

SEXUAL HARASSMENT AND ASSAULT IN THE WORKPLACE

Motion

HON KATE DOUST (South Metropolitan) [11.33 am] — without notice: I move —

That this house —

- (a) notes the findings of the *‘Enough is enough’: Sexual harassment against women in the FIFO mining industry* within the Western Australian mining sector;
- (b) notes the *Respect@Work: Sexual harassment national inquiry report (2020)*, including that sexual harassment is widespread across all industries; and
- (c) calls on employers to develop positive workplace cultures based on respect and to take all steps that are reasonably practicable to ensure that workers and particularly women workers do not face sexual harassment or assault at work.

Hon KATE DOUST: I put this motion forward today because I hope we can have mature discussion about this issue. Before I commence, I want to put a statistic into members’ heads so they can think about it as we work our way through the next hour. In 2018 a national survey conducted by the Human Rights Commission found that two in five women and one in four men had experienced sexual harassment in the workplace at some point. They are significant figures for members to think about as they look around the room.

Members would have noticed that in recent times we seem to have had a heightened awareness of sexual harassment in the workplace, not just with the release of the *‘Enough is enough’: Sexual harassment against women in the FIFO mining industry* report, but also the Jenkins report into the appalling events that occurred in the federal Parliament in recent times, the Broderick report that was tabled recently in New South Wales that focused on bullying and sexual harassment for staff working within its Parliament and electorate offices, and instances in other places and, certainly historically, here. There have not just been these particular examples but quite significant numbers.

Members would have seen this week one of the mining companies—I think it was Rio Tinto—talking about the hundreds of cases it is now aware of. It is not just one or two instances, but quite significant numbers.

Hon Kyle McGinn: It was BHP.

Hon KATE DOUST: I thank the honourable member for correcting me, but I know that Rio Tinto provided significant information to the inquiry conducted by a Legislative Assembly standing committee. Just when we think we should be in the age of enlightenment and equality, and there should not be any issues in the workplace, it would appear we are indeed not in that situation but, in fact, we are backtracking and retreating into the dark ages, where there is no guarantee of safety in the workplace for men and women. I welcome those reports because they essentially have ripped the bandaid off what I have always regarded as a bit of an industrial disease.

My time working in the union movement—going back to the 1980s—was pretty much to 1984 when the Equal Opportunity Act kicked into force and finally we had some sort of protection for workers about this issue. In the industry I worked and organised in, sexual harassment occurred, particularly for women, because retail was a female-dominated industry at that point. Those women thought it was part and parcel of the job and they just had to get over it and deal with it. They thought there was nothing they could do; they could not complain about it because there would not be an outcome. In my 17 years as a union official, possibly because I was one of the few women working in my organisation, I used to get the vast bulk of sexual harassment problems. My colleague Hon Martin Pritchard will attest to that. There is no discrimination on the part of the harasser. They do not care how old you are, your gender, your background, your marital situation or your sexual preference—none of that matters. Harassment comes in all sorts of varieties; it is harsh, unwelcome, unreasonable and unwarranted. I have dealt with some outrageous examples—heartbreaking examples.

The reports highlight the significant impact upon people who suffer sexual harassment in the workplace. It is not just the physical impact; quite often it is a psychological long-term impact and also a monetary impact. More often than not, the way we resolve the issue is the victim leaves their job or has their hours cut. I think back to a woman who worked in a department store in a country town back in the 1990s. It was a horrific case. Isolation is another trigger for this, not just the location of the workplace, as in the mining report, but one’s place in the workplace can sometimes be a problem. This woman was employed full time at one point, but every time she rejected her employer’s advances, he would bump her hours down until ultimately she was casual. She was the only income earner for her family—a single mum. It got to the point where the harassment was so overpowering, you might say, and so overwhelming that she ended up in hospital. She had a breakdown and other health issues. The union stepped in when she made a complaint and her employer backed the harasser because they were mates.

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As members go through the ‘*Enough is enough*’ mining report and other reports, they will find that those sorts of instances are cited. It is a significant problem that comes in all sorts of shapes and forms. It is not new. We might be talking about it a lot now, but it is not a new problem. We need to find better ways to deal with it. The bandaid has been ripped off and hopefully people will start to think how we can reduce this and prevent it from happening. As I said in my motion, this is not just restricted to mining. If we go through the report that was tabled in the Legislative Assembly in June, we will see that it is a good and extensive report with detailed submissions and evidence. It made significant recommendations and findings, with 70-plus findings and more than 20 recommendations. It is waiting upon a government response, but as we go through this report, do not just think about mining, because the findings in here can be applied to any type of workplace. It states —

Finding 1

Women in the mining industry frequently have to deal with sexual harassment and sexual assault.

