

What is sexual harassment?

Sexual harassment is any unwanted or uninvited sexual behaviour that is offensive, embarrassing, intimidating or humiliating. It has nothing to do with mutual attraction or friendship.

Sexual harassment is serious – and against the law. Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal. It includes behaviour that creates a sexually hostile or intimidating environment.

For example:

- unwelcome touching
- staring or leering
- suggestive comments or jokes
- sexually explicit pictures, posters, screensavers, calendars
- unwanted invitations to go out on a date
- requests for sex
- intrusive questions about a person's private life or body
- insults, name-calling or taunts based on your sex
- derogatory graffiti
- sexually explicit emails, text messages, etc.

Where does it happen?

Sexual harassment can occur in the workplace, in schools, colleges and universities, in clubs, or when buying goods or receiving services, seeking or obtaining accommodation, as well as when using Commonwealth services.

Female students are protected against sexual harassment in schools under the federal Sex Discrimination Act. Male students are likely to be protected from sexual harassment by other students under state and territory laws.

What's the legal situation with sexual harassment?

At school

As a student you are entitled to an education free of sexual harassment. The same applies to teachers – they are entitled to a workplace free from harassment. Schools have an obligation to deal with sexual harassment and all other forms of bullying.

Sexual harassment by a member of staff

Regardless of your age, it is unlawful for a teacher to sexually harass you.

Sexual harassment by another student

Regardless of your age, it is unlawful for an adult student to sexually harass you. Certain types of bullying, about sex or sex-based characteristics, may also be sexual harassment.

Who is responsible?

Anyone aged over 16 years is considered an 'adult student', which means they are personally liable for sexually harassing another student or teacher. If you are harassed, you may be able to lodge a complaint against the student and, in some cases, against the school.

A complaint of sexual harassment can't be made against another student if the harasser is under 16 years of age. In these circumstances, however, you may be able to make a complaint against the school as it has a duty of care to protect students from harassment and discrimination.