

Preventing workplace sexual harassment: Information for hospitality businesses

Understand what workplace sexual harassment looks like and the steps you can take to prevent or minimise the risk of it occurring in your workplace.

Workplace sexual harassment can cause serious mental and physical harm. It is a work, health and safety (WHS) hazard that businesses must proactively manage under NSW WHS laws.

Hospitality workers have a higher-than-average risk of experiencing workplace sexual harassment. This risk is driven by various factors, including:



Working with customers



Late-night work and socialising



Presence of alcohol and drugs



A large proportion of workers who have a higher risk of experiencing sexual harassment (including young workers, LGBTIQ+ workers and women)



Male-dominated environments



Role of SafeWork NSW

SafeWork NSW is the state's WHS regulator and has the power to inspect workplaces to ensure businesses are meeting their WHS duties.

After a workplace visit, SafeWork may ask a business to put protections in place to address risks, including sexual harassment. For the most serious breaches of WHS law, businesses can face criminal prosecutions and fines.

Workplace sexual harassment: What it is and what it can look like

Sexual harassment is any unwelcome or unwanted conduct of a sexual nature that makes a person feel offended, humiliated or intimidated, where a reasonable person in the same circumstances would anticipate that reaction. Common forms include:



Unwanted hugging, kissing and other inappropriate contact



Requests for sex



Sexually explicit calls, texts or online interactions



Can come from customers, co-workers or managers



Repeatedly asking a co-worker out on a date



Sexist remarks or crude language



Intrusive questions about a co-worker's private life or physical appearance



Can be physical, verbal or online harassment

Sexual assault, sexual touching, assault, and stalking may be offences under criminal law. Even when a matter is being investigated by police, the WHS risks must be addressed.

Risk management approach to prevention

The 4-step risk management process can assist in managing risks to work health and safety including workplace sexual harassment.



1. Identify hazards

Understand the drivers and causes to help identify the risk in your workplace, including how and when it could happen, and to whom.

For example, bar or table staff being sexually harassed by customers during the evening shift.



3. Control risks

Implement the most effective control measures (actions and strategies to eliminate or reduce risks), to eliminate workplace sexual harassment so far as is reasonably practicable for your business.

For example, display posters in visible areas communicating that your venue will not tolerate any kind of sexual harassment of its staff.



2. Assess risks

Understand the likelihood of sexual harassment happening and how serious impacts could be.

For example, there is a high likelihood that verbal sexual harassment by patrons could occur, which may have a moderate to high psychological impact on bar or table staff.



4. Assess effectiveness

Review and monitor control measures to ensure they are effective over time and remain effective after any changes in your workplace.

For example, speak to bar and table staff to understand how they think the measures to prevent harassment are working.

All steps should be taken in consultation with your workers.

For more detailed information about the risk management process see the **SafeWork NSW Code of Practice: Sexual and gender-based harassment**.



Supporting your workers

WHS laws prohibit discriminatory or coercive actions against workers reporting WHS issues, including sexual harassment. This means your workers should feel safe to disclose sexual harassment in the workplace without facing any negative consequences for doing so.

Workers should have different reporting options available to them, including ways to report if they are not comfortable going to their direct manager and should be made aware of any other support available to them, for example an Employee Assistance Program (EAP).

Learn more about **responding to reports of sexual harassment at nsw.gov.au/respect-at-work**

Find out more



For more information and to access resources visit:

nsw.gov.au

 [RespectAtWork](#)



Disclaimer: To ensure you comply with your legal obligations you must refer to the appropriate legislation. Information on the latest laws can be checked by visiting the NSW legislation website. This publication does not represent a comprehensive statement of the law as it applies to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.