



**Australian
Women
Lawyers**

awl@australianwomenlawyers.com.au
www.australianwomenlawyers.com.au
ACN 080 044 800

Patron, The Honourable Justice Jacqueline Gleeson

Safety Regulation for Primary Prevention of Gendered Violence

Australian Women Lawyers Ltd

Submission to Expert Panel

Australian Federal Government

Rapid Review of Prevention Approaches

Author: Sapphire Parsons, 31 July 2024

Australian Women Lawyers represents:



Women Lawyers' Association
South Australia Inc



**WOMEN
LAWYERS**
of Western Australia

Table of contents

Item		Page
1.	Executive summary	5
2.	Introduction	6
3.	Defining violence against women	8
4.	Primary prevention of gendered violence	8
5.	Inequality and violence	8
6.	Women's experiences of violence in Australia	8
7.	Financial insecurity	9
8.	Workforce participation	10
9.	Work-related gendered violence	11
10.	Health implications of work-related gendered violence	11
11.	Risk factors for work-related gendered violence	11
12.	The importance of urgent safety regulatory intervention	12
13.	Approaching prevention with an intersectional lens	13
14.	Gendered Violence Prevention and Response Plan	13
15.	Addressing the "Nordic Paradox"	13
16.	Conclusion	15
17.	References	16

Australian Women Lawyers (AWL) acknowledges that this submission was prepared on the lands of the Wurundjeri Woi-wurrung people, the traditional custodians of the lands and waterways in the area now known as Merri-bek. We pay respect to their Elders past and present, and to all First Nations people and communities.

AWL is a justice and equity champion advancing women in the legal profession and beyond. AWL's objects include achieving justice and equity for women; furthering understanding and support for the legal rights of women; identifying, highlighting and eradicating discrimination against women inherent in the legal system and generally; and advancing equality for women in the legal profession.

AWL makes this submission further to these objects and in its role as the peak body for Australian women lawyers.

We acknowledge that the below submission has been prepared by Sapphire Parsons, who has drawn upon her lived experience, and legal expertise in the workplace safety issues. We applaud Ms Parsons efforts in drafting proposed amendments.

1. Executive Summary: Safety Regulation for Primary Prevention of Gendered Violence

Australian Women Lawyers urgently calls on the Expert Panel to recommend that the Federal Government amends model safety laws and regulations to address the primary prevention of gendered violence.

Current legal frameworks, such as the *Sex Discrimination Act 1984* (Cth), are inadequate. They often place the burden on victims to seek justice and fail to address the deeper structural and institutional issues, particularly impacting women from marginalized and diverse backgrounds (Heap, 2023).

Women from all walks of life are vulnerable, especially those facing racism, homophobia, ableism, and other forms of discrimination. The existing gaps in safety regulations leave these women susceptible to violence and exploitation both at work and at home. This vulnerability is compounded by workplace inequalities, such as unconscious bias and barriers to career progression.

The root cause of this crisis is systemic inequality, which perpetuates power imbalances and creates environments where gendered violence can thrive.

The lack of comprehensive safety regulations and proactive measures further enables this culture of discrimination and abuse, leaving women, especially those from diverse backgrounds, unprotected and unsupported.

We propose urgent safety regulatory reforms to model safety laws and regulations to:

1. **Manage Unlawful Conduct:** Safety regulations must require employers to manage unlawful conduct including work-related gendered violence, bullying, sexual harassment, discrimination based on sex, race, colour, descent, national or ethnic origin, disability, or age, hostile workplace environments, and victimization.
2. **Implement a Gendered Violence Prevention and Response Plan:** Safety regulations must require employers to have Gendered Violence Prevention and Response Plans which adhere to safety guidelines, identify and manage risks of gendered violence at work, set intersectional gender equity and diversity targets for management roles, and conduct thorough consultations.

In this national emergency on women's safety, we must urgently shift the conversation to long-term primary prevention of gendered violence. The workplace is a critical location for long-term structural reform, women's economic empowerment, and fostering a culture of respect and equality.

When the risk is serious harm or death, as it is with gendered violence, regulatory intervention is imperative. Our current safety laws and regulations remain silent on this issue. This gap leaves women, especially those from high-risk groups, vulnerable to violence both at work and at home.

Inequality in the workplace translates directly to inequality at home, fuelling the cycle of violence. It is difficult for individuals to report bullying and harassment if the perpetrator holds a position of power. Similarly, leaving a violent relationship is nearly impossible without financial independence or the means to support oneself and one's children, resulting in women fleeing violence becoming vulnerable to homelessness. Structural reform starts in the workplace.

Workplace inequality, unconscious bias, and unaddressed barriers to progression leave women, particularly those from intersectional and diverse backgrounds, susceptible to harmful behaviour at work and at home. Low worker diversity and power imbalances are significant risk factors for violence, exacerbated by racism, homophobia, discrimination, ableism, and heteronormativity.

Primary prevention strategies recognize that addressing power imbalances is crucial to combating all forms of gendered violence. By ensuring that everyone can participate in leadership roles and exercise decision-making power, we can create a safer, more equitable society for all.

Astrid Haban-Beer

President

Australian Women Lawyers

2. Introduction

On November 7, 2017, I faced a harrowing decision. My former partner had coerced me into signing a lease, using financial ties to trap me. Days before, he had recklessly driven on the wrong side of the road, knowing my traumatic past of losing my mother in a car accident when I was 16.

