



## **Submission to The Human Rights Commission's inquiry into Sexual Harassment in Australian Workplaces – February 2019**

This submission has been developed by Women's Health East on behalf of the The Together for Equality & Respect Partnership Leadership Group. We welcome the opportunity to provide a submission into the inquiry into sexual harassment in Australia Workplaces.

### **About Us**

**Together for Equality & Respect (TFER)** is a multisector partnership of more than 35 organisations working together across the Eastern Metropolitan Region of Melbourne to prevent violence against women. Covering seven municipalities, TFER Partners include all of the local councils, community health and acute health organisations, family violence, sexual assault and legal services, Aboriginal organisations, services working with migrants and refugees, police, schools, neighbourhood house networks, essential service providers and a growing range of others interested in building a safe and equal society. The TFER Leadership Group guides and supports the Partnership to enact the shared TFER vision of *"a society where women live free from men's violence where every girl and boy grows up to be equally valued, heard and respected, and with equal access to opportunities"*. It also oversees and monitors implementation of the TFER Action Plan 2017-2021, including identification of gaps and opportunities to add value to the plan.

**Women's Health East (WHE)** is the regional women's health promotion agency for the Eastern Metropolitan Region of Melbourne. Our vision is *'Equality, empowerment, health and wellbeing for all women'*. Our health promotion priorities are to advance gender equality, prevent violence against women and improve women's sexual and reproductive health. Women's Health East is the lead or 'backbone' organisation for the TFER Partnership, providing leadership, coordination and expertise to the Partnership. Women's Health East also provides a range of capacity building activities to support the TFER organisations and workforce.

### **Sexual harassment is a form of gendered violence**

Sexual harassment is a manifestation of violence against women (VAW), which is one of the most serious and pervasive issues affecting women, families, communities and society. In Australia, over half of all women have experienced at least one incident of physical or sexual violence in their lifetime. Violence by an intimate partner is the leading contributor to death, disability and ill-health for women aged 18–44<sup>i</sup>.

Violence against women is preventable. Global evidence shows that gender inequality is a key driver of VAW<sup>ii</sup>. To end this violence, TFER aims to achieve a long term, whole of population approach, with mutually reinforcing action across all levels of society, to advance gender equality.

### **Highlighted findings of the fourth national survey on sexual harassment in Australian workplaces<sup>iii</sup>**

- Women are significantly more likely than men to have experienced sexual harassment over their lifetime (39% compared to 26%)
- It is clear that those who identify as LGBTIQ (52%), or who have a disability (44%), or are Aboriginal or Torres Strait Islander (53%) experience higher rates of sexual harassment in the workplace.
- The rates for Aboriginal women were slightly higher than those of men (55% compared to 50%)
- The rates for women with a disability were higher than those of men (52% compared to 35%)
- Women who were lower income earners were more likely to experience sexual harassment than men (60% compared to 48%), and this is significantly higher than those who earned higher incomes (39% for low income compared to 30% for higher income)
- The gender gap in harassment experienced across dominant occupations ranges from 2-8%, with the most significant gender gap for clerical and office workers (11% male, 19% female)
- Both male and female victims experienced significantly higher rates of harassment from male perpetrators.

### **Drivers of sexual harassment in the workplace**

Sexual harassment is a manifestation of violence against women, and as such is driven by gender inequality and the gendered drivers articulated within the Change the Story Framework<sup>ii</sup>, these include:

- Condoning of violence against women
- Men's control of decision making and limits to women's independence
- Stereotyped constructions of masculinity and femininity
- Disrespect towards women and male peer relations that emphasise aggression

Workplaces are highlighted as a key setting for the prevention of violence against women<sup>iv</sup>, including actions to prevent sexual harassment in the workplace.

Putting a stop to sexual harassment in the workplace requires prevention efforts beyond the workplace setting, across all levels of society, in order to address the underlying driver, gender inequality. All action taken to prevent violence against women outside of the workplace contributes to societal change for the advancement of gender equality, which will include the prevention of manifestations of violence such as sexual harassment.

In order to equitably prevent sexual harassment for all Australians, it should be recognised that intersecting forms of discrimination compound individual's experiences of sexual harassment in the workplace, and lead to higher rates of harassment for some individuals.

To achieve equality and respect for all women, gender inequality cannot be seen as separate from other forms of discrimination and disadvantage

that women face. Everyone's identities, social positions and experiences are shaped not just by gender, but by a range of other social categories of difference, including Aboriginality, culture, race, ethnicity, faith, socio-economic status, ability, sexuality, gender identity, education, age, and migration status.

The afore highlighted statistics from the forth national survey on sexual harassment in Australian workplaces<sup>iii</sup> presents a clear picture of the compounding effects of multiple forms of discrimination. The higher rates of harassment experienced by women, particularly women with disability, those who identify as LGBTIQ, and Aboriginal and Torres Strait Islander women should not be treated as independent issues.