We could apply that to retail; hospitality; medical; ICT, as we have just been talking about; media; and agriculture. I struggle to think about an industry in which people may not be exposed to this as a workplace issue. In any of these findings we could delete the word “mining”, apply any other industry and we might find it to be true. It is also in the public sector and not restricted to the private sector. We are fully aware, based on media reports, that it can be anywhere. I see the Leader of the Opposition nodding his head. This is an issue. The findings talk about how there is no single type of harassment. Page 15 of this report shows an extensive list, as a result of the *Respect@Work* report, that details the nature and examples of the types of harassment that people have to put up with in the workplace. It is not just one, it is many, and quite often it can be layers upon layers in the one instance.

The mining sector is of course essential to our state in terms of employment. When my eldest daughter, who has worked in the mining sector, was 19-years-old and had been offered a job to work on mine sites during the summer break, I was quite nervous about that and cautious about where she went to work. I, in fact, vetoed a couple of companies because I knew that there were problems there. Fortunately, the employer she worked for was very sound and she spent two seasons working underground for them. I persuaded my second child not to join the armed forces because at the time there were huge stories about sexual harassment towards young women there, and I did not want to see my child put into that situation. I am sure a lot of parents think about where their children go to work and what they may be exposed to. I hope that these reports that have come out will give not just employers, but also employees and trade unions pause for thought and an opportunity to rethink how these issues are managed. It is also an opportunity for government.

I note that the ‘*Enough is enough*’ report said that legislation has not caught up with this issue, but if we think about it, there are international arrangements for the protection of people in the workplace—I just forgot the actual word for the International Labour Organization regulations. I think there are about 13 separate pieces of legislation, both commonwealth and state, that deal with this type of issue. There are codes of practice developed by WorkSafe that deal with this issue. There are reports providing examples of how these issues should be addressed, but to date we have not had it.

I only have five minutes left. Time goes swiftly when I am on my feet and I forget!

The *Respect@Work* report has provided a raft of commentary about this issue. It outlines the negative impacts upon health and wellbeing for the people at the receiving end. It talks about the impact of lost productivity, staff turnover, and the negative impact on workplace culture. It is not just the loss of income for the employer; it is the loss of income for the worker, which can either be temporary or long term, and also the loss of career opportunities, which can be temporary or long term. The *Respect@Work* report made 55 recommendations to try to address these issues. They talk about changing the arrangements so it becomes victim-centred, with a practical approach to resolving issues for all industries and businesses, not just restricting it to businesses over a certain amount. It looks at how to minimise harm to workers, not just with the incident, but going through the process. Quite frankly, the reason only 33 per cent of claims made before the Equal Opportunity Commission are sexual harassment-based—which is a really low number, and the numbers have halved in the last couple of years—is that it is really difficult for people to step up and make a complaint if they are worrying about their job or what is going to happen in the future and how people are going to react. Also, actually telling the story—it is really hard for someone to sit down and explain what somebody has done to them when they did not want that happening. Going through the formal processes can be quite cumbersome.

A lot of those things need to change. It can only change if it is led from the top and if leadership is demonstrated at the top by employers, because at the end of the day, this is not a government thing. Government can only put its frameworks in place to show the way. Ultimately, it is the employers’ responsibility to make sure it is a safe workplace. Part of that is making sure that all workers understand their rights and responsibilities, and that the people who create these problems understand what would happen to them and what the penalties are. Do not punish the worker who suffered the harassment; punish the harasser, and perhaps they might set an example to reduce the

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problem. The report talks about improved leadership, risk assessment and transparency; changing the culture of the workplace; putting in place policies and practices, training, education, and reporting mechanisms; making the workplace comfortable enough and safe enough so that people can actually report the problem; and removing some of the things that have prevented reporting, like the payments made to victims to make the problem go away, which has hidden some of the figures. That was an issue in mining, banking and a couple of other sectors as well.

If members want to see the statistics for the breakdown across every industry, not just mining, they can go to the *Respect@Work* report and look at the 2018 national survey. They will see that of the percentage of employees who have been impacted, 81 per cent have been in information media and telecommunications; 49 per cent in arts and recreation services; 47 per cent in electricity gas and water; 42 per cent in retail—no surprise there; 40 per cent in mining; and it goes on down the list. Agriculture has 18 per cent, construction has 17 per cent, wholesale and trade has 25 per cent, and administration has 27 per cent. These are really significant numbers. It is not just restricted to one industry; it is widespread. There needs to be a better way of dealing with this issue.

