

ONE TOO MANY

Sexual harassment in the finance industry

A report by the Finance Sector Union

February 2024



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INTRODUCTION

In 2020, the Australian Human Rights Commission released the report *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Respect@Work report) that revealed sexual harassment in Australian workplaces was both widespread and pervasive. One of the report's recommendations was that the law be changed to introduce a positive duty on employers to eliminate sexual harassment.

This legislation passed Parliament in December 2022.

The Finance Sector Union (FSU) undertook engagement with finance workers and finance employers between August and October 2023 to ascertain how this positive duty has changed the way employers are managing the risk of sexual harassment in the workplace and the lived experience of finance workers.

This report contains the results of this engagement.

On the whole, finance employers confidently report that based on internal and external risk assessments, the risk of sexual harassment is low.

The experience of workers does not support this conclusion.

The survey results paint a picture of a workforce who do not understand the behaviours that constitute sexual harassment. Those who do experience sexual harassment say they have such little faith in reporting that only half of those

surveyed who experienced sexual harassment actually go on to report that harassment to their employers.

Something needs to change.

While the sample size is small, the message is clear.

1. Sexual harassment is widespread and pervasive in the finance industry.
2. Steps taken by employers to ensure their workforce has a clear understanding of the behaviours and conduct that constitute sexual harassment are ineffective.
3. Incidents of sexual harassment go unreported.
4. Workers who experience sexual harassment and go on to report this harassment are dissatisfied with the outcomes.
5. Workplaces free from sexual harassment do exist.

The report that follows includes quotes from survey respondents. In every quote the worker's name had been changed to protect their identity. Any references to specific employers have been removed as this report is not about the actions of specific employers but rather the experiences of workers across the finance industry.

KEY FINDINGS OF ENGAGEMENT WITH INDUSTRY

These responses confirm our findings that there is both a lack of understanding about the behaviours that constitute sexual harassment and an overwhelming lack of confidence in both the reporting systems and outcomes.

SPEAK UP!

In August 2023, the FSU wrote to 80 employers in the finance industry¹ asking what steps they either had taken or were planning to take to meet their positive duty obligation to eliminate sexual harassment in their workplaces. Almost 60% of employers responded to our request and outlined the steps that they had taken or were taking.

Over 50% of those respondents had taken the steps outlined in the Respect@Work report. These steps included undertaking a risk assessment to identify the current state of play as well as taking steps to identify hazards present in their workplaces that were likely to result in instances of sexual harassment.

Of those respondents that provided the FSU with the outcome of their risk assessments, every single employer disclosed that their workplace was at low risk for sexual harassment.

Common across all responses was employer confidence that the risks of sexual harassment were low. Most employers had undertaken staff surveys either internally or through external consultants and the results of these surveys indicated that workers were not experiencing sexual harassment, nor were workers concerned about the risk of sexual harassment.

These responses confirm our findings that there is both a lack of understanding about the behaviours that constitute sexual harassment and an overwhelming lack of confidence in both the reporting systems and outcomes.

Employers also reported that one of the proactive steps they had taken to eliminate sexual harassment was rolling out education programs to their workforce. These education programs will need to be reviewed considering the results from the FSU survey that are outlined below.

This has resulted in under reporting of sexual harassment by finance workers.

1. See appendix 3 of this report for a copy of the correspondence sent to finance sector employers

KEY FINDINGS OF SURVEY

The FSU released a survey in August 2023 that was open for three months² and invited FSU members and finance workers more broadly to share their experiences of sexual harassment in the finance industry. The survey did not attract a large

numbers of responses, however the responses are broadly in line with the results of the Human Rights Commission's 2020 Respect@Work³ report.



WORKPLACE HARASSMENT

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2. The methodology of the survey can be found at Appendix 1 and the survey questions at Appendix 3 of this report
 3. [Respect@Work: Sexual Harassment National Inquiry Report \(2020\) | Australian Human Rights Commission](#)

DEMOGRAPHICS

The majority of responses received were from women aged between 30 and 59 who are permanent, full time workers in one of the big banks. Only 12% identified as LGBTQIA+, 4% had an observable disability while 73% were Australian born. Almost 90% of respondents were native English speakers.



70% female



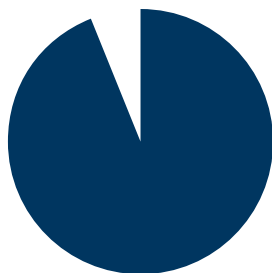
27% male



3% non-binary/third gender/prefer not to say



Australian born



94%

non-Indigenous



12%

LGBTQIA+

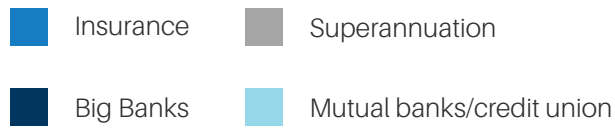
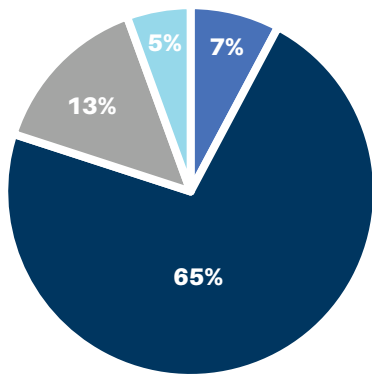


96% no observable disability

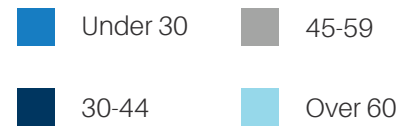
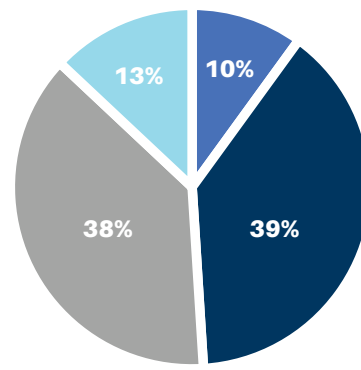


