

# **STOP GENDERED VIOLENCE AT WORK**

**WOMEN'S RIGHTS AT WORK REPORT**





This report was compiled by the Victorian Trades Hall Council (VTHC). The VTHC is the state of Victoria's peak body for organised labour, representing 400,000 workers and their families. [www.vthc.org.au](http://www.vthc.org.au)

*We are grateful to the following people and organisations as their work has informed this report.*

- > Dr Fiona Macdonald - RMIT University
- > Our Watch, ANROS, Vic Health - Change the Story
- > Vic Government/Our Watch - Workplace Equality and Respect Project
- > ACTU - Organising Women in Unions Policy (adopted 2015)

For further information about this report or to discuss matters raised therein please contact VTHC.

Email: [women@vthc.org.au](mailto:women@vthc.org.au)

Phone: 03 9659 3535

## MESSAGE FROM VICTORIAN TRADES HALL COUNCIL SECRETARY LUKE HILAKARI

---

When we speak with women about their experience of work, they speak about their pride in their labour, their feeling of collectivism with workmates, and their various struggles for a better working life. It is not until we specifically ask them about gender inequality in the workplace that they tell their stories; of being disrespected, of being harassed, of daily abuse, lingering misogyny and sometimes violence.

Women don't volunteer these stories immediately not because they are secret, but because they are so pervasive that they seem normal. Every working woman has one of these stories. The experience of feeling afraid and disrespected in your workplace is alarmingly common for Australian women.

It is unacceptable to me, as to any union leader, that any group of workers would feel so vulnerable at work, in the face of an occupational health and safety issue.



When we talk about OHS, we usually think of hard hats and manual handling. But as organised working people we should be equally concerned with the injuries inflicted on our minds and our sense of self-worth that are daily expressions of systemic inequalities in power and privilege. No one should be injured or become unwell due to workplace cultures of sexism.

This report is the result of discussion by hundreds of working women in Victoria. Through their collective discussions, they have shed light into the dark corners of Victorian workplaces.

So this is my message to the working women of Victoria: you are not alone. The union movement is behind you in the struggle to recognise gendered violence at work as the serious health and safety issue it is. The release of this report signals our commitment to the job of eliminating gendered violence at work. Together we will make workplaces safe for all working people.

# CONTENTS

---

<b>ABOUT THIS REPORT</b>	<b>1</b>
<b>WHAT IS GENDERED VIOLENCE</b>	<b>2</b>
The Violence that Victorian women experience	2
WRAW Chat findings	3
<b>INCIDENCE OF GENDERED VIOLENCE</b>	<b>4</b>
<b>CAUSES OF GENDERED VIOLENCE AT WORK</b>	<b>5</b>
<b>THE IMPACT OF GENDERED VIOLENCE</b>	<b>7</b>
<b>TAKING ACTION TO END GENDERED VIOLENCE</b>	<b>8</b>
<b>Action One:</b> Define violence at work in a way that reflects women worker’s experience of violence	10
<b>Action Two:</b> Employers and WorkSafe must take gendered violence seriously	11
<b>Action Three:</b> Health and Safety Representatives need to be educated and supported to act	14
<b>Action Four:</b> The Victorian Government must lead the way	15
<b>Action Five:</b> Research gendered violence	17
ANMF Case Study	17
<b>Action Six:</b> Take action to support particularly vulnerable groups of workers now	18
NUW Case Study	19
<b>Action Seven:</b> Recognise the workplace dimensions of family violence	20
<b>Action Eight:</b> Unions take action to end gendered violence at work	24
Gender Equity Framework	25
<b>CONCLUSION</b>	<b>26</b>



## ABOUT THIS REPORT

---


Throughout 2016 the Victorian Trades Hall Council (VTHC) has embarked on consultation with Victorian working women regarding their experience of work. This conversation became known as WRAW (Women's Rights At Work) chat. A common theme arising was the extent to which cultures of sexism and gender inequality were impacting on women's safety and health at work. We came to understand that in many instances the treatment the women were experiencing was a form of violence and that employers, WorkSafe and in some instances unions, did not see the issue in this way. This report is a resource designed to raise awareness of this issue and to promote action to eliminate the violence Victorian women are experiencing at work.

WRAW Chat is an initiative engaging Victorian women in a conversation about their experiences of work, their lives and what's important to them. The WRAW Chat process is designed to be interactive and consultative and seeks to engage women from across all sections of the community in order to represent the diverse lived experience of women workers.

WRAW Chat leads women through a guided conversation around the challenges that they face as women at work and identifies actions for change. A WRAW Chat can take place at a coffee shop, mother's group, in the lunch room at work or in a union meeting. In order to facilitate WRAW Chat conversations, unions, community groups and women activists are provided with a WRAW Chat kit and training to assist them in conducting workshops and the collection of data. Alternatively, the women's team at the Victorian Trades Hall Council can also facilitate a WRAW Chat.

In addition to facilitated WRAW Chat conversations, women also have the opportunity to input views and ideas online through the WRAW Chat online survey.

