Thank you for the opportunity for this submission.

Submission to Australian Human Rights for the National Inquiry into Sexual Harassment in Australian Workplaces

I was harassed at a workplace where I was employed for nearly years (). I started being harassed after about 5.5 years of my employment when I changed departments and reporting line to the supervisor who harassed me. The company and industry I worked for was a male dominant engineering consultancy

. As far as I am aware, during my time of employment we were only two female engineers in the company in my area of work.

Below I summarise the facts and my experience of sexual harassment at my former workplace, how my former employer responded to my complaints, and the subsequent litigation that took place after I received legal advice. I divided each of the abovementioned experiences to three sections for coherence.

Section 1. Experiences of sexual harassment and victimisation at my former workplace

- 1. In the course of six months, my direct supervisor whom I shared an office space with (only two of us in the room) made advances at me which were unwanted by me. Those advances include:
 - 1.1. Regular text messages sent to me outside working hours which did not relate to work, some received midnight or later (the messages were about his personal life and the ones sent after midnight were around the lines of how much he liked working with me);
 - 1.2. Continuously insisting having after work drinks particularly so after we did overtime which I attended initially;
 - 1.3. After I attended the after work drinks on some occasions he would not accept that I wanted to leave and would not stop insisting that I stay. On one occasion, he followed me down the street after I left the restaurant which made me take a taxi. After I took a taxi he started texting me and insisting that I should not go home and stay longer with him. I responded by saying that I was already at home and received a response back that "I was far from being at home". I was still in a taxi at the time and felt like I was being followed by him. This behaviour made me very scared;
 - 1.4. On another occasion, he told me that he found me attractive and that he knew that I was aware of his attraction to me.
- 2. All those advances made me feel very uncomfortable. I summarise below how I felt and what I had done in my capacity to stop my direct supervisors advances:
 - 2.1. I did not immediately become aware of his advances. I socially attended after work drinks with other colleagues as well as with my direct supervisor;
 - 2.2. After a few months I started suspecting that he was treating me as more than a colleague. However, I did not have solid evidence and thought I might be misunderstanding his advances;

- 2.3. After he followed me down the street (paragraph 1.3) I started getting very anxious and stressed to be around him. I felt very uncomfortable to confront him. He was my direct supervisor and I feared offending him could adversely impact my work and career progression which is what eventually happened;
- 2.4. I believe I am assertive and direct, and I can stand up for myself. Yet, in this circumstance I found it very difficult to confront my direct supervisor and struggled to find ways to do so. This caused extreme anxiety and stress to me and initially I chose to ignore his advances in the hope he would stop;
- 2.5. After he openly told me he found me attractive and that he knew I was aware of it I responded by telling him that I was not interested;
- 2.6. On a later occasion, I informed him that I had a partner and that I was happy in my relationship (during a face to face conversation);
- 2.7. On a different occasion, after he sent me a late night message I also responded by saying I had a partner;
- 2.8. He invited me to go to his house for dinners, and also social events with his friends. I communicated my unavailability and did not go;
- 2.9. After I became sure that he was making advances and informed him of my disinterest, the working relationship started to become tense. He continued to insist on meeting outside work and I started being extremely uncomfortable, anxious and stressed. I started getting advice from my close ones on how to tackle this issue. It caused not only stress to me but also to a lot of people around me who tried to support me;
- After about three months of being clearly aware of my supervisor being inappropriate 2.10. towards me, we went on an interstate work trip. During this work trip he made a comment about me being more tolerant towards my previous manager. I told him that I felt there was an inappropriate mixture of personal and professional in the way he interacted with me and that his inappropriate advances towards me made me feel uncomfortable. I informed him that he needed to "stop trying to get into my pants". He immediately refused that he had made any advances towards me. I informed him about the previous incidents, I told him that I knew that would be his response and thus did not want to confront him previously, and that I had kept his text messages. He looked very emotional, his hands started shaking, and admitted having made advances and that he had developed feelings towards me. I felt very sorry for him. All his emotional baggage was left on me. I thought we are all humans and people could make mistakes. I wanted to have a good relationship with my supervisor. I asked him to have dinner during the work trip and talked with him about the issues. We had dinner and I informed him that I would not share his advances with others at work or that I will not make any complaints. He assured me that his advances would stop.
- 2.11. After this incident and our return to the office, my work became worse and my supervisor became hostile. My supervisor started treating me poorly, stopped direct communication with me and told me that we could only talk via emails, he told me that I was only good to work in research but not in a consulting environment, he stopped providing me work in the areas that I wanted to work, amongst other things. I heard from one of our directors (Director 1) that he was reluctant to work with me and he believed something had changed after the interstate work trip. I would like to state that previously my work had never been criticized by him and he informed me on several occasions how much he appreciated my work;
- 2.12. I found it much easier to cope with his advances than the victimisation that started happening after I directly asked him to stop his inappropriate advances.