88% English first language

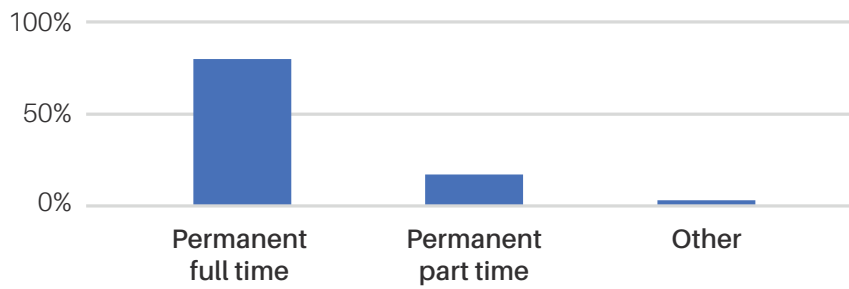
Industry sub group



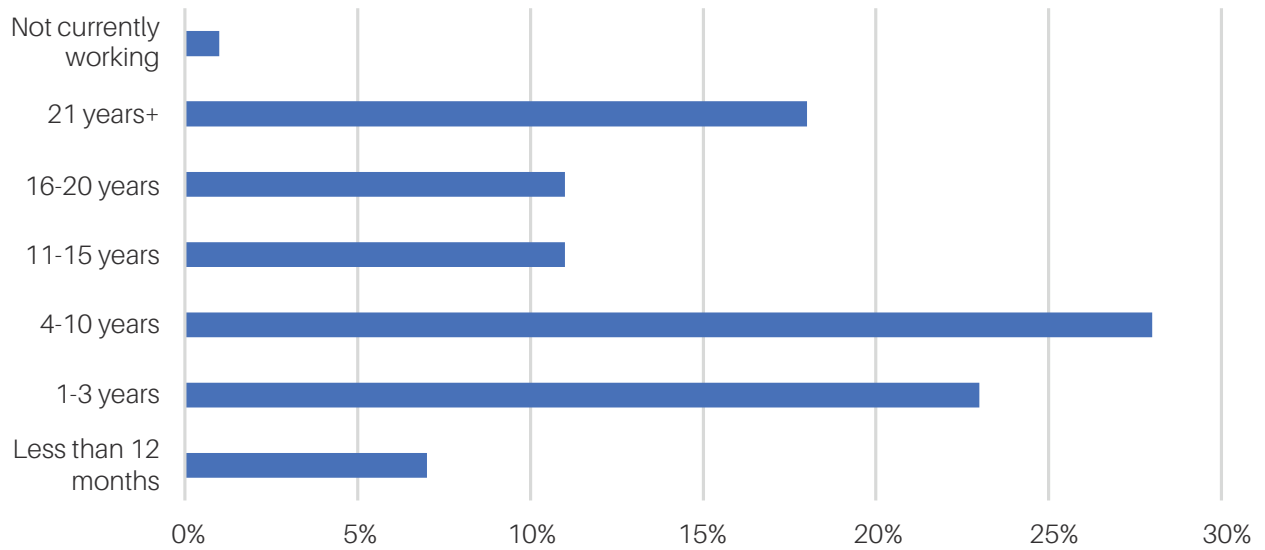
Age of respondents



Mode of employment



Time in current job





“Women are routinely asked for profile photos or to go on webcam by men in our organisation. This does not happen to men.”

Taryn*, 42

Finance workers do not recognise sexual harassment

The survey took two different approaches to try to understand workers’ experiences of sexual harassment in the finance industry. Firstly, we asked workers directly if they had ever experienced sexual harassment at a place of work, and almost half of the respondents identified that they had experienced sexual harassment, and that over 80% of these incidents took place in the finance industry.

We then asked how many respondents had personally experienced sexual harassment at work in the past 12 months. That number was much lower with only 9% responding that they had experienced sexual harassment at work in the past 12 months.

Secondly, we asked respondents if they had experienced any behaviours that are commonly understood to constitute sexual harassment⁴ at work in the past 12 months. 40% percent of respondents identified that they had experienced behaviours commonly understood to constitute sexual harassment in the past 12 months at work.

This indicates a clear gap in understanding the nature of sexual harassment.

The most common behaviours experienced by workers in the past 12 months were:

- 28% - Repeatedly telling sexist stories or jokes that were offensive to you.
- 16% - Making offensive remarks about your appearance, body, or sexual activities.

- 28% - Referring to people of your gender in insulting or offensive terms.
- 29% - Putting you down or acting in a condescending way toward you because of your gender.
- 14% - Giving negative or disparaging feedback that makes sexual references.

The Respect@Work report notes:

“Commentators have noted that sexual harassment considered to be on the ‘lower level of the spectrum’ such as joking behaviour, can have a significant impact on victims and the broader workplace, reinforcing gender inequality and marking spaces as ‘masculinised’ in a socially acceptable way⁵.”

Workers who do not recognise these behaviours as sexual harassment are unlikely to report such behaviours or to understand that these behaviours are prohibited in the workplace. It is therefore unsurprising that employer risk assessment tools assess finance workplaces as “low risk”.

4. These behaviours are outlined in chapter 3.3 of the Respect@Work report.

5. Respect@Work Report – AHRC 2020 p124

PEOPLE WHO SEXUALLY HARASS IN THE WORKPLACE



“The majority of customer harassment is unreported as many staff think it’s just something they have to put up with as part of the job. Frequently when customer aggression, including sexual harassment is reported, investigation reveals multiple previous incidents involving the customer that were not reported.”

Sam*, 41

There is not a lot of readily available research or information about harassers⁶. The FSU survey identified 322 examples of harassment in the past 12 months and the perpetrators of this harassment were overwhelmingly co-workers (41%) or members of management (28%). Customers (13%) and contractors or clients (6%) were also common harassers.

While most harassers were men (62%), there were a number of female harassers (14%) while 20% of instances of harassment involved more than one person who was not of the same gender (the remaining 4% did not respond).



6. Respect@Work Report p198

*All names have been changed to protect respondents' identities.

