

Addressing customer and client-perpetrated sexual harassment



**Lead the
change.** 

End workplace
sexual harassment.

**Our
Watch**



Preventing violence
against women



Acknowledgements

Our Watch acknowledges the Traditional Owners of the land across Australia on which we work and live. We pay respect to Elders past and present and recognise the continuing connection Aboriginal and Torres Strait Islander people have to land, sea, culture, knowledge and language for over 65,000 years.

As a non-Aboriginal organisation, Our Watch understands that violence against Aboriginal and Torres Strait Islander women and children is a problem facing the whole community. As highlighted in Our Watch's national resource *Changing the picture*, there is an intersection between racism, sexism and violence against Aboriginal and Torres Strait Islander women.

Our Watch has an ongoing commitment to the prevention of violence against Aboriginal and Torres Strait Islander women and children, who continue to experience violence at significantly higher rates than non-Aboriginal and Torres Strait Islander women. We acknowledge all Aboriginal and Torres Strait Islander people who continue to lead the work of sharing knowledge with non-Aboriginal people and relentlessly advocate for an equitable, violence-free future in Australia.

Contents

Addressing customer and client-perpetrated sexual harassment	4
What kinds of behaviours can employees encounter?	4
What factors drive customer/client-perpetrated sexual harassment?	5
How do employees respond?	5
What are some challenges managers face in responding to complaints?	6
Strategies for how employers can respond	6
Industry based strategies	8
Endnotes	9

Addressing customer and client-perpetrated sexual harassment

This guide will help human resources/people and culture teams to understand and prevent sexual harassment perpetrated by customers/clients.

Employers have a positive duty to take reasonable steps to prevent and eliminate sexual harassment from happening in the first place. This positive duty includes sexual harassment conducted by a customer or client.

There is a growing momentum to prevent and respond to workplace sexual harassment, especially between employees. Sexual harassment perpetrated by customers or clients towards employees has received less attention, despite a growing awareness of the prevalence and nature of this form of harassment.¹

We know from industry-based research, that employees providing services with a high level of customer contact (such as retail, hospitality, accommodation, health care, education and community services) are particularly at risk of customer/client-perpetrated sexual harassment. The risks are further exacerbated in industries with low pay, insecure work and high numbers of vulnerable employees, such as young people.



In the retail industry while more than half of retail employees considered customer abuse a problem in the workplace, women and frontline workers were more likely to agree that customer abuse was a problem.

Women, culturally and racially marginalised people, casual employees, and those in frontline roles were least likely to think that customer abuse was being adequately addressed, and women were less likely to perceive that customers treat women and men equally.²

What kinds of behaviours can employees encounter?

Types of sexual harassment behaviours from customers and clients include:



Sexually suggestive comments and jokes.



Intrusive questions or comments about their private life or physical appearance, including comments about uniforms.



Staring or leering.



Unwelcome and inappropriate physical contact.



Sexual gestures or comments.



Repeated or inappropriate invitations to go out on dates.



Someone **following, watching or loitering.**



Harassment through social media.

What factors drive customer/client-perpetrated sexual harassment?

Our Watch's Change the Story identifies four primary drivers of sexual harassment³:

- excusing or minimising violence against women and sexual harassment
- gender inequality
- rigid gender stereotyping
- male peer relations that disrespect women.

These gendered drivers are at play within customer/ client-perpetrated sexual harassment in the same way they are between employees.

In addition, there are a range of contributing factors:

- Workplace norms such as 'the customer is always right' place unrealistic expectations on employees to appease customers and excuse misconduct.
- Power imbalances, whereby the customer is seen to be in control of the interaction and employees are expected to keep customers satisfied.⁴
- Promoting qualities like deference and friendliness as part of the job prevents reporting harassing customers.
- Organisational tolerance of misbehaviours and lack of management action.
- Lack of customer and client accountability.
- Reliance on tips, commissions and customer KPIs as part of work conditions.
- Uniform requirements that are perceived to 'sexualise' staff.⁵
- Fear of receiving a customer complaint and concern this could impact on job security.
- Working in isolation or outside an organisation e.g. in people's homes.
- Reinforcing factors, such as customer consumption of alcohol and levels of customer stress.

How do employees respond?

Employees often feel restricted in their ability to deal with sexual harassment perpetrated by customers or clients.

Research shows that many employees feel responsible for self-managing incidents of harassment.⁶ These informal responses include:

- speaking with co-workers, family and friends
- minimising their interactions with customers who are harassing them
- ignoring the situation or treating it as a joke
- rationalising that sexual harassment happens and is not particular to them.

