



YWCA CANBERRA

**Submission to Australian Human Rights Commission
National Inquiry into Sexual Harassment in Australian Workplaces**

caf@ywca-canberra.org.au

About YWCA Canberra

YWCA Canberra is a feminist not for profit organisation that has provided community services and represented women's issues in Canberra since 1929.

YWCA Canberra provides essential, quality services for women, girls and families in the ACT and surrounding regions. We work in the areas of children's services, community development, homelessness and affordable housing, youth services, personal and professional training, women's leadership and advocacy.

Through its national Affiliate Association with YWCA Australia, YWCA Canberra is part of the World YWCA network, which connects 120 countries across the globe.

YWCA Canberra's mission is 'We strengthen communities by supporting girls and women through our services and advocacy'.

Introduction

YWCA Canberra welcomes the opportunity to provide a submission to the Australian Human Rights Commission's National Inquiry into Sexual Harassment in Australian Workplaces. Sexual harassment in Australia's workplaces carries economic implications for workers, primarily women (who are often targeted), and the nation. This submission builds upon the priorities in our flagship gender equality platform *Leading the Change*¹, which includes recommendations on building gender equality in the workplace and preventing gender-based violence. As well as impacting on personal health and wellbeing, inappropriate behaviour that is uncorrected also stymies business productivity and the benefits of capitalising on the full utilisation of women's skills. It also has larger consequences for our national economy in lost productivity, staff absenteeism and turnover, occupational related illnesses and suicide.²

To inform our submission to this important Inquiry, YWCA Canberra conducted an anonymous survey of our members to gauge their experiences with sexual harassment, their responses and the adequacy of internal workplace redress pathways. While the survey responses provide anecdotal insight into the decisions women grapple with, some of which are highlighted in this submission, the survey should be considered qualitative in nature. This

¹ YWCA Canberra (2018) "Leading the change; the pathway to gender equality" https://ywca-canberra.org.au/wp-content/uploads/2018/05/Leading-the-Change_GEReport_Final.pdf

² General Practice Supervisor Guide (2017) "Bullying and harassment; pursuing zero tolerance" http://gpsupervisorsaustralia.org.au/wp-content/uploads/2016/12/Guide_Bullying-and-Harassment_2017_digital.pdf

submission summarises feedback gathered during this survey, while also highlighting some pathways forward.

The working reality for many women in Australia can be challenging. A culture of sexual harassment in the workplace exists alongside a socio-economic landscape characterised by imbalances in the distribution of domestic labour, the stubbornness of the gender pay-gap and inequitable representation of women in senior management or executive roles.³ Sexual harassment, reinforced by casually sexist workplace behaviours⁴ or policies that dismiss experiences of harassment, compound these realities and intrinsically undermine efforts to advance or include women.⁵

Executive Summary – List of Recommendations

The following recommendations are steps that can be taken by government and employers to effectively mitigate and respond to workplace sexual harassment and its enabling cultures. These recommendations primarily call for action in the form of legislative reform and corporate leadership. They are informed by relevant policy priorities previously outlined in our *Leading the Change* report as well as member feedback received during our survey.

Recommendation 1:

Reform to existing parental leave entitlements

- Introduce reforms to existing paid parental leave entitlements to encourage shared care arrangements for parents without detrimentally impacting on the National Employment Standards.
- Build a culture that normalises the uptake of parenting leave amongst male employees and welcomes equal division of parenting responsibilities.

Recommendation 2:

Workplace roles

- Take measurable steps towards identifying and removing gender exclusive practices and gender inequality more broadly by building targets into management and executive level roles across industries and sectors.

³ The 2017-2018 *Workplace Gender Equality Scorecard* found that despite some improvements since 2013-2014, the representation of women declines with seniority.

<https://www.wgea.gov.au/sites/default/files/2017-18-gender-equality-scorecard.pdf>

⁴ Everyday sexism includes preoccupations with appearance, stereotyping roles and insults masquerading as jokes such as being told to smile or expectations to take minutes or organise meeting refreshments. Male Champions of Change (2018) 'We set the tone' <http://malechampionsofchange.com/wp-content/uploads/2018/04/We-Set-The-Tone-Eliminating-Everyday-Sexism.pdf>

⁵ Australian Human Rights Commission <https://www.humanrights.gov.au/news/speeches/sexual-harassment-safer-workplaces>

- Ensure the method of appointment for specific workplace roles, particularly those which are priority contact points for staff experiencing harassment, allow for objectivity and fair and equitable representation of staff.
- Ensure those workplace roles which deal with sexual harassment complaints are adequately trained and supported.
- Uphold relevant workplace legislation permitting employee access to union support without prejudice.

