



SOLVING NEIGHBOURHOOD PROBLEMS

Series: Solving Neighbourhood Problems

Part 11 of 12: Harassment, Violence and Discrimination

There was a time, not that long ago, when bullying was regarded as a schoolyard matter and generally not taken that seriously, except by the victim. Fortunately, those times have changed and bullying and its close cousins, harassment, violence and discrimination are major issues for the community and the corporate sector. They are also major issues for strata communities.

The nature of a strata community to its lot owners will depend largely on the wording of statutory provisions in various places and the obligation on an owners corporation to enforce its by-laws.

A special obligation rests with owners corporations in relation to harassment, violence and discrimination against people working on the common property. These duties arise under workplace health and safety legislation, various discrimination laws and the applicable criminal law.

Under the Victorian *Crimes Act* and similar legislation elsewhere, any action which causes another person physical harm or to fear they are going to be harmed, is considered an assault. Actual striking or hitting someone is called battery. If allegations of assault or battery are made to an owners corporation, the matter should be referred to the police immediately.

If a worker has been attacked or threatened they can apply for an Apprehended Violence Order (AVO) that prohibits the person named on the order from coming near them in any way. A person who breaks an AVO can be arrested immediately. A strata community may need to assist employees in obtaining an AVO if one of their members is causing the actual or threatened harm. This may be appropriate in addition to any enforcement action under the by-laws although an AVO will be far more immediate and effective than by-law enforcement.

Owners corporations also need to be aware of threats of harassment or unfair treatment because of a person's sex (including pregnancy), race, age, marital status, sexual orientation, trans-gender status or because of a disability. As between owners these matters may not concern the owners corporation, but if such conduct is playing out on common property, or involving employees or contractors of the owners corporation / body corporate, the situation is otherwise and may involve not only the police but also state and federal human rights authorities.

Next Week: Part 12—Police and Neighbourhood Matters