

Ms Kate Jenkins
Sex Discrimination Commissioner
Australian Human Rights Commission
Level 3, 175 Pitt Street
SYDNEY NSW 2000

27 February 2019

Dear Commissioner Jenkins,

Re: Submission to The Australian Human Rights Commission National Inquiry into Sexual Harassment in Australian Workplaces

Collective Shout: for a world free of sexploitation (www.collectiveshout.org) appreciates the opportunity to contribute a submission to the very important National Inquiry into Sexual Harassment in Australian Workplaces.

We commend the Australian Human Rights Commission for investigating this unfortunately widespread problem. We do not use this submission to comment on individual sexual harassment cases we have experienced or witnessed. Rather, writing as a movement against exploitative practices in all their many manifestations, we wish to draw your attention to broader issues in Australian society which influence, drive and reinforce sexual harassment. In our extensive experience of grassroots campaigning, we believe that the interrelated issues of pornography, objectification of women and sexualised imagery in advertising are all pertinent to the issue of workplace sexual harassment. These are areas that need serious regulatory overhaul and a human rights-based approach to prevent the harms they cause.

If we can be of assistance to Commission members in any way, please don't hesitate to contact us. We wish you well in your consideration of the issue.

Yours sincerely,



Kylie Virtue - Chair



Melinda Tankard Reist - Founder & Movement Director

Introduction

Collective Shout: for a world free of exploitation welcomes the opportunity to make a submission to the Australian Human Rights Commission's National Inquiry into Sexual Harassment in Australian Workplaces.

Collective Shout is a grassroots campaign movement targeting corporations, advertisers, marketers and media which objectify and sexualise women and girls to sell products and services.

We also provide education services to students and parents on the effects of a hyper-sexualised popular culture, along with briefings and advice to social policy and law makers. We are especially concerned by the increasing pornification of culture and the way its messages have become entrenched in mainstream society, presenting distorted and dishonest ideas about women and girls, sexuality and relationships. Collective Shout draws attention to the inter-connectedness of sexual harassment, sexual assault and the endemic culture of sexual objectification of girls and women.

Through a pornified culture, women and girls are fed a message that their only value lies in their sex appeal and ability to attract the male gaze. The proliferation of sexualised images of women and girls is linked to mental health problems such as low self-esteem, poor body image, eating disorders, depression and self-harm.¹ Pornified culture also harms men and boys, by inscribing limited ideas of how men should behave and encouraging them to view women as unequal, and as sexualised objects existing merely or primarily for men's sexual gratification rather than as persons in their own right. We contend that there are strong connections between pornified culture and practice, and the issue of sexual harassment, including sexual harassment in the workplace.²

¹ See, e.g. Australian Psychological Society, "Sexualisation of Girls," (2016), www.psychology.org.au/community/public-interest/sexualisation; American Psychological Association, "Sexualisation of Girls is Linked to Common Mental Health Problems in Girls and Women," (2007), www.apa.org/news/press/releases/2007/02/sexualization.aspx.

² For a discussion and further references on the links between pornography and violence against women see Melinda Tankard Reist, "Never Again? Addressing Sexual Violence Must Include Pornography," ABC Religion

It is from this perspective that we address selected terms of reference of the Inquiry. We firstly draw attention to the use of online pornography in the workplace, and other online material that is highly sexual, in relation to term of reference (2), *'online workplace-related sexual and sex-based harassment and the use of technology and social media to perpetrate workplace-related sexual and sex-based harassment'*.

We then discuss:

- the impact of pornography more broadly,
- workplaces and companies where women's sexual appeal is core business, and
- sexualised and objectifying advertising material

in relation to term of reference (4)(b), *'the drivers of workplace sexual harassment, including whether some workplace characteristics and practices are more likely to increase the risk of sexual harassment'*.

We then make a number of *recommendations* which we commend to the Australian Human Rights Commission for its consideration.

and Ethics (2018), <https://www.abc.net.au/religion/never-again-addressing-sexual-violence-must-include-pornography/10094568>.

(2) Online workplace-related sexual and sex-based harassment and the use of technology and social media to perpetrate workplace-related sexual and sex-based harassment

Collective Shout believes that internet pornography is a key element of technology-assisted sexual and sex-based harassment in the workplace. We believe that even if other employees are not directly impacted by a person's pornography viewing, pornography has no place in the workplace.

Recent media reports about high-ranking professionals viewing pornography using workplace apparatus have highlighted this issue. For example, *The Guardian* reported that between June and October of 2017, there were more than 24,000 attempts to access pornographic websites in the UK Houses of Parliament.³ There have also been cases of specific MPs and judges viewing pornography in the workplace.⁴ While the fact these stories were reported at all stems from acknowledgement that the behaviour is inappropriate for men with such high levels of responsibility, there were some who argued that it was no big deal. In the case of the UK judges (who were sacked), for example, one prominent *Guardian* columnist wrote:

Yes, there's clearly a sound argument that judges should be doing their jobs, not getting off on porn. Fair enough, but there's all sorts of procrastination that goes on in the workplace. Who knows, maybe an otherwise tense judge seeking a quick bit of relief will concentrate better.⁵

This flippant response, justifying the judges' behaviour, demonstrates that workplace viewing of pornography is seen by many as benign. It does not take into account the specifically sexual

³ Press Association, "Parliament Reports 24,000 Attempts to Access Pornographic Websites since Election," *The Guardian* (2018), <https://www.theguardian.com/politics/2018/jan/08/parliament-reports-24000-attempts-to-access-pornographic-websites-since-election>.

