27 February 2019

Kate Jenkins
Sex Discrimination Commissioner

Dear Ms Jenkins

Thank you for the opportunity for Our Watch to provide a submission to the national inquiry into sexual harassment in Australian workplaces.

Our Watch is an independent, not for profit organisation established by the Commonwealth and Victorian Governments in 2013. All States and Territories have been invited to join, and since establishment the South Australian, Northern Territory, Tasmanian, Queensland, Australian Capital Territory and Western Australian Governments have become members.

Our Watch works to drive nation-wide change in the social norms, structures, attitudes and practices that underpin, drive and support violence against women and their children.

In 2015 Our Watch launched *Change the story: a shared framework for the primary prevention of violence against* women. Developed in partnership with Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, the framework draws on a significant review of the international evidence on what drives violence against women, as well as comprehensive national consultations with stakeholders. *Change the story* outlines a national approach to prevention, involving diverse stakeholders, and in particular it points to the significant role that state and territory governments must play as part of this shared national effort. In line with this, this submission draws strongly on *Change the story*, and to a large extent reflects the approach outlined there.

Since its launch, Australian governments have endorsed *Change the story* in the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children* and many are now working to embed it in jurisdictional policy structures and processes.

In this submission, Our Watch has made recommendations for change to prevent sexual harassment in Australia. These draw on *Change the story* and Our Watch's experience in a range of key settings implementing best-practice prevention of violence against women work. If it is of assistance to the Commission, we can provide further detail on the initiatives referenced in the submission.

I congratulate the Australian Human Rights Commission for its work on this important inquiry. We look forward to continuing to work with the Commission in the years to come to prevent violence against women and their children before it starts, and to promote gender equality and women's human rights.

Yours sincerely

Patty Kinnersly
Chief Executive Officer

OUR WATCH

SUBMISSION TO THE NATIONAL INQUIRY INTO SEXUAL HARASSMENT IN AUSTRALIAN WORKPLACES

Contact

Kim Henderson
Director, Policy and Evaluation

████████████

GPO Box 24229
Melbourne VIC 300

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ourwatch.org.au

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About Our Watch

Our Watch is an independent, not for profit organisation established by the the Commonwealth and Victorian Governments in 2013. All States and Territories have been invited to join, and since establishment the South Australian, Northern Territory, Tasmanian, Queensland, Australian Capital Territory and Western Australian Governments have become members.

Our vision is shared with the *National Plan to Reduce Violence against Women and their Children 2010–2022* (the National Plan), namely an Australian community free from violence against women and their children.

The specific mandate of Our Watch is to focus on the primary *prevention* of violence against women and their children. We aim to provide leadership at national, state, regional and local levels to drive change in the social norms, structures, attitudes and practices that underpin, drive and support violence against women and their children. Our Watch has four key areas of work:

1. Design and deliver public campaigns that engage and educate individuals and the community
2. Promote a sustained and constructive public conversation
3. Enable organisations, networks and communities to effect change
4. Influence public policy, systems and institutions.

Our Watch draws directly on international human rights frameworks to provide the rationale for our work, based on an understanding of violence against women as a serious and preventable human rights abuse.[1] *Change the story* adopts the United Nations' Declaration on the Elimination of Violence against Women (1993) definition of violence against women,[2] describes violence against women as a fundamental violation of human rights, and points to Australia's obligation under international law to prevent this violence.[3] The human rights-based imperative to end violence, and the human rights principles of collaboration, participation and ensuring equality of outcomes for all, inform every aspect of the framework.[4]

About this submission

As an organisation focused on primary *prevention*, this submission focuses in particular on the drivers of workplace sexual harassment, and existing measures and good practices in the prevention of workplace sexual harassment. It makes specific recommendations to address sexual harassment in Australian workplaces. The submission draws primarily on *Change the story: a shared framework for the primary prevention of violence against women*, developed by Our Watch in partnership with Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, and launched in November 2015 (hereafter referred to as *Change the story*).

Change the story was developed following a significant review of the international evidence on what drives and contributes to the prevalence of violence against women. It was also informed by an extensive national consultation process, involving over 400 diverse stakeholders from across civil society and all levels of government. This enabled the *Change the story* framework to draw on existing practice-based knowledge and expertise as well as available research. Based on this evidence, the framework presents an explanatory model of violence against women, and a coherent

conceptual approach to its prevention – one that prescribes actions that are explicitly aligned with and designed to address the underlying drivers of this violence.[i]

This submission also draws on Our Watch's experience working with a range of workplaces to implement primary prevention activities, including through the development and pilot of the *Workplace Equality and Respect Standards*, and work with national sporting organisations, schools and others.

Our Watch's submission to the National Inquiry into Sexual Harassment in Australian Workplaces sets out the following:

- Sexual harassment is highly gendered, as the available data on sexual harassment reveals. As identified in the Australian Human Rights Commission's fourth national survey on sexual harassment in Australian workplaces:
  - women are substantially more likely than men to have experienced sexual harassment in their lifetime (85% and 56% respectively)
  - the majority of workplace sexual harassment is perpetrated by men (almost four out of five cases, or 79%, involved a male perpetrator)
  - women are more likely than men to experience sexual harassment that causes 'extreme offence' or 'extreme intimidation'

- While not explaining every instance, the evidence shows that the vast majority of sexual harassment is a form of men's violence against women. As such, it can be understood to be a product and symptom of gender inequality, driven by the same underlying factors as other types of gendered violence. These gendered drivers, as set out in *Change the story* are:
  - Condoning of violence against women
  - Men's control of decision-making and limits to women's independence in public life and relationships
  - Rigid gender roles and stereotyped constructions of masculinity and femininity
  - Male peer relations that emphasise aggression and disrespect towards women

- The nature of power in the Australian workforce and workplaces is gendered – at an individual, workplace and structural level – which creates an enabling environment for sexual harassment, and barriers to addressing and preventing it effectively.

