

# **Draft National Plan to End Violence against Women and Children 2022-2032**

**Submission to the Department of Social  
Services**

**Date:** 25 February 2022

**On behalf of:** Daniel Walton, AWU National Secretary



# Submission - Draft National Plan to End Violence against Women and Children 2022-2032

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## Overview

Thank you for the opportunity to make this submission on the Draft National Plan to End Violence against Women and Children 2022-2032 (the Draft National Plan).



The Australian Workers' Union (AWU) represents over 70,000 members nationally in a broad range of industries. There is significant diversity in the work of women across AWU sites, from male-dominated industries such as mining, manufacturing and construction to female-dominated industries such as hair and beauty, health and aged care.

The AWU supports the Draft National Plan's vision for:

*a country where all women and children live free from fear and violence, thrive and reach their full potential, and where women and children and LGBTIQ+ people of all genders are safe at home, at work, at school, in the community and online.*

The ongoing COVID-19 pandemic highlights the precarity of work across our membership, and has exposed significant risks associated with insecure work. While many cities were otherwise empty, AWU members turned up to do the work necessary to keep Australia's industries and economy going. Occupations and industries dominated by women tend to face greater economic insecurity, meaning that the economic upheaval of the pandemic had a greater impact on working women.

The disruption posed by the pandemic to work and schooling has undoubtedly affected not just AWU members, but their families and children. With very few exceptions, the AWU's members do not have the option of working from home or supervising children learning from home.

Job security and workplace culture play a crucial role in supporting women facing violence. All workplaces must:

- Recognise the unique challenges women face
- Encourage and facilitate women to participate meaningfully in workplace decisions, and
- Respond to concerns of all employees about harassment, bullying and violence in an informed and dignified manner.

Presently, the Draft National Plan does not specify concrete action towards these goals. For this reason, we support the ACTU's recommendation that the Draft National Plan be redrafted, while suggesting a range of further improvements below.

We would welcome the opportunity to provide further information to the Department on how increasing insecurity affects our members, and the opportunities for reform.

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## Recommendations



**Recommendation 1:** The Draft National Plan must recognise the key role that employers, workers and unions play in creating an environment of respect for women in the workplace and in the broader community.

**Recommendation 2:** The Draft National Plan must reinforce the importance of further legislative reform to achieve the aims and intent of the Respect@Work report, in particular:

- a specific prohibition on sexual harassment in the Fair Work Act
- a new positive duty on employers to take reasonable measures to eliminate sex discrimination, sexual harassment and victimisation
- further powers for the Sex Discrimination Commissioner to investigate sexual harassment issues and monitor compliance.

**Recommendation 3:** The Draft National Plan must recognise that economic insecurity and job insecurity increase the risks and impacts of violence against women, and propose concrete measures to reduce inequality in the workplace, including:

- universal access to a minimum of 10 days paid family and domestic violence leave
- provision of free, universal access to quality early childhood education and care, delivered by highly skilled, properly paid and securely employed educators
- expanding and improving Australia's Paid Parental Leave scheme
- addressing insecure work.

**Recommendation 4:** The Draft National Plan should incorporate training for frontline workers to respond to warnings of violence and traumatic events in clients' lives, to support the mental health of these workers as well as to refer victim-survivors of violence to appropriate support services.

**Recommendation 5:** The Draft National Plan should be redrafted to set out a clear strategy to achieve a significant and sustained reduction in violence against women by 2032. In particular, it must set out actions proposed to reduce violence against women and children; metrics across its pillars that accurately reflect this goal; and establish a meaningful ongoing evaluation process considering not just governance and compliance, but its actual impact on its targeted outcome.

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## 1 Women face barriers at work that contribute to gendered violence and inequality



### 1.1 Workplace culture, sexual harassment and assault at work

The Draft National Plan rightly recognises that employers and work colleagues are accountable for change to address men's violence against women and children. Workplaces are a focal point for providing information and addressing gendered violence. Including both part-time and full-time employees, the average working man works around 36 hours per week, while the average working woman works 28 hours per week.<sup>1</sup> These figures have stayed stable over the last two decades. This suggests that, despite progress in improving opportunity and access in the workplace for women, there remain barriers to equal participation – for example, an expectation that women take up the largest part of family and caring roles. However, this also creates the opportunity to set high standards in the workplace for the way that all people, but particularly women and children, are treated.

