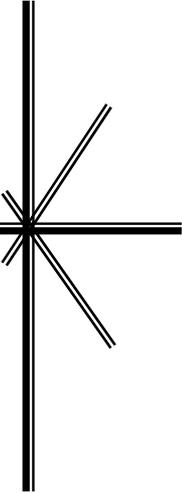


TAKING IT SERIOUSLY:



CONTEMPORARY EXPERIENCES OF SEXUAL HARASSMENT IN THE WORKPLACE

WASH

**Working Against Sexual
Harassment**

**RESEARCH PROJECT
2003/2004**

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Managed by CASA House

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Different Perspectives

'There should also be a law against women who wear short skirts, low tops and flirt when it pleases them in the workplace. It should be called the "sexual intimidation" law where men who get caught and labelled for looking at the exposed bellies, exposed knickers or G-strings can counter claim with this law against sexual harassment laws. This would get back at the bimbos in the workforce.'

Participant,

The Age,
'Your Say' on sexual harassment

13 November, 2003.

The Age,

13 November, 2003.

Mr. Brack (Employers First CEO) said women should be trained in how to neutralise unwanted advances. 'They need to be a bit more assertive ... you have to have a strategy beyond a bureaucratic (policy) strategy.'

'I had tried everything that I could think of and I think that finally I indicated to him that I wasn't happy with the situation and anybody in their right mind could see that. And also, by my behaviour that I didn't wish to continue with any of that but in the end that didn't work out and I felt that I had to leave because of my mental health and also my physical health, I knew that I could not stay there.'

Denise

WASH Research
Interview

December 2003

Executive Summary

TAKING IT SERIOUSLY was commissioned and overseen by WASH (Working Against Sexual Harassment). WASH was formed in 2000 and operates primarily as a public advocacy group raising community awareness about sexual harassment. It is committed to working towards the elimination of sexual harassment. The WASH philosophy states that:

- Sexual harassment is a gendered issue primarily directed at women and generally perpetrated by men.
- Sexual harassment is a violation of human rights and has far reaching impacts, which affect the survivor's financial, social and emotional well being.
- The elimination of sexual harassment is the responsibility of everyone in the community, including individuals, governments, employers and commercial enterprises.
- Sexual harassment is a major barrier to women's full participation in the workforce.

TAKING IT SERIOUSLY: Contemporary experiences of workplace sexual harassment is a collation of some experiences of those who have been sexually harassed in a Victorian workplace since 1999. The voices of those heard in the interviews and case studies are the 'unreported'; those who did not report under either the Federal *Sex Discrimination Act* or Victorian *Equal Opportunity Act*. Together with findings from a survey of over 200 people's experiences *TAKING IT SERIOUSLY* provides a snapshot of workplace sexual harassment.

WASH believes that it is important to listen to those recently or currently affected by workplace sexual harassment in order to assess the existing situation and develop strategies for change. The report is timely given the impending Human Rights & Equal Opportunity Commission (HREOC) review of the Sexual Harassment Code of Practice, marking the 20th anniversary of the Commonwealth implementation of the *Sex Discrimination Act 1984 (Commonwealth)*.

TAKING IT SERIOUSLY documents the experiences of women and men resisting, witnessing, experiencing and surviving workplace sexual harassment. It reports some of what they experienced, the choices they made, the factors that influenced their decisions, and the impacts of sexual harassment on their lives. The report illustrates the range of behaviours including verbal, physical, sexual, suggestive, and offensive communications perpetrated by co-workers, general managers, customers and managers and supervisors. The physical, psychological, social and financial impacts and related bullying and victimisation are explored as is the workplace response to the experience of harassment and any support those experiencing it received.

Generally participants felt unsupported by their employers, the wider community and the legal structures designed to protect and provide for them. As a result of their experience they believe that sexual harassment is normalised, as are many forms of sexual violence against women within the wider culture. They identify factors that contribute to women's vulnerability to all forms of harassment in the workforce. These include casualisation of the workforce, limited access of casual workers to industrial processes and the failure of unions to support women worker's rights and to pursue protections under industrial law.

This research documents how women, as those mainly experiencing sexual harassment, felt blamed and silenced in their responses to sexual harassment, despite resisting the harassment in a variety of ways. In most of these cases there are few consequences for the harasser or the employer while participants report long-term impacts. Some employers have a sexual harassment policy, however participants experienced in-house procedures as

inactive or ineffective in stopping harassment, penalising and deterring the harasser or supporting the victim/survivor. Many workplaces simply did not have a sexual harassment policy, or appeared to think it unimportant.

Many of the participants were unaware of their rights in regard to sexual harassment, or where to find accessible and affordable assistance and advocacy. They think that current processes administered by the Equal Opportunity Commission of Victoria (EOCV) and HREOC are too intimidating for victim/survivors. From our survey of people's experiences of sexual harassment, 177 out of 235 (75%) respondents reported they had personally experienced unwanted or unwelcome sexual behaviour in their workplace. More than a third of respondents (37%) reported, at some level, the sexual harassment they had witnessed and experienced yet only six out of 136 people (5%) reported using the EOCV or HREOC.

TAKING IT SERIOUSLY has practice and policy implications for all employers and workplaces. It provides recommendations for changes and initiatives to improve support available for those who experience sexual harassment and for future preventative measures to deter workplace sexual harassment. This report concludes that 20 years after the introduction of legislation to deal with workplace sexual harassment little has changed for a significant number of workers. The behaviour if not actively condoned is patently not condemned. Based on reflections of the participants, WASH recommends that workplace sexual harassment be 'taken seriously' by employers, government and the community as a whole.

Impacts of violence on individuals and the wider community are enormous. For this group of participants retelling their experience, having their stories heard, believed and documented is one contribution they can make to stopping sexual harassment and improving support and avenues to redress for other survivors. We are obliged to learn from them, to validate their experiences and feelings, affirm their rights and responses and contribute to their healing in every way possible.

The responsibility of all who hear the stories of victim/survivors of sexual harassment is to work to change the climate of tolerance by changing our responses and those of our public and private institutions. We must demonstrate that we **'take it seriously'**.

This report presents synopses of and quotes from 10 case studies. Complete case studies are available on request from CASA House. It is hoped it will be used as a resource by government, employer groups, community groups, teachers, students and activists alike to work for social change and the end of sexual harassment.

WASH Recommendations

WASH recommends that employers, government and the community have responsibilities to reform existing sexual harassment protection and justice processes and that government should extend the powers of the EOC and HREOC to ensure these reforms.

1. Legislative reform

- 1.1 Reform the processes of the EOC and HREOC to improve transparency and accessibility. The process of reporting to the EOC or HREOC is currently unknown, intimidating and inaccessible for many.
- 1.2 Mediation or conciliation that requires victim/survivors to face the offender should only be at the choice of the victim/survivor.
- 1.3 Behaviours that constitute sexual harassment should be codified under criminal law, to allow victim/survivors a choice between civil and criminal action.
- 1.4 Employers should compulsorily adhere to the *Sex Discrimination Act* Code of Practice with a process for enforcement and increased sanctions and penalties
- 1.5 Employers should be mandated to report all formal complaints and outcomes of complaints to the EOCV and these be reported annually to parliament.
- 1.6 Compulsory education and training for employers and management on sexual harassment as unlawful and often criminal behaviour, including responsibility for prevention and support of workers. In liquor and hospitality this could be incorporated into licensing requirements.
- 1.7 *Workplace Relations Act* should be amended to allow casuals with more than three months service access to unfair dismissal laws.

2. Systematic and independent monitoring

Develop a process for systematic independent and external monitoring of all workplaces and complaints.

- 2.1 Establish an independent statutory body with powers to audit and monitor workplaces for active and effective sexual harassment policies and penalise those who fail to comply. This could be achieved through extending the powers of the EOC or by establishing a body specifically to deal with sexual harassment.
- 2.2 This body to have power to:
 - (a) initiate investigations and respond to individual complaints;
 - (b) develop model grievance procedures and initiate checks to ensure proper processes for reporting, including confidentiality, support for complainants and appropriate action; and
 - (c) take action against employers who do not have an active sexual harassment policy which includes the definition of sexual harassment and information about mechanisms for reporting, displayed and promoted in workplaces.

3. Community-wide action

Campaigns, training and education funded by governments at all levels, employers and trade unions. These activities should be advised by victim/survivors and advocacy groups and include:

- 3.1 Media campaigns;
- 3.2 Rights-based education in schools about sexual harassment;
- 3.3 Training of support professionals working with victim/survivors of sexual harassment;
- 3.4 Increased funding for support agencies responding to victim/survivors of sexual harassment;
- 3.5 Tax incentives for employers conducting sexual harassment training and workplace initiatives against sexual harassment; *and*
- 3.6 Funding support for community and trade-union partnerships which instigate anti-violence initiatives.

4. Workplace training and support

- 4.1 Rights-based training and resources for all workers, management and employers;
- 4.2 Employer funded external, and independent support, counselling and legal advice;
- 4.3 Industry specific campaigns to initiate industry change; *and*
- 4.4 Consultation with victim/survivors of workplace sexual harassment and community advocates about reforms to increase access to redress. This should include groups who are marginalised because of geography, culture, language, sexuality, age or ability.

5. Trade union initiatives

- 5.1 Local and specific community campaigns and anti-violence initiatives;
- 5.2 Community-based input on specific industry reforms and preventative and support measures;
- 5.3 Co-operative trade union and community campaigns;
- 5.4 Trade union awareness and organiser training;
- 5.5 Rank and file women's working parties to make recommendations which address the problem of sexual harassment; *and*
- 5.6 Trade union campaigns to focus on sexual harassment against workers in vulnerable workplaces.

Background

Introduction

The Human Rights and Equal Opportunity Commission (HREOC) of Australia released a report in 2003 that reviewed complaints to HREOC of sexual harassment in the workplace finalised in 2002. One hundred and fifty-five of 162 complaints were made in relation to sexual harassment in employment under the Sex Discrimination Act. HREOC was unable to provide insight into the nature and frequency of sexual harassment, but notes that 'it is widely accepted that reported sexual harassment represents only the tip of the iceberg in relation to the incidence of sexual harassment in the community' (2003:10).

TAKING IT SERIOUSLY includes findings of a survey conducted in 2003 into people's experiences of workplace sexual harassment and ten case studies of those who have experienced or witnessed sexual harassment. The research is not an incidence and prevalence study and therefore does not discuss the nature and frequency of sexual harassment but it does present issues raised by those who have witnessed and experienced sexual harassment. The 10 case studies were developed from face-to-face interviews. They are about women and men who, for various reasons did not report to any state or federal commission. The stories give insights into the experiences of the 'unreported'.

The 10 women and one man who were interviewed represent diverse locations, including Melbourne Central Business District (CBD), metropolitan Melbourne and rural/regional Victoria, and occupations, industries, age groups, ethnicities and employment status. Harassers were co-workers, general managers, customers, employers, managers and supervisors. Verbal, physical, sexual, suggestive, and offensive communications constituted the sexual harassment experienced. Some participants also experienced bullying and victimisation. As a result of their experiences, participants reported physical, psychological, social and financial impacts.

The participants and survey respondents identified many barriers to making a complaint in the workplace and reporting at a commission level. These include fear of being disbelieved, of subsequent victimisation after reporting, of confidentiality not being upheld, of supervisors as the actual harassers, and fear for job security.

Working Against Sexual Harassment (WASH), a coalition of women's groups raising community awareness about sexual harassment believes that it is important to understand what influences people's decision-making in regard to experiencing, responding to, making a complaint about and reporting sexual harassment.

Policy context

The term *sexual harassment* was used in the Australian context in 1977 in Victoria's Equal Opportunity Act, signifying acceptance and validation of women's experience at a political level by public institutions. Internationally, most Western countries recognised the concept and set up codes of practice, grievance procedures and law reform to deal with sexual harassment (Thomas & Kitzinger, 1997:4-5).

Under Section 4 of *Sexual Harassment - A Code of Practice* (HREOC, 1996:13), employers and employees are encouraged to resolve and conciliate either formally or informally at a workplace level, before lodging a complaint at either a state or federal commission.

Employer Responsibility: Sex Discrimination Policy

The Federal *Sex Discrimination Act* prohibits sexual harassment as unlawful and advises all employers to comply with a voluntary Code of Practice which outlines practical measures designed to help employers meet their responsibility to ensure a workplace free of sexual harassment. *Sexual Harassment – A Code of Practice* specifies that:

Employers are not only liable for their own acts of sexual harassment. They can also be held legally responsible for sexual harassment by their employees unless all reasonable precautions were taken.
(HREOC, 1996:1)

All workplaces, no matter the size, are encouraged to implement the code. The code is not legally binding but employers are strongly encouraged to adopt and comply with it to 'minimise the risk of liability for unlawful sexual harassment' (HREOC, 1996:3). It states that:

An employer must take 'all reasonable steps' to prevent sexual harassment if they wish to avoid liability. This means they must actively implement precautionary measures to minimise the risk of sexual harassment occurring'. (HREOC, 1996:11)

An example of preventative measures (or reasonable steps) would be the development of a comprehensive workplace strategy on sexual harassment. Examples of this strategy may include:

- a written policy which prohibits sexual harassment and which must be regularly and actively distributed and promoted at all levels of the organisation including new and ongoing employees
- management and employee training
- a pre-requisite for promotion to management positions to have specific training around this issue
- anti-sexual harassment posters and literature in the workplace
- translations for employees from non-English speaking backgrounds
- accountability mechanisms
- awareness raising sessions
- the provision of a non offensive or threatening work environment
- development of an internal grievance procedure
- information on external complaint organisations
- access to counselling services or employee assistance programs, whose costs should be borne by the employer. (1996:11-16)

HREOC's most recent report on the issue of sexual harassment warned of the potential costs for employers who do not take seriously the issue of workplace sexual harassment (2003:6). Employers were advised to consider the following implications:

- Employers are liable if their sexual harassment policies are either inadequate or not implemented fully.
- Most cases resolved at HREOC resulted in the employer having to compensate the complainant either as well as or instead of the alleged harasser.
- The significant ongoing cost of losing the employee who has claimed harassment – 77 per cent of all 2002 reviewed HREOC cases had either left the organisation where the alleged harassment had occurred, or had taken leave.

