

**Submission to the
Australian Human Rights Commission:**

National Inquiry on Sexual Harassment

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Responding to the 'Whispers from the Bush'



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Overview of Findings:

'Whispers from the Bush- The Workplace Sexual Harassment of Australian Rural Women' :

In 2015, Dr Skye Saunders published '*the first social scientific book on sexual harassment in rural workplaces*'¹ called '*Whispers from the Bush- The Workplace Sexual Harassment of Australian Rural Women*' (Federation Press, 2015).² The book represents pioneering Australian research which considers the complexities of sexual harassment in the rural and remote context and is founded on methodology comprised of:

¹ DeKeseredy, Review of Whispers from the Bush, *International Journal of Criminology*, forthcoming, 2019.

² <http://www.federationpress.com.au/bookstore/book.asp?isbn=9781760020385>

- Statistical and analytical survey of **68 adjudicated workplace sexual harassment cases** heard across Australia between 2005-2010; and
- Quantitative and qualitative data derived from **107 in-depth interviews** conducted with rurally-located employers and employees around Australia;
- **Comprehensive review** of the relevant national and international literature.

The findings in this research are also consistent with the general **legal observations** made by Ms Franca Sala Tenna in the course of her **professional legal practice** in the area of sex discrimination law and sexual harassment law in Australia more generally. Ms Sala Tenna's observations are overlaid with Dr Saunders' research findings below.

Of the interviews conducted with women in rural and remote communities around Australia in the course of the project, **73%** of participants reported having experienced sexual harassment in the context of daily working life. The research also shows that sexual harassment is:

- **Under-reported by rural women:** Only **35.7%** of women interviewed stated that they would report sexual harassment, with the majority preferring 'not to make a fuss' about workplace sexual harassment. As one participant explained:

"Although it sounds bad, but you do get used to it. It's again, boys being boys or men being men." (Geotechnical engineer, 26 years).

- **Unopposed by rural employers:** **68%** of employers interviewed used words to deny sexual harassment, instead preferring to focus on workplace 'priorities'. A number of participants justified this approach by explaining that: *"it's a bit different out 'ere"* with one granary manager elaborating as follows:

"Yes, I have had complaints from the girls on the grain stand. Like, they might say 'that truck driver has just sworn at me' and I might have to remind 'em that they were made aware of it when they took on the role. But it is just not easy for me to change the workplace behaviour itself. That is a whole other thing and you just can't change the behaviour like that."

(Granary manager, 26 years).

- **Under-estimated by rural men:** A further complexity still, is the fact that many rural men will naturally strive to 'perform masculinity' in the ways that have been taught to them by older generations over time- often featuring sexualised banter with women as the punch-line. This is unsurprising because, in male-dominated Australian workplaces, the affirmation of men as 'mates' frequently occurs:

*'through bonding and rituals within homosocial (white, heterosexual) groups.'*³

The findings of this research are consistent with the proposition that:

'(S)exual harassment has become so entrenched in rural Australian workplaces- to the point of acceptance as a cultural norm of behavior- that urgent, remedial action must now be taken to provide women with the safe workplaces to which they are, by law, entitled.'⁴

The Problem: *"..it's amazing, what you will accept."*

I had to ask for access to a bathroom once a month because I had my period! So eventually instead of access to a bathroom, they got me access to a Toyota so that I could drive away to a toilet. So the entire crew knew exactly when I was cycling every single month. And ... they used to piss in the connecting pipes for me to discover when I got back from the drive. And looking back on it now I also realise that the blokes were also pissing on my boots when I was gone — I see now but at the time I was just so confused and baffled by it all. And then eventually one day I realised and I just thought —yeah. When you are living away from home and you are 19 and you are trying to get the guys to like you —it is amazing what you will accept. And then during all of this there was this guy who was being really lovely and helpful and friendly at work. And then on my last night as we walked back to our rooms from dinner at the camp he grabbed me and pulled me into a storeroom and raped me. So ... [pauses for tears] ...and after, he just said that he didn't want his wife and children to know ...

