

JURISDICTION : EQUAL OPPORTUNITY TRIBUNAL OF
WESTERN AUSTRALIA

LOCATION : PERTH

CITATION : ZANAZZI v ROLF VOULAN & ANEX PTY
LTD

CORAM : MR R. MAZZA – DEPUTY PRESIDENT
MS P. EAVES – DEPUTY MEMBER
MR C. SOMERVILLE – DEPUTY MEMBER

HEARD : 6 & 7 MAY, AND 27 & 28 AUGUST 2003

DELIVERED : 8 SEPTEMBER 2003

FILE NO : ET/2001-000042

BETWEEN : SARITA ZANAZZI
Complainant

AND

ROLF VOULAN & ANEX PTY LTD t/a EFCO
SOLAIR
Respondent

Catchwords:

Equal opportunity – sexual harassment in employment
Respondent made unwelcome suggestive remarks and touched complainant during course of
employment – damages assessed.

Legislation:

Equal Opportunity Act 1984 (WA) S.24(1), S.24(3), S.24(4) and S.127

Result:

Complaint substantiated– damages awarded

Representation:

Counsel:

Complainant: Mr A. MacDonald
Respondent: The Respondent appeared in person

Solicitors:

Complainant: Equal Opportunity Commission
Respondent: In Person

Case(s) referred to in determination:

Gliddon v Woodley (Unreported) EOTWA 30 of 1998 p 13.

Briginshaw v Briginshaw (1938) 60 CLR 336.

Holden v Anther Pty Ltd t/as Transportable Site Accommodation & Another (Unreported)
EOTWA 11 of 1997 p3.

Navidad v Myer Fashions (1987) EOC 92-189.

JUDGMENT OF THE TRIBUNAL

1. Sarita Zanazzi ("the Complainant") claims that she was subjected to unwelcome sexual advances and unwelcome conduct of a sexual nature during the course of her employment, contrary to Section 24 of the Equal Opportunity Act 1984 ("the EO Act"). The Complainant alleges that Rolf Voulan ("the First Respondent") subjected her to the unwelcome sexual advances and unwelcome conduct of a sexual nature while she was employed by Anex Pty Ltd trading as Refco Solair ("the Second Respondent").
2. Section 24(1) the EO Act makes it unlawful for a person to sexually harass an employee of that or any other person. Section 24(3) provides that a person shall, for the purposes of the Section, be taken to harass sexually another person if the alleged perpetrator does one or more of three things, namely:
 - (a) makes an unwelcome sexual advance; or
 - (b) makes an unwelcome request for sexual favours; or
 - (c) engages in other unwelcome conduct of a sexual nature.
3. In addition to establishing one or more of the abovementioned criteria, the Complainant must also establish that he or she:
 - (a) has reasonable grounds for believing that a rejection of the advance, a refusal of a request or the taking of objection to the conduct would disadvantage him or her in any way in connection with their employment or work; or
 - (b) as a result of the alleged victim's rejection of the advance, refusal of the request or a taking of objection to the conduct, he or she is disadvantaged in any way in connection with their employment or work.
4. Section 24(4) the EO Act makes it clear that conduct of a sexual nature in relation to a person includes statements of a sexual nature either written or oral.
5. In this case, the Complainant says that she was subjected to unwelcome sexual advances and unwelcome conduct of a sexual nature, the rejection of which led to her being disadvantaged in that, first, she had to work, albeit for a short time, in a workplace which was unpleasant, and second, she was ultimately compelled to resign her employment in circumstances where she would otherwise have preferred to work on.
6. The conduct which the Complainant alleged constituted sexual harassment occurred, as is common in this type of case, in circumstances where the only witnesses to the alleged conduct were the Complainant and the First Respondent. The determination of this complaint essentially boils down to a determination of credibility.
7. In deciding the case, the Tribunal was acutely aware that the onus was on the Complainant to establish her case on the balance of probabilities. Further, because the allegations alleged serious misconduct on the part of the First Respondent in particular, the Tribunal paid very careful regard to ensure that the evidence met the standard required by law: *Gliddon v Woodley (Unreported) EOTWA 30 of 1998 p 13* and *Briginshaw v Briginshaw (1938) 60 CLR 336*.