WORKERS' EXPERIENCES OF SEXUAL HARASSMENT AT WORK



“I’ve had a lot of sexual harassment over my career. I’ve had leaders pick what outfits I can wear every day. Had leaders make lists of who they would sleep with in the office out of the females.”

Liz*, 38

“I have also witnessed male colleagues engaging in locker room style talk about attractive customers and co-workers at least a dozen times in my career.”

Maggie*, 33

Finance workers report a variety of experiences of sexual harassment. Some are “low level” experiences of sexual harassment that include sexually suggestive comments and inappropriate jokes, as well as comments about physical appearances.

Unfortunately, this survey also uncovered examples of threatening or intimidating behaviour including inappropriate leering or staring, unwelcome physical contact as well as sexual assault. Shari*, 41 describes one experience with her manager:

“My direct line manager I worked one on one with for around six or seven years would leer once he’d had a few drinks. Once, while fully sober, he positioned himself at an inappropriate angle/position such that I would have reversed into his crotch when I stood up. He just stood there quietly and it’s only by chance that I caught sight of him.”

The experiences of sexual harassment shared in the survey by finance workers have been perpetrated by customers, co-workers, and managers, and make for harrowing reading.



“I joined direct lending and started in credit cards. I had a call come through asking me to go through credit cards with a \$5K limit. I started explaining about limits and different options and the man was breathing oddly but I didn’t think anything of it. He then asked about \$10K limits. I continued explaining and finished speaking, and he was [still] breathing heavily and not speaking. I stayed silent and he stated, ‘I’m going to cum’. I froze and terminated the call.”

Julia*, 31, Call Centre worker

“One customer asked for a hug on my last day. He proceeded to lick/bite my ear and grab me and wouldn’t let go. A male co-worker came out and I was able to walk away.”

Angie*, 27, Branch worker

Sexual harassment by co-workers

Sexual harassment occurs in a social context and is not simply driven by individuals behaving badly. It is indicative of a social problem and a culture of inequality that has multiple drivers.

The FSU survey results line up with the results of the Respect@Work report and show that women are more likely to experience sexual harassment than men and that most harassers are men. Many of the experiences of sexual harassment shared in the FSU survey by workers would be considered low level harassment while others shared stories of sexual assault.

“My most recent experience with genuine sexual harassment was with a colleague-turned-acquaintance who was engaging in

sexual conversations and prying into my sex life. He had made suggestive comments and ended up using an app to find my personal details including my personal email and address to send me gifts and eventually, pornographic material.”

- Joanna*, 33

“My team of 16 people consists of only two women - we are often witness to conversations that contain sexism and homophobia and this goes unchecked by leadership. At weekly meetings a male colleague who identifies as gay is regularly at the receiving end of homophobic jokes.”

- Rachel*, 30

Sexual harassment by managers and executive

Gender inequality and power imbalances underline the cultural norms that create environments that allow sexual harassment to occur and to go unchallenged. Respondents to the survey repeatedly share their perception of their lack of power relative to that of their harasser.

"Boards in [our industry] hold a lot of power. We have a very powerful chair. The chair directly contacts female staff and can be disparaging of work and opinions. Women in the organisation are very stressed and want the system to change of [executive] allowing direct contact. The power imbalance is awful. We talk about it all the time with each other but feel powerless. These power imbalances in [the] finance sector are horrible and no one talks about it and where do you go. I want to leave my job." - Margaret*, 53

"Multiple complaints have been made about my boss and HR has investigated and counselled him but nothing substantial happens. In fact, they have moved anyone who raises an issue with him into a role that does not report to him rather than removing people leader responsibilities from him. It is disappointing and I always worry for the new women in his team."

- Heidi*, 43

"I was [the] youngest lady in business centre and I was groped by a senior manager at a dinner function, under the table. I was sitting next to them. I just froze. Scared to say or do anything in fear of my job etc. This was 10 years ago. I've experienced other pats on the bum and inappropriate touching since then from other senior management over [the] years."

Mel*, 44



WORKERS' EXPERIENCES OF REPORTING



It is difficult to quantify the impact that a reporting system can have on workers who have experienced sexual harassment in the workplace. It is vitally important that workers who report incidents of sexual harassment are not further traumatised by the experience.

For reporting to be accurate, the system needs to be simple to access, handled quickly, and have transparency in the outcome. When survey respondents were asked about their experience of reporting, approximately a third of respondents had experience making a complaint, another third opted out of making a complaint while the final third hadn't experienced an incident that required reporting.

The Respect@Work report observed that "some employers have a tendency to adopt a reactive, compliance-driven approach to addressing workplace sexual harassment, by waiting for a worker to make a report or complaint, and then responding to it in a way that focuses on minimising legal risk and reputational damage to their business"⁷.

The survey evidence suggests that this is primarily how the large employers in the finance industry manage reports of sexual harassment. It is dealt with as if instances were the result of "individual misconduct and lack awareness of the cultural and systemic drivers of workplace sexual harassment"⁸.

7. Respect@Work report p 620

8. *ibid*

This approach is the one that has been used by employers in the finance industry for decades and has clearly failed given the prevalence of sexual harassment. Section 6 of the Respect@Work report⁹ outlines the seven different domains in a framework for workplaces to address sexual harassment – from prevention to response. Those seven domains include:

1. Leadership/accountability of management
2. Risk assessment and transparency
3. Culture
4. Knowledge
5. Support
6. Reporting
7. Measuring

Experiences of reporting

For those respondents who had made a report, more than half were dissatisfied with the whole process. Almost 60% were dissatisfied with how they were treated by those handling the complaint, and the majority were dissatisfied with how they were being informed about the status of the complaint.

The majority were dissatisfied with the time it took to address the complaint while 67% expressed dissatisfaction with the outcome of the complaint. This finding does *not* line up with the Respect@Work report which states, “the 2018 National Survey found that most people who said they reported the sexual harassment were satisfied with the outcome, and more than one in three were extremely satisfied¹⁰”.

Reasons for not reporting

One third of survey respondents indicated that they had opted not to make a complaint about experiencing inappropriate behaviour or misconduct. Underreporting of sexual harassment is a problem that needs to be overcome if we are to understand the prevalence of sexual harassment in the workplace.

