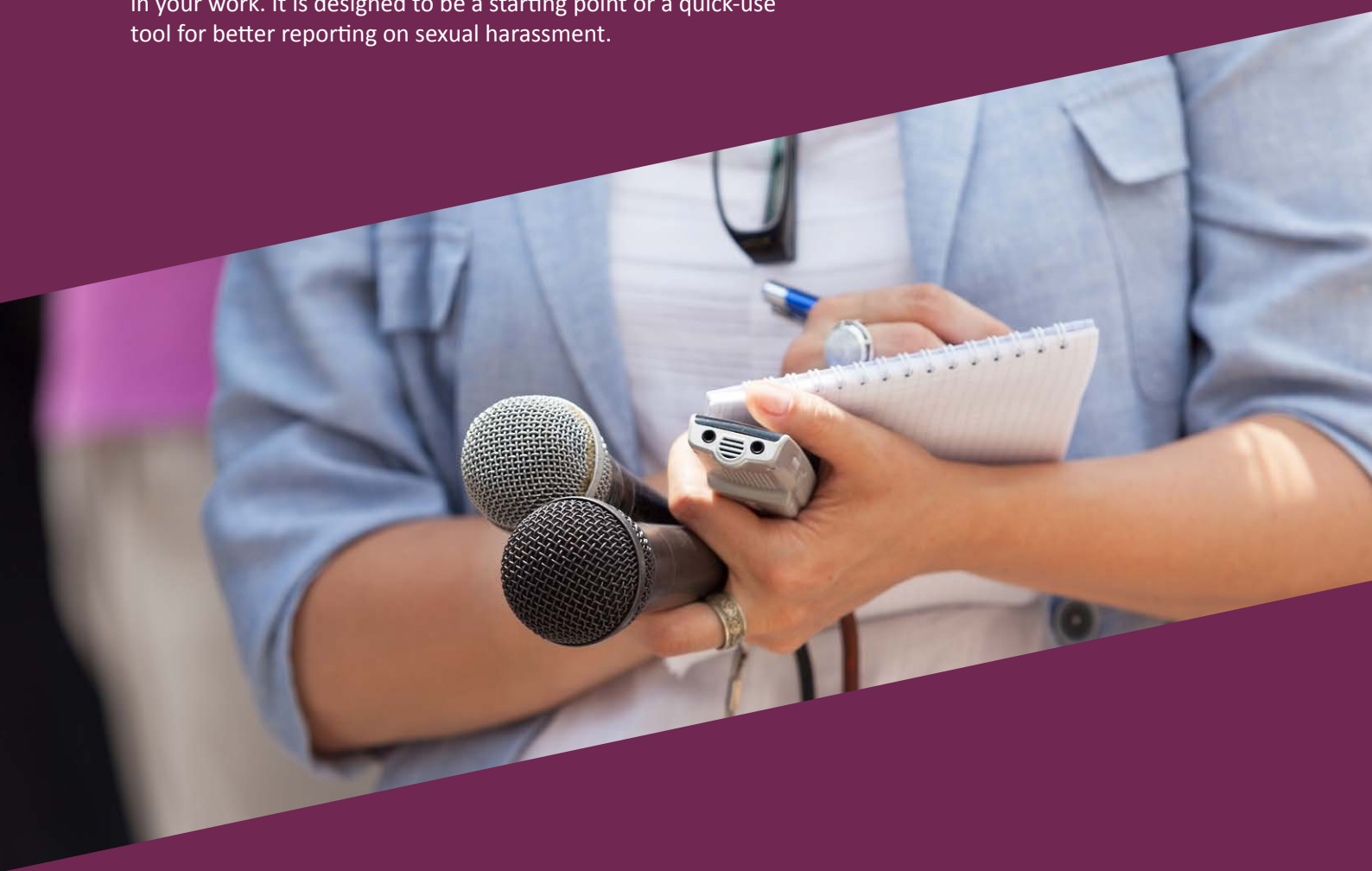


Tips for media reporting on sexual harassment, including in workplaces

Responsible media reporting on sexual harassment can change the attitudes and behaviours that drive violence against women. This tip sheet aims to cover common scenarios you may encounter in your work. It is designed to be a starting point or a quick-use tool for better reporting on sexual harassment.



