



SEXUAL HARASSMENT IN AUSTRALIAN WORKPLACES

SURVEY RESULTS

Authorised by S. McManus, 365 Queen St, Melbourne 3000. ACTU D No. 200/2018

Foreword



More than 9,600 people participated in the Australian Unions sexual harassment in the workplace survey between 18 September and 30 November 2018. This extraordinary response rate shows how important this issue is to working people.

Everyone should be able to go to work without being subjected to discrimination, harassment or violence. For many people – mainly women – this is not the reality. These survey results show that sexual harassment remains a persistent and widespread problem in Australian workplaces, which means our current laws are failing to protect Australian workers.

Our current rules do not require employers or regulators to take positive, proactive steps to prevent sexual harassment in the workplace, which means the burden rests solely on the individual. Complaints processes are too complex and costly. Many do not complain at all for fear of victimisation or lack of faith in the process. Workers need the power to act collectively through their unions to create safe, healthy and secure work environments free of harassment and violence.

Sexual harassment is a workplace issue and should be able to be addressed through our workplace laws. Workers who complain need access to fair, effective and efficient complaints mechanisms. Our workplace health and safety laws and regulators must treat sexual harassment as a serious safety issue.

The public discussion often focuses on scandals and inappropriate behaviour by individuals, but

ignores the reality that sexual harassment is a much more complex issue. Sexual harassment at work is caused by gender inequality and exacerbated by poor, unsafe and insecure work practices and conditions. Women are over-represented among the award-reliant, low-paid and casualised workforce. We know that insecure work presents greater safety risks, including risks of violence and harassment, and that it weakens workers' capacity to speak up. Economic insecurity compounds this by trapping workers in dangerous situations. A comprehensive approach which addresses the underlying causes of inequality at work is required.

Workplaces with high-levels of worker and union representation and participation are safer for everyone. The Change the Rules campaign for a decent living wage, stronger rights to representation, restored penalty rates, reduced job insecurity, increased access to flexible work arrangements, better parental leave, a fairer superannuation system, access to 10 days paid family and domestic violence leave and fast, efficient access to justice when things go wrong will increase the financial and employment security of all workers, including many women, which is crucial in the fight against all forms of violence, harassment and discrimination at work.

We would like to sincerely thank every person who took the time to complete this important survey. We recognise that sharing these stories would have been very difficult for many people. In doing so, you have made a significant contribution to the campaign to make Australian workplaces safe and free of sexual harassment. We will use the survey results in our submission to the Sex Discrimination Commissioner's National Inquiry into Sexual Harassment in Australian Workplaces, which is due to report in August 2019, and in our ongoing fight to Change the Rules for working people.

In unity,

A handwritten signature in black ink, appearing to read 'M O'Neil'.

Michele O'Neil
ACTU President

Executive Summary

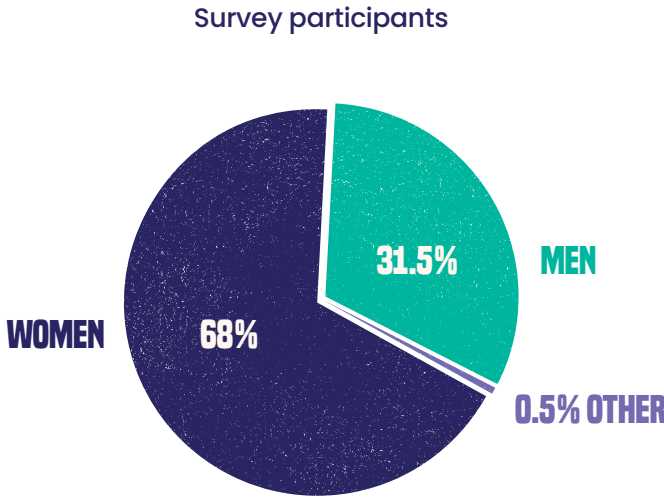
More than 9,600 people from a range of industries responded to the survey between 18 September and 30 November 2018. The majority (68%) were women. Respondents were from all major sectors of the economy, from education and public services to mining, finance and media.

