



Time's Up : Urgent Action Needed To End Sexual Harassment At Work

Sexual Harassment is a workplace issue.

Rates Of Sexual Harassment In Australia Are Alarming

Everyone deserves to be safe at work and in their community, yet the current rates of sexual harassment in the workplace are alarming. According to a recent ACTU survey of nearly 10 000 people, two in three women and one in three men have been subjected to one or more forms of sexual harassment.

The survey identified that of 9 607 respondents:

- 69% had experienced crude or offensive behaviour.
- 48% experienced unwanted sexual attention.
- 35% experienced inappropriate touching.
- 18% received explicit texts, emails or messages on social media.
- 8% experienced sexual coercion.

In addition to personal experiences, 66% of respondents said that they had witnessed sexual harassment at work.

While 58.8% of those who had experienced harassment told someone about their experience, only 26.7% chose to make a formal complaint. The main reason people (cited by 55% of respondents) declined to pursue a formal complaint was that they feared negative repercussions.

Our Workplace Laws Have Failed Those Who Are Experiencing Harassment at Work.

Australia's current framework fails to effectively ensure employers create harassment free workplaces. Instead, our laws place the burden of addressing harassment almost entirely on the individual.

The **Sex Discrimination Act 1984 (SDA)** aims to eliminate sexual harassment and promote equality, yet it is nothing more than a complaint process that relies on individuals coming forward and reporting harassment.

There is no meaningful requirement on employers to implement effective, proactive measures to prevent sexual harassment in the workplace.

There is no enforcement nor compliance mechanism to ensure the prevention of sexual harassment in the workplace.

The provisions within the **Fair Work Act 2009** are weak, and unworkable in cases for sexual harassment at work.

The **Workplace Health and Safety laws** and regulations do not adequately acknowledge nor protect workers from the psychosocial impacts of sexual harassment.

No Quick Fix. An Integrated Approach Is Required

There is no quick fix to the issue of sexual harassment in the workplace. Sexual harassment arises from a spectrum of behaviours and risks which cannot be addressed in isolation.

Sexual harassment arises from power imbalance and as such the wider context of gender inequality in workplaces can not be ignored.

Serious and substantial reforms are needed to address the conditions which allow sexual harassment to occur, as well as ensuring that the legal system is responsive and effective for complaints.

It is crucial that regulatory responses acknowledge that sexual harassment is;

- A form of sex discrimination.
- A type of gender based violence.
- A symptom of gender inequality at work.
- A psychosocial health and safety risk.

The International Labour Organisation (ILO) has called for an integrated approach to addressing sexual harassment in the workforce. Such an approach should involve stronger anti-discrimination laws, improvements to industrial and workplace health and safety laws and practice, as well as non-regulatory measures such as education campaigns.

Australian Human Rights Commission National Inquiry Into Workplace Sexual Harassment

Last year, the AHRC launched an independent national inquiry into sexual harassment in the workplace. This 12 month investigation led by Sex Discrimination Commissioner Kate Jenkins aims to highlight a much needed light on a system which is failing Australian workers, particularly women and provide individuals and organisations from all over Australia with opportunities to speak about their experiences.

The ACTU is developing a submission to the AHRC inquiry and will co ordinate a national action to highlight the incidences of sexual harassment in the workforce.

Campaign to End Sexual Harassment At Work

Workers who are sexually harassed need access to fair, effective and efficient complaints mechanisms, as well as the power to act collectively through their unions to create safe and healthy work environments.

This can only be achieved through collective union campaigning.

The IEU joins with ACTU unions to Change the Rules and address sexual harassment in the workplace. All union members call for:

1. A clear right of action for workers who are sexually harassed within the Fair Work Commission, which focuses on the merits of cases rather than narrow legal technicalities
2. An effective capacity for unions to bring representative complaints on behalf of collective of workers.
3. The strengthening of powers of the Fair Work Commission in relation to gender equality and the establishment of an expert Gender Equality panel within Fair Work
4. A new Work Health and Safety Regulation and Code of Practice to be developed in consultation with social partners and experts on all psychosocial hazards, including sexual harassment
5. The definitions of ‘notifiable incident’ ‘serious injury or illness’ and ‘dangerous incident’ to be redrafted to require reporting in relation to psychosocial hazards, including sexual harassment
6. The strengthening of the Sex Discrimination Act and the empowering of Sex Discrimination Commission to conduct well resourced inquiries into high risk sectors or industries. As well, for powers to authorise courts to penalise for breaches of the Act.
7. The Australian Government to actively support the development of, ratify and fully implement a new ILO Convention on Violence and Harassment in the World of Work.

Time’s Up. Australian workers need access to fair, effective and efficient laws which prevent and protect against sexual harassment at work

IEU members say **CHANGE THE RULES** and ensure our workplaces are **FREE FROM SEXUAL HARASSMENT**

IEU – representing 75000 teachers, principals and ancillary staff in faith based, community and independent schools, pre-schools and early childhood centres and post secondary centres across Australia.

February 2019