On moving day, he watched me struggle with our belongings, deriving satisfaction from my suffering. A few days later, a mother arrived at our door seeking boxes, having tried and failed to escape abuse for years. Seeing my future reflected in her eyes, I knew I had to leave for my safety and the safety of my future children.

That day, I packed my car and fled while he was at work, finding refuge in a hospital with my puppy and belongings. With my family unable to take me in due to the dog, I relied on friends for weeks before securing a new lease.

Financial stability became my lifeline, allowing me to rebuild my life, complete my studies, and become a lawyer. Without it, I might have faced poverty or homelessness—a grim choice many women escaping violence confront. Perhaps this was the choice the mother at my door had faced.

Even after escaping domestic violence at work, I faced workplace gendered violence within the legal sector, which experiences the highest risks for this behaviour, driven by our structural inequality (Legal Services Board and Commissioner, 2022). I didn't realise it at the time, but I was in a high-risk category to experience work-related gendered violence, due to my intersections of race, migration status, age and gender.

Violence at work and at home

I have written this submission to call for safer homes, workplaces, and communities for all women, including women like me. As a young, migrant woman from a culturally diverse background, voices like mine are often neglected in crucial conversations regarding gendered violence, despite the fact that we face the highest risks.

My personal experiences and the experiences of other women fuel my advocacy. My journey from survivor to Senior Workplace Lawyer has been shaped by these experiences.

I serve on the Advisory Committee for the WorkWell Respect Network and am the Primary Safety Advisor for the Legal Workplaces Ending Gendered Violence Project, funded by WorkSafe. I am also an active member of Australian Women Lawyers and Victorian Women Lawyers, contributing to their Work Practices Committee.

In 2024, I was honoured as one of Australia's Best Young Lawyers Under 35. The previous year, I received the 30 Under 30 Award for Workplace Health and Safety, and in 2022, I was named Rising Star of the Year at the Women in Law Awards, where I first publicly shared my experiences of domestic violence.

Inequality and violence

When the risk is serious harm or death, as it is with gendered violence, safety regulatory intervention is imperative. The current gap in our model safety laws and regulations leaves women, especially those from high-risk groups, vulnerable to violence both at work and at home.

Prime Minister Anthony Albanese has emphatically stated, "Violence against women is a national crisis and it needs to end... We recognise that governments need to act, but we also recognise that this is an issue for the whole of society. Women should not be responsible for ending violence against women" (Gallagher, 2024).

This powerful message underscores the urgent need for collective action to address the pervasive issue of violence against women.

Workplaces, which encompass a vast segment of the population, are uniquely positioned to enforce safety requirements, promote gender equality and respect, shape workplace culture, and effect lasting structural changes essential for the primary prevention of gendered violence (Our Watch, 2021).

Current Model Work Health and Safety Laws and Regulations fall short. They do not explicitly prohibit work-related gendered violence nor contain an express regulatory mandate for an intersectional, primary prevention approach to managing these risks (Safe Work Australia, 2023).

Given the national crisis of men's violence against women, it is imperative to address intersectional risk factors through urgent structural change (Our Watch, 2021).

Meaningful safety reform

This submission is a call for meaningful change to ensure safety and equity for all women, regardless of their background, in every aspect of their lives. Inequality drives violence at work and at home.

Structural reform must begin in the workplace.

Low worker diversity and power imbalances are significant risk factors for violence, compounded by racism, homophobia, discrimination, ableism, and heteronormativity (Safe Work Australia, 2023).

Women often find it challenging to report bullying and harassment, particularly when the perpetrator is their manager—a role predominantly occupied by men (ABS, 2020). Women are twice as likely as men to experience bullying and harassment at work, both recognised forms of gendered violence (Safe Work Australia, 2021).

The median gender pay gap in Australia is 25.1%, with men earning a median weekly income of \$1,509 compared to \$1,130 for women. The highest hourly earnings are found in managerial positions at \$67.20 (ABS, 2023). This disparity leaves women particularly vulnerable, especially those fleeing violence, with approximately 90% of women seeking crisis housing doing so because of domestic and family violence (Australian Institute of Health and Welfare, 2024).

Escaping a violent relationship is nearly impossible without financial independence. This harsh reality forces 21.5% of women to return after fleeing a violent partner because they “have no money” or “no financial support” (ABS, 2021-22).

Shockingly, 75% of single mothers ended their relationships due to domestic and family violence, and 60% of these women find their post-separation earnings insufficient to support themselves and their children (Summers, 2022).

Primary prevention strategies emphasize that addressing power imbalances is crucial to combating all forms of gendered violence. Ensuring equal participation in leadership roles and decision-making power can pave the way for a safer, more equitable society for all.

It is my hope that this Submission to the Expert Panel will result in safety regulatory reform, paving the way for safer workplaces, homes and communities for all women, including women like me. When the risk is serious harm or death, as it is with gendered violence, regulatory intervention is imperative.

Thank you to Australian Women Lawyers, Women of Colour Australia, and the many others who have amplified this message.

Yours faithfully,

Sapphire Parsons

3. Defining violence against women

The United Nations Declaration on the Elimination of Violence against Women defines violence against women as “Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life” (Office of the High Commissioner for Human Rights, 1993). This includes psychological, economic and emotional abuse through to physical and sexual violence (Australian Government Department of Social Services, n.d.).

Work-related gendered violence can range in severity from comments and gestures through to sexual harassment and rape. It can include stalking, intimidation, threats, verbal abuse, ostracism, exclusion, sexually explicit gestures, offensive language and imagery, put downs, innuendo, insinuations, undermining a person in their role or position, sexual harassment, sexual assault, rape and can overlap with bullying (WorkSafe Victoria, 2022).