Results from WRAW Chats form the basis of VTHC's campaigning and advocacy work with Victorian women. This report is the product of reflection and analysis by hundreds of women who took part in WRAW Chats, shared their experiences, and contributed to their ideas for safer workplaces. All are invited to take part in this conversation and be part of the change we need to see in Victorian workplaces.



***"I was sexually harassed and bullied by men at work and then told it was my fault because of the way I wear my uniform."***

**–Factory Worker, Springvale**



## WHAT IS GENDERED VIOLENCE?

Gendered Violence is actions and behaviours which express power inequalities between women and men and cause physical, sexual, psychological or economic harm to women. Gendered violence is violence perpetrated against women because they are women. It also includes violence perpetrated against those who do not conform to dominant gender stereotypes or those who do not conform to socially accepted gender roles.

### The violence that Victorian women report experiencing includes:

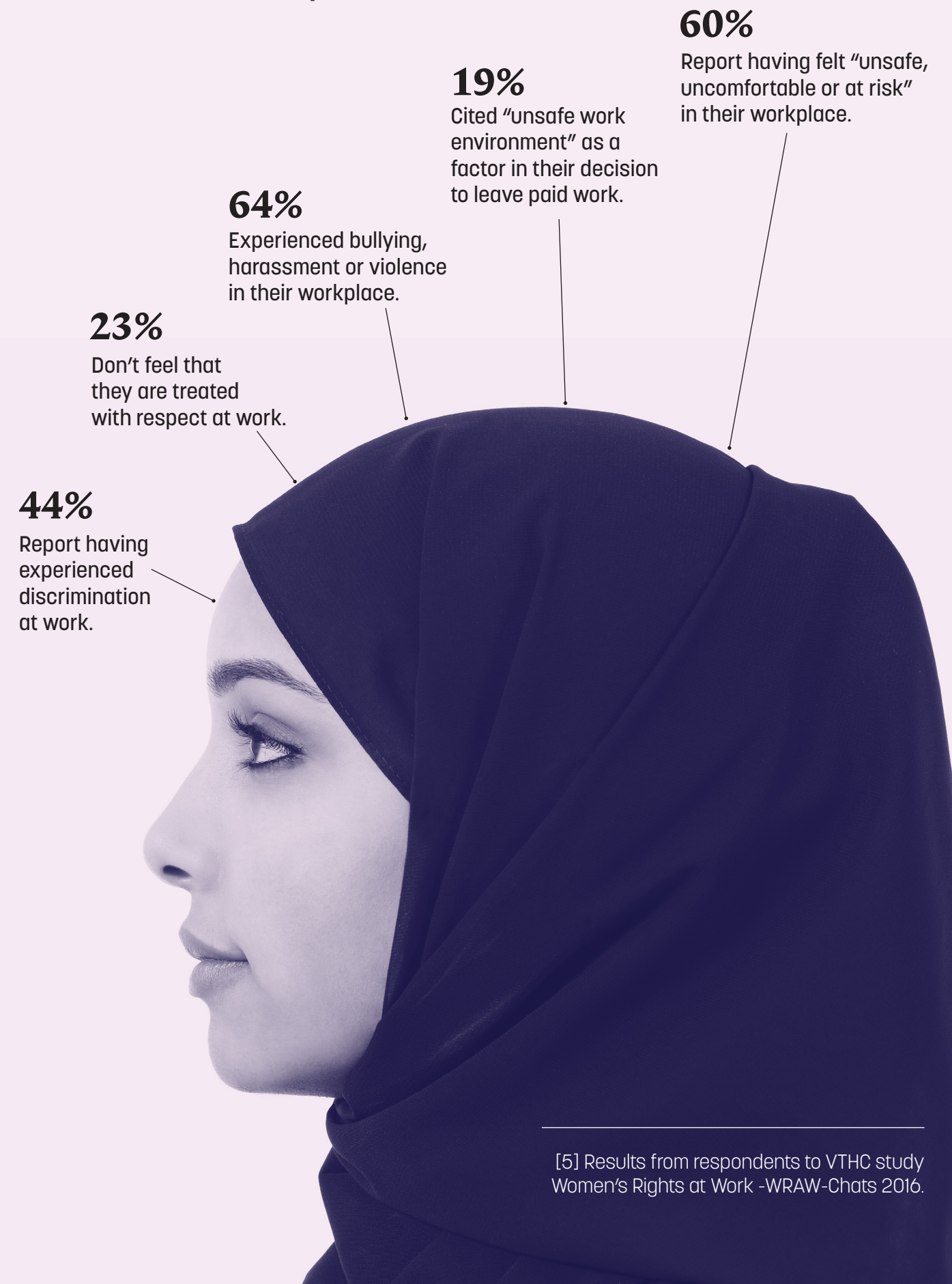
- Stalking
- Intimidation
- Threats
- Verbal abuse
- Ostracism
- Rude gestures
- Offensive language and imagery
- Put downs
- Sexual innuendo/insinuations
- Sexual suggestions or unwanted advances
- Sexual assault
- Rape

Gendered violence is pervasive in Australian society, and is a serious every day health and safety issue for many Victorian workers. It is a workplace hazard with specific causes. By understanding the root causes of violence in the workplace we can more effectively prevent violence and protect workers.

