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February 2019

YWCA Australia submission to the *National Inquiry into Sexual Harassment in Australian Workplaces*

YWCA Australia is a leading national feminist organisation working towards a future, where all women and girls are equal, safe and respected. YWCA Australia undertakes advocacy and delivers programs and services that develop the leadership and collective power of women and girls; support individuals, their families and communities at critical times; and promote gender equality and community strengthening.

YWCA Australia welcomes this opportunity to provide a submission on workplace sexual harassment, and welcomes the increased attention to and data collation on the prevalence of this issue. We see this as a positive step in understanding the very real impacts of sexual harassment in the workplace. YWCA Australia affirms that sexual harassment sits on the spectrum of gender-based violence and can have serious health, economic and workplace consequences for those experiencing the violence and the broader work environment in which it occurs.

YWCA Australia has demonstrated expertise in gender equality and the prevention of gender-based violence within workplace settings, through our advocacy and programs. We will therefore address the following Terms of Reference:

- *Drivers of workplace sexual harassment; and*
- *Recommendations to address sexual harassment in Australian workplaces*

Drivers of Workplace Sexual Harassment:

YWCA Australia recognises that despite longstanding prohibitions against discrimination and harassment, they are still pervasive in Australian workplaces and continue to be significant barriers to women's economic participation and security. This includes gender-based discrimination, sexual harassment, discrimination related to pregnancy, parental leave and return to work¹, gender bias (unconscious and overt) that disadvantages women in recruitment, retention and promotion in the workplace, and other intersecting forms of discrimination.

Sexual harassment sits within the broader issue of gender-based violence and sexism that permeates all aspects of society, including the workplace. Put simply, this is about gender inequality. The Australian Human Rights Commission's *'Everyone's Business'* report into workplace sexual harassment highlighted that while both women and men have experienced sexual harassment, a higher proportion of women than men have experienced it in their lifetime (85% compared to 56%) and four out of every five perpetrators were male.²

Gendered power relations also impact women in the workplace, which effects not only the prevalence of sexual harassment, but also the ability for women in particular to feel safe and supported in reporting sexual harassment. For example a recent survey of 3677 Australian women showed that of those who experienced sexual harassment, only one in five made a complaint, and of those, 18% decided to resign with no job to go to afterwards, citing reasons for

¹ Australian Human Rights Commission 2014, *Supporting Working Parents: Pregnancy and Return to Work National Review Report*

² Australian Human Rights Commission 2018, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces*, p8



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not reporting around job security and believing they will not be taken seriously.³ Furthermore, in the *Everyone's Business* report, almost half of people who made a formal report said that no changes occurred at their organisation as a result of the complaint, and this was more likely to be the case for complaints lodged by women.⁴

Given this, we stress that any actions taken must address the gendered drivers of sexual harassment, which include gender inequitable and violence supportive attitudes, and adherence to rigid gender stereotypes. YWCA Australia aligns itself with Our Watch's *Change the Story* framework, which outlines the four main gendered drivers of violence against women. These are;

- Condoning of violence;
- Men's control of decision-making and limits to women's independence;
- Gender stereotypes and;
- Disrespect towards women and male peer relations that emphasise aggression

YWCA Australia affirms that addressing these gendered drivers form part of a whole-of-society prevention strategy that workplaces must be a part of in order to prevent gender-based violence including sexual harassment.

In addressing the gendered drivers of sexual harassment and gender-based violence it is imperative we consider intersectionality by simultaneously addressing other forms of discrimination. ABS data shows that young women aged 18-24 have the highest reporting rates of sexual harassment.⁵ This is consistent with the Australian Human Rights Commission's *'Everyone's Business'* data on sexual harassment in the workplace, as well as ABS data that shows that young women 18-24 are at the highest risk of experiencing domestic violence and sexual assault.⁶ Other groups such as Aboriginal and Torres Strait Islander women, LGBTIQ people, women with disabilities, migrant women and pregnant women are also at higher risk.⁷ This means we must address unconscious bias, as well as overt discrimination in the workplace, and build workplace cultures that encourages positive bystander intervention and a zero tolerance for sexual harassment, sexism and other forms of discrimination.

