

Victorian Trades Hall has campaigned for years to get work related gender-based violence recognised as a serious occupational health and safety issue. In 2024 WorkSafe imposed the first ever fine and prosecution for sexual harassment and has since issued another 6 prosecutions.

Gender-based violence and sexual harassment at work

See Occupational Health and Safety Act 21 and 35, Equal Opportunity Act s 15 and 92, Fair Work Act s 527D and Sex Discrimination Act s 47C for more information

Employers are on notice!

In August 2025, the Federal Court awarded a young worker \$305,000 in damages after she was sexually harassed by the Owner of a business. Judge Bromwich found that the Business Owner 'fostered a workplace culture that was disinterested in preventing sexist conduct' and tolerated it. Workplace culture that normalises sexualised behaviour towards women can escalate into gender-based violence.

Your employer has a legal obligation under the OHS Act, to provide and maintain a workplace that is safe, and free from gender-based violence. Understanding your rights is the first step in making sure your workplace is safe and inclusive.

Does my employer have to prevent gendered violence and sexual harassment?

Yes, the law has changed. From 12 December 2022, your Employer now has a positive duty under the Sex Discrimination Act and the Equal Opportunity Act to take proactive steps to prevent and eliminate sex discrimination, sexual harassment and victimisation at work.

This means your employer must take real action to stop sexual harassment in your workplace. It is not enough to just respond when something happens. Employers have a positive duty to proactively try and eliminate sexual harassment and victimisation.

Your employer also has a legal obligation under the OHS Act, to eliminate risks to health and safety so far as is reasonably practicable. This includes risks which impact workers physical and psychological health.

What is gender-based violence and sexual harassment and how do I know if it's happened to me?

Trust your gut. If something doesn't feel right at work, it probably isn't.

Gender-based violence at work: is any behaviour that impacts a person because of their sex, gender or sexual orientation, and that creates a risk to their health and safety.

Direct: Gender-based violence can be targeted directly at someone because:

- You are a woman
- You identify as LGBTIQ+
- You don't follow socially prescribed gender roles and stereotypes

Indirect: Gender-based violence can also be indirect, if you:

- Witness violence directed at someone else
- Overhear something that impacts another person.

Sexual harassment: Sexual harassment is gender-based violence. Under the Equal Opportunity Act, sexual harassment is defined as unwelcome sexual behaviour that causes a person to feel offended, humiliated or intimidated, where a reasonable person could have anticipated that reaction in the circumstances. It does not matter what the person intended, and it can be a one-off event.

What are some examples of gender-based violence and sexual harassment?

Sexual harassment can be repeated or a one-off incident. It can include (among other things):

- touching or any other inappropriate physical contact
- staring or leering
- a suggestive comment or joke
- a sexually explicit picture, poster or calendar
- unwanted invitation to go out
- a request for sex
- intrusive questioning about your private life or body
- unnecessary familiarity, such as deliberately brushing up against your body
- an insult or a taunt of a sexual nature
- a sexually explicit email, text message or social media activity.

Work-related gendered violence can range in severity from inappropriate comments to physical assault, and can include:

- stalking, intimidation and threats
- verbal abuse
- exclusion
- sexually explicit gestures
- offensive language and imagery
- being undermined in your position
- sexual assault or rape.

"When I sought support it was suggested that I deal with the issue myself. Later on, the same man sexually harassed multiple other staff and an investigation was launched, he was fired."

- Station Officer

I think I have experienced gender-based violence and sexual harassment at work. Is anyone else in the same position as me?

You are not alone.

Over 60% of women have experienced gendered violence, and people who identify as LGBTIQ+ are significantly more likely to be sexually harassed in the workplace.

The Workplaces for Women (WFW) Project heard from hundreds of women and gender diverse people working in male dominated industries.

The WFW Project heard stories from workers who: have been threatened, called offensive things to their face and behind their back, bullied in meetings, had to work on sites with sexist calendars, have been sexually assaulted on site, subjected to physical assault including been tied up, sent sexually explicit text messages.

None of this is ok.

"I had a line manager who stalked me online and would send messages at 3am in the morning."

- Parks Worker

"That's just the way it is.' I have spoken about it in my industry but until we start professionalising the skill and job itself we can't expect the gender discrimination (which is a byproduct of unprofessionalism) to change."

- Construction Worker

"Being gay, men will assume I am happy to speak about women how they do (derogatory) but I actually like my partner."

- Electrician

I'm an apprentice. I am being targeted by a contractor onsite. Does my employer have to keep me safe?

You can be exposed to gender-based violence from anyone you come into contact with at work.

This can include supervisors and managers, co-workers including other apprentices, contractors, site visitors, clients, customers, and members of the public.

All workers have a legal right to be safe at work.

Every employer must provide a safe working environment that is without risks to health for all workers (so far as is reasonably possible). Gender-based violence is a serious health and safety issue that employers must take proactive steps to eliminate.

"As a newer employee, it is difficult to navigate the social dynamics of such a workplace. One we all live and work together. So it has been difficult to try and create action. However, I am more involved in union opportunities in the hopes that I can create a more equal workplace."

- Steward

"I have got support via the union and am currently dealing with ongoing issues."

- Grain Handler

"Just the typical: being asked out and not taking no for an answer. Sexist comments about the way I look. Sexual innuendo and jokes at my expense."

- Stevedore

"The men in my workplace make lots of inappropriate comments and sexist jokes."

- Postal Delivery Officer

"A male crew member started sexual rumours about a female crew member when she declined his advances."

- Steward

"Inappropriate comments directed solely at me were graffitied onto a wall which made me feel uncomfortable and unsafe."

- Floor Layer



Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.



Rights at work
resources here

"Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change."

- Trades Assistant

"I just think women thrive in this industry and we're bloody good at it!"

- Bus Operator

**Workplaces
FOR Women**
EQUALITY RESOURCES

weareunion.org.au/w4w

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