

HOSPO'S HARASSMENT PROBLEM



A report by
United Workers Union

UNITED
WORKERS UNION

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Content warning

Sexual harassment & bullying. This report contains content that references sexual harassment and bullying. This may be triggering for some readers.

Authorised by

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- Acknowledgement of Country

United Workers Union acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual, and educational practices of Aboriginal and Torres Strait Islander peoples.

- About United Workers Union

The United Workers Union (UWU) is a powerful union with 150,000 members across the country from more than 45 industries and all walks of life, standing together to make a difference. Our work reaches millions of people every single day – we feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops.

In South Australia, UWU members work across a broad range of industries in every corner of the state: in health, disability services, aged care, early childhood education, warehousing and logistics, farms and food manufacturing, as well as hospitality and entertainment.



Harry Nowak,
UWU Member & Hospitality Worker

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Harassment and bullying is rampant in hospitality. Most of this goes unreported due to a culture of silence that exists to protect perpetrators, and undermine victims.

- Hospitality's Harassment Problem

Hospitality has a systemic sexual harassment and gender-based violence problem that has reached endemic levels.¹ While recent legislative changes have increased access to potential remedies, our members experience of the legal framework is that it continues to privilege individual remedies which can be inaccessible, ineffective and bureaucratic – particularly for hospitality workforces that are precarious, young, migrant and female.² These workers are more likely to experience exploitative practices including sexual harassment and gender-based violence.

Sexual harassment, harassment and all forms of gendered violence are a significant risk to the health and safety of hospo workers that can be prevented – but further reforms at the workplace level are necessary to support workers who are victim-survivors of this behaviour.

Employer's current 'self-regulation' approach to preventing and addressing harassment in hospitality workplaces isn't working. Members report to us that sexual harassment and other employer policies are more often used to defend companies against claims of sexual harassment rather than to pro-actively prevent gendered violence at work. Training is often 'tick-and-flick' and focused on avoiding liability rather than affecting norms and behaviours. Further, our experience and our report show that when hospitality workers are subjected to sexual harassment they are less likely to report. This is often because they don't think they will be believed and sexual harassers are often directly employed in positions of power in the workplace.

Self-regulation hides the nature of workplace harassment. Training and reporting frameworks should be more accountable including through external and independent training and reporting mechanisms, as well as auditing and regulatory monitoring by the Regulators.

¹ Australian Human Rights Commission, 34 per cent of hospitality staff reported being sexually harassed, a figure slightly higher than the national workplace average. The survey found workers were more likely to be harassed if they were female (41 per cent versus 26 per cent of men), aged between 15 and 29, queer or non-binary. Three-quarters of harassers were men. Many of those statistics mirror the composition of hospitality's workforce.

² The median age of Hospitality Workers 22 years. This is younger than the 'all jobs average' of 40 years. A large share of workers are aged 15 to 19 years. Females make up 67% of the workforce. This is 19 percentage points above the 'all jobs average' of 48%. Source: Based on ABS Census 2016, Customised Report. Age profile and gender share compared to the 'all jobs average'.

Workplace laws also need to place positive obligations on employers to protect workers and eliminate sexual harassment. Positive duties allow for a stronger regulatory posture. In Victoria, Worksafe has brought its first prosecution against a Director and two companies for failing to take all reasonable steps to prevent and effectively deal with sexual harassment of young workers at hospitality outlets at two Melbourne hospitals.³

This report calls for reasonable reforms shaped by the lived experience of hospo workers that re-position sexual harassment and other forms of harassment as systemic and cultural issues that require workers, unions, employers and regulators all to have stake in fixing.

Background to the Report

In July 2022, UWU met with the South Australian Equal Opportunity Commissioner to discuss the scourge of sexual harassment in the workplace, specifically in hospitality and entertainment venues. In 2017, Hospo Voice (a former stand-alone section of UWU) surveyed hospitality members across the Australia and it found that 86 percent of the 444 respondents said they had experienced sexual harassment at work.⁴ Hospitality also has the highest levels of casualisation compared to any other industry at 79 percent.⁵ Following this meeting, UWU committed to surveying hospitality members in South Australia to garner an understanding of the extent of the problem in the industry. While the sample size is limited to date, the results and the trends are clear – hospo has a harassment problem.

³ <https://www.worksafe.vic.gov.au/news/2023-03/boss-charged-after-alleged-harassment-young-workers>

⁴ 'Sexual Harassment Survey', Hospo Voice, United Workers Union, 2017 (unpublished).

⁵ ABS, Characteristics of Employment, cat. no. 6333.0, quoted in Gilfillan, Geoff Characteristics and use of casual employees in Australia Australian Parliamentary Library (2018)

- Results

In November 2023, UWU opened the survey to all SA hospitality workers and hosted it online via the website, www.hospoharassment.org, with live data submissions.