There is a link between gender inequality and women's experiences of violence at work. Too often the violence perpetrated against women because they are women is overlooked and under investigated. Women report they have no confidence that their employers or the workplace health and safety regulator (WorkSafe) take this matter seriously or are prepared to take action to prevent or stop the violence we are experiencing. This must change.

## WRAW CHAT FINDINGS

Our research indicates that the problem of gendered violence is endemic in our workplaces.<sup>5</sup>



[5] Results from respondents to VTHC study Women's Rights at Work -WRAW-Chats 2016.

## INCIDENCE OF GENDERED VIOLENCE IN AUSTRALIAN WORKPLACES

### *How can we quantify gendered violence?*

Quantifying the incidence of gendered violence in our workplaces is difficult because there is no publicly accessible official data quantifying the incidence or impact of gendered violence in Victorian workplaces. Worksafe Victoria's data does not indicate the proportion of claims that have a gendered dimension.

Data from the Human Rights and Equal Opportunity Commission (HREOC) indicated that they dealt with only 398 workplace sex discrimination complaints in 2013-14. However HREOC research indicates that gender discrimination is widespread. For example, 49% of mothers reported experiencing some form of discrimination related to their pregnancy, maternity leave or return to work.<sup>2</sup>

Safe Work Australia's claims data indicates that women suffer around 2.3 times more "mental disorder" injuries than men (per million hours worked).<sup>3</sup> The data also shows that one in three of women's mental disorder claims are attributable to some form of harassment or bullying, compared to only one in five men's claims. These statistics may indicate a gender difference in the experience of bullying and harassment at work or, alternatively, a difference in willingness to report such hazards.

Over 60% of the women who participated in WRAW chats indicated that they have experienced some form of gendered violence at work and have felt at risk in their workplaces.

The experience of these Victorian women accords with that from women overseas. The International Trade Union Congress (ITUC) reports that worldwide, 35 percent of women experience direct violence in the workplace and between 40 and 50 percent experience unwanted sexual advances, physical contact or other forms of sexual harassment.<sup>4</sup>

Although these data sets and our data from WRAW chats give an indication that gendered violence is pervasive in Australian workplaces, there is no single measure that captures the breadth of experiences of gendered violence.

[2] [https://www.humanrights.gov.au/sites/default/files/document/publication/SWP\\_2014\\_Web.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/SWP_2014_Web.pdf)

[3] <http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/945/work-related-mental-disorders-profile.pdf>

[4] ITUC: Statement on the occasion of the United Nations International Day for the Elimination of Violence against Women, 24 November 2015, <http://www.ituc-csi.org/ituc-statement-on-the-occasion-of>, accessed 27 July 2016

## WHAT CAUSES GENDERED VIOLENCE AT WORK?

Gendered violence is like a disease in our workplaces. The causes of gendered violence are multiple and therefore stopping gendered violence requires a holistic approach. Some of this requires changes in our society and community. However much can also be tackled at the workplace level.

Factors that underpin the incidence of gendered violence in the workplace include:

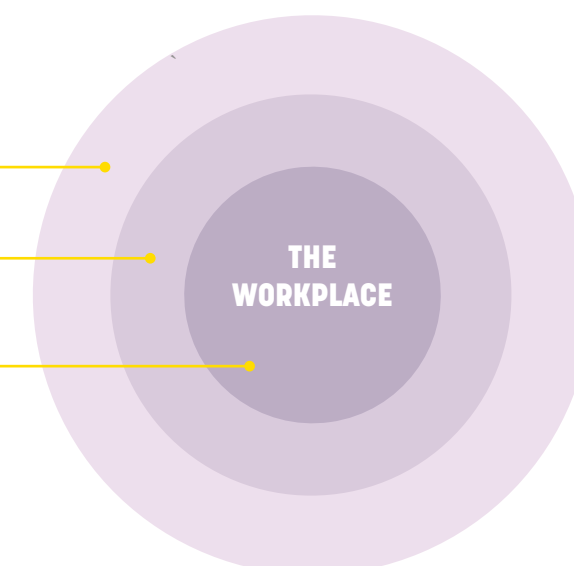
- Women have lower social and economic power. They are more likely to be in more vulnerable positions in the labour market. This is particularly the case for women in lower paid and/or precarious work.
- Cultures of sexism and gender inequality (inside and outside of work) re-enforce norms and behaviours that accept and trivialise the violence women experience
- Women are over represented in occupations where workers are more likely to be exposed to violence such as in domestic work, health and social care, garment or textile industries and some agricultural/farm work and service roles
- Gendered violence is often also perpetrated against those who do not conform to societies gender stereotypes including those who identify as gay, lesbian, bisexual, intersex, transgender or queer.
- Women who experience multiple forms of discrimination and inequality are particularly vulnerable to gendered violence in the workplace. Aboriginal and Torres Strait Islander women, culturally and linguistically diverse (CALD) women, refugee and migrant women and women with disabilities are at greater risk and often experience higher levels of gendered violence at work.

### **Workplace gendered violence can be perpetrated by:**

External: Intuders and strangers

Clients: Including inmates, patients, students, customers and their family.

Internal: Peers and managers



Understanding factors that underpin violence helps us to identify the areas for action to eliminate gendered violence.