⁴ Heather Stewart, "Damian Green Sacked as First Secretary of State After Porn Allegations," *The Guardian* (2017), <https://www.theguardian.com/politics/2017/dec/20/damian-green-resigns-as-first-secretary-of-state-after-porn-allegations>; Owen Jones, "Simon Danczuk MP Has Watched Porn – Why Should We Care?" *The Guardian* (2015), <https://www.theguardian.com/commentisfree/2015/mar/30/simon-danczuk-mp-watched-porn-who-cares>; Clive Coleman, "Judges Sacked for Watching Porn," *BBC News UK* (2015), <https://www.bbc.com/news/uk-31920906>.

⁵ Jones, "Simon Danczuk MP Has Watched Porn – Why Should We Care?"

nature of pornography, and, more importantly, the harmful messages about aggression and gender inequality that are common and overt in pornography.

The use of pornography in the workplace is often considered to be a form of sexual and sex-based harassment when it directly impacts others in the workplace. For example, in a case in 2010 concerning the Melbourne Airport air traffic control towers, male workers' viewing and sharing of pornography formed part of the complainants' lawsuit. As well as alleging "[n]ame-calling, threats and overt sexism", bullying, and discrimination against pregnant women, the complainants alleged that:

...male air traffic managers have for the past five years emailed or viewed pornography at work. ... Both women saw Mr Holmes watch pornography at work and share the sexually explicit videos with other employees, the lawsuit alleges. In one video, which he had titled 'My new job', a man was shown rubbing himself against several half-naked women.⁶

It is clear in this case that the manager's alleged use of pornography was carried out in front of the women in order to make them feel humiliated. Alongside the alleged threats, name-calling and other bullying, it was done to demean them.

In the influential feminist text *The Beauty Myth*, Naomi Wolf discusses the legal situation surrounding printed pornography in the workplace in the late twentieth century. At the time, the British National Council for Civil Liberties declared that 'pinups' in the workplace constitute sexual harassment, as they "directly undermine an individual woman's view of herself and her ability to do her job".⁷ Wolf cites a 1986 court case, where the complainant said the men who harassed her in her workplace "commented on my physical appearance in comparison with that of the nude female depicted".⁸ This has similarities to the 2010 case in

⁶ Steve Lillebuen, "Sexism Rife in Air Traffic Towers," *The Age* (2010), <https://www.theage.com.au/national/sexism-rife-in-air-traffic-towers-20100728-10vv6.html>.

⁷ Naomi Wolf, *The Beauty Myth* (London: Vintage, 1991), 52.

⁸ *Ibid.*

the air traffic control towers – by labelling the video “my new job”, the manager was likening his female employees to the half-naked women in the video.

Academic Dr Meagan Tyler draws on the legal history of pornography in the workplace in a 2018 article. She writes that while the “public display of pornographic material has been recognised as making working environments hostile to women”, this printed pornography “seems very mild in comparison to mainstream porn today”.⁹ Indeed, in one of the most-cited studies on contemporary online pornography, an analysis of 304 scenes in popular videos found that 88.2% of scenes contained physical aggression and 48.7% of scenes contained verbal aggression, “primarily name-calling”.¹⁰ Perpetrators were usually male and targets of aggression were “overwhelmingly female”; furthermore, targets “most often showed pleasure or responded neutrally to the aggression”.¹¹

This kind of content is far more extreme than still images of naked women, which we now accept are inappropriate for the workplace. However, it is important to note that still-shot pornography has not completely been removed from some workplaces. The negative impact of visual pornography in the workplace is illustrated in the case of ‘lads’ mag’ *Zoo Weekly*. In 2015, a 20-year-old Coles employee made an official complaint to her union and manager that selling the magazine made her feel complicit in promoting rape culture and created an unsafe workplace.¹² Coles withdrew *Zoo* from sale and the magazine folded shortly after. However, Coles would not confirm that they withdrew *Zoo* from sale because of the complaint and the concurrent Collective Shout petition; and Woolworths continued to sell the magazine.¹³ Furthermore, there are still a significant number of porn-themed magazines sold in newsagents, where many teenagers work.

⁹ Meagan Tyler, "Leaving Blokesworld: Why You Can't Have Your Porn and #Metoo," ABC Religion and Ethics (2018), <https://www.abc.net.au/religion/leaving-blokesworld-why-you-cant-have-your-porn-and-metoo/10094930>.

¹⁰ Ana J. Bridges et al., "Aggression and Sexual Behavior in Best-Selling Pornography Videos: A Content Analysis Update," *Violence Against Women* 16, no. 10 (2010), 1065.

¹¹ Ibid.

¹² Deborah Snow, "Coles Withdraws Lads' Mag Zoo Weekly from Sale after Staff Complaint and Online Campaign," Sydney Morning Herald (2015), <https://www.smh.com.au/business/companies/coles-withdraws-lads-mag-zoo-weekly-from-sale-after-staff-complaint-and-online-campaign-20150819-gj2nek.html>.

¹³ Ibid.

In 1990, Wolf argued that the use of printed pornography in the workplace “is *intended* to reinstate the inequalities that women’s entry into the workplace took away”.¹⁴ This applies to not just still-shot pornography, such as *Zoo*, but also cases where video pornography is viewed in the workplace. In a contemporary study of power and gender in workplace sexual harassment, McLaughlin, Uggen and Blackstone state that “sexual harassment objectifies workers and reduces women to sexual objects”.¹⁵ The use of pornography is one type of sexual harassment that achieves this. It is used to convey to women that, although they have achieved progress in the workplace, they can still be reduced to sexual objects. Even when the viewing of pornography is not directly seen by colleagues, and when it is viewed by a worker in isolation (as in the cases in the UK), the workplace is still an inappropriate location for pornography viewing. As Dr Tyler asks, “...what does it mean for women to work in spaces where their male colleagues are also watching eroticised sexual inequality and violence?”¹⁶ Research into the correlates and effects of pornography are not good news for those women working alongside pornography-consuming men. Meta-analysis has revealed that pornography consumption is associated with sexual aggression.¹⁷ Other research finds the pornography is a powerful educator and motivator, creating a sexual script that guides sexual experiences to imitate pornographic practices.¹⁸ Pornography viewers are less likely to intervene as bystanders, but more likely to believe rape myths and, frighteningly, to have an intention towards rape if they could get away with it.¹⁹

Collective Shout would also like to make clear that ‘pornography’ includes content beyond what is accessible through specific pornography websites. A large amount of material fits the modern definition of pornography – i.e. sexual, given its context, and created with the primary

¹⁴ Wolf, *The Beauty Myth*, 52.

