

FOLLOW MY LEAD

in understanding and responding to
Workplace Sexual Harassment

This resource speaks from the voices of people with lived experience of sexual harassment who need professionals and their social networks to be more prepared to respond in ways that uphold dignity and build on safety.

Every person is entitled to the full enjoyment of their human rights and to freedom from all types of discrimination.

"All people have the right to live and grow in healthy and safe homes and communities, free from the threat of violence, abuse and discrimination."

"All people, families and communities are worthy of dignity, respect and safety."

'Women's Voices: Securing Our Rights; Securing our futures' report, led by Aboriginal and Torres Strait Islander Social Justice Commissioner, June Oscar.

Sexual harassment is prohibited under anti-discrimination law in Australia. It is also a recognised workplace health and safety risk, because it may cause workplace injury of a physical or psychological nature.

"The right of workers to be free from sexual harassment is a human right, a workplace right and a safety right."

Australia's Sex Discrimination Commissioner, Kate Jenkins

Purpose of this resource

The resource builds on our understanding as responders about the problem of sexual harassment and examples of possible lived experiences. The examples draw from literature and listening to lived experience. The examples are not exhaustive or conclusive.

A person subjected to sexual harassment (whether silent or making an informal or formal report) needs us as responding colleagues and/or managers, to understand and be informed by lived-experience insights of workplace sexual harassment.

Silent

When a person subjected to Sexual Harassment is silent – we may not now (or ever) have awareness of or knowledge about the details.

So how is this resource useful in this circumstance? The insights in this resource reveal considerations and complexities we may never be told or trusted with.

Informal reporting

When a person subjected to Sexual Harassment makes an informal report, we have 'duties as responders', however we may not have consent to act on or respond in ways that we deem most useful, logical, or helpful.

So how is this resource useful in this circumstance?
The insights in this resource reveal a glimpse of how much may be going on and the interdependent considerations and consequences at stake.

Formal reporting

When a person subjected to Sexual Harassment makes a formal report – we have 'duties as responders' and this includes not only the integrity of procedural fairness, it includes preservation of safety throughout, and making decisions with the whole workplace in mind.

So how is this resource useful in this circumstance?
The insights in this resource reveal that even when procedure is required and followed, the person subjected to sexual harassment must be respected, taken seriously, and their insights and experiences listened to against their human rights, workplace rights and safety rights.

Upholding safety relies on the principle of following the persons lead to understand and consider the unintended and unwanted consequences of action/s taken.



Your response can be of immense help.

