council. She was harassed by a senior colleague she worked with. He was an important and well-respected person in their small regional community, and she had to address the behaviour carefully. Lani didn't know what would happen to him if she complained. The decision was taken out of her hands when someone called and complained that she had seen him mistreat Lani. Lani was nervous about being involved.

Once a complaint was made, Lani was given no choice in how the investigation was handled and was never asked what would make her feel safe or supported. The process took months and felt like a court case. The harasser kept his position, and Lani was moved to another team. The process strained her relationship with community and was not culturally aware or safe. Lani felt punished, not helped.



Case Study 4: Jay

Jay (they/them) moved from a regional town to study psychology in the city and got a job in a chain fast-food restaurant. Most of the restaurant workers were still in high school or were studying. Not long after starting, a few coworkers asked uncomfortable sexual questions about Jay's gender and private parts. They told other people that Jay was transgender without their permission. One 17-year-old manager even made a transphobic joke in a group chat and tagged Jay. Jay felt singled out and unsafe but feared complaining would make things worse.

As a neurodivergent person, Jay found the noisy and fast-paced environment overwhelming, and different managers on each shift and constant staff turnover made it difficult for Jay to know to whom they could speak about the sexual harassment. They couldn't afford to lose any shifts, and nothing happened when they asked for a part-time contract. Jay thought about finding another job but felt nervous about writing a resume and going through interviews. They also feared they would face the same WSH elsewhere. They chose to stay quiet, hoping things would get better.



"Workplace sexual harassment includes more than the individual instances of sexual harassment ... There is a cumulative impact, each new incident hits the raw nerve that was injured last time. Each violation takes another layer of protection away from the victim and when the experience of sexual harassment in the workplace is made more intense due to other vulnerabilities."

(neurodivergent agricultural worker)

"Queer migrants, or migrants in general, especially if they're doing the disadvantaged lower paid jobs, I think they're in their very busy life. And we always think about if we deal with something like sexual harassment, we are dealing with this one single issue, but it's not. I also work in LGBT health sector, so I do have multiple clients who have multiple issues. And sexual harassment is just one of the challenges they face and they also face their mobility, their unemployment, and their house insecurity."

(LGBTQ+ refugee white-collar worker)



4.1 Workplace sexual harassment often occurs where there are intersecting forms of discrimination or disadvantage

WSH affects every part of someone's life. As the following snapshot of Diya, Lani, Jay and Petra's lives show, multiple aspects of our identity and circumstances combine

to shape who we are and what we bring to work. This includes: our social, cultural and family context and upbringing; our employment history; our access to money and our education and training opportunities. If we have access to good support, it can help keep us safe and well. If we are discriminated against or disadvantaged because of who we are when accessing support, we face more barriers to safety at work.



4.2 Workplace sexual harassment is about gender and about power

As seen from the earlier case studies, Diya (in Case Study 1) was targeted not just because she is a woman, and not just because she is a person of colour or a young person—but because she is all three. As an international student, there are systemic barriers that Diya must navigate such as discriminatory employment practices, lack of information available in her first language, limited access to government services and the ‘housing crisis’. These barriers impact her access to stable support, money, information about her rights and housing.²¹ These barriers make her less safe at work. The same lack of safety can be experienced by workers with diverse gender identity, race, sexuality, cultural background, disability, age, and/or visa status.

“People will [sexually harass] other vulnerable people because they know we are vulnerable. They know we won’t fight. They knew even when we were fighting, we had limited resources.”

(LGBTQ+ refugee worker)

In the case of sexual harassment, gendered power intersects with other differences such as being a woman, a young worker, a migrant, speaking English as a second language.²²

Power and overlapping discrimination

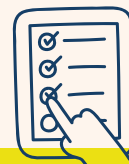
Attitudes, systems and structures in society and workplaces interact to create inequality and result in exclusion. One idea that can help us understand that power differences exist, and how this shapes people’s experiences and safety, is ‘intersectionality’.²³ Intersectionality refers to the intersecting power dynamics that mean some people have less access to safety, wellbeing and opportunities to flourish.

An intersectional approach to WSH means recognising that WSH could look different to different people. It means that people with less power in the workplace are more likely to be targeted by harassers, more likely to face barriers to help, and are less likely to feel like they will be believed.²⁴ As *Time for Respect* highlighted, power imbalances and the misuse of power related to gender inequality and other forms of discrimination and disadvantage, combined with specific workplace risk factors, continue to drive sexual harassment against some people more than others. Women, people with disability, young people, Aboriginal and Torres Strait Islander people, people with innate variations of sex characteristics, and people with minority sexual orientations and gender identities are significantly more likely than others to be harassed.²⁵ The harassment is also likely to take a different form. For example, a woman with a disability experiences WSH differently, and will face additional barriers to support in comparison to a woman without a disability.²⁶ While the barriers to reporting and receiving satisfactory outcomes are well documented, there are also specific legal gaps in relation to intersectional harassment.²⁷

An intersectional approach recognises that efforts to prevent WSH will be strengthened by work to address other forms of discrimination such as racism, ableism, transphobia, homophobia, and other forms of discrimination.

My manager keeps rostering me alone late at night. He stares and touches me when I go near him. I feel sick, but I need this job. I'm scared and don't know what to do.

Diya



Immigration Department

- Regularly contacts Immigration
- Strict visa conditions
- Overwhelmed with information, still unsettled

‘I’m scared about my visa... this is all too much’



Family & friends

- No family in Australia
- Videocalls mum and sister, but hides struggles from them
- Made one friend at uni

‘I feel so lonely sometimes’



Services

- No access to welfare (Centrelink)
- Pays for ‘Overseas Student Health Cover’ (OSHC)
- High out-of-pocket medical fees

‘I don’t have access to government stuff. My Aussie classmates are so lucky’

University



- Studies Early Childhood Education
- Lives on campus
- Attends all classes for her visa requirements

‘I want to study and make a future’



Money

- Uncle paid initial visa/fees
- Diya covers rent and living costs
- Sends money home

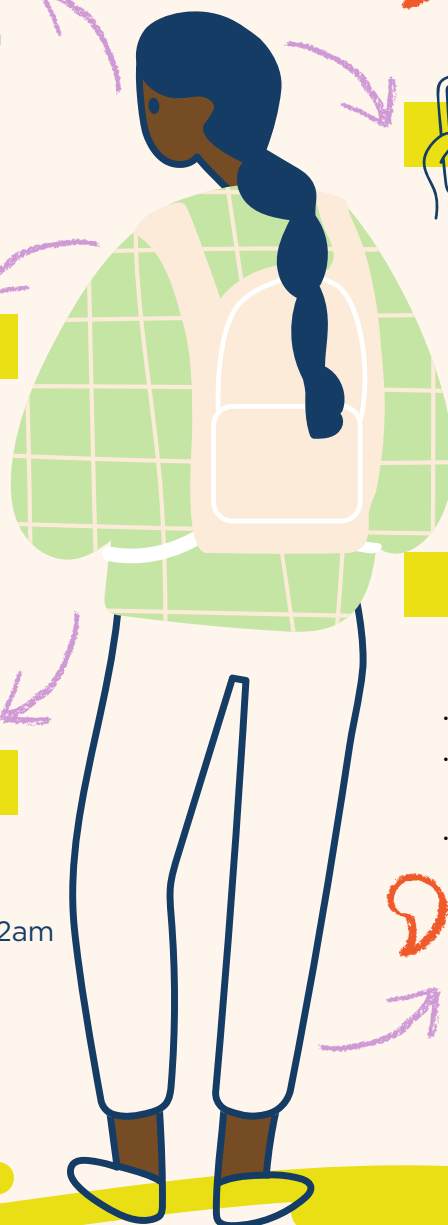
‘Australia is so expensive’



The local pub

- Works casually a few nights, cash in hand
- No breakroom, finishes after 12am

‘It was so hard to find a job. I need the money’



a) Harassers use their power to sexually harass people at work

Contributors spoke about how people who are more senior in the workplace or community, or who have more stable housing, migration status or social standing, are safer in the workplace and believe they can harass without consequences. One way they do this is by drawing on stereotypes of certain groups. For example, Petra from Brazil (in Case Study 2) was subjected to vulgar comments at work about Latina women. Her colleague's behaviour combined sexist and racist stereotypes to undermine her safety and dignity.²⁸ The targeted blending of racist and sexist stereotypes is sometimes dismissed under the guise of 'just a joke' or a 'cultural misunderstanding'.²⁹ However, although it is a term less used in Australia, such instances are examples of 'racialised sexism'³⁰ and show how harassers can target people with less power in the workplace.³¹ One contributor reflected:

"It's not about sexual attraction. It's about power."

(worker with a disability)

Contributors felt strongly that the person who harassed them got away with this because the dynamics of the WSH that they experienced were not understood. In particular, they identified that there was a misconception that WSH was about sexual attraction.

"If this individual had taken the time to educate himself on sexual harassment, he would understand that it is actually not about sex. It isn't about misguided flirting, or awkward attempts to pull someone into a relationship. [A low percent] of cases of sexual harassment are botched seductions. It's about power, the aim

is to put people down and push them out. It is 'sexual' harassment because it is based on sex. It perturbs me deeply that he can't even see that distinction."

(LGBTQ+ administrative worker)

People who faced WSH alongside another form of discrimination felt that the person who harassed them also saw them as easy targets. The existence of additional social, economic and legal barriers that exist for marginalised workers provides evidence for this perspective.³² For example, Petra's workplace (Case Study 2) gave her a policy on WSH but did not comment about her ethnicity as racism or sexism, opting instead to avoid talking about what happened to her. Not only was her experience less understood, if she were to go through with an anti-discrimination complaint under federal law, Petra would need to make a complaint alleging sexual harassment under the *Sex Discrimination Act 1984* (Cth) and racial discrimination under the *Racial Discrimination Act 1975* (Cth). It is possible to make more than one complaint. Complaints are recorded separately as "racial" or "sexual" harassment, as is also the case when a Work, Health and Safety notification or complaint is recorded.

The type of data that is collected and reported can make it difficult to capture the unique experiences of culturally and racially marginalised women, and this limitation is even greater in the court system. For this reason, American civil rights scholar Kimberle Crenshaw coined the term 'intersectionality' to explain how those who are most marginalised in society face many forms of discrimination at the same time, and that these forms of discrimination cannot be separated into distinct types.³³ Intersectionality remains a powerful framework to highlight policy and practice gaps in how WSH is understood.³⁴

b) Less power, more to lose

Contributors made it clear that their ability to access help was hindered by how much they had to lose in terms of employment, social standing and residency in Australia. Petra (in Case Study 2) knew that reporting her colleague's racialised sexual harassment would be difficult. Her colleague held a higher position in the company, and Petra doubted she would be believed. Her experience reflects a broader trend where power dynamics protect harassers, making reporting seem futile. Young workers, like Jay (in Case Study 4), also fear the consequences of speaking up. Jay was subjected to transphobic harassment at work but stayed silent, worried that complaining would lead to fewer shifts or losing their job altogether.

Jay was not alone. A lack of secure work conditions, characterised by fair contracts, financial stability, and robust worker protections, made it difficult for contributors to report harassment. As a sole carer to her children, one woman reflected on how hard it is for people like herself to ask for help, let alone people who face additional adversity:

"I say all the time, how would a woman who is being harassed in a workplace, who may be a sole parent and the provider of the family like me [and] may not understand culturally, or [understand] our laws or everything, how does she even feel comfortable to get to that point where she has a conversation with a person of power that can help her?"

(sole-parent white-collar worker)

This experience was shared by Diya and Petra (in Case Studies 1 and 2), who had already faced obstacles getting a job. While Petra had landed her dream job, she knew that the person who harassed her was well liked as he shared an Anglo-Australian background with the leaders in her male dominated workplace, and it was unlikely she would be believed. Diya told us that she would be homeless and unable to help her family if she complained, and she knew her manager would not fire himself. Diya and Petra were not alone in their worries. Migrant and First Nations women in particular reflected on how they had a lot to lose by reporting WSH:

"I think it's also the power imbalance. Often [for] people from marginalised backgrounds, there is a power imbalance ... If the person harassing you is a leader, male, [and] respected in the workplace ... [I]f you were to bring that complaint and muster that courage, overcome all those other barriers, whether you're even believed and whether the processes are applied fairly or if it's just a facade to protect this individual's reputation. It's so overwhelming to even go through a process when you are starting from the back foot."

(culturally and racially marginalised contract worker)

As this quote demonstrates, it is not only the instance of harassment, but the worries about social and economic loss that make WSH overwhelming. Evidence suggests that these worries are well founded. Women who report sexual harassment risk negative stereotyping (seen as less "moral", "warm", and "socially skilled") which threatens their employment and career progression.³⁵

In addition, it is harder for migrant women to report WSH.³⁶ Women's higher care responsibilities in their families and communities³⁷ can lead to greater reluctance to cause reputational damage to harassers, particularly when they are part of the same community. This is particularly the case for First Nations women, who have higher cultural loads and less support in the workplace.³⁸

First Nations workers told us that the risk of losing their jobs or community relationships is profound. First Nations woman Lani (from Case Study 3) was sexually harassed by a well-respected colleague, and she feared she would lose her job if she reported her experiences. Lani did not feel as though she received necessary cultural support from senior leadership. As the person who harassed her was also well respected within her small regional community, Lani also had family and community considerations.³⁹ However, Lani's workplace did not explain or provide her with choices about the complaint process. No effort was made to involve culturally appropriate support or explore alternatives that respected her concerns. The adversarial process left Lani feeling isolated, anxious, and strained her community relationships.