The forth national survey<sup>iii</sup> was not offered in languages other than English, and as such there is a gap in data which represents women from culturally diverse backgrounds of whom English is not the first language. This needs to be addressed in future surveys, and the upcoming inquiry processes, so that no one is excluded.

Recognition needs to be made that women across these population groups consistently experience higher rates of harassment, and the issue needs to be treated intersectionally so that these women are not left behind.

### **A whole of organisation change approach**

Structures, systems, and organisational cultures which perpetuate gender inequality, and gendered harassment of women create an environment which enables perpetration of sexual harassment.

Research shows that the perpetration of less intense behaviours can be just as harmful as overt acts of sexual harassment. A meta-analysis of harmful workplace experiences and women's occupational well-being<sup>v</sup> highlights that:

*"More intense yet less frequent harmful experiences (e.g., sexual coercion and unwanted sexual attention) and less intense but more frequent harmful experiences (e.g., sexist organisational climate and gender harassment) had similar negative effects on women's health and wellbeing."*

Organisational change is about the process of changing an organisation's strategies, processes, procedures and culture, as well as the effect of such changes on the organisation. Sustainable organisational change requires transparent commitment from leadership and meaningful engagement and empowerment of staff throughout the change.

Examples of whole of organisational change components:

- Introducing gender equity policies
- Introducing gender quotas across leadership positions and boards
- Staff training to be an active bystander against sexual harassment and gender inequality

To truly stop sexual harassment from occurring in Australian workplaces, an organisational change process should be encouraged to tackle discrimination based on sex, in addition to

other intersections such as race and ability. This change will ensure workplaces build cultures which challenge and eventually eliminate perpetration of acts such as gendered discrimination and sexual harassment for everyone.

Thus a whole of organisation approach to gender equity should be taken for the prevention of sexual harassment in Australian workplaces. This expectation for change should be legislated in national gender equity legislation similar to the Victorian legislation currently being developed. Clear accountability needs to be in place to enact the legislation.

### **Complaints and reporting mechanisms that support women**

The impacts of sexual harassment on all victims include physical and mental health, isolation and exclusion within the workplace, financial consequences and reduced opportunities for professional advancement<sup>vi</sup>. Women have lower social and economic power, and are more likely to be in vulnerable positions in the labour market<sup>vii</sup>. Given women's status in society these impacts can have compounding effects on women's economic security, health and wellbeing, and affect both their agency to report sexual harassment, as well as the backlash they may receive having done so.

The fourth national survey into sexual harassment in Australian workplaces<sup>iii</sup> showed that while female victims were significantly more likely to make a complaint to a manager or supervisor at work than men, men were more likely than women to make a complaint to Employer, CEO or boss, HR Manager, Equity/sexual harassment contact officer, Union representative, Lawyer or legal service, and Fair work ombudsmen. This data indicates gendered differences in reporting and help seeking behaviours within the workplace which may be influenced by power relations within and beyond the organisation.

A victim centric model of reporting, which seeks to minimise traumatisation during and after reporting needs to be developed. This model of reporting should be informed by the voices of victim survivors to ensure that it is a model which adequately supports, protects and empowers victims.

Within this model, support and reporting mechanisms for victims of sexual harassment need to take in account gendered differences in individual's status and agency within the organisational structure.

### **Recommendations for the inquiry into sexual harassment in Australian workplaces**

1. The inquiry should frame sexual harassment as a form of gender-based violence/violence against women, and thus seek to address gendered harassment/discrimination in its prevention.
2. The inquiry should take an intersectional approach to the prevention of sexual harassment, and recognise the effects of compounding experiences of discrimination.
3. The inquiry should advocate for organisational gender equity legislation, and advocate for whole of organisation change for gender equity in order to prevent sexual harassment.

4. The enquiry should develop a victim centric model of reporting, which seeks to minimise traumatisation during and after reporting. This model of reporting should be informed by the voices of victim survivors to ensure that it is a model which adequately supports, protects and empowers victims.

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Contact details:

Jayde McBurnie, Together for Equality & Respect Manager

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<sup>i</sup> ABS, 2017 Personal Safety Survey 2016 <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>

<sup>ii</sup> Our Watch, ANROWS and VicHealth, 2015 Change the Story

<sup>iii</sup> Human Rights Commission, 2018, Everyone's business: Forth National Survey On Sexual Harassment in Australian Workplaces

<sup>iv</sup> Our Watch, 2017, Change the story: Putting The Prevention of Violence Into Practice

<sup>v</sup> Sojo, et al, 2016 Harmful Workplace Experiences and Women's Occupational Well-being: A Meta-Analysis

<sup>vi</sup> Women's Health Victoria. 2017 Spotlight On Sexual Harassment In The Workplace

<sup>vii</sup> Victorian Trades Hall Council, Stop Gendered Violence At Work Women's Rights At Work Report