Very few employees call out customers/clients for their inappropriate behaviours. Rather than report the incident to their managers, they may ask a colleague or security guard to intervene.

When employees do formally report incidents of sexual harassment, many find that managers are reluctant to confront the customer directly.

Reasons why employees do not complain or take formal action include:

- Employees can be unclear on what is inappropriate behaviours and expected customer conduct.
- Employees can be unsure what to do. Some workplaces have multiple reporting pathways depending on who the perpetrator is.
- Employees can feel that the imperative to keep customers happy is higher than their right to a safe working environment.
- Employees can fear that complaining will jeopardise their employment, reputation or career prospects.
- Employees do not think their managers and employers will respond in a supportive manner.
- Organisational culture and practices can reinforce the idea that customers should be appeased and employees should put up with or self-manage customer behaviours.
- Unclear organisational policies or procedures.
- Insufficient knowledge of employment conditions and formal grievance procedures.
- Past experiences where complaints were handled unsatisfactorily, or employees being told to modify their behaviour to discourage reporting.⁷

What are some challenges managers face in responding to complaints?

Managers often feel that they are not properly trained or supported to respond to complaints of customer/client-perpetrated sexual harassment.⁸

Other factors that influence responses include:

- **Managers can be confused about how they fit** in prevention and response procedures.
- **Managers can be unsure of their authority** to remove misbehaving customers.
- **Managers may not recognise the broad range of behaviours** that can be problematic.
- **A lack of support from senior management or human resources to reporting on customer/client-perpetrated harassment.** This affects the managerial capacity to assist employees who disclose sexual harassment.
- **Some managers have reported that senior management has minimised their concerns** or suggested that a report by an employee alone may be inadequate evidence for pursuing a complaint.⁹

Strategies for how employers can respond

There are many actions that employers can take in line with Our Watch's Workplace Equality and Respect Standards

STANDARD 1

Commitment

We demonstrate an ongoing commitment to workplace gender equality and preventing sexual harassment and other forms of gender-based violence.



Have a clear, strong statement of commitment and action plan to prevent and respond to customer/client-perpetrated harassment.



Embed a commitment that:

- employees have the right to a safe workplace
- employees are not expected to tolerate sexual harassment from customers and clients
- management will be proactive and respond directly to customers or clients who exhibit this type of behaviour
- employees who have been impacted by customer perpetrated sexual harassment (including bystanders) will be supported to report behaviour or concerns, without fear of negative consequences.

STANDARD 2

Conditions

We apply a gender lens to our workplace policies and practices to ensure they are fair and equitable.



Identify and assess the risk and prevalence of customer/client-perpetrated sexual harassment. Consult with employees on areas of risk and possible prevention strategies - employees are experts in being able to identify risk points in the customer-service experience.



After assessing risk and prevalence - develop strategies, systems and processes to prevent and respond to customer/client-perpetrated sexual harassment. Do this in collaboration with employees to ensure responses are suitable and accessible.

STANDARD 3

Culture

We promote a workplace culture where all people feel safe, confident, and supported to actively challenge gender bias and discrimination, gender stereotypes and harmful gender norms without adverse consequences.

- ✓ Be clear on what behaviour is expected of customers and clients and what behaviour will not be tolerated.
- ✓ Facilitate an organisational culture of non-tolerance of sexual harassment by customers or clients.
- ✓ Change direct and indirect messaging from leadership and management on the norm that 'the customer is always right'.
- ✓ Create an environment where employees feel safe and confident to talk about their experience of customer/client-perpetrated sexual harassment.
- ✓ Provide bystander and upstander training with employees at all levels on understanding and responding to customer/client-perpetrated sexual harassment.

STANDARD 4

Support

We listen to, respect and support people who experience sexual harassment and gender-based violence (including domestic and family violence) through policies and practices that consider the impact of trauma.

- ✓ Establish clear procedures for reporting and responding to sexual harassment by customers or clients, including anonymous options, confidentiality, support and communication. Current procedures may need to be updated to include customer/client-perpetrated harassment.
- ✓ Ensure all procedures and responses are trauma informed and centred on supporting and working with the impacted person first and foremost - not simply focused on legal risk and compliance.¹⁰

- ✓ Provide employees who have experienced or witnessed customer/client-perpetrated sexual harassment with timely and appropriate support.
- ✓ Provide specialised training and strategies (such as mentoring), to supervisors and managers on their role.
- ✓ In responding to specific incidences of customer/client-perpetrated sexual harassment:
 - Clearly communicate response process to all involved.
 - Ensure the impacted employee/s is supported.
 - Protect the impacted employee/s from further victimisation.
 - Maintain confidentiality.
 - Treat everyone involved fairly.
 - Ensure all actions and decisions are documented and securely stored.
 - Communicate progress of outcomes.