Violence in intimate relationships often involves an ongoing pattern of behaviour designed to control a partner through fear, using both criminal and non-criminal tactics. This violence can include physical abuse such as hitting, choking, or burning; psychological and emotional abuse like humiliation, threats, and isolation; and financial abuse, which involves controlling or stealing money and preventing employment or financial decision-making. The aim is typically to exercise power and control over women and their children, creating a pervasive and harmful environment (Australian Government Department of Social Services, n.d.).

4. Primary prevention of gendered violence

Primary prevention encompasses initiatives targeting the entire population to address the root causes of violence against women. Early intervention, or secondary prevention, seeks to alter the trajectory for individuals at an elevated risk of perpetrating or experiencing violence (Our Watch, 2021).

Response, or tertiary prevention, involves supporting victim-survivors and holding perpetrators accountable to prevent violence from recurring. Recovery is the continuous process that enables victim-survivors to achieve safety, health, wellbeing, and resilience, allowing them to thrive in all areas of life (Our Watch, 2021).

5. Inequality and violence

At the core of this crisis is gender inequality, which fuels men’s violence against women. Harmful attitudes and beliefs, coupled with the dominance of decision-making power by men at work and at home, foster aggressive masculinity and create a power imbalance that makes women vulnerable to violence. Eradicating these inequalities is crucial for building a safer and more equitable society (Our Watch, 2021).

6. Women’s experiences of violence in Australia

- **Prevalence of Violence:** Approximately 39% of women in Australia have experienced violence since the age of 15, with many facing the difficult decision of whether to speak up about their experiences of violence at home or at work, and weighing the potential costs (ABS, 2021-22).
- **Higher Rates of Bullying and Harassment at Work:** Women are more likely to experience bullying and harassment at work. Workers’ compensation claims for harassment, bullying, and exposure to workplace violence made by women are more than double those made by men (Safe Work Australia, 2021).
- **Higher Rates of Serious Claims for Mental Health Conditions:** Women are more likely to make serious claims for mental health conditions (57.8%) compared to men in part because they are more likely to work in industries where workers are exposed to above average rates of psychosocial hazards. Women are also more likely to be exposed to harmful behaviour at work (Safe Work Australia, 2024).

- **Sexual Harassment at Work:** 1.3 million women have experienced sexual harassment, with 97% of these incidents involving a male perpetrator. Of the women who were harassed, 27% (332,400) experienced it within a work or professional relationship, and 26% (320,200) were harassed at work (ABS, 2021-2022).
- **Economic Hardship Increases Harassment Rates:** Women in households experiencing one or more cash flow problems in the past year have a higher rate of harassment (27%) compared to those without financial issues (11%). Additionally, women unable to raise \$2,000 within a week for an urgent need reported higher harassment rates (19%) than those who could (12%) (ABS, 2021-2022).
- **Intimate Partner Violence:** 27% of women have faced violence from an intimate partner or family member, with 1.6 million women (16%) enduring economic abuse from a partner they live with (ABS, 2021-22).
- **Economic Control as Part of Emotional Abuse:** 33% of women experiencing emotional abuse from a current partner also face controlling economic behaviours. For those abused by a previous partner, 59% reported experiencing economic control (ABS, 2021-22).
- **Financial Dependence and Violence:** 21.5% of women who left a violent relationship returned due to a lack of financial support, while 19.4% returned because they had nowhere else to go (ABS, 2021-22).
- **Risk Factors for Violence:** Women are more likely to have experienced violence if they have been a single parent, faced financial stress, unemployment, disability, long-term health conditions, poor health status, or low life satisfaction (ABS, 2020).
- **Economic Hardship and Violence:** Women in households unable to raise \$2,000 within a week for an urgent need are more than twice as likely to experience violence, emotional abuse, and economic abuse compared to those in financially secure households (ABS, 2021-22).

7. Financial insecurity

Women struggling financially are far more likely to suffer abuse at the hands of men. Financial hardship can ignite new violence, intensify existing abuse, or serve as a tool for control. Outcomes are worse for women facing economic insecurity who also have restrictive long-term health conditions, recent pregnancies, children, or identify as Aboriginal and Torres Strait Islander. In addition, women who have lost their jobs, taken pay cuts, or reduced their working hours are significantly more likely to experience physical and sexual violence from a current or recent partner for the first time (Australia's National Research Organisation for Women's Safety, 2022).

"The Choice: Violence or Poverty"

"The government may not be able to immediately stop domestic violence, but it could alleviate poverty. However, it chooses not to" writes Dr. Anne Summers AO.

In her July 2022 report, *The Choice: Violence or Poverty*, Summers highlights that single mothers account for 60% of women who have experienced violence from a previous partner. 75% of single mothers ended their relationships due to domestic violence, and an equal percentage abandoned property or assets when leaving. Although 60% of these mothers are employed, their earnings are insufficient to support themselves and their children, causing significant financial stress (Summers, 2022).

Separation leads to household income losses of 17% to 45% for women, with additional losses of 14% to 28% for those who experienced family violence (Chapman & Taylor, 2022). "The choices, and the consequences, are very stark for women wanting to escape violence" (Summers, 2022).

Homelessness Risks

Nearly two-thirds of women (64% or approximately 867,000) who have experienced family violence leave their home when the relationship ends (ABS, 2023). In about 55% of these cases, only women move out

(ABS, 2023). Victim-survivors are more likely to bear the costs of leaving (Australian Institute of Health and Welfare, 2024).