- Gender inequality is always influential as a driver of violence against women, however it cannot be considered in isolation, nor is it experienced in the same way by every woman. Thus gender inequality needs to be considered and addressed alongside and together with a range of other significant factors, such as racism, homophobia, the impacts of colonisation, and ableism. Evidence shows that women living at the intersection of gender

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[i] Full references to this literature, research and other evidence can be found in the framework itself, and the two accompanying 'Framework Foundations' papers, all of which are available on the Our Watch website: http://www.ourwatch.org.au/What-We-Do-(1)/National-Primary-Prevention-Framework

inequality and other forms of discrimination and oppression are more likely to be subjected to sexual harassment, for example, women living with disability and Aboriginal women.

- Sexual harassment is not confined to workplaces. The high rate of sexual harassment experienced by women in many other areas, including public spaces, social venues and online contexts, points to the need for a holistic approach to what is a broad social problem.

- While responding to instances of sexual harassment is critical, it is specific, comprehensive and sustained *primary prevention* strategies that are required in order to stop sexual harassment from happening before it starts. The necessary elements of such strategies are set out in the submission.

Summary of recommendations

Commonwealth, State and Territory governments

1. Australian governments should introduce comprehensive and multi-faceted strategies for the primary prevention of violence against women, based on *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia,* and addressing the underlying gendered drivers of violence against women. Key elements could include:

   a. Significant investment in the development of an expert primary prevention workforce to lead, support and embed efforts in a range of settings, including in workplaces. This investment should include the development and implementation of a National Prevention Workforce and Sector Development Strategy
   b. Identification of workplaces as key settings for primary prevention work

2. Australian governments should begin work on the development of a second *National Plan to Reduce Violence against Women and their Children* well before the expiry of the current plan (2022), with a particular emphasis on primary prevention. The prevention components of the Plan should include:

   a. A long-term commitment and approach
   b. A national, coordinated approach
   c. Strategies to achieve cultural change via multiple levers
   d. Structural changes
   e. Adequate and sustainable funding
   f. Robust monitoring and evaluation frameworks

3. Australian governments should introduce and adequately resource gender equality strategies which address gender inequalities across Australian society, in order to change the broad and underlying conditions that produce and support violence against women (including sexual harassment). These should include:

a. Gender responsive policy-making and budgeting
b. Data collection strategies to monitor progress on gender equality and inform policy-making
c. Quotas and targets for women's leadership and representation
d. Mechanisms for consultation and expert advice

4. As part of a whole-of-society approach to gender equality, governments should develop and implement specific strategies to address gender inequalities in the Australian workforce and individual workplaces. This could include for example, adopting relevant recommendations from the 2017 report of the Senate inquiry into gender segregation in the workplace and its impact on women's economic equality. For example, development and implementation of a national policy framework to achieve gender pay equity in Australia, led by the Office for Women in the Department of the Prime Minister and Cabinet.

5. Our Watch supports calls for increased regulatory and enforcement powers to both improve responses to sexual harassment at work and strengthen the impetus for employers to take preventative action.

6. Our Watch supports calls for increased resourcing and availability of services to support people who have been subjected to sexual harassment (including but not limited to counselling, legal advice, victim support and advocacy).

7. Our Watch supports calls for law reform to create stronger and clearer legal duties on employers to take proactive steps to prevent sexual harassment at work.

Employers

8. All employers should develop and implement strategies to prevent sexual harassment (and other forms of violence against women) by addressing the four gendered drivers of violence against women. Ideally these should be part of a broader, holistic gender equality strategy. While the size and context of the organisation will guide these strategies, best practice workplace prevention approaches should involve whole-of-organisation strategies that include strong support from leadership teams, are adequately resourced, and have a sustained commitment to cultural and structural change. The *Workplace Equality and Respect Standards* provide guidance for employers in developing such an approach.

9. As large employers, governments should play a leading role in taking action and modelling good practice on the prevention of violence against women (including sexual harassment) to other employers, by implementing the *Workplace Equality and Respect Standards* in all government departments.

Other stakeholders

10. Human rights agencies, work health and safety regulators, and other relevant bodies should lead and support actions to prevent sexual harassment and violence against women, with governments providing increased and sustained funding to enable this.

11. Regional- and state-based organisations should be sufficiently funded to upskill and build their capacity to support workplaces to implement best practice primary prevention of violence against women, for example the *Workplace Equality and Respect Standards*.

12. Other stakeholders, including community organisations, unions and industry bodies should make a strong commitment to gender equality and be actively involved in strategies and actions to prevent violence against women, including sexual harassment.