- Costs including recruitment, training and development, in addition to indirect costs associated with loss of staff morale arising from workplace disputes and disruption.

Cultural context

The development of policy and legislation was largely driven by the women's movement. Since the early 1970s women in Australia have worked to ensure that women's experiences of violence, in the home, on the streets and in the workplace are brought into the public arena. The establishment of women's refuges, centres against sexual assault and strengthened legislation gave women a place from which they could talk about their experience of violence and keep it on the public agenda.

Naming sexual harassment as part of a continuum of behaviours known as 'sexual assault' has been to identify it as unlawful, often criminal and unacceptable. Theorists on early consciousness-raising projects on sexual harassment in the United States in the 1970s argue that:

Women were 'naming' an experience they had endured in silence for many years ... once the problem was named, women could at least speak out and mobilise politically to tackle it ... the power of the label was in enabling women to single out a piece of (previously undifferentiated) experience, and to identify it as a problem shared by many women – a problem which demanded changes in men's behaviour.
(Bacchi & Jose, 1994:263-270)

In the mid 1980s many Western countries experienced a backlash against the concept of sexual harassment. In Australia, anti-violence theorists note how the debates on women's experiences of violence have seen a growth in 'men's rights' movements such as the 'Black Shirts' who work to discredit feminist accounts of violence (Flood, 2002/3:25). Those men's voices have been aided by popular culture with films such as *Disclosure* and operate within a cultural context of violence as an intrinsic part of manhood.

Most people are way too politically correct. Ten years ago I managed a large admin team and I had my bum pinched and I would do the same (and much more) to the vast majority of the female dominated team. We all had a laugh and there were some good lookers too. Nowadays, whoa, look out, I'd have to sell my house to pay for the litigation. Some people should relax and get a life.
(The Age, 'Your Say' 13/11/03)

Comments like this show how the behaviours constituting sexual harassment are being supported and reinvigorated in some arenas of the public imagination. Some may believe that the value of and ongoing struggle for equal rights for women has impinged on some men's freedom of expression. The term 'politically correct' is used to dismiss or discredit socially progressive initiatives, and in this instance facilitates minimisation and individualisation of sexual harassment. It is interesting to note that this process is taking place at the same time that, at the state level at least, there is increasing emphasis on workplace safety and recognition of bullying and violence in the workplace.

Minimisation of sexual harassment as a social and industrial problem means that it is still too commonly part of women's work experience. What must be asked of employers, policy makers and legislators is 'how is it that men continue to harass women, and get away with it, despite at least 20 years of legislation, government, community and official employer policy?'

Project Overview

The 2003 HREOC overview of sexual harassment complaints showed that 95 per cent were from women where 86 per cent of the alleged harassers were men and 60 per cent of

individual respondents (alleged perpetrators) were in a more senior position in the workplace than the complainant (HREOC, 2003:7).

WASH, held a forum in March 2003 which was attended by representatives of more than 20 organisations. The forum identified that there was an urgent need to document experiences of sexual harassment and to explore what influences decision-making in relation to the harassment and about making a complaint. It was decided to research workplace sexual harassment. The project included a survey designed to gauge workers' experiences of sexual harassment to be distributed across Melbourne and Victoria. The survey also served as a tool to identify participants for interviews. The interviews were then developed into substantial case studies and used to identify responses, decision-making processes and impacts of workplace sexual harassment.

It is hoped findings will stimulate public discussion and raise community awareness of sexual harassment as a problem which continues to impact on women and workplaces in Melbourne and Victoria. The case studies also serve to identify effective public advocacy, prevention and employment strategies.

The approach of this research project is to situate experiences of sexual harassment within a structural and socio-political context. Experiences, responses and decisions regarding sexual harassment are made not only as individuals, but as individuals functioning within particular social contexts.

TAKING IT SERIOUSLY reminds government, industry and the general community that the eradication of workplace sexual harassment requires more serious attention than it has yet received.

Definitions and Research Methodology

What is sexual harassment?

All states and territories in Australia have laws prohibiting sexual harassment although definitions vary slightly, and differ again from federal legislation.

At the federal level sexual harassment is defined under the *Sex Discrimination Act 1996 (Commonwealth)* as

... a type of sex discrimination. Sexual harassment is any unwanted or unwelcome sexual behaviour which makes a person feel offended or humiliated and that reaction could reasonably have been expected in the circumstances. It has nothing to do with mutual attraction or friendship. (1996:1)

The Equal Opportunity Commission (EOCV) in Victoria defines sexual harassment under the Victorian Equal Opportunity Act 1995 as

... behaviour of a sexual nature that is unwelcome, unasked for and unreturned. Sexual harassment can be physical, verbal or written. It can include words, statements or visuals that are transmitted ... by any ... means of communication. (EOC, 2002:)

Non-legal classifications are also relevant. For example, centres against sexual assault define it as unwanted sexual behaviour that occurs along and amongst a continuum of behaviours that constitute a wider definition of sexual assault (CASA House website 2004; Kelly, 1988).

Sexual harassment is unlawful in accommodation, clubs, education, employment and the area of goods and services. The focus of this research project is workplace sexual harassment – employment – one of the sites where it is reported most widely (HREOC, 2003:5).

The *Sexual Harassment – A Code of Practice* states that under the *Sex Discrimination Act* sexual harassment is a civil offence yet some types of harassment may also be offences under criminal law (HREOC, 1996:24). These include:

- Physical molestation or assault
- Indecent exposure
- Sexual assault
- Stalking
- Obscene communications (telephone calls, letters, etc).

Research Methodology

Research frameworks

This study was conducted within a number of philosophical frameworks and methodologies, complementary to WASH's philosophy. These are feminist, action and participatory action research methodologies (Wadsworth, 1997). This approach recognises that men also experience sexual harassment and it is not the intention of WASH to deny or minimise their experiences. Surveys and interviews were available to and completed by women and men.

However, data provided by case law, HREOC and EOC records, sexual assault centres and other research indicate that overwhelmingly sexual harassment is primarily directed against women and generally perpetrated by men.

According to Reinharz (1992:51) feminist research aims to:

1. Document the lives and activities of women
2. Understand the experiences of women from their own point of view
3. Conceptualise women's behaviour as an expression of societal contexts

Consistent with WASH's commitment to feminist advocacy and structural change, this research project meets Reinharz's expectations that:

... the purpose of feminist research must be to create new relationships, better laws and improved institutions ... feminist action research must be oriented to social and individual change because feminism represents a repudiation of the status quo (1992:175).

Feminist action research is marked by participatory and collaborative processes where consultation, openness, reciprocity and shared risk are applied (Reinharz, 1992:181). In this study participants controlled the right to withdraw their participation at any time. Consent as a continuous process is also a feature of feminist action research. Participants viewed case studies of their interviews and provided feedback and changes before publication.

Surveys and interview methodology

The WASH survey into experiences of workplace sexual harassment was distributed for six weeks during October and November 2003. Questions were asked about the demographics of participants and their sexual harassment experience. Participants were asked if they had ever witnessed or experienced sexual harassment and to nominate a significant experience to discuss further. Questions were then asked about that experience and their responses, decision-making, influences, supports used, impacts and consequences. Hard-copy distribution points for the survey were set at a number of venues in the Melbourne metropolitan area and advertised throughout Victoria via print and electronic media.

Thirty-three people registered interest in being interviewed. Of those ten women and one man were selected. Three were chosen because they worked in retail or hospitality in the Melbourne Central Business District; criteria of prime interest to one of the funding organisations. The remaining eight were chosen as representing a diverse mix of experiences based on:

- rural/regional/metropolitan Melbourne
- size of workplace
- ethnicity
- age group
- whether they had witnessed or experienced sexual harassment
- industry
- occupation
- length of harassment

Eleven semi-structured interviews were conducted. Interviewees were contacted and informed of the aims and methodology of the project, their right to withdraw at any time, the confidentiality of the interviews and a range of other considerations including resources for debriefing. Interviews were as transparent and consultative as possible, and consistent with feminist ethics:

... it (is) important to consider the impact of feminist action orientated research on all constituents. Such research must balance the complexities of obtaining knowledge from the participants while simultaneously ensuring that the process is not oppressive or abusive. (Williamson, 2000:137)

Research Limitations

The survey

- Was not a representative sample survey designed to measure the incidence and prevalence of workplace sexual harassment but designed to elicit information about people's experiences of sexual harassment and to gather interested participants for the survey.
- Was voluntary and it may be assumed that the people most likely to fill it in may identify as having experienced, witnessed or have an interest in discussing the issue of workplace sexual harassment.
- Was distributed in a variety of places in both hard-copy and internet form.
- Focussed on the City of Melbourne and limited to Victoria.
- Online format may have offered limited access to those without internet access and computer literacy. This may have affected already marginalised groups such as older people, people from culturally and linguistically diverse backgrounds and low-income earners.

The interview

- Was taped, transcribed, approved by the interviewee and interpreted by the researcher.
'There are many possible readings of interview transcripts. From where I am socially positioned, certain aspects of the data are much more prominent than others and as a consequence interpretation remains an imperfect and incomplete process.' (Reay, 1996:70)
- Was about potentially distressing material and conducted by someone unknown to the interviewee.
- Participants were self-identified and selected to meet criteria of interest to the Reference Group.

Survey findings and discussion

Background research

Comprehensive data on the incidence and prevalence of sexual harassment in Australia is currently unavailable. HREOC has embarked on a contemporary sample survey of workplace sexual harassment to be released soon. The *Women's Safety Strategy* however cites research from overseas that suggests sexual harassment occurs more frequently than reported. The UK and US have suggested that between 33 to 50 per cent of women are victims of sexual harassment at least once in their lives (2002:27)

To reiterate, this is not an incidence and prevalence survey and had limited distribution. Its main function is in telling more about the experiences of those who have witnessed or experienced workplace sexual harassment.

Overview

Percentages (%) do not always equal 100% because of rounding

There were 235 survey respondents. Of these:

- 197 (84%) reported either personally experiencing or witnessing unwanted or unwelcome sexual behaviour in their workplace.
- 177 (75%) reported that they had personally experienced unwanted or unwelcome sexual behaviour in their workplace.
- 147 (63%) reported that they had witnessed unwanted or unwelcome sexual behaviour in their workplace.
- 137 (58%) of respondents had both personally experienced and witnessed unwanted or unwelcome sexual behaviour in their workplace.

Of those respondents who had personally experienced sexual harassment:

- 160 (90%) are female
- 120 (68%) were aged 25 – 44 years, 34 (19%) were aged 45 years and older and 22 (12%) were aged less than 25 years when the survey was completed.
- 146 (82%) are from an Anglo Australian background
- 92 (52%) currently work in the CBD/City of Melbourne, 62 (35%) in other Melbourne metropolitan areas and 19 (11%) in a rural/regional area
- 79 (45%) were sexually harassed in more than one workplace
- 60 (34%) reported being sexually harassed in their current workplace

Of those respondents who had witnessed sexual harassment:

- 130 (88%) are female
- 106 (72%) were aged 25 – 44 years, 25 (17%) were aged 45 years and older and 16 (11%) were aged less than 25 years when the survey was completed.
- 78 (53%) currently work in the CBD/City of Melbourne, 48 (33%) in other Melbourne metropolitan areas and 18 (12%) in a rural/regional area
- 124 (84%) are from an Anglo Australian background

- 68 (46%) witnessed sexual harassment in more than one workplace
- 49 (33%) witnessed sexual harassment their current workplace

Respondents Experiencing or Witnessing Sexual Harassment

The 197 respondents who had experienced or witnessed unwelcome or unwanted sexual behaviour in any of their workplaces were asked to respond to questions about the experience that had affected them most. Of these respondents:

- 165 (84%) provided information about unwelcome or unwanted sexual behaviour they had personally experienced
- 21 (11%) provided information about unwelcome or unwanted sexual behaviour they had witnessed
- 11 (5%) did not provide any information

Of the respondents who provided information about unwelcome or unwanted sexual behaviour they had *personally experienced*:

- 107 (65%) responded to questions about an experience in a previous workplace

Of the respondents who provided information about unwelcome or unwanted sexual behaviour they had *witnessed*

- 12 (57%) responded to questions about an experience in a previous workplace

Respondents discussing their experience of sexual harassment worked in a variety of workplaces. The characteristics of these workplaces are set out below.

Characteristics of workplace at time of experience of sexual harassment

Industry working in at time of experience of sexual harassment

	No	%
Finance, Property & Business Services	44	22
Government Administration and Defence	30	15
Health, Community and Recreation Services	30	15
Accommodation, Cafés and Restaurants	28	14
Retail Trade	16	8
Manufacturing	9	5
Communication Services	8	4
Construction, Electricity, Gas & Water Supply	6	3
Education	9	5
Other	7	4
Not established	10	5
Total	197	100

The main industries in which respondents worked at the time of the sexual harassment experience that most affected them were Finance, Property & Business Services (22%), Government Administration and Defence (15%), Health, Community and Recreation Services (15%) and Accommodation, Cafés and Restaurants (14%). The figures may partly reflect the distribution of the surveys both via the Internet and in hard copy to various networks in these industries and a concentration on the City of Melbourne hospitality and retail sectors.

