
Racing NSW

Harrassment, Sexual Harassment and Anti-Discrimination

Racing Industry Information Booklet

April 2023



Harassment - is not welcome here

Speak out - against harassment

Together - we can beat harassment

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Introduction

The NSW Racing Industry has a zero-tolerance policy with respect to workplace harassment of any kind.

Racing NSW has updated its policies and procedures with respect to sexual harassment and discrimination in the workplace as a preventative measure to remind all employees and licensed persons of workplace bullying and harassment policies, procedures and practices in the NSW Racing Industry.

What do the Rules of Racing say?

Racing NSW will not tolerate discrimination or harassment (including bullying or sexual harassment) in the NSW racing industry.

Racing NSW Stewards will enforce the rules of racing and will refer complaints to relevant authorities, which may include the police where appropriate.

Stewards are empowered to investigate allegations of harassment including sexual harassment and to lay charges and impose penalties under certain Rules of Racing, including:

AR 228 Conduct detrimental to the interests of racing

A person must not engage in:

- (a) conduct prejudicial to the image, interests, integrity, or welfare of racing, whether or not that conduct takes place within a racecourse or elsewhere;
- (b) misconduct, improper conduct or unseemly behaviour;
- (c) improper or insulting behaviour at any time towards a PRA, the Stewards, a Club, or any official, employee, contractor or agent of any of them in relation to the relevant person's functions, powers or duties;
- (d) publishing or posting on any social media platform or channel any material, content or comment that is obscene, offensive, defamatory, racist, threatening, harassing, discriminatory or abusive to or about any other person involved in the racing industry;
- (e) conduct which threatens, disparages, vilifies or insults another person ("other person") on any basis, including but not limited to, a person's race, religion, colour, descent, national or ethnic origin, special ability/disability, or sexual orientation, preference or identity, while the other person is acting in the course of his or her duties in the racing industry.

AR 233 Other misconduct offences

A person must not:

- (a) breach a policy, regulation or code of practice published by Racing Australia or a PRA;
- (b) engage in workplace harassment or bullying of a person while the person is acting in the course of his or her duties while employed, engaged in, or participating in the racing industry;
- (c) engage in sexual harassment of a person employed, engaged in, or participating in the racing industry.

Racing NSW Stewards have the power to investigate and if warranted penalise any person employed or connected to racing in NSW who acts in contravention of State and/or Federal Discrimination laws and/or the Rules of Racing. Penalties can include a monetary fine, suspension or disqualification from racing.)

AR 23 Suspension pending the hearing and determination of a charge

Without limiting any other rules or Stewards' powers, if a person has been charged with a breach of the Rules or with the commission of an indictable criminal offence, and if the Stewards are of the opinion that the continued participation of that person in racing might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing, the Stewards may pending the hearing and determination of the charge:

- (a) suspend any licence, registration, right or privilege, granted to that person under these Australian Rules;
- (b) prevent any horse owned (or part-owned) or leased by that person from participating in any race or official trial;
- (c) order that any registration of the transfer of ownership and/or training of a horse related to that person be prevented or suspended;
- (d) make any other direction or order the Stewards think fit in the interests of racing.

Harassment or Sexual Harassment – what is it?

Harassment is:

Any form of behaviour that an employee, participant, job applicant, or anyone who receives goods or services from an organisation:

- Does not want; and
- Offends, humiliates, and/or intimidates them; and
- Is either sexual, or targets them because of their race, sex, pregnancy, marital status, age, disability, homosexuality, or transgender.

Harassment is a form of discrimination and is **against the law** under anti-discrimination laws.

Sexual harassment is:

Any **unwanted, unwelcome or uninvited behaviour** of a sexual nature that makes a person feel humiliated, intimidated and/or offended.

Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, inappropriate use of social media or a mobile phone, the display of offensive material or other behaviour, which creates a **sexually hostile** environment.

Examples of sexual harassment include:

- sexually suggestive comments or jokes that offend or intimidate
- intrusive questions about a person's private life or physical appearance
- inappropriate staring or leering
- inappropriate physical contact
- unwelcome touching, hugging, cornering or kissing.

Other examples of sexual harassment include:

- sharing or threatening to share intimate images or video without consent
- repeated or inappropriate invitations to go out on dates
- requests or pressure for sex or other sexual acts
- sexually explicit gifts, images, videos, cartoons, drawings, photographs, or jokes
- actual or attempted rape or sexual assault including unwanted touching
- sexually explicit comments made in person or in writing, or indecent messages, phone calls or emails—including the use of emojis with sexual connotations
- sexual gestures, indecent exposure or inappropriate display of the body.

Sexual harassment is not always obvious, repeated or continuous. It can include one-off incidents, or it can include a pattern of behaviour that makes the working environment uncomfortable or threatening in a sexually hostile way, such as displaying sexually offensive pictures, figurines or gifts, or a culture of suggestive comments or jokes.