Respondents who identified that they had opted out of making a complaint were asked the reasons why they didn't make a complaint. Over 80% indicated that they didn't think anything would be done if they made a complaint, and that the harasser would get away with it. Over 70% of respondents indicated that they did not trust the complaint and resolution process and they thought reporting might hurt their career.

It is clear that finance industry reporting systems are distrusted and underutilised. This distrust has led to a flawed understanding of the breadth of sexual harassment by employers.

9. Respect@Work report pp 617-727

10. Ibid p 685



“Management have been aware of individuals that have behaved inappropriately. It’s been ignored and dismissed resulting in lack of confidence in raising issues again.”



“Colleague was spoken down to, criticised, bullied and harassed, made to feel inferior performing her role because she was a female and reduced to tears by a mobile manager who has a very bad reputation for doing this to many staff members. Yet because he writes a lot of loans reprimand appears non-existent and he is still employed.”



“One of my close friends at work was bullied until she quit, even though she made multiple formal complaints, nothing was done about the perpetrator. In fact, the perpetrator has had a promotion this year. So I have zero confidence in the company’s HR system.”



"I went to HR thinking they would do the right thing. However, I have realised that their sole purpose is to protect the company and not the employees. I don't think I will ever go to HR again regarding serious workplace misconduct. I would rather just leave the workplace than go to HR."



"I don't want to have a red flag against my name, or be black-balled stopping future promotion."



"My experience was during a phone call with a co-worker who called me a stupid slut, and [a] bitch who did not know what she was doing. His only outcome was to not call the female credit officers. This is not addressing the bigger issue, but because he sells more loans than any other mobile lender they kept him, is what I was told offline. I have also been dismissed via others talking over me, and this was not done to the other men in the room, only me, and we did not have a prior interaction, so we were not known to each other."



“I received recognition points by two bankers for helping them with their clients. My manager at the time (2021) said in front of other staff members, ‘oh you sleeping with them girl? Is that how you get points?’ It was devaluing and could have been damaging to my reputation within the organisation.”



“My most recent experience with genuine sexual harassment was with a colleague turned acquaintance who was engaging in sexual conversations and prying into my sex life. He had made suggestive comments and ended up using an app to find my personal details including my personal email and address to send me gifts and eventually, pornographic material. I told my manager I wasn’t comfortable working with him and why. In the end I was moved to a different team for a ‘temporary development opportunity’ but he also was promoted into another team permanently. I didn’t bother pursuing it further.”



“There’s been many derogatory comments made by co-workers about people’s partners, women in general, people being pregnant, people’s weight and nothing ever happens and it is always the same people. Have tried in the past to pull it up, but got spoken down and then treated differently by people so now I say nothing. Management of these people have laughed it off and said that’s just who they are.”



“Based off the experience of a friend, I am not confident that employer will support employees who have experienced any sexual harassment or discrimination from other employees (who may be close to management) or from management itself. It is clear employer will only protect itself and those it considers important (i.e. senior leaders and their friends). The formal complaint process will just flag the victim as a potential problem employee and may make continuing employment within the team/area more difficult.”

CONCLUSION AND RECOMMENDATIONS

This report has highlighted the gap between the understanding of employers of the prevalence of sexual harassment in the finance industry and the experiences of finance workers. While the sample size was small it does highlight some shortcomings in the finance industry's response to sexual harassment.

There continues to be a gulf in understanding the type of behaviours that constitute sexual harassment in the workplace, and within the industry there remain pockets of workplaces where there is a culture of inequality where sexual harassment takes place regularly. The survey also highlighted that change is happening and respondents with long careers in the finance industry acknowledged that things have been improving. The problem is that the pace of incremental change is too slow, and workers continue to experience sexual harassment at alarming rates.

Reporting regimes need to change.

Too many workers are reluctant to report sexual harassment because they don't think anything will change and it will impact their careers. Those who do report sexual harassment are dissatisfied with both the outcome and the response.

The AHRC's Respect@Work Report recognised the limitations of most of the training programs available¹¹. They also note employers have chosen to adopt the high criminal standard of "beyond reasonable doubt" of proof rather than accepting a lower standard "on the balance of probabilities".

The high standard adopted by employers makes the bar too high for victims to report harassment given the underlying assumptions that mean victims are not believed¹². The Respect@Work report¹³ and online Resource Hub¹⁴ provide a way forward that has the potential to reframe sexual harassment complaints as a positive step to improve workplace culture and to introduce measures that prevent sexual harassment from recurring.

11. Respect@Work p 674

12. Ibid p 702

13. Ibid pp 691-91

14. [Professional Pyramid - Vanderbilt Center for Patient and Professional Advocacy | Respect@Work \(respectatwork.gov.au\)](https://respectatwork.gov.au) [Accessed 12.12.2023]

The Vanderbilt Centre for Patient and Professional Advocacy (VCPA)¹⁵ has built a tiered intervention approach to support accountability of professionals that can be repurposed as a tool to manage sexual harassment complaints. The tiered approach will allow employers to apply a “balance of probability” standard whereby sexual harassment complaints are established as more probable than not in a manner that centres the victim. This approach allows workplaces to talk about “behaviours or persons of concern” rather than perpetrators, as the whole point of the complaint is that it is indisputable that the behaviour and person caused concern to the complainant. The Commission notes “that a comprehensive investigation may not be appropriate in every workplace sexual harassment matter”¹⁶.

Applying this approach to sexual harassment complaints can be reframed by employers as an essential first step to meeting their duty to eliminate sexual harassment in the workplace by improving workplace culture. It may even lead to cultural change by demonstrating that when complaints or reports are made, steps are taken to improve workplace culture.

“Subject to considerations of privacy and confidentiality, where employers impose such sanctions and inform their workforce of these actions, it can reinforce behavioural standards and also give workers confidence that their leaders take complaints seriously. Over time, this can positively influence the culture of a workplace. For example, one worker said that where workers saw their employer taking action and sanctioning harassers, that was the ‘greatest prevention, because that’s where people go “oh, you’re actually serious about this.”¹⁷”

It is time for the finance industry to build a VCPA pyramid approach to manage sexual harassment in the finance industry. This method will centre on victims, believe workers when they make complaints and demonstrate that when you talk about “zero tolerance” your actions show that you mean business.