¹⁵ Heather McLaughlin, Christopher Uggen, and Amy Blackstone, "Sexual Harassment, Workplace Authority, and the Paradox of Power," *American Sociological Review* 77, no. 4 (2012), 640-641.

¹⁶ Tyler, "Leaving Blokesworld".

¹⁷ Paul J. Wright, Robert S. Tokunaga, and Ashley Kraus, "A Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies," *Journal of Communication* 66, no. 1 (February 2016): 183–205.

¹⁸ Chyng Sun, Ana Bridges, Jennifer Johnson, and Matt Ezzell, "Pornography and the Male Sexual Script: An Analysis of Consumption and Sexual Relations," *Archives of Sexual Behavior* 45, no. 4 (May, 2016): 983–94.

¹⁹ John D. Foubert, Matthew W. Brosi, and R. Sean Bannon, "Effects of Fraternity Men’s Pornography Use on Bystander Intervention, Rape Myth Acceptance and Behavioral Intent to Commit Sexual Assault," *Sexual Addiction & Compulsivity: The Journal of Treatment & Prevention* 18, no. 4 (2011): 212–231

intention to cause sexual arousal²⁰ – that appears on regular websites and social media. For example, in our pornified society, it is common for female celebrities to post highly sexual ‘selfies’ on their social media channels, such as Instagram. It is also common for companies to create advertisements that are highly sexual (for more on advertising, see page 16 of this submission), and these can appear in people’s social media feeds without warning. Therefore, while workers looking at pornographic videos in the workplace deliberately is a problem, the issue is larger than that, and could include consideration of in-flight films and public library computer usage. While we suggest internet filters in our recommendations below, we acknowledge this does not solve the issue of pornographic content on social media, and the issue of workers viewing such content deliberately or accidentally in the workplace.

Recommendations:

1. *The Commissioner should encourage all workplaces to implement internet filters that prevent employees from accessing pornographic websites while in the workplace or using work-related internet access from any location.*
2. *The Commissioner should require all workplaces to enforce harsher penalties for workers who view pornography during worktime.*

The Commissioner should collaborate with the AANA and Advertising Standards Board to decrease advertisers’ power to create and publish inappropriate content, much of which affects workers in the retail and hospitality sectors. This would require changes to the advertising Code of Ethics, such as expanding definitions around harmful advertising to include sexist content. Collective Shout has documented multiple failures in the self-regulatory advertising system in Australia, particularly with respect to the lack of enforcement.²¹ As a result we would recommend an overhaul of the system to be a co-

²⁰ Karalyn McDonald, Maggie Kirkman, and Sarah Ashton, "What Does ‘Pornography’ Mean in the Digital Age? Revisiting a Definition for Social Science Researchers," *Porn Studies* [forthcoming] (2019): 1-25.

²¹ Collective Shout, "Submission to the House Standing Committee on Social Policy and Legal Affairs Inquiry into the Regulation of Billboard and Outdoor Advertising" (2011), https://www.collectiveshout.org/submission_to_federal_inquiry_into_the_regulation_of_billboard_and_outdoor_advertising; Collective Shout, "Submission to the Health and Community Services Committee Inquiry into Sexually Explicit Outdoor Advertising" [Qld] (2013), https://www.collectiveshout.org/submission_to_the_qld_inquiry_into_sexually_explicit_outdoor_advertising; Caitlin Roper, "25 Reasons Why Ad Industry Self-Regulation is a Disaster", Collective Shout (2016), https://www.collectiveshout.org/reasons_why_ad_industry_self_regulation_is_a_disaster.

regulatory model incorporating expert input from women’s rights experts and child welfare experts.

(4) The drivers of workplace sexual harassment, including whether:

(b) some workplace characteristics and practices are more likely to increase the risk of sexual harassment:

- i) The harmful messages conveyed by pornography are a driver of workplace sexual harassment.

Collective Shout believes that the normalisation of “eroticised sexual inequality”²² in modern pornography is a factor that increases the risk of sexual harassment, including sexual harassment in the workplace. The harmful gender stereotypes present in pornography contribute to a culture where women are disrespected and objectified. Even when they are not watching pornography in the actual workplace, many men who watch pornography – especially young men – carry the attitudes they learn from it into their interactions with women. In other words, we are concerned that pornography use outside the workplace contributes to attitudes held by sexually harassing workers which play out inside the workplace. We have discussed pornography being used as a direct tool of sexual harassment in the workplace; now we argue that the messages conveyed in pornography, no matter where it is watched, contribute to sexual harassment, including sexual harassment in the workplace.

Summarising the international literature on workplace sexual harassment, McDonald and Charlesworth write that sexual harassment “is found to be more prevalent in organizations characterized by larger power differentials between organizational levels, and is more frequently experienced by women in male-dominated occupations”, compared to women in balanced-gender or female-majority workplaces.²³ However, they note that the ratio of male/female employees is not the whole problem; sexual harassment is more common in settings “where cultural norms are associated with sexual bravado and posturing and where

²² Tyler, "Leaving Blokesworld".

