

# Preventing sexual harassment in the offshore energy industry

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## Core concepts

- Sexual harassment is a psychosocial hazard that is known to cause psychological and / or physical harm. Under Commonwealth Offshore Petroleum and Greenhouse Gas Storage legislation, operators of facilities and certain other duty holders are required to manage the risk of sexual harassment.
- Psychosocial hazards such as sexual harassment can only be effectively controlled using a risk management approach in which duty holders proactively identify hazards, assess the risk of harm, implement targeted control measures and review these controls to determine their effectiveness.
- The purpose of this guidance note is to provide information for operators of facilities and other duty holders, as detailed in Division 1 of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act), on preventing and responding to sexual harassment at or near offshore facilities.

## Definitions

**Gender-based harassment:** unwelcome conduct based on a person's gender, sex or sexuality<sup>1</sup>.

**Sexual harassment:** any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes or could reasonably make a person feel offended, humiliated or intimidated<sup>2</sup>.

Note: Sexual harassment is a type of gender-based harassment, and the terms are often used interchangeably, however this guidance will only reference the term sexual harassment as is used in the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2024 (OPGGs(S) Regulations).

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<sup>1</sup> Safe Work Australia (2023) Code of Practice: Sexual and gender-based harassment <https://www.safeworkaustralia.gov.au>

<sup>2</sup> Based on the definition in the Sex Discrimination Act 1984 (Cth). Legal definitions of 'sexual harassment' may vary in the anti-discrimination laws of each state and territory.

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## 1. Legislative Requirements

### 1.1. Duty of Care

Operators of facilities, under Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act), have a general duty to take all reasonably practicable steps to ensure that a facility is safe and without risk to the health of any person at or near the facility (ref cl. 9(1)(a)). As the OPGGS Act defines health as both physical and psychological, duty holders are required to manage psychosocial hazards such as sexual harassment so that the risk of harm is as low as reasonably practicable (ALARP).

This means that operators must do all that they reasonably can to manage the risk of sexual harassment occurring in the workplace.

Schedule 3, Division 1 of the OPGGS Act places specific duties on operators to take all reasonably practicable steps to:

- provide and maintain a physical environment at the facility that is safe and without risk to health
- provide and maintain adequate facilities for the welfare of all members of the workforce at the facility
- provide all members of the workforce with the information, instruction, training and supervision necessary
- consult with members of the workforce to develop policies that will enable the operator and the workers to cooperate effectively in developing measures to ensure the health and safety of persons at the facility.

To do this, operators should exchange information and collaborate with other duty holders and members of the workforce in a co-operative and co-ordinated way so that risks such as those associated with sexual harassment and other psychosocial hazards are eliminated or otherwise reduced to ALARP.

Other duty holders under the OPGGS Act who have responsibilities in managing sexual harassment risks include:

- employers, including contractors, who must take all reasonably practicable steps to protect the health and safety of employees at a facility (cl. 11(1)); and
- workers and all people at a facility who must take all reasonably practicable steps to ensure that they do not take any action, or make any omission, that creates a risk to the health or safety of themselves or others at or near the facility (cl. 15(1)(a)).

As offshore workplaces commonly involve the interaction of multiple stakeholders, including operators, contractors, labour hire, aviation and marine providers, consultation on the management of hazards such as sexual harassment must consider:

- how contractor, client representative and visitor conduct is managed
- who will be responsible for implementation of controls to prevent sexual harassment, reporting and investigation of incidents or complaints of sexual harassment
- how identified risks of sexual harassment are communicated between stakeholders and within multi-employer workforces (e.g. interface agreements and handovers).

## 1.2. Safety Cases

Regulation 2.15A of the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2024 (OPGGS(S) Regulations) states that the safety case for a facility must describe the measures the operator of the facility has, or will, put in place to:

- (a) prevent sexual harassment, bullying and harassment at the facility; and
- (b) comply with relevant legislation relating to sexual harassment, bullying and harassment; and
- (c) report incidents of sexual harassment, bullying and harassment at the facility to NOPSEMA.

Prevention of inappropriate behaviours such as sexual harassment requires a risk management approach in which operators proactively identify the factors that cause and contribute to sexual harassment, assess the risks of worker exposure to these factors and take steps to control the hazard. Detail on risk management for sexual harassment is provided in section 3 and guidance on safety Case submissions in relation to sexual harassment is provided in Appendix A.