Location of workplace at time of experience of sexual harassment

	No	%
CBD/City of Melbourne	96	49
Other metropolitan Melbourne areas	66	34
Rural/regional location	21	11
Interstate	3	2
Not established	11	6
Total	197	100

The overwhelming majority of respondents worked in Melbourne at the time of the experience of sexual harassment (83%). Of these 59 per cent worked in the CBD/City of Melbourne.

Size of workplace

	No	%
less than 5 people	13	7
5 to less than 20 people	57	29
20 to less than 100 people	51	26
100 + people	66	34
Not established	10	5
Total	197	100

More than a third of respondents (36%) reported that the experience of sexual harassment that affected them most occurred in a workplace of less than 20 people. Another third (34%) reported that such experiences took place in workplaces with more than 100 people, while more than a quarter reported that the sexual harassment took place in workplaces with 20-99 people.

Occupation at time of experience of sexual harassment

	No	%
Professional	65	33
Salesperson or personal service worker	29	15
Clerk	27	14
Manager or administrator	22	11
Para-professional	13	7
Driver, labourer or related worker	4	2
Tradesperson	2	1
Plant or machine operator	2	1
Other	23	12
Not established	10	5
Total	197	100

At the time of the sexual harassment experience reported, a third of respondents (33%) worked in professional occupations, with another third (32%) working in sales or clerical positions.

Frequency of sexual harassment in workplace

	No	%
Rare	44	22
Occasional	80	41
Frequent	30	30
Not established	13	7
Total	197	100

Of respondents who provided information about the experience of sexual harassment that had affected them most, almost a third (30%) reported that sexual harassment was a frequent occurrence in that particular workplace. Another 41 per cent reported that sexual harassment was an occasional occurrence, while just over a fifth (22%) reported that sexual harassment occurred rarely.

Of respondents who provided information about the experience of sexual harassment that had affected them most, 98 (50%) reported that there was a policy on sexual harassment in the workplace where the experience occurred. Another 50 (25%) reported that there was no such policy and 39 (20%) were uncertain if there was such a policy.

Characteristics of sexual harassment experience

Behaviours Experienced/Witnessed*

	Responses	%
Sexual comments, jokes or innuendo	147	75
Intrusive questions or comments about your private life or appearance	126	64
Uninvited physical contact or gestures	112	57
Unwanted invitations of a sexual nature	69	35
Sex-based insults or taunts	54	27
Offensive communications such as letters, phone calls, faxes, e-mail messages, SMS	40	20
Displays of offensive or pornographic material such as posters, cartoons, graffiti or calendars	38	19
Unwelcome requests for sex	37	19
Forced or non-consensual sexual activity	10	5
Other	10	5
Not established	10	5
Total	653	331

* Respondents were able to make more than one response

Sexual comments, jokes or innuendo were the most frequently reported behaviours by respondents (75%). Other frequently reported behaviours included: intrusive questions or comments about a person's private life or appearance (64%) and uninvited physical contact or gestures (57%). Unwelcome requests for sex were reported by 37 respondents (19%), while 10 respondents (5%) reported rape - forced or non-consensual sexual activity.

Of the respondents, 163 (83%) identified the harasser/s as male, 13 (7%) as female and 10 (5%) as both male and female. Of the experiences of sexual harassment reported, 118 (60%) involved one harasser, 26 (13%) involved two harassers and 43 (22%) involved more than two.

Role of the harasser*

	<i>Responses</i>	<i>%</i>
Co-worker	88	45
Supervisor/manager	81	41
Employer	45	23
Customer	16	8
Family member of employer	4	2
Someone you supervised	4	2
Supplier	3	2
Visitor to the workplace	2	1
Other	7	4
Not established	10	5
Total	260	132

* Respondents were able to make more than one response

Those in positions of authority - supervisors/managers and employers - were the most likely to be identified as harassers. Supervisors/managers were reported by 81 respondents (41%) and employers by 45 respondents (23%). Co-workers were reported as the perpetrators of sexual harassment by 88 respondents (45% of all respondents). Customers were also reported as sexually harassing the respondents and/or other staff by 16 respondents (8%).

The period of harassment

	<i>No</i>	<i>%</i>
Single occasion	31	16
Less than 2 months	33	17
2 months to less than 6 months	35	18
6 months to less than 1 year	28	14
1 year to less than 2 years	27	10
2 years to less than 5 years	19	10
5 years or more	12	6
Not established	12	6
Total	197	100

Only 31 respondents (16%) reported that the experience of sexual harassment that affected them most was a single occasion. Over a third of respondents (35%) reported that the period of harassment lasted less than six months. However it is noteworthy that more than a quarter of respondents (26%) reported that the period of harassment lasted more than a year. Even more disturbingly, 12 respondents (6%) reported that the period of harassment lasted 5 years or more.

Consequences of the sexual harassment

Decisions made in regard to sexual harassment experienced/witnessed*

	No	%
Reported the behaviour	73	37
Spoke with co-workers	73	37
Left the job	62	31
Confronted the harasser	60	30
Spoke with family and friends	57	29
Kept quiet	54	27
Spoke with the person being harassed	24	12
Legal action	4	2
Retrenched/sacked/forced to leave	3	2
Other	13	7
Not established	10	5
Total	433	220

* Respondents were able to make more than one response

More than a third of respondents (37%) reported the sexual harassment experienced/witnessed. A third (37%) also spoke with co-workers and almost a third spoke with family and friends (29%). However 62 respondents (31%) left their job as a consequence and more than a quarter (27%) kept quiet.

Support provided if action taken*

	No	%
Co-workers	36	28
Family/friends	31	24
Employer/Manager	26	20
Solicitor	11	8
Union	9	7
EOC/HREOC	6	5
Other	12	9
No-one	5	3
Total	136	104

* Respondents could make more than one response

Where respondents took action following witnessing/experiencing sexual harassment, support was provided by co-workers for 36 (28%) respondents, and by family and friends for 31 (24%) respondents. Employers/managers provided support for a fifth (20%) of respondents, while 11 (6%) respondents sought support from a solicitor.

If action taken, what happened*

	No	%
No action taken	41	21
Incident formally recorded	29	15
Internal investigation conducted	20	10
Harasser apologised to me	19	10
Action taken unknown	16	8
Harasser disciplined	13	7
Harasser counselled	12	6
Harasser sacked	8	4
Workplace underwent training	7	4
I left	5	3
Harasser underwent training	3	2
Got worse	3	2
I was disciplined/seen at fault	3	2
Other	13	7
Total	192	

* Respondents were able to make more than one response

The most frequent consequence, reported by 41 (21%) respondents, where they had taken some kind of action in relation to the experience of sexual harassment, no further action resulted. While (as in table above) 73 (37%) respondents had reported the behaviour they had experienced/witnessed, only 29 (15%) respondents reported that the incident was formally recorded. Twenty respondents (10%) reported that a formal investigation was conducted.

Clear consequences for harassers identified by respondents were relatively infrequent. In 19 (10%) cases, the harasser apologised, in 13 cases the harasser was disciplined, in 12 (6%) cases the harasser was counselled, in 8 cases the harasser was sacked and in 3 cases the harasser underwent training. In several instances taking action backfired on the respondents. In 5 cases the respondent left the workplace, in 3 cases the situation got worse and in 3 cases the respondent was disciplined or seen at fault.

Impact of the sexual harassment experience*

	No	%
I've suffered emotionally	99	50
I've changed jobs	74	38
I've suffered financially	45	23
I've feared for my safety	27	14
I've suffered physically	18	9
Worried about job/confidence in job/uncomfortable	14	7
More aware/ready to act	12	6
Nothing	7	4
Can't work	2	1
Other	19	10
Not established	30	15
Total	347	176

* Respondents were able to make more than one response

The most frequently reported impact of the sexual harassment experience was suffering emotionally, reported by half the respondents (50%). Well over a third (38%) of respondents reported that they had changed jobs, while almost a quarter (23%) reported they had suffered financially. Only 12 (6%) of respondents reported they were more aware/ready to act in respect of sexual harassment

Case Studies Synopses 1-10

Case Study 1 - Alice

They did have policies in place to stop what happened to me but then enforcing the policies was another issue. They did not enforce their policies one little bit. So it doesn't matter how many policies, you have if you do not enforce them you may as well not have them.

Alice was in her late 20s when she worked as a tradesperson at a sporting entertainment complex in metropolitan Melbourne with a staff of more than 100 people. On her second day she experienced intrusive and suggestive comments which escalated into physical harassment, threats, intimidation and bullying by two male co-workers. She reported the incidents to managers, Human Resources and her union but the harassment continued. Her employer failed to provide her with a safe workplace during the 17 months she worked there. The union chose not to support her in favour of the majority of male union members in the workplace. She was on WorkCover for sometime and then after two and a half years the matter was resolved out of court. Alice feels these events have dramatically affected her life. She is now afraid to be in public places without a trusted friend and is wary of co-workers at new workplaces.

She believes that workplace sexual harassment policies are not enforced in workplaces and so people can behave unlawfully. She is angry about the workplace and employer culture of tolerance of sexual harassment.

Case Study 2 - Isabella

I had to develop ways of saying, 'Oh thank-you. That's really lovely of you to ask. How nice of you, perhaps we could talk about that later'. Whereas I really didn't want to talk about it at all. And that's a scary position to be in because you don't really know if that's going to defuse the situation or inflame it. And in that way, I suppose the other feeling that it leaves you with is responsibility for this person's behaviour.

Isabella was 28 when she worked as a bar attendant in the hospitality industry in the City of Melbourne for two years, several years ago. The bar is small with mostly regular clientele. Often she was required to work alone.

During the two years she experienced repeated intrusive and suggestive comments and requests, physical and sexual gestures. The behaviour would be from various male patrons and sometimes from the bar manager himself. Isabella depended on the job to supplement her income while she studied full-time. She was determined to continue working there for the duration of her course because the owners paid award wages. That isn't often the case in the hospitality industry.

Sexual harassment in the bar was virtually continuous. Isabella felt like she often had to placate the male customers no matter how offensive their behaviour was because she was afraid of the possibility of violence and of her being on her own with no protection. She believes that workplace sexual harassment is part of a wider society where men have power over women and often express it through violence; it is a reflection of inequality between men and women.

Case Study 3 - Magda

Obviously you feel threatened because if you said what you wanted to say you'd be out of a job and yes, I was highly self-conscious. I used to stress about what I'd be wearing, like, how much would be showing. You become very self-aware.

Five years ago when Magda was in her mid-20s she worked as a waitress in both a cafe and a restaurant in the City of Melbourne. She depended on these casual jobs to support her while she was studying. Both workplaces were relatively small, one with less than ten staff and the other with less than 20.

During the period of that employment Magda experienced 'limitless' unwanted and unwelcome behaviour of a sexual nature from male customers, a male chef and boss. The behaviour included requests for sexual favours, propositions and dates, sexual comments and gestures, leering and ogling. She also witnessed the sexual harassment of other staff.

She believes that generally such behaviours are normalised in the largely unregulated hospitality industry where casual workers are often vulnerable. If they speak up they are seen as 'not fitting in' to that culture. At times when Magda spoke up about the harassment the attitude was 'what's your problem, all the customers are doing the same thing anyway!'

There were no sexual harassment policies in these work places and Magda's options for reporting were limited. She just wanted to get through her study without the extra burden of having to deal with the sexual harassment on top of her normal workload. She thinks that education for the employers in that industry about their responsibilities in relation to sexual harassment would improve things.

Case Study 4 - Stephanie

She [the principal] said, 'treat it as a joke'. And basically that was all her response was, 'treat it as a joke'. So of course I had a nervous breakdown.

From her early 30s for five years, Stephanie worked as a specialist educator in a rural Victorian private school with a staff of between 60 and 80.

She experienced sexual harassment in a range of forms from the faculty coordinator. Stephanie reported it to her employer who told her to 'treat it as a joke'. A conciliation meeting with her employer and the harasser turned into a personal attack on Stephanie rather than a resolution of the issues. A counsellor who accompanied her advised Stephanie to leave the meeting because it was being mismanaged.

As a result of the sexual harassment and the school's failure to deal with it appropriately Stephanie experienced serious health problems, including severe depression. She was on WorkCover for a short period. On return to work she was victimised by colleagues and management. She felt forced to resign from her position after more years of harassment and victimisation by staff at the school. She knows the school had no policies on sexual harassment initially, and that she did not gain help from the union because the harasser was a union representative.

Stephanie believes that throughout the whole process she was punished and often blamed for the situation, despite the fact that it was the harasser's actions that were unlawful.

Case Study 5 - Denise

I had tried everything that I could think of and ... finally I indicated to him that I wasn't happy with the situation. Anybody in their right mind could see that, and by my behaviour that I didn't wish [him] to continue with [the sexual harassment]. But in the end that didn't work out and I felt that I had to leave because of my mental health and also my physical health.

Denise, in her mid 50s was very recently forced to leave her job, due to sexual harassment she experienced from the boss and managing director over a period of 18 months. She was Administration Manager and Assistant to the Managing Director in the head office of a retail firm in suburban Melbourne.

She found it extremely difficult to get any support or advice about what was happening to her. Eventually she contacted Job Watch who were of great assistance. Denise believes when people start a new job they should be handed an information pack outlining their rights and support agencies in the event of sexual harassment.

Denise says she could not take her complaint through the Equal Opportunity Commission because facing the harasser and going over the experience again would impact dramatically on her mental health. She also believes that even if she could afford a solicitor the harasser would win because of his considerable wealth, power and resources.