²³ Paula McDonald and Sara Charlesworth, "Framing Sexual Harassment through Media Representations," *Women's Studies International Forum* 37 (2012), 96.

the denigration of feminine behaviours is sanctioned".²⁴ In other words, workplaces where workers believe strongly in stereotypes of male dominance and female subordination are more likely to foster sexual harassment.

Similarly, McLaughlin, Uggen and Blackstone's study of gender and power in relation to sexual harassment contends that harassment is frequently perpetuated by workers who hold sexist beliefs. The authors argue that "sexual harassment functions, in part, as a tool to enforce gender-appropriate behaviour".²⁵ This is backed up by their finding that "female supervisors are more, rather than less, likely to be harassed", contrary to common beliefs that seniority protects women from such treatment.²⁶

It is clear that pornography, through high levels of violence and abuse against women being presented as a normal part of sex,²⁷ reinforces ideals of male dominance and female subordination. These are the very ideals that research tells us contribute to sexual harassment. Pornography normalises the ideas, and sexual harassment tries to enforce them.

A recent investigative report on pornography use in Australia stated just how severe the problem is, discussing the usage figures for popular website Pornhub in 2018:

Australia ranked ninth for visitors [to Pornhub] — beaten only by larger countries like the US, UK and India — and also had one of the longer average viewing times. Porn education organisation Reality and Risk estimates more than 90 per cent of boys and 60 per cent of girls have seen online porn.²⁸

²⁴ Ibid.

²⁵ McLaughlin, Uggen, and Blackstone, "Sexual Harassment, Workplace Authority, and the Paradox of Power," 641.

²⁶ Ibid.

²⁷ Bridges et al., "Aggression and Sexual Behavior in Best-Selling Pornography Videos".

²⁸ Patrick Wood, "Australia's Porn Problem," ABC News (2019), <https://www.abc.net.au/news/2019-01-16/australias-porn-problem/10668940>.

Collective Shout previously summarised the literature on young people’s viewing of pornography and its negative impacts, in our 2016 submission to the Senate Inquiry into Domestic Violence and Gender Inequality:²⁹

Australian research has found that substantial proportions of boys are regular consumers of X-rated video and internet pornography, and Flood and Fergus suggest that it is a significant influence on boys’ adherence to violence-supportive attitudes.³⁰ Further, a 2012 review of the impact of internet porn on adolescents found that adolescent consumption of internet porn was linked to attitudinal changes such as the acceptance of male dominance and female submission as the primary sexual paradigm, with women viewed as “sexual playthings eager to fulfil male sexual desires”.³¹ Finally, a 2015 meta-analysis of 22 studies from 7 countries found that pornography consumption was positively and significantly correlated with sexual aggression.³²

What is being missed when this research is presented is that the *children* at the centre of these studies are now *adults*. The generation that grew up inundated with internet pornography are now in their early-to-mid 20s, and in Australia’s workforce. The issue of “pornography’s impact on young people” is integral to issues involving sexual harassment and assault in Australian workplaces, because those young people are now workers.

The attitudes of these workers in their younger years is highlighted in an example from 2015, when Melbourne University’s elite Ormond College blocked access “to adult sites on its Wi-Fi network, stating pornography does not allow people at a ‘formative stage of life’ to develop

²⁹ Collective Shout, “Submission to the Senate Inquiry into Domestic Violence and Gender Inequality,” (2011), https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/1082/attachments/original/1464605955/CS_submission_gender_and_violence_2016.pdf?1464605955, 5-6.

³⁰ Michael Flood and Lara Fergus, “An Assault on our Future: The Impact of Violence on Young People and their Relationships,” (2010), www.whiteribbon.org.au/uploads/media/Research_series/An_assault_on_our_future_FULL_Flood__Fergus_2010.pdf, 27.

³¹ Eric W. Owens et al., “The Impact of Internet Pornography on Adolescents: A Review of the Research,” *Sexual Addiction & Compulsivity* 19, no. 1-2 (2012).

³² Paul J. Wright, Robert S. Tokunaga, and Ashley Kraus, “A Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies,” *Journal of Communication* 66, no. 1 (2016).

a ‘healthy sexuality’”.³³ Many future leaders of Australian society and business pass through this college. Many students responded angrily, arguing they were entitled to access whatever content they wanted because they paid for college Wi-Fi. The head of Ormond, Dr Rufus Black, stated:

Pornographic material overwhelmingly presents women in ways that are profoundly incompatible with our understanding of what it is to treat people with respect and dignity.³⁴

Rufus Black’s decision was widely unpopular. The Ormond students from this article are from the generation that grew up with internet pornography and view it as a normal part of sexuality – indeed, a fundamental part of sexuality. These students are not children. They were adults at the time of that article and would now be 22-25 years of age – citizens with jobs and responsibilities. This must be considered when discussing the long-term harms of pornography, because women in the Australian workforce will be the victims of this male sense of entitlement to view pornography and the resulting harms *now*.

Recommendations:

3. *That the Commission takes a proactive public health approach to the problem through:*
 - *Advising companies about filters for corporate Wi-Fi and the devices employees take home;*
 - *Offering workplace assessments of the level of risk companies face from employee attitudes to pornography, and practices stemming from those attitudes (e.g. after-hours strip club visits with colleagues, sharing of pornography with colleagues); and*
 - *Advising state governments on how to incorporate discussion of pornography’s harms into programs relating to sexuality, consent and respectful relationships,*

³³ Jill Stark, "Melbourne University Porn Ban Angers Ormond College Students," The Age (2015), <https://www.theage.com.au/national/victoria/melbourne-university-porn-ban-angers-ormond-college-students-20150905-gjfqys.html>.

³⁴ Ibid.

before students are teenagers and therefore more likely to have already watched it.