For more information on reporting on violence against women and to access the complete reporting guidelines go to: media.ourwatch.org.au

Funded by the Australian Government Department of Social Services. Visit www.dss.gov.au for more information.

**Our
WATCH**
End violence against
Women And Their Children

This tip sheet was developed by Our Watch in consultation with representatives of the media, survivor advocates and organisations working to address sexual harassment and assault, including in workplaces. Additional acknowledgement goes to experts who provided quotes and the extensive contribution of journalist and survivor advocate Nina Funnell.

“This tip sheet highlights and responds to a key finding from my Respect@Work report, namely that the media can, and must, do better when reporting on sexual harassment. Too often, media stories re-victimise survivors, and fail to capture the systemic nature of sexual harassment in Australian workplaces. By asking the broader questions: is this an industry-wide problem; what systems allowed this harassment to occur; media reporting can help drive change in a trauma-informed and evidence-based way.”

Kate Jenkins, Sex Discrimination Commissioner

1. Understand what sexual harassment is

In simple terms, sexual harassment is unwelcome conduct of a sexual nature that makes someone feel offended, humiliated and/or intimidated.

It can involve:

- Unwelcome touching or kissing
- Staring or leering
- Suggestive jokes or comments
- Repeated invitations to go out on dates
- Requests for sex
- Insults based on your sex
- Intrusive questions about someone’s private life or body
- Sharing sexually explicit emails, SMS messages or images
- A hostile work environment or workplace culture where someone feels uncomfortable or excluded based on sex, including the display of sexually explicit materials, general sexual banter, or comments that diminish the role of women in the workplace.

Full definition of sexual harassment here <https://humanrights.gov.au/quick-guide/12096>

Sexual harassment happens to everyone; however, it is important to bear in mind that:

Most workplace

sexual harassment is perpetrated by men, and most victims are women

Four out of five

victims of workplace sexual harassment report being sexually harassed by one or more male perpetrators in the past five years*

Four out of five

women will experience sexual harassment in their lifetime*

Women are not all the same. Individual experiences of sexual harassment are shaped by: sexism; racism; colonialism; classism; heteronormativity; cisnormativity; homo-, bi- and transphobia; ableism and ageism.

“Australia’s defamation laws are notoriously tilted in favour of the person who believes they have been defamed. Offenders routinely weaponise defamation laws by sending out legal threats to censor survivors and scare any other potential whistleblowers who might be waiting in the wings into silence.”

Dr Rachael Burgin, CEO of Rape & Sexual Assault Research & Advocacy

2. Get legal advice

- Get legal advice as early as possible – for yourself, your organisation, and your sources**
- Know the risks associated in publishing content which might be viewed as defamatory or in contempt of court and know how they are treated in your state
- Check to see if your legal team can protect your source if a defamation suit is brought in relation to your reporting
- Defamation law in Australia puts the burden of proof on the defendant. Defamation cases may also undermine future legal proceedings for the survivor.

* AHRC (2018). Everyone’s business: *Fourth national survey on sexual harassment in Australian workplaces*

**See Respect@Work section 5.8 <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>

“Sexual harassment is rooted in gender inequality and unequal power relations. Responsible and respectful reporting on sexual harassment has an important role to play in shifting power by shining a light on the way in which our systems have served to silence survivors and protect perpetrators. The media also has enormous power as a lever of change to challenge the norms and attitudes that accept and normalise sexual harassment.”

**Somali Cerise, Chair, National Women’s Safety Alliance
Sexual Harassment Working Group**

3. Look at causes, not just outcomes

Given the ongoing personal and professional impact for survivors and the high incidence of sexual harassment in Australian workplaces, responsible reporting on sexual harassment should cover more than an individual case.