In many workplaces, but particularly those in male-dominated industries, workplace culture has failed to catch up and create an environment for all people to work. The AWU, as part of the Western Mineworkers' Alliance with the Mining & Energy Union, uncovered the shocking culture for women at iron ore mines in the Pilbara in 2021 (Box 1). Many workplaces have chosen to turn a blind eye to their own employees' and managers' behaviour – despite existing legal protections for workers, and significant attention from the broader community. Sadly, this can suggest that a lack of respect for women is tolerated in the workplace – and this may well continue in the home and in the broader community.

#### **Box 1 – Western Mineworkers' Alliance efforts to stop sexual harassment and gendered violence in the Pilbara**

The Western Mineworkers' Alliance (WMWA) was established in 2013 bringing together Australia's two largest mining unions, the Australian Workers' Union, and the Mining and Energy Union (a Division of the CFMMEU). The Alliance and its partner unions play a vital role in campaigning to improve the working lives of the workers employed by some of the world's largest iron ore miners including Rio Tinto and BHP in their Pilbara operations.

Women are making up a growing share of workers at these mines. However, in a survey of over 400 workers, both men and women, the WMWA found disturbing evidence that Rio Tinto and BHP were failing to support women in their mines:

- 1 in 5 women saying they had experienced physical acts of sexual assaults

<sup>1</sup> Australian Bureau of Statistics – Employee Earnings and Hours, Australia (May 2021).

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- 1 in 5 women saying they had been explicitly or implicitly offered career advancement or benefits in return for sexual favours
- 1 in 3 women saying they had received requests for sexual favours, and repeated invitations to engage in sexual relationships.

When women raised concerns, many were 'blacklisted' from job opportunities or faced retaliation from colleagues and supervisors.

The WMWA told the Western Australian Parliament that an independent expert body, funded by industry, was necessary to handle sexual harassment complaints with dignity and respect. Among the WMWA's other key recommendations were:

- Investment in upgrading FIFO worksites and camps to improve security
- Improving camp recreational facilities and accommodation to a consistent standard
- A truly confidential employee assistance program available to all workers when they need it.

Mining companies have not done enough to back up the gender equality strategies developed in head office with practical support on the ground to support women in remote, male-dominated workplaces and embed healthy, safe, respectful workplace cultures and practices for all workers on site and in residential camps.

Rio Tinto, off the back of the WMWA's revelations, commissioned an independent report into its workplace culture. This report by Elizabeth Broderick, the former Sex Discrimination Commissioner, echoed the WMWA's survey findings, observing that half of Rio Tinto's iron ore employees had been bullied and 1 in 3 had faced sexual harassment.

While the WMWA welcomes Rio Tinto's initiative in commissioning this report, the company still refuses to engage or consult directly with its workers and representatives to discuss collaborative solutions. Had Rio Tinto not chosen a path of 'direct engagement', shunning worker representatives to the side some decades ago, these issues could have been identified and resolved.

The decisions of every worker – from labourers to middle managers and executives – contribute to a workplace culture where women are welcome, their ideas and work are valued, and concerns are taken seriously and addressed swiftly. Unfortunately, many workplaces are underperforming in this, tolerating behaviours that reinforce gender inequality – both economically (for example, in pay and job discrimination between women and men as workers) and socially (by reinforcing differences between men and women in the workforce).

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**Recommendation 1:** The Draft National Plan must recognise the key role that employers, workers and unions play in creating an environment of respect for women in the workplace and in the broader community.

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UNION

The Australian Government already knows that workplace culture is paramount in ensuring women are treated with respect. It has had the Respect@Work report of the Sex Discrimination Commissioner since January 2020. Despite loudly passing legislation claiming to implement the report in September 2021, the Government has not acted on key recommendations to:

- specifically prohibit sexual harassment in the Fair Work Act
- place a positive duty on employers to take reasonable measures to eliminate sex discrimination, sexual harassment and victimisation
- give the Sex Discrimination Commissioner additional powers to investigate sexual harassment issues and monitor compliance.

These reforms are necessary to effect cultural change. Large public companies face the most scrutiny on gender equality and are in a better position to make voluntary commitments. But for smaller companies, change will require regulatory oversight.

**Recommendation 2:** The Draft National Plan must reinforce the importance of further legislative reform to achieve the aims and intent of the Respect@Work report, in particular:

- a specific prohibition on sexual harassment in the Fair Work Act
- a new positive duty on employers to take reasonable measures to eliminate sex discrimination, sexual harassment and victimisation
- further powers for the Sex Discrimination Commissioner to investigate sexual harassment issues and monitor compliance.