This instance reflects broader shortcomings in workplaces that impose standard procedures without acknowledging cultural safety or the diverse needs of First Nations victim-survivors.⁴⁰ Section 6.3 explores why it is critical to consider cultural safety in relation to WSH prevention and response.

This section has explored the additional barriers that workers of diverse backgrounds face in the workplace. At the same time, policy makers, employers and bystanders are less likely to fully understand the WSH and/or know how to respond effectively. It is critical to keep in frame that it is not a person's identity that creates a risk of WSH, it is the discrimination they face.

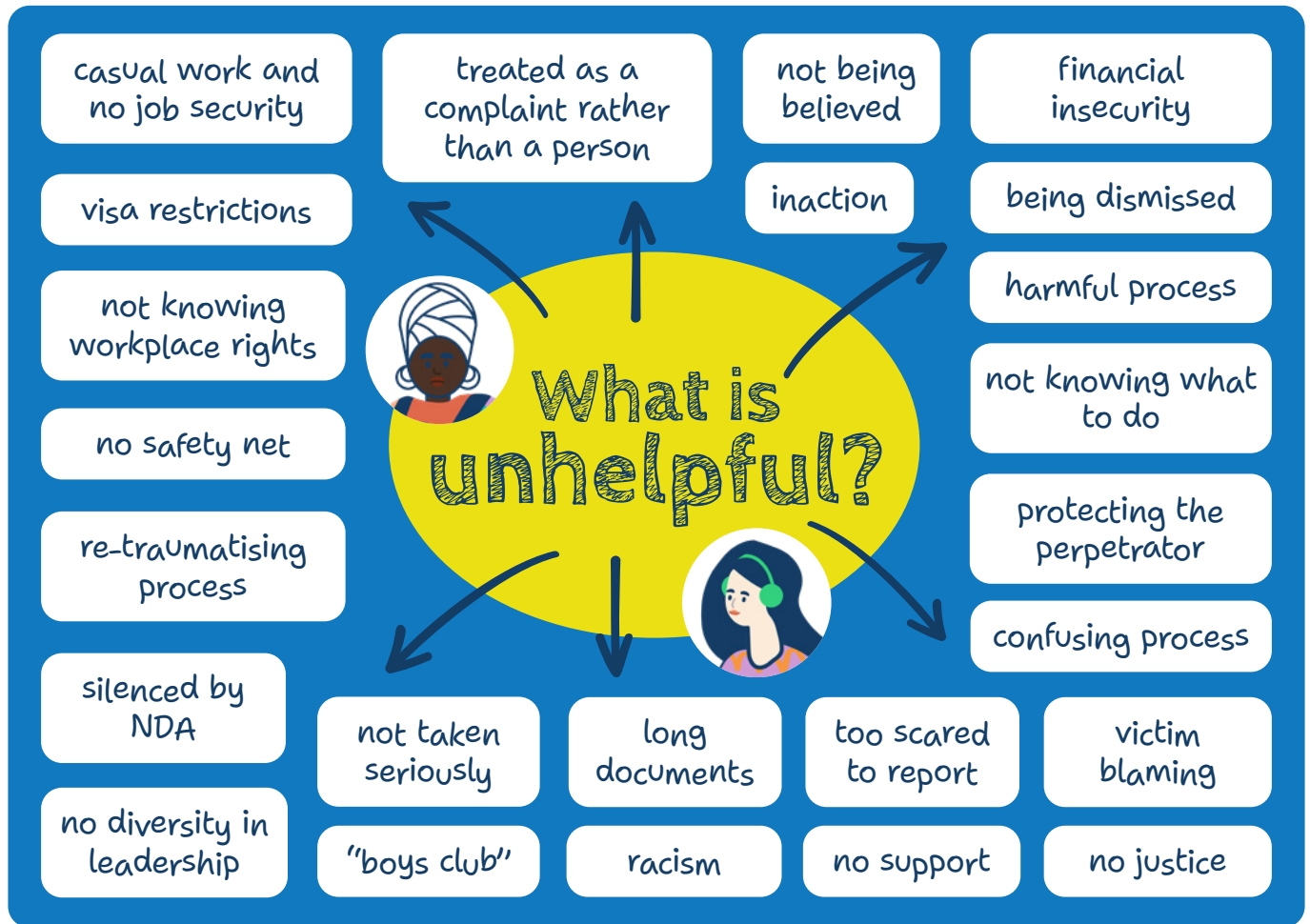
From this vantage point, contributors were asked to reflect on what an unhelpful response to WSH would look like, and what a helpful response would look like. Answers to these questions inform a set of intersectional practice and policy recommendations that are explored further in the final section of this report.

Lani



5. “It is unhelpful when...”

In sessions, contributors were asked what an unhelpful response to WSH would look like. Shared insights related to broader issues around job security, inaccessible information, inappropriate workplace responses and injustice.



Mindmap of what some contributors shared when asked ‘what is an unhelpful response to workplace sexual harassment’.

5.1 There is no job security

“It’s quite difficult for most of us to even speak up, because it’s a lose/lose situation for most of us.”

(LGBTQ+ migrant factory worker)

A lack of job security makes it more likely that someone will be harassed and less likely that they can access help.⁴¹ Casual, short-term and insecure contracts, and low pay were all factors that contributors said negatively impacted their safety and ability to seek help.⁴²

Diya's story (in Case Study 1) is an example where the constraints of insecure employment and visa-status meant her manager could target her, knowing she was less likely to access help. As one contributor said:

"I was a student at the time, I needed the money. And that was the only job I could get at that time. So, it wasn't as simple as just leaving the job because I was on an international student visa ... I couldn't access any Centrelink payments like unemployment and stuff like that ... I had to work there until I was able to find a different job."

(neurodivergent international student and hospitality worker)

Like Diya, many student workers cover their own living expenses while balancing money for their families back home.⁴³ Many workplaces fail to provide consistent access to employment and support in times of need. On most temporary visas, workers cannot access Centrelink or social security which is a critical back up if someone is unable to keep working.⁴⁴ For some workers, experiences outside the workplace of people humiliating and harming them because of their background, how they look, and who they are, made it hard to consider saying something, even if that was an option. The Migrant Justice Institute found that many migrant workers know when their rights are breached, but they stay in the job because they need the money and do not know how to access remedies.⁴⁵

When young workers rely on the goodwill of their employer for ongoing employment, pay rises, and even housing and community support, there are additional barriers to seeking justice, which in turn means more limited consequences for the harasser.

Many contributors acknowledged family, friends, money and safety considerations after being sexually harassed at work. As one contributor said:

"I think it boils down to relationships and what's at stake for employees – because there is so many vantage levels at the moment, like the cost-of-living crisis. People can't afford to report things at the moment, especially when it's a tight-knit company or something that's pretty sketchy, they can't afford to report that or out of fear. You just never know. And also the mental energy ... I know personally for me, as a queer person, I'm just exhausted ... [I]t's just a lot of mental energy and for nothing to happen, or for it to cause more problems, it's just like really a deterrent, yeah."

(young LGBTQ+ student and casual fast-food worker)

Stable employment helps to protect against the mental and physical demands of unsafe employment.⁴⁶ While evidence suggests that working conditions have a significant influence on health and wellbeing,⁴⁷ these contributions suggest that working conditions can also have a significant impact on whether the most marginalised workers seek help for WSH.⁴⁸

5.2 Rights and options are not provided by the employer

"I think it's incumbent on the people ... looking into it [WSH] to ensure they are providing accessible processes that take into consideration language barriers, or trauma and all these other factors that [can] impact a victim."

(culturally and racially marginalised professional worker)

Information on different forms of WSH can help workers understand what it is and how to access help. In many cases, the behaviours differ to the popular idea of WSH in the media, where the primary focus has been on unwanted sexual advances and white women professionals. This makes it hard for people who are harassed to know if what they experienced was sexual harassment, when the sexual harassment was combined with ableism, racism or other forms of discrimination.

For this reason, contributors emphasised that workplaces had to provide information about options for help that are external to the workplace, particularly for smaller businesses:

"My company was extremely small and the individual harassing me was also HR. After enduring years of harassment, I disclosed to a close co-worker who explained to me the reporting steps. These being a formal complaint to the human rights commission and also a report to the police. I am so thankful for this advice because prior to this I had no idea on what to do. So perhaps more

accessible information on this. It should be as easy to know as calling 000".

(young LGBTQ+ administrative services worker)

In the cases where rights and options were provided by the employer, a lack of information about WSH in languages other than English and in plain-English formats was seen as contributing to a continued gap in understanding. Many contributors reflected that workplaces as well as the external agencies that help people who have been harassed have information on sexual harassment, but these policies can be difficult to access, or too complex for workers to understand. While some of this information may have become more accessible since the introduction of easy read and translated guides by some regulators and legal services, a consistent finding was that when policies and procedures contain too many legal terms, do not have short summaries, or have unclear procedures, victim-survivors are left without practical guidance on their rights, how to report sexual harassment or seek support. This inaccessibility disproportionately affects young workers, migrant and refugee employees, workers with a disability, and workers with lower levels of English proficiency.

Case Study Reflections



Jay

Jay, the young, neurodivergent transgender worker (in Case Study 4) faced invasive questions about their gender identity and was publicly outed by a manager. Jay did not know how to report the harassment or what options were available to them. This uncertainty made them feel trapped, fearing retaliation or loss of income if they spoke up.

Diya

Diya, the young international student (in Case Study 1), was never informed of her workplace rights upon arrival. Her manager exploited her visa dependency and financial vulnerability, knowing she likely did not understand that his inappropriate behaviour was something she could report. She couldn't ask her family or community because they never discussed sex. Diya found it difficult to find information in the right language.



Petra

Petra, the marketing professional (in Case Study 2), spoke to HR about the sexual comments her colleague was making about 'hot Latina women' but was given a 50-page WSH policy to navigate. The length and overuse of legal terms in the document scared her. It was not clear to Petra that evidence could entail written testimony. She felt it was too difficult and risky to pursue anything further.

5.3 You become a complaint rather than a person

The contributors who told someone about the sexual harassment described being treated like a ‘complaint’ rather than a person. For contributors, being treated like a ‘complaint’ included not being believed, being dismissed as sensitive, being discredited because of their situation or identity, or immediately being treated like a legal witness. Many contributors spoke of how complaint processes unreasonably require a ‘perfect victim’:

“[The] person that I reach[ed] out [to] has no experience of being or dealing ... with my experience [and] my intersectionality ... You have to be this perfect victim ... and if you don’t then you’re not [taken seriously].”

(culturally and racially marginalised LGBTQ+ healthcare worker and international student)

“It gets really complex for people to talk about things; to do stuff. Like, there’s no perfect victim. So, people are often like, ‘well, I saw them drunk ... the other night; dancing on someone. So, they act like that.’”

(LGBTQ+ regional community services worker)

For culturally and racially marginalised workers, we heard that their race played a role in how they were treated:

“I’m just the angry black woman. Do you know what I mean? I might even be petitioning on behalf of other persons of colour or not person of colour, but because it’s me, then I’m the problem and it’s my problem. And so, you get to a point where you have to pick your battles.”

(culturally and racially marginalised white-collar worker)

Contributors to the project drew attention to the fact that employers and investigators fail to understand the intersectional nature of WSH. This served as an additional barrier to support, as the people they told were less likely to understand and more likely to question them.⁴⁹ Negative responses further isolate, dismiss, and silence victim-survivors. One contributor with a disability said:

“... double discrediting ... we discredit the reports of people with disabilities [and say] ‘that’s a symptom of your disability, you believe that happened, and it didn’t’ ... and we discredit women and that compounding impact of intersectional discrimination.”

(advocacy worker with a disability)

Contributors also spoke of instances where workplaces failed to act or intervene due to stereotypes about sexuality. One white-collar LGBTQ+ contributor highlighted that:

"... sometimes [people are] nervous about intervening because they're not quite sure how to approach something like this. They think, 'oh, well, that's a part of queer culture' ... So, it becomes really challenging to navigate, and I don't think there's a lot of literacy around those nuances."

(LGBTQ+ white-collar worker)

An added part of feeling like a 'complaint' rather than a person, was when the employer focused only on processing the allegation of harassment, without considering the ongoing costs of staying safe and healthy after being harassed.

As a young hospitality worker said:

"We are [on] the lower end of the scale income earners ... how can we fight anything legislatively? We have barely any protections. Even psychology services are becoming more and more out of reach for us to be able to deal with things like this. The problem just doesn't go away with the event. That's what a lot of companies, particularly run by men, think ... that it just happens once or twice, and you can just put a full stop on the incident, date, time ... it's not like that at all."