Denise is now looking for other work. She believes the truth about sexual harassment is silenced by employers and the wider community. The experience has seriously affected her physical and mental health.

Case Study 6 - Shelley

I was just a bit surprised that he felt that he could ask those sorts of things.

Shelley is 19 and currently works casually in a small family-owned business serving food in the City of Melbourne. She has experienced sexual harassment including unwanted sexual contact, comments and invitations via SMS on her mobile phone in the middle of the night from a man who is one of the managers.

Shelley wonders how secure her job might be. She works casually to supplement her income while studying. She would like to gain more experience in the industry by staying in this job for a couple of years. Apart from the sexual harassment Shelley enjoys her job and would like to continue working there while she finishes her study.

She thinks that everyday life is saturated with sexual images and ideas and that the workplace is yet another place where women have to deal with unwanted invitations and behaviour from men. She feels that she can handle the environment but is annoyed because she knows that the harasser knows his actions are wrong yet continues with them. She worries that people might judge her to be encouraging him or causing the harassment.

Shelley believes that if she told any of the other owners what happened that she would be responsible for creating turmoil in the business. Some harassment is continuing. She hopes that the way she has reacted to the perpetrator will teach him that he has to stop.

Case Study 7 - Richard

I didn't make a report based on advice from the office counsellor which I now realise was in the company's interests and not my interests.

Richard worked in a small office in a large finance company in Melbourne's central business district. The company employed more than 2000 people.

He was in his late 30s when he experienced both verbal and physical sexual harassment from a manager. Another employee reported the same man for behaviour, which Richard believes was harassment. The latter complaint was investigated and the manager asked to resign. The company claimed the investigation did not prove anything but that the employee decided to 'leave the company'.

Richard sought advice from a company counsellor who advised him not to take the issue any further. The counsellor also conducted staff training where he said workers needed to be more assertive and stand up for themselves. Richard feels the experience of sexual harassment and lack of support from the company may have contributed to the depression that he now suffers.

He believes the company did not support him to resolve the situation, but covered themselves. He suspects that workplace sexual harassment may be widespread but not taken seriously even though the impacts are extremely serious.

Case Study 8 - Caroline

I thought, 'Oh it's good that she's checking in to see if I'm alright. Someone is asking me if I'm ok'. And then she undermined that by saying to me, 'Oh well, you know, you are wearing a really short dress'.

Caroline worked in an educational institution in Melbourne as an administrative worker and tutor. She tutored a student who had a disability. He made repeated unwanted sexual comment and advances and invitations for sex. He used obscene language and threatened her.

She received no protection or support from the manager when she reported what was happening. He informed Caroline that because the student had a disability a sexual harassment complaint would not be valid. Co-workers acted as though she was responsible for what was happening to her.

Caroline received advice that contradicted the manager's opinion and confirmed that a person with a disability is responsible for their behaviour including sexual harassment. She was given an anti-sexual harassment poster to be put up in the student access area. The manager told her to remove it because it would offend students.

Because Caroline was a casual worker she felt this put her in a particularly vulnerable position. As a result she often worked in that office on occasions that felt unsafe. Eventually she changed jobs because of fears for her own safety and the impacts on her health. She feels that she has suffered systemic punishment and penalty for trying to ensure her rights to a safe workplace.

Case Study 9 - Michelle

You've got team leaders who say, 'Well, maybe you shouldn't have been as friendly, or maybe you shouldn't wear make up, or maybe you should wear your hair up. Maybe you shouldn't wear T-shirts like that?'

A few years ago Michelle worked as a factory hand on a production line in the component manufacturing industry in outer suburban Melbourne. She was 20 years old at the time.

The workplace employed more than 1000 staff. She describes an environment where sexual harassment was normalised. It included whistling, comments, sexual invitations, gestures and contact. She worked there for only one month but felt forced to leave because of sexual harassment and the treatment she received when she resisted. The manager tried to coerce Michelle and other women workers into sexual relationships with the promise of overtime and/or threats of victimisation if they did not accede to his wishes.

After making it clear that his requests and demands were unwelcome she was victimised. Her work performance was increasingly and unfairly criticised and she was put under considerable pressure by being singled out to perform her work activities in front of him.

Michelle says that a culture of sexual harassment is both overtly and covertly fostered in that workplace. Women are invariably blamed when they speak up. She felt that at 20, as a young and largely inexperienced worker she was starting to think 'that's just how work is'.

Case Study 10 - Angela

I didn't even say his name and the manager said, 'It's Darren isn't it?' I said, 'Yes'. And he goes, 'Oh well, you know Darren, he's got problems with females'.

Angela is in her late 30s and has worked for the same document delivery company in metropolitan Melbourne for 16 years. She talks about her own experience of sexual harassment and victimisation as well as the harassment and bullying she witnessed happen to another woman worker.

Angela spoke directly to the harasser, naming his behaviour as 'sexual harassment'. She reported it internally and it was investigated. She was sent to a work counsellor who questioned her motives in pursuing the sexual harassment complaint.

After she had spoken up she was victimised by co-workers who undermined her work and damaged her property. She was also victimised by management and moved around to different employment sites. Angela was labelled a troublemaker while the harassers stayed in their same jobs. Part of the victimisation was being assigned an extremely heavy delivery load. She sustained injuries as a result. She recently left due to these health risks. She is considering a WorkCover claim and thinks she will take legal action against her employer.

She says that she would never speak up in the same way again because of the resulting treatment she received from co-workers and management. She thinks that policies on sexual harassment mean little because you are punished if you use them. She also believes this is why you could not speak up about harassment you witness.

She says the atmosphere of her workplace was like a 'boys' club'. It has a culture riddled with abuses of power and intimidation, which normalises sexual harassment and trivialises workers' concerns about health and safety issues.

Findings of case studies

Overview of case studies

Ten participants agreed to have their case studies published. Many said that they wanted to contribute in some way, so that what happened to them might not happen to someone else. They believe that if the wider public, including employers and government know how serious the problem of workplace sexual harassment is and the impacts it has then surely things would change. They hope mechanisms might be put in place to eradicate sexual harassment and to make those experiencing it feel supported, protected and believed. They are motivated in their quest to have safe workplaces, unlike their own experience.

The lasting impacts - the interview as 'thinking about the harassment again'

One factor to be considered in doing research which asks participants to reflect on what has been a distressing or traumatic experience is the impact of the research itself.

One participant who initially volunteered withdrew at the end of the interview. Afterwards Jackie explained that she was surprised how affected she was by recalling the experience which occurred nearly five years before. She described feelings of fear, particularly that her old workplace would find out. She said that she hadn't expected to feel this way. At the time she tried to play it cool and minimise its significance, but suffered neck aches and back aches which ceased as soon as she quit the job.

Jackie wonders, even now, if she was just overreacting and complaining: being a silly woman; 'you know how men say those things to you'. She wonders if she should have said 'no' earlier, but says she gave him many chances because she wanted him to stop it himself, wanted to give him the benefit of the doubt. She was new in the workplace, had just arrived from overseas and wanted to try to fit in. She had asked her manager if she could swap desks so as not to be near the harasser but the manager said 'no' and told her that the harasser was just joking, to ignore his jokes if she didn't like them.

I don't know why I feel like this. Is it normal to feel like this? When I read the [Project] Information Statement about possibly feeling distressed I thought, 'No, not me' but now having talked about it, all the feelings are coming back. Maybe I want to leave it behind me and concentrate on the positives, pretend it didn't happen. [The project is] a good thing, everyone should be made aware of how it affects people.'

Another woman initially indicated she would like to be interviewed. Later she felt reluctant when the time came. She had read in the Participation Information Statement that participants would be sent their interview written up as a case study to review and approve before its inclusion in the final report. Carrie decided that she couldn't risk going through this process for the sake of her own mental health; 'I don't think I could face it - seeing it on paper. I've spent a year trying to deal with it, seeing counsellors and psychologists, and I don't think I could put myself through it'.

Discussion of case studies

Most sexual harassment is what we've called small, mundane and accumulating; and it permeates our lives ... It's crucially important to name the 'dripping tap' behaviours, events, and situations as sexual harassment: by doing so we recognise that they're important and common, rather than trite and confined to 'just me' and my 'peculiarities', and we see them as limiting, oppressive and ethically wrong political behaviours because they attempt to disempower us. Out of this we come to see that 'politics' is about power, influence and control, and can be located in the most humdrum and supposedly 'insignificant' of things. (Wise & Stanley, 1987)

The ten case studies detail the participant's unique experiences in different settings, scenarios and structures. However, there are many themes that recur in their stories which illustrate commonalities and generalities of sexual harassment experiences. This section of *TAKING IT SERIOUSLY* is constructed around key interview questions. Participants' responses to these questions are collated according to predominant themes. Direct quotations from interview transcripts are used in recognition of the participants as experts in their own experiences.

1. **Is this sexual harassment?** The continuum of sexual harassment behaviours

Both the EOCV and HREOC describe sexual harassment as unwanted or unwelcome behaviour of a sexual nature. Sexual harassment can take many forms, obvious, indirect, physical, verbal, written and visual. The WASH survey listed the following examples of sexual harassment:

- uninvited physical contact or gestures
- unwelcome requests for sex
- sexual comments, jokes or innuendo
- intrusive questions or comments about a person's private life
- displays of offensive or pornographic material such as posters, cartoons, graffiti or calendars
- sex-based insults or taunts
- unwanted invitations of a sexual nature
- offensive communications such as letters, phone calls, faxes, e-mail messages, SMS messages
- forced or non-consensual sexual activity

While all these behaviours are unlawful under the federal *Sex Discrimination Act* and Victorian *Equal Opportunity Act*, a number of them, including forced or non-consensual activity are also criminal acts. Many of these unlawful behaviours are perpetrated against women in many aspects of their lives and are often normalised, trivialised, judged as 'not serious' and not considered unlawful. As a consequence women often ask whether they have a right to question such behaviours in the workplace if it is held to be insignificant or 'only a joke'.

From these case studies it is evident that participants internalise these judgements leading them to question whether or not what they experienced was 'really sexual harassment'. Participants described their experience of a wide variety, incidence, frequency and combination of sexual harassment behaviours.

Frequency, seriousness, perceptions and degrees of discomfort

The closest physical contact was putting his arm around me, pulling me towards him, like he was going to kiss me and coming up close to me and handling his genitals in his pants while he was talking to me and things like that but he never actually touched my breasts or anything like that. *(Stephanie)*

... run his hand down my back just as if I had something on my shirt or something ... There wasn't all that much contact it was what he said and you know, all the time. *(Denise)*

It just felt out of place and it made me uncomfortable. I think that's probably the factor that really changes the line between appropriate and inappropriate, the fact that it made me uncomfortable and the fact that he said it to make me feel uncomfortable. *(Shelley)*

This was before I got to realise that he had an intention. I was really naïve thinking that he's a nice person ... an older male, and especially because he was high up. I thought, 'Oh he's looking after me here maybe because I'm young and he knows what these people are like'. *(Michelle)*

[Sexual harassment behaviours] are often not taken seriously by people but the impacts of a pinch on the bum or a comment or a physical punch or assault are just as great. *(Richard)*

Verbal sexual harassment; is it just a joke?

He was fine for the next few days and [then] began stepping up with that, 'Who were you with last night?' and 'Who have you been going out with?' A few days he texted me at four in the morning saying 'What are you up to?' *(Shelley)*

He would say ... ridiculous, childish stuff which is really dirty ... When I say that people consider it amusing, it was just too childish for me to sort of consider in or outside the workplace. *(Shelley)*

On the Monday [he] asked, 'Did you get sex at the weekend, did you get a bit?' I didn't answer him ... I thought, 'Why do you want to know that stuff about me?' *(Angela)*

... making you doubt yourself. 'Is it me? Am I overreacting? Why does this annoy me? Should I just be able to laugh it off?' *(Isabella)*

With my boss it used to happen when his wife was out. Comments [like] 'nice arse', 'how big are your tits?' Really sort of blatant stuff but said in a way that you were supposed to take it as a joke. *(Magda)*

I think those comments can be just passed off. The presumption will be that it can just be overridden because it's such a busy, vibrant place ... There's like higher sort of goals to be achieved, so ogling and comments are seen as very on the periphery. *(Magda)*

Sexual harassment or mutual attraction – power relations in a workplace

It's not even a matter of whether or not it's unwanted or unwelcome. It's a matter of whether it's OK or not, even if it is wanted and welcome and some women do want and welcome it. Is it OK ...in a workplace? *(Magda)*

I know I didn't do anything out of line for him to get the wrong idea, and even if I had he should have made sure that he set appropriate boundaries being in a powerful position. *(Michelle)*

2. Whose responsibility to act? Decision-making, influences, strategies, barriers to lodging a complaint.

People's responses to sexual harassment and the decisions or actions they take as a result are made in a social context, according to their place in the wider society and its structures. Responses and decisions are shaped by community attitudes and prevailing norms of 'proper', gendered behaviour.

Both social structures and individuals are able to exercise power. However it is patently obvious that a social institution will be able to exercise more power than an individual, and that an individual from the dominant group will, for the most part, be able to exercise more political, social, and economic power than a member of a subordinate group. Power may be dispersed throughout society, but it is not dispersed equally. (Mullaly, 2002:22)

The participants took a number of factors into account when considering their responses to sexual harassment. They describe barriers to making an in-house complaint or reporting externally, including fear of losing their job, especially if they worked in a casual position. They also described workplaces where harassers were supervisors or managers or had influence over their job security. Internal grievance procedures or policies were non-existent or not enforced or if used, rendered the complainant subject to victimisation. Participants were afraid of commonly held attitudes which could blame them for the harassment. Some participants indicated they did not know of their rights or wider supports. External supports such as unions, counselling professionals or HREOC, were not always helpful or accessible. The picture is of systemic barriers to reporting sexual harassment to someone in authority.