Family and domestic violence is the primary reason women and children leave their homes in Australia, accounting for 41% of specialist homelessness services usage in 2019–2020 (Australian Institute of Health and Welfare, 2020). Among the 119,182 clients of these services during that period, women constituted the majority of those who had experienced family and domestic violence (90%). Despite the high demand, the data continues to indicate that there are challenges to providing these women with stable, long-term, secure housing (Australian Institute of Health and Welfare, 2024).

Women leaving domestic and family violence, especially those with low incomes and dependent children, are more vulnerable to housing insecurity in the private rental market. Single-person households reliant on income support also face similar risks.

For a single parent with one child under five on parenting payment supplemented by casual or part-time employment, renting a two-bedroom property would cost 70% of household income in Greater Sydney and 42% in Greater Hobart (Australian Housing and Urban Research Institute, 2019).

Young women (aged 18-34) perceived the most barriers to meeting their long-term housing aspirations. For women aged 18-34, having children was identified as the biggest barrier (40.7%), significantly more than men (24.7%) (Australian Housing and Urban Research Institute, 2024).

8. Workforce participation

Most full-time employees are men (61%), while most part-time employees are women (69%) (ABS, 2024). Additionally, three in five employed mothers with a youngest dependent child under six years old work part-time, compared to less than one in ten employed fathers (ABS, 2020).

Women encounter additional barriers to employment. In December 2023, among the 1.2 million people seeking paid work, 174,900 (15%) were unavailable to start within four weeks. Women predominantly cited reasons such as childcare (46%), short-term illness or injury (16%), and long-term health conditions or disability (5%) for their unavailability (ABS, 2023).

The main incentives for increasing workforce participation among women aged 25-39 and 40-54, individuals with disabilities, and those with long-term health conditions include part-time work and positions that align with their skills and experience (ABS, 2023).

When applying for jobs, women typically receive fewer interview invitations compared to equally qualified men. This disparity is more pronounced for older women, those with children, and women from specific ethnic or racial backgrounds. Additionally, women face more stringent evaluations of their credentials during the initial recruitment stage (Griffiths & Tress, 2016).

Women are also considerably less likely than men to negotiate for better salary packages with male managers. Since men predominantly occupy senior management roles in Australia and therefore control pay decisions, these challenges are particularly significant for women attempting to address the gender pay gap on their own. Women are also less inclined than men to ask a male manager for a better salary package (Griffiths & Tress, 2016).

Recruitment and Progression

Australia's median gender pay gap is 25.1%, with men earning a median weekly income of \$1,509 compared to \$1,130 for women. The highest hourly earnings are found in managerial positions (\$67.20) and professional roles (\$60.60) (ABS, 2023). In 2019-20, managers were almost twice as likely to be men (61.4%) compared to women (38.6%) (ABS, 2020).

The primary reason many women in Australia continue to earn lower wages than men is their gender. Women, particularly those with child and caring responsibilities, face significant challenges, including loss of income, missed development opportunities, and limited career advancement, which perpetuate their low representation in senior management positions (ANZ, 2015).

Gender biases also impact women's career progression. Differences in performance evaluation feedback between women and men are evident, and persistent gender inequality in recruitment, selection, and evaluation processes further contributes to the underrepresentation of women in senior management roles (Griffiths & Tress, 2016).

In the Victorian Supreme Court of Appeal case of *Austin Health v Tsikos* [2023] VSCA 82, unconscious / unintentional bias is now recognised at law as a form of sex-discrimination which impacts women's pay outcomes. This is compounded by structural inequality (i.e., when men hold the majority of decision-making roles and are the ones responsible for making decisions on women's pay and progression outcomes).

9. Work-related gendered violence

1.3 million women have reported experiencing sexual harassment, with 97% of these incidents involving male perpetrators. Among those harassed, 27% (approximately 332,400) encountered harassment within a work or professional context, and 26% (around 320,200) were harassed at work (ABS, 2021-2022).

Women face a higher likelihood of bullying and harassment at work compared to men. The frequency of workers' compensation claims related to harassment, bullying, and exposure to workplace violence is over twice as high for women as for men (Safe Work Australia, 2021).

Women are more likely to file serious claims for mental health conditions (57.8%) compared to men. This increased likelihood is partly due to women being employed in industries with higher rates of psychosocial hazards and being at a greater risk of exposure to harmful behaviour (Safe Work Australia, 2024).

Women also face greater exposure to emotional job demands, lower job control, and lower reward and recognition compared to men. Additionally, migrant workers experience a higher prevalence of psychosocial hazards, including high job demands, low job control, and low social support (Reid et al., 2020).

Bullying in the workplace is linked to adverse working conditions such as high workloads, low control, and job insecurity. Those in precarious employment, particularly women, are at a higher risk of sexual harassment (Reid et al., 2020).

ANROWS has found that 68% of migrant and refugee women have experienced at least one form of sexual harassment in the last 5 years, providing strong evidence that addressing workplace sexual harassment for migrant and refugee women requires addressing gender inequity alongside discrimination based on race (Segrave, 2023).

10. Health implications of work-related gendered violence

Work-related gendered violence can lead to serious injury or death. Recognised health impacts include suicide, physical and psychological illness, PTSD, depression, feelings of isolation, loss of confidence, heart disease, financial loss or economic disadvantage and stress (WorkSafe Victoria, 2022).