I was really pleased to see this week the review into the Equal Opportunity Act 1984 from the Law Reform Commission. I was equally pleased to see the comments made by the government about some of the changes that will directly impact upon sexual harassment experiences at work, particularly the proposal to remove the disadvantage test, when the victim has to prove what happened to them, which of course is a deterrent to raising the issue. That is the very good recommendation that came out of the *'Enough is enough'* report. Out of this Law Reform Commission report, the government is looking to extend the prohibition against sexual and racial harassment to members of Parliament and parliamentary staff; judicial officers and court staff; local government councillors and staff; and unpaid or volunteer workers. That is a significant change, because it happens in all those places. It looks to strengthen victimisation provisions. This is part of the way to solve a problem right across the workplace.

This is an age-old problem. It has such a long-term detrimental impact upon workers and I think the reports that have been released—the *'Enough is enough'* report, the Law Reform Commission review and the *Respect@Work* report—have highlighted this problem and brought it to the public's attention. We now need to deal with it, and I really hope that we do not have to come back in another 40 years and talk about an issue still in place, an issue that we need to work together on to shut down.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [11.48 am]: I thought I would jump in early. I want to congratulate Hon Kate Doust on the excellent motion before the house today. I indicate that the opposition absolutely supports the motion and agrees entirely with her contribution today. It is one of the best motions we have had.

The level of sexual assault and sexual harassment across Australia is horrendous. I know that Hon Kate Doust indicated some data but it is just shocking to realise the level. I quote from a report by the Australian Institute of Health and Welfare. It is a little old; it was published in August 2020. It refers to the 2016 Australian Bureau of Statistics personal safety survey. It states —

- almost **2 million** Australian adults had experienced **at least 1 sexual assault since the age of 15**

Approximately 1.6 million of those people are women.

- more than **200,000** ... Australian adults had experienced **sexual assault in the 12 months** before the survey —

That is 200 000 sexual assaults in a year, of which 150 000-plus would have been against women.

- around **639,000** Australian women experienced their most recent incident of **sexual assault perpetrated by a male in the last 10 years**.

Between 2010 and 2018, rates of sexual assault victimisation recorded by police for Australians aged 15 and over rose by more than 30% ...

It is unclear whether that reflects an increase in sexual assaults or an increase in reporting. It might, potentially, be a contribution of both; nobody is entirely sure. One would hope that reporting is an easier process than it was in the past, and, perhaps, that is playing a role.

I appreciate that Hon Kate Doust has put a very sensible motion in place that is not a battle of the genders, if you will, but reflects that no assault and no harassment is reasonable. As a man speaking on this, I acknowledge that the obvious figures are out there and we need to not gloss over those. According to these various surveys, I believe something like 84 per cent of the victims of sexual assault are female and 97 point something per cent of the perpetrators are male. There is a lot of work for we men to do as a part of this process. I will come to that in a little bit.

As the member said, it is not a new process. I refer to the Western Australian Department of Health's sexual assault and research statistics. Again, this is a little bit old. It states —

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1.7% of Western Australian females experienced sexual violence ... in 2005 —

Based on the approximate population, that indicates that there were roughly 17 000 women victims of sexual violence in 2005. I wonder whether those numbers have changed significantly since that time. We hope that they would have but I do not know that we can make that claim. I acknowledge that, obviously, we men are major contributors to this. Hon Kate Doust referenced the number and said we should look around the chamber because, proportionally, some of those are in here.

There is a group of people, obviously, who will continue to offend even with the best will in the world. I personally believe they have a psychopathic tendency or psychopathic psychology. As Hon Kate Doust says, there are laws in place. The problem with those who consider themselves above the law, in a psychopathic way, is that no government can be held to account for the behaviour of psychopaths, even with the best intent in the world. I often say you cannot deal with a psychopath or an idiot. I think that is absolutely true.

Hon Alannah MacTiernan: That makes Donald Trump a real challenge, doesn't it?

Hon Dr STEVE THOMAS: I do not have time for interjections.

I will briefly quote from this 2012 document, "Psychopathy: An Important Forensic Concept for the 21st Century" by Paul Babiak et al. The authors make a couple of interesting comments about psychopathic trends. I quote —

Many psychopaths exhibit a profound lack of remorse for their aggressive actions, both violent and nonviolent, along with a corresponding lack of empathy for their victims. This central psychopathic concept enables them to act in a cold-blooded manner, using those around them as pawns to achieve goals and satisfy needs and desires, whether sexual, financial, physical, or emotional.

Again, I think that is true. It goes on —

Psychopaths understand right from wrong. They know they are subject to society's rules, but willingly disregard them to pursue their own interests.

I think that is true. There is a group of people that we can never legislate to control but, obviously, we need to create as completely safe an environment as we can, and identify and punish the perpetrators as frequently and as harshly as possible. Just as an estimate out of the US, I quote from Kiehl and Hoffman in 2011 —

The best current estimate is that just less than 1% of all noninstitutionalized males age 18 and over are psychopaths.

