Migrant and refugee women:

A national study of experiences of, understandings of and responses to sexual harassment in the workplace

MARIE SEGRAVE | SHIH JOO TAN
REBECCA WICKES | CHLOE KEEL
NURIA ALARCÓN LOPEZ

ANROWS

AUSTRALIA'S NATIONAL RESEARCH ORGANISATION FOR WOMEN'S SAFETY
to Reduce Violence against Women & their Children

RESEARCH REPORT
ISSUE 07 | AUGUST 2024

ANROWS acknowledgement

This material was produced with funding from the Australian Government Department of Social Services. The University of Melbourne, Griffith University, Harmony Alliance: Migrant and Refugee Women for Change and Australia's National Research Organisation for Women's Safety (ANROWS) gratefully acknowledge the financial and other support it has received from the government, without which this work would not have been possible. The findings and views reported in this paper are those of the authors and cannot be attributed to the Australian Government Department of Social Services.

Acknowledgement of Country

The University of Melbourne, Griffith University and Harmony Alliance: Migrant and Refugee Women for Change, together with ANROWS, acknowledge the Traditional Owners of the land across Australia on which we live and work. We pay our respects to Aboriginal and Torres Strait Islander Elders past and present, and we value Aboriginal and Torres Strait Islander histories, cultures and knowledge. We are committed to standing and working with Aboriginal and Torres Strait Islander peoples, honouring the truths set out in the Warawarni-gu Guma Statement.

Peer-review process

The quality of ANROWS publications is ensured through a rigorous peer-review process that is consistent with the principles of the Committee on Publication Ethics (COPE) Ethical Guidelines for Peer Review. This report has been assessed by at least two peer reviewers with relevant academic expertise.

Published by
Australia's National Research Organisation for Women's Safety Limited (ANROWS)
PO Box Q389, Queen Victoria Building, NSW 1230 | www.anrows.org.au
ABN 67 162 349 171

ISBN: 978-1-922645-92-0 (paperback)

ISBN: 978-1-922645-93-7 (PDF)

Please note that there is the potential for minor revisions of this report. Please check the online version at www.anrows.org.au for any amendment.

A catalogue record for this work is available from the National Library of Australia

Migrant and refugee women:

A national study of experiences of, understandings of and responses to sexual harassment in the workplace

PREPARED BY

PROFESSOR MARIE SEGRAVE
Professor and ARC Future Fellow, The University of Melbourne

DR SHIH JOO TAN
Lecturer, The University of Melbourne

PROFESSOR REBECCA WICKES
Professor, Griffith University

DR CHLOE KEEL
Lecturer, Griffith University

NURIA ALARCÓN LOPEZ
Senior Manager – Gender, Harmony Alliance: Migrant and Refugee Women for Change

This report addresses work covered in the ANROWS research project "Migrant and refugee women's attitudes, experiences and responses to sexual harassment in the workplace". Please consult the ANROWS website for more information on this project.

ANROWS research contributes to the vision of the *National Plan to End Violence against Women and Children 2022–2032*: ending violence in one generation. This research addresses the Prevention domain – stopping violence before it starts, and the Response domain – efforts to address existing violence.

Suggested citation
Segrave, M., Tan, S. J., Wickes, R., Keel, C., & Alarcón Lopez, N. (2024). *Migrant and refugee women: A national study of experiences of, understandings of and responses to sexual harassment in the workplace* (Research report, 07/2024). ANROWS.

University of Melbourne
Parkville VIC 3010

Griffith University
Mt Gravatt Campus
Brisbane QLD 4122

Harmony Alliance
46 Jardine Street
Kingston ACT 2604

Author acknowledgement

The research team extends our deep appreciation to the participants in this study for taking the time to share their experiences and views across the survey, focus group discussions and interviews. The authors extend their sincere thanks to the advisory committee members and all participants and organisations involved in the two national roundtables held during the course of this research project, which have guided and informed the research program and implementation. Specifically, we thank our advisory committee members from AMES Australia, JobWatch, Settlement Services International, MindTribes, Professional Migrant Women, United Workers Union, and the Department of Social Services. We also thank the participants in the national roundtables from the Department of the Prime Minister and Cabinet; Workplace Safety Australia; the Council of Small Business Organisations Australia; Diversity Council Australia; Women's Legal Services South Australia; Northern Territory Working Women's Centre; Women's Health Tasmania; the Philippines Australia Solidarity Association; the Ethnic Communities' Council of NSW; the Office of Industrial Relations Queensland; Family Safety Victoria; WorkSafe Victoria; the Department of Energy, Mines, Industry Regulation and Safety (previously known as the Department of Mines, Industry Regulation and Safety); She's A Crowd; Shakti Australia; and Migrant Justice Institute. We would like to also thank other organisations that supported the research including Working Women Queensland, Council of International Students Australia (CISA), Migrant Resource Centre (Southern Tasmania), Working Women's Centre (South Australia), Sex Workers Outreach Project (SWOP), Pasifika Women's Alliance, Multicultural Hub Canberra – Women's Service, and Asian Women at Work (AWatW).

Ms Emily Dang provided excellent research assistance for the second phase of this research, and we wish to thank her for her diligence. Dr Stefani Vasil provided additional research (background) support. The research team are grateful for their contributions to the project.

While the report and any errors are the responsibility of the research team, it is written with deep respect for the purposeful engagement with the complex issues that migrant and refugee women navigate at the intersection of their personal and working lives.

Acknowledgement of lived experiences of violence

The University of Melbourne, Griffith University, Harmony Alliance: Migrant and Refugee Women for Change and ANROWS acknowledge the lives and experiences of the women and children affected by domestic, family and sexual violence who are represented in this report. We recognise the individual stories of courage, hope and resilience that form the basis of ANROWS research.

Caution: Some people may find parts of this content confronting or distressing. Recommended support services include 1800RESPECT (1800 737 732), Lifeline (13 11 14) and, for Aboriginal and Torres Strait Islander people, 13YARN (13 92 76).

Contents

List of tables

List of figures

Acronyms

AHRC	Australian Human Rights Commission
ANROWS	Australia's National Research Organisation for Women's Safety
CALD	Culturally and linguistically diverse
FGD	Focus group discussion
LGBTQI	Lesbian, gay, bisexual, trans and gender diverse, queer and intersex
NDA	Non-disclosure agreement
PR	Permanent residency

Definitions and concepts

Terminology

This report focuses on migrant and refugee women. Throughout the report we use the terms "women in this study", "respondents" and "migrant and refugee women in this study" interchangeably.

A note on gender identity and diversity

In this report we focus on women, and we specifically include findings from participants who identified as migrant and refugee. In the survey there was a small number of participants who identified as non-binary and/or trans men. While we provided a description of findings in relation to that group of participants in the first report, we do not explore those experiences further in this report as they were not the focus of the national qualitative study (Segrave et al., 2023). We respect and acknowledge the importance of research that specifically attends to the experiences of gender fluid/non-binary people in the workplace (see, for example, Ussher et al.'s 2020 work focused on cultural and linguistic diversity, non-binary gender identity and workplace experiences).

Executive summary

This report presents the findings of research on migrant and refugee women's attitudes about, experiences of and responses to workplace sexual harassment. This research is the first comprehensive study of these issues nationally and internationally. The report is the culmination of two major phases of research:

- a national survey conducted in 2022 and reported on in 2023
- a national qualitative study that involved focus group discussions (FGDs) with 155 migrant and refugee women and 25 interviews with stakeholders conducted in 2023 and 2024.

This report integrates the findings from both phases of the study and offers key insights into migrant and refugee women's experiences of and responses to workplace sexual harassment.

Background

The "Migrant and refugee women's attitudes, experiences and responses to sexual harassment in the workplace" study was designed to support the development of a more comprehensive national picture of workplace sexual harassment. At a time of significant commitments being made by government to address violence against women more broadly, and workplace sexual harassment specifically, there remains a dearth of research that interrogates the nuance and detail of the workplace experiences of women who identify as migrants or refugees.

This research sits within *Australia's National Research Agenda to Reduce Violence against Women and their Children: ANRA 2020–2022*, delivered via the 2021–2024 ANROWS Sexual Harassment Research Program (ANROWS, 2020). It aligns with national commitments to report and respond to sexual harassment in the workplace (Australian Human Rights Commission [AHRC], 2022) and the *National Plan to End Violence against Women and Children 2022–2032* (Department of Social Services, 2022).

In the Australian Human Rights Commission's (AHRC) 2022 report, *Time for Respect: Fifth National Survey on Sexual Harassment in Australian Workplaces*, there is acknowledgement that the formative national study of workplace sexual harassment is limited in its capacity to speak to migrant and refugee women's experiences as a result of the study design and reach (p. 27). This research seeks to fill the recognised gap regarding the specificity of migrant and refugee women's experiences, which are not adequately captured in national datasets. The findings we present provide important insights into migrant and refugee women's experiences of and responses to workplace sexual harassment and recommendations on how to improve and enhance women's safety at work (AHRC, 2022, p. 27).

Research questions and objectives

This research sought to: 1) produce the first national study of migrant and refugee women's experiences of workplace sexual harassment in Australia; 2) design the first survey to capture the diversity of migrant and refugee women's experiences of and perspectives on workplace sexual harassment, providing a survey instrument for use in future research; and 3) detail the breadth and diversity of migrant and refugee women's experiences of workplace sexual harassment to inform strategies and policies nationally, within key industries and settings.

To achieve these objectives, the research project was guided by three research questions:

1) How do migrant and refugee women define and understand sexual harassment and unacceptable behaviour in the workplace?
2) What are the experiences of migrant and refugee women of sexual harassment in the workplace?
3) How do migrant and refugee women negotiate or respond to experiences or observations of sexual harassment in the workplace?

The research design sought to achieve the most comprehensive dataset possible within the confines of the funding and timeframe.

Method

This project was designed as a multi-method study involving an online survey, interviews and FGDs. The research was conducted between 2022 and early 2024. In total, this study relies on close to 900 participants: 701 survey participants, 155 focus group participants and 25 interview participants. The survey, focus groups and interviews were conducted in multiple languages. The survey results were the subject of a standalone report and a technical report, both released in 2023 (Segrave et al., 2023; Keel et al., 2023).

This research was conducted in consultation with expert advisory committee and industry stakeholders: the research team conducted two national roundtables to seek input on the research design and the interpretation of the findings.

Findings

We provide an overview of key findings here and encourage a review of the more thorough account presented in section 5.

Recognising sexual harassment in the workplace

- **Mixed results in the identification of what constitutes workplace sexual harassment.** While in the survey, there was some recognition of workplace sexual harassment, in the interviews and FGDs, it was clear that women are often uncertain regarding what behaviours fall within the definition of workplace sexual harassment:
    - Women were uncertain about definitional boundaries.
    - Women consistently talked about feeling unsafe or uncomfortable.
    - Women had consistent concerns related to workplace behaviour that would be hard to "prove".
- **Women's identification of behaviour as workplace sexual harassment was often undermined by workplace culture and personnel.** Specifically, some women reported that it was inferred migrant or refugee women were misinterpreting behaviour because they did not understand Australian culture and/or were unable to recognise or "take" a joke. The questioning of what was acceptable behaviour was consistently reported throughout this study.

Safe work rather than sexual harassment as the priority

- **Safe work was the number one priority identified by participants in this study.** Workplace sexual harassment was one part of what can undermine migrant and refugee women's safety at work.
- **Having a job was consistently noted as the priority for women.** Women consistently reported that their decisions about seeking help were made based on the need to remain in paid work. Visa conditions remain a major issue for temporary visa holders when making decisions around job security and their safety at work.

Common forms of sexual harassment experiences among migrant and refugee women

- Almost half (46%) of migrant and refugee women who completed the survey had experienced at least one form of sexual harassment in the workplace in the last 5 years in Australia. This most frequently took the form of:
    - indecent phone calls/messages of a sexual nature
    - sexually suggestive comments or jokes
    - intrusive questions about private life or physical appearance
    - staring or leering that was intimidating.

- Most women who experienced workplace sexual harassment described experiences that fell on the "less serious" end of the spectrum, but which happened consistently and impacted women in serious and ongoing ways.
- Women in service, care and hospitality industries regularly experienced sexual harassment in their work life, so this was expected and not out of the ordinary.
- Workplace sexual harassment was consistently experienced alongside exploitative work conditions and/or racial discrimination. This reflects the survey finding that participants who experienced workplace sexual harassment believed that it was motivated by gender and/or sex and race and/or religion.

Perpetrators of workplace sexual harassment

- Across the survey, interviews and focus groups, it was consistently identified that men were most frequently the harassers.
- The interviews and focus groups reiterated the survey findings that most often perpetrators were either:
    - in senior positions in the workplace (managers);

    or
    - a client/customer.
- Perpetrators were identified as having both power and entitlement, and this was not exclusively linked to status within the workplace. Some men that shared religious or ethnic backgrounds with migrant or refugee women experiencing harassment in the workplace were described as exercising power and control in ways that may be unseen or not understood by others in the workplace who did not share the same religious or cultural background. Similarly, men from different backgrounds from that of migrant and refugee women, who occupied the same or lesser status in the workplace, could exercise power and entitlement over women.

Responses to workplace sexual harassment

- Across the survey, FGDs and interviews it was clear that migrant and refugee women consistently told other women (friends, colleagues) informally about behaviours experienced at work.
- Women consistently reported feeling responsible for behaviour directed at them in the workplace.
- Women rarely disclosed workplace sexual harassment at work and/or filed a formal complaint internally or externally, for a range of reasons:
    - Women reported that they were not sure what to do and were concerned about the impact on their employment.
    - Many women had witnessed other complaints result in little or no action.
    - Many women experienced intersecting unsafe workplace behaviours and were not confident these behaviours would be understood or recognised.
    - Some women were threatened or advised not to complain because of the consequences for their careers.
    - Even though they were able to rationalise the challenges that make it difficult to report or pursue formal avenues of complaint, some women also reported feeling guilty for not being able to do so.

Workplace and system responses

- Most often it was observed that either the perpetrator or the complainant was moved around in the organisation. There was a consistent view of no formal action being taken, and of the absence of any formal recognition of the perpetrator's behaviour as wrongdoing or potentially unlawful.
- Workplace responses were routinely recognised as hidden and lacking transparency. There was no acknowledgement of harm and women who complained bore the impact of the complaint.

Supporting migrant and refugee women who experience workplace sexual harassment

- The lack of transparency and accountability around workplace sexual harassment is sustaining it. There was an overwhelming mistrust among all the participants that interventions or reparations would lead to a positive outcome for women.
- For migrants on any temporary visa type, migration status is the major factor influencing their decision-making.
- Recognising the potential and differential impact of reporting for women in relation to their social and familial relationships is critical.
- The possibility that women will be blamed for abusive behaviour perpetrated against them requires careful attention in considering how to redress this, as it is also weaponised by some perpetrators in the workplace.
- Anonymity is critical in reporting. Women want to report but do not want the consequence of identification.

Conclusion

The research aimed to build a detailed national picture of the experiences of a diverse group of migrant and refugee women. It sought to inform more targeted engagement with women and workplaces regarding unacceptable workplace behaviour, and to lay the groundwork for more informed and responsive systems that are attuned to the social and systemic factors that influence how women negotiate and respond to experiences of sexual harassment. A critical next step in realising the commitments of Australian Commonwealth, state and territory governments is to create prevention and response systems that are informed by comprehensive accounts of the diversity of women's experiences and responses to workplace sexual harassment. Furthermore, while it is critical to have women closely involved in all aspects of working towards improving women's safety in the workplace, systemic and structural reform is key. Perpetrators must be held to account in ways that can be seen. The response of businesses and employers to workplace sexual harassment must also be transparent. This research provides key insights that can inform initiatives and reforms that redress and reduce migrant and refugee women's experiences of violence, including gendered violence that occurs in the workplace.

Recommendations for policy and practice

We provide an overview of key recommendations below; a full explanation and discussion is provided in section 5 of this report. We encourage reviewing the fully detailed recommendations to understand the key drivers underpinning these recommendations.

1) Women's safety is foremost: Review policy silos to prioritise women's safety

Workplace sexual harassment does not occur in isolation. A critical finding of this research is that structural inequality (including racism, visa status, employment status) heightens the impact of workplace sexual harassment and other forms of abuse and exploitation. Policy settings continue to divide and separate forms of workplace harm, failing to account for these intersections; a review of policy settings should be the beginning point of future reform.

2) System silos require urgent revision

a) Review existing mechanisms for complaint

The intersection of various forms of gendered and other workplace abuses, as we have reported here, demonstrates a strong need to evaluate and/or redevelop how existing bodies can better align to capture multiple forms of abuse or exploitation.

b) Reduce siloed support: Invest in external safe work services to ensure culturally responsive services for working women across every state and territory

Our findings point to the importance of culturally responsive services that are broad in their remit. Investment in culturally responsive services that are the first point of contact for women who are working, especially in industries where there is no significant infrastructure or investment around sexual harassment in the workplace, is needed to tackle system silos.

3) Workplace reform: Shift the burden and accountability from women to workplaces and perpetrators

Infrastructure within different businesses and organisations results in variable resourcing to support women experiencing workplace sexual harassment and other abuses or exploitation. For organisations that do have internal infrastructure, there are recommendations regarding current and future practices.

Existing practices

a) Review use of non-disclosure agreements as core business practice is required.

b) Onus of reporting responsibility cannot rest with women, as reporting is associated with risk to women's (and their families') economic and social survival.

c) Review of internal complaints mechanisms is needed.

d) Co-design and redesign of materials is critical.

e) Workplaces that have HR systems and structures responding to workplace sexual harassment should include exit interviews and complaint timelines across all systems to ensure they can capture longer periods following cessation of employment.

Future practices

f) Positive duty employer obligations are needed.

Directions for future research

Funded research requires depth and nuance in relation to women's experiences; intersectional research is critical but requires separate, curated analyses. We encourage a close reading of section 5 where there is more contextualisation of the future research directions.

- The national commitment to the AHRC's *Respect@ Work: National Inquiry into Sexual Harassment in Australian Workplaces* 2020 review of general experiences of workplace sexual harassment requires dedicated, consistent research that is focused on key populations including migrant and refugee women. This should include:
    - employment histories and asking why women leave workplaces
    - less focus on asking women whether they experience workplace sexual harassment, discrimination, abuse or exploitation at work, and more on questions about safety at work.
- We strongly encourage a move towards research that privileges co-design that is inclusive and encourages diversity of expertise to support both the reach, relevance and impact of future research. Equally, research with businesses and perpetrators of workplace sexual harassment is critical; it is not possible to drive reform with only the views and experiences of victims and survivors.
- Systems research matters, and this should include a focus on internal mechanisms and external complaints mechanisms. This extends to industry-specific research and an ongoing review of the implementation of the positive duty obligation. Such research should also include ongoing examination of the intersections of migration law and policy and gendered violence and workplace exploitation and abuse.

Introduction

There are national and international commitments to redressing gendered violence in the workplace, including workplace sexual harassment. These commitments extend to all people, but critically there is clear evidence indicating that migrant and refugee women have very specific and nuanced experiences of safety and harm that highlight the need for creating responses and systems that are not one size fits all. The "Migrant and refugee women's attitudes, experiences and responses to sexual harassment in the workplace" study builds on existing research to capture women's experiences and understandings of workplace sexual harassment and to map the ways in which these findings can offer a foundation for advancing impactful responses.

This research employed one of the first study designs to provide a national picture and the depth and breadth offered via a mixed methods study. It is a wholly unique study, nationally and internationally, in its capture of migrant and refugee women across a broad spectrum of demographics, from temporary visa holders to citizens; from women in well-resourced, high-earning industries and positions to women working in low-paid or precarious labour; and women from a diverse range of cultural backgrounds. This research lays the groundwork for more specific analysis of industry practices, employment protections, migration processes and other intersecting systems that have an impact on migrant and refugee women's lives and their safety in Australian workplaces.

There is limited research that captures the experiences of migrant and refugee women. Research tends to focus on certain key factors, such as visa or employment status, when considering migrant and refugee women's experiences, or it focuses on much broader populations and therefore relies on limited demographic factors, such as language spoken at home or country of birth, to reflect on migrant women's experiences. We detail below some of the key national and international research that informs this study, before discussing some of the policy developments that provide a critical background to this report.

Key research: The intersections of temporariness, migrant and refugee experiences and workplace sexual harassment

In Australia, there has been an ongoing interest and focus on migrant workers, particularly those in low-skilled or precarious labour and those who hold temporary visas. In 2016, research funded by the then Department of Immigration and Border Protection focused on the experiences of temporary non-citizens in the workplace and found that a quarter (24%) had had at least one negative work-related experience, most often related to pay and entitlements (11%), but also including racial discrimination (9%) and sexual harassment (2%; Hall & Partners, 2016). That study was based on a small sample of men and women, but it pointed to the interaction between various aspects of unsafe work conditions and temporary visa status. It included employers who noted their awareness of "racism, sexual harassment or verbal, physical or psychological abuse of temporary visa holder employees in their workplace", but such abuse was often not formally pursued or addressed (Hall & Partners, 2016, p. 20). Across the research it is consistently found that formal action is not the pathway women pursue, particularly migrant and refugee women. For example, in 2018, the *Women and the Future of Work* report was released by the University of Sydney (Baird et al., 2018). This research focused on women under 40 years of age and drew upon a nationally representative online survey of working women (with additional surveys to capture the specific experiences of Aboriginal and Torres Strait Islander women and a comparative survey sample of men) and five focus groups of working women (n = 41; Baird et al., 2018, p. 4). While this research did not capture a diverse group of migrant and refugee women (e.g. it did not reflect visa type or citizenship status), the findings indicated that working women identified discrimination on the basis of cultural background to be more "pronounced than … gender-based discrimination" (Baird et al., 2018, p. 6).

Workplace sexual harassment has a significant impact on both the personal and professional lives of victims and survivors. In 2023, the Centre for Social Impact at The University of Western Australia and Circle Green Community Legal published a study on legal responses to workplace sexual harassment in Western Australia and nationally, drawing on administrative data and interviews (Flatau et al., 2023). They found that people's response to workplace sexual harassment is impacted by a range of demographic factors, which can contribute to a culture of silence around sexual harassment in the workplace (Flatau et al., 2023, p. 44). Specifically, their study found that people from culturally and linguistically diverse (CALD) backgrounds faced additional challenges related to their language and culture. For example, fear of bringing shame to their family by being a person targeted by workplace sexual harassment impacted how people managed and responded to workplace sexual harassment (Flatau et al., 2023, p. 44). This research also found that "[w]omen, people of colour/Aboriginal and Torres Strait Islander people, CARM [culturally and racially marginalised] persons and people with diverse sexual orientations and gender identities are more vulnerable to perpetrators of WHS [workplace sexual harassment]" (Flatau et al., 2023, p. 69).

Critically, holding a temporary visa is a factor consistently recognised in the literature as influencing vulnerability to experiencing workplace sexual harassment and other harms, including labour exploitation, and as helping to ensure that perpetrators are rarely brought to account. For example, the work of Howe and colleagues (2022) focused on sexual harassment experienced by fruit pickers on Australian farms. While their study was limited to a sample of just over 300 participants, they found that risk and vulnerability to victimisation intersects with gender and certain other factors, including visa status, temporariness, deportability, and dependence on unregulated contractors and accommodation providers. They also found that the reliance on farm work for immigration purposes, such as extending a working holiday visa (Howe et al., 2022, p. 1145), amplified power imbalances between temporary migrant employees and their employers. In 2023, the Grattan Institute published a research report on the exploitation of migrant workers in Australia and the protections available for these workers (Coates et al., 2023). A key point made in this report is that while there is a formal Assurance Protocol between the Fair Work Ombudsman and the Department of Home Affairs (to ensure that a temporary visa holder's visa will not be cancelled if they have breached their work-related visa conditions because of workplace exploitation), this has rarely been used and it does not appear to extend to experiences of workplace sexual harassment (Coates et al., 2023, pp. 39, 194–195). In addition to this study, a substantial piece of research from the Migrant Workers Centre et al. (2023) focusing on insecure work and migrant workers in Australia produced similar findings. Drawing on a survey of just over 1000 migrant workers and 65 interviews, this research found that migrant workers report various psychosocial hazards, ranging from bullying by supervisors or co-workers, and violent or aggressive behaviour by clients or customers, to sexual harassment or assault (Migrant Workers Centre et al., 2023, p. 46). The Migrant Workers Centre study identified the presence of gender-based discrimination and violence and racial discrimination, but focused on the relationship between the migration system and migrant workers' experiences in the job market.

The broader research on workplace sexual harassment has been led by the AHRC. Its national research on workplace sexual harassment has repeatedly demonstrated the predominance of this practice across Australian workplaces (AHRC, 2018, 2022). Critically, the survey design and sample used in the AHRC (2018, 2022) research is limited, as it only included the factor of language spoken at home and no other factors to examine experiences of workplace sexual harassment among migrant and refugee women. In 2018, the AHRC reported that women who mainly speak English at home were more likely than women who mainly speak a language other than English at home to report having been sexually harassed in their lifetime (85% and 75%, respectively); however, this finding is limited in its robustness given the sample and method (p. 21). In an AHRC report on workplace sexual harassment covering the period between 2018 and 2022, the focus on temporary migrants and cultural and linguistic diversity was limited. The report

acknowledges the limitations of that national dataset to speak to the specificity of migrant and refugee experiences and/or the experience of those in precarious work or who hold temporary visas. The data are limited due both to the sample and to the absence of questions capturing informal or precarious work and visa status (AHRC, 2022, p. 27; see also Howe et al., 2022, for a critique of the absence of visa status in research). The AHRC cited this Segrave et al. ANROWS study as key to building a more comprehensive national picture of the diversity of experiences of workplace sexual harassment and its impact. While not the focus of its data collection, the 2020 AHRC *Respect@ Work* inquiry reported that among the group of workers more likely to be at risk of experiencing workplace sexual harassment were workers from CALD backgrounds, migrant workers or workers holding temporary visas, people in working arrangements described as "precarious" or "insecure" (p. 19), and temporary migrants (pp. 183–192). What can be drawn from this existing AHRC and other research is the recognition of the importance of detailed and comprehensive studies that seek to understand the ways in which perpetrators are protected from accountability and how migrant and refugee women experience and respond to workplace sexual harassment.

At the international level, the scholarship affirms the importance of ongoing work in this area. We do not provide here a full account of the prior research on workplace sexual harassment, but we focus on exemplary work that points to the need for ongoing research on migrant and refugee women's experiences. Much of the international research is focused on the context of low-wage or precarious work and/or temporary migrant workers. Similar findings to those presented in the recent Australian literature are consistently produced in international research. For example, Marín and colleagues' (2021) work on Hispanic women migrant workers in the United States found that organisational factors interact with social vulnerabilities to erode women's ability to cope effectively with workplace sexual harassment (p. 391). Papadakaki and colleagues' (2021) research on migrant domestic workers' experiences of sexual harassment across four European Union countries indicated that victims were often undocumented and had low local language skills; workplace sexual harassment had psychological, economic and social consequences; and women were often disconnected from social/informal and formal networks of support (p. 272). This work again highlighted the specific risks facing temporary migrants in low-skilled or precarious employment contexts. Pei and colleagues' (2022) research in China explored experiences of sexual harassment among socially marginalised women from the Global South. The authors documented the ways in which migrant women in low-skilled and precarious labour experienced sexual harassment, as well as the ways in which women adopt technology to push back on gendered and other forms of discrimination. Finally, Reuter and colleagues (2020) conducted research on precarious employment and experiences of unwanted sexual attention and sexual harassment at work in Europe, using a representative sample of the European working population consisting of 63,966 employees in 33 countries who participated in the European Working Conditions Survey in either 2010 or 2015. For this study, precarious work included temporary employment, short-term contracts (less than a year), schedule unpredictability, involuntary part-time work, employment where there was little or no information on occupational health and safety risks, low pay and/or where people held multiple jobs. The research found that precarious employment was significantly associated with an elevated prevalence of unwanted sexual attention and sexual harassment.

A final key issue raised in the international and national literature is the recognition of the relationship between workplace sexual harassment and discrimination, particularly racial discrimination. The work of Welsh and colleagues (2006) in Canada, focusing on women of colour and women without full citizenship rights, found that race and citizenship are present in women's definitions of harassment and experiences of sexual harassment. The work of Rodríguez-Martínez and Cuenca-Piqueras (2019) in Spain highlighted how sexual harassment in the workplace intersects with other forms of violence, including racism. This interaction between workplace sexual harassment and other forms of abuse is a critical and complex issue in the context of developing robust policy settings.

Collectively, the research highlights that workplace sexual harassment is not an isolated form of abuse or exploitation. It is an experience that intersects with other workplace abuses. Workplace sexual harassment can be amplified or hidden as a result of women's disempowerment and structural power imbalances. Critically, responses to workplace sexual harassment need to be informed by the research that consistently highlights the necessity to rethink systems designed to protect workers or to respond to workplace sexual harassment, as migrant and refugee women are just one group that is unlikely, for myriad reasons, to utilise these systems.

Policy and legislative frameworks: The opportunity of employer positive duty obligations

We want to focus briefly on the most recent policy development in Australia in relation to workplace sexual harassment and the system response. There have been several developments in relation to the recognition and response to workplace sexual harassment in Australia in recent years. The most recent and significant shift is the introduction of obligations under section 47C of the *Sex Discrimination Act 1984* (Cth) that require employers to actively prevent unlawful conduct at work. This responsibility has been effective from 12 December 2023 and requires the adoption of measures to work towards eliminating:

- sex discrimination
- sexual harassment
- sex-based harassment
- conduct creating a workplace environment that is hostile on the ground of sex
- related acts of victimisation.

This legislation had not yet been passed at the time that the "Migrant and refugee women's attitudes, experiences and responses to sexual harassment in the workplace" study was developed and funded. Critically, the AHRC has a mandated role to oversee compliance and enforcement of the duties under the Act. This is a new initiative, but as detailed in the recommendations, there are concerns about what may and may not come to the attention of the AHRC, and there is an opportunity for work to begin by targeting specific groups of workers and/or industries where the risk is high and reporting is consistently low.

Research questions and objectives

This research sought to: 1) produce the first national study of migrant and refugee women's experiences of workplace sexual harassment in Australia; 2) design the first survey to capture the diversity of migrant and refugee women's experiences of and perspectives on workplace sexual harassment, providing a survey instrument for use in future research; and 3) detail the breadth and diversity of migrant and refugee women's experiences of workplace sexual harassment to inform strategies and policies nationally, within key industries and settings.

To achieve these objectives, the research project was guided by three research questions:

1) How do migrant and refugee women define and understand sexual harassment and unacceptable behaviour in the workplace?

2) What are the experiences of migrant and refugee women of sexual harassment in the workplace?

3) How do migrant and refugee women negotiate or respond to experiences or observations of sexual harassment in the workplace?

The research design, detailed in the next section, sought to achieve the most comprehensive dataset possible within the confines of the funding and timeframe.

Methods

This research was designed and undertaken in a partnership between researchers now based at the University of Melbourne, Griffith University and Harmony Alliance: Migrant and Refugee Women for Change (Harmony Alliance). Harmony Alliance is one of six national women's alliances that are funded to promote the views of all Australian women. It provides a platform for advocacy on issues that impact all migrant and refugee women.

This research was conducted with the support of two key external groups: the advisory committee and those who attended the national roundtables. The advisory committee met at key stages throughout the research process: in the design, implementation and analysis stages of both phases of the research (see below for details of the research phases). The advisory committee was comprised of representatives from AMES, JobWatch, Settlement Services International, MindTribes, the United Workers Union and the Department of Social Services.

Over the course of the project two national roundtables were conducted. The first was held in May 2022 ahead of the finalisation of the design and implementation of the survey instrument for Phase 1. We sought input on the design, focus and plan for participant recruitment. The second roundtable was held in April 2023 to seek input on the initial analysis of the survey findings and the implementation of the second phase of the research. Participants at the roundtables included representatives from the Department of the Prime Minister and Cabinet; Workplace Safety Australia; the Council of Small Business Organisations Australia; Diversity Council Australia; Women's Legal Services South Australia; Working Women's Centres; Women's Health Tasmania; the Philippines Australia Solidarity Association; the Ethnic Communities' Council of NSW; the Queensland Office of Industrial Relations; Family Safety Victoria; WorkSafe Victoria; the Department of Energy, Mines, Industry Regulation and Safety (previously known as the Department of Mines, Industry Regulation and Safety); She's A Crowd; NT Working Women's Centre; Shakti; and Migrant Justice Institute.

This input into the design, conduct and learnings from this study was critical: the research was designed to support and enable advocacy, informed practice and ongoing research in this space, in which all participants are actively involved in different ways. All of those who contributed to the work share the research team's commitment to producing research that can inform practice and advocacy, to better support women's safety in the workplace.