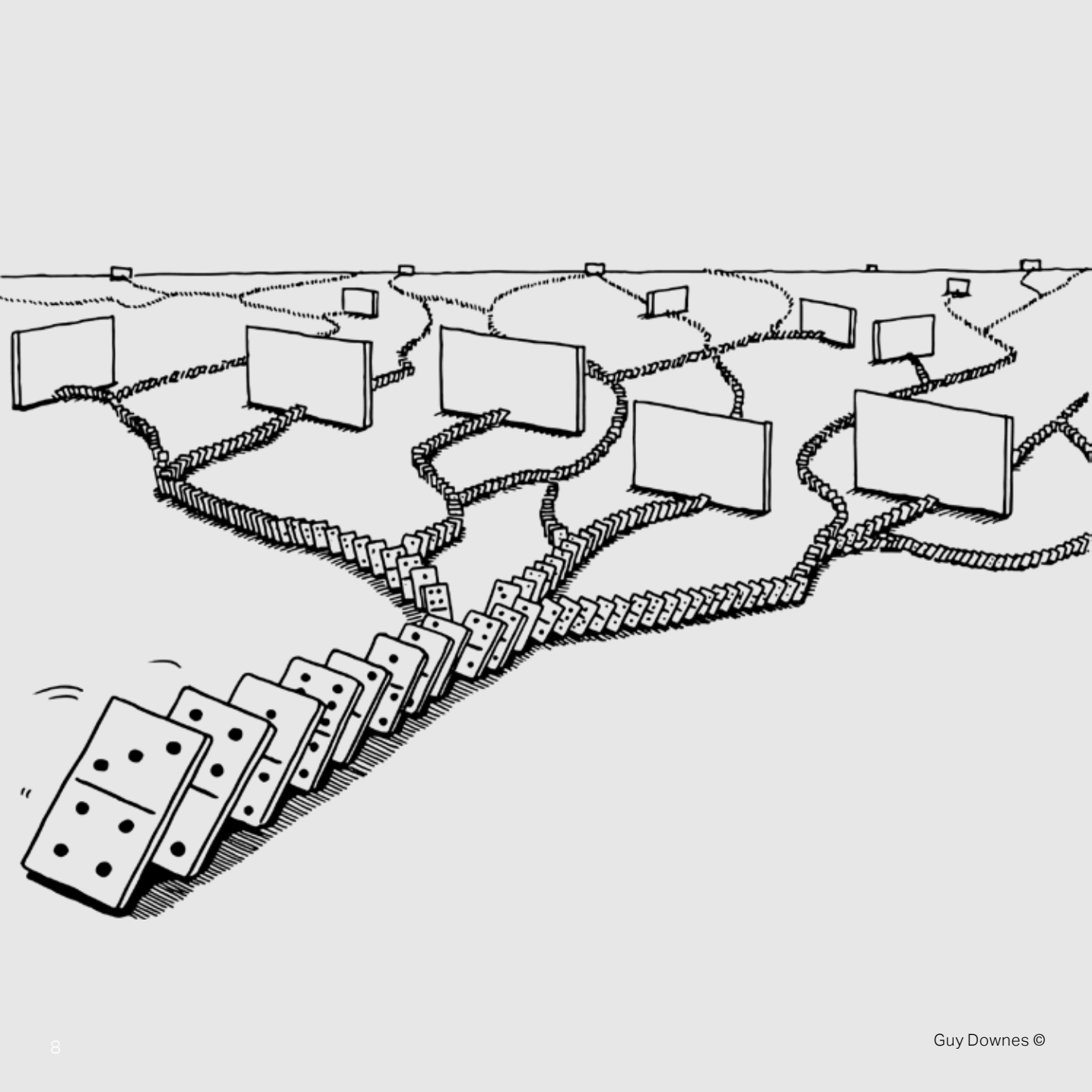
How you respond to me when I share with you, and in the time that follows, matters significantly to me.

I might tell you parts of my experience to test out how safe I am with you and to explore how you react or retreat.

I'll be looking to see;

- what you think of what I have shared
- that you take me seriously
- what you think of me and if/how that changes now that you know more about me
- whether you give more weight to what the person harassing me says than what I say
- whether the person harassing me will be able to influence your thinking and make you think differently about me


and what this means next.



**If I say something (informally or formally)
I'll be looking to see:**

- how many people will find out and how quickly I will be judged and/or talked about by others
- who protects and defends the perpetrator of sexual harassment
- what you think of me having made a report and/or a request for support
- if you trust me to know which things I need most and next
- whether you or others will limit my career options now that I have reported or sought support
- how this information will be stored in the workplace.

and what this means next.

An orange splatter graphic that starts from the top left and extends diagonally across the page, with smaller droplets trailing behind it.

Are you prepared to respond safely if I share with you?

When sexual harassment is being perpetrated in the workplace 'being safe' is no simple or single decision, or task.

A good first step is to learn more about my world and how the sexual harassment harms my safety and wellbeing.

Sexual Harassment is a form of gendered violence. It is an injustice and is an offence to my dignity, compromising my safety and undermining my wellbeing... and the dignity and wellbeing of the people I work with and provide business to.

How you and I view things is personal and unique and can change over time.

I would like you to understand that I know my world best; what it has been, what it is now and what it might become.

I know you want to help but if you oversimplify my world so that you can feel you understand, you lose sight of my challenges and my capacities.

Read on to watch my world build.

I am a unique person with unique experiences.

I have **rights** and **responsibilities**.
I respond to events and exercise **choice**.

But sexual harassment limits my options.



I have my own sense of what is important right now and in the long term.

I **identify** with and belong to many communities and networks.

These are the contexts in which I understand and respond to sexual harassment.