Sexual harassment does not have to be directed at a specific person. It can also affect people who are exposed to or witness it (for example, overhearing a conversation between colleagues or seeing a colleague's sexually explicit screensaver). In determining whether an advance, request or other conduct may be sexual in nature, **the intention of the alleged harasser is not relevant**. An advance, request or other conduct may be sexual in nature even if the person engaging in the conduct does not have a sexual interest in that person or is of a different sexual orientation to the person harassed.

Sexual harassment can involve behaviour that would also be an **offence under the criminal law**. For example:

- Physical assault;
- Indecent exposure;
- Sexual assault;
- Stalking; or
- Obscene or indecent communications.

Sexual harassment is NOT

Behaviour that is based on mutual attraction, friendship and respect. If the interaction is **consensual, welcome and reciprocated**, it is not sexual harassment.

Workplace Sexual Harassment

Sexual harassment is against the law within specific work relationships, regardless of where the conduct occurs. Under the Sex Discrimination Act, it is against the law:

- to sexually harass an employee, or a prospective employee;
- for an employee to sexually harass a fellow employee, or a person seeking employment with the same employer;

- for a person conducting a business or undertaking to sexually harass a worker in that business or undertaking, or a person seeking to become a worker in that business or undertaking;
- a worker in a business or undertaking to sexually harass a fellow worker in that business or undertaking, or a prospective worker.

It is important to understand that, for the purpose of sexual harassment law, definitions of 'work', 'workplace' and 'connected with employment' extend beyond traditional office or worksite and outdoor settings.

A 'workplace' is a place where work is carried out and includes any place where a worker goes, or is likely to be, while at work.

A workplace extends beyond a worker's 'normal' workstation or 'usual' place of work. A 'workplace' can include:

- Common areas such as lifts, entrances, reception areas, corridors, kitchens and facilities.
- Working remotely/virtually from home or another location.
- Agency or on-call work, including travel to different environments and/or other people's homes, to conduct work duties.
- Transportation (e.g. vehicles, vessel, aircraft), travel offsite and accommodation arrangements when workers are travelling for work.
- Offsite workplace, when working at different locations such as jobsites, racecourses or sporting events
- Offsite and onsite conferences, training programs and any other professional development opportunities.
- Work social and networking events (e.g. after-work drinks), especially when arranged or supported by an employer.



Workplace sexual harassment can be against the law even if it occurs outside a standard workplace environment, outside of normal working hours, and even while a worker is not 'at work' or performing their duties (e.g. on a meal break, a work event or on a coffee break).

The Fair Work Commission has found that a worker can be at work even though they are not working (for example, because they are on an authorised meal break or at a work event or on a coffee break).

Individuals engaged in sexually harassing behaviour do not need to be fellow workers for legal protections to apply – for example, they could be customers or clients.

Bullying is:

- Repeatedly acting unreasonably towards a person, which behaviour creates a risk to health and safety.
- Acting unreasonably includes victimising, humiliating, intimidating or threatening. Reasonable management action that is carried out in a reasonable way is not bullying.”

Some examples of bullying include:

- abusive or offensive language or comments
- aggressive and intimidating behaviour
- belittling or humiliating comments
- practical jokes or initiation
- unjustified criticism or complaints
- inappropriate use of social media
- spreading rumours, gossip or innuendo about you
- excluding you from workplace activities or conversations
- playing mind games or ‘ganging up’
- giving you pointless or demeaning tasks that don’t help you do your job
- making impossible demands; setting you up to fail
- using your roster to deliberately make things difficult for you
- withholding important info
- physical violence, from pushing and tripping to outright attacks
- threatening phone calls or texts, including threatening you with workplace equipment like knives or drills
- blackmailing you
- initiation or ‘hazing’ rituals where you have to do something unacceptable or humiliating or illegal.

Refer to:

Attachment 1 – Data on Complaints received by type of discrimination and public area 2021-22

Discrimination is:

Discrimination can involve:

- Discrimination may be direct or indirect. Direct discrimination occurs when a person is treated less favourably than another person due to a specific attribute or characteristic.
- The protected attributes and characteristics found in Equal Employment Opportunity legislation include sex, age, disability or impairment, industrial/trade union or employer association membership or activity, non-membership or activity, employment activity (e.g. enquiries about employment entitlements), lawful sexual activity, relationship status, marital status, physical features, political beliefs or affiliation or activity, pregnancy or

potential pregnancy, transgender status, race, colour, national extraction or social origin, religious beliefs or activity, religious appearance or dress, sexuality, gender identity, gender history, sexual orientation, intersex status, breastfeeding, parental or carer status, profession, trade or occupation or calling, association, association with someone with a protected attribute, irrelevant medical record and irrelevant/spent conviction.

