



**Submission to the Australian Human Rights Commission national inquiry into
sexual harassment in Australian workplaces**

28 February 2019

Transport Workers' Union of Australia

About the TWU

The Transport Workers' Union of Australia (TWU) represents tens of thousands of men and women in Australia's aviation, oil, waste management, gas, road transport, passenger vehicles and freight logistics industries.

With over one hundred years' experience in conducting Australia's passenger and freight task, the TWU has been proactive in establishing industry standards that improve the lives and safety of transport workers, their families and the community.

Introduction

The TWU welcomes the opportunity to contribute to the Inquiry into the National Inquiry into Sexual Harassment in Australian workplaces.

This submission focuses on the experiences of cabin crew workers in the aviation industry and the industry specific element that contribute to the causes of a culture that allows harassment to take place unchallenged and the effects this then has on crew.

Action is needed to address the unacceptably high number of incidents of sexual harassment of cabin crew from supervisors and managers, fellow workers and the public. Both airlines and airports need to acknowledge the scale of the problem and the role they need to play in addressing incidents of harassment and contributing causes within the industry. TWU's campaigning efforts on stopping sexual harassment feed into wider campaigning work for a Safe and Secure skies.

We support the ACTU and UnionsNSW submissions to this inquiry, particularly their recommendations for legislative changes.

The industry and prevalence of harassment

TWU conducted a survey in late 2018 of more than 400 cabin crew working for major airlines including Qantas, Virgin, Jetstar, Tigerair and Alliance Airlines across Australia and internationally¹. This survey showed that this issue was not limited to a particular airline or airport rather it is rife across the industry.

The survey found that 65% of workers had been sexually harassed at work. Of these workers:

- Half said that it had happened more than four times, and 1 in 5 said it had happened more than 10 times;
- 4 in 5 were sexually harassed by colleagues, and 3 in 5 were sexually harassed by passengers;

¹ <http://www.twu.com.au/home/campaigns/cabin-crew-sexual-harassment-survey/>

“I don’t bother reporting anymore it happens too much”

There is also a real possibility the reported levels are deflated due to a culture of acceptance that some level of harassment is just ‘part of the job’ and certain behaviours not being viewed as harassment by some workers.

The nature of labour hire and airports with a number of airlines operating out of them create multi-employer workplaces which creates additional challenges for addressing harassment when that harassment could come from a colleague working for a different employer. Furthermore, due to the nature of work in an interstate and international setting with overnight stays adds further challenges.

Drivers of harassment - Power

“Women don’t report because the system shuts them down.”

The TWU believes that sexual harassment is fundamentally about power. Managers, pilots and passengers have and exercise a degree of power over cabin crew workers. This power can and is utilised to get away with harassing cabin crew and reduces the ability of crew to take action against it.

Airlines control every aspect of crews experience at work, including how they dress, their hairstyle and the make-up they wear. The power imbalance faced by crew increase the difficulty in reporting harassment particularly where this harassment has come from a section of the workplace that has power over them.

The TWU survey also found that:

- 20% of those who had experienced harassment had experienced it from management, for one company this increased to 33%.
- 66% of those who had experienced harassment had experienced it from passengers.

“As a casual I was afraid they wouldn’t believe me and I would potentially lose my job.”

The use of casual labour hire is a huge problem in the aviation industry. The lack of regular, permanent full-time work puts workers in a vulnerable position to raise issues and challenge behaviours of a whole range of issues out of fear of not receiving hours or being denied opportunities for full time work.

There is a fundamental lack of faith and trust in management and companies to deal with reports of harassment. The TWU survey found:

- 69% said they had never reported an incident, with the primary reasons for not reporting being not feeling comfortable to report (57%), not believing it would be handled appropriately (56%) and fear that reporting would make the situation worse (39%).

- 84% of people who did report an incident were not satisfied with how it was handled.

Some cabin crew workers even viewed harassment as a tool that was being used by managers to control their staff:

“[Airline X] elevates bullies to positions of power in order to control & manipulate its’ staff. Abusers easily hide anywhere in this environment...”