Research phases: Overview

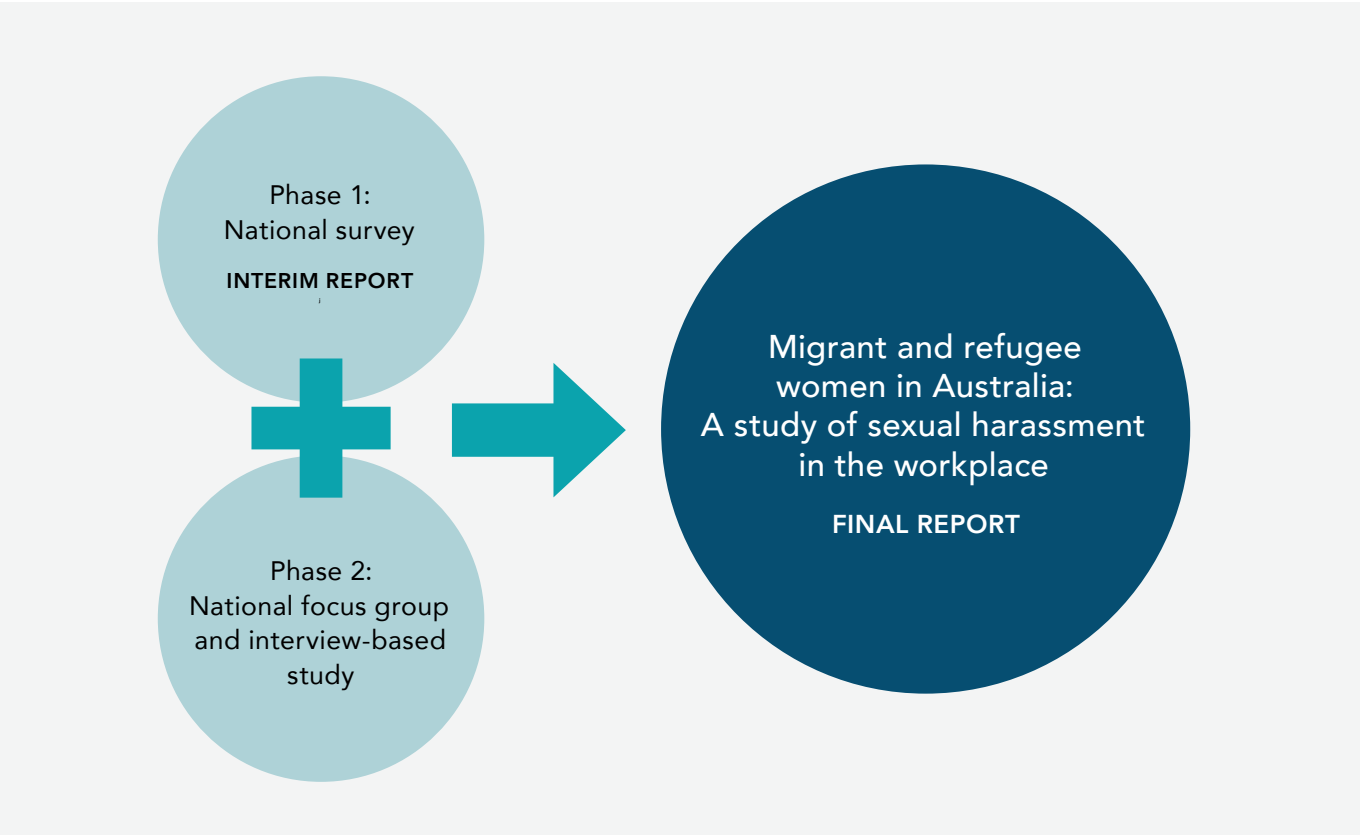
This study involved two phases:

1) National survey (quantitative study)

2) National interview and focus group discussion (qualitative study).

As captured in Figure 1, these two phases were iterative: the learnings from the survey (reported in our 2023 report – Segrave et al., 2023) supported the focus of the discussions with migrant and refugee women carried out across Australia in the second phase.

Figure 1: Overall research design



Phase 1: Measuring sexual harassment and sexual harassment in the workplace

This study was focused on migrant and refugee women's experiences of workplace sexual harassment. The survey instrument was designed using survey items from several well-designed studies on this subject, alongside further refinement and additional questions based on stakeholder interaction and consultation (via the advisory committee and the national roundtable). The final iteration of the survey instrument and a more detailed account of its construction can be accessed in the accompanying technical report (Keel et al., 2023).

The survey design was based upon a behavioural approach to sexual harassment, reflecting the AHRC's 2018 survey instrument, which detailed 15 behaviours that constitute sexual harassment. We first asked participants whether they had experienced the behaviour in the past 5 years, and if they indicated that they had experienced that behaviour, we then asked if they had experienced it in a workplace setting (where workplace setting includes the physical place of work, other physical spaces where people are together in the context of work-related activities including work social events, and online spaces where people are interacting online/over the phone, for example).

The 15 behaviours are listed in Table 1.

Table 1: Workplace sexual harassment behaviours

Harassment type
Indecent phone calls, including someone leaving a message of a sexual nature on a voicemail or an answering machine
Comments of a sexual nature made in emails, SMS messages or on social media
Repeated or inappropriate advances made in emails, on social networking websites or in an internet chat room
Sharing or threatening to share intimate images/film of you without your consent
Other conduct of a sexual nature that occurred online or via some form of technology
Touching, hugging, cornering or kissing
Staring or leering that made you feel intimidated
Sexual gestures, indecent exposure or inappropriate display of the body
Sexually suggestive comments or jokes that offended/were unwelcome
Repeated or inappropriate invitations to go out on dates
Intrusive questions about your private life/physical appearance
Inappropriate physical contact
Being followed or watched, or loitering nearby
Requests or pressure for sex or other sexual acts
Actual or attempted rape or sexual assault

Source: AHRC (2018, p. 17)

If a participant indicated they had experienced a behaviour, a full suite of questions followed to understand more about that experience (please see the technical report – Keel et al., 2023), including in relation to the perceived motivation for the incident, the reporting of the incident and any information about the harassers. This allowed us to provide a detailed picture of the types of behaviours experienced by migrant and refugee women in workplaces across Australia, and of women's responses to these behaviours.

The survey was delivered online via the Qualtrics platform (under the Monash University licence) and was made available in six languages: Arabic, English, Farsi, Swahili, Chinese (Simplified) and Dari.

Respondent overview

At the closing of the survey, there was a total of 1369 respondents who had entered some data. However, there was a significant number of non-responses and non-valid responses (for full details see the technical report – Keel et al., 2023). Due to these exclusions, we proceeded with a final sample of 709 respondents who identified as migrant or refugee women. The demographics of our sample are detailed in Table 2.

Table 2: Description of survey participant demographics

Detail	Respondents
Citizens	63% Australian citizens
Place of birth	88% born outside Australia, including: China (9%), India (8%), Iran (4%), Malaysia (4%), the United States (3%), Singapore (3%), Sri Lanka (3%), Afghanistan (3%), Iraq (2%), Colombia (2%) and England (2%)
Age	Mean age 40 years Age range 18–70 years of age Just over a third of the respondents were aged 25–35 years
Education level	45% postgraduate degree
Employment status	55% of respondents worked full time 24% worked part time

Note: As detailed in the technical report, the data in this table represent those respondents who answered the question specific to that demographic variable (e.g. age); and each question was not answered by all 709 participants.

Ethical considerations

This research was undertaken with the approval of the Monash University Human Research Ethics Committee (MUHREC) Project 32812. A key component of undertaking this work, which involved questions of a sensitive nature, was making sure that respondents were supported by the provision of information about support services across Australia. This information was provided at the completion of the survey.

Phase 2: Exploring women's attitudes to sexual harassment in the workplace

The second phase of the study focused on exploring the findings from the survey and seeking to engage women who sat outside the profile of the survey respondents. We conducted a total of 40 FGDs with 112 migrant and refugee women from different backgrounds. Another key component of Phase 2 was carrying out semi-structured interviews with 25 key women leaders and advocates across different industries (such as international student leadership, and worker organisations and unions). These interviews were designed to enable a more detailed account of the specificities of migrant and refugee women's experiences of workplace sexual harassment, and the related issues and challenges, as well as unsafe work more generally.

Recruitment

The recruitment processes used for the interviews and FGDs were quite different and we detail each in turn below.

Key stakeholder interviews

The recruitment process for the interviews involved purposive sampling focused on key women leaders in different industries and positions, who directly or indirectly supported migrant and refugee women experiencing or impacted by workplace sexual harassment. Participants were recommended via our advisory committee, our national roundtable stakeholders and/or via snowball sampling. Recognising that there are distinct differences in the needs and issues faced by women in different geographical locations, the recruitment process was designed and implemented to ensure that there would be representation from all states and territories, as detailed in Table 3.

Table 3: Description of stakeholder participant location and reach (local, state, national)

		Reach of organisation	
	No. organisations	State/local only	Multiple states/national
Vic	7	2	5
NSW	7	4	3
Qld	1	1	0
NT	2	2	0
SA	4	1	3
Tas	2	2	0
WA	2	2	0
ACT	0	0	0
Total	**25**	**14**	**11**

Note: As detailed in the technical report, the data in this table represent those respondents who answered the question specific to that demographic variable (e.g. age); and each question was not answered by all 709 participants.

The only exception to inclusion was the Australian Capital Territory, and we sought to counteract the variability in numbers from different states and territories through the inclusion of national-based or state- or territory-based organisations who support women across multiple locations in Australia. This means that where indicated interview participants work with women across multiple states and territories.

Focus group discussions

The recruitment process for the FGDs was conducted over two stages. In the first stage, we contacted the 89 survey participants who had indicated that they were happy to be contacted with invitations to participate in future research. Of those, 43 survey participants participated in the FGDs.

Following on from the survey, a key objective in the second stage of this research was to ensure that we recruited a more diverse group of migrant and refugee women for the FGDs, as the survey sample was overwhelmingly women who were highly educated and/or in professional occupations. The original research design sought to focus specifically on recruiting women most often under-represented or not represented in survey data, across: 1) English language proficiency; 2) non-citizenship/temporary visa status; 3) precarious employment status; and 4) variability in work setting (e.g. across the gig economy, seasonal labour and other less often included work settings). This was informed by the gaps we have identified above. These key areas are intended primarily as a guide for purposive recruitment to support the goal of reaching a wide range of migrant and refugee women in the study.

In the second phase, we adopted a targeted recruitment process by reaching out to worker and migrant organisations, unions and community support groups directly and with the support of our advisory committee and roundtable participants to help with the dissemination of information about the research project. Women who were interested in participating could then contact the research team and were allocated to a focus group. In some cases, an individual or community organisation helped to set up a focus group by recruiting friends or colleagues, and this was generally a positive experience. Women reported being comfortable in FGDs with women with whom they shared the tie of language, community, religion or country of origin. Further to the recruitment via organisations, unions and community groups, we engaged in snowball sampling where we used the social ties of women to connect with more extensive "weak-tie" networks. Recruitment via informal social networks and trusted organisations was particularly important and effective for this project due to the sensitive nature of the questions being asked. The final group of participants in Phase 2 is detailed in Table 4.

Table 4: Phase 2 participant overview

Phase 2 participants	Planned	Completed
Interviews	25	25
Focus group discussions (survey participants)	50	43
Focus group discussions (non-survey participants)	100	112
Total	**175**	**180**

All FGDs were conducted via Zoom. This was ultimately the most cost-effective and efficient way to enable participants to come together at a time that worked for them and ensured participant control in their level of participation (e.g. they could opt out at any time with ease, they could choose to keep their video off). All participants were provided with an explanatory statement about the research ahead of the focus group and understood and agreed to the terms of their participation which included respect for the confidentiality of all participants. Participants were remunerated for their time. All participants were sent an email to their nominated email address following the FGD with an electronic gift card, as well as information about where to seek support and ways to remain engaged with the research. This was also the point where participants were given a link to a quick demographic survey, which asked five questions regarding their age, location and other demographic information to enable the research team to capture some key information regarding the FGD sample. All participants were told at the outset of the FGD that we would appreciate this information but, as detailed below, most but not all participants completed this.

A key learning from this project was that many women simply did not wish to participate in research that was about workplace sexual harassment, even when their trusted friends, colleagues or family members were encouraging and supporting their participation. We worked closely with organisations and individuals to consider how best to address concerns from women that ranged from a general reluctance to talk about issues pertaining to sexual harassment and violence, to more specific worries that they would have to speak about their personal experiences. In response to these concerns, we modified the focus group schedule so that discussions would begin with a much broader focus on unsafe and uncomfortable working conditions, rather than being specifically focused on experiences of workplace sexual harassment. The use of the term sexual harassment would often arise later in the conversation. Beginning with unsafe and uncomfortable working conditions allowed for exploration and discussion of the wider context that shapes and informs women's responses to workplace sexual harassment. We received positive feedback about the safety, care and respectful approach to language and issues; and we acknowledge the work of the many women around Australia who guided us on how best to do this.

A key goal of this study was to ensure participation throughout Australia; while the distribution was uneven, the project reached migrant and refugee women across Australia, as detailed in Table 5. Similar to the interview participants, the geographic distribution of the focus group participants is not reflective of all locations where our participants had worked in Australia, but their current location. In the first report, we did not report on survey participant state or territory location because the responses captured their experiences in the past 5 years, and we did not ask where their experiences of workplace sexual harassment behaviours had occurred. Similarly, in the FGD, we did not focus on location; however, capturing the experiences and views of women currently located across Australia ensures a broad distribution of locations, workplace experiences and state and territory contexts.

Table 5: Focus group participant state/territory location

State/territory	Number of focus group participants
Vic	89
NSW	16
Tas	3
Qld	12
WA	6
SA	14
NT	0
ACT	2
Total participants who provided demographic information	**142 (of 155 FGD participants)**

Ethical considerations

This research was undertaken with the approval of the MUHREC Project 32812. As indicated above, one of the key considerations in relation to the focus groups pertained to participant confidentiality. All of the FGDs were conducted via Zoom, and to ensure anonymity, participants had the choice of turning off their cameras if they wished to. No identifying information was collected on the Zoom call, and at the start of each session, participants were also asked to use their preferred name and were not required to provide their real name.

For every FGD, the research team made it clear that there was no expectation that anyone would share their personal experiences and that the focus of our questions was to reflect more broadly on experiences, knowledge and views in relation to workplace sexual harassment, drawing on the participants' observations over their working lives. Participants varied in their level of engagement: some women were keen to share their own experiences, while others spoke more generally about issues and workplace responses. Each FGD followed the broad schedule of questions, but women were encouraged to reflect as much or as little as they wished on the issues and experiences being shared and discussed.

Because of this focus on issues of a sensitive nature, it was important to ensure that participants were provided with information about support services across Australia. This information was shared with participants prior to the start of each focus group and at the conclusion of the focus groups via a follow-up email as detailed above; this arrived with their participation gift.

A final ethical consideration related to research with migrant and refugee women concerned language. For this research project, women who expressed interest in participating were asked whether they preferred to participate in a language other than English, and arrangements were made to accommodate language preference. The majority of the women opted to participate in English, with two focus groups being conducted in a mix of English and Mandarin Chinese, one in a mix of English and a mix of Polynesian languages, and two in Vietnamese – one in a mix of English and Vietnamese, and one fully in Vietnamese. For focus groups that were conducted in a language other than English, no external interpreter was required. This was for a range of reasons: in some groups a key stakeholder had supported the creation of the focus group so a participant or member of a community organisation attended to support the translation, as they were a trusted person who was able

to support the conversation about a sensitive/taboo topic with respect and care. In some instances, this was because the facilitators were part of the research team who were fluent in both English and the first language of participants. A related commitment from the outset was to ensure that we had a diverse research team comprising cultural diversity and linguistic expertise across multiple languages: this proved essential for the FGDs. Ensuring diversity in research teams and leadership of those teams is critical for future research, as we detail later in the report.

Analytical approach

The interview and focus group transcripts were de-identified and uploaded into Dovetail, a subscription-based repository for qualitative research that enables teams-based analysis. The transcripts were coded according to key thematic areas pertaining to the interview schedules and then analysed further to identify consistent themes. These themes are reflected in the structure of this report: that is, we examined understandings, experiences and responses; and within those there are significant subsets of thematic issues that arose (Braun & Clarke, 2006). The structure of this analysis is reflected in the presentation of the report findings.

The analysis in this report does not seek to compare the survey and non-survey participants (noting that the approach to the survey analysis is detailed in the two previous reports). Rather, we use the survey data as an indicative finding that offers a platform from which to explore the key issues and considerations illuminated by the findings from the qualitative data. At times we note that this means the assumptions or conclusions from the quantitative survey data are challenged or further complicated by the qualitative findings. This is important because it highlights the need for comprehensive data to offer key insights into issues pertaining to women's safety at work.

Overall sample

The planned total sample for this research project was 1175, as per Table 6. While the total sample reached 1549, the sample used for the purposes of analysis, based on the inclusion criteria for the survey, was 889 participants.

Table 6: Total study sample (Phases 1 and 2)

Participant groups	Planned	Completed
Survey	1000	709 final sample (1369 respondents)
Interviews	25	25
Focus group discussions	150	155
Total	**1175**	**889 (1549 total)**

We do not provide a detailed account of our interview sample demographics: this reflects that this group was recruited due to their expertise in working with women in a variety of different roles and contexts, and it was this expertise rather than their personal demographics that was important to this research project. For the FGDs, the approach was clearly different. A key aim of the focus group recruitment was to be more expansive in our inclusion beyond the survey sample. This is reflected in the summary presented in Table 7, which compares the FGD sample with the survey sample. The demographic data were captured via a follow-up 2-minute survey; as a result, these data are reflective of 141 of the 175 participants. We note here this was not comprehensive: we did not ask, for example, about education level attainment or country of birth. The survey was not translated and sought to capture a picture of the participant group, reflecting the original focus on residency and citizenship status, employment status and their age. We sought to capture women from a range of educational backgrounds and working in varied industries: while we cannot quantify this, our FGD sample was less well educated (approximately one third held a postgraduate degree) and, as detailed in Table 7, included fewer Australian citizens and full-time employees: offering some balance to the survey participant group demographics.

Table 7: Summary of demographics across both phases of study (excluding key stakeholder interview participants)

Detail	Survey respondents[a]	Focus group participants
Citizens	63% Australian citizens	58% other citizenship 23% Australian citizens 18% dual citizenship
Place of birth	88% born outside Australia: including China (9%), India (8%), Iran (4%), Malaysia (4%), the United States (3%), Singapore (3%), Sri Lanka (3%), Afghanistan (3%), Iraq (2%), Colombia (2%) and England (2%)	N/A
Age	Mean age 40 years Age range 18–70 years of age	Mean age 35 years Age range 20–64
Education level	45% postgraduate degree	N/A
Employment status	55% worked full time 24% worked part time	43% worked full time 19% casual/freelance/short-term contract 18% part time/flexible
Residency	19% Permanent resident without Australian citizenship 18% Temporary resident	56% temporary residents 39% permanent residents

Note: [a] For detailed information regarding the demographic data please see Keel et al., 2023.

Conclusion

This research is best seen as the beginning of approaches to develop a more comprehensive view of women's experience of safety at work: while there are limitations to this research, it nonetheless offers a substantial contribution to the understanding of the diversity of women's experiences of working and workplace sexual harassment and makes clear the necessity of research that explores perceptions and responses in depth, from a range of perspectives, to build a more comprehensive understanding of the ways in which we need to diversify and challenge how we understand what is required to ensure the safety of all women at work.

Findings

We present the findings according to a structure that enables each section to build on the previous section. We focus first on the question of understandings and perceptions of workplace sexual harassment, before moving to women's experiences of workplace sexual harassment and then ending with migrant and refugee women's responses. We utilise the survey data to highlight key findings and to lay the foundation for the exploration of how to understand and interpret these findings based on the interview and focus group data. While the findings broadly speak to migrant and refugee women's experiences, we begin by acknowledging the diversity of women's experiences and reiterating our focus on exploring the complexity of these experiences, rather than suggesting that we can generalise across the breadth of migrant and refugee women working in Australia. As one participant reminded us, this is a "broad church" of women who bring different skills, knowledge, understandings, and social and other capital to the management of their experiences in the workplace:

> Obviously [migrant and refugee women] … we're a very broad church, so to speak … there'll be migrant women who say, have very poor English skills, who are very recent arrivals to … people like me, who are fluent in English as well as educated…
>
> (FGD_SURVEY)

The findings we present in this report are not generalised: we seek to capture and illuminate the very diverse range of experiences of migrant and refugee women who have worked or are working in Australia.

A note on the presentation of quotes

In the findings where we draw on FGD participants' excerpts, we note that they were drawn from the survey group (FGD_SURVEY) or the non-survey group (FGD_NON-SURVEY). Some non-survey groups were specifically bringing women together from a shared background (industry, region of origin, first language, religion) which is noted for context. We reiterate again that we do not use these attributions to label or classify participants but offer these to reflect on the group they were a part of when they participated. The interviews offer an indication of the stakeholder's broad role or position (such as union or community legal centre).

Understandings and perceptions of sexual harassment

What is workplace sexual harassment?

The survey asked respondents whether they considered each of the behaviours listed in Table 8 to be workplace sexual harassment. The majority of respondents who answered this question agreed: responses ranged from 80 per cent to 94 per cent in agreement for each item.[1] The lowest level of agreement (80%) was for the behaviour of staring or leering. However, this finding is limited both because of the relatively small sample of women who answered this set of survey questions, and because it is at odds with how focus group participants spoke about understandings of what constitutes workplace sexual harassment.

[1] As detailed in the technical report, this question had a 43 per cent non-response rate (Keel et al., 2023).

Table 8: Percentage of respondents who identified listed behaviours as constituting workplace sexual harassment

Harassment type	Agree it's sexual harassment
Indecent phone calls/messages	89%
Comments made in emails/SMS messages/social media	88%
Repeated or inappropriate advances in emails/social networking/online	86%
Sharing or threatening to share intimate images/film of you	92%
Other conduct of a sexual nature that occurred online /via technology	90%
Touching, hugging, cornering or kissing	91%
Staring or leering	80%
Sexual gestures, indecent exposure or inappropriate display of the body	92%
Being followed/watched/loitering	85%
Requests or pressure for sex or other sexual acts	92%
Actual or attempted rape or sexual assault	94%

While the survey captured whether respondents believed that behaviours defined by the AHRC (2018) constitute sexual harassment, it did not include additional behaviours that migrant and refugee women may perceive as workplace sexual harassment. We have generally not classified "other forms" of workplace sexual harassment experienced or observed by the women in this research, as the research did not focus on capturing lists of other behaviours. Rather, later in the report, we explore women's perspectives on how workplace sexual harassment intersects with labour exploitation and discrimination and how this can challenge the limits of identifying discrete forms of abusive or exploitative and gendered behaviour in the workplace.

It was important to explore with participants in the FGDs how they would define or recognise unsafe workplaces and workplace sexual harassment. Women frequently raised the confusion and lack of clarity about the definitional boundary between what is and is not workplace sexual harassment, as revealed in the following comment:

> I think [there's] not really a clear definition of what's considered as sexual harassment … I haven't been able to assess the resources, specifically in my workplace … The experience that I had I first didn't really realise that it was sexual harassment. I thought it was a joke … made by the colleague of the opposite sex … I mean I felt awkward at that moment, but I thought, it's just a joke so … But then all the people around me. They raised it out … and emphasise that it is not appropriate. [But] and none of the policy or none of the … education provide[d] [at] work [was about] awareness of sexual harassment.
>
> (FGD_ SURVEY)

Later in this section, we consider the ways in which women in this study often questioned their own experience and the responses of others when women raised concerns about these experiences. Here our focus is on the ambiguity and confusion often arising from experiences of workplace sexual harassment:

> I think there's a problem with the definition of that, because harassment these days can be really anything. And I think there's confusion in general society about that, because in my days harassment was something a lot more severe, whereas now it can just be, as you said, leering or a [staring a] little bit too long.
>
> (INTERVIEW_MIGRANT WOMEN COMMUNITY ORGANISATION)

> Most of us can describe sexual harassment and workplace through … our experience … and it's now sort of … like awakening myself [in my senior position] that back then [early in my career] I was just being groomed to accept this. And now I am sort of realising that this … is completely unacceptable.
>
> (FGD_NON-SURVEY_ STEM)

One participant described how a workplace survey led her to realise that her experience at work could be classified as sexual harassment:

> … by reading through what's the definition of sexual harassment makes me realise that, not only those physical activities is categorised as sexual harassment, but also spoken communication. Even [when] the conversation makes you feel uncomfortable. It can also be categorised as sexual harassment. Until then I realised that actually, I've experienced before with one of the colleague[s] that repeatedly asked me to go out and the conversation just not feel comfortable. So that's the first time that I feel the survey that I had experienced sexual harassment.
>
> (FGD_SURVEY)

When raising the issue of workplace sexual harassment, women consistently focused on how behaviours made them feel as indication that the behaviour was inappropriate, as opposed to referencing formal definitions:

> It's difficult to have a definition. It's more about how it makes you feel … like, if you feel uncomfortable. Yeah, that's something that it's not okay. And yeah, a lot of the times. It's justified as a joke… So if a colleague makes a comment … it's not sexual harassment …
>
> (FGD_SURVEY)

> After 2 months she say, I can't bear, because he, looking at me in a very strange way … like sometime you look on … my breast … So harassment is not only touching … harassment is your behaviour … how you make other people feel.
>
> (INTERVIEW_NATIONAL WOMEN'S ORGANISATION)

> One time we were interviewing somebody [online] and there's this teacher who is based in Colombia. And she was a Spanish descent. You know. The first thing that a bunch of my colleagues noticed was how pretty she was, and they were just like nudging each other. Look how pretty this … girl is … that sort of thing! I was a little taken aback by it, kinda uncomfortable in that instance. Cause it's meant to be a professional … the interview [is] about this person's professional ability. But that was the first thing that was on their mind.
>
> (FGD_NON-SURVEY_EDUCATION)

> I consider sexual harassment is any type of comment that makes me uncomfortable … or looking too much [and] obviously touching [or] comments that [are] offensive or make you feel offended, or you ask, and the person doesn't stop … [W]hat type of behaviours are not sexual harassment? [When] you see the person genuinely just give you compliment without [trying] to offend you … it doesn't create that sense of discomfort.
>
> (FGD_NON-SURVEY_HOSPITALITY)

Some women pointed to the absence of any formal training or information about which behaviours constitute workplace sexual harassment in Australia. This was more often in the context of casualised or low-skilled work (that is work often requiring no or limited formal qualifications), such as hospitality, where participants would make simple statements such as:

> I haven't been taught … or anything like that by my managers about what would be considered sexual harassment?
>
> (FGD_NON-SURVEY_HOSPITALITY)

The influence of varied cultural perspectives was often raised in discussions about recognising workplace sexual harassment. While this study was not designed to identify differences based on background (cultural, religious), there were many references to a range of cultural factors and/or migration status or time in Australia as influencing how behaviour is defined and experienced. For example:

> Sometimes it's not just because we're women or we're migrant, or we have accent … maybe it's … lack of … knowledge … we don't know what level of communication would be counted as sexual harassment … it's a lack of information … Another reason for that from my experience [is that] you're not always sure about the other culture … and [perhaps] they're not actually try[ing] to harass you or bullying you. That's their … way of communication, which I can tell from my culture [because] our voices … sometimes people might feel, you know, we are rude or mean, or we try to bully them, or we just over talking them. It's not. It's, it's a lack of knowledge about individuality and cultural diversity. [So sometimes] we're not sure whether it's a state of harassment or assault or it's part of their culture and their understanding.
>
> (FGD_SURVEY)

The participant quoted below reflected on how migrant women, based on their culture, religion or other aspects of their lives, draw different lines around acceptable behaviour. This was seen as a critical determinant of understanding and recognition of workplace sexual harassment and whether and when women identify the behaviours they experience as workplace sexual harassment:

> Migrant women have no clue … I mean, they know what makes them uncomfortable, but they don't know how to put that in terms of all this is sexual harassment, or this is … discrimination. These communities are often very conservative, which means the women themselves have a very low threshold of what is considered inappropriate behaviour for themselves. So, for example … you don't hug people. You don't kiss them. These are all behaviours that I myself have had to acclimatise in a Western sort of society. But these are sorts of things that … women [from my background] come into the workplace thinking … it's a weird paradox where they have a low threshold for what is inappropriate behaviour. But they're not able to term it as a sexual harassment, too, because they think sexual harassment exist up here [i.e. it's extremely serious behaviour], and what they're feeling [or experiencing] is down here [i.e. less serious]. And I think that's the issue … But I've had situations where, you know, young women being asked out on a date by … superiors … they obviously coming to us [lawyers] because they feel uncomfortable. You know, women who have been kissed … in the workplace by a superior. They're obviously very uncomfortable by the situation, and had colleagues say, "Oh well, you know, if it were me I would have shoved them off … I would … punch them. I would have gone and run and made a complaint to the principal." And [that response] it's not acknowledging … the power dynamic.
>
> (INTERVIEW_STATE-BASED EMPLOYMENT RIGHTS LEGAL CENTRE)

The issue of power dynamics was a consistent theme to which we later return, but here we focus on the specificity of different interpretations and expectations of workplace behaviour. A number of participants discussed perpetrators from migrant and refugee backgrounds as a key issue pertaining to different expectations of appropriate behaviour. Often these comments focused on perpetrators' ignorance of how their behaviour may be defined as workplace sexual harassment. For example, one participant observed:

> I had a Mexican friend, for example, who was a male who would just go around the workplace hugging everyone because that's like that was normal and then until he got called out because one of the women in the workplace called [out] that she wasn't okay with it, you know. So I want to highlight how … the issue of, like, cultural differences and whatnot can play on both sides of the equation. And I think it's important to consider that, too.
>
> (FGD_SURVEY)

Later in the report, we consider how participants' views on holding perpetrators to account can be dependent on or influenced by their perceptions of perpetrators. Specifically, how women in this study viewed how aware perpetrators were that their behaviour was inappropriate or wrong.

Intersections of workplace sexual harassment, safety and uncertainty

We spoke to women who had experiences of work that were exploitative and unsafe. In these conditions, a key issue was the contextual normalising of certain behaviours, such as inappropriate workplace behaviours, unequal pay or a general lack of physical or psychological safety. The participants often spoke of workplace sexual harassment as an extension of other unsafe work practices, rather than a practice that disrupted an otherwise "safe" or "secure" workplace. For example, one participant who worked in the sex industry reflected on the unique conditions of that industry being a factor influencing how the behaviour of clients may be tolerated:

> I think, because it is the sex industry. If sexual harassment, particularly if it's coming from clients, it is somewhat normalised, and I do think that those who tend to experience it more within the industry tend to be people who are from overseas.
>
> (INTERVIEW_INDUSTRY ADVOCACY AND SUPPORT ORGANISATION)

Such observations were echoed by women with varying employment experiences across a range of industries. These observations also reflected the specific challenges of the unsafe behaviour of clients or people external to the organisation – a key group of perpetrators according to the survey results (Segrave et al., 2023).

Many participants also described behaviours that they had personally experienced or were aware of others experiencing that they believed were not acceptable, but which they were not sure constituted workplace sexual harassment. When discussing these experiences, women often put caveats around what they were describing such that it was minimised, or at times they directly asked the research team whether it "counted":

> It wasn't an open sexual advance, but just touching while crossing the hallway. Or if you just sort of within the office cubicles, this particular person would hold me from the shoulders and then sort of yeah.
>
> (FGD_SURVEY)

> I feel sometimes like jokes … I had experience like women as well, same gender, people in same office … sexually making fun of you at the workplace. I found that's a bit uncomfortable to me, as I was raised up in a environment that would feel that's somehow offensive. For example, I was at this canteen, I was eating my lunch, I was eating an avocado … and the seed got into my mouth, and then this woman in the staff canteen made … a joke reference to a blow job … Because I was eating a big avocado seed. Although she's from same gender … I would still feel like, "Wow, that's a bit unexpected from a workplace, like a professional setting." Would you actually identify that as sexual harassment?
>
> (FGD_NON-SURVEY_EDUCATION)

One participant explained how difficult it is to identify unacceptable behaviour, because it feels intentional and targeted, but also because perpetrators knowingly cross a line but then act as if it was unintentional or misunderstood, to undermine women in a way that they can never be held accountable for:

> It's very hard to define sometimes … what kind of intention they have … they may just say, try to be friendly or something … so sometimes people approaches [and] it is kind of hard to [know whether it's] … harassment, or is a kind of friendly gesture, but … I think sometimes … [it] depends over your nationality like … they wouldn't say [sexualised things] to the Australian women … [or a] white female … [B]ut they think … [that] we are quiet. We don't speak it up … Some men they think that way … We tried to be polite, but like they tried to do [invaded] our privacy with this physical [touch], or something like, but it just say, if we say something … they say, oh, yes, sorry … But that's kind of a hard to point to out. [Because] they not cross the line, but just stop there. But I think it is still part of, like, that kind of thing you feel like. That's a harassment … And I think that's more difficult to define.
>
> (FGD_NON-SURVEY_STEM)

As indicated above, women in our study at times drew on their personal standards to identify unacceptable or unsafe behaviour in the workplace, as opposed to, for example, an external list of unacceptable behaviours. There was often uncertainty regarding the distinction between behaviour they didn't like and behaviour they understood to be workplace sexual harassment. Often participants expressed uncertainty as to whether behaviour they deemed unacceptable would "count" as workplace sexual harassment:

> I would like to share my experience that maybe it may not be considered as sexual harassment in your … eyes because I'm a … traditional Asian … in the workplace there is [one] guy every time he see me who hugged me, but the first time he hugged me … he put his lips near my ear … And then I remember maybe [someone] told me that it is … just greeting. So I think it's okay, but I don't like it at all. But next day he saw me again, and then he do this again, but this time he … kiss on my cheek … I don't feel comfortable at all. But I just … wonder whether it is a culture thing so, and I don't know what behaviour is acceptable and not acceptable. I don't know.
>
> (FGD_NON-SURVEY_STUDENT VISA)

> I used to teach … at university, and one of the things that I had was a co-teaching tutor that was male and white … he used to do this thing where he would touch me on the head because he was a lot taller than me … almost like a childlike thing. But I actually felt violated to some degree, because it was kind of infantilising, but also like no consent, like I didn't consent to being touched in that way, or he would put his arm like a big bear hug around [me] … Looking back and just reflecting on that like it made me feel very uncomfortable. I don't think he meant it in a sexualised manner, but who knows? I don't know what the intent was, but whatever the intent was, the consequence was that it made me feel unsafe and infantilised. So yeah, to me, that constituted some sort of harassment whether or not it was sexual.
>
> (FGD_NON-SURVEY_EDUCATION)

Many women frequently questioned whether their discomfort was a reflection of their own standards or expectations or whether the behaviour they experienced was indeed unacceptable by Australian standards. This was often the experience of newly arrived migrants in particular, as such women articulated how they had grappled with understanding the dynamics of conversation and behaviour in the Australian context and questioned whether their own expectations of what was appropriate in the workplace were applicable:

> I've heard of instances where in the workplace people just make really inappropriate jokes about, for example, with a partner who's not female taking parental leave to allow their female partner to work. It's like, "Oh, but you know the responsibility should be the mother like you can't breastfeed the child. Why are you taking leave?" … like, really horrible statements like that? … Those are the things that came to mind immediately, especially about that culture of what's acceptable, what's not, and potentially where migrants don't really understand it. And either you feel like you can't speak up or you don't understand. Someone was making a joke. So I think that's just something tricky to deal with.
>
> (FGD_NON-SURVEY_STEM)

> I've been harassed at work, and … that was a learning opportunity for me … the colleague's culture [was] different, you know, [based on his] ethnicity … So I've been harassed. And in first place, like everyone else, I felt so bad, and I was ashamed. And I was thinking, [it was] because I'm different … 5 minutes after the incident … I sat down and [thought], okay, is that really an assault? Is that someone being nice to me? … Is that part of their culture with the new person? … Are they trying to treat me like one of them? Because I'm the only non-Australian working in the office that I'm working in …
>
> (FGD_SURVEY)

The above quote mirrors the experience of many women in this research. They questioned whether the behaviour they had experienced was inappropriate while also asking "why me?"; and they wondered aloud whether it was specifically because of their racial or ethnic identity, which we explore in more detail below.