(young hospitality worker)

Contributors also highlighted the emotional impacts of 'becoming a complaint rather than a person' and how it deters reporting, while also enabling harassers to engage in inappropriate behaviour. As one contributor said:

"You kind of are choosing between another process of reliving it and justifying it ... 'oh, was it really that bad? Am I just making this up?'... and all these things that you do to second-guess yourself and reliving those whole processes again ... I think in some ways ... it enables more people to perpetrate, because there's a knowledge that that process is really painful. Who wants to make a complaint about anything in the workplace, let alone sexual harassment?"

(neurodivergent white-collar worker)

Support the person before the problem

The national Respect@Work inquiry drew attention to the broad impact of unhelpful workplace responses to WSH.⁵⁰ Overall, only 18% of people who are sexually harassed at work report it,⁵¹ and it is likely that the proportion is even lower amongst workers from diverse backgrounds. Without ongoing funding for national data collection, the number of reported cases that go through arbitration, conciliation, or other legal processes is not clear. In this context, with formal legal processes being rare and taking months or years when in motion, it is important to respond to the person first, when they disclose to you and then provide rights and options to minimise harm.

5.4 Things are not made right

Contributors felt like they had been doubly wronged – by the sexual harassment and the workplace response – if things were not made right after reporting the harassment. Fundamentally, there was a sense that employers should acknowledge the harm that was caused and to try and make things right.

“One thing is the [WSH] and then the other side is the response.”

(culturally and racially marginalised professional worker)

First Nations woman, Lani (in Case Study 3), is one example of someone who was let down and made less safe by the formal complaints process. The process harmed her career, community relationships and nothing felt right about the process.

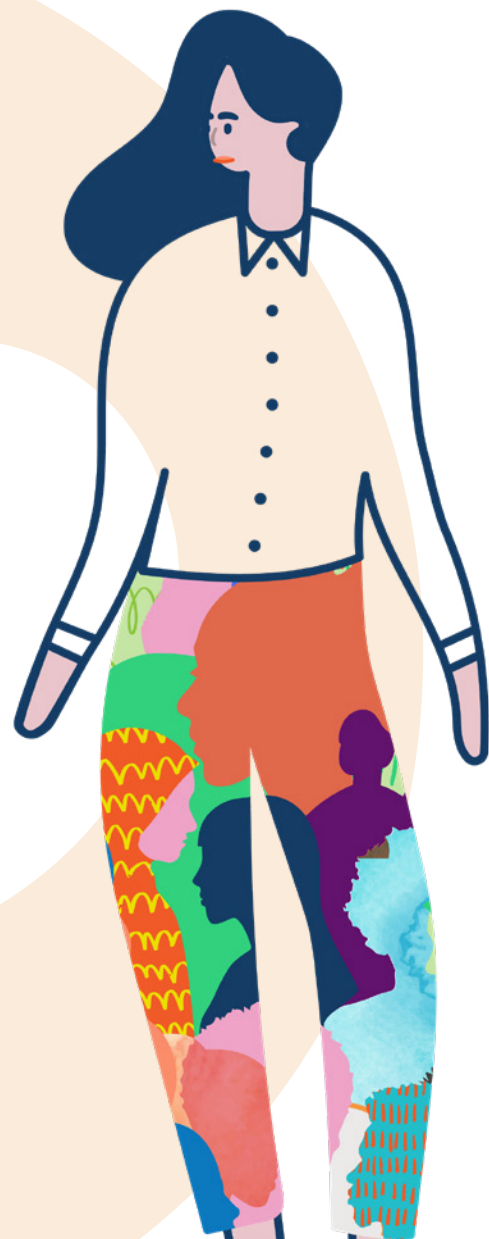
Contributors described that a lack of action in response to reports of WSH as contributing to tolerance for this behaviour in workplaces. Niya Chawla et al also describe the “slippery slope of sexual harassment” escalation when supervisors do not intervene.⁵²

In several difficult cases, the person who harassed was believed over the victim-survivor. This was accompanied by a strong sense that justice was denied.

“I attended a work Christmas function at a pub along with colleagues. We were drinking and having casual chats. At one point, an older male colleague, who knew I was a gay woman, approached the table and said ... ‘You should come back to mine, I’ll fix you’ in context made it clear that he was referring to ‘fixing’ my sexuality...”

A couple of days later a female colleague approached me and said that she’d heard I had ‘had a go’ at the older male colleague—he had been telling people that I’d yelled at him for no reason. I got cross because I could see he was trying to take charge of any narrative and cover his tracks, and I remember thinking it was just typical cowardly behaviour.”

(LGBTQ+ and neurodivergent public administration worker)



Evidence suggests that formal reporting processes in the workplace can make things worse for victim-survivors.⁵³ Not only can victim-survivors' reports of WSH be ignored, often there are no consequences for harassers.⁵⁴ Critically, most contributors believed that this could change, and workplaces could move towards a culture where sexual harassment is not tolerated.

"Showing people that there's accountability means that those younger people are in the community in an environment where their confidence is fostered to be able to call it out. Being told you're allowed to say this is the baseline."

(young hospitality worker)

While it was harder for contributors to reflect on the helpful components of WSH prevention or response, there was a strong sense of the everyday moments that made a difference to them and could make a difference for others. The next section will look at what it means to be supported, and what it means to be in a workplace that celebrates diversity and values accountability.



6. “It is helpful when...”

Contributors told us what about their experience was, or would have been, helpful. While contributors found it more difficult to pinpoint specific aspects of WSH prevention or response that were effective, they consistently highlighted the significance of everyday experiences — such as feeling believed or being part of a workplace that valued diversity and upheld accountability. Answers ranged from examples of everyday interactions with people, to larger changes to workplace culture and law.



Mindmap of what some contributors shared when asked ‘what is a helpful response to workplace sexual harassment’.

6.1 Safety at work is normal and expected

"It's the same principle as seatbelts ... everyone puts on their seatbelt because they need to protect themselves and others. So, they know the consequences. Don't have seatbelt, you have accident, you'll be harmed and someone else will be harmed. So, it has to be in that context."

(culturally and racially marginalised white-collar worker)

"Your organisation's obliged to tell you that you're entitled to super and those sorts of things. But in terms of situations where you feel unsafe, it's lesser known that if a customer is making you uncomfortable, you can leave."

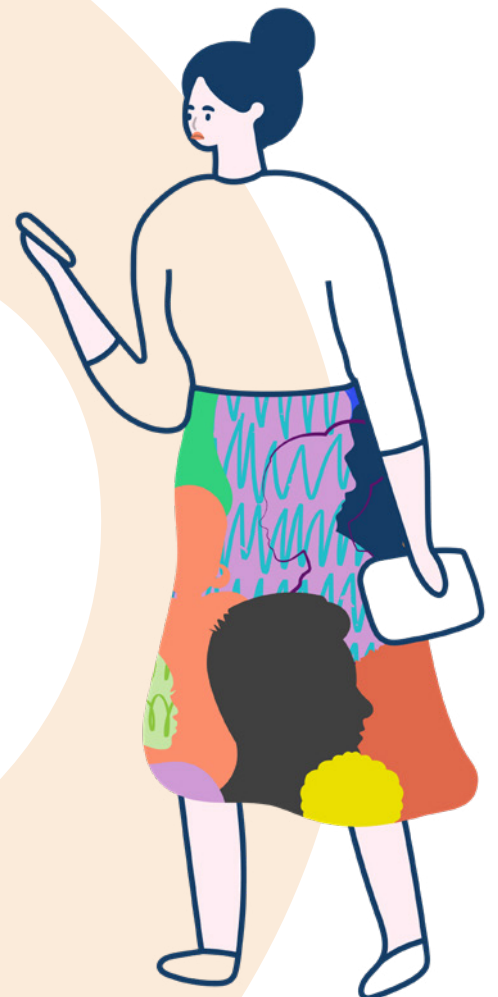
(young hospitality worker)

Contributors considered it helpful when workplaces treated safety as a normal part of business. A young person working in a grocery store aptly noted they wanted WSH training to be taken as seriously as training on fruit and vegetables:

"In grocery stores I had to repeat modules about bananas every other month, but did the sexual assault one only once. That's a really interesting message though, isn't it? Because bananas aren't that important, but sexual harassment is."

I can't count the amount of times I did the banana module. Even [if] you don't work in the fruit and veg department, you had to do banana modules. I would've done just one [training] when I first got hired about sexual harassment, but the banana stuff was literally every two months. I only ever did one shift in fruit and veg. It's crazy. It says so much, doesn't it? About the value, which is being given the value."

(young supermarket worker)



Contributors told us that there are certain times where the demands of the job get in the way of their safety. In these cases, it is helpful if the workplace clarifies priorities:

"In terms of situations where you feel unsafe, it's hard to know if a customer is making you uncomfortable, can you leave? Can you say, 'I don't feel safe here' and leave during working hours? With a shift you often feel quite stuck because you've been contracted to work for six hours or whatever, but what happens if something makes you feel unsafe? If you are a member of the public in that cafe and you felt uncomfortable by that man, you could just leave, but the workers are stuck there. So, what are your rights ... can you just go home from work that day?"

(young hospitality worker)

As this young hospitality worker attests to, people who have been harassed often have to assess the risk they face, making difficult decisions, sometimes at odds with their workplace or immediate manager. If a workplace is vocal about standards of behaviour and upholds these, it is less likely that the harassment would take place and more likely that people who had been harassed would know what to do. A workplace culture of respect would also empower bystanders to intervene:

"From the initial behaviour, it's also about the cultural norm of a workplace about speaking up and having someone call out if they see something. In my mind, a lot of it is about allyship."

(culturally and racially marginalised white-collar worker)

In this instance, allyship and workplace education are more likely to happen when safety at work is normal and expected.



6.2 Workplaces are inclusive as a way to reduce WSH

For those who contributed to the project, a workplace that visibly supported diversity was considered helpful for reducing the likelihood of WSH and increasing the likelihood that people would report. Contributors considered having a workplace culture and practice of diversity and inclusion in leadership as particularly important. There was a strong sense that leadership has a responsibility to ensure the most junior employees have a space to be included.

"You have to make it safe for the most marginalised woman in the room because if I don't feel safe, I won't speak out. So how do you foster that environment? For me, what I find unhelpful is where 'command in control' and the people at the top are mostly white people. And so, you don't really see that because you've never lived it."

(culturally and racially marginalised advocacy worker)

Contributors said that greater diversity would reduce the unequal power dynamics that create WSH and the workplace cultures that tolerate it.⁵⁵ With nearly one in two Australians having one parent born overseas,⁵⁶ greater representation of diversity at decision-making levels was also seen as something that should be standard.

Contributors added that it would be helpful if leaders understood that workplace barriers exist for some more than others (visa restrictions, lack of education, caring responsibilities and so on).

"[Not] just having the Anglo Australians who are the managers, who are the bosses, rather than having the full range of Australians in the management and supervising jobs."

(young hospitality worker)

Contributors were more able to report WSH when they had safe options for whom they could report to. For an LGBTQ+ worker, this meant having a manager that accepted their sexuality.

"You [need] a few different people in that role so that people are comfortable going to them. If it's an older white male, like maybe someone in the community is not going to feel as comfortable going to that person for exposure. So, making sure there's a good range of people that [you can go to for support]."

(LGBTQ+ community services worker)

In this instance, like many others, greater diversity of management was linked to an increased chance of reporting WSH. Contributors also noted that it would be helpful to adopt principles of consultation in workplaces that lack diversity.

"Co-create [policies / practices] with the people most affected ... Sense check every step ... if you don't have lived experience, it's easy to just prescribe. Hearing from diverse lived experiences and backgrounds is important ... the question that we should be asking is, 'Why is there an overrepresentation of this particular culture in the table?' That's often the question that's missing."

(culturally and racially marginalised white-collar worker)

Diversity in workplaces was not considered a numbers game. Genuine inclusion was linked to being seen, heard and celebrated. Visible celebrations of culture, such as the acknowledgement of religious days, was seen as helpful.

"I think [it] is enormously helpful that a company can ... observe days ... in a meaningful way. Because then, somebody who might be going to make a report on the basis of homophobia, for example, they're going to say, 'Well, my company takes seriously the issue of homophobia. We've just had someone a couple of weeks ago talking about the impacts of homophobia and asking us to consider [it].' So that's going to make a workplace feel more inclusive and [make you feel like] your complaints will be taken seriously."

(LGBTQ+ worker)



6.3 Attend to the person before the problem

"I would say also, in the workplace being sure that you are listened [to] well. Like someone's listening to you with full respect and your pain or your concern is acknowledged."

(culturally and racially marginalised worker)

"Maybe less policy but more human-centred approaches are better because it's like, well, that's not okay, we'll sort it out, we'll work for you. But when there's some legal stuff to worry about and compliance and lawsuits, and is she going to sue? And I guess there's the zero-tolerance kind of mindset, but I feel like it's got to be a zero tolerance to inaction."

(neurodivergent white-collar worker)

Contributors considered it helpful for anyone that responds to a disclosure of WSH to prioritise the wellbeing of the person who has been harassed.⁵⁷ Later investigations may (or may not) take place but contributors shared that being believed and supported made them feel safer, less stressed and more able to move to the next step.⁵⁸ This person-centred response was in contrast to responses based only on assessing risk and preparing for a legal process.

