

RESPECT @WORK



MCA INDUSTRY TOOLKIT

The minerals industry is committed to eliminating sexual harassment in its workplaces and has adopted a national Industry Code that provides clear expectations on members to establish both preventative and response measures to address sexual harassment.

This document is part of the MCA Industry Toolkit that has been developed for our members and their employees and comprises a suite of Fact Sheets, Guidance and Templates.

FACT SHEET

Why is sexual harassment a safety and health risk?

Safety and health impacts

Sexual harassment can cause physical and psychological harm to the person it is directed at, anyone witnessing the behaviour, broader work teams and families and friends.

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
- stress, depression, anxiety and post-traumatic stress disorder (PTSD)
- illness such as cardiovascular disease, musculoskeletal disorders, immune deficiency and gastrointestinal disorders e.g. as a result of stress
- negative impacts on a person's job, career and financial security and
- suicidal thoughts¹.

Near misses and small physical incidents can be indicators of an unsafe culture that could lead to a fatality. In the same way, acceptance of sexism creates an enabling culture for sexual harassment to occur.

A person who is away from work because they have been experiencing or witnessing sexual harassment is reasonably a lost-time injury. An incident of sexual harassment may be notifiable to a safety regulator. Risks of sexual harassment should be considered workplace hazards².

¹ Safe Work Australia Guide: Workplace Sexual Harassment <https://www.safeworkaustralia.gov.au/topic/workplace-sexual-harassment>

² Champions of Change Coalition, Disrupting the System: Preventing and responding to sexual harassment in the workplace (Sept 2020) <https://championsofchangecoalition.org/resource/preventing-and-responding-to-sexual-harassment-resources/>

Safety and Health legal context

While, the [Sex Discrimination Act 1984](#) (Cth) prohibits sexual harassment in a workplace, sexual harassment is also regulated by work health and safety laws as it is a workplace hazard which is known to cause psychological and physical harm.

While there are a range of different work health and safety laws that apply in different Australian jurisdictions and in different contexts (such as the specific safety legislation for mining operations in Western Australia and Queensland) sexual harassment is a risk that falls within the scope of those laws. This includes sexual harassment between workers and from other people at the workplace like customers and clients.

Employers must provide a safe physical and online work environment.

While the exact wording of the obligation differs between jurisdictions, in general, businesses must take a systematic approach to managing risk with the aim of eliminating the risk of sexual harassment, or if this is not possible, minimising the risk as far as is reasonably practicable.

In addition to businesses managing the risk of sexual harassment, work health and safety legislation also imposes duties on workers and others at the workplace have a duty to take reasonable care of their own health and safety, and not adversely affect the health and safety of themselves or others. This includes following any reasonable instruction given to comply with a health and safety duty.

While the MCA Respect@Work Industry Toolkit is focused on sexual harassment and similar conduct that occurs at a workplace or during work-related activities, MCA members should also be aware that safety and other risks may arise from inappropriate conduct of a sexual nature that occurs outside of the workplace (such as potential criminal conduct) and such conduct will also need to be proactively managed.