Harassment

15. [Promoting Professionalism Pyramid | Vanderbilt Center for Patient and Professional Advocacy \(vumc.org\)](https://www.vumc.org)
[Accessed 12.12.2023]

16. Respect@Work Report p 705

17. Ibid p 708

NEXT STEPS

This report highlights the inconsistencies between risk assessments undertaken by the industry and the experience of workers, revealing a workforce that has not been provided with effective education about the sort of behaviour that constitutes sexual harassment and has little faith in reporting systems.

This is a problem.

The FSU made a decision to be proactive in eliminating sexual harassment in the finance industry. We believe that finance employers have, on balance, taken the path of least resistance and have chosen to rely on ineffective risk assessments rather than questioning the process that produced inaccurate results that hide the breadth and depth of this problem.

To bridge that gap the FSU invited representatives from the largest banks, insurers, and superannuation funds to participate in a roundtable discussion with Sex Discrimination Commissioner Dr Anna Cody and Safe Work Australia CEO Marie Boland.

This roundtable was facilitated by Dr Sara Charlesworth and took place on 19 February 2024.

The purpose of the roundtable was to demonstrate a willingness to work with industry to establish better systems and processes to eliminate sexual harassment because any instance of sexual harassment at work is one too many.

The facilitated discussion highlighted the positive duty on employers to eliminate sexual harassment and Dr Anna Cody spoke at length about the need for employers to take reasonable and proportionate measures to eliminate sexual harassment. This includes an obligation to eliminate conduct that is misogynistic, misandrist and sexist.

Dr Cody recommended organisations conduct meaningful consultation, including education that explains how sexual harassment is underpinned by gender inequity. Sexual harassment is more likely to occur in industries and companies with a large gender pay gap and high levels of gender segregation. Dr Cody reminded employers that it was important for their responses to reports be trauma informed. She advised that the positive duty puts the onus on duty holders and that the onus to eliminate sexual harassment applies to all forms of unlawful conduct including inappropriate jokes or comments, intrusive questions, inappropriate staring or leering and unwelcome touching. **The duty applies to action or omission and employers can be held accountable if they receive reports and take no action.**

Marie Boland encouraged employers to take a work health and safety approach to eliminating the risks of sexual harassment. This includes employers committing to ensuring that reports of sexual harassment trigger further risk assessments and consultation – just as reports of physical injuries trigger these. Marie Boland spoke of the risk of relying on administrative controls (such as training) as a control measure because these focus on individuals. The risk of sexual harassment is often cultural and needs to be addressed more broadly. Employers were encouraged to look at how changes to systems of work and culture can be used to eliminate sexual harassment.

The discussion from both experts came back to the central importance of meaningful consultation – where workers are given a safe space to identify risks and that **action is taken** to eliminate the risk. Consultation should be forward focused toward draw out risks, not backwards focused toward managing incidents. **It's too late to change things after they have occurred. Consultation needs to be continuous.**

Safe Work Australia has produced a Code of Practice¹⁸ and the Human Rights Commission has produced guidelines¹⁹ for complying with the positive duty to assist employers to get this right.

The roundtable produced concrete outcomes with participants making these in-principle commitments:

1. No NDAs

A commitment not to use Non-Disclosure Agreements (NDAs). The only exception will be where one is requested by a victim, and it will be drafted in line with the recommendations of the Respect@Work Report.

2. Consultation

A commitment to improve consultation in line with the SafeWork Australia Code of Practice.

3. Bystander education and support

Everyone is responsible for eliminating sexual harassment in the workplace. If you see something, say something, and you will be supported.

The first step to eliminating sexual harassment in the finance industry is for finance employers and their workforce to have a shared understanding of the nature and prevalence of sexual harassment in the industry.

The roundtable gave us an opportunity to share your stories with leaders in the finance industry and to have experts back in our concerns that not enough is being done to address the problem.

The next step is for us to hold our employers accountable for taking the steps required by law to eliminate sexual harassment because even one case is *one too many*.

When you are next given an opportunity to participate in consultation, we need you to take it seriously and tell your employer about the things that make you uncomfortable. We need to hold our employers accountable for taking reports of sexual harassment seriously. We need to submit reports that cover the full range of sexual harassment because after you've reported it, employers need to do something about it to meet their positive duty obligations.

Together, we can hold our employers accountable and make a difference. Together, we can hold harassers accountable and change the culture to eliminate sexual harassment.

18. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf

19. <https://humanrights.gov.au/sites/default/files/2023-08/Guidelines%20for%20Complying%20with%20the%20Positive%20Duty%20282023%29.pdf>

APPENDIX 1 - METHODOLOGY

This report was developed from the results of engagement with finance employers and workers between August and October 2023.

The FSU conducted a survey for finance workers titled “FSU survey on sexual harassment and sexism in the workplace”. The survey was open between 1 August 2023 and 31 October 2023. This survey was based on previous surveys on sexual harassment completed by the National Tertiary Education Union in 2018 and 2023. A copy of the survey questions can be found below.

The survey was distributed by email to FSU members and promoted on the FSU’s website and social media channels. We asked finance workers to share their experiences of sexual harassment in the finance industry. FSU National Congress Delegates and workplace representatives were tasked with inviting their colleagues to complete the survey and encouraged both workers who had experiences of sexual harassment and those who had not to complete the survey. There were 469 individual responses.

In August 2023, the FSU wrote to 80 employers in the finance industry asking for an outline of the steps taken to eliminate sexual harassment and comply with the positive duty. A copy of the correspondence can be found below. Responses were received from 47 employers equating to a response rate of almost 60%.

APPENDIX 2 - LETTERS TO EMPLOYERS

17/08/2023

Dear [title surname]

I'm writing to you today regarding the steps your organisation has taken to eliminate workplace sex discrimination and harassment since the positive duty was introduced in December 2022.