- 3. I would like to emphasise a few points about my experience with sexual harassment:
 - 3.1. Not all advances happen immediately in an initial interaction with the perpetrator. In my case, my supervisor initially was friendly. I state this as it becomes important during legal proceedings;
 - 3.2. Once I started feeling that he was making advances, I also started questioning whether he was being friendly or making advances. He also had a partner, a fact that delayed my realisation. Things were not quite black and white. This also becomes important during litigation;
 - 3.3. Once I became clearly aware of my supervisor's unwelcomed advances, it was still not easy to openly confront him. It is very difficult to openly confront anyone about their advances, let alone when they are a direct supervisor in which case they have direct power over your income and career;
 - 3.4. I made it very clear that I was uncomfortable about his advances by not responding to his late not messages, by not attending his personal invitations to his house and social events with his friends, by telling him I had a partner and happy in my relationship, by telling him that I did not want to hear about him finding me attractive. Yet during litigation none of those attempts were taken into account and in fact completely ignored. The only time that I was considered to respond to his advances was when I told him to "stop trying to get into my pants";
 - 3.5. This whole experience is quite traumatising. I spent a lot of time trying to find ways to deal with it, it affected my personal life, and it caused stress and anxiety not only to me but also my close friends and family who supported me during this unfortunate experience:
 - 3.6. I feel I was the only person held responsible for my supervisor's advances, and yet I had no choice to be subjected to his advances.

Recommendation:

4. I do not know and will not know whether the perpetrator was aware of the extreme discomfort, anxiety and stress he caused me. I also do not know and will not know if he cared or not. I do still want to believe that my supervisor's inappropriate behaviour was due to ignorance and lack of awareness of the extreme anxiety and stress his inappropriate behaviour caused me. Thus, I think that everyone in society should be made aware of how their unwelcome advances make others feel and how it negatively impacts people on the receiving end. I believe media could play a part in this to help bring awareness in the society.

Section 2. Workplace complaints, responses to my complaints and further victimisation

- 5. A few weeks after I confronted my direct supervisor, I repeatedly attempted to address my direct supervisor's behaviour (which I believe to be victimisation) by making a number of workplace complaints, including:
 - 5.1. I informed my direct supervisor's manager (Manager 1) about the mistreatment of my direct supervisor and unwarranted criticism;
 - 5.2. My direct supervisor informed me that since I raised my concern to his manager (Manager 1) he believed it would be difficult to repair our working relationship. I

- informed Manager 1 of this comment and my ongoing concerns about my direct supervisor's poor treatment of me again;
- 5.3. Soon after, Manager 1 also started to treat me differently and I started to feel bullied by him, which I believe to be further victimisation. He also began to micromanage and subject me to unwarranted criticism. E.g. He asked me to postpone my pre-approved annual leave the day before I was flying overseas and criticized me for refusing to do so (this leave I was actually requested to take by my direct supervisor); he told me that I wasn't performing well; he told me to be less emotional over my direct supervisor's treatment of me. I would also would like to emphasize that prior to making workplace complaints about my direct supervisor, no performance issues were raised with me. In fact, I received a 20% pay rise a month before I raised my concerns about my direct supervisor;
- 5.4. I spoke with my previous manager (Manager 2 whom I trusted, respected and had worked with for over 5.5 years) about my direct supervisor's unwelcome advances, as well as about Manager 1's and my direct supervisor's changed attitude and bullying behaviour. I asked his advice around these issues and informed him that I felt very uncomfortable talking about my direct supervisor's unwelcome advances and asked him to keep it confidential. I also told Manager 1 that "I didn't want to be treated differently because I did not f**k my supervisor" (importantly 2 gave evidence that he was not aware I was being harassed and he only thought it was a request of a relationship from one party which was rejected by the other, if he was honest with his response, this comment clearly shows a lack of awareness as to what sexual harassment means). Manager 2 also asked me who knew about this and asked me whom I was going to speak to which I responded that I wanted his advice. He told me to not speak to some managers as he thought they might not be of help

