

Insight from SafeWork NSW

Respect at Work Taskforce

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Kelli Jovanovski
Principal Inspector,
Specialist Advice and Compliance
Programs.
Respect at Work Taskforce

This presentation will discuss sensitive content.

If you need support please contact:

1800RESPECT- 1800 737 732

Full Stop Australia - 1800 385 578

Lifeline Australia - 13 11 14



NSW Government Priority

2023 SafeWork NSW regulatory priorities



**NSW Budget
2022-23**
Women's Opportunity Statement

Supporting families,
building a brighter future

Priority areas for reform

- 1. Increase women's workforce participation**
Supporting more women to enter and stay in the workforce and take on more full-time roles, including by improving access to early childhood education and care.
- 2. Improve the experience of women in the workforce**
Closing the gender pay gap, reducing industry segregation and supporting more women to progress into leadership positions.
- 3. Support women in small-business and entrepreneurship**
Increasing the number and success rates of women-led small-businesses and start-ups.
- 4. Support and raise awareness of women's health needs**
Investing in some of the specific health needs of women over their working lives.
- 5. Respect for women and women's financial security**
Preventing harassment and violence against women in the home, on the street and in the workplace and supporting victim-survivors of domestic violence.

Gig economy	Increase safety and work health and safety compliance in the gig economy sector, particularly food delivery riders and health care.
Safety around moving plant	Reduce workplace safety incidents related to moving plant, particularly forklifts.
Seasonal	Increase work health and safety compliance to support itinerant workers, particularly in the agricultural sector and those working with amusement devices.
Psychological safety	Reduce the prevalence of psychological injury at workplaces, with a focus on mental health and wellbeing.
Respect at work	Reduce the incidence of bullying, sexual harassment, and customer aggression in the workplace, particularly in male dominated sectors and healthcare.
Exposure to harmful substances	Reduce the incidence of worker exposure to dangerous substances in the workplace, particularly silica and dangerous chemicals.
Falls	Reduce the incidence of falls from heights with a particular focus on construction.

Our regulatory approach



Educate

Raise awareness that NSW businesses have a proactive duty to prevent and respond to workplace sexual harassment as a work health and safety issue.



Capability

NSW workplaces are better equipped to prevent and respond to workplace sexual harassment.



Action

NSW workplaces take effective and systematic actions to prevent and respond to workplace sexual harassment.



Regulate

SafeWork NSW is a more effective regulator, including strengthening and enforcing WHS laws to protect workers from sexual harassment.



What is sexual harassment

- unwelcome conduct of a sexual nature (*subjective test*)
- which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances (*objective test*)

Forms of workplace sexual harassment



sexually suggestive
comments or jokes
(27%)



intrusive questions about a person's private life or physical appearance
(23%)



inappropriate **staring or leering** that made them feel intimidated
(19%)



unwelcome touching, hugging, cornering or kissing
(19%)



inappropriate **physical contact**
(19%)

Subjective and Objective test

Subjective



Unwanted and unwelcome
(based on personal opinions
and feelings)