- The motive for the less favourable treatment is irrelevant.
- Indirect discrimination occurs when a person with one of the specified attributes or characteristics cannot comply with a policy or condition, with which the majority of persons not having that attribute or characteristic or having a different attribute or characteristic are able to comply (and that policy or condition is unreasonable).

Some examples of discrimination include:

- verbal or written abuse, humiliation, denigration or ridicule;
- isolation or exclusion from groups or activities;
- different treatment at work unexplained by performance (demotion, or refusing promotion or advancement, repeated changes to shifts, rosters or working hours)
- inappropriate use of social media

Discriminatory conduct under the various State and Federal laws occurs by:

- treating a person less favourable on one or more of the prohibited grounds covered by legislation; or
- imposing an unreasonable condition on a prohibited ground which some people or group are less able to meet than others.

Prohibited grounds include:

- Sex
- Race or ethnic origin
- Age
- Disability (mental or physical) or impairment
- Marital or relationship status
- Sexuality, gender identity, gender history
- Family responsibility
- Pregnancy or potential pregnancy
- Adherence or non adherence to particular religious or political beliefs
- Engaging or not engaging in political or religious activities
- Physical appearance

AREAS OF DISCRIMINATION

These types of discrimination are unlawful in seven main areas:

- Employment
- provision of goods and services

- State education, including schools, Colleges and universities (sexual harassment and race
- in private education
- provision of accommodation
- registered clubs.
- *Carer's responsibilities discrimination is only against the law in employment.*

What do the Laws say?

Harassment including sexual harassment are **unacceptable** and **unlawful** forms of behaviour.

Harassment at work is **against the law** in every State and Territory in Australia.

Harassment can be found to be a criminal offence in certain circumstances. In the workplace it is generally established through a breach of anti-discrimination laws. . **Some kinds of harassment** may be additionally covered by the Rules of Racing or other kinds of laws, eg. Human rights and equal opportunity, workplace health and safety and criminal laws.

Laws that apply at work in NSW

NSW legislation

- Anti-Discrimination Act 1977
- Industrial Relations Act 1996
- Crimes (Domestic and Personal Violence) Act 2007

Child Protection

- NSW Children and Young Persons (Care & Protection) Act 1998

If you have **reasonable grounds to suspect** that a child (under the age of 16) or young person (between 16 and 18 years of age) - or a group of children or young people are at risk of harm you may make a report to:

- Family and Community Services (FaCS)
 - Telephone 132 111
 - Web: www.facs.nsw.gov.au
- [NSW Police Force – local police station -contact details can be found at www.police.nsw.gov.au](http://www.police.nsw.gov.au)

Federal legislation

- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Fair Work Act 2009
- Work Health and Safety Act 2011

Questions about harassment, bullying or discrimination (*'harassment'*)

When and where can harassment happen?

As noted above, harassment, bullying and/or discrimination can occur at any time and effect anyone. It may occur during the recruitment phase, during the course of your employment and during termination of your employment.

Who gets harassed?

Anyone may be subject to harassment at some time. Harassment is often directed at people who are different in some way from the people who are the main group in a workplace or situation, for example, a different sex, sexuality, nationality or appearance from the majority of workers there.

Harassment is often about one person (or group of people) using power over another person (or group of people) wrongly. But harassment can also happen when there is no direct power relationship. It may simply create a hostile environment between workers or participants on the same level.

Harassment is not restricted to the young and beautiful nor to one level of an organisation – workers can harass each other and employees can harass their managers.

Why does harassment happen?

- Lack of understanding by employers of their role and responsibilities.
- Lack of understanding by employees of their role and responsibilities.
- Lack of appropriate organisation workplace anti-harassment policy and procedures
- Lack of understanding by any participant of appropriate behaviour and community standards

Could harassment effect you? - YES

Everybody who is engaged in activities related to the NSW Racing Industry must be aware of their responsibilities and rights with regards to harassment, including sexual harassment, bullying and discrimination.

Everybody includes: employers; full-time, part-time and casual employees; contractors; trainees, students and participants who are engaged in activities in all areas of the racing industry in NSW.

What are the effects of harassment?

Workplace Harassment can have **catastrophic effect** on the individuals and work place as a whole. Employers, managers, employees and participants **must work diligently to eliminate all forms of workplace harassment at work and elsewhere**.

Any persons found guilty of workplace harassment of any kind may result in termination of their employment where the circumstances justify such disciplinary action.

Individuals who suffer from any form of workplace harassment may display the following characteristics:

- May affect work performance and opportunities
- Create a hostile or unpleasant environment

- May feel humiliated, frightened or sick
- May suffer mental health issues

Employer/organisations who have workplace harassment may experience:

- Poor morale leading to – absenteeism, reduced work output and high staff turnover
- May increase worker's compensation claims – for employee stress related illnesses
- Exposure to the cost, inconvenience and damaging publicity of legal proceedings and compensation claims

Non-compliance may jeopardise your licence or participation under the Rules of Racing

Refer to:

Attachment 2 – Examples of harassment

Attachment 3 – Statistics on prevalence of Workplace Sexual Harassment

Attachment 4 – Financial Cost of Workplace Sexual Harassment

Who is responsible?