Recommendation 3:

Cultural change and organisational leadership

- Incentivise corporate and public sector leadership that rejects sexual harassment and sexism through standard setting that is reinforced by transparent guidelines and outcomes, explicit expectations linked to performance reviews and bonuses and zero tolerance frameworks that are unambiguous and upheld in the workplace.
- Enact Gender Equality Acts across all jurisdictions that create reportable obligations and targets for employers and ensures a commitment to gender equality underpins all government procurement.

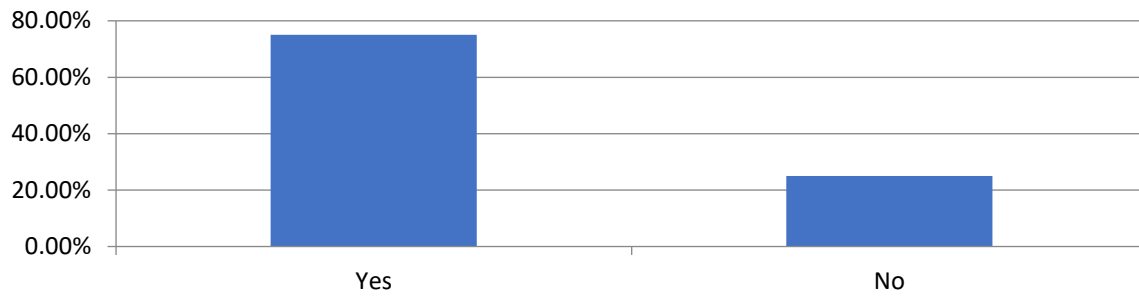
Setting the scene

Women's entry, retention and return to the labour force has been a significant game changer for the Australian economy over the past forty years. But while the numbers of women participating in the economy at all stages of life has surged, their career trajectory often remains stagnant. Progress in women's participation is yet to be replicated consistently, particularly at the management or executive levels, and today there is still no industry where the share of male managers is less than the share of male employees.⁶ These inequities do not exist in isolation however, and they are often repeated in the home, where substantial imbalances remain in women's share of performing unpaid care and housework (often to the detriment of their personal wellbeing and career development).⁷

⁶ Australian Bureau of Statistics cat: 8172.0 "Management and Organisational Capabilities of Australian Businesses" 2015-2016 <http://www.abs.gov.au/ausstats/abs@.nsf/mf/8172.0?OpenDocument>

⁷ Australian Institute of Family Studies (2016) "Mothers still do the lion's share of housework" <https://aifs.gov.au/sites/default/files/publication-documents/2016-mothers-day-sheet.pdf>

Table 1: Have you ever personally experienced sexual harassment in a current or former workplace? (Inappropriate advances, gifts, questions, comments of a sexual nature)



Unsurprisingly, the workplace remains a site of discrimination, everyday sexism and harassment for women across Australia. To inform our submission to this Inquiry, we conducted a voluntary and anonymous survey of YWCA Canberra members, to gauge their experiences with workplace sexual harassment. Twenty-eight responses to the survey were received. While the responses reflect the extent of the problem and underreporting that was also found in the Australian Human Rights Commission fourth national survey⁸, the anecdotal insight these responses provide are most valuable.

The women who responded to our survey overwhelmingly indicated they had experienced workplace sexual harassment (21 responses) as depicted in Table 1. The nature of this harassment often involved inappropriate touching or comments that were sometimes made in front of colleagues. Table 1 also indicates a small number of respondents feel they have never been targeted by workplace sexual harassment (7 responses).