Contributors regularly reflected that they wished their safety and wellbeing (whatever that meant to them) had been prioritised before any process was started. This is particularly important for workers who experienced multiple forms of discrimination.⁵⁹

"Sexual harassment is just one of the challenges they face and they also face their mobility, their unemployment, and their house insecurity. And sexual harassment is all these multiple issues, they interact with each other together and sometimes the client's mental health deteriorates through this process. So, I do want to say, what needs to change is the system in collaboration."

(LGBTQ+ refugee legal professional)

In this instance, the contributor said it was helpful and necessary to look after the person before turning to the problem, including providing them with information on their rights and options. In this regard, first responders to a disclosure of WSH can have a significant impact on wellbeing:

"[I] had a patient assault me and I just shrugged it off as we so often did. I think generally, being a junior staff member at the time and saying something to a more senior staff member and they were like, 'No, that's so not okay. You need to get off the floor. Take a second, have a drink.' They even walked across the road to the police station. We reported together. Did all these things together. It was very much like, 'No, we do not accept this.' And I think that changed a lot of the way I think about [it] all too. Which was really helpful."

(young healthcare worker)

Manager support was a major feature of people having a positive or negative experience.

First Nations Cultural Safety

Contributors spoke about how important it is for workplaces to respond in culturally safe ways that respect the diversity of staff. As one First Nations worker mentioned:

"When we're talking about what support looks like for Aboriginal people – but in particular Aboriginal women – like, I think it's not just 'Here's counselling services' ... we have a connection to country that needs to be considered. We need – we have to get guidance from our Elders to make certain decisions. There [are] cultural protocols in what we do here as visitors and also in relation to at home."

(First Nations public servant)

Cultural safety means creating environments free from racism and bias, where First Nations people feel respected, understood and safe expressing themselves without fear of discrimination or exclusion.⁶⁰ A culturally safe workplace listens to First Nations employees, values their experiences, and ensures that policies and practices reflect their cultural needs. As part of self-determination, it is important for First Nations staff to be supported to make informed decisions that are suitable for their contexts and lives. One contributor said:

"The one thing I'm thankful for ... which is really great, and I think that every office should have it, is that we have a lot of different avenues for supervision ... if you're Aboriginal you get cultural supervision. And also ... [my manager] would spend [time] on the phone with me and ask 'Are you okay?' ... She was filling in the gap that the system was not filling in."

(First Nations white-collar worker)

When workplaces prioritise cultural safety and acknowledge the role of First Nations staff in their communities and families, it improves wellbeing and ensures First Nations workers are holistically supported.⁶¹ It is also important to note that the principles of cultural safety can apply to all workers too, specifically those who have religious and/or cultural or community needs that can be factored into workplace process. In this respect, safety is not always about the absence of threat but the presence of connection as a protective factor.



6.4 Policies and processes are accessible

Clear and accessible policies and processes are critical in ensuring that individuals who experience WSH understand their rights. Contributors highlighted the importance of offering practical, specific guidance on WSH and multiple reporting options, both internal and external.

Contributors also highlighted the importance of training and resources that offer clear, specific examples of WSH:

"Giving people examples of the kind of behaviour that's not okay is helpful. And I'm not talking about that general stuff like don't touch people inappropriately. Don't say inappropriate things. Everybody knows that that's not okay. And everybody thinks that that's not them that does that."

(culturally and racially marginalised public administration worker)

The ability to easily access information about reporting options is another crucial element. Contributors noted that workers benefit from clear communication about internal and external pathways to report WSH, including support services:

"I work in a camping place, and that was the first training course [in WSH] that I received. And they have a big number there with a private number that you can call if you feel – they say even if you don't think it is, but you feel uncomfortable, please call this number ... don't wait until [it] happen[s] to see what you're going to do, but have the information available for you. That would be very useful."

(culturally and racially marginalised recreational services worker)

Ensuring that policies and processes are accessible to all workers, regardless of language, background, or other barriers, is key to promoting a safe reporting culture. Contributors stressed the need for communication that is plain language, simple or translated.

"Simplifying the language, because usually language [in policies] doesn't help because it's very legal. So, having more simple English and that's for anyone really, doesn't matter what your English, first language or not."

(LGBTQ+ refugee white-collar worker)

6.5 There is justice

For many contributors, a just response to their experience of WSH considered their ongoing needs, and gave them choice and options. Contributors considered that a just response was also one that supports victim-survivors.

"She [the manager] would do things like check in with me every day. 'Okay, so this is where I know that he's going to be in the office. You're going to be here; what do you need? Do you want time away? Do you want to work from home?' And she was pretty accommodating to me in the sense of going, 'okay, well let's try and make sure that you're safe every single day by you telling me what you needed,' essentially. Without her there I don't think that the process would have offered me that, to be honest with you."

(First Nations neurodivergent public servant)

For many contributors, a just response means workplaces take action, for example, to provide information about rights, options for reporting, and external support services. Justice also means the consequences for WSH are clear, and harassers, workplaces and leaders acknowledge the harassment and are held to account, which helps to deter the behaviour and sends a message of zero tolerance of WSH.⁶²

"When someone does something [at work] and you report them, it'll ping to someone else's [workplace], so that they can't work there either. We have that with customers - if they get banned from our workplace they get banned from the whole area. Papers get served to them and everything, because it's not tolerated. If it's not tolerated in our place, it's not tolerated in the community. And I think that's what's very important for us ... to stand together ... When you bring different cultures, you bring different gender, sexualities, and different identities together, there's so much strength in that ... it becomes a safe space but also becomes a space of discipline and justice ... people know as soon as I enter the space, as soon as I enter this community, as soon as I get out of my house this isn't going to be tolerated .. Doesn't matter what colour they are, doesn't matter where they're from, doesn't matter what they identify as."

(young culturally and racially marginalised hospitality worker)

As the previous quote suggests, justice was strongly related to a commitment to an inclusive culture that actively stands against WSH.

Several contributors considered that consequences for the harasser were an important, helpful response from the workplace and the complaints process more broadly. One contributor recounted:

"[the incident] was investigated and more things happened, and it was only by the end of it and the removal of that person that I felt good and justified. I think a helpful response is ... at the very early stage of disclosure and that early support ... [and to] actually follow through and ensure that person is held to account."

(LGBTQ+ worker)

While all contributors wanted the person who harassed them to be held accountable, not all wanted the outcome to be punitive. Contributors noted that it was helpful to be asked what outcomes they wanted and what would help them to feel safe at work:

"In my case, it was a friend [who sexually harassed me] and being a young person ... you don't know how to bring up that conversation with the person ... It's quite often difficult to say 'no' in a very public space. Also, being a friend, you don't want them to lose their job and to have a criminal record and all the severe impacts that come with this, which should come from this. But also, being a young person, [they] may not have understood the severity of their actions. So, if there's an opportunity to discuss with the person you're meant to report the behaviour to, and to not go through the entire investigation process and such and just explain, 'this is the outcome that I want, this is what I need to feel like I have a safe workplace,' rather than going through the whole prosecution and investigation."

(young retail worker)

Instead of jumping to one uniform response, it was helpful when the workplace responded to the needs of the person who was harassed, acknowledged the lack of safety provided and outlined steps to address it. The young retail worker above also pointed to the social dynamics that can make it hard to report WSH, acknowledging that the harasser may have been a friend or not understood the severity of their behaviour. The person harassed might have their own idea of what justice is in such an instance and this included being able to work collaboratively with the workplace to ensure accountability and acknowledge the "justice needs" of the person who was harassed.

What are "justice needs"?

Many contributors spoke to what justice means to them. Daly, Bolitho and Toews show that to feel that justice has been done after establishing that a crime has been committed, the response should address a victim-survivor's individual "justice needs".⁶³ The idea of "justice needs" resonates with the narratives of contributors and has been explored in relation to work, health and safety injury. In general, justice needs relate to: the need to tell the story of what happened (voice), the need to be acknowledged and believed (validation), the need to see the wrongdoer take responsibility or be held to account (accountability), the need for answers to questions about what happened (information) and the need to see changes implemented to ensure others will not suffer in the same way (prevention).⁶⁴

Contributors' justice needs included consequences for workplaces that did not take WSH seriously.

"I haven't seen any organisation or any company that has serious consequences if you've been convicted or if it's been proven or if we caught you doing that, this will be your consequences. It should even move on to legal. I know a lot of companies say that we will take it up to legal and they will go further, but they should clearly mention the consequences."

(culturally and racially marginalised white-collar worker)

There are tangible things that can be done to help someone who has been sexually harassed at work. Contributors in this project shared insights that workplaces and workforce stakeholders can learn from when preventing and responding to WSH and other forms of discrimination. While many of these suggestions related to the level of the workplace, the following section explores what contributors said needs to change at all levels of policy and practice. Their insights are put forward as a set of options to be actioned by Commonwealth and State and Territory governments, legal centres and advocacy bodies, regulators and workforce stakeholders responding to people who have been sexually harassed in the workplace.



7. Lived experience priorities for action

The reflections on what would have been helpful or unhelpful in sections 5 and 6 form the basis of the following priority action areas. In addition, this section draws on the 500 suggestions from contributors of what needs to change to make workplaces safer. With one or two key quotes provided as examples, suggestions related to: community education and awareness, reducing barriers to safety and justice, and accountability. What needs to change, how contributors thought that change could happen and what, if anything, is currently being done to address the gap is explored and forms the basis of the recommendations.

7.1 Reduce barriers to information

Contributors identified a gap between the information that is provided on WSH and the information that is accessible. There was a perception that a lack of incidental and accessible information for workers and employers (on their rights and responsibilities) was hindering WSH response and prevention. In addition, a lack of intersectional and translated examples of WSH (what it is and where to get support) was seen as a barrier to change.

a) Embed knowledge on WSH in community groups and specialist organisations

Contributors emphasised the need for tailored, culturally responsive education on WSH, delivered through the trusted community-based organisations that are closest to the community. Increased government funding should support specialist community groups—including settlement, migrant services and refugee services, LGBTQ+, disability, First Nations, and youth organisations—who have the trust and rapport with community, to provide targeted education on WSH and discrimination at work.



"Changing to funding structures is something I would also like to see where things like grassroots initiatives and training programs ... that is really meaningful and sustainable and effective."

(worker with a disability)

"Having a good network of resources, community volunteers and mentors can help support [Pacific Australia Labour Mobility' scheme workers], to educate them, so then they know what their rights are."

(Pacific Islander community leader)

The importance of relationships and trust for receiving information on difficult or taboo topics like WSH is established.⁶⁵ This is particularly the case for workers from diverse backgrounds who may not have access to translated material or safe relationships to ask about WSH. For example, transgender and gender diverse workers may be fearful of asking for help if the workplace has no visible signs of LGBTQ+ inclusion, such as nowhere to record a non-binary gender on information or complaint forms. For this reason, LGBTQ+ young people prefer to address harassment within their circles of support, such as those developed with co-workers, and/or with friends and family.⁶⁶ There are also connections between migrant women being able to more comfortably discuss and define issues that impact on wellbeing (like WSH) and actively seek support in community settings.⁶⁷

While this is not the case across all communities, evidence supporting the value of Aboriginal Controlled Organisations identifies the additional 'identity strain' employees feel when they themselves, or others, view their identity as not meeting the norms or expectations of the dominant culture in the workplace.⁶⁸ The concept

draws on literature which demonstrates that members of minority groups expend effort and energy managing their identity in the workplace. This is to avoid the negative consequences of discrimination, harassment, bias and marginalisation.

For this reason, specialist organisations have an important role to play in addressing the unique needs of their communities, leading to more targeted and effective interventions. Examples of good practice include the Queensland Government's funding of Multicultural Australia's 'Community Champions' initiative as part of the 'Workers' Rights Education and Support Program'.⁶⁹ Acknowledging the higher rates of workplace exploitation, sexual harassment and discrimination among migrant communities, the program aims to build the capacity of trusted community members to deliver education on workers' rights.⁷⁰

Community Legal Centres, Legal Aid Commissions and Working Women's Centres receive Commonwealth funding to provide specialist legal services in the areas of workplace discrimination and sexual harassment through the National Access to Justice Partnership Agreement 2025-30 and Respect@Work Recommendation 49 funding.⁷¹ Under these funding agreements, legal assistance service providers must provide community legal education to empower people and communities to understand and assert their legal rights. Both agreements provide a unique opportunity for the kind of community-embedded education that contributors mentioned.⁷² Specialist and trauma-informed organisations in each state and territory are in a unique position to provide workers' rights education and support. Greater links between legal services and community organisations can be prioritised through funding partnerships and prioritising a diversity of staff working across mainstream and specialist organisations.

b) Incidental and embedded information

In addition to the targeted dissemination of WSH information, contributors also advised that there should be more access to incidental information, such as posters on the back of toilet doors. Examples of key points in the employer and worker journey where accessible information could be provided included:

"A legal requirement every time you register your business."

(First Nations white-collar worker)

"... making it like a government requirement a small business owner knows 'I've got to have this in place ... and here are these resources'."

(culturally and racially marginalised white-collar worker)

Leveraging compulsory certifications and the existing outreach work of work, health and safety organisations was seen as important.

