

Sexual Harassment in the workplace



Guidance for RMOs from the NZRDA

In recent years, the issue of sexual harassment has become a widely discussed topic around the globe.

With more and more people sharing their experiences of sexual harassment and encouraging others to speak out, it has become apparent that sexual harassment in the workplace remains a serious issue in need of addressing throughout New Zealand.

It is important to the NZRDA that the RMO workplace is a safe one – an environment which fosters a culture of mutual respect and one that addresses any unacceptable behaviour.

Everyone has the right not to be sexually harassed under the Human Rights Act 1993 and all employers are obligated to enforce this and provide a safe working environment under the Health and Safety in

Employment Act 1992.

However we recognise that sexual harassment takes many different forms and it can be difficult to identify and report in some instances. Please find below some information regarding what sexual harassment is and what to do if you ever find yourself subjected to sexual harassment or witness this type of unacceptable behaviour in the workplace.

Definition

Whilst some acts of sexual harassment are obvious (e.g. wolf whistling or pinching of the buttocks), other forms of sexual harassment are perhaps less blatant (e.g. comments on how pretty your eyes are or continuous requests for your phone number). Therefore sexual harassment can be difficult to define and multiple definitions exist. For the purpose of this resource, the NZRDA have adopted a combination of definitions from legislation and the Australian and New Zealand Human Rights Commissions', to define sexual harassment as:

A request of any other person for sexual activity (of any kind) or behaviour exhibited towards another person that is sexual in nature which is unwelcome and/or offensive. This may contain an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment. Sexual harassment is about the target and can be a one-off incident.

What sexual harassment is not

It is important to note what sexual harassment is not. Specifically sexual harassment is not sexism, discrimination, bullying or any other inappropriate behaviour. Definitions of these other behaviours are given below.

SEXISM

Sexism is an attitude of a person of one sex believing that they are superior to a person of another sex. It is defined as direct or indirect discrimination of a person due to their sex, such as when a person is treated less favourably than a person of the opposite sex would be treated in the same or similar situation.

DISCRIMINATION

Discrimination is similar to sexism. General discrimination is behaviour that excludes or restricts a person or group from opportunities available to others.

BULLYING

Bullying in the workplace is repeated and unreasonable behaviour that is not of a sexual nature. It is directed towards a worker or a group of workers that creates a risk to health and safety.

INAPPROPRIATE BEHAVIOUR

Inappropriate behaviours other than those described above are those that, although not meeting the threshold of sexual harassment or bullying, are still considered to be unpleasant, disruptive and unacceptable (or example, a one-off instance of humiliation).

Whilst these behaviours and attitudes are unacceptable in the workplace and we encourage RMOs to report them, they should not be confused with sexual harassment.

How sexual harassment can occur in the workplace

As RMOs working in close proximity with colleagues, patients and management personal, sexual harassment can take many different forms.

It can be carried out in a variety of ways, not only directly but through such means as text messaging, email or social media, whilst you are inside or outside of the hospital (e.g. whilst away at a conference).

It can be directed at a single RMO or a group, and may be carried out by your superiors, colleagues or patients.

Some examples of sexual harassment include:

- Sexual or smutty jokes
- Comments of a sexual nature from patients ("I

haven't been touched by a beautiful man/women like this in a few years")

- Staring or leering
- Intrusive questions or comments of a sexual nature about a person's private life, clothing or physical appearance
- Persistent and unwelcome social invitations from workmates at work or when you are at home

It is important to remember that regardless of the intent of the person carrying out the behaviour, no sexual act or comment can be considered "innocent" if it makes you feel uncomfortable: a key to sexual harassment is that it is unwelcome.

Effects of sexual harassment

The effects of sexual harassment can range from feelings of discomfort to life-altering dysfunction. Sexual harassment has been associated with substantial negative impacts which not only affect a person's working environment but their private life too. As RMOs, these effects may include:

- Anxiety, stress, burnout and fatigue
- Having trouble paying attention or staying focused during ward rounds or procedures
- Staying away from certain areas of the hospital
- Deteriorating relationships with co-workers
- Increased absenteeism
- Decreased morale
- Post-traumatic stress disorder
- Depression

The effects of sexual harassment are long term, with past sufferers of unwanted sexual attention or coercion more likely to experience depression or post-traumatic stress disorder.¹ Studies show that these effects are often exacerbated further as most sufferers of sexual harassment are subjected to extended patterns of offensive behaviour rather than isolated events.²

1. Schneider, K., Swan, S., Fitzgerald, L. (1997). Job-Related and Psychological Effects of Sexual Harassment in the Workplace: Empirical Evidence From Two Organizations. *Journal of Applied Psychology*, Vol. 82, No. 3, 402, 401-415.

2. Schneider, K., Swan, S., Fitzgerald, L. (1997). Job-Related and Psychological Effects of Sexual Harassment in the Workplace: Empirical Evidence From Two Organizations. *Journal of Applied Psychology*, Vol. 82, No. 3, 402, 401-415.

If it happens to you...

Here is the RDA's advice on what to do if you have been or are subjected to sexual harassment.

As we have said previously, regardless of the intent of the offender, no sexual act or comment can be considered "innocent" if it makes you feel uncomfortable. Therefore the NZRDA encourages all those who have been subjected to sexual harassment to report any and all experiences either to us, or to the DHB.

It is important to us that RMOs

are safe in their workplace and if these behaviours are not reported, they cannot be dealt with and are likely to continue.

You can report any events of sexual harassment to the NZRDA by phone or email in confidence and we will provide advice on what to do next and offer suggestions on how to best approach the DHB. We can also advise on the support systems that are in place in order to ensure your safety and wellbeing.

Contact us on (09) 526 0280 or at ask@nzrda.org.nz to raise any questions or concerns you may have. All enquiries will be treated in confidence.

Legislation and sexual harassment

The Employment Relations Act 2000 (ERA)

The ERA outlines the penalties when sexual harassment occurs in the workplace and provides remedies for the employee.

This includes the remedy of lodging a personal grievance against the employer when they are the perpetrator of the harassment or lodging a complaint with your employer when you are being harassed by a colleague or patient.

Human Rights Act 1993 (HRA)

The HRA makes sexual harassment illegal and gives grounds to an employee to lodge a complaint with their employer if they have been sexually harassed by a customer or client.

The employer then has an obligation to inquire into the facts and take practical steps to prevent the harassment from occurring again.

Health and Safety in Employment Act 1992 (HSE Act)

The HSE Act reflects an employer's obligation to provide a safe work environment.

Under section 6 an employer must take all reasonable steps to ensure the safety of employees and prevent exposure to hazards, hazards meaning "a situation where a person's behaviour may be an actual or potential cause or source of harm to the person".

Unit E, Building 3, 195 Main Highway
Ellerslie, Auckland 1051
PO Box 11369, Ellerslie, Auckland 1542

P 09 526 0280

F 09 579 6213

www.nzrda.org.nz

ask@nzrda.org.nz