Recommendation 1: Reform to existing parental leave entitlements

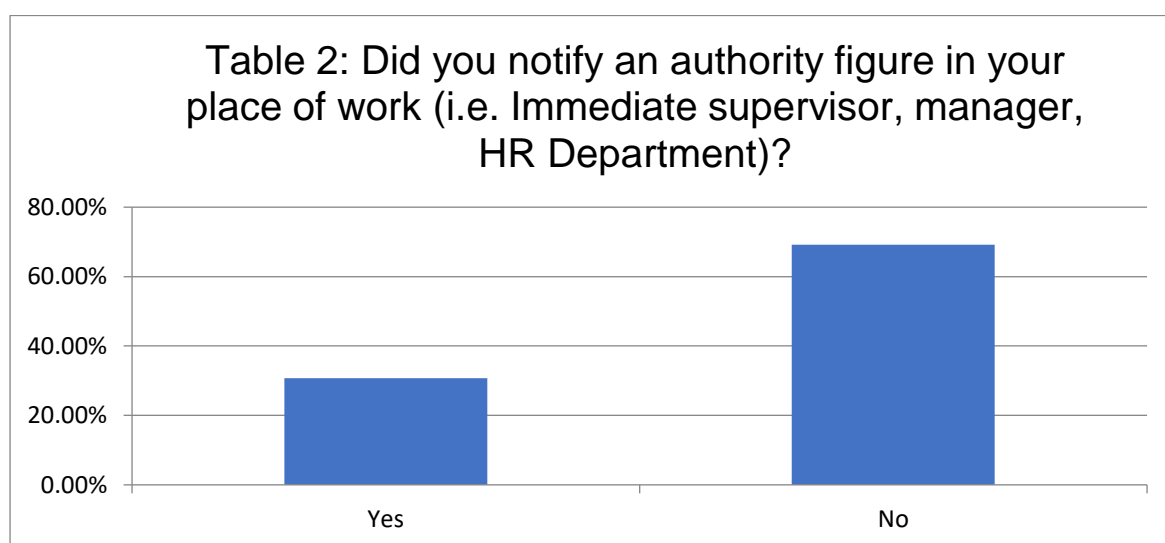
- Introduce reforms to existing paid parental leave entitlements to encourage shared care arrangements for parents without detrimentally impacting on the National Employment Standards.
- Build a culture that normalises the uptake of parenting leave amongst male employees and welcomes equal division of caring responsibilities.

⁸ Australian Human Rights Commission (2018) "Everyone's Business: fourth national survey on sexual harassment in Australian workplaces. <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/everyone-s-business-fourth-national-survey-sexual>

Individual Responses to Sexual Harassment

“No, the perpetrator was my boss”.

Our survey asked those who had experienced sexual harassment if they acted to notify figures of authority in their workplace (immediate supervisor, manager or Human Resources personnel). The majority of survey participants (18 respondents) indicated that they did not pursue redress through formal means (Table 2). In part, the reasoning for this trend was borne out in subsequent responses which stated that the perpetrator was a supervisor or that the inappropriate behaviour had taken place in front of an authority figure and went unaddressed at the time, so further action was considered futile.



“I was also thinking about leaving the company, but I needed the maternity leave and was approaching my entitlement period. I decided to stay”.

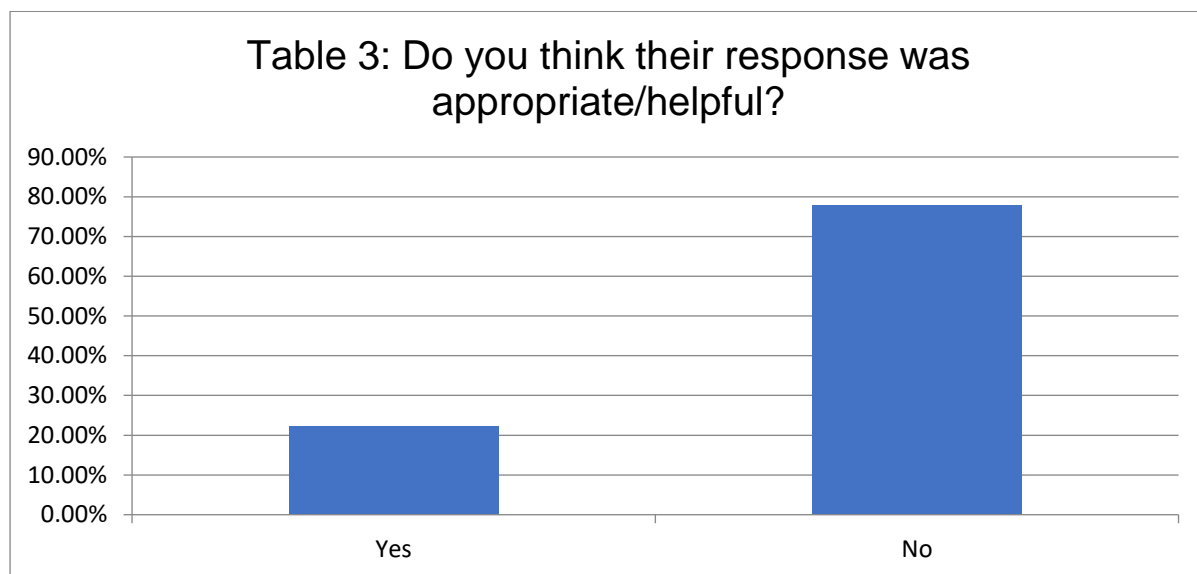
Women also found themselves in similarly difficult situations when considering whether to respond to targeted sexual behaviour through formal workplace channels. In some cases, internal workplace policies – unrelated to those concerning sexual harassment – informed decision making, with one respondent indicating that policies such as minimum service requirements for maternity leave were a key factor in choosing how to proceed.