He informed me that he didn't see the situation improving unless he talked about it with Manager 1, and he had assured me he would keep my direct supervisor's unwelcome advances confidential. Manager 2 never followed up with me or asked me if my supervisor's inappropriate behaviour continued, and during the hearing he gave evidence that he didn't think he should have followed up as a duty of care;

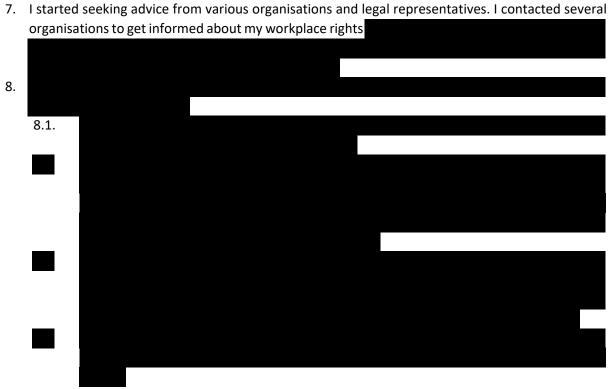
- 5.5. I started being given tasks that were not related to my duties at the time and I was sent for a few months to work interstate. I asked Manager 1 if I was being exiled and why I was given jobs that were not related to the team I work in. Manager 1 informed me that they needed my help to do the interstate job because I was a female and that the client I was to work interstate with was also a female; thus, she would not have felt threatened by me. This response startled me. Nevertheless, I agreed to go interstate in the hope that things would get better, and my direct supervisor and Manager 1 would have time to reflect. A few months later while I was interstate I got contacted by Director 1 who asked me to do another job that was not related to the team I work in. I asked why this was happening and if my supervisor was avoiding working with me. Director 1 informed me about my direct supervisor's reluctance to work with me. I asked to organise a meeting on my return to the office to talk about what my supervisor's concerns were so that we could address them. Director 1 informed me that he would help to organise a meeting which never happened;
- 5.6. On my return to the office I waited for the meeting that was promised to me by Director
 1. No one mentioned anything. I decided to escalate the matter further to senior

management and to talk with another director (Director 2) who also looks after human resources and who is a female, in the hope she would help me with the issues. I organised a meeting and informed her about all that had happened including my supervisor's unwelcome advances, victimisation by both my supervisor and his manager (Manger 1), and that the workplace had become an unhealthy environment for me to come to every day. She immediately asked what I wanted out of this conversation to which I responded that I wanted to continue to do the work I use to do and stop being treated differently because I made a workplace complaint. At first, she informed me that she needed to think about how to resolve my complaints and that she believed my supervisor was embarrassed thus treating me differently. Later during our meeting, she suggested I ask for a meeting with my supervisor and Manager 1 to talk about my professional development. I agreed to follow her recommendation;

- I sent an email to my direct supervisor and his manager (Manger 1) to ask for a meeting 5.7. to discuss a professional development plan. A few minutes later, Director 2 came and informed me that Manager 1 did not want to meet and that I and my direct supervisor should resolve the issues ourselves. I informed Director 2 my disappointment that no one had assisted addressing these issues for over six months. Later during the day I received a response to my email from my direct supervisor confirming to meet in a few days together with Manager 1. I spent two days after work preparing a professional development plan and to get my direct supervisors and Manager 1's feedback on it. However, during that meeting I was informed that the company was hiring two experienced engineers to the team I worked in (which actually did not happen), thus the team did not need me any longer and my reporting line was to change. I was told that the company structure was going to change (which also actually didn't happen either). Clearly changing teams meant that I could not continue to improve my skills in the area which I wanted to further my career. I asked about the reasons of being informed about a company structure change in a meeting I organised to talk about my professional development, and after I make a workplace complaint to senior management. After my question I was called aggressive by Manager 1 and he had informed me that the meeting had to end because he had another scheduled meeting to attend. Shortly after, I received an email from Manager 1 asking to schedule another meeting (to be in a months' time since I was going again interstate for work and that day was my last day in the office). I documented what happened during the meeting and sent it to the Director 2, my supervisor and Manager 1 and informing them of my disappointment;
- 5.8. I was contacted while interstate for work by Manager 1 who told me that I needed to stay interstate for another three months. I informed him my unavailability due to personal reasons. At that stage, I had started seeking medical help due to stress and anxiety and had a pre-booked appointment back at home. Manager 1 contacted me several times via emails and phone calls and inferred by refusing to do go interstate I had breached my contract. I informed him that I felt threatened and bullied by his behaviour and that my workplace as stated in my contract was the office near my home;
- 5.9. On my return to the office Director 2, Manager 1 and I had a meeting. In this meeting, Manager 1 refuted that he told me the company was restructuring (although he never commented on it or corrected the statement when I sent them an email about it) and insisted on me telling that my workplace complaints were addressed. He was constantly bringing the topic that he addressed my workplace complaints and trying to make me concur. During legal proceedings, I learned that he was recording the meeting without