## 1.3. Reporting sexual harassment incidents to NOPSEMA

Regulation 2.46B of the OPGGS(S) Regulations requires operator of a facility to give NOPSEMA a written notice if they become aware of an incident of sexual harassment at the facility as soon as practicable after becoming aware of the incident(s). This notification must include a de-identified account of the incident. To share details without identifying the parties involved, terminology such as “affected worker(s)” can be used for those experiencing the behaviour and “subject(s) of the complaint” for those accused of behaviours such as sexual harassment. These initial reports to NOPSEMA should describe as much information as is available on the context of the sexual harassment incident(s) including when and where the behaviours occurred, the working relationship between the parties (e.g. coworkers, manager/subordinate, contract worker/direct employee) and the actions taken to immediately mitigate the risk of further harm to health.

Within 30 days after notifying NOPSEMA of an incident of sexual harassment (or within such longer period as NOPSEMA approves), the operator is required to give a written report to NOPSEMA which provides detail of the action taken, or proposed to be taken to deal with the incident as well as measures to be put in place to prevent or lessen the likelihood of similar incidents occurring at the facility.

To meet reporting requirement under reg 2.46B, operators should have a clear process for determining whether a complaint or issue raised at the facility involves potentially harmful or inappropriate behaviour and ensure that those responsible for reporting these hazards to NOPSEMA are aware of the behaviours which constitute sexual harassment.

## 1.4. Other legislation

Other laws in Australia which address sexual harassment include:

- the *Sex Discrimination Act 1984* (Cth), which along with state and territory anti-discrimination laws, prohibit sexual harassment. The Australian Human Rights Commission publishes guidance to help employers understand and meet their legal obligations under the Sex Discrimination Act (SDA). See the resources and support services at the end of this Guide
- the *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022* (Cth) introduced a new positive duty into the SDA. This is a duty on employers and persons conducting a

business or undertaking (PCBUs) to take reasonable and proportionate measures to eliminate, as far as possible, certain discriminatory conduct, including sex discrimination, sexual harassment, sex-based harassment and certain acts of victimisation in the workplace context

- the *Fair Work Act 2009* states that employers are legally required to take reasonable steps to prevent sexual harassment of their employees from other people at work or third parties – for example customers and clients; and
- criminal law in jurisdictions across Australia prohibit serious sexual harassment behaviours including indecent exposure, stalking, sexual assault and obscene or threatening communication.

## 2. What is workplace sexual harassment?

Sexual harassment is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, in circumstances where a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated or intimidated<sup>3</sup>. Sexual harassment can be one-off incidents or repeated behaviours.

This Guidance Note addresses sexual harassment that occurs at any workplace related to an offshore facility.

This means sexual harassment can happen:

- at an offshore facility
- during travel to or from an offshore facility
- where the member of the workforce is engaging in a work-related activity such as conferences, training, work trips, work-related corporate events or if the operator/employer hosts a work-related social activity like a Christmas party; or
- by phone, email or online (such as through social media platforms).

Sexual harassment may be perpetrated by various people including an employer, supervisor, co-worker, subordinate, contractor or client. For example, a member of the workforce might be harassed by a client representative when visiting an offshore facility. It can also involve people who work for another company and share the same workplace, for example sub-contractors at the same facility.

Workers can be directly exposed to sexual harassment or be indirectly exposed by witnessing behaviours, seeing sexually explicit or offensive images or hearing sexualised language at the workplace.

Workers may experience sexual harassment when they are not at work from risks which arise at the workplace. For example, if a worker receives offensive text messages after work from a colleague or client.

### 2.1. Examples of sexual harassment

Sexual harassment is not always obvious, repeated or continuous. Unlike bullying, which is characterised by repeated behaviour, sexual harassment can be a one-off incident.

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<sup>3</sup> Legal definitions of 'sexual harassment' may vary in each state and territory.

Examples of these behaviours include:

- unwelcome touching, hugging, cornering or kissing
- inappropriate staring or leering
- suggestive comments or jokes
- using suggestive or sexualised nicknames for co-workers
- sexually explicit pictures, posters or gifts
- circulating sexually explicit material
- sexualised comments about a person's appearance
- repeated unwanted sexual advances or requests or pressure for sex
- intrusive questions or comments about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- insults or taunts based on sex
- sexual gestures or indecent exposure
- following, watching or loitering nearby another person
- sexually explicit or indecent physical contact
- sexually explicit or indecent emails, phone calls, text messages or online interactions
- threatening to share intimate images or film without consent; and
- actual or attempted rape or sexual assault.