Sexual harassment as a form of violence against women

Sexual harassment (at work, in educational institutions, and elsewhere) is recognised as a form of violence against women in the United Nations Declaration on the Elimination of Violence against Women.[5]

A recent resolution of the UN General Assembly said:

> [The General Assembly recognises] that violence against women and girls, including sexual harassment, is rooted in historical and structural inequality in power relations between men and women, seriously violates and impairs or nullifies the enjoyment of all human rights and fundamental freedoms by women and girls and constitutes a major impediment to their full, equal and effective participation in society, as well as economic and political life[6]

The International Labour Organisation has also recognised sexual harassment as a form of gender-based violence, with a 2016 Meeting of Experts concluding that, in addressing violence in the world of work, the "gender dimensions of violence need to be addressed specifically".[7]

Sexual harassment is highly gendered. As identified in the Australian Human Rights Commission's fourth national survey on sexual harassment in Australian workplaces, women are substantially more likely than men to have experienced sexual harassment in their lifetime (85% and 56% respectively).[8] The majority of workplace sexual harassment is perpetrated by men, with 79% of victims of workplace sexual harassment being sexually harassed by (one or more) male perpetrators in the past five years.[9] Women are more likely than men to experience sexual harassment that causes 'extreme offence' or 'extreme intimidation'.[10] Our Watch's submission aims to explain these gendered patterns, in victimisation and especially in perpetration. While the evidence set out in this submission does not explain every instance of sexual harassment, it provides a basis for understanding the vast majority of this type of violence, as a form of men's violence against women.

Similarly, the Australian Bureau of Statistics' Personal Safety Survey (PSS) data underlines the gendered nature of sexual harassment.[ii] In 2016, 53% of women reported having experienced sexual harassment during their lifetime, compared with 25% of men. That is, women are more than twice as likely than men to have experienced sexual harassment during their lifetime since the age of 15. Further, the 2016 PSS data shows that women were far more likely to experience sexual harassment by a male perpetrator than a female perpetrator. In the 12 months prior to the 2016 survey, 17% (nearly one in five) women experienced sexual harassment, as compared with 9% of men.[11]

[ii] The Australian Human Rights Commission survey and Personal Safety Survey use different methodologies to measure the prevalence of sexual harassment. For example, in the PSS respondents are also asked not only whether they have experienced individual sexual harassment behaviours, but whether they experienced those behaviours "to be improper or insensitive due to their sexual nature". Only those behaviours experienced by the respondent to be improper or insensitive are then counted. We hypothesise that this difference in methodology at least partly accounts for why the PSS shows a greater gender difference in the prevalence of sexual harassment experiences between women and men; that is, that women are twice as likely to have experienced sexual harassment victimisation in their lifetime than men.

Gendered drivers of sexual harassment

Sexual harassment is part of a broad spectrum of different forms of violence against women. As such, it can be understood to have the same underlying drivers as other forms of gendered violence, and to be rooted in the kinds of unequal gendered power relations referred to by the United Nations statement above.

Australia's shared framework for the primary prevention of violence against women and their children, *Change the story*, identifies gender inequality as setting the necessary social context in which violence against women occurs. The framework demonstrates that there are particular expressions or manifestations of gender inequality that are most consistently associated with higher levels of violence against women. These are referred to in *Change the story* as the 'gendered drivers' of violence against women. A range of international evidence finds that these gendered drivers arise from unequal and discriminatory institutional, social and economic structures, social and cultural norms, and organisational, community, family and relationship practices. Together, these structures, norms and practices create environments in which women and men are not considered equal, and violence against women is both more likely to happen, and more likely to be tolerated and even condoned.

The gendered drivers of violence against women outlined in the framework are as follows:

- Condoning of violence against women
- Men's control of decision-making and limits to women's independence in public life and relationships
- Rigid gender roles and stereotyped constructions of masculinity and femininity
- Male peer relations that emphasise aggression and disrespect towards women

Change the story uses a socio-ecological model to explain individual behaviour in a social context and illustrate the dynamic interrelations between relevant factors located at the individual, organisational, community, systemic and social levels. This conceptual model is illustrated below.
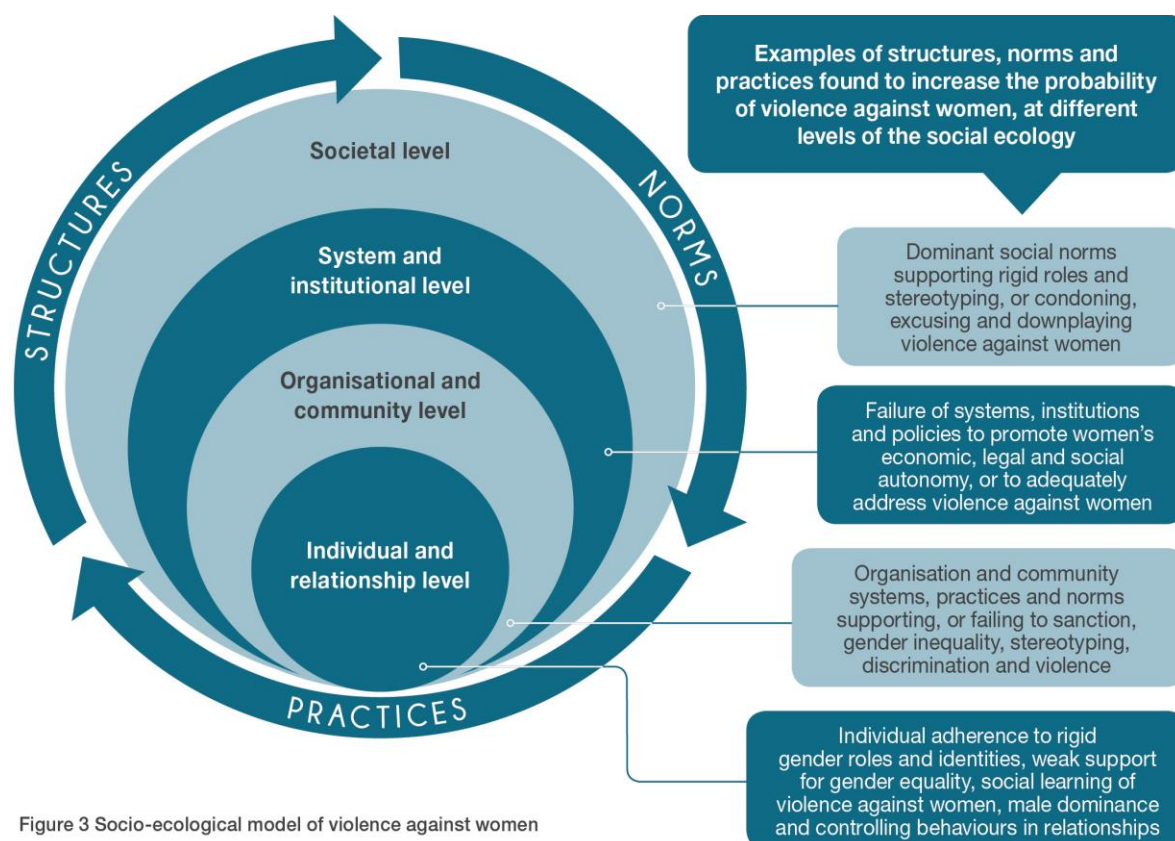

