Sexual Harassment

Edited by Justin Healey
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Sexual Harassment is Volume 434 in the ‘Issues in Society’ series of educational resource books. The aim of this series is to offer current, diverse information about important issues in our world, from an Australian perspective.

KEY ISSUES IN THIS TOPIC
Sexual harassment is any unwanted or unwelcome sexual behaviour which makes a person feel humiliated, offended or intimidated. Recent personal revelations of sexual abuse and assault in the entertainment industry have been given voice by the #MeToo movement and publicly illustrated how prevalent and damaging such unlawful behaviours can be to mostly female victims.

This title explores the extent and impacts of everyday sexism and sexual harassment. It offers advice on how offenders, victims, bystanders and society as a whole can address this epidemic of sexual abuse which has, for so many years, gone unchecked and unchallenged in the face of male privilege, in turn perpetuating sex discrimination and gender inequality.

This volume also focuses on sexual harassment and violence in the workplace, and how to prevent and report it. Ultimately, we all need to become champions of change to stop sexual harassment.

SOURCES OF INFORMATION
Titles in the ‘Issues in Society’ series are individual resource books which provide an overview on a specific subject comprised of facts and opinions.

The information in this resource book is not from any single author, publication or organisation. The unique value of the ‘Issues in Society’ series lies in its diversity of content and perspectives.

The content comes from a wide variety of sources and includes:
- Newspaper reports and opinion pieces
- Website fact sheets
- Magazine and journal articles
- Statistics and surveys
- Government reports
- Literature from special interest groups

CRITICAL EVALUATION
As the information reproduced in this book is from a number of different sources, readers should always be aware of the origin of the text and whether or not the source is likely to be expressing a particular bias or agenda.

It is hoped that, as you read about the many aspects of the issues explored in this book, you will critically evaluate the information presented. In some cases, it is important that you decide whether you are being presented with facts or opinions. Does the writer give a biased or an unbiased report? If an opinion is being expressed, do you agree with the writer?

EXPLORING ISSUES
The ‘Exploring issues’ section at the back of this book features a range of ready-to-use worksheets relating to the articles and issues raised in this book. The activities and exercises in these worksheets are suitable for use by students at middle secondary school level and beyond.

FURTHER RESEARCH
This title offers a useful starting point for those who need convenient access to information about the issues involved. However, it is only a starting point. The ‘Web links’ section at the back of this book contains a list of useful websites which you can access for more reading on the topic.
SEXUAL HARASSMENT

A GUIDE FROM THE AUSTRALIAN HUMAN RIGHTS COMMISSION

What is sexual harassment?

Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated.

Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual. Sexual harassment is a type of sex discrimination.

The Sex Discrimination Act 1984 (Cth) makes sexual harassment unlawful in some circumstances. Despite being outlawed for over 25 years, sexual harassment remains a problem in Australia.

Sexual harassment disproportionately affects women with 1 in 5 experiencing sexual harassment in the workplace at some time. However, 1 in 20 men also report experiencing sexual harassment in the workplace.¹

Identifying sexual harassment

Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex.

Sexual harassment may include:

- Staring or leering
- Unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- Suggestive comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about your private life
- Displaying posters, magazines or screen savers of a sexual nature
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Requests for sex or repeated unwanted requests to go out on dates
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

In what circumstances is sexual harassment unlawful?

The Sex Discrimination Act makes it unlawful for a person to sexually harass another person in a number of areas including employment, education, the provision of goods and services and accommodation.

Of all the complaints received by the Commission under the Sex Discrimination Act in 2009-10, 1 in 5 related to sexual harassment. Our Complaints Register contains complaints conciliated and finalised under the Sex Discrimination Act.

Sexual harassment in the workplace

Every year, sexual harassment in the workplace is one of the most common types of complaints received by the Commission under the Sex Discrimination Act. In 2009-2010, 21% of all complaints to the Australian Human Rights Commission were under the Sex Discrimination Act, and 88% of those complaints related to sex discrimination in the workplace. The wide use of new technologies such as mobile phones, email and social networking websites creates new spaces where sexual harassment may occur.

Sexual harassment at work is against the law. Sexual harassment can be committed by an employer, workmate or other people in a working relationship with the victim.

Sexual harassment can be a barrier to women participating fully in paid work. It can undermine their equal participation in organisations or business, reduce the quality of their working life and impose costs on organisations.²
It is important for employers to know how to increase awareness of and prevent sexual harassment. It is also important for employees and co-workers to know how to identify sexual harassment and what avenues are available to them to make a complaint.

**Sexual harassment in education**

Students and teachers are entitled to an education and workplace free from harassment. All schools should have a policy to deal with these issues.

Sexual harassment is any unwanted or uninvited sexual behaviour that is offensive, intimidating or humiliating. It has nothing to do with mutual attraction or friendship.

Under the *Sex Discrimination Act* it is unlawful for:
- A teacher or a student over the age of 16 to sexually harass a student
- A student over the age of 16 to sexually harass a teacher.

**Making a complaint**

If you feel you have been sexually harassed, you can make a complaint to the Australian Human Rights Commission. Complaints must be made in writing or by email. This can be done by downloading a complaints form or completing the online complaint form.

There is no cost involved in making a complaint. Complaints can be made in any language, in Braille, or verbally on a video or audio tape. The Commission can also help you write out your complaint if you require assistance.

The Complaints section of the Commission’s website has more information about the complaints process. Alternatively, for further information, or to discuss a complaint with a Complaints Information Officer, call 1300 656 419 or email complaintsinfo@humanrights.gov.au.

**Sexual harassment and the Commission**

Tackling violence, harassment and bullying and building community understanding and respect for human rights are the two key priorities of the Commission as set out in the Commission Workplan for 2010-2012.

Sexual harassment is also one of the Sex Discrimination Commissioner’s five priority areas as outlined in the Gender Equality Blueprint 2010, which includes recommendations to strengthen protection against sexual harassment.

**The Blueprint**

To strengthen protection from sexual harassment:
- The *Sex Discrimination Act* should be amended to provide greater protection from sexual harassment for students and workers, as proposed by the Australian Government in its response to the review conducted by the Senate Committee
- The powers of the Sex Discrimination Commissioner should be strengthened by inserting into the *Sex Discrimination Act* a function for the Commissioner to initiate investigations within Australian workplaces without requiring an individual complaint, in order to drive down the incidence of sexual harassment
- A national Sexual Harassment Prevention Strategy should be developed and implemented to assist all employers and workers to understand their rights and responsibilities in regards to sexual harassment.
  - The strategy should focus on prevention and education with key roles for the Equal Opportunity in the Workplace Agency, the Sex Discrimination Commissioner/Australian Human Rights Commission and Fair Work Australia.

**Amendments to the Sex Discrimination Act**

In 2008, the Commission submitted a report to the Senate Legal and Constitutional Affairs Committee on the effectiveness of the *Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality. In this submission, the Commission made recommendations concerning the sexual harassment provisions of the SDA.

The recommendations relating to sexual harassment included:
- Amending the definition of sexual harassment in relation to the reasonable person standard
- Extending the coverage of sexual harassment to protect workers from harassment by customers, clients and other persons that they come into contact with in connection with their employment
- Amending the coverage of sexual harassment to protect all students, regardless of their age
- Extending sexual harassment protection to protect students from all staff and adult students connected with their education or school attendance, irrespective of whether the harasser is from the same or different educational institutions
- Amending the SDA to include a general prohibition against sexual harassment in any area of public life
- Imposing a positive obligation on employers to take all reasonable steps to avoid sexual harassment of or by their employees.
The Senate Legal and Constitutional Affairs Committee’s subsequent report included 4 recommendations that related specifically to sexual harassment for immediate implementation.

Recommendations 15 and 16 suggested a lower reasonable person standard that provided that sexual harassment occurred if a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated and the circumstances relevant to determining this.

Recommendation 17 urged that protection against sexual harassment of students be improved by removing age limits and requirements that the harasser and victim be from the same educational institution.

Recommendation 18 encouraged sexual harassment in employment to be extended to harassment perpetrated by customers, clients and others who the victim came in contact with.

The Senate report also made other recommendations including:

• A general prohibition against sex discrimination and sexual harassment in any area of public life (Recommendation 8);
• Increased funding be provided to women’s legal services to ensure they had resources to provide advice for sex discrimination and sexual harassment matters (Recommendation 24); and
• That further consideration be given to the provision of positive duties by the public sector and other service providers to eliminate sex discrimination and sexual harassment (Recommendation 40).

The Government published its response to the Senate report in 2010. The Government response agreed to undertake immediate action to implement the four key recommendations in relation to sexual harassment that were set out in Recommendations 15-18 of the Senate report.

The Government response stated that the outstanding sexual harassment recommendations would be considered by the Government in the consolidation process of the federal anti-discrimination acts, following the review of the Equal Opportunity for Women in the Workplace Act or in light of the availability of resources.

The Government response is available at www.ag.gov.au. In 2010, the Sex and Age Discrimination Legislation Amendment Bill 2010, which sought to implement selected recommendations in the Senate Report, was introduced in the Australian Parliament. In May 2011 the Sex and Age Discrimination Legislation Amendment Act 2011 was passed expanding the protections against sexual harassment.

The amendments:

• Redefined sexual harassment to cover what a reasonable person would anticipate the possibility that the person harassed would be offended, humiliated or intimidate by the conduct.
• Strengthened protections against sexual harassment in workplaces and schools to protect students from sexual harassment regardless of their age and whether they are harassed by someone from their own educational institution or another educational institution; and
• Prohibited sexual harassment conducted through new technologies (e.g. over the internet, or through social media or texting).

These amendments provide important protections and are an encouraging step forward to ensuring gender equality in Australia.

The Amendment Act adopted the majority of the recommendations on sexual harassment made by the Commission in its 2008 submission.

Two recommendations which were not adopted were the general prohibition against sexual harassment in any area of public life, and the positive obligation on employers to take all reasonable steps to avoid sexual harassment in their workplace.

ENDNOTES

1. Sexual harassment: Serious business – Results of the AHRC 2008 Sexual Harassment National Telephone Survey.

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Sexual violence against women is on the rise, according to the Australian Bureau of Statistics (ABS).

The latest Personal Safety Survey shows the proportion of women experiencing sexual violence in the past year increased from 1.2 per cent to 1.8 per cent since the last survey conducted in 2012.

But very few sexual assaults are being reported to police. In 2012, an estimated 17 per cent of women reported their most recent sexual assault by a male to police. That number dropped to 15 per cent in 2016.

“The ones who say they don’t report an incident to the police tend to say it’s either that they didn’t think it was that big of a deal, or that they felt they could deal with it themselves,” the survey’s program manager Michelle Marquardt said.

Sexual harassment of women and men up

In 2016, 17 per cent of women said they had been sexually harassed in the past year.

This is up from 15 per cent in 2012 and for men, it has risen from 6.6 per cent to 9.3 per cent.

“Sexual harassment of women and men up in 2016, 17 per cent of women said they had been sexually harassed in the past year. This is up from 15 per cent in 2012 and for men, it has risen from 6.6 per cent to 9.3 per cent.

In the survey we asked people whether they had experienced situations, or messages, or unwanted touching of a sexual nature,” Ms Marquardt said.

“We have seen quite substantial increases in that between 2012 and 2016.”

Most of the women reported being sexually harassed by a man. The most common forms were inappropriate comments about the woman’s body or sex life, and unwanted grabbing, kissing, and fondling.

The incidence of sexual harassment was particularly high for young women aged 18 to 24, with 38 per cent saying they had been sexually harassed in the past year.

Sexual Harassment

No gains in tackling domestic violence

Despite public awareness campaigns, the rate of domestic violence has not improved.
It is estimated 2.2 million women have experienced violence by an intimate partner in their lifetime, more than three times the number of men (703,000).

In 2012, 1.5 per cent of women experienced partner violence in the previous year, and that proportion had risen slightly to 1.7 per cent in 2016.

Men experiencing domestic violence in the previous 12 months was 0.8 per cent, a slight increase from 0.6 per cent in 2012.

**Big fall in violence rates against men**

But there is some good news. The number of men experiencing physical violence in the past year has almost halved since the ABS first did this survey in 2005.

The proportion of men who experienced physical violence in the previous year was 10 per cent in 2005, compared to 5.4 per cent in 2016.

That has led to a decrease in the national rate of physical violence, dropping from 8.3 per cent to 5.4 per cent.

This is the third Personal Safety Survey conducted by the ABS. ABS personnel interviewed 21,242 people in person, in all parts of the country. Respondents were given the option of answering sensitive questions privately on a computer.

“This survey is the gold standard for collecting information about people's experiences with violence, emotional abuse, and sexual harassment,” Ms Marquardt said.

“This covers things that are not necessarily reported to police, but these are the full gamut of people's experiences.

“I don't believe there is another collection that’s as large as this one.”

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**DOMESTIC VIOLENCE RATES UNCHANGED**

Violence includes physical or sexual violence by a current or previous partner

<table>
<thead>
<tr>
<th>Year</th>
<th>Violence by a Partner in Last 12 Months – Women</th>
<th>Violence by a Partner in Last 12 Months – Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1.5%</td>
<td>0.6%</td>
</tr>
<tr>
<td>2016</td>
<td>1.7%</td>
<td>0.8%</td>
</tr>
</tbody>
</table>

Source: ABS, Personal Safety Survey 2016, cat. no. 4906.0.

The incidence of sexual harassment was particularly high for young women aged 18 to 24, with 38 per cent saying they had been sexually harassed in the past year.

The most common forms were inappropriate comments about the woman’s body or sex life, and unwanted grabbing, kissing, and fondling.
RAPE, SEXUAL ASSAULT AND SEXUAL HARASSMENT: WHAT’S THE DIFFERENCE?

IT IS IMPORTANT TO DEFINE ACTS OF SEXUAL VIOLENCE SEPARATELY TO PUNISH PERPETRATORS APPROPRIATELY, EXPLAINS NICOLA HENRY

The #MeToo movement has supported victim-survivors to speak out about a wide range of acts that constitute sexual violence. Reports have included those of rape, sexual assault, childhood sexual abuse, sexual coercion, sexual harassment, and behaviours that might not fit neatly into any of these categories.

These are all acts of sexual violence, but it’s important to define them separately to punish perpetrators appropriately. It’s also important these terms and the distinctions between them are clearly understood. Otherwise it makes it difficult for people to know how to label and describe their experiences.

SEXUAL VIOLENCE

Sexual violence is an umbrella term that includes a wide range of sexual acts. The term can include rape, sexual assault, sexual harassment, unwanted touching, sexual coercion, sex trafficking, female genital cutting, child sexual abuse, child marriage, enforced sterilisation, sexual slavery, enforced prostitution and forced pregnancy.

Sexual violence occurs in every country, during times of peace as well as during and after armed conflict. Sexual violence can also be perpetrated online or via digital technologies. Technology-facilitated sexual violence includes online stalking, gender-based hate speech, image-based sexual abuse, online rape threats and online sexual harassment.

Sexual violence disproportionately affects women and girls and is mostly perpetrated by men and boys. But it can affect anyone regardless of their gender, race, nationality, age, sexuality, disability or socioeconomic status.

Sexual violence ... can include rape, sexual assault, sexual harassment, unwanted touching, sexual coercion, sex trafficking, female genital cutting, child sexual abuse, child marriage, enforced sterilisation, sexual slavery, enforced prostitution and forced pregnancy.

According to the Australian Bureau of Statistics (ABS) 2016 Personal Safety Survey, one in five women (18% or 1.7 million) and one in 20 men (4.7% or 428,800) have experienced sexual violence since the age of 15.

RAPE OR SEXUAL ASSAULT

In Australia, rape is defined in gender-neutral terms as the penetration of the vagina, anus or mouth without consent. Although in some countries, like Scotland, rape is limited to penile penetration, in all Australian states and territories, it includes penetration with the use of any body part or object.

In the majority of Australian jurisdictions, a “sexual assault” refers to an indecent assault that does not involve penetration (and is therefore treated differently to “rape”).

What makes Australian criminal law confusing is the inconsistent use of terms and definitions in state and territory legislation. In the majority of Australian jurisdictions, a “sexual assault” refers to an indecent assault that does not involve penetration (and is therefore treated differently to “rape”).

However, an exception is New South Wales, which uses “sexual assault” to refer to a sexual offence involving penetration. In contrast, Queensland, South Australia, Tasmania and Victoria use the term “rape” in their criminal legislation. The Australia Capital Territory and Northern Territory refer to “sexual intercourse without consent” and Western Australia to “sexual penetration without consent”.

Although the penalties for rape or penetrative sexual assault vary across jurisdictions, these range from between ten years to life imprisonment.

Many victim-survivors don’t label their experiences as “rape”, and nor do the perpetrators. This is in part because of cultural and social misconceptions of rape as something perpetrated by strangers in dark alleyways.

Increasingly, sanitised language, such as “non-consensual sex”, is being used to describe acts that actually amount to rape.

To further complicate matters, different definitions are used in Australian national surveys on sexual violence. These tend to differ from the definitions in Australian criminal law.

For instance, the ABS defines “sexual assault” broadly in its Personal Safety Survey to include a number of acts, including rape. Here sexual assault is defined as:

An act of a sexual nature carried out against a person’s will through the use of physical force, intimidation or coercion, including any attempts to do this. This includes rape, attempted rape, aggravated sexual assault (assault with a weapon), indecent assault, penetration by objects, forced sexual activity that did not end in penetration, and attempts to force a person into sexual activity.
The ABS definition of sexual assault excludes incidents of violence that occurred before the age of 15, which it defines as “sexual abuse”. Also excluded is “unwanted touching”, which it defines as “sexual harassment”.

**SEXUAL HARASSMENT**

In Australia, sexual harassment is a form of sex discrimination. Sexual harassment is unlawful, but not criminal, under Australian civil (anti-discrimination) law. In Australia, an “unlawful” act may be pursued by the affected party; whereas a “criminal” act is prosecuted by the police.

Sexual harassment is unlawful when it occurs in a specified area of public life, such as the workplace, school or university.

In Australia, sexual harassment includes:
- An unwelcome sexual advance
- An unwelcome request for sexual favours
- Engaging in other unwelcome conduct of a sexual nature that is offensive, humiliating or intimidating.

Examples of sexual harassment include staring or leering, unwelcome touching, suggestive comments, taunts, insults or jokes, displaying pornographic images, sending sexually explicit emails or text messages, and repeated sexual or romantic requests. It also includes behaviours that may be considered criminal offences, such as sexual assault, stalking or indecent exposure.

