



Submission to the Human Rights Commission's

# National Inquiry into Sexual Harassment into Australian Workplaces.

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## Background:

The National Union of Students (NUS) works with students and young people and witnesses regularly the impact sexual harassment has on individuals in their workplaces, their universities and their lives. 71% of Australians have been sexually harassed during their lives, and 33% of Australians have experienced sexual harassment in the workplace.<sup>1</sup> Women are disproportionately affected by sexual harassment, and 85% have experienced sexual harassment within their lifetimes.<sup>2</sup>

The rising rates of women in the workforce and increasing rights women win in the public and private spheres challenge the existing system we live in. Traditional gender roles are challenged as more women work and as they work in positions of power within traditionally male dominated roles. Women who once existed purely as mothers, wives and objects of desire are now colleagues and bosses and this change is directly contradictory to ingrained views and structures. Sexual harassment reinforces the existing gender hierarchy,<sup>3</sup> and sexual harassment in the workplace acts as a gatekeeping measure to reinforce this gender inequality and punish those not conforming with traditional gender norms,<sup>4</sup> thus retaining the status quo and keeping women from rising in the ranks of the workforce.

The National Union of Students supports the National Tertiary Education Union's submission to the Australian Human Rights Commission's National Inquiry into Sexual Harassment in the Workplace.<sup>5</sup>

As the peak representative body for students in Australia, NUS is concerned about the welfare of students facing sexual harassment as they study and work. The cost of living means students often study and work, work unreliable hours, or work in unstable employment and face fear of losing their income should they report incidents of sexual harassment. This issue is also experienced by recent graduates, who are also facing the growing prevalence of insecure work. The cost of counselling after experiencing harassment or sexual violence in the workplace excludes many students from receiving the therapy they need, and the financial relief currently given from Government health cover and University counselling is not sufficient.

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<sup>1</sup> Australian Human Rights Commission (2018) Everyone's business: Fourth national survey on sexual harassment in Australian workplaces.

<sup>2</sup> Ibid.

<sup>3</sup> Holland, K.J., & Cortina, L.M. (2016) Sexual harassment: Intermingling the wellbeing of working women. In M.L. Connerly & J. Wu (Eds.), Handbook on well-being of working women (pp.83-101). Dordrecht, the Netherlands: Springer

<sup>4</sup> Berdahl, J.L. (2007) The Sexual Harassment of Uppity Women. Journal of Applied Psychology, Vol 92, No 2, pp. 425-437.

<sup>5</sup> National Tertiary Education Union (2019) *Growing Threat of Sexual Harassment at Universities* [Press Release].

## Experiences of Sexual Assault at University and flow on effects for graduates

Young people experience high amounts of sexual harassment in their lives and workplaces. 75% of people aged 18-29 have experienced sexual harassment in life, and 45% have been sexually harassed in their workplace. With over half of university students are under the age of 25,<sup>6</sup> this is a reality for students.

Students are often especially vulnerable to sexual harassment in the workplace due to job insecurity. With over 330,000 higher education students having graduated in 2016<sup>7</sup> and a high unemployment rate<sup>8</sup>, job insecurity is a likelihood for many Australian students. Students are concerned about employability post-graduation and fear they may not find work.<sup>9</sup> 19% of respondents from the NTEU's National Survey into Sexual Harassment in the workforce said they would be reluctant to report sexual harassment at work for fear of losing their jobs.<sup>10</sup> Insecurity of work has seen students, young people and recent graduates who are in less-secure work situations more vulnerable, and fearing they have less capacity to speak up,<sup>11</sup> or feel as though any complaint investigated would not give them a worthwhile result.<sup>12</sup> This is specifically prevalent as 75% of women who were sexually harassed at work are not satisfied with the outcome of their complaint.<sup>13</sup> The factor of job insecurity also can contribute to how employees who have experienced of sexual harassment may feel they can't "make a fuss" for fear of being laid off, with 11% of respondents from the *Everyone's Business* Survey fearing they would be fired,<sup>14</sup> and 16% fearing it would damage their career

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<sup>6</sup> Australian Human Rights Commission (2018) *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces*.