The Background

8. In late November 2000, the Complainant was 19 years of age. She was unemployed at that time and approached Centrecare, an employment agency looking for full-time general duties office work. One of Centrecare's employment consultants got in touch with the Second Respondent and arranged for the Complainant to be interviewed at the Second Respondent's premises in Burswood.
9. On or about 29 or 30 November 2000 the Complainant was interviewed by Andrew Dowdeswell. Mr Dowdeswell had the day to day management of the Second Respondent. As it turned out, Mr Dowdeswell was in the process of purchasing the business of the Second Respondent from the First Respondent, who was the then sole shareholder and director of the Second Respondent.
10. By all accounts, the interview went well and the Complainant was offered and she accepted a position with the Second Respondent. At the time of the interview, the Complainant was made aware that the First Respondent was the actual owner of the business. He was not based at the Burswood premises but came in from time to time to see how things were going and telephoned the premises on a fairly frequent basis.
11. Either at the interview or shortly thereafter, the Complainant was told by either the First Respondent or Mr Dowdeswell that she would be required to do work for the First Respondent at his home office in West Perth on one day per week. The evidence revealed that part of the sale arrangement between the First Respondent and Mr Dowdeswell was that Mr Dowdeswell would provide the First Respondent with secretarial support for a period of time after the sale had been effected. It was ultimately decided that the Complainant would work at the First Respondent's home office each Friday.
12. For various reasons, the Complainant did not commence working at the First Respondent's home office until well into December 2000. The evidence as to the precise date on which the Complainant started working at the First Respondent's home office is in dispute and will be dealt with later. In any event, it is accepted that the Complainant worked at the First Respondent's home office on at least 22 and 29 December 2000. It was on those dates that the Complainant alleged that she was sexually harassed by the First Respondent. The sexual harassment is said to have taken place at the First Respondent's home office and in his car.
13. The next working day after 29 December 2000 was 2 January 2001. On that day, the Complainant did not turn up for work. On 4 January 2001 the Complainant, her younger sister Candice Zanazzi (who had done some casual work for the Second Respondent in late-December 2000) and the Complainant's mother Jeanty Zanazzi attended at the office of Centrecare and spoke to Richard Couling. At that meeting the Complainant informed Mr Couling of her allegations. By letter dated 5 January 2001 the Complainant resigned her employment. She stated the reason for her resignation as "stress".
14. Mr Couling gave the Complainant advice as to what she should do about the allegations. On 7 January 2001 the Complainant lodged an application with the Equal Opportunity Commission. The First and Second Respondents were promptly made

aware of the complaint and the First Respondent and Mr Dowdeswell on behalf of the Second Respondent replied to the Complainant's allegations in writing as early as 2 April 2001. Thereafter the matter has proceeded to the point where it was necessary for the Tribunal to determine the Complainant's allegations at an enquiry.

The Specific Allegations of Harassment

15. The Complainant alleged that the first occasion she went to work at the First Respondent's home office was 22 December 2000. On that day she was directed by the First Respondent to an office where she performed various secretarial tasks. The First Respondent worked in a second and separate office from the Complainant but came in to show her how to perform certain tasks.
16. Her evidence was that the First Respondent seemed more relaxed than he had been when he had visited the Burswood office and that he made passing comments to the effect that she had "quite a good body" and enquired whether she had "ever thought about doing modelling".
17. On occasions when the Complainant and the First Respondent sat together at a computer, he sat "really close to me" to the point where their legs would touch. The 22nd December 2000 was the last working day before Christmas. The Complainant alleged that the First Respondent invited her to lunch. The Complainant accepted the invitation and the First Respondent took the Complainant to an Italian restaurant in Northbridge. During the course of that lunch the Complainant said that the First Respondent asked personal questions of her including whether she went to nightclubs and whether or not she took recreational drugs. The Complainant said that the First Respondent told her a story of how he and Mr Dowdeswell had gone into Northbridge and seen the adverse effects of drugs on a young girl they encountered at a nightclub. During the lunch he subtly touched her shoulder and in the car going to and from the restaurant he put his hand on her knee. The Complainant said she didn't like the conversation and that the touching was unwelcome.
18. After lunch the First Respondent drove the Complainant to Wilson, where he showed her some land on which units were being built. He told her that the land and development belonged to him.
19. After inspecting the property, the First Respondent drove the Complainant back to the home office in West Perth. At about 5pm the Complainant finished work. She then travelled by train into the city where she met her boyfriend Mr Hesham Doud. The Complainant told Mr Doud what had occurred during the day.
20. On 29 December 2000 the Complainant said that she arrived at the Burswood office at about 8.30am. She said shortly after arriving at work she received a telephone call from the First Respondent in which he said "Sarita darling, by the time you get here half the day will be gone. I'll come and pick you up, because I need to go there anyway." At about 9am the First Respondent picked the Complainant up and eventually they went to his home office in West Perth.

