

From September 2018 to February 2019, the AHRC conducted the National Inquiry into Sexual Harassment in Australian Workplaces with the aim to improve how Australian workplaces prevent and respond to sexual harassment, including through an examination of systemic issues. More than 600 workers participated.



Definition of sexual harassment

Under the *Sex Discrimination Act 1984* (Cth) (Sex Discrimination Act), sexual harassment is:

- any unwelcome sexual advance
- unwelcome request for sexual favours, or
- other unwelcome conduct of a sexual nature in relation to the person harassed.

in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated, or intimidated.

The Sex Discrimination Act makes sexual harassment unlawful in certain areas of public life, including employment.

33%

Experienced sexual harassment at work

39%



26%



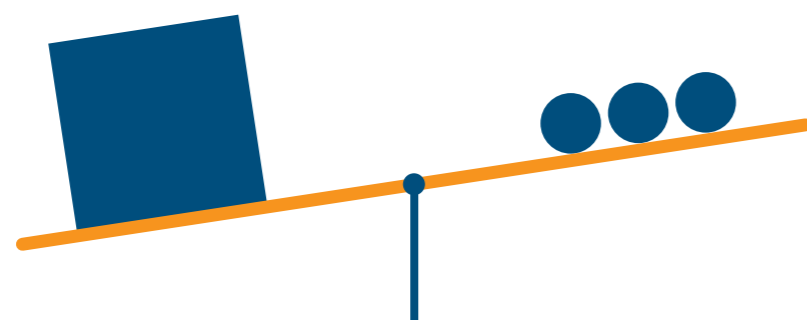
Sexual harassment prevalence across the education and training sector was 39 per cent according to the National Survey. Overall Australian industry average was 31 per cent.



The two most reported types of behaviour were sexually suggestive comments or jokes and intrusive questions about private life or physical appearance.



Several victims experienced workplace sexual harassment which began in verbal exchanges and ended in rape or sexual assault.



POWER IMBALANCE

due to gender, disability, age, hierarchy and perceived superiority, all drive sexual harassment

Stop sexual harassment orders

From 11 November 2021, an eligible worker who believes they've been sexually harassed at work can [apply to the Fair Work Commission](#) for an order to stop the sexual harassment.

Visit the [Fair Work Commission's website](#) for more information about [eligibility](#) and [making applications](#).

Serious misconduct and dismissal

The November 2021 amendments confirm that sexual harassment at work is a form of serious misconduct and can be a valid reason for dismissal under the Fair Work Act.

Serious misconduct can result in [dismissal without notice](#).

Australian Human Rights Commission

2 of the 42 **Respect@Work recommendations** relate to higher education

Recommendation 11

Building on work already underway in response to the recommendations in *Change the Course*, all tertiary and higher education providers deliver evidence-based information and training on sexual harassment for staff and students that addresses the drivers of gender-based violence and includes content on workplace rights.

Recommendation 12

Recognising that some smaller tertiary and higher education providers lack the necessary resources and expertise to deliver the information and training identified in Recommendation 11, the Australian Government should support those providers to do so, for example through the Tertiary Education Quality and Standards Agency and the Australian Skills Quality Authority.