The FSU represents the industrial interests of your workforce and as such would like to understand the following:

- When did you most recently undertake a risk assessment to understand the risks of workplace sexual harassment, sex discrimination and sex-based harassment?
- What were the results of this risk assessment?
- How and when did you consult with your workforce?
- Who can the FSU contact from your safety team to discuss the outcomes of your risk assessment?
- How have you defined and identified conduct that amounts to subjecting a person to a hostile workplace environment on the ground of sex?
- What proactive steps have you taken to prevent the risks you identified in your risk assessment?
- Does your organisation use non-disclosure agreements with respect to the settlement of sexual harassment claims?

We would appreciate your responses to these questions in writing to respol@fsunion.org.au no later than 31st August 2023.

Sexual Harassment Prevalence Survey 2023

The FSU is currently undertaking an industry wide survey to understand the prevalence of sexual harassment in the finance industry and well the finance industry deals with complaints of sexual harassment. We believe that as an independent, external organisation that can guarantee the anonymity of respondents we are best placed to undertake this review of our industry.

This review will only deliver a snapshot in time, yet nevertheless we believe it will provide us with a good understanding of the experience of finance workers. We would like to invite you to share this survey with your workforce and encourage all your workers (regardless of their personal experiences) to participate. Should we receive a response rate high enough to guarantee the anonymity of the respondents we will be able to provide you with a briefing that highlights the experiences of your workforce specifically. We plan on releasing a report in March 2024 to share the results of this survey.

I have attached a copy of the invitation to participate in the survey that we encourage you to share with your workforce as well as the survey link and a QR code. Please let us know when you plan on sharing this survey with your workforce. If you have any questions or want to discuss this initiative in more detail please contact the FSU's National Policy Officer Angela Budai.

Yours Sincerely

Julia Angrisano, National Secretary, Finance Sector Union of Australia

APPENDIX 3 – SURVEY QUESTIONS

FSU survey on sexual harassment and sexism in the workplace

Thank you for your time and participation in this study.

This survey will ask questions relating to your experiences of sexual harassment in the workplace. The survey is open to all finance workers and should take no more than 15 minutes to complete. Individual responses will be de-identified and used to underpin the Union’s report on the experiences of finance workers. The survey closes 31 October 2023.

If you are feeling distressed, we suggest that you speak with a trusted family member or friend or contact one of the organisations listed in the plain language statement at the end of the survey to assist you in dealing with your personal situation.

You may also access counselling and other support through 1800RESPECT (Ph: 1800 737 732) - National Sexual Assault, Domestic Family Violence Counselling Service. If you require immediate assistance or feel that you are in danger, please contact the police by calling 000.

No individuals will be identified in the reporting of this data and all information will be held in line with the FSU’s privacy policy (<https://www.fsunion.org.au/privacy-policy/>) and used only for research purposes.

Demographics

1. How do you identify in terms of gender? *
2. What is your age? *
3. Are you Aboriginal or Torres Strait Islander? *
4. Do you identify as Lesbian, Gay, Bisexual, Transgender, Intersex and/or Queer (LGBTIQ+)? *
5. Do you have an observable permanent disability? *
6. Were you born in Australia? *
7. Is your first language English? *
8. The following question is about ancestry (or descent). You may wish to tick more than one box. What part of the world does your family come from? *
9. Where do you work? *
10. What is your mode of employment? *
11. How long have you worked in your current job? *

Experience of sexual harassment at work

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which, in those circumstances, a reasonable person would anticipate the possibility that the person would feel offended, humiliated or intimidated.

12. Have you personally ever experienced sexual harassment in a place of work? *
13. If yes, did this occur in the finance industry? *

14. Have you personally experienced sexual harassment at your current place of work? *
15. Are you aware of others in your current workplace who have been sexually harassed? *
16. If you answered yes to either question, how frequent would you say this type of behaviour is in your current workplace? *
17. If you answered yes to both questions, was the harassment of you and the others in your workplace taking place... *
18. If you answered yes to both questions, was the harasser the same person/people? *
19. Below are questions around different forms of sexual harassment and sexual assault. Have you experienced any of the following behaviours while in the workplace? *
 - Unwelcome touching, hugging, kissing or cornering
 - Inappropriate staring or leering that made you feel intimidated
 - Sexual gestures, indecent exposure or inappropriate display of the body
 - Sexually suggestive comments or jokes that made you feel offended
 - Offer incentives / bribes to engage in sexual behaviour
 - Repeated or inappropriate invitations to go out on dates
 - Intrusive questions about your private life or physical appearance that made you feel offended
 - Inappropriate physical contact
 - Being followed, watched or having someone loitering nearby
 - Requests or pressure for sex and other sexual acts
 - Make you feel threatened with some sort of retaliation for not being sexually cooperative
 - Actual or attempted sexual assault
20. Have you experience any of the following behaviours from someone in or related to your workplace (ie, co-worker, manager, customer, client)? *
 - Indecent phone calls, including someone leaving a sexually explicit message
 - Sexually explicit comments made in emails, texts, other messages or social media
 - Repeated or inappropriate advances on email, social networking sites or internet chat rooms
 - Sharing or threatening to share intimate images or film of you without your consent
 - Any other unwelcome conduct of a sexual nature that occurred online or via technology

The following questions relate to your experiences in the last 12 months

21. Have you experienced sexual harassment at work in the past 12 months? *
22. In the past 12 months, how often did someone at work: *
 - Make unwanted attempts to establish a sexual relationship with you
 - Make unwanted attempts to engage in sexual activities with you
 - Offer incentives or bribes to engage in sexual behaviour
 - Threaten or infer some kind of retaliation for not being sexually cooperative (ie, mentioning an upcoming review or promotion application)
 - Make physical contact in a way that made you feel uncomfortable
 - Make sexual gestures or stare or leer at you suggestively

23. How were the people who conducted any of these activities associated with your workplace? *

24. Were they... *

- Male
- Female
- Involved more than one person, not all of the same gender
- Another gender
- Prefer not to say

Experience of gender harassment at work

These are sexist, crude, offensive, or hostile behaviours that are devoid of sexual interest, but aim to insult or offend on the basis of gender stereotypes.

