

Tasmanian State Service Submission

AUSTRALIAN HUMAN RIGHTS COMMISSION
NATIONAL INQUIRY INTO SEXUAL HARASSMENT IN
AUSTRALIAN WORKPLACES

March 2019



Introduction

The Tasmanian State Service (TSS), as an employing body, is committed to providing a safe work environment. This includes a workplace free of sexual harassment and discrimination.

This submission focuses on the work of the TSS as the State's largest employer, and the initiatives and challenges addressing sexual harassment in the workplace.

Until recently most of the work on harassment in the workplace focused on bullying, mental and physical aggression.

With the increasing awareness and publicity of sexual harassment generally, and specifically in some occupational groups, the TSS has initiated a number of programs to address this issue. These programs are detailed below, along with a summary of the key challenges for the workplace.

Legislative framework

The legislative framework is embedded in the *State Service Act 2000* (Tas), and requires that the TSS provide a workplace that is free from discrimination and recognises and utilises the diversity of the community it serves.

Behavioural expectations are further embodied within a Code of Conduct which states that employees, when acting in the course of TSS employment, must treat everyone with respect and without harassment, victimisation or discrimination.

TSS agencies provide clear policies and training to employees about what is acceptable and unacceptable behaviour, the means for reporting and responding to any incidents, and the possible consequences of continued unacceptable behaviour. The focus is on supporting staff and providing a positive workplace that engenders respect for all people.

Further initiatives offered in agencies include:

- a contact officer network (trained employees within the workplace who staff can approach to discuss or report concerns about inappropriate workplace behaviour);
- inclusion and culture committees with input at all levels to consider and roll out initiatives to improve and promote diversity and inclusive workplace behaviours; and
- employee value frameworks which define the agreed behaviours for employees to be respectful in the workplace.

Agencies have formal processes to report incidents of harassment through work health and safety reporting processes as well as formal grievance processes.

Where an employee is suspected of sexually harassing another employee in the course of their employment the Head of Agency may undertake a Code of Conduct investigation and, where appropriate, impose a sanction.

Where an incident is considered a crime, the workplace would support the victim of the crime through the police reporting process.

Workplace initiatives relating to sexual harassment in the Tasmanian State Service

White Ribbon accreditation

Undertaking the White Ribbon Accreditation program reinforces and supports strategies to address sexual harassment in the workplace. The processes required for accreditation support cultural change contributing to gender equality, promoting respectful relationships and eliminating inappropriate behaviours that undermine this goal. Mandatory supervisor training and staff training include strategies to respond to bullying, sexist, harassing, disrespectful and derogatory behaviours. It also builds an understanding of the impact of sexist language in the workplace and why sexually explicit jokes are inappropriate.

Six agencies have obtained accreditation with a further three currently working towards this accreditation.

Policy development

Workplaces have developed additional policies and/or training to help support appropriate behaviours in the workplace. This includes examples of a standalone Sexual Harassment Policy (consistent with best-practice recommendations from the Australian Human Rights Commission) and policies focussed on addressing Respectful or Appropriate Behaviour in the Workplace.

Occupation violence and aggression

In April 2017, the TSS and Unions Tasmania released a campaign addressing Occupational Violence and Aggression against TSS employees by members of the public. The focus of the campaign is on ensuring employees feel safe in the workplace and understand their rights and what actions they can take if they experience violent or aggressive behaviour from the public. Included within the scope of the work is harassment including unwelcome behaviours.

While the campaign was in response to violence and aggression towards employees, recent TSS Employee Survey results indicate that some employees are experiencing sexual harassment in the workplace from clients, particularly in the health sector.

Contributing to community standards and expectations

The TSS also has a responsibility to help teachers, through the Department of Education, embed respectful behaviours in students through a variety of educational initiatives which, it is anticipated, will reduce sexual harassment and sex-based discrimination in future generations and workplaces. A key innovation in this area has been developing the Respectful Relationships Education program, which focuses students on both respectful behaviours and the courage to challenge behaviours that are not so.

Quantifying and reporting of harassment and bullying

The TSS runs an annual Employee Survey which has, for a number of years, included questions about workplace bullying and harassment generally. In 2018 for the first time, the Survey included questions about Workplace Sexual Harassment, to help understand employees' perceptions and experiences.

Most Survey respondents indicated that they have not experienced sexual harassment in the workplace however a small number of survey respondents indicated that they have. More females reported that they have been sexually harassed, however there were also a number of males. There was no trend in relation to age demographics.

The Survey results also indicated that:

- most employees who experience sexual harassment in the workplace do not report the incident. Reasons ranged from not considering they did not have enough evidence, the behaviour was considered acceptable, or that making a report would negatively affect their career; and
- the perpetrator is generally a fellow worker but can also be a client.

Future work in preventing sexual harassment will take into account and focus on these concerns to provide an improved environment for reporting where people feel their complaints will be addressed and they will be supported rather than disadvantaged for speaking up.

Challenges

Undertaking preliminary work into the prevalence of sexual harassment in the TSS has identified challenges. While the TSS will work on these matters, it is likely that many other workplaces are dealing with similar challenges. These challenges include:

- Stigmatisation associated with reporting sexual harassment
- Fear of victimisation if an incident of sexual harassment is reported
- Workplace cultural perception of what is sexual harassment and sex discrimination
- Level of acceptance of what is low levels of inappropriate behaviour
- Inappropriate behaviour occurs outside of the workplace
- Acceptance of some level of inappropriate behaviour from some clients in certain circumstances eg certain patients in hospitals

As well as addressing these challenges, additional guidance is required for employees, managers and human resource officers to respond to and support employees experiencing sexual harassment. The types of supports and mechanisms that are needed include:

- Integrating reporting systems and policies as sexual harassment is both a behavioural issue as well as a work health and safety issue;
- Support measures for employees who have experienced sexual workplace harassment, including specific support through Employee Assistance Programs (EAP);
- Ongoing training for human resources/people and culture in how to promote acceptable behaviour and to respond to allegations and incidents of sexual harassment;
- Training in how to undertake investigations into an allegation of sexual harassment;
- Mechanisms for incident reporting, security of information and record keeping relating to allegations and investigations;

- Role of employees witnessing sexual harassment type behaviour and the appropriate steps that should be taken to avoid bystander inaction.

There is the opportunity to do further work to promote acceptable behaviours and to focus on naming up behaviour that constitutes sexual harassment.

Conclusion

The TSS continues to work towards improving the working environment for all employees, creating a more respectful workplace and eliminating sexual harassment. While the White Ribbon Accreditation process is not in isolation a strategy to address sexual harassment in the workplace, the TSS's commitment to undertaking the accreditation process and the associated activities have contributed to addressing bullying, sexist, harassing, disrespectful and derogatory behaviours. Due to improved reporting, agencies are committed to learning from the results of specific feedback relating to sexual harassment within the Employee Survey and will be able to target future strategies as a result.

A number of challenges have been identified in addressing sexual harassment in the TSS workplace and these will be the focus of attention for the coming year.

Head of the State Service
Department of Premier and Cabinet
GPO Box 123,
HOBART TAS 7001