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100%

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Submission of the PSA Women's Network on the Employment Relations (Extended Time for Personal Grievance for Sexual Harassment) Amendment Bill

Tēnā koutou katoa,

This document is a formal submission from the PSA Women's Network on the Employment Relations (Extended Time for Personal Grievance for Sexual Harassment) Amendment Bill.

About the PSA Women's Network

The PSA is Aotearoa/New Zealand's largest and oldest union, with a membership of over 81,000, the majority of whom are female. In addition, our union is ethnically diverse, with members from a wide range of different backgrounds and cultures, including Māori, Pasifika, Asian and many others. The PSA Women's Network has been active since 2009 and exists to:

- promote the interests of women within the PSA
- facilitate the sharing of information and experiences
- Encourage and support women's participation in PSA representative structures at all levels.

The PSA's women's network mission statement says:

By women, of women, for women – our commitment is to identify and promote industrial, economic, political and social issues of concern to PSA women members and advance these issues within the PSA and externally.



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PSA Women's Network support for the bill

The PSA Women's Network support the proposed bill which seeks to extend the period in which to raise a personal grievance that involves sexual harassment from 90 days to 12 months. The bill is correct in consideration that, for victims, 90 days is a short time period in which to consider what has occurred, process the event, and discuss it with others in a safe environment. The 90-day current deadline is an arbitrary timeframe which does not assist the victim and does not support the employer to ensure a safe workplace, as incidents may not be formally raised.

In all areas of work, sexual harassment in the workplace, and the unwelcome or offensive behaviour, is real. Many automotive trades regularly have inappropriate, nude female calendars in their workshops, building sites regularly have suggestive or offensive whistling behaviours, and significant sexual harassment occurs in the youth workforce, where older employees imply sexual harassment for better treatment in their current employment or, worse yet, threats about their current or future job security.

Personal Statements

Personal Statement from Sonja Lister, Co-Convenor, PSA Women's Network Committee

When I was 15, I was subjected to a sexual advance by a colleague who misinterpreted my kindness and polite manners as an opening for sexual activity. They undertook this advancement in a cold freezer in the back rooms of a supermarket, away from any other colleagues' viewpoints. My saving grace was an unlocked door behind me, which I quickly reached for and backwards walked to the public counter. My colleague pleaded with me to keep the event a secret, as he supported his wider whanau, and I did just that at 15, but the event frightened me, and when I felt safe to speak about it – it was too late.



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This bill will enable another young worker to come forward, once they process their event, as it takes time to establish an understanding and be brave enough to speak out, which can easily require more than 90 days.

Personal Statement from Nancy McShane, Co-Convenor, PSA Women's Network Committee

As a young woman of 18 in my first office job as a receptionist, I experienced sexual harassment from a much older male colleague.

The company I was employed by purchased a business from another couple who were retiring. The male co-owner, a man in his mid-sixties, was having an affair with one of his female employees, a woman 20 years his junior.

This man was very friendly and outgoing and made a point of chatting to me when he came into the office. Initially, we got on well. However, as time passed his behaviour changed and became more sinister. He would notice the tag up on the collar of my top and tuck it in, running his fingers across the back of my neck as he did so. One day he opened his wallet in front of me in a way that exposed a photo of the woman he was having an affair with. She was laughing in the photo and her blouse was undone, partially exposing her naked breasts.

When I left work one night, he was waiting outside in his car and offered me a lift home. There was no one else around, it was winter, and it was starting to get dark. I politely refused and said I was happy to take the bus. When I started walking towards the bus stop, he followed me in his car. I was absolutely terrified.

The next day, his manner towards me was very different; he was cold and intimidating and this made me feel very uncomfortable about coming into work.



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I said nothing to my employers, as they were of a similar age to this man and had become very good friends with him. I did not feel I would be either believed or supported by them.

I found another job and left my employment with their firm.