25. In the past 12 months, how often did someone at work: *

- Repeatedly tell sexist stories or jokes that were offensive to you
- Make offensive remarks about your appearance, body, or sexual activities
- Refer to people of your gender in insulting or offensive terms
- Put you down or act in a condescending way toward you because of your gender
- Give negative / disparaging feedback that makes sexual references

26. Did you answer “never” to all of the statements above? *

27. How was the person/were the persons who behaved this way associated with the workplace? (Mark all that apply) *

28. Were they... *

- Male
- Female
- More than one person, not all of the same gender
- Another gender
- Prefer not to say

Experience of intersectional harassment

(ie, race/ethnicity, ability, sexual orientation-based and gender identity-based harassment)

May include both unwanted sexual attention/sexual coercion or crude, offensive, or hostile behaviours.

29. Have you experienced harassment at work in the past 12 months due to your race, ethnicity, ability or disability, sexual orientation or gender identity? *

30. In the past 12 months, have you experienced any of the following behaviours based upon your gender/sexual orientation/gender identity/race or ethnicity/religion or disability? *

- I was subjected to negative, or offensive, comments or remarks
- I was subjected to offensive jokes
- I was touched in a way that made me feel uncomfortable
- I was physically threatened
- I have been physically assaulted

31. If Yes, indicate whether you believe the behaviour was on the basis of: *

- Gender
- Sexual Orientation

- Gender Identity
- Race or Ethnicity
- Religion
- Disability
- I don't know
- Other

32. How were the people who conducted any of these activities associated with your workplace? (Mark all that apply) *

Personal safety in the workplace

These questions ask about instances where someone behaved in a way that made you afraid for your personal safety.

- 33.** In the past 12 months, have you been subject to unwanted phone calls, emails, messages, social media posts or any other communications, in a way that made you afraid for your personal safety, in your workplace or related in any way to your work in the finance sector? *
- 34.** Has this behaviour occurred more than once? *
- 35.** Has someone showed up somewhere or waited for you when you did not want that person to be there, in a way that made you afraid for your personal safety? *
- 36.** Has someone showed up somewhere or waited for you when you did not want that person to be there, in a way that made you afraid for your personal safety more than once? *
- 37.** How was the person/were the persons who behaved this way associated with workplace? (Mark all that apply) *
- 38.** In the last 12 months, how many times have you had someone show up somewhere or waited for you when you did not want that person to be there, in a way that made you afraid for your personal safety? *
- 39.** At the time of the person showing up somewhere or waiting for you when you did not want that person to be there, what was the person's relationship to you? (Mark all that apply) *
- 40.** Have you felt spied on, been watched or followed, either in person or using devices or software, in a way that made you afraid for your personal safety? *
- 41.** Did you make a complaint to the workplace about any of these experiences? *
- 42.** If you answered yes, who did you contact? (tick all that apply) *
- 43.** If you reported this behaviour to your workplace, how would you rate how well your workplace responded? *
- 44.** If you did not report your experience, were any of the following reasons a factor in why you did not contact anyone at work? (Mark all that apply) *
- 45.** Please use this space to provide any more detail about your experiences reporting at work

Experience of inclusivity

Sexual harassment and violence often occur in workplaces where employees are generally marginalised and disempowered on the basis of their gender, race, ethnicity, sexual orientation, disability, immigration status, or income level.

- 46.** In the past 12 months, have you experienced any of the following behaviours, which may be indicators of a culture of inequality in the workplace? *
- When participating in work meetings, events, or activities, I was talked over by others
 - My views have been routinely dismissed or disregarded
 - My work contributions are regularly criticized or downplayed

- I have had negative/disparaging feedback from customers that makes sexual references
- None of the above
- Other

47. If Yes, indicate whether you believe the behaviour was on the basis of your: *

- Gender
- Sexual Orientation
- Gender Identity
- Race or Ethnicity
- Disability
- not applicable, I didn't experience any of these behaviours
- Other

48. In the past 12 months, have you experienced any of the following behaviours based upon your gender/sexual orientation/gender identity/race or ethnicity/religion or disability? *

- When participating in work meetings, events or activities, I was talked over by others
- My views have been routinely dismissed or disregarded
- My work contributions are regularly criticized or downplayed
- I have been discouraged to apply for career progression or advancement opportunities
- I have had negative/disparaging feedback from customers that makes sexual references

49. Did you answer "never" to all of the statements above? *

50. How was the person/were the persons who behaved this way associated with your workplace? (Mark all that apply) *

51. At the time of this event/these events, what was the person's relationship to you? (Mark all that apply) *

Job/Workplace Satisfaction

Employees who are satisfied with their jobs and opportunities, and who feel supported in the workplace, are more likely to report incidents, stand up for their coworkers, and engage in prevention-oriented activities.

52. How satisfied are you with the following? (Respond to each item.) *

- The kind of work I do
- My job security
- The direction / supervision I receive
- Workload management
- My work environment
- My coworkers

Opportunities for Advancement

The absence of women in leadership positions is a conspicuous indicator of a workplace's principles regarding the distribution of power in the workplace.

53. In the past 12 months, have you experienced any of the following behaviours (tick all that apply)? *

- I was passed over for a promotion
- I was discouraged for applying for promotion
- I was forced to withdraw my promotion application

- I was denied other opportunities for career advancement (such as training, secondment, mentoring)
- None of the above

54. If Yes, indicate whether you feel the behaviour was on the basis of your: *

- Gender
- Sexual Orientation
- Gender Identity
- Race or Ethnicity
- Disability
- None of these
- I don't know
- not applicable, I have not experienced these behaviours
- Other

Empowerment

Employees must feel heard, believed, and safe from retaliation in order to report inappropriate conduct when it enters the workplace.

55. How would you describe your perceptions regarding your co-workers? (Respond to each item.) *

- My coworkers treat each other with dignity and respect
- My supervisors care about my wellbeing
- Employees are encouraged to speak out frankly even when critical of well-established ideas and approaches
- Agreeing with management is the best approach

Support for individual/s making formal complaints

Complaints of sexual harassment, assault and sexism should be taken seriously. Those making complaints should be treated compassionately and have a say over responses to make sure their needs are met, and that they are valued in the culture of the workplace.