Workplace sexual harassment and discrimination

> Sexual harassment … racial discrimination or gender-based [violence] … yeah, I don't know but it could all happen within, you know, one interaction.
>
> (FGD_NON-SURVEY_HEALTH)

In Phase 1, the survey data indicated that race- and religion-based discrimination was identified by women as a key motivation for the workplace sexual harassment behaviours that they had experienced (Segrave et al., 2023, p. 27). The second phase of this research enabled a deeper examination of the intersections between discrimination and workplace sexual harassment.

Survey respondents often perceived that the behaviour of people who perpetrated workplace sexual harassment was motivated by multiple forms of prejudice. The most frequently cited factors underpinning such prejudice were gender and/or sexual orientation and race and/or religion (see Segrave et al., 2023, p. 27). Table 9 shows the percentage of respondents who believed that their race and/or religion was a motivating factor for the behaviour they experienced. Such motivating prejudice is further explored in Segrave et al. (2023).

Table 9: Survey respondents' perceptions of whether race and/or religion motivated perpetrator behaviours

Harassment type	Perceived prejudice based on race and/or religion as a motivating factor
Indecent phone calls/messages	62%
Comments made in emails/SMS messages/social media	55%
Repeated or inappropriate advances in emails/social networking/online	56%
Sharing or threatening to share intimate images/film of you	56%
Other conduct of a sexual nature that occurred online /via technology	52%
Touching, hugging, cornering or kissing	46%
Staring or leering	57%
Sexual gestures, indecent exposure or inappropriate display of the body	52%
Sexually suggestive comments/jokes	47%
Repeated or inappropriate invitations to go out on dates	60%
Intrusive questions about your private life/physical appearance	64%
Inappropriate physical contact	36%
Being followed/watched/loitering	47%
Requests or pressure for sex or other sexual acts	42%
Actual or attempted rape or sexual assault	50%

We explored with the interview and focus group participants how the survey findings could best be understood. The resultant discussion predominantly focused on race and ethnicity; but, as we present below, women's status as "migrants" or newly arrived non-citizens was also seen as a significant factor. In some instances, the issue of sexuality and gender diversity was also raised when women talked about the intersection between unsafe behaviours in the workplace and workplace sexual harassment, and we examine this later in this section. Furthermore, what is evident is that culturally based myths and assumptions about sexuality and gender in relation to women from specific backgrounds are interwoven with women's experiences of discrimination and workplace sexual harassment.

We begin the discussion here by considering the interview and focus group participants' perspectives on the intersections between various factors, including workplace sexual harassment and discrimination, and how these factors cannot be separated because they are all expressions of power:

> Workplace sexual harassment is an expression of violence and power … so all of those intersecting vulnerability factors will come into play. So definitely [it's] most common … [for] our clients [to] … have more than one of those experiences of discrimination or [sexual] harassment.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

> I'm from Brazil. So … unfortunately, I know of a lot of stories regarding feeling unsafe at work, especially … with hospitality, and also cleaning and in schools as well. So again, it has to do a bit of that power imbalance … [the work and the employee] is sort of in the bottom of the food chain … [In] most of those situations [the women I know] were not able to receive the support that they needed, or [would] not even speak to their supervisor, because their supervisor was condoning the situation that would make them feel unsafe.
>
> (FGD_NON-SURVEY_REGIONAL)

> There's a really big intersection, we know, with sexual violence in Australia and sexual violence [against] … people that don't speak English as their first language. Chances are if you've been sexually harassed or assaulted at work there's also an intersection of racism … we do know that there's a lot of intersections at play with the experiences people have of sexual violence in the workplace.
>
> (INTERVIEW_INDUSTRY ADVOCACY AND SUPPORT ORGANISATION)

Racism as a part of work

A common theme to emerge from the interviews and focus groups regarding the connection between workplace sexual harassment and discrimination was that – regardless of industry, education or employment status – racism, both overt and implicit, was a part of women's experiences of work. Indeed, as the comment below reflects, some second-generation migrant women have been taught to expect and manage such racism:

> I come from as a second generation. Right? You are taught to, forgive my language. But cop shit … and specifically because you'll have white employers. You'll have white managers, you know, racism is just gonna happen … sexual harassment … you just know it's gonna be a shit time for you … But you just sort of like you suck it up and you move on because you need the pay cheque, and you need to pay your bills.
>
> (INTERVIEW_STATE-BASED EMPLOYMENT RIGHTS LEGAL CENTRE)

The experiences of racial discrimination and sexual harassment among the women participants varied in many ways, but the question all women rhetorically asked was, "If I was white, would this be happening to me?" This issue is reflected in the following excerpts:

> … but there is some subtle behaviour here as well, you know. Some people … make racist jokes and you know … there was a senior doctor who said, "You know, this is how Africans pronounce important, so it seems like important." So, you know, he was like joking, but it was, I felt it wasn't appropriate. And sometimes he would say, "You know, I'm supporting … Thai families",

> you know, with my tax he was paying, complaining about his tax being 100K. Or something. And … what can you say? [I]t was very upsetting. And because he's a senior doctor, I can't say anything, you know … But then, he was looking at me, and … he sort of knew that it was inappropriate. He said, "Oh, I might sound like a racist person now." And I said, "Oh, you know that already." So that's only what I said. That's the best I could do.
>
> (FGD_NON-SURVEY_HEALTH)

> I have experienced that there is a social class or hierarchy based on your background. If you're refugee, if you're from a developing country, they feel like you don't know anything. Even though if you have the knowledge, you have the experience, they cannot see you taking a leadership position … they want you to be in a lower role … So, they be bossing around, they be telling you what to do … I have experienced that a lot. I have seen that in my other colleagues … how this hierarchy and social class can impact on the job position or job role. Yeah, it's never acceptable. Even though if we compare the experience and the ability of doing the same work … they will be credited more than someone who is from a refugee or migrant background. I think I can relate a lot of things that happen to me that wouldn't happen to a white Australian woman … I previously thought, it's all because of, you know, racism. But there is another factor here … There is something called, you know, cultural distance. So my culture is quite distant from Western culture. And when I interact with the Westerner there is a lot of things I don't understand, and I have to, you know, integrate quite gradually and obviously there are a lot of people with preconceived notions and racism, you know, unconscious racism in their mind. And that would come up when these interactions happen … But there are good people, too, but good people may be ignorant as well. You know. They may … be unconsciously doing certain things which make me feel alienated and excluded.
>
> (FGD_NON-SURVEY_HEALTH)

> I've had a lot of things where you know I have seen that … these comments are passed on to migrants. I don't think in my experience [these comments] are passed on to other women in Australia, who are of the Australian background … we [are] just taken for granted.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

Women consistently reported that there were multiple ways in which they were seen as weak and/or as a target:

> I think, in the situation we've just come from, I think it had to do with discrimination and a perception in their mind that they were, that maybe as migrants, we were weaker. That we wouldn't stand up for ourselves … It definitely came across that way.
>
> (FGD_NON-SURVEY_PASIFIKA)

Speaking out about these experiences and providing evidence that they occurred can be challenging for women, particularly, as we noted above, since the behaviours in question may be subtle yet still cause significant harm. For example, one participant, from South Asia, queried what was driving the treatment of her – whether it was her religion, her sexual orientation or her age. For her, all of these factors explained her treatment at a work event outside work hours:

> The thing that I have experienced most commonly is what we call the horizontal violence which is basically you're excluded. So, for example, if I'm a board of director of an organisation, and there is I suppose 11 of us … 9 of them would get invited at the [event] gala and sit together … on table 35. And I will be seated on table 90 … And I don't know. Is it because I'm a Muslim? Is it because of my sexual orientation, or is it because I'm a young person?
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

Racism and workplace sexual harassment also, necessarily, intersect with discrimination based on other factors, such as the hierarchical socio-cultural space of particular workplaces. In this regard, one of the participants reflected on the medical industry:

> A lot of [the] power imbalances and gender inequality [are to do with me being] … a female doctor, and also as a doctor from a migrant background. So as a young woman … with other barriers like being from a multicultural background. We found it quite hard to sort of be seen as an equal in the medical field.
>
> (FGD_NON-SURVEY_REGIONAL)

Critically, participants identified that the targeting of women for their perceived vulnerabilities (based on their migration status, ethnicity or gender) was fuelling the sense of power and entitlement of perpetrators:

> I wouldn't have picked race or religion. I would have actually said it's about power, and you know who has power and who doesn't, and whether that is … are you more sensitive to it? Because, you know, if you come from a conservative culture, then you're going to be more sensitive to perhaps off-colour remarks, etc., you know [you don't like] … remarks or intrusive questions.
>
> (INTERVIEW_NATIONAL SMALL BUSINESSES UNION)

> If you have come in as a migrant worker … you already have less power. You are more susceptible to [workplace sexual harassment]. Yeah … somebody who's born and brought up here, or … doesn't have a, you know, a different race has more power … ultimately [workplace] sexual harassment is about power, isn't it? And when [one] person has less power, the chances of getting harassed are high … So your risk factor is related to the power you have and migrant refugee women … have less power … So we are more susceptible to harassment.
>
> (FGD_SURVEY)

Many women spoke about the intersection of their perceived racial identity and their gender as critical to shaping specific practices that, while not identified as forms of workplace sexual harassment, were part of the broader workplace context that made them feel uncomfortable, unsafe and/or on the "outside" or stand out:

> … the link between being a migrant and a female. Yes, I think that does make a difference … It depends on how conspicuous your migrant [status] is, you know whether but the way you speak, the way you look and what kind of stereotypes are associated with that migrant group … that tends to influence people's perception [of you].
>
> (FGD_NON-SURVEY_STEM)

> It's whether we, because of our looks with it, because of our colour, the way maybe talk, or it's because of our name, you know. I always say I have. I chose not to change my name because I don't want to change my name, just to make it easier for someone else to be able to pronounce it properly, or, you know, for me to show that, you know I want to assimilate into the community just by changing my name, because I know how much thought and, you know, time my parents would have spent selecting my name, as I did for my own children. So I think it's inevitable that we stand out.
>
> (FGD_SURVEY)

Women who were born in other countries at times reflected on the gendered and racialised ideas and attitudes held by white Australian men. This was spoken about in some focus groups as a factor influencing why migrant or refugee women would be the target of workplace sexual harassment:

> I feel the way I look like, the racial profiling as an Asian, I feel targeted a lot, because … people … have this stereotype, like Asian women won't speak up. Also, even people commenting on how you should be with the Asian boy as well. If you date a white guy, you are "easy" … You hear things like that, even at workplace, and that's a pretty racially discriminated [to experience] … I feel [because of] … who we are, we'll bear more chances to get sexually harassed.
>
> (FGD_NON-SURVEY_EDUCATION)

> I think colonisation has made it seem that it's completely okay for white people to fetishise migrants or immigrants, based on the perception of what an Indian or a Sri Lankan or a Malaysian or Chinese person is, and what that culture gets up to sexually. So I'm Indian, I have an Indian background. And I am an Indian person, and … a lot of people, you know, when it comes to sexual advances or harassment … They will say it's okay … [The view is that we are] accommodating, and we don't speak up … I think it is very motivated by … power dynamics [and] … what colonisation has taught white people about different cultures and the perpetuation of colonisation through all of these … interactions.
>
> (FGD_NON-SURVEY_HEALTH)

Participants raised that the kinds of behaviour targeted at different groups of women were influenced by assumptions about their sexuality or promiscuity. For example, a number of Latina participants explained how white Australian men often hold a highly sexualised view of Latina women:

> Another people think that Latinas … are so different. [When it comes to] women … they said that we are … so beautiful, so sexy. And sometimes, of course, you can hear comment about that. About drugs, too, for example … and of course, that is so uncomfortable, because the only thing that you want to do is … your work. And that's all … And people want to start to have a conversation with you … with those jokes. And it's uncomfortable …
>
> (FGD_NON-SURVEY_HOSPITALITY)

It was clear that such experiences have a direct impact on how women respond to inappropriate behaviour or harassment in the workplace, as one participant articulated:

> There's always this chitter-chatter, and people mocking and laughing at me that she's so uptight she can't take a joke. She can't handle this … I have even been told, like you know … Indians … don't … have a thick skin like us. Huh! They are not raised tough like us … They pass comments like, "Bloody Indians washed their arseholes with the same hand and eat with the same." I'm like, at least get it right. We don't do that … I have been through [this] personally. So I have lost all motivation to complain because all of this happens.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

Critically, the intersection of racism and workplace sexual harassment was not dependent on situations where women were in predominantly white/non-diverse workspaces. In this regard, one participant shared her views on why a perpetrator specifically targeted Asian women in a very diverse workplace:

> Race did very much factor into it. We were quite a diverse little group of employees and it felt like the harassment was targeted more towards people [the perpetrator] perceived as feminine and also of … minority races because [he] felt Australian women were too argumentative so he didn't actually harass them as much … I don't know if it was very conscious for him, but yeah there was definitely a pattern in who he tended to harass a bit more.
>
> (FGD_SURVEY)

We note also that the survey findings identified race and religion as key factors driving the perceived motivations of perpetrators. However, religion was not generally spoken about as much in the focus groups and interviews. In a few instances, participants spoke of perpetrators specifically targeting women with whom they shared a religious background, and how such behaviour was seen as motivated by the fact that the perpetrator understood the specificity, for example, of the culturally grounded notion of women's honour and how it could be disrespected or undermined. At the same time, women recognised that a key dilemma of such behaviour was that it might not be considered very "serious" by others and/or may not meet the definition of sexual harassment. One participant explained a situation where she, as a Muslim woman who wears a hijab, had attended an interview and had been appointed to a position, and the subsequent targeting of this choice by her manager:

> … when I was working in the same company in [another city] … when first I had my interview the head manager. He was Muslim … he knows I'm wearing hijab, so he didn't say anything to me, and he say, "Okay, you can come from tomorrow. Start your training." And I started. And then I noticed there was a manager. That time he was from Egypt, but later on he became Australian. So he came to me and he said to me, "I wanna talk to you." I said yes, so he said to me, "Why you are wearing hijab?" I say, "Because I'm Muslim I want to wear." So he said to me, "No, you are not allowed to wear hijab while you are working, because so many customers come in our store and it doesn't look good and all … Then I said to him, "I'm not here to impress your customer. I'm here just to perform my duties whatever, and if, your head manager or your owner has any issue, then you can talk to me, otherwise talk to the person who you, you know, who recruit me, not to me. Then I started crying because it was my first job in Australia … so I was very new, I didn't know anything that time here. So, and then he said to me, "If you will not remove your hijab. Then you don't need to come tomorrow." I said, "Okay, I will not come then." But what I did. I came home, and then I complained to my head manager. He was too good then … he talked to that manager, and he said to me, "it's a serious matter … If you want to wear you, I'm giving you permission, Australian laws giving you permission. You are more than welcome. Whatever you want to wear. Just wear with your uniform"
>
> FGD_NON-SURVEY MUSLIM)

This was a rare case in our study of a woman pursuing her rights, in this case because she had understood that the more senior person who had appointed her knew and accepted her for the role as both an appointable job applicant and a hijab-wearing woman. When she returned to work, the response of her direct manager exposed his objectification of her and view that her role, in part, was to look more beautiful:

> Then … the manager, who was trying to stopping me wear[ing] hijab, he came to me [the next] day, and then he said, "I'm so sorry. I was thinking maybe you will look more beautiful without hijab." I say, "Why you are thinking about me? I'm just working here."
>
> (FGD_NON-SURVEY MUSLIM)

There are important factors at play in the ways in which perpetrators can undermine women's safety via the objectification of women and disrespecting or undermining their faith-based approach to personal interactions. This can include perpetrators who are unaware of specific standards pertaining to interactions between men and women, but also as the example highlights above, perpetrators who know and understand the different faith or culturally based implications of comments or interactions. Our research highlights examples of how this manifested for women in our study and points to the importance of careful attention to these issues and how they may interact with workplace sexual harassment policies.

Gender, sexuality and gender diversity as drivers of workplace sexual harassment

The survey findings indicated that gender identity and/or sexual orientation were the main factors that women identified as motivating the workplace sexual harassment they had experienced. Table 10 shows the percentage of survey respondents who believed that their experience was motivated by their gender identity and/or sexual orientation (see Segrave et al., 2023, p. 69).

Table 10: Survey respondent perceptions of gender identity and/or sexual orientation as a motivator for workplace sexual harassment

Harassment type	Percentage of survey respondents who perceived their gender identity and/or sexual orientation as a motivator for workplace sexual harassment
Indecent phone calls/messages	72%
Comments made in emails/SMS messages/social media	69%
Repeated or inappropriate advances in emails/social networking/online	68%
Sharing or threatening to share intimate images/film of you	60%
Other conduct of a sexual nature that occurred online /via technology	45%
Touching, hugging, cornering or kissing	64%
Staring or leering	57%
Sexual gestures, indecent exposure or inappropriate display of the body	67%
Sexually suggestive comments/jokes	75%
Repeated or inappropriate invitations to go out on dates	80%
Intrusive questions about your private life/physical appearance	58%
Inappropriate physical contact	72%
Being followed/watched/loitering	60%
Requests or pressure for sex or other sexual acts	74%
Actual or attempted rape or sexual assault	50%

Gender, not sexual orientation, was predominant in the conversations in the focus groups and interviews as the core driver of workplace sexual harassment: women were most often targeted by men because they were women and because of the combination of men's sense of entitlement and the power imbalances that were present. However, in the FGDs in particular, a range of experiences were described that evidenced specific efforts to undermine women, to make them uncomfortable and to be sexually explicit in a way that targeted their sexuality when they were identified as lesbian, gay, bisexual, trans and gender diverse, queer and intersex (LGBTQI). For example, one participant recounted:

> In terms of sexual harassment … [a manager] found out that one of my co-workers was gay, like she was in a lesbian relationship, and he would single her out and constantly, constantly, constantly … dwell on that. That [was] the only basis of the interactions. They … asked her a lot of really sexually charged questions about her relationship. But under the guise that he's, you know, making conversation.
>
> (FGD_NON-SURVEY_HOSPITALITY)

In the following excerpt we hear, yet again, how women who do articulate to their co-workers that a behaviour is not acceptable, and who indicate their desire to just get on with their work, are dismissed by persistent perpetrators, in this case while making sexually suggestive jokes and asking intimate or inappropriate questions about the woman's sexuality:

> Mostly [workplace sexual harassment is] based on sex or gender basis. But in my case it was more because I'm LGBTQI person, and it was based on my sexual orientation … My boss was kind of like interested in me, and … decided that my relationships are not real, that he can behave even more open and … call [and] give me … offers and asking me very intimate questions. Of course, not in front of others. That's why it was very hard to establish when I might complain [because the behaviour did not occur in front of other people]. This stuff was not established because [he] always was doing it in secret … he was asking me very embarrassing questions, very intimate, very offensive kind of joking … I said, "I'm here to work, not to educate you about LGBTQI community" … Very intimidating and very humiliating and very offensive questions … [but] he became even more [persistent] … like [inviting me] to go to his home … In my case, it was even like, worse than just gender-based stuff.
>
> (FGD_SURVEY)

We note also that perpetrators of workplace sexual harassment are predominantly male, though not always. The following account reflects a situation where women were asking probing and personal questions of this participant related to her sexuality that made her feel unsafe in the workplace:

> There was an Afghan woman, an Australian woman, a Pakistani woman … and they were generally joking about how I'm not married because I think I was at that time I was 27 years old … and that's considered a late age for marriage in South Asian culture. The three women they cornered me in my office and started asking questions about me. "You call yourself bisexual. What does that mean? Explain?" I was put in a spot to explain all this. What my sexual orientation is, what I have to do what my religion says … and after that it continued … They joked about me … I thought working in a women's only organisation would be safer for me. But it wasn't.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

While our research was specifically focused on women, responses from gender diverse participants were recorded (see Segrave et al., 2023, p. 57); and we note that the experiences of gender diverse people were discussed in terms of the specific forms of harassment targeting them:

> But I think it's also important to think how, for example, if there's male victims automatically, it's really [hard] for them to speak out, because it's not the norm, so to say … in my workplace there was a situation where it was a gender diverse person in an admin team, so everyone else was female, and the language would always be, "Oh, ladies, let's go for meeting ladies. Let's do this and that", and they felt so uncomfortable, and when they had a chat with their manager they were not understood. It had to be escalated. And it was just … it's not necessarily intentionally bad. But there are factors that do contribute to making an unsafe environment
>
> (FGD_NON-SURVEY_STEM)

> When, so one of the organisations I worked at had pronouns and things that they wanted to put on emails and things like that. And some people weren't … comfortable. So I'm a non-binary person and a non-binary woman, and so I use they/them pronouns, and things like that. And then they actually got all of the people who ticked as trans and non-binary and put us on a stage, and … it was a pretty big organisation, and people could ask us whatever questions they wanted. And it was just really shit, because, you know, people would ask pretty shitty questions. And they did it as [the format of the ABC] … show *You Can't Ask That*. So they did it in that format. But it was only for trans and non-binary people.
>
> (FGD_NON-SURVEY_HEALTH)

The issues raised above reaffirm the importance of targeted, meaningful and comprehensive research that explores in greater detail the structural and social impacts of identity and the weaponising of various forms of structural and social power imbalances in the workplace through sexual harassment, alongside other discriminatory and/or harmful practices. In this study, we have identified structural power imbalances related to racism, workplace hierarchies, migration status and gender, intersecting with interpersonal factors such as sexual orientation, religious/faith identity and expression, as all intertwined with the workplace conditions that contribute to and sustain workplace sexual harassment. We focus next on the breadth of experiences of workplace sexual harassment experienced by participants in this study.

Experiences of sexual harassment

In this section, we focus on the types of sexual harassment that migrant and refugee women have experienced, who is perpetrating workplace sexual harassment and where these abuses are occurring. We begin with a brief review of industry and geographic locations.

Industry and geographic location: Where is workplace sexual harassment occurring?

We spoke to many women who had experience working in a diverse range of industries, including hospitality, teaching, care work (including domestic work), the sex industry, seasonal work, the medical industry, various small businesses and engineering. While this project was not designed to capture the details of where workplace sexual harassment is occurring, whether in specific industries or in relation to geographical location, we can note the following overall findings.

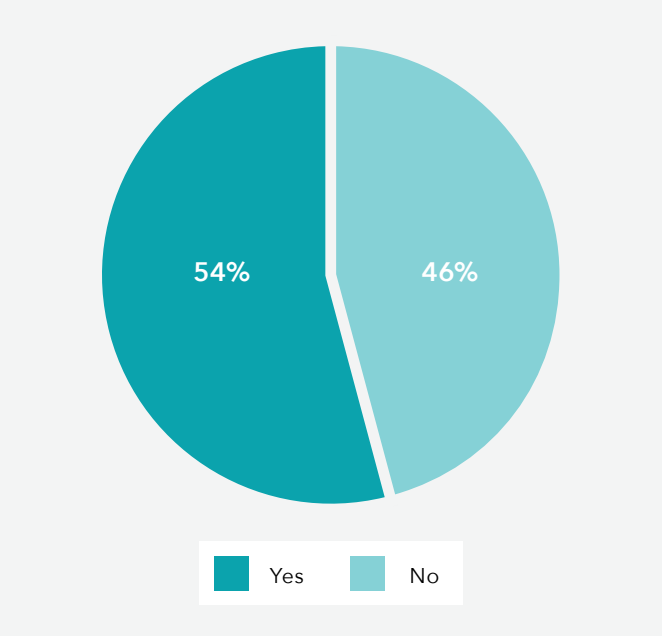
The findings illuminated certain critical aspects of different industries that influence the incidence, type and patterns of workplace sexual harassment, which were raised in the discussion above. In particular, the findings demonstrate the significance of employment context in terms of enabling and sustaining workplace sexual harassment as well as the importance of considering specificity in creating safer workplaces. Another significant finding is that the conditions required to make a workplace safe vary for different women, including migrant or refugee women, and thus a one-size-fits-all approach will not be adequate to realise any commitment to reducing workplace sexual harassment. These findings point to the critical importance of tailoring efforts to address workplace sexual harassment to the specificities of industry context because of the different job requirements and variable risks for women. This is also important because it enables industry bodies to support key players to move towards prevention of workplace sexual harassment in ways that are tailored and specific to the needs of different workplaces, supporting the transition to positive duty employer obligations.

Most women in this study were not residing in rural and regional locations when they participated; therefore, we did not detail the location of workplace sexual harassment experiences. However, a small sample of women highlighted some of the specific issues related to sexual harassment that arise in a rural/regional context. The most consistent message was the following statement: "Women in regional areas have less access to services" (interview, multicultural youth organisation). Access to services was thus a major issue for women in rural and regional contexts. However, other issues such as the unique challenges of limited job options and the blurring of personal/professional life boundaries in locations where the population is small were also raised. There are also industry-specific issues that intersect with geographical location; for example, women on isolated properties undertaking seasonal agricultural work are at increased risk of gendered violence (Reid-Musson, 2017; Howe et al., 2022). Work in this area is well advanced, though this research points to the importance of looking beyond different types of abuse and exploitation to apply a broader gendered lens when considering women's safety at work.

What have women experienced?

The Phase 1 survey found that 46 per cent of respondents had experienced workplace sexual harassment (see Figure 2 and, for full details and analysis, Segrave et al., 2023, pp. 23–25).

Figure 2: Survey respondents who had experienced workplace sexual harassment



Of those women who had experienced sexual harassment at work, nearly two thirds (58%) had experienced two or more types of sexual harassment in the workplace, while 42 per cent had experienced one type of harassment in the workplace.

The five most common forms of workplace sexual harassment experienced by survey respondents were:

- indecent phone calls or messages of a sexual nature (71% of respondents)
- touching, hugging, cornering or kissing in a way that was unwelcome or uncomfortable (54% of respondents)
- sexually suggestive comments or jokes (53% of respondents)
- intrusive questions about the respondents' private life or physical appearance (49% of respondents)
- staring or leering that made the respondent feel uncomfortable (48% of respondents; see Segrave et al., 2023, pp. 23–58, for full analysis).

These behaviours were often experienced on more than one occasion by the respondents. Further details of the frequency of such behaviours are presented in Segrave et al. (2023, p. 23).

The qualitative component of this study was not designed to ask women about their personal experiences of workplace sexual harassment and, therefore, does not capture frequency. However, many women shared their experiences and the experiences of women they knew. We captured wide-ranging experiences in this study: these are not representative of the experiences of all migrant and refugee women in Australia, but rather are indicative of the range of behaviours migrant and refugee women in our study have experienced in the workplace. We begin this analysis with the experiences that women shared and consider how participants spoke about their understandings and perceptions of workplace sexual harassment. Critically, as we detail in the previous section, there were different understandings of what constituted workplace sexual harassment and many women wanted to speak about the broader intersecting issues around their safety and/or the forms of workplace abuse and exploitation. We note this here in order to make sense of the ways in which participants spoke about the recognition of workplace sexual harassment and what it entails. That is, it is not adequate to simply ask, "Have you experienced workplace sexual harassment?" Similarly, our survey instrument – which captured the relative frequency of experiences of the 15 forms of workplace sexual harassment – is limited in telling us about the context of those experiences and how important this context is for comprehending the impact of these behaviours and women's negotiation of and response to these experiences.

The quotes below capture a range of experiences that women in this study identified as workplace sexual harassment. These include verbal forms of sexual harassment:

> She just like to make jokes like that … But personally, when I think about it, I do mind that it is very explicit sexual … reference …
>
> (FGD_NON-SURVEY_EDUCATION)

> When I worked in a nursing home, there was a trainee there, who was also from Vietnam, so he was very friendly. But when he talked to me, he kept addressing me using "lover", "darling" – hearing those terms made me feel a bit uncomfortable. So I asked him not to say those things, I didn't want people to misunderstand.
>
> (FGD_NON-SURVEY_VIETNAMESE)

Other women described experiencing physical forms of sexual harassment:

> Embraced me. He'd just straight up hold me like this.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> One [woman] has a skill, very good skill. She's wearing hijab. Her boss … touch her in an inappropriate way … he touched her many time inappropriately. And after that she just left the job.
>
> (INTERVIEW_NATIONAL WOMEN'S ORGANISATION)

> The boss was very inappropriate. To put it bluntly, he would even come over and embrace me.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> When I worked there, things were normal for a bit … I was also on good terms with her family too. After a while, her husband started to have an attitude, to have behaviours, that weren't good. For example, when I would be standing, when I was working, he would come up behind me and start to try and grab me from behind, but not fully touch me yet.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> But one particular industry I worked in was as a disability support worker, and I had one client where she would always like … slap my bum, and she would always be like you Africans with your big bums. And I just, I feel so uncomfortable. Yeah. But I couldn't do anything about it, because I'm like, I really need the money and what do you call it?
>
> (FGD_NON-SURVEY_STEM)

However, some of the women also described experiencing "smaller" behaviours that seemed to be part of a wider range of inappropriate and unsafe workplace practices:

> I've got to remember to not just say, you know, have you been sexually harassed work, but go like, go through. So I think there's some things we see the clients that are really at the far end of the spectrum… like sexual assaults, and they know it's really bad, but … there's all these kind of like smaller behaviour like yesterday a client where one of her bosses entered a chat like we're doing now, and had no shirt on. They were both working from home. And she sent through this screenshot of this disgusting man with no shirt … And then he was asking her out for lunch and kind of like small microaggressions which are also sexual harassment.
>
> (INTERVIEW_EMPLOYMENT-RELATED COMMUNITY ORGANISATION)

> I've had several people in my current job. For some reason they tend to be older white males that think that it's okay … when I help them…they wink at me before they leave … It's such a small thing in all … contexts, but it does make you feel just a little bit more gross during the day, because you'll keep thinking about it, especially if it wasn't just one during that day was like a couple of them, one right after the other. Like, why did that person do that? Why did they think that that was an appropriate interaction … I'm trying to do my job, and you're suddenly turning it sexual for no reason.
>
> (FGD_NON-SURVEY_HOSPITALITY)

> Myself and another female colleague at the factory faced some of these situations. The first was because she was single, and I was new, and we were both newly arrived in Australia. There were two male workers there – well, one after the other. After one left, the other arrived. They often had flirty attitudes. At the start, I thought they was simply joking, they were just having some fun. But later on, I saw that they really were intentionally chasing us. They would invite us to go out with them, to go to the beach, or to go on a short holiday with them. My friend felt too embarrassed and didn't dare say anything about it. Eventually, I saw her trying to avoid that man. When I brought it up with her, that's what she told me. So I reckon they thought that we were just these women who had just arrived in Australia, we weren't familiar with things, so they could have those attitudes and behaviours towards us that weren't okay.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> When I was working at a school as a teacher, I was an art teacher, so I teach people to draw, student to draw. So I worked at an all boys school, and I had a student draw a penis on the sketchbook, and it's very detailed and it's very realistic. So, he opens his sketchbook and showed me that page. Was a sketch, you can see the veins and everything. It's a penis, basically. So yeah, I thought that was pretty bad from a student. That's probably year 9.
>
> (FGD_NON-SURVEY_EDUCATION)

> I was sexually harassed by a female worker, which was very new experience for me … She made advancements towards me like [but] it wasn't physical, but gestures and her behaviour. And then she started spreading rumours against me that time. Racist and that I'm against the LGBTQI community.
>
> (FGD_SURVEY)

One participant who worked in a legal practice on cases related to workplace sexual harassment and other employment issues reflected on cases in which workplace sexual harassment was evident, but also, as described below, where there were multiple behaviours at play, highlighting that it is important to capture the full suite of behaviours that women experience:

> You know this, this client who came to us … [Y]ou know, extreme, unacceptable behaviour which she'd identified, [and] she'd actually brought us in a video. She'd recorded him where he had like come up to her. She was a receptionist, and this big accountant stood next to her, and was kissing her on her neck and touching her, and all these like physical sexual assault while she was on the phone to a client actually … [When] myself and the junior that was doing this matter we really focused on this kind of physical, sexual harassment that she was telling us about him. We didn't really ask any other questions. But then we were drafting her application. My junior said that the second time she met with this client she just said, oh, at work [another] example was like she'd walked into his office, and he'd often like have his pants down to like shock the like female staff like that. He wasn't wearing any pants.
>
> (INTERVIEW_EMPLOYMENT-RELATED COMMUNITY ORGANISATION)

Alongside the behaviours experienced by participants, what is also critical to understand, as the following account reveals, is the context within which workplace sexual harassment occurs:

> I was … working when I was when I got pregnant … I hadn't told anybody at work yet … maybe just starting to show not very obvious. And one of the [male] workers in front of my boss … (my boss knew … because I had to let them know about my maternity leave plan) goes like, "Hey? I think she's pregnant. I can see a woman's pregnant by the shape and size of her ass." And to me that was very shocking … I couldn't believe someone would just say that … [My boss] did not blink an eye … I think that definitely was crossing a line. I don't … give anybody permission to comment about the shape or size of my behind … There was another female colleague [there], and she just laughed … so to her it was just something very casual, just a remark … When I told her that. You know I was not okay, she said. You're just getting worked up for no reason, and there's a woman telling me that.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

This experience highlights the way in which other colleagues can affirm the behaviour and in so doing further alienate women who experience this as unacceptable and/or unsafe workplace behaviours. Throughout this report, we repeatedly hear from migrant and refugee women doubting their own interpretation and experience of behaviours that made them feel violated or unsafe but that may be recognised as workplace sexual harassment. From the focus groups and interviews, it is evident that such self-doubt is reinforced by other colleagues or peers dismissing some behaviours as "jokes". We explore the impacts of such experiences further in the discussion presented in section 5.