(Female fly-in/ fly-out miner, aged 21)

This recollection of one young female employee encapsulates the human impact of escalating sexual harassment (through to rape) in a remote workplace environment. Aged twenty-one at the time she was interviewed for Saunders' *'Whispers from the Bush'* study, the employee spoke about how, when aged 19, she realised that she was the *only* female in the vicinity of a remote mine and mining camp. Isolation of this kind — and the confusion and bafflement expressed about how to respond in these circumstances — demonstrates the limited reach, effectiveness and protection of written law such as the *Sex Discrimination Act 1984* (Cth). The incidents described

³ Flood et al (eds) *International Encyclopaedia of Men and Masculinities* (Routledge, 2007) 400.

⁴ Saunders, *Whispers from the Bush- The Workplace Sexual Harassment of Australian Rural Women*, 2015, p 2.

above were not reported to police or anyone else. The female miner carried on with her job, although in a state 'reduced to silence'.

Almost one half (46%) of the participants believed that they worked in a sexually permeated workplace environment. For example, a young female jillaroo from Queensland commented:

Yeah, look, it's very common I think. And to be honest, eventually you get to the point where you go along with it and you probably perpetuate it because of the culture you're in.

Female jillaroo, aged 21

Indeed, those working in agricultural or horticultural industries were more likely to identify their workplace as 'sexually permeated' (70%) than those working in professional occupations (18%) or those in retail or hospitality (22%).⁵

As explained above, only about one third of women indicated that they would feel comfortable reporting such incidences of sexual harassment to their employer or senior manager. Whilst women with a tertiary level of education were the most likely to report, all women referred to real barriers including fear of job loss, fear of gossip and a lack of policies and complaints procedures to point to.

When all of these tensions and fears combine, the reality is that many women in rural workplaces must enter a survival mode by default. This was expressed to Saunders in her interviews through words and comments such as "if you can't beat 'em, join 'em" and "learning to laugh it off" and "fitting in or f'ing off!"

One participant who identified as being of Indigenous background, worked packing zucchinis and squash in a relatively remote, on-site factory. When asked if she had encountered any rude jokes in her workplace, she explained that sexualised banter could gradually saturate the workplace culture:

Oh yes.. especially with a lot of young men because they would make jokes about women and what they're good for and that sort of thing. It only takes a few bad jokes to be told to change the whole culture. And I would deal with it in a similarly distasteful jokey manner!"

(Factory worker, aged 21 years)

Complex Drivers of Sexual Harassment in the Australian Bush:

Beyond the feminist legal theory of power at the core of sexual harassment, the research conducted by Saunders reveals that the culturally gendered tension in rural workplaces is frequently also driven by the generational frictions between three key workplace stakeholder groups:

⁵ Ibid, 118.

- 1) Women;
- 2) Employers; and
- 3) Men.

That is, individuals within each group tend to uphold unique workplace assumptions, values and agendas as have been influenced by popular cultural representations socio-economic factors and historical patterns of gender dynamics over time.⁶ Ms Sala Tenna has noticed the effects of this cultural tension in the course of her professional work, observing that:

“(I)f the ultimate culture and history of the place has been to accept sexually inappropriate behaviours, then the message given to people is, “it is ok” This type of culture doesn’t change after one training session. In my experience it takes time, regular training and a consistent message (and correlated actions) being given by senior people.”

One of the most significant of these Australian rural mythological traditions is the nurturance of male dominance as a norm.⁷ Indeed, masculinity ‘is typically constituted in rural sites and spaces as visible marker of strength, courage and power.’⁸ Therefore, in striving to live up to their constructed role as rugged men of the bush, some men may rely on extreme measures to ‘prove’ their identity. This is often (and perhaps even unintentionally) at the direct expense of the ‘token woman’ who ‘dares intrude’ on sacred male territory.⁹ Sexual harassment becomes an intuitive tool for displaying the rugged traits of ‘blokiness’, all the while maintaining women’s status as ‘outsiders’.¹⁰

Sometimes, humour will be attempted as a tool on the quest to meet the expectations of the male identity, often at the expense of a woman on the scene. Ms Sala Tenna has observed that individual men tend not to necessarily even realise that they are operating in territory which might be regarded as ‘sexual harassment’, explaining:

‘(P)eople think that they have had to intend to sexually harass someone in order for it to be sexual harassment. If they didn’t intend for behaviour to be construed as sexual harassment, they simply won’t see it as such.’