Sexual harassment is unlawful, but not criminal, under Australian civil (anti-discrimination) law.

Under Australian civil law, the victim is called the “complainant” and the perpetrator the “respondent”. Sometimes workplaces and other organisations may be liable for “vicarious” sexual harassment if they fail to take reasonable steps to prevent the behaviour.

It’s up to the complainant to make a complaint to an independent statutory agency – such as the Australian Human Rights Commission or an equivalent state or territory equal opportunity or anti-discrimination commission or board.

The independent agency will investigate to see if the behaviour falls under the scope of the law, including whether or not the behaviour took place in the context of a specified area of public life, such as in the workplace or in educational settings.

Remedies can include compensation, reinstatement, apology, or a change in policy or practice. If conciliation fails, the case may go to a civil court or tribunal to decide the outcome. In the civil court, a sexual harasser cannot be found guilty of a criminal offence and/or sentenced to a term of imprisonment, and instead may be forced to pay damages to the complainant.

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If you or someone you know is impacted by rape or sexual assault, call 1800RESPECT on 1800 737 732 or visit www.1800RESPECT.org.au. In an emergency, call 000.

**DISCLOSURE STATEMENT**

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Nicola Henry is Associate Professor and Vice-Chancellor’s Principal Research Fellow, RMIT University.

**Sexual Harassment**

**EXPERIENCE OF SEXUAL HARASSMENT**

The 2016 Personal Safety Survey (PSS) collected information about men's and women's experiences of selected types of sexual harassment by male and female perpetrators, for both lifetime experiences and the 12 months prior to the survey.

Sexual harassment was considered to have occurred when a person experienced or had been subjected to one or more selected behaviours which they found improper or unwanted, which made them feel uncomfortable, and/or were offensive due to their sexual nature.

The sexual harassment behaviours included in the PSS were:
- Receiving indecent phone calls
- Receiving indecent texts, emails or post
- Indecent exposure

**LIFETIME EXPERIENCE OF SELECTED TYPES OF SEXUAL HARASSMENT**

Overall, women aged 18 years and over were more likely to experience sexual harassment in their lifetime than men:
- Approximately one in two women (53% or 5 million) had experienced sexual harassment by a male or female perpetrator during their lifetime.
- An estimated one in four men (25% or 2.2 million) had experienced sexual harassment by any person throughout their lifetime.

**Sex of perpetrator**

Women were more likely to experience sexual harassment by a male perpetrator than by a female perpetrator. It is estimated that around one in two women (52% or 4.9 million) had experienced sexual harassment by a male perpetrator.

**Women aged 18 years and over who experienced sexual harassment**, **types of sexual harassment** by sex of perpetrator

<table>
<thead>
<tr>
<th></th>
<th>Female perpetrator</th>
<th>Male perpetrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expressed sexual harassment by a male</td>
<td>50%</td>
<td>65%</td>
</tr>
<tr>
<td>Expressed sexual harassment by a female</td>
<td>40%</td>
<td>35%</td>
</tr>
<tr>
<td>Expressed sexual harassment by any person</td>
<td>55%</td>
<td>40%</td>
</tr>
</tbody>
</table>

**Footnotes:** (a) People may have experienced sexual harassment by a male and a female. Components therefore may not add to the total.

For more information, including definitions of the sexual harassment behaviours, refer to the Sexual Harassment page of the Personal Safety Survey, Australia: User Guide, 2016 (cat. no. 4906.0.55.003).
male perpetrator and approximately one in ten (11% or 989,900) women had experienced sexual harassment by a female perpetrator during their lifetime.

Men were as likely to be sexually harassed by a male perpetrator as by female perpetrator (16% or 1.5 million and 16% or 1.4 million, respectively).

**SELECTED TYPES OF SEXUAL HARASSMENT**

The most common forms of sexual harassment experienced were the same for both men and women.

**Women’s experience of selected types of sexual harassment**

Of the estimated 4.9 million women who experienced sexual harassment by a male perpetrator, the most commonly reported forms of sexual harassment were:

- Inappropriate comments about body or sex life (61% or 3 million)
- Unwanted touching, grabbing, kissing or fondling (57% or 2.8 million)
- Indecent exposure (42% or 2.1 million).

Of the 989,900 women who experienced sexual harassment by a female perpetrator, the most commonly reported forms of sexual harassment were:

- Inappropriate comments about body or sex life (61% or 604,600)
- Unwanted touching, grabbing, kissing or fondling (24% or 238,800)
- Indecent text, email or post (20% or 200,200).

**Men’s experience of selected types of sexual harassment**

An estimated 1.5 million men experienced sexual harassment by a male perpetrator in their lifetime. Of these men, the most commonly reported forms of sexual harassment were:

- Unwanted touching, grabbing, kissing or fondling (42% or 610,700)
- Inappropriate comments about body or sex life (41% or 603,600)
- Indecent exposure (26% or 377,900).

Approximately 1.4 million men experienced sexual harassment by a female perpetrator in their lifetime. Of these men, the most commonly reported forms of sexual harassment were:

Sexual harassment was considered to have occurred when a person experienced or had been subjected to one or more selected behaviours which they found improper or unwanted, which made them feel uncomfortable, and/or were offensive due to their sexual nature.
Sexual Harassment

• Unwanted touching, grabbing, kissing or fondling (50% or 714,200)
• Inappropriate comments about body or sex life (44% or 623,200)
• Indecent text, email or post (32% or 459,900).

EXPERIENCE OF SELECTED TYPES OF SEXUAL HARASSMENT IN THE LAST 12 MONTHS

Women were more likely than men to have experienced sexual harassment in the 12 months prior to the survey. An estimated 17% of women (1.6 million) and 9.3% of men (836,700) aged 18 years and over had experienced one or more of the selected types of sexual harassment behaviours by any person in the 12 months prior to the survey.

Demographic characteristics of people who experienced sexual harassment in the last 12 months

In addition to collecting information for men and women about their experience of sexual harassment in the 12 months prior to the survey, the 2016 PSS also collected a range of information about their demographics. This included age, language, education, country of birth, disability status and state or territory of usual residence.

The following selection of these characteristics are analysed here:
• State or territory of usual residence
• Broad age groups
• Disability status.

Experience of sexual harassment in the last 12 months – current state or territory of usual residence

The PSS collects information about a person’s state or territory of usual residence. Note that this is not necessarily the state or territory in which the sexual harassment took place.

The Northern Territory, Victoria and South Australia were the only jurisdictions where the proportion of women who experienced sexual harassment in the 12 months prior to the survey differed from the national estimate (17% or 1.6 million):
• In the Northern Territory, 22% of women (15,200) experienced sexual harassment
• In Victoria, 20% of women (488,800) experienced sexual harassment
• For South Australia, 15% of women (99,100) experienced sexual harassment.

Although the PSS was not designed to produce sexual harassment prevalence data at the state and territory

Persons aged 18 years and over, experience of sexual harassment in the last 12 months by broad age groups, 2016

Footnotes: (a) Experiences by a male and/or female perpetrator. (b) Refers to age at the time of survey.
Experience of sexual harassment in the last 12 months – broad age groups

For both men and women, younger age groups were more likely than older persons to experience sexual harassment in the 12 months prior to the survey.

Compared to the national estimate for women (17% or 1.6 million):
- Women aged 18–34 years were more likely to have experienced sexual harassment. An estimated 38% of women aged 18–24 years (421,400) and 25% of women aged 25–34 years (446,600) had experienced sexual harassment in the 12 months prior to the survey.
- Women aged 45 years and over were less likely to have experienced sexual harassment. An estimated 15% of women aged 45–54 years (234,500), 10% of women aged 55–64 years (147,000) and 5% of women aged 65 years and over (86,200) had experienced sexual harassment in the 12 months prior to the survey.

Compared to the national estimate for men (9.3% or 836,700):
- Men aged 18–34 years were more likely to have experienced sexual harassment. An estimated 16% of men aged 18–24 years (185,200) and 13% of men aged 25–34 years (226,700) had experienced sexual harassment in the 12 months prior to the survey.
- Men aged 65 years and over were less likely to have experienced sexual harassment. An estimated 4% of men aged 65 years and over (62,100) experienced sexual harassment in the 12 months prior to the survey.

Experience of sexual harassment in the last 12 months – disability status

The 2016 PSS collected information to determine whether or not someone had a disability or long-term health condition at the time of the survey. For more information about how disability was defined and potential under-representation of persons with a disability in the sample, refer to the Disability page of the Personal Safety Survey, Australia: User Guide, 2016 (cat. no. 4906.0.55.003).

Women with a disability or long-term health condition were more likely to experience sexual harassment in the 12 months prior to the survey than women without a disability or long-term health condition (19% or 561,300 compared to 17% or 1.1 million).

Men with a disability or long-term health condition were statistically just as likely to experience sexual harassment in the 12 months prior to the survey as men without a disability or long-term health condition (10% or 293,600 and 8.7% or 543,600 respectively).

PREVALENCE OF SEXUAL HARASSMENT SINCE 2012

Between 2012 and 2016 there was a significant increase in the proportion of both men and women who experienced sexual harassment in the 12 months prior to the survey.

The proportion of women who experienced sexual harassment in the last 12 months, increased from 15% in 2012 to 17% in 2016. During the same time period, the proportion of men who experienced sexual harassment increased from 6.6% to 9.3%.

ENDNOTES

1. More than one response may have been given so proportions may sum to more than 100%.

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Everyday sexism: girls’ and young women’s views on gender inequality in Australia

The ‘Everyday sexism: Girls’ and young women’s views on gender inequality in Australia report’, outlines young women’s views on discrimination and sexism at home, at school, and in their private and public lives, according to this article from Our Watch.

A survey of 600 Australian girls aged 16-19 years was commissioned by Our Watch and Plan International Australia and the report released for International Day of the Girl Child on 11 October 2016.

AT A GLANCE: EVERYDAY SEXISM REPORT

On gender equality:
- Only one in 10 girls aged 16-19 feel they are always treated equally to boys.
- Two-thirds (69%) think gender inequality is a still problem in Australia.
- Only one in six girls (14%) feel they are always given the same opportunities to get ahead in life as boys.
- Half of all girls say they are seldom or never valued for their brains over their looks.
- Only one in six girls say they are always valued for their brains and ability.

On work:
- Many young women believed that their gender is (or will be) a barrier to their participation in the workforce.
- One in three girls agreed with the statement: “It’d be easier to get dream job if I was a man.”

At school:
- Australia is an international leader in gender equality in education. A large proportion of young women (87 per cent) stated their parents always or often encouraged them to succeed at school just as much as boys.
- However, in this survey close to one in four young women (24 per cent) disagreed that their teachers would take action if sexist name-calling was taking place at their school, suggesting that schools continue to be a place where harmful acts of ‘everyday sexism’ are allowed to occur.

At home:
- One in three girls felt that housework is seldom or never equally shared with their brothers/boys.
- 41% of girls say lack of support will impact on their decisions around starting a family.

In public places and on public transport:
For some young women, concerns about personal safety are limiting their free movement in public spaces.
- Almost one third of respondents thought that “girls should not be out in public places after dark”
- Over one in five (23 per cent) thought that “girls should not travel alone on public transport”.

In Australia, gender inequality is linked to physical, emotional and sexual violence, reduced workforce participation, the gender pay gap, superannuation inequality, the unequal distribution of child care and labour in the home.

Online:
The discrimination, inequality and harassment experienced by young women in the physical environment extends to online.
- Seven out of ten survey respondents agreed that girls are often bullied online. Sexual harassment in this context also appears common.
- Over half (51 per cent) the young women surveyed agreed that “girls are often pressured to take “sexy” photos of themselves and share them”.

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Everyday sexism report: summary and recommendations

SUMMARY AND RECOMMENDATIONS FROM A REPORT BASED ON A SURVEY CONDUCTED BY PLAN INTERNATIONAL AND OUR WATCH

Whilst Australia has made significant progress in the journey towards gender equality, this report paints a concerning picture of the kinds of gender inequality experienced by girls and young women in Australia, as described by these young women themselves. The prevalence and diversity of these experiences of inequality, discrimination and abuse across a range of settings and contexts should be alarming to all those who assume Australia is a country defined by gender equality.

Australia’s commitments through the Sustainable Development Goals provide an opportunity to focus attention on collecting data that provides a comprehensive picture of the state of women and girls in Australia today and Australia’s progress towards 2030.

The experiences of the young Australian women documented in this report demand a significant and sustained response from Australian governments and all sectors of the broader community. This response must address the gendered drivers of this inequality, discrimination and violence – drivers that are so deeply entrenched and ingrained at all levels of our society and culture – that they are often invisible to many. An appropriate response must expose and challenge these social and cultural norms, and the social, political and economic structures they support, together with the individual attitudes and behaviours that they produce and justify. Its goal must be to build a society based on gender equality and respect, where girls and women enjoy equal rights and opportunities everywhere, from their homes, through to their schools, in public spaces and online, in their workplaces and in their intimate relationships.

The current experiences of gender inequality for young women in Australia do not need to continue. We can make Australia a safer and more equal place for girls and young women. If we are to change these experiences and begin creating a future that delivers genuine gender equality, we must as a country, and as a community, take decisive action to address gender inequality now.

Plan International Australia and Our Watch recommend the following as a starting point to address the issues raised by the young women in this survey:

1. Freedom to move – urban and transport planners at all levels of government should consult with girls and young women to develop solutions for safer and more inclusive public places.
2. Modelling gender equality – support families and communities to reject sexist attitudes, challenge gender stereotypes and rigid and hierarchical gender norms, and model behaviours that promote gender equality (for example through respectful relationships programs for parents and children’s books that promote gender equality and challenge gender norms and stereotypes).
3. Right to the night – work with and support the media sector to ensure that reporting of violence against women occurs responsibly and accurately and challenges the attitudes, beliefs and behaviours which drive or condone violence against women.
4. Online safety – support schools, young people and their parents to address online bullying and harassment and promote ethical and respectful behaviours in online and digital environments.
5. Respectful Relationships Education – support all education settings in Australia (from early childhood education through to higher education) to be catalysts for generational and cultural change by addressing the drivers of gender-based violence, including through whole school approaches to respectful relationships education and comprehensive age-appropriate sexuality education.
7. Starting relationships on the same footing – through initiatives like The Line, support young women and men to have equal and respectful relationships.
8. Listen to and learn from young women and girls – improve qualitative and quantitative data collection on the experiences and views of young women and girls in Australia, including their perceptions and experiences of equality, safety, discrimination and inclusion.
9. Empowering young women – promote gender equality in work, governance and politics through legislation, quotas or other initiatives to deliver equal representation of women in leadership and decision-making roles, mentoring and examining and addressing unconscious bias.
10. Sexual and reproductive health rights – invest in comprehensive, inclusive and accessible sexual and reproductive health services and comprehensive age-appropriate sexuality education for young women and men.

Sexual Harassment

What does this mean?

In Australia, gender inequality is linked to physical, emotional and sexual violence, reduced workforce participation, the gender pay gap, superannuation inequality, the unequal distribution of child care and labour in the home.

Every day, in a multitude of ways, girls are still not as valued as equal members of the community. Many young Australian women, like young women in other parts of the world still experience and perceive inequality, lack of security, and disrespect whether at home, on public transport, in public spaces, online, at work, and in their relationships.

The current experience of gender inequality for young women in Australia does not need to continue. We can make Australia a safer and more equal place for girls and young women. If we are to change these experiences and begin creating a future that delivers genuine gender equality, we must as a country, and as a community, take decisive action to address gender inequality now.

The experiences of the young Australian women documented in this report demand a significant and sustained response from Australian governments and all sectors of the broader community.

This response must address the gendered drivers of this inequality, discrimination, and violence – drivers that are so deeply entrenched and ingrained at all levels of our society and culture, that they are often invisible to many.

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Sexism is about more than someone feeling a bit hurt by a slightly insulting joke

Ever made a joke that didn’t get the laughs you thought it would? The fact that everyone has different tastes, standards and experiences can blur the line sometimes, according to this advice from The Line

While some standards might not be easy to judge, when it comes to gender, actions or words that single people out because of their gender are likely to instantly insult about half the population.

10 EXAMPLES OF CROSSING THE SEXISM LINE:
1. Telling ‘jokes’ using insulting stereotypes that suggest one gender is somehow inferior, e.g. dumb, over-emotional or incompetent.
2. Excluding people from places or conversations because of their gender, e.g. “We’re talking about sport here, girls – maybe stick to what you know.”
3. Attempting to insult by using people names associated with one gender, e.g. “What’s the matter, mate, got your period?” or “Who wears the pants in this relationship?”
4. Wolf-whistling, cat-calling, making sexual remarks or comments about people’s appearance in public because it’s a ‘compliment’.
5. Telling people sexism doesn’t exist or that they’re being over-sensitive about being unfairly treated because of their gender.
6. Criticising others for falling outside traditional gender roles, because of someone’s appearance or actions, e.g. “She dresses like a bloke” or “What kind of guy becomes a nurse?”
7. Making assumptions about who will pay for something based on gender, e.g. dinner or a date.
8. Calling women in power ‘bossy’ or ‘power-hungry’ but men in the same positions ‘leaders’.
9. Asking what female rape victims were wearing or where they were and at what time of night, instead of asking why the perpetrator committed the crime.
10. Judging people by different standards depending on their gender, e.g. “Not bad for a girl” or “Boys will be boys”.

To make the sexism line clearer, ask yourself: “Is what I’m about to say or do stereotyping or treating someone unfairly because of their gender?” If you think you have crossed the line, check out our article You’ve crossed the line – now what?

Not sure what sexism has to do with violence against women? Current research shows the key drivers of violence against women are related to our attitudes – our attitudes towards women and our attitudes towards women’s roles in society. It’s also about the idea that women and men should act in certain ways or are better at certain things based on their gender. Check out our article Violence against women – what are we talking about? for more on this.

Sexism is about more than someone feeling a bit hurt by a slightly insulting joke. When words and actions are part of what we consider acceptable in our culture, some of us – often half the population – get a raw deal.

Constantly being considered the brunt of jokes, or less worthy/equipped to do or know about certain things, constantly being judged on attractiveness or sexual appeal, being told to be careful about dressing or behaving in a certain way to avoid being harassed, attacked or raped – all these things add up to diminish a person’s self-worth and confidence. And that’s just not fair. Fairness is the essence of ‘equality’ – giving both genders the same opportunities and respect.

