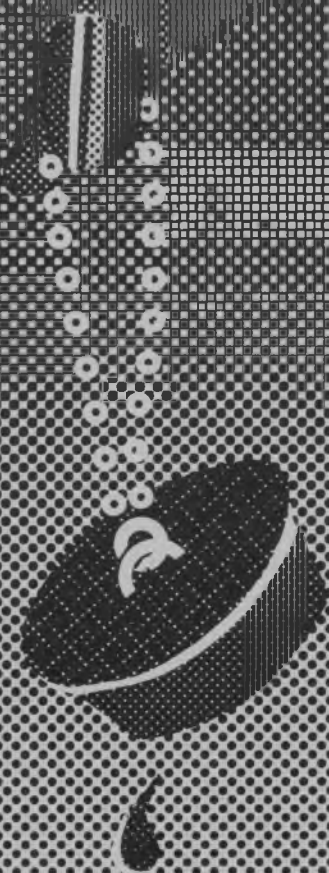


**WORKING
WOMEN'S
CHARTER
IMPLEMENTATION
MANUAL
No. 1**

**SEXUAL
HARASSMENT**



WORKING WOMEN'S CHARTER IMPLEMENTATION MANUAL NO. 1

SEXUAL HARASSMENT

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D42-83

PREFACE

The ACTU is committed to improving the conditions of employment of all Australians. It is also committed to gaining equal opportunities for all groups in Australian society.

The Council is proud of its record in the struggle to gain equal opportunities in the workplace for women. The success of the Equal Pay Case and the Maternity Leave Case have gone a long way towards that objective.

Sexual harassment on the job threatens the well-being of a large group of unionists and often denies women access to equal opportunities. It is important to understand and attack the problem of sexual harassment in the workplace.

The term sexual harassment applies specifically to unwanted sexual attention. It has nothing to do with mutually enjoyable workplace flirtation.

The elimination of sexual harassment from the workplace will bring us one step closer to equal opportunities for women and will improve the quality of their working life.

ACTU Working Women's Policy declares that:

All employees should be allowed to work in an environment free from sexual harassment - defined as deliberate or repeated unsolicited verbal comments, gestures or physical contact of a sexual nature which is unwelcome.

This manual is designed to assist unions to eradicate this problem both by suggesting means of prevention and by offering advice to facilitate successful resolution of cases which arise. Examples of sexual harassment cited in the manual have been taken from the records of the many cases in which the ACTU Working Women's Centre has been involved.

It is hoped that it will provide a careful guide but also that it will stimulate and provoke thought, discussion and action.

NOTE:

Whilst acknowledging the possibility of men experiencing sexual harassment, the wording of this manual is based on the predominant situation where the harasser is male and the victim female. However, the same principle can be applied if a complaint is lodged by a man.

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INTRODUCTION

SEXUAL HARASSMENT: WHAT IS IT?

Sexual harassment is any sexual advance which threatens a worker's well-being. It is usually an expression of power made by someone in authority.

Most victims of sexual harassment are women. This is because women tend to be employed in unskilled or semi-skilled occupations and men are often in positions of power or authority over them. This power can be misused to extract sexual favours.

Sexual harassment can take many forms. It can involve: unnecessary touching or patting, smutty jokes, suggestive remarks or other verbal abuse, leering at a person's body, demanding sexual favours, compromising invitations or physical assault. Some or all of these may or may not be accompanied by direct or indirect threats to the victim's job or career.

Sexual harassment means treating someone as a sex object rather than as a worker or evaluating their physical attributes rather than their experience or skill for employment, promotion, salary increase or training.

Sexual harassment should not be confused with workplace flirtation which is mutual and based on consent and attraction. Sexual harassment is coercive, it brings sex into the workplace to be used as a tool of control or abuse.

Sexual harassment can have serious effects on the victim's working life and general health.

DEFINITION:

The National Labour Consultative Council has prepared the following statement on sexual harassment:

"The Council notes the difficulty of precisely defining sexual harassment but is of the view that it generally involves verbal or physical conduct of a sexual nature which is unwelcome or intimidatory or would be regarded as offensive by a reasonable person.

The Council is particularly concerned about circumstances in which the acceptance of sexual harassment is implicitly or explicitly a condition of employment, and circumstances in which a refusal to accept sexual harassment adversely affects prospects for employment, promotion or retention or causes discrimination in remuneration or conditions of employment.