Figure 3 Socio-ecological model of violence against women

Source: *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*, Our Watch, ANROWS and VicHealth (2015).

This model, and the analysis presented in *Change the story* can help explain the prevalence and gendered patterns of sexual harassment. Placed in a social context, sexual harassment (whether in the workplace or elsewhere) can be understood not simply as individual behaviour, but as a social problem – part of a broader pattern of gendered violence that has complex drivers located at multiple levels. This understanding is key to developing an effective approach to prevention.

Gendered dynamics of the Australian workforce and workplaces

> Workplaces operate not in isolation from their societal contexts but as integral parts of local, national and increasingly, globalised environment.[12]

As can be seen from the previous diagram, workplaces are part of the broader social ecology – their structures, norms and practices are both influenced by, and influence, other levels of society. As such, they both reflect and reinforce broader gendered power structures and relationships. Indeed workplaces – and the workforce in general – are arguably sites in which relations of power are

particularly strongly gendered. This creates an enabling environment for sexual harassment to occur, and barriers to addressing and preventing it effectively.

Data from the Workplace Gender Equality Agency (WGEA) shows that workplace leadership (CEOs, managers, board members and Chairs) is still overwhelmingly dominated by men. Among organisations that report to WGEA, only 30.5% of key management personnel, 17.1% of CEOs, 28.1% of board members and 13.7% of Chairs are women. While these figures are a slight improvement on previous years, progress has been very slow.[13]

These gendered structures of power, influence and decision-making have implications for both the likelihood of sexual harassment and women's ability to report it. Not only are men more likely to be in positions of power over women in the workplace, they also have greater opportunities to abuse this power – often with impunity. When women have less power in the workplace than men, they are more likely to feel unable to report experiences of harassment, because such a complaint could threaten their employment, position in the organisation or career progression.[14]

National employment data also illustrates the broader gendered division of labour in Australia. Women who are casually employed (27% of female employees)[15] lack job security and generally do not have access to leave. Further, women make up 60.1% of all underemployed Australians.[16] For women, the precarious nature of both underemployment and casual employment compounds their already relatively poor levels of power in the workplace, by reducing or compromising their ability to raise complaints about their working conditions, including any harassment that they experience, for fear of losing their job.

One in two Australian mothers reported experiencing discrimination at some point during pregnancy, parental leave or on return to work.[17] The high prevalence of pregnancy-related discrimination also has implications for women's power in the workplace and their ability to raise complaints about workplace conditions, including experiences of sexual harassment.

The Australian workforce is also highly gender segregated, with 6 out of 10 Australians working in industries dominated by one gender.[18] A Senate committee inquiry identified:

> The economic consequence of undervaluation of feminised work is that women continue to dominate the lower end of the earnings spectrum in most occupations, so that they are not only segregated into a limited range of occupations, but they remain vertically segregated within a limited range of low grades with less training possibilities and little career path progression.[19]

The gendered structural dynamics that characterise the Australian workforce reflect gendered social norms. In particular, the kinds of care work that are overwhelmingly performed by women are generally devalued and less well paid, while occupations in which men are concentrated are better paid and have a higher social status.

In addition to these gendered dynamics in both the Australian workforce and at the level of social norms, the structures, norms and practices of individual workplaces have a significant impact on the prevalence of gender-based violence including sexual harassment. For example, sexual harassment has been found to be more prevalent in male-dominated workplaces.[20] Results from the 2017 National Community Attitudes Survey suggests that both men and women in male dominated

occupations are more likely to demonstrate attitudinal support for violence against women. Men in these occupations are less likely to support gender equality, while women are more likely to have a low level of understanding of violence against women. In evidence that workplaces have a particularly strong normative influence on individuals' views, the data shows that the gender composition of a person's occupation contributes more to variance in attitudes to both gender equality and violence against women than the gender composition of their social networks.[21]

There is also a higher risk of sexual harassment in workplaces where there is a perceived organisational tolerance for such behaviour, including perceived absence of organisational sanctions, perceived personal risk for those who complain and the perception that complaints won't be taken seriously.[22] Inadequate or inappropriate organisational and system responses to sexual harassment play a role in driving further violence by contributing to the condoning of violence against women in the workplace. Violence against women is condoned both through widely-held beliefs and attitudes (social norms), and through legal, institutional and organisational structures and practices that reflect and reinforce them. For example, organisations may respond to a disclosure or report of sexual harassment by obfuscating complaints processes, impeding access to justice, questioning an employee's experience of violence, shifting blame to the victim, being non-responsive, penalising the employee for making a complaint, or failing to discipline the perpetrator in a way that makes clear the behaviour is unacceptable.[iii] Such responses can effectively create a workplace culture in which this violence is condoned and allowed to flourish. As set out in *Change the story*, practices that justify, trivialise, excuse, or downplay violence against women, or blame the victim all contribute to an environment that condones violence against women and this in itself a driver of that violence.

