Women's Health in the South East (WHISE)
Response to the Issues Paper: National Higher Education Code to Prevent and Respond to
Gender Based Violence

National Higher Education Code to Prevent and Respond to Gender Based Violence

Submission Prepared by Women's Health in the South East

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About WHISE

Women's Health in the South East (WHISE) is the regional women's health promotion, advocacy, and support service for the Southern Metropolitan Region of Melbourne. We are a not-for-profit organisation that focuses on empowering women. We form part of a network of coordinated women's health services that cover Victoria. Therefore, we have a unique insight into issues that affect women in our region. We work to improve the health and well-being of women in our region by providing capacity building to our community, health information and education to governments, organisations, education providers, and community groups.

Executive Summary

WHISE welcomes the opportunity to provide this response to the Australian Government (Department of Education) Issues Paper on the National Higher Education Code to Prevent and Respond to Gender-based Violence. Ourt submission will focus on the requirements to implement any national code developed from this process and:

1. Offer insights based on our work including the "Training for Respect" project, which focuses on preventing workplace gender violence in Victoria's Registered Training Organisations.
2. Provide a set of recommendations including:
   - Using local data to understand gender-based violence in tertiary education
   - Leveraging existing practices and relationships
   - Ensuring adequate resources and leadership commitment
   - Engaging change champions and investing in evidence-based practices
3. Advocate for a comprehensive implementation to ensure the success of the final code, including:
   - Using frameworks like EPIS (Exploration, Preparation, Implementation, Sustainment)
   - Promoting cultures of respect and inclusion
   - Establishing accessible reporting mechanisms
   - Providing timely responses to incidents

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- Continuous monitoring and evaluation
- Recognizing the intersectional nature of gender-based violence
- Emphasise the importance of aligning the code with regulatory standards set by ASQA and TEQSA.

Our goal in this submission to advise the vital need to ensure that the code is implemented through a comprehensive, evidence-based framework for preventing workplace gendered violence through multi-sector collaborations and continuous improvement, based upon best practice health promotion, gender and intersectional practice and primary prevention.

A Note on Inclusive Language

This submission uses the term "women" throughout, inclusive of all people who identify as women. WHISE recognises that trans men, non-binary, agender, intersex and other gender diverse people or people assigned female at birth who do not identify as women also use and need access any outcomes from the code, and higher education programs.

Introduction

Women's Health in the South East (WHISE) welcomes the opportunity to provide feedback on the proposed National Higher Education Code to prevent and respond to gender-based violence.

WHISE has been actively involved in addressing gendered violence in Victoria's adult education sector through the "Training for Respect" project. This initiative, supported by WorkSafe Victoria's WorkWell Respect Fund is being delivered through a partnership with Our Watch, Victorian TAFE Association, Independent Tertiary Education Council of Australia, Women's Health Goulburn North East, Jesuit Social Services The Men's Project, and Women's Health East

The 18-month project aims to improve the capacity, capability, and confidence of Victoria's Registered Training Organisations (RTOs) to prevent and respond to workplace gender-violence.

Context for this Submission

It is in this context that we provide this submission, and put forward particular evidence, practice and recommendations on the requirements to successfully implement the code.

While it is not clear at this point, if the Code will be applied across VET and Higher Education, WHISE offers this response to the discussion paper, based on our experience in this project, and in other prevention work to stop gendered violence in all its forms.

A note on collaboration

As is the practice of primary prevention and health promotion work, WHISE would be delighted to share further details and outcomes of our work – including Training for Respect – with the government team developing the code of conduct. We appreciate that the practical expertise and insights derived from undertaking and delivering activities to prevent workplace gendered violence can be invaluable to policy design.

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Project Overview: Training for Respect

The "Training for Respect" project seeks to establish a sustainable, sector-wide primary prevention infrastructure for Victorian RTOs. The project introduces tools and strategies to promote a positive workplace culture and well-being, focusing on preventing sexual harassment and gender-based violence. By addressing the root causes and working collaboratively with the sector, the project aims to significantly enhance the well-being of staff and students in Victorian training organisations.

