

## **Submission to the National Inquiry into Sexual Harassment in Australian Workplaces**

**Jesuit Refugee Service (JRS) Australia  
February 2019**

## About Jesuit Refugee Service (JRS)

### An international organisation

Jesuit Refugee Service (JRS) is an international Catholic organisation, founded in 1980 as a social ministry of the Society of Jesus (“the Jesuits”).

**Seeking social justice for refugees worldwide:** JRS’ mission is to accompany, serve, and advocate for the rights of refugees and other forcibly displaced people worldwide.

**Programs offering global support:** JRS works in 51 countries, assisting refugees, people seeking asylum and other displaced people in camps, detention centres, war zones and urban settings. JRS’ programs focus on access to education, emergency assistance, healthcare, livelihood activities and social services.

At the end of 2016, JRS served, accompanied and advocated for more than 733,400 individuals worldwide.

**JRS in Australia** In 2016 – 2017, JRS Australia served more than 3,000 refugees and people seeking asylum with emergency assistance, temporary shelter, a foodbank, professional casework, community activities, employment support, school engagement, legal advice, targeted advocacy, and a project to empower women seeking asylum.

**Strong local alliances:** JRS Australia has strong links with parishes, communities and schools across Australia, religious orders, local and state governments, refugee organisations, campaigns and coalitions, and other organisations in the community in the not for profit and education sectors.

**A global presence:** JRS Australia maintains an active presence on policy development and advisory forums in the Asia-Pacific region, and at the global level, participating in international campaigns and coalitions and contributing to UN forums.

**A stronger voice for refugees:** Advocacy is a central pillar of JRS’ work. JRS’ advocacy is characterised by the following principles:

- It stems directly from our close engagement with refugees
- It flows from [accompaniment](#) and [service](#) and is linked to JRS projects
- It is based on [Jesuit values, inspired by Ignatian spirituality](#)
- It is built on solid research.

JRS Australia’s advocacy takes a number of forms including research and commentary, policy development, lobbying, and grassroots engagement with community members.

## **Background:**

Jesuit Refugee Service (JRS) Australia recently secured funding from Women NSW for a project titled 'Finding Safety.' The project focuses on supporting asylum seeking and refugee women (ASRW) who are at risk of/or have experienced sexual and gender based violence (SGBV).

Our submission to the National Inquiry provides a snapshot of the specific vulnerabilities of ASRW to sexual harassment and violence in Australian workplaces.

We would be happy to provide further information or consult with the National Inquiry where required.

## **Violence in countries of origin:**

ASRW often experience high levels of SGBV prior to their arrival in Australia, including during the migration journey in which they have often spent time in Internally Displaced Persons (IDP) camps and refugee camps, in which rates of violence against women (VAW) are very high. Due to these experiences of trauma, ASRW may have a higher tendency to normalise SGBV and underreport instances of harassment and violence. This is illustrated in JRS' recent report 'Free from Violence Against Women and Girls (VAWG)'. One of the women interviewed for this report explained the impact that experiences of sexual violence within a refugee camp can have on a woman's ability to trust or seek out help in the future.

This woman stated: "... actually, it's very worse... there's a lot of like sexual harassment in the camps... Like you find men, ah most of the toilets in the camp they are outside, so mostly you find women are scared to go to the toilet at night, because they get raped. There's a lot of raping. People who are working there, meant to be the security there, they do that" (Jesuit Refugee Service, 2018:4).

She went on to explain how these experiences and the uncertainty of a temporary visa status can impact upon a woman's confidence in approaching police:

"Sometimes you're even scared, because you don't know if the person you're going to seek help from is the same as, is going to treat you the same as what you've gone through. So um, you, like you don't have enough confidence to even seek support... You're scared, you have fear in yourself because you don't know what's gonna happen next" (Jesuit Refugee Service, 2018:4)

## **Key challenges in Australia:**

Once in Australia, there is a continued risk of ASRW experiencing SGBV which is compounded by a lack of access to support services including housing, financial assistance, pro-bono legal services, counselling and sexual assault services. One woman who was interviewed for the 'Free from Violence Against Women and Girls' report discussed how she felt her temporary visa status impacted upon her ability to access support services in Australia: "Most places I remember, you cannot just walk in and you say ah this is me, they will ask you which visa are you under? And if you tell them I'm on Bridging Visa E for example, at what stage they'll look at and then they'll say, you can't get service from here, you'll have to try somewhere else". This lack of options can make ASRW particularly vulnerable to workplace sexual harassment as they may not have the fall-back options and supports that an Australian Resident, Citizens or people on other more secure visas would have.