Are individual persons responsible? – YES

- Persons including employers, employees, contract workers and participants **are personally liable** for their **own acts of harassment**. A person is **personally liable** for any act of **victimisation** or **bullying**.
- A person is **personally liable** for causing, instructing, inducing, aiding or permitting **another to discriminate** (including discrimination involving sexual harassment).

Are employers and officials responsible? – YES

Vicarious liability – what does it mean?

- Federal/state anti-discrimination law provides that an employer may be legally responsible for discrimination and harassment that occurs in the workplace or in connection with a person's employment unless it can be shown 'reasonable steps' have been taken to reduce this liability.
- This legal responsibility is called 'vicarious liability'.
- An employer is vicariously liable for any acts of harassment committed by employers or agents in connection with their duties unless all reasonable steps were taken by the employer to prevent harassment occurring.
- Employers are not only liable for their own acts of harassment, they can also be held legally responsible for harassment by their employees unless all reasonable steps were taken.
- Lack of awareness that an employee or agent harassed another will not discharge an employer's vicarious liability. It is the employer's responsibility to prove that all reasonable steps were taken.
- Maintain complete confidentiality during the investigation of any complaint.

Are employees and participants responsible? – YES

- Employees and participants must be aware of and understand both their rights and their responsibilities. This includes being aware of, and comfortable with all available avenues for complaint and support.

All employees must **NOT**:

- Engage in any act of **victimisation** or **bullying**.
- **Cause, instruct, induce, aid or permit** another person to commit an act of harassment (including sexual harassment).

All employees have a **responsibility to**:

- Comply with the organisation's anti-harassment policy.
- Offer **support to anyone who is being harassed** and let them know where they can get help and advice.

They should not approach the harasser themselves

- Maintain **complete confidentiality** if they provide information during the investigation of a complaint

Be warned – spreading gossip or rumours may expose employees to a **defamation action**.

Liability of individual persons

- The vicarious liability provisions of the legislation do not preclude individual persons from being held primarily liable for their own discriminatory or harassing behaviour in the workplace or in connection with their employment.
- Accessory liability attaches to a person who has caused, instructed, aided or permitted another person to sexually harass a person unlawfully.

Together – we can beat harassment

Employers and employees - preventative measures

The best policy you can have is a preventative one. Employers must proactively educate and inform all employees and contractors of their expectations when it comes to workplace conduct.

REMEMBER

Employees must be aware of and understand both their rights and their responsibilities. This includes being aware of, and comfortable with all available avenues for complaint and support.

Every employer, regardless of business size, is legally required to take all 'reasonable steps' to prevent harassment if they wish **to avoid liability**.

Reasonable Steps include:

- Develop a written Workplace Anti-Harassment Policy that prohibits harassment, in consultation with staff and relevant unions.
- Regularly distribute and promote the policy to all staff levels, including part-time and casual workers. Constantly let your employees know that harassment will not be tolerated.
- Train your managers, supervisors and foremen on their role in ensuring that the workplace is free from harassment. Ensure they model appropriate standards of professional conduct at all times.
- Ensure all staff are informed of their role in ensuring that the workplace is free from harassment including:
 - The organisation's policy and procedures.
 - What to do if they see or hear of others being harassed at work.
 - Making sure they don't encourage or engage in harassment themselves.
 - What will happen if they are accused of harassment.
- Ensure that managers and supervisors discuss and reinforce the policy with staff. Verbal communication of the policy is particularly important in workplaces where the literacy of staff may be an issue.
- Provide the policy and other relevant information on harassment to new staff as a standard part of induction.
- Periodically review the policy to ensure it is operating effectively and contains up to date information.
- Display posters on notice boards in common work areas.
- Remove offensive, explicit or pornographic calendars, literature, posters and other materials from the workplace.
- Initiate a policy prohibiting inappropriate use of social media and computer technology, eg. facebook, snapchat, instagram, email, screen savers and the Internet.

Employers and Employees - Remedial measures

- Implement an internal system for dealing with complaints of harassment.
- Ensure the anti-harassment policy provides employees with advice on what to do if they are harassed. Employees should be given information on:

- How to deal with the harassment themselves.
 - Employees should not be pressured into pursuing this option and should only confront the harasser directly if they feel confident enough to do so'
- Speaking with their supervisor, manager or other contact officer who has responsibility for dealing with harassment;
 - Lodging a formal complaint through:
 - the organisation's internal complaint/grievance procedures
 - approaching an external organisation such as: Racing NSW Contact Officers, Racing NSW Stewards, Racing NSW referred Counsellors, NSW Anti-Discrimination Board, Human Rights Commission and others listed at the end of this booklet.
- Subject to the size of your organisation – appoint harassment contact officers of both sexes who are responsible for:
 - Providing employees with information on harassment and clarifying any questions or concerns they may have
 - Providing confidential advice on the options that are available for dealing with harassment
- Providing advice to an individual who wishes to confront the harasser themselves
- Harassment contact officers are usually not involved in the investigation or resolution of formal complaints.
- Provide employees who have been harassed with access to counselling services. The costs should be fully borne by the employer.
- Provide employees who have been harassed with information and training to ensure the harassment does not occur again.