The Council also notes that action which in some circumstances may constitute normal social interaction could constitute sexual harassment when it is repeated and unwelcome."

HEALTH

Victims of sexual harassment suffer fear, anxiety, tension and frustration. These conditions may manifest themselves as physical health problems such as migraines, skin disorders, menstruation disorders and other stress-related medical problems.

WORK SATISFACTION

Everybody likes to enjoy work satisfaction, but to do so necessitates a comfortable environment to work in. Sexual harassment precludes the possibility of work satisfaction and that leads to an overall decline in the victim's self-esteem and ability to evaluate her own performance and promotion prospects. She is being undermined by the harassment and this makes it very difficult to keep her performance as a worker in perspective.

JOB PERFORMANCE

The psychological and physical effects of sexual harassment may have a negative effect on job performance. The victim's work can suffer to such an extent that the employer may begin to question her abilities. She may even be fired without anyone questioning the reason for the decline in her performance. It is very difficult to work efficiently when you are always worried that a certain person is going to harass you.

Women who work in non-traditional, male-dominated occupations are often victims of sexual harassment. Fellow workers may use harassment as an intimidation tactic to discourage women from applying for, and working in, traditionally male occupations. When women quit, the reaction is often "I told you so". However, it is frequently the constant pressure that goes with being the only woman in an all-male environment that is the problem and not that women cannot perform the job.

ECONOMIC SECURITY

Most incidents of sexual harassment occur between an employee and a supervisor. If the victim reports the incident, or refuses to comply, the harasser often has the power to affect her working conditions, training and promotion opportunities, and job security. Even after firing her, the harasser may jeopardize the victim's future job opportunities by giving her a bad reference.

In another instance a woman may resign because she can no longer stand the stress caused by the harassment. She may be too embarrassed to explain to anyone why she is leaving or she may not think anyone will believe her. In any case she has then to find another job, and may not have a very convincing reason as to why she left her last place of employment. It is important to note that if a woman advises the CES that she has left a job because of sexual

harassment, she will not have to wait the obligatory six weeks before she can receive unemployment benefits.

The conditions that contribute to women's vulnerability in the labour force - high unemployment and restricted employment opportunities - make quitting a job to avoid sexual harassment a step most women cannot afford to take.

The problem of sexual harassment does not end because the victim leaves her job. Most harassers will simply find another target. It is not in management's interest to allow it to go unchecked because it will continue to create stress in the workplace.

WHY DOES SEXUAL HARASSMENT PERSIST?

Traditional Sex Roles

Historically males have been sexual aggressors in our society, while passivity has been the female's role. From an early age women learned that their sexual and reproductive capabilities were to be exchanged for economic security in marriage. To a certain extent these values still exist and when they are transferred to the workplace inappropriate behaviour often results. These attitudes contribute to the persistence of sexual harassment at work.

Women's Position in the Labour Force

Women do not enjoy the same opportunities as men in the labour force. They are usually employed in low-paying, low-skilled jobs and they usually have male supervisors or foremen. It is this unequal power relationship which allows sexual harassment to exist.

By and large society still views men as bread-winners and women as secondary wage-earners if they earn a wage at all. While these attitudes continue to predominate sexual harassment will continue to be perpetrated. At the same time attempts to heighten the consciousness of unionists about the effects of sexual harassment on women will also help to change basic attitudes towards women working. It is because women are seen as second-class workers that sexual harassment takes place and to point out the damage that sexual harassment causes is also to assert that women have an equal right with men to be part of the paid workforce.

WHAT UNIONS CAN DO

A. WITH MANAGEMENT CO-OPERATION

Sexual harassment will be eradicated most effectively if there is complete union/management co-operation. All policies, guidelines and educational literature will work best if it is prepared by the union in consultation (and agreement) with management.

It is necessary to ensure that members are aware of this. If there is full co-operation members should be informed that both the union and management will receive complaints in a supportive manner, take them seriously, ensure no repercussions to the complainant will ensue and that any necessary action to relieve the situation and resolve the case will be taken promptly. This can probably best be done by issuing a joint union/management statement, setting down the union's policy on sexual harassment, definition of sexual harassment and procedures to be taken when a case arises.