Objective

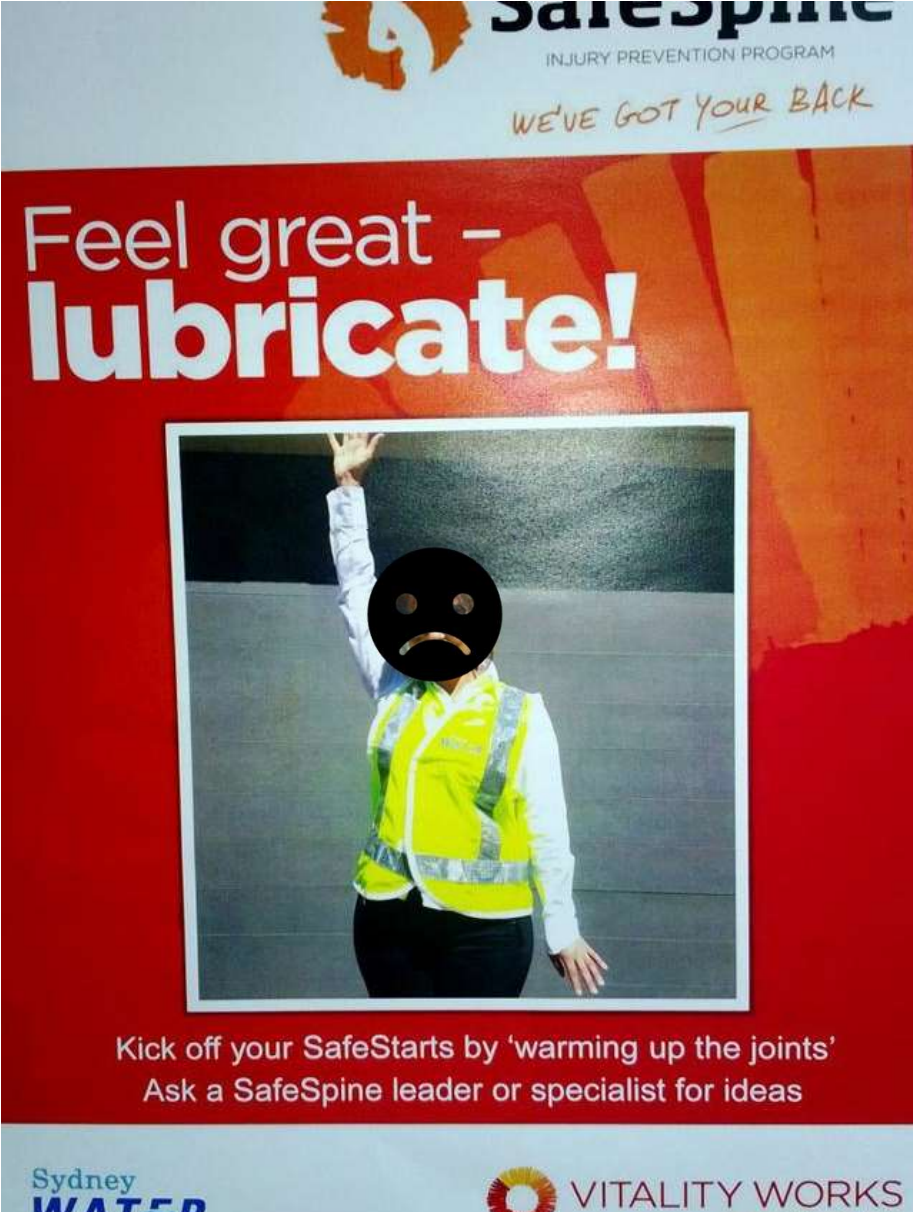


How would a hypothetical
'reasonable' person react?

Case Law




Vitality Works Australia Pty Ltd (Vitality Works) and Sydney Water Corporation (Sydney Water) had contravened s 22B of the Anti-Discrimination Act (1977) (NSW) (the ADA)




SafeSpine
INJURY PREVENTION PROGRAM
WE'VE GOT YOUR BACK

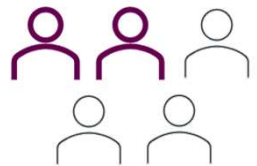
Feel great - lubricate!



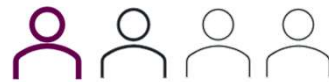
Kick off your SafeStarts by 'warming up the joints'
Ask a SafeSpine leader or specialist for ideas

Sydney **WATER**  VITALITY WORKS

1 in 3 Australian workers impacted in the last 5 years



41% of women



26% of men



46% of people aged 18-29



56% of Aboriginal and Torres Strait Islander people



46% of those who identify as LGBTQIA+



48% of those with a disability

People who are **insecurely employed** (e.g. gig workers, migrants)

Underreporting is an issue

Intersectionality between groups

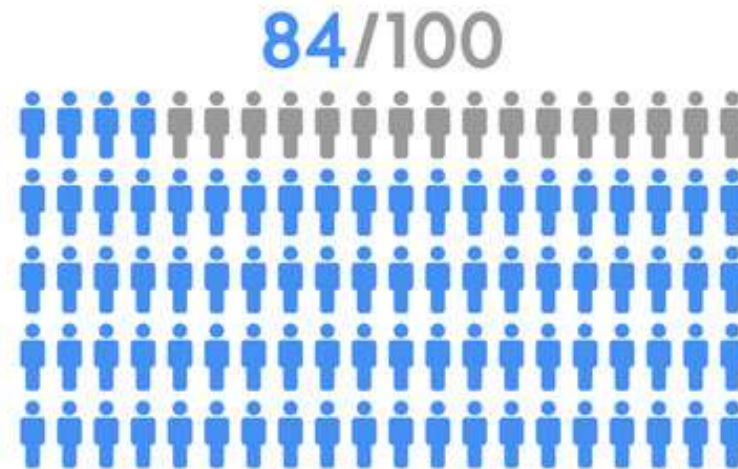
Source: Time for respect: Fifth national survey on sexual harassment in Australian workplaces, AHRC 2022.

