

The Protective power **of Job Security**

5th October 2021



Content Note: This report contains references to domestic and family violence, sexual harassment, assault, and rape.



**WORKING
WOMEN'S
CENTRE**



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Always was, always will be

We would like to acknowledge that this report was researched and compiled on the stolen lands of the Kurna people and to acknowledge the Kurna people as traditional custodians of the lands and waters of the Adelaide region.

We honour Elders both past and present and acknowledge their cultural, spiritual, physical and emotional connection with their land, waters and community. We also extend this respect to Aboriginal and Torres Strait Islander people from all other parts of Australia. We acknowledge that sovereignty was never ceded and that an important part of the COVID-19 recovery will be the fulfilment of the vision in the Uluru Statement from the Heart.





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Introduction

The Working Women's Centre SA provides free advice, support and representation to women and vulnerable workers about issues that they face at work. Each person's situation is unique, but some issues come up again and again. One of those is sexual harassment in the workplace.

This project began because we started thinking about the structural factors in the workplace that drive sexual harassment and other forms of gendered violence. We noticed connections between insecure work and workplace sexual harassment.

This report is a summary of the research that already exists on this issue, which we hope will build awareness of the links between insecure work and gendered violence. We have also included observations from Working Women's Centre Industrial Officers, who are employment law experts and who work with hundreds of women on employment issues each year. This is not an academic report, but we have worked to ensure the accuracy of all sources used.

In this report, we find that insecure work makes it more difficult to resist, report and recover from gendered violence and that it contributes to violence occurring in the first place. We also emphasise the protective role that job security can play in the prevention of gendered violence.

We hope that this report will be a useful tool for employers, workers, and anyone who is interested in what each of us can do to help eliminate violence against women.

Note: We acknowledge that there are different preferred terminologies used to refer to people who are impacted by gendered, sexual, and other types of violence based on their individual experiences. In this report, we use the term "victim" for the purpose of simplicity and consistency.





Gendered violence

Gendered violence is violence that is connected to gender inequality. It is a dominance of power and control over certain individuals or groups of people connected to their gender.

Gendered violence includes, however, is not limited to, domestic and family violence, sexual harassment, sexual assault, stalking, street harassment, physical, mental and emotional abuse, intimate partner violence and violence against women.[1] These forms of violence are used to intimidate, harass, control, belittle, harm, and/or coerce another person.

Examples of workplace gendered violence that clients of the Working Women's Centre encounter:

- Sexist slurs and inappropriate joking or 'banter'
- Inappropriate comments on their sex lives
- Persistent and unwanted sexual advances, romantic advances or declarations of love
- Excessive and uncomfortable compliments or comments on appearance
- Sexual coercion - being pressured into sexual activity by promises of beneficial entitlements or improved position
- Touching
- Sexual assault and rape

Women are particularly subjected to gendered violence by men, as men are often in positions of power over women in society and the workplace.

Over 1 in 3 Australian women have experienced violence perpetrated by a man since the age of 15.[2] According to the *Respect@Work Report* (2020), **1 in 3 people in Australia have experienced sexual harassment at work in the last 5 years;** 39% of women and 26% of men.[3] 79% of survey respondents stated that their harassers were male.[4]

Gendered violence is not always a single, physically violent incident. Subtle forms of sexual harassment can seem insignificant on their own, but incidences accumulate over time to wear down and belittle the victim. Sexual micro-aggressions accumulate and can have similar impacts on the victim as the trauma of a single, severe incident.[5]

Gendered violence can also compound other forms of discrimination in particularly harmful ways, with forms of sexual harassment that also convey racial stereotypes or are connected to a person's sexuality. The *Respect@Work Report* highlighted that Aboriginal and Torres Strait Islander people are more likely to have experienced workplace sexual harassment than non-Indigenous people (53% and 32% respectively).[6] LGBTQI+ people and people with a disability are also more likely to experience workplace sexual harassment.[7]



THE IMPACT OF GENDERED VIOLENCE ON THE VICTIM, AS WELL AS THOSE CLOSE TO THE VICTIM, ARE EXTENSIVE AND CAN BE LONG-LASTING.