Women are more likely to be suicidal than men and they experience a higher prevalence of these thoughts and behaviours in their lifetime. Women are also more likely to self-harm than men, and they are more likely to experience anxiety (Australian Bureau of Statistics, 2023).

11. Risk factors for work-related gendered violence

Women, including migrant and refugee women (Segrave, 2023), workers with a disability, young workers, Aboriginal and Torres Strait Islander workers, and workers who identify as LGBTIQ+ are significantly more likely than other workers to experience workplace gendered violence (Respect@Work, 2022).

Within a workplace context, power imbalances along gendered lines (i.e., lack of gender balance in leadership) and low worker diversity (i.e., where the workforce is dominated by one gender, age group, race, or culture), are key risk factors for gendered violence (Safe Work Australia, 2023).

While gender inequality is an underlying condition for gendered violence to occur, it is not the only driver. Other forms of discrimination and disadvantage create power imbalances at work that also drive gendered violence (Australian Human Rights Commission, 2020).

When people are subjected to multiple forms of intersecting discrimination and harassment, for example, based on gender, race, disability or sexuality, this intersectionality can drive gendered violence across all types of workplaces, regardless of industry, occupation, or sector (Australian Human Rights Commission, 2020).

Workers are also less likely to report gendered violence if they perceive other harassment and discrimination is not appropriately addressed. This may lead to more frequent, prolonged, and severe exposure to psychosocial risks (Safe Work Australia, 2023).

Racism is a major health burden in Australia. Systematic reviews of racism estimate workplace experiences of racism at up to 30%. Racism contributes to depression, distress, and worry (Ben et al., 2022).

Safety regulators have specifically identified that culturally and linguistically diverse (**CALD**) and migrant workers are more likely to be harmed in the workplace than other workers (SafeWork NSW, 2018).

12. The importance of urgent safety regulatory intervention

To effectively combat gendered violence, it must be specifically regulated as safety hazard, placing the responsibility for prevention in the hands of employers (Heap, 2023).

This approach shifts the focus from reactive measures to proactive prevention, creating clear strategic compliance and enforcement obligations. Unlike anti-discrimination laws, where individuals bear the burden of filing complaints, safety frameworks ensure that those with decision-making power are held accountable (Heap, 2023, p. 65).

The current reliance on the *Sex Discrimination Act 1984* (Cth) (SD Act) reveals several major flaws. First, it unfairly shifts the responsibility onto the complainant—the person with the least power—to navigate the complex and often intimidating process of filing a claim with the Australian Human Rights Commission (Heap, 2023, p. 59).

Second, the SD Act's narrow focus overlooks crucial forms of gendered violence, such as behaviours, practices, and processes that may cause physical, psychological, sexual, or economic harm, leaving significant gaps in protection (Heap, 2023, p. 59).

Third, the Act does not address the structural or institutional dimensions of gendered violence, concentrating only on individual cases. Moreover, the limited enforcement mechanisms within the SD Act fail to provide adequate incentives for employers to actively prevent and address gendered violence, thus undermining workplace safety measures (Heap, 2023, p. 59).

Finally, the framing of anti-discrimination law more broadly in Australia, with separate statutes for racial discrimination and disability discrimination, along with the SD Act, make it difficult for women experiencing intersectional discrimination to address the full complexity of their circumstances (Heap, 2023, p. 59).

The Boland Review further underscores the urgency of this issue, particularly for women and migrant workers who are especially vulnerable to psychosocial risks. Recommendation 2 calls for Safe Work Australia to develop criteria for the ongoing assessment of new and emerging hazards, ensuring that legislative updates and new Model Work Health and Safety Regulations are timely and effective (Safe Work Australia, 2019).

For real progress, effective regulation must address the complex interplay of gender regimes in the workplace. This means tackling the intersecting factors and social structures that reinforce power imbalances and perpetuate inequalities. Violence and harassment are not just results of these power dynamics but also tools used to reinforce gender power relationships within the workplace (Heap, 2023, p. 72).

Workplaces are crucial in the fight against men's violence towards women, as they can implement safety measures for gender equality, shape workplace culture, influence societal attitudes, and drive essential structural changes for the primary prevention of gendered violence (Our Watch, 2021).

13. Approaching prevention with an intersectional lens

Recognising that power imbalances, low workforce diversity, and inequality heighten the risk of gendered and sexual harassment, Safe Work Australia advises employers to implement policies and strategies that address these issues. This includes focusing on gender inequality, enhancing diversity, and rectifying power imbalances in the workplace (Safe Work Australia, 2022).

To effectively prevent such harassment, primary prevention strategies must consider intersecting forms of discrimination, particularly for those at heightened risk due to multiple layers of discrimination (Australian Human Rights Commission, 2020).

Leading employers often set ambitious targets, aiming for 40% to 50% representation of women in management and executive positions within five years. These targets are typically accompanied by efforts to improve the diversity pipeline (Fitzsimmons, Yates, & Callan, 2020).

The Guidelines for Complying with the Positive Duty under the *Sex Discrimination Act 1984* (Cth) advocate for setting targets related to gender equality and diversity in recruitment, retention, and promotion. These measures are essential for improving workplace culture and decreasing the incidence of gendered violence (Australian Human Rights Commission, 2023).

The Australian Government's Strategy for Gender Equality recognises that employers can implement targets to achieve increased gender diversity and representation of women in leadership positions alongside measures to address barriers to equality to ensure leadership reflects the diversity of Australia's population (Australian Government, 2024).

