

CHAPTER 2

SEXUAL HARASSMENT IN THE NAVY

This Chapter examines in broad terms the incidence and nature of sexual harassment or sexual assault in the Royal Australian Navy.

Data available on sexual harassment in the Navy

2.1 Hard facts about the incidence of sexual harassment in the Navy are hard to come by. As in most other organisations several factors can work against a simple and accurate compilation of such statistics:

- there is the difficulty of the definition of sexual harassment. In addition, there have been changes over time to internal Navy instructions which deal with issues relating to sexual harassment;
- the phenomenon of under-reporting of sexual harassment.¹ It is argued in some submissions that the characteristics of the Navy as an organisation are such that a relatively high level of under-reporting is to be expected. However, the Committee received no hard evidence to establish the extent of under-reporting;
- there has been, until the recent introduction of the 008 Operation Lifeline service, no central collection of data on sexual harassment in the Navy;² and

1 Under-reporting is considered to be common in most organisations and is discussed further in paras 2.16 - 2.32 of this Chapter and in Chapter 12 of this Report.

2 The Operation Lifeguard number 008 - 644 247 was opened on 29 September 1993, the Army number 008 - 803 831 was opened on 15 October 1993 and the Air Force number 1800 - 626 254 was opened on 4 November 1993. For further details of Operation Lifeguard, see Chapter 10 of this Report.

- awareness that sexual harassment is an issue for management has, as in society more generally, developed only slowly in the Navy.

2.2 The evidence provided by the Sex Discrimination Commissioner to the Committee itemised thirteen cases of "sexual harassment complaints brought against the ADF under the SD Act".³ Details provided in the summaries of the cases did not reveal whether any of these cases involved Navy personnel.

2.3 The Headquarters Australian Defence Force (HQADF) submission gives the following information on the number of sexual offences and the number of reported incidents of sexual harassment in the Navy for the five years 1989-1993.⁴

Year	Sexual Offences		Sexual Harassment		
	language		non-contact	action other	sub-total
1989	1	7	2	3	12
1990	1	0	0	0	0
1991	0	3	4	0	7
1992	2	2	1	3	6
1993	<u>13</u>	6	4	4	<u>14</u>
	17				39

2.4 More details on the interpretation of these statistics, and a comparison with the other armed services, is given in Chapter 12 of this Report. At this point, it is sufficient to note that of the 39 sexual harassment cases listed for the Navy, all except 9 were either found guilty under the Defence Force Disciplinary Act (DFDA) or had administrative action taken against them. Formal disciplinary action has been taken in 15 of the 17 sexual offence cases reported.

2.5 Unfortunately, the survey contained in the 1987 study "*Women in the Armed Services Career and Family Intentions and Expectations*" by Major Katherine Quinn

3 Ms S. Walpole, submission, Appendix 4, p. 77.

4 HQADF, submission, Committee Hansard, Annex B. pp. 1361-1364. "*In simple terms ... sexual harassment is any sexually offensive action without physical contact; sexual offence is one where physical contact is made without the consent of the other person.*" *ibid.*, p. 1329.

on sexual harassment in the Navy, Army and Air Force does not separate out the responses of women in the Navy from the aggregate figures. The overall results of the survey are considered in greater detail in Chapter 12 of this Report.

2.6 The Committee received one submission from a former Warrant Officer of long experience in both the Royal Navy and the Royal Australian Navy which reported on an interesting, in depth study of sexual harassment at one particular naval shore establishment, the RAN Air Station at Nowra in the late 1980s and early 1990s.⁵ The study gives a detailed account of the nature of the sexual harassment experienced and the difficulties encountered in unearthing the full extent of its occurrence.

2.7 With regard to the specific instances of sexual harassment on the SWAN, Associate Professor Kim Kirsner considers that:

*"While some of the episodes reported to the HBOI⁶ were reprehensible, they were not - in my opinion - outside the range of episodes which would be expected among any other group of 17,000 mostly young Australians."*⁷

2.8 An analysis of the 21 submissions presented to the Committee by women who have been or are employed by the Navy reveals that six consider that sexual harassment is a problem in the Navy. Of these, five report that they have themselves experienced sexual harassment and fifteen report that it is not a problem.