Gendered violence can significantly impact an individual's mental and physical health, wellbeing, relationships, and cause vicarious trauma to those close to the victim. In a workplace setting, gendered violence can affect a person's job performance, their trust and confidence in the organisation and their current or future career prospects.[8]

The COVID-19 pandemic is connected to increases in domestic violence in Australia. A survey of 15,000 women in May 2020 found that two-thirds of those who had experienced violence during the first few months of the pandemic said the violence had either started or escalated during that time.[9] COVID-19 restrictions also make it harder to seek help. [10] South Australian domestic violence services noted a large spike in demand for emergency accommodation that coincided with the COVID-19 pandemic in 2020.[11]

Australia's domestic violence workforce observed that COVID-19 has led to an "increase in control and coercion; increase in isolation; increase in financial abuse; . . . and more severe emotional and psychological abuse." [12]

Gendered violence is a cultural problem, but it also is driven by economic inequalities.[13] The issue is systemic, and we are all accountable to work to eliminate it by addressing the economic factors that create gendered power imbalances.



Insecure work

Insecure work, also referred to as precarious work, refers to employment in which there is uncertainty over hours, pay or whether the job will continue.[14]

Factors that may indicate the existence of an insecure job include uncertainty of wages, lack of permanency, lack of access to paid leave, irregular working hours, and underemployment.[15] Generally, insecure work includes casual work, seasonal work, independent contracting work and rolling short-term contracts.[16] It can also include part-time work, for which employees work less than 35 hours per week.[17]

There is no single definition of insecure work, and we acknowledge that we refer to different studies which use different definitions of precarious or insecure. To a certain extent, a sense of 'security' is subjective, however, there are several common experiences that shape what we understand to be insecure work.

On an everyday level, insecure work can look like:

- No paid sick leave, which means you might have to choose between going to work sick, or not getting paid.
- Being afraid that you could lose your job the moment you do something wrong.
- Worrying about when your next shift will be.
- Feeling like you are always 'on-call', always available in case you are needed for a shift.
- Living week to week, sometimes going without basic necessities, such as food, rent, or bus tickets
- Not knowing how much money you will earn this week, this month or for the year.
- Not being able to save up for a holiday, or a home.
- Being rejected for rental properties or loans due to a lack of secure income.
- Worrying each year about whether your contract will be renewed.
- Juggling several different jobs to make ends meet and the stress of managing your commitments.
- No annual leave, which might mean going for years without a break.
- Not getting the hours you want or need.
- Relying on a partner to bring in a steady income and having less money to your name.
- Not being able to afford to have a child with no access to parental leave.
- Having less superannuation.
- Going from job to job without any hope of accruing long service leave.
- Not being able to afford to take the risk of speaking up about rights and entitlements.



Who is employed insecurely?



Australia has high rates of insecure work: more than 1 in 5 Australian workers are employed casually.[18] In the recent *Australia Talks Survey*, over a quarter of respondents were worried about losing their job in the next year.[19]

In Australia, women are more likely to be employed insecurely than men:

- In August 2020, 23.8% of working women were employed casually compared to 20.5% of men.[20]
- As of August 2021, 67.8% of part-time workers in Australia are women.[21]
- As of August 2021, the women's underutilisation rate* is 14.5% compared to 13.2% for men.[22]

This is partly attributed to the higher rate of women working in feminised sectors such as healthcare, childcare and social services which have low wages and higher levels of insecure work.[23] Women are strongly concentrated in sectors that are highly casualised.[24] It can be argued that jobs in feminised sectors (in which the majority of the workforce is female) are low-paid and insecure because it is seen as 'women's work'.[25]

Rates of insecure work have risen over time in Australia. The underutilisation rate, which considers both unemployment and underemployment, has increased by 4.2% between August 1978 and 2021, which indicates an increase in precarity.[26]

Analysis of data from the HILDA Survey shows an upward trend in fixed-term contract employment, which increased from 7.2% in 2001 to 9.1% in 2017.[27]

Systemic inequalities place certain groups at a significant disadvantage compared to others. This in turn increases the likelihood of them being forced into insecure work.

