

Submission 122

Background - incident

I was sexually assaulted and harassed by a female colleague, over a period of about nine months. Eventually, she actually assaulted me. What legally would be considered as an indecent sexual assault. She actually groped me in a very inappropriate way from the back into the very private area. This happened during working hours. Not after work, not during coffee break. Actual working hours. I was fearing for my life because I didn't know she was there. She approached me from behind. The sexual intensity of the touch was of the nature and I was sure it was a man that was doing this.

I was senior to her in terms of experience and age and maturity I guess. So, I could actually tell her directly to her face that this is not welcome behaviour. Please do not do that. She would be okay for maybe a few weeks then she would start again.

Reporting

When I reported – she admitted to doing it but played it down as a joke. She was given a verbal and written warning. The way it was looked it – they were dismissive because it was another woman. They couldn't fathom how there could be a sexual intent in those actions.

I worked [REDACTED] in pharmaceuticals. I had 27 years of experience. I was a high performer. But when this happened was at a loss. I wasn't listen to. They minimised the situation.

Vulnerable due to employment status

I was placed in this job by a recruitment agency who effectively hired me and placed me with a company. There is a new trend in Australia that the pharmaceuticals are going through recruitment agencies. They are hiring companies and recruitment agencies, they get us into pharmaceuticals and then we are hired on a contract basis for 18 months. Now invariably, when the contract runs out we stay there and we continue until there is a rearrangement in the sales field force.

What happened after I reported the incident – the first week they turn on HR in a way that at least my manger was talking to me. It was then handed over to the external HR and forbid form talking to anyone, including my manager, from my company. So I was isolated. Once my contract was finished that was it. the other staff at on the same contract as I was on are still working there. It was just me who was told that my contract would not be renewed. So, that brings another level of vulnerability to the whole situation

External reporting mechanisms

I reported the incident to the police, they interviewed the offender. She admitted to it yet they dismissed it as a joke.

When the case went far enough for WorkSafe to get involved. And I myself wrote to them several times and it falls on deaf ears. There is no acknowledgement of the content of my letters and emails. they just reply with the same 2 line response.

Impacts

There is no avenue unless the company I was working for directly want to play ball. They blatantly said they don't want to be involved.

All I asked from my employer was to be moved to another geographical location. I didn't even ask for the perpetrator to be removed or fired. I'm willing to work. I can't get another job.

I have lost my job. I am now going to interviews, I get through all the stages until they want a referee from the last job and then that is the end of it.

I don't have an income. . I have to deal with the PTSD, lack of sleep. I am still dealing with the repercussions of what happened to me. It has ruined my life. It has paralysed me. My car might be repossessed because I can't repay the instalments. I might have to sell my house.

That's why people don't speak up. Why would they? I was – this was a very professional industry. I'm not a young worker. I've got a lot of experience. You know, all the – and I did the right thing. I had warned her beforehand. I reported it quickly. But what is it? It's – the process within the system – the practices failed me at every single step.

Gendered part of my complaint

The sexual harassment is identified mostly as being male offender and subject is female. In my case it was a female perpetrator and a female victim.

Over time I have realised that people cannot get their head around this. It is easily minimised. Some of the minimisation is not intentional. Easy to dismiss as a joke. I have found this across the board. The HR had the same attitude 'it is just another woman'. The police had the same attitude. They took explanation on board that she was so excited to see me she did it say hello. A man would never get away with this. She could hide behind her gender and she was well aware of this.

Failure of Worksafe and the systems

Even though [REDACTED] had a fair amount of online training modules on sexual harassment that we were tested on as a requirement for employment. Even they had a specific compliance into our KPIs however when they had to apply these values they neglected the instructions and basically did nothing.

They handed me over to the labour hire company and what happened all throughout my employment in terms of values, behaviours and complainant to [REDACTED] – once it came to a problem they washed their hands of me and handed me over to the labour hire company. This is a flaw in the system.

I felt they used this to shut me up and get rid of me. I have numerous sessions with return to work – with my work cover agent. The placement company at [REDACTED] blatantly said they don't want to be involved. The legislation says they are required to be involved.

If I was a bricklayer I could go from one building to another. However in my profession I need to get to know a company. I have to learn new pathology etc.

All the existing legislations were ignored by labour hire and the labour hire company. Worksafe failed – they didn't look at the return to work. The safety net that Worksafe is supposed to provide failed. They did not bring [REDACTED] to the table. That was the failure of this whole situation.

Recommendations

Yes we have to address the workplace and prevention. Strategically if we make sure Worksafe is meeting its obligations according to the legislation we will be able to address a lot of things.

At the moment there is another review into workplace – if somehow this inquiry and the other review could link that would be powerful.

Sexual assault has legal implications.