That is a huge number. Approximately one per cent of people out there cannot be controlled. Consider the workers in the mining sector: if that number is accurate, that is 1 300 out of the 130 000 people working in the FIFO industry. As Hon Kate Doust says, this is across industries. The member is absolutely right.

Hon Kate Doust: Would you use the word "sociopath", rather than psychopath?

Hon Dr STEVE THOMAS: The Federal Bureau of Investigation uses psychopath. We could get into a debate but I do not have time for that.

The other really good thing about the motion by Hon Kate Doust is that it is not just about the mining sector. The mining sector has been identified, particularly, and I note the *'Enough is enough': Sexual harassment against women in the FIFO mining industry* report from the committee chaired by the member for Vasse, which states —

This inquiry did not set out to quantify the level of harassment in mining, or to rank the industry within the broader workforce.

I think, although there is some outrage around what is happening in the mining industry, Hon Kate Doust is absolutely right; it is across all industries. I also picked up the data that the member picked up in their contribution about harassment in other sectors. The report states —

- Information, media and telecommunications, at 81 per cent of the workforce —

What is going on there?

- Arts and recreational services (49%);
- Electricity, gas, water and waste services (47%);
- Retail trade (42%); and
- Mining (40%).

There is a big jump to information, media and telecommunications. It is absolutely the case that this is an insipid problem across all industries and impacts a huge range of people—the vast majority are women—across a whole range of jobs.

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I note a couple of interesting things. I think there has been some improvement in the policy sector. I have to say, the federal government's new advertising campaign is a bonus. I think the plus is that they are trying to identify bad behaviours early and correct them early on. I am a firm believer that, most of the time, these terrible behaviours—the ability to mistreat women, in the most part—is a learnt behaviour that comes from a family cycle that we need to break. Members might be aware of the new advertising campaign. It is about the first time a young girl stands up for herself but also the first time a boy stands up for her in a situation where he is taking responsibility. I think they are really positive, promising things. I think that is really good because we have to break that cycle of violence and contempt to make any difference, and so much of that starts in the home and the immediate surroundings. We have to teach the next generation about respect and proper behaviour. It is absolutely critical.

I discussed this speech with my wife and she talked about a program that I want to reference. It is apparently called *The Hunting*; it is on SBS. It had a very good section on it. Bear in mind this is fiction, but I think it applies here. A teacher of a mixed class of students asked the boys how they manage the threat of sexual assault. The high school students—adult boys and teenagers—said they do not really think about it. They said they might think a little bit about assault, but they could not really come up with an answer about their concern and how they managed the risks of sexual assault. The teacher then asked the girls. The girls filled up the whiteboard with things such as, “We go to the toilets together” or “We go to nightclubs in groups”—all the things that they do to manage this risk. The risk is out there for girls and, as the father of four daughters, it has, obviously, become a concern of mine. There is risk out there for girls that we, as young men, do not really understand, but we need to get better at that. We need to go back and teach all young men respect for everybody and respect for women. I think that has to be the focus.

This is an excellent motion and I congratulate the member on it.

HON LORNA HARPER (East Metropolitan) [11.59 am]: I, too, rise to support Hon Kate Doust's motion. I do not think we can start this debate until we look at what sexual harassment is, because we have to keep reminding people about their actions. It is verbal abuse; explicit pictures and posters; unwanted gifts; intimidating, humiliating or threatening behaviours; unwanted physical contact; and sexual assault. And in this day and age, we cannot forget that there is image-based abuse.

As a young woman, I worked in hospitality. On my first day, a person in a position of power over me thought it was appropriate as he walked past me to brush past my breast. I was quite shocked. As many people in here will know, I am a wee bit mouthy. I kept quiet until we had moved away from the public area. I went back into the kitchen and I said straight to his face, “You ever touch me again, I will break something!” That is me. I had other young women who worked with me, and I mean young women because it was hospitality. I remember walking towards the table of a group of boozy businessmen. One of them said to the young woman serving him, “What would you say to me if I said to you, ‘Voulez-vous coucher avec moi ce soir?’” I moved her aside and said, “I don't know what she'd say, but I'd call the police because she's 15 years old.” They all laughed. It is not funny. A 15-year-old girl had a boozy middle-aged man say that to her. I worked in a bar where I wore a T-shirt with a picture of a pint of Guinness that said “The perfect body”. Gee that was fun wearing that and hearing the comments I got! My daughter worked as a door girl at a nightclub in Perth. She quit because she kept telling management about the abuse and sexual assault she was a victim of and that security did nothing about it, and management did nothing.

