

# How does the Law cover Harassment?

## Harassment

This is distressing, worrying or annoying behaviour that is usually carried out by people with more power against those who have less power. Harassing a person because of an attribute is illegal. Behaviour is usually repeated and can include:

- verbal attacks
- humiliating a person (putting them down)
- seriously embarrassing or teasing a person
- intimidating a person (making them afraid)

It is also unlawful to harass a person because of their association with someone else who has an attribute or who you believe has an attribute.

**Pam's boyfriend Mohammed was a Muslim. Her supervisor repeatedly gave her a hard time about her boyfriend "being a terrorist", constantly told terrorist jokes and sent Pam offensive emails about terrorists. Pam complained to the management. The supervisor received anti-discrimination training, apologised and stopped the behaviour.**

## Sexual Harassment

This is behaviour of a sexual nature which is; offensive, embarrassing, intimidating or humiliating and which is not wanted, not asked for and not returned. It includes behaviour such as:

- leering or staring
- unwelcome requests for dates
- unwelcome touching or kissing
- direct or indirect requests for sex
- repeated comments or jokes that are sexually suggestive
- asking intrusive questions about social life or sexual activity
- displaying offensive or pornographic posters or screen savers
- explicit or sexually suggestive emails, phone calls or text messages



**Mutual attraction or friendship is not sexual harassment. If there is consent, it is not sexual harassment – although the behaviour may still be inappropriate for the workplace .**

A woman lodged a complaint of sexual harassment against her manager. She said that he had left sexually explicit messages on her phone, given his private number and told her to ring him. She did not reply but feared to raise it with her employer.

The manager then sent emails saying that he would block her promotion unless she “came across”. The woman left her job because of stress caused by his behaviour.

The manager admitted he had sent the woman messages but denied blocking her promotion, however, email evidence proved that he had threatened this.

The company acknowledged the manager’s behaviour was illegal, said that he had been severely reprimanded and attended extra training. However, it did not accept the woman had to resign, as clear policies and processes were in place to deal with such matters. The employer agreed to pay the woman \$15,000 compensation and the manager had to provide a written apology.