Who is harassing women in the workplace?

In the survey we found that harassers were most frequently men (Segrave et al., 2023, p. 25). Respondents also indicated that people in senior positions engage in the harassing behaviour most frequently, closely followed by the client or customer. This finding is depicted in Figure 3.

Figure 3: Survey findings on most common perpetrators of workplace sexual harassment

In this section, we explore how participants talked about who is perpetrating the workplace sexual harassment experienced by women in this study. We discuss the perpetrators who came into view and examine both the relationship between the perpetrator and the women targeted and the actions or responses of women. We do not examine the implications of this relationship in this section, but we do consider this in more detail later in the report.

Harassment by those in senior positions

The survey data indicated that most often workplace sexual harassment was perpetrated by senior colleagues or customers/clients (Segrave et al., 2023, p. 25), and this was reflected in the workplace sexual harassment experiences that were raised in the focus groups and interviews.

The scenarios shared by participants included situations where workplace management, in the context of hospitality, was carried out via social media (in this case, the instant messaging service WhatsApp), such that the line between the personal and the professional was blurred, and the sharing of images and communication was unsafe:

> We had a manager come in who was openly, very, very misogynistic. He was … Italian [and] very misogynistic … openly, sexually aggressive like we had to get our … roster and everything on WhatsApp … and his actual WhatsApp image is like [he is a] 40-year-old man, [and] it's him … from like 7 years ago, when he did like a body building competition. And it's just … his full … chest, like shirtless picture. And he's like, "Okay, guys, here's the roster for the week." So we have just have to deal with that every time. He kept on harassing my 19-year-old co-worker to the point that she would like try and hide from him, and didn't know what to do. And [he] was like also openly racist. It's just so blatant.
>
> (FGD_NON-SURVEY_HOSPITALITY)

> We had another staff member who was a fair bit more senior, a male staff member, a fair bit more senior, who was messaging members of my team inappropriately. So people … reported it to me. And it was something that I needed to handle and like, obviously, I want to keep my team members.
>
> (FGD_NON-SURVEY_SOCIAL WORK & SUPPORT)

The predominance of men in power exerting control over and abusing women in ways that women felt they could not call out was clearly evident in both the qualitative and quantitative phases of this study. As women explained multiple times, tolerating the harassment contributed to the persistence of the harassing behaviours. Yet it was necessary in order to keep their jobs:

> I have this experience in my internship in accounting company. My boss is an old man and he always touch my hair and hug me and I said, "I don't like it," and he said, "Oh, I'm just like your uncle, just think I'm your uncle," like that. That time I need … accounting experience and I can't find another job. So, it's not easy to say no to him, but I just leave the company. I can't refuse, but I can leave the company … because he is the boss, and it's difficult to say something.
>
> (FGD_NON-SURVEY_EDUCATION)

We also found, in particular, power dynamics at play in situations where harassment was perpetrated by those in senior positions. For example:

> It happened with our female staff, and she told me then there was a manager in the store … one day she was at work, and the manager was also at work, and they were working, and she was just filling [stock]. So she was filling something, and the manager always tried to, you know, intimidate her, or they said to ask her for date, and you know … And that day what happened suddenly? The manager just came and hold her from back and just kissed on her lips. And she was a student. So she started crying, and obviously she tried to escape from him and left the work straight away. But she was so confused what to do, and she was also from Pakistan … and she was married. I was so upset because it's a very, very big thing for a Muslim lady, you know someone just hold you, and without your permission just kiss you on your lips.
>
> (FGD_NON-SURVEY_MUSLIM)

> [The supervisor] he reached out to a lot of people like a lot of women I know personally on LinkedIn, and he did to like he reached out to me as well, and you know how like, when a professor is reaching out like, "Hi, hello!" What you do and those kind of things. I just keeping it very professional in the beginning, and then [he] start sending weird emojis like hearts. He did that to me as well … But then there was this meeting where me and my friends like other people I knew … were there and then casually like, "Oh, how do you know him?" And then everything, you know came out like, okay, so this is a common trait in him. This is something which he does with everyone. When it's happening with you, you're not really sure if it's just you. You know how women feel like, maybe it's just me who's feeling and not him.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

Reflecting that we spoke to women who had often arrived in Australia and found work, or were continuing to work, in hospitality as an entry-level job, the behaviour of senior people in hospitality arose in many conversations. For example, in one focus group with women from Latin America, three participants recounted their experiences of workplace sexual harassment in hospitality settings:

> I was working in hospitality in an Italian restaurant, and the owner was Italian … he was touching me all the time … my shoulders or my arms, or my back, and I always take a step back, or he was making jokes all the time … The situation is started with jokes. Then he was touching my back, my shoulders, my arms, and I was like taking another step back all the time.
>
> (FGD_NON-SURVEY_HISPANIC)

> When I came to Australia 8 years ago … I started working in hospitality … So all the management where people were males from India, and they were very like trying to touch you the whole time, trying to like get something from you. So, for example, one day … my manager, my supervisor, he was an Indian, too. He just came to me, and he was like, "Hug me", and I'm like, "Why do I have to hug you?" And he said, "Because I want to hug you," and I'm like, "today is not your birthday, is it?" And he said, "No, I said so." [I said,] "I don't have to hug you." And he said, "Oh, why not? We are friends." And I'm like, "No, you are not my friend, you are my manager" … And he was like, "Oh, you are so complicated."
>
> (FGD_NON-SURVEY_HISPANIC)

> 8 years ago I arrived here on a student visa, my first workplace was in … hospitality … a fast-food Mexican restaurant in Melbourne … The manager was from an Indian background, and quite a few of the workers were from an Indian background. I was one of the youngest ones at the time, I was around 18 or 19 … [I]t was just normal [in] the workspace that you know, this [manager] would say hi to you or say goodbye to you and give you this hug where you could just feel like he was feeling you all over, and you know, at some point it got normalised. So the guy, whenever he felt like [it], he would give you a slap in the bottom and making sexual jokes in the work environment all the time. I look back now, and I just felt so tiny.
>
> (FGD_NON-SURVEY_HISPANIC)

A final issue to raise in relation to seniority and the associated power dynamic is the targeting of those who need the job most:

> … when I first come from New Zealand to Australia and I needed to keep my job … So my boss would tell me to work in a particular section, and I'm only 5 foot 1. So when I had to work … in the middle of the supermarket … night filling … I'd lean across it [and it was] so hot that I'd wear a dress, not pants, and … I thought it was just … by accident the first time, but then, him and his junior manager, … would stand behind me … giggling. And I'd have to lean balancing on my hips to reach the furthest part of the freezer to fill it, and I'd be leaning over to the point where … you know, I don't know [whether] they could see my underpants, or whatever … But when he asked me out on a date I truly felt as though I couldn't say no, because I was a single mother, I wasn't entitled to any government support … [and] I needed to keep my job, and I felt like [I] had to basically go out on a date with

> [him]. I didn't tell anyone, because, you know, they gossiped, and I didn't feel shame but I felt a sense of helplessness … What do you do? You know. I mean, you start wearing pants to work. But in Brisbane and November it's very, very hot, you know?
>
> (FGD_SURVEY)

Notably, in some of the accounts, participants reflected on how senior staff were able to perpetrate workplace sexual harassment with impunity by setting up a situation in which they could claim innocence if the behaviours were ever challenged. This was exemplified in the following excerpt:

> I've had a number of instances where, you know, a manager … just come up and try to kiss me … [I] push him away, and I think they got message … do it again … [F]or instance, I'll share with you that my manager say to me … he'd like me to come … to this conference. That's fine. And he says, "Oh, you make all the … booking" … already red flags [because he wanted to share a room and] … I wasn't gonna have a bar of that … When we got to the hotel [they] said I was in the adjoining hotel room [which I changed] … he was a bit annoyed [but] … I was on to his game. But like if … I'd been naïve enough to book an adjoining hotel room, you know what would happen … and then it would have been my fault, you know. He could have turned the table and said, well, you made the booking … you know. He'd … wipe his hands [of] responsibility.
>
> (FGD_SURVEY)

More often, however, women spoke of the consequences of rejecting senior male colleagues, as the following quote reveals:

> I have a colleague at work. She is married with children, and her boss always buys … her chocolate … he wanted to be the triangle between her and the husband. [B]ut she was only casual … and she was always rejecting him … And when she applied for permanent full-time job she didn't get the job because she didn't agree to that triangle.
>
> (FGD_SURVEY)

Customers and clients: Women's safety and the protection of the workplace or business

In the FGDs, women who had worked in hospitality, care work or the sex industry, in particular, spoke about the behaviour of clients and customers, and the way in which their experience of this behaviour was shaped by the response of senior staff and/or their workplace generally. Very common were experiences that reiterated that the behaviour was to be avoided by employees rather than challenged, as conveyed in the following comment:

> I remember one of my colleagues, not myself, but one of my colleagues, had been groped while on shift by one of the customers … And the owners and managers just sort of let it slide … They just sort of went, "Oh, just, you know, stay away from the table. Someone else will go serve them."
>
> (FGD_NON-SURVEY_HOSPITALITY)

In a retail setting, one participant had experienced harassment and stalking:

> [Another] experience which happened to me, there was, I guess a Lebanese person, he was my customer. He always come and we serve him … He always asked me when [do] you finish your work. I say, "Why you always ask?" so he said, "Just want to know where what time is store is closing." I say we are 24/7, but I will finish like 12. And then I noticed the other day he came and gave me his contact number and asked me, "Can you come with me for date or a coffee?" And … I say I'm married, why, you are giving me your number. I don't need it … Then I noticed a few days he start chasing, chasing me. He always come, and you know, outside in my parking … [Y]ou know, is off [in] his car [outside my work], and just look at me from his car and come inside store, pay for the fuel, and then I say, "Why you are standing here? Go!" And he said, "No, I'm just waiting for my friends," and I know … he was never wait[ing] for anyone. After waiting 1 or 2 hours, he just left. So these type of small incident also happened when I was working in the night-time, in the evening … [But] nobody care what's going on with you. They just always … become so sweet with you and say, "Oh, don't say anything because it's a company repo [reputation] blah blah blah."
>
> (FGD_NON-SURVEY_MUSLIM)

A number of participants spoke of their uncertainty about how to talk about their experiences in hospitality:

> [I was] quite a bit uncomfortable when I was working in hospitality. [I]t wasn't very much with my boss … more with the clients. I felt uncomfortable sometimes. With some comments, jokes? … Sometimes the way they would look at me.
>
> (FGD_NON-SURVEY_HOSPITALITY)

> She works in hospitality, and one time she was putting the forks on a table and suddenly one guy came behind she and she feels his body behind like so close. But at the same time she was … thinking like, how I'm going to explain this situation to my boss or other colleagues … maybe was my fault, too, because those things happen so fast, and sometimes you don't know if it's your fault, or if it's really fault of someone else. And it's sometimes I feel like, immigrant people. If something happened to us we said like, "Oh, no, maybe we don't need to discuss this with anyone, because we don't want to have problems with government, because they know sometimes our visa or something."
>
> (FGD_NON-SURVEY_HOSPITALITY)

Participants who worked in beauty and personal care also experienced workplace sexual harassment that reflected customers' expectations of sexual services:

> I would love to share in the beauty industry, like when you work in spas is a really unsafe place to work as a woman and depends, of course, a lot of the management or the people who works with you as well. My first experience that happens after a month … here in Australia. I wasn't in English. I wasn't spoke properly English on that time … One of the clients [he] just asked me to go and do extra on him, and as on my refusal … because I didn't want to, and I was like, I know, that is illegal in here. He threatened me to call the police. And I said, "Well, no, no, no", and [then he said,] "Now you have to give me my money back" … I was like, "Well, yeah, I'm trying to contact my manager because she wasn't working on that time." [Then he said,] "Okay, now you have to give me $200 instead of the $70 [that he paid] so that it was an extra" … He finally leave the place. But this is … the first harassment I had with that. After the day I quit that job, and then I start to work in another one.
>
> (FGD_NON-SURVEY_HOSPITALITY)

This experience and the woman's response – to find a new employer – was common among the participants. Either participants themselves had left the workplace in response to unsafe working conditions that included workplace sexual harassment, or they had observed friends or former colleagues do the same.

The circumstances and site of workplace sexual harassment varied. For example, one participant was approached by the perpetrator in the first instance via LinkedIn:

> [H]e reached out to me on LinkedIn, so I was able to block him, and you know, stop that right away. And it happened with one more, one of the other person who I know, and she was actually one of the casual tutors there … so she could just reply, but like she started avoiding him, and she told him like a few times he responded him to as well like, you know, "I don't like this or this doesn't make me comfortable" … So she was in a very different position than the other friend who was his student. It was very hard for … her because he was her direct supervisor. When you are doing a PhD, your supervisor can actually make or break. Those kind of different experiences … were, you know, like, like over LinkedIn, it was different, because obviously it was online. It was not in person. I didn't know him and like I didn't know him in person then with someone who was like who was his student, like their direct day-to-day interaction. That's ugly part of the, you know, working at universities.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

In another workplace setting, a woman who was employed to clean was subjected to inappropriate comments and touching by the client:

> I consider that [there's an] opinion is that the Latin women, we are easy, we are all time hot or have sex. I don't know why … But, for example, I was cleaning a house. In this moment it rained, and I am mopping in the background the house. So the guy told me, "You don't feel cold?" "No, I feel okay." "I forgot that the Latin girls are hot." Okay. I continue mopping. So after he … I am small, very small. So I need when, for example, put the dish in the place, I need sometimes my hand, so he touched me in this moment, in that moment. And I feel a lot of uncomfortable, but he thought that I feel good.
>
> (FGD_NON-SURVEY_HISPANIC)

Critically, as we explore below, a consistent aspect of women's experiences of workplace sexual harassment is the reframing of the experience by others in the workplace and, as per the following example, the blaming of targeted women for their "sensitivity":

> I've had experiences where I've gone to the manager, and I've been like this customer has been so rude and like so inappropriate, and I've said to him many times to like, leave me alone, and he has literally like following me around the club. And because maybe the manager knows this person or the guard knows this person, and they talk to them, and that person is like, "No, no, no, I'm not doing anything, you know. It's fine. She's being sensitive," or whatever, they will let that slide, so I will go to a guard and be like, "Please kick him out. He's awful," and they will do it immediately, so there's no baseline of like, they tell you there's a baseline. But there isn't.
>
> (FGD_NON-SURVEY_SEX INDUSTRY)

What is clear from these findings is that workplace conditions can enable sexual harassment to flourish and, critically, allow perpetrators to act with impunity.

Reflecting on power and workplace sexual harassment

While power in the workplace may be associated with seniority or take the form of the external power of clients or customers who enable businesses to succeed, these are not the only contexts in which the intersection of power and workplace sexual harassment was described by participants in this study. Women also detailed experiences where colleagues who were junior to them or at the same level perpetrated workplace sexual harassment:

> I was the facilitator. I was in charge of about 10 people … it was halfway through the session, and I called for a break, and so we went out [for morning tea]. One of the participants came to me, and he was just talking and … he just put his finger in the middle of my chest … so I'm thinking about that particular situation. Why, I froze. [It] was so unexpected. I was the highest authority in that scenario … not only was I … facilitating the session, but I was the manager of that place. So I in that moment I couldn't just turn around and tell my manager because I was so, so confused. I just like stopped, you know. And then he said, "Oh, I'm sorry," and he apologised … to be honest, I don't even know what happened there after that, but I felt that I needed to go back to the group and finish the rest of the session. And so I did, and he was part of that session right? And I couldn't stop thinking about what happened. Anyway, I was still really puzzled [and] trying to get busy with other things because I couldn't make sense of what happened. So one of the other people in the office noticed that this man was still in there [after the session ended], and she said to me, "Oh, he makes me feel uncomfortable sometime, because he always comments about my breasts. He always comments about the size of my breast." When I heard that I thought, Okay, I need to do something. You know, I was still trying to think that what happened was a mistake. Of course it was not, you know, because we would. You can't accidentally put your finger into somebody else's breast right. That's not an accident. But I was trying to rationalise that …
>
> (INTERVIEW_NATIONAL WOMEN'S ORGANISATION)

In the following account, we move from specific and personal violations to the broader setting of workplace conversations, which points to how women's feelings of unsafety and discomfort can be shaped by interactions that are not necessarily defined as sexual harassment:

> We were in a meeting with other colleagues, and it was a very mix gendered group. They were like three women and four men, and we were in a meeting, like a team meeting. And we were actually discussing consent, so I used to work in a sexual reproductive health area … and then, during a team meeting, it was we were discussing about consent, and then the discussion actually got a bit heated. And then two of the guys, they started joking around like sexual harassment and like what constitutes sexual harassment like, how would you prove it like it can be a joke, or it can be you know how, why, like? And they started blaming women … just like generalising … those things to all women and … putting all the blame on women. I don't know about the other two women sitting in that meeting, but it certainly made me very uncomfortable. I called it out, but then … they were like, "Oh, we were just kidding, and like, you know, you just took it like very seriously. We were not serious …" But obviously you won't put it [down as] … sexual harassment … but still it was something. Why did it make me feel uncomfortable? Why was I uneasy? I think, majority of the times, women are not very clear of whether that particular thing which may, which makes them uneasy or makes them feel uncomfortable, is actually can be coined to that particular word.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

In the following section, we discuss the way in which migrant and refugee women spoke about the involvement of migrant and refugee men in workplace sexual harassment. The following reflection from a focus group participant is notable here for demonstrating how women often tried to rationalise the behaviour of men whom they identified as also relatively recent arrivals to Australia:

> So, in terms of sexual harassment, I have experienced in pretty much almost every single workplace I've been in. Some of them very mild or something that you can just overlook. When I overlook things like that [decision] obviously is [about] trying to not affect my work, and also at the same time depends on what position I'm at and who is actually doing [the] harassment. I'll give you an example. When I was 18, I started working at … a restaurant. And in the … kitchen … mostly men. And they're from different countries, different culture and their way of expressing their I guess their interest in me, or interest in actually, honestly, any female co-worker, it can be inappropriate. And in the beginning I felt very uncomfortable. Then I also understand that they have never, you know, learned how to, like, express themselves properly, so it can make it unsafe.
>
> (FGD_NON-SURVEY_SOCIAL WORK & SUPPORT)

When workplace sexual harassment is perpetrated by a member of your community

Across the interviews and focus groups, an issue that was frequently raised and prompted in-depth discussion was the perpetrator's position in relation to a cultural or religious community. As one participant explained, in some instances strong bonds or relationships are formed between a woman and a perpetrator because of a shared language or cultural background. However, in her case, the foundation of the connection between the woman and perpetrator was disrupted by his unwanted sexual advances:

> And he was from the same country as me, which is why it was so easy for us to talk to each other. But after he kept calling me "darling" and saying those things, I always spoke very strictly with him, direct with him. I kept my distance and spoke very firmly … That is considered sexual harassment in the workplace, to me.
>
> (FGD_NON-SURVEY_VIETNAMESE)

Many participants who had experienced or were aware of this context for workplace sexual harassment reflected on how men who share a cultural background with the women they target have a better understanding of how to make them feel uncomfortable, and also of the likely consequences for women of speaking out, giving them a position of power:

> [Workplace sexual harassment] it's sexual violence, it's often com[ing] from men, right? But in my experience … working … in Australia, the comments which involve religion and gender-based discrimination … with a bit of sexual comments, came from my own community. Men who worked with me … they also came from the same culture … They also think that they … can do [or say] things … they would [not say] … to a white woman who is working with me, [who is] wearing the same or different dress [for example, but] because I had a drink, and I'm wearing Western [clothes], they would throw comments to me. [Sometimes] … pretty violent comment. [Some say,] "That's [your dressing, your behaviour is] why you had a divorce. You don't have a good family relationship, and you shouldn't wear these kind of things" … this kind of comments, which is very gender biased, and it's coming from the religious perspective … And all this coming from … men … in my workplace who are not Australian.
>
> (FGD_ SURVEY)

> Migrant women [also face] sexual harassment within their own communities and by perpetrators from their own communities. And I think I don't want it to seem like, obviously, I'm dobbing on communities of colour like that's not the intention … I think that there's a very interesting, nuanced idea where women of colour in particular are facing violence or gendered violence from a white perpetrator … I think if we're looking at that intersection, we almost expect it coming … from a white perpetrator [but] we don't expect it from people of our own race or ethnic origin. But I think we already know that there's gonna be some sort of racial dynamic there that we have to contend with, and we're already quite … quite sensitive to it. When we come into the workplace … it's almost like … racism is an occupational hazard. When any of us goes into the workplace, we're just like we're aware of it.
>
> (INTERVIEW_STATE-BASED EMPLOYMENT RIGHTS LEGAL CENTRE)

> And I think I also just wanted to raise one other really quick nuance point is the idea of like this kind of violence and communities is also compounded by not just I think power dynamics in terms of giving you the job etc., I want to acknowledge that lower-caste women, though I hate that term, but like women of a lower caste. You know particularly, maybe Muslim women facing it from Hindu men. These things are also an issue in workplaces … I wanna be very nuanced about that conversation. There are always these little intricacies in communities that do compound that power dynamic in workplaces.
>
> (INTERVIEW_STATE-BASED EMPLOYMENT RIGHTS LEGAL CENTRE)

In other discussions, the view was that men saw "no boundaries" with women from the same background, whereas they would be more cautious around other women, as reflected in the following comment:

> Sometimes, the actions can be taken against female migrants by men from that same migrant group … [Migrant men] will find it easier or will be … less cautious in the way they behave from a female from their same community … I have known instance where the sexual harassment has happened … when the two people are from the same community … I've had multiple instances of realising that almost to a point where, whenever I see anyone that visibly could be from my background, I'm immediately stressed and nervous [and think] "What's gonna go wrong?" Because people feel that sense of there's no boundaries, because we are similar.
>
> (FGD_NON-SURVEY_STEM)

These nuances have important implications for the recognition of workplace sexual harassment and other behaviours. They also illuminate the complexity of the factors that contribute to silence around mistreatment and the challenges of addressing problematic workplace culture that is multifaceted and experienced very differently based on a range of factors.

Responses to sexual harassment

In the first phase of the research, 323 survey respondents reported 773 incidents of workplace sexual harassment. In 63 per cent of these incidents, respondents told someone. Most commonly, respondents spoke to someone informally outside their workplace such as family members or friends (88% of respondents; see Segrave et al., 2023, p. 26). There was only a small proportion of respondents (15%) who reported the incident to a formal authority in their workplace. In the survey, respondents who had not told anyone about their experiences were asked why this was and were presented with a range of reasons (including "other", which enabled them to expand on or clarify their reason). This was a multi-choice response, where more than one reason could be selected. The most common reasons provided were that they felt responsible for the behaviour, they were concerned that reporting the behaviour would impact their careers, they were not sure what action could be taken and/or they did not feel that there was any support to take action. Table 11 summarises these findings.

Table 11: Reasons for not reporting workplace sexual harassment behaviours[a]

Behaviour type	Reason for not reporting (top 3/multi-choice)
Indecent phone calls/messages	77% Felt responsible 59% Employment concerns 38% No support/unsure what to do
Comments made in emails/SMS messages/social media	73% Felt responsible 47% Employment concerns 40% No support/unsure what to do
Repeated or inappropriate advances in emails/social networking/online	90% Felt responsible 50% No support/unsure what to do 40% Employment concerns
Sharing or threatening to share intimate images/film of you	90% Felt responsible 44% No support/unsure what to do 22% Employment concerns
Other conduct of a sexual nature that occurred online /via technology	82% Felt responsible 46% Employment concerns 36% No support/unsure what to do
Touching, hugging, cornering or kissing	88% Felt responsible 22% Employment concerns 31% No support/unsure what to do
Staring or leering	82% Felt responsible 34% No support/unsure what to do 27% Employment concerns
Sexual gestures, indecent exposure or inappropriate display of the body	100% Felt responsible 40% Employment concerns 20% Visa/immigration concerns
Sexually suggestive comments/jokes	85% Felt responsible 50% No support/unsure what to do 31% Employment concerns
Repeated or inappropriate invitations to go out on dates	80% Felt responsible 60% Employment concerns 40% No support/unsure what to do
Intrusive questions about your private life/physical appearance	85% Felt responsible 34% Employment concerns 31% No support/unsure what to do

Note: [a] Four behaviours have been excluded from this table due to the small sample size. Further discussion of this limitation is detailed in the technical report (Keel et al., 2023).

Formal response mechanisms: Irrelevant and inaccessible

For the large majority of migrant and refugee women in this study, accessing formal response mechanisms (such as filing a complaint with the HR department or lodging an employment-related complaint, police report or legal claim) was not perceived as a practicable or accessible option. Notwithstanding the commonality of workplace sexual harassment, very few women in this study had chosen to formally report any incidents and/or had observed colleagues or friends reporting. Instead, most indicated that they would be reluctant and unlikely to engage with formal response mechanisms, unless they considered the situation or incident to be very serious, such as sexual assault. As explored in the section "Understandings and Perceptions of Sexual Harassment", how women understood and perceived "severity" was influenced by various factors, including the action itself, its frequency and the context. Women's reluctance and unwillingness to engage with either work- or government-based formal response mechanisms centred on three key concerns: 1) risk to their employment and visa security; 2) issues inherent to both types of response mechanisms; and 3) social and cultural stigma surrounding workplace sexual harassment. In addition to these key concerns, migrant and refugee women also struggled with complex emotional reactions to what had happened to them, which impacted on their willingness and capacity to report to company management or state authorities. Each of these barriers to reporting is discussed in turn below.

Risk to employment and visa security

> A lot of companies have policies where you can report certain things. But how do I make sure that if I report, nothing is going to happen to me that negatively impacts my position or my development in the organisation?"
>
> (FGD_NON-SURVEY_FINANCE)

While the survey findings emphasised being to blame for the behaviour as the primary concern of participants, one of the key concerns that women in the focus groups raised consistently around accessing formal response mechanisms pertained to the risks it held for their employment and visa security. This parallels the survey findings, where "impact to careers" was one of the most common reasons why migrant and refugee women did not tell anyone about incidents of workplace sexual harassment. In both the interviews and FGDs, women shared that the risks to their employment security – including the loss of their job, the impact on their career development and having their work hours reduced – was a key reason why they did not want and would be unlikely to file a formal complaint or lodge a report:

> In terms of speaking up, it really depends on the circumstances. I guess if you speak up, there could be chances that you might lose your role or that thing where they are trying to reduce your hours to get you out. It is quite scary. While it is the right thing to do, it can jeopardise your role within the organisation. So, that's why it is better to just find a new role and move rather than speak up because it is just going to affect you.
>
> (FGD_NON-SURVEY_STEM)

> They wouldn't really report important experiences and traumatic experiences because they are afraid that would hold them back in terms of leadership progression and moving through the ranks.
>
> (INTERVIEW_NATIONAL CALD WOMEN'S ORGANISATION)

> I think most of my clients express that they were concerned about being labelled a troublemaker. That it would have an impact on their jobs, that they would be the one who is shifted away. There is still a kind of massive, unspoken pressure … The clients expressed to us their reluctance about raising things internally or externally.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

Within academic, public and policy discourse, employment security is largely understood and referenced in relation to employment status. Specifically, casual and/or temporary employment is conventionally associated with higher levels of insecurity, while permanent and ongoing employment is associated with higher levels of security (see, for example, Kreshpaj et al., 2020, for a discussion of precarious employment and risk factors). However, when speaking to the women in this study, it was clear that employment security is multi-layered and not necessarily achieved in permanent and ongoing positions. In the first instance, migrant and refugee women's perceptions and understanding of employment (in)security are informed by the initial difficulties of finding a job as a migrant in Australia:

> I understand the thinking of women who have just arrived in Australia. It's not just Vietnamese women, but just migrants in general. They have this shared psychology. It is very difficult for migrants to find a job. So, when they can find a job, they want to keep it.
>
> (FGD_NON-SURVEY_VIETNAMESE)

Many of the women described how it took weeks and sometimes months, and multiple applications, before they were considered and hired for even entry-level jobs. This experience was shared by the majority of the women in this study, irrespective of their visa categories and English-language proficiency. As some of the participants explained, the uncertainties around if and when they could find a job meant that women were very keen to remain in employment once they were hired, and this contributed to the perception of risks and costs associated with accessing formal response mechanisms:

> Because if the women are working from a migrant background, they first of all think like it is really difficult to get a job in Australia. So when they get the job, to think like if we are going to complain and do something, we are just going to lose this job and we are not going to get another job in the future. So I think that mentality that the migrants are coming from and the visa restrictions that they have, it is kind of like [preventing] them from complaining and reporting. And if they do so, they will have to see the consequences from the manager to not giving them the shift or not promoting them to the level according to their qualities and according to their knowledge.
>
> (FGD_NON-SURVEY_MUSLIM)

> I wouldn't say that my visa status would affect how I would respond to sexual harassment. But when I was in that workplace where I was in that uncomfortable situation, I was actually on a contract and so it was quite tough because I think I was very worried that if I had to leave, or if I had to be let go, it would be hard to get a new role. That's why even though I felt really uncomfortable, I felt like I couldn't respond or voice out because I thought it would impact how people would see me.
>
> (FGD_NON-SURVEY_FINANCE)

In many of the cases, the challenges and hurdles associated with finding a job meant that even though women recognised that they were being sexually harassed and/or in a bad situation, they also felt trapped in a situation where they had to decide whether the behaviour was serious enough to warrant formal intervention (and potentially risk their employment and visa security), or whether it could be dealt with in a different way. As one of the service providers explained, survival and, in turn, being employed and having a steady income, is the foremost priority for most participants:

> Because you have limited skills, especially English skills and they don't have that confidence, and they don't have, you know, same opportunities like others who have been living here for a long time. So survival is the most important thing for them. So making money, keeping their jobs going is the most important thing. So sexual harassment compared to survival is something that they can yeah, something that they can sacrifice.
>
> (INTERVIEW_UNION)

In the focus groups, women also pointed to how the recruitment processes and practices in Australia can discourage them from wanting to access formal response mechanisms:

> The way the job market is set up, like, conventionally speaking, the job-finding process generally involves this process of having reference check referees. And if you don't have a lot of job references because you are new to the country, or you are fairly early in your work life here in Australia, and you can't like skip over your last manager, it's a real tricky situation to be in. Because this is the person you might be running away from. And so, it's really, the power imbalance is baked into our recruitment processes, and it does seem like the host system is working against you and making sure that you know it's not conducive for you to make a complaint.
>
> (FGD_SURVEY)

The reliance on references in the job-hiring process in many industries means that women need to maintain good relationships with their supervisors or direct line managers. Consequently, another key consideration for women is whether and how accessing formal response mechanisms might have a bearing on their job evaluations or reviews, which can then impact on their success when looking for a new job or even switching to a different department. The need to maintain harmony in the workplace and good relationships with one's colleagues was raised by some of the women in the focus groups. For example, they shared how there is often an unspoken rule that one must participate in after-work events or activities. Hence, even in cases where migrant and refugee women are not looking to resign or change their jobs, their decision of whether or not to access formal response mechanisms is still weighed up against the consequences for them in terms of interpersonal relationships, including whether they would be viewed negatively by their colleagues and management:

> When it comes to where, if you actually go around and talk to your manager and bring it off, people will think that you are difficult to work with. People have to walk on like eggshells around you and, of course, they will not like that. And even if you take it up with HR and committee is called, then it gets to a permanent record, and it will be difficult for you to get a job or stay in the same job. Because you know it gets around and people will stop conversing with you. So the environment is very difficult when something like this happens. So I think more awareness needs to be there. That, of course, people should speak up. But then you need to give a platform where people will be comfortable speaking up. Otherwise, they will just go through it.
>
> (FGD_NON-SURVEY_STUDENT VISA)

> If you are a stick in the mud about it [sexual harassment] and you speak up about it, then you are treated more negatively and it becomes even more alienating. And so, it is just really debilitating and hard to speak up about it, given that there isn't much of a consensus on what it is. And I think the general public or, at least, maybe most workplaces, especially like corporate workplaces, just don't really seem to have any kind of respect for what constitutes sexual harassment, even if there is starting to be somewhat more understanding that it happens more than people think it does after the [#MeToo] movement.
>
> (FGD_SURVEY)

Notwithstanding women's shared anxieties around the potential impacts on employment security, the variation in visa conditions and employment contexts means that the impacts (and associated decision-making processes) can be significantly different for different groups of women. For example, in industries where women are rostered on shift work, making a complaint could lead to reduced hours and, in turn, reduced wages:

> If I reflect on corporate experience compared to here [sex work]. You know once you have actually lodged a claim, let's say, in a corporate environment, like if they fire you. After that you have grounds for, you know, unfair dismissal. Whereas like in our job, there is no such thing, like if you never actually get fired unless you have done something really awful. Then they might say you are fired, but most of the time when they want to fire you, what they say is, "The roster is full." So you can't take it anywhere.
>
> (FGD_NON-SURVEY_SEX INDUSTRY)

In this case, even though women in sex work are technically protected by labour laws and regulations, in reality, those frameworks only offer limited protection because of this industry's practices and structures. Similarly, as a consequence of visa conditions, employment security is also not necessarily guaranteed even for women who are in permanent and ongoing jobs. For instance, women on work-sponsored visas[2] expressed reluctance to access formal response mechanisms due to worries that they might lose their job and the associated permanent residency sponsorship, which directly impacts on their right to remain in the country:

> I don't know if I would say it [the visa] is the biggest [issue], but it is definitely quite significant because the other option is to change jobs and try to transfer the visa to another sponsor. But even that process can be quite gruesome and not everyone wants to take up the sponsored visa. So it is sort of like, "Okay, so, if no one wants to take it up, then what? What do I do?" So I just have to stay. So I wouldn't say it is the biggest but it would be a significant thing to consider. Also considering to what extent the sexual harassment was. That would also impact the decision to move or terminate my visa and decide to go back home. I wouldn't just say, "Oh yeah, sexual harassment, I am going to leave." It is not that easy.
>
> (FGD_NON-SURVEY_FINANCE)

> For me, visa would definitely affect. I am not just going to want to go back home because my home situation is not great. The economy is not great. So it would affect. And it would be a big shift and decision in my life to just be like, "Oh okay, this one big thing happened to me, and I am just going to up and leave and probably go back to not so incredible life." So yeah, that's definitely something that would affect. And you hear other people's stories, and you are like, "Okay, I am not the only one." So might as well continue on just a couple more years until I get PR [permanent residency]. Push through, get through it, just so you get to the end and possibly look for a different job afterwards.
>
> (FGD_NON-SURVEY_PASIFIKA)

What was clear from the FGDs is that women's anxieties around employment security are closely intertwined with concerns about the potential negative repercussions for their visa status of reporting sexual harassment. Among migrants and refugee women, the fear of losing one's visa and, subsequently, losing the right to remain in the country is well documented (see, for example, Migrant Workers Centre et al., 2023; Villegas, 2019). In this study, women similarly talked about their reluctance to participate or engage in any activities that could have an impact on their visas, including accessing formal response mechanisms to secure their safety and justice in situations of sexual harassment:

> I think basically visa is the major factor that is stopping us from talking about anything or just getting in any action, whether it is sexual harassment, or you know, mental abuse or bullying. Like even though this [workplace sexual harassment] is illegal, and people are really bad, still, I will keep my mouth shut and I will work because I need to get a job and then I have to get my PR.
>
> (FGD_ NON-SURVEY_STEM)

[2] Migrant workers on this visa are typically in permanent, ongoing positions.