Participants felt the onus was on them to speak up, take action, and respond to the sexual harassment rather than employers taking action to prevent sexual harassment. The approaches were often directed at changing their own behaviour: conditioning their own actions and responses to try and 'prevent' the harasser's actions, even though at some level they knew that the perpetrator was responsible for the behaviour and only he or the employer could stop it happening.

Many identified that they wanted to be able to stop the sexual harassment. They tried many and varied strategies for survival. Their stories demonstrate a strong sense of agency in making decisions, acting to resist and challenge sexual harassment and victimization. Eight out of 10 participants made an in-house complaint to an employer, a manager, company counsellor or external agency. Those who complained all ended up leaving their jobs. Seven out of 10 participants reported leaving their job due to the experience sexual harassment.

Being polite, defusing the situation, saying 'no'

It wasn't asked for and wasn't responded to. I used to say to him, 'Jack, you're married to a lovely wife'. Or I used to say to him 'Jack' and walk out of his office. One time he did ask me 'Can I kiss you?' And I said, 'No' and walked out. That was all the time ... he knew that I was embarrassed and didn't wish those advances ... (*Denise*)

I had to develop ways of saying, 'Oh thank-you. That's really lovely of you to ask. How nice of you. Perhaps we could talk about that later'. Whereas, I really didn't want to talk about it at all. And that's a really scary position to be in because you don't know if that's going to defuse the situation or inflame it. And in that way, I suppose the other feeling that it leaves you with is responsibility, for this person's behaviour. (*Isabella*)

I said, 'I'd actually prefer you didn't do that and yesterday I was really uncomfortable'. He apologised and said he didn't realise it was making me uncomfortable but for the rest of the day he was in a really bad mood with me. (*Shelley*)

I think I made a mistake by trying to make him feel comfortable at our campus. I think he thought it was something different ... You just assume that someone who has been teaching in a secondary school for quite a number of years is a professional adult ... it turned out he wasn't. *(Stephanie)*

Preserving a sense of control

The way I got through it was to continue believing that I was a capable and strong person, like a defense or denial mechanism against the harassment. *(Isabella)*

I wanted to be able to assert my position ... and be comfortable there. I want to sort of tame the beast really and I'm not going to quit my job just because he's being an asshole to me. I'm going to continue working there and let him know that he can't just fuck with people's heads like that. *(Shelley)*

Self doubt, self control, self-preservation: but who's responsible?

I'd bend down in a particular way rather than in a way that was easy to bend down. I can't even think of it all, just ways that you knew would draw the least amount of attention to yourself. Or you hoped would do that. *(Isabella)*

I've decided to try to avoid creating an environment where it could occur ... in the day-to-day things. Things that he could hear, things that I would do around him and that sort of thing. *(Shelley)*

I felt really guilty as well because if she overheard him saying things like that to me she might think, 'Well what has she been doing? Has she been encouraging him?' I was really nervous that someone would ... listen to how I reacted to see if maybe I was flirting with him in some way ... *(Shelley)*

I was thinking they were going to think it's my fault 'cause I was the only girl there. And, 'She's come in and she's going to create all these waves and stuff'. That's the way I sort of envisaged it. *(Alice)*

They believed that because he had a disability he didn't understand that what he was doing was wrong ... But the guy that worked with him said, 'He knows very well what he's doing, he knows the difference between right and wrong'. *(Caroline)*

I probably should have confronted him and told him to get lost or whatever but it's not my personality to do that and I still don't know if I'd be able to do that to anybody to this day that held a position of power above me. I've been brought up you don't speak to your superiors or your elders in that manner. *(Stephanie)*

Complaining: balancing workplace culture, career and potential outcomes

If I had gone to the owner who was friends with lots of [patrons], I think I would have been viewed as a troublemaker ... and somebody who didn't have a sense of humour ... wasn't really part of the club ... didn't understand the culture there and therefore was not really suitable. *(Isabella)*

If you got offended, the whole workplace was like, 'Well, what's your problem, customers are saying that anyway, what's your problem?' So it was kind of normalised. 'That's the culture here and why are you making a big deal about it?' *(Magda)*

I'd prefer to stay. I don't want to bounce from job to job. I'm into creating a good job credit rating ... I intend travelling ... so if I come back to Melbourne I will have a job to come back

to. I want to maintain good relationships in the hospitality field. It's a very old business, and they have lots of contacts that I can use for myself. *(Shelley)*

I took the opportunity to say to her [the principal] that ... there was a problem. It was a big step for me because she was a close personal friend of his ... I thought, 'it's her responsibility'. I got a complete rebuttal from her. She said 'treat it as a joke' and basically that was all her response was, 'treat it as a joke'. So of course I had a nervous breakdown. *(Stephanie)*

People have families and priorities so there's real economic risk there too ... risk of being ridiculed and sort of, 'What's wrong with you?' *(Michelle)*

Because he was the boss I sort of went along, even though I ignored it. If I had have said anything, my life would have been made hell a lot sooner than that. Because I know the family extremely well and I know how they deal with people. *(Denise)*

He knew I wasn't going to 'go there' and ... it affected my work immensely. I always felt under pressure. All of a sudden I wasn't performing. I was not fast enough. He just did a complete turnaround, 'You're not performing, you're going too slow. *(Michelle)*

As for anyone in my workplace I really doubt that I would say anything to them. It would probably wreck them and their business as well and I'm not that selfish really. I feel a sense of responsibility. *(Shelley)*

Failure of management to believe and support

The principal ... didn't believe me because she was a female and he didn't try to sexually harass her. I thought, 'How stupid are you? If you know anything about sexual harassment he's not going to harass you, is he? Or any of his peers, they pick on people below them'. *(Stephanie)*

He put it back on to me, 'Caroline if you don't think you can cope with it then you really need to consider whether or not you can do the job. I said, 'Well I don't' see why my rights don't exist and he has got rights.' *(Caroline)*

If I had perceived even the slightest show of support things may not have gone as bad as they did. I probably wouldn't have had the nervous breakdown. *(Stephanie)*

I tried to tell [the work counsellor], 'Excuse me, I'm here for the harassment case. I'm here because I'm concerned about what I've done, can you make me feel a bit better. Have I done the right thing?' *(Michelle)*

I thought, 'Oh it's good that she's checking in to see if I'm alright, someone is asking me if I'm OK'. Then she undermined that by saying to me, 'Oh well you know you are wearing a really short dress'. *(Caroline)*

The counsellor met us at the gate and she said to me, 'Oh look you know this is all silly. We all love the touchy feely hugs and kisses and stuff we get from this chap. Why are you being so silly about it? He's been doing this for years and years and we all love it.' *(Stephanie)*

Fear of victimisation by association with victims of sexual harassment

None of them were prepared to say or do anything about it and they were all too scared to support me. They were terrified because in the past when anyone had ever taken a stand on any issue, they found that they very quickly were out of a job. *(Stephanie)*

There were too many of them and I was new. I didn't want to cause trouble even though I didn't agree with it. I kept my mouth shut. I did my work but I spoke to Rosie ... I'd tell her, 'This is wrong, you're being treated badly'. But there's no way I would stick my nose into it. *(Michelle)*

Women, casual work, vulnerability and exposure to sexual harassment

I was supporting myself through study. I had to work evenings and when I went into that job I had no previous experience ... I don't know where else I might have been accepted at that age ... and whilst the wage comparatively was appalling, they still did pay award wages. *(Isabella)*

Because I'm only a casual he doesn't have to give me notice or anything and this job is the only reason I can survive really aside from money I'm getting from Centrelink. But it's definitely not enough. I'm studying as well. *(Shelley)*

Being a casual puts you in a particularly vulnerable situation because if you don't have security of employment you're much more prone to being harassed and putting up with things [because] you don't know if you're going to keep your job. It's a really big worry, because women are predominantly casuals ... *(Caroline)*

Impact of sexual harassment on work performance

His constant hovering over me coupled with the fact that he might be looking down my top makes it difficult to concentrate and then if I do make a mistake he then pulls me aside and says, 'Now Shelley you did this.' *(Shelley)*

I think I used to be exhausted ... it's the hardest job I've ever done, because you're not just dealing with obvious harassment from the boss, but having some customers who might have sat there for four to five hours, constantly staring at you every time you came out to put a plate on the table. *(Magda)*

My work was being affected as a lot less was getting done. Just because I was always looking behind me. *(Alice)*

Sexual harassment as a part of a wider culture that demeans women

I do have to think about if he's looking down my top but that's sort of in the back of my head about a lot of people, not just since I've started working there but constantly ... It's just a real shame that women especially have to keep that in mind all the time. *(Shelley)*

I think that women are hyper-vigilant about how they look anyway and it does reinforce, that sort of stuff. It's, you know, 'What are you wearing? Are your tits going to be stared at all day if you wear that?' which women go through anyway, but I think that after those experiences I'm even a bit more aware. *(Magda)*

I think workplace sexual harassment is part of the larger imbalance of power between men and women ... Just another way of ensuring that women are demeaned ... and belittled and that they're not taken seriously as equals. *(Isabella)*

3. This is what has happened to me? Impacts and effects of sexual harassment

There have been numerous studies which document the deleterious effects of sexual violence including sexual harassment on people's lives. The *Women's Safety Strategy, Victoria 2002* outlines how, 'violence including sexual harassment has enormous consequences ... on individuals, families, businesses and communities'. Pertinent to sexual harassment the impacts listed are:

- the ill health of women including physical injury
- psychological and emotional trauma resulting in low-self esteem, anxiety, depression or other mental health issues, substance abuse, social alienation
- high levels of ongoing fear which reduce quality of life and women restricting their activities
- breakdown of family and personal relationships
- high levels of stress on individuals and families of negotiating the justice system
- low morale, staff turnover, absenteeism and reduced productivity as a result of workplace harassment or violence
- devaluing of women's position in society
- normalising of violence within the community
- economic costs to the individual and to businesses, government, community through service provision to those affected. (Office of Women's Policy, 2002:35)

All these impacts can be found in varying combinations in the case studies in this project. They are testament to the serious consequences of workplace sexual harassment to the individual, the employer, government and the community.

Only two of the ten participants did not make a complaint about their experience to someone in authority in their workplace. Of those who made complaints six of eight reported physical and psychological health implications as well as negative financial and social effects. Of the two who did not report at any level one remains in the same workplace. The other left her job when her study ended but was affected psychologically and felt devalued as a human-being.

Sexual harassment and women's entitlement to full participation in the workforce

I know that it made me feel like I wanted to leave. Not satisfied I suppose is how it made me feel. It was an obstacle that always got in the way of your work. You have to be tactical and strategic whereas you shouldn't need to do that. (*Isabella*)

[WorkCover] were on the phone going, 'Why can't you go back to work four hours per day or two days per week and we can place you doing this job. I said, 'I'm a tradesperson, I was employed to be a tradesperson, why should I go and work as a customer service person, that's ridiculous'. (*Alice*)

That was my mother's attitude, 'Oh it'll mar your employment record. You'll never get another job, that'll be it, you're only young, you've got your whole life of work'. (*Caroline*)

Feelings of guilt, shame, embarrassment and responsibility

Sometimes I would feel myself blush and on a few occasions he said, 'Would you like me not to say these things?' And I said, 'Yes'. (*Denise*)

Being made to feel responsible, embarrassed all the time, mortified, humiliated and angry. Definitely. (*Isabella*)

I thought am I trouble? That's what I thought. I can't say anything because I'm just considered a trouble maker. (*Angela*)

Distress and distressing responses to the report of sexual harassment

My doctor referred me to a psychologist for three or four meetings and then she said, 'I don't really need to see you anymore'. I think she was trying to 'suss' out if I was unstable or not. I suspect it was to see if there was anything wrong with me. (*Stephanie*)

You could have made a claim to WorkCover, and you have to go to the doctors, a psychiatrist. So unless you're a very strong person, and I know what it would do to me, even though I would like to stand up for the right it would take ages to recover from an experience like that. (*Denise*)

Then I went and grabbed my things and I was crying and I said, 'That's it, I'm out of here, I'm not coping with things at all'. I didn't say I was going to go home I was just really upset. And he said, 'I think you better go home, I don't want you crying on the job'. (*Angela*)

[My] boss said, 'No you have to be there. You're in the front line. You're the point of contact for the [office] and you can't let these students just freak you out because you can expect worse than this'. (*Caroline*)

Survivor courage, persistence and resistance

I've had a cry. I was crying a lot a while ago but I sort of figure, well the fight's on now and I'm determined to get better. (*Angela*)

Eventually what I did was leave the system, it was my only option. It took them ages to get rid of me and I feel that I at least had a small win with that fact. (*Stephanie*)

Throughout the whole process I've felt angry and when it was going on I felt embarrassed and really wished that he would stop making the comments. I was very happy working there and I did feel that he would get sick of making the comments after a while, but that wasn't so. (*Denise*)

It's better now. I think I'm moving in the right direction. But like today, if I sort of have to think about it too much it all comes flooding back and causes me distress again. (*Stephanie*)

You can't remember everything that went on. It's like you don't want to know about it. You block it all out and move on. And the other day I read my notes and straight away I felt the anger, and I thought, 'Whoa'. (*Angela*)

Overt and covert pressure to leave the job

I actually signed a contract after a month to say that I just quit because I'm not working up to performance, even though I had been. I just wanted to get out of there to be honest. (*Michelle*)