- my or Director 2's consent. At that meeting I was also asked to document my concerns and provide the document to Director 2;
- 5.10. After this meeting Director 2 asked me to go for a coffee outside the office. She was in search of a quiet place and we finally stopped at a third coffee shop. After talking about the issues, she informed me that Manager 1 was very upset and asked me if I was prepared to write down and sign that I did not feel bullied by Manager 1. I informed her that I could not to do such a thing because I felt bullied and harassed by him. She then told me that she was only thinking out loud. She then asked me if I could go back to the team I worked in previously and work with Manager 2 since we had worked well together. I informed her that I was not prepared to do so since that role did not align with my career objectives any longer and I had worked in that team for over 5.5 years. As it became apparent during legal proceedings, I got shocked that no one spoke with my direct supervisor about his behaviour and how he thought the issues could be resolved but management decided that I had to changed jobs I was to do. My direct supervisor gave evidence that he only became aware of my workplace complaints after my legal representatives sent him a letter;
- 5.11. Director 2 arranged another meeting on another day with me again outside the office. During this meeting she told me that she thought I was very strong and that she did not know how I dealt with all that had happened. Then she asked me if I had thought of resigning. I felt puzzled by all that was happening. I went to her to get help on resolving a workplace issue that happened against my will, yet I was being pushed out of the workplace. My direct supervisor holds a strategic role within the company and I felt no one was willing to resolve the issue but push me out of the job. Me leaving my employment seemed to be the only resolution that is possible for them;
- 5.12. Director 2 then organised meeting with myself and my direct supervisor to talk about projects I would be given moving forward and to discuss both of our expectations. My direct supervisor informed me during the meeting that I could not be given jobs I used to do because I was not skilled to perform those tasks. Later we all agreed that my direct supervisor would feed me with the work I used to do, and that I wanted to continue doing, which also never happened. A lot of things were said but nothing was acted on;
- 5.13. A few days later I went to a meeting at another consultant's office with Director 1. On our way back to the office Director 1 told me that I worked well with Manager 2 and maybe I should consider reporting to him. I told him that I was disappointed by the treatment I received around the issues I raised and I told him that me starting to report to my old manager (Manager 2) would change the type of work I was doing and that those jobs did not align with my career objectives. I also told him that I felt very disappointed to be treated the way I had been and that a lot of people did not have the privilege to just leave, they had kids to look after and a mortgage to pay. I started crying as I said the last sentence and found it very difficult to continue working that day;
- 5.14. After this incident I saw my doctor and was advised to take personal leave and rest. During my personal leave Director 2 called me and asked if I could go interstate, and she also informed me that I would start reporting to my previous manager (Manager 2) on my return to work. I informed her that I was suffering from anxiety and stress due to the mistreatment at work. She then told me that sometimes people move on and change jobs, and gave me an example of her partner who had done so and became a much healthier person. Later during litigation, she said that she was trying to understand my motive.

6. During my personal leave I started documenting everything that had happened so as to provide it to Director 2, as I was asked to do so. It was a very difficult process (even though I previously started documenting the incidents as they occurred in my diary) as I relived everything that I experienced and it deteriorated my health further. I sent a detailed chronological documentation of about 30 pages to Director 2. She responded they that will address my concerns on my return to work. I sent a document of about 30 pages and I received a line of email back. I felt my workplace had no intention to resolve the issues, were not genuine and were just expecting me to leave.