- Sexual harassment occurs more frequently in hierarchal workplaces or in male-dominated industries. To understand more about the drivers that can lead to sexual harassment explore the *Change the story* resource*
- Consider framing your reporting so it focuses on the systemic nature of harassment and on industry broadly, including prevalence data. Include this context when covering specific cases
- Include promising new approaches to workplace sexual harassment, themes and trends, with organisations like unions, working women’s centres, specialist legal services, human rights commissions, and safety regulators providing content.

“It is important for journalists and content producers to understand the profound role they have played in perpetuating violence against Black women. Language is such a powerful tool. We are not destitute, helpless or weak, but instead bright, strong and a force to be reckoned with. The violence that has happened to me is not a reflection of my community or my people. The issue is much broader, and requires work to understand, digest and produce authentic stories which reflect the full picture.”

Karina Hogan, Logie award-winning content producer and broadcaster

* *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* <https://www.ourwatch.org.au/change-the-story/>

“Sport is tribal. When survivors speak up, they often face intimidation and backlash from fans. Sporting clubs and codes have enormous power – they have media advisors and crisis comms teams. They know how to plant stories to generate blowback. When I write a person’s story, I am mindful to take the time to prepare them for what to expect. I tell them honestly ‘you will get a lot of heat. People will discredit you. There will be a wave of pressure. But your story has power too.’”

Jessica Halloran, Walkley award-winning sports journalist

4. Obtain informed consent

Get full and informed consent from victim-survivors before telling their story.

- Be aware of the inherent power imbalance between media organisations and survivors which may impact on the voluntary nature of the consent process
- Survivors take great risks in telling their story and must be able to withdraw their consent at any time without pressure, blaming or shaming.

For a survivor to give informed consent, you must ensure they:

- Understand the implications of telling their story publicly, which might include termination from their job or further victimisation
- Know your reporting may jeopardise processes, including: a settlement agreement with a confidentiality clause; non-disclosure clause or a non-disparagement clause that the survivor is negotiating or has signed; or may result in other legal action against them
- Have sought legal advice and other supports about speaking out
- Understand the media process, including timing and processes, editorial review, fact-checking, republication or syndication, and follow-up coverage.

Survivors who are identified in media coverage may face significant negative impacts on their personal and professional life, well past the life cycle of the story.

- Offer survivors the opportunity for their story to be told in a de-identified way
- Ensure you understand why they are going public and discuss potential impacts with them. Respect their agency if they do choose to be identified.

“In recent years we have seen some legendary examples where rigorous reporting has led to individuals being charged with crimes they may have otherwise evaded responsibility for. But we have also seen cases where sexual harassment complaints initially intended to remain private, were publicly shared without the survivor’s consent. Not only can this exacerbate trauma by removing agency and control, but it also produces monumental fallout, professionally, personally and financially for the impacted survivor.”

Nina Funnell, Walkley award-winning journalist and survivor advocate

“Our obsession with ‘The Case Study’ puts a huge responsibility on individual women to tell their stories and carry the can for the movement. We need to find other ways to tell the story. It shouldn’t be incumbent on individuals coming forward to highlight the problem. As a journalist, tread carefully. This is not an extraction economy. Never forget it.”

Kristine Ziwica, Journalist and author of *Leaning Out: A Fairer Future for Women at Work in Australia*

5. Support the safety of survivors

Safety looks different for everyone. Here are some things you can do to increase the safety of survivors:

- Be respectful and transparent in all interactions with survivors
- Let them determine if and how they would like to be identified: will they remain anonymous; use a pseudonym; would they like a voice actor to be used; would they like their face blurred in images or video
- Ask how they want to be referred to: as a victim-survivor, survivor, having lived experience, by their occupation, and so on. Use correct pronouns
- Check your source has legal and emotional supports in place throughout the process of sharing their story, and have a list of trusted accessible services on hand
- Consider individual circumstances for accessing support, such as disability or employment status, living and/or working in a rural or remote location
- Confirm they can access support on the day of release and in the following period
- Assist them in preparing for media attention, including by providing advice on protecting their social media profiles
- Stay in communication, particularly if there are changes to content or editorial approaches
- Turn off comments on the published piece, or warn the survivor if this is not possible
- Confirm they know where to refer other survivors to for professional support if they are contacted following publication.

