

Committee Meeting No. 35
15 November 2017
Item No. 6

Item: 6 Gendered Violence

Summary

Gendered violence is a serious hazard and poses a significant risk to the health and safety of Victorian workers. Gendered violence exists in all industries and is endemic in Victorian workplaces with 64 percent of Victorian working women reporting having experienced gendered violence at work. Duty-holders have a legal duty to provide a working environment so far as reasonably practicable that is safe and without risk to health from gendered violence under Part 3 of the *Occupational Health and Safety Act 2004 (Vic)*. There is growing awareness of the extent and impact of gendered violence in the workplace. WorkSafe's existing guidance material covering violence at work does not specifically address gendered violence. WorkSafe must take specific actions, including the publication of guidance material, to ensure that duty-holders understand gendered violence as a serious hazard and the steps that they need to take to control the hazard and risks in order to prevent injury from gendered violence.

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Attachments:	Stop Gendered Violence at Work Report (2016)

Why has this come to the Committee?

To provide the Committee with information about gendered violence at work and the way in which this hazard creates a risk to health and safety, in order for WorkSafe to take action to ensure that employers fulfil their legal duties under Sections 20 and 21 of the *Occupational Health and Safety Act 2004 (Vic)*. To document the action WorkSafe must take in order to ensure that duty-holders understand gendered violence as a risk to health and safety at work.

Key Points

- Gendered violence is a serious workplace hazard which cause physical and psychological injuries and is a risk to the health and safety of workers
- Gendered violence is physical, sexual and/ or psychological harm directed at a worker because of their gender, gender identity, sexual orientation or because they do not adhere to dominant gender stereotypes and socially prescribed gender roles. Gendered violence includes, violence directed at women because they are women; violence directed at a person because they identify as LGBTI; and, violence directed at a person because they don't adhere to socially prescribed gender roles or dominant understandings of masculinity or femininity

- Gendered violence is a workplace hazard over which employers have a level of control and therefore duty-holders must by law take action to prevent injury by assessing and controlling the hazard and risks.

Background

There is increasing awareness of the injuries caused by gendered violence at work, however, very little has been done to address this serious workplace hazard in the context of health and safety.¹

Gendered violence is any action or behaviour that causes physical, sexual and/ or psychological harm to a worker because they do not adhere to dominant gender stereotypes and socially prescribed gender roles. Gendered violence is violence directed at women because they are women; violence directed at a person because they identify as LGBTI; and, violence directed at a person because they don't adhere to socially prescribed gender roles or dominant understandings of masculinity or femininity. Incidents of gendered violence in the workplace occur because of inequalities between workers based on dominant gender stereotypes and/ or gender roles.

Any worker can experience gendered violence at work, however, there are groups of vulnerable workers who are at greater risk. For example, refugee and migrant workers; culturally and linguistically diverse workers; and, Aboriginal and Torres Strait Islander workers.

Examples of gendered violence include but are not limited to:

- Stalking
- Intimidation
- Verbal abuse
- Rude gestures
- Offensive language and imagery
- Sexual harassment
- Physical assault including sexual assault and rape
- Put downs, innuendo and insinuations
- Ostracism and exclusion
- Being undermined in your work or position

Gendered violence can be perpetrated by anyone regardless of their gender, sex or sexuality. Gendered violence can be perpetrated by, those internal to the workplace such as co-workers and managers; clients including inmates, patients, students and customers; and, those external to the workplace such as delivery personnel, site visitors and intruders.

¹ See for example: VEOHRC (2015) *Independent Review into Sex Discrimination and Sexual Harassment, Including Predatory Behaviour in Victoria Police: Phase One Report - Dec 2015*, <http://www.humanrightscommission.vic.gov.au/our-resources-and-publications/reports/item/1336-independent-review-into-sex-discrimination-and-sexual-harassment-including-predatory-behaviour-in-victoria-police-phase-one-report-2015>; *Male Champions of Change (2017) We Set the Tone: Eliminating Everyday Sexism* http://malechampionsofchange.com/wp-content/uploads/2017/10/We-Set-The-Tone_Eliminating-Everyday-Sexism_FINAL.pdf;

Like other workplace hazards gendered violence causes physical and psychological injuries and is a risk to the health and safety of workers.

Gendered violence injures workers by causing or contributing to:

- Physical injury and illness
- Loss of confidence and withdrawal
- Suicide
- Social isolation, family dislocation
- Feelings of isolation
- Anxiety
- PTSD (post-traumatic stress disorder)
- Stress

Discussion

Prevalence of Gendered Violence

Gendered violence is a health and safety hazard which exists in all industries and is endemic in Victorian workplaces. 64 percent of Victorian working women have experienced gendered violence at work.² In addition to the high rates of gendered violence, 19 percent of Victorian working women reported resigning from a workplace because they did not feel safe.³

The experience of Victorian working women is consistent with those of women internationally. The international Trade Union Congress (ITUC) reports that worldwide 35 percent of women experience direct violence in the workplace and between 40 and 50 percent experience unwanted sexual advances, physical contact or other forms of sexual harassment.⁴

Safe Work Australia's claims data indicates that women suffer around 2.3 times more 'mental disorder' injuries than men (per million hours worked).⁵ This claims data also shows that one in three of women's mental disorder claims are attributed to some form of harassment or bullying, compared to only one in five men's claims. These statistics indicate a gender difference in the experience of bullying and harassment at work and point to a prevalence of gendered violence.