21. When the Complainant arrived at the First Respondent's home office she immediately noticed that her computer terminal and desk had been moved into the room which he had previously occupied. The First Respondent, according to the Complainant, told her that he was thinking of renting out the now spare room. The Complainant worked until about 1pm when the First Respondent announced to the Complainant that he had a few things to do in Perth and he wanted her to come with him to do those things and then have lunch.
22. On the way into the city, the Complainant said that the First Respondent told her that he knew someone in New York who was in the film industry and that The First Respondent had seen a film which the friend had made with an opening scene involving a naked female model swimming in the ocean with some dolphins.
23. At lunch, according to the Complainant, the First Respondent asked questions about her boyfriend including questions about his employment and what he was like.
24. After lunch the Complainant and the First Respondent drove back to the First Respondent's home office. On the way they passed a billboard which showed women modelling a particular brand of surf wear. The First Respondent remarked about the poster and the Complainant told him that the particular surf wear brand had recently conducted a modelling show in Perth. To this the First Respondent was alleged to have said "If you'd been in that show, you would've shown up all the models." He went on to say, according to the Complainant, "Well, look at your body, your height, you look gorgeous, you could be a model at any time." The Complainant replied "Well, no, I've got too many brain cells to be a model", to which the First Respondent asked "Well, have you got any fun shots? Photos of yourself, fun shots? Maybe even some bikini shots?" At that point the Complainant said that she was shocked. She told the First Respondent that she did not have any "fun shots" to which the First Respondent was alleged to have said "Well, if you like, I can take some shots of you in your bikinis and hand them onto a friend of mine who's a ---- who's a photographer." He is alleged to have added "You know, you never know, it might be you swimming naked with the dolphins." At this point the Complainant said that she was becoming scared. She alleged that the First Respondent said to her as they pulled up to the front of his house "I'm building a spa, so maybe next week you can bring your bikini and we can swim together."
25. The Complainant said that because of these comments she felt scared but as the First Respondent was her only means of transport she didn't want to upset him. She decided that she "just wanted to get the afternoon over with and go".
26. At some time between 4.30pm and 4.45pm the Complainant said that she received a mobile call from Mr Doud. Apparently Mr Doud was having a bad day at work and thus she took some time to comfort him. At this time the First Respondent was sitting near the Complainant and could hear what the Complainant was saying to Mr Doud. While she was speaking to Mr Doud, the Complainant alleged that the First Respondent came and sat next to her, took her left hand and started massaging her hand with his fingertips. The Complainant says that she pulled her hand out of his grasp and at that point the First Respondent rose to his feet, stood behind the Complainant, placed his hands on her shoulders and started massaging them. The Complainant lent forward to prevent further massaging, which the Complainant said was effective. The Complainant testified that she felt "really intimidated and vulnerable".

27. After the Complainant got off the phone, the First Respondent said to her "Come on, you shouldn't take that from him." He then suggested that the Complainant "go outside and punch my punching bag and pretend it's Hesham".
28. At about 5.20pm the Complainant said that she was told by the First Respondent "OK, well I'd better let you go now to your boyfriend, he's not happy with you." The First Respondent then took the Complainant to the Perth Railway Station, arriving there at about 5.30pm. Upon seeing Mr Doud, the Complainant said that she told him that the First Respondent had touched her.
29. The Complainant said that she felt upset and violated by the First Respondent's conduct on 29 December 2000. She also said that she felt anxious and nervous.
30. On 30 December 2000 the Complainant went to stay with her mother and during that stay she told her mother what had occurred.
31. On New Year's Eve 2000 the Complainant and Mr Doud went to a rave party at the Belmont Park Racecourse. On the following morning, New Year's Day 2001, they and others checked into a hotel with the intention of checking out the following day, 2 January 2001. On the morning of 2 January 2001 the Complainant decided that she could not go back to work due to the First Respondent's conduct on the Friday before. It appears that Mr Doud attempted to leave a message to this effect on Candice Zanazzi's telephone messaging system but for some reason he was unsuccessful. As a result, no one connected with the Second Respondent knew where the Complainant was and why she had not turned up to work.
32. The evidence reveals that the First Respondent, although he had little to do with the day to day running of the business of the Second Respondent, was called in by Mr Dowdeswell to try and find the Complainant. The First Respondent then attended at the Burswood office and made telephone calls to a number of people, including Mr Doud's employer and the Complainant's father, Giuseppe Zanazzi, in an effort to find the Complainant. Eventually, the Complainant's whereabouts were discovered. In the end, the Complainant did not return to work and she resigned because, she said, of the First Respondent's unwelcome sexual overtures.