More information on interviewing survivors can be found in the National reporting guidelines. Go to: media.ourwatch.org.au

“When journalists use language which paints someone with a disability as being ‘vulnerable’ to violence, it puts us on a slippery slope where our experience of violence is treated as inevitable, rather than seeing that sexual harassment may be a pattern on behalf of the offender. It also shifts the focus onto the victim and their disability, and away from the perpetrator who has targeted someone who they calculate as being less likely to report, and less likely to be believed.”

Nicole Lee, Disability activist

6. Check your language and framing in your reporting

How you frame the issues can affect whether a survivor is believed or can reinforce attitudes in society around sexual harassment.

Use active language with the perpetrator as the focus.

- Say “man assaults co-worker”, rather than “woman assaulted”
- Where safe and legally possible, consider naming the professional relationship between survivor and perpetrator and any gender/power dynamics, to highlight the link to broader systemic issues.

Consider your framing.

- Sexual harassment is a decision the perpetrator chooses to make. Avoid excusing their actions by suggesting they were due to factors such as stress or alcohol use
- Focus on the actions of the perpetrator, and avoid placing undue emphasis on the actions or choices of the survivor
- Avoid perpetuating myths around sexual harassment, including referring to what the survivor was wearing when the incident took place, or whether they had been drinking
- Don’t justify, trivialise or downplay the issue, and avoid victim-blaming in your reporting and in the quotes you use. For example, do not suggest the survivor encouraged the behaviour or that they were overreacting to the harassment or abuse.

Use a respectful and appropriate tone.

- Avoid sensational language and advise sub-editors to do the same
- Consider this across the headline and the lede; subediting; social media; follow-up articles or commentary; accompanying images, video, soundtrack or audio.

“Sexual harassment is often framed in very heteronormative terms. That creates a barrier for queer people to recognise and label their own experiences as harassment, and to be taken seriously. Some queer people - particularly those who are trans and gender diverse - may already be locked out of the traditional workforce and locked into more precarious forms of employment. The risk of speaking out in this work context carries an even greater risk.”

Dr Bianca Fileborn, Senior Lecturer in Criminology at University of Melbourne

7. Consider the social context

Journalists have a role to play in showing the diversity of women and their experiences in Australian society.

- Does your story selection reinforce narratives about “ideal victims”? If your source is young, white and conventionally attractive, consider how another source might help to provide nuance and broaden public understanding of the issue.

Use a strength-based approach by portraying the individual as a whole person with strengths, interests, skills, social and community networks. Consider this approach in all your reporting, including reporting on:

- Aboriginal and Torres Strait Islander people
- People with disability
- People from migrant or refugee backgrounds
- People who identify as LGBTIQ+
- People who are older.

When reporting on sexual harassment experienced by Aboriginal and Torres Strait Islander women, including in workplaces:

- Trust may take time to develop. Avoid damaging stereotypes, observe cultural protocols and consider your sources carefully
- Highlight the impacts of colonisation, including racism, dispossession, intergenerational trauma, entrenched poverty, and how these intersect with experiences of harassment.

More information on the drivers of violence against women and girls with a disability can be found in our national resource *Changing the landscape* <https://www.ourwatch.org.au/resource/changing-the-landscape/>

More information on the drivers of violence against Aboriginal and Torres Strait Islander women can be found in our national resource *Changing the picture* <https://www.ourwatch.org.au/resource/changing-the-picture/>

“Nothing changes from a policy or law perspective unless stories from minorities are reported. Women of Colour journalists are sometimes pressured to erase their own minority status and prove their ‘credibility’ by working on stories which are not relevant to who they are. I’d encourage reporters from minority groups to draw strength from their own experience and the unique ability it gives them to build trust and rapport, to create momentum for change.”

Dhanya Mani, Survivor advocate

8. Provide expert commentary and statistics

Expert opinion can highlight systemic and industry-wide issues or trends by giving context, statistics or evidence. Examples of experts include:

- Survivor advocates
- Relevant academics
- Employment lawyers
- Industry bodies
- Advocacy organisations
- Human rights commissions
- Unions and employer organisations
- Working Women’s Centres
- Safety and workplace regulators.

