

# SEXUAL HARASSMENT WITHIN THE CONTINUUM OF WORKPLACE BEHAVIOURS



Green behaviour is **appropriate** behaviour at work that is respectful and inclusive to all. It includes compliments where they are based on performance and effort rather than appearance.

Yellow behaviour does not amount to a breach of workplace legislation (orange) or a criminal offence (red) but is still **inappropriate** and/or may contribute to a **disrespectful** or unhealthy work environment, in which orange or red behaviours are more likely to occur. Examples include:

- One-off instances of inappropriate or sexualised behaviour that hasn't caused offence e.g. wolf whistle, sexist joke.
- Undervaluing someone or comments based on gender stereotypes.

Orange behaviour is that which legislation prohibits in workplaces – which includes **sexual harassment**. Sexual harassment is any unwelcome or offensive sexual behaviour that is repeated, or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment, or an implied or overt threat of detrimental treatment.

Examples of sexual harassment include:

- hints or promises of career advancement in exchange for sexual activity
- threats of not being offered future work if sexual activity is not given
- sexually offensive comments or sexual jokes, including from audience members
- staring, leering, invasion of personal space
- sexually provocative posters or visual material of a sexual nature
- taking inappropriate photos without consent
- comments on bodies or physical appearance
- being asked to wear revealing clothing
- offensive hand or body gestures
- unwanted comments, intrusive questions or teasing about a person's sexual activities or private life
- unwanted sexual advances
- persistent and unwelcome social invitations (e.g. drinks/dates), phone calls, or messages at work or at home
- repeatedly being singled out for inappropriate one on one attention.

Some sexual harassment can be a breach of workplace legislation (orange) and also a criminal offence (red). Examples of sexual harassment that are also **criminal offences** include:

- non-consensual groping / indecent assault e.g. grabbing someone's bottom
- exposing genitals
- sending unsolicited 'dick pics'
- revenge porn
- unwanted kissing or touching
- any penetration without consent e.g. rape
- having or sharing objectionable material e.g. bestiality or child sex abuse images
- sexual contact with a person under 16.

Note that consensual sexual activity and mutual consensual flirting **will not** be sexual harassment, but care should be taken where there is a power imbalance. Power imbalances in the workplace can contribute to sexual harassment occurring and people being reluctant to report inappropriate behaviour. A power imbalance can result from gender, sexuality, ethnicity, minority status, age, disability, seniority or influence in the workplace.