The First Respondent's Answer to the Allegations of Harassment

33. The First Respondent was approximately 38 years of age at the relevant time. He said that he was a businessman of varying interests and that the Second Respondent was a business which he owned but wanted to sell. He entered into an arrangement with Mr Dowdeswell in which Mr Dowdeswell would take on the day to day management of the business with a view to purchasing it. As a result, decisions as to the hiring and firing of staff were for Mr Dowdeswell to make. The First Respondent said that he was frequently called upon by Mr Dowdeswell to advise him on the day to day running of the business, which he did.
34. In order to save money, Mr Dowdeswell wanted to hire junior office staff. The First Respondent said that his advice was that he should employ more mature office staff. According to the First Respondent, Mr Dowdeswell ignored this advice and thus it was that he hired the Complainant.

35. The First Respondent¹ said that he met the Complainant and spoke to her on the phone. He was told by Mr Dowdeswell that the Complainant was taking a lot of time off work and according to the First Respondent, the Complainant took 7 to 9 days off work from late-November 2000 to 2 January 2001. The clear impression which the First Respondent conveyed was that the Complainant was an unreliable worker.
36. Pursuant to the arrangement which had been made between the First Respondent and Mr Dowdeswell, the Complainant came to work for the First Respondent at his home office on 15, 22 and 29 December 2000. On 15 December 2000 the Complainant performed some secretarial work and the day was uneventful.
37. On 22 December 2000 the First Respondent agreed that he invited the Complainant to lunch but that he only did so because it was Christmas and that the workers at the Burswood office were making arrangements of their own to celebrate Christmas. He said that the lunch involved no sexual talk, nor was there any improper touching. He agreed that he told the Complainant about the encounter he and Mr Dowdeswell had with a young girl at a Northbridge nightclub but he said that this was in the context of counselling the Complainant against any involvement with drugs. After lunch he took the Complainant to the units he was building at Wilson so that she could better understand his business. After work he dropped her at the train station.
38. Between 22 and 29 December 2000, the First Respondent agreed that he changed the set up at his home office to enable him and the Complainant to work in the same room. The First Respondent said that he did this in order to make it easier for him to show the Complainant how he wanted her to perform her various tasks and so that he could have easy access to his files.
39. On 29 December 2000, the First Respondent agreed that he picked the Complainant up from the Burswood office and took her to his West Perth home office. There they worked together until lunch time. The First Respondent said that he took the Complainant into town to do some errands and to have lunch.
40. On the way back from lunch he agreed that he saw the swimwear billboard but denied making sexual remarks towards the Complainant. Specifically, he denied any suggestion that he requested "fun shots" of the Complainant and that he had suggested that she might wish to "swim naked with dolphins".
41. Back at the office, the First Respondent said that the Complainant received phone calls which were apparently from Mr Doud. These phone calls interrupted the Complainant's work and the First Respondent said that he tapped her on her arm in an effort to get her to hurry up and end the last of these calls. He denied massaging her shoulders or doing anything of a sexual nature. He agreed that he suggested to the Complainant that she might like to take out her frustrations on the punching bag that he apparently had on the premises. He agreed that he took the Complainant into town to the Perth Railway Station to meet Mr Doud after work.
42. According to the First Respondent, he had no romantic or sexual interest in the Complainant and based on what Mr Dowdeswell had told him as to her erratic attendance at work, he didn't much care whether Mr Dowdeswell sacked her.

43. Be that as it may, on 2 January 2001 the First Respondent said that he received a telephone call from Mr Dowdeswell during which he was informed that the Complainant had failed to turn up to work. The First Respondent said that he was asked by Mr Dowdeswell to come to the Burswood office and try and locate the Complainant. The First Respondent indicated that he was busy but he would come in to assist. He agreed that he came to the Burswood office and made telephone calls to try and locate the Complainant. He agreed that he spoke to a number of people including the Complainant's father.

