

Governance and Leadership

Sexual harassment. It's the Board's responsibility



GENERAL ELECTRIC
FILMS

Sex Discrimination Act 1984 (Cth)

Meaning of sexual harassment

- A person sexually harasses another person (the ***person harassed***) if:
 - (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
 - (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Circumstance taken into account

- The circumstances to be taken into account include, but are not limited to, the following:
 - (a) the sex, age, [sexual orientation](#), [gender identity](#), [intersex status](#), [marital or relationship status](#), religious belief, race, colour, or national or ethnic origin, of the person harassed;
 - (b) the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
 - (c) any [disability](#) of the person harassed;
 - (d) any other relevant circumstance.
- **"conduct of a sexual nature"** includes making a [statement](#) of a sexual nature to a person, or in the presence of a person, whether the [statement](#) is made orally or in writing.

Employment

It is unlawful for a person to sexually harass:

(a) an employee of the person; or

(b) a person who is seeking to become an employee of the person.

It is unlawful for an employee to sexually harass a fellow employee or a person who is seeking employment with the same employer.

Vicarious liability: That means You!

Where an employee or agent of a person does, in connection with the employment of the employee or with the duties of the agent as an agent:

- (a) an act that would, if it were done by the person, be unlawful under Division 1 or 2 of Part II (whether or not the act done by the employee or agent is unlawful under Division 1 or 2 of Part II); or
- (b) an act that is unlawful under Division 3 of Part II;

This Act applies in relation to that person as if that person had also done the act.

Managing risk

1. Policy
2. Procedures
3. Education
4. Behaviour

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Further advice contact us

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