I respond to, and **resist**, the sexual harassment, discrimination and oppression in my own way despite danger and unpredictability.

I am always **aware** of the actual and possible responses of others, from professionals to my friends and family members.

These responses inform how, or if, I reach out to others.



Where I am (at **home**, in **school**, **online**, on my **mobile**, at **work**, in **prison**, in **hospital**, in **detention**, in the **community**) changes the risks I face and the responses I can expect to receive.

I may be subjected to sexual harassment in some or all of these places. I anticipate and respond to threats and risks wherever I go, with whoever I meet and whatever I do.



Being 'in the workplace' may change from day to day or moment by moment. I might be;

- In an office alone, or in open plan or secured premises
- In a vehicle, factory, lab, or warehouse
- On site, underground, at sea, in the field, in the air, at the station
- At someone else's office or site, in public spaces
- Working virtually online, on my phone or UHF radio
- Working in the daytime, evening, night-time, or at afterhours events
- Using amenities, staying at work accommodation, using shared/common facilities

And more...

The risks I face change over time and can change rapidly.

The sexual harassment I may have experienced in the past (in this workplace or in other workplaces) might be similar or different to the current or future threats I face.

The importance I place on the **past**, the **present**, the **future**, and possibly the **afterlife**, can influence how I see things and make decisions.

Something that makes me safer in the short term might make me less safe in the future.

These facts may be seen or unseen by others, however they are personal and make sense to me.



The status of my relationship to the person sexually harassing me matters.

The status of my relationship to the person sexually harassing me matters, creating different levels of risk, threat and consequences for my dignity and wellbeing. Their actions undermine my human rights, workplace rights and safety rights.

They may have managerial power over my role or how my performance is measured.

They may have access to, or influence over, people who manage me.

They may be alongside me physically in day-to-day work tasks. They may be rostered (or have control of the roster) to be alone with me, or to work with me when there is less protection or resources to draw from.

They may have colleagues who support their actions and attitudes and I rely on these colleagues to do my work well, safely and successfully.

They may have worked here 'unchallenged' for so long, that no one will defend me or stand with me.

They may bring in profit, bring in billable hours, or fill a gap in the business that no one wants to lose.

The person sexually harassing me may change the nature of their behaviour rapidly, without warning, significantly changing the realities I face.

Just as every person is unique, the sexual harassment I experience is unique.

I may be threatened, intimidated or coerced into doing things against my will.

The person committing the sexual harassment may isolate me from colleagues I respect and rely on, and manipulate others against me, and undermine my relationships and reputation in the workplace.

They may commit sexual harassment, and they may threaten me (or people I care about) as a means to control me. They may use my work performance, my safety needs, my skill gaps, my reputation to control or undermine my opportunity to speak up or to speak out.

They may try to use my time, connections or need for the work to control and isolate me.

I am experienced in anticipating the patterns and tactics that the person sexually harassing me uses against me and my colleagues. I can see how they adjust their tactics to suppress my resistance and responses to their abuse.

The actions of the person who has or is sexually harassing me may be similar to what they have done to others but what this means to me, how it undermines me, and where it leaves me are unique and specific to me.

The sexual harassment I experience undermines my wellbeing across many areas of my life.

My responses – the person subjecting me to sexual harassment violates my rights, restricts my choices, and limits my capacity to act and put into force my own decisions.

My safety – my safety is compromised.

Love and connection – my family relationships, friends and connections with community, spiritual connection and connections to land may be under threat.

My learning and growth – because I am forced to deal constantly with sexual harassment, and possibly with negative responses from others, I experience fatigue and isolation.

Sometimes I cannot help but ignore or avoid activities that could help me learn and develop as a person or in my work, because of competing priorities related to sexual harassment.

My health – my body and mind suffer from the threat of and being subjected to sexual harassment. I can become physically unwell, fearful, desperate, lonely, sad, and angry.

Although my despair is one form of resistance to the sexual harassment, I may be seen as 'anxious all the time', 'clinically depressed' or as having another disorder.

My feelings are ethical emotional responses to violation, humiliation, and abuse.