"Construction sites [could] have a talk of sexual harassment ... all the job sites I've been on, they have their 'toolbox [talks]' and do the men's health ... Most of the men who are mature will sit there and they listen ..."

(young First Nations apprentice)

"It should be part of getting your security licence ... privately contracted companies need to hold their guards to that standard."

(LGBTQ+ young hospitality worker)

The training provided by employment services—such as Workforce Australia, disability employment providers, TAFE, and university exchange and school career programs—was also emphasised.

"Centrelink should have information ... So, if you need help in a workplace, Centrelink [should know] their responsibility and also to give you help. Educate the agents of the organisations ... the external agencies."

(LGBTQ+ refugee and casual worker)

"The deployment that I'm doing ... through the College ... they actually give me a monthly call ... and they ask you five, six questions. How do you feel at your workplace? Do you feel safe around your managers? Is there a power imbalance? ... it really makes me feel like, okay, well, someone cares about me. So, I think [this organisation] can make a big difference."

(young First Nations apprentice)

In terms of access to information about support available after harassment, contributors emphasised the need for the workplace to provide information on external support options as part of the job induction or when reporting WSH.

"Employees need to know their rights in terms of what they can do if they've been harassed because as a junior worker, a casual, you often get a [Fair Work Ombudsman] leaflet when you get your contract. Because your organisation's obliged to tell you that you're entitled to super and

those sorts of things. But in terms of situations where you feel unsafe, it's hard to know if a customer is making you uncomfortable, can you leave?"

(young retail worker)

Agencies responsible for registration, service provision and licensing could play a role in helping workers and employers access information about their rights and obligations. While some processes are automated, there are practical ways to trial information-sharing. This would build on the Fair Work Ombudsman's work to improve access to trusted workplace resources⁷³ and Australian Government advice on work, health and safety and Fair Work rights and responsibilities when registering a business.⁷⁴

For example, linking individuals to information on WSH when other information on rights and responsibilities is included, or embedding short guidance at key points on MyGov could help raise awareness of WSH obligations early. While this does not solve the gap in digital literacy for some cohorts of workers, it is a suggestion supported by the international push for more accessible information. For example, the International Labour Organization (ILO) *Violence and Harassment Convention (No. 190)* requires that tools, guidance, education and training be provided in accessible formats for awareness raising, particularly for people with a disability and culturally and racially marginalised workers.⁷⁵

c) Community-level awareness on WSH

Contributors thought that awareness of WSH remains limited, and a national campaign was required. Suggestions for the campaign include a focus on workers' rights, practical examples of intersectional harassment (e.g. racialised sexism, homophobic sexual harassment), avenues for seeking support, and employers' responsibilities under the Positive Duty.

"A public campaign raising awareness of the prevalence of sexual harassment in the workplace should be undertaken. The campaign should target both individuals who experience sexual harassment first-hand, and direct them to free, confidential support services, as well as individuals who witness sexual harassment, and educate them on speaking up and escalating as needed."

(young culturally and racially marginalised retail worker)

"Organise an annual campaign such as 'R U OK' ... something that embraces sexual harassment, bullying, racism ... because unfortunately people are not aware of their rights, they are afraid, for many reasons, be it the visa, losing their job and issues along those lines."

(First Nations white-collar worker)

As the final quote suggests, a goal of the campaign would be to communicate rights, particularly for workers who face multiple barriers to reporting.

"Cultural issues. Societal issues ... and then someone who is also a worker with a disability is also culturally or racially marginalised ... it's not just the workplace, it is the broader cultural change ... Is that something that could be resourced?"

(professional services worker)

As contributors highlighted, making information more accessible requires a range of methods to cater for the diverse needs

of the wider community.⁷⁶ Local strategies involve using existing relationships of trust within community groups. Societal level strategies involve adding to existing work on the prevention of violence against women, which needs to transform 'gender relations' rather than just changing attitudes and behaviours.⁷⁷

Education has been undertaken as part of the implementation of Respect@Work recommendations.⁷⁸ For example, Australia's primary prevention of gendered violence organisation, Our Watch, did message-testing research with Australian employers, executives, managers, and directors and this research informed the decision to use 'Lead the Change' as the key campaign line in a campaign that ran from March to October 2024.⁷⁹ In 2024, Australia's National Research Organisation for Women's Safety (ANROWS) *#SpeakingOut@Work: Sexual harassment of LGBTQ young people in the workplace* report identified a continued gap in national anti-sexual harassment campaign material, and

recommended a media focus on multiple contexts, such as in workplaces, sports, education, and public spaces.⁸⁰

Given that awareness raising campaigns aim to disrupt harassment before it occurs, it is critical that a national campaign be specific and measurable, incorporating message testing conducted by the Commission as part of Speaking from Experience, Our Watch and other relevant projects.⁸¹ To meet the current and future communication needs of workers and employers, it is critical the campaign recognises the potential for backlash,⁸² particularly in relation to men. Data and knowledge on violence perpetration are limited and further research is needed on the prevalence, dynamics, pathways and drivers of harassment and men's backlash against gendered prevention programs.⁸³ Evaluation of any media campaign should take into account changes to attitudes and behaviours, as has been recommended in relation to increasing awareness of related areas such as workers' compensation.⁸⁴

Reduce barriers to information

Recommendation 1:

Fund specialist organisations to deliver accessible and culturally appropriate education and outreach on WSH. These organisations include settlement and multicultural services, LGBTIQ+ organisations, youth centres, disability services, women's services and Aboriginal and Torres Strait Islander services. This work would complement the work of unions, the National Access to Justice Partnership Agreement 2025-30 and the Respect@Work Working Women's Centre funding.

Recommendation 2:

Deliver a national media campaign to drive behavioural and cultural change on WSH by building awareness, promoting prevention, and encouraging trauma and gendered violence informed action. The campaign should provide accessible and diverse guidance for workers and employers on recognising, responding to, and preventing harassment. With government support, the Australian Human Rights Commission is well-placed to lead this work as part of a coordinated national response.

7.2 Reduce barriers to safety

Contributors saw access to safe, secure and inclusive employment as critical for reducing WSH. Conditions within the workplace were important, but the focus was on the structural barriers that impacted some groups of workers more than others, such as restrictive visa conditions and safety for children and young people. A strong belief was expressed that an increase in the employment of people with diverse lived experiences would make barriers to safety more visible and more likely to be addressed.

a) Increase job security and freedom to move jobs

As has been explored, contributors consistently referred to the impact that financial pressures had on their ability to feel safe from WSH. This was particularly the case for contributors that were both new to Australian workplace culture and processes and in lower-paid, less secure employment. Contributors believed that reform to immigration systems and wage rates for young people would help reduce power imbalances at work. Low-skilled, low-status work and insecure jobs can increase workers' vulnerability to sexual harassment because they fear that resisting or reporting it will negatively affect their income and employment.⁸⁵

These suggestions can appear “out of scope” but are fundamental to addressing the disproportionate rates of WSH for workers of diverse backgrounds.⁸⁶ While a lack of job security is a general risk factor for WSH,⁸⁷ consulting the most marginalised workers remains important to resist policy and practice silos.⁸⁸

b) Improve protections for migrant and refugee workers

The need for visa reforms to address power disparities associated with employer-sponsored visas was fundamental for many migrant and refugee contributors.

“It’s that power and control. When [you’re] employed by someone and you’re vulnerable, you don’t have the communications, the skills, the knowledge to know who to reach out for, but then you’re relying on your employer to give you the money ... I keep calling it modernised slavery. I’ve lived [and had] different employment, done lots of different roles ... but hearing [many] stories [of sexual harassment] from our seasonal workers ... what is the gap, what is the differences? And why are we getting it from seasonal workers?”

(Pacific Islander community advocate)

Contributors provided insight into discrimination on the basis of LGBTQ+ status and highlighted the additional barriers posed by restrictive visa conditions, insecure employment status and exploitative/precarious work conditions.

“We’re trying to protect ourselves ... sometimes if you want to speak up, we put our [visa] status at greater risk ... It’s quite difficult for most of us to even speak up, because it’s a lose/lose situation for most of us.”

(LGBTQ+ migrant and factory worker)

“I don’t have the permanent residency. If I don’t have this job, I couldn’t find another job ... So, I just continue working there and listen[ing] to mocking about a lesbian, butch, transgender jokes. It’s very, very uncomfortable.”

(trans refugee factory worker)

For migrant workers, barriers to safety and access to justice have been on the national agenda. In July 2024, the Australian Government introduced two sets of world-leading visa reforms designed to strengthen the protections for temporary visa holders, making it easier for them to address WSH and issues of workplace exploitation and to deter employers from exploiting migrant workers.

The new short-term ‘Workplace Justice Visa’ enables eligible migrant workers who have experienced workplace exploitation to stay in Australia for up to 12 months to enforce their labour rights without fear of visa cancellation.⁸⁹ The Strengthening Reporting Protections Pilot aims to encourage reporting of incidents and ensures that migrant workers who report workplace exploitation are protected from visa cancellation, even if they have breached a work-related visa condition.⁹⁰

Access to the Workplace Justice Visa relies on a list of Accredited Third-Party Certifiers (ATPs) helping a worker access an extension on their visa. Currently, there is a list of 18 organisations that can certify a claim, with the majority of ATPs being unions and trades and labour councils.⁹¹ This may limit the range of organisations that some migrant workers can go to for help if they are not union members.

The Fair Work Ombudsman is an ATP. There are only two Community Legal Centres (CLCs) on the list: West Justice and Redfern Legal Centre, and two specialist legal centres: the Human Rights Law Centre and the Migrant Workers Centre. There is a service gap for non-union providers in Queensland and Western Australia.⁹² In June 2024, 13 Community Legal Centres across Australia applied to become ATPs for the visa pilots. The centres participated in briefings and provided their logos, only to later be advised that there would be no expansion of the ATP list.⁹³

Contributors provided valuable insights into migration schemes, such as the Pacific Island Labour Scheme (PALM). The concerns they raised reflect findings from reports by the NSW Anti-Slavery Commissioner and Unions NSW that many migrant, temporary and seasonal workers avoid reporting abuse due to the risk of deportation or job loss.⁹⁴

In addition, the United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, conducted an official visit to Australia in 2024.⁹⁵ In his official statement, the Special Rapporteur commented on the “vulnerability of migrant workers” as “disturbing”, highlighting exploitative practices such as deceptive recruitment, underpayment, racial discrimination, harassment, and sexual and gender-based violence.⁹⁶ The Special Rapporteur made several recommendations, such as ratifying relevant international instruments to protect migrant workers, redressing more effectively the power imbalance between employers on certain visa schemes (such as PALM, Student Visa, Temporary Skill Shortage Visa), allocating culturally relevant support for migrant victims of gender based violence and imposing penalties for businesses that exploit migrant workers.⁹⁷

Migrant workers on certain visa subclasses are also ineligible for Centrelink unemployment benefits⁹⁸ or other government financial support during periods of job search following the loss of sponsorship—further entrenching their precarity and silencing them from speaking up against sexual harassment or exploitation.⁹⁹

c) Improve protections for young workers

While only young people aged 18 years or over participated in consults and provided submissions, many reflected on being harassed as a child working in hospitality.¹⁰⁰ For some contributors, there was a sense of there being no safe adults to turn to for support, with one drawing attention to the fact that their manager was only 17 years of age and also did not know what to do.

Contributors recommended mandatory 'Working with Children Checks' or equivalent screening measures to protect young workers being targeted.

"Lack of background checks is a big one. I know in fast food and retail it's not as important per se. Which is interesting, though, because you're working with basically children ... the fact that just anyone can just like walk into a workplace and work with kids ... I do swim teaching, and I have to get my Working with Children's check, and it makes sense, but when you work and you're working – like, your co-workers are underage, how does that work out?"

(young LGBTQ+ hospitality worker)

As the above quote shows, this young worker felt that consideration of 'Working with Children Checks' or 'Working with Vulnerable People checks' for industries with a high proportion of young workers was important.¹⁰¹ These schemes are used in healthcare and as part of the National Disability Insurance Scheme (NDIS), but can be limited to convicted perpetrators and not people who have prior allegations of harassment made against them that have not been substantiated.¹⁰² There are other important gaps in relation to child workers in areas of entertainment. A child can acquire

an Australian Business Number (ABN) on their own behalf from the age of 13.¹⁰³ However, a lack of negotiating experience may make them vulnerable to coercion into unfair contracts and increase risk of WSH.¹⁰⁴ Even when young people are aware of their safety rights, their capacity to seek help may be limited.¹⁰⁵ In June 2023, Australia ratified the ILO *Minimum Age Convention (No. 138)*, requiring the protection of child rights in the context of work and presenting a powerful case for strategies to promote positive early work experiences.¹⁰⁶ The *Fair Work Act 2009* (Cth) contains clauses ensuring minimum wages for junior employees.¹⁰⁷ However, it does not provide a minimum age for working, resulting in inconsistent approaches throughout Australia.¹⁰⁸ Recent campaigns and reports have highlighted the need for governments, industry, NGOs and small business owners to work together to more readily protect young employees who are casual, part-time or on short-term contracts.¹⁰⁹

National evidence on child-safe work is severely limited and more work is needed.¹¹⁰ The National Principles for Child Safe Organisations should guide any development of policies and practices to support young workers.¹¹¹ In addition, consideration of job security for casual workers is critical.¹¹² The relationship between greater job security and increased safety has been noted in relation to migrant women and LGBTQ+ workers.¹¹³ A collaborative approach with small business owners has been identified as an important component of this change. In addition, the Young Worker's Centre has argued for federal legislation to end 'junior wages' for young workers, particularly for workers aged between 18-20 years old who receive a percentage of the adult minimum wage.¹¹⁴ In 2015, the Office of the Australian Business Commission in a submission to the Productivity Commission questioned "the rationale behind the workplace relations system deeming adulthood to commence at 21, not 18".¹¹⁵

In this respect, contributors' suggestions were supported by research on the need for "safe staffing" practices, such as sufficient staffing levels during high-risk periods like store closing time and the need to upskill and empower supervisors and managers to respond to sexual harassment in the retail workplace.¹¹⁶

There was a strong sense that school should be a place where information on workplace rights is provided:

"There needs to be education in high schools ... especially when teenagers hit that age where they can get a job ... education around abuse, DV, sexual assault."