Furthermore, the Federation of Ethnic Communities' Councils of Australia has emphasised the need for reforms that specifically address the experiences of migrant, refugee, and multicultural women. This includes recognising their unique strengths and challenges in the workplace as part of broader diversity and inclusion efforts (Federation of Ethnic Communities' Councils of Australia, 2022).

Given the pressing issue of men's violence against women, addressing intersectional risk factors necessitates urgent structural reforms to mitigate the impacts of gender inequality, racism, colonialism, classism, ageism, heteronormativity, and cisnormativity. Such comprehensive changes are often unattainable without regulatory intervention (Our Watch, 2021).

14. Gendered Violence Prevention and Response Plan

The implementation of a Gendered Violence Prevention and Response Plan is crucial for integrating preventive measures into workplace safety regulations, recognizing work-related gendered violence as a serious safety hazard (Australian Human Rights Commission, 2023).

15. Addressing the “Nordic Paradox”

There are numerous dedicated and courageous individuals working to end violence against women across the four key areas outlined in the National Plan to End Violence Against Women and Children: primary prevention, early intervention, response, and recovery (Our Watch, 2024).

This includes those providing direct support through frontline services, working on early intervention programs to change behaviour, and advocating for societal change by addressing attitudes, structures, and power imbalances that enable violence. All these efforts are essential and interdependent; focusing on only one aspect will not suffice in ending this crisis (Our Watch, 2024).

Gender inequality is both a cause and a *consequence* of gendered violence (Salter & Hill, 2024). Whilst there are concerns that investing significant resources in promoting greater gender equality and changing

social norms might not directly lead to a reduction in violence against women, primary prevention is having an impact (Our Watch, 2024).

Australian data from 1989 - 1990 and from 2022 - 2023 indicates that the rates of women being killed by a current or former partner has decreased significantly from 0.95 per 100,000 to 0.32 per 100,000 (Miles & Bricknell, 2024). In addition, there have been significant reductions in the proportion of women experiencing intimate partner violence, physical violence, emotional abuse, and sexual harassment since 2005 (ABS, 2021-2022).

There are observations that even in countries with high levels of gender equality, such as those in the Nordic region, gendered violence remains an issue. This situation, known as the "Nordic Paradox," raises concerns about potential male backlash to women's equality (Salter & Hill, 2024).

There are several nuances to the "Nordic Paradox".

Firstly, the Nordic study's failure to disaggregate data by victim-offender relationship and social marginalization did not provide a complete picture (Liem et al., 2024).

For instance, one hypothesis for the high rates of female homicide in Finland can be linked to social marginalization and alcohol dependence. A recent Nordic comparison revealed that Finnish homicide victims were more likely to be unemployed or suffering from illness, with over 50% falling into these categories and around 66% being from non-working age populations. The overall homicide rate in Finland has been partly attributed to a larger proportion of socially marginalized individuals within the working-age population (Liem et al., 2024).

In Switzerland, the high prevalence of private firearm possession, often tied to military weapons and shooting sports, increases the likelihood of these weapons being used in family homicides, as they are readily accessible during family disputes (Liem et al., 2024). Firearm ownership correlates with homicide levels, with a higher proportion of citizens owning firearms in Finland (13%), Sweden (8%), and Denmark (7%) (Suonpää et al., 2022).

When looking at the data more closely, a study published in the *European Journal of Criminology* on June 14, 2022, examining trends in several European countries, including Denmark, Estonia, Finland, the Netherlands, Scotland, Sweden, and Switzerland found a significant drop in homicide mortality between 1990 and 2016, particularly for women in Nordic countries, which also exhibit low-income inequality (Suonpää et al., 2022).

Compared to the global level, where the female homicide victimization rate can reach 2.2 per 100,000 (UNODC, 2023), female victimization rates in contemporary Europe are relatively low. This is largely due to the high levels of gender equality, GDP per capita, and low-income inequality in these highly developed Nordic countries (Liem et al., 2024).

In high GDP countries, increased women's workforce participation correlates with a decline in homicides once it surpasses the mean level, suggesting that women's economic empowerment has an ameliorating effect. Oppression within social institutions, such as the labour market and family structures, impacts the risk of homicide victimization for both women and men (Santos, Reid, & Vasiljevic, 2021).

As women's labour market autonomy grows, they challenge patriarchal dominance, gain economic independence, and foster broader social change. This transformation leads to evolving social norms and a reduction in violence, underscoring that while gender equality alone may not resolve all issues, it is an essential factor in preventing gendered violence (Santos, Reid, & Vasiljevic, 2021).

Violence against women is not only an individual problem, but also a social problem. It's the social context of this violence that primary prevention works to change - the gender inequality present in our workplaces and institutions that gives women less opportunities than men, resulting in us hearing fewer female voices in leadership roles and in the public domain (Our Watch, 2024).

16. Conclusion

We request that the Expert Panel recommends the Federal Government amends model safety laws and regulations to address the primary prevention of gendered violence.

We propose urgent safety regulatory reforms to model safety laws and regulations to:

- a. **Manage Unlawful Conduct:** Safety regulations must require employers to manage unlawful conduct including work-related gendered violence, bullying, sexual harassment, discrimination based on sex, race, colour, descent, national or ethnic origin, disability, or age, hostile workplace environments, and victimization.
- b. **Implement a Gendered Violence Prevention and Response Plan:** Safety regulations must require employers to have Gendered Violence Prevention and Response Plans which adhere to safety guidelines, identify and manage risks of gendered violence at work, set intersectional gender equity and diversity targets for management roles, and conduct thorough consultations.