Gender inequality intersects with other forms of inequality and discrimination

Change the story shows that, while gender inequality is always influential as a driver of violence against women, it cannot be considered in isolation, nor is it experienced in the same way by every woman. Other forms of systemic social, political and economic inequality, discrimination and disadvantage influence and intersect with gender inequality in complex ways, and at all levels of the social ecology. In some cases, they can increase the frequency, severity and prevalence of violence against women. This means that while gender inequality is a significant factor, it needs to be considered and addressed alongside and together with a range of other significant factors that may be significant in some cases, such as racism, homophobia, the impacts of colonisation and ableism.

In a workplace context, other factors also contribute to power imbalances, present opportunities for the abuse of power, and create barriers for employees to report experiences of violence. These include for example, the precarity of temporary work visa status, casual or contract work status, and workplace cultures that marginalise particular groups of people.

[iii] The Australian Human Rights Commission's 2018 report on the *Fourth national survey on sexual harassment in Australian workplaces* provides some examples of such practices, such as victims experiencing negative consequences in the workplace, no consequences for the perpetrator of the harassment, transferring the perpetrator to another part of the workplace and employers making no workplace changes at all.

Our Watch has recently undertaken work to explore the intersections between the gendered drivers of violence and other forms of oppression and discrimination in two examples: violence against LGBTI people,[23] and violence against Aboriginal and Torres Strait Islander women.[24] This work shows that for different groups of women, the gendered drivers identified in *Change the story* intersect with other factors to influence the prevalence and dynamics of violence.

The Australian data on sexual harassment reveals that women who live at the intersection of gender inequality and other forms of discrimination and marginalisation are more likely to experience sexual harassment. For example:

- The Australian Human Rights Commission 2018 survey found that 55% of *Aboriginal and Torres Strait Islander women* had experienced workplace sexual harassment in the previous five years, as compared with 39% of all women
- The 2016 PSS data shows that 19.1% (one in five) women living with *disability* or a long-term health condition experienced sexual harassment in the previous 12 months, as compared with 16.5% of women who do not have a disability. The 2018 AHRC survey showed that in the previous five years, 52% of women living with disability experienced workplace sexual harassment, as compared with 39% of all women.
- The PSS and AHRC data also reveal correlations between *age* and sexual harassment victimisation. For example, the PSS 12-month prevalence rates of sexual harassment for women aged 18-24 were over double that of the general female populace. That is, 38.3% of young women aged 18-24 experienced sexual harassment in the previous 12 months, as compared with 17.3% of all women. Prevalence amongst women aged 25-34 was also high (24.8%). The 2018 AHRC survey results revealed that 62% of people who had experienced workplace sexual harassment in the previous five years were under 40 years of age
- Women occupying the bottom two quintiles of *socio-economic disadvantage* were more likely than other women to experience sexual harassment in the 12 months prior to 2016, on the basis of the PSS data
- On the basis of the AHRC data, 52% of people of diverse sexual orientations had experienced workplace sexual harassment in the five years prior to 2018, as compared with 31% of heterosexual people.

Too often, violence against different groups is considered separately, as different phenomena, but our work shows that this violence is overlapping and related, and shares at least some similar drivers. While *responding* to the needs of those who have experienced violence often does entail different and tailored approaches for different population groups, the implication for *prevention* is different. Preventing different but related forms of violence implies the need for holistic strategies rather than separate, population specific approaches. Such strategies need to address the gendered drivers of violence *together* with other drivers (such as homophobia, transphobia, and the impacts of colonisation) that are present in both the broad social environment and workplaces.

Sexual harassment also occurs outside of workplaces

Sexual harassment is not confined to the workplace – women (and particularly young women) experience sexual harassment in other places, including in public spaces, social settings and online.

A survey conducted by the Australia Institute in 2015 found that 87% of Australian women had experienced at least one form of verbal or physical street harassment. Overwhelmingly this harassment was perpetrated by men when women were on their own. More than half the women surveyed (54%) said they first experienced street harassment before they were 18 years old and 76% had first experienced street harassment by the age of 25.[25] Plan International Australia's *Free to Be* project in Sydney found that young women's experiences of sexual harassment in public spaces were spread across the city but concentrated in public transport hubs, affecting the ability of young women and girls to move freely and safely around the city and access education and employment.[26] A survey from the US found that people of colour are more likely than white people to report that they have experienced street harassment sometimes, often or daily; LGBT respondents – mainly women – reported that they were harassed daily at a higher rate than heterosexual people.[27]

Sexual harassment is also prolific in online environments. In 2018, 30% of women surveyed by Amnesty International said that they had experienced online abuse or harassment, including nearly half (47%) of respondents aged 18-24.[28]

Experiences of sexual harassment in public spaces may be part of, or an extension of, a woman's working day, for example if she is harassed on the way to or from work on public transport, or by a colleague at a work social function, or abused online when performing work-related activities.

The high rate of sexual harassment experienced in workplaces, public spaces, online, and in other contexts points to the need for a holistic approach to what is a broad social problem (as recommended below).

Sexual harassment is preventable: Recommendations for change

Sexual harassment and other forms of violence against women are prevalent but not inevitable. The drivers of this violence against women are deeply entrenched across society, but they can be shifted through sustained efforts to progress gender equality.