(young hospitality worker)

"Insert this subject in the school from Year 7 ... including sexual harassment in the workplace ... it could be part of PE."

(culturally and racially marginalised social services worker)

State and Territory Working Women's Centres and Community Legal Centres all have school programs that teach students about their rights at work. They advocate strongly for adequate funding and resources to deliver education in schools and within the community.¹¹⁷ Respect@Work Recommendation 10, recognised the importance of school as a site of WSH education and culture change.¹¹⁸ The recommendation called for all Australian governments to ensure children and young people receive school-based respectful relationships education that is age appropriate, evidence-based and addresses the drivers of gender-based violence, including sexual harassment.¹¹⁹ In line with this, between April and June 2024, Education Ministers signed a \$77.6 million national funding agreement to embed

evidence-based, age-appropriate Consent and Respectful Relationships Education (CRRE) in all schools.¹²⁰ Initial funding was released in mid-2024, alongside work to finalise a national framework by early 2025 to guide consistent delivery across all states and territories in Australia.¹²¹ This agreement is a unique opportunity to embed WSH into school curriculum.

The Australian Government's *Working for Women: A Strategy for Gender Equality* also noted how breaking down gendered norms and stereotypes is beneficial for all men, women and gender diverse individuals.¹²² For these programmes to succeed, they require appropriate resourcing and should be locally developed and relevant responses, rather than a 'one size fits all' approach. Internationally, among the primary prevention interventions in high-income countries, schools-based programs were some of the programs rated most effective.¹²³ In Australia, gaps continue to exist in relation to children and young people's understanding of consent with continued negotiation with the Department of Education over the Commission's consent survey. While the evidence-base is lacking, it is likely that these gaps impact on the safety and wellbeing of children and young people in the workplace.

d) Increase workplace diversity

At the workplace level, contributors linked their sense of safety to the level of diversity in their workplace. Diversity within workplaces, especially within management and HR roles, was seen as vital to increasing understanding of intersectional forms of WSH and preventing and addressing WSH.

"Have a few different people in [leadership] so that people are comfortable ... because if it's an older white male, like maybe someone in the community is not going to feel as comfortable going to that person for exposure. So making sure there's a good range of people that can access."

(LGBTQ+ community sector worker)

Many contributors believed that the more diverse the workforce, the less likely that discrimination against specific workers would be ignored and more likely that WSH would be understood alongside other forms of discrimination in the workplace (like racism or transphobia). International evidence suggests that this is the case when it comes to positions of leadership where inclusive climates and WSH have been studied.¹²⁴ For example, an increase in women directors is associated with improved policies related to WSH.¹²⁵ However, a lack of quantitative data collected in Australia (on the numbers of people of diverse backgrounds) means that contributors were picking up on an important gap in evidence.

e) Culture matters: collect data, monitor and evaluate on diversity

To change the level of diversity, and awareness of diversity, in the workplace, contributors suggested increasing numbers of leaders from diverse backgrounds, encouraging a culture of visibility through celebrating cultural days and supporting the monitoring and evaluation of workplace culture. When visibility was lacking, some contributors took personal steps to increase understanding of their life, as one person reflected:

"Visibility is obviously huge, which is one of the reasons that I am so out and queer at work is because most people have never met a transgender person before."

(transgender construction worker)

However, the emphasis was primarily on including diverse voices and workers in the design of WSH response and prevention (for example, in reporting processes), to ensure a diversity of perspective is included.

"There needs to be mechanisms [for] people to give feedback on policies and processes so there can be continual improvement ... Co-design resources with people who've been sexually harassed and recognise intersectionality—not just women, but people with disability, First Nations people, the queer community, people of colour, and culturally and linguistically diverse people."

(neurodivergent worker)

Co-designing resources, policies and practices with people who have been sexually harassed and have diversity of lived experience was seen as critical to effective response and prevention.¹²⁶ Implementing clear diversity targets to include gender balance, cultural representation and the inclusion of workers with a disability, LGBTQ+ workers, and First Nations workers is also necessary.¹²⁷

“Bringing more diversity into every level of workplace ... to break down boys clubs that are generally causing this issue. More proactive steps to start enforcing that, rather than taking a slow natural course to happen, but different perspectives and experiences are needed at all levels.”

(LGBTQ+ white-collar worker)

As the previous quote suggests, there was a strong sense that diversifying the traditional workplace “boys club” was critical for meaningful change. The Diversity Council of Australia (DCA) supports this position, providing evidence that employees in inclusive teams are 5 times less likely to experience discrimination and/or harassment at work compared to those in non-inclusive teams.¹²⁸ DCA’s Inclusion@Work Index also shows that 3 out of 4 employees support or strongly support their organisation taking action to create a workplace that is diverse and inclusive.¹²⁹

Nationally, a number of steps have been taken to increase the foundation for diversity in the workplace. For example, the Commission’s submission to the Senate Finance and Public Administration Committee’s inquiry into the *Workplace Gender Equality Amendment (Setting Gender Equality Targets) Bill 2024 (Cth)* recommended the addition of numeric targets under each of the gender equality indicators to collect data on the experiences of workers with disability and from LGBTQ+, First Nations, and culturally and racially marginalised backgrounds.¹³⁰

However, with limited diversity and a predominance of white, Anglo-men in positions of leadership,¹³¹ confidentiality remains an important consideration for the collection of workplace-level data. For this reason, unions have recommended that the collection of diversity characteristics should be voluntary and complemented

with qualitative research. ANROWS also strongly encourages the funding of research that captures “depth and nuance in relation to women’s experience” and “dedicated, consistent research that is focused on key populations”.¹³² Targeted research provides a unique insight into the role of racism, homophobia, transphobia, ableism, classism, and other forms of discrimination in the lives of people who are harassed and the people who use violence or harassment. For this reason, it has been recommended that the Australian Government invest additional funds in the Personal Safety Survey and the National Survey on Sexual Harassment in Australian Workplace to ensure a more intersectional analysis of how harassment impacts people differently.¹³³

To ensure the ongoing effectiveness of WSH reform, an evaluation of the implementation of the Respect@Work recommendations is a crucial next step. It would ensure evidence-based practice and policy, and help maximise the social, financial and cultural impact of WSH reforms.



Reduce barriers to safety

Recommendation 3:

Resource the Australian Human Rights Commission to conduct the sixth National Survey on Sexual Harassment in Australian Workplaces in 2026 with specific funding for intersectional data collection, reporting and analysis.

Recommendation 4:

Amend the *Workplace Gender Equality Act 2012* (Cth) to drive safer, more inclusive workplaces by requiring data collection on the experiences of workers with disability and those from LGBTIQ+, First Nations, and culturally and racially marginalised backgrounds. Introducing numeric targets under each Gender Equality Indicator will improve visibility of systemic inequities, support evidence-based action, and strengthen employer accountability for the safety and wellbeing of all workers.

Recommendation 5:

Strengthen the safety and wellbeing of children and young people at work by:

- a) Conducting a review to identify and address inconsistencies in legislation, awards, regulatory policy and practice for working-age children and young people.
- b) Embedding WSH education into respectful relationships and consent education in all high schools.

Recommendation 6:

Improve safety and access to justice for migrant and refugee workers by reducing immigration-related barriers to help-seeking. Expand the list of approved accreditors for the Workplace Justice Visa to include more legal services—such as community legal centres, legal aid commissions, Working Women’s Centres—as well as unions and specialist organisations. This will increase timely access to support, reduce fear of visa-related consequences, and enable more migrant and refugee workers to report workplace harm and seek protection.

Recommendation 7:

Evaluate the progress and effectiveness of all the Respect@Work recommendations, including but not limited to those recommendations relating to education and training and trauma informed care (8, 9, 10, 11, 12, 33, 34, 36, 37, 40, 41, 45). Findings should inform an ongoing commitment to address identified gaps and include appropriate resourcing.

7.3 Reduce barriers to victim-survivors being heard

Contributors identified a contradiction between being asked to report WSH and being told they should not talk about the harassment. They drew attention to the harmful impacts of being advised not to talk about their experiences by lawyers or people at work, and the positive benefit that would come from limiting the use of non-disclosure agreements (NDA) and the chance of defamation.¹³⁴

a) Limit confidentiality agreements or non-disclosure agreements (NDAs)

An NDA is a legal obligation that means the people involved cannot tell others what has happened. These agreements are widely used in settlement processes involving WSH claims. They typically provide that, as a condition of receiving compensation for harassment, the worker who suffered the harassment must keep their experience confidential—that is, they are not allowed to talk about what happened to them with particular people or organisations, or at all.¹³⁵ For contributors who mentioned NDAs, there was a strong sense that they protect harassers and organisations, rather than support victim-survivors. For those that had signed NDAs, even the decision of choosing a pseudonym to participate with became a source of grief about losing their ability to speak for change.

NDAs vary and can allow people to talk to family members or counsellors but not to other workers.¹³⁶ NDAs frequently create isolation, prevent closure, and undermine the transparency essential for genuine accountability.¹³⁷ Throughout the sessions and written submissions there were strong statements made in relation to NDA use.

“NDAs ... should not be able to silence us.”

(LGBTQ+ professional worker with a disability)

“I think it’s so important especially for workplaces to have a strong balance between being respectful of victims of sexual harassment and dealing with the cases with strong confidentiality. But also making sure that it’s not so secret that it becomes shameful or becomes a hush hush topic that you’re not meant to ever say anything about .. it can make [victims] feel really socially isolated and almost embarrassed to advocate for themselves or do any advocacy about it.”

(regional young worker)

Strict NDAs continue to be overused in the resolution of sexual harassment matters. Although NDAs mostly require all parties (employer, victim-survivor, and the perpetrator) to maintain confidentiality, the agreement is almost always requested by the perpetrator or employer as a form of protection, not by the person who has been harassed.¹³⁸ As one Perth contributor highlighted, it is often not an equal playing field. She recounted her university funding a legal team to represent a known perpetrator of WSH and there being no sense an “equal and fair bargain” could emerge from any negotiations.¹³⁹ Professor Margaret Thornton argues that it is a “legal fiction” to assume both parties to an NDA in sexual harassment matters are negotiating from equal positions of power.¹⁴⁰

Survivors may feel compelled to sign NDAs due to fear of losing future employment opportunities, professional retaliation, or reputational damage—despite the agreements often serving to protect the interests of organisations, such as minimising reputational risk. Thornton further notes that NDAs can have an isolating effect, preventing survivors from seeking counselling, community connection, and broader systemic redress. In 2022, the Respect@Work Council and the Australian Human Rights Commission published Guidelines on the Use of Confidentiality Clauses in the Resolution of Workplace Sexual Harassment Complaints to help legal practitioners navigate resolution away from blanket confidentiality in pursuit of a victim-centric approach.¹⁴¹

Since the 2022 Guidelines, the Victorian Trades Hall Council and Working Women's Centres are advocating for legislative reform on this issue.¹⁴² They supported the Victorian Government's Ministerial Taskforce on WSH recommendation that legislative amendments restrict the use of NDAs, using the then *Irish Employment Equality (Amendment) (Non-Disclosure Agreements) Bill 2021* (Irish model) and drawing from lessons from other jurisdictions (i.e. the United Kingdom and United States) as the model for reform.¹⁴³

"I think it's so important especially for workplaces to have a strong balance between being respectful of victims of sexual harassment and dealing with the cases with strong confidentiality ... but also making sure that it's not so secret that it becomes shameful or becomes a hush hush topic."

(young worker)

As the young worker states, the balance between respect for victim-survivors of WSH and confidentiality is an important one. The quote also points to the way that silence can create shame or avoidance. While the

Respect@Work report recommended the development of best practice principles to guide the use of NDAs, legislation on their use has not changed. This stands in contrast to legal developments in the United States, United Kingdom, Ireland and Canada, where some jurisdictions have enacted reforms to restrict the use of NDAs in sexual harassment cases in certain settings, such as workplaces, higher education institutions, and more broadly.¹⁴⁴ These international developments underscore the need to examine how current legal and institutional practices in Australia may reinforce structural power imbalances and limit transparency and accountability.