The immigration status of migrants and refugees places them in a vulnerable position when it comes to employment, especially when they first enter Australia.[28] Various barriers prevent migrants from gaining secure employment, including language barriers, a lack of recognition of existing qualifications, fears of deportation and economic insecurity.[29] These factors limit job opportunities and consequently pressure immigrants into settling for insecure jobs.

A large national survey of temporary visa holders (mostly international students) published in September 2020, found that an alarming number of them were devastated financially by the pandemic.[30] Almost three quarters of respondents to the national survey lost most, if not all, of their work due to COVID-19.[31]

*underutilisation reflects both unemployment and underemployment



Additionally, childcare has a major impact on the workforce participation of women. [32]


The costs of childcare make it more affordable for some families to care for children at home. Given that the burden of childcare has traditionally been, and continues to be, on women, this forces many women to look for casual or part-time work in order to benefit from its flexibility.

The COVID-19 pandemic has both highlighted and exacerbated rates of insecure work in Australia.

Women have experienced high rates of job losses, and an analysis of new jobs created after COVID-19 outbreaks in 2020 found that 60% of all 'rebound' jobs were casual positions.[33] This surge in casual positions is linked to increases in the gender pay gap.[34]

In discussions with Working Women's Centre industrial officers, we found that generally, people who are in insecure work are not choosing those conditions, but rather have no other choice.

Working Women's Centre Industrial Officer Lungaka Mbedla summarised:



"Insecure work means being at a stage where you just want a job so much that you will accept anything regardless of how horrible the conditions are."



The links between insecure work and gendered violence

As already noted, women are more likely than other demographics to experience sexual harassment at work and to be employed precariously. Research demonstrates that these inequalities are connected. In the *Respect@Work Report*, the Australian Human Rights Commission notes that people working in insecure jobs may be more likely to experience sexual harassment in the workplace.[35] In a study of working Australians, those in precarious employment

were more likely to have experienced unwanted sexual advances at work than those in other employment categories, even when the data was adjusted to take age and gender into account.[36] There is some evidence that women who experience domestic violence are also more likely to be employed casually or part-time.[37]

What is the explanation for this correlation?



Resisting violence

Being employed precariously makes it more difficult to resist gendered violence, as resistance may have larger repercussions.[38] It is well established that poverty, or economic dependence on men, which is often tied to insecure work, can stop a woman from leaving a violent relationship.[39] Results from an online survey suggest that many women believe that taking time off work because of family and domestic violence would negatively impact their income.[40] Working Women's Centre Industrial Officers have noted that job precarity makes workers more likely to 'put up with' inappropriate behavior:



“Precarious workers will put up with things like sexual harassment at work as raising their right would cause the loss of the only pay they have.” - Emma Johnson, Industrial Officer

“Casual workers come up a lot as they are thought of as dispensable, will put up with behaviour because they need the job/shift, and will get preyed on because of that. Putting up with it escalates behaviour as perpetrators feel they can escalate the severity of their conduct from that acceptance.” -

Nikki Candy, Industrial Officer



“By the time people call the Working Women's Centre, they're often not working anymore because of psychological injury from their experiences and workplace harassment. Many clients go through a process of putting up with it for enduring periods of time, before bringing it forward, then something further happens and they fall in a heap. Precarious workers will put up with it to a point because they need the job.” - Kylie Porter, Industrial Officer





Insecure work can be used as a direct tool by employers to threaten workers. Through punitive rostering, employers or managers can exert control over workers in response to rejection or resistance to harassment. Women on temporary visas are particularly vulnerable, because the threat of losing your job if you resist sexual harassment is exacerbated for those who may also be threatened with losing their visa.[41]

In one Working
Women's Centre sex
slavery case, an
employer coerced a
worker into
unwanted sexual
activity by withholding
pay for work already
done.



Reporting violence

Insecure workers are also less likely to report sexual harassment due to 'fear of retribution, victimization or job loss.'[42]

Most women experience barriers to reporting harassment, but women in insecure work are at greater risk of losing their job than those in secure employment. The stakes are greater. Some women are directly threatened by their employer that they will lose their job if they report.[43] If casual or short-term workers do lose their job as a result of reporting harassment, it is harder to prove that it was discriminatory than it would be for a permanent worker, because an employer can argue that they were a temporary worker and were dismissed for other, lawful, reasons.[44]

Increased barriers to accessing legal protections may mean that perpetrators are less fearful of consequences.

