

GENDERED VIOLENCE IN THE WORKPLACE FACTSHEET

Background:

- The trade union movement has been working on this for many years, including VTHC through WRAW Chats and Conference in 2018. ASU members have always played a big part in this work.
- This was followed by lobbying MPs on the importance to pass legislation recognising GV as a hazard.
- Victorian state government showed an appetite for gender equality, passing the Gender Equality Act in early 2020. The Act recognises that gender inequality is a driver of violence against women and minorities, including in a workplace setting.
- March 2020 WorkSafe released guidance materials on 'Work related gendered violence including sexual harassment'. Link: <https://content.api.worksafe.vic.gov.au/sites/default/files/2020-03/ISBN-Work-related-gendered-violence-including-sexual-harassment-2020-03.pdf>
- VTHC currently working with Work Safe to develop HSR one day refresher training

Definitions: Gender violence is any unwanted behaviour or action that causes physical, sexual and/ or psychological harm to a worker because of their gender, gender identity, sexual orientation or because they do not adhere to dominant gender stereotypes or social prescribed gender roles.

Gender violence is violence directed at women because they are women; violence directed at a worker because they identify as LGBTIQ+; and, violence directed at a person because they don't adhere to socially prescribed gender roles or dominant understandings of masculinity or femininity.

Examples of GV: Stalking, sexual harassment, intimidation, physical assault including sexual assault and rape, verbal abuse, put downs, innuendo and insinuations, leering, unwanted touch, questions about personal matters, rude gestures, ostracism and exclusion, offensive language and imagery, being undermined in your work or position.

OHS Act (2004):

- An employer must, so far as is reasonably practicable, provide and maintain a working environment that is safe and without risks to health s21(1).
- An employer fails in this duty if they do not provide systems of work that are safe and without risks to health s21(2)(a).
- Employees are required to be given the highest possible level of protection against risks s4(1).
- Employees are entitled, and should be encouraged, to be represented in relation to health and safety issues s4(5).
- Employers are obliged to consult with Health and Safety Reps when identifying hazards and determining the control measures for the hazard s35(1).
- Under s32 the Employer also has a duty not to recklessly endanger persons at workplaces

VTHC Model Clause: This clause was developed in consultation with numerous union members including ASU members and endorsed by affiliates such as the ASU.

https://static1.squarespace.com/static/5ca424e740978c000145da18/t/5d3fdb6f7719e700016af66c/1564466033303/GV_ModelClause2019.pdf

Actions:

- Take the model clause to your WHS Committee for endorsement
- Take the model clause to your Delegate Committee in preparation for its inclusion in the log of claims.
- The ASU aims to have a Gender Violence clause in each and every new Enterprise Agreement.