

Preventing sexual harassment

Workplace policy template



Preventing sexual harassment example sexual harassment policy

This resource provides workplaces with a clear, legally compliant, and victim-survivor-informed policy template to prevent and respond to sexual harassment. It is designed to support organisations in meeting their obligations under state and federal laws, building a safe, respectful, and inclusive workplace culture, and embedding accountability at all levels of the organisation.

If you would like information about training by Working Women's Centre Victoria on preventing sexual harassment in your workplace, contact us info@wwcvic.org.au

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Working Women's Centre Victoria acknowledges the traditional custodians of the land where we work, and First Peoples language groups and communities across Victoria and Australia. We pay our respects to Elders past and present. We celebrate the people, traditions, culture and strength of Aboriginal and Torres Strait Islander peoples, and the fight for survival, justice and Country. We thank the Traditional custodians for caring for Country for thousands of generations. Working Women's Centre Victoria recognises the ongoing impact of colonisation, dispossession and racism. As a Centre focused on work place rights, we acknowledge the history of exploitation Aboriginal and Torres Strait Islander people have suffered working in the colony, denied access to their wages which were often simply stolen by corrupt officials and employers, and the ongoing exploitation and discrimination many First Nation people still experience at work today. We recognise that Sovereignty was never ceded and that this always was and always will be Aboriginal land.



The Working Women's Centre Victoria understands the term 'working women' means all women (this includes cis and trans women) and non-binary people (this includes people who are gender diverse, gender fluid, masculine or feminine) who meet our service eligibility criteria.

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Intersectional practice tip

A person's risk of experiencing sexual harassment increases when they already face a range of other discriminations due to their race, ethnicity, disability, gender, marital status, as a care given, or due to being pregnant. When implementing your policy and other supporting material, ensure that the examples you include involve a range of these intersecting experiences in order to reflect the real-world dynamics of sexual harassment.

Scope

[WORKPLACE] is committed to ensuring a safe, fair, diverse, and inclusive environment, free from all forms of sexual harassment. This policy sets out the standards of behaviour expected of all [WORKPLACE] team members.

This policy also covers other forms of work-related gendered violence and victimisation related to reporting sexual harassment.

[WORKPLACE] does not condone sexual harassment. Preventing these behaviours in the workplace is a shared responsibility.

This policy applies to all [WORKPLACE] employees, contractors, board members, [INSERT ADDITIONAL CATEGORIES AS RELEVANT FOR WORKPLACE].

This policy may apply to activities that occur outside of business hours at events that have a connection to work. This may include:

- at social functions coordinated, sponsored and paid for by [WORKPLACE];
- at [WORKPLACE] meetings, functions or activities including offsite meetings;
- at social functions in connection with the team/workplace but not sponsored or paid for by [WORKPLACE];
- in vehicles or transport on the way to work functions or meetings;
- at after-parties to such events (regardless of their location);
- in accommodation (including hotel rooms) associated with travel for work purposes and/or provided by [WORKPLACE];
- any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa; and

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- social media or other electronic communication channels, where there is a connection to work.

[WORKPLACE] recognises that sexual harassment may occur in offsite work locations and be perpetrated by a range of workplace stakeholders, partners or members of the public within these locations.

[WORKPLACE] has zero tolerance to all sexual harassment and takes allegations of this conduct seriously.

Definitions

What is sexual harassment?

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

Gender based violence

Gendered violence is any form of physical or non-physical violence or abuse against a person or group of people because of biased or harmful beliefs about gender. It can include things that happen online and that use digital technology.

Gender is a social concept that includes our understandings and views on sex, gender identity and sexual orientation. This means gendered violence is linked with gender discrimination and gender inequality.

Gendered violence mainly impacts women, girls and LGBTIQ+ people. ¹

Examples of sexual harassment

Examples of sexual harassment in the workplace include but are not limited to:

- Uninvited touching, kisses, embraces, hugs or brushing up against them
- Jokes, pranks, or comments in the workplace which could have sexual meaning
- Repeated invitations to attend social events or events outside of the workplace, especially after prior refusal

¹ [Gendered violence](#) | [eSafety Commissioner](#)