And no, holding a door open for someone is not always sexist. But think about why we do these things – just being polite? Would you do exactly the same for a man or woman? We have a long cultural history of believing ‘women are the weaker sex’ and that a ‘gentlemen honours women’ by, for example, pulling out their chair at a restaurant, paying for meals, holding doors open for them. “Ladies first …”

When you offer your seat to someone on the train it’s usually because they are frail, weaker or have a disability of some kind. So, again, think about what motivates your everyday actions and what messages those actions send out to people.

So, before you try that sexist joke or comment, before you cat-call or comment on how hot someone looks, before you assume someone is less qualified to be in a particular job or have an opinion on a certain topic, double-check you’re not about to cross the sexism line…

Our Watch. Ten ways to cross the sexism line.
WE ALL MAKE EASY EXCUSES – WHAT EXCUSE CAN YOU STOP?

Adults can positively influence respectful behaviours in young people and their attitudes towards girls, according to respect.gov.au

“Boys will be boys.”
“He only did it because he likes you.”
“It wasn’t that bad.”
“Man up.”

We’ve heard these common phrases and off-the-cuff comments before. We probably heard our parents or other adults say them when we were growing up. We may have even said them ourselves from time to time. Without realising, we’re unknowingly excusing disrespectful behaviours in young people.

As influencers of young people, it is important for adults to understand that accepting the use of rigid gender stereotypes reinforces outdated ideas of how men and women should behave.

As adults, we have the biggest influence on what young people think. By calling out and challenging disrespect, we can become part of the solution and stop the cycle of violence towards women.

“Most of us have said things like ‘stop acting like a girl!’ It’s important we recognise the negative impact that this type of language has on our young people,” says Jeremy Donovan, a musician and father.

Rose, a 13 year old primary school student, says this kind of language has affected her self-confidence. “I’ve been told by a lot of people that I kick like a girl or I hear other boys tell other people to ‘man up.’ And I think that can make people like me doubt myself, or be self-conscious when I’m told that, so it really shouldn’t be happening.”

As influencers of young people, it is important for adults to understand that accepting the use of rigid gender stereotypes reinforces outdated ideas of how men and women should behave. While it may not be our intention, these comments often have a negative effect on the confidence and self-esteem of young people.

Eight year old Ella has experienced such stereotypes first hand. “Once there was one boy in my class, who when we were playing sport, we were getting into teams and he said he was disappointed because he had the team with most girls in it. That made me feel bad because girls can play sport as well as boys can.”

“A phrase you often hear in schools is ‘boys will be boys’ but this makes girls think they should get used to disrespect.”

By making excuses for this kind of behaviour, adults are teaching young people to believe that disrespectful behaviour is sometimes okay.

Lawyer Pallavi Sinha explains it can be easy to dismiss this behaviour, “Sometimes I’ve ignored disrespectful comments thinking that’s just how kids talk. But this language is never OK.”

“A phrase you often hear in schools is ‘boys will be boys’ but this makes girls think they should get used to disrespect,” says Elida Brereton, former school principal.

Fellow teacher Kate Wragge has also witnessed such excuses in the schoolyard.

“As a teacher, I’ve seen a lot of excuses for poor behaviour … It’s everybody’s responsibility, be it females, males, our elders, our community, non-indigenous people – everybody. It’s our job to inspire others to talk up.”

As parenting educator Justin Coulson explains, “Excuses we make for disrespectful behaviour like ‘what did she do to him to provoke
“I’ve heard people excuse disrespectful behaviours by saying things like ‘it’s not that bad’ or ‘she’s just being oversensitive because she’s a girl’. That’s never OK,” says Lani Brennan, author and mother.

As influencers of young people, it’s up to us to recognise these excuses when we hear or even say them, to make sure that accepting disrespect doesn’t become a normal part of growing up.

As Leanne Long, teacher says, “We’ve got to talk about [it]. We’ve got to empower our girls to be stronger, to have goals, to know that they can do other things, that that behaviour is not acceptable.”

“If we as adults stop using negative phrases like ‘suck it up princess’, chances are our kids will never even think them,” says Denis Walter OAM, radio presenter.

It’s important we feel comfortable to have conversations with young people about why this behaviour is never okay.

“Our actions will encourage our children’s behaviour in the future. It’s up to us to set the standard, and ensure our children understand what’s acceptable,” says Brian Gibson, Gannawarra Mayor.

Sometimes it can be hard to know what to say, but you don’t have to have all the answers – just be ready to explore topics together.

Discover the hidden meanings of common expressions that can excuse disrespectful behaviour towards girls, in this guide from the Department of Social Services

**The issue: violence against women**

Most Australians agree violence against women is wrong. We know that:

- On average, one woman is killed every week at the hands of a current or former partner.
- One in three women has been a victim of physical or sexual violence, since the age of 15, from someone known to them.
- One in six women has experienced physical or sexual violence from a current or former partner.
- One in four Australian women has been emotionally abused.
- One in four young people is prepared to excuse violence from a partner.

This cycle of violence starts with disrespect

Not all disrespect towards women results in violence. But all violence against women starts with disrespectful behaviour.

Our children form their beliefs from the world around them – what they hear, see and talk about. And from the stories, people and experiences that are an integral part of their childhood.

We just want what’s best for them. Though sometimes, without meaning to, we ignore disrespectful behaviour, prefer not to get involved or make excuses to protect our children.

Making fun of girls because of their appearance, or using gender as an insult (for example, ‘don’t throw like a girl’); these are forms of disrespect that may seem harmless at first in young people.

Without realising it, we can sometimes say and do things that make young people think disrespectful and aggressive behaviours are acceptable.

We might be surprised to recognise some of the most common ways we excuse disrespectful and aggressive behaviour.

These include:

- Playing down disrespectful behaviour
- Accepting aggression as just part of being a boy
- Blaming girls who are treated with disrespect.

We teach boys this behaviour towards girls is ‘just what boys do’. We teach girls to accept it, and tell them ‘it’s OK, he probably did it because he likes you’.

Gradually, boys and girls start to believe that disrespect is just a normal part of growing up.

**Playing down disrespect toward girls**

*This is when we brush off or try to lessen the seriousness of disrespectful or aggressive actions.*

<table>
<thead>
<tr>
<th>Have you ever thought or said ...</th>
<th>What a young person might think</th>
</tr>
</thead>
<tbody>
<tr>
<td>“He picks on you because he likes you”</td>
<td>♀ GIRL I shouldn’t get upset when he insults me.</td>
</tr>
<tr>
<td></td>
<td>♀ GIRL It’s okay to do it if you like them.</td>
</tr>
<tr>
<td></td>
<td>♀ BOY I’m making a fuss about nothing.</td>
</tr>
<tr>
<td></td>
<td>♀ BOY She overreacted.</td>
</tr>
<tr>
<td>“Lighten up, he didn’t mean it like that”</td>
<td>♀ GIRL I shouldn’t take it so seriously.</td>
</tr>
<tr>
<td></td>
<td>♀ BOY I can get away with this.</td>
</tr>
<tr>
<td>“It’s only a bit of fun”</td>
<td>♀ GIRL I shouldn’t get upset about this.</td>
</tr>
<tr>
<td></td>
<td>♀ BOY It’s okay to make sexist jokes.</td>
</tr>
<tr>
<td>“It’s just a joke”</td>
<td>♀ GIRL It’s okay for boys to disrespect me.</td>
</tr>
<tr>
<td></td>
<td>♀ GIRL It’s not my fault if she makes me angry.</td>
</tr>
<tr>
<td></td>
<td>♀ BOY If I just accept it, he’ll grow out of it and it’ll stop.</td>
</tr>
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<td></td>
<td>♀ BOY I have the right to act this way.</td>
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</tbody>
</table>

**Accepting aggression as just part of being a boy**

<table>
<thead>
<tr>
<th>Have you ever thought or said ...</th>
<th>What a young person might think</th>
</tr>
</thead>
<tbody>
<tr>
<td>“It’s tough being a boy”</td>
<td>♀ GIRL It’s okay for boys to disrespect me.</td>
</tr>
<tr>
<td></td>
<td>♀ BOY It’s not my fault if she makes me angry.</td>
</tr>
<tr>
<td>“He’s just going through a phase”</td>
<td>♀ GIRL If I just accept it, he’ll grow out of it and it’ll stop.</td>
</tr>
<tr>
<td></td>
<td>♀ BOY I have the right to act this way.</td>
</tr>
<tr>
<td>“Boys will be boys”</td>
<td>♀ GIRL It’s just what boys do – I should get used to it.</td>
</tr>
<tr>
<td></td>
<td>♀ BOY We’re just like that, it’s fine.</td>
</tr>
<tr>
<td>“He didn’t know he was doing anything wrong”</td>
<td>♀ GIRL It wasn’t his fault.</td>
</tr>
<tr>
<td></td>
<td>♀ BOY I’m not responsible for this.</td>
</tr>
</tbody>
</table>
Together we can help stop the cycle of violence against women

As parents, family members, teachers, coaches, employers and role models, we can have a positive influence on young people and set the standard for what is and what’s not acceptable, right from the start.

We can be more aware of the excuses we make, and how they can have a lasting impact.

We can start having conversations about respect with boys and girls.

We can ‘stop it at the start’ and help prevent violence against women.

Avoiding gender stereotypes

Gender stereotypes are labels that reinforce outdated ideas of how men and women should behave. Popular phrases imply boys should take control and suppress their emotions, and girls should be passive and accommodating.

While it may not be our intention, these comments often have a negative effect on the confidence and self-esteem of young people. If we continue to use words and phrases like these, the outdated ideas about male and female roles will go on.

MALES

<table>
<thead>
<tr>
<th>Have you ever thought or said ...</th>
<th>What a boy might think</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Man up”</td>
<td>Men need to be tough.</td>
</tr>
<tr>
<td>“Stop acting like a girl”</td>
<td>I’m too soft.</td>
</tr>
<tr>
<td>“Who wears the pants?”</td>
<td>I should be in control of the relationship.</td>
</tr>
<tr>
<td>“Boys don’t cry”</td>
<td>I shouldn’t express my emotions.</td>
</tr>
<tr>
<td>“She has you under the thumb”</td>
<td>She’s in control of me.</td>
</tr>
<tr>
<td>“You’re so whipped”</td>
<td>I shouldn’t value what my girlfriend wants to do.</td>
</tr>
</tbody>
</table>

FEMALES

<table>
<thead>
<tr>
<th>Have you ever thought or said ...</th>
<th>What a girl might think</th>
</tr>
</thead>
<tbody>
<tr>
<td>“She’s such a bossy boots”</td>
<td>I shouldn’t be assertive.</td>
</tr>
<tr>
<td>“She’s a feisty one”</td>
<td>I shouldn’t give my opinion / I shouldn’t stand up for myself.</td>
</tr>
<tr>
<td>“Why are you being so uptight?”</td>
<td>I shouldn’t have boundaries.</td>
</tr>
<tr>
<td>“She can be a real know-it-all”</td>
<td>I shouldn’t say things that make me sound clever.</td>
</tr>
<tr>
<td>“She’s a bit of a tomboy”</td>
<td>I should be myself / I should play the sports that I like / I should look more feminine / I shouldn’t dress the way that I like / I am judged on my appearance.</td>
</tr>
<tr>
<td>“She’s a little princess”</td>
<td>I shouldn’t be myself / I should look less feminine / I shouldn’t dress the way that I like / I am judged on my appearance.</td>
</tr>
</tbody>
</table>

What can you do next

Reflecting on our own attitudes, which might excuse disrespect, and being aware of the things we say to young people is the first step towards making a change.

By talking to young people about respect, we can have a positive influence on their attitudes and behaviours as they grow into adults.

Other useful tools:

* The Conversation Guide
  Advice and tips for discussing sensitive issues and having open discussions with your children.

* The Respect Checklist
  A practical checklist to help parents identify some important aspects of respect and gender equality to talk about with your children.

References:


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Hey, sexy: objectifying catcalls occur more frequently than you might think

Objectification occurs when individuals – typically women – are reduced to their body parts, write Elise Holland and Michelle Stratemeyer

“Hey, sexy.”
“Damn, girl.”
“What’s up, beautiful?”

These are just some of the many comments directed toward Shoshana Roberts as she walked along the streets of New York in that now-infamous “catcalling video” (www.youtube.com/watch?v=b1XGPrbWnoA). These catcalls, along with the countless wolf-whistles, stares, and winks that Shoshana received, are all instances of sexual objectification.

Objectification occurs when individuals – typically women – are reduced to their body parts. They come to be valued more for how they look rather than who they are as a person. So just how often do these types of experiences occur?

THE PREVALENCE OF OBJECTIFICATION IN WOMEN’S LIVES

According to the catcalling video, Shoshana experienced well over 100 instances of objectification over a period of ten hours. Although her example may be extreme, research concurs that these kinds of experiences are commonplace for women.

Recent estimates suggest that 84% of women first experience street harassment before the age of 17. Among Australian women, 87% experience sexual harassment in their lifetimes, with harassment ranging from catcalling and wolf-whistling to more severe forms such as groping and stalking.

Other research has focused on objectification as it occurs over shorter time frames, such as weeks or days. These studies suggest that objectifying experiences occur anywhere from once a month to more than once per day. This data, however, is fairly dated, with the most recent study published in 2009. Further, the prevalence of the different types of objectifying behaviour, such as catcalling, ogling, and sexual remarks, is largely unknown.

OUR OWN RESEARCH

We set out to build on the existing literature and find out just how common the different forms of objectifying experiences were in the lives of young Australian women. In collaboration with researchers from Australian Catholic University, we ran a study of 81 young women across metropolitan Melbourne.

The women in our study were instructed to install an app on their smartphones. The app was programmed to beep ten times per day over a seven-day period. At each beep, participants indicated whether they had experienced an objectifying event, and the type of event they had encountered.

We found that women experienced objectification on average 3.69 times over the week, equating to more than once every two days. The most common form was the objectifying gaze (making up 55% of objectifying experiences). Catcalls and wolf-whistles were reported in 11% of women’s experiences, and sexual remarks in 10%.

HARMLESS OR HURTFUL? THE IMPACT OF OBJECTIFYING EXPERIENCES

Even if we can agree that such experiences are commonplace in women’s lives, do they actually matter? Some have argued that such behaviours are harmless, and intended to be complimentary more than critical. However, evidence for the benefits of objectification is sorely lacking.

Overwhelmingly, research suggests that objectification has a harmful effect on women. In our own study, for instance, we asked our participants at each survey how much they had been self-objectifying (that is, worrying about how they looked to others). We found that objectifying experiences were associated with increases in self-objectification, which has been linked to poor mental health.

Research demonstrates that women who report being objectified on a more frequent basis also report greater body shame as well as symptoms of disordered eating and depression. Experiencing the objectifying gaze also decreases math performance among women but...
not men, and can lead women to self-silence in social interactions. Taken together, the literature suggests the effects of objectification are far from flattering.

HOW TO RESPOND TO OBJECTIFYING EXPERIENCES

Objectification is common and its effects are damaging – so what can we do to stop it? One strategy is to speak out and confront objectification when it’s taking place.

Most women don’t confront those who make sexist remarks. There are a range of reasons for this, including fearing retaliation by the objectifier, or feeling pressured to be polite.

However, calling out objectification can have a positive impact on women. Studies show that women who confront harassers don’t feel the same negative effects as women who let it go. There is evidence that women who speak up against sexism feel more empowered, competent, and have higher self-esteem.

It is also important for bystanders, and men in particular, to challenge objectification when they see it. Research on prejudice suggests that people from the advantaged group – in this case, men – are typically far more persuasive when they confront prejudice than those personally affected by it.

Objectification may perhaps not be as common as that “catcalling video” suggests. However, our research shows it to be a regular feature of young women’s lives, and one that negatively impacts their wellbeing.

We need to actively challenge these instances if we want women to be recognised as “somebodies” rather than “somethings”.

DISCLOSURE STATEMENT
The authors do not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and have disclosed no relevant affiliations beyond their academic appointment.

Elise Holland is Postdoctoral Research Fellow, University of Melbourne.
Michelle Stratemeyer is PhD Candidate, School of Psychological Sciences, University of Melbourne.

THE CONVERSATION


EVERYDAY SEXISM FINDINGS

Summary from The Australia Institute report by Molly Johnson and Ebony Bennett

Survey data, along with supporting research, shows that a large majority of Australian women have experienced street harassment, have fears for their safety, and are modifying their behaviour in response to this threat. One woman dies every week from domestic violence and intimate partner violence is the most common cause of homelessness among women.

Data shows that nearly one in five Australian women have experienced sexual violence since the age of 15. Sexual harassment is a common occurrence for women, part of the fabric of many women’s lives both in public and in the workplace. This paper discusses women’s experiences of harassment in public places, sometimes referred to as street harassment.

A recent survey by The Australia Institute shows that:

- 87 per cent of Australian women have experienced at least one form of verbal or physical street harassment.
- Among those who had experienced street harassment:
  - 56 per cent of women were alone when they last experienced street harassment;
  - Three in four women (74 per cent) were harassed by a man or a group of men;
  - A majority of women (54 per cent) were younger than 18 when they first experienced street harassment;
- 40 per cent of Australian women do not feel safe when walking alone at night in the area where they currently live, compared to 17 per cent of men;
- 87 per cent of Australian women have taken at least one action to ensure their own personal safety in the last 12 months (e.g. avoiding walking home alone at night).

ENDNOTES


CHAPTER 2
Responding to sexual harassment

Sexual harassment in the Australian workplace: how to spot it and what to do

Sexual harassment in the workplace is once again big news in Australia with recent celebrity revelations and allegations, according to this report by Sara Charlesworth for ABC News

There has been a lot of comment that this widespread attention and subsequent media and community outrage is a game changer – that at last the women affected are able to speak up, be heard and seek justice.

There has been less attention to the sheer persistence of workplace sexual harassment, reflected in the numerous complaints to human rights commissions across Australia from many ordinary women and some men who work out of the glare of the camera in ordinary jobs. Yet these formal complaints are only the tip of a very large iceberg.

The last sexual harassment prevalence survey run by the Australian Human Rights Commission (AHRC) in 2012 found a quarter of women and one in six men aged 15 years and older reported having experienced sexual harassment in the workplace in the past five years. That's a lot of workers.

One of the problems with the focus on high-profile figures such as Don Burke and the awful harassment and indecent assault he is accused of, is that this shapes people's perceptions of what sexual harassment is.

Indeed the AHRC survey findings suggest awareness of unlawful sexual harassment remains limited. Almost one in five respondents who reported initially they had not been sexually harassed based on the legal definition of sexual harassment, went on to report experiencing behaviours that are likely to constitute unlawful sexual harassment.

