



Anti-Discrimination Commission Queensland

What is sexual harassment?

The easiest way to explain sexual harassment is to say it is any form of unwelcome sexual attention. It has nothing to do with mutual attraction or friendship between people, which is normal and positive. Sexual harassment, on the other hand, involves humiliation or offence to the victim. It's not fun, flattering or flirting. Sexual harassment can happen to anyone, and under the *Anti-Discrimination Act 1991*, it's against the law in Queensland wherever and whenever it occurs.

Sexual harassment could be:

- unwelcome physical touching
- sexual or suggestive comments, jokes or taunts
- unwelcome requests for sex
- the display of clearly sexual material (such as photos, pin-ups or pictures) or reading matter (such as e-mails, faxes or letters)

Sexual harassment doesn't have to be repeated or ongoing to be against the law. Some actions or remarks are so offensive that they're clearly sexual harassment, even if they're not repeated. Other incidents, such as an unwanted invitation or compliment, are probably not harassment if they are 'one-offs'.

The harassment doesn't have to be deliberate, it can also occur in cases where a reasonable person would have expected that the behaviour was going to be offensive.

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

While more women than men lodge complaints about sexual harassment, the Act covers everyone, and says quite plainly and simply "*A person must not sexually harass another person*".

Where does sexual harassment happen?

Sexual harassment can happen anywhere - in the street, at a nightclub, at an interview, in a shop, and often at work. If you believe you've been sexually harassed, you have the right to lodge a complaint with the Anti-Discrimination Commission.

What about sexual harassment at work?

If you are sexually harassed at work, you are covered by the law, whether you are a full-time worker, a casual or a volunteer, and whether the harassment is done by a manager, supervisor or colleague.

Examples might include a woman being touched by her boss on the breasts, being asked various questions about her sex life, someone being sent sexually explicit e-mails, or someone having sexual graffiti written about them in the toilets.

Sometimes, people are afraid to speak out at work in case they lose their jobs, or are rejected by their co-workers.

How do I make a complaint?

There are a few ways to try to deal with sexual harassment.

Firstly, you can talk to the harasser, if you feel comfortable about it. There's nothing in the law which says you have to let this person know that their behaviour is offensive, but often it's worth a try. Tell them what you think about what they are doing, and ask them to stop.

Often though, this is too difficult for a range of reasons. If it is, and the harassment happens at work, think about making a complaint to someone in the organisation - perhaps a manager, or a supervisor. Sometimes, there are Contact Officers who will give you information and support in these cases. Your union might also be able to help.

Again, for a number of reasons, some people prefer not to do this. A third option is to lodge a complaint with the Anti-Discrimination Commission in Queensland. You can do this whether the harassment happened at the workplace or somewhere else.

In any case, it's a good idea to take notes on what has happened, when and where it was, what you did in response to the harassment, the person's name and any other information you think might be useful.

What happens if a complaint is lodged with the Commission?

You'll need to put the complaint in writing, and include any of the above details. You'll also need to do this within one year of the harassment happening.

The complaint will be dealt with confidentially and independently by staff at the Commission, and at no charge to you or others involved. Of course, if you need to seek legal or other advice, there might be some costs.

Many complaints are settled through conciliation, where you, the other person and perhaps the employer or a legal rep, are able to talk about the issues informally, and work out a solution with the help of a conciliator from the Commission. If the complaint can't be settled here, it may be referred to the Queensland Anti-Discrimination Tribunal.

What about employers?

There is a part of the Act which says that employers can be liable for the actions (including sexual harassment) of their employees or agents. This is called vicarious liability and employers need to take reasonable steps to ensure that they protect their staff from sexual harassment and other types of discrimination and vilification, and to try to make sure their workplaces are free of this type of behaviour.

Reasonable steps often include writing policy about sexual harassment, and making sure all employees, especially managers and supervisors, are trained in the policy, and in how to reduce or prevent incidents of sexual harassment. It is also worthwhile for the employer to ensure that if there are complaints, there is an effective process for dealing with them.

An employer or organisation can't avoid their liability under the act, simply because they were not aware of the sexual harassment done by their employees.

What else do I need to know?

You may want to contact one of the Commission offices for more information on sexual harassment, details about how to lodge a complaint, or to enquire about other issues covered by the Act.

You could contact The Human Rights and Equal Opportunity Commission on 1300 656 419 for information on federal law.

We have brochures on other discrimination issues which are available from all our offices or from this website www.adcq.qld.gov.au.

The Commission offers information sessions on sexual harassment and the Act, as well as training for Contact Officers, and Complaint Investigators.

This information is intended as a guide only. It is not a substitute for legal advice. For more information [contact the Commission](#) on 1300 130 670 statewide or Teletypewriter 1300 130 680 statewide.