STANDARD 5

Core Business

We promote gender equality in our external engagement with customers, stakeholders, and the community.

- ✓ Collect a range of data on customer/client-perpetrated sexual harassment and use it to review and update prevention and response measures.
- ✓ Communicate to customers and employees the organisation's commitments to preventing sexual harassment and expectations e.g. code of behaviour, articulated in contract terms, posters in public areas.



Industry based strategies

Recent research by the retail industry found organisational policy, procedures, training and data collection to be inconsistent and poorly targeted - with recommendations made for more industry wide strategies for preventing and responding to sexual harassment.¹¹

Similar calls for industry based strategies have been made in other work settings.¹²

Industry-wide approaches can more effectively address the systemic and social wide experience of gender-based inequality, drivers of sexual harassment, enablers of prevention and impact of response.

Examples include:

- standardised data collection
- formal and informal reporting mechanisms
- standardised operating procedures
- developing shared communications, training, tools and frameworks
- sharing good practice
- fostering industry wide collaboration and learning.

Peak industry bodies, unions and employer representative bodies can play a pivotal role in facilitating sector-wide strategies.

Further reading and resources

Australian Human Rights Commission. 2022. *Time for respect: Fifth national survey on sexual harassment in Australian workplaces.* <https://humanrights.gov.au/time-for-respect-2022>.

Champions of Change Coalition. *Disrupting the System. Preventing and responding to sexual harassment in the workplace* resources. <https://championsofchangecoalition.org/resource/preventing-and-responding-to-sexual-harassment-resources/>.

Cooper, R., Hill, E., Seetahul, S., Foley, M., Harris, M., Hock, C., & Tapsell, A. (2024). *“Just another day in retail”: Understanding and addressing workplace sexual harassment in the Australian retail industry.* Research report, 04/2024. ANROWS.

Our Watch Workplace Equity and Respect standards, guides and resources. <https://www.ourwatch.org.au/zworkplace/resources>.

Respect@Work. 2022. *Good Practice Indicators Framework for Preventing and Responding to Workplace Sexual Harassment.* <https://www.respectatwork.gov.au/resource-hub/good-practice-indicators-framework-preventing-and-responding-workplace-sexual-harassment>.

Safe Work Australia, January 2021, *Preventing workplace violence and aggression National guidance material.* <https://www.safeworkaustralia.gov.au/doc/preventing-workplace-violence-and-aggression-guide>.