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- Exposing body parts, genitals or similar gestures
- Gender-based insults, taunts, teasing, stereotyping or name-calling
- Staring or leering at a person or at parts of their body
- Touching or fiddling with a person's clothing, e.g. lifting up a skirt, unzipping flies/zips, or flicking bra straps
- Requests for sex
- Sexually explicit conversation including sharing personal sexual anecdotes; Persistent questions or insinuations about a person's private life, including their sexual orientation, gender identity or physical appearance
- Phone calls, letters, messages, pictures, emails, or other communications of an unwanted sexual nature
- Displays of sexually explicit materials, including through communication channels or as computer screensavers
- Threats to share or sharing intimate images or videos without consent
- Coercively controlling someone by making threats or promises to manipulate another person to engage in sexual behaviours
- Stalking which is defined as a series of behaviours through which someone imposes themselves into another person's life in a way which causes distress, fear, and disruption.
- Actual Sexual assault which involves any sexual act or attempt to engage in a sexual act where consent is not obtained or freely and voluntarily given. It represents any behaviour of a sexual nature that makes someone feel uncomfortable, frightened, intimidated, or threatened. Sexual assault does not always involve physical harm or touching.

Conduct does not have to be repeated or ongoing to amount to sexual harassment. A single incident can amount to sexual harassment.

Several of the above examples may amount to offences under criminal law, and will be referred to police, as well as being dealt with under OH&S laws, and [WORKPLACE] policies.

What is not sexual harassment?

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Sexual behaviours or interactions which are consensual, welcome, reciprocated, and based on mutual respect between adults is not sexual harassment. This can occur between people of the same gender and different sexualities, ethnicities and religious backgrounds.

Behaviour can become sexual harassment if the interaction changes from being based on mutual attraction, friendship or respect, to being non-consensual, unwelcomed, or unreciprocated. Consent must be freely, voluntarily and enthusiastically given to every instance of sexual conduct.

Sexual behaviour between two consenting people may be experienced as sexual harassment if it offends someone else who sees, overhears, or is otherwise exposed to the behaviour.

Victimisation

Victimisation occurs when a person who has or plans to raise an issue or report the behaviour internally or externally or assists another person in making a report or acts as a witness, is subjected to any form of detriment or reprisal as a result.

Unwelcome conduct

A key element of sexual harassment is that it is unwelcome. Even if a person does not actively object to inappropriate behaviour at the time of it happening, it should not be assumed that they are giving their consent, that the conduct is welcome or that it may be welcome at another time. Consent exists when someone has welcomed and reciprocated sexual behaviours actively, freely and voluntarily.

Intent

Sexual harassment can still occur even when a harasser does not intend it. Motive is irrelevant; the legal test focuses on conduct of a sexual nature that is unwelcome, offensive, humiliating or intimidating. Whether conduct is unwelcome is a subjective is based on how the behaviour is received by the person harassed in the circumstances. It is the responsibility of every employee to ensure that they do not engage in any behaviour that could amount to sexual harassment.²

Impacts of sexual harassment and work-related gendered violence

² *Sexual Harassment (A Code in Practice) - What is sexual harassment? | Australian Human Rights Commission*

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Sexual harassment and workplace gendered violence have significant harmful impacts on both individuals and workplaces.

- For individuals, these behaviours can harm their mental and physical health, including by causing stress, anxiety, depression and post-traumatic stress disorder (PTSD). People targeted for these behaviours also often experience negative impacts on their careers and financial circumstances.
- For workplaces, these behaviours create unsafe environments, causing the loss of quality employees, breakdown in trust and cohesion, increases in unplanned leave, financial payouts, and reduced efficiency. All these factors result in significant direct costs and risks to workplaces, businesses and their reputation.

Responsibilities

Responsibilities of [WORKPLACE]

[WORKPLACE] has a legal responsibility to prevent sexual harassment and will monitor the workplace to ensure that it is free from sexual harassment as far as is reasonably practicable.

[WORKPLACE] will ensure that all employees receive regular training, appropriately contextualised for the scope of their roles, on how to recognise, respond to, and prevent sexual harassment in the workplace.

[WORKPLACE] will provide information about how employees can make anonymous and/or informal reports of sexual harassment when they do not wish to make a formal complaint.

[WORKPLACE] will ensure that formal complaints are investigated and acted upon promptly, confidentially and impartially and that the person making the complaint is protected from victimisation or other reprisals.

[WORKPLACE] will also ensure that all people impacted by unsafe and/or unlawful behaviours are provided with ongoing support.

[WORKPLACE] acknowledges that a person's race, gender, ethnicity, age, socio-economic background, religion, family circumstances, religion, and other identities may impact what support they need in response to harmful behaviours. [WORKPLACE] will take all possible steps to meet these needs.

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[WORKPLACE] will ensure that all policies covering unsafe and/or unlawful behaviours are communicated regularly to the workforce, and that all people at [WORKPLACE] are aware of their obligations to each other.