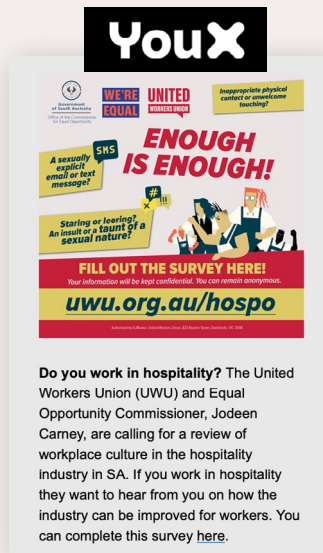
The survey was rolled out into pubs, cafés, clubs and accommodation hotels. We wanted to hear from workers on how we can improve the industry and conditions in Hospitality. It is important to note we targeted the sector as whole, not specific worksites.

UWU organisers and members distributed flyers and had conversations with hospitality workers across South Australia. Through face-to-face conversations with workers, they showed interest in naming and shaming bad employers, and sometimes only in other workplaces.

It is evident that the industry's culture of individualism combined with extreme job insecurity meant that, when workers are confronted with a workplace problem, most would try to solve it themselves - or just shrug and move on.

However the survey allowed workers to submit anonymous responses about witnessing or experiencing sexual harassment in their workplace, with comprehensive explanations of the following:

- If the perpetrator was in a supervisor position.
- Reporting the incident.
- Reasons for the not reporting the incident.
- Worker recommendations.
- Whether or not the industry takes sexual harassment seriously.
- Details of the incident.



YouX, a student union at the University of Adelaide, welcomed the survey and published a digital copy in their monthly email out to university students in December 2022. UWU organisers followed up with visits to the university during week 1 of semester 1 in March 2023, to talk to students about the survey.

A translation of materials was provided at worksites, in order to reduce barriers that could potentially arise from union members with diverse cultural backgrounds. We researched member cultural backgrounds & preferred languages to adjust the survey accordingly. Vietnamese, Nepalese, Chinese, Hindu & Thai were included in the print materials.



Due to nature of the survey, we understand that it may trigger some workers. We advised this at the start of the survey & on all print collateral, with the following: ‘Content warning: Sexual harassment & bullying. This survey contains content that references sexual harassment and bullying. This may be triggering for some readers.’

UWU referenced resources at the end of the survey, with an Industrial Officer available to take any calls that require support or assistance from hospitality workers in SA.

Union representatives held discussions with focus groups and individuals across the hospitality industry in pubs, clubs, the casino, restaurants, cafes, Adelaide Oval, the Convention centre and at university campuses, engaging with more than 860 workers over a four week period. Representatives collected information as well as had workers complete an online survey. Following in depth discussions, most workers did not also fill out the survey and 74 surveys were filled out electronically.

- Background of Respondents

68% of respondents were casual.

58% of survey participants identified as female.
(39% male, 5% Non-binary/gender queer)

77% of participants were union members.
(19% were non-union members, 4% didn't respond)

33^{yrs} of age was the median age of survey respondents.

Details of Harassment

1

47% of respondents said they had experienced sexual harassment at work, of these:

66% respondents did not report the incident.

58% respondents said the perpetrator was in a supervisor position.

67% of these respondents said they feared the repercussions of reporting harassment.



59% of these respondents said they feared losing their job.



25% of these respondents said did not know how to approach reporting harassment.

2

48% of respondents said they had witnessed sexual harassment of a co-worker, of these:

72% of respondents did not report the incident.

83% of respondents believed the incidents recorded within this survey were not dealt with appropriately.

Respondent recommendations

We asked hospitality workers how their workplace could ensure better health and safety to avoid instances of sexual harassment in the workplace. They could choose as many options as they liked:

61% of respondents chose **'better reporting structures'**

58% of respondents chose **'educational training'**

50% of respondents chose **'external investigator'**

37% of respondents chose **'women's contact officer'**

- Hospitality Workers Speak Out

1 *Below is a sample of some of the more egregious incidences of harassment detailed by some of the respondents:*

“

Inappropriate comments, unwanted physical touch, leering.

– *20-year-old female bartender*

Frequent comments about my boobs because the shirt buttons would sometimes come undone, and jokes about using it to attract customers from my boss.

– *23-year-old female front-of-house restaurant worker*

Constant messaging late at night - unwanted touching on shoulders and waist - suggestive comments (are you a good girl?)

– *20-year-old female hotel worker*

Constant sexual verbal harassment by owner to me and all female staff. Would also speak inappropriately about customers.

– *25-year-old female restaurant worker*

Sexual comments. Smacked on bottom in a sexually harassing way.

– *38-year-old female bartender*

“

Being yelled at by male supervisor in one venue and being told I'm "fucking useless". I have been working hospo for 30 years off and on, reported it to HR and nothing at all was done.