‘RIBALD HUMOUR’ NO LEGAL DEFENCE

So what is sexual harassment according to Australian law? While there are differences across Australian states and territories, sexual harassment laws here are some of the best in the world.

For example in the federal Sex Discrimination Act, sexual harassment is defined as taking place where:

- A person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed;
- Or engages in other unwelcome conduct of a sexual nature in relation to the person harassed;
- In circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Thus the test of whether behaviour is sexual harassment or not is not what the harasser thinks is sexual harassment.

The law makes it clear the particular circumstances of the person harassed need to be taken into account, including for example their age, their sexual orientation, their religious beliefs and/or their ethnic origin. So the frequent response to those who complain about sexual harassment that it is “just a bit of banter” or “ribald humour” or that the person harassed cannot take a joke, is simply no legal defence.

The difficulty is that the Australian sexual harassment laws are underutilised.

The most common forms of sexual harassment were sexually suggestive comments or jokes; intrusive questions about private life or physical appearance; and inappropriate staring and leering.

In the AHRC survey of those who experienced sexual harassment, only one in five made a formal complaint. The majority of these workers made a complaint within their workplace, to their manager or employer, with very few making an external complaint to a legal service, union or human rights commission.

What shapes public perceptions of sexual harassment are the high-profile cases of senior men physically sexually harassing junior powerless women. Once again the AHRC survey suggests such cases are not typical.

Half of the sexual harassment reported in the survey was by co-workers or peers, with the most frequent type of sexual harassment being non-physical.

The most common forms of sexual harassment were sexually suggestive comments or jokes; intrusive questions about private life or physical appearance; and inappropriate staring and leering.

The most frequent forms of physical sexual harassment reported were unwelcome touching, hugging,
cornering or kissing; inappropriate physical contact; and sexually explicit emails or texts.

**COMPLAINTS HIGHLIGHT FAILINGS OF EMPLOYERS**

Another problem with the focus on figures such as Burke is that it contributes to the myth that a sexual harasser is both some kind of monster and a lone individual behaving very badly.

This undermines the ordinary everyday nature of sexual harassment in Australian workplaces.

This is linked not only to blokey and sexist cultures but also to what are much more insidious work organisations, where women may be excluded from certain roles and opportunities, which can lay the ground work for a culture that turns a blind eye to sexual harassment.

Everyday sexual harassment is also linked to the increasing incidence of precarious work and the growing presence of vulnerable workers in Australia.

The awful stories that sometimes hit the media about young backpackers being sexually assaulted and sexually harassed while doing farm work highlight the fact workers who are young, temporary migrants, on temporary or casual contracts, and/or who work in remote areas may be more exposed to sexual harassment than other workers.

The most frequent forms of physical sexual harassment reported were unwelcome touching, hugging, cornering or kissing; inappropriate physical contact; and sexually explicit emails or texts.

The slippage between the day-to-day experience of sexual harassment, recognised in the text of sexual harassment laws, and public understandings of what constitutes sexual harassment makes it difficult to both prevent and respond to it where it occurs.

One of the striking features of complaints made to human rights commissions and, albeit rarely, to courts and tribunals is that these complaints are much more about the failure of the employing organisation to respond adequately to the original complaint of sexual harassment than about the harasser.

Between 2011-2014, my colleague Paula McDonald, from Queensland University of Technology, and I undertook a major study of workplace sexual harassment. What we found were many instances of managers and employers refusing to believe or respond adequately to a complaint of sexual harassment, often treating the person complaining as “the problem”. We also documented the impact of sexual harassment on those who had experienced it.

The corrosive effect and ongoing consequences of a loss of self-esteem and confidence and of having to walk away from a job cannot be underestimated.

**WORKPLACE CULTURE MUST BE EXAMINED**

The resounding feedback from those who had been sexually harassed, and from those lawyers and consultants who would be called in to mop up the fallout from internal investigations gone pear-shaped was for employers and managers to take a complaint of sexual harassment seriously, listen to the person making it, ask them what they would like to be done.

The corrosive effect and ongoing consequences of a loss of self-esteem and confidence and of having to walk away from a job cannot be underestimated.

And if they opt for no action, treat the complaint as a canary in the mine and really assess whether the broader workplace culture tolerates sexual harassment.

While I hope the current flurry of media attention to sexual harassment in Australia results in a better understanding of just how damaging sexual harassment can be, it is important not to lose sight of many workers who the AHRC survey tells us have experienced it in the course of their employment in regular jobs in professional, clerical or office or service roles.

There is another sexual harassment prevalence survey being run by the Human Rights Commission in 2018. It will be interesting to see what, if anything, has changed.

**Professor Sara Charlesworth** is the Deputy Head of School Research and Innovation at RMIT University’s Centre for People, Organisation and Work.

OVER THE PAST YEAR, I HAVE spoken with many women who have told me their personal accounts of being harassed in the workplace. I spoke to one hospital worker who was sexually harassed by a male patient, who indecently exposed himself to her. Instead of helping her, the woman’s colleagues and manager assumed she was in a sexual relationship with him.

Sexual harassment at work is an appalling abuse of power. It can have far-reaching and ongoing impacts on people’s lives.

Another young woman told me she was asked to wear a bikini while fruit picking so she could get paid a bonus.

It is critical that we continue to shine a light on these issues.

Everyone has the right to work free from sexual harassment and the fear of sexual violence.

The stories that have emerged about decades of sexual harassment and abuse allegedly perpetrated by Hollywood movie producer Harvey Weinstein are disgusting and shocking. But they also highlight the continued need to address sexual harassment in every workplace.

Complaints are going up

In the last reporting period the Human Rights Commission has seen a 13 per cent increase in complaints of sexual harassment.

Despite increased public awareness, we continue to hear of example after example of these behaviours being perpetrated by powerful people in public life.

They’re often men who have led highly successful careers and have managed to escape responsibility for their actions.

Last week Weinstein released a statement in which he spoke of the culture and rules about accepted workplace behaviours having changed since he “came of age” in the 1960s and ’70s – I don’t for a moment accept this excuse.

This issue is not isolated to the United States, or to the film industry; workplace sexual harassment is also of significant concern here in Australia.

A national survey conducted by the Australian Human Rights Commission in 2012 found that one in four women had been sexually harassed at work in the past five years. Next month, the commission will conduct the fourth national workplace sexual harassment survey. These studies provide the only Australian data measuring the prevalence of workplace sexual harassment over time.

Previous surveys show little change in the prevalence of these behaviours and unfortunately, there is little to give us hope that this year’s results will be different.

As a community we need to do much more to address attitudes which blame and silence victims, excuse abuse and permit sexual harassment to occur.

The survey will also give us an insight into the barriers to reporting sexual harassment, both for victims and bystanders, which we know are significant.

Harassment can be hard to recognise

Almost as distressing as Weinstein’s conduct itself is the fact that there seemed to be a culture of silence around what was an “open secret” in the entertainment industry and...
that he used his position of power to coerce and silence victims.

We know from the commission’s research that despite increased reporting on these issues in the media, many people still do not recognise sexual harassment when it happens to them.

Many are afraid to report their experiences out of fear that it could damage their career.

In 2012, only one in five people who had been sexually harassed at work formally reported their experience.

Common reasons for not reporting were that they thought it was not serious enough, that the perpetrator was too senior or that it would be easier to keep quiet.

**An appalling abuse of power**

Some people have asked why Weinstein’s victims did not report the sexual harassment they experienced. Many of the women said they were afraid to come forward because of the impact that speaking out might have on their career.

Our research shows that these fears about the negative consequences of reporting sexual harassment at work are very much grounded in reality.

Nearly one third of people who made a formal complaint about workplace sexual harassment said that they suffered significant consequences as a result, such as being labelled a troublemaker, being ostracised, victimised or ignored by colleagues.

Sexual harassment at work is an appalling abuse of power. It can have far-reaching and ongoing impacts on people’s lives.

As a community we need to do much more to address attitudes which blame and silence victims, excuse abuse and permit sexual harassment to occur.

Kate Jenkins is the Sex Discrimination Commissioner.

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When news of the allegations against Hollywood producer Harvey Weinstein broke last October, it unleashed a torrent of emotion, especially on social media, offering permission to disclose current and past experiences of sexual harassment and assault. In an unprecedented quantum of use, it offered many angry and upset women accessible ways of venting often long-repressed feelings. It also gave rise to the #MeToo movement.

The volume and breadth of the responses raise many serious questions about the presumed “equality” gains of women. Over the past 70 years, after Simone de Beauvoir, Betty Friedan and Germaine Greer started debates that drove the second-wave feminist movement, we have achieved serious changes to our legal status, paid employment, and roles in public life. Have we really made the essential cultural shifts that ensure women are no longer the “second sex”, living in worlds devised, defined and controlled by men?

However, the torrents of anger and complaints from #MeToo raise issues of whether gender powers have really been redefined, both locally and in most Western countries. Have we really made the essential cultural shifts that ensure women are no longer the “second sex”, living in worlds devised, defined and controlled by men?

The intentions of the second wave covered more than making women equal to men (in their terms, as were then defined). We intended to create the changes that allowed women and men to redefine what matters, to ensure we were no longer seen as primarily sexual or reproductive objects.

The current debate is just further evidence we failed to make the necessary power shifts. And macho male resistance to women's power may also be increasing.

The public appetite for equitable social changes seems to be receding, replaced with deteriorating social and political trust alongside growing nostalgia and tribalism. So, there appears to be little hope for more progressive power shifts to create more gender fairness.

There has been some optimism that the volume of protests and outpourings would generate public movements for change. But, like most forms of protest, they offer evidence of problems but fail to tackle the broader causes and how to fix them.

Part of the ongoing problem is the lack of serious cultural change programs that shift structures. The emphasis is still on using the law to handle individual complaints via either conciliation or charges.

Conciliation, when it works, does not allocate blame and is usually confidential, so is not a change agent. If charges are laid, the process often damages the complainant, as they are questioned and often shamed, even if they win. Many lose, and the process really becomes a social change deterrent.

There are multiple recorded problems with the individualised complaints model, as those accused seek to crush or shame accusers. A prime recent example of this is the Barnaby Joyce case and allegations of sexual harassment. When this accusation came to light, the personal details of the female complainant were published, and her desire for confidentiality was ignored.

There are many other stories of how those who seek
individual complaints are punished: lost jobs, character assassination, being labelled as “difficult”, and so on.

While many of the reports are of serious crimes that need to be reported to police, others range from offensive and annoying to bad, crass, stupid behaviour. What they share are macho power assumptions and powerless feminised responses, all of which ensures they are inadequately tackled.

Accusations of crimes create often expensive court cases that cause damage to a complainant even if she wins. So, formal justice may offer little relief.

Yes, the system does punish those convicted as perpetrators, but it deters few, as individualised measures do not affect most of the wider societal groups that misuse their macho power.

Legal processes, even if based on rights, do not really effect the serious social change to attitudes or power that real gender equity will require. We need to address the social mores and related power structures that reinforce male power and support toxic masculinity.

How can we use the current explosion of evidence and outrage to trigger the needed changes?

We are still in early days of the “new” media as social change agents. Some positives: celebratory protests at award ceremonies and the wearing of supportive signs and colours have increased media coverage and the visibility of public support. There are discussions of increased resources for legal actions against perpetrators, and for more funding support to care for victims.

But these “solutions” are similar to those being pursued in the many campaigns against domestic violence, helping survivors. While these responses are needed in the short term, we must realise that they will not drive the cultural and gendered power changes we need. If “clicktivism” replaces wider political action and campaigns for change, we go backwards.

If we are serious about the abuse of gender-based power, we must look at its causes and make structural and cultural changes. We must overcome the serious, widespread gender-biased socialisation of boys and girls, in most cases long before they reach puberty.

While many of the reports are of serious crimes that need to be reported to police, others range from offensive and annoying to bad, crass, stupid behaviour. What they share are macho power assumptions and powerless feminised responses, all of which ensures they are inadequately tackled.

Basic assumptions about gender roles still create beliefs about being an acceptable boy (stand up for yourself) or girl (be nice and read people’s feelings). These offer surefire paths to toxic masculinity and passive femininity.

These emerged in a recent BBC documentary, broadcast on the ABC. It showed seven-year-olds displaying very stereotypical views of preferring male over female when it came to confidence in skills and leadership. It also showed how removing school and home items that reinforced gender roles could reduce the different socialisations – in other words, it’s not genetic.

If we are serious about the abuse of gender-based power, we must look at its causes and make structural and cultural changes.

Given all of that, my concern is that #MeToo and related expressions of anger are failing to fix causes that increase macho-driven gender power imbalances. This means we need real, practical solutions to bridge the gender divide and stop supporting toxic masculinity.

DISCLOSURE STATEMENT
Eva Cox does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond her academic appointment.

Eva Cox is Professorial Fellow, Jumbunna IHL, University of Technology Sydney.

Major employers commit to eliminating everyday sexism in their workplaces

A MEDIA STATEMENT FROM MALE CHAMPIONS OF CHANGE

100+ chiefs of some of Australia’s largest employers and most influential organisations are taking practical steps to identify and eliminate everyday sexism in the workplace, inviting all leaders to join them.

More than 6,000 employees across a range of sectors were consulted as part of work led by the Male Champions of Change coalition to understand what everyday sexism looks like; its impact on employees, career advancement and productivity; and actions that can be taken to address the often insidious and harmful workplace dynamic.

The outcomes are captured in a report released today by the Male Champions titled: We Set the Tone: Eliminating Everyday Sexism. According to the report, there are six common manifestations of everyday sexism which include: insults that masquerade as jokes; devaluing women’s views or voices; role stereotyping; preoccupation with physical appearance over competence; assumptions that caring and careers don’t mix; and unwarranted gender labelling such as when women are diminished for being ‘too aggressive’ or men because they ‘lack competitive edge’.

It’s been a sensitive and highly nuanced topic to work through according to Graham Ashton, Chief Commissioner of Victoria Police who says: “Most people don’t want to be accused, let alone guilty, of sexist behaviour while some often dismiss the subject as political correctness gone mad.”

“Yet we see it play out every single day in the media, in politics, in our workplaces and in the community.

What we learned is that underlying or ‘everyday’ sexism impacts women and men and – whether intentional or not – it can take a significant and cumulative toll on the personal lives and career progression of employees and also the effectiveness of organisations.”

Kate Jenkins, Sex Discrimination Commissioner says while we have seen sectors respond decisively to more explicit forms of sexual harassment, everyday sexism is still evident in workplace interactions, systems, policies and decisions that affect both individual careers and organisational cultures.

“Typically people don’t raise it because it can be seen as too small to make a fuss about and few want to be seen to be ‘rocking the boat’. But consistently in my work – with Victoria Police, the Australian Defence Force, the Universities and Male Champions of Change – we hear that these things do matter. They are outdated at best, harmful at worst. Unless we tackle everyday sexism, the most innovative policies and initiatives designed to advance gender equality and inclusive and effective organisations will not deliver the change we need.”

Having developed a framework and language to identify and respond to everyday sexism, the Male Champions emphasise the importance of open discussion, goodwill and leadership in taking steps to eliminate it.

“As leaders we have a responsibility to set the tone for what is and isn’t acceptable behaviour within our organisations,” says Medibank CEO Craig Drummond.

“A culture that does not hold people to account on everyday sexism – be it conscious or otherwise – is not a healthy one. Australian businesses need to look at themselves with a more critical eye and ask themselves if they are enabling the wrong behaviours.”

Actions recommended in the report include: not supporting sexist ‘humour’ by laughing or staying silent; including and valuing women’s voices in meetings and decisions; challenging role stereotyping; and supporting the personal choices employees make about caring and careers.

Gillon McLachlan, CEO AFL says “AFL prides itself on being an inclusive sport, but for so long social norms and traditions have indicated that it’s a male-only game, effectively excluding half the potential playing population. There was no reason not to establish a women’s league and, since its launch, AFLW has exceeded our competition, commercial and community expectations.”

James Fazzino leads global explosives and fertiliser company Incitec Pivot in a traditionally male-dominated industry and has seen the direct benefits of a changed approach.

“Men in our industry clearly don’t experience everyday sexism in the way that many women do. We found that assumptions about the roles that were suitable for women and men in our organisation influenced everyday decisions about advancement and promotions and were reinforced by our talent management systems. By understanding and addressing the problem we have enabled more women to take up non-traditional leadership roles in are as such as chemical facilities management, engineering and distribution.”

Signatories to the report include Victoria Police, NAB, Incitec Pivot, AFL, Medibank, La Trobe University, Qantas and AGL.

We Set the Tone: Eliminating Everyday Sexism is available on the Male Champions of Change website.

ELIMINATING EVERYDAY SEXISM

An extract from a report released by Male Champions of Change, whose aim is to achieve progress on gender equality issues in organisations and communities

WHAT IS EVERYDAY SEXISM?

It occurs as the name suggests, in both the formal and casual interactions between people. It happens in daily life. It happens frequently in workplaces. They are sometimes the little things, said or done in a moment, that play into stereotypes of gender. Perceived as too small to make a fuss about, we let it pass. At other times there is no question that it oversteps the mark.

In our contexts, everyday sexism also comes into play at critical decision points affecting the progress and careers of women and men, influencing who to appoint, develop, sponsor, reward or promote.

Everyday sexism is frequently invisible, and often accepted. Because it is hard to speak up when it occurs, it continues unchecked.

In examining this topic we have learned that context, culture, generational differences and norms are among some of the factors that underpin everyday sexism.

WHY SHOULD YOU CARE?

Because your people care

Our employees have been very clear – both women and men experience everyday sexism in various forms in our workplaces and they think it is time we eliminated it.

“I want to go to work, do my job and go home to my family. I don’t want to be reluctant to go to work and be made to feel uncomfortable while I am there.”

– Survey respondent

Because it causes harm

We were told the impact of everyday sexism can be significant and lasting. By not tackling it you allow it to:

› Take a personal toll on your employees’ self esteem, personal relationships and general health
› Perpetuate unhelpful and outdated gender stereotypes
› Unnecessarily impede women’s career progression
› Prevent men from participating equally in raising their families.

“We typically think that harm comes in the shape of big things. And we expect the little things to be of no consequence. Yet the cumulative impact of ‘everyday’ experiences of workplace sexism can be as detrimental as incidents that are less frequent but more severe in nature.”