These things are still happening. The honourable member is correct; this advertising campaign is excellent. It will shine a light on the behaviour. The problem with sexual assault and harassment is that it really is the abuse of positions of power. It is acts of violence against women, people of gender diverse background, people from the LGBTQI group and people from multicultural backgrounds. It is an abuse of power. I am not going to go man bashing but, yes, the main perpetrators are men. There is a generalised lack of respect. I do not mean every single person in here, obviously. I will refer to the statistics of one in three that Hon Kate Doust mentioned. There are 21 men in this chamber and 15 women. My maths is correct! If we look at one in three, that means potentially 12 members of this chamber have been victims of some form of sexual harassment or assault. I am sorry, gentlemen, but I would say the vast majority of them would be female members of this chamber.

Men's traditional control in decision-making in public and private life is part of the cultural change we have to look at in order to reduce the sexual harassment of women and people with other backgrounds in our workplaces. It is about respect. It is about respecting other people and ensuring they are treated the way that you would wish to be treated. Referring to people as “toxic cows” or “prize bitches” is not appropriate language to use against not just women, but any other person who might be a colleague. Referring to women in “pinnies” might seem funny, but it is not; it is putting down members of the opposite sex and it is not appropriate.

Among the reports coming through was the *Respect@Work* report. I am pleased to say that the McGowan government has agreed to implement 18 recommendations from this report. Twelve of those recommendations will be implemented through the state government and six jointly with the commonwealth. Two recommendations have already been achieved, 14 are in progress and two are in the planning stages. This is what we need. We need proactive action to reduce sexual harassment, sexual violence and violence against women and people with diverse backgrounds in

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general to continue. We also have *Stronger together: WA's plan for gender equality*. Gender equality is another tool we can use to reduce violence, sexual harassment, assault et cetera against women and people with other backgrounds. It is a framework for coordinated action by government, business, organisations and individuals to advance gender equality over the next 10 years. That is brilliant.

As leaders in our community, we, too, have to stand up and try to make sure that the comments we make and attitudes we have to each other also reflect what we are trying to do in society. I will say one thing: we do not need young boys to protect young women. Women are able to protect themselves, if we are supported. Men do not need to do it for us; we just want them to stand with us and beside us. When we speak out, we want to be supported—men do not need to do it for us. It is 2022 and I am more than capable of opening the door for myself, even though I thank my husband profusely on the occasions that he does it. We are capable. I can even put together flat pack furniture and ask for directions all by myself. As many people in here will know, when people say things to me, I will, as a woman, stand up for myself. I understand that is me and that not all people are as mouthy as I am. But women do not need men to fight their battles; they need them to fight with them. Do not speak for us, speak with us. That is what we are asking for. When men speak, we do not want to hear hollow words; we want to see the actions as well.

Yes, it is right that when we see behaviour that is inappropriate against another person, irrespective of their gender or background, we should speak up and say something. If people are not comfortable speaking up and saying something, they can go and sit with the person and join with them to make sure that they are supported. Because if we support the victims and empower people to speak for themselves, we will move forward further than any legislation could possibly take us. If you see it or spot it, you point to it. It is like workplace health and safety: spot the risks, assess the hazard, blah, blah, blah. The risk is that a woman is going to be sexually assaulted and what people can do is sit or stand with her, or with them, whoever they are. Again, I fully support this motion by Hon Kate Doust. If we shine a light on these things in public and keep talking about them, we will help to reduce it. Thank you.

HON JACKIE JARVIS (South West) [12.07 pm]: I will be quoting from the document *Submission to the national enquiry of sexual harassment in the work place: February 2019* that was prepared by the Rural, Regional and Remote Women's Network of Western Australia. I seek leave to table that document.

[Leave granted. See paper [1502](#).]

Hon JACKIE JARVIS: That document was part of a submission by the Rural, Regional and Remote Women's Network of Western Australia. At the time of its preparation, I was the CEO of that organisation. The data in the document came from a survey on sexual harassment, which, as far as we were aware at the time, was the largest survey specifically looking at WA women in a regional or rural context. In total, over the course of six months, we collected 349 survey responses. Over 80 respondents chose to share personal stories as part of that, many for the first time. Throughout my discussion today I will be talking about women because the submission was prepared by a women's network.

I would like to read one of the personal stories submitted. It is from a young woman I know personally who left her family farm in the wheatbelt to get some work experience on a cattle station. The report states —

The first serious incident I experienced was when my manager told the contractors that the first one to have sexual intercourse with me got \$1000. These were men between the ages of 19 and 21. And the manager was the only person in a position of leadership on that station. There was no mobile signal and like many stations there is only a joint landline that is shared between everyone. On other large pastoral companies while out at stock camp there's not even a landline available.

...

... we are sometimes hundreds of KM's from the nearest town. There has not been a clear pathway into the pastoral and Ag industry with an organisation to report this behaviour too. So no one is being held accountable. The manager of this station should have been setting an example to the young men and to me. I went out there wanting to learn about the basics of stockmanship and instead I was made to feel like a sex toy. The young men knew that this wasn't acceptable behaviours, yet they felt powerless to say anything as they didn't want to put their job at risk.