Acts such as sexual assault, physical assault, indecent exposure, stalking, sharing intimate images or videos without consent and obscene or threatening communications (e.g. phone calls, letters, emails, text messages, voice messages and posts on social media) may be offences under criminal law. Even where a matter is being investigated by police, the risks of harms to workers must be addressed under the OPGGS Act.

Overt forms of sexual harassment may be easier to identify and are understood to be harmful in workplaces. However, more subtle forms like sexist remarks, crude language and sexualised comments about a person's appearance which become tolerated within the workplace culture may not be taken as seriously and can be more difficult to identify. However, these forms of sexual harassment can be just as harmful as overt forms of sexual harassment.

Sexual harassment is also a form of gendered violence. Gendered violence is any behaviour directed at any person, or that affects a person, because of their sex, gender or sexual orientation, or because they do not adhere to socially prescribed gender roles, that creates a risk to health and safety. For example, this includes violence targeted at someone because they identify as lesbian, gay, bisexual, transgender, intersex, queer or asexual (LGBTIQ+).

While anyone can experience sexual harassment, there are certain groups of people who are more likely to experience it. Both men and women experience sexual harassment, however women are significantly more likely to experience it than men, and men are significantly more likely to commit sexual harassment than women. Factors which may increase the likelihood of a worker experiencing sexual harassment include:

- workers who are new to the workforce
- workers under 30 years of age
- LGBTIQ+ workers
- Aboriginal and/or Torres Strait Islander workers
- workers with a disability
- workers from culturally and/or linguistically diverse backgrounds
- people in insecure working arrangements (e.g. casual or labour hire)

The risk of experiencing harm from sexual harassment rises when a person faces multiple forms of discrimination. Attributes such as gender, sexuality, migration status, race, disability and literacy can combine (intersect) and increase a person's vulnerability. These factors can also make workers less likely to report sexual harassment.

## 2.2. Impacts of sexual harassment

Sexual harassment can cause physical and / or psychological harm to the person it is directed at and anyone witnessing the behaviour. The severity of the impact of sexual harassment can vary and is dependent on the type of behaviour, the duration and frequency of exposure, the relative vulnerability of the workers exposed in terms of work status, gender, race, etc. and the workplace response and repercussions to reporting. These impacts can have significant social and economic costs for workers, their family, their organisation and the wider community. Sexual harassment can lead to:

- feelings of isolation, social isolation or family dislocation
- loss of confidence and withdrawal
- physical injuries as a result of assault or physical reactions arising from psychological distress
- mental stress, depression, anxiety and post-traumatic stress disorder
- suicidal thoughts.

The risk of psychological harm to workers, caused by sexual harassment, can also lead to a degradation of human performance, which may increase the likelihood of error and consequently increase major accident event (MAE) risk. Specifically, a worker's ability to perform work tasks, including those that are critical to avoiding serious incidents is negatively impacted if they are anxious, stressed, or experiencing intrusive thoughts from having been exposed to sexual harassment.

It is therefore integral to manage the risk of workplace behaviours such as sexual harassment to avoid harm to psychological and physical health, reduce the potential for human error and promote productivity in the workplace.

## 2.3. Factors that contribute to the risk of sexual harassment

Many factors contribute to the risk of sexual harassment at work, including uncontrolled psychosocial hazards and characteristics of the workplace environment itself. This includes workplaces:

- which are hesitant to take disciplinary action against an alleged harasser considered to be 'high-value' due to potential losses to the business
- with hierarchical structures that limit options to identify, report or manage harmful behaviour from one's superior
- with a culture of sexism and/or norms that support harassment, for example in homogeneous workgroups
- where high job demands, remote or isolated work, bullying, fatigue and other psychosocial hazards are common
- where there is a lack of diversity in leadership, particularly in decision-making positions.

## 3. Preventing sexual harassment on offshore facilities

Operators, and other relevant duty holders, must take all reasonably practicable steps to eliminate or minimise the health and safety risks of sexual harassment on or near offshore facilities. This process is known as risk management and involves:

- identifying the hazards
- assessing the associated risks
- implementing control measures to eliminate or minimise risks, and
- regularly reviewing control measures to ensure they remain effective.