- 9. During one of my visits to my doctor she suggested I start a Work Cover application which I was initially reluctant to do. I feared making a Work Cover application might adversely affect my future employment. After I exhausted my accrued personal and annual leaves, I was still not fit to work, I had no income and I decided to apply. The work Cover application process turned out to be another nightmare which I have summarised below:
 - 9.1. I was visited at home by a Work Cover investigator and provided him with the information I was asked to;
 - 9.2. I was examined by a psychiatrist who was appointed by the Work Cover insurer who diagnosed me to be injured and suffering from "adjustment disorder with depressed mood". No previous injuries that could relate to my injury were identified;
 - 9.3. However, my Work Cover application was rejected due to (1) I had known my supervisor prior to commencing my employment and that after commencing my employment our relationship developed to a personal relationship (2) my injury arose due to reasonable management actions and not of a type that compensation could be rewarded. I was puzzled with the outcome because I had not known my supervisor before my employment commenced or before his employment had commenced, we had met at work. At the time of my Work Cover application, I had been employed for over 6.5 years whereas my supervisor had been employed for about 3.5 years. I contacted the insurance officer responsible with my application and informed him of that fact. The insurance

- officer informed me that my supervisor's evidence agreed with mine and that he also said we had met at work but that there were other witnesses who say otherwise;
- 9.4. I documented the facts and appealed the insurer's decision. My appeal was rejected due to a factual dispute and I was informed to seek my rights legally. I am puzzled with the absurdity of the insurer's decision. I struggle to understand how, even if I had known my supervisor prior to commencement of my employment (which I absolutely did not), how does that give my supervisor the right to make unwelcome advances, harass me and cause me injury? I am speechless to the absurdity of this rationale. Having worked within a small industry where a lot of people know each other, where is this line drawn? I hope you will be able to help with this and also give advice to refine legislations around Work Cover applications;
- 9.5. I had a Work Cover conciliation with my former employer. I attended this conciliation with a Work Cover Assistant and a friend. My former employer was represented by the Managing Director of the company who refused to sit in the same room with me. I was asked to sign a deed of release by the Managing Director, to waive all my rights to any legal pursuit. I refused to sign and look at the document since the conciliation was only related to my Work Cover application and informed the conciliators about my decision. I did not look at the document but was informed by the Work Cover Assistant that there was not a compensation amount written on the document but the Managing Director informed him verbally to be around 2-3 months' pay. I was also informed by the Work Cover Assistant that the managing Director became aggressive towards him because I did not accept to sign the deed of release. The Work Cover Assistant informed me that he thought my former employer was playing bad games and I should legally pursue the matter. My application was for about two months' pay. Not surprisingly, most of the time the legal cost of pursuing workplace rights largely outweighs the compensation amount that could be awarded thus most employees who experience workplace injury or unfair treatment choose to walk out from those toxic environments. It feels like the employers and insurers are aware of this and often use this to their advantage;
- 9.6. A few days later I was informed by my legal representatives that the offer made during the Work Cover conciliation was to be covered by Work Cover as an injury compensation. It came to light that I was to be rewarded an injury compensation if I signed a deed of release and withdraw my unfair dismissal application amongst my other legal rights. I am speechless with the structure around those legislations and organisations, the Work Cover gives the responsibility to private insurers whose clients are employers, and thus insurers, in fear of losing their clients to different insurance organisations act in an unethical manner. This is unacceptable.
- 10. I would like to mention briefly about bystanders in my case, since I understand this is one of the aspects of the inquiry:
 - 10.1. I initially did not share my supervisors advances with any of my colleagues whom some of were also friends. I did not want to cause any embarrassment to my supervisor;
 - 10.2. When my health started to deteriorate and after I found it difficult to cope with my supervisor's advances, I initially told one of the female employees with whom I also spent time outside of work. She advised me on keeping my supervisor's messages as evidence in case the work relationship turned sour. She also saw most of the messages I received after I informed her of my concerns about my supervisor. She comforted me and gave me personal support. After I started my personal leave however, she did not contact me. She is a legal representative of my former employer and I understand she would have