56. How likely would you be to discuss a behaviour or experience that made you feel uncomfortable with any of the following? (Respond to each item) *

- The person involved
- A nonsupervisory co-worker
- A supervisor
- Human Resources or employee relations
- Management
- The Union
- An external authority (eg Human Rights Commission)

Perpetrator accountability

Perpetrators of sexual harassment and violence constantly test boundaries. The greatest deterrence to escalating and repeated misconduct is early and meaningful accountability.

57. Have you ever made a complaint about anything this survey has covered? *

58. If you made a verbal / written complaint of experiencing sexual harassment, did any of the outcomes

listed below occur as a result? (Respond to each item) *

- No action was taken
- The person was counselled on changing their change behaviour
- My work location or duties were changed in order to avoid the person
- I was encouraged to “drop” the issue
- The person stopped the behaviour
- My leadership punished me for bringing it up (e.g., denial of promotion/training, transfer, reassignment to a less favourable work site or duties, scheduling changes)
- There was an adverse action taken against the person for their behaviour (e.g., demotion, loss of pay, termination)

59. How satisfied were you with: (Respond to each item.) *

- The availability of information on how to file a complaint
- How you were treated by personnel handling the complaint
- Being informed about the status of the complaint
- The amount of time it took to address the complaint
- The outcome of the complaint / investigation

Complaints process

Employees need clear instructions on how to file complaints, regular updates as complaints are processed, and timely conclusions that prioritise their safety and needs.

60. How satisfied are you with the information provided by your employer on how to file a complaint? Please rate the following statements *

- The organisation I work for has a clear procedure for making complaints about inappropriate behaviour
- I am confident that if I needed to make a complaint, I’d know how to do so
- I have received training on appropriate workplace behaviour
- I am confident that complaints in my workplace are taken seriously and will be acted upon

Deterred from reporting

When policies and practices fail to hold perpetrators accountable, victims may become increasingly uncomfortable reporting incidents.

61. Have you opted not to make a verbal and/or written complaint about experiencing inappropriate behaviour or misconduct? *

62. If Yes, were any of the following reasons for not reporting? (Respond to each item) *

- The behaviour or misconduct stopped on its own
- I didn’t think it was serious enough to make a complaint
- I confronted the person myself
- I did not know how to file a complaint
- I did not want anyone else to know
- I was ashamed or embarrassed
- I wanted to forget about it and move on
- I did not think I would be believed
- I did not trust the complaint and resolution process
- I did not think anything would be done
- I thought that the person who did it would get away with it

- I thought it might hurt my career
- I was concerned for my physical safety
- I feared losing my job
- I was brought up not to discuss this type of thing

Bystander behaviour

- 63.** Have you been the subject of sexual harassment this calendar year?
- 64.** If you were the subject of sexual harassment this calendar year, did anyone else see the harassment? *
- 65.** Who were the people who saw it happen? (Tick all that apply) *
- 66.** Did anyone who saw you being harassed try to intervene? *
- 67.** Did anyone who saw the harassment do any of the following? *
- Attempt to directly intervene at the time to stop it
 - Talk to the harasser about the incident
 - Report the harassment to your employer
 - Talk to you about the incident
 - Offer advice to you
 - None of these
 - Don't know
 - Prefer not to say
 - Other
- 68.** In the last 12 months have you observed another staff member being targeted for sexual harassment? *
- 69.** If you answered yes, what did you do (tick all that apply)? *
- 70.** Which of the following would make you more likely to intervene if you were a bystander witnessing sexual harassment? *
- 71.** Use this space to share your experience as a bystander. You may choose to share an account of the behaviour you witnessed *

Use of Non-disclosure Agreements (NDAs)

- 72.** Does your employer use non-disclosure agreements when settling sexual harassment complaints? *

Thank you

Thank you for your time and participation in this survey. We would like to give you the opportunity to tell us, in your words, of any experiences that you believe are relevant and would like us to know about.

These experiences will assist us in producing our report into sexual harassment in the finance industry. They will also assist us to develop tools to ensure that employers meet their duty to prevent sexual harassment in the workplace.

Any accounts that we receive and include in our submission will be de-identified and confidentiality will be maintained. However, if you would like the opportunity to be contacted about your experiences by trained FSU staff or be identified in the report, please indicate below.

The outcome of this survey will be a report with recommendations to inform both national and local policy and action on these matters. If you would like to receive a summary copy of the results, you can leave your contact details below.

Please indicate if you would like to be contacted for any of the following reasons, and if so, please enter your contact email.

73. Please indicate if you would like to be contacted for any of the following reasons, and if so, please enter your contact email below
74. Use this space to share any comments/experiences of sexual harassment (you will not be identified)
75. First Name
76. Last Name
77. Preferred mobile contact
78. Preferred email contact
79. State

Need Assistance

If this survey has raised issues for you, we would encourage you to seek assistance with a trusted family member or friend. For urgent matters, you can contact 1800RESPECT (1800 737 732). You can also contact the following organisations for advice and support in making a complaint:

- Australian Human Rights Commission (see [HERE](#)),
- Respect Victoria (Victoria) on 03 9096 9501,
- the Anti-Discrimination Commission QLD (see [HERE](#)),
- the Anti-Discrimination Board of NSW ([HERE](#)) on 1800 670 812 .

- SafeWork SA ([HERE](#))
- The Equal Opportunity Commission WA ([HERE](#))
- Equal Opportunity Tasmania ([HERE](#))
- Northern Territory Anti-Discrimination Commission ([HERE](#))
- ACT Human Rights Commission ([HERE](#))

If you feel your workplace is unsafe, please give the FSU Member Rights Centre a call on 1300 366 378 or email us at fsuinfo@fsunion.org.au

One too many: Sexual harassment in the finance industry

A report by the Finance Sector Union

Authorised by Julia Angrisano, FSU National Secretary

www.fsunion.org.au