As I said, I know that young woman who bravely shared that story. The Rural, Regional and Remote Women's Network of Western Australia survey received stories from across the age brackets, but the dominant demographic that responded to our survey was women in my age bracket, aged 45 to 54 years, predominantly living in the wheatbelt region and predominantly working in the agricultural sector and associated industries. In many ways, they are a reflection of me. I have been a partner in a farming business for more than 25 years and have worked in the agricultural business space for more than 15 years. I note that that reflects a demographic of the membership of the RRR network, so it is not surprising that that is the demographic that we survey.

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I will go over some of the data that we received from those women. Across their working lives, 25 per cent of the women surveyed had been scared to go to work at some stage due to sexual harassment; nine per cent had a sexual harassment complaint that was current, but they had not yet reported it; 12 per cent had made a complaint at some time but had never had it resolved; and 16 per cent had taken time off work to avoid certain people or certain situations. It was really interesting that a number of respondents in the 45 to 54 age bracket were really keen to share their stories, many for the first time. Quite frankly, it was simply because they had got to an age at which they had had a gutful and did not want this behaviour to carry on for their daughters. Forty-nine per cent of survey respondents said that they thought that their current workplace did not have a sexual harassment policy in place. These women all agreed that the public definition of sexual harassment was —

... unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated ...

But half of the respondents were unsure whether suggestive sexual commentary or joking constituted sexual harassment. I can assure members that it does. Many women simply put it down as part of their industry that they would have to just accept inappropriate behaviour and off-colour jokes or comments in their workplaces, but we know that this leads to increased and aggressive forms of sexual harassment. I want to point out that sexual harassment is not the same as sexual assault, but sexual assault can be sexual harassment. The majority of sexual harassment cases are not being committed by psychopaths or sociopaths; they are basically being committed by boofhead blokes who are behaving badly in their workplace, so I think it is really important that we understand that sexual harassment takes many forms.

Forty-seven per cent of women surveyed confirmed that insults and taunts of a sexual nature in the workplace were harassment, but many just simply accept it as common practice. To add to the complexity of reporting this kind of harassment, the language we use in legal terms is incredibly confusing. Although those who work in law or people who are involved with the WA Equal Opportunity Commission understand that the words “discrimination” and “harassment” might be used interchangeably, what we found in our survey was that saying to women that they had to prove some form of discrimination led to fewer people making complaints. The idea that a woman must prove some form of disadvantage or discrimination to have her sexual harassment claim heard is simply unfair and problematic. The tabled Law Reform Commission review of the Equal Opportunity Act noted that. I will read from the report because the wording is quite good. The Law Reform Commission noted —

Stakeholders overwhelmingly supported removing the disadvantage requirement from the definition of sexual harassment.

Those stakeholders who supported removing the requirement said that we should be concentrating on the harasser’s conduct, not on the woman having to prove that she was somehow disadvantaged at work.

In the last few minutes that I have, I will share a bit more data. The women surveyed in 2019 reported the types of harassment they had experienced in the last five years in their workplaces in regional and rural Western Australia. Almost 15 per cent reported deliberate touching. Almost 14 per cent reported taunts of a sexual nature. Over 20 per cent reported intrusive questioning about their personal or sex lives. Almost five per cent reported persistent and unwanted requests for sex. Almost four per cent reported persistent and unwanted requests to go on dates. Members can see that the majority of these cases are quite serious; this is unwanted touching and taunts of a sexual nature.

When I was at the RRR network, we tried to break down what the economic cost was to industry, but it was almost impossible to find any data. A 2010 Productivity Commission report estimated that bullying cost the Australian economy about \$36 billion annually, but we could not find any data on sexual harassment. We know that when there is an increase in complaints, there is an increase in payout claims. Companies obviously do this in an incredibly secretive manner, and there is clearly a cost to individual businesses and the economy. The RRR network recommended that the best practice was for a third party mediator to come in to mediate a solution.

The vast majority of the survey’s respondents did not want to change jobs and they did not, in lots of cases, want the perpetrator to leave their job. They wanted three things: an acknowledgement that it happened, an apology and an assurance that it would not happen again to them or anyone else. It was not to be a major drama. They simply wanted someone to acknowledge that they had been wrong.

I started this speech with the excerpt from the young woman from the cattle station, whom I know personally. In many ways she told me that the young men of that story were the heroes. It was the young men, her peers, who actually came to her and said, “Our manager has said this to us.” Those men, who were aged between 19 and 21 years old, said that their mothers would be horrified that their boss had put the challenge out that they should try to sexually assault this young woman. The answer is there: we need to educate our young men and young women that enough is enough.