Rationale for Our Project Training for Respect

The *Training for Respect* project was developed based on a clear need for a specific practical and strengths based primary prevention strategy for Victorian Registered Training organisations.

The evidence used as the foundation for the project, and also as the basis for engaging with the sector, tells us that gender-based violence, including sexual harassment, can have profound and distressing effects, leading to feelings of shame, humiliation, and powerlessness. Women are more likely to experience sexual harassment, which correlates with higher rates of depression, anxiety, and post-traumatic stress disorder (PTSD). Beyond the individual, these negative impacts can extend to organizational culture, causing vicarious trauma. If left unaddressed, gender-based violence can result in decreased morale, reduced job satisfaction, and increased turnover, exacerbating mental health issues among workers. Similar to that work in Higher Education, for Victorian RTOs, workplace gendered violence reinforces sexist stereotypes, limits the careers of women, and drives environments that encourage gender-segregated workforces. This dynamic can contribute to skills shortages. WorkSafe has identified Education and Training as a high-risk industry area for workplace gendered violence, including sexual harassment.

Recent workplace audit data from the 2021 Victorian Commission for Gender Equality in the Public Sector (CGEPS) reveals that 4% of women and 3% of men in TAFE and other education workplaces reported experiencing sexual harassment. The 4th National Survey on Sexual Harassment reported that "close to half of all sexual harassment perpetrated in the workplace in the last five years occurred within four industry groups: health care and social assistance, retail trade, education and training, and accommodation and food services." According to the 5th National Survey on Sexual Harassment in Australian Workplaces, the education and training sector accounts for almost half of all reported incidents across Australia. Despite representing only 8% of the workforce, the sector contributes to 9% of the incidents surveyed. Notably, the education sector reports an equal distribution of harassment incidents from both men and women.

Studies emphasize that learning environments in RTOs, both in classrooms and on the job, normalize gender inequality and perpetuate harmful behaviours leading to gender harassment. This harmful environment creates significant barriers, particularly in male-dominated learning pathways and industries, hindering the participation of women and gender-diverse individuals in ongoing learning. Consequently, this perpetuates gender segregation in the labour market.

There is a consistent and explicit concern about the prevalence of sexual harassment and gender-based violence against female apprentices in male-dominated training programs, such as construction and plumbing, especially during on-the-job learning. Studies of the Australian adult education environment reveal that women's experiences of sexualized behaviour in the classroom are often not framed as harassment. Furthermore, evidence indicates that inappropriate behaviours are not solely perpetrated by classmates but also by educators who make sexualized comments or implicitly or explicitly permit poor behaviours in the learning environment.

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One of the root causes of sexual harassment and workplace gender-based violence is the promotion of gender stereotypes that foster inequity and create conditions enabling such violence. Industry practices, supported by evidence, demonstrate that the vocational system's structure perpetuates and reinforces gender stereotypes, contributing to an increased risk of sexual harassment.

Key Components of the Project

1. **Self-paced Modules**: These modules build foundational knowledge on the prevalence and impact of workplace gendered violence. They provide essential training on psychosocial risks in training organisations and outline obligations under the Occupational Health and Safety Act 2004. The program emphasizes understanding an intersectional approach to addressing gender inequity, which can lower the risk of gender-based violence.

2. **Leadership Enhancement**: Recognizing the crucial role of leaders, the project enhances leadership skills to foster positive workplace cultures, reduce inequity, psychosocial risks, and other factors contributing to gender-based violence.

3. **Health Promotion Campaign**: Developed in collaboration with the industry and incorporating insights from those with lived experience, this campaign combats resistance to the topic and promotes respect and well-being in educational settings, emphasizing the consequences of inappropriate behaviours.