<sup>7</sup> Universities Australia. (2018). *Data Snapshot 2018* (pp. 16-19). Retrieved from <https://www.universitiesaustralia.edu.au/australias-universities/key-facts-and-data#.XHusMIMzbX9>

<sup>8</sup> Hutchens, G. (2019). Australia's unemployment rate rises to 5.9% with 6,400 jobs lost in February. Retrieved from <https://www.theguardian.com/australia-news/2017/mar/16/australias-unemployment-rate-rises-to-59-with-6400-jobs-lost-in-february>

<sup>9</sup> Chang, C. (2018). Studies reveal the struggle of young Australians to find full-time work. Retrieved from: <https://www.news.com.au/finance/work/careers/study-reveals-the-struggle-of-young-australians-to-find-fulltime-work/news-story/f1137a1fbf16fee2769ea1b5deceb211>

<sup>10</sup> National Tertiary Education Union submission into sexual harassment in the workplace.

<sup>11</sup> Patel, M. (2018). Workplace Harassment: Why Women Don't Speak Up. Retrieved from: <https://www.forbes.com/sites/yec/2018/10/30/workplace-harassment-why-women-dont-speak-up/#e44400e34b37>

<sup>12</sup> Carey, A. (2019). Number reveals huge problem plaguing Aussie workplaces. Retrieved from <https://www.news.com.au/finance/work/at-work/research-finds-75-per-cent-of-women-sexually-harassed-at-work-unhappy-at-outcome-of-complaint/news-story/b38a4d070d9614163f6e391cbe46832f>

<sup>13</sup> Carey, A. (2019). Number reveals huge problem plaguing Aussie workplaces. Retrieved from <https://www.news.com.au/finance/work/at-work/research-finds-75-per-cent-of-women-sexually-harassed-at-work-unhappy-at-outcome-of-complaint/news-story/b38a4d070d9614163f6e391cbe46832f>

<sup>14</sup> Australian Human Rights Commission (2018) *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces*.

aspirations.<sup>15</sup> These factors together and the pervasiveness of these issues explain how broken the culture of reporting is in workplaces and how reporting systems are failing workers.

It is not surprising that sexual assault often goes underreported in the workplace because of the risk and fear that is experienced when reporting. Employees who have experienced workplace harassment often reported feeling as if it would be taken as an overreaction or it would be easier to keep it quiet rather than report it.<sup>16</sup> This fear of reporting and the phenomena of under-reporting is a trend which is also seen in student experiences at University. In my experience as Women's Officer I have seen numerous students at Universities around Australia experiencing difficulty in this area, whether through complicated reporting processes, lack of information about where to go, and inadequate responses from services that do exist. These students speak to their peers, and when these peers need to report their own incidences, they shy away from university reporting systems because they know the difficulty it presents and the potential further trauma experienced by long wait times, university inaction and the negative impact of not being believed.

In order to change the issue of under-reporting, fear of reporting and distrust in reporting systems, a cultural shift within workplaces and society more generally is paramount. Only by addressing the drivers of sexual violence can the issue of under-reporting be tackled.<sup>17</sup> Educative measures around these topics may create a more open environment where young people do not feel afraid to report, and all people in the workplace understand the issue. Educative measures should include the importance of consent, expectations of behaviour for all employees and the support and reporting services available. The access and visibility of human resource services in which employees can pursue complaints is also paramount as young people and graduates enter jobs. Education about reporting instances of assault and harassment, and consistent reminders about acceptable behaviours, reporting and consequences will also help change the culture of underreporting.

**Recommendation: Mandatory implementation of education programs around the issues of consent, sexual assault and harassment in workplaces.**

**Recommendation: Workplaces and institutions of education need to implement policy that requires mandatory education for workplaces on their reporting systems, consequences of sexual harassment and assault, and support services available.**

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<sup>15</sup> Australian Human Rights Commission (2018) Everyone's business: Fourth national survey on sexual harassment in Australian workplaces.

<sup>16</sup> Ibid.

<sup>17</sup> Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth (2015) Change the story: A shared framework for the primary prevention of violence against women and their children in Australia, Our Watch, Melbourne, Australia.