THE PROBLEM	THE SOLUTION
Men control positions of power in our workplaces.	Increase women’s engagement in decision making and leadership roles & educate men to understand their privilege and how to act responsibly.
Women are in vulnerable positions in the labour market.	Provide greater legislative protections for those in casual and insecure work. Act to protect areas of greatest vulnerability including casuals, guest workers, visa and migrant workers and new entrants to the labour market.
Cultures of sexism and norms that support sexism and harassment promote violence.	Act to eliminate gender inequality at work. Challenge gender stereotypes and traditional definitions of masculinity and femininity.
Violence and aggressive behavior is supported, accepted and rewarded.	Redefine acceptable behaviours. Promote respectful relationships. Link advancement, remuneration and other benefits to commitment to a new culture and practice.

“

*I have had my manager wolf whistle at another woman worker, and when I said that’s not okay the manager asked me if I was jealous. I raised this harassment with my manager’s boss and he said the issue was a personality clash.*

**–Copywriter & Editor, Melbourne**

”

THE IMPACT OF  
GENDERED VIOLENCE  
IS SIGNIFICANT

On the individual and their families<sup>1</sup>

- Physical and psychological illness
- Social isolation, exclusion and withdrawal
- Leaving secure employment (removing themselves from the risk), with significant impact on their economic circumstances
- Family dislocation and disruption
- Suicide

On the organisation

- Lower retention rates (higher costs of recruitment)
- Reduced morale
- Increased absenteeism
- Direct and indirect costs of investigations and procedures to handle allegations where reported
- Reputational damage

[1] VEOHRC (2015) Independent Review into Dex Discrimination and Sexual Harassment, Including Predatory Behaviour in Victoria Police: Phase One Report – Dec 2015, <http://www.humanrightscommission.vic.gov.au/our-resources-and-publications/reports/item/1336-independent-review-into-sex-discrimination-and-sexual-harassment-including-predatory-behaviour-in-victoria-police-phase-one-report-2015>, accessed 27 July 2016; WRAW Chats 2016



## TAKING ACTION TO END GENDERED VIOLENCE

---

### OUR PROPOSITION

As a union movement we will act to end the violence that women experience at work. We all have a role to play in making workplaces safe for women.

The majority of Victorian working women experience some form of gendered violence at work. This violence is perpetrated against women because they are women. Gendered violence also extends to violence perpetuated against persons who do not conform to dominant gender stereotypes or socially accepted gender roles.

Cultures of sexism and gender inequality are drivers of the violence women experience at work. Gendered violence at work injures workers psychologically and physically. Some have left paid employment because of the gendered violence they have experienced.

Gendered violence is preventable and can be eliminated in our workplaces. This requires employers and WorkSafe to adopt a new response to gendered violence which treats it as a serious health and safety issue.

Union members, delegates and officials also have a role to play in calling out acts of violence, working to eliminate cultures of sexism and supporting those who have experienced violence.

### IN A SOCIETY WHERE GENDERED VIOLENCE IS UNDERSTOOD AS A SERIOUS HEALTH AND SAFETY ISSUE:

1. Employers and WorkSafe recognise the violence women experience by including gendered violence and harassment in the definition of workplace violence.
  2. Employers and WorkSafe take gendered violence seriously and act to prevent it and to minimise the harm that it causes when it does occur.
  3. Health and Safety representatives are trained, resourced and confident to tackle gendered violence as a workplace health and safety issue.
  4. The Victorian Government leads the way by tackling gendered violence in the public sector, supporting initiatives to overcome gendered violence in private sector workplaces and using procurement and funding policies to drive change.
  5. The extent and nature of gendered violence is documented and this data is publicly available to inform public policy and to stop gendered violence in our workplaces.
  6. Urgent action is taken by WorkSafe, the Victorian government and unions to stop the gendered violence experienced by particularly vulnerable workers.
  7. The workplace dimensions of family violence are widely understood. Workplaces support victims of family violence. All Victorian workers have workplace rights, including additional paid leave, if they are subjected to family violence. No adverse action is taken against them as a result of them being a victim of family violence.
  8. Union members, delegates and officials understand the dimensions of gendered violence and are taking action to stop gendered violence at work.
-

## ACTION 1

### DEFINE VIOLENCE AT WORK IN A WAY THAT REFLECTS WOMEN WORKERS' EXPERIENCE OF VIOLENCE

It's important that a definition of work related violence includes the physical and psychological violence experienced by women including gendered violence and harassment. Currently WorkSafe says work related violence:

*Involves incidents in which a person is abused, threatened or assaulted in circumstances relating to their work. This definition covers a broad range of actions and behaviours that can create a risk to the health and safety of employees.*

Worksafe's guidance materials on violence does not include forms of gendered violence (including harassment) other than the example of sexual assault.

A more appropriate definition of violence at work that fully incorporates women's experience of violence of work would be:

*Violence at work includes any incident(s) in which a person is abused, threatened, assaulted, harassed or subjected to offensive material, comments or behaviours in circumstances relating to their work. This definition includes a broad range of actions and behaviours incident(s), including that associated with or related to a persons gender or gender identity, that may cause physical or psychological harm or a risk to the health and safety of workers.*

WorkSafe, government and unions could also include workplace cultures of sexism that stem from gender inequality at work in the list of risk factors likely to lead to violence at work.

