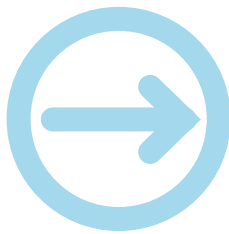




sexual harassment



Sexual Harassment

Under the Tasmanian *Anti-Discrimination Act 1998* (“the Act”) sexual harassment is unlawful.

Sexual harassment takes place if a person –

- Subjects another person to an unsolicited act of physical contact of a sexual nature – such as touching, brushing up against, kissing, massaging, stroking hair.
- Makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person – including suggestive invitations or requests for a meeting ‘later’, asking a person if they would like to have sex or get closer, offering a person a promotion if they have sex.
- Makes an unwelcome remark or statement with sexual connotations to another person or about another person in that person’s presence – including inappropriate comments on clothing, telling a person they look ‘sexy’, or ‘you’re not getting enough’, unwelcome jokes of a sexual nature, sleazy comments.
- Makes any unwelcome gesture, action or comment of a sexual nature – such as demonstrating sexual positions, asking questions about a person’s sex life, initiating conversations about a person’s sex life or fantasies (whether about that person or someone else), staring or leering at breasts or groin, stalking or loitering.

It is important to note that:

- Unwanted sexual behaviour does not have to happen more than once to be sexual harassment;
- Both men and women can lodge complaints of sexual harassment; and
- Sexual harassment can involve unwanted written or verbal statements of a sexual nature and not just unwanted physical contact of a sexual nature.

- Making an unwelcome oral or written statement of a sexual nature to a person or in the presence of a person – such as sexually explicit emails, screen savers, posters or text messages.
- Displaying matter of a sexual nature that relates to a prescribed attribute – such as inappropriate images of women or men in pornographic magazines.

To prove sexual harassment it is necessary to show that a reasonable person, having regard to all the circumstances, would have anticipated that the person being harassed would be offended, humiliated, intimidated, insulted or ridiculed by the conduct.

Mutual and welcome attraction of a sexual nature between consenting adults is not sexual harassment.

Example

Roger worked at a large Telecommunication company in a call centre. Roger is single and his female work colleagues continually questioned him, by email and text messages, about his sexual life and relationships. Roger felt intimidated and humiliated by the unwanted attention and decided to lodge a complaint of sexual harassment.

Contact Us

To lodge a complaint or seek further information, contact the office or visit the website. Please note the office is unable to provide legal advice to parties of a complaint.

Office of the Anti-Discrimination Commissioner
Level 1, 54 Victoria Street, Hobart, Tasmania 7000
GPO Box 197, Hobart, Tasmania 7001

Telephone **1300 305 062 (local call)**
(03) 6233 4841
Facsimile **(03) 6233 5333**
TTY **(03) 6233 3122**
Email **antidiscrimination@justice.tas.gov.au**

www.antidiscrimination.tas.gov.au

Disclaimer: This information is intended to provide a general understanding of the Anti-Discrimination Act 1998. To maintain confidentiality case examples are not based on actual complaints lodged with this office.

Where is Sexual harassment unlawful?

The Act prohibits sexual harassment in the following areas:

Employment – this includes paid or unpaid, casual, permanent or temporary employment. Includes events happening at work parties or functions relating to work.

Education and training – at schools, colleges, universities or other educational institutions where education and training is provided. Includes events happening at functions related to education or training.

Provision of facilities, goods and services – this includes access and use of public places, transportation and travel and private or government service providers.

Accommodation – this includes residential housing and business accommodation i.e. rental property, hotel, motel, boarding house or caravan.

Membership and activities of clubs – being a member of a club and participating in activities associated with the club.

If you are unsure whether your complaint involves sexual harassment, you can contact the Office of the Anti-Discrimination Commissioner and/or arrange an appointment with an Investigation Officer.

Example

Susan worked at a retail outlet and attended the company's Christmas luncheon. During the luncheon her colleague Paul invaded her personal space and repeatedly caressed her arms/shoulders. Susan felt uncomfortable and asked Paul to stop. He assumed she was joking and repeated his conduct. The next day Susan reported Paul's conduct to the Manager and decided to lodge a formal complaint.

Action Steps

Be assertive; if you are being sexually harassed inform the person that their conduct is unwelcome.

If you are uncomfortable in dealing with it yourself, tell someone you trust for support e.g. your manager, contact person, union, advocate.

Contact the Office of the Anti Discrimination Commissioner for information about lodging a complaint.



Please advise the office prior to an appointment if you require special assistance or the services of an Interpreter/Auslan.