

What is Vicarious Liability?

You have a legal obligation to take ‘all reasonable steps’ to prevent discrimination and harassment from happening in your business.

Taking “all reasonable steps” can include a number of things. For suggestions about what you can do to avoid liability see “What can I do to avoid Discrimination?” (see page 30) and “Checklists” (see page 32).

If a complaint is made about you or one of your employees, you will need to demonstrate the steps you have taken to prevent discrimination or harassment happening in your business. If you can’t show that you have taken steps to prevent the behaviour then you can be held “vicariously liable” for the behaviour, even if you were not personally involved.

If you are an owner/employer in small business, it’s sensible to attend any seminars or training sessions on discrimination, harassment and your legal responsibilities, which are being offered by employer organisations, small business associations, industry associations or the Anti-Discrimination Commission.

It’s much wiser to take steps to prevent problems arising in the first place than try to fix them up afterwards. Damages awarded against small businesses can have devastating financial consequences – so there is every reason to be careful to prevent claims arising.

IF YOU ARE UNSURE ABOUT WHAT AN ATTRIBUTE IS, WHAT APPLIES TO YOUR SITUATION – OR WHEN, WHERE OR HOW DISCRIMINATION MIGHT TAKE PLACE, THEN RING THE COMMISSION ... IT’S EASIER TO MAKE A QUICK CALL THAN FIX A BIG MISTAKE!

CALL THE FREE TELEPHONE HELP LINE 1800 813 846