My material basics and economic wellbeing – the person sexually harassing me tries to suppress my resistance by limiting my access to supports, resources, and people I trust. If they can undermine my connection to colleagues and managers, they will be more able to subject me to sexual harassment.

My participation – my opportunity to participate, have a voice and be involved as a citizen and in the community may be limited.

The sexual harassment I experience (in all its forms) is an affront to my dignity.

I may experience supportive, unsupportive or oppressive systems and environments.

My **race, gender, sexuality, class, immigration status, ability, age** etc. influences the circumstances of my life and the discrimination and oppression I may experience.

When I face multiple forms of discrimination, the person sexually harassing me is empowered to use greater levels of abuse and I am isolated from formal and informal support systems.

I may receive both positive and negative social responses from others.

The quality of the social responses I have received influences 'if' and 'how' I tell anyone, if I share with a colleague, if I engage with social networks and services, and if I report (informally or formally) at work or seek support.

The decisions I make and if/how I take steps is influenced by my context, situation and the repeated or ongoing harassment I am experiencing by the person sexually harassing me.

Despite this complexity, and even when under immense pressure, I also consider how my decisions to act or not act, may impact the experiences of people and communities I care about.



I resist and respond to the sexual harassment, discrimination and oppression I experience.

I do this in visible and invisible ways that might not seem obvious, or directly related to what is going on, but this resistance and response to sexual harassment is important to me, and is part of upholding my dignity.

The person harassing me knows that I do not like the harassment, and anticipates that I will resist.

Consequently, I must hide my resistance, sometimes completely, and find a safe place in the privacy of my mind.

Are you ready to respond if I do share with you?

One step to becoming more ready to respond, is to understand what your response might mean to me - how your response can help or how it could harm.

Please recognise that I am already active in resisting the sexual harassment, building safety for myself and others, and managing risk. I am constantly...

- Self-assessing my safety and watching for changes in risk, and forecasting risk.
- Building my safety awareness through information and experience.
- Creating and implementing ways (tactics/strategies) to keep myself and my co-workers and/or customers safe.

Please remember, there may be much more going on than I care to say - until I know you're safe to share with.

If you try to make decisions for me and tell me what to do, I might feel more unsafe than before I shared with you.

I may not know what I want you to do, I may want you to do nothing, I may want you to do something. I may want your quiet support alongside me, or I may want you to do something proactive, or a mix of these things.

Listen to me and follow my lead.

Let me decide what's needed and what's next.

Let me lead the pace and the precision of any steps.

Let me lead.

All of this may take time.

”

What is Sexual Harassment?

Sexual harassment is any unwanted or unwelcome behaviour, comment or act of a sexual nature. Sexual harassment can take many forms and may occur in workplaces, in education or in other parts of the community. For example; in the workplace, in schools, colleges and universities, in clubs, or when buying goods or receiving services, seeking or obtaining accommodation, as well as when using government services.

'Legally, an important part of the test for sexual harassment is whether a reasonable person would foresee the possibility that the person experiencing the sexual conduct would feel offended, humiliated or intimidated.'^[1]

[1] Sexual Harassment in the Workplace- The Legal Definition of Sexual Harassment Australian Human Rights Commission, <https://humanrights.gov.au/our-work/projects/sexual-harassment-workplace-legal-definition-sexual-harassment>

Sexual harassment is when a perpetrator chooses to subject another person to actions such as:

- invasive/intrusive questioning about the victim's relationship status, sexuality, gender identity
- unwanted sexualised discussions initiated by the perpetrator
- unwanted sexual touching
- unwelcome jokes or banter of a sexual nature
- pornography in the workplace, in education or in other community spaces
- sexualised ridicule by a group of people
- unwelcome sexualised text messages or online communications

Sexual harassment is a form of gendered violence.^[2]

Whilst sexual harassment can happen to anyone, women are twice as likely as men to experience sexual harassment in their lifetime.^[3]

[2] Respect@Work- Sexual Harassment National Inquiry Report (2020), Australian Human Rights Commission, p 24.

[3] Australian Bureau of Statistics (7 December 2021), Sexual Harassment, ABS Website, accessed 4 October 2022.