Hon Kate Doust; Hon Dr Steve Thomas; Hon Lorna Harper; Hon Jackie Jarvis; Hon Alannah MacTiernan; Hon Peter Foster

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [12.16 pm]: I thank Hon Kate Doust for bringing this motion forward. As has been said across the chamber, this very important social matter needs to be addressed. As Hon Kate Doust said, this is an area of concern right across the community, and I thank all the members for their contributions.

I want to make a few references to government policy. The government is currently considering the recommendations from the *'Enough is enough': Sexual harassment against women in the FIFO mining industry* report, and we will table a formal response in Parliament in due course. The government has already committed to removing the outdated disadvantage test for sexual harassment complainants in the draft of the new equal opportunity amendment bill, in line with the recommendations of the Community Development and Justice Standing Committee. People may recall that very recently the Attorney General announced our response to the review of the Equal Opportunity Commission, which was a recommendation that came out of the *'Enough is enough'* report.

We are also looking to effect cultural and organisational change, and are leading the way to creating better working conditions in the public sector to provide greater security and certainty for people in their employment, and to require the Western Australian Industrial Relations Commission to issue a stop sexual harassment order. That is consistent with the Australian Human Rights Commission 2020 report *Respect@Work: National inquiry into sexual harassment in Australian workplaces*. We are working towards the implementation of the *Respect@Work* recommendations. Two of the recommendations have been implemented, 14 are in progress and two have been approved.

The member has outlined the sorts of conduct and its prevalence. It is important for us to understand that this is not just psychopathic behaviour. This sort of behaviour has become an entrenched norm for many in the community and we need to re-establish those norms. Focusing on some suggestion that this is the result of psychopathic characters —

Hon Dr Steve Thomas interjected.

Hon ALANNAH MacTIERNAN: Sorry, one section, but the case made by Hon Jackie Jarvis is that it is deeply embedded in many workplaces and cultures, and we need to understand that. It is interesting to note the story of the cattle station, which has tended to have a predominantly male culture. From my observation—even my long observations in Parliament—the ratio of men to women in a workplace is something that is very germane to the emergence of that culture, but it is not the thing that exclusively determines it. I recall that when I first came to this place there were, I think, four women and 28 men, and this place had a very different culture from what it has now. Women who came in as Labor members in the 1980s have talked about how the culture within the Labor caucus changed as more and more women came into that caucus and into Parliament. The ratio between men and women is very relevant because the whole interaction between them can change if there is an equality of contact among their colleagues and friends. That can profoundly change the culture of a workplace. We have certainly seen that in this Parliament and the federal Parliament. Parties that have been unable to develop a significant balance of genders are the parties that struggle most with this conduct. I certainly urge members to consider that. This is obviously one of the challenges that will face the mining industry. Leadership is needed from the top, with very clear directions and statements, but it has to be more than that. The real change will occur when those workplaces are no longer identified as a masculine workplace, but a workplace in which men and women work in reasonably complementary numbers. That will produce a whole different Zeitgeist within that workplace.

It has been a very positive thing that members across the chamber today have been given the opportunity, through the very good work of Hon Kate Doust, to recognise the seriousness and prevalence of this problem and commit to making a determination that we will do all that we can to improve the standards in our community. I go back to the point that Hon Jackie Jarvis made. In reality, removing this toxicity from the workplace actually creates a better environment in which to operate for not just women, but also men. That will be to the benefit of all. It will certainly allow for constructive and productive workplace relations and, one would expect, greater productivity. I thank members for their support of this motion. I can assure members, from the report that I gave of the actions undertaken by government, that we are serious in doing all that we can to help address the prevalence of sexual harassment.

HON PETER FOSTER (Mining and Pastoral) [12.25 pm]: I also rise today to speak in support of the motion moved by Hon Kate Doust. Just for the information of members, I will finish just before the end of my speaking time to allow the honourable member to give a reply. If members have not read the report *'Enough is enough': Sexual harassment against women in the FIFO mining industry*, I strongly encourage them to do so. I will be focusing my brief contribution on the mining sector. As we all know, I live in Tom Price, which is home to quite a large mining industry, so it is only appropriate that I talk about the area in which I live. It is very important that this house notes the report. I want to join with the committee in sincerely thanking the brave women in particular who came forward to share their stories with the committee during its inquiry. Of the 87 written submissions received, 55 came from individuals with a direct personal experience—that is, 55 individuals who had suffered sexual assault or harm whilst at work. That is a substantial number of women and that needs to be reflected upon.

Hon Kate Doust; Hon Dr Steve Thomas; Hon Lorna Harper; Hon Jackie Jarvis; Hon Alannah MacTiernan; Hon Peter Foster

The report is a very difficult read and I just want to highlight some of the things that it mentions. The committee heard details of unwanted touching, sexual comments, provocative photo requests and grooming. There were stories of unsolicited and unwelcome sexual attention, stalking and texting of explicit and lewd material, and horrifying stories of sexual assault.