Operators, and other relevant duty holders must consult with workers and their health and safety representatives (HSRs) at each step of the risk management process. This includes when identifying and assessing the risk of sexual harassment and making decisions about what control measures to implement to prevent it from occurring.

Maintaining records of risk management processes and the outcomes, including consultation with workers and HSRs, allows duty holders to monitor or review the hazards identified and controls in place and demonstrate that obligations under the OPGGS legislation are met.

### 3.1. Identifying hazards

Identifying the risks of sexual harassment involves understanding situations in which it could occur, including areas at a facility where it is more likely, the potential nature of the behaviours and who is likely to be affected. It is not sufficient to rely on worker reports of sexual harassment; operators of facilities and other duty holders must take steps to proactively identify sexual harassment and the factors that contribute to these behaviours. As with all psychosocial hazards, hazard identification processes go beyond inspections of the physical work environment, and consultation with all members of their workforce, HSRs and health and safety committees is vital.

Methods to identify sexual harassment risks include:

- **Consultation with workers.** This could include conducting confidential anonymous worker surveys to see if workers have experienced sexual harassment, or behaviours that have caused discomfort; running focus group discussions with workers, ensuring methods to consult with workers are culturally appropriate; and consulting with HSRs and worker representatives about whether concerns have been raised by workers
- **Review of workplace data.** For example, examining records of formal and informal complaints about concerning behaviours and workers' compensation claims, exit interviews, injury reports and Workers Compensation claims or previous culture surveys to identify workgroups, tasks or areas where sexual harassment is more likely to occur.
- **Analyse work design and how tasks are performed.** Look for tasks associated with higher risks of sexual harassment such as single-worker tasks in areas where support is not readily available (e.g. cleaners working in accommodation areas) or areas of work associated with sexist jokes and sexual innuendo such as changing rooms.
- **Assessment of the physical work environment.** Look for areas with limited surveillance or inadequate lighting (e.g. storerooms, stairwells or facilities for workers such as laundries and gyms), restrictive areas that prevent workers maintaining their personal space, and posters or pictures on display that may be offensive.
- **Observing work and behaviours.** Look at how leaders, managers, supervisors, workers and others interact e.g. are there poor relationships or do workers avoid being around certain people? Consider whether there is an acceptance of inappropriate behaviour by workers, managers or third parties (e.g. racially or sexually crude conversations, hazing rituals, innuendo or offensive 'jokes' are part of the accepted culture).
- **Review of the workforce structure.** Identify the worker demographics of your workplace and potential power disparities in working relationships e.g. gender, role, reporting lines, seniority, locations, tenure, job security, pay and other diversity characteristics.
- **Consider whether reporting processes available are suitable and fit for purpose.** Check that there are systems that protect the privacy of workers who make reports and allow for anonymous reporting. Consider multiple reporting pathways such as peer support officers.

Sexual harassment is common in Australian workplaces but is significantly under-reported<sup>4</sup>. Workers in the resources sector, and particularly those utilising fly-in-fly-out work arrangements, have been identified as being at higher risk of sexual harassment due to gender and power imbalances and accepted cultural norms<sup>5</sup>. Therefore, operators and duty holders in offshore petroleum operations should not assume that a lack of reports means that sexual harassment is not happening.

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<sup>4</sup> Australian Human Rights Commission 2022. Time for respect: Fifth national survey on sexual harassment in Australian workplaces ISBN 978-1-925917-71-0

<sup>5</sup> Western Australia. Parliament. Legislative Assembly. Committee 2022 Report 2 'ENOUGH IS ENOUGH' Sexual harassment against women in the FIFO mining industry ISBN: 978-1-925759-03-0

Reporting of sexual harassment is improved when:

- managers regularly talk to members of their workforce about workplace concerns; and sexual harassment is recognised as a health and safety issue
- managers and workers attend training on sexual harassment and have a good understanding of what sexual harassment is; and the relevant workplace policies; and
- workers feel safe and comfortable to raise concerns about sexual harassment or other workplace conduct issues.

The absence of reports where sexual harassment is likely to be occurring may indicate that existing reporting mechanisms do not meet the needs of workers and need to be changed.

### 3.2. Assessing the risks

Once a risk of sexual harassment has been identified, the duty holder needs to assess where workers are likely to be at risk, areas of higher risk, who is at risk and the possible nature of the harassment. The longer, more often and more severe the type of behaviour, the more likely it is that workers will be harmed. Consideration should be given to how distressing or stressful an incident is likely to be, taking into account the balance of power between parties and the context of the behaviours which can increase the perceived threat. This includes the presence of other psychosocial hazards (e.g. high job demands, other harmful behaviours, remote or isolated work, or poor support) which can interact to increase the risk of harm.