My options

If I experience sexual harassment, I may

- choose not to tell anyone
- choose to tell a friend, family member or someone I trust

I may want to use other or extra options available to me.

These options might be '**internal**' or '**external**' to my workplace.

Internal options

I might choose to report the sexual harassment to a senior manager, supervisor or other key senior **person** in the workplace at any point in time.

Read more about expectations of workplaces in Australia in adjacent box

Safe Work Australia is a national policy body representing the interests of the Commonwealth, states and territories, as well as workers and employers.

Safe Work Australia highlights the important opportunity for employers to address sexual harassment quickly and efficiently. It highlights that workers should be encouraged to report sexual harassment and behaviour that causes concern.

Safe Work Australia suggests workplaces can do this by:

- providing workers with a range of accessible and user-friendly ways to report sexual harassment informally, formally, anonymously and confidentially
- talking to workers to make sure they understand how to report sexual harassment or behaviours of concern, their right to representation and the support, protection and advice available
- training key workers (contact persons) to receive reports of sexual harassment and give support and advice
- helping workers understand the processes of how reports of sexual harassment will be dealt with
- providing supportive, consistent and confidential responses to reports, and
- implementing systems to prevent retaliation and victimisation of people involved in reports of sexual harassment. ^[4]

[4] Safe Work Australia 'Preventing Workplace Sexual Harassment: National Guidance Material' January 2021: <https://www.safeworkaustralia.gov.au/sites/default/files/2021-03/Guide%20for%20preventing%20workplace%20sexual%20harassment%20-%20for%20publishing.pdf>

External options

I might choose to lodge a complaint to either:
The Australian Human Rights Commission
(or state/territory equivalent)

The Australian Human Rights Commission (AHRC) is an independent third party which investigates complaints about discrimination and human rights breaches.

I can do this by making a complaint about my experience of sexual harassment in writing
(see www.humanrights.gov.au/complaints/lodge-complaint).

The Fair Work Commission

The Fair work commission is Australia's national workplace relations tribunal and registered organisations regulator
(See www.fwc.gov.au/issues-we-help/sexual-harassment)

I can do this by applying to the Fair Work Commission to:

- deal with a sexual harassment dispute to pursue remedy for the harm I have experienced; or
- make an order to stop sexual harassment in the workplace from continuing; or
- both of the above.

In the event that my matter is not resolved in either the Australian Human Rights Commission or the Fair Work Commission, I may be able to progress the matter by filing an application in the Federal Court of Australia (or the Federal Circuit Court of Australia) or the state/territory equivalent .

Non-disclosure agreements (NDAs)

Can't Buy My Silence (CBMS)

An international campaign committed to end the misuse of non-disclosure agreements (NDAs) to buy victims' silence.

www.cantbuymysilence.com

'Non-disclosure agreements are contracts that were created to protect trade secrets but when used wrongly become secret settlement contracts used to buy the silence of a victim or whistleblower. They have become the default solution for organisations, corporations and public bodies to settle cases of sexual misconduct, racism, pregnancy discrimination and other human rights violations.

Zelda Perkins and Prof. Julie Macfarlane joined forces in September 2021 to create *Can't Buy My Silence* after their own shocking personal experiences exposed the harmful use of NDAs.

The *Can't Buy My Silence* campaign outlines how the misuse of NDAs to buy the silence of victims, perpetuates the problem, doesn't protect the victim, gags victims permanently, and may force victims to lie. The misuse of NDAs to buy the silence of victims chills the climate for anyone wishing to speak up about abuse in the workplace.'

Find facts, resources and guidance at www.cantbuymysilence.com

View/share/embed the short animation:



Stop the misuse of NDAs (<https://vimeo.com/744798330>)

Raise public awareness

This animation is freely available to individuals and organisations (public, private or community) to share and embed in websites and communication materials.

The Insight Exchange team worked with Guy Downes to develop this animation. Animation co-developed with Can't Buy My Silence and donated by www.insightexchange.net

Are you looking for information, insights, or support about sexualised violence and abuse?

My Dignity – My body is mine

My Dignity is an information and reflection resource about sexualised violence. My Dignity is for anyone who may be experiencing, or has experienced, sexualised violence and for anyone who may be responding.