One of the reasons that I wanted to rise today was to talk about one of the individuals who gave a written submission to that inquiry, a lady by the name of Astacia Stevens, who, for a number of years, lived in Tom Price. Astacia was one of those brave women who contacted the inquiry and gave a written submission about her experiences during her employment in the mining industry. Astacia was born in New Zealand and emigrated to Australia in 2010. From 2010 onwards, she worked in the mining industry across a number of mine sites throughout the Pilbara, in both a FIFO capacity and a residential capacity, for Rio Tinto and Fortescue Metals Group. As I said, Astacia lived in Tom Price for a number of years and that is how I came to know her and her story and why I am standing today to talk about it.

In her submission, she talks about her male managers who were in positions of authority and who subjected her to sexual assault and harassment. She talks about when she was a mine site cleaner contracted to Sodexo. She describes a particular manager who would touch her inappropriately on almost every occasion that she was in his presence. She gives examples such as when he would frequently grab her bum. He would put his fat gut into the small of her back as if he were trying to ride her and he would frequently laugh when he did so. The same manager would often grab her hips and pretend to sexually penetrate her. He would often drop things on the floor and request that she pick them up, which, of course, she did, and then he would make a number of crude comments. Astacia wanted to be a Haulpak driver with Rio Tinto, but to do that she needed to be directly employed. Astacia took the job as cleaner with Sodexo as a pathway to permanent employment with Rio Tinto or, as it is described in the industry, to get a shirt. There are a substantial number of contracted and casual workers in the mining industry, and to get a shirt meant the employee was made permanent and, as such, would receive a better wage, paid holidays, sick leave and job security. Astacia's manager knew that she wanted to get a shirt and often made the comment that if she wanted to get a job as a Haulpak operator, she would have to show him special favours and that she knew where his room was. This is just one of the managers and incidents that Astacia describes, all of which have been uncovered, and her story can now be told as a result of this inquiry. Astacia told her story publicly. In March this year, she was interviewed. I encourage members to watch the *60 Minutes* special in which she tells her story herself.

The resources sector is the powerhouse of our state. According to the Department of Mines, Industry Regulation and Safety, the resources sector employs about 123 000 full-time employees. They all deserve to be safe. We should all feel safe at work—every single one of us. I know that the McGowan Labor government takes the issue of sexual harassment and assault very seriously. It is currently considering the *'Enough is enough': Sexual harassment against women in the FIFO mining industry* report and will be tabling a formal response.

Noting the time, I will finish there. In closing, I call on employers, including in the resources industry, to develop positive workplace cultures based on respect and to take all steps that are reasonably practical to ensure that workers, and in particular our female workers, do not face sexual harassment or assault at work. I commend the motion to the house.

HON KATE DOUST (South Metropolitan) [12.31 pm] — in reply: I am sorry to those two members who wanted to speak and who I am sure would have made an extremely valuable contribution. I want to close down the debate by thanking everyone. Quite often I find that Thursdays can be combative. I wanted us to have a reasoned discussion about what I have always regarded as a very significant and appalling workplace hazard and problem. I certainly thank Hon Lorna Harper for providing us with that very detailed definition, because I have always found a lack of consistency in the definition either in workplaces or across legislation and therefore of people's understanding of it. Perhaps we need to keep upgrading the definition as our workplace evolves. I thank Hon Jackie Jarvis for her contribution about the agricultural region. Her comments about those incidents are true. I have someone close to me who was put in that situation nearly 50 years ago and still has not recovered. When these types of incidents happen in the workplace, regardless of where it fits on the spectrum, it never leaves them. There is always that memory that stays with them along with the loss of safety, confidence and security. Because of the work done by a range of committees and these reports and recommendations, all we can continue to do as a Parliament is constantly try to identify those gaps and shut them down so that when people go to work, they are in a safe environment. Again, I note the comment about accessibility, user-friendly language and breaking down the process so that people are able to lodge a complaint because that has been a significant barrier over time. People give up because it becomes too hard and too complex and they fear what will happen to them if they pursue the issue.

I thank everyone who has contributed. I think it has been quite useful discussion. I know that in due course, hopefully, changes will be afforded to the equal opportunity legislation. Based on today's comments, I would hope that those proposed amendments to improve these arrangements to shut down sexual harassment in the workplace will be supported by all members in this room.

Extract from *Hansard*

[COUNCIL — Thursday, 18 August 2022]

p3744b-3752a

Hon Kate Doust; Hon Dr Steve Thomas; Hon Lorna Harper; Hon Jackie Jarvis; Hon Alannah MacTiernan; Hon Peter Foster

Motion lapsed, pursuant to standing orders.