

**Girl harassed
in her first
job wins
\$12,000
payout**

A tribunal has ordered the male owner-operator of a fast food franchise to pay \$12,000 in compensation to a 15-year-old female employee whose bottom he repeatedly squeezed and pinched.

The Tasmanian Anti-Discrimination Tribunal accepted the employee's evidence that the man, who jointly owned and operated the Kings Meadow and Mowbray Praties outlets in Hobart with his wife, repeatedly brushed past her and squeezed and pinched her bottom.

The owner-operator also made comments about her weight ("you're getting a bit chubby"), responded to her comment that it was hot in the kitchen by asking if she was going to take off her top, pulled the strings on her apron so that it came off, and hugged her (squeezing her bottom at the same time).

Three other female employees gave evidence to the tribunal that they received similar unwanted attention from the owner-operator.

However, a longstanding female casual kitchenhand called by the owner-operator said she had never felt uncomfortable in his company, but confirmed he made derogatory comments and that when he passed her in the kitchen he would brush her bottom but this didn't occur when she passed him.

Tribunal Member Catherine Rheinberger said the female employee had given "cogent and credible" evidence and that the owner-operator had "taken advantage of a naïve 15 year old girl who did not have the life skills to deal with his conduct".

It seems that he enjoyed using the opportunities as they arose to touch [the female employee].

She said the employee's lack of skills to deal with the owner-operator's inappropriate conduct meant he was able to sustain it until she was ready to disclose the incidents to her sister then her parents and resign.

Tribunal Member Rheinberger said the employee had "suffered significantly" as a result of the sexual harassment.

She demonstrated symptoms of post-traumatic stress disorder, which had moderated after treatment.

Evidence presented to the court indicated that the employee, who was in Year 9 when she started working at Praties, had for a year after she resigned "struggled with her mental health and as a result was unable to complete Grade 10 and now is pursuing a career in child care rather than teaching".

"It has only been through medication, regular sessions with her clinical psychologist, the support of her family and relying on her will to restore her health that [the employee] finds the 'fog' has lifted and there has been great improvement, Tribunal Member Rheinberger said.

After taking into account the 2004 Tasmanian Supreme Court ruling in which Justice Alan Blow found exemplary damages were not available to compensate an employee subjected to discrimination, she ordered the owner-operator to pay the former employee \$12,000 in compensation for distress, humiliation and indignity she suffered and injury to her health and feelings