Similar provisions to those initially proposed in the Irish Model are now found in section 14B of the *Employment Equality Act 1998* and came into effect in October 2024. Section 14B prevents employers from entering into an NDA with an employee who has experienced or made allegations of sexual harassment or discrimination unless it is the express wish and preference of that employee.¹⁴⁵ It also provides a number of conditions that must be met for the NDA to be enforceable, including that the employee receives independent written legal advice at the employer's expense.¹⁴⁶

Critical to any meaningful change is proper education on the use and impacts of NDAs for lawyers and accessible legal advice on the impacts of confidentiality for people who have been harassed. Education on NDAs, and on the broader nature, drivers and impacts of sexual harassment, remains critical to any changes to the law. As part of this, an evaluation of Respect@Work implementation will determine which parts of the education and training can be extended and strengthened for the legal profession, judges, magistrates and tribunal members, as well as tertiary institutions, training providers, human resource practitioners, company boards, managers, and senior executives, in a sustainable way.

b) Limit the threat of defamation

In relation to defamation, contributors advocated for protections against strategic lawsuits aimed at silencing victim-survivors, known as strategic litigation against public participation (SLAPP) lawsuits.

"I also believe changing defamation laws is extremely important. I was so scared to speak out due to fear of legal action from my employer."

(LGBTQ+ administrative services worker)

"I got a Teams meeting from the HR director ... [they said] 'we just want to make sure you are aware that you are leaving yourself open to slander and defamation right now' ... That was probably the worst part of it ... From that moment on, I just withdrew my worker compensation."

(mining industry worker)

As the above quotes suggest, the threat of defamation is an additional barrier to victim-survivors speaking out about WSH.¹⁴⁷ Defamation or privacy lawsuits can further entrench existing barriers to justice for workers of diverse backgrounds, forcing expensive litigation and increasing power and financial imbalances.¹⁴⁸

The laws designed to minimise the harm of SLAPP suits vary greatly, including about the types of speech they protect. Some laws seek to blunt the economic harm of SLAPP suits and require litigants who bring SLAPP suits to pay defendants' legal costs and attorney fees if those suits are unsuccessful. Anti-SLAPP legislation is a key area of law reform in the US and Europe.¹⁴⁹ As contributors identified, a gap remains in relation to Australian anti-SLAPP legislation and how to deter litigation which stifles public-interest discussion about gender-based violence.¹⁵⁰

Reduce barriers to victim-survivors being heard

Recommendation 8:

Increase workplace transparency and protect workers' rights by:

- a) Amending the *Sex Discrimination Act 1984* (Cth) and relevant industrial laws to restrict the use of confidentiality and Non-Disclosure agreements in workplace sexual harassment cases, in line with with section 14B of Ireland's *Employment Equality Act 1998*.
- b) Resourcing the Australian Human Rights Commission to, in the interim, update the Respect@ Work Guidelines on Non-Disclosure and confidentiality agreements, drawing on section 14B of Ireland's *Employment Equality Act 1998* as a key guide.

7.4 Reduce barriers to workers accessing support after being harassed

Contributors made suggestions to ease the barriers to social and financial support after harassment.

a) Increase the safety and accessibility of medical and psychological support

Immediate and accessible crisis payments for workers who have experienced WSH was mentioned by a number of contributors, especially those in casual employment, from low socioeconomic backgrounds, or on temporary visas.¹⁵¹

"I think there should be something in place so you could get emergency payment if you lose your job as a result of making a complaint ... there's no real processes in place to keep women safe financially."

(neurodivergent white-collar worker)

"I was an international student ... I didn't have access to financial support—what provisions are in place for us then?"

(young retail worker international student)

Contributors also advocated for mandatory paid leave entitlements for victim-survivors of WSH, casuals included. Providing paid leave recognises the serious psychological impacts of WSH and supports victim-survivors in seeking appropriate help without financial penalties.

"The minute you tell a boss about sexual assault, you should be offered a week off minimum ... It doesn't matter if I'm casual or not, give me time off because I'm not in a mental space."

(young hospitality worker)

The critical importance of timely, affordable, and culturally responsive psychological support services for victim-survivors, especially casual workers, migrant visa-holders, and people with disabilities was also emphasised.¹⁵²

"Counselling support ... Because if you are on a temporary visa, you cannot access to many care or psychology appointments."

(culturally and racially marginalised social worker)

"Mainstream psychology support through the EAP isn't actually going to be appropriate ... [autistic people] need neuro-affirming, disability-affirming, trauma-informed psychological support."

(neurodivergent white-collar worker)

There are several options available to people who have been harassed.¹⁵³ Workers' compensation is 'no fault' and available for eligible workers who can prove that their injuries were work related.¹⁵⁴ Similarly, Employee Assistance Program (EAP) providers are available in larger organisations for some counselling and psychological help.¹⁵⁵ However, suggestions provided point to gaps in awareness of these options or existing barriers to uptake.¹⁵⁶

b) Workers' compensation

In relation to workers' compensation, research delivered by Safe Work Australia under the *National Return to Work Strategy* (2020-2030) highlighted that awareness of options remains low.¹⁵⁷ Barriers to access were found to impact culturally and linguistically diverse workers, First Nations workers, workers with a disability, casual workers and workers employed by small businesses.¹⁵⁸ The report also found that young workers are unwilling to claim workers' compensation due to fear, concerns about employer retaliation and that it would "be more trouble and time than sorting it out on their own."¹⁵⁹ These findings suggest that workers require greater knowledge and understanding of the workers' compensation system, including rights and eligibility, access to, and support with the process and services associated with workers' compensation. Safe Work Australia's development of new website content, and factsheets to reduce workers' compensation stigma and communicating workers' compensation information, begins to address this pressing issue.¹⁶⁰

Importantly, contributors that had been through the workers' compensation process pointed to other barriers to accessing support, including having to involve employers, disclose prior workers' compensation cases to future employers (in industries such as mining), and a lack of trauma-informed investigation (nationally).

"Workers Comp [QLD] is the only state in Australia that doesn't investigate ... I'm like, what do you mean you don't investigate? She goes, 'you give us what happened, we send it to your employer. If they go, it didn't happen, it didn't happen.' I'm just like, are you for real? And they're like, 'no we don't. We're the only state in Australia that doesn't investigate.'"

(mining industry worker)

In the quote above, there was shock that the workers' compensation process could involve the employer having to agree that WSH had taken place and there was distress that they could take the employer's word for it.

"Every time you go for a job ... you have to put your workers' compensation [history] and what it's for. And that needs to go away ... That's the reason why I didn't want to continue with the claim."

(culturally and racially marginalised mining industry worker)

The need for a code of conduct related to trauma, violence and culturally safe responses to WSH was routinely highlighted by contributors. The need for trauma-informed processes is particularly important given that alternatives to workers' compensation are scarce. Nationally, crisis payments are only provided in very particular and extreme circumstances.¹⁶¹ While leave has been implemented for domestic and family violence, it has not been extended to other gendered violence and excludes WSH.¹⁶² A 2024 independent review called for the paid family, domestic violence leave entitlement to be expanded in the *Fair Work Act 2009* (Cth) to include all forms of sexual violence (whether it occurs in the workplace or outside the workplace).¹⁶³ The Australian Council of Trade Unions advised that unions have also advocated for increasing the quantum of the leave given that court cases alone can be up to five days. Concerns raised by contributors reinforce suggestions that ongoing investment in education, training and trauma-informed care is required.¹⁶⁴

c) Private investigators

Similarly, contributors called for the establishment of clear regulations for private investigators employed by workplaces and insurers, particularly in workers' compensation investigations, involving sexual harassment.

"As far as I could tell from my own research ... I couldn't really discern that these so-called independent investigators are regulated ... no guidelines on how they're supposed to be conducting their investigation ... we're putting a lot of trust into these complete strangers but have no idea about what their qualifications are."

(LGBTQ+ tertiary sector worker)

The quote above demonstrates the role of private investigators is not understood. One contributor recounted the distress of getting calls out of the blue from people investigating their report of WSH, never knowing when they would be in touch, how or for what reason. While the licensing

requirements of private investigators differ in each state and territory, there is no standard procedure or trauma-informed guidance. Both Respect@Work and the Victorian Ministerial Taskforce on Workplace Sexual Harassment recommended that trauma-informed and best practice advice should be provided on workplace investigations (including the required certification/training level of independent investigators).¹⁶⁵ Unions have also recommended that all parties be made aware of who the investigator is, and the findings of any investigation.¹⁶⁶ More broadly, Safe Work Australia is in the process of updating the 2018 *Taking Action: A best practice framework for the management of psychological claims in the Australian workers' compensation sector* and it is an important opportunity to improve trauma and violence informed practice.

Reduce barriers to workers accessing support after being harassed

Recommendation 9

Improve outcomes for workers who report WSH by updating national guidance on trauma and violence-informed responses. With government support, the Australian Human Rights Commission should lead this work to ensure employers are equipped to respond appropriately, reduce harm during the reporting process, and build greater trust in complaint systems.

7.5 Reduce barriers to justice and accountability

Contributors identified the need for justice and accountability as well as information on national actions taken to respond to and prevent WSH.

a) Consequences for workplaces that fail to appropriately address WSH

Contributors emphasised the need for national culture change and, in particular, a new way to work with workplaces to ensure accountability.

"And the workplace culture definitely needs to change. And I think if we actually had—we've got the legislation. We just need to make sure that businesses are keeping accountable to it. And I think that's something that needs to change. Some kind of monitoring, accountability, so that everybody knows in Australia if there is sexual harassment somebody will complain and something will be done, and you will be supported."

(worker with a disability and disability advocate)

National culture change was part of the introduction of the Positive Duty. The Positive Duty was not understood by many contributors. Of those who did know, some thought it was an important step. Others had concerns about whether the Positive Duty would be effective in practice. One contributor worried that the Positive Duty could become a 'tick-a-box' exercise without effective enforcement:

"We talk about Positive Duty ... Everybody is aware, but where is that rubber meeting the road? Where is that implemented? Who is checking? Compliance is a big thing. It's tick-the-box, but on the ground, it's just not working because the culture is still there."

(culturally and racially marginalised professional worker)

Many contributors did not have a clear understanding of what the Positive Duty was and what action could be taken if a workplace did not comply with the Positive Duty.

The Positive Duty

The introduction of the Positive Duty in December 2022 was an important addition to the laws that help to prevent and respond to WSH in Australian workplaces. The Commission's powers to monitor and enforce the Positive Duty began in December 2023.

The Positive Duty means most organisations in Australia have to take proactive steps to end some discriminatory behaviours, including WSH, as far as possible. This is a systemic shift from responding to harm after it happens, to preventing it before it happens.

Some contributors also reflected a sense that their leaders did not take the new laws seriously:

"I was so excited when the Positive Duty came in and then completely despondent, hearing senior leaders say things like, 'well, there are no penalties attached to the Positive Duty' ..."

(multicultural services worker).

A gap in knowledge of what the Positive Duty is and what it can do was common. There was a clear sense that strong action is needed to force workplaces to take WSH seriously and change culture.

“Frankly, I think there should be punitive action for those who fail to take action. There’s effectively workplace negligence in these blatant incidents I quote in this submission. It is indefensible and I would really like to see something happen ...”

(culturally and racially marginalised STEM professional)

The level of anger that was expressed by contributors was significant in workplaces that did not act to prevent WSH. In more than one case, contributors described situations where the workplace actively helped the harasser, including funding legal support for the harasser. In many others, the harasser kept their job and the person who was harassed was forced to leave, a pattern well established in the Respect@Work report. While contributors rarely made calls for harsher penalties for perpetrators, they thought that penalties for workplaces are appropriate in some circumstances. Contributors felt that penalties for workplaces may help stop bad behaviour. The evidence behind this understanding is mixed. In relation to other forms of workplace exploitation, such as wage theft, findings suggest that voluntary agreements or undertakings also play an important role in helping to change behaviour.¹⁶⁷

What can the Commission do?

To make sure workplaces follow the rules of the Positive Duty, the Commission can conduct inquiries into organisations.¹⁶⁸ Where the Commission makes a finding of non-compliance, it may issue a ‘compliance notice’ telling them what actions the organisation must take, or stop taking, to address the issue.¹⁶⁹ If the organisation does not comply, the Commission can ask the federal courts for an order to comply.¹⁷⁰ The court can also make any other appropriate order.¹⁷¹ The Commission may also enter into legal agreements with organisations, which are known as ‘enforceable undertakings’.¹⁷² The Commission does not currently have the power to apply to a court for a civil penalty order for a serious or repeated failure to comply with the Positive Duty. Although the changes to the legislation are quite recent, the Commission has seen good engagement by organisations since the Positive Duty began.