Regulatory reform is essential to creating workplaces where everyone can thrive free from fear, violence and discrimination.



Astrid Haban-Beer

President

Australian Women Lawyers

17. References

1. Australian Bureau of Statistics. (2020). *Gender indicators, Australia*. <https://www.abs.gov.au/statistics/people/people-and-communities/gender-indicators-australia/2020>
2. Australian Bureau of Statistics. (2021-22). *Personal safety, Australia*. <https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/2021-22>
3. Australian Bureau of Statistics. (2021-22). *Partner violence*. <https://www.abs.gov.au/statistics/people/crime-and-justice/partner-violence/latest-release>
4. Australian Bureau of Statistics. (2020, January). *Partner violence - In focus: Crime and justice statistics*. <https://www.abs.gov.au/statistics/people/crime-and-justice/focus-crime-and-justice-statistics/partner-violence-january-2020>
5. Australian Bureau of Statistics. (2023, December). *Barriers and incentives to labour force participation, Australia*. <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/barriers-and-incentives-labour-force-participation-australia/latest-release>
6. Australian Bureau of Statistics. (2023, May). *Employee earnings and hours, Australia*. <https://www.abs.gov.au/statistics/labour/earnings-and-working-conditions/employee-earnings-and-hours-australia/may-2023>
7. Australian Bureau of Statistics. (2024, January 24). *Hourly gender pay gap is highest for managers*. <https://www.abs.gov.au/media-centre/media-releases/hourly-gender-pay-gap-highest-managers>
8. Australian Bureau of Statistics. (2021-22). *Sexual harassment*. <https://www.abs.gov.au/statistics/people/crime-and-justice/sexual-harassment/2021-22>
9. Australian Government Department of Social Services. (n.d.). *What is violence against women?* Retrieved July 30, 2024, from <https://plan4womenssafety.dss.gov.au/resources/what-is-violence-against-women/>
10. Australian Government. (2024). *Working for women: A strategy for gender equality*. <https://genderequality.gov.au/sites/default/files/2024-03/working-for-women-a-strategy-for-gender-equality.pdf>
11. Australian Housing and Urban Research Institute. (2019). *Housing outcomes after domestic and family violence* (AHURI Final Report No. 311). <https://www.ahuri.edu.au/sites/default/files/migration/documents/AHURI-Final-Report-311-Housing-outcomes-after-domestic-and-family-violence.pdf>
12. Australian Housing and Urban Research Institute. (2024). *Gendered housing matters: Toward gender-responsive data and policy making* (AHURI Final Report No. 415). <https://www.ahuri.edu.au/sites/default/files/documents/2024-02/AHURI-Final-Report-415-Gendered-housing-matters-toward-gender-responsive-data-and-policy-making.pdf>
13. Australian Human Rights Commission. (2020). *Respect@Work: Sexual harassment national inquiry report*. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>
14. Australian Human Rights Commission. (2022). *Time for respect: Report on the National Inquiry into sexual harassment in Australian workplaces*. Respect@Work. Retrieved from https://www.respectatwork.gov.au/sites/default/files/2022-11/2022.11.18_Time%20for%20Respect%202022%20%28Full%20Report%29.pdf
15. Australian Human Rights Commission. (2023). *Guidelines for complying with the positive duty*. <https://humanrights.gov.au/sites/default/files/2023-08/Guidelines%20for%20Complying%20with%20the%20Positive%20Duty%20%282023%29.pdf>
16. Australian Institute of Health and Welfare. (2020). *Specialist homelessness services annual report 2019–20: Client groups*. <https://www.aihw.gov.au/reports/homelessness-services/shs-annual-report-2019-20/contents/client-groups>
17. Australian Institute of Health and Welfare. (2024, July 19). *Housing*. Retrieved from <https://www.aihw.gov.au/family-domestic-and-sexual-violence/responses-and-outcomes/housing>
18. Australia's National Research Organisation for Women's Safety. (2022). *Economic security and intimate partner violence*. <https://www.anrows.org.au/publication/economic-security-and-intimate-partner-violence/>
19. ANZ. (2015). *ANZ women's report: Barriers to achieving financial gender equity*. <https://www.agec.org.au/wp-content/uploads/2018/09/ANZ-Womens-Report-Barriers-to-Achieving-Financial-Gender-Equity-2015.pdf>
20. Ben, J., Elias, A., Issaka, A., Truong, M., Dunn, K., Sharples, R., McGarty, C., Walton, J., Mansouri, F., Denson, N., & Paradies, Y. (2022). Racism in Australia: A protocol for systematic review and meta-analysis. *National Library of Medicine, National Centre for Biotechnology Information*. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8929717/>