4. **Collaborative Framework**: By working in collaboration with the sector and centring lived experience, the project builds on evidence and leading practices. This includes:

   o Governance and advice infrastructure for the industry to oversee and drive work to prevent workplace gendered violence.

   o A needs analysis report and evidence describing the prevalence and experience of the sector with regard to workplace gendered violence.

   o A three-part sector-specific program comprising online modules, in-person programs to embed and deepen knowledge, and leadership development sessions.

   o An industry-wide campaign to promote agreed messages about the value and impact of eliminating workplace gendered violence.

   o An online resource hub with referral pathways, quality information, and access to resources developed through the project.

   o A long-term theory of change and monitoring framework for sustained efforts to prevent workplace gendered violence.

   o An evaluation report on project outcomes with recommendations for advancing the work under the sector's agreed Theory of Change.

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Recommendations for the Code – Understanding that outcomes depend upon successful implementation

WHISE has deep and significant experience in implementing strategies, plans and government policy on gender equality, the prevention of violence against women including workplace gendered violence. This includes *Training for Respect.* Our experience tells us that government policy and strategies to improve wellbeing are *only as successful as the implementation mechanisms, resources and plans that are put in place and executed effectively.*

When implementing strategies and codes of conduct to prevent workplace gender-based violence in Australian tertiary education settings (VET and Higher Education), we recommend that the Australian Government consider the following evidence-based practices. To ensure successful implementation, the code should be evaluated against these key points:

1. USE local data and evidence to understand the prevalence and nature of gender-based violence in Australian tertiary education institutions. Reports and studies specific to these settings can provide critical insights and play a significant role in leveraging industry buy in. Further, ensuring that evidence is relevant to the sector itself is vital so that leadership and stakeholders can "see their stories" in the evidence being used.
2. LEVERAGE existing practices, policies and systems to build upon good practice, to demonstrate respect to existing work and, to strengthen and deepen existing relationships and partnerships.
3. ENSURE that there is sufficient funding and resources to support comprehensive prevention initiatives, victim support services, and enforcement mechanisms across the sector.
4. REQUIRE and SUPPORT institutional leaders to prioritise the prevention of gendered violence, incorporating it into strategic plans and performance indicators.
5. USE local networks, change champions, opinion leaders, and mentors to promote and implement changes. These individuals can significantly influence the adoption of new practices and foster a supportive environment.
6. ENSURE long-term success by INVESTING in evidence-based practices (EBP) and providing the necessary resources and structures for consistent implementation. This commitment is essential for sustaining change over time.
7. USE a comprehensive framework like the EPIS (Exploration, Preparation, Implementation, Sustainment) framework. This approach takes into account various factors needed for integrating EBP into an organization's operations and decision-making processes.
8. RECOGNISE and RESPOND to the reality that the code will not be successful unless there is strategic drive across higher education, to develop cultures of respect, inclusion, and zero tolerance for gender-based violence through Australia's tertiary sector.
9. ESTABLISH clear, confidential, and accessible reporting mechanisms that is inclusive and builds upon existing reporting systems and structures. ENSURE that employees and students feel safe and supported when reporting incidents, with no fear of retaliation.
10. IMPLEMENT and RESOURCE swift and appropriate responses to reported incidents, including thorough investigations and consequences for perpetrators. Provide access to support services such as counseling, legal advice, and medical assistance for victims.

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11. MONITOR the effectiveness of the strategies through surveys, feedback, and incident reports using an agreed theory of change. EVALUTE the impact of the practices and make necessary adjustments based on feedback and outcomes. TRANSPARENTLY report on progress to build understanding and buy in to the long term implementation and work of the code.
12. ADDRESS the intersectional nature of gender-based violence by considering how different identities (e.g., race, sexual orientation, disability) affect experiences and vulnerabilities.
13. COLLABORATE and work with with external expertise, such as gender equality advocates, legal experts, and health services, to enhance the effectiveness of strategies and codes of conduct. FOSTER partnerships between government agencies, educational institutions, law enforcement, health services, and community organizations to create a coordinated response to gendered violence.

