



SEXUAL HARASSMENT

What is sexual harassment?

Sexual harassment is unwelcome conduct of a sexual nature in relation to you. It happens when a reasonable person would expect that you'd feel offended, humiliated or intimidated by the conduct. It has nothing to do with mutual attraction or friendship between people.

The law that prohibits sexual harassment is the Queensland *Anti-Discrimination Act 1991*. Sexual harassment doesn't have to be deliberate or repeated to be illegal.

NOTE: Some sexual harassment, such as sexual assault, indecent exposure and stalking is also a criminal offence.

Examples:

A café operator makes sexual or suggestive comments, jokes or taunts to patrons.

Your boss makes unwelcome requests for sex or asks questions about your sex life.

Workmates send you emails with links to websites selling sex toys, after you've asked them to stop.

Where and when can sexual harassment happen?

Sexual harassment can happen anywhere - in the street, at a nightclub, during an interview, at work, in a shop or restaurant, at school or college, looking for accommodation, buying property, applying for credit, insurance or a loan, or dealing with tradespeople, businesses or state or local government.

What can I do about it?

You could talk to the person or people involved. Tell them you object to what they are doing, and ask them to stop. Often, this is enough.

If the harassment happened at work ask your manager, union representative or contact officer what you might do. If your workplace has a process for dealing with complaints, you could lodge a complaint with your employer.

You could also phone or visit one of our offices. Our staff can give you information about the law and explain how complaints are handled.

Is your employer responsible for what happens in the workplace?

Yes. Your employer, as well as the person or persons who sexually harassed you, can be liable for what happened to you. This is called vicarious liability.

Employers need to take reasonable steps to ensure they protect their staff from sexual harassment and other types of discrimination and vilification, and make sure their workplaces are free of this type of behaviour.

This may include writing policy about sexual harassment and making sure all employees, especially managers and supervisors, are trained in how to reduce or prevent incidents from happening. Employers should also introduce an effective process for dealing with complaints.

Employers or organisations can't avoid their legal responsibility by saying they were not aware of sexual harassment in their workplace.

How do I make a complaint?

Write down the details of what happened to you in a letter, get a complaint form from our website (www.adcq.qld.gov.au) or call one of our offices for a form.

Include:

- your name, address for service and phone number
- a description of what happened, when and where
- who your complaint is about and their contact details and
- any other useful information.

Your complaint must be lodged with the Commission within twelve months of the discrimination happening.

The Commission's service is free. However, you may have to pay for any legal or other advice you decide to get.

Your complaint can be in any language.

What happens to my complaint?

Your complaint will be assessed to see if the conduct you describe may be illegal. If so, we may arrange a meeting with both you and the person or people you have complained about to discuss the issues and try to come to some agreement. The Commission will not take sides or represent anyone.

If you can't agree, the complaint may be referred to the Anti-Discrimination Tribunal, which will hold a public hearing and make a decision based on the evidence.

What else do I need to know?

The Commission runs information sessions and training courses about anti-discrimination law. We also have brochures on a range of issues.

There is a federal *Sex Discrimination Act 1984*, which is administered by the Human Rights and Equal Opportunity Commission, phone 1300 656 419.