More than half of all respondents (54.8%) had experienced sexual harassment at their most recent workplace or at a previous workplace, and a majority (64%) had witnessed sexual harassment at their most recent workplace or at a previous workplace. Respondents had been harassed by a range of people, including co-workers, customers or clients. The largest group of respondents (38%) had been harassed by a supervisor, manager or senior co-worker. Respondents who had experienced sexual harassment had been subjected to a range of inappropriate behaviours, including crude or offensive remarks, unwanted sexual attention, inappropriate sexual contact and sexual coercion.

Only 27% of those who experienced sexual harassment ever made a formal complaint, and just over 40% told no one at all. The two most common reasons given for this were a fear of negative consequences (55%) and a lack of faith in the complaint process (50%). More than a quarter of those who did complain reported less favourable treatment by their employer, including being forced to leave or resign, being bullied, or having their hours or shifts reduced. Of the minority of people who did complain (27%), most (56%) were not at all satisfied with the outcome, 43% said their complaint was ignored or not taken seriously, and 45% said there were no consequences for the harasser.

Respondents reported that less than half of their workplaces had proper preventative measures in place, including mandatory training for staff, a clear workplace policy, an effective complaints mechanism, or access to workplace health and safety processes. Respondents supported a range of stronger rules to protect workers from sexual harassment, including better protection from victimisation (60%), a quicker complaints process (34%), more information and support for those experiencing sexual harassment (54%), a stronger role for the union (33%) and better remedies for complainants (47%).

Key Figures



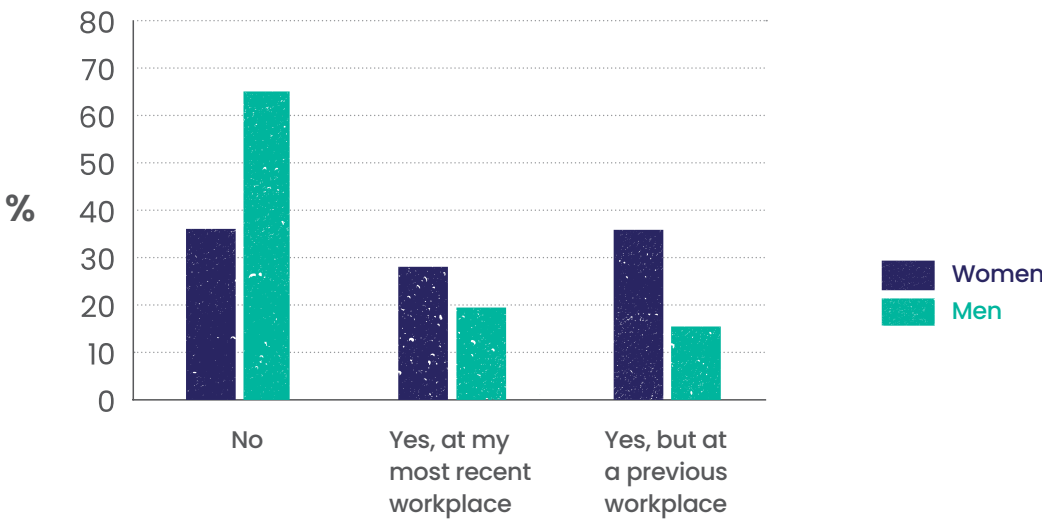
9,607 people participated in the survey which ran from 18 September to 30 November 2018.

EXPERIENCE OF HARASSMENT

Nearly two thirds – 64 percent – of women who responded to the ACTU survey had personally experienced one or more forms of sexual harassment at some point in their working lives.

More than one third of men who responded – 34 percent – had experienced one or more forms of harassment.

Percentage of survey participants who have experienced sexual harassment at work



The most common form of harassment were crude or offensive behaviour and unwanted sexual attention.

A significant number of people reported inappropriate touching, receiving sexually explicit texts and receiving explicit texts, emails or messages.

Nearly eight percent of respondents said they’d faced sexual coercion.

Percentage (%) of survey participants affected by different forms of sexual harassment

Crude or offensive behavior	68.9
Unwanted sexual attention	47.7
Inappropriate physical contact of a sexual nature	34.3
Sexually suggestive or explicit texts, emails or messages via social media	18.4
Sexual coercion	7.9
Other	16.8

“My boss grabbed me in a bear hug and pulled my body into his chest. He kissed me on the top of my face and forehead as I struggled to keep my head down and away from his mouth. He said he had wanted to hug me for so long. I awkwardly waited until I felt I could break free from him and said I needed to go home.”