Advice to Members

In the early stages sexual harassment is sometimes difficult to identify. Women often try to ignore it hoping they were mistaken, or feel that they can deal with it individually. As it progresses the stress of the victim will often cloud her memory. There are a number of things a woman may be able to do and may prefer to do before she brings the case to the union. Therefore all members should be advised through educational literature of some initial steps they can take.

These should include:

1. Start to keep a diary of every incident, detailing the exact behaviour, the place, date and time. If the harassment does cease, nothing has been lost, but if it continues, this diligence will make the complainant's case stronger and more clear-cut.
2. Cases can sometimes be resolved between the individuals concerned. It is in most cases wise to simply ask the offender politely to stop this particular behaviour.
3. If there are other women in the same workplace ask them if the behaviour of X offends them too. A group approach has benefits at every stage. Harassment is often concealed from co-workers, but is often affecting more than one woman.
4. If it feels comfortable, take the complaint to the immediate superior of the harasser. If the matter can easily be cleared up at this level it creates the least amount of upheaval for all concerned.

B. WITHIN THE UNION

The first step the union needs to take is to develop policy.

The policy needs to be circulated to members to advise them of the intentions of the union in this matter.

Suggested policy:

Sexual Harassment is a serious issue in the workplace which has adverse effects on the health, economic security and job satisfaction of employees. We are committed to treating this issue with the same industrial seriousness as all other industrial issues.

This union will not tolerate the perpetration of sexual harassment in any workplace in which we have members. We believe that sexual harassment denies equality of opportunity and can set an intimidating, hostile and offensive work environment for members.

By sexual harassment we mean any behaviour of a sexual nature which is uninvited and which causes work related difficulties for the person towards whom it is directed. The National Labour Consultative Council has prepared the following statement:

"The Council notes the difficulty of precisely defining sexual harassment but is of the view that it generally involves verbal or physical conduct of a sexual nature which is unwelcome or intimidating or would be regarded as offensive by a reasonable person.

The Council is particularly concerned about circumstances in which the acceptance of sexual harassment is implicitly or explicitly a condition of employment, and circumstances in which a refusal to accept sexual harassment adversely affects prospects for employment, promotion or retention or causes discrimination in remuneration or conditions of employment.

The Council also notes that action which in some circumstances may constitute normal social interaction could constitute sexual harassment when it is repeated and unwelcome."

This union is committed to preparing and implementing, in co-operation with management, a grievance procedure which will provide members with a confidential, safe course of action should they become victims of sexual harassment. This structure must ensure that there will be absolute confidentiality for all parties.

We further state that if management co-operation in establishing these structures is not assured the union will receive and take appropriate action on complaints.

We also warn that the union will not support any member found guilty of sexually harassing any other employee at the workplace.

Nominate an official within the union office to deal with these cases as they are referred on from the workplace.

Cases of sexual harassment are often very complex and involve a number of interwoven pressures and tensions. They are sometimes difficult to corroborate and to establish, and there is often a great deal of confusion. If one person within the union can be nominated to deal with cases, she/he will gain expertise and experience and therefore be better equipped to offer advice, establish a case if it needs to be taken further, understand the complainant's problems etc. It is important that members are aware of this person's role. They may want to bring the matter directly to the union official without going through their shop steward/delegate. The existence of such a nominee will also increase the confidence members need to make complaints.

Hold seminars/workshops to familiarise all officials with the nature of complaints and how they can be handled.

It is important to familiarise all officials with the nature of complaints and how they can be handled. Even if one official is nominated to deal with complaints, seminars and workshops for all officials should be initiated to provide information to help them to understand and deal with situations which may arise on the job in the areas they represent.

Although it is beneficial to appoint a particular person to develop expertise it is also necessary to provide alternative services for complaints to be received. Sexual harassment is such a very personal matter that any tension at all which may exist between the appointed official and a complainant may prevent the complaint from being made.

Determine if there is someone at the workplace who can be nominated to receive complaints as they arise.

This may be the shop steward/job delegate or representative or it may be a person (preferably a woman) who will act without management bias and who is able to relate to employees with ease and provide support for complainants whilst at the same time able to clarify the situation if it needs to be taken further.

Grievance procedures.

It is important for unions to have written grievance procedures for handling cases of sexual harassment. This document would be a statement to members that effective action can be taken if they make a complaint.

The best procedures are those drawn up by the union consistent with other union procedures and endorsed by the employer. The most simple and effective solutions will obviously come from union/management agreement.

