**My Workplace Sexual Harassment and Bullying Incident Journal**

**Why should I use a workplace sexual harassment and bullying journal?**

Your written records can be helpful evidence to show what has happened to you.

When you are experiencing bullying and/or sexual harassment at work, particularly over a long period of time, it can be difficult to remember exactly what happened and when, especially if your mental health has been negatively impacted.

Your notes can be useful later if you wish to make an internal complaint about the behaviour to your manager or HR person, and can also be useful evidence to support making a claim with an external body.

**How to use a workplace sexual harassment and bullying journal**

You can use our template below to record incidents of workplace sexual harassment and/or bullying. You can copy and paste the template pages according to how many of each you need – for example, you may choose to record multiple incidents per one action.

It’s best to do this as close to the time of the incident occurring as possible, so that you can capture all the relevant details. Even if some time has passed since the incident/s, it can still be helpful to make a record of past events from your memory.

Your written records can be helpful evidence to show what has happened to you.

We encourage you to capture the details of both the incident, and the steps, if any, that you took following the incident to address it if you felt safe enough to do so. For some legal claims, it can be helpful to show that you have taken internal steps before making a claim, but it is not necessary to do so if you feel that your safety will be impacted by speaking up.

***What you decide to do with your records is up to you****.*

**What is workplace sexual harassment?**

Workplace sexual harassment is **unwelcome** sexual behaviour from a manager, co-worker, customer, or client that is **offensive, humiliating or intimidating**. It does not matter whether the person who sexually harassed you intended for their actions to offend, humiliate, or intimidate.

It is important to note that you don’t have to show a pattern of behaviour – you can act (this may be anything from seeking support to making an internal or external report) if you have experienced workplace sexual harassment once.

**What is ‘at work’?**

‘At work’ is a broad term, which covers a lot of situations, and will depend on the circumstances of the sexual harassment.

You do not necessarily need to be in your work building or other place of work to be considered ‘at work’.

The following situations may be ‘at work’:

* on your lunch break;
* attending a work event outside of work hours, like a party or conference;
* working from home;
* using emails to discuss work outside of work hours; and
* performing work-related tasks.

Lots of situations might be considered ‘at work’ in a legal way, even if it isn’t obvious that it’s a part of the workplace.

***Examples of workplace sexual harassment include:***

* unwanted requests for dates or sex;
* intrusive questions about your private life, sex life, or body;
* sharing sexual images, emails, or text messages;
* making sexual jokes or comments; and
* staring, leering, or following.

**What is workplace bullying?**

Workplace bullying occurs when:

* an individual (or group) **repeatedly** **behaves unreasonably** towards a worker (or group of workers) at work; and
* the behavior creates a **risk to health and safety**.

**What counts as ‘repeated behaviour’?**

To meet the definition of ‘repeated behaviour’, bullying must have happened more than once. The workplace laws on bullying are mainly concerned with behaviour that is ongoing and persistent. A single instance of poor treatment won’t be considered bullying under the law.

Single instances of bullying may also be in breach of other laws, including workplace safety and health laws, anti-discrimination protections and sexual harassment protections.

**What is considered a ‘risk to health and safety’?**

There only needs to be a risk to your health and safety, so you don’t need to show that your physical or mental health has already been damaged, or even that you are at immediate risk. You need to show that the type of behaviour taken against you is likely to be a risk to physical or mental health if it continues.

If you are likely to develop anxiety or other mental health issues because of the way you are being treated, then there’s a good chance that the bullying is a risk to health and safety.

***Examples of workplace bullying include:***

* multiple incidents of verbal or physical abuse;
* demeaning or intimidating behaviour;
* isolating a worker;
* giving a worker tasks that have nothing to do with their job;
* overloading a worker with work;
* making blatantly untrue allegations against a worker;
* making inappropriate remarks about a worker; and
* conducting an internal investigation in a grossly unfair manner (e.g., no chance to tell your side of the story.

***Example* – Incident Record**

|  |
| --- |
| **Incident information** |
| **Date** | *Monday, June 5* |
| **Time** | *Lunch time (Approx. 12:30PM)* |
| **Location** | *Kitchen* |
| **People present** | *Sam (Supervisor), David (Receptionist), Anna (Finance Officer)* |

**Record of incident**

* + *What happened? What did the person say or do?*
	+ *How did it make you feel? How did the people around you react?*

*David, Anna, and I were in the kitchen talking about our weekends. While I was waiting for my lunch in the microwave, Sam walked in, looked me up and down for an uncomfortably long time, and whistled at me. Then, he turned to David and Anna and said, “Doesn’t her body look fantastic in that outfit? Check out those curves!”. Anna quickly changed the subject. Sam left the room, and David said, “That was a bit creepy.” I tried to avoid Sam for the rest of the week because I felt uneasy around him.*

***Example -* Action Record**

|  |
| --- |
| **Action/s information** |
| **Date** | *Monday, June 5* |
| **Location and/or mode of communication** | *In-person at Anna’s desk* |
| **People involved** | *Anna* |

**Record of action/s taken**

* + *Did you tell anyone else about this incident? What did they say?*
	+ *Did you talk to the harasser? How did they react?*

*An hour after Sam made those comments about my body, I approached Anna to talk to her about it at her desk. I didn’t feel safe talking to Sam because he’s my boss - we work in a small team, and I was worried he’d react badly. Anna suggested I talk to HR first and that she was happy to be a witness for me because she’d heard him make sexual jokes before, but I didn’t feel ready to do that, so we found a copy of our workplace sexual harassment policy to look at. If he says anything to me again, I plan on talking to HR about it to learn about my options.*

**Incident record**

|  |
| --- |
| **Incident information** |
| **Date** |  |
| **Time** |  |
| **Location** |  |
| **People present** |  |

**Record of incident**

* + *What happened? What did the person say or do?*
	+ *How did it make you feel?*
	+ *How did the people around you react?*

**Action/s Record**

|  |
| --- |
| **Action/s information** |
| **Date** |  |
| **Time** |  |
| **Location and/or mode of communication** |  |
| **People involved** |  |

**Record of action/s taken**

* *Did you tell anyone else about this incident? What did they say?*
* *Did you talk to the harasser or bully? How did they react?*

**Incident Record**

|  |
| --- |
| **Incident information** |
| **Date** |  |
| **Time** |  |
| **Location** |  |
| **People present** |  |

**Record of incident**

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**Action/s Record**

|  |
| --- |
| **Action/s information** |
| **Date** |  |
| **Time** |  |
| **Location and/or mode of communication** |  |
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**Record of action/s taken**

* *Did you tell anyone else about this incident? What did they say?*
* *Did you talk to the harasser or bully? How did they react?*