⁶ Hogg & Carrington, *Policing the Rural Crisis*, 2006, Federation Press; p 164-165.

⁷ See, eg, Alston, ‘Gender Perspectives in Australian Rural Community Life’, in Cocklin and Dibden (eds) *Sustainability and Change in Rural Australia*, Uni of NSW Press, 2005, 139.

⁸ Hogg & Carrington, above n 6.

⁹ Messner, *Taking the Field — Women, Men and Sports*, University of Minnesota Press, 2002, 39.

¹⁰ Martin and Jurik, *Doing Justice, Doing Gender: Women in Legal and Criminal Justice Occupations (Women in the Criminal Justice System)* (SAGE Publications, 2009) 73.

She notes further that humour is used as a justification for sexual harassment, explaining that:

“In addition, they will think the other person doesn’t have a sense of humour and they will say things like, “it was just a joke, can’t you take a joke?”

This observation is consistent with Saunders’ research on the attitudes of rural employers in response to sexual harassment reports show that employers strive to retain their ‘hard working blokes’ who can ‘get the job done’ whilst still ‘having a joke.’ These attitudes are at odds with the legislative provisions in Australia which impose a duty of care on employers to actively prevent sexual harassment in the workplace, such that the permissive approach normalises sexual harassment further. In fact, of the cohort of rural employers interviewed in ‘Whispers from the Bush’, 83% used words that actively blamed women for their behaviour which they saw as ‘provoking’ sexual harassment. The following illustrative statement was made by a female granary manager when asked about what she would say to girls who reported sexual harassment to her:

I would say to them that they need to learn to cope with it. You just need to be cut out for it and some girls are obviously not..
Senior Manager, Granary.

Another participant emphasised the need to consider the specifics of the rural workplace (in her case, the shearing sheds), in developing effective sexual harassment training strategies:

Yeah, even in the shearing sheds there is no way that you would see a billboard about sexual harassment. You would see one about not lifting the wrong way so as to protect your back. But not about sexual harassment. No way. If you are out here working the deal is that you have to deal with what goes with that.

(Shed hand, age undisclosed).

Beyond policy issues such as these, the cultural entrenchment of workplace sexual harassment in rural Australia can be enforced by the attitudes of women towards other women who may be victim to sexual harassment. Of 62 rural women who spoke about the sexual harassment of other women, 60% believed that a woman contributes to her own experience. Women were frequently perceived as blameworthy because of the ‘provocative clothing’, or ‘promiscuous behaviour’. One 52 year old woman who worked in a granary said:

I honestly don't know, but I think it really comes down to how you react and how you conduct yourself, as to how people are going to react to you, a lot of it. You know, if you are going to walk around in mini skirts and you know, with half ya boobs hangin' out in front of, you know, truck drivers and things like that- and if you don't expect to get comments from them in your dressing behavior, for example- then you're an absolute fool!

Granary worker, aged 52 years.

Over time, the collision of cultural values, beliefs and fears across three critical workplace stakeholder groups- men, women and employers- have cultivated a reality which renders women 'deeply, if unconsciously, impoverished by this dominant cultural characteristic'¹¹ such that they feel the need to 'fit in' and 'avoid making a fuss' about sexual harassment in the spirit of retaining employment.¹² Additionally, there has perhaps been no group of Australian women more accustomed to the sense of being 'outsiders' than Indigenous Australians.¹³ The effects of these additional collisions of gender and cultural heritage in the context of interpersonal workplace relationships warrants specialised research focus moving forward.

The Limitations of Law:

Notwithstanding the relative strength of the provisions contained in the *Sex Discrimination Act 1984* (Cth), the practical translation of 'good law on the books' to the shearing sheds in outback New South Wales, the cotton farms in Queensland, the cattle stations in the Northern Territory or the mines in Western Australia is problematic. Somewhere between Parliament House and these locations, the law is lost in translation, such that the majority of rural women interviewed in the Saunders' 'Whispers from the Bush' study preferred to simply endure incidents of sexual harassment, lest they be seen to 'make a fuss'.

