

The Translation of Article 3 of The Prevention of Sexual Harassment Law 1998

3. Sexual Harassment and Harassment

(A) Sexual harassment is any one of the following actions:

(1) Extortion, in accordance with its meaning in section 428 of Penal Code, where the act the person seeks to do is of a sexual nature;

(2) Indecent acts, in accordance with their meaning in section 348 and 349 of the Penal Code;

(3) Repeated suggestions of a sexual nature, addressed to a person who has made known to the harasser that they are not interested in such suggestions;

(4) Repeated references addressed to a person focused on their sexuality, where the person has made known to the harasser that they are not interested in such references;

(5) Degrading or humiliating references addressed to a person in relation to their sexuality, including their sexual orientation;

(6) Suggestions or references, as detailed in sub-section (3) or (4) above, addressed to any persons detailed in sub-paragraphs (i) to (vii) below, in the circumstances specified in those sub-paragraphs, even where the victim does not make it known to the harasser that they are not interested in said suggestions or references:

(i) to a minor or helpless person - while taking advantage of their position of authority, dependence, education or care, and if the minor is below the age of 15 years – even if they are not in such a position, provided that the harasser is not a minor.

(ii) to a patient in therapy, health, medical or paramedical care – while taking advantage of the patients dependence on the health professional treatment; in this sub-paragraph "therapy" shall have meaning as defined in section 347A of the Penal Code;

(iii) to an employee in the framework of their work, and to a service provider in the framework of the service provided – while taking advantage of their position in relation to the workplace or the service provided;

(iv) to a student in class years 12, 13 or 14, that are no longer minors - while taking advantage of their position of authority in relation to the student;

(v) to a student that learns in an academic institution for religious or professional education for adults (in this law – an academic institute for adults) - while taking advantage of their position of authority in relation to the student;

(vi) to a rehabilitee that is protected under the f the Rights of Persons with Disabilities that are Employed as Rehabilitees Act (Temporary Order) 2007, in the framework of their employment – while taking advantage of their authority in relation to the victims employment or dependence;

(vii) to a person – while taking advantage of their position of authority or dependence, in the framework of guidance or advice as a religious minister or pretence to be a religious minister or a person who is known to have, or presents himself as having, special spiritual qualities.

(B) Harassment is any harm stemming from sexual harassment or any complaint or legal claim filed in relation to sexual harassment.