The procedures themselves will obviously vary from union to union and maybe from workplace to workplace. Grievance procedures should provide:

1. A structure for eliciting complaints in which the complainant will feel comfortable and confident that her complaint will be handled seriously and without bias.

2. A visible and identifiable contact person to whom complaints can be made.
3. A structure which enables some investigation to take place in a confidential manner.
4. A simple mechanism which will allow for prompt action and resolution of the problem.
5. A means of conciliation between the two parties if at all possible.
6. A facility to make resolution at the workplace possible and probable but referral elsewhere simple and straightforward.
7. Since sexual harassment grievances involve allegations of misconduct, the procedure followed after a complaint has been lodged must ensure absolute confidentiality to all parties concerned.
8. The procedure needs to set down in writing the possible disciplinary measures which could be taken if the complaint is upheld.
9. The union will need to have access to advice from specialist bodies on legal questions and questions of discrimination and refer cases to them when necessary.

Women's committees.

Obviously women (who are almost always the victims of sexual harassment) will more easily understand the problem at its most basic and intimate level than men. Women are also more able to propose solutions, procedures, publicity campaigns and education about the issue which will gain the confidence and empathy of women members. For these reasons it could be very useful for the union to have a women's committee where the issue can be discussed and to whom complaints referred if necessary. If the union has only male officials it may be desirable for delegates to the women's committee to be given time releases to handle cases of sexual harassment when they arise. The advantages in having a woman accessible to talk to complainants cannot be overstated. All women have in common that they are potential victims of sexual harassment at work and have probably experienced sexual harassment away from the workplace in the street. This common experience and mutual understanding make it much easier for a distressed victim to talk about this subject with another woman.

Industrial legislation.

The ACTU, in consultation with the NLCC, is reviewing possible avenues for legislation on the issue.

It is important that the issue be covered by industrial legislation for once it has been formally established that all job sites should be free from sexual harassment any infringement of these conditions will be viewed more seriously by potential offenders, and victims will feel more confident about making complaints.

Monitoring system.

A system for monitoring sexual harassment among members can be instituted in co-operation with job delegates. The purpose of this would be to establish the nature and extent of the problem among the membership. This could be done in conjunction with a survey of members asking not only if they have been harassed but also if they have witnessed harassment of workmates. If the extent of sexual harassment is established in an industry steps towards its prevention can be taken with more success.

Women in isolated or non-traditional work.

Harassment of women working as the only female among a group of men usually takes a different form from that in concentrated areas of female employment, and is often more difficult to deal with.

Where there are a number of women working together it is likely that they have a male foreman or supervisor. This situation can lead to sexual harassment. However, if when a woman is isolated she cannot turn to her workmates for support if they are all part of the harassment, or if they feel they cannot compromise their relationships with their workmates by standing up for the woman even if they disapprove of the behaviour involved.

There are two situations where this is likely to occur. The first is in jobs which are seen to be non-traditional for women. Often antagonism to women entering a previously all-male occupation will take the form of sexual harassment. It may involve the public display of "girlie" posters or continual dirty jokes and references to the woman's sex life, her sexuality or her physical appearance. Each incident in itself is quite minor but very, very wearing and stressful if continued over a prolonged period.

The second situation of isolation which exists for women is for clerical assistants, typists or receptionists in an otherwise all-male organisation. Women in this situation receive the same sort of treatment as outlined above but its motivation is less easy to understand.

It is important that unions covering predominantly male industries ensure that members are fully aware of the union's opposition to sexual harassment and the effects that it has on the women concerned. It should be pointed out that sexual harassment by members will not be tolerated and is an infringement of the basic ethical code of unionism.

C. WHEN HANDLING A CASE

When a complaint is first reported the details need to be clearly articulated.

This may be difficult as women often wait until the harassment has been going on for a long time before they report it. They often doubt their own perceptions of the harassment in the beginning and this dulls their ability to recall incidents. Their embarrassment in talking about such a delicate subject may also lead to lack of clarity in their narration. It must be remembered that, although women know they have not solicited the harassment, social conditioning has told them that they are the controllers of sexual activity. Many women who report cases of sexual harassment are very sensitive to the possibility that they will mistakenly be seen to be guilty in some way. Again this often tends to lead to a muddled account of events.