> In a way, for them, it is easier to just keep quiet because they know that whatever they do, it is never going to favour them just because of the situation they are in. You know nothing is going to happen, and you risk the chance of your visa being cancelled, which is a big thing because most people are studying or they are coming for a better life.
>
> (FGD_NON-SURVEY_STUDENT VISA)

For migrant and refugee women, ensuring that they have a valid visa to remain and work in the country is clearly important. However, visa security is not only impacted by immediate cancellations or revocation of visas. Women also discussed longer-term considerations, such as the implications that accessing formal response mechanisms might have for subsequent visa applications, especially if they want to apply for permanent residency in the future:

> What if you do that and you report it, does it go into affecting you later? When you apply for your paperwork. That's always a feeling at the back of your mind about how that is going to affect the application. Or it might affect even actually doing work. In social work, they need to have clearance and some people have to go through court issue, and they just say, "Okay, so there is no more clearance anymore for you to work in that field."
>
> (FGD_NON-SURVEY_SOCIAL WORK & SUPPORT)

> I feel like they think making a complaint will make them look like they are not a good citizen, and it might not let them get their permanent residency or just citizenship.
>
> (FGD_NON-SURVEY_REGIONAL)

> I know a lot of people in my community, they do feel more secure after they get PR. Because like when they are in temporary visa, they don't want to lose the job, and they also fear that it might affect their next visa process. They even think that they might send them back to detention centres if they do anything wrong, if they have any report. Whether it is like they are complaining or complain for them. They always have like that fear of, you know, affecting the visa process. That attitude does change after they get PR. If they are on temporary visas, it is like more risks for them.
>
> (FGD_NON-SURVEY_REGIONAL)

The interviews with service providers similarly revealed that a secure pathway to permanent residency is a core consideration for the majority of the women who consult their service:

> No temporary visa holder will ever complain without knowing if that might jeopardise their pathway to permanent residency. And sometimes due to the collective culture that we have, we don't want to impact the other person or our partner as well because that is against community values. So if there is no united front and no protection for the migrant women, the impact of such projects is going to be very less in the migrant community.
>
> (INTERVIEW_MIGRANT AND REFUGEE COMMUNITY ORGANISATION)

> I think that [the visa] issue comes up quite a bit in my practice in general terms with employment issues. The one who is sponsoring the visa, if they raise an issue around sexual harassment, the employer is, I guess, more motivated to get rid of them. It puts their actual existence in this country at risk. And a lot of conversations I have is like, "But if I make an allegation of any of this, what if they go and tell the Department of Home Affairs? What if my visa gets cancelled? Will my visa be at risk?" [That] just hangs over their head. The idea that a visa can be pulled from them at any instant, even if they are complaining about violent criminal behaviour.
>
> (INTERVIEW_STATE-BASED EMPLOYMENT RIGHTS LEGAL CENTRE)

Across the focus groups, women expressed a strong sense of uncertainty and anxiety around the factors that would be taken into consideration for visa applications and how their actions could impact on the success of an application for permanent residency. As some of the women explained, the pervasive sense of instability and transience that comes with being a temporary visa holder means that even alternatives to reporting such as resigning or leaving the workplace are not always going to be practicable for migrant and refugee women:

> These places need to be safer, because not everyone has the privilege or opportunity to just leave. They deserve more. People are usually acutely aware that this is not suitable … But this is not as simple as reporting it. That's not a simple process for anybody. Even if you do report it, it is not a simple question of leaving. The threat to actually having someone in there [the workplace] and feeling as though you are trapped in and cannot leave. And that cycle is something that people should be more aware of, especially in Australia because so much of the working population is fuelled by temporary visa holders.
>
> (FGD_NON-SURVEY_HOSPITALITY)

Notwithstanding the widespread anxieties about visa security, what was also clear from the conversations with women in this research was that the experience of temporariness is complex and nuanced. Not everyone considered temporariness to be a deterrent to reporting, especially if there are other options available to them. Most of the women who expressed such sentiments shared that while restrictions on work rights had practical impacts on their access to the job market and employment opportunities, they were not particularly concerned about the risk of not having a valid visa to remain in Australia:

> For the visa, I am on the student visa and I am going to graduate at the end of this year, and then I can have 6 years for the graduation visa. So I think it doesn't really affect me, because I still can have the right to work in Australia. But sometimes, I feel unsafe from the employer. They will care what visa status that we have. Like some employer, probably they prefer the PR or citizen and if they see, "Oh, you are the student visa, or temporary working visa," they will just not hire you.
>
> (FGD_NON-SURVEY_EDUCATION)

> I am on a work-sponsored visa. But I think if my visa is compromised, I don't mind, I have other options. I can give it up if that means I can do what I think is right for me.
>
> (FGD_NON-SURVEY_FINANCE)

> It [the visa] was never a threat, so that was never a concern. I don't think personally … I always had Plan A and Plan B. So if things were not going as planned, I was always having a backup plan while going through my temporary visa.
>
> (FGD_NON-SURVEY_STEM)

A few women acknowledged that they enjoyed a degree of privilege because they had a safety net that they could fall back on, which their peers might not necessarily have. The conversations with women who held or had previously held working holiday visas also pointed to how, in some cases, temporariness and not having to think about longer-term implications for permanent residency applications could actually embolden them to resign and look for other work, or even to access formal response mechanisms:

> To be honest, it had never crossed my mind how that could have affected me at work, especially during the working holiday visa period. So, no, I would say I really didn't take that into consideration.
>
> (FGD_NON-SURVEY_WORKING HOLIDAY VISA)

> I am not here to find a future. I am not here to work. Actually, the purpose of me working here is really just to supplement my holidays. So I don't think I would report unless it is super serious or something. Even if I don't have a next job, I will just quit, move on first and get myself out of the situation and continue living my life elsewhere.
>
> (FGD_NON-SURVEY_WORKING HOLIDAY VISA)

The above reflections are not representative of the experience of all women who have held or are holding a working holiday visa, but they do illustrate the need to gain a more in-depth understanding of the diversity of migrant and refugee women's employment experiences, which are shaped by structural, social and cultural factors.

Issues with formal reporting and complaint mechanisms

> The whole system, the basis is the necessity for some very brave person to take action, to take on all that risk. It is the person with the least power. It is the person who didn't have the power. That's why they were sexually harassed in the first place. And yet we are putting all the burden on them to do something about it. With positive duty, I am really hopeful about pushing the burden on employers and making people justifiably respond throughout the workplace. We need to re-shift the burden.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

In the context of extensive commitments to implement positive duty obligations, and the proposed Skills in Demand visa (Department of Home Affairs, 2023), which is intended to improve protections for temporary migrant workers while addressing labour market needs, it is important to anticipate the potential shortcomings of these developments given the findings of this study. It is clear that the dominant approach of responding to workplace sexual harassment, which places the onus and pressure on women in structurally insecure positions to come forward and report, is not workable and not a mechanism that keeps migrant and refugee women safe. As some of the service providers and women in this research pointed out, there is little incentive (and limited capacity) for women whose autonomy is significantly constrained by their economic responsibilities and precarious migration status to come forward and report victimisation:

> One of the big issues that I see, particularly for migrant and refugee women in this space, is that our system at the moment is based on a complainant making an action, pursuing that action and while they are the applicant, they are kind of put in like a defensive position where they have to keep pushing the ball up the hill in a legal sense to keep things going.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

Further compounding this problem is the extent to which these formal mechanisms of response are perceived by women as safe avenues for them to share and report their victimisation. From the interviews and focus groups, we found that there are a number of intersecting factors that shape women's determinations on what action, if any, to take. One is the organisational or company culture:

> I think it depends on the place you are working at the moment when this kind of thing happens. If it is like a healthy environment, I would 100 per cent report it, and I wouldn't worry about the consequences because I know it is my right to report it and that is what I would do. But the thing is something I don't think it happens because we are not Australian. And I think it's extended in the hospitality industry that it is a complicated industry. Sometimes, the environment is not like the healthiest or safest.
>
> (FGD_NON-SURVEY_HOSPITALITY)

> No great surprise that a supportive workplace culture, where an employee realises that, you know, making a disclosure is going to be met with some positive action and some understanding, it will be more encouraging to disclose, compared to an environment, a cultural environment, that is not so supportive.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

> If work is generally unsafe or precarious in some way, complaining isn't what you do. You move along, you just find another job. That's why time frames are really important from a systemic perspective. People might not come forward for 18 months, and we definitely have had clients come forward with things that happened over a year ago. So the fact that the federal jurisdiction has changed to 24 months is really good.
>
> (INTERVIEW_COMMUNITY LEGAL ORGANISATION)

The second factor is women's trust that the organisation or company will take matters seriously and fairly. However, this perception is not just shaped by the organisational or company culture, but also by factors such as power relations and knowledge of reporting processes. For example, one participant explained that while she had experienced workplace sexual harassment in two different workplaces, she only made a complaint in one of them:

> So, for the one I reported, it is because I trust that company and I trust that there is a good system to deal with the sexual harassment. Also, I believed that once I report, the company will give me a response or at least a fair investigation. That is a very important reason for me to report. But for the one I didn't report, there were complicated reasons. One, because the perpetrator is the manager. And in the previous case, that was just my colleague. So that's the power relation. And I don't know who will trust me. Second, I also consider no evidence because something happened very quickly out of my expectation and it didn't last for long and it was a minor behaviour. So I am kind of afraid that maybe just no evidence, how can I persuade other people? Third, because the working environment. Because I was just a casual worker there, so I didn't know whether there is any system to deal or process with sexual harassment, and I didn't have any idea who I can report to.
>
> (FGD_SURVEY)

Similarly, another participant shared that she had reached out to her supervisor about harassing behaviours from clients, and she noted that she had felt comfortable doing so because she trusted her supervisors:

> I was feeling uncomfortable and I raised it to my supervisor and we tried to incorporate a lot of ways [to deal with the situation], which makes me feel a bit safe. But then we have got a second time, and second time, I called it out and we have a much longer chat with my supervisor. They were very supportive and that made me feel a bit safer. So yeah, incorporating a lot of strategies and being supported by my supervisor did help me a lot.
>
> (FGD_NON-SURVEY_STUDENT VISA)

However, most of the women in this study communicated that they had been reluctant to talk to their supervisors or managers about what had happened to them, as they did not feel that their workplace would be supportive or responsive:

> I remember a comment made by my manager once about how I should like get over something as if it is my cultural background that is making me misinterpret things. That's probably why in that case I am not going to say anything.
>
> (FGD_SURVEY)

> In my workplace, a lot of people work very closely together and they become friends, so a lot of them are friends with higher management and even the CEO. So I see that a lot of things kind of like just aren't addressed because they are all friends and they are like, "You know, it's fine, don't worry about it." And I think that has definitely affected how I feel about reporting inappropriate behaviour. Obviously they are not going to be on my side so I don't even bother.
>
> (FGD_NON-SURVEY_FINANCE)

When asked how they had determined whether or not their organisation or company was going to be supportive and responsive, women pointed to a range of factors, including their daily interactions with their colleagues and managers and general observations of how other colleagues were treated when they encountered work-related problems:

> There were times when my friends were harassed in front of other staff. I didn't complain to anyone about this incident, or my friend couldn't complain to anyone about her facing harassment. Because at that time, in that first 2 years of adjustment process, we didn't feel that anyone would listen or anyone would care. And we thought it was our responsibility. So only our responsibility to adjust. It was no one else's problem. It was our problem, internalising it all.
>
> (FGD_NON-SURVEY_HEALTH)

For some participants, their lack of confidence that their organisation or company would support them was associated with the perceived disconnect between what is stated in company policies and guidelines and what they see as standard practice in the everyday operations. Specifically, several of the women shared that the presence of labour policies and guidelines did not necessarily translate into substantive protections in the everyday workplace:

> Sometimes, companies have these like programs to show that they are equal and all of that stuff, but if you talk to people, the results, they go back to years of disappearance. It's just a façade. They just try to be politically correct.
>
> (FGD_SURVEY)

> You know protocols are there at the workplace, but it is all in the documents, and when it comes to practicality, it doesn't tell us where we have to go, where we can report all these things. When it was happening with me, I wasn't able to register like what's happening with me at that time.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

> There's rules and there's other rules. My club had a big-arse message saying "no touching" blah blah blah, like whatever. But then I heard that there is just like a big [industry] guy. He comes in, he is like a big spender and like the management allows him to touch the girls because he is a big spender. But then they are firing other girls for touching in dances. So there's like different rules for different people.
>
> (FGD_NON-SURVEY_SEX INDUSTRY)

Across the interviews and focus groups, women recognised the importance and value of having clear policies, guidelines and training in place for outlining what constitutes workplace sexual harassment and what employees can do if they encounter such situations. However, they also recognised that these systems have limited utility for women as they are not operationalised in a manner that offers women a sense of safety, or even an avenue for justice when they have been victimised. Women shared how when they and/or their colleagues sought help and support from their organisation or company, the response (or lack thereof) suggested that having policies and procedures in place does not ensure women's protection and rights:

> Power play comes into it quite a lot … I have seen in my previous organisation where the person who was behaving terribly was a person who was in a high position. So … people had … made complaints … but not officially because they were afraid of backlash and so, it was evident that there was a culture of protecting this particular person because they were so high up. And a lot of people actually just left because it was just too hard. It was too hard to sort of speak up, and there was a group of us that did eventually speak up. But rather than actually [do something] to that particular person, [that perpetrator was] just moved … from one division to another. So, you know, it makes it really difficult for people to want to speak up when you can see the links at a leadership level, [the lengths] they will go to protect a person because of their title and power. As opposed to, you know, dealing with it, and it really affected the workplace environment.
>
> (FGD_NON-SURVEY_PASIFIKA)

> They say, "Oh yes, we have policies in place. We have procedures in place." But there is no action at the end. If you report something is wrong, they say, "Oh yeah, we definitely will look into that for you." But nothing happened when I reported in the company I used to work. My manager said, "Oh, someone from human resources is going to call you." I am still waiting and that was 2 years ago. So, it is like, what is the point for me to raise an issue when the company is so proud, saying that "we respect diversity, we respect and support women". This is just lip service. It is just saying, just for the sake of look like, "Oh, this is the best place to work." Well, it is not. You basically have to learn to live with [workplace sexual harassment], to manage that, to manage your emotions to be smart enough and don't let other people take advantage. But it takes time, and it takes like a lot of pain. You have to go through very painful and really tearful situations, just to understand how things work and how their dynamic works. But … this is happening because there is no policies, there is no procedures and there is no like actual punishment to the [perpetrators] … They [the company] basically say … "You behave so poorly, you behave so bad. But don't worry, you can still be accepted …" This is not right, this is absolutely not right. And you can still keep your job on top of that.
>
> (FGD_NON-SURVEY_HISPANIC)

Another factor that impacted women's perceptions of access to safety and support was the workplace structure. In particular, the extent of gender and racial representation in upper management indirectly influenced women's confidence in and ease of reporting (see also Cho & Segrave, 2023). While they did not explicitly refer to discrimination, women believed that if the people they were reporting to were from similar backgrounds and/or had similar experiences, there would be a "better understanding" of their experiences:

> So most of the people in senior management are men and are white, so that in itself creates a barrier to report, and whenever there is a process to follow around complaints and things like that, it will often be the manager or another white man who does the mediation and things like that. And so, it does not actually go anywhere, and they all think the same way. And it is this thing of, "Oh, he is fine, he probably didn't mean it that way or, you know, I haven't seen that, or oh, that's just him, he is a brilliant xyz though." But also, I find a lot of the senior staff that are white women who are trying to pin the favours of older white men and so that's also a barrier created there because it is just hierarchy on hierarchy.
>
> (FGD_NON-SURVEY_HEALTH)

> Even if I go to the police to report something, it is still a very male dominant environment, so I probably wouldn't feel comfortable with that. I would probably feel more comfortable talking to women about it.
>
> (FGD_SURVEY)

The issue of linguistic and cultural barriers also emerged in this part of the discussion. For example, some participants who spoke English as a second or third language explained the difficulty of navigating the process of first having to identify whether the problematic behaviours are legally and culturally unacceptable, then having the vocabulary to name the behaviour as workplace sexual harassment, and finally communicating that traumatic experience to upper management or authorities:

> I met a lot of people that came here to Australia, and they don't have English. So if you need to make one process, for example, online, they don't know how to make that process. [For] people that don't speak English, it is more difficult because you need to translate the things and I think took a lot of time. So they would be like, "Okay, I am going to forget this and I am going to continue with my life. It is not a big deal."
>
> (FGD_NON-SURVEY_HOSPITALITY)

> I think the biggest fear and frustration is you don't speak the language properly and you couldn't communicate and also because I didn't experience this in my country. I used to work in another industry as well and I never had this kind of experience, so I couldn't say, "Stop, you are out of line, or are you threatening me?" I know it was illegal but I didn't know how to report. Probably if the police came, I didn't know how to explain it. I didn't know the word harassment. My mind just go blank. And that's probably kind of things that happen to everyone. So even if you are strong, you don't know where you can go and say, "Look, this just happened."
>
> (FGD_NON-SURVEY_HOSPITALITY)

> There's quite a few problems with the complaints process. Firstly, you know, sometimes migrant and refugee women are good at speaking in English, but they are not necessarily good at writing down their own complaints and to ask for help. So that is also quite challenging.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

Even in cases where women were articulate and fluent in English, they explained that it can be challenging to come together to talk about traumatic experiences in a manner that is linguistically and culturally comprehensible for people who do not come from the same background or share similar experiences:

> English is our language that we can communicate, but it does not mean that we should assume that it should be the language that women can report I think. Because sometimes, if you are emotional or in a context of crisis, sometimes it will be much more difficult to describe your experiences.
>
> (FGD_SURVEY)

> When I am talking about something that I am uncomfortable with, I think people with my culture and background would understand it better and will help me take it forward and direct me to the right resources. Having said that, I would very well feel comfortable speaking to anyone else, just that I would need more time and patience, and maybe more guts to explain that to them.
>
> (FGD_NON-SURVEY_STEM)

These findings echo those of previous studies and projects that emphasise the need for and importance of translators and interpreters (Segrave et al., 2021; Tankosić & Dovchin, 2021). However, from the interviews with service providers, including those who have engaged with interpreters, it is clear that the use of such services is not without its problems due to the intersecting issues related to availability, cost, class and stigmatisation around gendered violence:

> The cost that is associated with being able to get that [evidence and statement] translated, and to try and find for her case is just to a point that she can't afford to do. There's no funding for that kind of thing.
>
> (INTERVIEW_EMPLOYMENT-RELATED COMMUNITY ORGANISATION)

> The translation services provided by all these different agencies can be quite unhelpful because the translators that provided, I think there is some sort of class issue going on where the translators are, I guess, middle class, and the workers we are representing [are not]. There is that sort of dynamic and the translator would be quite condescending towards the worker. The worker does not feel comfortable and so you would not actually get much from the worker because the trust is not there.
>
> (INTERVIEW_NATIONAL MIGRANT WORKERS' UNION)

> Also, when people get into investigation, providing an interpreter is very important. But as far as I know, when I used the interpreter services, the interpreter was very, very rude. And when they translate and the way they talk to the white person and the way they talk to the Chinese person is very, very different. So the interpreter just made the client very hurt and very stressed.
>
> (FGD_SURVEY)

Another key issue pertains to the practical challenges of navigating formal mechanisms and systems. For some women, uncertainty about when and whether they can formally complain is linked to the question of whether what happened to them constitutes workplace sexual harassment in Australia and, if so, what legal protections are available to them:

> Sometimes, it is not just because we are women or we are migrant or we have accent. Sometimes, maybe it is just a lack of knowledge. Sometimes we do not have any support based on our visa status or situation. We don't have any support if we lose our jobs, or sometimes we don't know what level of communication would be counted as sexual harassment.
>
> (FGD_SURVEY)

> I just don't think that there's enough information. It is not communicated enough to people in the workplace for them to understand. You know, these are the avenues and, yes, you can say something.
>
> (FGD_SURVEY)

> On the first level, yes, I think migrant women have no clue. They just generally don't know. I mean, they know what makes them uncomfortable, but they don't know how to put that in terms of, this is sexual harassment, or this is discrimination.
>
> (INTERVIEW_EMPLOYMENT RIGHTS LEGAL CENTRE)

In one of the FGDs, a participant noted that even though workplace sexual harassment is now covered by most large organisations and companies in their training videos, work safety policies and guidelines among other guidelines and resources, this remains insufficient. The nuances and complexities of such harassment, particularly in relation to subtler behaviours such as sexually suggestive comments or jokes, staring or leering, means that it can be quite difficult to identify and name in practice:

> Sometimes, it is about not knowing the signs or what it looks like. Like in big corporations and stuff, you normally have the training, like training videos that tell you all these different policies and stuff. And you normally skip through, or a lot of it seems obvious, right? But it is very different once it is happening to you. So this is what it looks like in the training but in real life, it can look and feel quite different. I think people assume that for you to report or say something, it has to be something really serious. But of course, you don't want to wait until then. It is always the small things adding up.
>
> (FGD_SURVEY)

Contributing to this problem is the normalisation of those subtler behaviours and a workplace environment where such behaviours are framed as "jokes". For women in this study, the justification of these behaviours as "jokes" made it even more difficult for them to speak up, much less file a report, even when they felt uncomfortable with what was being said or done to them:

> The specific office I was on, everybody sometimes talk a bit dirty. So people just have that culture. I was uncomfortable, but I feel as a migrant you have to play along. I am not a local person but somehow I feel a local person probably would be more confident to say no or to just keep away from people they don't like. But as a migrant, because you want to fit in, so you put in more.
>
> (FGD_ NON-SURVEY_EDUCATION)

> We know that saying these types of [sexual] words in the meeting is not acceptable. But sometimes we understand when something happened directly, when somebody is intimidating them or doing some stuff or making jokes or comments. But when you are sitting in the staff room, the person is not able to understand like to whom they are actually directing those comments. It is very hard in that situation for people to understand and register those things, and to make a complaint because the issues come up like, "Why are you feeling like that? He didn't say your name. He didn't point the finger to you." So I think it definitely is difficult in that situation.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

> The joke culture definitely was part of the reason I didn't call it out. Another reason was it was from an older woman as well. She's married with kids and she's nice to you. She just like to make jokes like that, so I would just feel like maybe it's not a big deal. But personally, when I think about it, I do mind that it is very explicitly sexual, a very explicit sexual reference. But in that situation I feel like it is a face thing as well. You don't want to make a bad relationship with your colleague.
>
> (FGD_NON-SURVEY_EDUCATION)

In such situations, women were often made to feel that they were the problem and therefore that the solution was to ignore those behaviours and let them slide. A couple of participants shared that at different points in their careers, they had tried to challenge the normalisation of subtler harassment behaviours. However, this proved to be an extremely onerous task, especially as they also had to consider the potential impacts on their workplace relationships and career progression:

> No one was calling out that behaviour, or it was just that it was normalised to a point where it is like if I were to say something about it, I would be, you know, the wet blanket, the angry feminist, the weird whatever it is that I have been called. And at that time, I was a junior member in the company and like, you know, when you don't have the voice and agency to sort of say something to these people who hold higher positions, do you say something or do you prioritise yourself in terms of, you know, just keeping quiet and then you won't draw attention to yourself.
>
> (FGD_NON-SURVEY_EDUCATION)

> From my end, it gets a little bit exhausting if you have to continually try to educate people in this way. And any marginalised group really like have this sense of disenfranchisement about having always tried to do this [call out bad behaviours], but I feel like this way of trying to address the situation, historically, just hasn't worked. Because it puts people in a defensive position.
>
> (FGD_NON-SURVEY_EDUCATION)

> I thought about, you know, if you went to a more senior woman and talked about it, but even then I have a sense that women will almost encourage you not to speak up, because they too don't want to have it on their shoulders. I mean, you just need to look at the parliament right now, you know. It is like you speak up and yes, "You are, oh, you are just a feminist and you just, you know, causing trouble." It is a cost-benefit analysis and you think, "well, what am I going to get out of this? I am not going to change the culture in this." It is not a defeatist attitude, it is more realism. You know, this is not okay, and then, you know, whether you want to call it a whistle-blower or whatever. But you become that person, and that's certainly been my experience in a lot of places I have been, as I have had to end up being that person, and it is exhausting.
>
> (FGD_SURVEY)

Women also talked about the challenges of navigating the labyrinth of laws, policies and processes in order to know who to go to, what to do, and how much it would cost in terms of time, money and effort:

> Migrant women don't know the system. They don't know where to complain. They think no one would believe them. It is hard to get evidence. Then I know that if I complain, my manager will read the report and I am afraid that I might lose my job. That the abuser, the perpetrator, will find out about my complaint and things will escalate. It will become worse for me. And because I have a heavy accent, no one would believe me. I have a heavy accent. I am not from here and that person has an advantage from the beginning.
>
> (FGD_SURVEY)

> The process to report these kinds of things may be different to the way it works in your own country, so maybe you don't have the knowledge on how to do it. And recently I heard like a story of that someone in Spain, something happened to this girl and see how she reacted and reported it. And then I realised that if that same thing happened to me here in Australia, I

> wouldn't know what to do. I don't know if something happen to you here in Australia, can you go directly to the police? Is that the kind of things they handle? You don't know how they work. You don't have the knowledge.
>
> (FGD_NON-SURVEY_HOSPITALITY)

In one case, a woman recounted how even though her friend had sought to document her experiences, because of Australia's laws around the use of unauthorised recordings, she still could not gain access to formal response mechanisms:

> I had a friend who had that problem [of workplace sexual harassment]. She found the lawyer, a pro bono lawyer because she could not afford and she explained that she had all the proof and she had even recorded a conversation and everything. And the lawyer told her it is illegal to record somebody, so they cannot use that proof. And she didn't do anything at the end because they didn't have a strong case to go against the person at her work. You can't do anything like, it is the other person's word against your word.
>
> (FGD_SURVEY)

When women talked about the shortcomings of the response mechanisms in their organisations and companies, one of the more common issues raised concerned who they should go to, especially when there is a conflict of interest:

> The very difficult position that you are put in when the perpetrator, or the person making you unsafe, is your direct manager. And then where do you go from there? Do you try and go above? Then what?
>
> (FGD_NON-SURVEY_HOSPITALITY)

From the survey findings, we know that managers and clients/customers are two of the most common groups of perpetrators. However, to further unpack the nuances of power relations within the workplace, we asked women who also had to interact with clients as part of their jobs whether it would make a difference to their decision-making on reporting if the perpetrator were a manager or a client/customer. Their responses made it clear that, rather than the perpetrator's identity, their decisions would be informed by how regularly they interacted with the perpetrator and how much power that person had over their employment security. For example, one participant explained that she would be more inclined to report if the harasser were a client or contractor because:

> They are just that one step removed. And if I am uncomfortable with them, I don't need to necessarily deal with them. You can possibly handball it to someone else in the company. Whereas if you are working with that person, sometimes very tightly in a team, it is more of an impediment in terms of taking action because you may face repercussions. I have known people who have spoken up about general harassment, and bullying measures were sort of taken to address that. But in the end, it didn't really quite end well for them either because they would just be seen to be overall disruptive, just shaking too many things up.
>
> (FGD_SURVEY)

In addition to "who" they can go to, women also talked about "where" to go when they faced harassment behaviours. In this study, this was considered in two ways. One was through the conversations with service providers, who reflected that the range of options available to women was too broad:

> The problem is there are too many options now. So you advise a client and you say, "Well, if you leave your employment, you have got the Victorian jurisdiction or the federal jurisdiction. And in the federal jurisdiction, you have got the *Sexual Discrimination Act*. And then you have also got the ability to bring a sexual harassment dispute for conduct that occurred after 6 months. And it is just too much. They just want to be told, "Where do I go? What do I do?" And it also depends on how quickly the client needs action taken. Are they at risk of homelessness? Are they looking for a quick financial settlement? Are they wanting justice? Are they wanting an apology? So the choice of jurisdiction is great until it is actually time to make a choice.
>
> (INTERVIEW_COMMUNITY LEGAL ORGANISATION)

The second issue raised in relation to where women can go for help was highlighted in the discussions around access to support services for migrant and refugee women in rural, regional and remote areas:

> There isn't as much to offer in accessing possibilities as there is in metro. So there is an additional difficulty. When you do choose to do something about it, it might not be available in the format you need. It might not be a culturally sensitive service. You might have a waiting line.
>
> (FGD_NON-SURVEY_REGIONAL)

> A lot of time, it is all in the remote area. They have nowhere to go. They have no information, no network and no safety net. And then, after we encountered those cases we are trying to refer, the next step is the language barrier because we need to arrange the interpreter for them. There's a lot of cases. We have tried to refer the cases to other organisations before, but they say we have to arrange our own interpretation thing. It is ridiculous.
>
> (INTERVIEW_UNION)

There was also a common grievance raised about the effort, time and energy required to access formal response mechanisms. Some women were concerned about the amount of evidence that they would need to provide and the costs entailed in accessing legal representation:

> Do I have enough evidence to prove it? That I can prove myself right? If not, what will happen to me? Will it be reported? Will it be there as an incident when I have visa check? If it is on my background check, how it is going to impact me?
>
> (FGD_SURVEY)

> I will have work. I will have to earn money. I came as a student. I have to pay my tuition fees and all these. I spent too much time on these, and going through navigating all that processes definitely was not a good experience. And even navigating through simple support was pretty hard. So, I think that kind of created an impression of, "If I want to respond to this, I will have to go through all the navigation processes and then bureaucracy. How am I going to do this? Am I confident enough to do this?" And there might be some issues thinking about, "I don't have a lawyer. They are very expensive, and do I have to, at some point, take a lawyer?" So, that's a concern and it is not just mine. I spoke with few of my friends. They said the same thing. They wouldn't report, not just sexual harassment or anything, because they think it might take them time and cost them money.
>
> (FGD_SURVEY)

Many participants saw accessing formal response mechanisms as a burden on top of juggling the multiple responsibilities that they already had:

> They are very taxing processes you know, like for somebody going through a complaints process. The whole thing is very drawn out, very tiring and can be very demoralising. So, knowing what that's like as a process, why would you want to go through all that extra work?
>
> (FGD_SURVEY)

> First of all, I might think like, "Is this big enough to be reported or not?" And if I think, "Yeah, it does," then I am going to report it. But the next question is, "Am I willing to go through all the steps and circumstances that is going to happen after the report? Am I like willing to expand like a certain amount of time to deal with this over and over again, like repeating the same story and tell them that, yeah, someone did this to me? Am I going to see a solution? Or is it for like, yeah, fairness and stuff." It is really hard to deal with your own opinion by yourself, to deal with those kinds of situations. And I am an international student. I am not really familiar with the law. What is going to happen to me if I make a report? What should I do? What is the consequences that I am going to face? Am I going to go through more unwanted situations that I am supposed to bear with?
>
> (FGD_NON-SURVEY_STUDENT VISA)

As an interview participant explained, most of her clients are reluctant to pursue any legal action because they feel that their energies and efforts could be better invested elsewhere, especially as it is not clear how long the process will take and what is required of them, and the potential outcomes or consequences of reporting:

> I think for the most, people know that if some behaviour is unacceptable and makes them uncomfortable, they can talk about it, that there is a formal complaints process. But the lack of faith that the complaint process is actually efficient and it is going to protect them. Seeing from previous experiences, if you have complained previously and nothing was done or you believed or you were negatively impacted.
>
> (INTERVIEW_MIGRANT SUPPORT COMMUNITY ORGANISATION)

When it comes to legal processes, another issue that was raised in the interviews and focus groups is the psychosocial risk posed to women. Echoing the longstanding criticism by feminist legal scholars of the role of legal and criminal justice systems in contributing to secondary traumatisation for victims and survivors of sexual violence,[3] participants in this study described how current response mechanisms are inadequate and harmful. Response mechanisms continue to be structured such that victims and survivors are expected to continually prove their victimisation and be subjected to statements that minimise their experiences:

> The safety could be in any form, whether it is safety in terms of financially secure. It could be safety in terms of visa status. It could be reporting to someone who you can trust, which is why we go to maybe a family member or informal resources. I need to feel safe, not just relive that moment. But also, with the migrant and refugee women, they understand our viewpoint. You know, ultimately to prove yourself, you have to keep repeating and retraumatising yourself in trying to say, "Hey, this happened to me." And you don't feel safe with people who you feel you need to keep telling them, "This happened to me, it happened to me." You have to keep proving yourself. That's why you don't report. You might have to repeat your story again and again. You just retraumatising yourself, and you almost doubting yourself too because they will counteract you, and come to that, then you start going, "Did I overreact?" And you don't feel safe about sharing with people.
>
> (FGD_SURVEY)

> We commonly see the mismanagement of process being incredibly traumatising to victim-survivors. When people are going to be moved around, these perpetrators aren't the ones moved. And then they don't get cut out for business opportunities and career development because of change to the networks and having to start again. And while something is being done, the flawed nature of the investigation or the response to the complaints are also being highly problematic in terms of outcomes for the victim-survivors.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

> I was representing the individual who was harassed quite badly and there was the lawyer and a senior legal counsel. There were statements made by the legal counsel of, "Well, that is not so bad." And, "There is not business case for us to do anything about workplace sexual harassment," which is gruelling for anybody. But when you are the person who has directly experienced that conduct, that is incredibly confronting and that is just a reality sometimes that we have to deal with.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

The consequence of these structural problems is that the large majority of women in this study ended up not reporting or filing a complaint about what happened to them. Their situation left them feeling uncertain about whether they could report, how they should report, and whether there would be a positive outcome if they did report. There was generally low confidence in formal mechanisms as a viable means of redressing harassing

[3] We note that there is recognition of ongoing issues pertaining to the impacts of the legal process on victims and survivors. The Australian Government appointed the Australian Law Reform Commission to undertake an inquiry into justice responses to sexual violence on 23 January 2024 (see https://ministers.ag.gov.au/media-centre/australian-law-reform-commission-inquire-justice-responses-sexual-violence-23-01-2024).

behaviour due to the intersecting factors of discrimination and other aspects of abuse. However, also significant was that the women who had been in Australia for an extended period of time stated that if they were to experience workplace sexual harassment now, they would be much more inclined and likely to file a formal complaint or report to authorities:

> Now, after 7 years [in Australia], I know that I am pretty confident, so I would definitely report it myself. But my experience of this journey, I know that it is a different step for migrant and refugee women who are here for 10 years. They would be pretty confident but if it's just within the second year of life in Australia, it would not be [the same]. So I think it definitely depends on how long you are here and then what is your visa status. If you are a student, you would feel a lot more vulnerable because you don't want to go back and you have tuition fees.
>
> (FGD_SURVEY)

> I think that also comes with age, because I think the younger you are, the more things you would probably slightly ignore and not be able to completely understand what happened with you. Compared to when you are slightly older and you have like experience, or you know heard from experiences that all this happens in workplaces or all this is not right when you realise that. Like, okay, if something is happening to you that actually might not be right and it can be considered sexual harassment.
>
> (FGD_NON-SURVEY_STUDENT VISA)

> If I have more knowledge back then, if I know more about the legal system and if I can have more confidence, if I can have more support or people who know more than me about legal knowledge, I think I will definitely go and report them. I was so uncomfortable when that [sexual harassment behaviour] happened but I feel like I don't have any other choice. I feel like it is a teaching process [for newcomers to the job] and I don't have any other choice. If now, I will say, "What are you doing?" I have that confidence now. I built this confidence for years and years. Study, legal study and work experience. I have more friends. I have more support network. I feel like Australia is my second home now. I have that confidence to say no and to stand up for myself.
>
> (INTERVIEW_UNION)

This shift in attitude among these women was closely tied to learning from their experience over time. Many participants highlighted that newly arrived migrants often do not have the knowledge and confidence needed to navigate unsafe workplaces including workplace sexual harassment. We return to this in the discussion presented in section 5.

Social and cultural stigma associated with workplace sexual harassment

> There is a taboo about talking about sex. You know, anything to do with sexuality or sex is taboo in all the cultures. And so, having something like that, you know, traumatic happened to you, it is not just something you want to talk about publicly to anyone, regardless of your age or your ability to advocate for yourself.
>
> (INTERVIEW_COMMUNITY LEGAL ORGANISATION)

Throughout the interviews and focus groups, a recurring theme that arose in relation to why migrant and refugee women tend not to access formal response mechanisms is the social and cultural stigma associated with workplace sexual harassment. Despite the normalisation of subtle harassment behaviours and the dismissal of those behaviours as "jokes", many of the women reflected that the same openness did not extend to talking about sexual violence. Many women found talking about sexual violence and harassment uncomfortable and difficult to raise, and the consistent observation was the challenge that discussions around women's experiences consistently returned to how they were responsible for the behaviour of perpetrators:

> The reluctance that we have heard in disclosure spaces is that they believe it's their problem and their problem alone to solve and they have brought that upon themselves. And so, then moving into that next part of the shame, what was their behaviour? Were they modest? Were they provocative? Did they not put up

> good boundaries? And so, then for our advisors, they would talk about that frustration and that I have given you advice, that you have grounds and I want to fight this for you. But then [for clients the option most often] is just the silence or choosing to ignore the matter or move on to different employment, if that is a possibility.
>
> (INTERVIEW_EMPLOYMENT-RELATED COMMUNITY ORGANISATION)

For women in this study, this has contributed to self-blaming or questioning that stops them from even considering formal response mechanisms as a genuine option they can pursue:

> It does not just limit to international students with temporary visa. This goes on like, even if you become a citizen, or if you are like of that particular nationality, just that you are always afraid that they would be victim blaming because we have always either faced it or seen that and people would question you, "Why can't you loosen up a bit? Or maybe you were not dressed properly, or you could have set up your boundaries." You are facing something which you should not be facing and then people try to blame you and, like, put a finger on you that you know there might be something wrong with you first.
>
> (FGD_NON-SURVEY_STUDENT VISA)

> The reason why they didn't report, because they felt shame. Unfortunately, it is in many cases and around the world, women are blamed for their behaviour or they are wearing short skirts. Women are raised up to be shamed, always embarrassed about their behaviour. You are a girl, you should not behave like this and then women are just like blamed for everything. And in this case, the refugee women, we don't feel power, we don't know the culture. We don't know where the limit or borders of what people should do.
>
> (FGD_SURVEY)

> Shame is also something we carry forward from our own culture and then it gets in the generation here. It is about that, "She must have asked for it." You know, the whole patriarchal way of looking at women. You look at the media around you. It is always women blaming. It is women being blamed for not protecting themselves against the man. It is never the man who is at blame and we carry that a lot again from our background. Then we come here thinking it is some more open world, it is more, you know, equitable and all of that. And then, honestly, the shock of the fact that actually it is not. It is just a white horse, the whole thing about equity for women and gender equity and all of that is very pretty. But you look at the media in Australia, let's say the harassment case, like even the Brittany Higgins case in the parliament, I don't see it being much more equitable or forward than my country.
>
> (FGD_SURVEY)

> I definitely find that in terms of feeling responsible for what happened, I tend to find quite a lot of clients express that in like the initial appointment, when they are going through their story. Something on the lines of, "Oh, I felt like I shouldn't have put on make-up that day because maybe I was inviting the behaviour." It is not uncommon for people to express that in the initial stage, but this is a self-selecting cohort as well. Because people who continue on in that journey, they fall into a kind of category of people who will then see the bigger picture. And I tend to find those statements about self-responsibility drop off quite quickly for people who then decide to take legal action, once they get confirmation that what happened to them was not right, that it is against the law, that their employer is liable and is on the hook because of what they have done or not done. That kind of reassures them that, no, this is not to do with me. It is not something I am responsible for. It is this person who has perpetrated violence against me in the same way that you would not blame yourself for being punched in the face if you are walking down the street.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

These anxieties naturally extend into the workplace. Women identified that their concerns about how they may be viewed by their colleagues and whether they might be seen as responsible for what happened to them influenced their decision about whether or not to speak up about the harassment:

> The other thing is because she would be the one [who is the centre of attention], even the man who did that, they would forget about it. But everybody will look at her, "She's the woman who had been touched. How did she do it?" It is still the case in Australia, we have this planted in our DNA, and everybody will look at me every day. I wouldn't feel like I can walk this place in confidence again.
>
> (FGD_SURVEY)

> You also become a gossip topic within your team and the floor that you work on, which actually, I feel does more damage than anything else. Because then it is like in the crowd and it always stays in there like everyone knows it now.
>
> (FGD_NON-SURVEY_STUDENT VISA)

> She was thinking like, "How I am going to explain this situation to my boss or other colleagues? Maybe it was my fault too?" … Sometimes you don't know if it is your fault, or if it is really fault of someone else. And it's sometimes I feel like immigrant people, if something happened to us, we maybe say like, "Oh no, maybe we don't need to discuss this with anyone because we don't want to have problems with the government because they know our visa or something."
>
> (FGD_NON-SURVEY_HOSPITALITY)

It is well documented that claims about "community" in the context of exploring migrant and refugee experiences should not be based on assumptions around what communities women are connected to, feel an active part of and/or are safe in (see Segrave et al., 2023). The migrant and refugee women we spoke to were connected to and embedded in cultural, religious or ethnic communities to varying degrees. For those who were closely connected to a faith or cultural community, the issue of shame and the impact that standing up against workplace sexual harassment could have for them and their families was a strong deterrent to reporting:

> They are embarrassed and scared that others will view the situation and think they are not decent people. They are too afraid to speak out. And the other thing is that they are very afraid that their husbands might find out – the husband might trust them less, trust their wives less and even ask them to quit their jobs. Or the husband, if it is someone who really wants to protect their wife, might make a really big deal out of it. And in that case, the wife might lose her job.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> The culture that we all come from, there is a culture of shame and honour that is associated … And the cultural background where we come from, the politics of shame and honour. They do play a role because if you are going to report, somehow, your name is going to be in the limelight. People will get to know you. So, even if you are victimised, that politics of shame will play its own part.
>
> (FGD_NON-SURVEY_MUSLIM)

As some participants explained, the stigmatisation within their community around issues of sexual violence and, in particular, the tendency to immediately blame the woman, or question what she has done to incite such behaviours, can make women reluctant to reveal to anyone what has happened to them, much less access formal response mechanisms. In these cases, reporting or filing a complaint is simply not an option:

> The women that we have engaged with, there is a mix of people who feel that they have a lot of shame around this stuff because they would be very, very closely connected to their communities, so it can be sort of a shameful thing to talk about. They see it like a bad thing, like it is your fault that you put yourself in that position and I think that sort of thinking comes from probably the older generation of people within the community. So it is not wanting to be seen as a let-down by your parent, or uncle or auntie. So it is not like they feel it is their responsibility or I can't believe this has happened. But more of, I am shameful that this has happened to me because I have disappointed my elders.
>
> (INTERVIEW_UNION)

> When you are raised up in our culture as a woman that these things will happen to you, often, they will put the finger on it. "It must be your fault. What were you wearing? Maybe you are plotting something? Or maybe you are being too open and give this space that the men have the courage to do it." So the women will feel ashamed. The perception is set in the DNA from our cultural background and experience. I still feel ashamed to say, to raise up the concern, or to talk about it, or go to the authority and report that something has happened to me.
>
> (FGD_SURVEY)

> First, they look at the woman suspiciously. She must have done something before to encourage the man. That's why the other man approach in that way. And with the husband, the woman has expressly said to me, "If I share this thing with my husband, my husband won't live with me. He must doubt at me, and he will leave me." So instead of someone who is there to support her, she was more scared that if she shared the thing, her life will become miserable and in front of the camera or the TV or interview. It is impossible for women in these cultures.
>
> (INTERVIEW_NATIONAL WOMEN'S ORGANISATION)

The reliance on and connection with community can serve as a protective factor for migrant and refugee women, not least because it provides social networks and access to job opportunities and other non-material benefits. However, when it comes to addressing workplace sexual harassment, community connections can also have negative impacts and consequences for women's everyday lives, especially if the perpetrator is from the same community:

> A lot of the ways that I think migrant women get jobs when they come to this country is through their community. They access people in their community to find something. So, I think, what if it [workplace sexual harassment] happens within their community? And I think that is an even more problematic situation because I think that is more or less of a gender dynamic as well as an inherent cultural dynamic around women and their place in society as well as a lot more power. I think it is like, "I am in charge, I am your employer. You can exist in this society because I give you a wage, and so, beholden to me, and you are beholden to what I want from you."
>
> (INTERVIEW_EMPLOYMENT RIGHTS LEGAL CENTRE)

> They [men who are perpetrators] are very strong, I guess having that united front and in a sense of protecting themselves from judgement from their community, from being shunned from their community. So when they are making decisions about reporting these types of concerns, especially with regards to someone who is at quite an influential level within their community, normally, it's yeah, they don't go through with it.
>
> (FGD_NON-SURVEY_PASIFIKA)

> I actually think it is easier when they have a white aggressor to write and do something about it. That is almost expected. There's obviously a history of objectification, you know, fetishising women of colour … In migrant communities where the harassers are of the same ethnic or racial origin of the person who is being harassed, I think that they are less likely to raise it. Mostly because the communities, they may be very small. Everyone knows each other. God forbid you say that and it ends badly. Often migrant women are married and they don't want their husbands to know about that.
>
> (INTERVIEW_STATE-BASED EMPLOYMENT RIGHTS LEGAL CENTRE)

> I think it is sort of tacitly there with the family consequences. This idea whether they can exist in the community in general. Even if they are single, for example, can they go to the supermarket? Can they go to religious events? Can they go to community events? Can they access services?
>
> (INTERVIEW_STATE-BASED EMPLOYMENT RIGHTS LEGAL CENTRE)

Strongly related to the culture of victim blaming is the silence around the topic of sexual violence in some pockets of certain communities. As some of the participants explained, sex and topics related to sex, including sexual violence and victimisation, are considered to be shameful, and it is therefore not respectable to talk about these issues publicly:

> It is not so much about harassment but this whole sense of shame and guilt, and then there is this kind of stigma at times of saving face and your family's. And plus, we don't openly talk about sex, let alone sexual harassment in our culture. They are very taboo topics. So, unfortunately, at times in this space, these types of topics and these experiences are just, they just remain silent or there might be a sense of shame around, you know, maybe it's my fault.
>
> (FGD_NON-SURVEY_PASIFIKA)

> If you experience [sexual] harassment, for some people in cultural groups, it may not seem as common to talk openly about harassment, sexual assault and those incidents. So if you do reach out for support within a smaller community, you may happen to be reaching out to someone who knows someone, who knows your family. Hence, you may be less likely to speak up or reach out for support.
>
> (FGD_NON-SURVEY_REGIONAL)

> The capacity not to speak up about it as well as the fear of humiliation by speaking up about it. One of the women in her work at a restaurant, it was a significant amount of shame for her to even say the words. But the current processes are, "Yes, you have rights, let me represent you. Let me take you to the Human Rights Commission and bang down that door. And then you are going to have to tell someone about someone did xyz and said that to you or made you feel this way." While the shame and the risk of blame is sitting there.
>
> (INTERVIEW_EMPLOYMENT-RELATED COMMUNITY ORGANISATION)

The silence around such issues has important implications, including the need to educate young girls about how to recognise harassing behaviours, and what they can do and who they can go to if they experience such behaviours. Some participants shared that there are small shifts occurring within their communities and they are starting to see more open discussion about issues of sexual violence; however, such change remains slow. A service provider who has been working closely with temporary migrant workers in rural and regional areas shared her observation that there are often differences of opinion within communities, and we need to be aware of them:

> There is another group [within the community] that has kind of a bit more a fighting spirit and they won't necessarily like blame themselves or see it as they are in the wrong. There are like groups of women who know that this is something that they shouldn't tolerate. They will individually kind of bring things up. But even within the communities there's like a breakdown of people who feel that they are shameful. So it is probably not fair to say the whole community is like this or the community is like that. Because within the communities there are different sort of pockets of people that are different and, sometimes, the different pockets of these communities don't interact. So it is quite complex.
>
> (INTERVIEW_UNION)

This finding is an important reminder that migrant and refugee communities are not homogeneous. Instead, disparities, tensions and shifts occur over time within and across communities. This has significant implications for community communication and engagement. We consider these issues further in the discussion in section 5.

Navigating emotions

> I was just frozen. I couldn't move. I couldn't say anything. I just couldn't understand what was going on in that moment. I never had that situation before in my life. I spoke with the manager and she said, "If you don't feel safe talking with him, I can go with you." And I said, "No, it is okay, I can do it." So I went to speak with him, and he was totally like, "I don't know. What are you talking about?" And after that he started treating me like shit, like I didn't even exist. So after that I just resigned. I packed up my stuff and moved. But the situation was super frustrating because I am a speak up person. I really wanted to do something, like I would love to go to the police, or see someone or get some support. But after that situation, I realised I wasn't the first one and he was doing the same thing to every single girl working at the bar. And everyone told me, "Hey, just don't do it because it won't be okay for you. It won't be okay for your visa. You may have issues. These guys are dangerous, just let it go." But I feel so bad because I didn't do anything to prevent the situation to other girls. And I didn't have the energy to be honest because I know it involves. I know that if I go to the police, it won't be the only one time. I know that I would have to go maybe many times. And I don't know what value it has in that moment. That was in my first year here and that was like my worst experience.
>
> (FGD_NON-SURVEY_HISPANIC)

Beyond the practical issues associated with accessing formal response mechanisms, the conversations with migrant and refugee women also reflected their grappling with a complex range of emotional reactions to what had happened to them. While such emotional and psychological impacts cannot be fully addressed through policymaking or improving system responses, they remain important considerations because of how they inform women's reactions and responses to harassing behaviours. In particular, many of the women talked about feeling scared, alone and helpless after being sexually harassed:

> One thing I would think it's very important for people to know about migrant women is that most of the time we are very scared. Some of us, I was super scared to say anything and we lack the language or knowledge.
>
> (FGD_NON-SURVEY_HOSPITALITY)

> We are alone in here, we don't have that family member and sometimes we come in with that trauma like, if you told your partner, they probably did not believe you. So you probably still carry that with you. And if I am telling someone, "This is happening to me," they probably don't believe me.
>
> (FGD_NON-SURVEY_HOSPITALITY)

What is often missing from policy and public discourse on addressing workplace sexual harassment, and the associated discussion about why women are not coming forward to report or file a complaint, is that the experience of workplace sexual harassment can be incredibly traumatic (as per all forms of violence against women). In many instances, when describing what had happened to them, women shared that they had been so shocked that they were not able to process what had occurred and did not know how to react in that moment:

> You know, like a person can't treat me like that. And because it takes time for you to process that and then I think by the time you realise what happened, it is too late [to do anything].
>
> (INTERVIEW_NATIONAL WOMEN'S ORGANISATION)

> I couldn't believe someone would just say that, but my voice did not react. For someone else it might just be a conversation but, to me, I think that was definitely crossing a line. Some people may not because there was another female colleague and she just laughed. So, to her, it was just something very casual, just a remark. When I told her that I was not okay, she said, "You are getting worked up for no reason." That's a woman telling me that.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

> I was quite new. I couldn't stand up and say, "You need to stop this." I knew it was wrong but I didn't have the courage to stop that.
>
> (FGD_SURVEY)

Similarly, in the interviews with service providers, they explained that many clients come to them months, and sometimes even years, after the incidents have occurred. There are a variety of reasons for this. In some cases, it could be because the client finally feels ready to pursue justice outcomes, the trauma of what has happened has reduced somewhat and/or they are in a better position to address the trauma through action. At other times, it could be because they are seeking closure:

> I get told by many people that they think they can just move on. They can put it in a box like, "You know, it has happened to me, but I will just finally get out of there and it will go away." But actually, the effect of sexual harassment on people's mental health, the stress and the effect that has on people's lives, even their personal lives and things like that. 2, 3, 4 years down the track, clients are being diagnosed with PTSD [post-traumatic stress disorder]. They still can't sleep and they are like, "You know what, it is still on my mind. I have to do something about this. Because I am still so unwell this many years down the track." And by that stage, for migrant workers, if they have stayed in Australia for that amount of time, then they usually have permanent residency [and] … they are not in this horrible job situation … [The motivation to report] is usually that they haven't been able to put a lid on it, which they thought they were initially going to be able to do.
>
> (INTERVIEW_EMPLOYMENT-RELATED COMMUNITY ORGANISATION)

> Now that the limitation has extended to the 24 months, we are getting quite a lot of historical matters. Because she felt really that she was not able to make a complaint at the time, but now she is feeling more stable. She feels confident to make that claim now. It can be 5 years later or sometimes at a later time. But very rarely at the time [of the incident]. Mostly sometime down the track, 1 to 2 years later.
>
> (INTERVIEW_EMPLOYMENT-RELATED COMMUNITY ORGANISATION)

Notwithstanding the challenges and hesitations that women experience when deciding whether or not to access formal justice mechanisms, in this research some women also reflected that they felt ashamed of themselves for being unable to speak up or call out those behaviours:

> Probably because I didn't do anything, that's where the shame comes from. So it is like when I have seen women reacting and saying, "We don't accept this," I feel proud for the woman. But if she doesn't and that was me, that's where the shame comes in. So if I can go out in the office and tell everybody, "Oh my god, this man was trying to do this and I did this!" then I will feel proud to say that I feel empowered to do that. But if I didn't do anything, then I will try to hide, especially if I haven't been given the tools to do that. And I think it is because at some level you feel responsible for it.
>
> (INTERVIEW_NATIONAL WOMEN'S ORGANISATION)

Another participant reflected on the mental health costs for women when they try to brush off or ignore the incident – an issue that has not been considered much in research to date:

> Also, a major way that women deal with this situation is that they try to put it aside and, gradually, they build up like barriers and fences around them, which might affect their mental health along the way.
>
> (FGD_SURVEY)

Seeking advice from peer and support networks

In the survey, speaking informally with family, friends and close colleagues was identified as the main approach taken by migrant and refugee women when they were sexually harassed in the workplace (this is a consistent finding in research – see AHRC, 2018). This did not emerge as a major discussion point in the focus groups; however, migrant and refugee women did talk about the importance and value of social networks as a resource that they can draw upon for support, advice and information:

> Friends' support will be more helpful than calling your care manager. Honestly, the care manager will only know things about someone if you are very bold and tell them. But with friends, it is much easier to discuss things.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> In general, when you work, you need a group of friendly colleagues, people who have worked there longer, who can show the way for those who are new to this work. Then you can ask questions and learn, such as, if there are any problems with a client. How you should behave. Safety tips when working. That's what you should have. Connections with people who have worked there before. That's the smart strategy to have.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> You will talk to family or friends, or your support network, I think almost to get a sense of whether you are making a mountain out of a molehill. Just a bit of a sense check. And I suppose you know, within your families, looking to people from the same cultural background.
>
> (FGD_SURVEY)

> I spoke to colleagues that were close to me, and then friends and then my partner, and he told me to report to HR and HR didn't believe me, so the only thing that I did just while there [in the workplace] is, "Don't believe me, I am not going to stay here." So I left.
>
> (FGD_SURVEY)

> I find women will often share the experience informally and even on Facebook groups, often I see things where they go, "Can I sack this client?" They are looking for advice and it is usually they are looking for advice on how to do it. Most of them are not employed [they are small business owners], so that's the problem. A lot of the workplace structures are based on someone being employed, but what do you do if you are renting a room from someone you know? How does that change the relationship?
>
> (INTERVIEW_UNION)

Social isolation and the lack of support networks were identified by some of the participants as a considerable problem for many newly arrived migrant and refugee women. In this regard, social networks are not just important for the practical and material benefits they can bring, but also because they are a vital source of moral support, which helps to validate women's experiences and feelings:

> A lot of international students and migrant women, a lot of us are alone here, so no family support. And that becomes important when we are going through something of this sort. So the fact that we are alone in this country … that also has a huge impact in not reporting as well … That's also one of the reasons why women don't end up reporting these things because we don't have someone to egg us on and like push us and encourage us to say, "Stand up for yourself."
>
> (FGD_NON-SURVEY_STUDENT VISA)

> If I talk to my female friends, I know that I will take a validation from a woman that it wasn't my fault. So that's why usually woman talking about with each other. It is mainly the validation that it wasn't me, it is the validation that, yes, we are being harassed.
>
> (FGD_SURVEY)

> When there is not a lot of support from anybody around me who is Australian or even from anywhere, it makes me doubt myself. It makes me think that what I experience wasn't that bad and then that just makes me less likely to tell anybody, and it just goes on like, it just kind of spirals.
>
> (FGD_SURVEY)

> I think story sharing it is really influential. So migrant workers tend to hang out with their own groups. International students hang out with international students with people from their own home country. And when they gather together sharing stories, "You know, this happened at work." So, when people gathering together sharing this kind of similar treatment, unfair treatment and story, they will think, "Oh, this is how the world is. There is nothing you can do. You are powerless. You cannot change this. The main point is keep yourself safe and try your best. Get some money and that's the most important thing." Because if you see in your inner circle everybody experience same thing, that is influential. That's make them think this is normal. This is how the world operates. But they haven't got access to other stories because that is outside their social circles. If we can hear more stories like, "This happened but I go to tribunal, but I go to Fair Work Commission, but I call the police and there is better consequence happen." And I think people are not stupid. People will, you know, follow that path. So I think story sharing between different migrant worker groups is also important because there is not more positive happen, they will try to put up with it more and even more.
>
> (INTERVIEW_UNION)

The interviews with service providers similarly revealed that many of their clients are able to access knowledge and information from their social networks:

> They have perhaps had specific advice that confirms that what happened to them was against the law and they have got options.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

While service providers acknowledged the value of social networks in supporting women, this was mixed with concern over the type of advice given, and whether community or social networks are indeed always helpful for migrant and refugee women:

> I have always got an issue with small business in what I call inappropriate advice. People going to people who actually have no idea and unqualified to give them advice. Usually if you are going to friends, it is going to be shaped by their own biases and exceptions. And you are not necessarily getting good-quality advice because if it was a passive person who don't want to rock the boat, they are going to tell you not to rock the boat.
>
> (INTERVIEW_UNION)

In addition to the informal network of family and peer support, non-government community and legal organisations form the other key group that migrant and refugee women reach out to for support. However, unlike general advice seeking through social networks, service providers described how women typically have a pressing concern around salary or employment security that needs to be addressed when they approach them for help:

> We get inquiries from workers at all point, while they are still at work and experiencing the sexual harassment. Or I think most commonly after they have been dismissed or they have resigned because the sexual harassment is so bad they are not well enough to be there.
>
> (INTERVIEW_EMPLOYMENT-RELATED COMMUNITY ORGANISATION)

> They come to us, "I have been dismissed." And then we uncover as part of that call that there is sexual harassment.
>
> (INTERVIEW_EMPLOYMENT-RELATED COMMUNITY ORGANISATION)

> We get them to tell us what happened, and we give advice on that. What will often happen is that they will say, "Oh, yeah, I wasn't being paid and so I went and talked to my boss about it, and they made these comments." And then it all comes out like there is actually, you know, significant racism or sexual harassment or sexism in the workplace. But they don't identify those as the legal issues they need help with. They haven't been paid, they want to be paid and then it is only until we talked to them about their experience in their workplace more generally [that it comes out].
>
> (INTERVIEW_COMMUNITY LEGAL ORGANISATION)

In the discussions with service providers, and as conveyed in the quotes above, a key finding that emerged was that women do not typically approach them about workplace sexual harassment. Rather, this is something that becomes evident after the clients start describing the employment conditions and situation at their workplace. What is clear, therefore, is that workplace sexual harassment rarely happens in a silo or as a distinct event but is more likely to be part of a range of dysfunctional employment practices, sustained by intersecting relations of power within and outside workplaces. Another significant finding from the conversations with service providers is that even though women come to them to ask about available options and potential consequences, most do not actually proceed with legal actions:

> We have never been to court. We have done statements, a claim and we have negotiated, we have settled. But we have never been to court because, ultimately, they do not want to go to court. They don't want to sit up on a stand and testify to all the horrible things that have happened to them and be challenged. They just want to survive. They just want another job. They just want to have a reference for the job. They want to pay their rent. A lot of our clients will just give up because it is too hard, it is too much. There's too much riding on it. It is too stressful. It impacts the mental health too much. And the stress, the upset and the re-traumatisation of making a complaint and taking it through to an actual hearing is immense. So they are willing to do a letter, they are willing to try negotiation.
>
> (INTERVIEW_COMMUNITY LEGAL ORGANISATION)

When asked why she thought this is the case for most women and if it might be due to a lack of information about legal processes, one lawyer explained that, for her clients, the decision of whether or not to pursue legal action was often made after carefully considering the costs and benefits:

> I think people come to us sometimes being very well equipped with the knowledge of what is going to happen or what could happen next and they make very considered decisions not to take action because of the blowback and potential negative ramifications.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE, NSW)

We note from these findings that both social and formal networks of support for migrant and refugee women are key. In addition, women want and need to know what other women in similar positions have done and what approaches have (or have not) worked for them; and a common issue is that women are unaware of what is possible, including the potential positive outcomes. However, it is equally critical that clear and consistent information be provided to women; and community-based multilingual support may be an important aspect of this, although it requires considered and targeted support and funding.

Managing safety

Most of the women in this study did not choose to access formal response mechanisms when they were sexually harassed; however, this did not mean that they had not been active in responding to those situations. Instead, from the FGDs, it was revealed that women managed their safety in four key ways: 1) resigning and/or leaving the workplace; 2) ignoring the behaviours; 3) actively taking measures to protect themselves from unsafe situations; and 4) directly confronting the perpetrator. This section discusses each of these responses in turn.

Resigning and leaving the workplace was an approach that many women in this study had taken in response to unsafe working environments. Women who had done so explained that they had decided on this approach when they felt that their concerns were not being responded to in an appropriate manner by the company or organisation:

> … because they were not able to receive the support that they needed, or even not speak to their supervisors because their supervisors were condoning the situation that would make them feel unsafe. And because of the temporary visa status mounting upon that and the security of work, they would stay in the job as much as possible, trying to avoid the situation, avoiding the client, avoiding the supervisor as much as they could. But when they couldn't take it anymore, they would leave and leave it, as in not reporting or doing anything on that.
>
> (FGD_NON-SURVEY_REGIONAL)

> At that time, I was so scared, so I would just try and get away and say I couldn't do that. But he was the boss, and I was the employee. So, I didn't dare to really say anything. If I did, I would lose my job. From then on, I was just scared of him, and I would try to avoid him, keep my distance. But after a while, I couldn't deal with it anymore, so I stopped working there. I didn't dare to even be around him anymore.
>
> (FGD_NON-SURVEY_VIETNAMESE)

For another participant, changing jobs was the strategy that she adopted in order to find a company or organisation that would be the "best fit" for her:

> There's a lot of differences in the workplace. Here in Australia, I think depending on the culture of the company that you fall in, you adjust or not. So I was always trying to find a job where I could fit my personality and what I come with, all my luggage. So I have been to a lot of jobs, professional jobs, and learned passively. Like I just thought, "Oh, okay, next job, I don't want this. And then next job, I don't want this." So I think that's how it was, paying the price of learning.
>
> (FGD_SURVEY)

However, changing jobs is not necessarily a viable option in all employment settings and work contexts. One participant explained that when she was working in hospitality, she did not bother with changing jobs because she felt that no matter which restaurant or shop she worked at, the situation would likely be the same or similar:

> I tend to think even though I can get another job, it will be the same. Yes, different people but same situation. So there is no point for me to change job until I find a satisfied place. Because the job, like being a waitress in the restaurant or cashier in the convenience store, supposed to be like this. This is something that you will encounter daily. So even though you are changing job, the same situation will happen. Maybe even more. This is the reality to the large amount of migrant markets.
>
> (INTERVIEW_UNION)

The second approach commonly taken by women in this study when they experienced harassing behaviours was to ignore the behaviours. Women may choose this approach due to the perception that the behaviour is not so serious, or that it is simply much easier to ignore it than to engage with formal response mechanisms:

> We are aware it is wrong, but it is easier to be quiet, it is easier to allow it.
>
> (FGD_SURVEY)

> I thought about that [reporting] but I just left. It didn't happen in my everyday work. So if it happened every day, I would go and talk to someone. Because it was very few occasions, so I just absorbed it.
>
> (FGD_SURVEY)

> Most migrant workers, migrant women will walk away if this is only a really uncomfortable conversation or tiny conversation. As long as it doesn't amount to serious offence. At least to me, from my observation, people will try to avoid it and do not officially deal with it. Just part of their lives.
>
> (INTERVIEW_UNION)

> I will just ignore as long as they don't have any harm on me, like physical harm or serious things happening. I will just go away, I will ignore and try to avoid it. Because life in Australia, as a migrant worker, at the beginning is already difficult. I don't want more trouble. Sometimes we just don't have that strength, don't have that energy and time to deal with it.
>
> (INTERVIEW_UNION)

However, more frequently, women shared that at the moment of the incident occurring, they simply did not know how they should respond or react, and so they thought that the best course of action would be to brush it off:

> We didn't do anything about it, and I felt a bit powerless as a teacher in such a situation. My reaction to the student, because you have to maintain your authority in front of the student, so you cannot panic and in any other social situation, if other people offended you like that, you probably could just curse or whatever.