It was probably the start of the depression I'm being treated for now and it sort of carried on from there until I got asked to leave the company for making a few mistakes ... (*Richard*)

I'd already been to the doctor's and said I just couldn't return. My sister and my son and daughter wanted me to stay there until I got another position and I said, 'I just can't do it' and I was just sort of going down all the time. (*Denise*)

Well in the end because [the victimisation] was so bad for quite a few people there, with the stress and the pressure, I quit. That was my way out because I thought I'd had enough. When my health and safety is at risk that is too big a price to pay. *(Angela)*

Immediate and ongoing financial and employment consequences

I've lost my job, income, had to reassess things. I can't spend any money apart from on the essentials. I don't have any great savings or anything. *(Denise)*

I've paid my bills with my holiday pay, I'm living on holiday pay. I got my first dole cheque last week [November]. I left at the end of September. *(Angela)*

I left an administrative position to go to a more insecure position so I think financially it's been very detrimental ... I feel like I've been punished in some way. Financially I have suffered as well, and professionally. *(Caroline)*

He has caused me a lot of hardship in that I don't have a job, my own job. *(Denise)*

Associated anxiety and psychological effects

I went through a lot of depression and do go through, especially around the time of the year that it happened ... Sometimes I also have nightmares of him attacking me and I suffer now from eczema. I've cried a lot and ... I've got my telephone paranoia. *(Caroline)*

I felt a range of emotions, terrified, frightened, angry, powerless; causing me to suffer depression, and later on anxiety. *(Stephanie)*

He caused me a lot of stress and anguish. He's made me ill. He also caused me to lose a lot of weight, about five kilos, which is a lot for me ... He's also caused my family and my friends a lot of stress too. *(Denise)*

I still don't like to be around a lot of people, which before wouldn't have bothered me at all. I couldn't go to a concert or anything like that now. Shopping centres are all right now, just, if I've got my fiancée there or a friend. *(Alice)*

Physical health and related employment consequences

My health has suffered ... mentally I've suffered too because of the medication. I still can't sleep properly at night. I probably sleep four hours, if you're lucky five. *(Denise)*

It affected my life dramatically ... terrible health problems, and I found as time went on I was becoming less and less effective in my job because I just couldn't cope. *(Stephanie)*

When I left I thought, 'My shoulder is injured. It'll heal and I'll get back and start another job'. Now I can't work, I've got medical certificates stating I'm not allowed to work until I have an operation. *(Angela)*

Regrets and plans: learning the hard way

I suppose since then the thing that got to me was the way that I reported him to the company counsellor and eventually he was asked to leave. I suppose I felt like he's now working at another company and he should have been ... I felt I didn't deal with it decisively. I could have reported him to the police or something like that. *(Richard)*

If you speak up, you get paid back. I would **never** do it again! Next time, I have my own ways of dealing with it. That might be wrong, but I know, if ever I get in that situation again, which I hope I never will, I know exactly what I'm going to do. *(Angela)*

Preparations for next time!

I think if it was comments I'd go through all the processes that are generally set in place in more formalised organisations, but with the ogling, that's a hard one. I'm not sure to be honest. It has happened [to me], in more formal, bureaucratic organisations. *(Magda)*

It made me realise my rights. I became a bit staunch. It made me aware of how unprofessional managers can be, and not to trust the union. *(Angela)*

If it happened again, I wouldn't back down for sure [because] I know in the end you do get justice one way or the other. I probably wouldn't even be intimidated anymore and I don't think I'd feel overly threatened. I reckon I'd probably feel really angry. I'd feel really sorry for someone if they tried to do it again, I just wouldn't take it. *(Alice)*

Watching yourself; trying to avoid further sexual harassment

I'm very, very cautious and suspicious of men, and anyone in a position of power. It takes me a while to get to know people now and I'm always thinking, in the back of my mind, 'Don't offer too much friendship. Don't be too friendly or whatever. Keep it all on a certain level'. It's basically a strategy to ensure my safety; I couldn't cope if it happened again. *(Stephanie)*

I think they're going to get the wrong idea. Maybe they'll think I'm trying to pick them up just by being friendly. I'm thinking, 'If I'm friendly you're going to ask something else and I don't want to know'. So it's turned me into a hard-arse. I feel that I if don't I'll get burned, [because] that's what's happened. *(Michelle)*

It makes me a lot more protective of myself, and especially like I don't really work with male students doing tutoring. I tend to work with female students and ... I'm still very protective of my privacy. On public transport I'm very, very protective of myself and quite hostile sometimes to men, and at home ... It's pretty hard though; you don't want to go around putting out hostile energy. *(Caroline)*

And if what you were wearing was showing whatever amount of skin you just get even more harassment and comments. I didn't wear stuff that showed much. Some women can deal with that but I don't like that stuff. Like even wearing a singlet top, I'd be like, 'Oh, how low is it?' So I had to be constantly vigilant. *(Magda)*

Looking for explanations: sexual harassment is a social problem

I believe it's because it's part of a patriarchal way of men dominating women. Another way of ensuring that women are demeaned and belittled and have it reinforced that they're not taken seriously as equals ... *(Isabella)*

Men hold positions of power and ... currently they get away with it. Nobody addresses it. Nobody challenges it. So it becomes a normal part of behaviour. I think they [men] think it's an entitlement that they're able to do that. It goes back to the way that society is structured and the fact that men are seen as more powerful. It's hard for women to take action because, 'What's the big deal? It happens every day. It's part of our society. It's how we are.'
(Michelle)

4. Who can support me? Are current supports and mechanisms effective for reporting sexual harassment?

The participants used a range of resources, inside and outside their workplaces, to deal with sexual harassment. Co-workers were often used for de-briefing and validation, but many work mates felt too intimidated to offer any overt support for fear of being victimised. Commonly, participants approached team leaders and managers, Human Resources managers and work counsellors when they could. None of these provided a satisfactory outcome to this group. On many occasions the participants either had to put up with continuing sexual harassment and subsequent victimisation or leave their jobs. Policies, if existent, were often not enforced or regulated. Participants felt that the problem in the workplace was 'silenced' at every level.

Externally, they found getting help very difficult. Many participants did not know of the EOC or HREOC or if so, did not know of their functions or were unprepared to put themselves through a process where they felt they might be on trial or have to face the harasser again. External psychologists, counsellors, social workers or doctors sometimes attempted to shift the blame back onto the victim or were unable to advise adequately due to lack of training or education. Trade unions were often inaccessible or unwilling to support one worker over another, particularly when male union membership was at stake. Initially WorkCover was noted as 'useful' because they investigated complaints. This provided some validation for participants although the experience afterwards, as a client of WorkCover was less than supportive.

Some participants found the only help was using a solicitor; an option prohibitive to most. A few wished, in retrospect, they had used the criminal justice system, but were not made aware of that option at the time. Job Watch, an employment counsellor and an equal opportunity branch within a university were mentioned as useful independent services where participants were supported, well advised and felt the service was relatively accessible.

Sexual harassment after 20 years of legislation – what's not working?

I found [it] extremely hard to find anybody to talk to or to help me. I tried Equal Opportunities; I tried CentreLink. They said they'd send out some literature but I needed to speak to somebody and I didn't know where to go or where to get some advice. (*Denise*)

With Equal Opportunity you could go there and have a meeting over it and you'd be both there. I know he has rights too, but ... it affected my life, and I don't think I should have to go through all that. (*Denise*)

They now have workplace policies on sexual harassment and bullying but it didn't help me. They're there for a reason but if you speak up, you get paid back. (*Angela*)

I'm not overly impressed with the policies ... if you do not enforce them you may as well not have them. When I was on WorkCover we had documents sent out to us ... going over the whole thing. That was quite infuriating actually because I thought, everything in these policies that happened to me, [was] let go. I mean they interviewed the people and everything, but it just kept going on and on and on for 17 months. (*Alice*)

Responses from professionals including WorkCover, psychologists and doctors

The psychologist helped...she sort of challenged me. I said, 'What right have they got to treat me like this?' And she said 'Well where is it written that they have to be nice to you?' She said, 'Just because you expect people to treat you a certain way it's not always going to happen'. It was a little bit helpful at the time but not a whole lot helpful. (*Stephanie*)

I had one counselling session with [a work counsellor] because I said I felt bad about complaining. She turned around to me and asked, 'Now what are you really here for?' and I looked at her, I couldn't believe it; she was a counsellor. *(Angela)*

When I was in the psychologist's office, I felt they were trying to put the blame and responsibility for all this on me. Every single time I went in there they'd get to the end and say 'You're pretty normal'. I'd say, 'Yeah I know that. I'm glad you realise that'. It was pretty offensive actually. *(Alice)*

It was handed from WorkCover to the employer's insurance company and they just started harassing me. They were just as bad as the harassers. *(Alice)*

I had spoken to the company counsellor separately about this and he advised me not to take it further which in hindsight I now think was wrong ... Then again he was a company counsellor and the company was paying his fee. *(Richard)*

Feeling isolated and ill-equipped to deal with the situation

I didn't have any other experiences or knowledge of what else to do. That's part of the problem I think. Probably a lot of people, who fall into this position, don't. *(Stephanie)*

You feel really alone. It's really stressful. I was just sick in the stomach, wanted to vomit. I lost a lot of weight, couldn't sleep. I was just a physical mess. I thought I was stronger and it just goes to show you it can affect you and you don't even realise it. *(Angela)*

I really didn't know my rights; I didn't know where to turn to get support. *(Stephanie)*

EOC/HREOC processes: intimidating, inadequate, unknown or inaccessible

I was going to take him to Equal Opportunities but in the end thought what it was going to do to me. I'm not going down the drain. *(Denise)*

I think my barrister got advice from the Equal Opportunity Commission. She was doing all that sort of side of it. I really never spoke to them. I think I might have made one phone call. *(Alice)*

[Management] brought in a woman from the Equal Opportunity Commission. She talked to the entire staff about sexual harassment and at the end of the session she said, 'Has anybody here got any complaints?' ... In front of the entire staff she asked for hands up. You're not going to put your hand up in a room full of 60 or so members of staff. *(Stephanie)*

I read about some of the available referrals and I didn't know any of that stuff really existed. *(Michelle)*

Trade unions: failure to represent victims of sexual harassment

Even the union people are careful and work with the managers to make sure they're doing the right thing. *(Michelle)*

The union decided that they should back the guy because the rest of the male workforce was backing him. [They] jumped off my case and thought we better go with all the guys or they won't be in the union anymore. *(Alice)*

It made me aware ... not to trust the union. From then on I stopped being in the union because they don't fight for you. *(Angela)*

I wasn't getting support from the union. [The harasser] was a union rep, so there was limited support there, in fact virtually none. *(Stephanie)*

5. What's happening in our workplaces? Workplace responses to sexual harassment

It is the experience of many participants that employers and workplaces are deficient in their understandings, and strategies for deterrence of workplace sexual harassment.

The Victorian Women's Safety Strategy 2002 (Office of Women's Policy, 2002:1) reports that one in three women have experienced violence or serious threats of violence in their adult lives. Workplace sexual harassment is part of a wider phenomenon of violence against women.

Responses of workplaces and employers may be interpreted as a reflection society's general apathy about violence against women. However, it is critical that they are held accountable for creating and maintaining a safe workplace for all employees. Such obligations are required under legislation, such as the Victorian *Occupational Health and Safety Act 1985* and the various state and federal Sex Discrimination and Equal Opportunity legislation. Acts and threats of physical and sexual violence are also prohibited under criminal law.

Participants talked about employers' unresponsiveness to workplace sexual harassment. They discussed issues such as:

- employers' responsibility for their protection
- employers' complicity in workplace sexual harassment
- workplaces as a snapshot of wider society
- lack of or unenforced sexual harassment policies
- male-dominated workforces and management structures
- not being believed or having responsibility shifted onto them instead of harasser
- casualisation of work a factor in vulnerability
- ineffective grievance procedures
- bullying and victimisation
- workplace cultures of harassment

Employers and harassers have responsibility for stopping sexual harassment in the workplace

I think it is always the responsibility of the individual [harasser] but when that harassment is in a workplace it is also the responsibility of the owner or manager of that workplace – always. If management made it very, very, very clear at the outset that you ... can have your job taken off you or you will not be allowed to drink here then those people would not actually feel supported in doing it. It wouldn't continue. (*Isabella*)

Your manager is responsible. They're supposed to oversee the whole workforce ... know when things are happening. It's your right to have a safe workplace. (*Alice*)

Management have got the run over the whole show haven't they? I mean it is their business but workers have rights too, human rights. (*Denise*)

I think it's definitely management responsibility to stop sexual harassment because they have the power. They're the ones that can actually secure the workplace to make sure that it doesn't happen. Lots of women that I have spoken to have received no support from management. They've been quite complicit in [the harassment]. (*Caroline*)

Definitely the bosses or the team leaders are responsible for stopping sexual harassment. They should be aware of that. They are aware of it but what type of training do these people do? If you've got that position, you're getting paid for that position, you should be professional. *(Angela)*

I think it's the employer's responsibility because they're responsible for your health and safety in the workplace. I think the minute there is a breath of inappropriate behaviour they should be investigating it and doing something about it. *(Stephanie)*

[The EO officer] said, 'Do you want me to talk to your boss about it?' I said 'No, because I will get punished for that'. She said, 'Well, that's against the law. They can't victimise you. That's even worse than harassment'. *(Caroline)*

Sexual harassment in the workplace: a culture of tolerance

Part of hospitality as a service industry is based on attractiveness, on a particular look that they want. I think once they've sort of 'sussed' you out that's when it can start. Or if there's a culture of it, that's when it starts to occur. *(Magda)*