- ii) Workplaces where women’s sexual appeal is the core of the business model are significantly more likely to have increased risk of sexual harassment

Collective Shout contends that when the core business of a workplace is women’s sexual appeal to men, this is a characteristic that significantly increases the risk of sexual harassment. The women who work in such places are in need of extra protections that take into account their increased risk of being harassed. Examples of such workplaces include strip clubs, strip-related ‘services’ like Kittens Car Wash,³⁵ and what are termed ‘breastaurants’ – restaurants like Hooters where the unique selling point is waitresses who wear revealing clothing.

Harassment and indeed violence against women working in strip clubs is well documented worldwide. In Victoria alone, a woman reported being raped while she performed a lap dance at a King Street (Melbourne) club, and managers of another King Street club allegedly “[used] fear and intimidation as a management tool against 24 strippers”.³⁶ In a published recollection of her time in the industry, an Australian former strip club worker says:

Every day someone forced me in some way – either licked, bit or poked me, sometimes even penetrated me, held me down, hurt me. Then there was the verbal degradation...³⁷

A report by the Coalition Against Trafficking in Women Australia (CATWA), cites US research which found:

³⁵ Caitlin Roper, “Ad Standards Uphold Complaints over Sexist Kittens Car Wash Billboard,” Collective Shout (2019), https://www.collectiveshout.org/ad_standards_uphold_complaints_kittens.

³⁶ Meagan Tyler et al., “Not Just Harmless Fun: The Strip Club Industry in Victoria,” Coalition Against Trafficking in Women Australia (2010), <https://www.catwa.org.au/wp-content/uploads/2016/10/M-Strip-Report-final.pdf>, 7.

³⁷ Stella, “Dancing Pornography,” in *Big Porn Inc: Exposing the Harms of the Global Pornography Industry*, edited by Melinda Tankard Reist and Abigail Bray (North Melbourne: Spinifex Press, 2011), 144-145.

...the emergence of private booths within strip clubs has led to increased physical contact between dancers and clients. This has led to dancers becoming more vulnerable to rape, whilst simultaneously providing 'protection' and 'anonymity' for the men who use them.³⁸

The same 'private areas' exist in Australian strip clubs. Stella, the former strip club worker, refutes the idea that strip clubs are a "protected and controlled environment", writing of situations where multiple, drunken men are allowed in a private room with one woman, leaving her defenceless to sexual assault.³⁹

Sexual harassment of women working in strip clubs also occurs in the form of employers dismissing workers' boundaries. The CATWA report cites an article about a worker at a Cairns strip club who was told the club was changing from 'no touching' to 'touching'. The woman said:

For me the equivalent is like working in a strip club, then you come in the next week and you're told it's a brothel, 'deal with it'... Now there are no rules to back me up and I'll be the bottom earner if all the other girls are doing it...That's not a choice. To me it's like a brothel now.⁴⁰

This should be a clear example of sexual harassment, in that the woman's working conditions – which were changed without consultation – would have made her put up with unwanted sexual touching. Because the business of strip clubs is women being sexually objectified by men, employers may feel entitled to make such demands. However, no one's job should entail unwanted sexual behaviour.

³⁸ Tyler et al., "Not Just Harmless Fun," 7.

³⁹ Stella, "Dancing Pornography," 146.

⁴⁰ Tyler et al., "Not Just Harmless Fun," 8, citing Sophia Browne, "Stripper Quits in Anger at Touching Rule; Hands Off Me," The Cairns Post (2008), May 17.

It is also well-established that the men who visit strip clubs are likely to create hostility through their behaviour and disrespect towards women in the public areas outside the clubs. The Victorian Prostitution Control Act Advisory Committee has contended that the environment created by men who visit strip clubs is conducive to harassment, “unsafe for women and may be conducive to danger”.⁴¹ Twenty years later, research found that women frequently avoid the entirety of King Street in Melbourne, due to the high chance of being sexually harassed by men.⁴²

Sexual harassment of employees also occurs at ‘breastaurants’, which are nominally places to eat, but market their waitresses as the reason to go there. ‘Lingerie restaurants’, for example, where the waitresses work in heels and underwear, have recently become more popular in Australia.⁴³ A study was conducted on the psychological impact of being a waitress at Hooters, the most well-known ‘breastaurant’ in America. Researchers found that although money and flexibility were high, employees experienced sexual harassment in the form of:

...receiving unwanted lewd comments, sexual advances and other forms of sexual harassment from customers, which included being grabbed, having pictures taken of their body parts without consent, being propositioned for sexual favours – and, in some cases, being stalked.⁴⁴

Environments like strip clubs and ‘breastaurants’, and other workplaces where the key attraction is women’s bodies, are patronised by men who frequently feel it is acceptable to sexually harass the women working there. This should be acknowledged and incorporated into sexual harassment regulations.

Recommendations:

⁴¹ Ibid., 11, citing Prostitution Control Act Advisory Committee, *Final Report*, (1997).

⁴² Nicole Kalms, “No Harm Done? ‘Sexual Entertainment Districts’ Make the City a More Threatening Place for Women,” *The Conversation* (2017), <https://theconversation.com/no-harm-done-sexual-entertainment-districts-make-the-city-a-more-threatening-place-for-women-81091>.

⁴³ Tyler et al, “Not Just Harmless Fun,” 9.

⁴⁴ Dawn Szymanski and Chandra Feltman, “What’s the Psychological Toll of Being a Hooters Waitress?” *The Conversation* (2015), <https://theconversation.com/whats-the-psychological-toll-of-being-a-hooters-waitress-42576>.