2.9 The most recent data available on sexual harassment in the Navy is to be found in the records being compiled by the 008 Operation Lifeguard.⁸

5 Mr T.H. McDonald, submission. At the time, only 20 of the 300 personnel on the base were female, and all were in age group 16-18 years.

6 The HBOI refers to the Board of Inquiry, established to investigate matters raised by Dr Wheat in her letter to the Minister for Defence Science and Personnel. It is sometimes referred to as the Harrington Board of Inquiry after the presiding officer, CAPT C. Harrington RAN. This Report refers to the Board of Inquiry as the BOI or the Board.

7 Associate Professor K. Kirsner, submission, p. 3.

8 Further details on Operation Lifeguard are in Chapter 10 of this Report.

2.10 Navy told the Committee that 67 calls have been received since the Service was established, 64 % from males and 36 % from females (It must be borne in mind that males make up 87.5 % of Navy's workforce). Details are as follows:

- . 55.2 % of the calls related to problems of gender based discrimination or sexual harassment
- . 28.4 % of the calls related to general harassment
- . 16.4 % were classified as general queries.

How widespread is sexual harassment in the workforce generally?

2.11 There appeared to be an implication in the media coverage of the SWAN incidents that sexual harassment is either worse or more prevalent in the Navy than in workplaces generally in Australia. The Committee therefore sought to establish what is known about the incidence of sexual harassment in the community.

2.12 Perhaps not surprisingly, this proved to be difficult. Very little reliable statistical data exists about the incidence of sexual harassment, both in Australia and in comparable countries overseas. Much of the data that has been collected is regarded by some workers in the field as suspect. As the Public Service Commission representative told the Committee in relation to the collection of data on the APS:

*"there are mixed views around the service about the validity of some of this reporting."*⁹

2.13 Several factors work against a simple and accurate compilation of statistical data on sexual harassment.

2.14 First and foremost, as previously noted, there is the difficulty of the definition of sexual harassment. Until the question of definition is clarified, statistical data will have little meaning. If one organisation records only what might be regarded as the more serious end of the spectrum, and another includes even the most minor incident, then clearly there is no scope for drawing any comparative conclusions.¹⁰

9 Ms M. Cane, submission, Committee Hansard, p. 1040.

10 The question of definition is examined in greater detail in Chapter 1 of this Report.

2.15 An equally important difficulty is the known phenomenon of under-reporting of sexual harassment.¹¹

Reluctance to complain

2.16 Adequate statistics are a problem not only because victims of sexual harassment are reluctant to have their complaints recorded but many victims do not complain at all because they find it too difficult. The Sex Discrimination Commissioner told the Committee:

*"for every woman who has complained, hundreds of others have not done so for fear of losing their job or not gaining some other benefit such as a pay rise. They are also concerned about destroying their personal life or suffering public humiliation."*¹²

2.17 The Nowra study found that *"fear, lost pride, and the threat of reprisals"* meant that the victim *"becomes confused and doesn't know what to do, so she usually does nothing."*¹³

2.18 Fear of retribution was a theme of the female witnesses to Navy's Board of Inquiry. The Board said in its report:

*"Fear of retribution has been a commonly expressed problem for the victims of unacceptable sexual behaviour throughout this inquiry."*¹⁴

2.19 At the hearings of the Committee, Commodore Barrie confirmed that, in his experience, the issue of retribution *"is a problem, or has been a problem. That is an*

11 This aspect is discussed also in Chapter 12 of this Report.

12 Ms M Waipole, Committee Hansard, p. 106.

13 Mr T.H. McDonald, submission, attachment A, p. 10. It is also widely recognised that some incidents are not reported because reporting a complaint forces the complainant to relive what may have been a very harrowing experience.

14 BOI Report, p. 11.

abuse of authority in my view ..."¹⁵ Navy's response to the problems that were uncovered by the SWAN incident has been to adopt, in the words of Sandra Triulzi:

*"preventive mechanisms rather than relying on the curative approach through the complaints based process, which is the process that HREOC provides."*¹⁶

The Committee welcomes this approach and accepts the argument that, if it is successful, the need to make formal complaints will only arise in exceptionally difficult cases.

