

The case for prevention of gendered violence

TO HELP PREPARE YOUR ORGANISATION TO TAKE ACTION

This resource supports **Step 1: Start from strong foundations**. It will help you to build leadership commitment by providing key data and reasons to commit.

Organisational leadership that is accountable, supports, enables, endorses and authorises sustained action to prevent gendered violence in the workplace is essential for your organisation to be ready to begin (and continue) work to prevent gendered violence.

THE PROBLEM: GENDER AND INTERSECTIONAL INEQUALITY IN THE VICTORIAN LEGAL AND JUSTICE SECTOR

Starts With Us research on experiences of sexism and gender inequality in the legal and justice sector in 2019 found:¹

- › gender disparity in leadership despite more women than men entering the law.
- › preferential treatment of men in hiring and promotion.
- › discrimination against women perceived to be of 'childbearing' age.
- › inadequate organisational and sector wide responses to sexual harassment and other forms of gendered violence.

Further, *Starts with Us* research² on gender and intersectional inequality conducted in 2022 confirmed that gender inequality and other forms of discrimination work together to compound experiences of sexism, racism, ageism, homophobia, and ableism:

The *Starts With Us* Framework

A guide to create gender equitable and safe legal and justice workplaces is by and for Victoria's legal and justice workforce.

It is part of the *Starts With Us* Project - a cross-sector initiative to prevent gendered violence in Victoria's legal and justice sector.

This Framework provides 'how to' guidance and supporting resources - informed by the latest research and best practice - on practical steps your organisation can take to prevent gendered violence in the workplace.

25% of research participants said they experienced discrimination due to their ethnicity, race or religion.

45% reported they had experienced bullying or harassment due to gender.

13% reported they had experienced bullying or harassment due to disability.

40% did not report or seek support for the bullying, harassment or discrimination they had experienced.

22% said they experienced discrimination due to disability or mental illness.

57% said they experienced discrimination due to their ethnicity, race or religion.

15% reported they had experienced bullying or harassment due to race, ethnicity or religion.

11% said they experienced discrimination on the basis of their sexual orientation or gender identity.

44% said their experiences had caused them to consider leaving the sector.

¹ Women's Legal Service Victoria, *Sexism and Gender Inequality in the Victorian Legal and Justice Sector* (2019) www.womenslegal.org.au/~womensle/wp-content/uploads/2021/04/Starts-With-Us-discussion-paper.pdf.

² Women's Legal Service Victoria, *Gender and Intersectional Inequality: Power and privilege in Victoria's Legal and Justice Workforce* (2022), www.womenslegal.org.au/wp-content/uploads/2023/04/WLSV_ResearchReport_Gender-and-Intersectional-Inequality_Jun-2022.pdf.

YOUR ORGANISATION HAS LEGISLATIVE OBLIGATIONS TO PREVENT GENDERED VIOLENCE IN YOUR WORKPLACE

- › All employers now have a positive duty to prevent sexual harassment and other forms of gendered violence following amendments to the *Sex Discrimination Act 1984* (Cth).
- › This positive duty was introduced into legislation following recommendations in the *Respect@Work* report.³ From December 2023, the Australian Human Rights Commission will have powers to enforce compliance with this positive duty.
- › A positive duty already exists in the *Victorian Equal Opportunity Act 2010* (Vic), obligating employers to take reasonable and proportionate measures to eliminate discrimination, sexual harassment or victimisation as far as possible.
- › Following the Ministerial Taskforce into Workplace Sexual harassment,⁴ the Victorian Government adopted the overarching recommendation that workplace sexual harassment be treated as an OHS issue, and to increase WorkSafe's capacity to take a lead role in the prevention of, and response to, workplace sexual harassment.
- › Victorian public sector organisations have obligations to progress gender equality under the *Gender Equality Act 2020* (Vic).