“

***A school I worked at was a total boys club. It was fine before I had children and could join them at the pub but I alienated myself from that culture when I had a family and the boys club found fault with my work on a continual basis, causing me to take eight weeks of sick leave and eventually resign.***

**–Former Teacher, Melbourne**

”

## ACTION 2

### EMPLOYERS AND WORKSAFE MUST TAKE GENDERED VIOLENCE SERIOUSLY

Victorian working women have reported numerous occasions where their reported experiences of gendered violence have been trivialised or ignored. After reporting their experiences, some women have become the target of investigations or disciplinary actions or ridicule. Their experiences suggest that their employers show more concern for perpetrators than victims.

Often those who are in positions of power within workplaces are men who either are not aware of the impacts of sexism or who themselves are part of the problem. When complaints processes within organisations do not work, working women indicated through WRAW chats that taking a complaint to the Equal Opportunity/Human Rights Commission is not a viable option. Working women report that individual complaints don't stop the causes of gendered violence at work and acting individually often impacts on employment security. Women reported feeling further violated by the complaints and investigative processes that they had been through.

Employers have a duty of care to all employees. It's time for cultures of sexism and gendered violence to be properly addressed as health and safety issues, both by employers and the safety regulator.<sup>6</sup>

Employers and WorkSafe should take action to stop gendered violence at work by taking initiatives to prevent gendered violence, to better respond when violence occurs, and to provide treatment and support after incidents of violence affect workers.

*A list of actions to be taken by employers and WorkSafe is outlined on the following page.*

[6] Object of OHS Act - s2(1)(a) is to secure the health, safety and wellbeing of employees; (b) to eliminate, at the source, risks to health, safety or welfare of employees. Principles of Health and Safety - s4(1) employees to be given the highest level of protection against risks to health and safety this is reasonably practicable in the circumstances. Function of authority - s(7)(1)(c) to monitor and enforce compliance with this act; (h) to foster a co-operative, consultative relationship between employers and their employees in relation to the health, safety and welfare of those employees. Duty of employer to employees - s21(1) an employer must, so far as reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.



## Action required from employers and WorkSafe

### *Prevent gendered violence*

- WorkSafe should take on gendered violence as a priority area for prevention work including by establishing a unit to address gendered violence and a project group with stakeholders to work in this area.
- Employers must adopt gender equality strategies such as those being developed by the *Workplace Equality and Respect Project*<sup>7</sup> to eliminate gender inequality at work.
- Employers must advise all staff of their OHS rights, the risk to health and safety posed by gendered violence, and workplace procedures for managing that risk.

### *Respond to gendered violence*

- WorkSafe should be prepared to investigate in relation to gendered violence and to seek employer compliance in eradicating gender inequality and sexism.
- WorkSafe should publish a guide to eliminating gender based violence at work.
- WorkSafe should mount an education campaign with a dedicated hotline to report gendered violence.
- Employers must accept that they have a duty to remove the risk of sexism and gendered violence and to act to create workplace cultures and systems of work that prevent gender inequality sexism and gendered violence from occurring.
- Employers should adopt workplace guidelines and policies and establish rights associated with eliminating gendered violence in enterprise agreements.
- Employers must provide effective complaints and grievance handling processes that effectively and efficiently deal with instances of gendered violence and don't blame or persecute the victim.

### *Support workers who experience gendered violence*

- Employers should circulate details of information, advice and referral services for those experiencing violence.
- Human resources professionals should consult with unions, violence prevention and crisis support services to ensure their workplace response is appropriate and supportive of the victim.
- Steps need to be taken to ensure worker's compensation insurers acknowledge gendered violence as a workplace health and safety risk leading to injury.
- The Victorian Government should act to prevent workers compensation insurers from "doctor shopping" in order to terminate gendered violence claims, by giving workers and their unions a choice of consulting specialists.

[7] An initiative of the Victorian Government being co-ordinated by OurWatch.



***"Having begun work in 1982 I have experienced sexual harassment, groping, lewd comments and structural discrimination for a good deal of my life. I left my previous career in the printing industry and returned to study largely because I was so tired of this kind of pressure in the workplace. Ultimately I underwent treatment for PTSD due to the impact of these experiences."***

***—Postdoctoral Research Fellow, Moonee Ponds***



# ACTION 3

## HEALTH AND SAFETY REPRESENTATIVES (HSRs) NEED TO BE EDUCATED AND SUPPORTED TO ACT

Currently health and safety representatives do not receive training around cultures of sexism and inequality and how this creates risks under the Health and Safety Act. This is understandable if their employer and WorkSafe do not recognise gendered violence as an OHS issue. In addition women are under represented in HSR roles. It should also be acknowledged that HSRs may themselves be complicit in the cultures of sexism that injure women.

HSRs must be supported to become change agents and help prevent and respond to gendered violence. They need training and resources to make this happen.

