



The Senate Education and Employment
Legislation Committee

Inquiry into the Sex Discrimination and Fair Work
(Respect at Work) Amendment Bill 2021

Date Submitted: 09 July 2021

Submitted by: **Gerard Dwyer**

National Secretary

SDA National Office

Level 6, 53 Queen Street

MELBOURNE VIC 3000

Telephone: (03) 8611 7000

SDA Submission to the Senate Education and Employment Legislation Committee Inquiry into the Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021

INTRODUCTION

1. The Shop, Distributive and Allied Employees' Association (the SDA) is one of Australia's largest trade unions with over 210,000 members. Our members work in retail, fast food, warehousing, hairdressing, beauty, pharmacy, online retailing, and modelling.
2. The majority of SDA members are women (60%, approximately 131,000), under 35 years (57%, approximately 120,000 workers), and low-income. Retail and food services are two of the three lowest industries for median weekly earnings.
3. The SDA has a long history of advocating on behalf of members. We do this through enterprise bargaining; making submissions regarding Awards and the NES to provide a relevant safety net; and through numerous submissions made to parliamentary and government inquiries and other important reviews. The SDA has 10 policy principles that guide our engagement in these reviews. For a list of these, see Appendix A.
4. The SDA supports the submission of the ACTU.
5. The SDA makes this short submission which is to be read with *Everyone's business: Sexual Harassment of SDA members (2019)* Report. **(Attachment A)**

SUBMISSION

6. The SDA calls on the Federal government to enact in full the Recommendations of the AHRC Respect@Work Report to ensure that there are stronger and more effective measures in place to prevent, address and redress sexual harassment in the workplace.
7. Despite sexual harassment being unlawful in Australia since 1984, these laws have failed to prevent sexual harassment, and the data shows that it's getting worse. Our workplace laws, our work health and safety laws and our anti-discrimination laws need an overhaul if we are to eliminate sexual harassment from Australian workplaces.
8. The levels of sexual harassment experienced by workers in the retail and fast-food industries; characterised by a predominance of women and young people, is overwhelming and deeply concerning. Much more needs to be done to ensure safe workplaces that are free of discrimination and harassment.
9. When the Australian Human Rights Commission (AHRC) *Everyone's business: Fourth national survey of sexual harassment in Australian workplaces* identified sexual harassment in the retail and fast-food industries as being significantly higher than the general workforce population, the SDA partnered with the AHRC to undertake a comprehensive survey of SDA members to better understand their experiences of sexual harassment.
10. The results of that survey are contained in the *Everyone's business: Sexual Harassment of SDA members (2019)* Report. (**Attachment A**).
11. This report is sobering reading and demonstrates that the prevalence of sexual harassment in the retail and fast-food industries is alarming, and urgent, meaningful action is required.

I have experienced and witnessed sexual harassment on many occasions. I am aware of many occasions in which complaints have been made and no action has occurred and it's appalling. A previous manager was reported by staff and customers and eventually engaged in a sexual relationship with an underage team member. When the more senior management became aware of this he was allowed to resign rather than face any true consequence. Another team member has been reported for sexual harassment more than 5 times that I am aware and still is employed in the same store with no action taken. No one feels comfortable working with him. And nothing is done.

12. Some of the key findings of the report include;

Prevalence of sexual harassment

13. Retail and fast food are the most common industries for young people to get their first job and start their working lives. But many parents would be shocked to know the likelihood of their child be subjected to sexual harassment at work is so high.
14. 39% of SDA members experienced workplace sexual harassment in the last five years which is significantly higher than the general workforce which is 33%.

51% of female members aged under 18 years of age have experienced sexual harassment in the last five years.

15. It is simply unacceptable that a young women starting her first job in retail or fast food is more likely to be sexually harassed than not.
16. Both the retail and fast-food industries employ large numbers of children under the age of 18, yet there is no requirement to have a Working with Children check. A volunteer coach at the netball club or football is required to have one, but the store manager at a McDonald's or a Supermarket isn't required to, yet they too are working with children.

Impact of sexual harassment

17. While it is crucial to understand the prevalence of sexual harassment in workplaces, it is equally important to understand the impact; and the impact is profound. A quarter of those who experienced sexual harassment said it negatively impacted on their employment, career or work.

*A few years ago I was treated like crap by management and co-workers for filing a harassment complaint. **It became so bad I considered ending my life.** I have since never spoken up again if someone touched me or said something to make me feel uncomfortable.*

18. Almost half of workers who have been sexually harassed reported experiencing mental health issues as a result, with 6% reporting they had experienced suicidal thoughts and 4% with PTSD.
19. It is crucial that our industrial, work health and safety, and anti-discrimination laws operate cohesively and comprehensively to ensure that sexual harassment is eliminated, addressed and redressed appropriately.
20. The proposed Bill fails to adequately adopt the recommendations of the of the AHRC Respect@Work Report and in turn falls well short of what is necessary for ensuring workplaces are safe and free from sexual harassment.

Appendix A: Rationale for SDA policy positions

SDA policy is driven by providing value to our members whose work is regulated by a broken industrial framework. We seek an economic system that supports, protects and advances the interests of working people in this country.

Our predecessors built the conciliation and arbitration system which provided the foundations to our nations prosperity over a century ago, it is now our responsibility to build a system for the next generation.

Since the introduction of the Fair Work Act 2009 and subsequent radical changes to the financial and digital context inequality has grown and economic and political power has concentrated in the hands of a few.

We believe that fundamental not incremental change is needed. In contributing to policy, we seek to drive a new system that acknowledges the change that has occurred and will withstand the emerging world of work.

We engage in topics that help us drive this agenda and are guided by ten principles that we believe will create value for our members. Those principles are:

1. Address Inequality & Enshrine Fairness.
Minimum expectations must be set and adhered to.
2. Equity & Empowerment.
All workers must be supported to progress so that no-one is left behind.
3. Mobility & Security.
A socially successful economy must provide opportunity for all, regardless of their background. Systems must be built in a way that support success and adaptation in a rapidly changing world of work.
4. Delivering Prosperity and Growth For All.
A foundation for prosperity and economic growth must be achieved.
5. Protection in Work & Beyond.
Workplaces and the community must be healthy and safe for all workers and their families during and beyond their working lives.
6. Workers Capital & Superannuation.
Workers capital and superannuation must be an industrial right for all workers and treated as deferred earnings designed for dignity and justice in retirement.
7. A Strong Independent Umpire.
A strong, independent, cost effective and accessible industrial umpire and regulator must be central to the future system of work in Australia.
8. Protection & Support for Our Future.
Protecting and supporting our future requires a strong and vibrant retail industry and supply chain providing jobs with fair and just remuneration and contributing to the economy including through skilled workers.
9. Work & Community.
Work is a fundamental human activity that provides for personal, social and economic development. Work as it operates in community must build and protect a balance between life at work and life so that workers can contribute to society through the wider community.
10. Institutional Support for Collective Agents
Institutional support must provide for collective agents (registered organisations) so that they are recognised, enshrined and explicitly supported as central to the effective functioning of the system.

Details of specific policy positions can be discussed by contacting:

SDA National Office
Level 6 53 Queen Street
MELBOURNE VIC 3000
Email: general@sda.org.au
Phone: (03) 8611 7000