4. *In line with CATWA, Collective Shout recommends the Commission work with appropriate bodies to ban the sale and consumption of alcohol in strip clubs. Alcohol is banned in brothels in Victoria under the legalisation regime. Enforcing the same rule in strip clubs would acknowledge the danger of intoxicated men, and the increased risk that they will harass or assault workers.*
 5. *That the Commission sponsor and/or organise research into the prevalence of sexual harassment at strip clubs and other sexual entertainment venues, in order to gain a fuller picture of the issue in the different states of Australia.*
- iii) Workplaces featuring sexualised and objectifying advertising material are more likely to increase the risk of sexual harassment

Overlapping with the previous point, Collective Shout believes that workplaces which feature sexualised and objectifying advertising material are more likely to increase the risk of workers, and perhaps customers, being sexually harassed. This is the case even when the business's core purpose is something other than the display of women, unlike strip clubs and 'breastaurants'. Objectifying advertising present in public spaces can lead to a hostile working environment for workers carrying out their duties. The harms of sexually objectifying depictions of women have been thoroughly researched by L. Monique Ward, who concluded from a meta-synthesis of 135 studies that:

...both laboratory exposure and regular, everyday exposure to this content are directly associated with a range of consequences, including higher levels of body dissatisfaction, greater self-objectification, greater support of sexist beliefs and of adversarial sexual beliefs, and greater tolerance of sexual violence toward women. Moreover, experimental exposure to this content leads both women and men to have a diminished view of women's competence, morality, and humanity.⁴⁵

⁴⁵ L. Monique Ward, "Media and Sexualization: State of Empirical Research, 1995–2015," *The Journal of Sex Research* 53, no. 4-5 (2016), abstract.

Our key example of this harm in action is the lingerie retailer Honey Birdette. In 2018 alone, Ad Standards upheld complaints relating to 14 Honey Birdette window displays in shopping centres.⁴⁶ These rulings were upheld due to a breach of the AANA Code of Ethics Section 2.2, which deals with sex, sexuality and nudity. We recommend this data as unequivocal verification of the sexual nature of the imagery. Another verification of the pornographic nature of the advertisements is that both men and teenage boys have been witnessed making sexual comments outside the shopfront, such as “I’d like to fuck that” while looking at the images.⁴⁷ This is a perfect illustration of how sexualised imagery in advertising contributes to the objectification of all women, who become “that”, rather than a person.

The Honey Birdette imagery is a driver of sexual harassment in two ways. Firstly, display of these advertisements in work spaces constitutes sexual harassment to the workers. They should be considered no different from the pin-ups discussed by Naomi Wolf⁴⁸ – a form of visual pornography that has no place in the workplace. Unwanted exposure to sexualised advertising imagery has a comparatively high incidence in the retail setting due to the nature of the retail industry; advertising is part of the retail workplace environment in a manner that is not so in other sectors. Therefore, employees carrying out employment duties in retail (and other public) space are particularly vulnerable to sexual harassment in the form of unwanted exposure to sexualised imagery. We assert that the particular vulnerability of Australian workers who carry out their employment duties in public spaces must be specifically addressed in the outcomes of the Inquiry. We urge an outcome that refines the definition of public space and determines the sectors of employment where this definition has pertinence.

Collective Shout acknowledges a flaw in current legislation whereby sexual harassment (“unwanted exposure to sexualised imagery” in advertising) occurring in public space is relegated to “advertising complaints.” This conflation trivialises and silences the harm being caused by such harassment. No Australian worker should be excluded from protections

⁴⁶ Abigail Dawson, “Honey Birdette Handed 14th Ad Ban of 2018 for Implying Model was Available for ‘Riding’,” Mumbrella (2018), <https://mumbrella.com.au/honey-birdette-handed-14th-ad-ban-of-2018-for-implying-model-was-available-for-riding-557801>.

⁴⁷ Melinda Liszewski, “Men are Brazenly Ogling the Women in Honey Birdette’s Shop Front Window Ads,” Collective Shout (2018), <https://www.collectiveshout.org/men-brazenly-ogle-women-in-honey-birdette-s-shop-front-window>.

⁴⁸ Wolf, *The Beauty Myth*, 52.

against sexual harassment in the workplace, regardless of the fact that their employment duties are carried out in public spaces. Many retail workers including young women and teenagers are subjected to Honey Birdette imagery while making their way to and from their workplaces.

Secondly, the presence of sexualised imagery can create an environment where customers believe they can sexually harass workers without impunity. Multiple Honey Birdette employees have complained of sexual harassment while working in the store, alleging that management didn't just dismiss the behaviour but saw it as beneficial to sales. In a petition that garnered much media coverage, former employee Chanelle Rogers criticised Honey Birdette for many forms of mistreatment, including:

"I saw workers sexually harassed and intimidated by customers - and when these women spoke up, management told them to suck it up."⁴⁹

Further Honey Birdette employee complaints published on the internet include:

"Employees are nothing more than eye candy, made to exploit their sexuality for rewards."

"We were regularly told of 'liberating' stories where employees would be harassed by men but it was ok cause 'they turned it into a \$1000 sale'."⁵⁰

Further issues arise when employees' uniforms are themselves a form of advertising. When advertising is inappropriately sexual, its harm is compounded when it is placed on workers' bodies. Two incidents in Australia demonstrated this in recent years: Donut Time female staff having to wear shirts with a donut strategically drawn over each breast, and Brumby's bakery

⁴⁹ Chanelle Rogers, "Not YOUR Honey – Honey Birdette Workers Need Safe Workplaces!" Megaphone (Victorian Trades Hall Council) (2016), <https://www.megaphone.org.au/petitions/honey-birdette-workers-need-safe-workplaces?bucket?time=1480551418>.