As a much older woman, now, one who has experienced sexual harassment on numerous occasions throughout my life, and who has learned through hard, bitter experience to stand up for myself when subjected to such inappropriate behaviour, I am determined to do everything I can to ensure other people do not suffer the same fear distress and sense of vulnerability that I have.

When one is young and relatively inexperienced, it can be difficult to understand what is happening if you are being sexually harassed by someone, and even more difficult to know what to do about it. You need time to process the event, seek help and find an appropriate and safe way to make the perpetrator accountable.

Personal Statement from Nia Bartley, Wellington Regional committee representative, PSA Women's Network Committee

From my time working part time as a student and then entering into full time work roles, I have had some 'interesting' experiences where if anything was gained from these at an early age, it would be, the experiences were 'character building' and I had an increased awareness of predatory behaviour and the exploitation of staff (male and female) with certain behaviours on junior staff. I will share a couple of these experiences; these aren't the worst I have experienced but they are still vivid in my mind as if they occurred yesterday.

I worked for a community organisation where male employees were outnumbered by females. One of the few senior male staff managers there got on very well with all of the staff. He was charming, very friendly and quite comical. Liked or loved by everyone. He took a shining to me and I found him



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to be very helpful and knowledgeable. He would offer me rides home, of which I only accepted one ride from him. His extra attention then became mixed with professional banter and inappropriate remarks of a sexual nature. Initially, I would laugh, with a sense of unease and viewed it merely as 'silly' talk with this man who for some of my colleagues and I, we referred to him as "Uncle". Over a period of weeks, the inappropriate remarks became more suggestive and constant, mixed in with accidental bumping into me. I did tell him to stop and that I was uncomfortable. Then at a 'Christmas function' on site that same year in a small isolated area out of view of the rest of the team and other staff, he came up behind and sexually assaulted me. He had been waiting for this opportunity. I shared the horrifying experience with a couple of my work colleagues and we were disgusted and felt betrayed. Together we decided we would just avoid him where we could and ensure no one was left alone with him where possible. I didn't want to raise it with management at that time, as it would be his word against mine and I had a few other things going on at the same time. The formal complaint process did seem quite daunting. Thankfully, he moved on and left.

I worked for another organisation where there were a few senior male staff members who exerted their 'alpha' male ways inappropriately. One of these men on a daily basis would entertain all staff within his presence or ear shot of his exploits in the public sector with various women – single and attached. He would also always gaze longingly and openly provide crass comments on the attire of some of the women in the office he wasn't 'courting' but was hopeful to. I was one of those 'lucky' women. It was annoying and intrusive of our own individual and collective space. The physical space was pervaded not only by his physical presence but also the inappropriate stories he would share on a daily basis. Everything and anything mentioned was sexualised. The culture of that team tolerated and condoned the behaviour because he was 'joking' and it was 'entertaining!'. I left that team for another opportunity. No-one wanted to file a formal complaint because he was 'popular', very witty and a 'critical' member of the team.



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In hindsight, having a few more years and experience behind me, perhaps a complaint would have been filed with these two experiences. Obviously, I am unable to go back in time, at least now, people can be more confident and supported to raise these issues and lay a personal grievance. I definitely know one of the reasons I didn't raise a complaint was due to the 'whakama' (shame) with being involved, even though I had no part or deserve to be treated that way, at least now, we can focus on ensuring there are adequate processes and support systems in place to protect all workers. Extension of time will provide a fairer and more reasonable timeframe to allow for survivors to contemplate their options whilst they recover.

Personal Statement from Alice Meredith, PSA Women's Network Committee

I have agreed to share one of my life experiences regarding 'Sexual Harassment'...

To begin with – I personally find the statement “just a bit of harmless fun” demeaning.

Throughout my working life, I have experienced many situations of sexual harassment, but they may not have been deemed 'sexual harassment' because such behaviour seemed to be the norm during my formative times. I was told earlier in my work life - that this was part of the 'workplace culture' and if I did not like it, then perhaps – I was not ready for the role(s) that I was employed to undertake. It was rare to see brown girls in the department I worked in, but I earned it.

