

What is sexual harassment?



Sexual harassment is a form of sex discrimination and involves unwelcome sexual advances, requests for sexual favours or unwelcome conduct of a sexual nature that offends, humiliates or intimidates. It has nothing to do with mutual attraction or friendship.

Sexual harassment may include the following:

- Suggestive behaviour
- Staring and/or leering
- Sexual jokes
- Sexual propositions or asking for sexual favours
- Unwanted invitations for dates
- Sexual or physical contact such as touching, slapping or kissing
- Insults or taunts based on a person's sex
- Sexually offensive gestures
- Sexually explicit materials or emails
- Intrusive questions about one's private life or body.



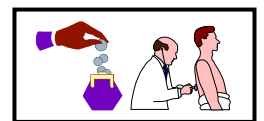
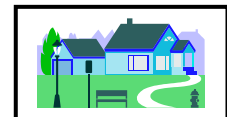
Just one of these actions may be enough to constitute sexual harassment.

Statistics show that it is usually men who sexually harass women. However, sometimes women sexually harass men, men sexually harass other men, and women sexually harass other women.

Is sexual harassment against the law?

If sexual harassment happens in one of the following places or circumstances it is against the law:

- Employment - when applying for, or at any time during, employment
- Obtaining goods or services from either public or private enterprises such as shops, pubs and entertainment places, banks, lawyers, government departments, doctors, hospitals
- Renting or making application for rental accommodation - eg, a unit or house, commercial premises, hotel room, motel room, caravan etc
- Applying for or studying in any education institution such as a public school, college, TAFE, university etc
- Joining, entering or being inside a registered club - including any club that sells alcohol.



If sexual harassment takes place elsewhere (eg within private premises or the street) seek advice from the Anti-Discrimination Commission and contact the police.

Are people protected at work?

Sexual harassment in the workplace is unlawful and employers must ensure a work place is free from such behaviour. All staff, particularly those in management roles, should receive training about the nature and prevention of sexual harassment.

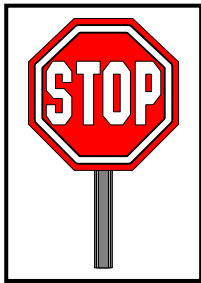


Mutual attraction or friendship is not sexual harassment. Consensual sexual contact is not sexual harassment – although the behaviour may still be inappropriate for the workplace.

Employers must be able to demonstrate that all reasonable steps have been taken to prevent sexual harassment from occurring.

Impact of sexual harassment in the workplace

Sexual harassment is damaging to both the employee and employer and can cause:



- Stress and low staff morale
- Decreased work performance
- Increased absenteeism
- Increased compensation claims
- Potential safety risks
- Increased resignations.

Obtaining assistance in the workplace

Sexual harassment is unlawful and all employees have the right to speak out and ask for the offensive behaviour to cease. If the behaviour continues it is advisable to inform a supervisor, senior manager or union representative.

Complaints should be taken seriously and investigated quickly and confidentially. Natural justice ensures that both sides of the story must be heard. If sexual harassment is found to have occurred, then management must take action to stop the behaviour.

The Anti-Discrimination Act protects people who complain about sexual harassment from victimisation. The Commission has guidelines for employers in dealing with sexual harassment which are available upon request and on the Commission's website.

Unresolved workplace complaints may be taken to the Anti Discrimination Commission. This service is free and includes talking confidentially to a complaints officer to attempt to resolve the situation. Complaints to the Commission must be made within six months of the harassment taking place.

The Commission will maintain confidentiality in all situations and will not contact either the alleged harasser or the employer unless instructed to do so. In situations of physical assault it is advisable to contact the police.

Remember: sexual harassment is also unlawful in other areas such as obtaining goods and services, renting accommodation, education, memberships and use of the facilities of registered clubs.



How the Anti-Discrimination Commissioner Works

If complaints are lodged with the Commission, and if it is found that sexual harassment may have occurred, then a process of voluntary conciliation is offered. Conciliation is where parties to a dispute voluntarily endeavour to reach an agreement with the assistance of an independent and impartial conciliator provided by the Anti-Discrimination Commission.

Settlements take into account a variety of factors and circumstances and have very different outcomes. These may include: an apology; a new policy being developed; an educational program for the staff to ensure the behaviour is not repeated; financial compensation; transfer, warning or dismissal for the person who has committed the harassment.

Conciliation is successful in the vast majority of cases. However if agreement is not reached the situation may be referred to the Anti-Discrimination Commissioner for a formal public hearing. The Commissioner may make orders including the awarding of compensation. These orders are enforceable through a court of law.

For further information and/or assistance please contact:



For further information or advice, contact:

7th Floor, 9-11 Cavenagh St, Darwin

Phone : (08) 8999 1444

TTY: (08) 8999 1466

Free Call: 1800 813 846

Fax: (08) 89 813 812

Website: www.adc.nt.gov.au

E-mail: administration.adc@nt.gov.au