Compounding this, the national guidelines explain that there 'is no uniform standard expected of employers in taking 'all reasonable steps' to prevent sexual harassment, although employers should 'have an appropriate sexual harassment policy which is effectively implemented, monitored and communicated to all workplace participants.'¹⁴

¹¹ Dixon, *The Real Matilda — Women and Identity in Australia, 1788–Present*, UNSW Press, 1999, 12.

¹² Saunders, above n 4.

¹³ For example, Barclay explains that '(t)raditionally, Aboriginal people were 'less admired than bushrangers' and whilst 'Aborigines were pacified- emasculated', Aboriginal women 'became sexual objects.' Barclay et al, *Crime In Rural Australia*, 2007, 5.

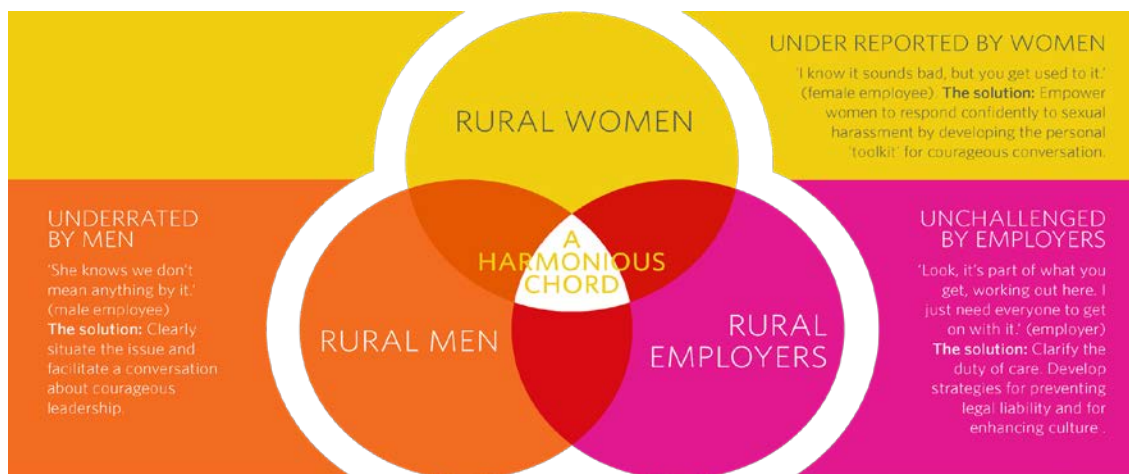
¹⁴ AHRC, *Sexual Harassment: Serious Business*. Results of the 2008 Sexual Harassment National Telephone Survey (AHRC, 2008).

This gives rise to an unfortunate reality for Australian employers, which is that they currently will not know if they have sufficiently fulfilled their duty of care unless a sexual harassment complaint is brought to the Federal Court (or a state or territory equivalent) which would necessitate the determination of this issue.

Beyond these issues relating to the federal jurisdiction, some state definitions (including WA) are comprised of different elements to the Commonwealth definition. Ms Sala Tenna notes, for example, that the WA definition of sexual harassment is harder to prove and would generally require that the perpetrator of the sexual harassment is in a position of authority to the person who was making a complaint of sexual harassment. The recent AHRC survey results, however, suggest that sexual harassment tends to occur between peers. The practical outcome of this disparity under the WA legislative provision is that sexual harassment is harder to prove under WA law than the Federal definition. This might have the effect of which a person preferring to utilise the Federal jurisdiction for redress, rather than the state equivalent.

Comprehensive Cultural Solutions:

When these complex perspectives of working rural women, men and employers are overlaid and remain unchecked, the potential for disastrous outcome is real. On the other hand, these insights point to real opportunity to locate a harmonious point from within the discord by addressing the cultural complexities attached to each of the three perspectives as depicted in the below diagram:¹⁵



This research-based solutions framework forms the basis of our recommendations below. More particularly, our recommendations are focused on:

- **Practical new innovations for rural employers** for the fulfilment of their lawful workplace duty of care under the *Sex Discrimination Act 1984* (Cth);

¹⁵ See: skyesaunders.com.au for further information.