Like other forms of violence against women, the focus around sexual harassment has largely been on improving responses to those who experience it. This focus is crucial to ensure that women are adequately supported and have access to redress when they experience violence. However, in order to stop sexual harassment from happening before it starts, response strategies must be complemented by a dedicated primary prevention approach.

There has been a recent growth in public awareness on sexual harassment in workplaces including as a result of the #metoo movement. One impact of this appears to be the significant increase in self-identification of having experienced sexual harassment.[iv] This suggests that the time is right to move beyond raising awareness of this issue to take concrete action to shift its underlying drivers.

Change the story sets out five essential actions that comprise such an approach, by addressing the gendered drivers of violence against women. These are:

1. Challenge condoning of violence against women
2. Promote women's independence and decision-making in public life and relationships
3. Foster positive personal identities and challenge gender stereotypes and roles
4. Strengthen positive, equal and respectful relations between and among women and men, girls and boys
5. Promote and normalise gender equality in public and private life

It is crucial that Australia's approach to the primary prevention of violence against women is multi-faceted and sustained, involving multiple techniques in different settings (workplaces, schools, sporting clubs etc) and working across the life course. Single primary prevention programs and techniques (for example, direct participation programs, organisational development, and communications and social marketing) may have a positive impact but this is primarily limited to participants and is likely to lessen over time if the message is not reinforced in other areas of those participants' lives.

Further, the implementation of such primary prevention techniques needs to be supported by complementary political and institutional strategies, including public policy, legislation and regulation in order to shift the social structures that enable, drive or effectively condone this violence.

In outlining a shared national approach to prevention, *Change the story* identifies roles for many different stakeholders, but points to the particular roles and responsibilities of governments. The

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[iv] For example, the Australian Human Rights Commission's third national survey on sexual harassment conducted in 2012 found that just over one in five (21%) people in Australia had experienced sexual harassment in the workplace in the past five years, while the fourth national survey conducted in 2018 found that number was one in three people (33%).

Commonwealth government has a key role to play in coordinating and maintaining cross-jurisdictional leadership and in establishing a communication mechanism to drive and support a shared approach from the national to the local level. State and territory governments should develop their own plans, reflecting this shared national direction, but tailored and responsive to specific jurisdictional contexts and needs. State and territory governments can play a lead role in crucial prevention settings that fall within their remit, such as education and health. Local governments are well placed to respond to local concerns and to lead primary prevention activities through existing mechanisms and via a range of partnerships.

As highlighted in *Counting on change: A guide to prevention monitoring*, commitment to comprehensive, secure and ongoing funding for primary prevention across Australia is needed to achieve change on this issue. This investment must complement (rather than deduct from) response service funding (which itself needs to be increased). Primary prevention takes a long-term approach supported by sustained funding; it is this approach that has been critical to the success of efforts to address other public health issues.

Recommendation 1: Australian governments should introduce comprehensive and multi-faceted strategies for the primary prevention of violence against women, based on Change the story: A shared framework for the primary prevention of violence against women and their children in Australia, and addressing the underlying gendered drivers of violence against women. Key elements could include:

a. *Significant investment in the development of an expert primary prevention workforce to lead, support and embed efforts in a range of settings, including in workplaces. This investment should include the development and implementation of a National Prevention Workforce and Sector Development Strategy*
b. *Identification of workplaces as key settings for primary prevention work*

Recommendation 2: Australian governments should begin work on the development of a second National Plan to Reduce Violence against Women and their Children well before the expiry of the current plan (2022), with a particular emphasis on primary prevention. The prevention components of the Plan should include:

a. *A long-term commitment and approach*
b. *A national, coordinated approach*
c. *Strategies to achieve cultural change via multiple levers*
d. *Structural changes*
e. *Adequate and sustainable funding*
f. *Robust monitoring and evaluation frameworks*

Systemic and structural reform to address gender inequality in the workforce

There are significant systemic and structural issues in relation to gender inequality both across the Australian workforce and in individual workplaces. Strategies are needed at all levels to address these issues – for example, through policies to address gender segregation in the workforce, the gender pay gap, the disproportionate unpaid care work that women continue to undertake, access to affordable childcare, and insecure work such as underemployment and casual employment.

Strategies should also be adopted to address other trends in the workforce that create unequal power dynamics, for example labour exploitation of people on temporary work visas and the precarious working conditions for casual workers and people working in the 'gig economy'. Approaches are also required to address social and cultural norms that support other forms of discrimination, for example homophobia and racism.

Making steps towards a more gender equitable society, particularly in the domain of workplaces and the workforce, contributes to the essential actions that are needed to address all forms of violence against women.

Recommendation 3: Australian governments should introduce and adequately resourced gender equality strategies which address gender inequalities across Australian society, in order to change the broad and underlying conditions that produce and support violence against women (including sexual harassment). These should include:

> *a. Gender responsive policy-making and budgeting*
> *b. Data collection strategies to monitor progress on gender equality and inform policy-making*
> *c. Quotas and targets for women's leadership and representation*
> *d. Mechanisms for consultation and expert advice*

Recommendation 4: As part of a whole-of-society approach to gender equality, governments should develop and implement specific strategies to address gender inequalities in the Australian workforce and individual workplaces. This could include for example, adopting relevant recommendations from the 2017 report of Senate inquiry into gender segregation in the workplace and its impact on women's economic equality. For example, development and implementation of a national policy framework to achieve gender pay equity in Australia, led by the Office for Women in the Department of the Prime Minister and Cabinet.