Of the surveyed women who did attempt formal redress, our survey attempted to gauge whether responses were appropriate (Table 3). Overwhelmingly, while the qualitative responses indicate managers empathised with the situation, tangible outcomes were often absent or limited. Of particular note is one respondent who indicated their perpetrator remained within the same reporting lines, despite management

“I asked what the formal complaint process was, and the response from HR was ‘we don’t really do that here’”.

sympathising and a formal workplace redress process having been undertaken. Other responses from authority figures included; termination, lack of direction or absence of follow up. The status of a ‘zero tolerance’ workplace was also noted, but often to refer to how this was not reflected in practice.

Of the responses received to our survey, only one explicitly indicated an adequate response. In that case, the survey respondent indicated the perpetrator was removed from shifts coinciding with the complainant.



Pathways Forward

YWCA Canberra asked our members *“What changes would you like to see to better support women experiencing sexual harassment in the workplace?”*. In response to this question, respondents provided input that took in a range of workplace stakeholders, including Human Resources personnel, workplace unions and professional associations, management and executive level leadership, formal workplace networks and identified Workplace Harassment Contact Officers.

“Clear processes for reporting, as well as the steps in the process that clarify how the issue will be dealt with. It needs to be clear that their complaint will be followed up”.

“There needs to be significant cultural change coming from the top. Workplace policies can just sit there and not mean anything if the people you work with don’t value them”.

Some of our respondents referred to longstanding gender dynamics which meant with less women in management roles a “boys club” culture had become entrenched and issues of harassment were

not taken seriously. Everyday sexism that may already be normalised in a workplace, such as ‘jokes’ and comments about roles, tasks and presentation can perpetuate in the absence of leadership diversity and the explicit setting of standards.

Other respondents highlighted how formal workplace roles could be better resourced and, in some cases, respected by their managers. One particular respondent noted the presence of sexual harassment officers but went on to say that the role was undermined by the fact it was a self-nominated appointment⁹ and filled by someone without the awareness or objectivity to respond effectively to complaints. Where roles such as elected union delegates were drawn upon for assistance when pursuing formal complaints, managers often responded negatively to their involvement.

Suggested improvements included that roles such as harassment contact officers be elected or appointed based on demonstrable colleague support and that such officers undergo regular training in recognising and responding to sexual harassment or enabling behaviours. In workplaces where a traditional gender imbalance still exists, building equitable gender representation in formal workplace roles are recommended. These roles can include union delegates, contact officers, Occupational Health and Safety representatives, or other specific roles that are unique to a workplace. Ensuring gender balance in these roles can go some way to ensuring workers do not feel isolated, due to their gender, when seeking advice or pursuing a complaint and that the presence and influence of “boys’ clubs” are overcome.¹⁰

Recommendation 2: Workplace Roles

- Take measurable steps toward removing and removing gender exclusive practices and gender inequality more broadly by building targets into management and executive level roles across industries and sectors.
- Ensure the method of appointment for specific workplace roles, particularly those which are contact points for staff experiencing harassment, allow for objectivity and fair and equitable representation of staff.
- Ensure those workplace roles which deal with sexual harassment complaints are adequately trained and supported.