Refer to:

Respect@Work Website for examples of Anti-Harassment and Sexual Harassment Policies

<https://www.respectatwork.gov.au/resource-hub>

What support services are available?

REMEMBER – Racing NSW as the regulatory body for racing in NSW is committed to promoting work environments that are **free from harassment** (including **sexual harassment, discrimination and bullying**).

Racing NSW

Racing NSW provides the following services:

- Assistance to employers to develop Anti-Harassment Policies.
- Contact with Racing NSW designated managers and Stewards Department.
- Contact with Regional Chairman of Stewards.
- Contact with Industry Representatives (apprentice jockey mentors).
- Contact with counsellors if required.
- Availability of course material for trainees and apprentice jockeys.
- If you have any information regarding adverse conduct relating to workplace harassment (including sexual harassment, discrimination and bullying) you can contact any of the Racing NSW personnel or other authorities listed on the WHO CAN YOU CONTACT attachment.

Independent bodies

The following independent bodies are able to provide information, advice and support:

- SafeWork NSW – WEB – <http://www.safework.nsw.gov.au/>
 - SafeWork NSW provides policies, support and guidance for employers and employees
- Anti-Discrimination Board NSW –
 - WEB - <http://www.antidiscrimination.justice.nsw.gov.au/>
 - The ADB investigates and conciliates complaints of discrimination, harassment and vilification. The Board is impartial in this process. It does not take sides. The Board tries to help both parties involved come to an agreement about how the problem can be resolved.
 - It informs and educates the people of NSW, employers and service providers about their rights and responsibilities under anti-discrimination law.
 - It makes recommendations to the government about amendments to anti-discrimination law.
- Australian Human Rights Commission – WEB: <https://www.humanrights.gov.au/>
 - Under the legislation administered by the Commission, it has responsibilities for inquiring into alleged infringements under three anti-discrimination laws - the Racial Discrimination Act 1975, the Sex Discrimination Act 1984, and the Disability Discrimination Act 1992.
 - Matters which can be investigated by the Commission include discrimination on the grounds of race, colour or ethnic origin, racial vilification, sex, sexual harassment, marital status, pregnancy, or disability.

Attachment 5 – WHO CAN YOU CONTACT - Outlines support services available to both employers and employees regarding harassment in the workplace (including sexual harassment, discrimination and bullying matters).

Anti-Harassment Policy and Procedures – The benefits

All organisations **must establish and implement** an anti-harassment policy: An anti-harassment policy will help:

- Employees and other workplace participants know what harassment is and that it **is intolerable and unacceptable behaviour** in the workplace
- **Prevent harassment** by making it clear that action will be taken if it is found to occur
- Inform people about **steps they can take** if they are being harassed
- Inform people about **how to respond if they witness or hear** of harassment occurring
- Inform people about how **allegations of harassment** are investigated fairly and appropriately

It is an **effective deterrent** to harassment in the work environment. Removing discrimination and harassment **benefits everyone** and helps to make sure that:

- The right person gets each job
- The right people are developed or trained in the right skills
- The right people are promoted
- Each employee is able to reach their full potential no matter what sex, race, age and so on, they are.
- Everyone is able to work in a non-threatening, non-harassing and therefore less stressful environment – making the business more productive and profitable
- Staff turnover is reduced
- Your customers and clients are happier with your services
- Reduces Workers' compensation claims
- You don't end up in court fighting costly discrimination or harassment claims

You and the people you work with

HAVE A RIGHT TO A WORKPLACE FREE OF DISCRIMINATION AND HARASSMENT!

Attachment 1 – Statistics of types of complaints received by type of discrimination and public area 2021-22