– *48-year-old female function centre worker*

I wasn't working but, after a shift I sat with colleges and there was one of their friends who didn't work there. I am 17 and she was 40+ married and kid. As she was about to leave she tries grabbing my head and turning it for a kiss. I was able to back away and said I'm a minor and that but she insisted at least a kiss on the cheek. I say no and give her a hug to try deescalate the situation and she walks off. As a male I had a bunch of people laughing and joking about it but I didn't find it funny but instead it distressed me.

– *17-year-old male waiter*

We were taking normal conversation as colleagues and all sudden he kissed my cheek. I was shocked and didn't know what to say, I pretended nothing happened.

– *32-year-old female hotel worker*

“

At one point I was being groped by customers about once every two weeks.

– 21-year-old male sports venue attendant

Was stalked and repeatedly harassed by multiple men at my work place. Uncomfortable hugging and touching. Inappropriate comments made in front of others. Harassment over social media. As a dealer, we aren't allowed to leave our tables for any reason so you're trapped there unable to leave and often I've had supervisors trap me into uncomfortable weird conversations at tables where I am alone and can't escape and there is no one there to hear

– 24-year-old female casino worker

Went to human resources and they still kept the manager on.

– 67-year-old non binary casino worker

“

Making me feel uncomfortable. Telling me I look good trying to get close to me. Coming into my work area. Following me around the table to get near me. I felt scared and didn't want to go to work.

– 54-year-old female hotel worker

I'm a man and when I was 18, one of the chefs I worked with (much older) would try put his hands down my pants every time he'd been drinking, but I was told if I made a formal complaint, I could lose my job if it was decided that I was lying.

– 30-year-old male bartender

He calls me inappropriately and say something makes me very uncomfortable. He also kissed me on my cheek when I just having a normal conversation. I didn't know what to say him that time. It was very uncomfortable.

– female hotel worker

- Hospitality Workers Speak Out

2 *Below is a sample of some of the incidences that were witnessed by respondents:*

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Manager trying to kiss worker.

A middle aged patron was suggestive towards a younger work colleague and after I realised what was happening asked him to move on as she seemed uncomfortable. She didn't want to report it.

Security officers always cop lots, it's part of work. We are there to abide by rules, and customers don't like it. We have broad shoulders and just take it, most customers are drunk and don't remember saying anything next time you see them. Women cop it a lot in the so-called man's industry, but I give it back.

An aboriginal [patron] came in late and the exec chef later that day was making various racist remarks.

Really inappropriate sexualising comments to young female staff.

Coworker was on a break sitting outside and a patron mounted and kissed them.

“

Told they would like to motorboat our tits.

There are so many incidents, but one in particular was customers calling waitress “drinks bitch” and objectifying her.

Someone in a managerial position pinched a coworker on the bottom and when she said that wasn't okay he said he could tell she likes it.

I've seen many staff in the past (mostly women) get smacked on the bum or groped in other areas.

Being stalked.

My operations manger was inappropriately touching a female staff members breast.

- Recommendations

- 1 Recommendation – Amend legislation**

Amend *Work Health and Safety Act 2012 (SA)* to ensure the onus is on the employer to provide a work environment free from violence and harassment, including sexual harassment and as such recognising that harassment constitutes a safety breach.
- 2 Recommendation - Regulate**

Resource SafeWork SA as the Regulator to enforce the changes to legislation, including through training its inspectorate in the various forms of harassment to allow the authority to prevent, investigate and prosecute incidences and complaints of harassment at work.
- 3 Recommendation – Report**

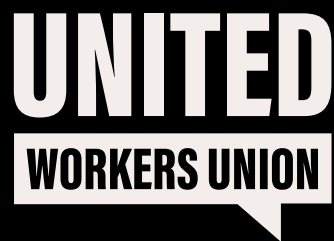
Allow for a reporting mechanism of harassment at work through SafeWork SA, not dissimilar to the current workplace incident portal currently available for other safety breaches. Unions be given the ability to bring representative complaints on behalf of workers, or classes of workers, that have experienced harassment or sexual harassment.
- 4 Recommendation – Train**

Overhaul the Responsible Service of Alcohol certification to require in-person training on sexual harassment, harassment and gender-based violence funded by the State Government. This training must include information on workers' rights and the employer's obligations to provide a safe workplace as well as how to report breaches. United Workers Union and Equal Opportunity SA to have input into the revised module and have the right to attend RSA training.
- 5 Recommendation – Advise and review**

Establish a Department of Industrial Relations Hospitality workplace harassment advisory committee comprising of a balance of representatives from Equal Opportunity SA, SafeWork SA, employer groups (Eg. Australian Hotels Association), United Workers Union and elected worker representatives, which should be from the hospitality industry.

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**hospo harassment.org
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