Female hospitality worker

WITNESSING HARASSMENT

Nearly two thirds – 63.7 percent – of respondents had witnessed sexual harassment at work.

An additional 14.7 percent of people said they were unsure whether or not they’d witnessed harassment, which may indicate a need for greater awareness and education around what harassment is.

Percentage (%) of survey participants who have witnessed sexual harassment in the workplace

Witnessed sexual harassment	%
Yes	63.7
No	21.6
Unsure	14.7

Of people who have witnessed harassment at work, nearly a quarter – 23.6 percent – said the harassment they witness is frequent, with another 41.7 percent describing it as occasional.

Only 34.7 percent described witnessing harassment that was either infrequent or rare.

How frequently sexual harassment witnessed	%
Occasionally	41.7
Frequently	23.6
Infrequently	19.8
Rarely	14.9

“I have witnessed many inappropriate comments from a particular supervisor to female staff over eight years. There is no point complaining when you don’t receive back up from senior management and would most likely get negative repercussions for speaking out. Management need to punish the perpetrator and stop attacking the complainant.”

Male construction worker

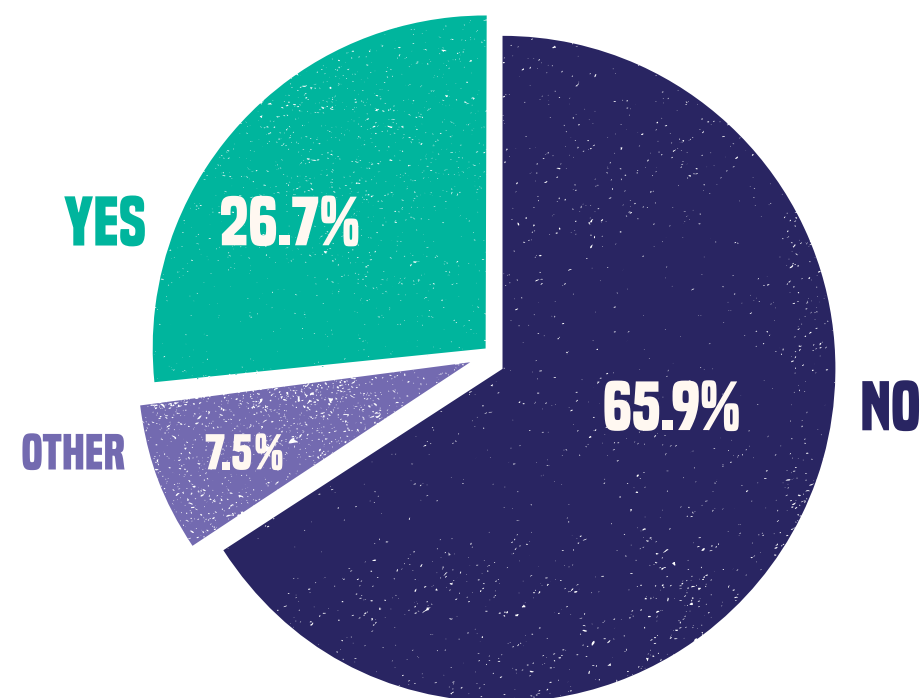
DISCLOSING HARASSMENT

While 58.8 percent of people disclosed their experience of harassment to another person, only 26.7 pursued a formal complaint against their harasser.

Told another person about the harassment



Made formal complaint



The number one reason cited for not pursuing a formal complaint was a fear of retribution or negative consequences for the person reporting the harassment, closely followed by a lack of faith in the complaint process.

Nearly half the respondents who'd declined to pursue a complaint didn't trust that the process would be confidential, and 28 percent didn't see their experience as serious enough to warrant a formal complaint.

“ I was so over worked and exhausted I just wanted it to go away. I didn't want to proceed with a formal process. The harasser was mates with the leader of our group. Eventually I got help from a union.”