Wherever it is difficult to tell someone about domestic and family violence, it may be even more difficult to tell someone about sexualised violence. The intent of My Dignity is to provide information, support reflection, share lived experience insight from others, and signpost to contacts and supports.



Read more about My Dignity
www.insightexchange.net/my-dignity/
Insight Exchange website has a quick-exit button

Examples of other Insight Exchange Resources

Follow My Lead

An awareness-raising resource for any person who at some point may be listening to and responding to someone experiencing domestic and family violence.
www.insightexchange.net/follow-my-lead

My Safety Kit

A reflection resource that speaks in the voice of the reader who may be reflecting on their own relationships and (possible) experiences of domestic and family violence.
www.insightexchange.net/my-safety-kit

Guide to Selecting a Counsellor

This guide may help you select a counsellor who is the right fit for you. www.insightexchange.net/selecting-a-counsellor

My Support Options

Designed to share with you examples of what victim-survivors of domestic, family and sexualised violence have wished for and/or asked for from their workplace. The options were identified in the publications listed (at the bottom of this page). The support options are ideas not advice. They are not exclusive or exhaustive.
www.insightexchange.net/my-support-options



Insight Exchange is for all people. Insight Exchange respects the diversity of all sexualities and gender identities, including but not limited to; Lesbian, Gay Bisexual, Transgender, Intersex, Queer and A-Sexual + identities as well as Heterosexual and Cisgender identities.

EXPLORE INSIGHT EXCHANGE RESOURCES

www.insightexchange.net
Insight Exchange website has a quick-exit button.

Scan the static QR code to open Insight Exchange



INSIGHT EXCHANGE

Insight Exchange centres on the expertise of people with lived experience of domestic, family and sexualised violence and gives voice to these experiences.

Insight Exchange is designed to inform and strengthen social, service and systemic responses to domestic, family and sexualised violence.

www.insightexchange.net

Launched in November 2017, Insight Exchange was designed by Domestic Violence Service Management (DVSM), in collaboration with Dr Linda Coates and Dr Allan Wade from Centre for Response-Based Practice, Canada.

Insight Exchange has been established, developed and is governed by Domestic Violence Service Management (DVSM) a registered charity (ABN 26 165 400 635).

Insight Exchange has been sustained through the generous donations of for the benefit of many.

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Insight Exchange acknowledges the Traditional Custodians of the land on which our work and services operate and pay our respects to Elders past and present. We extend this respect to all First Nations peoples across the country and the world. We acknowledge that sovereignty of this land was never ceded. Always was, always will be Aboriginal land.

THANKS

Insight Exchange would like to thank all contributors, critical friends and communities, who have engaged directly or indirectly with development of Insight Exchange resources. In particular, we would like to thank Dr Linda Coates and Dr Allan Wade and their colleagues at the Centre for Response-Based Practice, Canada for their visionary and pioneering work on social responses, resistance, language, and the upholding of dignity.

Wade, A. (1997) Small Acts Of Living: Everyday Resistance To Violence And Other Forms Of Oppression. Contemporary Family Therapy 19 (1) March 1997.

Most significantly, our thanks go to all people with lived experience of domestic, family and sexualised violence who have generously shared their insights for the benefit of others.

IN AN EMERGENCY

In Australia, call Triple Zero (000)
In New Zealand, call Triple One (111)

NATIONAL CONTACTS

1800-RESPECT

Confidential 24/7 information, counselling and support service, to support people impacted by sexual assault, domestic or family violence and abuse.

T: 1800 737 732

W: 1800respect.org.au

1800 Respect has a quick-exit button.

Full Stop Australia

Sexual, Domestic and Family Violence Helpline

Available 24/7 T: 1800 943 539

Rainbow Sexual, Domestic and Family Violence

Helpline Available 24/7 T: 1800 497 212

Sexual Abuse and Redress Support Service

T: 1800 211 028

NSW Sexual Violence Helpline

T: 1800 424 017

Online counselling available 24/7

W: fullstop.org.au

Full Stop Australia has a quick-exit button.



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