

## Whispers From the Bush: The Workplace Sexual Harassment of Australian Rural Women

By Skye Saunders | The Federation Press | 2015



Despite what the title may suggest, Skye Saunders' pioneering research publication speaks volumes about the extent of the 'cultural epidemic' of sexual harassment in rural Australian workplaces. In *Whispers From the Bush: The Workplace Sexual Harassment of Australian Rural Women* Saunders draws on original research to examine the entrenched sexual harassment culture pervading the lives of working women. A total of 107 interviews conducted with rurally located participants deliver results that are both staggering and heartbreaking, leaving the reader with far more than a whisper of a problem in desperate need of redress.

The foreword to the book is written by former chief of army, David Morrison who situates the book on a historical continuum of workplace sexual harassment in Australia. A coincidentally notable choice, Morrison records a sombre opinion that the same degrading cultures he says were in the army 'are present in almost every workforce

and workplace in Australia'. However, he says, 'too often [women in rural environments] are not given the voice and resonance that they warrant.' And it is precisely into this cultural void that Saunders takes her aim.

Drawing on new and existing research Saunders' book proposes that sexual harassment is a 'cultural epidemic' that teeters on acceptance as a social norm in rural workplaces. She argues that 'urgent, remedial action must now be taken to provide women with the safe workplaces to which they are, by law, entitled' and sets out a plan of action for achieving this goal.

The use of both qualitative and quantitative research methods despite a smaller sample size allows Saunders' to construct a thorough and insightful portrait of sexual harassment in remote communities.

The book is useful from a legal perspective in a number of ways. Chapter 1 (Reduced to Silence) provides an analysis of the legislative responses to workplace sexual harassment, namely section 28(1) of the *Sex Discrimination Act 1984* (the Act). In particular Saunders concerns herself with examining the barriers of a rural lifestyle that compromise the Act's proper application.

In addition Saunders' exploration of the language of the Act opens an important dialogue around its ability to properly protect rural women. For example she argues the word 'possibility', which was intended to lower the threshold for sexual harassment, is instead undermined by the concept of 'reasonableness' and the male experiences that she contends are entrenched within it. Placing such an evaluation at the outset of the book

allows Saunders to explore the legislation in later discussion of cases and her own empirical evidence.

Secondly, in the latter half of the book Saunders draws heavily on recent case law to present examples, particularly of the litigation experience across urban and rural areas.

The case of *Brown v Richmond Golf Club*<sup>1</sup> is used as an example of judicial responses to ongoing versus 'one-off' behaviours. In that case Britton J sitting as ADT Judicial Member was not satisfied that an attempted kiss on the cheek made by the claimant's general manager constituted conduct of a sexual nature, but instead should be considered a one-off event of relatively low harm. Saunders contrasts this with cases like *Fischer v Byrnes*<sup>2</sup> where ongoing humiliation and intimidation was more likely to lead to a successful sexual harassment claim.

Chapter 6 (So Help Me, God... A Comparison of (Un)Successfully Litigated Sexual Harassment Complaints from Rural and Urban Australia) will prove a useful resource for law practitioners and students. Saunders delves deep into a number of significant cases that explore factors affecting litigation outcomes in a rural setting. For example she writes about *Cross v Hughes*<sup>3</sup> where an employer booked a single hotel room for himself and an employee on a business trip and made unwelcome remarks and suggestions throughout the stay. This case is used by Saunders to demonstrate how the relative seniority of the alleged harasser can point to 'circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.'<sup>4</sup>

## BOOK REVIEWS

*Whispers From the Bush: The Workplace Sexual Harassment of Australian Rural Women*

*It is a credit to the author that a topic so often drowned in statistics preserves the personality and experiences of those who contributed to it. At times the book is hard to put down, at other times the weight of personal stories can make it hard to read at all.*

Rigorous footnoting will also make this book an invaluable resource for those wishing to explore the issue further.

The remainder of the book, while not strictly legal in content, provides an up-to-date examination of sexual harassment in remote areas from all angles. Chapter 2 (Listening to the Distant Whispers) lays out the methodology employed in the research and serves as an indicator of the challenges involved in undertaking such a study.

Chapter 3 (The Dramatic Backdrop of the Bush and Gendered Harm Within It) looks at the legacy of gender-based harm and how it has been influenced by bush-culture in remote areas.

Chapter 4 (It's All a Bit Different Out 'Ere... Special Characteristics of the Bush and Their Effect on Reporting Rates) raises the myriad barriers to reporting sexual harassment in isolated areas, with particular reliance on first hand interviews with rural working women. Beyond the evident physical barriers, Saunders also raises a number of legitimate social barriers that can prevent women from seeking help, such as the power of gossip and victim blaming.

In Chapter 5 (When the Boys Come Out to Play... Sexual Harassment and the Impact of Male-Dominated Working Environments) fuses case law with interview responses to explore the nexus

between 'male' working environments and the prevalence and nature of sexual harassment.

Chapter 7 (Fit In or F#\$@ Off! The (Non) Reporting of Sexual Harassment in Rural Workplaces) draws on extensive data from previous and original research to present chilling evidence of low reporting rates despite the prevalence of sexual harassment incidents in rural areas.

Chapters 8 (Just the Boys Havin' Fun! The Nature, Pervasiveness and Manifestations of Sexual Harassment in Rural Australia) and Chapter 9 (Stripping Off the Layers... Sexual Harassment 'Survival' Behaviours in Rural Australian Workplaces) examine the manifestations of sexual harassment in remote workplaces and the mechanisms employed by victims in response.

Chapter 10 (A New 'Coo-ee': An Australian Bush Transformation) is a space for Saunders to make recommendations for the 're-invigoration of rural workplace culture' with a particular focus on re-education and response strategies from the top down.

As may be seen by labelling each chapter with the same words and phrases used to normalise harassing behaviour Saunders subtly demonstrates the kind of

complicity that has led to the very issue she is researching.

Despite the enormous quantity of data the book has to offer, Saunders' triumph is her ability to siphon through the information and bring the most salient points to the reader's attention in a thought-provoking way. It is a credit to the author that a topic so often drowned in statistics preserves the personality and experiences of those who contributed to it. At times the book is hard to put down, at other times the weight of personal stories can make it hard to read at all. The responses of the interviewees can, at times, make for uncomfortable reading, but play an important part in giving a voice to those who have remained voiceless for so long. In Saunders' own words this book is truly a 'work of the heart'.

### Endnotes

1. [2006] NSWADT 104
2. [2006] QADT 33
3. [2006] FMCA 976

**Reviewed by Richard Bell**