WorkSafe needs to support training providers like Victorian Trades Hall Council—who have expertise in prevention of violence against women—to develop an accredited HSR refresher course on gender based violence at work. WorkSafe also needs to include modules on gender based violence at work in all accredited HSR training.

“

*My specialist qualifications and knowledge are not valued. In meetings, I often make relevant points, but am talked down to and patronised by men. I’m then blamed for not being assertive enough, but when I’m assertive I’m sidelined because the men find me threatening.*

**–Senior Lecturer, Melbourne**

”

# ACTION 4

## THE VICTORIAN GOVERNMENT MUST LEAD THE WAY

The Victorian Government has a major role to play in stopping gendered violence at work. The Victorian Government has demonstrated its ability to take violence against women seriously by the way it has responded to the issue of family violence. Gendered violence at work should be treated in the same way.

The Victorian government is the largest employer in our state, and should demonstrate good practice as an employer committed to eliminating gender inequality and violence against women at work.

The Victorian Government should use procurement and funding guidelines requiring organisations dealing with government or seeking government funds or contracts to demonstrate their commitment to gender equality and the elimination of violence against women.

Further, the Victorian Government should engage employers and unions to advance practical initiatives at work that will end gender inequality and gendered violence. The Victorian Government should speak out on gendered violence at work and also facilitate community and workplace awareness and prevention programs.

“

*I was working in an office and it was commonplace for the male employees to openly tell me what they wanted to do with me sexually. This was done frequently both verbally and in writing. I was working in financial trading and was even traded by the male staff.*

**–Former Financial Trader, Western Suburbs**

”





***"I had a hostile manager who did not like women. He employed a middle manager who bullied me. I was made redundant for a period as a result but later reinstated. Now, I never feel secure at work."***

**–Senior Lecturer, Yarraville**

## ACTION 5

### RESEARCH GENDERED VIOLENCE

Understanding women's experience of gendered violence at work requires the incidence and circumstances surrounding it to be documented. We do not believe that WorkSafe or any other public agency is collecting this data in a consistent or reliable format. This makes it difficult to monitor trends and raise awareness.

The Victorian Government should establish a mechanism for this data collection. It can work with key stakeholders such as Victorian Trades Hall Council, WorkSafe, the Victorian Equal Opportunity and Human Rights Commission, the Federal Sex Discrimination Commissioner and the Workplace Gender Equality Agency. Other Victorian organisations such as Women's Information and Referral Exchange (WIRE) and Centre Against Sexual Assault (CASA) may also be involved to centrally capture data on the incidence, causes and consequences of gender based injury and violence at work.

Unions could also set up mechanisms to support their members logging and reporting incidents of gendered violence.

### CASE STUDY

#### **Australian Nursing and Midwifery Federation Logging the Violence**

The ANMF Victoria Branch developed a ten point plan to end the violence its members experienced in health care settings. The ANMF took the view that the violence occurs because the system has historically reacted to violence when it occurs rather than implementing preventative strategies before violence happens. As a component of the plan, the ANMF developed an online system where members can log in detail the violent incidents they have experienced after they have made a formal report in their workplace.

The ANMF identified that workplace based reporting systems were convoluted and inefficient. In contrast, the union's reporting mechanism provided comprehensive system wide data that the union can use as evidence when lobbying for change and as a diagnostic tool when developing policies and strategies to prevent violence. The ANMF's approach empowers members to expect a safe work environment free of violence.



# ACTION 6

## TAKE ACTION TO SUPPORT PARTICULARLY VULNERABLE GROUPS OF WORKERS NOW

There have been numerous reports of women migrant workers and those on working-holiday visas who have experienced sexual assault and other forms of exploitation and gendered violence. Many factors contribute to the particular vulnerability of these women, including:

- Lack of awareness of their workplace rights
- Cultural and language barriers
- Isolation (in regional and remote areas)
- Inappropriate forms of accommodation which creates risk
- Bonded employment arrangements
- The overall power imbalance between the visa worker and supervisor, managers and overseers.

There is a need for urgent attention in this area. The Victorian Government and WorkSafe must fund targeted work to assist these women to understand their workplace rights and to be able to receive immediate crisis support and assistance. This includes working with unions who are making efforts to organise these workers in particularly difficult circumstances.

WorkSafe inspectors should work on a presumption that gendered violence is likely to be occurring in industries where migrant/visa women workers are present. Action must be taken to inspect systems of work, work facilities and work provided accommodation. Cultural sensitivity training may be necessary for inspectors to ensure migrant/visa women’s experiences are appropriately considered. Information about workplace rights needs to be distributed in appropriate community languages.

“

***My employer told me he had not reappointed me to a Position of Responsibility because he wanted a man in the role. He then denied having said it, saying he was the Principal—he could do what he wanted.***  
**–High School Teacher, Eastern suburbs**

”

## CASE STUDY National Union of Workers Vulnerable Temporary Workers

The National Union of Workers (NUW) is organising farm workers in regional Victoria. It has been supporting women workers who have experienced some of the worst forms of gendered violence at work including rape and sexual assault. Through this work the NUW has discovered that appealing to traditional authorities for support and action, including Victoria Police, has its limitations. Pressing charges when you may not be in the country when the matter comes before the courts is just one of barriers.