9. Provide a right of reply, but be conscious of the narrative

A right of reply from a workplace can be a useful source, but it is important to be aware of the risks.

- The survivor may feel betrayed or vulnerable when they discover you have spoken to the perpetrator or their employer
- Explain to them what a right of reply is, who you may need to speak to and why, before you do so.

A workplace may use tactics to control damage, minimise or reframe the incident. For example:

Minimising

“This was an isolated incident”

Reframing

“We take this matter very seriously”

Disarming

“We are conducting an investigation”

Contextualise these tactics, so the survivor’s story is framed fairly.

“Speaking out against an organisation is very different to speaking out against an individual, one-on-one. To have balanced reporting, journalists really need to proactively even up the power imbalance by doing their due diligence and fact-checking all claims made by the respondent organisation.”

Karen Iles, Director and Principal Solicitor at Violet Co Legal & Consulting

10. Make sure imagery and multimedia is appropriate

Be in communication with your survivor on imagery and multimedia before going to print.

- Re-enactments can be triggering for survivors, so ensure you have their consent first
- Give them the opportunity to view images and re-enactments ahead of going to air
- Consider the impact of images on the source or other survivors of violence
- Keep the perpetrator in view
- Be respectful in choosing images of survivors. Ask yourself what the chosen imagery says about a person
- Don't use images that sexualise them. For example, suggestive or bikini-clad images, female workers in tight or revealing clothes
- Don't use images that disempower or trivialise survivors, or ask them to “look sad” or “helpless” in photos
- Don't use or re-enact images that either sensationalise the incident or minimise the harassment
- Avoid perpetuating harmful stereotypes about race, gender, disability, sexuality or age.

“The evidence is clear – violence against women, including workplace sexual harassment, is gendered. It’s about power, control and exclusion. But most importantly, it’s preventable. Good reporting is part of the solution and sets a tone that women should be safe, equal and respected at work. Preventing violence against women is everyone’s responsibility and the media has a critical role to play in driving change.”

Patty Kinnersly, CEO Our Watch

11. Include support options

Always include details for support services at the end of every story. For example:

- If you or someone you know is affected by sexual assault or harassment, family or domestic violence, call 1800RESPECT on **1800 737 732** or visit **www.1800RESPECT.org.au**. In an emergency, call **000**
- For more information on sexual harassment protections covered by the Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021, or to learn about your rights at work, call the Fair Work Ombudsman on **13 13 94** or visit **www.fairwork.gov.au**
- For information on sexual harassment and referrals for individuals, organisations and employers, call the Australian Human Rights Commission National Information Service (NIS) on **1300 656 419** or **02 9284 9888**
- If you think you have been sexually harassed at work, you can make a complaint to the Australian Human Rights Commission at **https://humanrights.gov.au/**
- Men who are concerned about their own behaviour can contact the Men’s Referral Service on **1300 766 491**.

12. Look after yourself and your colleagues

Working with survivors and hearing their stories can lead to vicarious trauma for reporters. Make sure you seek help where needed to support yourself and your colleagues.

<https://media.ourwatch.org.au/reporting-violence-against-women/your-safety-and-wellbeing/>

Tips Checklist

- 1. Understand sexual harassment
- 2. Get legal advice
- 3. Look at causes
- 4. Obtain informed consent
- 5. Support survivor safety
- 6. Check language and framing
- 7. Consider social context
- 8. Provide expert commentary
- 9. Provide right of reply
- 10. Make sure imagery is appropriate
- 11. Provide support lines
- 12. Look after yourself and colleagues

We encourage you to seek expert advice to support your reporting, including:

- Our Watch Media Making Change: media.ourwatch.org.au
- #LetHerSpeak campaign: <https://www.letusspeak.com.au/>
- *Respect@Work Sexual Harassment National Inquiry Report (2020)*: <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>

Note: It is the responsibility of media organisations and journalists to review their obligations for reporting on sexual harassment in the broadcasting codes of practice, the Journalists' Code of Ethics, Australian Press Council standards and guidelines, and so on.