Risk Factors

Due to the nature of gendered violence and its prevalence in Victorian workplaces, the risk of injury due to gendered violence can occur in any industry or workplace. Sexism, gender inequality and homophobia are the root causes of gendered violence. However, like all workplace hazards, in order to prevent injury duty-holders must assess and control the hazard and risks.

² Results from respondents to Victorian Trades Hall study Women's Rights at Work – WRAW Chat 2016

³ Results from respondents to Victorian Trades Hall study Women's Rights at Work – WRAW Chat 2016

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

⁵ <http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/945/work-related-mental-disorders-profile.pdf>

Common sources of risk include but are not limited to:

Work environment

- A workplace culture that tolerates or promotes sexist, homophobic and/ or gender discriminatory attitudes and behaviours
- Supporting, accepting or rewarding violent or aggressive behaviour
- Facilities and equipment that don't meet the needs of all staff including women and those who identify as LGBTI or who don't conform to dominant gender stereotypes
- Industries and occupations where women are over represented and more likely to be exposed to occupational and other forms of workplace violence such as health, aged care, disability, youth services, child care, education, law enforcement, retail and hospitality
- Offensive material in the workplace. For example, pornography, and sexist or homophobic items including calendars, magazine, posters, clothing and novelty items
- Service of alcohol such as licenced venues, pubs and restaurants, and formal or informal work functions where alcohol is served such as after work drinks and Christmas parties.

Systems of Work

- Gender segregated workplaces where roles and positions are strongly gender segregated around dominant gender stereotypes or socially prescribed gender roles. For example, workplaces where all or most administration staff are women and all or most technical or operational staff are men
- Management styles and behaviours that exclude and/ or disrespect some workers. For example, decision making or team building which takes place outside of formal work structures like at the pub or over lunch
- Working in the community (home visits, outreach work)
- Working alone.

Workplace policies and procedures

- Employers and workplace leaders including Human Resource staff, OHS Officers and HSR's who do not understand gendered violence and who are unable to adequately recognise the risks and respond to incidents of gendered violence when they occur
- Lack of appropriate reporting and investigation mechanisms for workers experiencing gendered violence
- Employers and workplace leaders who fail to consult with workers and show little commitment to protecting the health and safety of all staff.

Gendered violence is a serious hazard and poses a significant risk to the health and safety of Victorian workers. Gendered violence doesn't 'just happen' and is not 'part of the job,' it's a workplace hazard which causes physical and psychological injury with risk factors that can be identified and controlled.

As such duty-holders have a legal duty to provide a working environment so far as reasonably practicable that is safe and without risk to health from gendered violence under Part 3 of the *Occupational Health and Safety Act 2004 (Vic)*.

Implementation/Next Steps

While there is growing awareness of the extent of and injuries caused by gendered violence at work, very little has been done to ensure that duty-holders understand gendered violence as a serious hazard and the steps that they need to take in order to prevent gendered violence from injuring workers. As such affirmative steps must be taken including:

- WorkSafe to formally recognise gendered violence as a hazard by publishing and promoting guidance to create a state of knowledge so that duty-holders can be held to account under Section 21 of the *Occupational Health and Safety Act 2004 (Vic)*. Any definition of gendered violence included in guidance material and other resources must specifically refer to both the physical and psychological aspects of gendered violence
- WorkSafe to include the prevention of gendered violence and the affirmative steps suggested in this paper within its Strategy 2030 plan
- WorkSafe to take action on gendered violence as a priority area for prevention including by establishing a unit to address and eradicate gendered violence at work
- WorkSafe to establish a gendered violence project group with stakeholders to work in this area
- WorkSafe inspectors to be trained specifically in gendered violence to allow them to assess the hazard when entering a workplace
- WorkSafe inspectorate to investigate reports and incidents of gendered violence
- Gendered violence training to be included in all WorkSafe certified HSR training including refresher training
- WorkSafe's Advisory line should include a menu item that allows callers to select a gendered violence option which goes through to a WorkSafe employee who is specifically trained in gendered violence. WorkSafe should have appropriate supervision and support strategies in place to manage the risk to health and safety from exposure to vicarious trauma of any employees dealing with gendered violence. In the instance in which a caller does not recognise that they have been exposed to gendered violence, it is important that phone line staff can identify this with the caller and refer them to the appropriate WorkSafe employee
- WorkSafe research unit in partnership with Victorian Trades Hall Council to initiate new research investigating gendered violence at work broadly and more specifically the extent to which gendered violence exists within Victoria's WorkCover injury statistics, and how injury statistics can be collected in order to identify instances of gendered violence

OCCUPATIONAL HEALTH AND SAFETY ADVISORY COMMITTEE



- WorkSafe to monitor its progress in helping to establish the conditions for the prevention of gendered violence within the workplace by setting targets for the progress of initiatives as set out in this paper and reporting on this progress.