

# From Risk to Response:

A Health & Safety Approach to Preventing and Managing Workplace Sexual and Gender-Based Harassment



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# Acknowledgement of Country

Comcare acknowledges the Traditional Owners of Country throughout Australia and acknowledges their continuing connection to land, waters, and community.

We pay our respects to Elders past and present.



## WHAT WE WILL COVER

1

The **regulatory and environmental context** of sexual and gender-based harassment as psychosocial hazards

2

**Practical considerations** for the end-to-end WHS process

3

Responding to reports and investigations using a **trauma-informed approach**

4

**Tools and resources**



# REGULATORY LANDSCAPE

## Work Health and Safety Act (2011)

- Requires duty holders to **ensure**, so far as is as reasonably practicable, the **psychological** and physical **health and safety of workers while at work**.
- Regulated by Comcare

## Work Health and Safety Regulations (2011)

- Requires management of **risks** that arise from work design, management, environment, or interactions, and **can cause psychological harm**.
- Regulated by Comcare



## Sex Discrimination Act 1984 (Cth)

- **Positive duty** on employers to proactively take reasonable and proportionate measures to eliminate sexual harassment
- Regulated by the Australian Human Rights Commission

*Work Health and Safety (Sexual and Gender-based Harassment) Code of Practice 2025*



## DEFINITIONS

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### ***Sexual Harassment***

**Unwelcome sexual advance**, **unwelcome request for sexual favours** or other **unwelcome conduct of a sexual nature**, in circumstances in which a reasonable person, having regard to all the circumstances, would anticipate the possibility that **the person harassed would be offended, humiliated or intimidated**.

### ***Sex and Gender-based Harassment***

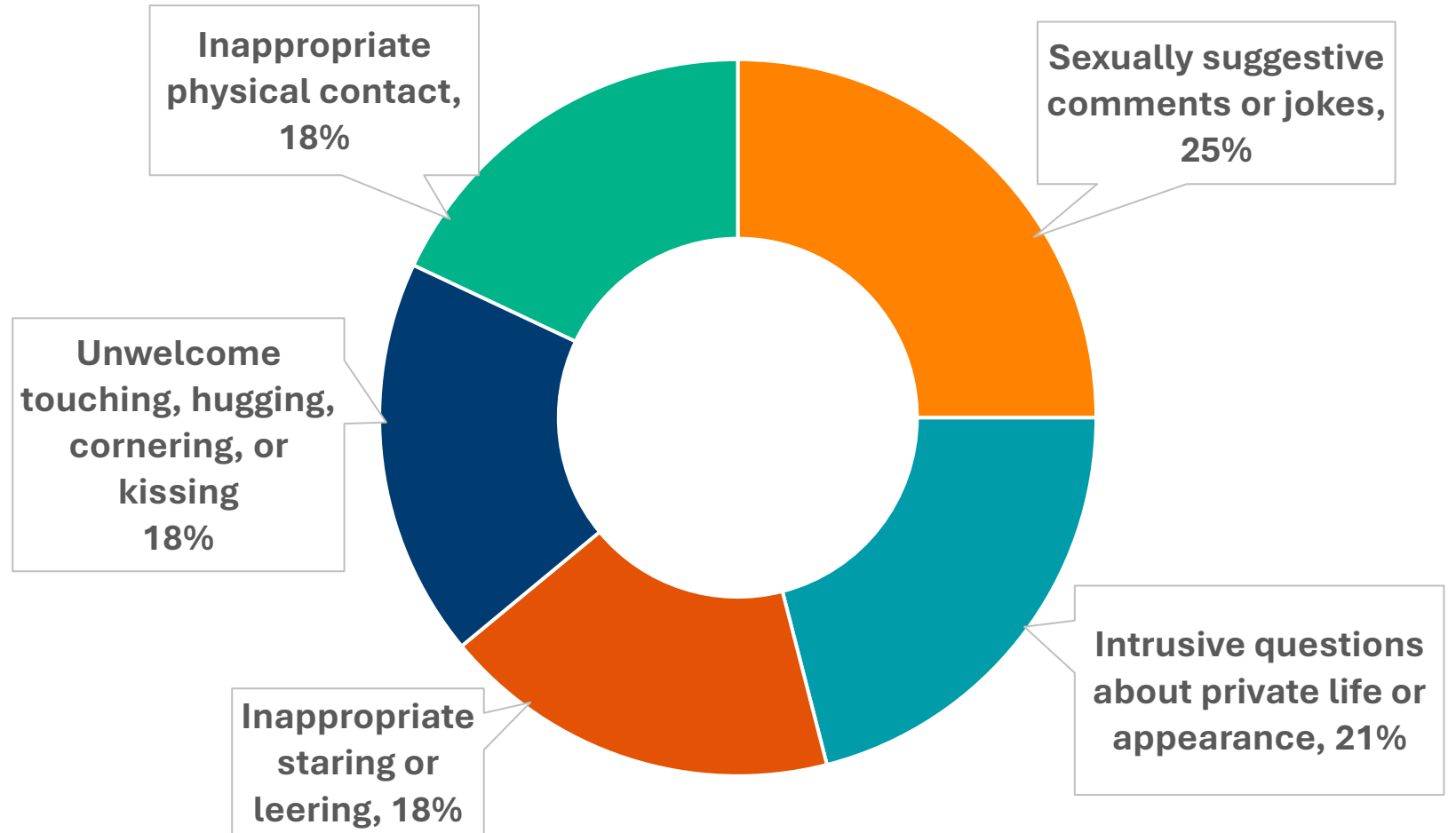
**Unwelcome conduct of an offensive or demeaning nature by reason of the person's gender, sex, or sexuality**, in circumstances in which a reasonable person would have anticipated the possibility that **the person harassed would be offended, humiliated or intimidated**.