## 1.2 Job security for women

The different circumstances faced by women and men entering the workforce are well-established. The Workplace Gender Equality Agency (WGEA) reports that in 2020-21, a working woman earned 22.8% less than a man, on average, or around \$25,800 less per year.<sup>2</sup>

This is not simply women being paid less than men for undertaking the same work, although this does happen. Workers may seek recourse through the Fair Work Commission, but the equal remuneration

<sup>2</sup> <https://www.wgea.gov.au/publications/australias-gender-equality-scorecard>

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provisions in the *Fair Work Act 2009* have proven extremely difficult to enforce.

The WGEA attributes the gender pay gap to:<sup>3</sup>

- *conscious and unconscious discrimination and bias in hiring and pay decisions*
- *women and men working in different industries and different jobs, with female-dominated industries and jobs attracting lower wages*
- *lack of workplace flexibility to accommodate caring and other responsibilities, especially in senior roles*
- *high rates of part-time work for women*
- *women's greater time out of the workforce for caring responsibilities impacting career progression and opportunities*
- *women's disproportionate share of unpaid caring and domestic work*

It is clear that women still face cultural and societal expectations that limit their participation in the workforce. Low-paid, insecure and casual jobs are considered 'women's work' – in the AWU's membership, this includes laundry operators, hair stylists and aged care workers. More lucrative professions and trades, on the other hand, suffer from the cultural issues described earlier. Further, they fail to offer flexibility to workers, meaning that those with caring commitments outside of work – overwhelmingly women – are not able to participate. This leaves women without economic or job security. Ultimately, this can put women in a position of dependence on a partner or other family members, rendering them more vulnerable to domestic violence and abuse.

Improving economic outcomes for women must form a part of any plan aimed at ending violence against women.

Implementation of legislative changes from the Respect@Work report (outlined in Recommendation 2 above) will go some way towards improving workplace culture and ensuring that women can take up all opportunities in all workplaces. However, more can be done to ensure that working women retain economic security and job security while facing family and domestic violence. Family and domestic violence costs the Australian economy about \$22 billion per year,<sup>4</sup> yet for permanent employees subject to violence, existing leave entitlements are quickly consumed and/or unfit for purpose. For the more than 2 million Australian workers employed casually, over half of whom are women, there are no paid leave



<sup>3</sup> <https://www.wgea.gov.au/the-gender-pay-gap>

<sup>4</sup> [https://www.dss.gov.au/sites/default/files/documents/08\\_2016/the\\_cost\\_of\\_violence\\_against\\_women\\_and\\_their\\_children\\_in\\_australia\\_-\\_summary\\_report\\_may\\_2016.pdf](https://www.dss.gov.au/sites/default/files/documents/08_2016/the_cost_of_violence_against_women_and_their_children_in_australia_-_summary_report_may_2016.pdf)

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entitlements to rely on at all.

While the majority of employers now provide some form of support for workers experiencing family and domestic violence, only about a third provide paid leave, leaving far too many Australian workers still facing the impossible choice between their safety and their paycheck. As a result, the AWU supports the ACTU's recommendation of a goal of universal access to a minimum of 10 days' paid family and domestic violence leave – this provides a concrete action within the Plan that can be taken to help reduce violence against women.

The ACTU also supports the following broader efforts recommended by the ACTU aimed at reducing inequality in the workplace:

- provision of free, universal access to quality early childhood education and care, delivered by highly skilled, properly paid and securely employed educators
- expanding and improving Australia's Paid Parental Leave scheme
- addressing insecure work – for example, by allowing casual workers with regular hours to transition to permanent employment with no reduction in typical hours worked.

**Recommendation 3:** The Draft National Plan must recognise that economic insecurity and job insecurity increase the risks and impacts of violence against women, and propose concrete measures to reduce inequality in the workplace, including:

- universal access to a minimum of 10 days paid family and domestic violence leave
- provision of free, universal access to quality early childhood education and care, delivered by highly skilled, properly paid and securely employed educators
- expanding and improving Australia's Paid Parental Leave scheme
- addressing insecure work.

### 1.3 Informal interventions at the cost of working women

The AWU operates Hair Stylists Australia, the union for hair and beauty workers across Australia.

