



INFORMATION SHEET

Guidance for individuals when making a complaint about gendered violence

Introduction

Gendered violence is any behaviour directed at any person that affects a person because of their sex, gender or sexual orientation, or because they do not adhere to socially prescribed gender roles, that creates a risk to a person's health or safety. This information sheet relates to gendered violence incidents that occur in relation to work performed in the Western Australian (WA) mining industry or on a WA mine site.

WorkSafe Mines Safety recognises that reporting an incident of sexual assault or sexual harassment can be a confronting and traumatic experience. This guidance is designed to provide you with information about the complaint-making process, and access to resources if you have experienced or been affected by such incidents (see pages 5-6).

Background

Exposure to gendered violence poses risk of significant harm to the psychological and physical health of workers. As a consequence, there is a duty of care on the person who controls a business or undertaking (PCBU) to provide a workplace and systems of work which minimise the risk of physical and psychological harm to people at the workplace.

A PCBU is also required to report incidents which have or could cause harm to health, including workplace gendered violence incidents. See the [*Gendered violence: Notification of sexual harassment and/or assault to WorkSafe Mines Safety: Information sheet*](#) for further information.

The role of WorkSafe Mines Safety and inspectors

When a complaint is received, WorkSafe Mines Safety will examine the workplace systems in place to prevent and manage inappropriate workplace behaviours, such as bullying, harassment (including [sexual harassment](#)) and workplace violence/aggression (including [sexual assault](#)). If a breach is identified, WorkSafe Mines Safety may issue the PCBU with an improvement notice requiring systems to be improved, or, less commonly, may take other [enforcement](#) action.

While WorkSafe Mines Safety investigations focuses on the systems in place and the physical environment, inspectors will make enquiries into specific cases to identify potential failures in these systems and areas for improvement.

WorkSafe Mines Safety is not able to provide financial compensation, legal advice, mediation, review the outcome of a workplace investigation, or require an apology or a disciplinary outcome.

Sexual assault complaints

When a sexual assault complaint is lodged with WorkSafe Mines Safety, the investigation will focus on whether workplace duty holders (e.g. mine operators, PCBUs) have met their duties in terms of managing workplace risks that may affect the likelihood of workplace sexual assaults occurring.

The WA Police Force, if referred a sexual assault complaint, have the authority to investigate to prove or substantiate whether a sexual assault has happened, as they have specific laws that relate to criminal offences of this type.

Making a complaint

WorkSafe Mines Safety may receive a report from a PCBU about a gendered violence incident. This does not prevent you, a family member or support person or another worker, also providing information directly to WorkSafe Mine Safety about an incident.

If you wish to speak to a WorkSafe Mine Safety inspector or make a complaint, please:

- call **1300 307 877** (during business hours)
- call **1800 678 198** (outside business hours – where urgent)
- or
- email wscallcentre@dmirs.wa.gov.au

WorkSafe Mines Safety are aware that making a complaint about a traumatic event can be distressing and we aim to support you in making your complaint.

Confidentiality

When you talk with a WorkSafe Mines Safety inspector they will ask you if you wish to remain anonymous. There are a number of different ways this can be managed. You can remain completely anonymous or anonymous just to your workplace.

WorkSafe Mines Safety are still able to investigate your concerns where you wish to raise issues about a workplace but remain anonymous, but, will be limited to making enquiries about the basic systems in place, such as policies, training/information and systems to report and resolve workplace behaviour issues.

WorkSafe Mines Safety acknowledges and respects the affected person's choices in terms of reporting the incident to their employer, the police, or to WorkSafe Mines Safety.



Scenario 1 Complete anonymity

You do not want to tell the WorkSafe Mines Safety inspector your name or contact details. Your complaint can still be examined further but the inspector will need some basic details such as:

- employer name
- mine site
- general summary of the complaint or issue.

In this scenario the inspector may undertake activities such as:

- examine the health and safety systems in the workplace
- conduct a psychosocial survey
- conduct an inspection
- make general enquiries.

In undertaking the above activities, as far as possible the inspector will not give an indication that the actions are as a result of a report.

As your details are completely anonymous, the inspector will not be able to provide feedback to you following any actions.



Scenario 2 Anonymity to the workplace

You provide the WorkSafe Mines Safety inspector with your name and/or contact details. These details are confidential and will not be given to your workplace.

To examine your complaint further, the inspector will require details such as:

- employer name
- mine site
- general summary of the complaint or issue
- dates
- names of people involved.

In this scenario the inspector may undertake activities such as:

- examine the health and safety systems in the workplace
- conduct a psychosocial survey
- conduct an inspection
- make general enquiries.

In undertaking the above activities, as far as possible the inspector will not give an indication that the actions are as a result of a report.

The inspector may be able to provide you a general update on enquiries.