Female higher education worker

Reason for not making a complaint	%
Feared negative consequences for me	55
No faith in the complaint process	50
No confidence that the complaint process would be confidential	46.5
Didn't think it was serious enough	28
Not aware of how the complaint process worked	8.7
It was already dealt with	8
Casual	3.8
I had left the workplace	1.8
The time-limits for making a complaint were too short	1.1
Other	19.1

“ I went and spoke to HR about it. I didn't want them to take it further but I wanted a record. You end up blaming yourself.”

Female electrical worker

EXPERIENCE OF THE COMPLAINTS PROCESS

Of those who pursued a formal complaint over their harassment, 43 percent said their complaint was ignored or not taken seriously.

More than a quarter of people said they were treated less favourably because of their complaint, and only 21.5 percent said the complaint was resolved satisfactorily.

Twelve percent of people who made a complaint either left their job or were dismissed, and only one percent of complaints resulted in a court or commission making a finding against the harasser.

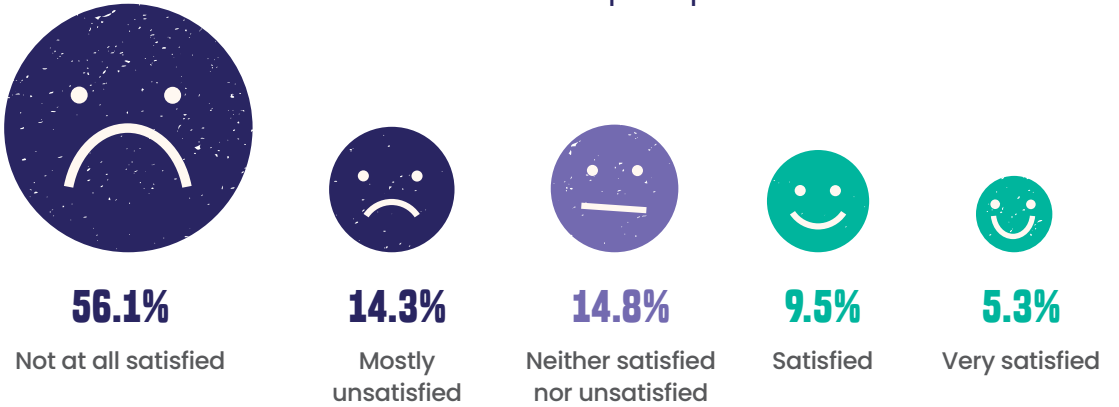
Complaint outcome	%
My complaint was ignored or not taken seriously	43
I was treated less favourably (e.g. received less shifts, or was bullied) because I made a complaint	25.8
My complaint was investigated by my employer and resolved satisfactorily	21.5
My complaint is ongoing	16
I was fired or I left my job	12
My complaint was settled on confidential terms	8
I had mediation with the harasser	7.3
My complaint went to the Fair Work Commission, a human rights commission or a court	4
A court or commission made a finding against the harasser	1
A court or commission made a finding that no harassment had taken place	0.3
Other	31.3

A clear majority of people who had been harassed were not satisfied with the complaints process. Only 29.1 percent of people who had made a formal complaint said they were either mostly satisfied, satisfied, or very satisfied.

“After a conciliation between me and my harasser we were put on separate floors. But management found this didn’t work, and I was transferred to a role just outside my harasser’s office.”