It is important that those persons dealing with complaints are painstaking and patient in their approach for if it needs to be followed up it must be presented clearly and the 'negotiator' must be very clear as to exactly what has happened. Otherwise it is too easy for the whole complaint to be made to appear trivial or unreliable by the respondent or his agents.

It is an advantage to have one union official nominated to deal with cases because she/he will more quickly gain experience. Most harassment incidents fall into some kind of category and once that is recognised the complainant can more easily be helped to relate the events clearly. She will also feel validated in her complaint if she senses that she is not the first or only person who has experienced this form of harassment. However it is also important to recognise the individual nature and specific circumstances of each case.

Look for evidence in the complainant of any physical or emotional stress caused by the harassment.

Many complainants are in a severe state of stress when they finally make a complaint. They may appear unsure of themselves, paranoid, afraid of the repercussions on themselves or on their assailants. They may show physical signs of distress such as crying, blushing or losing the thread of their words mid-sentence.

Ask the complainant if she has been to the doctor for any reason at all during the period of harassment. It may be that an apparent physical complaint can be linked directly to the stress caused by the harassment.

It would be beneficial if a doctor could provide a medical report of this.

Try to find corroborative evidence.

It is very rare for sexual harassment to focus only on one victim; most harassers repeat their behaviour with more than one woman. Sometimes an offender will harass all women he works with; more often he will harass a select number of women concurrently or he will focus on one woman at a time. Often

there is a "main target" but other women will have experienced some form of harassment from the same offender. Try to establish if there are other women with similar experiences.

If complaints can be corroborated by other workmates the case becomes much more clear cut. It may be necessary to try and trace past employees; they may well have left the job to escape sexual harassment.

Try to find other witnesses.

Ask the complainant if she has mentioned the incidents to any of her workmates, friends, relatives etc. If they can supply statements of where and when she talked to them and a report of the conversation it may help the case.

Also there may have been eye-witnesses to some incidents. These may have appeared insignificant or trivial to someone witnessing only one incident when the main stress is the result of continued incidents. One act of leering or touching viewed by a third party may not seem to be very offensive or indicative of the extent of harassment but if such witnesses can be found they will help to establish the case.

Investigate the work records of the complainant.

Sexual harassment is very often accompanied by direct or veiled threats about the continued employment of the harassed. If possible it might be useful to investigate the work records of the complainant. If there are any inconsistencies such as unusually unsatisfactory reports which match the dates of the harassment they may provide substantiating evidence of the harassment.

Establish the resolution which would best satisfy the complainant.

It is important before any action is taken to know what the complainant would consider a satisfactory resolution to the problem. Many women are very loath to bring hardship to another person; their compassion often leads them to prefer a soft option, such as a warning. On the other hand a complainant may feel that she could not tolerate a continuing working relationship with her harasser even if the harassment stops. The stress it has caused her will not necessarily disappear as the presence of the harasser has become the stimuli for stress due to the anticipation of his actions. Some women feel more comfortable about a resolution which involves a transfer for themselves away from the environment they have come to fear so much. If this is the case a satisfactory resolution may be to seek a transfer without loss of pay or status for the complainant, taking care that the offender is reprimanded and threatened with dismissal if the actions are repeated.

On the other hand a complainant may enjoy all aspects of her current work environment and not want to transfer. Since she has committed no misconduct it is important that this wish is respected and that it is the offender who is transferred or, if necessary, dismissed.

Referral of cases to special bodies.

If a case involves civil assault or rape the union should immediately seek legal advice. If it involves discrimination it should be referred to Equal Opportunities/Anti-Discrimination Boards or to Employment Discrimination Committees. In either case the complainant will need support, help and advice from the union as the case proceeds.

Counselling an offender.

There are of course variations in the levels of sexual harassment and the seriousness of its effects of the women concerned. Incidents can involve rape or assault or they can be socially acceptable acts of sexual attention which, because they are repeated and unwanted, become harassment and very stressful. It is in the latter group that counselling may be of most value.

Some men believe that any sexual attention paid to any woman is necessarily flattering to her. Her opposition is not taken seriously; in fact a common response to opposition is to say "I know you really like it". It must be pointed out to an offender that if a woman objects to his attentions she is serious; it is an infringement of her personal rights for him to assume otherwise.

He must be made aware of the gravity of his conduct and warned that the union will take a very serious view of any recurrence of this sort of behaviour and that if future incidents lead to his dismissal he will not get union support.