**Both are influenced by gender inequality, low worker diversity, power imbalances, remote or isolated work and systems that lack accountability**



# INSIGHTS ABOUT WORKPLACE SEXUAL HARASSMENT

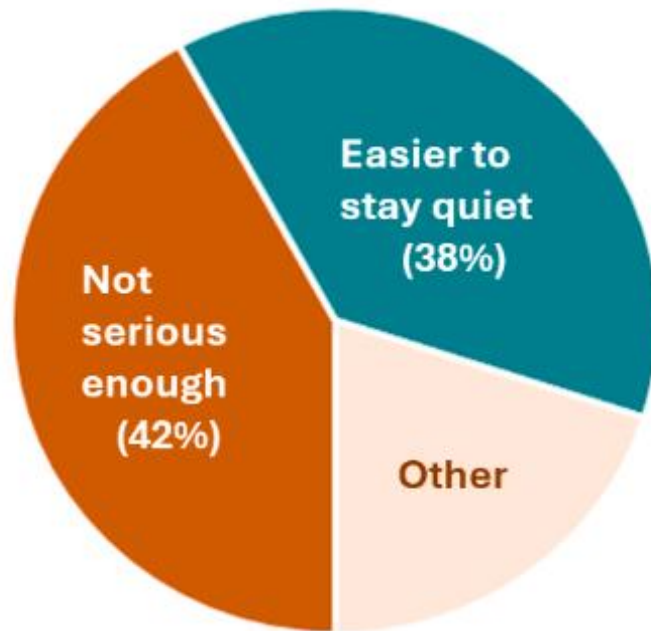
**1 in 3 Australians**  
experienced  
sexual harassment  
in last 5 years



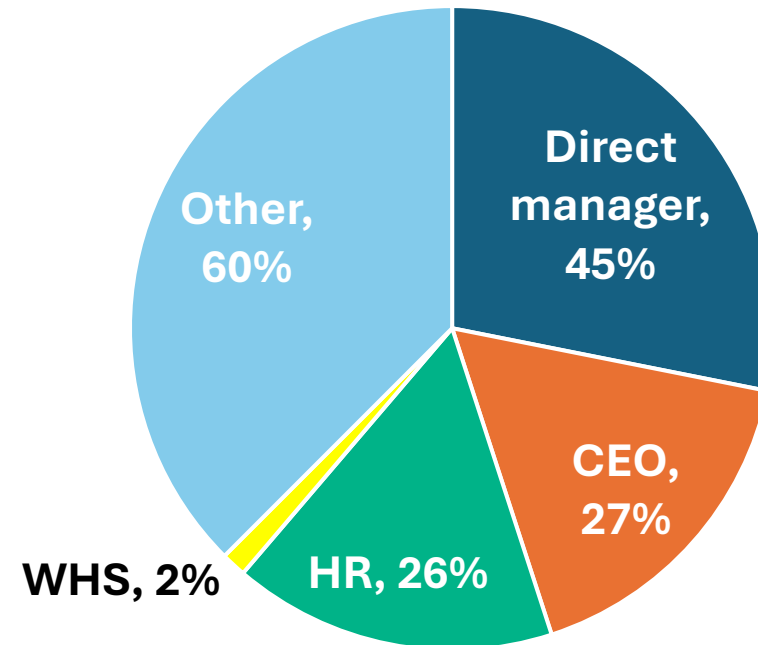
Data from: Time for respect: Fifth National Survey on Sexual Harassment in Australian Workplaces 2022 (Over 10,000 Australians)