[WORKPLACE] will ensure that the content of this policy is part of standard onboarding procedures and is included in induction trainings for all roles.

[WORKPLACE] has established [OR]/will continue to resource a contact officer program to provide people who have experienced sexual harassment with a trained person to speak to, other than their manager or a representative of a formal workplace process.

[WORKPLACE] will proactively monitor the safety, accessibility, and extent to which internal complaint mechanisms are adapted to the needs of people who have experienced sexual harassment.

[WORKPLACE] will respond in a timely, confidential, trauma-informed, and fair way to any identified concerns or barriers to accessing complaints processes.

Responsibilities of managers and leaders

[WORKPLACE] expects that managers will take responsibility for promoting a safe and respectful culture within their teams. Managers are required to take steps to identify, prevent, and address any inappropriate behaviours of a sexual nature.

Any employee acting in a supervisory capacity who becomes aware of inappropriate behaviour is expected to raise it with the person exhibiting the behaviour, and to take further action if the behaviour does not cease. This expectation exists even in the absence of a complaint.

Managers also have responsibility to:

- Understand that the victim is never to blame for their experience of sexual harm.
- Undertake training that enables them to role model how to safely respond to any disclosures of sexual harassment.
- Monitor workplace environments to ensure standards of conduct are always observed, including all work-related activity outlined in the Scope of this policy.
- Role model and regularly communicate [WORKPLACE] expectations of appropriate behaviours to their teams.

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- Treat all complaints seriously and confidentially and take immediate action to resolve the matter
- Ensure, as much as possible, that no victimisation takes place against any person making a complaint or a report.
- Refer complaints to [INSERT FOR WORKPLACE] where the matter cannot be appropriately resolved at their level.
- Ensure that all people impacted by sexual harassment are aware of the workplace entitlements and support services they can access, including internal and external supports.

Responsibilities of all employees

[WORKPLACE] expects that all employees will take responsibility for contributing to a safe and respectful workplace culture and environment.

All employees have responsibilities to:

- Comply with the [WORKPLACE] policies relating to safe and respectful behaviours, including [CUSTOMISE]
- Report or make a formal complaint of any instances of sexual harassment they witness if they feel safe to do so.
- Maintain confidentiality of information provided during investigation of a complaint.
- Complete mandatory training as directed for their role.

Supporting someone who is experiencing sexual harassment may look different for different people, according to their role and capabilities. Some bystander interventions might include:

- Refusing to join in with the sexually harassing behaviours.
- Checking on a person's wellbeing after an incident.
- Reassuring them that the behaviour is unacceptable.
- Offering to act as a witness if the person decides to report the incident.

Disciplinary action

- Sexual harassment is unlawful under the *Sex Discrimination Act 1984* (Cth) and the *Equal Opportunity Act 2010* (Vic).

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- Under the Respect@Work reforms, employers have a legal duty to prevent sexual harassment and related misconduct at work. Breaches of this policy—such as engaging in sexual harassment or failing to uphold a respectful workplace—may result in disciplinary action. This can include a formal warning, training, suspension, or termination of employment or contract.³

What you can do if you have experienced sexual harassment

If you have experienced sexual harassment, it's important to remember that this not your fault, and that this behaviour is both unacceptable and unlawful.

Informal options include:

- If you feel safe to do so, seek advice from a manager, or from the [INSERT RELEVANT POSITION TITLES – EG P&C, HEALTH AND SAFETY REPS (if available), AND CONTACT OFFICERS].
- Write a record of what you experienced or witnessed, including dates, times, behaviours, and people present.

Formal options include:

- Make a verbal or written report or complaint to [INSERT FOR WORKPLACE]. You are entitled to a support person through this process.
- Make a complaint with regulators such as WorkSafe Victoria, Victorian Equal Opportunity and Human Rights Commission, or the Australian Human Rights Commission. Information about options can be found below or at [Guide to external pathways in Victoria to address workplace sexual harassment | Respect@Work](#)

You can also seek help and support from the following internal resources:

Internal Support

[WORKPLACE] is committed to fostering a safe, respectful and supportive workplace. Employees who are experiencing personal or work-related challenges, including concerns about workplace behaviour, are encouraged to access available internal support services.

- Trained HR and/or OHS staff are available to provide confidential advice, receive reports, and offer support in relation to workplace concerns, including incidents of sexual harassment or gendered violence.

³ Australian Human Rights Commission, *Positive Duty under the Sex Discrimination Act (2023)*, <https://humanrights.gov.au/our-work/sex-discrimination/positive-duty-sex-discrimination-act>

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- Employees can contact [insert contact details or titles, e.g. HR Manager, OHS Officer] to discuss any issues or seek guidance.