> But to the student, I was just saying, "It is a form of art because people used to draw naked people." So I would just brush it off. I know it was sexual harassment, but my reaction was to just brush it off in a professional way … But I found it is a pretty tricky situation with students because they are underage as well.
>
> (FGD_NON-SURVEY_EDUCATION)

> I would admit one of the big factors is that I feel embarrassed myself. I don't know how to talk, how to go through a conversation with a student, a male student like that. I don't have the confidence to do it properly. I found it is very challenging psychologically for me. Because this topic is quite touchy, for my background as well. Even though I thought I am pretty straightforward, even that, with an underage student, it is very hard and how to do it appropriately as well, and how to get your colleague on your side, and not to be ridiculed later, as you still want to work in the school. You want a promotion as well and you want your authority. So you don't want you colleague to see you as a subject of sexual harassment by the student, which you also don't know how secure the environment is. Maybe the thing gets out and all students know about it. You wouldn't be able to teach there anymore.
>
> (FGD_NON-SURVEY_EDUCATION)

> I didn't even bother to report because I am not sure what action going to be taken and what's the consequence. It is going to be maybe a waste of time.
>
> (FGD_SURVEY)

The normalisation and pervasiveness of gender discrimination and subtle harassment behaviours were identified as another reason why women may choose to ignore particular harassing behaviours. Specifically, women explained that because of this culture, they had to "choose which battles to fight" and learn to let some things slide, as it is not possible to call every single thing out:

> It's how passionate you are about your work. So do you just want to get the job done and move on and find better things to do with your time? Or do you want to sit and do something about it, which takes more time, and it won't give you enough time to do what you really love? You know, you are trying to solve a problem that's too big of a problem to be solved by just one person. You try. You do try. There are many times I have tried to say that no, this should not be the case. But how long will you try for so at that point of time? You kind of realise it's not others you try to change. You need to try to change your approach to how others treat you and that's how I have been managing it.
>
> (FGD_NON-SURVEY_STEM)

> I cannot be sensitive all the time. I cannot just point out that joke is wrong. Maybe that is unacceptable, but I have to accept that, like that is only a minor issue. I have to live with it because I cannot live with this industry and be over-sensitive, finger-point every single day.
>
> (FGD_NON-SURVEY_STEM)

> I think even when there are policies and it is a bigger company, the feeling I got was they didn't know how to handle it, and these are, you know, experienced, high-level professionals. I was surprised that I had to find my own voice in that situation and make sure that I put boundaries in place with that person. I was constantly having to put this person in their place. And you are going to be that person who says, "No, that is not okay." And there's definitely a sentiment of "you are one of those feminists who are going to complain about everything". It's not everything, it's just this. This person is being inappropriate, and this person is doing the wrong thing and you can say no.
>
> (FGD_SURVEY)

> [After working in this industry for 30 years,] your perception of boundary changes. The comments I got when I was much younger probably would not be tolerated in today's society. I would not say immune, but you become used to these comments and you don't notice the impact of it, or you don't notice that it is not something that should be appropriate. It doesn't happen now much, but I am just saying if it were to happen, I don't think about it, because on a scale of bad, that's a very trivial thing.
>
> (FGD_NON-SURVEY_STEM)

> I have been in the industry for almost 11 years. Personally, I get a little bit desensitised. The longer I do it, I kind of like, "Whatever, it is just a job." I think I got more sensitive in the beginning to these things [sexual harassment], but I kind of slip into character, as I would say, and I put my mask on.
>
> (FGD_NON-SURVEY_SEX INDUSTRY)

Third, some women described how they would manage unsafe work situations and actively mitigate the risk of facing sexual harassment by undertaking particular actions or behaving in certain ways. For example, a few women who worked in the hospitality, sex and body work industries shared that they would adopt a very professional attitude and be very firm with customers and clients to establish clear boundaries:

> From my point of view as a therapist, you have to be very, very professional. So it is the kind of job I don't recommend to someone without any skills to just learn. I usually sit with the new people and talk about this. You have to have the right pressure. You have to be sure the person understands we are only working, we are not doing anything else. So don't do soft pressure or something like that, don't make them the opportunity to think they can do something that make you feel unsafe.
>
> (FGD_NON-SURVEY_HOSPITALITY)

> I just always make sure to establish the boundaries and rules with them, so we don't get to that situation so that they like touch me somewhere and be like, "Oh, but you didn't say that." So I will say, "Okay, you know you can't touch my breast or like you can't touch here." And when they try to like break it, I can then be "excuse me, what do you think you are doing?" I think it is really important for us to protect ourselves. Sometimes I will literally feel we need to like baby them. Like, "Well, I told you, you know. That's it, that's done. The fun is over now." So they know for the next girl not to do it. So you kind of have to like teach them almost so they understand what you are saying.
>
> (FGD_NON-SURVEY_SEX INDUSTRY)

> I really have to keep a straight face and make sure I don't react by looking scared or giggling, or else they will get what they want. You just have to be serious and just continue the program for them. After the showering routine, I would just explain that I am going to dress them and that's it. Those are the signs to let them know they can only receive care. If they overdo it, I will stop working immediately. That's the way they taught me to respond in the nursing home.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> You would typically be very vocal and expressive in showing that you know this is making you uncomfortable. Obviously, it is a very sexualised environment, and a lot of customers are drunk … For me, if I say to someone, "Hey, you are not allowed to do that," I will say it nicely first. Then if they do it again, I would be like, "I told you." And then I get even more stern and then I am walking out. That's just how it is.
>
> (FGD_NON-SURVEY_SEX INDUSTRY)

However, when reflecting on her experience in different workplaces, one participant noted that this strategy of being firm and professional is not translatable to all work settings or situations, such as white-collar office jobs, where sexual harassment is much more subtle and thus more difficult to call out. In other cases, women shared that they would try to remove themselves from unsafe situations, either by keeping their distance or avoiding being in the same space as the perpetrator so that there would be no opportunity for harassing behaviours to occur again:

> The second time when he did the same thing, I was scared. I had not told the office yet about what was happening to me, with him. Later on, I kept my distance. The first time it happened, I was not sure what it was, but the second time, I knew for sure that this man had bad behaviours. So when I worked, I kept my distance and was always on guard, worried that he would assault me, that he would touch me or embrace me.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> One of my friends said that she will purposely avoid going to work if she knows that the person is on the same shift as her. But she is not in a position to want to report it or take it any further.
>
> (FGD_NON-SURVEY_PASIFIKA)

> There was a case of someone who was being sexually harassed by a security guard, who was also a subcontractor of a particular club. And this person, I remember them disclosing that they just kept avoiding that security guard and would try to find out when he was working to avoid him and addressing it, because she didn't want to lose her job.
>
> (INTERVIEW_INDUSTRY ADVOCATE AND SUPPORT ORGANISATION)

It is significant to note that in nearly all of these cases, women had already been sexually harassed on repeat and/or on multiple occasions, and their strategies had been improvised and learned through experience. In the conversations about what happens with women who are new to the industry, participants generally reflected that while they would try to pass on their knowledge and tactics to new employees, whether or not this occurred was arbitrary and dependent on the goodwill of senior co-workers and colleagues. In most cases, newcomers are left to find their own way and learn on the job:

> I have seen younger dancers in situations where she is left with a guy to do thing that she is uncomfortable with because she doesn't know how to manage the situation or she is not comfortable or experienced enough to, you know, have those boundaries. She kind of gets like stuck almost and she doesn't know what to do about it. And she would just let the guy kind of abuse that customer–service provider relationship in that moment.
>
> (FGD_NON-SURVEY_SEX INDUSTRY)

Finally, a small number of women shared that when they had been sexually harassed, they directly confronted the perpetrator and called out the harassing behaviour:

> He was from the same country as me, which is why it was so easy for us to talk to each other. But after, he kept calling me "darling" and saying those [sexual harassment] things. I spoke strictly with me, direct with him. I kept my distance and spoke very firmly. One day, he said he was going to Vietnam and wanted me to go with him. I said that I was already married, I could not go with him. He said that it didn't matter and, in this day and age, it didn't matter if I went with him. Then I just responded with a traditional Confucian saying – at home, obey your father, in marriage, obey your husband, and after his death, obey your son.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> The second time it [sexual harassment] happened to me, I realised. I said it straight to him, with a stern face, that he couldn't do that. It was not acceptable. I sternly said that, but working there I had to be very alert and look around to check where he was. It was very frightening. After a while, I stopped working there and wondered if I had been too sensitive or not. But my friend worked there as well, and she said we should report it back to the office. She explained that it was too far [much]. She also had told him too many times and he still did the same things.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> We are very strong and resilient. I have had a number of instances where, you know, a manager just comes up and tries to kiss me like, not like it is a full-on lips. But I pushed him away and I think they got the message, that it is not to do it again.
>
> (FGD_SURVEY)

> [Previously,] I think if I keep silence, I will let the same [thing] pass. You know, just because someone tell a joke and I think okay, I keep silent and people will not talk about it, but then I find that if we keep silent, and people will think like, "Oh, I can keep doing this and you are not angry." I realised that. So, currently, I would be [giving it] right back, like someone tell a joke to me, I will go back. I will change my behaviour.
>
> (FGD_NON-SURVEY_STEM)

In one of the cases, a woman sought advice and support from her employer when the perpetrator continued the behaviour after being called out on it. In this case, the woman's intention was to inform the company about the situation so as to request a change from caring for this client who was the perpetrator and ensure that the next care support worker placed there would be well informed about the perpetrator's tendency to sexually harass women.

Filing a formal report

> From a theoretical perspective, I think everyone should complain because I think we need to shine a light on the issue. Practically, knowing the clients that we have, what is best for the individual is not what is best for the system. You know the Fair Work jurisdiction? People want to try it out, but we don't want to risk it for the clients. What if it doesn't work out for them? What if it is not a good jurisdiction?
>
> (INTERVIEW_COMMUNITY LEGAL ORGANISATION)

The large majority of women in this study did not access any formal response mechanisms; however, a small minority of women had escalated the case to their direct managers or the human resources department when they were sexually harassed in the workplace. But when talking about these experiences of reporting, women's stories in the FGDs were most often focused on the negative outcomes of doing so. For example, one of the women shared that she had actually been fired from the club she was working at when she tried to seek help after being sexually assaulted:

> I actually got fired from my first club because I had been sexually assaulted and I stood up for myself. They didn't like that, and they fired me so that's another thing. A lot of the girls in the industry, they don't say certain things or stand up to management because they have bills to pay, so they deal with like the shit from management because they want to get by.
>
> (FGD_NON-SURVEY_SEX INDUSTRY)

Other women described facing similar situations where there was no substantive action taken or support provided when they had reported the sexual harassment to their company or organisation:

> There was reluctance from management to kick him out when he was pushing boundaries. And that is not uncommon situation within the industry. Particularly with regulars who might spend a decent amount of money in a club like in a strip club, behind a bar, or they are a regular of this brothel who comes in a few times a week. There is a tendency of owners and managers to side with clients over that.
>
> (INTERVIEW_INDUSTRY ADVOCACY AND SUPPORT ORGANISATION)

> I was quite new in this country so I didn't know quite how to navigate systems. Anyway, I was working in a club and a guy had assaulted me from behind and I was quite shocked … I did tell someone to get him kicked out, but he was given a warning instead. They were like, "He will get three warnings and that was his first one." So he stayed there that night and I remember feeling so uncomfortable that I did try and follow it up, but I didn't have a resolution that felt fair to me, so I ended up staying in the change room for the next few hours or so, to kind of wait for him to leave before going back out on the floor.
>
> (INTERVIEW_INDUSTRY ADVOCACY AND SUPPORT ORGANISATION)

> This man was never dealt with by the owners. That is why I left. You know they are not going to fire you outright, but they are going to make it so that they squeeze you out and they will just cut you from your shift and send you back.
>
> (FGD_NON-SURVEY_HOSPITALITY)

In the focus groups, migrant and refugee women frequently referred to negligible outcomes as one of the key factors influencing why they were reluctant to escalate the issue and access formal response mechanisms. There was a sense of "why go through so much trouble when nothing much is going to come out of it?" (FGD_survey); and based on the outcomes described by women who had accessed formal response mechanisms, this response seemed to be justified. When asked about the outcomes or actions undertaken by their companies after they had filed a formal complaint, women overwhelmingly shared that while they might have received expressions of sympathy, nothing of significance had transpired or eventuated:

> When I told a manager, all they said was "I am so sorry that happened to you" and then that case was closed. They did offer to talk to me about it. But no amount of words would really do much. I will always be at risk in such situations.
>
> (FGD_NON-SURVEY_STUDENT VISA)

> I took it to HR … and they didn't do anything. I think they gave him a warning, but that was pretty much it. That person was qualified in things that not a lot of people are qualified anymore. So they told me it's very hard to find a replacement for him, right? But that made me feel, well, I was very replaceable. So that's why I decided to leave because they weren't going to get rid of him because he was indispensable. And I was disposable.
>
> (FGD_SURVEY)

> The company had all the right processes and policies and things in place. I had an instance of this [workplace sexual harassment] happen … probably less than 10 years ago, and [I] eventually did report it to HR. The response that I got didn't encourage me, didn't give me a lot of confidence. So it was never addressed and it doesn't make you feel safe to be in an environment like that. And it's like, it doesn't give you the confidence to go, if it happens again in another instance, that you are going to report it.
>
> (FGD_SURVEY)

> I talk with my boss and like I said, we should do something if this happened again, like we should find a solution. But he said, "This happens all the time. It is okay. Just use some tools to protect yourself." But it is not a real solution and like, he didn't say anything, and we couldn't do anything too.
>
> (FGD_NON-SURVEY_HOSPITALITY)

> I informed my manager [about the stalking behaviour] and my manager said, "Just keep an eye as long as he is not doing anything, he is staying outside, that is fine. If you ever notice he is trying to come inside the store and you have like to shut the door and not allow him to come inside and he is forcing, then you can call straight away, and the police will come and see him." But luckily, he did not do anything like this. I was not feeling safe, but being a student, I don't have any other option because I was allowed only working 20 hours and if I go in any other company, everybody was asking for full-time availability. I was thinking if I will leave the job because of this issue, but then I think there is no point why I will leave this job because it would happen in any other job as well. So there is no point and I thought I should keep continue.
>
> (FGD_NON-SURVEY_MUSLIM)

The experiences of women in this study thus revealed that their complaints and reports were at best routinely dismissed or the onus was put on the women to protect themselves. And in some cases, women had to leave their positions to ensure their own safety:

> At the first of her work there, she had to serve food for the man who was staring at her for all the time, which make her feel really uncomfortable and unsafe, and when she like delivered food to that table, the man also wants to like deliberately touch her hand. So she told this to her manager but her manager just say like, "Maybe the man just like feeling like you are gorgeous, you are pretty." The manager didn't take it like so much of a really important thing and my sister quit because she think the job is not as important as her life.
>
> (FGD_NON-SURVEY_STUDENT VISA)

Some women spoke of their concern that their complaints were not being taken seriously because of a close personal relationship between the perpetrator and management:

> My experience is more like, remember how I did report it and nothing happened? Because what I did not know was my senior was sleeping with the boss's mother. So of course they were not going to do anything about it. Therefore, I did not really get the result or outcome that I wanted, which kind of makes me think, "Does reporting systems actually work?"
>
> (FGD_NON-SURVEY_STEM)

> The third instance [of workplace sexual harassment], when I did report it, I felt like everything that you read on social media came true and I was advised, "It's okay. That's how he is, learn to deal with it and move on. Don't even think about it. That's how he treats all women, and you should just be happy you have a job." And [my boss] is a woman who has been working in this industry for almost 16 years, advising me that they have had many reports of him doing this

> to other females and just for me to be okay with it … like you just don't feel heard, you feel like you are not going to be heard or seen. And I would be scared of kind of challenging that status quo and especially in such a male-dominated industry like where I have seen and heard that it's like a boys' club and they got each other's back.
>
> (FGD_NON-SURVEY_WORKING HOLIDAY VISA)

Significantly, across the 40 focus groups, only a very small number of women had expressed that they were satisfied with the outcome of their complaint:

> Once, I had an experience that I am sure was harassment. So I called my agency and they were really supportive. They called the place on my behalf and the support was great. So I think if this kind of thing happens to me again, I think I will be supported.
>
> (FGD_SURVEY)

None of the women in this study shared experiences of lodging a police report. In this regard, a service provider who supports working holiday-makers in rural and regional areas described how the process of filing a police report can be difficult:

> This girl, she reported to the police and then she wrote down the statement and all, and I also followed up. And then the police told me, "We believe her story. We really believe it happened to her, but because is on temporary visa, there is not much we can do. We can't even press charges because once we do that, she is probably already gone, left the country for good. So there is not much we can do about it." And I had two other cases, which is pretty much similar, there is no follow-up from the police. They just refuse to.
>
> (INTERVIEW_UNION)

Such outcomes as described above led to expressions of frustration and anxiety by the women in the focus groups. For example, a couple of women who were themselves in management positions shared that they had become hesitant about encouraging other women to report or file a formal complaint, knowing that women would have to negotiate complex and time-consuming processes with no guarantee of a positive outcome.

> The onus is on us to change versus the actual issue to be looked at and say, "Hey, maybe there's something going on because this guy, we have had several feedbacks about him and have talked to other women co-workers within this industry and he makes them feel extremely uneasy, extremely unsafe." It is just not there, but they keep him around.
>
> (FGD_NON-SURVEY_WORKING HOLIDAY VISA)

> They were so quick to be so dismissive about the experience and not try to work with me on it, or even my team member because she was okay to go to HR and like talk through it, but not to put in a formal complaint. But if it was so easy to sort of be very dismissive about it, then I was kind of glad that she hadn't gone and put in her complaint. Because I can only imagine what the response would have been, and to go in and like put yourself in that position and then have someone be like, "Well, I don't think that's what happened. Or that you are overthinking it, or you are just being a little sensitive about it, but it is not that big a deal, just tell him to stop or whatever." It is kind of again, that thing about well, what are you supposed to do? Why is the onus on that [affected] person to have to do it? It just made me a little frustrated at the whole thing and made me not want to [encourage other people], which is not good because I should encourage a level of formal intervention, some level of consequences. But it does make you feel like, well, what's the point?
>
> (FGD_NON-SURVEY_SOCIAL WORK & SUPPORT)

> As a people manager, I need to encourage everyone to do the [workplace sexual harassment] survey, and there is a target we try to meet. But personally, I still don't believe there is anything or action that is really going to take after the survey. So it is a bit contradictory. On the one hand, I have to encourage the staff to put in the survey. On the other hand, just personally, I don't believe the system will have any improvement after doing so. Because in the last few years, I haven't seen any improvement or actions been taken.
>
> (FGD_SURVEY)

"What is the point?" was a question that was consistently posed by participants in this study, which raises important considerations in relation to how we imagine and think about the operationalisation of support and protection mechanisms for victims and survivors:

> I am curious, like when someone reports sexual harassment, what will be the outcome of that? Like will they be receiving like counselling services? Or will they be kept in the loop about what happened with the person who commit the sexual harassment action? That's my biggest questions and that will affect how that will help the person if they want to report.
>
> (FGD_SURVEY)

> The greatest non-disclosure factor that I believe, at least in my experience, is that they feel nothing will eventuate from it in any event, and they will end up losing their jobs. So what is the point?
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

> The reason why they don't want to make this public is for it to go nowhere. So when they ask me, "Is this a big deal?" I think what they are actually asking me is, "If I report this, will it get anywhere, or will I just make enemies? Will I just burn bridges?" Which is one of the main reasons why people are afraid of speaking … because they have heard stories of it getting nowhere and they have heard other women saying, "Nothing really happens, like they don't really care about it." And I have seen this in universities as well.
>
> (INTERVIEW_NATIONAL STUDENT ADVOCACY GROUP)

Among the women who did access formal response mechanisms and did not perceive the process or outcome to be satisfactory, they reflected that it did confirm their negative impressions that nothing beneficial would come from accessing formal response mechanisms.

> It's whether how, when I actually report it, how my direct reporting manager is going to tell me what I can do or how much they are going to help it. Because with the other company when I working there, there was a problem and it is not just only me. Other people also had the same problem, fully by the same person. I started with my reporting manager, but nothing [no resolution] has been reached over. I changed my team. Later another person also reported this same person and there are about three reports with this person. In the end, she only got like a written warning. That's all she had, and she just resigned before she moved into another company. Since I saw that kind of thing, I don't think, I don't feel like, and it is not just only me, we saw how the outcome is not very helpful, and people don't get any consequence. So why you will even bother to report? The harassment is not acceptable, but the manager doesn't care. I don't really feel safe, and I don't feel necessary to report anymore.
>
> (FGD_NON-SURVEY_STEM)

> In my case, I speak English fine. I can also write complaints but there is no outcome, there is no consequence. People get away with making remarks about my sexual orientation. Eventually the person who is being harassed, the person who is the victim, the person who is receiving the bullying is the one who has to leave the job. That's what happens in most cases and that's what we have to understand. Like, you know, you go through the pain of complaining and they don't even help us.
>
> (FGD_NON-SURVEY_SOUTH ASIAN)

> There were small incidents [of workplace sexual harassment] also happened when I was working in the night-time and in the evening. And I know it is nothing happen here. It is what I believe. For me, there is no difference in Pakistan or in Australia. It is same. If someone harass you at the workplace, nothing will happen because you are female. Nobody care what is going on with you. They just always, you know, come to you, become so sweet with you and say, "Oh, don't say anything because it is a company reputation blah blah blah."
>
> (FGD_NON-SURVEY_MUSLIM)

> It is just really alienating but also just had like really bad interactions with HR people that it gets to be like at a certain point, I started to worry in more than one job that if I complain one more time about anything else, they will victimise me further. My experience has just been that HR doesn't care and there is no recourse for what to do about it.
>
> (FGD_SURVEY)

Considering the associated challenges and the widespread reluctance among migrant and refugee women to report, it is important to explore why the women who had engaged with formal response mechanisms chose to do so. A service provider explained that with her clients, it is sometimes about wanting acknowledgement that they had been wronged, and she also had clients who accessed formal justice mechanisms in the hope that it might lead to broader systemic change:

> Generally speaking, our clients, about half of the time, they would like an apology or an acknowledgement from the perpetrator. But around half of the time, they don't because they kind of see that person as, you know, a bad apple, so to speak. And what they are looking for is not just compensation or redress for the actual act of harassment, it is systemic change which is in the employers' court.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

For other women in this study, the motivation to report stemmed from their concern for their female colleagues. They wanted to ensure that other women would not have to be placed in a similar situation:

> When I saw this situation, I told my office that I couldn't work there anymore. I wanted to find a way to cancel and not work there anymore. I thought that if I cancelled and didn't explain the situation to the office, then if another colleague or care worker went there, they would also be affected.
>
> (FGD_NON-SURVEY_VIETNAMESE)

> Everybody here [in the focus group], they have families. They have things to think about other than work. But in saying that, work takes up most of our day, and if you are not happy with work, it is like you are not happy with your life. So I would rather fight and do something to be happy at work.
>
> (FGD_NON-SURVEY_STEM)

System responses to workplace sexual harassment

Migrant and refugee women overwhelmingly pointed to the need for more public and open conversations around workplace sexual harassment, but this appears not to be supported (and, in fact, hindered) by current normative legal practices. We conclude the findings section with interview participants' reflections on the overarching challenges facing the legal profession:

> It is accepted standard practice by practitioners to settle using standard clauses that include NDAs [non-disclosure agreements] or confidentiality or non-disparagement clauses, and people defer to the employment lawyer's experience. I think there is a real contribution by the profession to this problem being an enduring problem.
>
> (INTERVIEW_COMMUNITY LEGAL CENTRE)

> They gag victims. They prevent victims from being open about it. That's sort of my issue with how sexual harassment is dealt with. It is the idea that we are relying on a solution that doesn't actually fix the problem. It just may propagate it, or pushes it under the carpet or around it, so that no one else knows that it has happened. Imagine how much more confident, especially migrant women would feel if they knew that other colleagues have been through the same thing. How much they could do if a bunch of them realise that this is what is happening to me. They are all individualised.
>
> (INTERVIEW_STATE-BASED EMPLOYMENT RIGHTS LEGAL CENTRE)

> There is an emphasis in employment that if something bad is happening, get rid of them but pay them out. That's why I often see this solution to these kinds of problems. It is either the person who is being harassed is given the option like, "Okay, you are not happy here, this is all we can do. If you are not happy here, here is some money, go away." Or conversely, the harassers are given some money and sent away. I think that is a real awful response for an employer because not only is the harasser financially benefitting from the conduct, it is not actually addressing the issues that is going on.
>
> (INTERVIEW_STATE-BASED EMPLOYMENT RIGHTS LEGAL CENTRE, NSW)

What these findings also point to is the persistent and ongoing protection of the interests of the business or organisation (and by extension perpetrators) in cases of workplace sexual harassment, with little or no consideration for what this means for women's safety. Furthermore, as one of the participants reminded us, this accepted practice of dealing with workplace sexual harassment that ensures it is kept hidden and that there is rarely any public acknowledgement of the behaviour or any known consequence for the perpetrator, fails to address the factors that lead to such behaviours. It assumes that sexual harassment is something that happens "as a one-off basis that [they] will investigate and deal with but does not go to the fact that [they] have a hostile work environment, and whether [they] have inadvertently created that and allowed sexual harassment to grow and nurture in those workplaces" (interview, state-based employment rights legal centre, NSW).

Discussion

In this section we focus first on the implications and contributions of some of the key findings of this study. We then consider the strengths and limitations of this research, which provides critical context from which to interpret the implications of this study and directions for future research. This is followed by the articulation of future research avenues and then a detailed account of the recommendations arising from this research.

Implications: Key findings and new knowledge

Recognising sexual harassment in the workplace

- There were mixed results in the identification of what constitutes workplace sexual harassment. While in the survey there was some recognition of workplace sexual harassment, in the interviews and FGDs, it was clear that women are often uncertain regarding what behaviours fall within the definition of workplace sexual harassment:
    - While women experienced unacceptable and/or unsafe behaviours in the workplace, they were consistently unsure whether those behaviours, particularly non-physical ones, constitute the definition of workplace sexual harassment.
    - Women consistently talked about feeling unsafe or uncomfortable rather than about sexual harassment specifically, reflecting on a range of behaviours that may or may not formally be defined as workplace sexual harassment.
    - There was a consistent concern that the experiences women had in the workplace would be hard to "prove" because they were "less serious" or pernicious behaviours that undermined women's safety at work but (women and stakeholders felt) would rarely be identified by others as workplace sexual harassment.
- Women's identification of behaviour as workplace sexual harassment was often undermined by workplace culture and personnel. Specifically, women reported that it was inferred that migrant or refugee women were misinterpreting behaviour because they did not understand Australian culture and/or were unable to recognise or "take" a joke.

Implications

This research reveals that power imbalances persist in the workplace that continue to impact whether and how women disclose their experiences of being unsafe. These findings challenge the focus on simply reaffirming or listing workplace sexual harassment behaviours as a way to support women to identify the behaviours they may experience in the workplace.

The research also revealed that there are many experiences that fall outside definitional boxes, but which nonetheless make women uncomfortable and unsafe at work. These findings go beyond the scope of data collected in major national studies, such as that led by the AHRC (2022). The current research highlights the importance of looking beyond definitional boundaries of workplace sexual harassment, as an in-depth understanding of the broader context of what makes women unsafe is critical.

Safe work rather than sexual harassment as the priority

- Safe work was the number one priority identified by participants in this study. Workplace sexual harassment was one part of what can undermine migrant and refugee women's safety at work.
- Having a job was consistently noted as the priority for women. Women consistently reported that their decisions about seeking help were made based on the need to remain in paid work. Many participants emphasised that while workplace sexual harassment could have a range of consequences, their primary concern was maintaining work and an income and maintaining a positive reputation for future employment.
    - This was especially critical for temporary visa holders who have various restrictions on employment. This points to major structural issues inherent in the migration system that continue to impact women's decisions with regard to their job security and overall safety at work.

Implications

These findings challenge the prioritisation of workplace sexual harassment as an experience disconnected from other unsafe workplace behaviours. These findings also highlight how some migrant and refugee women may face an extended period of everyday insecurity (in some cases, years) while they are learning to navigate the complex terrains of life and work (including the risk of harassment) in a new country where workplace sexual harassment is one part of their working life that they endure because of their need to work and maintain stability for themselves and/or their family.

For temporary visa holders, this is especially important because their visa pathways can influence what women see as accessible or viable options for accessing support and redress. Recognising this requires attention to the different considerations that migrant and refugee women have when they hold different visas, are in different industries and have different life circumstances – all of which impact on their decisions to report sexual harassment (and unsafe work practices).

Common forms of sexual harassment experiences among migrant and refugee women

- Almost half (46%) of migrant and refugee women who completed the survey had experienced at least one form of sexual harassment in the workplace in the last 5 years in Australia. This most frequently took the form of:
    - indecent phone calls/messages of a sexual nature
    - sexually suggestive comments or jokes
    - intrusive questions about private life or physical appearance
    - staring or leering that was intimidating.
- There were some references to sexual assault, but most of the women described experiences that fell on the "less serious" end of the spectrum, but which happened consistently. These were much more difficult to evidence but impacted women in serious and ongoing ways.
- Women in the service, care and hospitality industries regularly experienced sexual harassment in the workplace (and came to expect it), and it was not something out of the ordinary.
- Workplace sexual harassment was consistently experienced alongside exploitative work conditions and/or racial discrimination. This reflects the survey finding that participants who experienced workplace sexual harassment believed that it was motivated by gender and/or sex and race and/or religion.

Implications

The type of workplace sexual harassment reported in this study is consistent with that identified in other research (AHRC, 2022; Helps et al., 2023). Workplace sexual harassment can and does occur in all industries; however, its manifestation varies according to industries (see also AHRC, 2022). This means that responses and support for industry should not be a one-size-fits-all approach but must be based on an in-depth understanding of what unsafe work looks like in the different industries (see, for example, Crabtree, 2021).

Perpetrators of workplace sexual harassment

- Across the survey, interviews and focus groups, it was consistently identified that men were most frequently the harassers.
- The interviews and focus groups reiterated the survey findings that most often perpetrators were either:
  - in senior positions in the workplace (managers);

  or
  - a client/customer.
- Perpetrators were identified as having both power and entitlement, and this was not only linked to status within the workplace. Men from shared ethnic backgrounds were described as exercising power and control in ways that may be unseen or not understood by others in the workplace who did not share the same religious or cultural background. Similarly, men from different backgrounds from that of migrant and refugee women, who occupied the same or lesser status in the workplace, could exercise power and entitlement over women.

Implications

What is clear from these findings is that careful attention regarding who perpetrators are and how they exert control and power is critical, especially as so little is known about perpetrators. This research highlights that not all perpetrators are those in senior positions, but also those who hold power in different ways, as clients or customers. They can also be men who specifically target migrant and refugee women via deliberate and pernicious behaviour that both undermines women's safety and which does not clearly meet the definitions of workplace sexual harassment.

In addition, the review of systems and workplaces and their role in protecting and enabling perpetrators is important. Perpetrators remain indirectly protected and shielded by systems that tend to expose complainants (see Featherstone & Bargon, 2024, regarding the role and impact of the use of NDAs). While this research did not focus on organisational decisions regarding the management of workplace sexual harassment complaints, it is significant that so few women in this study were confident in reporting systems and that women overwhelmingly felt that it is they who continue to bear the consequences of the behaviour of perpetrators.