The importance of robust response systems and services

As set out above, systems which do not adequately and appropriately respond to allegations of sexual harassment not only fail individual victims but can contribute to the condoning of violence against women, both within workplaces and more broadly.

There are many documented gaps, failings and inadequacies in this response system,[29] which point to a dire need for reform, including in relation to complaints mechanisms and access to remedies. Our Watch supports calls to improve this system through law reform, improved regulatory mechanisms, and improved support structures and services for women who have experienced sexual harassment.

Recommendation 5: Our Watch supports calls for increased regulatory and enforcement powers to both improve responses to sexual harassment at work and strengthen the impetus for employers to take preventative action.

Recommendation 6: Our Watch supports calls for increased resourcing and availability of services to support people who have been subject to sexual harassment (including but not limited to counselling, legal advice, victim support and advocacy).

The need for an onus for prevention on employers

Change the story identifies workplaces as a key setting for the primary prevention of violence against women, as they provide a significant opportunity to reach large populations including men. Activities that influence aspects of organisational culture, work environment and practices, have strong potential to shape social norms and relationships. This means employers have a key role to play.

The current system for employers to address sexual harassment in their workplaces puts the onus on victims to identify and report their own experience of sexual harassment and seek appropriate remedies. As set out above, Our Watch supports calls to improve system and service responses to this violence.

However, improving *responses* to sexual harassment is not enough on its own. Even in best practice response systems, all employer action is taken at the point *after* the sexual harassment has occurred. In order to *prevent* sexual harassment – that is to stop it before it starts – there is a need for employers to adopt specific, dedicated primary prevention activities.

Many employers are already implementing or developing relevant strategies. For example, it is positive to see that, of employers who report to WGEA, there has been strong growth in the proportion that are implementing gender equality policies and/or strategies (74.3% in 2017-18, up from 66.2% in 2013-14) and in those who have a policy and/or strategy for flexible working (70.7% in 2017-18, up from 57.5% in 2013-14).[30] However, there is currently no duty on those employers who do not have such policies in place to develop and implement them. Further, there is no data available on how widespread gender equality policies are among employers with less than 100 employees (ie. those who are not required to report under the *Workplace Gender Equality Act 2012*).

In addition to having gender equality and associated policies in place, employers need to take specific and sustained action to improve gender equality within their workplaces and address the four gendered drivers of violence against women, including through purposive cultural change within the organisation. Ideally this should be part of a whole-of-organisation strategy.

Recommendation 7: Our Watch supports calls for law reform to create stronger and clearer legal duties on employers to take proactive steps to prevent sexual harassment at work.

Best practice prevention of violence against women work in workplaces

> The conceptual framing of [sexual harassment] as an individual problem, rather than one with causes and consequences at a systemic level has limited the development of effective organisational responses.[31]

As this submission sets out, sexual harassment is a deeply entrenched societal problem rather than the behaviour of isolated individuals. Because of this, workplaces need to apply whole-of-organisation approaches to address the underlying drivers of sexual harassment.

As part of such whole-of-organisation approaches, workplaces should develop specific strategies to address the four drivers of violence against women. Outlined in *Change the story*, these are:

- Condoning of violence against women
- Men's control of decision-making and limits to women's independence in public life and relationships
- Rigid gender roles and identities
- Male peer relations that emphasise aggression and disrespect towards women

Workplaces often focus only on the first driver, for example by expressing 'zero-tolerance' for violence in the workplace, however it is crucial that strategies are identified to enact structural and normative changes across all four areas. Best practice addresses all four drivers to ensure that the gender unequal structures, norms and practices as a whole are being addressed, rather than approaching the issue of violence in isolation.

This best practice approach requires organisations to identify and implement broad strategies to address the structural issues that are barriers to gender equity for their staff. For example; conducting a gender pay gap analysis across the organisation and considering how inequities can be addressed; reviewing working conditions, including security of work and access to leave entitlements for employees; ensuring equal opportunities for career progression for men and women; implementing flexible working policies; and providing paid parental leave. It also requires organisations to review and change workplace culture, including avoiding stereotyping language and images, seeking staff feedback on their experiences and perspectives on the way that gender influences and shapes staff experiences in the workplace, and communicating with all staff about what constitutes unacceptable language.[32]

In addition, those strategies that do focus specifically on the first driver need to go beyond a statement of zero tolerance. They need to be holistic and comprehensive, for example including policies and cultural change measures that support women to come forward when they experience sexual harassment and that ensure perpetrators face appropriate disciplinary action will ensure that commitments about zero tolerance are actually meaningful and enacted by the organisation.

Workplaces are varied, and thus approaches need to be carefully tailored to each particular context and circumstance. Depending on the size of an organisation, there will be varied capacity to implement comprehensive strategies. However, all organisations can undertake some level of activity to improve gender equality and address the four drivers of violence against women in their workplace.

Workplace Equality and Respect Standards

Our Watch, supported by the Victorian Government, has developed a set of Standards to guide workplaces to promote and embed gender equality and respect in the workplace through a comprehensive organisational change process.[v]

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[v] For further information: https://workplace.ourwatch.org.au/

To read the *Workplace Equality and Respect Standards*: https://workplace.ourwatch.org.au/what-is-workplace-equality-respect/

Workplace Equality and Respect identifies five standards for workplaces to meet in their effort to prevent violence against women:

1. Commitment – secure the commitment of leaders and staff
2. Conditions – ensure conditions support gender equality
3. Culture – reject sexist and discriminatory culture
4. Support – support staff and stakeholders who experience violence
5. Your business – integrate gender equality into your core business

Recognising that no two workplaces are the same, the *Workplace Equality and Respect Standards* do not provide a prescriptive program for workplaces, but rather offer comprehensive, flexible and adaptable guidance on best-practice actions workplaces can take to prevent violence against women. The flexibility within the Standards also acknowledges that many workplaces are already taking action to promote gender equality, prevent violence against women and/or support employees who experience violence, and the Standards support such workplaces to strengthen their current activities.