⁵⁰ See Coralie Alison, "Honey Birdette Sexual Harassment "A Nightmare", Says Female Employee," Collective Shout (2016), https://www.collectiveshout.org/honey_birdette_encourage_sexual_harassment_of_female_staff.

staff being sent shirts reading “We’ve got the best buns in town”.⁵¹ In the case of Brumby’s, a 16-year-old worker rang into 3AW radio and stated that she and her all-female co-workers did not want to wear the shirts because they were concerned about customers sexually harassing them.⁵² Brumby’s told staff they were not required to wear the shirts, while Donut Time withdrew the shirts and pulled photos of them from social media.⁵³ However, the fact that many levels of company management would have approved these designs demonstrates that it was considered acceptable for staff (mostly young women, including teenagers) to wear sexual advertising. This in itself should be considered a form of workplace sexual harassment.

Recommendations:

6. *That the Inquiry contain scope for respondents to indicate sexual harassment in the form of “unwanted exposure to sexualised imagery” as per advertisements they encounter in the course of employment.*
7. *That the Inquiry should specifically identify and categorise the types of employment such individuals are engaged in (e.g. domestic workers/cleaners; security personnel; couriers; trolley collectors; sales people, etc.) so as to identify disadvantage and discrimination that is inherent to specific types of work.*
8. *That the Inquiry specifically identifies “public space” (as distinct from general “office space”, “job site” etc.) and “exposure to sexualised imagery in advertising” as workplace characteristics.*
9. *Address the flaw in current legislation whereby sexual harassment (“unwanted exposure to sexualised imagery” in advertising) occurring in public space is relegated to “advertising complaints” subject only to a self-regulatory system that allows repeat offending with no effective penalties. We cannot make every Australian workplace safe from sexual harassment if we allow sexual harassment in the public space we all share through pervasive exposure to sexual imagery and demeaning and degrading slogans*

⁵¹ Deborah Gough, “Donut Time Covers Tracks on ‘Boob’ Uniforms,” The Age (2016), <https://www.theage.com.au/national/victoria/doughnut-time-covers-tracks-on-boob-uniforms-20160507-gooq48.html>.

⁵² Ibid.

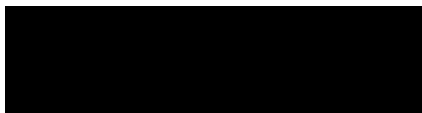
⁵³ Ibid.

and imagery – which we have described elsewhere as “mobile misogyny”, such as those painted on Wicked Camper vans.⁵⁴

10. *Workers being asked to wear inappropriately sexual uniforms – including shirts with inappropriate slogans/drawings – should be viewed as a form of workplace sexual harassment perpetuated by employers.*

Once again, we commend the Commission for undertaking this Inquiry and appreciate the opportunity to offer our ten recommendations, based on our campaigning experience as well as peer reviewed research. We hope that our discussion of the broader issues regarding sexual harassment can help to inform change in Australia.

Yours sincerely



Kylie Virtue
Chair



Melinda Tankard Reist
Founder & Movement Director

Collective Shout
27 February 2019

⁵⁴ Coralie Alison, “SA MPs Must Vote to De-Register Wicked Campers Tomorrow: Joint Statement,” Collective Shout (2019), https://www.collectiveshout.org/joint_statement_in_relation_to_the_wicked_campers_bill.

References

- Alison, Coralie. "Honey Birdette Sexual Harassment "A Nightmare", Says Female Employee." Collective Shout (2016),
https://www.collectiveshout.org/honey_birdette_encourage_sexual_harassment_of_female_staff.
- Alison, Coralie. "SA MPs Must Vote to De-Register Wicked Campers Tomorrow: Joint Statement." Collective Shout (2019),
https://www.collectiveshout.org/joint_statement_in_relation_to_the_wicked_campers_bill.
- American Psychological Association. "Sexualisation of Girls is Linked to Common Mental Health Problems in Girls and Women." (2007),
www.apa.org/news/press/releases/2007/02/sexualization.aspx.
- Australian Psychological Society. "Sexualisation of Girls." (2016),
www.psychology.org.au/community/public-interest/sexualisation.
- Bridges, Ana J., Robert Wosnitzer, Erica Scharrer, Chyng Sun, and Rachael Liberman. "Aggression and Sexual Behavior in Best-Selling Pornography Videos: A Content Analysis Update." *Violence Against Women* 16, no. 10 (2010): 1065-85.
- Coleman, Clive. "Judges Sacked for Watching Porn." BBC News UK (2015),
<https://www.bbc.com/news/uk-31920906>.
- Collective Shout. "Submission to the House Standing Committee on Social Policy and Legal Affairs Inquiry into the Regulation of Billboard and Outdoor Advertising." (2011),
https://www.collectiveshout.org/submission_to_federal_inquiry_into_the_regulation_of_billboard_and_outdoor_advertising.
- Collective Shout. "Submission to the Health and Community Services Committee Inquiry into Sexually Explicit Outdoor Advertising." [Qld] (2013),
https://www.collectiveshout.org/submission_to_the_qld_inquiry_into_sexually_explicit_outdoor_advertising.
- Collective Shout. "Submission to the Senate Inquiry into Domestic Violence and Gender Inequality." (2016),
http://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/1082/attachments/original/1464605955/CS_submission_gender_and_violence_2016.pdf?1464605955.