2.20 A lack of awareness on the part of both managers and employers about the avenues for complaints about sexual harassment contributes to the overall unreliability of data on sexual harassment.

2.21 A further, related difficulty is the reluctance of some people to have their complaints recorded at all. Ms Cane stressed that:

*"there are some people who appear to be very reticent if it goes anywhere other than to the harassment contact officer".*¹⁷

The Ombudsman also states that a number of the complaints about sexual harassment received in her office have been anonymous.¹⁸

2.22 A moving personal account of reticence to complain was given to the Committee by Lieutenant Susan Sly. Lieutenant Sly explained why, in the late 1980s, after finding a "guy" at ADFA trying to get into her bed on three consecutive nights, she had asked for help from her fellow students at the Academy but had chosen not to report the incident:

"There were two guys now involved who were helping me basically supporting

15 CDRE C. Barrie, Committee Hansard, p. 576.

16 Ms S. Triulzi, Committee Hansard, p. 729.

17 Ms M. Cane, Committee Hansard, p. 1042.

18 Ombudsman, Submission, p. 2. In the ADF this reticence may be compounded by an individual's concern that their making of a complaint may be included on their Service Record.

*me. Finally, they said, 'You have got to tell us who it is'. So I gave them the name; they were the only people I ever told at that stage who it was. They knew straightaway why I had not done anything about it. It was because no-one would have believed me - like no-one. The only reason they did was because they had seen the state I was in after the incident ... even they themselves admitted that no-one would have believed me. Had I tried to have done anything about that incident I would have come off second best, not him."*¹⁹

2.23 Ms Cane argued that in considering the approach that should be taken to the collection of data, the risk that this might constitute a further barrier to the reporting of incidents had to be carefully evaluated. In her view:

*"the last thing we want to do, I would suggest, is in any way impede or put any barrier in the way of people's seeking assistance."*²⁰

Ms Cane noted however, that this reluctance to be recorded varied from agency to agency.

2.24 The Sex Discrimination Commissioner reported in her submission to the Committee that in 1992-93 the Human Rights and Equal Opportunity Commission received 783 complaints under the Sex Discrimination Act:

"of these, 292 (over a third) complaints were made in relation to sexual harassment. Complaints alleging both sex discrimination and sexual harassment increase the number of cases to 366."

2.25 Thus, 47 per cent of the complaints received by the Sex Discrimination Commissioner in 1992-93 related to sexual harassment. The Sex Discrimination Commissioner further reports that of all the complaints under the Act, 338 were conciliated and 38 were referred elsewhere, or declined. No information is given to indicate how many of the conciliated cases related to sexual harassment. A brief

19 LEUT S. Sly, submission, Committee Hansard, p. 938.

20 Ms M. Cane, Committee Hansard, p. 1042.

description is, however, given of each of the 19 cases of sexual harassment that were referred for public hearing.²¹

2.26 Ms Cane advised that centrally compiled statistical data on the incidence of sexual harassment and sexual assault in the Australian Public Service is not available.²²

2.27 Although the eight major agencies that currently employ over 79 per cent of APS staff all have comprehensive policies and procedures on sexual harassment in place, only one of these, the Australian Bureau of Statistics, publicly reports on the incidence of sexual harassment. In its annual report of 1992-93, the Bureau reports that it received 17 informal complaints. Since the Bureau has over 4,000 staff, this could be presented as a rate of approximately four informal complaints per 1,000 staff. The PSC reports that:

*"other agencies have publicly reported a few EEO related grievances without specifying whether they involved sexual harassment."*²³

2.28 On the basis of the Sex Discrimination Commissioner's assessment that just under 10 per cent of all the 783 complaints to her are from the Commonwealth, Ms Cane said it was reasonable to conclude that at least some of these 70 odd cases arose in the APS. However, Ms Cane was *"not in a position to say with any accuracy how many."*²⁴

2.29 Ms Cane also noted that in 1992-93:

*"the Merit Protection and Review Agency registered no grievances on the grounds of sexual harassment, although nine were made on general harassment - victimisation grounds."*²⁵

21 Ms S. Walpole, submission and Appendix 7, Committee Hansard, pp. 24-25, and pp. 99-104.

22 Ms M. Cane, Committee Hansard, pp. 1045 - 1046.

23 *ibid.*, p. 1037.