Seeking out more diverse supports for its members, the NUW has now built relationships with the *Centre Against Sexual Assault* (CASA) for immediate crisis support and response, and *InTouch Multicultural Centre Against Family Violence* for ideas regarding education of vulnerable farm workers. Forging these new relationships

has resulted in NUW identifying training gaps for its own officials. The NUW has also been able to help CASA and InTouch to better understand the work dimensions of the violence that these women are experiencing.

Further action to be taken includes lobbying government for support to produce educative materials for workers, access to workers for training on workplaces rights and further requirements to be placed on employers and WorkSafe where particularly vulnerable workers are present.

“

***Ongoing sexual harassment from another colleague (who was eventually fired following multiple and ongoing complaints from other women) was not dealt with swiftly or when originally reported.***  
**–Digital Campaigner, Brunswick**

”



ACTION 7

RECOGNISE THE WORKPLACE DIMENSIONS OF FAMILY VIOLENCE

Family violence is an issue that impacts on workers in many ways. For those who are experiencing family violence this can include being unable to attend for work, being threatened at work, needing time off to deal with the justice system or medical appointments and to seek assistance in escaping family violence. For some workers the impact of family violence can lead to performance/attendance issues at work that mean that employment security is threatened.

A perpetrator’s threatening behaviour can and does enter the workplace therefore posing a health and safety risk for others in the workplace. Perpetrators of family violence may also be workers, and their attitudes and behaviours towards women may spillover in their own workplaces.

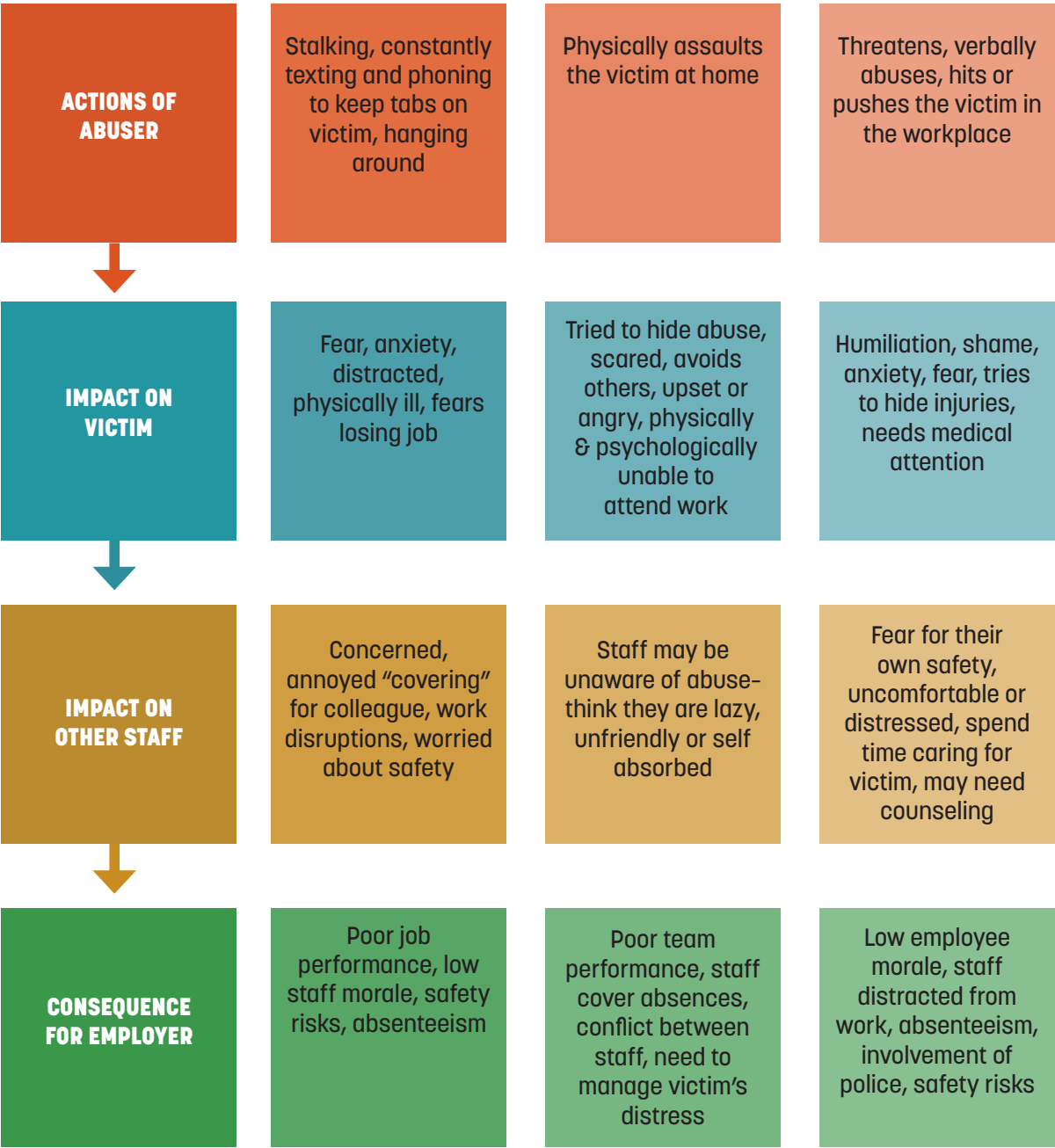
Victoria must have workplaces that acknowledge the impact of family violence at work. They must also provide supports to those workers who are subjected to family violence. Supports include paid additional time away from work, flexible working hours, changes to work location and access to counseling and support services.

