



Launch Speech

By Pru Goward, Federal Sex Discrimination Commissioner

Ladies and Gentlemen, thank you for attending the launch of the Human Rights and Equal Opportunity Commission's publication "*A Bad Business: Review of Sexual Harassment in Employment Complaints 2002*".

This publication presents the findings of a review of 152 complaints of sexual harassment in employment finalised by the Commission in 2002.

We decided to undertake this review in response to the persistently high number of complaints of sexual harassment the Commission continues to receive.

This disturbing trend continues despite 20 years of federal legislation outlawing sexual harassment.

We continue to receive complaints of sexual harassment despite many organisations, workplaces and industries having in place well developed policies for dealing with sexual harassment.

Our review was intended to gain a greater understanding of the problem - how does sexual harassment manifest in the workforce? Who is affected? How is it being dealt with and what are its implications?

That sexual harassment is a 'bad business', that it is intolerable behaviour with potentially both mental and physical ramifications for its victims and sanctions for its perpetrators are widely accepted facts, known prior to our review.

What our review has highlighted is that sexual harassment is also bad for business.

Employers certainly can be held legally responsible for acts of sexual harassment done by their employees or agents, which potentially exposes them to legal proceedings and compensation payments. However our review also found that sexual harassment has other significant costs for employers.

It causes disruption to the workplace, has negative impacts on productivity and workplace culture and often results in employees being unable to work or leaving their positions.

This was reflected in the review findings which revealed that at least three out of four complainants of sexual harassment were no longer actively working for the organisation where the alleged harassment occurred by the time they reported the harassment to the Commission – 67 per cent of complainants had left the organisation, either through dismissal, redundancy or by resigning.

A further 10 per cent were off work on leave – unpaid leave, sick leave, or workers' compensation.

Only seven per cent of complainants were known to be still actively working for the organisation where the alleged harassment occurred.

This obviously has considerable costs for employers in terms of recruitment, training and development, in addition to the indirect costs associated with loss of staff morale which is an inevitable flow on effect of unresolved disputes within workplaces.

Other key findings of the review that are worth drawing to your attention today are:

- Sexual harassment continues to be a significant issue for women in the workforce - 95 per cent of the complaints of sexual harassment in employment finalised by the Commission were made by women.
 - Men continue to be the main perpetrators of sexual harassment in employment – 88 per cent of the complaints received involved a male respondent, (seven per cent involved both male and female respondents and 5 per cent involved female respondents).
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- Sexual harassment is an issue of concern for all business sizes – small, medium and large, (44 per cent of complainants were employed in small businesses, 19 per cent in medium sized businesses and 36 per cent in large businesses).
 - These figures are roughly comparable to the overall proportion of employees in the Australian labour force.
 - It takes place in businesses everywhere - while 67 per cent of reported harassment occurred in workplaces located in capital and regional cities, 31 per cent took place in rural areas and 3 per cent in remote areas.
 - Most sexual harassment occurs in the first 12 months of the complainant's employment (72 per cent) and is ongoing – only 18 per cent of cases involved an isolated incident of sexual harassment and in 22 per cent of cases the harassment continued for more than 12 months.
 - Unequal positions of power usually underlay the relationship between the complainant and respondent, with the majority of alleged harassment (60 per cent) being committed by an individual in a more senior position than the complainant.
 - Most complaints involved multiple forms of harassment – verbal, intimate and sexual physical behaviour.

No doubt Nareen Young from the NSW Working Women's Centre will provide you with insight into the depressing and sometimes devastating experiences of the many women who are sexually harassed in the workforce each year.

Perhaps one of the more worrying findings of the review relate to the way in which complaints of sexual harassment are dealt with in workplaces.

It is simply not good enough that almost 20 years after Australian legislation outlawing sexual harassment has been in place, only one in three employers has a fully implemented sexual harassment policy.

The expectation is otherwise – employees themselves believe that workplaces will adequately deal with complaints as they arise - 77 per cent of complainants who reported harassment in their workplace did so to people in a management or supervisory role.

That in all of these situations these complaints were subsequently taken to the Commission indicates that these managers and supervisors were unable to meet these expectations. It suggests a need for managers and supervisors to do better.

The review and its findings do not intend to be an authoritative or all encompassing presentation of sexual harassment in the Australian workforce. Rather the review is based solely on complaints of sexual harassment finalised by the Commission. In general it is acknowledged that reported sexual harassment will only ever represent the 'tip of the iceberg' in relation to the incidence of sexual harassment in the community. The majority of sexual harassment remains unreported and unchecked, or perhaps resolved successfully.

While the challenge now lies in tapping into the unreported incidence of sexual harassment so that a more complete picture can be presented, this review is useful in highlighting key issues and trends in relation to sexual harassment in the workforce.

It is the first stage of a broader package of work on sexual harassment being undertaken by the Commission, including:

- The commissioning of a telephone survey to measure the general incidence of sexual harassment in Australia, the results of which will be released next year. The survey will be groundbreaking and the first of its kind in Australia.
- We are also currently preparing public education material on sexual harassment and updating our code of practice on sexual harassment, so that this Commission publication may continue to be a useful resource for employers in eliminating sexual harassment within their workplaces. All of these materials will be released next year. I suggest you watch this space.

That in 2003 sexual harassment is still rife in our workforce is a disturbingly sad reality, particularly as next year marks the 20th anniversary of the *Sex Discrimination Act 1984* (Cth). For 20 years Australia has had federal legislation which specifically prohibits sexual harassment in employment.

It is amazing that in this context we are still seeing this behaviour, that is in effect an attempt to exclude women from the workforce, as though they are still not legitimate workplace participants. It is outrageous that in the 21st Century, at a time when Australia relies so heavily on women's labour force participation, we can see such behaviour continuing across all sectors of the workforce.

It is unacceptable that this consistent pattern of behaviour continues to interfere with women's right to work and abilities to support themselves and reach their potential in Australia, a country which has for so long prided itself as an egalitarian nation that provides everyone with a fair go.

It's not nearly good enough that at this time in our history I am having to release statistics and stories such as this. It is time this behaviour stopped.

However it is not all despair - if we are to follow other current workforce trends, next year will also see the greatest number of women in the Australian paid workforce, as every year this figure increases.

In this environment losing female employees through incidences of sexual harassment and poorly managed sexual harassment complaints presents a threat to employers that at least the better of them, are in fact increasingly recognising and addressing.

In today's competitive marketplaces, no one can afford to lose valued and necessary employees - this would simply be a bad business for all involved.

This is a hard nosed business response that we are willing to work with.

Whatever succeeds in eliminating sexual harassment is acceptable.

However it is also heartening to recognise those many employers who are offended by the behaviour and who recognises it as an affront to human dignity and a serious breach of human rights.

We cannot leave responsibility for this issue solely with employers. Unions and employer groups have a role in supporting employers.

The Commission has a responsibility to raise the profile of this issue and to efficiently and effectively deal with complaints that we receive.

Co-workers also need to believe they can speak when they witness sexual harassment occurring.

It is a responsibility and a challenge for each one of us.

Thank you.