THE BENEFITS AND OPPORTUNITIES OF ACTION TO PREVENT GENDERED VIOLENCE

Investing in prevention of gendered violence in your organisation will:

- › reduce legal risk and liability for discrimination and harassment claims.
- › show leadership and reflect community expectations on the role of the legal profession to uphold high ethical standards.
- › demonstrate your positive obligations to eliminate sexual harassment under the *Sex Discrimination Act 1984* (Cth).

Gendered violence is driven by gender inequality.

Gendered violence is a business risk, costing organisations in staff (negatively impacting recruitment and retention), productivity, profitability and reputation.

- › enhance your status as an equal opportunity employer, a safe workplace, and an employer of choice.
- › improve retention and reduce costs arising from staff turnover.
- › help attract and retain highly skilled staff, improve productivity and performance.
- › benefit your core business, market competitiveness and ability to attract a more diverse range of clients.⁵

SUPPORTING DATA

- › 53 per cent of women have experienced sexual harassment in their lifetime and are twice as likely as men to experience sexual harassment.⁶
- › In most incidents of workplace sexual harassment (79 per cent), the harasser was male.⁷
- › All violence significantly impacts women's physical and mental health and wellbeing.⁸
- › In 2015, it is estimated that the cost of violence against women to the Australian economy was \$21.7 billion a year.⁹
- › By 2044-45, violence against women is estimated to cost the Australian economy \$323.4 billion.¹⁰
- › Australia is ranked 26th in the world on the global gender equality index.¹¹
- › In 2022, the Workplace Gender Equality Agency reported a gender pay gap of 16 per cent in the legal services and finance industries.¹²

³ Australian Human Rights Commission, [Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces](#), (2020).

⁴ *Ministerial taskforce on workplace sexual harassment: The Victorian Government's response to the recommendations on how to better prevent and respond to sexual harassment in workplaces*, Victorian Government (11 July 2022), <https://www.vic.gov.au/ministerial-taskforce-workplace-sexual-harassment>.

⁵ Law Society of NSW, 'Diversity and Inclusion in the Legal Profession: The business case' (October 2021), https://www.lawsociety.com.au/sites/default/files/2021-10/LS1856_PAP_DIV_CulturalDiversity_2021-10-14.pdf.

⁶ *Sexual Harassment*, Australian Bureau of Statistics (7 December 2021), [https://www.abs.gov.au/articles/sexual-harassment#:~:text=Women%20were%20twice%20as%20likely,%2C%20or%20fondling%20\(30%25](https://www.abs.gov.au/articles/sexual-harassment#:~:text=Women%20were%20twice%20as%20likely,%2C%20or%20fondling%20(30%25).

⁷ *Nature and prevalence of workplace sexual harassment*, Respect@Work, <https://www.respectatwork.gov.au/individual/understanding-workplace-sexual-harassment/nature-and-prevalence-workplace-sexual-harassment>.

⁸ Ayre, J., Lum On, M., Webster, K., Gourley, M., & Moon, L. (2016). *Examination of the burden of disease of intimate partner violence against women in 2011: Final report* (ANROWS Horizons, 06/2016). Sydney: ANROWS.

⁹ PriceWaterhouseCoopers Australia, *A High Price to Pay: The Economic case for preventing violence against women* (2015), <https://www.pwc.com.au/pdf/a-high-price-to-pay.pdf>.

¹⁰ Ibid.

¹¹ See World Economic Forum, 'Global Gender Gap Report' (2023), <https://www.weforum.org/reports/global-gender-gap-report-2023/in-full/benchmarking-gender-gaps-2023/>.

¹² *WGEA Data Explorer*, Workplace Gender Equality Agency (2023), <https://www.wgea.gov.au/data-statistics/data-explorer> Analysis by the WGEA does not yet include data about non-binary people. In 2021, employers could voluntarily report employee gender as non-binary for the first time. Given the current small sample size, the gender pay gap of employees that are non-binary cannot yet be statistically analysed.