

## IBM Australia hit by \$1.1m sexual harassment and bullying claim

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Computer giant IBM says it takes sexual harassment and bullying claims "very seriously", as the IT giant battles legal action from an employee who says her complaints of systematic harassment, bullying and unlawful discrimination by a senior manager were ignored by the company.

The claimant, an unidentified senior sales consultant who worked in IBM's Melbourne office, is suing IBM for \$1.1 million in the Australian Human Rights Commission.

She alleges it took almost 18 months for IBM to respond to her complaints, and she spoke to four managers about the issue.

Her lawyer, Maurice Blackburn Special Counsel Siobhan Keating, says the claim takes into account "pain and suffering, the loss of future earnings as a high salaried professional, and medical expenses."

Maurice Blackburn says it will initiate Federal Court proceedings should the case fail to get resolved at the Human Rights Commission.

The claimant alleges that the senior manager:

- repeatedly rubbed himself against her;
- made comments such as "if you get your breasts out, you will get more sales";
- made sexual remarks in front of her during Christmas events;
- and repeatedly placed his hand on her leg and up her dress at an evening function.

Other allegations include suggestions that the manager repeatedly called the claimant late at night and repeatedly told the claimant, "I'm watching your every step."

This morning IBM said in a short statement it was taking the matter seriously.

"IBM takes any matters of this nature very seriously. As we've not yet seen the claim, we are unable to comment at this time."

The claimant's lawyer says IBM's "inaction is impossible to understand."

"The attitude of IBM in the face of these serious allegations, including repeatedly turning a 'blind eye', urging our client not to make a formal complaint, and not wanting to be told of details, exacerbated the damage to our client's career and health and pushed our client to the edge," Keating said in a statement.

"The effect on our client has been devastating. She has lost her career at IBM and it is unclear whether she will work again. She suffers from low self-esteem, loss of confidence, insomnia, anxiety and severe depression."

A statement by the client says people within the company were too scared to speak out.

"The worst part about it is his managers all knew and did nothing about it."

She advises others not to wait like she did before speaking out.

The case brings back memories of last year's infamous sexual harassment claim by publicist Kristy Fraser-Kirk against former David Jones chief Mark McInnes.

McInnes stood down after admitting to inappropriate behaviour (he has since been hired by Solomon Lew's Premier Investments), and Fraser-Kirk was awarded less than \$1 million, having sought a headline figure of \$37 million.

Industrial relations lawyer Peter Vitale says if Maurice Blackburn can establish what they say about the conduct of the manager and they can link that to the damage the claimant says she has suffered, it should have a "pretty good case."

"I think what'll be interesting here – without drawing any direct comparisons – that the nature of the claim seems to be somewhat in line with the approach in the David Jones case," Vitale told *SmartCompany*.

"You'd be hopeful that the applicant in this case gains more out of the process than she loses."

Vitale says companies should have in writing effective mechanisms for dealing with complaints, and ensure that if somebody is uncomfortable with making a complaint to their own manager, that there's an alternative source.

SMEs without specialist HR departments could consider bringing in external experts – such as consultants or an employer association – to deal with these issues, Vitale says.

"It's important for companies to take appropriate steps to prevent this kind of conduct occurring," he says.

Less formal work environments need to be on the alert, he says.

"Behaviour of this nature can go on unabated for some time before somebody decides that they've had enough."