Everyday stuff happened, and in all shifts, even whistling ... there was whistling all the time, no matter where you went you just got whistled. It became normal. *(Michelle)*

I discussed with the manager how [Darren, the harasser] was relating to me. I didn't even say his name and the manager said, 'It's Darren isn't it?' And he goes, 'Well you know Darren, he's got problems with females'. I thought he should have done something about that if he was a proper manager. *(Angela)*

I had a number of them come up to me and say, 'Oh he's been doing this sort of stuff for years and years and nobody has had the guts to come out and talk about it'. *(Stephanie)*

I'm pretty certain that everybody in the workplace knew what was happening. It would have been obvious, but whether everybody would have defined it as sexual harassment is another thing. That would have just been considered part and parcel of the work. *(Isabella)*

Employers are required to have an active sexual harassment strategy

My workplace did not have any policies or training around sexual harassment and I would have known because I knew the business inside out. *(Denise)*

... so that everyone knows what's right and what's wrong. So the perpetrator knows that what [they're] doing is wrong [and] should stop and the victim knows what he's doing is wrong [he] should stop. *(Shelley)*

They had all their policies and all the legislation. Everyone was happy about it. It was on a big glossy colour page and stuck up everywhere but it was never enforced. I stated on several occasions to them, 'Don't send me that stuff. If you don't enforce it, I'm not reading it'. *(Alice)*

My boss saw my [anti-sexual harassment] poster and he said straightaway, 'Caroline that is not to stay there you have to take it down ... because it's intimidating to the students. I said 'I think that sexual harassment is intimidating'. He said, 'the students will find it aggressive, it's offensive to students. It's going to put people off'. *(Caroline)*

They had nothing in place, no training, it was never mentioned. They were very negligent in any sort of policy regarding staff health and safety. It was absolutely appalling. *(Stephanie)*

I think that's probably why they don't support people making [complaints] because they just can't believe that somebody could be doing that. What people don't realise is that [harassers] pick their victims very carefully and they're very clever. *(Stephanie)*

Shifting responsibility to the victim to monitor and prevent sexual harassment

He said my salary was under review ... but that was a ploy that would take all that [harassment] away, that would make that better. Well that didn't [work]. It was just an insult to me. *(Denise)*

I got some advice like maybe you shouldn't wear a bonds t-shirt, maybe it's just too fitted. I ... thought, 'Oh maybe I shouldn't'. I think the team leader said that and a co-worker, and it's the uniform. *(Michelle)*

I was hoping that she would allocate someone else to that [the harasser's] role when the time to change came over ... She said, 'Treat it as a joke' and basically that was all her response was, 'treat it as a joke'. *(Stephanie)*

[The co-owner] said, 'Just make sure he doesn't do it to you, like in an inappropriate manner', and she reinforced that a week or two later. *(Shelley)*

I kept saying 'Where's my protection, you have to protect me, that is your requirement as my manager'. He's like, 'We're all around so if you need any help just give us a yell,' and that was my support from my boss. *(Caroline)*

Casualisation and vulnerability of women workers

I said 'I'm really reluctant to go through my work'. Because I was just a casual, I didn't have any permanency. I said, 'My boss has made it quite clear to me that if I can't do the job then see you later'. *(Caroline)*

I've noticed there's been a lot of flyers around for casual workers which has been really good ... there's so many people who don't know their rights and responsibilities. Some casuals don't realise that you could be fired on the spot without notice. *(Shelley)*

They were both cash-in-hand jobs and they serve a purpose and you think, well, I can make an issue out of it, or just laugh it off until you finish needing that cash-in-hand job. I was studying so they served a purpose of getting you through a particular period. *(Magda)*

Male dominated management structures, workplaces and workforce

There is no female management, I mean there were some females on the line, but [the number] was quite low. I think a few people knew, who would like to enforce policy, but they're not in positions of power and then they're harassed by their colleagues saying, 'What's wrong with you?' *(Michelle)*

All I know is that we're not allowed to have any alcohol on the premises yet there's a drinking club [boy's club]. Every night they have a drink on the premises. There's only certain people who do it and they're allowed to ... obviously the rules get bent for certain people. *(Angela)*

They were all guys and a pretty tight bunch. If any new person came along, didn't matter if they were male or female, they were sort of seen as the enemy. It was pretty hard to even be accepted as a new worker, let alone the only female. *(Alice)*

Internal organisational grievance procedures: difficult or unjust in practice

I ended up making an appointment to see them ... I didn't want my boss to know so I was kind of undercover going to the sexual harassment unit ... it was just horrible. It was like I was committing a crime. *(Caroline)*

If I go to EO and he knows ... he'll crack the shits. He'll see that I'm going above his head and he'll get pissed. I know what he does to people when they cross him. *(Caroline)*

The meeting turned into, not a discussion of the problems and how we could resolve them, but an outright attack on me. After several minutes the psychologist said, 'This is destructive, we're leaving'. So we got up and walked out. *(Stephanie)*

She sort of turned it around against me in a meeting and started to blame me for it all. She was incapable of handling the situation. She was trained enough to be a HR manager but not in this specific area. Instead of asking for help or backup, she basically threw her hands up in the air and said, 'I can't do anything else. What do you want me to do? I can't just keep sacking these people'. *(Alice)*

6. Why does he do it? Harasser and harassment: power and control and consequences

All of the participants reported that those who harassed them had some sort of power or control or occupied a higher position in the workplace hierarchy. In this way they were protected by their status or their access to power. Harassers occupied various roles in the workforces:

- Male co-workers in male-dominated workforce, the 'boys club'
- Male patrons, customers
- Employer's and manager's friends
- Boss and owner, or part-owner of company
- Managers, general manager, employers
- Co-ordinators, team leaders
- Co-workers

The section *This is what happened to me* identifies physical, psychological, social and financial impacts for those who experience harassment. According to the survey results and interviews with participants consequences for harassers are insignificant.

In this study in only three instances were harassers penalised in any way. In Alice's case, one harasser was fired for the harassment and another was fired for another unrelated incident 18 months later. Richard said the harasser was asked to resign because of other inappropriate behaviour at work. In Michelle's words the harasser has a 'red mark' against his name but continued to work at the same job while she was moved to another area. The harasser in Stephanie's story left his position temporarily, but not as a punitive measure and is now working there again.

Harassers used a variety of tactics but the most common was harassing or threatening the victim while no-one else could see or hear. In industries where harassment was more generally accepted, for example, hospitality, harassment may sometimes occur as part of 'normal' service.

Managers and harassers misusing power and influence

He's one of my boss' favourite students, because he's worked with him, he still comes to the [office], and I of course left ... (*Caroline*)

[The principal] was a close personal friend of his, which is why I had avoided raising the issue with her. (*Stephanie*)

Because he was the boss and you don't have any [power], I sort of went along even though I ignored it. (*Denise*)

When I knew that, 'God, this guy's got a different intention. I've got to be careful here'. I kept my distance and ... he's got a powerful position, he was quite high up, he's like a general manager. (*Michelle*)

Choosing the moment: harassing when there are no witnesses

Actually coming close to me trying to physically touch me but subtly, standing close, or brushing my breasts, across my breasts, giving me the eye or touching my arm or his arm touching my arm, very subtle. (*Michelle*)

He would say things to me in his office, but he would also make the comments when his wife ... would be in the next room but I don't think anybody knew, or anybody ever suspected. (Denise)

I remember feeling quite threatened when the harasser said things to me when no one else was around. (Jackie)

He never did this in front of anyone. All this was sneaky, it was really well done. My work would go missing ... it had been moved somewhere else to undermine my work. (Angela)

I remember one time he said he was checking out the rear end of a girl who we'd just served. It was just him and I in the shop and he said, 'Oh yeah, I do that to everyone. I did that the first day you walked in here'. (Shelley)

Sexual harassment: apparently behaviour of no consequence

The only consequences he's probably had to suffer is that hopefully [his wife] will be paying out on him ... (Denise)

There were no consequences for the harassers. I can't think of one instance where there may have been consequences. Consequence was probably more acceptance in their group or a few laughs. (Isabella)

One of the [senior] managers in the company said that the investigation didn't prove anything but he had decided to leave the company. [The harasser] was asked to resign, he's working in a new job, married, got a baby. (Richard)

He had a red mark against his name. I said, 'That's all I want, I just want a red mark so he doesn't do it to any other females'. Why should it happen to anyone else? I'm glad because they got taught it's unacceptable in the workplace. But he got to stay there. (Angela)

It makes me angry that they couldn't actually fire him for why he should have been fired. They just got him on a little technicality. (Alice)

7. What happens when I do report? Outcomes of complaints

Some participants did not feel the harassment was 'serious' enough to report. This may reflect general trivialisation of sexual harassment, referred to previously. Of those who did, most found that formal or informal grievance procedures, of their employer's workplace sexual harassment strategy were non-existent or ineffective. Those who did lodge an in-house complaint often experienced bullying and victimisation from employers, managers or other staff members. Finding and using external procedures generally proved prohibitive and difficult for many.

The community agency Job Watch has noted how, 'The essence of any bullying is the misuse of relative power – which can arise in many areas: size, seniority, authority, control of resources other people need, or social influence', and that

Bullying in the workplace is sometimes called workplace harassment. Workplace bullying (or harassment) is behaviour that is designed to humiliate or degrade other people in the workplace. Victims of workplace bullying always know who the bully is. Bullying is a misuse or abuse of power and it usually gets worse over time. (Job Watch, 2000)

HREOC defines conditions for victimisation in the workplace:

Section 94 of the Sex Discrimination Act prohibits victimisation of anyone connected with a complaint. It is unlawful to subject the following categories of people to any detriment:

- a person who has lodged, or is considering lodging a complaint under the Sex Discrimination Act;
- a person who has provided information or documents to the Commission;
- a person attending a conciliation conference or appearing as a witness.

If a person is victimised because of a complaint, there are two possible options for dealing with it. The matter can be dealt with as a criminal offence or, alternatively, a complaint of victimisation can be made through the Commission's usual complaint process. (1996:56)

Like sexual harassment bullying and victimisation are unlawful, however appear to be common in many workplaces. Participants said that their employers had taken some action in regard to complaints, such as counselling for the harasser or training for the staff but that often such actions failed to stop the sexual harassment or victimisation. Many talked about the ineffectiveness of sexual harassment training, counselling for harassers and sacking the harasser for other misdemeanours.

Failure to protect the complainant: victimisation after speaking up

When I stood my ground and did something about it, it got worse ... commenting on clothing and picking on me. (*Michelle*)

I received a car puncture. I had coffee poured over my car. I had a witness to the coffee bit. Really childish stupid stuff ... they moved me and things kept on happening, deliveries missing ... The run they put me on was a huge run carrying a high volume of work. (*Angela*)

It escalated ... being pushed in a lake and then physically harassed. And then on a daily basis from the second person after the first one had been fired. A continual hate campaign because his mate had been fired. He thought he'd take up the cause. (*Alice*)

On Monday [manager/harasser] came in and was very cool. There was no sort of response. On Tuesday he ignored me when I said, 'Good morning'. (*Denise*)

I was really severely depressed and I remember that [student/harasser] hadn't come for a couple of appointments. My boss said, 'Get Caroline to ring him and see where he is'. The other worker said, 'Oh, look I'll ring him', and he said, 'No, I want Caroline to ring him'.
(*Caroline*)

Breaching complainant confidentiality: facilitating victimisation of victims of harassment

The second manager was the cause of most of my problems. He had no confidentiality. We used to come back from meetings and he used to tell all the guys what had been spoken about in these confidential meetings about my case ... Totally breaching confidentiality, which was a sackable offence. (*Alice*)

I got moved elsewhere and started on the big [delivery] run. From then on I got hell from the new team leader there. I couldn't do anything right. (*Angela*)

I didn't ever mention what had happened to me, why I had time off. No one ever asked either. I knew everyone knew because gossip spreads like wildfire in places like that. It was all just 'pretend nothing's happened'. Except that a few obviously had a vendetta on behalf of this chap. (*Stephanie*)

My boss talks with everybody after work and obviously they'd all been talking about it. There's no confidentiality in my workplace at all, everyone talks. He'd obviously said something. I could tell by the ways they responded to me in the morning. (*Caroline*)

Demanding complainant confidentiality: protecting employers and isolating victims of harassment

Under the terms of my settlement, I wasn't supposed to speak to anyone about the matter. (*Alice*)

I wasn't allowed to talk to anybody at work about it. Actually I wasn't even supposed to talk to my family about it because I could get sacked. The boss told me this; it's all written down in a letter. So if I spoke to anyone about it at work even though it was going on in front of other people as well, and they'd mention it to me I'd say, 'I'm sorry I'm not allowed to talk about it' ... So you feel really alone. (*Angela*)

8. Why sexual harassment continues to happen – locating sexual harassment in a wider social and cultural context

The *Victorian Women's Safety Strategy 2002* argues that:

There is no simple explanation for violence against women ... it is understood (here) that violence against women is understood as an abuse of power that occurs in a particular social and cultural context. The power imbalance between men and women in society contributes to violence against women, along with other factors such as racism, homophobia, other forms of prejudice and the dispossession of Aboriginal people from traditional lands. (Office of Women's Policy, 2002:35)

It goes on to say that:

Theories that explain violence as a natural instinct or resulting from an illness or defect in an individual are not useful. They fail to take into account the way society influences violent behaviour. Men learn to use violence and they can learn not to use violence ... violence in homes, workplaces, and communities is seen as an abuse of power and a means of controlling women's lives. It perpetuates the power imbalance and sexual inequality within society, families and workplaces ... violence is viewed as the perpetrator's 'choice' but a choice that occurs in a particular social and cultural context. (2002:35-36)

While some participants wondered whether there was something wrong with the harasser as a particular individual they all linked the harasser's behaviour to issues of gender, power, ethnicity and class. They also drew strong connections between employer tolerance of sexual harassment and wider community and government tolerance, normalisation and trivialisation of sexual harassment and sexual violence. Many working casually or for cash-in-hand believed they were particularly vulnerable to sexual harassment and losing their jobs. They were dependent on the 'goodwill' of the employer to keep their positions; a very difficult position when the employer is also the harasser.