Barriers to reporting that are heightened for insecure workers also include financial stress and limited support networks and resources. Workers who experience gendered violence may refrain from reporting the experience due to the belief that nothing will change, or that this will hinder their current employment as well as future job prospects.

"Clients fear the repercussions of reporting or 'rocking the boat'. They also will feel embarrassed, shame – feeling as though they have somehow brought this on themselves or contributed to soliciting that behaviour, feeling somehow responsible." - Nikki Candy, Industrial Officer

Fears of repercussions for reporting are not unfounded. In a 2018 survey by the Australian Human Rights Commission, it was found that among workers who had filed a formal report; 19% were labelled a trouble-maker; 18% were ostracised, victimised, and/or ignored by colleagues; 16% had their shifts changed; 11% were denied workplace opportunities; 7% were transferred; and 6% were demoted.[45]





When asked about the repercussions clients faced for reporting, Working Women's Centre Industrial Officers said:

- "Often clients are not believed and find no one believes them or listens to them."
- Emma Johnson, Industrial Officer
- "When they do raise issues, their claims are often diminished and brushed aside. Lots of responses along the lines of: "He's just like that" "I don't think they'd do that" They end up feeling less empowered to push the issue, and if they do push the issue further they find themselves in an uncomfortable workplace where they are not supported." - Kylie Porter, Industrial Officer
- "Many clients have their workplace relationships break down, and are made to feel uncomfortable and unsafe. This means if they choose to go to work they face that hostile environment. Alternatively, not going to work costs them their job even though they're the victims – the perpetrators should be the ones not at work, but that's not the case."
- Lungaka Mbedla, Industrial Officer
- "As lots of harassment is perpetrated by someone in a higher up position, when clients have reported their harassment to someone above them, often the higher up individuals end up trying to keep it hush hush so as to not rock the boat."
- Lungaka Mbedla, Industrial Officer
- "They've had their shifts cut, either completely or significantly reduced hours. They've been dismissed."
- Emma Johnson, Industrial Officer
- "One case, a worker raised an issue on a Friday and was dismissed on the Monday immediately after. This is a clear breach of the Equal Opportunity Act but occurs very frequently and I have seen a lot of cases similar."
- Emma Johnson, Industrial Officer
- "In one instance, a client who reported in the workplace was then abused by their manager about it (verbal abuse). Another instance saw a client who had her offer of employment revoked and long service leave revoked because of reporting her experience. Another who's employment was terminated because the perpetrator was believed over them."
- Nikki Candy, Industrial Officer

Insecure work arrangements can also amplify hierarchical power dynamics in an organisation, which can render reporting procedures less effective, especially where the perpetrator has more power and more job security.[46]

For clients of the Working Women's Centre, a significant barrier is that often their perpetrator is their boss, and the person responsible for managing complaints.