– Graham Ashton, Chief Commissioner, Victoria Police

Because it makes sense

We know everyday sexism impacts people, culture and performance. Eliminating everyday sexism will enable your organisation to:

› Break down the barriers to different career pathways and opportunities for leadership for women
› Tap into the full pool of talent available
› Include diverse voices, thinking, perspectives and experience in your workplaces.

“We’ve seen incredible progress from welcoming women into traditionally male roles – 240-tonne truck drivers, shift superintendents, site managers and chief engineers. By tackling role stereotyping, good commercial results eventuate.”

– James Fazzino, CEO Incitec Pivot

Because you can make a difference

As leaders, what we say and do sets the tone in our organisations. Our action, or inaction, can be perceived as explicit or implicit approval of everyday sexism. There can be far greater impact when leaders, and in particular men, call it out because it is unexpected and it raises standards for all.

“While everyday sexism remains prevalent in our community it will be prevalent in our workplaces. As leaders we have an obligation to role model, listen, observe and act decisively to drive everyday sexism from our workplace.”

– Craig Drummond, Managing Director and CEO, Medibank

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Most people do not want to be accused, let alone guilty of sexist behaviour. Yet often, well-intentioned words, actions and decisions are not received that way. Worse, they can be outright offensive.

We hope this report encourages an open and respectful conversation about everyday sexism, with the goal of creating fairer, more positive and inclusive organisational environments for all.

We hope this report encourages an open and respectful conversation about everyday sexism, with the goal of creating fairer, more positive and inclusive organisational environments for all.

Isn’t this just ‘political correctness gone mad’?

We’ve all heard this said. Often. This common response to calling out everyday sexism has become one of the most significant barriers to tackling it. Particularly when ‘getting the joke’ or ‘not rocking the boat’ is an important part of fitting in and job success.

There are consequences for relationships, reputations and careers, for those who speak up, so people stay silent, laugh it off or pretend it doesn’t bother them. We recognise that perhaps the intent is not malicious. But we have to get better at responding to behaviour that is unhelpful and excludes people. And we need to own what we say and take full responsibility for the consequences of our words and conduct. The same goes for our silence and inaction.

Building on the work of others, to understand everyday sexism in the workplace we undertook to learn more. In conjunction with QUT Business School, we developed an everyday sexism survey.

Piloted with 875 women and men in Toll and Incitec Pivot head office & remote sites, this surfaced the types and frequency of everyday sexism in our workplaces. The 2015 Victorian Equal Opportunity and Human Rights Commission (VEOHRC) Independent Review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police, involving 4,887 members, highlighted the cumulative harm of everyday sexism.

Employee forums held with over 150 employees at Toll, Medibank and Incitec Pivot surfaced individual stories of everyday sexism and action we can take that would make a difference. Combined, this has informed our insights and recommendations.

The excuses we make for everyday sexism

“I think we just accept it and don’t want to ‘ruffle feathers’ by actually doing something about it. I worry I will be perceived as a troublemaker for raising it.”

– Survey respondent

The impact of deflecting

- Minimises the seriousness of the comment and the effect it has
- Puts people in the uncomfortable social position of ‘not being able to handle it’, in addition to the original putdown
- Perpetuates self-fulfilling myths about gender and stereotypical gender roles.

The consequences of silence and inaction

- Gives consent to what is said and done – that it is OK
- Lends support to the transgressor and leaves the individual on the receiving end to deal with it alone
- Becomes an accepted part of workplace culture
- Discourages people from raising it as an issue.
WHAT DOES EVERYDAY SEXISM LOOK LIKE?

We talked to women and men in our organisations about their experiences of everyday sexism. This is what they told us.

Insults masquerading as jokes

The most frequently encountered form of everyday sexism, experienced by women and men, consists of sexist remarks or jokes, and insulting terms based on gender.

"Make sure you wear your low-cut top to meet with that client!"

"You won't want to work on that machine... you might break a fingernail!"

"You've got to let her know who wears the pants around here!"

"You are such a media whore! #joke #funny"

Devaluing women’s views or voice

 Many women experience:

- Men interrupting or talking over them
- Men explaining things to them as if they have no prior skills or knowledge, when they do
- Their views not listened to or supported until re-stated by a man.

"The supplier said ‘Can I speak to the manager, love?’ referring to the man behind me. I was in fact the manager.”

"If I really want to get an idea up I brief my male colleague to propose it in the meeting – I don’t like it but it’s a means to an end.”

Role stereotyping

Assumptions are made about suitability for roles and tasks on the basis of gender.

“As the only female at the lunch meeting, I watched the men wait for me to take the plastic wrap off the sandwiches. And take the minutes.”

“We’ll get you to smile sweetly as guests arrive and hand out the name tags.”

“Do not comment as I walk down the hallway about the colour of my top, my shoes, or my hairstyle. My choice of style is not for others to comment on or rate.”

Preoccupation with physical appearance

Comments about body shape, size, physical characteristics or dress over skill and competence are frequent. This is amplified for women with a public profile or in the media.

“I couldn’t take her seriously in that presentation – did you see what she was wearing?”

“She’s mutton dressed up as lamb.”

“Do not comment as I walk down the hallway about the colour of my top, my shoes, or my hairstyle. My choice of style is not for others to comment on or rate.”

Assumptions that caring and careers don’t mix

Both women and men encounter gendered assumptions about parenting roles, with women being:

- Subjected to comments that infer poor parenting for prioritising work equally with family
- Questioned about their commitment to work because they work flexibly
- Expected to explain why they don’t have children.

Men can be discouraged from or denied access to flexible work because everyday sexism assumes caring is not a man’s role.

“When I fell pregnant with my second child I was told that was the end of my career.”

“When I said I wanted to leave to pick up my kids I was asked why my wife couldn’t do it.”

“It was assumed that because I had children I wouldn’t want a role that involved travel. The man who got the role instead of me also has kids.”

“I was asked why I had kids, only to have a nanny raise them.”

Unwarranted gender labelling

Women are often described as being too bossy or not assertive enough – or the flip side – too ‘emotional’ or ‘nice’.

Men can be told they are too soft and not competitive enough.

“I was told I needed to be less aggressive... to be more feminine.”

“Why do I need to ‘man up’? I am a man.”

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What can we do about it?
Achieving gender balance will go a long way to reducing everyday sexism, but generational change and more women in leadership is only part of the solution. As leaders we know there is more we can do to eliminate everyday sexism. Here, and in our case studies to follow, we share some of the things we have tried.

**EVERYDAY ACTIONS FOR LEADERS**

Below are some things our employees told us will make a difference – practical everyday actions we can take to eliminate everyday sexism in the workplace. How we lead – through action or inaction – will set the tone for our organisation and everyone is watching.

**Ask yourself**

- Do I know what everyday sexism looks like in my organisation and the experiences of our people?
- Do I understand the impact it is having, especially on the women in my organisation?
- Do I have the facts about how this is affecting my business? Can I articulate why it is important for us to address it?

**Take action**

- Inform yourself about what everyday sexism looks like in your organisation
- Be specific about why it matters in your organisation e.g. for customer service, safety, recruitment, morale
- Find ways to measure your progress and impact, for example through surveys or forums.

**EVERYDAY ACTIONS FOR LEADERS**

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**Respond to ‘jokes’**

- Do not validate humour that is explicitly or implicitly sexist or offensive by laughing, staying silent, or making excuses.
- Call out the joke, for example, say: "What did you mean by that comment?"
- If you miss the moment to call it out, don’t let it pass – ensure both the joke and those who heard it are aware of your stance.

**Value women’s voices**

- Ensure equal share of voice at meetings you lead or attend.
- Before closing a meeting or agenda item, ensure everyone has been provided the opportunity to comment or contribute.
- Ensure all contributions/contributors to a discussion or initiative are acknowledged – beyond the most senior and/or vocal.
- Adopt the Panel Pledge to ensure high profile discussions and forums include the voices and experiences of women.

**Make role stereotyping a thing of the past**

- Ensure critical and ancillary roles at functions, meetings and in your workplace are shared equally amongst men and women, for example rotate meeting note taker and chair.
- Question assumptions about the type of work, especially physical, that men and women can and cannot do.

**Keep the focus on capability, not appearance**

- Keep conversations focused on content and capabilities, rather than physical appearance.
- Be vigilant when introducing women for example, as speakers or at meetings where comments about appearance can undermine credibility.

**Support personal choices about caring and careers**

- Check whether you are making assumptions about, or choices for women or men regarding how they value or prioritise their career.
- Ensure equal access to flexible work arrangements for women and men within your organisation.

**Challenge gender labelling**

- Recognise where gender stereotypes are being applied to assess performance or leadership capability.
- Reframe a discussion anytime an employee or candidate is assessed as ‘too’ anything – ‘too bossy’, ‘too soft’, ‘too emotional’.
- Use the ‘In the Eye of the Beholder’ report to reflect on your use of merit in your decisions about people.

VIOLENCE AGAINST WOMEN AT WORK

Workplaces have an important role to play in addressing the practices, attitudes, norms and behaviours that underpin and create violence against women and their children, according to Our Watch.

Whether you are an individual staff member or a senior leader, find out how you can help address the issue of violence against women and their children in your workplace.

THE SIZE OF THE PROBLEM

Violence against women, including domestic violence, family violence, intimate partner violence, sexual assault and sexual harassment, affects many Australians in paid work.

Almost two-thirds of women who experience violence at home have paid jobs. That’s 800,000 women in Australia.¹

While women experience higher rates of sexual harassment at work and both women and men are more likely to be harassed by a male,² men can also be victims of this form of violence.

Workplace sexual harassment is harmful not only to those who experience it but also to their colleagues who hear about or witness it.

HOW DOES THIS PROBLEM AFFECT WORKPLACES?

Violence against women affects workplaces in many costly ways, such as:

• Increasing absenteeism (employees not coming to work)
• Increasing presenteeism (employees coming to work sick)
• Increasing staff turnover (employees leaving their jobs)
• Decreasing productivity
• Decreased job satisfaction and staff morale.³

The combined health, administration and social welfare costs of violence against women have been estimated to be $21.7 billion a year, with projections suggesting that if no further action is taken to prevent violence against women, costs will accumulate to $323.4 billion over a thirty-year period from 2014-15 to 2044-45.⁴

HOW CAN WORKPLACES ADDRESS VIOLENCE AGAINST WOMEN AND THEIR CHILDREN?

To address the issue of violence against women and their children, workplaces have a number of different roles to play:

1. Supporting employees who are or have been victims of violence that occurs out of the workplace, in their private lives (most commonly domestic or family violence and sexual assault).
2. Taking action to prevent and respond to sexual harassment in the workplace.
3. Addressing the underlying causes of violence against women by promoting gender equality in the workplace.
4. Creating a culture where employees feel confident to take bystander action if they see or hear about sexism, harassment, discrimination or violence in the workplace.

WHAT DRIVES VIOLENCE AGAINST WOMEN?

Violence against women is serious and prevalent. It is primarily driven by gender inequality, and reinforced or exacerbated by a number of other factors.

Gender inequality is a situation in which women and men do not have equal power, resources or opportunities, and that their voices, ideas and work are not valued equally by society.

Gender inequality provides the underlying social conditions for violence against women. It operates at many levels – from social and cultural norms (the dominant ideas about men and women in a society), to economic structures (such as the pay gap between men and women), to organisational, community, family and relationship practices.

This broad social context of gender inequality produces a number of specific gendered drivers of violence against women.

The strongest of these are:

• Condoning of violence against women – for example,
the idea that it is excusable for men to use violence in certain circumstances, that they cannot always be held responsible, or that some kinds of violence (such as sexual harassment) are not serious.

- Men’s control of decision-making and limits to women’s independence in public life and relationships – for example, the idea that men should be the head of the household and decide how money is spent.
- Rigid gender roles and stereotyped constructions of masculinity and femininity – the idea that women and men and girls and boys should act in certain ways or fulfill certain roles.
- Disrespect towards women and male peer relations that emphasise aggression – for example, the way some groups of men ‘bond’ or seek to prove their ‘manhood’ or ‘masculinity’ through actions that are disrespectful, hostile or aggressive towards women.

While the broad social context of gender inequality provides the underlying conditions and drivers of violence against women, a number of reinforcing factors can contribute to or exacerbate this violence.

These include:
- The condoning of violence in general, which sees violence normalised or valorised as an expression of masculinity.
- Experience of or exposure to violence (such as in childhood, or in communities with high levels of violence).
- Situations in which the social norms associated with alcohol use weaken positive social behaviour (for example drinking cultures that emphasise male conquest and aggression and social norms and

attitudes that position men’s drinking as an excuse for violence, or women's drinking as a form of victim blaming).
- Socio-economic inequality and discrimination.
- The ‘backlash’ that sometimes comes from men when their existing male privilege or status is challenged.

Violence against women is preventable, but such a significant social problem needs a large-scale response, and we must all work together to achieve the social transformation required.

To prevent violence against women we need to promote gender equality in public and private life, particularly through the following actions:

- Challenge condoning of violence against women.
- Promote women’s independence and decision-making in public life and relationships.
- Challenge gender stereotypes and roles.
- Strengthen positive, equal and respectful relationships between and among women and men, girls and boys.

Prevention efforts will be strengthened if these essential actions are supported by actions to address the reinforcing factors, such as:

- Challenging the normalisation of violence as an expression of masculinity or male dominance.
- Preventing exposure to violence and supporting those affected to reduce its consequences.
- Addressing social norms relating to alcohol, particularly by challenging drinking cultures that emphasise male conquest and aggression or excuse men's violence.
- Reducing backlash by developing positive ways to engage men and boys in gender equality, building relationship skills and social connection and challenging restrictive and rigid gender roles and identities for both men and women.

WHAT CAN YOU DO TO PROMOTE SAFE, EQUAL AND RESPECTFUL WORKPLACES?

1. Support employees who are or have been victims of violence that occurs outside of work:

- Develop a workplace ‘responding to family violence’ policy in consultation with a local family violence service.
- Train staff who have management responsibilities on how to respond to disclosures of violence and support an employee who may be experiencing violence to help them stay at work.

2. Take action to prevent and respond to sexual harassment in the workplace:

- Ensure all staff understand what sexual harassment looks like and what harassing behaviours are most common.
- Actively promote and implement policies around equality opportunity, diversity, sexual harassment
and sex discrimination at work.

- If you see or hear something that makes you think a workmate might be experiencing sexual harassment, tell them you’ve noticed and ask what you can do to help.

3. **Address the underlying causes of violence against women by promoting gender equality in the workplace:**

- Conduct a gender audit to bring to light the ways in which your organisational policies and practices might be inadvertently having a negative impact on women, men and gender equality.
- Look at your attitudes towards and expectations of women and men at work. Do you treat men and women differently in the workplace? Do you expect men and women to do different kinds of tasks, like assuming that female staff will organise all the social functions?
- Promote flexible work practices at all levels of your organisation, because supporting women and men who have family or other caring responsibilities will have a positive impact on creating an equal and more productive workplace.

4. **Create a culture where employees feel confident to take bystander action:**

- Take reports of discrimination, harassment or violence seriously and actively encourage your staff to bring these issues to your attention.
- If someone makes a sexist comment or joke at work, say something. You’re probably not the only one who thinks it’s wrong. Let the person know what they said is unacceptable and get the support of your colleagues.

**CREATE MORE GENDER EQUITABLE ENVIRONMENTS**

Here are some suggestions from senior executives in Australia about how organisations can take action to create more gender equitable environments:

- Create a workplace culture where parents and carers thrive. Review your practices to see whether women returning from parental leave continue to develop their careers.
- Lead on gender reporting. Develop consistent reporting standards to create a more transparent and detailed view of the pipeline and progress of women in your workplace.
- Ask yourself – If we don’t have a 50/50 split in our organisation, why not? Apply this view across career lifecycles, from recruitment and talent development to committees and panels.
- End the leadership lottery for women. Actively develop, promote and advance inclusive leaders across your organisation.

**LINKS AND RESOURCES**

- The Workplace Gender Equality Agency website provides a range of information and practical resources to support workplaces to promote women’s representation and gender equality in the workplace.
- The Safe at Home, Safe at Work project developed a range of resources designed specifically for workplaces to support staff who were victims of violence.
- The Australian Human Rights Commission has developed a number of resources designed to address workplace gender inequality, discrimination and sexual harassment, including:
  - **Know Where the Line Is**, an innovative strategy designed to raise awareness about the prevalence, impact and nature of workplace sexual harassment.
  - The **Good Practice, Good Business resources** designed to support employers to meet their obligations under federal anti-discrimination legislation.

**ENDNOTES**


Sexual Harassment

What to do when someone tells you they have experienced violence or abuse

FACT SHEET ADVICE FROM WHITE RIBBON AUSTRALIA

If someone has taken the difficult step of telling you their experience of violence or abuse, it is important you respond in a supportive and appropriate way. To ‘disclose’ an experience of violence is to tell another person about this experience. This fact sheet is to help you best support people who have disclosed their experience of violence or abuse to you.

An easy way to remember what to do is to think of the 3 Rs: recognise, respond, refer.

Important first steps to take when someone discloses an experience of violence or abuse:
- Believe the person
- Make sure they understand it’s not their fault
- Listen without judging the person
- Be supportive, encouraging, open and honest
- Ask if they need help from a support service and discuss their options
- Help them get advice and support by calling 1800 RESPECT or visiting their website
- Offer to go with the person if they meet with a support service
- Keep in touch with the person to see how they are going.

There are many state, territory and national services that you can refer people to when they need help. You can find details of support services on the White Ribbon website. Some national support service phone numbers and web addresses are listed at the end of this fact sheet.

NOTE: You may be required by law to report disclosures of violence when children are involved. Check with your state/territory police for more information on your obligations.

Things to remember

If someone discloses violence to you, they are showing enormous trust in you. It is important to show respect and maintain this trust.

If you are worried about someone’s safety, you must consider helping them take action.

However, sometimes just listening to someone and acknowledging their experience is enough.

It is important that someone making a disclosure is not forced into taking action. It is also important to think about the ‘one chance rule’: don’t dismiss the opportunity for a person to share their story as they may not share it again.

When talking about their options, safety must be the main priority and they must feel in control of the situation and what happens next.

Unless you have a qualification, you can’t offer counselling.

However, there are some important and helpful things you can do:
- Listen to the person
- Show you believe them
- Take the disclosure seriously
- Let them know about local services
- Offer them practical support.

It can be difficult hearing about a person’s experience of violence. After hearing their story, take time to observe your own feelings and look after yourself.

National services

For details of state and territory services, please refer to the White Ribbon website.