In assessing the risk, duty holders should consider:

- whether existing control measures are effective, and address all forms of sexual harassment
- how work is carried out at the facility, as opposed to how work is explained in manuals or procedures
- infrequent or unusual situations such as where managers are absent or where processes are not followed.

It is recommended that operators keep a written record of risk assessments, either through records of consultation with workers, or a risk register.

### 3.3. Controlling the risks

As with all hazards, steps must be taken to either eliminate or minimise risks associated with sexual harassment as far as is reasonably practicable. In the Australian offshore hydrocarbon industry, the law requires that risks to the health and safety of persons are reduced to a level that is as low as reasonably practicable (ALARP). Strategies to control the risk of sexual harassment at a facility will be dependent on the potential risks identified in the hazard identification and risk assessment activities. Consultation with workers and their representatives is vital to consider the circumstances of the workplace when making decisions about which control measures to implement to prevent sexual harassment.

Psychosocial hazards like sexual harassment arise from the design or management of work, the systems of work, the working environment and plant at a workplace, and workplace interactions or behaviour.<sup>6</sup> As work design, systems of work, the environment and the common interactions at work are the source of

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<sup>6</sup> Safe Work Australia 2022 Managing psychosocial hazards at work Code of Practice ISBN 978-1-76114-138-6

psychosocial hazards like sexual harassment, these factors must be considered when controlling the risk of sexual harassment in offshore petroleum settings.

### **3.3.1. Design or management of work**

Well-designed systems of work can control the risk of sexual harassment. For example:

- maintaining communication with workers working alone, including in areas where there is limited surveillance, supervision or access to assistance
- ensuring that allocation of work, promotion and training opportunities is transparent and fair
- providing systems for workers to get immediate assistance from supervisors and managers if they experience sexual harassment
- ensuring that identified risks, control measures and processes for reporting and responding to instances of sexual harassment are widely communicated and regularly reviewed.

### **3.3.2. Design and layout of the workplace**

Poor workplace design and layout can increase the risk of sexual harassment by creating conditions where harassment can occur more easily or go unnoticed. Controls to reduce risks associated with workplace design and layout include:

- ensuring natural surveillance or installing cameras in areas such as stairwells or thoroughfares where workers could become isolated
- ensuring internal and external lighting provides good visibility, including safe entry and exit
- providing worker facilities and amenities which maximise privacy and security (e.g. separate change rooms and wash facilities where workers need to change at work)
- ensuring worker accommodation is secure, both for the worker while they are occupying it and their possessions while they are temporarily away (e.g. while they are on shift).

### **3.3.3. Plant, substances and structures at the workplace**

Well-designed and maintained plant and structures can help to manage risks of sexual harassment. For example:

- Installing and maintaining effective communication systems like phones, intercoms and alarm systems
- Designing structures with sufficient space inside to allow workers to pass without physical contact (e.g. walk in freezers)
- Selecting equipment which avoids placing workers in vulnerable positions (e.g. provide mops to clean floors instead of handheld sponges).

### **3.3.4. Workplace interactions or behaviour**

The way workers interact with each other and other persons at work, their behaviour and relationships can introduce psychosocial hazards, including the risk of sexual harassment. However, supportive leadership, positive relationships and professional and respectful interactions can help to minimise these risks.

In managing the behaviours and interactions among workers, operators can:

- set, model and enforce acceptable behaviour standards for all people in the workplace
- provide training to ensure all workers have a strong understanding of the range of behaviours that can constitute sexual harassment and the drivers of sexual harassment
- ensure there is clear guidance for workers on internal and external reporting mechanisms if sexual harassment occurs, and the support available to support workers exposed to this hazard
- address bullying, aggression, other harassment, discrimination and incivility or disrespect early and appropriately, even if workers 'seem ok with it' or no one raises a concern
- implement policies and strategies to address gender inequality, lack of diversity and power imbalances at work; and
- provide managers and supervisors with training on what to do if they witness sexual harassment occurring in the workplace, and training in how to respond to, and support, workers reporting sexual harassment, including through referral to appropriate services.