Type of discrimination		<i>Employment</i>	<i>Goods & Services</i>	<i>Accommodation</i>	<i>Education</i>	<i>Clubs</i>	<i>Qualifying bodies</i>	<i>Racial vilification</i>	<i>Homosexuality vilification</i>	<i>HIV/AIDS vilification</i>	<i>Trans vilification</i>	<i>Area not covered</i>	<i>Total</i>	<i>%</i>
	Disability	255	400	54	41	22	2	N/A	N/A	N/A	N/A	54	828	28.6%
	Sex — includes pregnancy and breastfeeding	106	27	1	5	2	0	N/A	N/A	N/A	N/A	8	149	5.1%
	Sexual harassment	57	2	3	2	0	0	N/A	N/A	N/A	N/A	4	68	2.3%
	Race	123	73	18	15	2	1	N/A	N/A	N/A	N/A	29	261	9.0%
	Age	47	46	10	5	2	2	N/A	N/A	N/A	N/A	15	127	4.4%
	Carer's responsibilities	61	N/A	N/A	N/A	N/A	0	N/A	N/A	N/A	N/A	3	64	2.2%
	Homosexuality	14	6	2	3	0	0	N/A	N/A	N/A	N/A	5	30	1.0%
	Transgender	10	13	0	1	1	0	N/A	N/A	N/A	N/A	4	29	1.0%
	Victimisation	17	6	0	2	1	0	N/A	N/A	N/A	N/A	2	28	1.0%
	Marital status	3	4	4	0	0	0	N/A	N/A	N/A	N/A	2	13	0.4%
	Racial vilification	N/A	N/A	N/A	N/A	N/A	N/A	N/A	13	N/A	N/A	N/A	13	0.4%
	Homosexual vilification	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8	N/A	N/A	8	0.3%
	HIV/AIDS vilification	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1	N/A	1	0.0%
Transgender vilification	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4	4	0.1%	
Ground not covered	345	295	39	18	12	2	N/A	N/A	N/A	N/A	560	1,271	43.9%	
Total	1,038	872	131	92	42	7	13	8	1	4	686	2,894	100%	
%	35.9%	30.1%	4.5%	3.2%	1.5%	0.2%	0.4%	0.3%	0.0%	0.1%	23.7%	100%		

Attachment 2 - Examples of harassment

Let's look at some examples of behaviour at work that could be harassment.

Behaviour	Type of harassment
unwanted sexual propositions	sexual
display of obscene material in the workplace or on social media	sexual
hostile comments that women can't or shouldn't do a particular job, because they are not strong enough or they are too emotional, etc	sex-based
jokes or hostile comments about people who look different, have an accent, or belong to a particular culture or religion eg about the food they eat or about their customs	racial
playing practical jokes on a person with a disability, such as hiding crutches or putting things in the way of a person who is blind	disability
humiliating and dangerous treatment of new trainees or apprentices as part of workplace 'initiation rites'	age
offensive language or comments, unjustified criticism	bullying
constant statements about older workers losing their mental faculties	age
deliberately excluding someone from workplace activities, withholding information that is needed for work	bullying
negative comments about the dress, speech and physical mannerisms of homosexual people or people you think are homosexual	sexual orientation
threats and acts of violence against homosexual people	sexual orientation
calling a transgender person names like 'it'	gender identity
ridiculing the appearance of a transgender person	gender identity

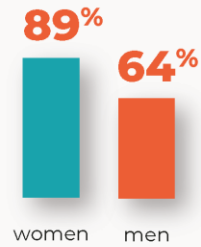
Note:

Some types of harassment can be **criminal offences** as well as being against anti-discrimination laws, for example, obscene phone, mail or social media messages, sexual assault, and physical assault including assault of others in work pranks, such as in initiation rites for apprentices younger workers.

Attachment 3 – Statistics on workplace sexual assault

Prevalence of lifetime sexual harassment (not limited to the workplace)

77% of Australians aged 15 or older have experienced sexual harassment at some point in their lives (89% of women and 64% of men).



Incidence of workplace sexual harassment

In the last 12 months

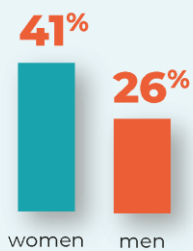
About **1 in 5** people

(19%) have been sexually harassed at work.

In the last 5 years

About **1 in 3** people

(33%) have been sexually harassed at work (41% of women and 26% of men).



In the last 5 years

some people experienced workplace sexual harassment at rates **disproportionate** to the total population (33%):



47% of people aged between 15–17* and



46% of people aged between 18–29.



46% of people who identified as gay, lesbian, bisexual, pansexual, queer, asexual, aromantic, undecided, not sure, questioning or other.



70% of people with an intersex variation.



56% of Aboriginal and Torres Strait Islander people.



48% of people with disability.

*Indicates small sample size

Nature of workplace sexual harassment

Forms of workplace sexual harassment

The most common types of workplace sexual harassment experienced in the last 5 years:¹



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%)

Where sexual harassment occurs

People's most recent experiences of workplace sexual harassment most commonly occurred at:



38% **workstations** or places where the person harassed does their work



23% **workplace** social areas for employees, such as a break area or lunchroom.

