



Workplace Environment Issues from the Employer's perspective

Some of the most commonly asked questions about Workplace Environment Issues are discussed on this page.

1. Where is vicarious liability applicable?

Vicarious liability applies when alleged discrimination and harassment occurs in connection with a person's employment. This means the employer may be held vicariously liable for the actions of employees if they have not taken all reasonable steps to prevent the discrimination and harassment from occurring both within the usual work environment and at employer sponsored functions such as seminars, conferences, work functions, Christmas parties, business or field trips.

2. Whose conduct is covered?

An employer may be vicariously liable for the conduct of:

- Individual employees or groups of employees.
- Directors, supervisors or managers.
- Workplace participants.
- Agent.
- Contract workers or people being paid commission.
- A partner of the company harassing another partner.
- A person employed by a trade union harassing a member.
- A person operating an employment agency who harasses someone who utilises the agency.

3. What are the factors an employer should consider when deciding what legal or preventative action is reasonable?

An employer should consider:

- The size and structure of the organisation.
- Available resources.
- The nature of the work undertaken.
- Gender and balances in the workplace.
- The employment of women in non-traditional areas.



- The number of junior staff.
- The workplace culture.
- Any history of harassment.
- Any relevant provisions in industrial awards or agreements.
- Working hours.
- Level of supervision.
- Any other relevant factor such as geographic isolation of the work location, duties which may require working in close physical proximity, living arrangements and so forth.

4. What steps can I take to prevent discrimination and harassment in my workplace?

The following:

- Obtain high level support from chief executive officer and senior management for the implementation of a comprehensive strategy to address discrimination and harassment.
- Develop, in consultation with staff or your union, a written policy which prohibits discrimination and harassment.
- Regularly distribute and promote the policy at all levels of the organisation.
- Ensure that managers and supervisors discuss and reinforce the policy at staff meetings.
- Provide the policy and other relevant information on discrimination and harassment to new staff as a standard part of induction.
- Periodically review the policy.
- Display posters on notice boards and common work areas and distribute relevant brochures.
- Conduct awareness raising sessions for staff on discrimination and harassment issues.
- Remove offensive, explicit or pornographic calendars, literature, posters and other materials from the workplace.
- Develop a policy prohibiting inappropriate use of computer technology, such emails, screen savers the internet.

Employers implementing such policies should seek legal advice to ensure the policies developed adequately protect the employer from liability.

If you would like further information, or require assistance, please contact us on (02) 4731 5899 or send us an email by clicking on the 'Contact Us' page on our website.