### 3.4. Reviewing risk control measures

Risk management is an ongoing process. Operators and other relevant duty holders should review their risk management systems regularly to ensure risks of sexual harassment are eliminated or reduced to a level that is ALARP. Review of controls should also be undertaken when:

- reports and complaints (including informal complaints) from workers identify new sexual harassment risks or risks that have not been controlled so far as is reasonably practicable
- there is due to be a change at the workplace that is likely to give rise to a new or different health and safety risk that the control measure may not effectively control
- a new hazard is identified, and workers consultation indicates a review is necessary
- a Health and Safety Representative requests a review because they reasonably believe one of the above has occurred and it has not already been adequately reviewed.

Common review methods include inspecting the workplace, consultation, and analysing reports. An Operator or other duty holder can use the same methods as in the initial hazard identification step to check control measures, consulting with workers and HSRs in this process.

## 4. Responding to reports of sexual harassment

After receiving a report of sexual harassment, operators typically conduct investigations into whether there has been a breach of employment codes of conduct, professional standards or other legal frameworks. This type of investigation differs from the Occupational Health and Safety (OHS) investigation required after a report of sexual harassment, however the two types of investigation can occur in parallel.

An OHS investigation focuses on the factors contributing to an incident of sexual harassment in order to check whether the risks were controlled to a level that is as low as reasonably practicable, or whether there are more effective and reliable control measures available. As the purpose of OHS investigations is to

review the systems of work to prevent harm, investigation activities occur without a formal complaint or evidence to substantiate allegations for disciplinary outcomes.

While OHS investigations are not focused on individual actions but on the risks to health and safety from the actions, they should still take a trauma-informed approach, as any investigation may itself introduce risks to psychological health. This can be done by ensuring that:

- the investigation is fair, transparent and timely and is conducted by an investigator who is impartial and has the skills and knowledge to identify sexual harassment, assess the risks and recommend appropriate controls
- discussions are non-biased and sensitive to people's needs, taking into account the emotional safety and wellbeing of affected individuals. This includes minimising the need for workers affected by sexual harassment to repeat details of the incident
- decision makers are appropriately trained, unbiased and accountable where they have discretion over reporting and systems. This is particularly important in environments with a lack of diversity
- due process is followed for both those who raised the issue (the "affected worker") and any workers who have had allegations made about them (the "subject of the complaint / allegation")
- workers have access to support persons and mental health support services
- appropriate privacy and confidentiality are maintained for all workers involved
- appropriate information about the progress and outcome of any investigation is provided to workers involved.

An external investigator may be required if an impartial internal investigator is not available, for example where a matter involves an allegation about the behaviours of a senior manager. When selecting an external investigator, it should be ensured that they have the expertise and knowledge to conduct investigations in a trauma-informed way, and that they do not have any conflicts of interest.

After an incident, operators and other relevant duty holders should review their risk management systems to identify and address factors that may have been identified in the investigation process or may have increased the risk of sexual harassment. To improve worker trust in reporting and investigation processes, de-identified accounts of actions taken in response to a complaint should be shared where:

- the workforce is large enough to protect the anonymity and confidentiality of persons involved
- the type of behaviour investigated is not likely to cause vicarious or secondary trauma to those hearing about it
- the affected worker has provided permission for the circumstances to be shared.

Irrespective of the action taken in relation to a specific report, information gathered in reports of sexual harassment should be used to review and update workplace prevention and response measures. For operators of facilities, this involves examining whether the measures outlined in their safety case to prevent sexual harassment were implemented and effective when the reported incident(s) occurred. A review of the safety management system in relation to sexual harassment provides the duty holder the opportunity to identify improvements to the system.

#### 4.1. Role of Health and Safety Representatives responding to sexual harassment

Health and Safety Representatives (HSRs) have an important role in supporting workers to report and respond to sexual harassment risks under the OPGGS framework by acting as a point of contact and facilitating effective communication between workers and duty holders. HSRs should encourage workers to use established internal reporting mechanisms and support them to understand available options, while respecting the highly sensitive and confidential nature of sexual harassment matters. It is important to use a person-centred approach in responding to worker reports of sexual harassment, which involves listening without judgment, guiding workers to available resources such as Employee Assistant Providers or peer supports and protecting the privacy of those involved.

HSRs should not raise specific incidents with the duty holder without the explicit consent of the affected worker, unless there is an immediate risk to health and safety. Instead, they can raise de-identified or systemic issues to ensure risks are addressed. In this role, HSRs help promote a safe reporting environment, monitor the effectiveness of control measures, and advocate for appropriate responses, while maintaining confidentiality and avoiding secondary harm to affected workers.