44%
of women harassed

29%
of men harassed

21%
of women harassed

27%
of men harassed

1. Respondents were able to submit multiple responses.

Witnessing and hearing about workplace sexual harassment



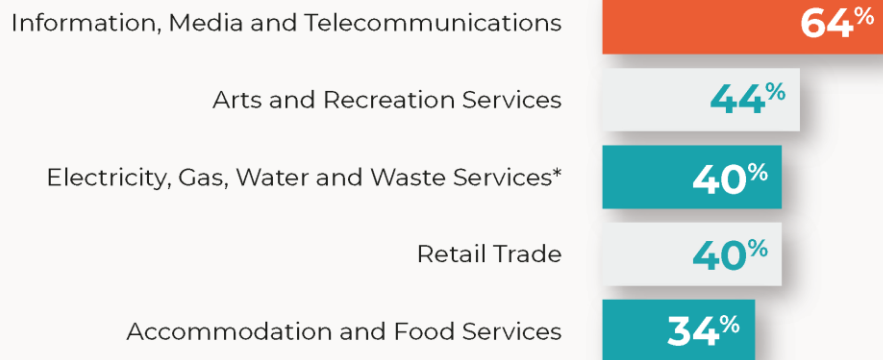
In the last five years, **41%** of people **witnessed or heard** about the sexual harassment of another person at work.

Just over **a third** of those people (35%) **took action** to prevent or reduce harm.

The majority of people (61%) who took action after witnessing or hearing about workplace sexual harassment **said that the harassment stopped** as a result.

Industries where sexual harassment occurs¹

Modelling used to impute incidence of workplace sexual harassment across industries highlights that workplace sexual harassment is notably higher than the national incidence rate of 33% in the following industries:



When compared by gender, it is estimated that women were more likely to have been sexually harassed in nearly all industries. Women were significantly more likely to be harassed in:



Arts and Recreation Services

An estimated **72%** of women compared to **14%** of men.



Electricity, Gas, Water and Waste Services*

An estimated **71%** of women compared to **30%** of men.



Mining

An estimated **62%** of women compared to **25%** of men.



Agriculture Forestry and Fishing*

An estimated **47%** of women compared to **17%** of men.



Administrative and Support Services

An estimated **34%** of women compared to **12%** of men.



Construction*

An estimated **29%** of women compared to **8%** of men.

1. Please note: These figures are calculated using the 2022 National Survey results and the ABS Labour Force Estimates. See Chapter 4, Section 4.1, in the 2022 National Survey report for more on this approach.
*Indicates small sample size

Who the harassers are

Over half (56%) of people's most recent experience of workplace sexual harassment was carried out by an individual harasser and 1 in 5 (19%) were carried out by multiple harassers.

Most harassers are men. Overall, **77%** of people sexually harassed at work were harassed by a man.

Of those who experienced workplace sexual harassment in the last 5 years:



91% of women and **55%** of men were harassed by men.

9% of women and **44%** of men were harassed by women.¹

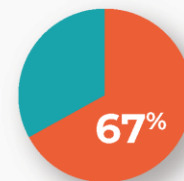


1. The proportionally lower rates of sexual harassment experienced by men mean there were far fewer female harassers when compared with male harassers.

Impacts of workplace sexual harassment



Two thirds (67%) of people sexually harassed in the workplace experienced **negative mental health impacts** (71% of women and 59% of men).



From their most recent incident of workplace sexual harassment, many also experienced **negative impacts** related to:



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

Reporting of workplace sexual harassment

Fewer than **1 in 5** people (18%) made a **formal report or complaint** about sexual harassment at work.



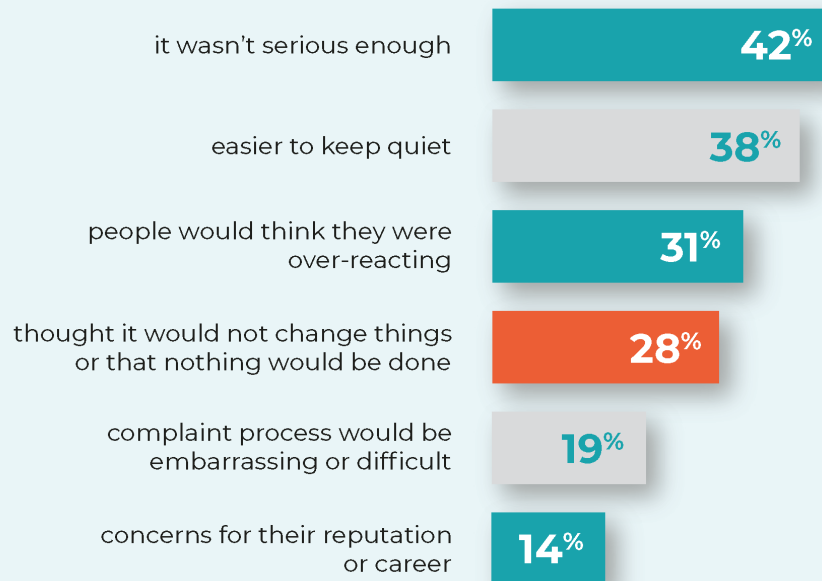
2 in 5 people (40%) who made a formal report or complaint said that **no changes occurred** at their workplace as a result.