National Sexual Assault, Domestic Family Violence Counselling Service – 24/7 service
www.1800respect.org.au
1800 RESPECT (1800 737 732)
Lifeline – 24/7 service
www.lifeline.org.au
13 11 14
MensLine – 24/7 service
www.mensline.org.au
1300 78 99 78
Kids Help Line – 24/7 service
www.kidshelp.com.au
1800 551 800
Translating and Interpreting Service
www.tisnational.gov.au
131 450


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SUPPORTING WORKPLACES TO END SEXUAL HARASSMENT

AN EXTRACT FROM A GUIDE FOR EMPLOYERS WITH SMALL BUSINESSES BY THE AUSTRALIAN HUMAN RIGHTS COMMISSION

SUMMARY

What is sexual harassment?
Under the Sex Discrimination Act ‘sexual harassment’ has three key elements:

- Conduct that is unwelcome;
- Conduct of a sexual nature;
- A reasonable person (aware of all the circumstances) would anticipate the possibility that the person subjected to the conduct would feel offended, humiliated or intimidated.

It is unlawful to sexually harass a current or prospective employee, commission agent or a contract worker, colleague, partner, fellow commission agent or fellow contract worker, or any other workplace participant.

A ‘workplace participant’ includes employers (e.g. sole trader), employees, commission agents, contract workers and partners in a partnership.

The term ‘workplace’ refers to ‘a place at which a workplace participant works or otherwise carries out functions in connection with being a workplace participant’.

Types of liability of the small business employer
- Personal liability
- Vicarious liability
- Accessory or ancillary liability.

Complaints to the Australian Human Rights Commission
A person who alleges sexual harassment in the workplace can make a complaint to the Australian Human Rights Commission who can inquire into and attempt to conciliate the complaint.

If a resolution cannot be reached the Commission will ‘terminate’ the complaint and the matter can then be taken to the Federal Circuit Court of Australia or the Federal Court of Australia within 60 days of the complaint being ‘terminated’ by the Commission.

Other types of legal action:
- Criminal offences
- General protections claim based on exercise of a workplace right
- Unfair dismissal
- Work health and safety requirements.

UNDERSTANDING SEXUAL HARASSMENT

Key elements of sexual harassment
Under the Sex Discrimination Act ‘sexual harassment’ has three key elements, these are:

- Conduct that is unwelcome
- Conduct of a sexual nature
- A reasonable person (aware of all the circumstances) would anticipate the possibility that the person subjected to the conduct would feel offended, humiliated or intimidated.

The limited understanding of sexual harassment has significant ramifications for employers. On the one hand, it could mean that workplace participants are unaware that they are being subjected to unlawful behaviour and that they have legal rights and avenues of redress (e.g. through internal or external complaint mechanisms). On the other hand, it could mean that workplace participants do not understand that they are engaging in conduct that violates the legal prohibition against sexual harassment. This, in turn, can leave employers legally exposed.

Unwelcome conduct
Conduct is unwelcome if it is not solicited or invited and is regarded as undesirable or offensive by the person who is the target of the sexual harassment. It is irrelevant that the conduct may not have been unwelcome to others or if it has been an accepted practice in the workplace.

Conduct of a sexual nature
‘Conduct of a sexual nature’ is broadly defined: it can include verbal, written and online conduct that is an unwelcome sexual advance or an unwelcome request for sexual favours or other unwelcome conduct of a sexual nature.

Conduct likely to be considered sexual in nature includes:

Steps for preventing and responding to sexual harassment
- Create a healthy and safe work environment based on respect
- Develop and implement a sexual harassment policy
- Establish a specific procedure for discrimination and harassment complaints
- Provide or facilitate education and training on sexual harassment.

Small businesses have a duty to take all reasonable steps to prevent sexual harassment in the workplace, to actively minimise the risk of sexual harassment and respond appropriately when harassment does occur. It is therefore vital that small businesses develop and implement robust procedures for dealing with sexual harassment complaints.
• Touching, hugging, cornering or kissing
• Inappropriate staring or leering and inappropriate physical contact
• Insults or taunts of a sexual nature
• Repeated or inappropriate invitations to go out on dates
• Requests for sexual favours
• Repeated or inappropriate advances on email or social networking websites
• Intrusive questions about a person’s private life or physical appearance
• Sexual gestures, indecent exposure or inappropriate display of the body
• Sexually suggestive comments or jokes
• Sexually explicit pictures, posters, gifts, emails or text messages
• Requests or pressure for sex or other sexual acts.

Sexual harassment may occur where a work environment or culture is sexually charged or hostile. Factors that point to a sexually hostile workplace include the display of obscene or pornographic materials, general sexual banter, crude conversation or innuendo and offensive jokes.

Sexual harassment is against the law regardless of the sex, sexual orientation or gender identity of the people involved.

Workplace participants may not always understand when they are engaging in conduct that could be found to be sexual harassment.

Reasonable person test

Sexual harassment can occur where in the circumstances, a reasonable person (aware of the circumstances) would anticipate the possibility that the recipient would feel offended, humiliated or intimidated by the conduct. Determining whether a reasonable person would have anticipated that the person harassed would be offended, humiliated or intimidated is an objective test.

Workplace participants and workplaces

Under the Act, it is unlawful to sexually harass a current or prospective employee, commission agent or a contract worker, colleague, partner, fellow commission agent or fellow contract worker, or any other workplace participant.

A ‘workplace participant’ includes employers (e.g. sole trader), employees, commission agents, contract workers and partners in a partnership. For example, it is unlawful for a staff member to sexually harass an owner/employer in a small business. It is also unlawful for a workplace participant to sexually harass another person in the course of providing or receiving goods, services or facilities to/from that other person.

The term ‘workplace’ refers to ‘a place at which a workplace participant works (e.g. building site, supermarket, aircraft) or otherwise carries out functions in connection with being a workplace participant’ (e.g. conferences, office parties, online environment).

A small business’s responsibility for sexual harassment extends to conduct that occurs beyond the normal workplace and normal working hours. This is particularly important at high-risk events, such as work functions involving alcohol.

TYPES OF LEGAL ACTION

Under the Sex Discrimination Act

Sexual harassment in the workplace may give rise to various types of legal action under the Sex Discrimination Act. A person who alleges sexual harassment in the workplace can make a complaint to the Australian Human Rights Commission who can inquire into and attempt to conciliate the complaint.

If a resolution cannot be reached the Commission will ‘terminate’ the complaint and the matter can then be taken to the Federal Circuit Court of Australia or the Federal Court of Australia within 60 days of the complaint being ‘terminated’ by the Commission.

Workplace participants who are subjected to sexual harassment may not be aware of their legal rights or what avenues of redress (e.g. through internal or external complaint mechanisms) they can access.

a. Victimisation

Victimisation means subjecting, or threatening to subject, another person to a detriment if she or he has made or proposes to make a complaint, attend, has participated in a conciliation conference at the Commission or provided information to the Commission about a complaint or assert rights under the Sex Discrimination Act or the Australian Human Rights Commission Act 1986 (Cth).

It is an offence under the Sex Discrimination Act to victimise another person. Victimisation is punishable by a fine and/or imprisonment.

b. Sex discrimination

Conduct that may not be of a sexual nature, and falls short of sexual harassment, can still constitute sex
Small businesses’ legal liability under the Sex Discrimination Act

There are a number of different ways that small businesses may be held liable under the Sex Discrimination Act for workplace sexual harassment.

a. Personal liability

Employers (including small business people), individual managers and employees are liable for their own acts of sexual harassment.

b. Accessory or ancillary liability

This means that small businesses are liable under the Sex Discrimination Act if they cause, instruct, induce, aid or permit another person to engage in sexual harassment.

A small business could have accessory or ancillary liability for sexual harassment if it was aware or should have been aware that sexual harassment was occurring or there was a real possibility that sexual harassment was occurring and it failed to act.

c. Vicarious liability

Small businesses can be held liable under the Sex Discrimination Act for sexual harassment by their employees in connection with their employment and by their agents in connection with their duties as agents. In practice the expression ‘in connection with’ in this context under the Act has had a broad practical application in the courts, being wider than wider than the familiar expression ‘in the course of’.

Small businesses will be found vicariously liable for sexual harassment by one of their employees or agents if they failed to take ‘all reasonable steps’ to prevent the sexual harassment from occurring.

What constitutes ‘all reasonable steps’ can change with the size of the business – the courts have recognised that large organisations will be expected to do more than small businesses in order to be held to have acted reasonably. The courts have found that a very small business needs to have at least a simple written policy on sexual harassment to demonstrate that all reasonable steps were taken to prevent harassment occurring.

Other types of legal actions

Small businesses should be aware that they may be held liable for workplace sexual harassment under other federal laws as well as state and territory laws related to sexual harassment.

a. Criminal offences related to sexual harassment

Some types of sexual harassment may also be offences under criminal law. Relevant criminal offences include: physical assault; indecent exposure and sexual assault. Small businesses should be aware that a single incident of sexual harassment in the workplace may give rise to both civil and criminal proceedings.

If small businesses suspect that a criminal offence has occurred, they should:

- Advise the target to report the incident to the police as soon as possible
- Provide the target with the necessary support and assistance.

b. General protections claim based on exercise of a workplace right

Under the Fair Work Act 2009 (Cth) a person must not take ‘adverse action’ (similar to victimisation) against another person to prevent that other person from exercising a ‘workplace right’, or because that other person:

- Has a ‘workplace right’
- Has or has not exercised a workplace right, or
- Proposes or proposes not to exercise a workplace right.

‘Workplace right’ is broadly defined and would appear to encompass making a complaint of sexual harassment under the Sex Discrimination Act.

c. Unfair dismissal

Where a small business is a national system employer and decides to dismiss an employee because it is satisfied that he or she engaged in sexual harassment, the small business must ensure that any subsequent action complies with:

- The Fair Work Act (or the state or territory equivalent) and any relevant award or enterprise agreement, and
- The Small Business Fair Dismissal Code, in the case of a small business (i.e. a business with fewer than 15 employees).

Failure to comply with the instruments above may give rise to a claim for unfair dismissal.

d. Work, health and safety requirements

Small businesses must ensure, so far as is reasonably practicable, the health and safety of their workers. A small business who fails to maintain a safe workplace may be held liable under the common law or under work health and safety legislation.

Small businesses who fail to take reasonable steps to prevent the foreseeable risk of harm arising from sexual harassment may be in breach of the obligation to ensure a healthy and safe work environment and safe systems of work.
Recognising and responding to sexual harassment in the workplace: information for employees

Advice for workers from the Australian Human Rights Commission

What is sexual harassment?

Sexual harassment is any unwelcome conduct of a sexual nature. If a reasonable person would anticipate this behaviour might make you feel offended, humiliated or intimidated, it may be sexual harassment. Sexual harassment is unlawful under the Sex Discrimination Act 1984 (Cth).

Some examples of behaviour that may be sexual harassment include:
• Sexually suggestive comments or jokes
• Intrusive questions about your private life or physical appearance
• Inappropriate staring or leering
• Unwelcome hugging, kissing or cornering or other types of inappropriate physical contact
• Sexually explicit text messages, images, phone calls or emails.

CASE STUDY: The female complainant alleged that at a workplace function a partner from the company sexually harassed her by asking her how far up her body her tights went and by telling her she was beautiful. The complaint was resolved with an agreement that the company would pay the complainant $4,650 which represented compensation for loss of wages and reimbursement of costs for counselling sessions the complainant had undertaken.

CASE STUDY: The male complainant had recently started to work for the respondent and was to be trained by a long-serving employee of the company. He alleged that the male trainer sexually harassed him from his first day at work including by asking him inappropriate questions and making comments of a sexual nature. The complainant alleged the trainer tried to flirt with him, made excuses to try to touch him, often placed his hand on the complainant’s knee, would try to brush past him and would press his crotch into the complainant’s back. The company said it investigated the complaint and terminated the co-worker on the grounds of inappropriate conduct. The complaint was resolved with an agreement that the company would pay the complainant $20,000 and provide him with an apology.

CASE STUDY: The female complainant said she has been employed with the respondent company for over 20 years. She claimed that her manager sent her sexually explicit emails which she found offensive. The respondents said the emails were sent as a joke and the particular images the complainant referred to in her complaint, were taken out of context. The complaint was resolved with an agreement that the company would pay the complainant $10,000 in general damages and $3,500 to cover her legal fees.

How common is sexual harassment in the workplace?

We are also seeing increasing rates of men being sexually harassed, by other men, in the workplace.

Where does workplace sexual harassment take place?

Under the Sex Discrimination Act 1984, a ‘workplace’ is:
• Where the harasser works
• Where the person being harassed works
• Where they both work.

One in four women (25%) are sexually harassed in the workplace.

Working without fear: The 2012 national sexual harassment survey.

The Sex Discrimination Act also covers ‘work-related’ sexual harassment, which can take place:
• At the location of someone working remotely who is harassed by email, on a social networking site, or by mobile phone
• On work-related trips (such as training and, conferences or in hotels, cars or on trains etc).
• At work-related social events (such as work lunches, office parties, at bars and restaurants)
• In classroom or training facilities or in the workplaces of interns, trainees and apprentices
• In educational institutions and inter-school activities (sexual harassment can be perpetrated by students over the age of 16 or by staff)
• In shops, restaurants, or anywhere that goods and services are provided (sexual harassment can be perpetrated by customers towards staff or by staff towards customers).

Which workplace relationships are covered?
The relationship between the alleged harasser and the person allegedly harassed is the key to understanding when the *Sex Discrimination Act* applies in the area of employment.

Under the Act, it is unlawful to sexually harass:
• An employee, a commission agent or a contract worker
• A prospective employee, commission agent or contract worker
• A colleague, partner, fellow commission agent or fellow contract worker
• A prospective colleague, partner, fellow commission agent or fellow contract worker
• Another workplace participant (includes employers (e.g. sole trader), employees, commission agents, contract workers and partners in a partnership).

What can I do about sexual harassment in my workplace?

**What can I do if I’m experiencing sexual harassment at work?**
• Raise the issue directly with the harasser and tell them that their behaviour is unwelcome
• Talk to a colleague for support
• Talk to a union delegate or contact a union office for advice
• Contact a community legal centre or working women’s centre for legal advice
• Contact 1800 RESPECT for telephone and online counselling, information and referral
• Make a complaint to your manager/employer
• Contact the Australian Human Rights Commission or state and federal anti-discrimination agencies for information or to make a complaint.

**How do I make a complaint to the Australian Human Rights Commission?**
A person who believes he or she has been sexually harassed in the workplace can make a complaint to the Australian Human Rights Commission alleging sexual harassment under the *Sex Discrimination Act 1984* (Cth). Or they can contact a solicitor advocate or trade union to make a complaint to the Commission on their behalf.

Australian Human Rights Commission’s National Information Service

Call us:
Infoline: 1300 656 419 or (02) 9284 9888
TTY: 1800 620 241

If you need an interpreter you can call the Translating and Interpreting Service (TIS) on 131 450 and ask to be connected to the Australian Human Rights Commission.

If you are deaf or have a hearing or speech impairment you can contact the National Relay Service (NRS) on 133 677 (TTY/Voice) or 1300 555 727 (Speak & Listen) and ask to be connected to the Australian Human Rights Commission.

Write to us:
Postal Address: GPO Box 5218, Sydney NSW 2001
Email: infoservice@humanrights.gov.au
Fax: (02) 9284 9611

Go online:
Website: [www.humanrights.gov.au](http://www.humanrights.gov.au)

**Why take action?**
Evidence shows that reporting is an effective way to make the sexual harassment stop.
45% of workplace sexual harassment stops after a complaint or report is made.6

**I’m worried about what will happen if I make a complaint …**
Many people are worried they will make things worse if they report their experience of sexual harassment to their employer. Under federal legislation it is unlawful for an employee to be disadvantaged because they’ve reported sexual harassment. For example, it may be unlawful for your employer to move you to a position with fewer responsibilities or give you a critical reference just because you’ve reported sexual harassment.

**How can I take action as a bystander?**
People who see or hear about harassment in their workplace are called bystanders.

Active bystanders play a role to reduce the harm of sexual harassment and ensure there is no tolerance for sexual harassment in their workplace.

**One in two workers (51%) who witnessed sexual harassment took action.**

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You can talk to the person experiencing harassment:
• List them
• Assist them in finding information or on how to make a complaint.

There are also other things you can do:
• Talk to your manager or supervisor about displaying the workplace sexual harassment policy prominently in your workplace
• Organise sexual harassment training for your workplace
• Talk to Human Resources about implementing any sexual harassment policies
• Talk to a union delegate or union about raising awareness of sexual harassment in the workplace
• If you have the person experiencing the harassment’s permission you can also report it to your employer.

What bystander action is possible will differ in different workplace contexts, so it may be necessary to adapt what action you take to the context of your workplace.

Know where the line is
For information on sexual harassment, how to take bystander action or make a complaint to the Australian Human Rights Commission, see our website at: www.knowtheline.com.au

ENDNOTES
2. An employee includes full-time, part-time and casual workers as well as independent contractors.
3. A commission agent is a person who does work for another person as the agent of that other person and who is remunerated, whether in whole or in part, by commission.
   Women’s Legal Services: www.wlsa.org.au/members
   Working Women’s Centres: www.wwc.org.au
   Victoria Legal Aid: www.legalaid.vic.gov.au
   Job Watch (Victoria): www.jobwatch.org.au
   Employment Law Centre of WA: http://elcwa.org.au
6. Above n1, p.5.

This chapter identifies practical steps that small, medium and large employers can take to help ensure their workplaces are free of sexual harassment. It outlines a range of measures that employers can take to help prevent sexual harassment in the workplace. It also identifies a number of steps employers should take to ensure they respond effectively to allegations of workplace sexual harassment.

PREVENTING SEXUAL HARASSMENT

Every employer, regardless of size, has a duty to take all reasonable steps to prevent sexual harassment in the workplace. This means that employers must actively minimise the risk of sexual harassment and respond appropriately when harassment does occur.

What constitutes reasonable steps is not defined in the Sex Discrimination Act and may vary depending upon the size, structure and resources of a particular workplace. However, all employers should adopt a number of essential preventative measures, including:

- Creating a healthy and safe work environment based on respect
- Developing and implementing a sexual harassment policy
- Providing or facilitating education and training on sexual harassment.

a. Create a healthy and safe work environment based on respect

The key to preventing sexual harassment is for employers to send an unequivocal message to every workplace participant that sexual harassment is unacceptable in the workplace. The first step toward sending this message is creating a work environment that is healthy, safe and based on courtesy and respect. Perpetrating or ignoring sexist, intimidating or offensive behaviour creates a chilly or hostile environment. This can increase the risk of sexual harassment and have a significant and ongoing negative impact on employees and business as a whole. By taking positive steps to create a work environment that takes sexual harassment seriously, employers can both significantly reduce the instances of sexual harassment in their workplace and increase the productivity and self-esteem of their employees.