A few participants noted that sexual harassment is an experience that can happen to men too, a fact supported by the survey data for this study. In relation to the issue of men experiencing sexual harassment Karin Derkley (*The Age*: 1999:16) cites Steve Wallace from Deakin University, 'Sexual harassment of men is over-reported, because when men get the slightest whiff of disadvantage, they respond with outrage'. She also writes that in complaints to the EOCV 'men are more likely to be sexually harassed by other men, either in the form of advances, or of sexual humiliation and bastardry rites'. Richard, the male interviewee in this study believed that his own experience of sexual harassment made him appreciate the impact of sexual harassment on women.

Gender, power and workplace relations: sexual harassment and sexualised violence

I think that if I had some idea of why it was happening it wouldn't have felt so personal. It felt very personal. It doesn't occur everywhere but there are little pockets in workplaces where there is a man in power above a subordinate female who has no network of support, and they will use that power. (*Stephanie*)

I think it's about power ... a hierarchy thing. People who feel disempowered on some level empower themselves by disempowering other people. [The student/harasser] was empowering himself by disempowering me, and of course my boss and his power trips. He really hated women, they could reject him. Women's power to choose what they want is an offence. [It] was offensive that women could say no. (*Caroline*)

He was saying, 'Well, even though I'm married I can have an affair at this stage in life' ... afraid of losing their masculinity and everything. Which is not just their sexuality, but they use it as a form of violence. *(Denise)*

Maybe men and women have a different idea of what is acceptable. It may not seem wrong to a man to slap a chick on the butt but to a female it's offensive because of what it represents. It represents him exerting his control over her especially if he's in a superior relationship to her at work. *(Shelley)*

I think workplace sexual harassment is part of the larger imbalance of power between men and women. I'm sure women harass men as well but I've got no doubts that is by far in the minority. I believe it's a patriarchal way of men dominating women. *(Isabella)*

Gender stereotypes: legitimization of sexual harassment and bullying in the workplace

Maybe people are threatened by people with a bit of strength. Maybe he was threatened by a female that stood up for herself. Maybe I'm supposed to be in my place and keep my mouth shut and just do my work. *(Angela)*

I think it's also about that mythology that women are flattered by the attention, that there's this kind of passivity in women, that they're just flowers waiting to be picked, that there's something good about having a guy come on to you. At least you're being noticed. The women that I worked with were a bit like that. *(Caroline)*

It's a big pecking order. I noticed that there were probably two or three other weaker guys in the mess hut at this time and to this day they are still picked on. Not of a sexual nature but [of] a real verbal put-down nature. *(Alice)*

A serious personal and industrial matter

I don't think it's taken seriously enough. I'd see various emails from various people and some of them were pornography and there would be dirty jokes and things. It's not right. *(Richard)*

Nobody wants anybody to know, it is a silent issue. Put it under the carpet, nobody wants to hear about it and especially the people who are doing the harassing. *(Denise)*

Because of that power imbalance ... I was hoping that management would say something directly to that chef. I think he probably did know but I don't think it was taken seriously by either of them. *(Magda)*

... treating it seriously. I do think that sexual harassment is minimised. It's not often linked to other forms of sexual assault. It's separated out, it's decriminalised in that sense. *(Isabella)*

They ask you more about driver's licences and stuff than they do about your awareness of sexual harassment. I think that if people were educated a lot more ... so that people would understand that it's actually a very serious thing and it's actually very traumatic for people. *(Caroline)*

Workplace sexual harassment consistent with a wider culture of gender violence

This is part of this ongoing mythology that somehow women like it or somehow she should be happy that guys really like her. *(Caroline)*

[Sexual harassment is] obviously always the individual's responsibility, the harasser's. But I also believe that it's supported and encouraged even if only by virtue of the fact that people don't know there's a policy. Even if not openly encouraged it's certainly not discouraged. *(Isabella)*

It's all to do with the power thing, a male that's got position of power above the female, but then not all men do it. Certain personalities obviously take advantage of their positions. *(Stephanie)*

I think sexual harassment is about the misuse of power and I think that it goes back to the way that society is structured and that men have more power. *(Michelle)*

It's another form of bullying. *(Richard)*

Perceptions of ethnicity, culture and gender

Sometimes when you're working with people from non-Anglo cultures or communities it's even harder to say something. Many of my experiences have involved working in the Middle East and men are very outgoing. They'll come up to you in the street and tell you you're beautiful and at work they'll do the same. But because it's part of the culture it feels very different there to the way it does here. *(Magda)*

I think some nationalities are more physical, like – in my case there were two non-Anglo Australian people. I think European people are more physical whereas Anglo-Australian people aren't ... sort of a cultural thing. *(Richard)*

I think Australia is very behind, it's much more tolerated here than in Asia. *(Jackie)*

Sexual harassment: an issue for men and women

I'm sure some people will say to you that women harass men as well but I've got no doubts that is by far in the minority, and where it may occur it's because there is a power imbalance, whether it's because they occupy that higher role in the hierarchy or something. *(Isabella)*

It's not only women. There would be men that are sexually harassed in their workplace too although the prime one is women. *(Denise)*

You don't generally hear [that] females act the way the guys do. I've never been in a situation where females ever acted like that. I've had females that have had a bit of a go or whatever, but not to the extent that the guys did. *(Alice)*

Although I felt uncomfortable I didn't want to say anything because she was a woman. Had that have been a man I would have. That raised questions for me. That probably wouldn't happen often but it's something you need to think about. *(Michelle)*

Expectations about sexualised behaviour – is this in my job description?

I definitely think sex is much more a part of our lives these days than it once was, at least it's more talked about. Sex is more easily accessible in any sort of way so you feel like sometimes you can push the boundaries just a bit and see where that goes. But [if] you expect sex to be a part of work and if you go into work with people who don't share that expectation you could clash with them in that regard. *(Shelley)*

I also think hospitality is a kind of party workplace, not that it always is, but you think about those sort of party entertainment environments and women are highly sexualised and so men think that's just a carry-on of that culture. *(Magda)*

I know that it was frequently asked, 'Take your top off'. 'Get your gear off.' 'Why don't we have topless waitressing night?' It was always as if what I was doing was only one step away from the sex worker industry and that would be a reasonable request for them to make. *(Isabella)*

I don't think any [policy] had been applied to that industry, that work culture. They don't feel that it applied to that environment because it's that sort of blurry line between hospitality, service industry, and entertainment. They probably wouldn't have even thought about how to apply policies in that workplace. (*Magda*)

9. This is what would have helped me. Recommendations for change

Many participants believed that there was little awareness shown by government, the community and employers about the serious effects of sexual harassment on people's lives.

They thought it is the combined responsibility of individuals (harassers), government (legislators and enforcement), community (attitudes and behaviour) and employers (policy, procedures and penalties) to prevent sexual harassment. They believed it was also the responsibility of employers and government to support people adequately and inform them of their rights about sexual harassment.

As noted earlier, participants wanted to contribute to this research project to prevent sexual harassment and victimisation happening to someone else. They believe that if the wider community, including employers and government understood the prevalence, short term and long term impacts of workplace sexual harassment then surely things would change. They hope that mechanisms might be put in place to eradicate sexual harassment and make those experiencing it feel supported, protected and believed.

Their recommendations for change include:

- new approaches to enforcing existing legislation
- legislative reform; change sexual harassment from civil to criminal law code
- systematic independent monitoring of all workplaces and complaints
- rights based community-wide education and resources
- community campaigns
- trade union awareness and campaigns, emphasizing vulnerable workplaces
- compulsory education and training for employers and management
- education in schools about sexual harassment
- reform of reporting process, including more support for victim/survivor reporting
- employers treating sexual harassment seriously, as unlawful behaviour in the workforce
- compulsory active sexual harassment policy displayed and promoted in workplace
- tough and enforced penalties for employers without active policies
- mandatory reporting of complaints to an external, independent body
- training of workplace 'support' professionals
- funding for 'support' agencies
- tax incentives for employers conducting sexual harassment training
- serious deterrents and penalties for perpetrators of all sexual harassment and violence
- employers to fund external, independent counselling and legal advice

Workplace display and promotion of guidelines, posters, active policies and training

Bringing it to their attention, having it as a guideline that they have as a policy up on the wall, putting it out there in those service industries would help ... definitely, so it's easy to read.

(Magda)

Posters stating, 'Sexual harassment is not acceptable'. Basically even having rules up on a poster, 'Unacceptable behaviour'. It's there, you can see it ... *(Angela)*

Compulsory training would be good. We've got more emphasis on a First Aid certificate than we have on an awareness certificate! I reckon if they gave out tax incentives to employers, [to] provide sexual harassment training. *(Caroline)*

As long as whatever they bring down is tough enough and they do follow it. They should make sure that it is promoted as being a very serious offence and not tolerated. *(Alice)*

I think something that does outline what is inappropriate for all workplaces and sets the boundaries, so that everyone knows this is what's right and this is what's wrong. *(Shelley)*

I think training would probably help ... this is what is expected and this is what they have to act on. Even if they don't feel it, and it doesn't match their values it's a sense of you have to [follow it]. *(Michelle)*

I think it should be passed in parliament that all workplaces no matter big or small should have it clearly displayed in large writing on the wall so it hits the people at work. All new employees should be aware that there are consequences and there should be some deterrent that this doesn't happen. *(Denise)*

Maybe it needs to be taught in schools like they have a program for stopping bullying. Teach children of school age and extending into other areas of life. Every incident should be reported no matter how trivial. *(Richard)*

Maybe if they actually did a media campaign on TV ... *(Caroline)*

Enforcing and monitoring existing legislation and creating new laws

I think something that lets the workplaces know there are severe penalties. An understanding there's going to be a penalty and you're going to be caught if you do it. Then you need to support people in being able to report these things. *(Shelley)*

New legislation to enforce it. Have somebody external to do spot checks, having ... regions and particular agencies ... going out interviewing people, confidentially. Checking out when people do lodge reports, read them, ask them how far they have gone, what have you done about this, see what they get if it's confidential. So they can actually take action based on the feedback they've got in the interviews and say this is happening you need to do something about it. Or fine them or something, external penalties. *(Michelle)*

Once a complaint has been lodged in a workplace it must be mandatorily reported to a government body who oversees the process of the complaint. And investigation to make sure they're handled correctly and everything's done above board. An outside, independent body would take away all those other issues that come into the play when it happens in-house. *(Stephanie)*

I think that legislative reform would be useful. It should be made known that people can also prosecute this, have a person charged for whatever the assaults are, or the forms of the assaults and have there actually be criminal penalties. *(Isabella)*

Conclusion

This study provides abundant evidence that some workplaces remain locations where women's rights to safety and to full participation in public life are actively undermined by sexual harassment and disregard for, minimisation and escalation of violence if they make a complaint.

According to these findings impacts of sexual harassment are felt by those working in many industries and occupations. The impacts on casual workers are compounded by limited access to resources, redress and supports. Participants in this research were to some degree aware that they were not responsible for what happened to them. They used many strategies to try to avoid sexual harassment and victimization. However as members of a society that minimizes violence against women, these participants were inclined to deal with sexual harassment as an undesirable aspect of their employment until the consequences were no longer tolerable.

The case studies attest to a climate of tolerance of violence in workplaces. This is often accompanied by a lack of support or acknowledgment about sexual harassment and its impacts. Participants met with disbelief and a lack of responsibility by employers, government and the community. The findings suggest that sexual harassment remains a problem because managers and employers do not take it seriously, despite their legal and industrial responsibilities. In the cases reported here, those with authority rarely moved to prevent sexual harassment or penalise harassers. They often trivialised the experience, broke complainant confidentiality and participated overtly and covertly in physical, psychological and financial victimisation of complainants.

As a result of their experience these victim/survivors of sexual harassment have some suggestions about what will stop sexual harassment and improve responses to complainants. They say employers and managers must ensure that all employees know their responsibilities, rights and options. Employers and employees must be made aware of appropriate behaviour, penalties, referrals to independent advice and support, such as Job Watch or employment counsellors, rather than company counsellors. There is a need for resources and workplace training of in-house support and advisory professionals. Trade unions must make themselves accessible and responsive to women members and prioritise sexual harassment as an unlawful workplace activity. HREOC, EOC and WorkCover functions and process need to be reviewed taking account of the opinions of victim/survivors of sexual harassment and victimisation. Workplace policies, in-house complaints and complaint outcomes need to be independently monitored by a government agency, with a system of deterrence and penalties for employers.

Impacts of violence on individuals and the wider community are enormous. For this group of participants retelling their experience, having their stories heard, believed and documented is one contribution they can make to stopping sexual harassment and improving support and avenues to redress for other survivors. We are obliged to learn from them, to validate their experiences and feelings, affirm their rights and responses and contribute to their healing in every way possible.

The responsibility of all who hear the stories of victim/survivors of sexual harassment is to work to change the climate of tolerance by changing our responses and those of our public and private institutions. We must demonstrate that we **'take it seriously'**.

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