Counselling of more serious offenders may require the services of a professional.

Caution

To lodge a claim of sexual harassment against another person is a very serious matter. This must be made clear to all complainants. If a claim cannot be substantiated the complainant may find herself the respondent to a defamation suit.

If it seems that the case could not be sufficiently corroborated and would not stand up, it is necessary to explain this to the complainant. Her complaint may be valid but often the nature of sexual harassment makes it very difficult to prove.

Even if defamation is not threatened the repercussions on a complainant whose case cannot be corroborated may be greater than those on the accused. This must be pointed out to the complainant and a solution sought which will not compromise her.

REPORT OF SEXUAL HARASSMENT SURVEY OF ACTU AFFILIATES

QUESTIONNAIRE AND DISTRIBUTION

A Questionnaire requesting information from unions to assess the ways sexual harassment was being dealt with by unions and its frequency was distributed late in 1982.

It was designed for State Branches of ACTU Affiliates because these branches are most likely to receive complaints of Sexual Harassment from members. It was important that the respondents had a clear working knowledge of members and their complaints because the issue of sexual harassment has only recently been brought into the open as an industrial issue but has always existed as an occupational hazard for women. One of the aims of the questionnaire was to try and establish how much work unions have done or how many complaints they receive from members in this area.

The necessity of including state branches in the replies of the questionnaire meant that the distribution was clumsy. Each federal affiliate received six questionnaires with a request to post them on to their state branches. This practice could have hindered the response rate.

The questionnaire was designed to provide information on three main questions:

- (a) How frequent are sexual harassment complaints?
- (b) How do unions handle these complaints?
- (c) How do unions view the problem and how do they believe it can be most appropriately resolved?

RESPONSES

Fifty-six responses were received from union branches representing 358,445 members. This response was poor considering that over one hundred and fifty-four affiliates representing over 2,000,000 members were asked to distribute the questionnaire to their state branches, where relevant. The percentage of women members covered by each respondent ranged from 100% to nil but it was, overall, branches with large female memberships which responded. Over half of the respondents represented government employees and over half represented white-collar industries.

Fifteen of the respondents had developed policy and a further four were engaged in developing it. All of the respondents with policy represented white-collar workers and most were professional unions such as teacher unions, professional officers associations etc. The respondents with policy also represented employees from Government or Statutory Bodies with the exception of A.D.S.T.E. (S.A.) and A.S.W.U. (Vic.) both of whom represent a large number of Government employees.

Eight of the respondents with women members said they had never received a complaint of sexual harassment and only one of these had distributed literature and developed policy. The others said they received complaints and it was clear that the number of complaints received showed some correlation to the extent to which the union had raised the issue itself.

Most of the respondents saw the problem as serious for their members and thirty-one had distributed literature to members about the issue. Most respondents said that they believed the problem needed further attention and that they would distribute more literature if it was available.

CONCLUSIONS

Overall the results of the questionnaire suggested that a lot of activity needs to be focussed by unions on the question of sexual harassment. However, it was encouraging to see that many unions are beginning to develop policies, guidelines, procedures and awareness campaigns around the issue when only three years before these did not exist.

It is probably fair to assume that, by and large, responses came from the unions most concerned about the issue. Although there were a very small proportion of responses which were obviously opposed to the issue being raised or receiving further attention, most showed concern and willingness to take the matter further.

It is clear from the responses that one of the main problems associated with the issue of sexual harassment is the difficulty of getting victims to report cases and to be taken seriously. The one influences the other; women are loath to report cases because they feel that their claims may be dismissed as trivial, not believed or bring unpleasant repercussions for themselves. But whilst women feel this way unions have no way of knowing the extent of the problem or of developing expertise in handling cases when reported. The replies therefore seemed to indicate that the problem could be better dealt with if there were increased awareness amongst members that unions would handle any cases which arose sympathetically and efficiently.

The majority of unions did not reply to the questionnaire at all and this would seem to indicate some lack of interest in the issue. It is important for attention to be brought to these areas about the need for the union to take the initiatives to assure members of their preparedness to support victims in order to elicit complaints and evaluate the extent of the problem.

It was also clear that most complaints came to branches which had given the problem some attention and raised it among members. Unions need to take initiatives to assure their members that they view this hazard as a valid industrial complaint.

