



Can you be liable if your workers commit harassment?

IRHR 15/05 A

Can you be liable if your workers commit harassment?

Harassment doesn't just have to be sexual. It can include behavior that makes another person feel intimidated, victimised or extremely uncomfortable. Some examples might be:

- Making offensive jokes at another person's expense
- Verbally abusing someone or making comments that degrade or belittle them
- Displaying or circulating offensive material in the workplace
- Unwanted physical contact with another person

Just because you or a worker may not find it offensive – it could be offensive to another person. Therefore, if one of your workers is found to have harassed another person, you could be liable for failing to take appropriate steps to stop the behaviour.

If you are aware of offensive behavior being committed by one of your workers and you do not address it, you could be liable for failing to keep your workplace free from harassment.

To prevent harassment occurring in your workplace:

Educate everyone in the workplace about harassment

Encourage respectful and courteous behavior among workers

Have a workplace policy in place that prohibits harassment in the workplace, provide training in it and enforce the policy if something occurs

Train your supervisors and managers how to detect harassment in the workplace and how to address the problem as soon as they become aware of it

Respond promptly to any evidence of inappropriate behavior and investigate if required whether or not it is a formal complaint

If your workplace needs assistance in implementing a policy or training staff, contact Lisa Dwyer on 3915 4213 or esm@brismark.com.au. Brismark is able to provide a generic policy and Workplace bullying and harassment training for your business.

Source: Health & Safety Bulletin, 5 March 2015, by Alanna Furlan