Recommendations to address sexual harassment in Australian workplaces:

While we advocate for stronger legal processes and policies to effectively respond to people experiencing sexual harassment, YWCA Australia reiterates the need for systems, education, training and increased investment into gender equality in order to *prevent* sexual harassment and gender-based violence from occurring in the first place. Therefore YWCA Australia makes the following recommendations:

- **Dedicated prevention efforts to address the underlying gendered drivers of sexual harassment:**
 - Government investment into prevention initiatives including school-based education and workplace-based initiatives with a focus on gender equity

³ Shine Lawyers 2018, 'New National Enquiry into Sexual Harassment Welcome', updated September 2018, accessed online February 2018 <https://www.shine.com.au/blog/shine-news/new-national-inquiry-on-sexual-harassment-welcomed>

⁴ Australian Human Rights Commission 2018

⁵ ABS 2016, 4906.0 - Personal Safety

⁶ Australian Institute of Health and Welfare 2018, *Family, domestic and sexual violence in Australia 2018*, Cat. no. FDV 2. Canberra: AIHW

⁷ Australian Human Rights Commission 2018 & Australian Institute of Health and Welfare 2018



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- Mandates and incentives for private sector to invest in initiatives that focus on building gender equity and women's leadership
- **Workplace training to address cultural barriers:** Under section 106 of the *Sex Discrimination Act 1984* (Cth), employers have a responsibility to take reasonable steps to prevent sexual harassment from occurring in their workplace. This includes training for employees on how to identify and respond to sexual harassment, as well as how to effectively handle complaints.⁸ YWCA Australia recommends workplaces undertake training to address cultural and behavioural barriers and engage staff and leadership in their responsibility for creating a zero tolerance culture for sexual harassment and discrimination. This includes:
 - **Unconscious Bias Training**
 - **Bystander Intervention Training**
 - **Specialised training for human resources staff** on complaints-handling procedures
- **Review and enact anti-discrimination laws** to enable strong protections against gender-based discrimination, including promoting substantive equality, and provide effective remedies against systemic and intersectional discrimination.
- **Stronger and clearer mandated workplace policies, processes and legal mechanisms to support individuals to report and have effective and timely outcomes**
 - Comprehensive policy that outlines legal duties on employers to take proactive steps to prevent and respond to sexual harassment at work, and strong and effective regulators that have the full suite of regulatory tools and resources to effectively tackle sexual harassment, including as a cultural and systemic issue.
 - Access to fair, effective and efficient complaints processes, including a new right of action under the Fair Work Act, extended time limits, increased transparency of conciliation outcomes where appropriate, and other amendments to address barriers that currently prevent workers who experience sexual harassment from taking effective legal action.

YWCA Australia thanks the Australian Human Rights Commission for this opportunity to provide a submission on the important issue of workplace sexual harassment, and looks forward to strong recommendations that workplaces, government and community can utilise to prevent sexual harassment and gender-based violence.

⁸ Sex Discrimination Act 1984





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YWCA Australia's Experience in Primary Prevention and Gender Equality:

YWCA Australia's **Gender Equality Matters** (GEM) offers an activation point for organisations to advance gender equality and enhance diversity in their workplace. We engage with a workplace to provide tools, support and expertise to consider specific needs, interests and impacts. The program includes an assessment of policies and programs and organisational culture, as well as training on Unconscious Gender Bias and Bystander Intervention, culminating in the development of an action plan to support gender equality in the workplace

YWCA has been delivering our *Rise Above the Pack* **Bystander Intervention Workshops** to workplaces and communities since 2015. These workshops, which are continually evaluated and reviewed, equip participants with positive bystander intervention tools and strategies to foster safe and respectful environments in their workplaces and broader communities. These workshops empower participants with the knowledge, skills and confidence to safely intervene in situations where the respect or safety of women is in question, and to challenge behaviours and attitudes that reinforce gender inequality and violence against women.

This work, as well as our **Respectful Relationships Programs** in schools, forms our work in engaging workplaces and communities to challenge gender inequality and violence supportive attitudes that form the gendered drivers of violence against women. YWCA were awarded an Australian Crime and Violence Prevention Award in November 2016 for this program as part of the Rise Above the Pack campaign.