⁹ The Enterprise Agreement for Department of Prime Minister and Cabinet (2017-2020) indicates that this role is appointed by the Department’s Secretary <https://www.pmc.gov.au/sites/default/files/publications/pmc-enterprise-agreement-2017-2020.pdf>. Similar roles also exist within the ACT Public Service where Respect, Equity and Diversity Sponsors (RED) are also an appointed position http://www.cmd.act.gov.au/_data/assets/pdf_file/0007/171871/preventworkbully.pdf

¹⁰ In recognising strong gender imbalances in the construction industry and the barriers this presents to women’s representation in the workplace, the 2018 Annual Conference of the CFMEU ACT Branch resolved to introduce “women’s delegate structures”, elected by women, where a minimum number of women members are present on any worksite (Resolution 3.1).

There is also a role for state governments to show leadership in this regard by introducing Gender Equality Acts into state legislation. The Victorian Parliament recently completed consultation on a Gender Equality Act, with legislation scheduled for debate in early 2019. The Bill will be progressively applied to all public sector organisations and entities with more than 100 full time employees and creates obligations for employers, including promoting gender equality targets for executive positions and public boards, reporting against targets and introducing procurement guidelines to ensure gender equality underpins government purchasing.

While the #metoo movement has put the spotlight on the experiences of women in society and in the economy, a by-product for employers has been the re-assessment of workplace policies or adoption of a zero-tolerance workplace motto.¹¹ It has been noted by the Workplace Gender Equality Agency that simply adopting a zero-tolerance framework, without explicitly defining what is acceptable however, does not change longstanding problematic workplace norms.¹²

“It shouldn’t be a mystery who to talk to when you want to report things. I should be able to look up the policy and see what will happen.”

Responses highlighted the opaque nature of formal processes and cumbersome guidelines that often include advice on identifying and reporting sexual harassment within broader code of conduct policies¹³. Overwhelmingly, responses to our survey indicated that women are frustrated with not being believed and their complaints not being given serious attention when they pursue formal redress.

Women’s fears regarding their believability and potential professional or interpersonal repercussions feed into the underreporting of workplace sexual harassment. Underreporting remains a barrier not only to uncovering the full extent of sexual harassment in Australia’s workplaces but also to establishing institutional best practice resolutions. While lifting the reporting rate may assist with uncovering the extent of the problem, without institutional leadership backed up by tangible outcomes and clear direction for redress, encouraging reporting merely shifts the onus of responsibility to the complainant or bystanders without

¹¹ <https://www.challengergray.com/press/press-releases/metoo-survey-update-more-half-companies-reviewed-sexual-harassment-policies>

¹² <https://www.afr.com/opinion/is-your-workforce-following-the-new-rules-of-metoo-20181008-h16dju>

¹³ For an example see; The Department of Foreign Affairs and Trade (2017) ‘Conduct and Ethics Manual’ <https://dfat.gov.au/about-us/publications/corporate/conduct-ethics-manual/Pages/conduct-and-ethics-manual.aspx>

assurances for closure. This nexus between reporting and experiencing negative repercussions for doing so was noted by our own respondents and elsewhere.¹⁴

Recommendation 3: Cultural change and organisational leadership

- Incentivise corporate and public sector leadership that rejects sexual harassment and sexism through standard setting that is reinforced by transparent guidelines, and outcomes explicit expectations linked to performance reviews and bonuses and zero tolerance frameworks that are unambiguous and upheld in the workplace.
- Enact Gender Equality Acts across all jurisdictions that create reportable obligations and targets for employers and ensures a commitment to gender equality underpins all government procurement.
- Uphold relevant workplace legislation permitting employee access to union support without prejudice.

Conclusion

Workplace harassment, by its very nature, exists in structures of hierarchy and workers often do not feel empowered to respond nor bystanders to intervene. Perpetrators may sometimes take advantage of peer and power-based relationships, knowing there may be limited consequences. Further, gender dynamics that are deeply ingrained elsewhere in our lives can manifest in the workplace and it can be difficult to root out sexual harassment when it is reinforced by behaviours that are considered intrinsic aspects of human nature.

While the momentum of #metoo has bought contemporary discussions on women's experiences and professional expectations to the forefront of workplace conversations, without leadership by government, employers and industry groups, cultural change is unlikely to occur. Without clarity by employers or demonstrable respect for leadership diversity and women's abilities, women in the workplace will continue to weigh their decisions to speak up against their reputations and the odds of a balanced outcome, a scenario inevitably leading to the persistence of sexism and sexual harassment in Australian workplaces.

¹⁴ Australian Council of Trade Unions (2018) 'Sexual harassment in Australian Workplaces' https://www.actu.org.au/media/1385284/a4_sexual-harassment-survey-results_print.pdf