

## 2010 Article One:

### Sexual Harassment in the Workplace:

#### Is your workplace at risk or does it only happen to others?

Sexual harassment is widespread throughout many workplaces across all sectors. One of the major reasons for this is ignorance! A fundamental challenge in many workplaces is the lack of understanding amongst both employees and employers as to what constitutes sexual harassment.

Lack of understanding of what constitutes sexual harassment is often exacerbated by confusion over what behaviour is and is not 'normal' and 'acceptable for the workplace'.

The broad definition of sexual harassment is any behaviour that is of a sexual nature, is unwelcome, uninvited and that a reasonable person is likely to find offensive, intimidating or humiliating.

Examples of sexual harassment can include Jokes, innuendoes, staring, leering, gestures, unwelcome physical touching and discussions of a sexual nature. Under the federal Sex Discrimination Act, it is important to remember that **intent is irrelevant**.

Employers have a duty of care and responsibility to take **all reasonable steps** to minimise the risk of sexual harassment occurring in the workplace. This action must be taken to ensure that an organisation has met its vicarious responsibility.

'All reasonable steps' include having a formal Sexual Harassment policy and procedure. In addition, the Employer must ensure that all employees have participated in adequate training to ensure that there is a clear understanding of what is reasonable workplace behaviour, and understanding their obligations. The training should include if an employee witnesses, or, is on the receiving end of such unwanted behaviour, how to manage this situation. Other basic requirements include ensuring Sexual Harassment Contact officers are in place.

If your organisation has not got in place a proactive and preventative plan to minimise the risk of sexual harassment occurring in the workplace, then you may want to think about fixing this now. Don't wait until it is too late!

For further information and practical support in addressing sexual harassment in the workplace, contact Debbie Sonin, from D.K.Sonin & Associates at [debbie@dksonin.com.au](mailto:debbie@dksonin.com.au) or phone her for a confidential consultation on 0413 145 925.