21. Chapman, B., & Taylor, M. (2022). *Partner violence and the financial well-being of women: HILDA research results*. Retrieved from <https://csrcm.cass.anu.edu.au>
22. Federation of Ethnic Communities' Councils of Australia. (2022). *Employment white paper submission*. <https://fecca.org.au/wp-content/uploads/2022/12/FECCA-Employment-White-Paper-Submission.pdf>
23. Fitzsimmons, T. W., Yates, M. S., & Callan, V. J. (2020). *Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation*. AIBE Centre for Gender Equality in the Workplace. Retrieved from <https://www.wgea.gov.au/sites/default/files/documents/UQ%20full%20report.pdf>
24. Gallagher, K. (2024). *Working to end violence against women: Rapid review of prevention approaches*. Department of the Prime Minister and Cabinet. <https://ministers.pmc.gov.au/gallagher/2024/working-end-violence-against-women-rapid-review-prevention-approaches#:~:text=Quotes%20attributable%20to%20Prime%20Minister,for%20ending%20violence%20against%20women>
25. Griffiths, M., & Tress, D. (2016). *Gender equitable recruitment and promotion*. University of Sydney. <https://ses.library.usyd.edu.au/handle/2123/21261>
26. Heap, L. S. (2023). *Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches*. RMIT University.
27. Legal Services Board and Commissioner. (2022). *Sexual harassment in the Victorian legal sector: Report*. <https://lsbc.vic.gov.au/sites/default/files/2022-07/Sexual%20Harassment%20in%20the%20Victorian%20Legal%20Sector%20Report.pdf>
28. Liem, M., Aarten, P., Granath, S., Kivivuori, J., Langlade, A., Larchet, K., Markwalder, N., Suonpää, K., Thomsen, A., & Walser, S. (2024). Patterns of female homicide victimization in Western Europe. *International Criminology*. <https://doi.org/10.1007/s43576-024-00127-3>
29. Miles, H., & Bricknell, S. (2024). Homicide in Australia 2022–23 (Statistical Report No. 46). Australian Institute of Criminology. <https://www.aic.gov.au/publications/sr/sr46>
30. Office of the High Commissioner for Human Rights. (1993, December 20). *Declaration on the elimination of violence against women*. United Nations. Retrieved July 30, 2024, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>
31. Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>
32. Our Watch. (2024). *Tracking progress in prevention: A report on Australia's prevention efforts*. Our Watch. Retrieved from https://assets.ourwatch.org.au/assets/Key-frameworks/Our-Watch-Tracking-Progress-in-Prevention-Report-July-2024_WEB.pdf
33. Reid, A., Daly, A., LaMontagne, A. D., Milner, A., & Ronda Pérez, E. (2020). Descriptive study of workplace demand, control and bullying among migrant and Australian-born workers by gender: Does workplace support make a difference? *BMJ Open*, 10(6), e033652. <https://bmjopen.bmj.com/content/10/6/e033652>
34. Respect@Work. (2022). *Time for respect: Report on the National Inquiry into sexual harassment in Australian workplaces*. https://www.respectatwork.gov.au/sites/default/files/2022-11/2022.11.18_Time%20for%20Respect%202022%20%28Full%20Report%29.pdf
35. Safe Work Australia. (2019). *Review of the model WHS laws: Final report*. https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf
36. Safe Work Australia. (2021). *Psychosocial health and safety and bullying in Australian workplaces* (6th ed.). https://www.safeworkaustralia.gov.au/sites/default/files/2021-06/D21%209238%20Psychosocial_health_and_safety_and_bullying_in_australian_workplaces_6th_edition.pdf
37. Safe Work Australia. (2022). *Model code of practice: Managing psychosocial hazards at work*. https://www.safeworkaustralia.gov.au/sites/default/files/2022-08/model_code_of_practice_-_managing_psychosocial_hazards_at_work_25082022_0.pdf
38. Safe Work Australia. (2023). *Model code of practice: Sexual and gender-based harassment*. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf
39. Safe Work Australia. (2023). *Model Work Health and Safety Bill (23 November 2023)*. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model-whs-bill-23_november_2023.pdf

40. Safe Work Australia. (2023). *Model Work Health and Safety Regulations (1 August 2023)*. https://www.safeworkaustralia.gov.au/sites/default/files/2023-08/model-whs-regulations-1_august_2023.pdf
41. Safe Work Australia. (2024). *Psychological health in the workplace: Snapshot (February 2024)*. Retrieved from https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Snapshot_February2024.pdf
42. SafeWork NSW. (2018). *CALD & migrant workers* [Resource library]. SafeWork NSW. <https://www.safework.nsw.gov.au/resource-library/at-risk-workers-strategy-2018-22/cald-migrant-workers>
43. Salter, M., & Hill, J. (2024, April 17). Rethinking primary prevention. Retrieved from <https://jesshill.substack.com/p/rethinking-primary-prevention>
44. Santos, M. R., Reid, L. W., & Vasiljevic, Z. (2021). The cross-national relationship between women's autonomy and long-term homicide trends. *International Criminology*. Retrieved from https://www.researchgate.net/publication/353524196_The_Cross-National_Relationship_Between_Women's_Autonomy_and_Long-Term_Homicide_Trends
45. Segrave, M. (2023). *Migrant and refugee women in Australia: A study of sexual harassment in the workplace*. ANROWS. Retrieved from https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2023/08/28143247/23_35_ANROWS_Segrave_Migrant-and-refugee-women-in-Australia_A-study-of-sexual-harassment-in-the-workplace-report_FINAL_web.pdf
46. Summers, A. (2022). *The choice: Violence or poverty*. University of Technology Sydney. <https://opus.lib.uts.edu.au/handle/10453/158339>
47. Suonpää, K., Kivivuori, J., Aarten, P., Ahven, A., Granath, S., Markwalder, N., Skott, S., Thomsen, A. H., Walsler, S., & Liem, M. (2022). Homicide drop in seven European countries: General or specific across countries and crime types? *European Journal of Criminology*. <https://journals.sagepub.com/doi/10.1177/14773708221103799>
48. WorkSafe Victoria. (2022). *Work-related gendered violence including sexual harassment*. <https://content-v2.api.worksafe.vic.gov.au/sites/default/files/2022-11/ISBN-Work-related-gendered-violence-including-sexual-harassment-2022-11.pdf>