To date the unions which have undertaken most action on the issue are representative of white-collar workers and Federal, State, Municipal or Statutory body employees. This is likely to be due to the emergence of equal opportunity units in Government Departments. It is in these areas that women have probably made the most gains in equal employment opportunities in the past fifteen years and it is therefore consistent that they have developed sexual

harassment policy and campaigns. These units should be encouraged in industry as a whole and unions need to give strong support to the passage of the Federal Equal Opportunity Bill.

Award Clause

Over half the respondents agreed that award clause variations would be an advantage and some unions are currently seeking such changes.

External Referral Points

Not many unions had referred complaints to external bodies but most thought such bodies should exist and would be useful.

It is clear from the responses to the questionnaire that sexual harassment is viewed by unions in two different ways.

Some union respondents viewed it as a disciplinary matter and their main emphasis was on disciplinary procedures for misconduct. This approach tends to focus on an assumption that the harasser will be a union member and co-worker. However in most cases the harasser is in a position of authority over the victim. It is important for strategies to be developed to handle cases involving co-workers, but even more so to understand that the worst forms of sexual harassment involve an unequal power relationship at work.

The second general approach to the problem was to view it as a part of the wide problem of sex discrimination in the workplace. The effects of sexual harassment obviously render women workers unequal with men who are almost always free from the threat of sexual harassment. However it is not consistently accepted that sexual harassment is necessarily a form of sex discrimination. If the same processes are being used to handle the two problems it is important for unions to clarify and state clearly that sexual harassment is considered to constitute sexual discrimination.

ORGANISATIONS TO WHICH UNIONS COULD REFER FOR ASSISTANCE

ACTU Working Women's Centre,
5th Floor, ACTU House,
393-397 Swanston Street,
MELBOURNE, VIC. 3000
Phone: (03) 347 3966

NEW SOUTH WALES

Women's Advisory Officer,
Labor Council of N.S.W.,
10th Floor,
377-383 Sussex Street,
SYDNEY, N.S.W. 2000
Phone: (02) 264 1691

Hunter Region Working Women's Centre,
Cnr. Industrial Drive & Avon Street,
MAYFIELD, N.S.W.
Phone: (049) 68 2511

Wollongong Women's Centre,
35 Stewart Street,
WOLLONGONG, N.S.W.
Phone: (042) 28 1683

Anti-Discrimination Board,
C.A.G.A. House,
Bent Street,
SYDNEY, N.S.W. 2000
Phone: (02) 231 1655

N.S.W. Committee on Discrimination in
Employment and Occupation,
Commonwealth Government Centre,
P.O. Box 2725,
SYDNEY, N.S.W. 2000
Phone: (02) 239 3511

VICTORIA

Commissioner for Equal Opportunity,
356 Collins Street,
MELBOURNE, VIC. 3000
Phone: (03) 602 3222

Victorian Committee on Discrimination in
Employment and Occupation,
14th Floor,
367 Collins Street,
MELBOURNE, VIC. 3000
Phone: (03) 62 6392

NORTHERN TERRITORY

Northern Territory Committee on Discrimination
in Employment and Occupation,
Palmerston Building,
38 Cavenagh Street,
DARWIN, N.T. 5794
Phone: (089) 89 9211

QUEENSLAND

Women's House,
54 Browning Street,
WEST END, QLD. 4101
Phone: (07) 44 4008

Queensland Committee on Discrimination in
Employment and Occupation,
294 Adelaide Street,
BRISBANE, QLD. 4001
Phone: (07) 229 2998

Queensland Workers' Health Centre,
5th Floor, Trades Hall,
Edward Street,
BRISBANE, QLD. 4000
Phone: (07) 221 4150

SOUTH AUSTRALIA

Working Women's Centre,
31 Gilbert Place,
ADELAIDE, S.A. 5000

South Australian Committee on Discrimination
in Employment and Occupation,
7th Floor, Co-op. Building,
90 King William Street,
ADELAIDE, S.A. 5000
Phone: (08) 216 4211

Commissioner for Equal Opportunities,
30 Wakefield Street,
ADELAIDE, S.A. 5000
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TASMANIA

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ARTICLE SUITABLE FOR PUBLICATION IN UNION JOURNAL

By now most of us have noticed that the issue of Sexual Harassment has been raised in newspapers, women's journals and trade union publications.