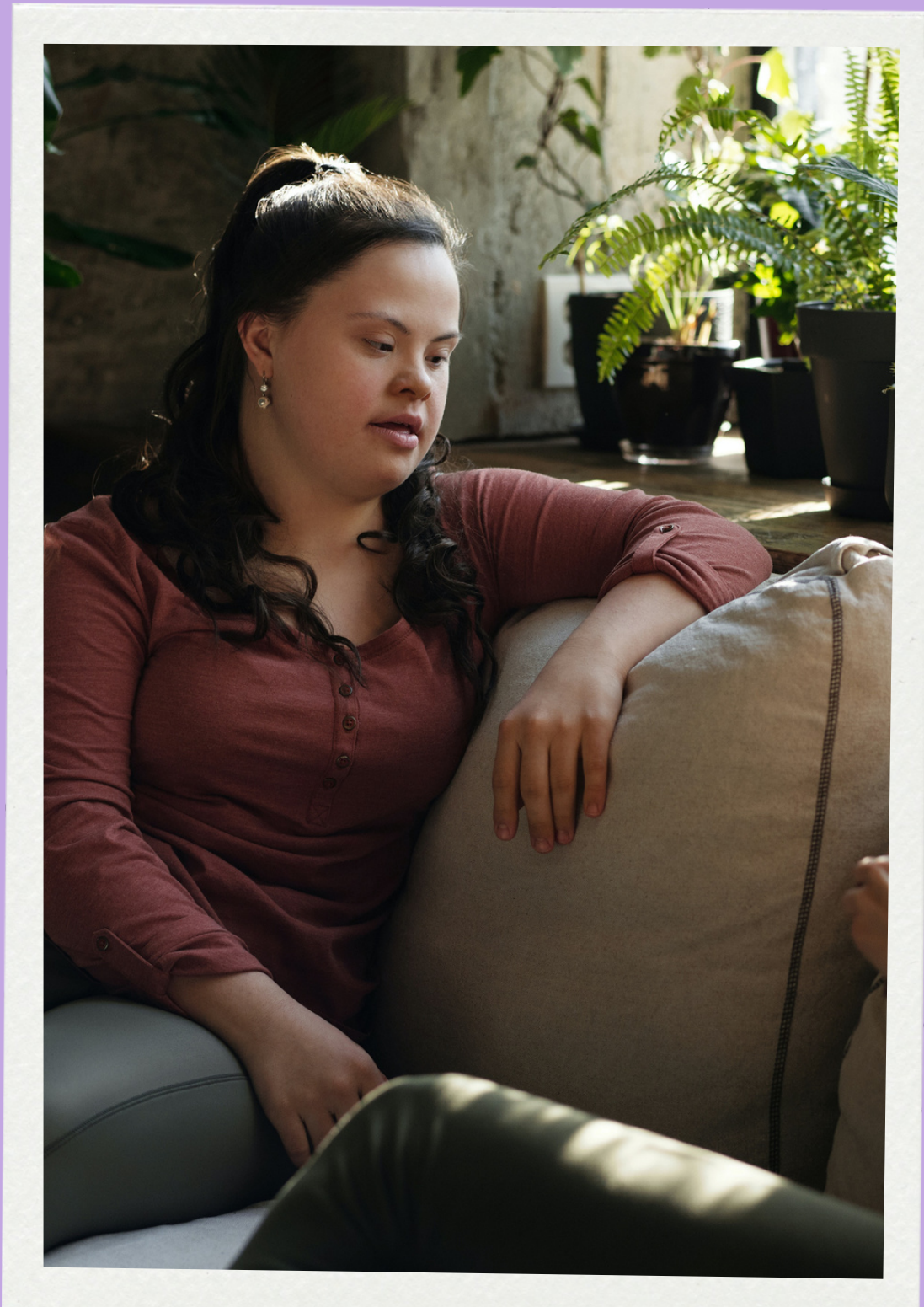


Repercussions of Violence

The ongoing repercussions of gendered violence, such as mental health issues, are likely to be amplified for people in insecure work. They are unlikely to be able to take paid time off work to recover, and have fewer resources to access support.

“They have no backup they can’t take paid leave to separate themselves from the situation or to go and see a doctor to get sick leave and so forth. They have to show up to work to make the money that they need, which makes it difficult for people to raise a complaint and take time for themselves out of workplace to deal with it.”

- Kylie Porter, Industrial Officer





Broader links between economic inequality and violence

Gender inequality is shown to be the most significant driver of violence against women and sexual harassment.[47]

Systems of inequality and power imbalances, including gender inequality, are exacerbated by insecure work.[48] One of the main reasons behind violence against women in the workplace is their vulnerability at work, which stems from many factors, including job insecurity.[49]

Women can get 'trapped' in insecure work, with no pathway to permanent work.[50] Insecure work is common in sectors which also hold other risk factors for gendered violence – such as high contact with customers for example in the hospitality industry. People experiencing gendered violence may also be less able to obtain secure work.[51]

Poverty and unequal access to resources are also major contributing factors to women experiencing violence.[52] Economic and financial abuse are forms of domestic violence often made possible by gendered financial inequalities.[53]

Factors that cause higher rates of violence against women include women's lack of independence and rigid gender roles.[54] High rates of insecure work for women also contribute to stereotypes around the nature of women's work.