Access to Government payments through the Status Resolution Support Service (SRSS); which is approximately 89% of Newstart allowance, has become increasingly difficult to attain due to the tightening of the eligibility criteria. If ASRW are granted work rights, they often face multiple barriers to employment including a lack of access to affordable childcare, social or family supports and language barriers.

JRS has worked with clients who are in the process of applying for SRSS who have infant children and have been advised that children are not considered a barrier to employment. These women are not eligible for the childcare subsidies and therefore have to pay the full rate for childcare. They are often advised by the SRSS provider that they should be asking 'family and friends' to care for their children in order to obtain employment.

For women who have experienced SGBV, there may be additional factors such as reduced self-esteem, a sense of worthlessness, an inability to access the workplace safely and confidently, and compounded trauma which can re-enforce their own sense of vulnerability.

Due to a combination of barriers to employment and factors that increase their vulnerability to SGBV, ASRW who have managed to secure employment are far less likely to report or speak out against workplace sexual harassment for fear of losing their only form of income.

Additionally, ASRW also often have a fear of authoritative figures such as Government and Police, due to experiences in their country of origin or throughout the migration journey to Australia. This accompanied with a fear of a negative impact on their visa status also contributes to under-reporting of sexual harassment in the workplace.

JRS also works with ASRW who are not granted work rights with their Bridging Visa, and therefore are forced into informal, precarious and exploitative employment. One particular JRS client started work as a cleaner, and after not being paid was informed that she would need to have sex with her employer in order to be paid for her work. This client felt unable to report the offence due to a fear of her work rights status being disclosed to the Department of Home Affairs and a negative impact on her visa application. She was therefore unable to safely continue this employment and was further forced into financial destitution.

## Our Response:

The JRS 'Finding Safety' project is working on a number of initiatives to address these risk factors and prevent VAW. This includes conducting preventative workshops focused on informing women of their rights, building self-confidence and restoring self-esteem. The project also focuses on bridging the knowledge gap between the asylum seeker sector and the domestic and family violence (DFV) sector through training and education. Lastly, it has been identified that police responses play an integral role in ensuring the safety and well-being of ASRW at risk of violence; the project will aim to engage the NSW Police on their conduct with women of culturally and linguistically diverse (CALD) backgrounds, with a focus on the specific vulnerabilities of ASRW.

In summary, the JRS 'Finding Safety' project team would like to make the following recommendations to the National Inquiry on behalf of the ASRW that we work with:

- Remove the barriers that ASRW who have experienced SGBV face in trying to access support services such as affordable and safe housing, Medicare, Centrelink and other relevant services
- Guarantee safe reporting and access to justice to ASRW and other women with insecure migration status survivors of SGBV including sexual harassment at work, that are unlikely to report crime as a result of their visa/immigration status.
- Remove the 'no work rights' restriction from people who are seeking protection in Australia.
- Acknowledge the increased situations of vulnerability and lack of options that women who are awaiting a Protection Visa application in Australia, and are at increased risk of SGBV, encounter, and provide a focus on this group within policy.
- Ensure that the rights of victims of SGBV including sexual harassment at work are upheld, and are not conditional on immigration status, and that women survivors are able to access meaningful protection.
- Acknowledge and recognise the multiple layers of discrimination faced by women who are seeking protection in Australia and other women with insecure migration status who are at risk, or survivors of SGBV, and ensure that they are able to assert their rights, access justice and live safely. .
- Enforce training requirements for the NSW Police in responding to cases of SGBV ensuring a CALD and gender responsive perspective and an intersectional approach are applied.

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## **References:**

Jesuit Refugee Service (2018), 'Free from Violence Against Women and Girls (VAWG)', *Report for 2018*, <https://www.jrs.org.au/wp-content/uploads/2018/11/Free-from-Violence-Against-Women-and-Girls-VAWG-Report-8.pdf>