- wanted to stay out of it as it could have adversely affected her employment. Or perhaps, she did not want to support me any longer, I will likely never know;
- 10.3. Later I also informed a colleague and a friend who gave me a lot of personal support and work advice during the process and we still keep our good relationship. He encouraged me to talk about my supervisor's unwelcome advances to my managers;
- 10.4. Several of my other colleagues whom I didn't share any of the workplace issues with, contacted me during my personal leave and after to inform me of their support;
- 10.5. I found it to be unreasonable to expect bystanders to speak up unless they are encouraged by employers as this could adversely affect their career. I believe though for a good workplace culture bystanders should be encouraged by employers to speak out, which could significantly discourage perpetrators.
- 11. During all this process I felt I was left alone and got no support from my managers and directors. After having worked for a considerable amount of time for this employer I felt very disappointed. Additionally, during the process I was labelled to be an aggressive trouble maker. I was the one who adversely got affected by this yet I was to be shamed, blamed, punished and bear all of the consequences.

Recommendations:

- 12. Most importantly, I believe all employees need to be trained about workplace harassment. My experience showed me that there is a lack of awareness of what sexual harassment means (most think it is only about inappropriate touching) and how it affects the employee on the receiving end. During legal proceedings and cross examination, it became apparent that the managers and directors of my former workplace were not aware of what sexual harassment meant. Thus, training of all employees and particularly of supervisors, managers and directors (who play a direct role in resolving complaints) is crucial.
 - 12.1. It is very difficult for anyone on the receiving end to raise complaints about sexual harassment. I felt shy to talk to anyone about it and it takes big courage to do so. Thus, usually the complaints starts like "I have something to say but could you keep it confidential please". Particularly, managers and supervisors should be trained to assist them how to navigate through complaints of this nature.
 - 12.2. In my case, although some of the directors and manager acted very inappropriately during the complaints process and litigation, I do believe some simply did not know how to help. They were not equipped for it

 However, not being equipped should not be an excuse as it is a basic human right to not be harassed at work for anyone. Thus, I

believe employers should be held accountable to equip their managing staff to deal with the complaints of this nature.

13. I was not aware and was not made aware of any workplace policies around harassment. It became apparent during litigation that my former employer had draft policies in place which Director 2

it was also written on the employment contract). None of the other managers or Director 1 was

aware of the content of those claimed policies or where they could be found

Neither employers (I mean managers and directors in this case) nor employees seem to know how to handle harassment complaints. I believe clear policies with clear steps to follow regarding harassment complaints would help everyone involved in the process;

claimed was employees' responsibility to ask about and figure out where they could be found (as

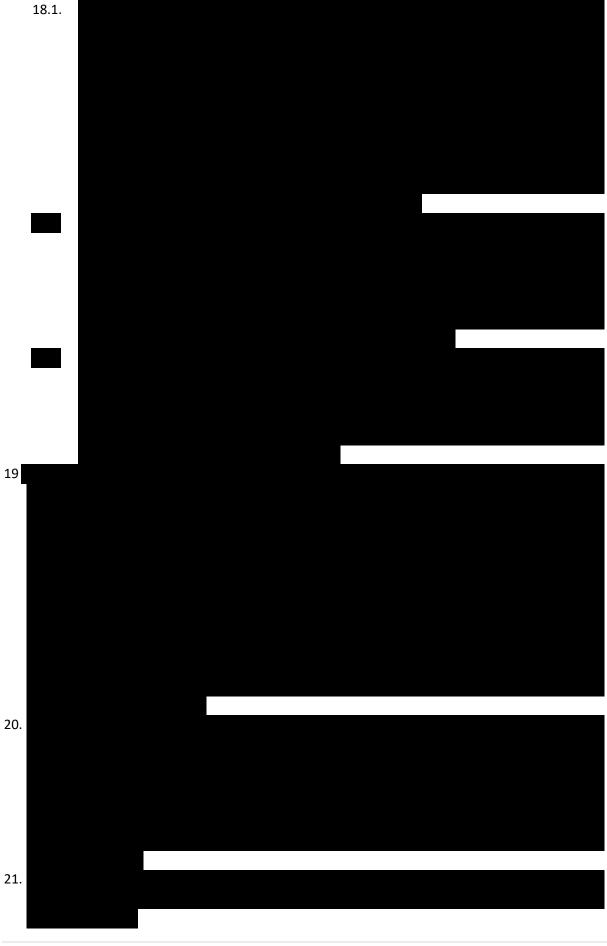
- 14. I also believe workplaces should be held legally accountable since it directly relates to workplace health and safety. In addition, this might significantly eliminate leaving the responsibility to resolve the issues to the perpetrators and the employees on the receiving end (which is what happened in my case).
- 15. Injuries related to harassment should be better tackled in Work Cover legislations. I wrote more details around this and my recommendations in paragraph 9.
- 16. I gave my recommendations about bystanders in paragraph 10.
- 17. I also would like to add one comment told to me by my psychologist about men handling sexual harassment complaints. I was informed that culturally it is very difficult for a man to talk to another man about their inappropriate behaviour. I believe men should be empowered to call out other men's inappropriate behaviour. I guess this will be a slow progression but still speaking more about these issues will result in everyone feeling more comfortable to do so. My thoughts are that media holds an important part in this aspect.