To implement the *Workplace Equality and Respect Standards*, organisations are advised to undergo a process that they tailor to suit their workplace to create organisational and cultural change. This takes time and sustained commitment, beginning with resourcing staff to lead the work and securing genuine commitment from leaders. Following this, it is crucial that organisations prioritise and plan their activity including by consulting with staff, collecting data, assessing the workplace against the Standards to determine priorities, and developing both a long-term strategy and immediate action plan.

Recommendation 8: All employers should develop and implement strategies to prevent sexual harassment (and other forms of violence against women) by addressing the four gendered drivers of violence against women. Ideally these should be part of a broader, holistic gender equality strategy. While the size and context of the organisation will guide these strategies, best practice workplace prevention approaches should involve whole-of-organisation strategies that include strong support from leadership teams, are adequately resourced, and have a sustained commitment to cultural and structural change. The Workplace Equality and Respect Standards provide guidance for employers in developing such an approach.

Recommendation 9: As large employers, governments should play a leading role in taking action and modelling good practice on the prevention of violence against women (including sexual harassment) to other employers, by implementing the Workplace Equality and Respect Standards in all government departments.

Best practice prevention of violence against women in other settings

Creating change in workplaces to prevent sexual harassment is crucial. However, recognising that sexual harassment is a broader societal issue that occurs beyond workplaces, it is important for these efforts to also extend to other settings. Effective prevention efforts engage people across the many different environments where people live, work, learn, socialise and play.

Some examples of relevant Our Watch interventions include:

- Respectful relationships education (the holistic approach to school-based, primary prevention of gender-based violence. It uses the education system as a catalyst for generational and cultural change by engaging schools, as both an education institutions and workplaces to comprehensively address the drivers of gender-based violence and create a future free from such violence)[vi]
- Social marketing campaigns
  - *The Line* campaign on sex, dating and relationships for young people aged 12-20[vii]
  - *No Excuse for Abuse* campaign aimed at raising awareness of non-physical abuse[viii]
  - *Doing Nothing Does Harm* campaign aimed at motivating people to do something when they see or hear disrespect toward women[ix]
- Engagement with the media, including the inaugural Our Watch fellowship program, survivor media advocate training, the Our Watch awards, and a national curriculum for journalism students[x]
- Helping sporting organisations embed gender equality and respectful relationships into their networks and communities[xi]

The role of other stakeholders

Every sector, institution, organisation, community and individual have a role to play in preventing sexual harassment and other forms of violence against women. Different stakeholders have different responsibilities, expertise and capacities and different spheres of influence.

Key agencies and regulators (for example, human rights agencies, work health and safety regulators, and others) do not currently have an adequate level of sustained funding to enable them to lead and support actions to address the underlying drivers of sexual harassment and other forms of

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[vi] See further: Our Watch, *Evidence paper: Respectful Relationships Education in Schools* (2015) https://www.ourwatch.org.au/getmedia/4a61e08b-c958-40bc-8e02-30fde5f66a25/Evidence-paper-respectful-relationships-education-AA-updated.pdf.aspx

[vii] See further: https://www.theline.org.au/

[viii] See further: https://www.ourwatch.org.au/no-excuse/home

[ix] See further: https://www.ourwatch.org.au/doingnothingdoesharm/home

[x] For further information on media representations of violence against women and their children: https://www.ourwatch.org.au/getmedia/339a9055-16fb-4d57-8cb3-3d2a2f9c5fa1/Media-representations-of-violence-against-women-state-knowledge-paper.pdf.aspx

[xi] For further information on preventing violence against women through sport: https://www.ourwatch.org.au/getmedia/01967038-a7f9-4267-ba3e-912c0fa0398e/A-team-effort-evidence-guide-AA.pdf.aspx

violence against women. There is a need to increase the capacity of such agencies to perform key functions including monitoring of progress and issuing of up-to-date guidance.

Employers need support and guidance to implement best-practice prevention strategies across their organisations. At present, there is a shortage of specialist trainers and workers across the country who can support workplaces to undertake this work. It is crucial that governments make investments to upskill and build the capacity of regional- and state-based organisations to support workplaces in their regions in implementing best practices approaches.

Finally, other stakeholders such as community organisations, unions and industry bodies have a key role to play through strong commitments to gender equality and active involvement in strategies and actions to prevent violence against women, including sexual harassment.

Recommendation 10: Human rights agencies, work health and safety regulators, and other relevant bodies should lead and support actions to prevent sexual harassment and violence against women, with governments providing increased and sustained funding to enable this.

Recommendation 11: Regional- and state-based organisations should be sufficiently funded to upskill and build their capacity to support workplaces to implement best practice primary prevention of violence against women, for example the Workplace Equality and Respect Standards.

Recommendation 12: Other stakeholders, including community organisations, unions and industry bodies should make a strong commitment to gender equality and be actively involved in strategies and actions to prevent violence against women, including sexual harassment.

Conclusion

Our Watch congratulates the Australian Human Rights Commission on initiating this important inquiry into sexual harassment in Australian workplaces. We look forward to continuing to work with the Commission to progress effective approaches to addressing sexual harassment and all forms of violence against women, based not only on improving responses to such violence but on addressing its underlying drivers to *prevent* this violence before it occurs.

Endnotes

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