The combination of the power exercised by seniority or customer privilege, the lack of action from companies to deal with issues when raised and the further insecurity of crew employed through labour hire and/or new to the career creates an environment where sexual harassment not only goes unchallenged but also thrives.

Managers of airline companies are not trusted to deal with harassment and are at times perpetrators of that harassment. Airlines need acknowledge the issues at the management level when addressing the issues at this level and considering alternative routes for staff to report issues.

“[I] felt like I would be targeted for reporting the situation”

The fear of repercussions in coming forward is all too real and remains long after an incident has taken place. TWU is in contact with a number of cabin crew workers who have experiences of harassment and their airlines failure to act and support them but won't speak publicly due to still being employed and fear of the consequences if they were to speak out. Workers should not face repercussions for raising a sexual harassment case.

Airlines response

Airlines cannot claim ignorance to the problem of sexual harassment in the industry. TWU's survey demonstrated the detail of a culture that anyone working in the industry was already well aware, however airlines are failing to acknowledge the scale of the problem or act in a meaningful way to address it.

Airlines have:

- Failed to provide copies of sexual harassment policies when requested by TWU following the release of the survey results.
- Failed to agree release for a small group of cabin crew members to meet with TWU to discuss solutions to the harassment in the sector.
- Failed to take concrete actions to address the levels of sexual harassment taking place.

Airlines may have policies in place, but from the endemic prevalence of sexual harassment taking place these are clearly not working. Airlines are capable of stringent action on the issues they prioritise, but sexual harassment is not one of them, one cabin crew worker succinctly commented on this when they said:

“[Airline X] throw the book at the theft of PJs but it’s a different story when it comes to sexual harassment.”

Despite the scale of the problem being presented before them airlines are not acting. Inaction from a position of responsibility is to be complicit in the continuation of the culture of sexual harassment in aviation. Airlines need to accept the seriousness of harassment and their responsibility in addressing the problem.

Prevention

Staff need to be educated on the behaviours expected, the policies in place, routes of reporting and support available. Due to the scale of the problem, education for airline staff is likely needed on the very principles of consent itself rather than just expected behaviours and repercussions if that is not met. Those with responsibility for acting on policies and offering support need specific training to enable them to do this effectively.

Education of passengers is not new, all passengers are educated around safety procedures and the strict regulations on not smoking on a plane or at the terminal, the same level of education is not given in the behaviours expected towards staff.

TWU believes sexual harassment is a WHS issue, as such airlines and airports as the head of the supply chain should take action to ensure worker safety and preventing sexual harassment from taking place. ACTU and UnionsNSW both have recommended changes to WHS legislation in order to address sexual harassment. TWU supports ACTU and UnionsNSW in their recommendations.

Conclusions and Recommendations

Although airlines may have existing policies on sexual harassment these are clearly failing, to rely on these policies in the future cannot be an option for airlines. Concerted action by both airports and airlines is needed across the supply chain to change the culture in the industry.

1. Airports as well as other supply chain operators need to recognise their responsibility to all workers in the supply chain and enforce an expected standard of policy position and action to deal with sexual harassment in the workplace.
2. Airports and Airlines must take a zero-tolerance approach to sexual harassment at the airport and in the air by workers and passengers.
3. Airports and airlines must work together to ensure incidences of sexual harassment involving workers from different employers are dealt with and the workers supported.
4. Airports and airlines need to put in place procedures and policies to ensure passengers are aware of the behaviours expected of them on a flight and at an airport and the repercussions of harassment.

5. Whilst a large issue remains at a management level in their own behaviours and trust amongst staff to deal with harassment, alternative reporting routes for reporting harassment need to be created by airlines.
6. Labour hire needs to be seen as a problem in the industry and one that adds to a power imbalance which enables sexual harassment to go unchallenged. Airlines need to abandon the labour hire model and give workers permanent roles.
7. Sexual harassment to be seen by airports and airlines as a workplace health and safety issue and given the commitment and resource that any major safety issue deserves.