As discussed in *Free & Equal: A reform agenda for federal discrimination laws*, the ability to seek a civil penalty order through the courts is a powerful option for regulators.¹⁷³ The threat of going to court can encourage workplaces to improve what they are doing to stop WSH happening.¹⁷⁴

The suggestion by participants that the legislative framework around the Positive Duty may be strengthened was reflected in the Australian Law Reform Commission's (ALRC) recent report *Safe, Informed, Supported: Reforming justice responses to sexual violence*.¹⁷⁵ The ALRC recommended that the *Australian Human Rights Commission Act 1986* (Cth) be amended so that breaches of the Positive Duty could result in an order for civil penalties.¹⁷⁶ The ALRC stated that civil penalties may place greater responsibility on duty holders to address WSH and on the state to enforce that responsibility, shifting the responsibility away from individuals to bring legal action.¹⁷⁷

b) Public information on consequences for workplaces that fail to appropriately address WSH

Contributors were eager to understand what action was being taken nationally in relation to the Positive Duty.

"I would like to see the AHRC exercise its new compliance and enforcement powers to assess responses ... taken to reports of sexual harassment."

(professional services worker).

While the Commission recognises the importance of providing information to the public around its compliance and enforcement powers and activities, Commission staff are subject to a secrecy provision in section 49 of the *Australian Human Rights Commission Act 1986* (Cth), which limits the ability to share information with other agencies and with the public.¹⁷⁸

What can the Commission say?

The secrecy provision limits what the Commission can share about workplaces it is investigating or actions it is taking. The ability to share information with other agencies who deal with WSH such as the Fair Work agencies and work, health and safety regulators, would help ensure the best use of evidence and resources. When a workplace agrees to change their policies or practices on WSH through an "enforceable undertaking",¹⁷⁹ this can be made public. If the workplace is taken to court, the Commission is also able to make this information public.¹⁸⁰ The Commission intends to publish de-identified data about its compliance and enforcement activities relating to the Positive Duty. This could include data on how many organisations are being investigated, how many times the Commission used its coercive information gathering powers and how many organisations are voluntarily engaging.

There must be an independent statutory review of the Positive Duty amendments after 12 December 2025 (and no later than 12 December 2026).¹⁸¹ This review will, consider whether the Positive Duty is working effectively and whether the Commission has the resourcing and capacity to carry out its functions relating to the Positive Duty, including the education and outreach work that contributors routinely raised as an area of need.¹⁸² The Commission has recommended that the review look at the secrecy provision, and whether there are ways to address the concerns raised by participants.

c) Restorative justice pathways for WSH

When contributors referred to perpetrators of harassment, the need for non-punitive forms of justice was emphasised. Restorative justice and perpetrator intervention programs were some of the programs mentioned.

"I would love if this was restorative. I wish we could have a circle conversation about this. But I'm there sobbing being like, I can't facilitate that and none of you are going to. [You're] going to do it all in separate rooms ... Where is the restorative justice of learning from a victim's perspective? ... I want you to be in the dirt with me and then we'll get out of it together."

(young hospitality worker)

"I just think that there's something powerful with that ... men holding other men accountable for saying the wrong thing, especially when they're from very similar backgrounds because that guy was Australian, my manager's Australian in the stereotypical way, like white cis men."

(culturally and racially marginalised white-collar worker)

Restorative justice would focus on the personal harms caused by WSH, rather than on the violation of a law, or on the technical elements of a legal duty owed to another party. Its purpose is to explore at a personal level what happened, how people were affected, and what needs to occur to repair the harm caused.¹⁸³ Restorative justice processes can have benefits and outcomes that are not generally available through legal proceedings.

While mediation, conciliation and other forms of dispute resolution can have restorative effects for participants, 'restorative justice conferencing' is a standalone model. The value of restorative justice has been outlined by major inquiries into gendered violence.¹⁸⁴ In the area of work, health and safety, the Sentencing Advisory Council recently made recommendations for restorative justice as a response to breaches of Occupational Health and Safety (OHS) Laws.¹⁸⁵ The Centre for Innovative Justice's (CIJ) report for WorkSafe Victoria also recommended restorative justice as an option in relation to breaches of OHS laws.¹⁸⁶

In 2021, the Victorian Government released their response to the Ministerial Taskforce addressing sexual harassment in Victorian workplaces. It accepted, in principle, the recommendation that the Victorian Government explore options to pilot a restorative justice service model to address workplace sexual harassment.¹⁸⁷

In 2024, the ALRC made recommendations about restorative justice in relation to sexual assault and harassment and included a specific recommendation for First Nations communities to design, build and deliver accredited restorative justice programs that are free for First Nations people.¹⁸⁸



d) Prevent repeat offending of WSH

How to stop repeat offenders of WSH was a concern expressed by contributors. While some contributors felt that restorative justice and men's behaviour change programs were ways to prevent repeat offending, other contributors felt that further action was required. Some contributors made the more contentious suggestion that more employers should be able to access information about whether a prospective employee has a record of established, repeated WSH. Many of these contributors had the experience of harassers moving from one workplace to another.

"Having that required reporting of it and recognising it as some sort of an incident within some kind of register ... it would ping that they did something before and then notify someone. That's going to give statistics too, which are important in getting funding and reform."

(young hospitality worker)

"A record/register that all workplaces can access which shows an employee's history if they have had repeated or significant sexual harassment events ... If they show on the list, everyone at the workplace should be informed once before the person begins working there."

(neurodivergent culturally and racially marginalised STEM worker)

The idea of keeping track of perpetrators could contradict other values expressed by contributors. Reiterating points from the *Enough is Enough: Sexual harassment against women in the FIFO mining industry* report tabled in Western Australia, the Commission acknowledges that the concept of a register raises matters of confidentiality and may challenge the concept of natural justice.¹⁸⁹

In addition, for First Nations communities there are existing barriers around reporting perpetrators of gendered violence, such as mistrust of mainstream legal services to understand and respect the needs, autonomy and wishes of victim-survivors which includes confidentiality and avoiding increased incarceration rates.¹⁹⁰

Currently, regulated industries such as healthcare and NDIS settings require workers to obtain screening checks and record incidences where there have been findings of malpractice and bad conduct.¹⁹¹ This prevents individuals who have been proven to have engaged in inappropriate conduct from moving freely between organisations within the industry. The Department of Education's draft *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025* requires an education provider to provide data on the number of recruitment processes that involved a declaration of an allegation or determination of gender-based violence and the number of people that made a declaration who were offered a position.¹⁹²

Most contributors wanted accountability, but some raised the need for alternative and less formal pathways to address incidents of WSH, such as restorative justice practices. Unions also believe in assisting workers to change where that is appropriate and possible and invest in evidence-based and effective methods for dealing with perpetrators and men's behaviour change programs. This suggestion was also made by contributors and aligns with the benefits of restorative justice as a method for holding employers and perpetrators accountable through resolutions that are victim-survivor centred and encourage prevention of repeat perpetrators.¹⁹³

Reduce barriers to justice and accountability

Recommendation 10

Resource an organisation such as the Centre for Innovative Justice, in partnership with the Australian Human Rights Commission, to expand trauma, violence, and culturally informed responses to WSH. This includes developing restorative justice guidelines for WSH and piloting a restorative justice program, co-designed with lived-experience experts and with resources to evaluate how accountability processes enhance healing, justice, and prevention.

Recommendation 11

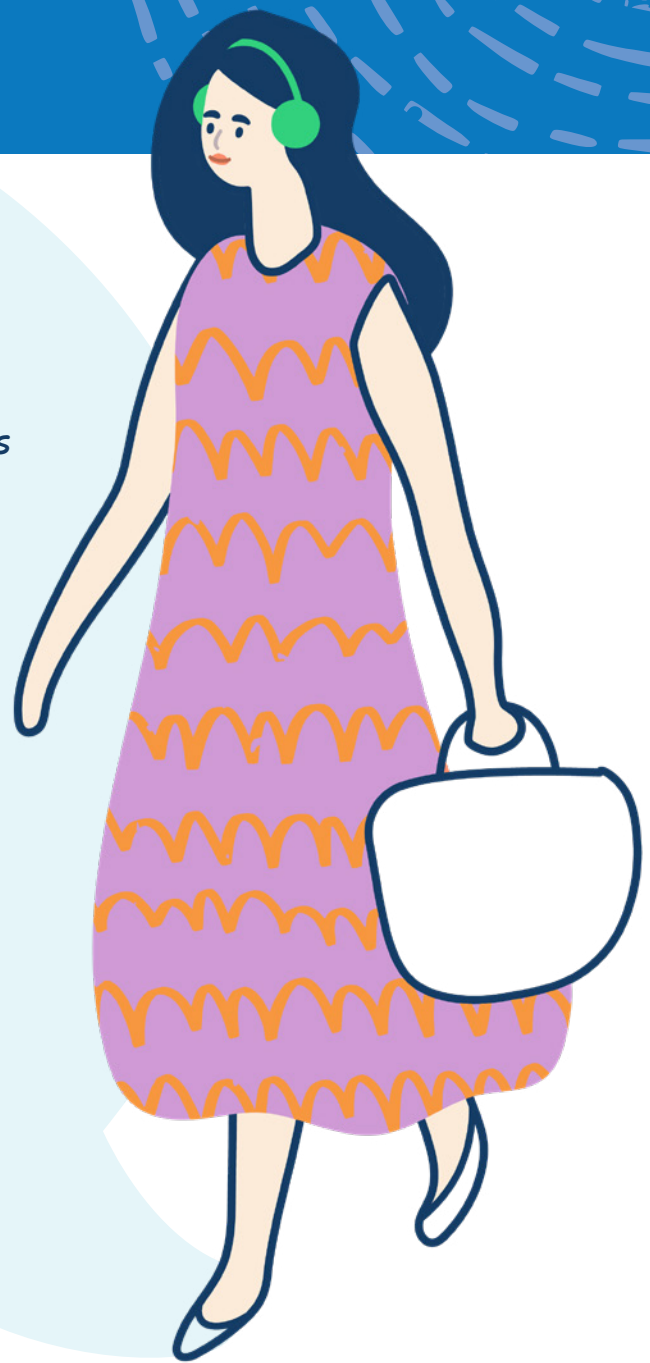
Strengthen employer accountability for preventing workplace sexual harassment by:

- a) Amending section 49 of the *Australian Human Rights Commission Act 1986* (Cth) to enable better information sharing between regulators.
- b) Introducing civil penalties for breaches of the Positive Duty under the *Sex Discrimination Act 1984* (Cth).

8. Conclusion

"If I had a magic wand, I would make it known that sexual harassment is illegal. That there are repercussions for it. That it's not small or something to be swept under the carpet. That it has huge impacts, and that it can be generational as well. The workplace culture definitely needs to change ... We've got the legislation. We just need to make sure that businesses are keeping accountable to it ... Some kind of monitoring, accountability, so that everybody knows in Australia if there is sexual harassment somebody will complain and something will be done, and you will be supported."

(worker with a disability)



Everyone who contributed to the Speaking from Experience project took actions to remain safe, resist harassment and diminish the injustice they faced at work. One action was sharing their lived experience to create change. WSH is often accompanied with silence. This report aims to be an antidote to this silence, giving voice to contributors who want to be heard on matters that affect their work and wellbeing.

Contributors stressed that secure work conditions, characterised by fair contracts, financial stability, and robust worker

protections, are foundational to addressing WSH. Ensuring that workers, particularly those from marginalised groups, are not forced to choose between their safety and their livelihood is a critical step towards safer, fairer workplaces. It is also a step towards more inclusive workplaces.

Safety and inclusivity go hand in hand.

Employers, workplaces and advocates, and practitioners working in WSH-related areas, gendered violence and industrial relations have a role to play in this change.

Endnotes

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- 2 Due to the small numbers of contributors who recorded having a variation of sex characteristic or who related their harassment to being intersex, the acronym “LGBTQ+” is used in this report, when referencing contributors of this project.
- 3 Some direct quotes have been slightly edited to improve readability. Phrases such as ‘um’, ‘like’ and ‘you know’, and pauses in speech have been omitted. Re-adjustments to punctuation due to dialects, speech patterns and impairments have also been made. Ethical judgements to balance readability while maintaining authentic voices have been made.
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- 11 The Commission thanks staff from the following organisations: Fair Work Commission, Safe Work Australia, Human Rights Law Centre, Young Workers Centre, Working Women’s Centre Australia, Safe Work Australia’s Workers’ Compensation Policy team, the Australian Council of Trade Unions, National Legal Aid, Open Circle RMIT, Office of Industrial Relations Queensland, Our Watch, Fair Work Ombudsman, Redfern Legal Centre, Circle Justice and the Australian Human Rights Commission Information and Conciliation Service Team, Positive Duty Team and Children’s Rights Team.
- 12 Participants have been deidentified and pseudonyms have been used.
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- 18 Contributors who partook in ‘culturally and racially marginalised’ (CARM) sessions included humanitarian entrants (refugees and asylum seekers), forcibly displaced people, migrants, temporary visa holders, international students, and people who identified as culturally, linguistically and/or religiously diverse.
- 19 Speaking from Experience sessions for young workers were advertised as ‘young workers (aged 18-25)’. Please note that for the purposes of this report, young workers are workers aged between 18-25 years old.
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**Australian Human
Rights Commission**

GPO Box 5218 SYDNEY NSW 2001

Telephone: (02) 9284 9600

National Information Service: 1300 656 419

General enquiries: 1300 369 711

TTY: 1800 620 241

Fax: (02) 9284 9611

Website: **www.humanrights.gov.au**