Endnotes

- 1 Good, L., and Cooper, R., 2016, 'But It's Your Job To Be Friendly': Employees Coping With and Contesting Sexual Harassment from Customers in the Service Sector. *Gender, Work & Organization*, 23: 447–469. doi: 10.1111/gwao.12117
- 2 Cooper, R., Foley, M., Good, L., Lipton, B., Rutledge-Prior, S., Tapsell, A., & Vromen, A. (2023). Gendered Disrespect and Inequality in Retail Work: A Summary of Findings. <https://doi.org/10.25910/ytqc-3x91>. Accessed 4/6/24 <https://www.sydney.edu.au/news-opinion/news/2023/03/23/sexual-harassment-and-customer-abuse-rife-in-retail.html>
- 3 Our Watch. What drives sexual harassment in the workplace? <https://assets.ourwatch.org.au/assets/Workplace-resources/What-drives-sexual-harassment-workplace.docx>
- 4 Cooper, R., Foley, M., Good, L., Lipton, B., Rutledge-Prior, S., Tapsell, A., & Vromen, A. (2023:p100). Gendered Disrespect and Inequality in Retail Work: A Summary of Findings. <https://doi.org/10.25910/ytqc-3x91>. Accessed 4/6/24 <https://www.sydney.edu.au/news-opinion/news/2023/03/23/sexual-harassment-and-customer-abuse-rife-in-retail.html>
- 5 Cooper, R., Hill, E., Seetahul, S., Foley, M., Harris, M., Hock, C., & Tapsell, A. (2024). "Just another day in retail": Understanding and addressing workplace sexual harassment in the Australian retail industry (Research report, 04/2024). ANROWS
- 6 Good, L., and Cooper, R., 2016, 'But It's Your Job To Be Friendly': Employees Coping With and Contesting Sexual Harassment from Customers in the Service Sector. *Gender, Work & Organization*, 23: 447–469. doi: 10.1111/gwao.12117
- 7 Good, L., and Cooper, R., 2016, 'But It's Your Job To Be Friendly': Employees Coping With and Contesting Sexual Harassment from Customers in the Service Sector. *Gender, Work & Organization*, 23: 447–469. doi: 10.1111/gwao.12117.
- 8 Cooper, R., Hill, E., Seetahul, S., Foley, M., Harris, M., Hock, C., & Tapsell, A. (2024). "Just another day in retail": Understanding and addressing workplace sexual harassment in the Australian retail industry (Research report, 04/2024). ANROWS.
- 9 Walker, H., Easteal, P., Ballard, A., & Blake, K. (2019). Lost in translation: Gaps between law and practice in customer-perpetrated sexual harassment. *Alternative Law Journal*, 44(2), 143-150.
- 10 Champions of Change Coalition, *Disrupting the System (05) Sexual harassment: Respect and support impacted people*. <https://championsofchangecoalition.org/resource/preventing-and-responding-to-sexual-harassment-resources/>
- 11 Cooper, R., Hill, E., Seetahul, S., Foley, M., Harris, M., Hock, C., & Tapsell, A. (2024). "Just another day in retail": Understanding and addressing workplace sexual harassment in the Australian retail industry (Research report, 04/2024). ANROWS.
- 12 Australian College of Nursing. (2020). The Sexual Harassment and/or Sexual Assault of Nurses by Patients Position Statement. <https://www.google.com.au/url?sa=t&source=web&rc=t&opi=89978449&url=https://www.acn.edu.au/wp-content/uploads/position-statement-sexual-harassment-assault-of-nurses.f&ved=2ahUKewjZxrz0gNiGAX5cWwGHR1ADoQQFn0ECBUQAQ&usq=AOvVaw1lAGmuJ6tW49MfU1lp2XM3>
- 13 Cooper, R., Foley, M., Good, L., Lipton, B., Rutledge-Prior, S., Tapsell, A., & Vromen, A. (2023). Gendered Disrespect and Inequality in Retail Work: A Summary of Findings. <https://doi.org/10.25910/ytqc-3x91>. Accessed 4/6/24 <https://www.sydney.edu.au/news-opinion/news/2023/03/23/sexual-harassment-and-customer-abuse-rife-in-retail.html>
- 14 Cooper, R., Hill, E., Seetahul, S., Foley, M., Harris, M., Hock, C., & Tapsell, A. (2024). "Just another day in retail": Understanding and addressing workplace sexual harassment in the Australian retail industry (Research report, 04/2024). ANROWS.
- 15 Walker, H., Easteal, P., Ballard, A., & Blake, K. (2019). Lost in translation: Gaps between law and practice in customer-perpetrated sexual harassment. *Alternative Law Journal*, 44(2), 143-150.
- 16 Cooper, R., Hill, E., Seetahul, S., Foley, M., Harris, M., Hock, C., & Tapsell, A. (2024). "Just another day in retail": Understanding and addressing workplace sexual harassment in the Australian retail industry (Research report, 04/2024). ANROWS.
- 17 Walker, H., Easteal, P., Ballard, A., & Blake, K. (2019). Lost in translation: Gaps between law and practice in customer-perpetrated sexual harassment. *Alternative Law Journal*, 44(2), 143-150.
- 18 Cooper, R., Hill, E., Seetahul, S., Foley, M., Harris, M., Hock, C., & Tapsell, A. (2024). "Just another day in retail": Understanding and addressing workplace sexual harassment in the Australian retail industry (Research report, 04/2024). ANROWS.
- 19 Walker, H., Easteal, P., Ballard, A., & Blake, K. (2019). Lost in translation: Gaps between law and practice in customer-perpetrated sexual harassment. *Alternative Law Journal*, 44(2), 143-150.
- 20 Cooper, R., Hill, E., Seetahul, S., Foley, M., Harris, M., Hock, C., & Tapsell, A. (2024). "Just another day in retail": Understanding and addressing workplace sexual harassment in the Australian retail industry (Research report, 04/2024). ANROWS.
- 21 Walker, H., Easteal, P., Ballard, A., & Blake, K. (2019). Lost in translation: Gaps between law and practice in customer-perpetrated sexual harassment. *Alternative Law Journal*, 44(2), 143-150.
- 22 Cooper, R., Hill, E., Seetahul, S., Foley, M., Harris, M., Hock, C., & Tapsell, A. (2024). "Just another day in retail": Understanding and addressing workplace sexual harassment in the Australian retail industry (Research report, 04/2024). ANROWS.

ourwatch.org.au

**Our
Watch**



Preventing violence
against women