- **The empowerment of rural women** and girls through the development of socio-legal confidences in accordance with the protections afforded under the *Sex Discrimination Act 1984 (Cth)*;
- **The liberation of rural men** and boys from the cultural pressures associated with the celebrated 'bush bloke' identity (particularly where the performance of those characteristics might give rise to a tension with the provisions of the *Sex Discrimination Act 1984 (Cth)*) and the instillation of new confidences in alignment with professional values and law.

General Recommendation:

- 1) Sexual harassment in the rural Australian context must be understood as a cultural problem to be solved - by clear messaging on the core values of respect, well-being and equality which underpin Australian sex discrimination laws;

Cultural Recommendations:

- 2) Strategies for reducing the prevalence of sexual harassment in rural Australia must consider the inherent values, perspectives, beliefs and fears which are unique to each of the three workplace stakeholder groups: men, women and employers.

Specific recommendations for each of these stakeholder groups are as follows:

Towards the Transformation of the 'Hearts and Minds' of Rural Men:

- 3) In creating strategies for the transformative education of rural male 'hearts and minds', focus must be shifted away from approaches which seek to 'expose' or 'shame' men and instead be forward-looking and constructive. As US Professor Mary Gentile explains in the context of developing the confidence to give voice to values in the workplace:

*This is about empowering the parts of us that wants to do the right thing. Even though we may all sometimes act unethically, the fact is that we all do sometimes also act ethically.*¹⁶

At the core of this strategy, there must be a focus on:

-re-establishing what acceptable behavior looks like in rural workplaces (including what sexual harassment *is* and what sexual harassment *is not*);

¹⁶ Gentile, *Giving Voice to Values*, Yale Press, xxii.

- re-establishing the sexual harassment as a behaviour which sits well outside of the cherished code of mateship in Australia (and not as a measure of how much a man 'appreciates' women within a homosocial, masculine culture). That is, sexual harassment must be understood not as a manifestation of the cheeky larrikinism that we cherish in our Australian men– it's something completely different. This is important in the context of preserving those inherently precious aspects of the male identity;
 - plainly situating *why* sexual harassment deeply hurts those who experience it; and
 - beyond the above, ensuring that those who perpetrate sexual harassment understand that they are exposed to the serious 'risk' of being caught within a culture of 'zero tolerance'.
- 4) The strategy might include a sharp, male-focused media campaign, signage, pub talks, harnessing of exemplary 'male champions' within rural communities and documentary footage. These types of means can be used to convey a powerful message to rural men about how sexual harassment strips a woman of her dignity and confidence;

Towards Empowering and Equipping Employers:

- 5) Employers in rural Australia must be helped towards a working understanding of their duty of care to their employees, such that they can proactively develop a 'zero tolerance' approach to sexualised harm.
- 6) An important part of the above recommendation is understanding what the notion of 'all reasonable steps' means in practical terms for various rural business types, sizes and workforces;
- 7) To assist in the achievement of the above, consideration must be given to the creation of a National Accreditation System for the practical and proactive fulfilment of 'all reasonable steps' under section 106 of the *Sex Discrimination Act 1984* (Cth), with a mechanism for systematic review of these steps. As part of this System, there might naturally be minimum requirements and silver and gold accreditation for exemplary workplace leaders around Australia;
- 8) A natural focus in the context of empowering rural employers must also be the development of confidence for dealing with reports of sexual harassment if it does occur. This might include the introduction of online programs for the development of communication skills for giving voice to workplace values and standards more ably;

Towards Empowering and Supporting Rural Women:

- 9) Attention and focus must be afforded to the natural capacity of rural women to respond to sexual harassment both individually and together to maximize collective strength and assertiveness. Through webinars, and seminars, pithy online vignettes, and community meetings, there must be investment in up-skilling women with the tools- non-legal and legal- to feel confident expecting the healthy standards that rural women are entitled to;
- 10) In view of the surprising finding that 63% of women tended to blame other women for their 'contribution' to their own experience of sexual harassment, there must be a cultural focus on the suspension of skeptical responses and victim blame.

Ultimately, the recommendations above seek to support a holistic cultural shift that can happen when men, women and employers play to their truest strengths. This approach is centred on empathy and the acknowledgement of perspective, such that workplace harmony can emerge from the discord of entrenched sexual harassment.