Scenario 3 No anonymity

You provide the WorkSafe Mines Safety inspector with your name and/or contact details. These details are used to investigate the workplace's systems for investigating a complaint and their management of psychosocial risk at the workplace.

To investigate your complaint, the inspector will require details such as:

- employer name
- mine site
- general summary of the complaint or issue
- dates
- names of people involved.

In this scenario the inspector may undertake activities such as:

- investigate how the workplace has managed the complaint
- examine the systems in place
- conduct a psychosocial survey
- conduct an inspection.

WorkSafe Mines Safety will protect the confidentiality of the complainant to the best of their ability. Generally, progress updates are not part of the investigation process but they may be able to provide you with a general outcome once the investigation has been finalised.

Requesting information following an investigation

The *Freedom of Information Act 1982* gives you the right to access copies of documents we hold, except documents that are exempt, or information within documents that is exempt.

We may be able to provide some information without you having to make a formal application for access. We encourage you to discuss a freedom of information request with the department first, as we can provide you with information about the [process and how to apply](#). Please call **(08) 9222 3233** to discuss your application.

Resources and other agencies

Mining Industry Respect Infoline – Circle Green Community Legal

The Mining Industry Respect Infoline is a dedicated telephone support service which provides information, social support, and referrals to people who:

- have been affected by sexual harassment, sex-based harassment and sex discrimination in connection with your work, whether as the target of this conduct, a support person, or as a bystander or whistle-blower, and
- are seeking assistance, where this occurred in relation to work performed in the WA mining industry or on a WA mine site.

Phone: **1800 929 250**

Website: circlegreen.org.au/workplace/mining-industry-respect-infoline

WA Police Service

If actual or attempted sexual assault or a threat to your security occurs, you can report the matter to police.

Phone: **000** for emergency or **131 444**

Website: www.police.wa.gov.au

The Western Australian Equal Opportunity Commission

The WAEOC investigates and conciliates complaints of discrimination, including in respect of workplace sexual harassment.

Phone: **(08) 9216 3900** or **1800 198 149** (free call from landlines)

Email: eoc@eoc.wa.gov.au

Website: www.wa.gov.au/organisation/equal-opportunity-commission

Sexual Assault Resource Centre (SARC)

Provides crisis services to people who have experienced a recent sexual assault (rape) in the last two weeks and counselling for sexual assault / abuse experienced recently or in the past.

Services are available for people of all sexualities and gender identities aged 13 years and above.

Phone: **(08) 6458 1828** or **1800 199 888** (free call from landlines) [24-hours crisis line]

Website: www.kemh.health.wa.gov.au/Other-Services/SARC

Lifeline

24-hour crisis support and suicide prevention.

Phone: **13 11 14**

Website: www.lifeline.org.au

Fair Work Commission (FWC)

The FWC is Australia's national workplace relations tribunal and assists workers of a corporation (these typically contain 'Ltd' within its name) or a Commonwealth employer.

The FWC may be able to assist in workplace sexual harassment matters where sexual harassment is relevant to an application lodged in respect of:

- an order to stop sexual harassment or an order to stop bullying and sexual harassment (stop sexual harassment order)
- general protections
- unlawful termination
- unfair dismissal.

Phone: **1300 799 675**

Website: www.fwc.gov.au

Western Australian Industrial Relations Commission (WAIRC)

Those workers that do not fall within the FWC may be covered by the WAIRC. The WAIRC's jurisdiction covers PCBUs and their workers where the PCBU is not a corporation (that is, does not have 'Ltd' within its name). Examples include sole traders, partnerships, some trusts, employers who are unincorporated businesses, the State government and some local government employers.

The WAIRC may be able to assist in workplace sexual harassment matters where sexual harassment is relevant to an application lodged in respect of an order to stop sexual harassment or an order to stop bullying and sexual harassment (stop sexual harassment order).

Phone: **1800 624 263**

Website: www.wairc.wa.gov.au/employees/stop-bullying-or-sexual-harassment-applications

WA Mental Health Commission

Provides contact with a trained mental health clinician and aims to keep individuals safe by connecting them with appropriate support services.

The Mental Health Emergency response line is a 24-hour telephone service for people in the Perth/Peel area experiencing a mental health crisis.

Phone: **1300 555 788** (Perth) or **1800 676 822** (Peel)

Rurallink is an after-hours telephone service for people in rural and regional WA experiencing a mental health crisis.

Phone: **1800 552 002**

Website: www.mhc.wa.gov.au/getting-help/helplines/mental-health-response-line

WorkCover WA

WorkCover WA is the government agency responsible for regulating and administering the workers' compensation scheme in WA under the *Workers' Compensation and Injury Management Act 1981* (WA).

Phone: **1300 794 744**

Website: www.workcover.wa.gov.au