- Dawson, Abigail. "Honey Birdette Handed 14th Ad Ban of 2018 for Implying Model was Available for 'Riding'." Mumbrella (2018), <https://mumbrella.com.au/honey-birdette-handed-14th-ad-ban-of-2018-for-implying-model-was-available-for-riding-557801>.
- Flood, Michael, and Lara Fergus. "An Assault on our Future: The Impact of Violence on Young People and their Relationships." (2010), www.whiteribbon.org.au/uploads/media/Research_series/An_assault_on_our_future_FULL_Flood__Fergus_2010.pdf.
- Gough, Deborah. "Donut Time Covers Tracks on 'Boob' Uniforms." The Age (2016), <https://www.theage.com.au/national/victoria/doughnut-time-covers-tracks-on-boob-uniforms-20160507-gooq48.html>.
- Jones, Owen. "Simon Danczuk MP Has Watched Porn – Why Should We Care?" The Guardian (2015), <https://www.theguardian.com/commentisfree/2015/mar/30/simon-danczuk-mp-watched-porn-who-cares>.
- Kalms, Nicole. "No Harm Done? 'Sexual Entertainment Districts' Make the City a More Threatening Place for Women." The Conversation (2017), <https://theconversation.com/no-harm-done-sexual-entertainment-districts-make-the-city-a-more-threatening-place-for-women-81091>.
- Lillebuen, Steve. "Sexism Rife in Air Traffic Towers." The Age (2010), <https://www.theage.com.au/national/sexism-rife-in-air-traffic-towers-20100728-10vv6.html>.
- Liszewski, Melinda. "Men are Brazenly Ogling the Women in Honey Birdette's Shop Front Window Ads." Collective Shout (2018), https://www.collectiveshout.org/men_brazenly_ogle_women_in_honey_birdette_s_shop_front_window.
- McDonald, Karalyn, Maggie Kirkman, and Sarah Ashton. "What Does 'Pornography' Mean in the Digital Age? Revisiting a Definition for Social Science Researchers." *Porn Studies* [forthcoming] (2019): 1-25.
- McDonald, Paula, and Sara Charlesworth. "Framing Sexual Harassment through Media Representations." *Women's Studies International Forum* 37 (2012): 95-103.

- McLaughlin, Heather, Christopher Uggen, and Amy Blackstone. "Sexual Harassment, Workplace Authority, and the Paradox of Power." *American Sociological Review* 77, no. 4 (2012): 625-47.
- Owens, Eric W., Richard J. Behun, Jill C. Manning, and Rory C. Reid. "The Impact of Internet Pornography on Adolescents: A Review of the Research." *Sexual Addiction & Compulsivity* 19, no. 1-2 (2012): 99-122.
- Press Association. "Parliament Reports 24,000 Attempts to Access Pornographic Websites since Election." *The Guardian* (2018), <https://www.theguardian.com/politics/2018/jan/08/parliament-reports-24000-attempts-to-access-pornographic-websites-since-election>.
- Rogers, Chanelle. "Not YOUR Honey – Honey Birdette Workers Need Safe Workplaces!" *Megaphone* (Victorian Trades Hall Council) (2016), <https://www.megaphone.org.au/petitions/honey-birdette-workers-need-safe-workplaces?bucket?time=1480551418>.
- Roper, Caitlin. "25 Reasons Why Ad Industry Self-Regulation is a Disaster." *Collective Shout* (2016), https://www.collectiveshout.org/reasons_why_ad_industry_self_regulation_is_a_disaster.
- Roper, Caitlin. "Ad Standards Uphold Complaint over Sexist Kittens Car Wash Billboard." *Collective Shout* (2019), https://www.collectiveshout.org/ad_standards_uphold_complaints_kittens.
- Snow, Deborah. "Coles Withdraws Lads' Mag Zoo Weekly from Sale after Staff Complaint and Online Campaign." *Sydney Morning Herald* (2015), <https://www.smh.com.au/business/companies/coles-withdraws-lads-mag-zoo-weekly-from-sale-after-staff-complaint-and-online-campaign-20150819-gj2nek.html>.
- Stark, Jill. "Melbourne University Porn Ban Angers Ormond College Students." *The Age* (2015), <https://www.theage.com.au/national/victoria/melbourne-university-porn-ban-angers-ormond-college-students-20150905-gjfqys.html>.
- Stella. "Dancing Pornography." In *Big Porn Inc: Exposing the Harms of the Global Pornography Industry*, edited by Melinda Tankard Reist and Abigail Bray, 144-149. North Melbourne: Spinifex Press, 2011.

Stewart, Heather. "Damian Green Sacked as First Secretary of State After Porn Allegations." *The Guardian* (2017), <https://www.theguardian.com/politics/2017/dec/20/damian-green-resigns-as-first-secretary-of-state-after-porn-allegations>.

Szymanski, Dawn, and Chandra Feltman. "What's the Psychological Toll of Being a Hooters Waitress?" *The Conversation* (2015), <https://theconversation.com/whats-the-psychological-toll-of-being-a-hooters-waitress-42576>.

Tankard Reist, Melinda. "Never Again? Addressing Sexual Violence Must Include Pornography." *ABC Religion and Ethics* (2018), <https://www.abc.net.au/religion/never-again-addressing-sexual-violence-must-include-pornography/10094568>.

Tyler, Meagan. "Leaving Blokesworld: Why You Can't Have Your Porn and #Metoo." *ABC Religion and Ethics* (2018), <https://www.abc.net.au/religion/leaving-blokesworld-why-you-cant-have-your-porn-and-metoo/10094930>.

Tyler, Meagan, Sheila Jeffreys, Natasha Rave, Caroline Norma, Kaye Quek, Andrea Main, and Kathy Chambers. "Not Just Harmless Fun: The Strip Club Industry in Victoria." *Coalition Against Trafficking in Women Australia* (2010), <https://www.catwa.org.au/wp-content/uploads/2016/10/M-Strip-Report-final.pdf>.

Ward, L. Monique. "Media and Sexualization: State of Empirical Research, 1995–2015." *The Journal of Sex Research* 53, no. 4-5 (2016): 560-577.

Wolf, Naomi. *The Beauty Myth*. London: Vintage, 1991.

Wood, Patrick. "Australia's Porn Problem." *ABC News* (2019), <https://www.abc.net.au/news/2019-01-16/australias-porn-problem/10668940>.

Wright, Paul J., Robert S. Tokunaga, and Ashley Kraus. "A Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies." *Journal of Communication* 66, no. 1 (2016): 183-205.

Submission prepared by Zoë Goodall for Collective Shout.