Some key steps toward creating a healthy and safe work environment include:
- Distributing communications from senior leaders that sexual harassment is unlawful and will not be tolerated in the workplace
- Setting expectations for senior leaders to model appropriate behaviour and respond swiftly and effectively to sexual harassment complaints
- Responding promptly to any concerns raised
- Supporting and encouraging bystanders to report any inappropriate or sexist behaviour
- Removing offensive, sexually explicit or pornographic materials from the workplace
- Ensuring workplace policies prohibiting inappropriate use of technology address sexual harassment
- Distributing and displaying posters and pamphlets that explain rights and obligations around sexual harassment
- Conducting regular audits to monitor the incidence of sexual harassment and effectiveness of the complaint process.

b. Develop and implement a sexual harassment policy

A crucial aspect of prevention is the development and implementation of a written workplace policy that makes it clear that sexual harassment is unlawful and will not be tolerated under any circumstances. Employers might develop a stand-alone policy on workplace sexual harassment or incorporate sexual harassment into a broader policy on workplace harassment. For businesses operating internationally, it may be important to consider how to maximise the safety of workplace participants and how the policy does or does not apply in foreign countries. Further, as the range of technologies used in the workplace expands, employers should also consider addressing sexual harassment in their internet policy.

Sexual harassment policies can vary between workplaces. However, there are a number of key elements that should be included in any sexual harassment policy.
1. Recognise that sexual harassment will not be tolerated
A sexual harassment policy should include an opening statement from the chief executive officer that recognises that:
- The employer is committed to ensuring a safe work environment free from sexual harassment
- Sexual harassment will not be tolerated under any circumstance
- Swift disciplinary action will be taken against anyone who breaches the policy
- Bystanders will be supported to take action against sexual harassment
- Appropriate standards of conduct apply at all times.

2. Recognise that sexual harassment is unlawful
A sexual harassment policy should inform staff that sexual harassment is prohibited under federal and state law. It should also inform staff that legal action can be taken against individual employees and the employer for workplace sexual harassment.

3. Identify the strategy for addressing sexual harassment
A sexual harassment policy should identify the organisation’s strategy for preventing and redressing sexual harassment.

   The policy could note, for instance, that the organisation is committed to:
   - Creating a working environment that is free from sexual harassment and where all staff members are treated with dignity, courtesy and respect
   - Implementing training and awareness-raising strategies to ensure that all employees know their rights and responsibilities with respect to sexual harassment
   - Providing an effective procedure for complaints based on the principle of procedural fairness

   - Treating all complaints in a sensitive, fair, timely and confidential manner
   - Guaranteeing protection against any victimisation or reprisals
   - Encouraging the reporting of behaviour that breaches the policy
   - Promoting appropriate standards of conduct at all times.

4. Clearly define sexual harassment
Workplace participants need to have a clear understanding of sexual harassment. It is therefore important that employers include a definition of sexual harassment in their policy. The definition should emphasise that sexual harassment is unwelcome conduct of a sexual nature. It may also be useful to provide behavioural examples of sexual harassment that may be relevant to the particular working environment.

   Sexual harassment could, for instance, be defined as follows:

   Sexual harassment is unwelcome conduct of a sexual nature that a reasonable person anticipates could possibly make the recipient feel offended, humiliated and/or intimidated.

   Sexual harassment can take various forms. It can involve: unwelcome touching, hugging or kissing; staring or leering; suggestive comments or jokes; sexually explicit pictures, screen savers or posters; unwanted invitations to go out on dates or requests for sex; intrusive questions about an employee’s private life or body; unnecessary familiarity; insults or taunts based on sex; sexually explicit emails or text messages; suggestive or sexually explicit comments or references on social media networks; accessing sexually explicit internet sites; and behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

   The policy could also clarify that sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual or reciprocated does not constitute sexual harassment.

   The policy should also make it clear that sexual harassment can occur in any work-related context, including conferences, work functions, office Christmas parties or business trips. Such behaviour is also unlawful when it occurs away from the workplace but is a culmination or extension of events in the workplace. This includes the private use of work mobile phones or comments through email or social media.

5. Explain the consequences of breaching the policy
A sexual harassment policy should operate as a general warning to all employees of the consequences of non-compliance. The policy should therefore clearly identify the various consequences of breaching the policy. Depending on the severity of the case, this might include making an apology, counselling, transfer, dismissal or demotion.
6. Identify the responsibilities of management and staff

A sexual harassment policy should make it clear that all staff have responsibilities to comply with the sexual harassment policy. The policy should also identify the responsibilities of specific staff, for example complaints and contact officers and managers and supervisors.

Additional manager and supervisor responsibilities should include:
- Monitoring the working environment to ensure acceptable standards of conduct
- Modelling appropriate behaviours themselves
- Promoting the sexual harassment policy within their work areas
- Treating all complaints seriously and taking immediate action to resolve matters or refer to another officer.

The policy should also include information about the role, rights and responsibilities of bystanders.

7. Outline the available options for dealing with sexual harassment

The sexual harassment policy should tell workplace participants where they can go to get help if they are sexually harassed in the workplace or witness sexual harassment. At a minimum, the policy should refer to the organisation’s sexual harassment complaint process. Additional sources of support and advice might include the Commission and its state and territory equivalents and the police.

c. Provide or facilitate education and training on sexual harassment

A written policy can only be effective in addressing sexual harassment if it is implemented effectively. All workforce participants should be made aware of the policy and their rights and obligations in relation to sexual harassment. Employers should distribute the sexual harassment policy widely and conduct regular information sessions on compliance.

This may be achieved by:
- Officially launching the sexual harassment policy at a full staff meeting with endorsement from senior management
- Emailing copies of the policy to all staff members and clearly explaining any new responsibilities to staff members that are promoted to management positions
- Displaying the policy on the intranet, office noticeboards and in induction manuals for new staff members
- Ensuring that the policy is accessible to employees from different cultural backgrounds, employees with disabilities or those working in remote areas
- Requiring all staff to sign a copy of the policy acknowledging that they understood the content
- Periodically reviewing the policy to ensure it is operating effectively and contains current information (e.g. about the law, contact and complaint officers).

Ongoing training is also important in effectively implementing a sexual harassment policy. Employers should ensure that sexual harassment training forms part of the organisation’s core training, including workplace induction.

RESPONDING TO SEXUAL HARASSMENT

Employers are required to provide a safe workplace for their employees and, accordingly, must respond effectively to sexual harassment in the workplace. It is therefore vital that employers develop and implement robust procedures for dealing with sexual harassment complaints.

There are a number of steps that employers can take to enhance the effectiveness of their responses to workplace sexual harassment.

These steps include:
- Establishing and implementing an internal complaint procedure
- Investigating sexual harassment complaints and taking appropriate remedial action
- Keeping confidential records of complaints.

Establishing effective procedures for dealing with sexual harassment enables employers to respond to complaints efficiently and fairly and, at the same time, affords employees the opportunity to seek redress for alleged sexual harassment. An effective complaint procedure also affords employers the opportunity to resolve complaints internally and will likely play an important role in preventing other incidences of sexual harassment.
Sexual Harassment

a. Establish and implement an internal complaint procedure
Employers should establish an internal complaint procedure for addressing sexual harassment. This might be a stand-alone procedure for sexual harassment complaints or a broader procedure that deals with a range of workplace complaints, including sexual harassment.

Employers are free to develop a flexible procedure that suits their organisation's size, structure and resources. However, when deciding which type of procedure to establish, it is important that employers keep in mind the potential sensitivities associated with complaints concerning alleged conduct of a sexual nature.

The purpose of an internal complaint mechanism is to provide an opportunity for a complaint to be made by an employee and for the employer to investigate the complaint, take action to address the situation and resolve the complaint, where this is appropriate. An investigation will usually involve gathering the relevant information, assessing whether or not sexual harassment has occurred and taking appropriate remedial action as needed.

A complaint procedure should be a staged process. Employees should be made aware of their right to raise an issue with their manager, supervisor, member of the Human Resources team or an equal employment opportunity/harassment/equal opportunity or complaints officer as well as the opportunity to lodge a complaint and work through the complaints process should they choose.

However, employees should be clear that the initial contact person cannot be the same person who investigates or makes decisions in relation to complaints. This initial contact person can only act in a supportive capacity to the person making the complaint.

Employers should keep a confidential record of all reports and complaints of sexual harassment, even where those do not proceed through the full complaints process (including investigation).

Employers should note that if an employer is aware of an allegation of sexual harassment or has observed sexual harassment in the workplace but does not take any action, the employer may be found to have neglected to take all reasonable steps to prevent the sexual harassment, even if the complainant did not want the respondent to take any action at the time of making the complaint.

While there is a degree of flexibility, there are a number of key elements that employers should incorporate into their internal complaint procedures.

1. Establish a complaint procedure that is transparent, efficient, confidential and fair
Employers should establish a procedure for receiving internal complaints related to sexual harassment. They should also ensure that the procedure is implemented and operational in practice.

Employers should take care to ensure that the procedure is transparent, efficient, confidential and fair. For instance, employers should ensure that:
- Workplace participants are notified of any allegations made against them and are afforded the opportunity to respond to those allegations
- Workplace participants are informed about the process for resolving complaints
- Complaints of sexual harassment are dealt with impartially and without bias
- Information about a complaint is only provided to those people who need to know in order for the complaint to be actioned properly
- There is a clearly defined review process.

2. Educate workplace participants about the complaint procedure
Workplace participants must be aware of complaint procedures before they can use them to seek redress for sexual harassment. Employers should therefore regularly inform workforce participants about the existence of internal (and external) complaint procedures and how they can be used to address sexual harassment in the workplace.

Employers could, for instance, include information about complaint procedures in induction materials, in workplace training and education and in sexual harassment and other workplace policies. They could also post information about complaint procedures on the intranet, around the workplace and in bulletins.

3. Appoint and train contact and complaint officers
Employers often encourage a person with a complaint to raise it with their immediate supervisor (or another manager if the supervisor is the alleged harasser). Employers should also identify employees to act as contact or complaint officers.
Contact officers

Contact officers are the first point of contact for a person who alleges sexual harassment and are usually selected from various areas and levels of an organisation.

Contact officers should: listen to the complaint; provide information about the available avenues of redress; and assist the complainant or the alleged harasser by acting as a support person.

Contact officers should not: investigate the complaint; counsel the complainant or alleged harasser; present the case for the complainant or alleged harasser at meetings or inquiries; support both parties at the same time; recommend a particular course of action or pre-empt outcomes; or unnecessarily disclose information about the complaint.

Complaint officers

Complaint officers take an active role in managing sexual harassment complaints and usually have a relatively senior status within an organisation. Some organisations contract out formal complaint procedures to professional consultants. Owners and employers in small businesses should appoint themselves or a senior employee as the complaint officer, provided they are not the alleged harasser.

Wherever possible, employers should try to appoint and train both male and female sexual harassment complaints and contact officers.

Training

Sexual harassment complaints may be complex, sensitive and potentially volatile. Anyone who has responsibility for dealing with complaints should receive specialist training in complaint handling in the area of sexual harassment. Contact the Commission or state or territory anti-discrimination agencies for information about who may be able to assist with training.

4. Establish safeguards to protect against victimisation

Employers should put in place safeguards to ensure that individuals associated with a sexual harassment complaint, including the complainant and any bystanders, are not victimised.

a. Investigate sexual harassment complaints and take appropriate remedial action

It is crucial that employers act immediately to conduct effective investigations into individual complaints of sexual harassment and, where appropriate, provide remedial action. Investigations may be undertaken by a complaint officer, or in certain cases (e.g. when allegations have been made against senior staff members), an external consultant.

To ensure consistency and fairness, employers should document the steps involved in a formal complaint investigation and clearly inform the parties about the complaint process in advance. The usual process involves interviewing the parties and examining relevant evidence to determine whether or not the complaint has sufficient substance and what, if any, remedial action is appropriate. A confidential report is then compiled documenting the complaint, the investigation, the finding and the recommended outcome. It is important to explain to both the complainant and respondent that they will be allowed the opportunity to respond to any allegations made against them before the report is finalised and a final decision is made.

Those responsible for investigating complaints should consider all available evidence and make their finding on the balance of probabilities (i.e. that it is more probable than not that the harassment did or did not occur). Relevant evidence might include supervisor reports, emails, text messages or the complainant’s personal records. It is important to note that even if there is insufficient evidence for a complaint to be substantiated, it does not mean that the discrimination did not occur or that the allegations are untrue. Findings may be that harassment did or did not occur, or that it was not possible to make a conclusive finding.

Remedial actions following a finding of sexual harassment can range from an apology to disciplinary action against the person found to have engaged in harassment (such as demotion, transfer, suspension, probation or dismissal). Disturbingly, in recent years, we have seen an increase in the number of people alleging negative consequences as a result of reporting sexual harassment, for example, through a reduction in hours, demotion or workplace bullying. Employers should implement safeguards against victimisation to ensure that the outcome of a complaint does not disadvantage the complainant in any way.

In addition to taking remedial action in the individual case, it is good practice for employers to make systemic changes to their workplace to prevent the recurrence of sexual harassment and to avoid any perception that sexual harassment is condoned by them. For example, reissue discrimination and harassment policies or codes of conduct to all employees. Employers should also follow up with the person who reported their concerns.
a few months later, to check whether their concerns remain, and to monitor the relationships involved.

Whenever a complaint is made, even where allegations have not been admitted or substantiated, it may still be appropriate for an employer to take action to prevent future sexual harassment in the workplace. For instance, it is a good time to consider the internal processes for preventing and responding to sexual harassment, provide training and remind employees of their general obligations not to sexually harass others.

b. Keep confidential records of complaints
Employers should keep records of any complaints of workplace sexual harassment and must ensure that such records comply with any relevant laws. Employers should also develop clear guidelines on how to document and record sexual harassment complaints and ensure that all employees understand their obligations under the guidelines.

The type and extent of information recorded by employers will be influenced by a range of factors, including the level of formality of the complaint.

In cases where a formal complaint of sexual harassment is received, employers should, at a minimum, keep a record of:
- The complaint from the target of the alleged sexual harassment
- Statements from the alleged target, the alleged harasser, alleged witnesses and any other relevant individuals, which have been reviewed and endorsed by the relevant person
- Interviews conducted by the investigation officer, using the interviewee’s own words as far as possible
- Other key documentation related to the investigation, including any findings of the investigation and any action taken in response to the allegations.

If an employer determines that an employee sexually harassed another person, it should also record its findings and subsequent response in the employee’s personnel file. An employer can remove the record from the personnel file after a reasonable period of time, provided it is satisfied that there has been no further harassment.

Employers should retain records related to investigations into sexual harassment for a reasonable period of time. If an alleged target subsequently lodges a complaint under the Sex Discrimination Act, the Commission may request a copy of the employer’s records to assist it in its investigation of the complaint.

Records will help employers to establish what actions they took in response to the initial complaint and may assist in discharging or reducing their liability for sexual harassment. Employers should also be aware that they may be required to produce records related to sexual harassment complaints under freedom of information laws.

At the very minimum, employers should store any written records related to allegations of sexual harassment in locked storage and restrict access to the records to authorised personnel. In addition, employers should ensure that they put appropriate safeguards in place to secure electronic records related to allegations of sexual harassment (e.g. emails, electronic files).

Bystanders often don’t intervene in sexual harassment – but should they?

Why don’t people intervene when they witness sexual harassment and assault?
And, more importantly, should they? By Bianca Fileborn

As the summer music festival season winds down, there has been much reflection on the spate of sexual harassment and assaults at festivals this year. In one such piece, published in The Guardian, the author lamented the fact that no other punters stepped in when his female friend was harassed and assaulted in full view of others.

This lack of response is unsurprising. Bystanders are those who witness an event – sexual harassment and assault in this instance – and can choose to either ignore it or intervene in a way that aims to make a positive difference.

This unwillingness to intervene was reaffirmed in my own recent research on street harassment in Melbourne, where only a minority of participants had ever had someone else step in, despite the highly public nature of this behaviour.

Why don’t people intervene when they witness sexual harassment and assault? And, more importantly, should they?

Why don’t people intervene?

Barriers to bystander intervention have been well documented. In order to intervene, bystanders need to be able to recognise sexual harassment or assault when it is happening. A significant proportion of the population adheres to a range of problematic beliefs and stereotypes about sexual violence and violence against women, so it is questionable whether many people recognise incidents of sexual harassment or assault when they occur.

Even if bystanders do recognise that sexual harassment is occurring, they may not know what to do, and lack confidence to intervene effectively. Bystanders can fear social embarrassment and breaching social norms. We know that the propensity to intervene is mediated by gender, with women generally more likely or more confident to intervene than men. One reason for this is that men are more likely to adhere to the aforementioned myths and misconceptions about sexual violence.

Diffusion of responsibility is perhaps the most commonly documented barrier to acting as a bystander. It is the “can’t someone else do it?” of bystander intervention. If there are many witnesses to an act of harassment or assault, it can be unclear who should step in. Onlookers may simply assume that someone else will take action.

Should bystanders intervene?

We know that people often don’t intervene and some of the reasons why they don’t. But should bystanders intervene?

Bystander intervention is now a key component of many sexual violence prevention and sexual ethics programs. There are sound reasons for this. Bystander intervention seeks to shift responsibility for preventing sexual violence from victim/survivors to the broader community. Preventing sexual violence, and challenging the social and cultural attitudes that condone and facilitate it, is everybody’s responsibility.

There is certainly some evidence to suggest that bystander education programs help to change attitudes towards sexual violence, and increase the propensity for individuals to act as bystanders. Bystander education has also been associated with decreased rates of sexual assault on some US college campuses.

However, there are also a number of gaps in our knowledge that raise serious questions about whether, when, and how bystanders should intervene.

We know surprisingly little about bystander intervention “in action”. For example, the impacts and outcomes of different types of bystander intervention remain largely unexamined. What “types” of bystander intervention are effective, and in which contexts? Do all forms of intervention have a positive impact, or are there sometimes unexpected or negative consequences?
Emerging evidence from my own research on street harassment suggests that bystanders can be at risk of harm when they intervene.