Other forms of inequality and discrimination intersect with gender inequality to increase the probability of experiencing violence.[55]

Addressing violence against women necessarily involves a response to gendered poverty and economic inequality.[56]





Summary

In summary, a worker employed precariously is more vulnerable to gendered violence because:

- They have less power in the workplace, which drives workplace sexual harassment.
- They have less power, money and security in their home life, which drives domestic violence.
- They are more likely than other workers to experience consequences if they resist, or report, workplace sexual harassment, and are therefore less likely to report.
- It is harder for them to access workplace legal protections.
- It is harder for them to leave a violent relationship.
- It is harder for them to recover from gendered violence.







The protective power of job security

Secure employment is about working conditions that lead to economic security.^{lix}

Job security can include predictable hours of work, fair leave conditions and an absence of fear of loss of work.^[57]

Job security provides strengthened economic independence, which can be linked to the protection of workers from gendered violence.

A study of households found that secure employment reduces the prevalence of domestic violence, with the incidence of violence against women found to be lower if women possess regular employment.^[58] More broadly, families in which the woman has a greater level of independence are less likely to experience violence.^[59]

It is estimated that on average it costs over \$18,000 to leave an abusive relationship and find a safe place to live.^[60]

Research indicates that the financial security afforded by secure employment allows women to escape violent relationships without sacrificing their homes and standards of living.^[61] This sentiment is echoed by Julie Kun, CEO of WIRE Women's Services, who states that 'without paid leave entitlements [women] have to choose between being safe and being poor'.^[62]

Survivors of sexual violence, in one study, spoke about the importance of financial security and being able to take time off work to deal with the ongoing personal impacts of assault.^[63]

The Victorian Royal Commission into Family and Domestic Violence also received submissions to this point, stating 'financial security is a significant protective factor in victims gaining freedom from abusive partners'.^[64] Improving the economic rights of women can prevent violence by ensuring that women can avoid 'dependence on violent men'.^[65]

Secure employment also improves gender outcomes in the workplace by making workers feel safer to report incidences of gendered violence and increasing self-determination. The *Respect@Work Report* highlights that promoting gender equality in the workplace is an important part of preventing workplace sexual harassment.^[66]



Job security protects workers from gendered violence by:

- Providing a steady income, and greater financial independence which reduces risks of domestic violence.
- Ensuring that victims have financial security and paid leave to escape violent relationships.
- Reducing power imbalances between permanent and precarious staff, which can drive harassment.
- Allowing workers to speak out about issues at work with far less risk of losing their job.
- Reducing risks of retaliation for workers who report sexual harassment.
- Providing paid time off work to recover from harassment and violence.
- Reducing gender inequality (such as the gender pay gap and superannuation gap), a key driver of gendered violence.
- Increasing a person's control over their life.

Therefore, just as there is a clear link between insecure work and gendered violence, there is also a positive link between job security and greater independence, safety from violence and pathways out of violent situations.

Job security has many other benefits for workers. In a recent survey of over 1000 young Australians about their experiences during the pandemic, it was found that those with permanent employment had far better mental wellbeing than those in insecure work. The authors emphasized that “Foremost, advocating for job security is important for promoting mental well-being and preventing mental illness for young adults.”[67]







Conclusion

It is clear to us that insecure work is a driver of gendered violence and that it makes it more difficult to resist, report and recover from the ramifications of violence. Equally, we have found that job security is a powerful protective factor against violence. This knowledge brings with it hope. Every organisation has the potential to strive to improve job security for their workers.

So how can we work to improve job security in our workplaces?

- Employers or organisational leaders can make a commitment to improve job security for their employees. There is further information on how to do this at our website: wwcsa.org.au/campaigns/insecure-work-gendered-violence/
- Workers can start a conversation in their workplace about gendered violence and what could be done to help prevent violence.
- And everyone can work to build awareness of how insecure work is connected to gendered violence, and how there are structural factors, as well as cultural ones, which drive gender inequality and violence against women.

If you are interested in being more involved in this project, you can contact us via our website: wwcsa.org.au

We look forward to addressing this challenge together.







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about us

The Working Women's Centre SA Inc (WWC SA) is a non-government organisation that provides free and confidential legal advice, information and representation to vulnerable workers residing in South Australia about their rights at work.

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