Aligning the Code to the Regulatory Environment

The regulatory environment for Tertiary Education in Australia, plays a major role in the behaviour and practices of our providers and is driven by agencies such as the Australian Skills Quality Authority (ASQA)1 and the Tertiary Education Quality and Standards Agency (TEQSA).

In addition to the above recommendations, this submission also advocates that when developing and implementing codes of conduct to prevent workplace gender-based violence, it's crucial to align these with the regulatory environment. We therefore advocate that the Australian Government:

- **Align with ASQA and TEQSA Standards**: Ensure that any code of conduct or strategy aligns with the regulations and standards set by the Australian Skills Quality Authority (ASQA) and the Tertiary Education Quality and Standards Agency (TEQSA). Adhere to principles of regulatory necessity, risk, and proportionality.
- **Engage with Regulatory Agencies**: Actively consult with ASQA and TEQSA during the development and implementation phases of the code of conduct. This collaboration helps ensure regulatory alignment and leverages insights into best practices.
- **Thorough Understanding**: Gain a comprehensive understanding of the regulatory requirements set by ASQA and TEQSA, including their performance assessment approach, risk priorities, and available resources for providers.
- **Consistency with Existing Policies**: Ensure the code of conduct does not contradict existing policies and regulations. Avoiding policy contradictions is essential to prevent confusion and resistance, and to maintain the effectiveness of the code.
- **Regular Monitoring and Evaluation**: Implement a system for continuous monitoring and evaluation of the code of conduct's effectiveness. This process helps identify areas for improvement and ensures ongoing alignment with regulatory standards.
- **Promote Understanding and Adherence**: Provide comprehensive education and training for staff and students about the code of conduct and its regulatory alignment. This training promotes understanding and adherence, fostering a culture of respect and equality.

Summary

The implementation of comprehensive strategies to prevent workplace gendered violence in Australian tertiary education settings is a complex and multifaceted process. It requires a thorough understanding of the sector's unique culture, resources, and readiness for change. To be effective,

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these strategies must be grounded in robust data, supported by strong legislative frameworks, and championed by committed leadership at both governmental and institutional levels.

A holistic approach is essential, encompassing clear accountability measures, sector-wide standards, and mandatory training programs. This should be underpinned by cultural change initiatives that address the root causes of gendered violence and promote respectful relationships. The establishment of accessible reporting mechanisms and victim-centred response protocols is crucial to creating a safe environment for all staff and students.

Continuously monitoring and evaluating the effectiveness of implemented strategies is paramount. This process should involve regular data collection, analysis, and reporting, allowing for necessary adjustments based on feedback and outcomes. The government must also ensure that these efforts are adequately resourced and sustained over the long term to drive meaningful change.

Moreover, it is critical to recognize and address the intersectional nature of gendered violence, considering how various identities and backgrounds influence experiences and vulnerabilities. This nuanced understanding should inform all aspects of policy development and implementation.

By fostering multi-sector collaborations and raising public awareness, the Australian Government can create a coordinated and comprehensive approach to preventing workplace gendered violence in tertiary education. This collaborative effort, combined with a commitment to evidence-based practices and ongoing evaluation, will be instrumental in creating safer, more equitable educational environments across the nation.

Ultimately, the success of these strategies will depend on their ability to adapt to the unique cultural, social, and legal factors within the Australian tertiary education context. By carefully considering these elements and remaining responsive to emerging needs and challenges, the government can develop and implement robust, effective strategies and codes of conduct that significantly reduce workplace gendered violence and foster a culture of respect and equality in all tertiary education institutions.

References

Training for Respect - https://whise.org.au/training-for-respect/

WorkWell Respect Fund - https://www.worksafe.vic.gov.au/workwell-respect-fund

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