Although bystander intervention could sometimes effectively defuse an incident of harassment, some participants reported that having a bystander intervene didn’t stop the harassment, could escalate the intensity of harassment, or simply displaced the harassment onto the bystander.

For example, when one participant’s friend intervened in an incident of harassment, the perpetrator punched her friend in the face. In another case, a perpetrator screamed at a participant’s partner and ‘threatened to kill him’ after he intervened in an assault.

Notably, this was often the case when the bystander directly confronted a perpetrator who was a stranger – it’s less clear that this is an issue when calling out your mates on their sexist or harassing behaviour.

The risk of escalation or displacement raises the question of whether encouraging bystander intervention is ethical, and in what circumstances? As Moira Carmody has argued, “ethical bystander intervention requires the bystander to be mindful of caring for themselves, as well as the impact on the other person”. If there is a perceived risk of escalation or physical violence, bystanders are well within their right not to intervene.

There is a clear need to establish further the circumstances in which bystander intervention is effective, and to identify risk factors for escalation.

**What can bystanders do?**

This is not intended to let bystanders off the hook when it comes to intervening in, or preventing, sexual violence.

Findings from my study suggest that it is not always appropriate to intervene by confronting the perpetrator of harassment. But there are other strategies they can use, including:

- Calling police or security, or alerting staff to an incident.
- Asking the person being harassed if they’re OK. Is there anything you can do to help them? It is important to listen to victims and what they want.
- Striking up a conversation with the person being harassed.
- If you feel safe to do so, taking photos or video of the perpetrator.
- Trying to create space to get the person being harassed away from the perpetrator. Can you help them move to a different seat on the train, for example?

- Talking to your friends about harassment and assault, and calling them out if you see or hear them condoning or engaging in inappropriate behaviour.
- Educating yourself on what harassment and assault are, and learning about different strategies for being a bystander.

Preventing sexual violence is everybody’s responsibility, but we need to think carefully about how we do it.

**DISCLOSURE STATEMENT**

Bianca Fileborn has previously received funding from La Trobe University to undertake research on street harassment. She is also a member of the Sexual Assault and Harassment in Live Music Venues Victorian Government taskforce.

Bianca Fileborn is Lecturer in Criminology, UNSW.

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Universities unveil plan to reduce sexual harassment and sexual assault on campus

Australian universities have announced a ten-point plan in response to the release of a national survey into sexual assault and harassment on university campuses, by the Australian Human Rights Commission. By Katelin Morris, editor from The Conversation

The survey found:

• 1.6% of student respondents reported they experienced sexual assault in a university setting (including public transport to and from university) in 2015 or 2016; and
• 21% of respondents reported that they experienced some form of sexual harassment in a university setting (not including public transport to and from university) in 2016.

The survey was completed by more than 30,000 university students across all 39 Australian universities, and received more than 1,800 submissions.

"Almost one-third of sexual harassment reported in the survey occurred on university grounds or in teaching spaces, while one in five of those who were sexually assaulted said that this occurred at a university or residence social event,” Sex Discrimination Commissioner Kate Jenkins said.

“We found that colleges are a particular area of concern, particularly for women who were four times as likely as men to have been sexually assaulted in this setting.”

Across all university settings, the Human Rights Commission found that women were three times as likely as men to be sexually assaulted in 2015 or 2016 and almost twice as likely to have been sexually harassed in a university setting in 2016. Most perpetrators were fellow students known to them.

“While anybody can experience sexual assault or sexual harassment, it is clear from the data that women at university experience these behaviours at disproportionately higher rates than men,” Jenkins said.

“This adds weight to the body of evidence that highlights disturbing rates of sexual violence against women in Australia.”

Trans and gender-diverse students had higher rates of sexual assault and sexual harassment.

The chairwoman of Universities Australia, professor Margaret Gardner, spoke directly to the victims: “Sexual assault is a crime. It is not your fault.”

“We send a strong and clear message today that these behaviours are not acceptable. Not on our campuses – and not in Australian society,” she said.

“The ten major initiatives we announce today signal our resolve to ensure our students study and live in a safe and respectful culture, and to ensure that students who...
Sexual Harassment and Assault on University Campuses

Sexual Harassment

The ten initiatives are:

• The development of an evidence-based respectful relationships program for university students
• New specialist training developed by the Australian Psychological Society to extend the skills of university counsellors to support victims and survivors of sexual assault and sexual harassment
• A 24/7 national interim support line offering specialist support for students, operated by Rape and Domestic Violence Services Australia, to supplement university services
• Broader availability of first-responder training for university staff
• New training for university staff and leaders about prevention and responses to sexual harassment and sexual assault
• Working with Universities Colleges Australia to provide access to first responder training for residential colleges and halls of residence, and to take their own action to support students in a compassionate and timely way
• The development of best-practice guidelines to support universities to respond to reports of sexual assault and sexual harassment
• New principles on postgraduate student-staff interaction
• A commitment to continue the Respect. Now. Always awareness campaign, and
• Undertaking a follow-up student survey to assess progress and inform ongoing action.

Queensland University of Technology associate professor Michael Flood said Universities Australia’s plan included promising moves towards the primary prevention of sexual assault and harassment, including the development of a best-practice respectful relationships program for students and an extension of the Respect. Now. Always awareness campaign.

However, he said universities would need to do more if they were to make a real difference to levels of violence among staff and students, and should extend their attention to other important forms of violence including dating and partner violence.

“Universities need to adopt comprehensive prevention approaches, based in long-term funding and senior leadership, and introduce multi-session, interactive, professionally facilitated education programs into all students’ experience of campus life,” Flood said.

In addition, Australian universities will take specific local action to build on initiatives already in place.

“We have a shared commitment with our students and staff to do more, and better, to ensure every student is safe and can study in a society and a university community where respect is paramount,” Gardner said.

“This is our contribution to an important, ongoing national conversation about how we prevent and address sexual harassment and sexual assault within Australian society.”

Katelin Morris is Editor, The Conversation.

INTERVIEWED
Kate Jenkins, Sex Discrimination Commissioner.
Margaret Gardner, President and Vice Chancellor, Monash University.
Michael Flood, Associate Professor in Sociology, Queensland University of Technology.

THE CONVERSATION

LOCATION OF MOST RECENT SEXUAL HARASSMENT INCIDENT OR SEXUAL ASSAULT

<table>
<thead>
<tr>
<th>Location</th>
<th>Sexual Harassment</th>
<th>Sexual Assault</th>
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<tbody>
<tr>
<td>Public transport</td>
<td></td>
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<tr>
<td>University grounds</td>
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<td>University teaching space</td>
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<td>University social space</td>
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<td>University or residence social event</td>
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<tr>
<td>Residential college/university residence</td>
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<tr>
<td>Some other university setting</td>
<td></td>
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<tr>
<td>University library</td>
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</tbody>
</table>

Source: Australian Human Rights Commission.
WORKSHEETS AND ACTIVITIES

The Exploring Issues section comprises a range of ready-to-use worksheets featuring activities which relate to facts and views raised in this book.

The exercises presented in these worksheets are suitable for use by students at middle secondary school level and beyond. Some of the activities may be explored either individually or as a group.

As the information in this book is compiled from a number of different sources, readers are prompted to consider the origin of the text and to critically evaluate the questions presented.

Is the information cited from a primary or secondary source? Are you being presented with facts or opinions?

Is there any evidence of a particular bias or agenda? What are your own views after having explored the issues?

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Brainstorm, individually or as a group, to find out what you know about sexual harassment.

1. **What is sexual harassment, as defined by the *Sex Discrimination Act 1984*?**

2. **According to Australian law, what is the difference between sexual assault and rape, and how do these definitions vary in state and territory legislation?**

3. **What is the #MeToo movement, and when did it begin?**

4. **One in four women (25%) are sexually harassed in the workplace. Under the *Sex Discrimination Act* how is ‘workplace’ defined?**
Complete the following activities on a separate sheet of paper if more space is required.

In the spaces below write a few paragraphs on each of the following scenarios addressing the situation from four different perspectives: the harasser/s, the person being harassed, a friend of the person being harassed, and a teacher. Consider why the person/s could be acting the way they do, how the person being harassed could feel, what actions could be taken, and what the potential impact on everyone involved might be.

1. A group of boys are standing in the playground together. A girl walks past and one of the boys yells out a suggestive comment to her. This has happened on multiple occasions and the girl gets visibly upset. She has told her friends in the past but is afraid to tell a teacher.

2. A boy started receiving messages on his mobile phone from a girl at his school. The messages started with the girl telling him how much she liked him, he ignored them. She then started sending messages that were suggestive in nature and continued to send them at least two times a day during and after school. He messaged the girl to stop but she continued to message him making him feel uncomfortable and embarrassed to tell his friends or a teacher.

3. During a school soccer match some of the girls on the home team begin calling a girl on the opposing team names. The girls take turns in whispering names at her every time she runs by them. Their comments include things like, ‘dyke’, ‘lezzo’, and suggesting she needs to find a boyfriend. She asks to be taken off the field but her coach keeps her on the field as she won’t say why she wants to leave the game. The girls continuing making hurtful comments throughout the entire game causing visible distress.
Complete the following multiple choice questionnaire by circling or matching your preferred responses. The answers are at the end of this page.

1. Which of the following are considered sexual harassment (select any that apply):
   a. Holding hands with your girlfriend
   b. Intrusive question about someone’s private life
   c. Unwanted requests for dates
   d. Sending sexually explicit text messages
   e. Displaying pornographic calendars in the workplace
   f. Talking to your friends about someone you like at school
   g. Deliberately brushing up against someone
   h. Writing suggestive graffiti

2. What is the name of the legislation that makes sexual harassment unlawful?
   a. Sex Discrimination Act
   b. The Sex Act
   c. Sexual Harassment Act
   d. Sexual Assault Act
   e. Respect Act
   f. Anti-harassment Act

3. The #MeToo campaign was triggered by the allegations against which Hollywood movie producer?
   a. William Bernstein
   b. Harold Wineberger
   c. Harvey Weinstein
   d. Barry Whiteman
   e. David Weiner
   f. Steven Weinberg

4. Respond to the following statements by circling either ‘True’ or ‘False’:
   a. Sexual harassment is illegal. True / False
   b. It is okay to make suggestive comments to teachers if you are over 16 years of age. True / False
   c. Sexual jokes are not considered sexual harassment. True / False
   d. Girls sometimes sexually harass boys. True / False
   e. More women than men are victims of sexual harassment. True / False
   f. It is okay for teachers to make suggestive comments to students. True / False
   g. If a girl wears short skirts she’s asking for it. True / False

MULTIPLE CHOICE ANSWERS

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Between 2012 and 2016 there was a significant increase in the proportion of both men and women who experienced sexual harassment in the 12 months prior to the survey. The proportion of women who experienced sexual harassment in the last 12 months, increased from 15% in 2012 to 17% in 2016. During the same time period, the proportion of men who experienced sexual harassment increased from 6.6% to 9.3% (ibid). (p.11)

Sexism is about more than someone feeling a bit hurt by a slightly insulting joke. When words and actions are part of what we consider acceptable in our culture, some of us – often half the population – get a raw deal (The Line, Sexism is about more than someone feeling a bit hurt by a slightly insulting joke). (p.15)

Not all disrespect towards women results in violence. But all violence against women starts with disrespectful behaviour. Disrespect starts with the beliefs and attitudes we develop from a young age (Australian Government, The Excuse Interpreter). (p.18)

A national survey conducted by the AHRC in 2012 found that one in four women had been sexually harassed at work in the past five years (Jenkins, K, Not just a Hollywood problem: 1 in 4 Australian women have been sexually harassed at work). (p.24)

While we have seen sectors respond decisively to more explicit forms of sexual harassment, everyday sexism is still evident in workplace interactions, systems, policies and decisions that affect both individual careers and organisational cultures (Male Champions of Change, Major employers commit to eliminating everyday sexism in their workplaces). (p.28)

While women experience higher rates of sexual harassment at work and both women and men are more likely to be harassed by a male, men can also be victims of this form of violence (Our Watch. At work). (p.33)

Under the Sex Discrimination Act ‘sexual harassment’ has three key elements: conduct that is unwanted; conduct of a sexual nature; a reasonable person (aware of all the circumstances) would anticipate the possibility that the person subjected to the conduct would feel offended, humiliated or intimidated (Australian Human Rights Commission, Supporting workplaces to end workplace sexual harassment: A guide for small businesses in Australia). (p.37)

It is unlawful to sexually harass a current or prospective employee, commission agent or a contract worker, colleague, partner, fellow commission agent or fellow contract worker, or any other workplace participant (ibid). (p.37)

Sexual harassment may occur where a work environment or culture is sexually charged or hostile. Factors that point to a sexually hostile workplace include the display of obscene or pornographic materials, general sexual banter, crude conversation or innuendo and offensive jokes (ibid). (p.38)

A person who believes he or she has been sexually harassed in the workplace can make a complaint to the Australian Human Rights Commission alleging sexual harassment under the Sex Discrimination Act 1984 (Cth). Or they can contact a solicitor advocate or trade union to make a complaint to the Commission on their behalf (Australian Human Rights Commission, Recognising and responding to sexual harassment in the workplace: Information for employees). (p.41)

People who see or hear about harassment in their workplace are called bystanders. Active bystanders play a role to reduce the harm of sexual harassment and ensure there is no tolerance for sexual harassment in their workplace (ibid). (p.41)

A sexual harassment policy should identify the organisation’s strategy for preventing and redressing sexual harassment (Australian Human Rights Commission, Ending workplace sexual harassment: A resource for small, medium and large employers). (p.44)

Employers are required to provide a safe workplace for their employees and, accordingly, must respond effectively to sexual harassment in the workplace. It is therefore vital that employers develop and implement robust procedures for dealing with sexual harassment complaints (ibid). (p.45)

A national survey into sexual assault and harassment on university campuses by the Australian Human Rights Commission revealed that 21% of respondents reported that they experienced some form of sexual harassment in a university setting (not including public transport to and from university) in 2016 (Morris, K, Universities unveil plan to reduce sexual harassment and sexual assault on campus). (p.51)
Sexual Harassment

Sexual harassment
In Australia, sexual harassment is a form of sex discrimination. Sexual harassment is unlawful, but not criminal, under Australian civil (anti-discrimination) law. In Australia, an ‘unlawful’ act may be pursued by the affected party; whereas a ‘criminal’ act is prosecuted by the police. Sexual harassment is unlawful when it occurs in a specified area of public life, such as the workplace, school or university. In Australia, sexual harassment includes: an unwelcome sexual advance; an unwelcome request for sexual favours; engaging in other unwelcome conduct of a sexual nature that is offensive, humiliating or intimidating. Examples of sexual harassment include staring or leering, unwelcome touching, suggestive comments, taunts, insults or jokes, displaying pornographic images, sending sexually explicit emails or text messages, and repeated sexual or romantic requests. It also includes behaviours that may be considered criminal offences, such as sexual assault, stalking or indecent exposure.

Sexual threat
The threat of a non-consensual or forced sexual activity by use of physical force, intimidation or coercion in which the victim must believe that the threats were able and likely to be carried out.

Sexual violence
Also called sexual assault. Includes any form of non-consensual or forced sexual activity or touching, including rape. It is carried out against your will using physical or threatened force, intimidation or coercion. Forcing you to have sex is against the law, even if you are married. It can occur in intimate partner and family contexts, in workplaces, in schools, and in many other circumstances.

Stalking
When a partner, ex-partner, or someone else follows you around, or repeatedly tries to contact you, even if you’ve said you don’t want this. Stalking is against the law and you should notify someone if this is occurring.

Street harassment
Gender-based street harassment is unwanted comments, gestures, and actions forced on a stranger in a public place without their consent and is directed at them because of their actual or perceived sex, gender, gender expression, or sexual orientation. Street harassment includes unwanted whistling, leering, sexist, homophobic or transphobic slurs, persistent requests for someone’s name, number or destination after they’ve said no, sexual names, comments and demands, following, flashing, public masturbation, groping, sexual assault, and rape.

Victim blaming
When the responsibility for sexual violence is placed on the victim rather than the perpetrator.

#MeToo movement
Movement which spread virally from the USA in October 2017 as a social media hashtag to help demonstrate the widespread prevalence of sexual assault and harassment, especially in the workplace. It followed soon after the public revelations of sexual misconduct allegations against film producer Harvey Weinstein. A number of prominent people in the Australian entertainment industry have also come under fire for alleged misconduct as a result of the campaign.

Bystander
People who see or hear about harassment in their workplace are called bystanders. Active bystanders play a role to reduce the harm of sexual harassment and ensure there is no tolerance for sexual harassment in their workplace.

Everyday sexism
Occurs in both the daily formal and casual interactions between people, frequently in workplaces. They are sometimes the little things, said or done in a moment, that play into stereotypes of gender, while at other times there is no question that it oversteps the mark. Everyday sexism is frequently invisible, and often accepted; and as it is hard to speak up when it occurs, it continues unchecked.

Gender inequality
Unequal treatment or perceptions of individuals based on their gender.

Gender stereotypes
Widely held beliefs about the characteristics and behaviour of women and men.

Objectification
Occurs when individuals – typically women – are reduced to their body parts.

Rape
The most serious form of sexual assault, forcing someone to have sexual intercourse without their consent. It also includes oral sex.

Sex discrimination
Discrimination on the grounds of sex. Under the Sex Discrimination Act it is against the law to: discriminate against you because of your sex, marital status, or pregnancy; sexually harass you; and be dismissed from your job because of your family responsibilities.

Sexism
Sexism (or gender discrimination) is prejudice or discrimination based on a person’s sex or gender. Sexism can affect anyone, but it is particularly documented as affecting women and girls. It has been linked to stereotypes and gender roles, and may include the belief that one sex or gender is intrinsically superior to another. Extreme sexism may foster sexual harassment, rape, and other forms of sexual violence.
Websites with further information on the topic

Australian Bureau of Statistics  www.abs.gov.au  
Australian Human Rights Commission  www.humanrights.gov.au  
Male Champions of Change  malechampionsofchange.com  
Our Watch  www.ourwatch.org.au  
The Conversation  www.theconversation.com.au  
The Line  www.theline.org.au  
Violence Against Women. Let’s Stop it at the Start  www.respect.gov.au  
White Ribbon Australia  www.whiteribbon.org.au

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THANK YOU
- Australian Human Rights Commission
- Male Champions of Change
- White Ribbon Australia
- Our Watch.

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