44. The clear thrust of the First Respondent's testimony, and indeed that of Mr Dowdeswell, was that the Complainant did not turn up to work on 2 January 2001 because she was feeling the adverse effects of the New Year's Eve rave party. The clear effect of the First Respondent's evidence was that the Complainant and her boyfriend were recreational drug users and that as a result the Complainant was unreliable. The Complainant's failure to come to work on 2 January 2001 greatly concerned her family and the allegations of harassment were made unjustifiably and were possibly made to deflect the family's concern away from her unreliable and erratic attendance at work.

The Second Respondent's Answer to the Allegations of Harassment

45. In effect, the Second Respondent was the alter ego of the First Respondent. In the proceedings before the Tribunal the First Respondent represented himself and the Second Respondent. There was no attempt to differentiate the actions of the First Respondent from the Second Respondent. The First Respondent called Mr Dowdeswell to give evidence and he essentially attempted to corroborate, as far as he was able to, the matters raised by the First Respondent. Mr Dowdeswell was even more strident than the First Respondent on the question of the Complainant's unreliability at work. He alleged that the Complainant attended work much less frequently than even the First Respondent had alleged. He said that time sheets kept by the company established this but, according to him, those records had been inadvertently put in the rubbish by an unsuspecting apprentice. He produced to the Tribunal a memo addressed to the Complainant purporting to warn the Complainant about her unreliable behaviour. Mr Dowdeswell made it quite clear that by about mid-December 2000 he believed that the Complainant had a drug problem.

The Tribunal's Findings on the Issues of Credibility and the Facts

46. Without hesitation, the Tribunal found the Complainant to be an honest and accurate witness. After making due allowance for the fact that 2½ years has elapsed since these events occurred, the Tribunal found the Complainant to be a thoughtful, fair and convincing witness. She made a prompt complaint to her mother about the conduct that she experienced at the hands of the First Respondent and the evidence of her sister and Mr Doud confirms that immediately after the incident on 29 December 2000 she was emotionally upset in a manner consistent with somebody who had been the subject of unwelcome sexual advances.

47. Moreover, the Tribunal is satisfied that the Complainant set out to work for the First and Second Respondents with the intention of broadening her experience and serving the interests of her employer. The Tribunal finds that she was not an unreliable employee. The Tribunal finds that the memo referred to in paragraph 45 was not produced until some time after the alleged events and was never actually given to the Complainant. The Tribunal does not accept that the time sheets were inadvertently destroyed.
48. Without hesitation, the Tribunal accepts the Complainant's evidence that she is not a recreational drug user and that the only period during which she was absent from work was between 12 and 15 December 2000 as a result of an illness completely unrelated to the use of recreational drugs. Because the First Respondent and Mr Dowdeswell attempted to discredit the Complainant by alleging that she used drugs, it is important to record the Tribunal's firm rejection of these allegations.
49. With respect to the evidence of the First Respondent, the Tribunal finds that where it contradicts the evidence of the Complainant, the Complainant's evidence is to be preferred. The Tribunal did not find the First Respondent to be at all convincing. Nor did the Tribunal find Mr Dowdeswell to be a satisfactory witness.
50. The Tribunal is satisfied that the First Respondent developed an attraction towards the Complainant. He sought to impress the Complainant with his apparent wealth, sophistication and social connections. He sought information from the Complainant as to her relationship with Mr Dowd with the intention of undermining it. His conduct on 22 December 2000 at the lunch in Northbridge was designed to "test the waters" with the Complainant and their subsequent visit to the development in Wilson was done to impress her. Whilst the Tribunal finds that the First Respondent's conduct on 22 December 2000 was not sexual harassment within the meaning of Section 24 sub-section (3) the EO Act, it was conduct which was designed to, and in fact did, prepare the way for more overt conduct.
51. The Tribunal finds that the First Respondent decided to have both he and the Complainant working in the same room in an attempt to create a more conducive environment for the development of his advances towards the Complainant. The Tribunal finds that the First Respondent's statements to the Complainant arising from seeing the billboard and his touching of the Complainant while she was on the telephone to Mr Dowd were unwelcome sexual advances and unwelcome conduct of a sexual nature as defined in Section 24 sub-section (3) of the EO Act. Further, the Tribunal finds that the result of the First Respondent's conduct was to disadvantage the Complainant in her employment in that she was unjustifiably compelled to resign her employment when she would otherwise have remained in the employ of the Second Respondent. At the very least, her workplace had become so unpleasant that she was disadvantaged in comparison to other employees: Holden v Anther Pty Ltd t/as Transportable Site Accommodation & Another (Unreported) EOTWA 11 of 1997 p3 and Navidad v Myer Fashions (1987) EOC 92-189.

