

**EMBARGOED UNTIL WEDNESDAY, 21<sup>ST</sup> FEBRUARY 2007**



**NEW TYPE OF SEXUAL HARASSMENT TREND  
EMERGES IN AUSTRALIAN WORKPLACES:  
HOSTILE WORK ENVIRONMENT HARASSMENT**

Hostile work environment harassment is a significant new trend emerging in Australian workplaces and employers need to be on the lookout says Shana Schreier-Joffe, Partner of Harmers Workplace Lawyers.

Australian law says it is unlawful for one person to interfere with the work environment of another person by making it sexually permeated and the fact of the matter is that employers may be vicariously liable for this type of behaviour.

"For example, an employee who witnesses two other employees engaging in robust consensual sexual behaviour could claim to be offended and claim a hostile work environment" says Ms Shreier-Joffe.

"Employees have an obligation not to interfere with the working environment of their colleagues where it is unwelcome and even though consensual sexual relationships may develop in the workplace, employers must be mindful of the risks.

"Consensual relationships at work are increasing at a rate never seen before and are a direct result in increases in employee work hours, work conferences, employers instituting people friendly workplace policies and the intermingling of work and personal time.

"Courtship rituals are evident with some 60% of married couples over the age of 26 either meeting at work or working together at some stage prior to marriage. However, it is important for employers to note that there is no legislation prohibiting consensual relationships from developing in workplaces."

Ms Schreier-Joffe says some employers have introduced policies forbidding fraternization amongst colleagues with a view to minimizing sexual harassment claims however as long as relationships remain consensual and the conduct is welcome, those relationships will not be in contravention of sexual harassment legislation.

"Employers also need to be careful that they comply with obligations under anti-discrimination legislation. Relevantly, it will be an offence to discriminate against employees on the ground of their marital status - so you can't penalise employees where they're not married to each other if you would not have had a problem with their behaviour if they were married."

**For further information or to arrange an interview with Shana Schreier-Joffe, Partner of Harmers Workplace Lawyers, please contact David Skapinker at Markson Sparks Publicity on 02 9775 7000 / 0422 229 557 / [david@marksonsparkspr.com](mailto:david@marksonsparkspr.com)**