### 5. Referral to other agencies

There are a range of avenues for members of the workforce on offshore facilities to obtain support and information on sexual harassment.

When dealing with a report of sexual harassment and discussing referral to other agencies, it is very important to respect the complainant's desired outcome and preferred way of managing the complaint.

Members of the workforce should be supported if they wish to contact:

- the Australian Human Rights Commission or state / territory anti-discrimination agency
- the Police for matters that may be criminal offences.

Depending on the circumstances, even if a matter has been referred to Police or another agency, NOPSEMA may still be involved.

Operators, other duty holders or members of the workforce can contact NOPSEMA for assistance and information. This may assist in assessing whether the existing risk controls to prevent sexual harassment are effective, if the response procedures worked the way they were supposed to and whether new risks have been identified that also need to be managed to prevent future incidents.

Resources and support services are available and include:

Australian Human Rights Commission	<a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a>	1300 656 419
Fair Work Commission	<a href="http://www.fwc.gov.au">www.fwc.gov.au</a>	1300 799 675

#### Sexual assault support services

1800Respect	<a href="http://www.1800respect.org.au">www.1800respect.org.au</a>	1800 737 732
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See [Australian Sexual Assault Directory of Support Services](#) for local state/territorial services

#### **Mental Health support services**

Beyond Blue	<a href="http://www.beyondblue.org.au">www.beyondblue.org.au</a>	1300 224 636
Lifeline	<a href="http://www.lifeline.org.au">www.lifeline.org.au</a>	13 11 14
Suicide Call Back Service	<a href="http://suicidecallbackservice.org.au">suicidecallbackservice.org.au</a>	1300 659 467

Other government resources include:

- [Respect@Work – Changes to the Sex Discrimination Act 1984 and the Australian Human Rights Commission Act 1986](#)
- [Privacy – Office of the Australian Information Commissioner](#)
- eSafety Commissioner - [Adult cyber abuse](#)

## Appendix A – Safety Case submissions in relation to sexual harassment

To meet the requirements of Reg 2.15A, the safety case for a facility must describe how the operator will prevent sexual harassment at the facility, comply with relevant legislation relating to sexual harassment, and report incidents of sexual harassment to NOPSEMA.

This is in addition to requirements under Reg 2.5(4) which outline the requirements for the safety management system.

The following prompts may assist operators in meeting these requirements.

Reg	Prompt: Does the safety case....	Examples
2.5(4)(c) and (d)	provide a detailed description of the continual & systematic identification and assessment of sexual harassment hazards on the facility?	There is detail of the processes in place to consult with workers, review workplace data, identify and assess the likelihood of sexual harassment risks (including assessment frequency and triggers, responsible persons and records)
2.15A(a)	describe the measures the operator of the facility has, or will, put in place to prevent sexual harassment at the facility?	Content and delivery of training to workers (including contractors) outlined Procedures in place to report concerns / resolve or respond to reports / investigate allegations are outlined Process for publicising and reviewing hazard registers, controls to prevent sexual harassment and verification processes are outlined
2.5(4)(e)	provide a detailed description of the safety management system and how it reduces the risk of sexual harassment on the facility to a level that is ALARP?	Training provided to workers on standards of appropriate behaviour, training provided to managers on modelling standards of behaviour and responding to reports, is reviewed for effectiveness. Training records of attendance are monitored There is evidence of workforce engagement on controlling sexual harassment risks Procedures for resolution of complaints of sexual harassment are accessible
2.15A(c)	describe the measures the operator of the facility has, or will, put in place to report incidents of sexual harassment at the facility to NOPSEMA?	Detail on how incidents of sexual harassment are defined and classified as reportable, how the operator defines incidents "at the facility" (e.g. does this include social media, travel to/from the facility or work-related communications on R&R?) and who is responsible for determining reporting threshold

Reg	Prompt: Does the safety case....	Examples
2.5(4)(f)	have a detailed description of the system for inspection, testing and maintenance of the equipment and hardware that are the physical control measures for sexual harassment risks?	There are records of audits and inspections of physical control measures for sexual harassment risks e.g. surveillance equipment, internal and external lighting, duress alarm systems, breakout/retreat areas for workers, controlled access (locks and access to toilets and changerooms)