Responses to workplace sexual harassment

- Across the survey, focus groups and interviews, it was clear that migrant and refugee women consistently tell other women (friends, colleagues) informally about behaviours they have experienced at work.
- Women consistently reported feeling responsible for behaviour directed at them in the workplace, in different ways:
  - Many women reflected on whether the behaviour of perpetrator/s was their fault (e.g. whether they had inadvertently encouraged it).
  - Some women were a part of communities both in and outside Australia where women always bear the responsibility for such behaviour, regardless of the circumstances.
  - Many women questioned their own understanding of what was happening in the workplace and identified themselves as having a deficit of knowledge regarding Australian culture and Australian workplaces.
- Women rarely disclosed workplace sexual harassment at work and/or filed a formal complaint internally or externally, for a range of reasons:
  - Women reported that they were not sure what to do and were concerned about the impact on their employment.
  - Many women had witnessed other complaints result in little or no action, with the most common outcome being that women who complained left an organisation and/or faced detrimental impacts on their career prospects. There was little trust or faith that complaining would result in a positive outcome for the complainant.

- Many women experienced intersecting unsafe workplace behaviours and were not confident that these behaviours would be understood or recognised.
- Some women were threatened or advised not to complain because of the consequences for their careers.
- Even though they were able to rationalise the challenges that make it difficult to report or pursue formal avenues of complaint, some women also reported feeling guilty for not being able to do so.

Implications

Women relying on peer support and predominantly disclosing their experiences of workplace sexual harassment and abuse with friends or family is consistent with other research findings in relation to violence against women more broadly (see Australian Bureau of Statistics, 2021–22). That women blame themselves for the behaviour directed at them is also a key finding that is consistent with other research (Flatau et al., 2023; AHRC, 2022). The pervasive culture of victim blaming and shaming, which remains strongly embedded in the normative discourse on sexual violence both within and outside Australia (see, for example, Randall, 2010; Phipps et al., 2018; Smith & Skinner, 2017), is important for understanding the internalisation of attitudes around gendered violence, including workplace sexual harassment. However, these findings also intersected with the recognition that women's experiences at work are not disconnected from their lives outside work. There are professional and financial costs to seeking to redress unsafe workplace behaviour, but also potential social and familial costs; but this is often not considered in policy and strategies to address workplace sexual harassment (see also Flatau et al., 2023).

Another important implication is that women occupy variable positions of safety and power in their employment; this may be related to their visa status, their employment status or the industry they work in. This impacts both how and why they may be targeted, and it also can undermine whether and how they may seek help. Consistently, women report that if they can, they would leave the job rather than seek to address the behaviour. The research reveals that women are not only the targets of workplace sexual harassment and other abuse, but they also bear the consequences of seeking to redress or end it (see also Flatau et al., 2023).

Finally, the findings also suggest that the issue is not why women do not report, as we find that a small minority do report. This research suggests that focusing solely on reporting is a misstep. Rather, the issue is whether the broader environment can be structured in a manner that makes it safe for women to report if they wish to. The question is thus: how can we begin to develop and conceive of alternative ways to support women and ensure women's safety in the workplace?

Workplace and system responses

- Most often it was observed that either the perpetrator or the complainant was moved around in the organisation as a response to formal reports. This was true both in relation to incidents and complaints pertaining to perpetrators employed in the same organisation and perpetrators not employed in the workplace (e.g. customers or clients) or indirectly employed (e.g. contractors). This was raised as a major issue by participants in the focus groups and interviews. A consistent view shared by participants in this study was that formal action is rarely taken in relation to complaints regarding workplace sexual harassment and related abuse, and where formal action may be taken there is an absence of any formal recognition of the perpetrator's wrongful behaviour.
- Workplace responses were routinely recognised as hidden and lacking transparency; there was no acknowledgement of harm, and women who complained bore the impact of the complaint.

Implications

What is evident from most of the women we have spoken to is that because of the potential costs and consequences that it carries, accessing formal response mechanisms to report and deal with sexual harassment is not perceived to be a safe option that ensures protection and justice. Instead, it is associated with "troublemaking" and can lead to negative repercussions for employment and visa security. Therefore, even though laws and regulations outlined in labour legislative instruments and internal policy documents make it clear that migrant and refugee women are entitled to formal support and protection, there remained a strong sense among the women interviewed in this study that these mechanisms are of limited value (see also Flatau et al., 2023).

There is a cost to not having systems that are genuinely supportive and conducive for women's reporting. Women are not generally unmotivated to report but fear the consequence of reporting. It was clear in this study that women are often silent due to various structural, social and interpersonal reasons. This is both a societal and workplace issue and requires a rethinking of how to ensure women's safety at work. Importantly, the small number of women who did make a formal report regarding unsafe and harassing workplace behaviour and who felt the outcome was positive, were genuinely positive about that process. These cases were rare but highlight the importance of creating systems that prioritise women's safety at work.

What is clear is that the current emphasis on women being responsible for reporting or for identifying when workplace protection systems are not working means that the material and immaterial needs of women are not being met. The participants of this study consistently perceived that they would be in a worse position economically, socially and psychologically as a result of reporting. This reflects an urgent need to reconsider the current priorities and approaches of response systems, which do not genuinely centre the needs of victims and survivors.

This points to the importance of critical interventions that hold employers to account and help to end the silence around workplace sexual harassment that is enabled when employers do not seek to understand why their employees leave. It is clear that women carry the burden and impact of workplace sexual harassment directed at them.

More broadly, the reflections of women in this study revealed that a sustainable and effective system of response (to sexual harassment) is not only reliant on the introduction and implementation of laws, policies and regulations. These are of course important foundations. But social and cultural attitudes to workplace sexual harassment can and do have a significant impact on women's confidence in the system and their willingness to speak out or seek justice.

Supporting migrant and refugee women who experience workplace sexual harassment

- The lack of transparency and accountability around workplace sexual harassment is sustaining it: you cannot pursue what you do not know or understand. There was an overwhelming mistrust among all the participants that interventions or reparations would lead to a positive outcome for women.
- For migrants on any temporary visa type, migration status is the major factor influencing their decision-making. This impacts the likelihood of women being a target of workplace sexual harassment (and other forms of workplace violations and gendered violence) and that they will remain silent about this.
- Recognising the potential and differential impact of reporting for women in relation to their social and familial relationships is critical. Women from certain cultural and religious backgrounds articulated that women in their communities would bear responsibility for the behaviour that had been perpetrated against them, and this prevented them from seeking help.

- That women would be blamed for the abusive behaviour they experience requires careful attention in considering how to redress this, as it is also weaponised by some perpetrators in the workplace. It is critical to recognise the short- and longer-term consequences for women of speaking out about abusive or exploitative workplace behaviour.
- Anonymity is critical in reporting. Women want to report but do not want the consequence of identification.

Implications

Considering the challenges migrant and refugee women detailed around managing, responding to and/or reporting unsafe workplace behaviour, it is important to explore why the women who did engage with formal response mechanisms chose to do so, and the conditions that made them feel safe enough to do so. A service provider explained that with her clients, it is sometimes about wanting acknowledgement that they had been wronged, while others hoped that it might lead to broader systemic change. Understanding how and why some women do come forward is just as important as understanding the majority who do not. Such knowledge illuminates the conditions that offer the safety and protection women need to draw attention to unsafe behaviour, which is a critical place to start improving women's safety.

Predominant workplace interventions also need rethinking. Women are uncertain and question their experiences and do not feel confident that their experiences will be validated. This is amplified by what they observe within their workplace and their broader social network and context, including that women who disclose workplace abuse are, for the most part, routinely not believed and/or do not benefit from disclosure. We consider this finding as key to reviewing any approach to training and the response mechanisms that predominantly rely on women coming forward to report – something that is contingent on women's confidence and knowledge in naming and identifying workplace sexual harassment.

Strengths and limitations

The design of this study has been well detailed in this report and in the technical report (Keel et al., 2023). Here we focus on outlining the strengths and limitations of the study to ensure that the recommendations are contextualised. Importantly, each strength is associated with limitations, so we focus on the unique aspects of this research and explore each in turn.

A strength of this research was the focus on diversity and an inclusive definitional approach to migrant and refugee women as a population. The approach was endorsed and encouraged by our research partners and advisory committee members. As we note in the introduction, there is important prior research that focuses specifically on the experiences of women of colour, culturally or racially marginalised women, and temporary migrants in specific forms of work (such as agriculture). The approach adopted here enabled a broad capture of women's positionality in relation to their migration status, citizenship, cultural or religious affiliations and other important structural and social factors. The limitation of this work is that its reach is broad and that the picture of workplace sexual harassment and women's experiences is complex. This research thus sets a foundation from which new and more focused research can be developed, but its strength lies in its commitment to capturing the experiences of a significant proportion of Australia's workforce who have not been the focus of large national studies on workplace sexual harassment.

Developing a research project with both quantitative and qualitative elements is a strength of this design. Developing quantitative research that captures a representative sample is extremely difficult and requires significant resources. This research relied on a survey design that was limited in its ability to reach a wider range of participants, as we have canvassed in this report and the previous report detailing the survey findings. However, having the opportunity to undertake a national qualitative study following the survey enabled the research team to focus on groups of migrant and refugee women whom the survey did not reach, to ensure a more

expansive engagement with women across Australia. A strength of this research is that the qualitative component of the study followed the survey and allowed us to explore in greater depth the findings from the survey. This enabled a more comprehensive understanding of women's experiences of and responses to workplace sexual harassment.

This research is ambitious in its reach but sets an important standard for national research that can and should support ongoing research and policy development that is based on more contextualised and nuanced considerations of women's experiences.

Directions for future research

Knowledge generation around the specificity of migrant and refugee women's experiences in the workplace remains limited. Nationally funded research requires depth and nuance in relation to women's experiences; it is important that alongside the existing routine national studies that focused, curated and well-funded analyses of key populations is undertaken. Experiences of and responses to workplace sexual harassment differ in significant and important ways. Therefore, diversifying knowledge is key to developing responses that will ensure that our national commitment to ending all forms of violence against women covers all women and all workplaces.

- The national commitment to routinely undertake a national study of general experiences of workplace sexual harassment is critical, but this study has demonstrated the importance of much broader research that focuses on women's experiences that are not captured in the AHRC study. It is not recommended that the AHRC model is simply expanded and/or translated, as this will not suffice. Investment in routine and in-depth research that is focused on key populations and can cut across structural issues – such as employment settings, work status and visa status – is critical. This will ensure that we build a comprehensive national picture of the various structural and social factors that contribute to and sustain workplace sexual harassment and undermine women's safety at work, more broadly. This is critical to ensuring that the policy agenda is realised substantially rather than superficially.
- A key ongoing priority is to consider women's employment movement and why women leave. Consistently in this study women either "managed" the situation or left their place of work, often without formally reporting their experiences of sexual harassment. We know that women leave work rather than try to challenge behaviours that make them feel unsafe, discriminated against, abused or exploited, so following women's employment histories and asking them about this is critical. These questions lead to important insights that are much broader than the issue of whether or not someone has experienced workplace sexual harassment.
- We recommend moving away from research that asks women if they have experienced workplace sexual harassment, discrimination, abuse or exploitation at work, to consider whether they feel safe or uncomfortable at work. This is a critical shift, as workplace sexual harassment is experienced alongside and interwoven with other forms of abuse and exploitation. Therefore, capturing this would better inform how we understand, respond to and prevent workplace sexual harassment specifically and, more broadly, how we ensure that all workplaces are safe for women.

Systems research matters

- **Internal complaints mechanisms require review.** Research can interrogate what response systems look like and how human resources systems respond to complaints or concerns. We have heard repeatedly that systems that are in place do not benefit women and/or that women are moved along or leave so that there is no substantive change or accountability. More examination of this is critical. Even when companies have responded to the issue, we have heard about the working environment being unsustainable for women because they are seen as "troublemakers". Research needs to look at the experience and impact of pursuing

a complaint. Careful interrogation of business priorities is also crucial: social licence is important to many organisations and understanding how this factors into decisions that impact transparency and accountability for action is critical.

- **External complaints mechanisms at the state, territory or Commonwealth level require review.** Importantly this must not be a siloed review, but a collective assessment of how well they are upholding worker rights and ensuring worker safety. Advocates and experts in this research who support women to pursue cases and/or advise women of their rights pointed out that racial discrimination can be easier to pursue than workplace sexual harassment, and this influences the decision over which behaviours are pursued via formal action. This requires more careful research to map the entanglements of racism, sexual harassment and other forms of abuse and exploitation; to better understand decisions regarding what behaviours are formally pursued and what is abandoned; and to consider the consequences of these decisions.
- **Immigration** needs to be considered. There are ongoing changes around sponsored skilled visas and other aspects of work rights tied to shorter-term temporary visas. What persists, however, is the impact of temporariness and insecure migration status on victimisation and the importance of ongoing review of the impact and consequences of reform in this major policy area.
- **Industry-specific research** is critical. Workplace settings vary and risk and vulnerability are partly influenced by the workplace setting. For example, women working in the hospitality and sex work industries have different experiences to women working in white-collar industries or education. But there are also important overlaps and commonalities across settings that need to be heeded.
- **Positive duty obligations** require careful monitoring. This research suggests that it will take more than the positive duty legislation to shift workplace cultures and practices, particularly given that the scope of this legislation does not extend to all the behaviours that women in this study identified as making them feel unsafe in the workplace. It is critical that research continues to examine what is not reported and why, alongside the operationalisation and enforcement of the obligations under the *Sex Discrimination Act 1984* (Cth).

Recommendations for policy and practice

The recommendations from this research focus on three key areas: 1) women's safety; 2) the identification and dismantling of the separate focus on different forms of workplace abuse and exploitation (that is, policy and system silos); and 3) reform to workplace practices and oversight. While the main focus of this research did not include a comprehensive evaluation of sexual harassment reporting systems, the findings from this project do strongly point to the inadequacy of existing settings and mechanisms for women's reporting decisions. Findings illuminate the inadequacy of existing policy settings and mechanisms. These recommendations are designed to encourage safer workplaces for migrant and refugee women and everyone.

1) Women's safety is foremost: Review policy silos to prioritise women's safety

Workplace sexual harassment does not occur in isolation. Often migrant and refugee women experience sexual harassment in the context of other forms of employment violations and discrimination and psychosocial harm. A critical finding of this research is that structural inequality (including racism, visa status, employment status) heightens the impact of workplace sexual harassment and other forms of abuse and exploitation. Policy settings continue to divide and separate forms of workplace harm, failing to account for these intersections. A review of policy settings that advances beyond separating forms of abuse and exploitation is key to the development of an overarching approach that leads with a holistic focus on women's safety at work.

2) System silos require urgent revision

a) Review existing mechanisms for complaint

There are different bodies at the state, territory and national level that can respond to aspects of unsafe or exploitative work practices, including labour exploitation, wage theft, discrimination and workplace sexual harassment. These bodies have different legal, policy and jurisdictional remit, for example, their focus may be:

- workplace sexual harassment
- migration law and policy
- employment law and regulation
- discrimination law
- criminal justice.

As a result of the fragmentation in systems and complaint mechanisms, our findings show that women and their advisors (lawyers, other supporters) make decisions based on specific aspects of workplace abuse or exploitation but are unable to address their intersection entirely. The consequence is the absence of any capture of the full range of unsafe workplace practices and women's experience, which impacts understandings and responses. The intersection of various forms of gendered and other workplace abuses, as we have reported here, demonstrates a strong need to evaluate and/or redevelop how existing bodies can better align to capture multiple forms of abuse or exploitation.

b) Reduce siloed support: Invest in external safe work services to ensure culturally responsive services for working women across every state and territory

Our findings point to the importance of culturally responsive services that are broad in their remit. Investment in culturally responsive services that are the first point of contact for women who are working, especially in industries where there is no significant infrastructure or investment around sexual harassment in the workplace, is needed to tackle system silos. These services should provide information about women's rights at work and provide referral pathways for support for women who have experienced unsafe behaviours in the workplace, including but not limited to sexual harassment. These services should be available to all visa holders regardless of their visa type.

3) Workplace reform: Shift the burden and accountability from women to workplaces and perpetrators

Workplaces are very different. Obligations vary according to the way in which people may be employed (such as gig economy workers, contractors and others). Infrastructure within different businesses and organisations results in variable resourcing to support women experiencing workplace sexual harassment and other abuses or exploitation. For organisations that do have internal infrastructure, there are recommendations regarding current and future practices.

Existing practices

a) Review use of non-disclosure agreements as core business practice

Currently the silence around consequences and actions have resulted in the protection of businesses and perpetrators. Migrant and refugee women in this study repeatedly referred to the absence of any information about steps to take for reporting sexual harassment, and the processes thereafter. They also consistently referred to the absence of positive outcomes for women who sought support or reported workplace sexual harassment or other unsafe behaviours. Where action had been taken, it most often involved moving the victim and survivor or the perpetrator to another area of the organisation (or to another client). Even if victims and survivors did receive support and compensation, they were offered on the condition of non-disclosure. The silence around next steps and outcomes prevents women from engaging in formal mechanisms of support. The consequence of this has also contributed to impunity for perpetrators and businesses.

b) Recognise that the onus of reporting responsibility cannot rest with women: Reporting is associated with risk to women's (and their families') economic and social survival

We consistently found that migrant and refugee women do not report workplace sexual harassment. This echoes findings from the AHRC (2022) about reporting generally in relation to workplace sexual harassment. The reasons for not reporting are detailed in this report and they vary in important and complex ways – including the impact on women's employment in the immediate and longer term, and the impact within their social and familial networks. Increasing women's safety needs to emphasise proactive and transparent action in responding to perpetrators to see a significant shift to ensure women can remain employed and their career progression unimpacted by reporting sexual harassment. Anonymity in reporting processes is one step that could reduce the perceived burden of reporting. Recognising that reassurance regarding job safety is critical is another key step to supporting women to disclose their experiences. Currently reporting and the impact of reporting falls on women.

c) Review internal complaints mechanisms for women's safety in the workplace

Whistleblowing policies and hotlines do not ensure women's safety in the workplace. There are many reasons participants in this research indicated that they would not or did not make any formal complaint about the workplace sexual harassment they experienced. Key concerns included the consequences for non-citizens who had to fulfil visa conditions and who therefore put those priorities first. The extended period for sponsored visa holders to change employers does not directly address the issues raised in this report. The findings highlight that there are multiple factors that require review to understand how best to ensure women's safety in the workplace and the risks for women who leave a workplace to protect their safety.

d) Recognise the role of co-design and redesign of materials as a critical next step

Overwhelmingly systems are designed based on a "one-size-fits-all" approach. This research illuminates that most systems to identify and respond to workplace sexual harassment are not fit for purpose for many migrant and refugee women who hold different visas, are in different industries and have different safety needs and considerations. Training and engagement to review practice is key. Ongoing research has pointed to the specific challenging experiences of migrant and refugee women in the workplace (see Segrave & Tan, 2021), which requires training alongside system review for organisations with human resources and other systems and policies aiming to respond to sexual harassment. We encourage careful consideration of co-design approaches to better identify workplace issues, challenges and best practice support for women.

i. **Educational materials and training should be culturally responsive and ongoing**

   Where participants had received educational materials regarding unacceptable workplace behaviour, this was often one-off training, which did not speak to the intersections with subtle forms of religious and racial discrimination we have canvassed in this report.

ii. **Multiple factors impact how women name behaviour: Workplaces need to avoid implying that migrant and refugee women don't understand**

   Women know when they are unsafe at work. All agencies and employers need to understand that narratives portraying someone's culture or lack of understanding of Australian culture as a barrier to understanding workplace sexual harassment negatively impact victims and survivors. This includes expectations that Australian culture is about "joking" and "innuendo" that is deemed as a "bit of fun". It also includes significant pressures on migrant women to be "good migrants" and to not complain and/or suggestions that their cultural background is the reason for their discomfort, rather than the behaviour

of perpetrators of workplace sexual harassment. The responsibility for "understanding" workplace sexual harassment does not rest with migrant and refugee women. Instead, this knowledge should be used to transform how support and intervention can be tailored to women's specific experiences and cultural backgrounds.

e) Exit interviews and complaint timelines should be reviewed and extended to ensure workplaces that have HR systems and structures responding to workplace sexual harassment can capture 5 years post-cessation of employment

Our findings reveal that many women will leave the workplace, and that women would need to be safe in another job, before they would consider sharing experiences that made them feel unsafe. Knowing this, there is a clear rationale to follow up with past employees to seek input and any later reflections on their experiences of work. We know that for victims and survivors of sexual assault and other forms of gendered violence, it can take time to share. There should be an extended period of time for exit interviews to occur and steps in place to enable anonymous reporting so that women feel safe. This should be implemented with a view to reviewing how women are informed of any steps taken in relation to any experiences shared with the employer. Such systems should also enable feedback into other systems. For example, if women are only reporting once they have citizenship or permanent residency, this is indicative that the migration system has a role to play in better supporting non-citizen workers' safety in the workplace.

Future practices

f) Ensure positive duty employer obligations work as a proactive measure

i. Active efforts to understand and shift predominant workplace cultures and practices is needed

This research offers key insights into the complexity of the workplace. There is a need for proactive efforts to dismantle workplace cultures and practices that sustain the hidden nature of workplace sexual harassment and intersecting forms of abuse, discrimination and exploitation, especially for migrant and refugee women. This can inform proactive efforts to better protect women.

ii. Close monitoring of implementation is critical

Consider the breadth of positive duty beyond workplace sexual harassment: this work captures the compounding and simultaneous impacts of discrimination. It is critical to ensure positive duties are not to be operationalised in a manner that ends up protecting the interests of employers and businesses at the expense of women's safety.

iii. Close review of how existing state and national systems are operationalised in conjunction with positive duty obligations is required

This research has detailed that few migrant and refugee women in our sample sought out advice or support from formal external state, territory or national bodies. This suggests that these systems are not working to protect women, and this requires urgent review.

Conclusion

The "Migrant and refugee women's attitudes, experiences and responses to sexual harassment in the workplace" study was designed to contribute new and detailed understandings of how workplace sexual harassment manifests and impacts migrant and refugee women's lives. This report has relied on the participation of over 1000 migrant and refugee women across Australia as participants, stakeholders, advisory members and partners in this research.

The responsibility of undertaking work that seeks to capture the breadth and depth of a significant proportion of the Australian workforce is not taken for granted by the research team. This report sought to privilege women's voices and to illuminate the complexity of workplace sexual harassment in women's working and personal lives. This research lays a solid foundation from which to challenge assumptions regarding best practice systems, national approaches to research and who is responsible for workplace sexual harassment. The findings and recommendations offer various strategies and ways forward but should only be read as a beginning point. It is critical that this research leads to ongoing work and efforts to ensure women's protection and safety in the workplace, including migrant and refugee women.

Author contributions

Marie Segrave was the lead researcher for this project and led the writing of this report, the analysis of the qualitative and quantitative datasets, and oversaw and undertook key aspects of the qualitative fieldwork, with a focus on undertaking interviews with stakeholders.

Shih Joo Tan was the co-lead for this research, and led the qualitative fieldwork, in particular the focus group discussions, the analysis of the qualitative dataset and co-led the writing of the report.

Chloe Keel supported the development of the qualitative analysis, undertook some of the qualitative fieldwork, supported the integration of the quantitative data from the first phase of the research and contributed to the writing of the report.

Rebecca Wickes supported the development of the qualitative analysis and the integration of the quantitative data from the first phase of the research and contributed to the writing of the report.

Nuria Alarcón Lopez supported the fieldwork networking and the writing of the report, offering specific expert inputs in relation to the implications of the findings.

References

Attorney-General's Department. (2024, January 23). *Australian Law Reform Commission to inquire into justice responses to sexual violence* [Media release]. Parliament of Australia. https://ministers.ag.gov.au/media-centre/australian-law-reform-commission-inquire-justice-responses-sexual-violence-23-01-2024

Australian Bureau of Statistics. (2021–22). *Partner violence*. ABS. https://www.abs.gov.au/statistics/people/crime-and-justice/partner-violence/2021-22

Australian Human Rights Commission. (2018). *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces.* AHRC. https://humanrights.gov.au/sites/default/files/document/publication/AHRC_WORKPLACE_SH_2018.pdf

Australian Human Rights Commission. (2019). *Everyone's business: Survey on sexual harassment of members of the Shop, Distributive and Allied Employees' Association.* AHRC. https://humanrights.gov.au/sites/default/files/document/publication/ahrc_sda_survey_report_2019.pdf

Australian Human Rights Commission. (2020). *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces.* AHRC. https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020

Australian Human Rights Commission. (2022). *Time for respect: Fifth national survey on sexual harassment in Australian workplaces.* AHRC. https://humanrights.gov.au/time-for-respect-2022

Australia's National Research Organisation for Women's Safety. (2020). *Australia's National Research Agenda to Reduce Violence against Women and their Children: ANRA 2020–2022.* ANROWS. https://www.anrows.org.au/publication/australian-national-research-agenda-to-end-violence-against-women-and-children/

Baird, M., Cooper, R., Hill, E., Probyn, E., & Vromen, A. (2018). *Women and the future of work: Report 1 of the Australian Women's Working Futures Project.* University of Sydney & IPSOS. https://doi.org/10.25910/5db0ef76585d1

Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology, 3*(2). 77–101. https://doi.org/10.1191/1478088706qp063oa

Cho, H. E., & Segrave, M. (2023). *Victorian local councils and gender equality: Examining the intersections for women from migrant and refugee backgrounds.* Monash University. https://doi.org/10.26180/22638898.v1

Coates, B., Wiltshire, T., & Reysenbach, T. (2023). *Short-changed: How to stop the exploitation of migrant workers in Australia.* Grattan Institute. https://grattan.edu.au/report/short-changed-how-to-stop-the-exploitation-of-migrant-workers-in-australia/

Crabtree, J. (2021). *Workplace and sexual harassment in the music industries of Australia and New Zealand: Research report.* Zebra Collective. https://womeninmusicawards.com.au/wp-content/uploads/2021/06/WORKPLACE-AND-SEXUAL-HARASSMENT-REPORT-web-awma-reportv2.pdf

Department of Home Affairs. (2023). *Migration Strategy: Getting migration working for the nation. For workers. For businesses. For all Australians.* Commonwealth of Australia. https://immi.homeaffairs.gov.au/what-we-do/migration-strategy

Department of Social Services. (2022). *National Plan to End Violence against Women and Children 2022–2032.* Commonwealth of Australia. https://www.dss.gov.au/the-national-plan-to-end-violence-against-women-and-children/the-national-plan-to-end-violence-against-women-and-children-2022-2032

Featherstone, R., & Bargon, S. (2024). *Let's talk about confidentiality: NDA use in sexual harassment settlements since the Respect@Work report.* University of Sydney. https://rlc.org.au/letstalkaboutconfidentiality

Flatau, P., Lester, L., Hooper, Y., Zou, S., Young, B., & Lester, R. (2023). *Workplace respect: Final report.* Centre for Social Impact, The University of Western Australia. https://circlegreen.org.au/wp-content/uploads/2023/08/CSI_UWA_WSH-Final-report.pdf

Hall & Partners. (2016). *Experiences of temporary residents: Research conducted for the Department of Immigration and Border Protection*. Commonwealth of Australia. https://www.homeaffairs.gov.au/foi/files/2018/fa180300984-document-released.pdf

Helps, N., Fitz-Gibbon, K., Vasil, S., & Genat, A. (2023). *Workplace sexual harrasment in Australia: A data snapshot*. Monash University. https://doi.org/10.26180/22144568.v3

Howe, J., Shi, E., & Clibborn, S. (2022). Fruit picking in fear: An examination of sexual harassment on Australian farms. *Melbourne University Law Review, 45*(3), 1140 –1174. https://law.unimelb.edu.au/__data/assets/pdf_file/0009/4385439/07-Howe-Shi-and-Clibborn-1140.pdf

Keel, C., Wickes, R., Cherkesly, I., Segrave, M., & Tan, S. J. (2023). *Technical report for migrant and refugee women in Australia: A study of sexual harassment in the workplace* (ANROWS Insights, 03/2023). ANROWS. https://www.anrows.org.au/publication/technical-report-migrant-and-refugee-women-in-australia-a-study-of-sexual-harassment-in-the-workplace/

Kreshpaj, B., Orellana, C., Burström, B., Davis, L., Hemmingsson, T., Johansson, G., Kjellberg, K., Jonsson, J., Wegman, D. H., & Bodin, T. (2020). What is precarious employment? A systematic review of definitions and operationalizations from quantitative and qualitative studies. *Scandinavian Journal of Work, Environment & Health, 46*(3), 235–247. https://doi.org/10.5271/sjweh.3875

Marín, L. S., Barreto, M., Montano, M., Sugerman-Brozan, J., Goldstein-Gelb, M., & Punnett, L. (2021). Workplace sexual harassment and vulnerabilities among low-wage Hispanic women. *Occupational Health Science, 5*(3), 391–414. https://doi.org/10.1007/s41542-021-00093-6

Migrant Workers Centre, Unions NSW, Human Rights Law Centre, Immigration Advice and Rights Centre, & Migrant Justice Institute. (2023). *Not just numbers: A blueprint of visa protections for temporary migrant workers.* Migrant Workers Centre. https://www.hrlc.org.au/reports-news-commentary/2023/8/2/not-just-numbers

Papadakaki, M., Ratsika, N., Pelekidou, L., Halbmayr, B., Kouta, C., Lainpelto, K., Solinc, M., Apostolidou, Z., Christodoulou, J., Kohont, A., Lainpelto, J., Pithara, C., Zobnina, A., & Chliaoutakis, J. (2021). Migrant domestic workers' experiences of sexual harassment: A qualitative study in four EU countries. *Sexes, 2*(3), 272–292. https://doi.org/10.3390/sexes2030022

Pei, X., Chib, A., & Ling, R. (2022). Covert resistance beyond #MeToo: Mobile practices of marginalized migrant women to negotiate sexual harassment in the workplace. *Information, Communication & Society, 25*(11), 1559–1576. https://doi.org/10.1080/1369118X.2021.1874036

Phipps, A., Ringrose, J., Renold, E., & Jackson, C. (2018). Rape culture, lad culture and everyday sexism: Researching, conceptualizing and politicizing new mediations of gender and sexual violence. *Journal of Gender Studies, 27*(1), 1–8. https://doi.org/10.1080/09589236.2016.1266792

Randall, M. (2010). Sexual assault law, credibility, and "ideal victims": Consent, resistance, and victim blaming. *Canadian Journal of Women and the Law, 22*(2), 397–433. https://doi.org/10.3138/cjwl.22.2.397

Reid-Musson, E. (2017), Grown Close to Home™: Migrant farmworker (im)mobilities and unfreedom on Canadian family farms. *Annals of the American Association of Geographers, 107*(3), 716–730. https://doi.org/10.1080/24694452.2016.1261683

Reuter, M., Wahrendorf, M., Di Tecco, C., Probst, T. M., Chirumbolo, A., Ritz-Timme, S., Barbaranelli, C., Iavicoli, S., & Dragano, N. (2020). Precarious employment and self-reported experiences of unwanted sexual attention and sexual harassment at work: An analysis of the European Working Conditions Survey. *PLoS ONE, 15*(5), Article e0233683. https://doi.org/10.1371/journal.pone.0233683

Rodríguez-Martínez, P., & Cuenca-Piqueras, C. (2019). Interactions between direct and structural violence in sexual harassment against Spanish and unauthorized migrant women. *Archives of Sexual Behavior, 48*, 577–588. https://doi.org/10.1007/s10508-018-1265-9

Segrave, M., & Tan, S. J. (2021). Women migrant workers and counter-trafficking responses in Association of Southeast Asian Nations: The enduring challenge of safety and security. *Journal of Criminology, 54*(4), 466–481. https://doi.org/10.1177/26338076211037077

Segrave, M., Wickes, R., & Keel, C. (2021). *Migrant and refugee women in Australia: The safety and security study.* Monash University. https://doi.org/10.26180/14863872

Segrave, M., Wickes, R., Keel, C., & Tan, S. J. (2023). *Migrant and refugee women in Australia: A study of sexual harassment in the workplace* (Research report, 06/2023). ANROWS. https://www.anrows.org.au/publication/migrant-and-refugee-women-in-australia-a-study-of-sexual-harassment-in-the-workplace/

Sex Discrimination Act 1984 (Cth).

Smith, O., & Skinner, T. (2017). How rape myths are used and challenged in rape and sexual assault trials. *Social & Legal Studies, 26*(4), 441–466. https://doi.org/10.1177/0964663916680130

Tankosić, A., & Dovchin, S. (2023). (C)overt linguistic racism: Eastern-European background immigrant women in the Australian workplace. *Ethnicities, 23*(5), 726–757. https://doi.org/10.1177/14687968211005104

Ussher, J. M., Hawkey, A., Perz, J., Liamputtong, P., Marjadi, B., Schmied, V., Dune, T., Sekar, J. A., Ryan, S., Charter, R., Thepsourinthone, J., Noack-Lundberg, K., & Brook, E. (2020). *Crossing the line: Lived experience of sexual violence among trans women of colour from culturally and linguistically diverse (CALD) backgrounds in Australia* (Research report, 14/2020). ANROWS. https://www.anrows.org.au/publication/crossing-the-line-lived-experience-of-sexual-violence-among-trans-women-of-colour-from-culturally-and-linguistically-diverse-cald-backgrounds-in-australia/

Villegas, P. E. (2019). "I made myself small like a cat and ran away": Workplace sexual harassment, precarious immigration status and legal violence. *Journal of Gender Studies, 28*(6), 674–686. https://doi.org/10.1080/09589236.2019.1604326

Waugh, I. M. (2010). Examining the sexual harassment experiences of Mexican immigrant farmworking women. *Violence Against Women, 16*(3), 237–261. https://doi.org/10.1177/1077801209360857

Welsh, S., Carr, J., MacQuarrie, B., & Huntley, A. (2006). "I'm not thinking of it as sexual harassment": Understanding harassment across race and citizenship. *Gender & Society, 20*(1), 87–107. https://doi.org/10.1177/0891243205282785