

## COVER STORY

# The space invasion

Physical contact is an essential part of life but at work it can become a problem, writes **Kim Kind**.

**I**t is said a hug is a handshake from the heart but if you are at work, sticking to the old-fashioned formal kind can keep you out of a whole lot of trouble.

Last year, a disability support organisation was found vicariously liable for sexual harassment after a former employee lodged a complaint about being hugged repeatedly by a colleague despite his protestations. Management of the non-profit business had argued it was a "huggy workplace", a defence found unacceptable by the Victorian Civil and Administrative Tribunal.

Touching people in the workplace, whether it's a hand on an arm, a pat on the back or a kiss hello, is always a risk, according to Cynthia Logan, the principal consultant at workplace education company LifeWorks. "Workplaces, by their very nature, are protected environments and have different sets of rules," Logan says.

At work, it doesn't matter what the intention is of the person doing the touching but how the person being touched perceives it.

"Any time someone is physically touched, that could be deemed to be physical intimacy and physical intimacy can fall under conduct of a sexual nature," Logan says.

Touching is essential to human social interaction and healthy cognitive development and is an

important component of non-verbal communication. Too much anxiety around it can make human interactions "stilted," says David Mutton, a senior lecturer in forensic psychology at the University of Western Sydney.

"Communication might be impaired because the non-verbal part is slightly filtered," he says, adding that despite this, there are boundaries to observe. Consider the 1992 uproar when then-prime minister Paul Keating placed a hand on the Queen's back.

Mutton believes there are safe

**You never know the effect you're having on others.** Lara Wilson

and unsafe contact zones. A touch on the forearm, shoulder or upper back is usually safe but the trunk of the body, chest and stomach are out of bounds. "A pat on the back is probably OK but the lower back is a bit more intimate," Mutton says – and a hug is a total invasion of the safety zones.

"When someone hugs you, you are entrapped in their arms," he says. "That can be a nice feeling but it's probably a really dangerous thing to do."

Today's workplaces are melting-



Hands off ... respecting personal boundaries is important. Picture: iStock

pots of cultures, genders and generations and, as such, boundaries vary. For example, unrelated Islamic men and women are forbidden to touch each other at all, and Generation-Y workers, who value workplace friendships very highly, are often more touchy-feely than their older colleagues.

The founder of Human Touch Consulting, business consultant Lara Wilson, says it is innate for warm, physically expressive personalities to connect with others through touching but for harmony in the workplace, everyone must be mindful of personal difference, especially the boss.

"It starts and stops with the leadership," Wilson says.

Tactile managers can get themselves in trouble because they

set the tone of the organisation. "People see their behaviour and model it because they think that is what is accepted but it doesn't necessarily mean that it is.

"You never know the effect that you're having on others."

The case cited at the top of this article is a prime example of a cuddly culture that made one employee extremely uncomfortable. Public comments that followed reporting of the verdict illustrated just how differently people view the issue.

They ranged from statements supporting the extinction of all physical contact at work to complete dismay – "If getting a hug is sexual harassment, what is the world coming to?" one reader wrote to a newspaper's letters pages.

## PROTECT YOUR OWN SPACE

If your personal force field has been broken, speak to your workplace "contact officer" or your manager. If your manager is the perpetrator, talk to another manager in the business or the human resources department. If the issue remains unresolved, contact: Fair Work Australia, [www.fwa.gov.au](http://www.fwa.gov.au); The Australian Human Rights Commission, [humanrights.gov.au](http://humanrights.gov.au).

An employment lawyer, John F. Morrissey, says that in workplaces involved in personal services, caring and support, it is not unusual for co-workers to comfort one another after a difficult day and a pat on the arm or back would not usually constitute sexual harassment. However, Morrissey says, "In other workplaces where there is not a culture of providing care for others, it may not be appropriate for any physical contact to be made."

Businesses should have enforceable policies and systems to protect employees and themselves. Group discussions can raise awareness about personal boundaries and the appointment of a workplace "contact officer" can often stop issues escalating.

The officer is a trained non-manager to whom staff can speak informally and confidentially about things that might seem quite petty but make them feel uncomfortable, like being poked by a colleague or patted on the head, for example.

This third party can validate concerns and act as a mediator, because while a hand on a shoulder can be one person's gesture of warmth, it's another's invasion of personal space.

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