Hospitality Industry 9 in 10 workers impacted

90% of hospitality workers have experienced sexual harassment



84 % have witnessed it



SafeWork working with the Hospitality Industry

- Two workshops held in March 2024 with the hospitality and retail sector, including major employers, union representatives and experts.
- Consultation with the ARA health and safety committee in June 2024
- The aim was to get insights from people working in the sector to help inform future education and communication products.
- Targeted resources will be developed based on stakeholder feedback.



When SafeWork becomes involved in your matter

THE ROLE OF AN INSPECTOR



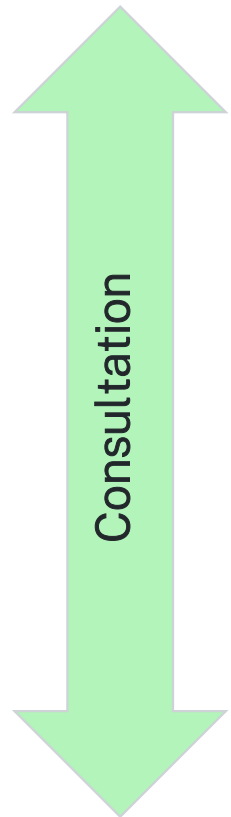
✓ What we do

- ✓ Regulate health and safety of NSW workers and workplaces
- ✓ Advice + education
- ✓ Inspect workplaces and make inquiries
- ✓ Prosecute for serious breaches of WHS laws

✗ What we don't do

- ✗ Mediate individual complaints
 - ✗ Employment or industrial matters
 - ✗ Workers compensation
-

Common themes we investigate



Work activity

- What's the workplace culture?
- Are there factors that increase the risk of harmful behaviour?
- Expected standards of behaviour

Workplace environment

- Physical & online
- Location of work activity
- Design of the workplace

Safe work systems including policies & procedures

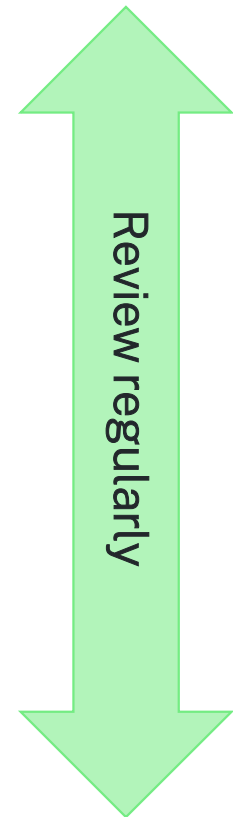
- What's in them?
- Are they adequate to manage the risk?
- Are they used?
- How are the hazards identified and assessed?
- Reporting & investigation procedures

Information, training and supervision

- What, when, who?

Reporting & confidentiality

- Accessible reporting processes
- Transparent, confidential and timely investigation processes



A system does not look like...



.... a single policy

Examples of systems for preventing & managing workplace sexual harassment

Identification systems

- Clear definitions of sexual harassment, causes and the impact on workers.
- Understanding of sexual harassment by people leaders
- Effective WHS Consultation
- Training and information to all workers including management and supervisors
- Sexual Harassment policy
- Posters on display

Management & response systems

- Policies (responsibilities and consequences)
- Risk assessments with focus on work design, work environment and interactions between workers
- Risk Register with control measures
- Re-education and training
- Review processes for determining effectiveness of controls

Reporting systems

- Multiple reporting pathways (including informal and formal)
- Anonymous reporting options
- Information on where workers can seek help, advice or report
- Incident forms
- Data recording and monitoring of workplace

3-part webinar series

- **Overarching webinar series name:** The Essentials: Preventing Sexual Harassment in the Workplace

- **Webinar 1:** Understanding workplace sexual harassment

- **Webinar 2:** Safety Steps: Preventing Workplace Harassment

- **Webinar 3:** Next Steps: Reporting and Response



Q&A

Contact us



www.nsw.gov.au/respect-at-work



respectatwork@safework.nsw.gov.au

Request a free SafeWork NSW Advisory Visit (less than 50 staff)
or Safety Workshop for business groups