Employee Assistance Program (EAP): If your workplace offers an EAP, this service can provide short-term support and general strategies for managing stress, personal issues, or workplace concerns. However, EAP practitioners may not always have specialised training in responding to gendered violence or sexual harassment. Only include if your workplace offers an EAP.

- [WORKPLACE] offers a confidential Employee Assistance Program (EAP) to provide short-term counselling and support for personal or work-related matters. Please note that while EAP practitioners are trained counsellors, they may not always have specialist expertise in responding to gendered violence or workplace sexual harassment.
- Employees can access EAP services by contacting [insert EAP provider name and phone number or website].
- Sessions are confidential and free of charge for employees.
- [INSERT OTHERS FOR WORKPLACE – e.g. sexual harassment contact officers]

If you don't feel comfortable accessing support through the workplace, you may also wish to speak to the following specialist services:

External Support Services

1800 Respect 24/7 counselling for anyone affected by family violence or sexual assault.
Phone: 1800 737 732 **Website:** 1800respect.org.au

Lifeline 24/7 crisis support and suicide prevention service.
Phone: 13 11 14 **Website:** lifeline.org.au

13Yarn 24/7 culturally safe crisis support for Aboriginal and Torres Strait Islander people.
Phone: 13 92 76 **Website:** 13yarn.org.au

Mensline counselling and support for men.
Phone 1300 78 99 78 **Website:** mensline.org.au

Headspace support for young people aged between 12 and 25 years.
Phone: 1800 650 890 **Website:** headspace.org.au

Sexual Assault Crisis Line after-hours, crisis counselling service for sexual assault victims.
Phone: 1800 806 292 **Website:** sacl.com.au

Legal Services

Working Women's Centre Victoria free legal assistance about workplace issues for working women and non-binary people.
Phone: 1800 992 842 **Website:** wwcvic.org.au

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Q+ Law a safe entry point to access legal assistance for all Victorians who identify as part of the LGBTIQ+ community. **Website:** www.qlaw.org.au

Victoria Legal Aid assistance for people with legal problems including sexual harassment and discrimination. **Phone:** 1300 792 387 **Website:** legalaid.vic.gov.au/sexual-harassment

External reporting to regulatory bodies

If you would prefer to report the behaviour to someone outside of your current workplace, you can speak with:

- **Australian Human Rights Commission** – **Website:** humanrights.gov.au/our-work/sex-discrimination
- **Victorian Equal Opportunity and Human Rights Commission** – **Phone:** 1300 292 153
Email: complaints@veohrc.vic.gov.au. **Website:** humanrights.vic.gov.au.
People who have experienced sexual harassment may [lodge a complaint](#) to try and resolve the dispute via a dispute resolution process.
- **Fair Work Commission** support with workplace disputes. **Website:** fwc.gov.au/apply-or-lodge
- **WorkSafe** free OHS support and advice, reporting of sexual harassment including doing so anonymously. **Phone:** 1800 136 089. **Website:** worksafe.vic.gov.au/report-incident

In addition to the national and state-based regulators, your profession may have industry-based regulators, professional bodies or councils you can report to.

Victoria Police

If you are concerned for someone's safety, or in an emergency situation, call 000 for urgent police assistance.

Acts such as indecent exposure, stalking, sexual assault and obscene or threatening communications (for example phone calls, letters, emails, text messages and posts on social networking sites) may also be offences under criminal law. A person who has experienced sexual harassment or sexual violence may want to report to the police by contacting local Sexual Offences and Child Abuse Investigation Team. police.vic.gov.au/sexual-offence-child-abuse-teams-centres

Relevant legislation:

- *Sex Discrimination Act 1984* (Cth)
- *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022* (Cth)
- *Equal Opportunity Act 2010* (Vic)
- *Occupational Health and Safety Act 2004* (Vic)
- Australian Solicitors Conduct Rules 2015, under the *Legal Profession Uniform Law Application Act 2014* (Vic)

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Further information

- Guideline: Preventing and Responding to Workplace Sexual Harassment
humanrights.vic.gov.au/resources/sexual-harassment-guideline
- Sexual harassment response and support tool
humanrights.vic.gov.au/resources/respond-to-sexual-harassment/
- WorkSafe Guide – Work-related gendered violence
www.worksafe.vic.gov.au/gendered-violence
- WorkSafe Guide – Sexual harassment
worksafe.vic.gov.au/sexual-harassment