Female services sector worker

Satisfaction with complaint process



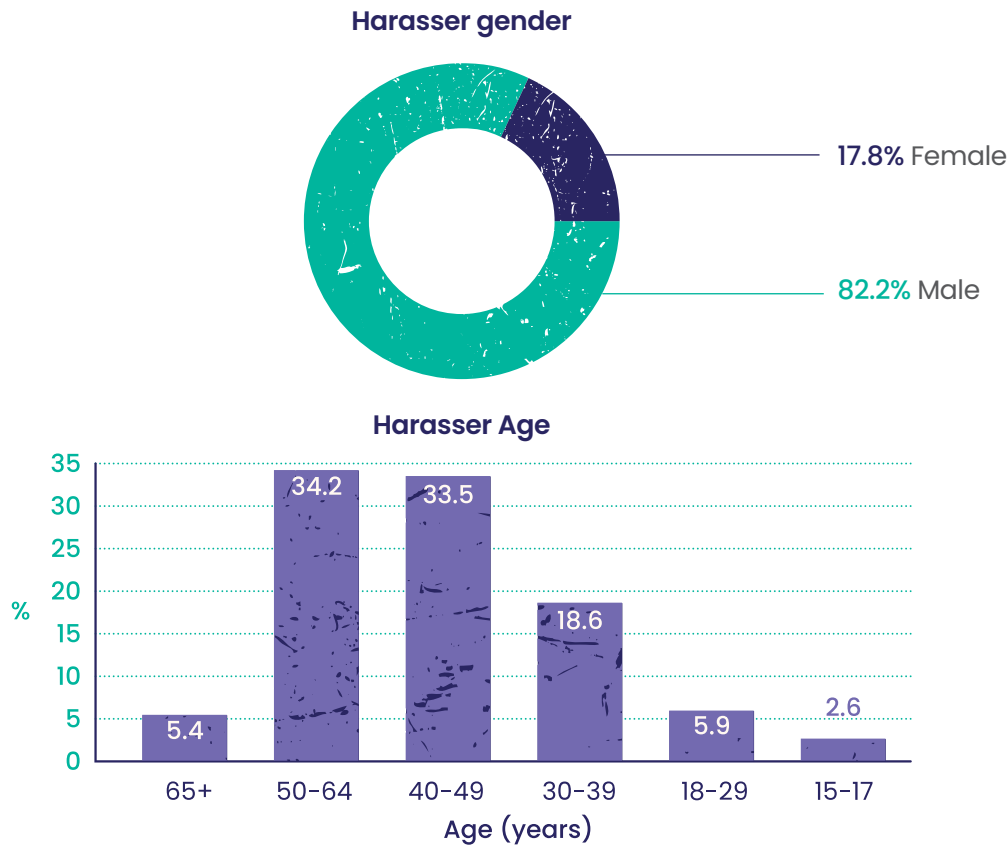
How complaint process could be improved

How complaint process could be improved	%
Better protect the complainant from victimisation	60.1
Provide more information and support for those experiencing sexual harassment	53.8
Better remedies for the complainant	47
Make the complaints process quicker	34.4
Stronger role for my union in the complaints process	32.5
Other	33.6

HARASSERS

Most people – both male and female – who reported harassment were harassed by men. More than 60 percent of harassers were over 40 years old.

People most commonly reported harassment from managers and co-workers.



Harasser relationship to survey participant	%
Co-worker	36.9
Supervisor / Manager	20.9
Co-worker (more senior)	16.9
Client or customer	9.2
Boss / Employer	5.8

Consequences for harassers

Nearly half – 44.7 percent – of people who’d experienced harassment said their harasser had suffered no consequences. Another 24.4 percent were not told of any outcome.

The most common consequence was a formal warning. Only seven percent of those harassed received an apology.

Outcome for harasser	%
There were no consequences for the harasser	44.7
I was not told about the outcome for the harasser	24.4
They were disciplined or formally warned	17.8
They apologised	7
They were transferred or had their shifts changed	5.8
They were required to undergo training	4.8
They resigned	4.5
Other	28.6

“He has a history of this sort of behaviour, but nothing gets done. Management took his word against mine and they believed him.”

Female public sector worker

What people who’ve experienced harassment want from employers

The number one stated desire of people who’ve experienced harassment is for mandatory training to prevent harassment from occurring, closely followed by a more effective complaints mechanism.

Nearly half of all people who’ve experienced harassment also want clear workplace policies and a significant number want to see sexual harassment treated as a workplace health and safety issue.

What more could be done by employers	%
Mandatory training of all staff on preventing sexual harassment	50.1
Institute an effective complaints mechanism	46.5
Provide more information about preventative measures, including the workplace policy	45.5
Clear workplace policy on the prevention and prohibition of sexual harassment	43.7
Sexual harassment is treated as a Workplace Health & Safety issue at my workplace	31.7
Have a clause in our enterprise agreement on preventing sexual harassment	26.6
Specific preventative measures to discourage or prevent sexual harassment	24.1
Other	14.5