# INSIGHTS ABOUT WORKPLACE SEXUAL HARASSMENT

82% did not make a formal report  
Why?



Who was it reported to?





# INSIGHTS ABOUT WORKPLACE SEXUAL HARASSMENT

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Only 28% of workers who formally reported sexual harassment said the behaviour stopped

Majority agree their workplace is committed,  
however, only **51% say info on reporting is provided.**

Data from: Time for respect: Fifth National Survey on Sexual Harassment in Australian Workplaces 2022 (Over 10,000 Australians)



# RISK MANAGEMENT PROCESS



# STEP 1: IDENTIFY



## Understand risk factors

- Isolated work
- Field work
- Client-facing roles
- Travel
- Online work
- Physical work environment
- Workforce hierarchy, structure, demographics, culture

## Consult workers

- All workers
- Those affected
- Understand past instances
- Identify future risk

## Review data

- Past incidents
- WHS systems data
- Support access data
- Exit interviews
- Anonymous surveys



## STEP 2: ASSESS

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### Considerations

**Severity** – how severe is the harassment?

**Frequency** – how often is the worker exposed to the harassment?

**Duration** – how long is the worker exposed to the harassment?

Interaction with other psychosocial hazards

## STEP 3: CONTROL – WORK DESIGN



Examples	Task allocation	Timing of tasks	Location of tasks	Skills and supervision
<b>Office-based</b>	<ul style="list-style-type: none"><li>• Mix gender and experience in project teams</li><li>• Fair allocation of tasks</li></ul>	<ul style="list-style-type: none"><li>• Schedule meetings during business hours</li></ul>	<ul style="list-style-type: none"><li>• Use open-plan or visible meeting spaces</li></ul>	<ul style="list-style-type: none"><li>• Experienced staff supervise newer workers</li></ul>
<b>Remote/isolated</b>	<ul style="list-style-type: none"><li>• Assign workers in pairs or small groups</li><li>• Avoid lone work</li></ul>	<ul style="list-style-type: none"><li>• Schedule site work during daylight hours</li></ul>	<ul style="list-style-type: none"><li>• Use office or safe public locations where possible</li></ul>	<ul style="list-style-type: none"><li>• Provide senior oversight for remote teams</li></ul>

## STEP 3: CONTROL – SYSTEMS OF WORK

Examples	Communication and supervision	Work allocation	Support	Technology use
<b>Office-based</b>	<ul style="list-style-type: none"><li>• Clear reporting processes</li><li>• Ongoing supervision</li></ul>	<ul style="list-style-type: none"><li>• Fair allocation</li><li>• Worker input into pairings</li></ul>	<ul style="list-style-type: none"><li>• Immediate assistance</li><li>• Clear support channels</li></ul>	<ul style="list-style-type: none"><li>• Restrict calendar access</li><li>• Block explicit content</li></ul>
<b>Remote/isolated</b>	<ul style="list-style-type: none"><li>• Mandatory check-ins</li><li>• GPS tracking</li></ul>	<ul style="list-style-type: none"><li>• Avoid lone work</li><li>• Allow confidential pairing requests</li></ul>	<ul style="list-style-type: none"><li>• Real-time supervisor support</li></ul>	<ul style="list-style-type: none"><li>• Safe communication apps</li></ul>