Because of the directness of their work, many hair and beauty workers are put in the position of hearing their (predominantly female) clients' lives – including experiences of gender-based violence. Hair and beauty workers may be pressed into a role of informal counselling or advice-giving, putting them at risk of second-hand trauma and mental health issues.<sup>5</sup>

<sup>5</sup> <https://www.abc.net.au/news/2021-05-17/union-training-to-help-hairdressers-manage-client-trauma/100080914>



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The AWU notes promising initiatives undertaken by some business operators to provide mental health training to hair and beauty workers.<sup>6</sup> This empowers hair and beauty workers to manage their own mental health and to provide appropriate referrals to clients in need of support from mental health or women's service providers. This type of training forms part of an effective community response to violence against women and children. Hair Stylists Australia has called for the inclusion of a mental health and family violence training module Certificate III in Hairdressing.<sup>7</sup> Similar initiatives may also be appropriate for workers in other sectors at risk of exposure to traumatic events, such as health and aged care workers.

**Recommendation 4:** The Draft National Plan should incorporate training for frontline workers to respond to warnings of violence and traumatic events in clients' lives, to support the mental health of these workers as well as to refer victim-survivors of violence to appropriate support services.

## 2 Establishing an effective National Plan

The AWU shares the view of the ACTU in this consultation process:

*The NAP contains no clear strategy for ending violence against women, no concrete actions; no specific targets or accountability measures; and no funding or resourcing commitments. It is not a 'plan' in any sense of the word.*

In particular, evaluation of the current National Plan, along with evaluation proposals in the Draft National Plan, are severely lacking. The evaluation of the current National Plan has been outsourced to consultants; allegedly completed in November 2021, the evaluation will not be made publicly available until May this year. How are stakeholders meant to respond effectively to the Draft National Plan, without a thorough public evaluation of the last plan?

The Draft National Plan is not unique among government programs in its failure to incorporate effective evaluation. The Productivity Commission identified the common issues in 2020:<sup>8</sup>

*While there is strong agreement across Australian Government agencies that policy should be informed by evidence about what works, we heard that in practice this is often not the case. One government agency told the Commission that a lot of program evaluations provide headline metrics, but not relevant findings and that 'evaluation is often seen as a cost, not a benefit'. Many said that evaluations are often treated as compliance*

<sup>6</sup> <https://www.news.com.au/lifestyle/hair-salon-enlists-counsellor-as-clients-emotional-issues-spill-over-to-staff/news-story/5ed7b21336471690ab367e3216bf8382>; <https://www.hair3rs.org.au/>

<sup>7</sup> <https://hairstylistsaustralia.com.au/campaign/we-need-mental-health-training/>

<sup>8</sup> <https://www.pc.gov.au/inquiries/completed/indigenous-evaluation/strategy/indigenous-evaluation-background.pdf>

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*exercises and the focus is often on measuring outputs rather than impacts, outcomes or effectiveness. Government agencies also told us that:*

- *evaluation findings are often not timely enough to provide answers to policy questions*
- *some evaluations are of little value because they have not asked the right evaluation questions*
- *funding and timeframes for evaluations can be inadequate and this compromises the quality and usefulness of evaluation findings.*



Sadly, all of these issues are present in the 'evaluation' proposal for the Draft National Plan before it has even begun.

The Draft National Plan **must** set out the actions proposed to reduce violence against women and children; metrics across its pillars that accurately reflect this goal; and establish a meaningful ongoing evaluation process considering not just governance and compliance, but its actual impact on its targeted outcome.

**Recommendation 5:** The Draft National Plan should be redrafted to set out a clear strategy to achieve a significant and sustained reduction in violence against women by 2032. In particular, it must set out actions proposed to reduce violence against women and children; metrics across its pillars that accurately reflect this goal; and establish a meaningful ongoing evaluation process considering not just governance and compliance, but its actual impact on its targeted outcome.

The Draft National Plan also fails to effectively distinguish between family and domestic violence, and all gendered violence. It appears to use this language interchangeably. This fails to give proper recognition to gendered violence taking place in the workplace (including sexual harassment and assault). As discussed earlier, the entire community – including, and particularly, workplaces – must respond to poor treatment of women.

In order to achieve the broad goals that can drive a significant and sustained reduction in violence against women by 2032, the entire gamut of barriers for working women must be addressed – not just the direct response to one particular form of violence. The recommendations outlined above will make significant progress towards improving economic equality in Australia and contribute to a community that can more effectively drive change in this critical area of focus for government.