

Fact sheet

Sexual harassment

October 2023

Background

Under the WHS legislation, 'health' is defined as both physical and psychological health. To support this focus on psychological health, The Work Health and Safety Regulation 2017 identifies a psychosocial hazard as one that arises from, or relates to:

- the design or management of work
- a work environment
- plant (equipment) at a workplace
- workplace interactions and behaviour
- may cause psychological harm, regardless of whether it also causes physical harm.

Harassment, including sexual harassment, is a hazard that can cause long-term health effects for workers as well as impacting co-workers and family members.

What is sexual harassment?

Sexual harassment includes any unwelcome or inappropriate behaviour of a sexual nature where the person that is being harassed is offended, humiliated and/or intimidated. This harassment can be a single event or a repeated event. Some examples include:

- unwelcome touching, hugging, cornering or kissing
- inappropriate staring or leering
- suggestive comments or jokes
- using suggestive or sexualised nicknames
- sexually explicit pictures, posters or gifts
- circulating sexually explicit material
- persistent unwanted invitations to go out on dates
- requests or pressure for sex
- intrusive questions or comments about a person's private life or body
- unnecessary physical familiarity, such as deliberately brushing up against a person
- insults or taunts based on sex
- sexual gestures or indecent exposure
- following, watching or loitering near another person
- sexually explicit or indecent physical contact
- sexually explicit or indecent emails, phone calls, text messages or online interactions

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- repeated or inappropriate advances online
- threatening to share intimate images or recordings without consent.

What is sexual assault?

Sexual assault can be either a single event or repeated occurrence. Sexual assault includes any sexual behaviour or act that is threatening, violent, forced, coercive or exploitative, to which the person has not given consent or was not able to give consent. An example of this can be actual or attempted rape or sexual assault.

Mine operators and workers are reminded that sexual assault is an extreme form of unacceptable workplace behaviour. Sexual assault is a serious criminal matter and all matters must be reported to the **police immediately**.

What should you do if you have experienced or witnessed sexual harassment in your workplace?

- If you can, tell the person harassing you to stop.
- Tell someone. Your workplace should have processes in place for what to do if you experience or witness sexual harassment at work. This should include a confidential process for reporting it.
- If you don't know the process, you can ask your supervisor or manager, your health and safety representative, or someone else at work who you trust.
- If you don't feel comfortable reporting it at work, speak to someone in your personal life you trust, such as a friend or family member, your general practitioner or a counsellor.
- Contact the police if you are sexually assaulted or threatened.

Reporting incidents to the NSW Resources Regulator

Under the WHS legislation any incident that results in a notifiable injury or illness must be reported to the NSW Resources Regulator (the Regulator). This includes when an injury or illness is the result of sexual harassment or assault. An incident is notifiable if it results in a physical injury or illness where:

- admission into a hospital as an in-patient is required for any duration
- immediate treatment is not readily available because the incident site is rural or remote or specialist treatment is not available
- treatment would be required but was not received by the person as the person refuses treatment
- a person (supported by a medical certificate) is, or is likely to be, unfit for a continuous period of at least 7 days, to perform their usual activities at work.

What happens if the workplace has not notified the Regulator of an incident, can a worker or a fellow work colleague contact the Regulator?

Yes, a worker or fellow work colleague can contact the Regulator. If sexual harassment and or assault occurs in a mining workplace, contact can be made by calling 1300 814 609 or by completing the [bullying and inappropriate conduct in the workplace form on the NSW Resources Regulator website](#).

It is important when completing the form to provide specific examples and any evidence available. When describing the incident, it is important to include specific behaviours, dates, locations and witnesses, and include items such as diary entries, emails, texts and internal work health and safety notifications to support your notification.

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Note: Please ensure all relevant people in your organisation receive a copy of this safety alert and are informed of its content and recommendations. This safety alert should be processed in a systematic manner through the mine’s information and communication process. It should also be placed in the mine’s common area, such as your notice board where appropriate.

Visit our [website](#) to:

- find more safety alerts and bulletins
- use our searchable safety database.

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