## STEP 3: CONTROL – DESIGN AND LAYOUT



Examples	Visibility and surveillance	Security and privacy	Layout	Offsite work
<b>Office-based</b>	<ul style="list-style-type: none"><li>• Clear glass panels for rooms</li><li>• Good lighting in corridors</li><li>• Cameras in high-risk areas</li></ul>	<ul style="list-style-type: none"><li>• Restrict public access</li><li>• Install secure doors</li><li>• Provide barriers</li><li>• Ensure safe staff facilities</li></ul>	<ul style="list-style-type: none"><li>• Create open spaces</li><li>• Avoid areas where workers can be trapped</li><li>• Provide safe retreat zones</li><li>• Maintain supervisor visibility</li></ul>	<ul style="list-style-type: none"><li>• Choose secure venues for meetings</li><li>• Ensure safe technology use</li></ul>
<b>Remote/isolated</b>	<ul style="list-style-type: none"><li>• Cameras in isolated site areas</li><li>• Adequate lighting for site access and accommodation</li></ul>	<ul style="list-style-type: none"><li>• Secure accommodation with lockable rooms</li><li>• Controlled access to site and common areas</li></ul>	<ul style="list-style-type: none"><li>• Arrange site layout to avoid isolation</li><li>• Provide alternate exits and safe retreat areas</li></ul>	<ul style="list-style-type: none"><li>• Select secure accommodation</li><li>• Coordinate with other providers to manage risks</li></ul>



## STEP 3: CONTROL – BEHAVIOURS AND TRAINING



Examples	Promote standards	Strategies	Take action	Information and training	Policies and procedures
<b>Office-based</b>	<ul style="list-style-type: none"><li>• Set, model, and enforce acceptable behaviour</li></ul>	<ul style="list-style-type: none"><li>• Address gender inequality</li><li>• Increase diversity</li></ul>	<ul style="list-style-type: none"><li>• Act early before concerns escalate</li></ul>	<ul style="list-style-type: none"><li>• Train all workers and managers</li><li>• Include bystander intervention</li></ul>	<ul style="list-style-type: none"><li>• Clear standards and expectations</li><li>• Reporting and resolution processes</li></ul>
<b>Remote/isolated</b>	<ul style="list-style-type: none"><li>• Reinforce behaviour expectations during travel</li></ul>	<ul style="list-style-type: none"><li>• Address gender inequality</li><li>• Increase diversity</li></ul>	<ul style="list-style-type: none"><li>• Supervisors intervene quickly if issues arise</li></ul>	<ul style="list-style-type: none"><li>• Training on remote work safety and escalation procedures</li></ul>	<ul style="list-style-type: none"><li>• Communicate reporting options and accessible remotely</li></ul>

## STEP 4: REVIEW & MONITOR

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Hazard and incident  
reports



Workplace  
inspections



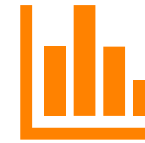
Consultation with  
workers and HSRs



Health and Safety  
Committees



Employee surveys



Absenteeism and  
staff turnover data



Exit interviews



External sources  
(union and media)

# INVESTIGATING AND RESPONDING TO REPORTS

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Safety



Trust



Equity and Respect



Hope

- **Safety** – physical and emotional
- **Trust** – including choice and empowerment
- **Equity and respect** – acknowledge diversity
- **Hope** – assumption of recovery and resolution

## CASE STUDY – HARASSMENT

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- Young migrant worker at a fast-food franchise experienced escalating harassment
- Did not report the behaviour due to fear of negative consequences
- Raised issue post-resignation, then faced with legal threats from person responsible
- The Federal Court found sexual harassment and victimisation under the *Sex Discrimination Act 1984 (Cth)*, awarding **\$305,000**.

# SAFETY MANAGEMENT SYSTEM GAPS

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- Organisational tolerance
- Early intervention systems
- Reporting and support
- Awareness





## KEY TAKEAWAYS

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1

Sexual and gender-based harassment is **prevalent** Australia, and a **foreseeable** psychosocial hazard in most workplaces.

2

Robust **prevention** and **response systems** are **equally** important

3

It is about **more** than just **training**

4

**Every action counts:** Minor **revisions** to **existing systems** can make a big difference

5

Every report is an **opportunity** to **strengthen prevention**





# THANK YOU

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## Additional resources

- **Your jurisdiction's** Code of Practice (Sexual and Gender Based Harassment) if they have one. Otherwise, rely on [Safe Work Australia's](#).
- **Comcare** research paper: [Systems for Respect – Interventions to reduce workplace sexual harassment](#)
- **Comcare LMS** – free online learning regarding sexual harassment
- **AHRC:** [Time for respect: Fifth national survey sexual harassment workplaces](#)
- **WA Government:** [Respect in Mining Program - Sexual Harassment and Sexual Assault Risk Assessment Audit](#)

Contact

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