

Reducing discrimination and sexual harassment through strict workplace pornography policy

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Employers must have in place a strict policy regarding pornography in the workplace if they are to avoid legal action from sexual harassment and discrimination charges, according to a study by Craig Cameron of the Griffith University. Writing in the *International Journal of Technology Policy and Law*, Cameron identified five primary methods of what he refers to as pornography participation that require specific policies to protect both employer and employee in almost any jurisdiction.

According to Cameron, technology has allowed pornography to infiltrate the workplace, which now means that [employment policies](#) and rules must be put in place to ensure employees can enjoy their legal right to a safe workplace free of [sexual harassment](#) and discrimination. He has investigated the problem of workplace pornography from the perspective of Australian employment law but points out that the same technological and [social issues](#) are present in almost every country. His findings could point employers in Australia and elsewhere to the creation of a robust policy on the use of pornography in the workplace.

Cameron's study revealed that there are five types of employee participation with pornography that are common in the workplace. The first is simply that an employee receives pornographic material through an e-mail, unsolicited or otherwise. The second involves said employee taking a positive action to view the content of the [email](#) and to either

download material directly as an attachment or else to follow an embedded link to an inappropriate website. The third action might involve the saving of such materials on to a computer hard disk, mobile device or [external storage](#) media. The fourth action might involve the display of pornographic materials in the workplace or the sharing of such materials with another employee, or employees. The fifth action would involve the sharing of these materials electronically or by other means with others outside the workplace, such as customers or clients.

"Despite its perceived social stigma and legal consequences for the employee, pornography remains a prevalent issue in the workplace," Cameron says. "The accessibility, portability, affordability and anonymity of new technologies will continue to facilitate the infiltration of electronic pornography into the workplace."

He points out that an employer that fails to enforce an appropriate policy banning pornography might be liable to prosecution under discrimination and sexual harassment as such a failure would essentially be a breach of the employer's duty of care to the health, safety and well-being of all of those in the workplace. While pornography can have a specific definition, employers could readily extend their policy to include non-pornographic but sexually related, sexually explicit, offensive or objectionable material.

More information: "Electronic porn in the workplace: a policy examination" in *Int. J. Technology Policy and Law*, 2012, 1, 120-134

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