52. On 2 January 2001 the First Respondent's desperate efforts to contact the Complainant when she had not arrived at work were not because the Second Respondent was short staffed. The First Respondent realised that he had sexually harassed the Complainant on 29 December 2000 and that her failure to come to work was a likely reaction to this. The First Respondent wanted to speak with her to somehow explain his actions with a view to minimizing any adverse consequences to him.
53. It follows that the Tribunal finds that the Complainant has been subjected to unlawful behaviour contrary to Section 24(1) the EO Act.

Damages

54. Section 127(b) of the EO Act gives the Tribunal power to award damages up to a limit of \$40,000 by way of compensation for any loss or damage suffered by reason of the Respondent's conduct. It is plain that there must be a causal connection between the conduct and the loss.
55. Some evidence was led at the hearing indicating that the Complainant had suffered panic attacks since the harassment. Whilst the Tribunal accepts this testimony, without expert evidence it is unable to conclude that the attacks were caused by the harassment.
56. The Complainant gave evidence that as a result of the sexual harassment that she was subjected to, she has felt very considerable distress. That distress manifested itself in anxiety, social withdrawal, depression, sleeplessness, fatigue and a loss of self-esteem and confidence. The Complainant testified that she felt anxious at the prospect of having to work in environments where there were men.
57. Mr Doud and members of the Complainant's family confirmed that the Complainant's personality changed for the worse following the sexual harassment.
58. In addition, the Complainant suffered economic loss because she was compelled to resign. That loss was quantified in a schedule which was presented to the Tribunal in exhibit 5. The Complainant ceased her employment on 29 December 2000 and was unable to obtain another full-time position until 1 May 2001. The Tribunal is satisfied that she was not in a position to commence full-time employment with another employer before 1 May 2001 because of the adverse effects on her of the sexual harassment. Had she been employed by the Second Respondent during the period between 2 January 2001 and 1 May 2001 she would have received a gross income of \$5,930.28. Instead, she received CentreLink payments totalling \$2,060.80. Her loss of income is assessed at \$3,869.48 being the difference between what she would have earned had she been allowed to carry on with her work for the Second Respondent less the amount that she received from CentreLink.

59. In assessing damages for the Complainant's distressed feelings, the Tribunal takes into account that awards for injured feelings should not be minimal. On the other hand, the circumstances of the present case are not as extreme as the circumstances of some of the other decided cases in this and other jurisdictions. To make this observation is to in no way trivialise what occurred to the Complainant. The Tribunal accepts that the conduct of the First Respondent was offensive and distressing. The Complainant was much younger and less experienced than the First Respondent and was vulnerable to the sexual overtures made by the First Respondent towards her. The Respondents failed to provide the Complainant with a workplace which was free from sexual harassment. The First Respondent deliberately abused his position by conducting himself in an entirely inappropriate way towards the Complainant. To the Complainant's credit, she obtained alternative employment quite quickly after this distressing incident, in employment which is predominantly female and is most supportive of her. Further, the evidence indicates that she has recovered, more or less, from the emotional distress which resulted from the First Respondent's conduct.

60. Taking into account the Complainant's economic loss, the Tribunal assesses damages in the sum of \$7,500.00.

Orders

61. At the time that the Complainant was sexually harassed she was employed by the Second Respondent. The First Respondent was the sole director and shareholder of the Second Respondent. It was the First Respondent who sexually harassed the Complainant. The Tribunal can see no reason why the order for the payment of damages should not be against both the First and Second Respondents: Section 161 of the EO Act. The effect of the order which the Tribunal makes is that the First and Second Respondents are jointly and severally liable to pay the damages awarded to the Complainant. For all the reasons set out in this judgment, the Tribunal finds the complaint of sexual harassment substantiated and orders the First and Second Respondents to pay the Complainant the sum of \$7,500.00.