The impact of family violence on workers may be more considerable than we originally thought.

In a 2011 national survey of 3600 workers nearly a third reported they had experienced family violence. Nearly half of those who had experienced family violence reported that the violence affected their capacity to get to work. This was mainly due to the abuser inflicting physical injury or restraint (67%), followed by hiding keys and failing to care for children. Nearly one in five (19%) of workers who experienced family violence in the previous twelve months reported that the violence continued at the workplace, commonly in the form of abusive phone calls and emails (12%) and the partner physically coming to work (11%). The main reported impact was on work performance, with 16% of victims reporting being distracted, tired or unwell, 10% needing to take time off, and 7% being late for work. <sup>8</sup>

[8] ADFVC (2011) Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey, UNSW

How family violence impacts on the workplace



Adapted from "Family Violence and New Zealand Workplaces" brochure; New Zealand Public Service Association 2015.



***"More than two years after I left my abusive husband, my employer told me I had to work alongside my ex husband. I lost my ability to work at my career and am now working in retail even though I have two degrees."***

**–Customer Service Assistant, Surry Hills**

The Victorian Royal Commission into Family Violence recommended a range of government initiatives including investigating options for using regulatory frameworks, such as those relating to occupational health and safety and equal opportunity, to support all Victorian employers in implementing best-practice family violence policies.<sup>9</sup>

**Actions that can be taken to improve the situation for workers subjected to family violence include:**

- WorkSafe to take a leading role in supporting employers in implementing best practice family violence policies.
- WorkSafe to convene a Stakeholder Working Group to investigate the methods by which WorkSafe can support all Victorian employers in implementing best practice family violence policies. Thereby ensuring that family violence as a health and safety risk within the workplace is managed in an effective way.
- The Victorian Government to amend the Equal Employment Opportunity Act (Vic) to include being a victim of family violence as a protected attribute, making it illegal to discriminate or take adverse action on the grounds that a person is a victim of family violence. In addition, the Victorian Government should lobby the Federal Government to similarly amend the Sex Discrimination Act (Cth) and the Fair Work Act (Cth).
- The Victorian Government to lobby to have Family Violence Leave entitlements included in the National Employment Standards and modern awards. Training such as that provided through the Victorian Trades Hall Council should be available to all employers to support implementation of the clause.
- The Victorian Government to provide a mechanism to monitor the quality and uptake of Family Violence Leave clauses. It should also lobby the Federal Government for the establishment of a national standard for training in relation to domestic and family violence as a workplace issue.

[9] Royal Commission into Family Violence, Summary and Recommendations, March 2016, Victorian Government Printer, p.39



# ACTION 8

## UNIONS TAKE ACTION TO END GENDERED VIOLENCE AT WORK

Victorian unions are committed to gender equity and ending violence against women. However not all unions have expertise in handling gendered violence as a workplace health and safety issue. That HSRs are disproportionately male may contribute to unions’ lack of understanding of gendered violence as part of OHS.

We need to build the confidence of our union officials and delegates to be able to identify the drivers of gendered violence in workplaces, and to argue for measures to remove risks and eliminate gendered violence. To do this they need training and support.

### Unions can act to help end gendered violence at work by:

- Building the confidence of officials, delegates and members through educating and resourcing them to understand gendered violence and to argue for changes to stop gendered violence within workplaces.
- Supporting HSRs to identify risks associated with gendered violence and act to eliminate gendered violence at work.
- Supporting more women members to become HSRs.
- Addressing cultures of sexism, stereotypically gendered roles and male dominance where they exist in their unions and membership.
- Increasing women’s participation and leadership within union decision making structures.
- Adopting a gender equity action plan based on the Gender Equity Framework (GEF) developed by Victorian Trades Hall Council.

## Gender Equity Framework

A commitment to achieving substantive gender equality and ending violence against women requires a “whole of union approach.” The following framework is a guide for unions. It identifies the points of intervention and action that unions can take to advance gender equality and stop violence against women.





## CONCLUSION

---

The union movement has a proud history of campaigning to achieve social equity and overcoming structural discrimination and disadvantage. Achieving gender equity in our society and workplaces is core union business. Our colleagues at the Canadian Union of Public Employees (CUPE) have adapted an equality statement that epitomises the link between union values and our commitment to gender equity.

“ *Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.*

*As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.*

*Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion, language and ethnic origin.*

*Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.*

*Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our nation.*

*CUPE's policies and practices must reflect our commitment to equality. Members, staff and elected officers must be mindful that all persons deserve dignity, equality and respect.*

”

The values expressed in this statement are those that we will be pursuing in our efforts to eliminate gendered violence in Victorian workplaces. We call on all Victorian employers, the Victorian Government, WorkSafe and the community at large to join with us to eliminate gendered violence at work.