People who reported sexual harassment experienced negative consequences, including being **ostracised, victimised or ignored** by colleagues (13%), **resigning** (13%) or being **labelled a troublemaker** (12%).



Reasons why people did not report:



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

Employer action

37% (over a third) of people thought their organisation should be doing more to prevent and address sexual harassment.



Leadership and communication¹

71% agreed their organisation was committed to ensuring a **safe working environment** free from sexual harassment.

62% agreed their organisation **prioritises gender equality and diversity** in the workforce.

47% agreed their line manager or direct **supervisor showed leadership** in preventing and responding to sexual harassment.

31% agreed sexual harassment is **regularly spoken about** in their organisation's briefings and communications.



Policies, information, support and training¹

65% agreed their organisation has a **policy on sexual harassment**.

51% agreed that their organisation provided their workers with information on **how to make a report or complaint** about sexual harassment.

44% agreed their organisation **provided wellbeing support** during and after a report or complaint of sexual harassment at work.

38% agreed they **attended training** on sexual harassment at, or organised by, their organisation.

1. In this context, 'agree' is made up of respondents who answered 'agree' and 'somewhat agree'.

Attachment 4 – Financial Cost of Workplace Sexual Harassment



Attachment 5 – Who can you contact?

Seek an advice and / or complaint channel that you both trust and feel comfortable with. First consult your employer's Anti-Harassment Policy Procedures and investigate internal support channels. External advice and complaint channels include:

- ♦ Racing NSW designated personnel
- ♦ Racing NSW Stewards
- ♦ Racing NSW referred Counsellors
- ♦ SafeWork NSW
- ♦ Anti-Discrimination Board NSW
- ♦ Human Rights Commission

CONTACT DETAILS:

Racing NSW

General enquiries:

Mr Pete Sweney

Racing NSW

Level 7, 51 Druitt St Sydney, 2000

Phone: (02) 9551 7573

Confidential enquiries:

- Stewards' Department/Investigator
(02) 9551 7500
- Phillip O'Brien Safety and Welfare Officer
(02) 6332 4186

Regional Chairman of Stewards

The Chairman of Stewards in your region will also ensure confidentiality:

Dubbo Region

Chairman of Stewards (02) 6885 2111

Tamworth Region

Chairman of Stewards (02) 6762 2035

Port Macquarie Region

Chairman of Stewards (02) 6581 1476

Grafton Region

Chairman of Stewards (02) 6642 7661

Queanbeyan Region

Chairman of Stewards (02) 6241 3596

Wagga Wagga Region

Chairman of Stewards (02) 6921 6244

SAFEWORK NSW

Provides policies, support and guidance for employers and employees

Phone: 13 10 50

<http://www.safework.nsw.gov.au/>

NSW ANTI-DISCRIMINATION BOARD

For employers: The ADB provides information, support and training services

For employees: The ADB can provide information and confidential counselling services.

Toll Free: 1800 670 812

Sydney: (02) 9268 5555

<http://www.antidiscrimination.justice.nsw.gov.au>

AUSTRALIAN HUMAN RIGHTS COMMISSION

For employers: The AHRC provides information, support and training services

For employees: The AHRC provides information and confidential counselling services

Phone: (02) 9284 9600

Complaints Infoline: 1300 656 419

<https://www.humanrights.gov.au/>

FAMILY COMMUNITY SERVICES -

Child Protection Helpline 132 111

www.facs.nsw.gov.au

RAPE CRISIS CENTRE

NSW Rape Crisis Centre provides 24 hour telephone and online crisis counselling for anyone in NSW who has experienced or is at risk of sexual violence, family or domestic violence and their non-offending supporters

Toll Free: 1800 424 017

www.nswrapecrisis.com.au

WayAhead – This service has an extensive database of community contact names and numbers

Toll Free: 1300 794 991

<https://wayahead.org.au/>

FULL STOP AUSTRALIA

This service provides telephone counselling.
Phone: 1800 211 028

<https://fullstop.org.au/contact-us>

This website provides phone numbers for regional sexual assault services

LIFELINE

This service provides out of hours support

Phone: 131 114

<https://www.lifeline.org.au/>

HEADSPACE

A national youth mental health foundation that helps young people between 12 and 25 who are going through a tough time.

Phone: (02) 9114 4100

<https://headspace.org.au/>

MENTAL HEALTH LINE

24-hour support service across NSW that can connect you with a mental health professional

Phone: 1800 011 511

<http://www.cclhd.health.nsw.gov.au/ourservices/MentalHealth>

RACING MATES

Established by Racing NSW, empowering mates to look out for mates.

Racing Mates has appointed Ambassadors who are available as a port of call when industry participants are in need of a mate.

Ambassadors can provide a crucial link between those in need and the required support.

Visit www.racingmates.com.au for further information.

❖ **Please Note: Contact information correct at time of publication-April 2023**