Some of us have taken the trouble to read about it. Some of us will have groaned about those feminists trying to make men into leering monsters in the workplace. The media blow up statements like "Rape: the end of every wolf-whistle" and some of us smirk and say things like "Women ask for it", "Women enjoy it", "we (men) wouldn't mind" or "its a compliment when I do it". Sometimes the question of sexual harassment is just dismissed.

The ACTU Working Women's Centre has prepared a manual for affiliated unions to assist them in handling cases of sexual harassment which are brought to them by members. The manual is designed to ensure that all unionists are clear about what sexual harassment actually is and what it is not; why it is so distressing to women and why it interferes with their attitudes to work and the way they are regarded by their workmates.

There is often an assumption among men that any sexual attention paid to a woman is flattering to her. This reflects a value that any woman is a candidate for sexual selection by any male and must passively accept his attentions. This assumption is very damaging to women if it is carried into the workplace. A woman is in a workplace to do a job. To do that efficiently and professionally she needs to be treated by those around her with the respect due to a fellow worker. If unwanted sexual attention of any nature is forced upon her she feels embarrassed - to say the least - and if this is a constant factor in her work environment, she will become distressed.

Let us look briefly at acceptable sexual interaction between men and women. A man is expected to make the initial approaches to a woman. To do so takes (for him) some courage and women know that. Of course an initial approach requires some response from the woman and if she is not interested in responding she will probably feel a little embarrassed because she knows the man in question will feel a little hurt and none of us like to hurt those who seem to be offering some self-esteem.

If this happens at work and the approaches continue without regard for the woman's feelings they quickly become sexual harassment and make the work environment very uncomfortable for the woman concerned.

This explanation assumes that all men have good intentions but most men know when their sexual attentions are unwanted and if they continue to force them they are guilty of sexual harassment.

Examples of sexual harassment range from apparently minor sexual actions to physical assault and rape.

The ACTU manual is not concerned about workplace mutual flirtation or blossoming romance or any other mutually enjoyable sexual relationships between people. It is concerned with unwanted sexual attention which makes life uncomfortable for a worker.

This issue is often dismissed by both men and women who say "the women ask for it" or "the women like it". If this is the case then it is not sexual harassment which by definition only means attention which is unwanted.

The NLCC have prepared the following statement on sexual harassment:

"The Council notes the difficulty of precisely defining sexual harassment but is of the view that it generally involves verbal or physical conduct of a sexual nature which is unwelcome or intimidating or would be regarded as offensive by a reasonable person.

The Council is particularly concerned about circumstances in which the acceptance of sexual harassment is implicitly or explicitly a condition of employment, and circumstances in which a refusal to accept sexual harassment adversely affects prospects for employment, promotion or retention or causes discrimination in remuneration or conditions of employment.

The Council also notes that action which in some circumstances may constitute normal social interaction could constitute sexual harassment when it is repeated and unwelcome."

The ACTU is concerned about sexual harassment as a fundamental threat to women's job satisfaction and performance, their health and job security. The embarrassment, guilt, confusion and shame felt by victims of sexual harassment often force them to leave their jobs and throw themselves on to a diminishing job market where prospective new employers may be less than sympathetic to the reason for leaving the previous place of work.

The slur cast on women as workers by continued sexual harassment is a factor which aggravates the inferior position women tend to have in the workforce. The very act of sexually harassing another person displays an attitude of superiority over that person and implies that women are somehow not to be taken seriously as workers but are viewed merely as sex objects.

Sexual harassment is an occupational hazard for many women. Employers and unions must take responsibility to ensure that it is not present at the workplace.

We are all aware that in the past employers have been slow to accept responsibility for work-related problems. The battle for improved industrial/occupational health conditions has in most instances been one of unions forcing employers to recognise their responsibilities to provide a safe working environment for workers. For example, it has only recently been accepted that rapid movement injuries are caused by work hazards. For years employers passed them off as being caused by knitting, playing tennis, etc. (and many still try). It is the same with sexual harassment. Employers have tended to turn a blind eye or to blame the woman.

It is time that unionists stood up about this issue, both men and women. An environment made tense by sexual harassment is not very enjoyable for anyone. If it could be eliminated then all workers would have an improved working situation.

If you are being sexually harassed at work or aware of someone else being sexually harassed at your workplace contact your union.