Section 3. Litigation process

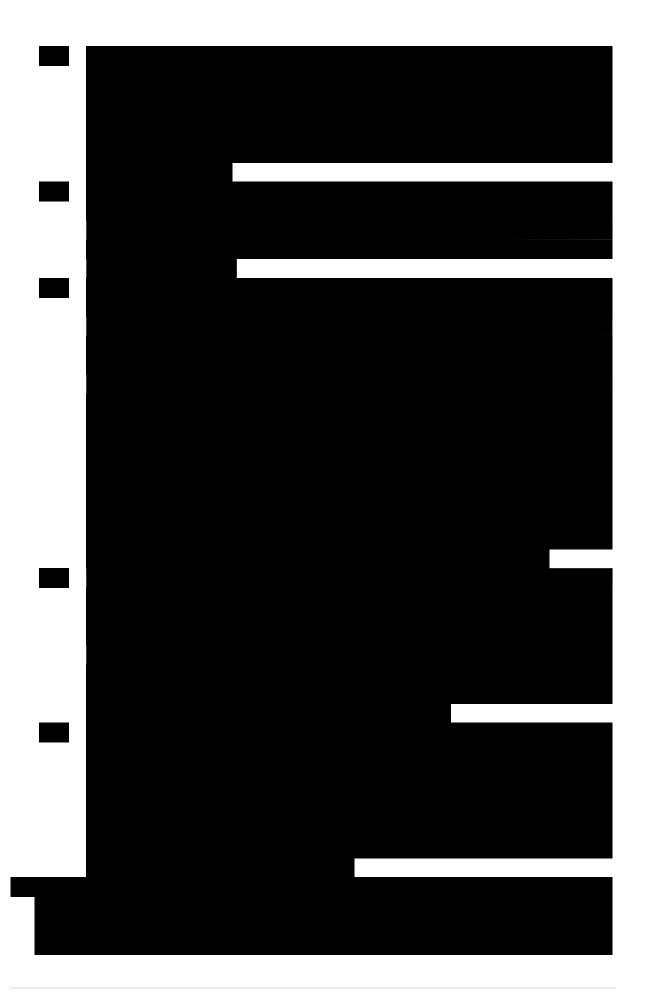
The items summarised below are the facts, my experience and what I understood of the legal proceedings. I summarised the beginning of the litigation process in Section 2.













Recommendations:

- 30. Again, I believe there is a lack of awareness of what sexual harassment means and its adverse effects to the person on the receiving end.
- 31. Employees seek legal advice when workplace culture fails. This should be taken into account during the legal proceedings;
- 32. There seems to be unlimited authority given to judicial officers. There is a lot of conscious and unconscious bias. I believe the courtroom should aim to protect disadvantaged people and be more practical;
- 33. Legislations seems to be deficient and fail to address the complaints made around harassment. I believe legislations needs to be refined to be able to tackle the problems in society;
- 34. Legal proceedings are extremely expensive and the compensation to be rewarded is dependent on the employee's income. A lot of people with low incomes could not seek legal justice because they could not even recover a fraction of their legal costs if they successful (as far as I am aware of, the maximum amount that could be awarded for compensation is six months' pay which is very rare to happen). However, this also creates a paradox. If complaints could not be made then it would not be possible to understand the problems employees face or to better the society. Justice seems to be commodified and this should not be acceptable. It is a basic human right of anyone to seek justice;
- 35. I provided further recommendations within the main text of Section 3 where relevant.

In conclusion, I just hope that even though I had a very bad experience, this helped and brought awareness to everyone who had been involved in the process, and we will all do it differently next time. I also hope that I managed to convey my experience in this document and that it will help in preparation to policies to create harassment free workplaces.