**Recommendation: Workplaces must be held accountable to mandatory education programs by including regular reminders and requiring acquittals.**

**Recommendation: Implement standards that require workplaces to institute or improve their reporting framework to be clear and accessible.**

**Recommendation: implement standards that require universities to institute clear and responsive reporting practices for survivors of sexual assault and harassment at university.**

## Counselling and support services for young people

Sexual assault and harassment can cause severe distress and worry, anxiety, depression and post-traumatic stress disorder. It is important that students who experience sexual assault and harassment have early and adequate access to counselling and support services to minimise the impact and disruption of trauma on their lives and avoid the additional trauma of not being heard, supported or believed.

Therapy is often part of the road to recovery for individuals who experience difficult mental health subsequent to any incidence of sexual assault and harassment.<sup>18</sup> University students working in casual employment often suffer financial stress<sup>19</sup> and seeking counselling services is an expense they can't afford. The Medicare Mental Health Care Plan provides some counselling services but often there is a gap to pay, and sessions are limited to 6-10 per year.<sup>20</sup>

Counselling services provided by universities are also often in high demand on campus, resulting in a range of issues for students trying to access them. In 2018, NUS Disability Department found that Counselling services in Australian universities are often chronically underfunded and understaffed for the demand for services.<sup>21</sup> NUS Disabilities Department also found that waiting times for these services are often long, and in some cases students have had to wait up to two months for a

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<sup>18</sup> Regehr, C., Alaggia, R., & Saini, M. (2019). *Interventions to reduce distress in adult victims of sexual violence and rape* (pp. 4-7). The Campbell Collaboration Social Welfare Group.

<sup>19</sup> Universities Australia. (2018). *The Reality for Students Who Live Below the Poverty Line* [Ebook]. Retrieved from <https://www.universitiesaustralia.edu.au/Media-and-Events/HIGHER-ED-ITATION/Articles/2016-2017/The-reality-for-students-who-live-below-the-poverty-line>

<sup>20</sup> Mental health care plan. (2017). Retrieved from <https://www.healthdirect.gov.au/mental-health-care-plan>

<sup>21</sup> National Union of Students. (2018). *Submission- University Campus Counselling and Disability Services* (pp. 4-8). Retrieved from: [https://melbourne-systems.s3.amazonaws.com/asset/file/5c3eb6b533f798785f000664/Campus\\_Counselling\\_and\\_Disability\\_Services\\_Submission.pdf](https://melbourne-systems.s3.amazonaws.com/asset/file/5c3eb6b533f798785f000664/Campus_Counselling_and_Disability_Services_Submission.pdf)

consultation.<sup>22</sup> Many universities cap counselling sessions to a limit of 3 to 6 sessions depending on University and this causes a significant barrier to continued and effective support for students.<sup>23</sup> NUS Disabilities Department also found that a lack of specialist training for counsellors meant students cannot rely on university counselling services for help should they need to seek it after experiencing sexual assault or harassment.<sup>24</sup>

**Recommendation: Implement specified training around sexual assault, harassment and gender based violence for university staff and counsellors at universities.**

**Recommendation: increase the number of university counselling appointments, accessible at their university, to at least 24 sessions, per student, per year, reflecting the number of typical university study weeks.**

**Recommendation: Implement national standards that requires universities to provide uncapped university counselling appointments for survivors of sexual assault and harassment.**

**Recommendation: Implement standards that require an minimum amount of staff and funding for university services, tied to the student population. A minimum amount of staff, based from student population should be employed on a full time basis.**

**Recommendation: implement standard that require these support services are publicised in workplaces.**

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<sup>22</sup> National Union of Students. (2018). *Submission- University Campus Counselling and Disability Services* (pp. 4-8). Retrieved from: [https://melbourne-systems.s3.amazonaws.com/asset/file/5c3eb6b533f798785f000664/Campus\\_Counselling\\_and\\_Disability\\_Services\\_Submission.pdf](https://melbourne-systems.s3.amazonaws.com/asset/file/5c3eb6b533f798785f000664/Campus_Counselling_and_Disability_Services_Submission.pdf)

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.