Through my observation of other women, I was taught to smile and move away quickly when groping or inappropriately lewd comments are made by men about me or women in public - 'jokingly'. Fighting back was not really an option for me because the chances for me to be criminally charged or fired were highly likely.



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My sexual harassment experience was never just about 'sex' – it was about many of the social actions we would not stand for today – i.e., racism and bullying.

Working alongside an older white, married male [Joe], it was the fist-pumping or suggestive remarks about our working relationship by other men in the office or when attempting to use the photocopier I must listen or respond to inappropriate comments regarding what natives or islanders once wore or say – this was usually the problem for me, and I felt they would refer me to being 'Joe's'. Our working hours were long due to the timeframe of the project.

My 'exoticness' as a Pacific woman who dressed accordingly, had to work with this male who had to be reminded to bathe or wear clean clothing and who would often recite his prominent family ties as if I was to bow to him and be grateful for working with him – even though I knew it was my efforts helping him to work with the people he needed to run a successful and ongoing event and my pay was more than below average.

At the time - male management dominated and I felt watched at work and told that I was not doing enough during the day after working fourteen-plus days for six days straight all year. I was later told it was because a few male managers missed seeing me around. I had to come to work without extra pay because of this annoying complaint. Meanwhile, most meetings were held outside normal business hours due to the availability of the community.

Why, did I put up with this behaviour? I was young, exotic-looking, new to the country and needed to work to help my family. My cultural behaviours are taught to respect your elders – even those who harass you. I one day, told Joe (boss) and he became more mindful about the talk and the unappreciated reactions he could be encouraging.



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Upon, finally taking some leave – I returned to be told Joe had punched another male colleague and according to the male management and repeated by their secretaries - the fault was somehow “mine”.

Personal Statement from Michelle Troup, PSA Women's Network Committee

I don't have a story that I wish to share, but the current period of 90 days is nowhere near enough time to fairly get yourself together enough to raise a personal grievance, let alone a personal grievance for sexual harassment.

It took me 4 months to get my head around how inappropriate a workplace incident was. It then took me a further 3 months to find another job to replace that one, so I had enough money to live before I could just move on and get out of there, just so I didn't have to face that person again. So, I actually feel that a year is definitely not enough and 2 years is a better time frame. If I had been given that time, I could've taken a breath to be in a much safer place within my own hauora. When you try and deal with something of this nature head on and, on the spot, (or in that 90-day time frame) you have to be a pretty dam educated, informed, confident, healthy and sane person. Often the act of sexual harassment strips you of those very things that you need to put your hand up to make a personal grievance for sexual harassment. If I think about it the 90-day time frame actually became a scary target for me. It wasn't about making a grievance in the time frame it actually became about 'god I need to move on or hide further' within that time frame.

Recommendations to improve the bill

We do not think 12 months is enough time to process the experiences and trauma we have described. **The PSA Women's Network recommends that the Bill be amended to increase the time limit to at least 24 months.**

Emotional and calculated bullying and racial harassment in the workplace can also take time and understanding for employees. It is noted that the general personal grievance period in the bill is to retained at 90 days, however given



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the complex nature of bullying and sexual harassment, it is suggested that this also be changed to 12 months, so employees have wider time period to mentally process events and reach out in a safe manner, as this type of workplace behaviour can just be as damaging to an employee as sexual harassment. We understand that there would be challenges to including all forms of bullying and harassment to the legislation. **The PSA Women's Network recommend that Racial Harassment be added to the bill and the Select Committee investigate adding bullying to the Bill.**

Me aro koe kit te ha o Hine-ahu-One

(Pay need to the dignity of women)

For administration purposes or further information about this submission please contact:

Margaret Takoko

PSA Women's Network Organiser

Email: Margaret.takoko@PSA.org.nz

Tel: 027 430 0382