24 *ibid.*, p. 1037.

25 *ibid.* The Australian Public Service employs 150,000 paid staff. If the extreme assumption that all 10% of Commonwealth complaints were by APS employees, on a very rough calculation this would represent a per capita incidence of one complaint per 2,000

2.30 Ms Cane indicated that while there are no centrally maintained APS records, most agencies would in all probability have some records for their internal purposes and that serious cases of sexual assault or sexual harassment would certainly be a matter of record *"because they would have gone to discipline procedures and become formal."*²⁶

2.31 According to Triulzi Collins Solutions, sexual harassment:

*"is subversive to the broad business goals and creates a 'no-win' situation for everyone involved."*²⁷

Moreover, in Ms Triulzi's view:

*"Inappropriate behaviour in the workplace has not been treated seriously by the majority of senior management in all Australian businesses - public and private."*²⁸

2.32 In a paper submitted with HQADF's supplementary submission, Professor Bryson makes mention of several international studies of sexual harassment in the workplace. These studies have produced a wide variety of outcomes, ranging from very high to quite low rates in different countries. The ILO publication *ILO Convention of Work Digest: Combating sexual harassment at Work, Vol II 1/1992*, also attempts to give some comparative data. All these efforts at comparison are bedevilled by great variation in definition of what constitutes sexual harassment and great variation in the manner of data collection. All results must therefore be treated with a great deal of caution.

Drawing conclusions from statistical data on sexual harassment

2.33 As indicated in the foregoing paragraphs, collecting data on sexual harassment can be a very difficult exercise. These same difficulties create a minefield when it comes to drawing conclusions from that data.

employees.

26 *ibid.*, p. 1046.

27 Triulzi Collins Solutions, submission, Committee Hansard, p. 622.

28 *ibid.*, p. 617.

2.34 The Committee feels it necessary to draw attention to one particular pitfall. Experience has shown that an increase in the reported number of sexual harassment cases in any particular agency in the workplace does not necessarily mean that there has been an increase in the actual incidence of sexual harassment there.

2.35 Increased awareness and improved reporting and handling mechanisms can lead to increased reporting. As the Public Service Commission pointed out:

"One agency did a particularly good job of distributing information throughout its agency, throughout the whole of Australia, on sexual harassment and, for a brief period of time, the number of incidents apparently rose enormously; that was again because of education. That number gradually sank back to what one might consider an acceptable level." 29

2.36 Just as a high level of reporting may be misleading, it is also hazardous to assume all is well in agencies with a low reporting rate. It is important to flag again the problem of the barriers that exist to the making of complaints about sexual harassment. It may well be that those experiencing sexual harassment in an agency with a low pro-rata reporting rate are inhibited, for a variety of reasons, from coming forward with their complaints. The Committee is not aware of any substantive research in this area.

The workplace

2.37 The law as spelt out in the Sex Discrimination Act prohibits sexual harassment where there is a business, working or education relationship. Although under the Act there is no geographic limitation to where you may not sexually harass an employee, it is nevertheless important to note that, on board a ship, the Navy workplace encompasses both professional and recreational time and functions.

2.38 Personnel serving on a ship at sea are regarded as being in the workplace at all times. In effect there is no distinction, while at sea, between being on duty or off duty. Time spent in one's cabin or in the wardroom while not on watch is still regarded as

29 Ms M.Cane, Committee Hansard, p. 1043. It will be interesting to see what effect the intensive sexual harassment education program that the Navy has put in place will have on the numbers of complaints. For the number of calls to the 008 number see para. 2.10 of this Chapter.

time spent in the workplace.³⁰ Furthermore all activities on board a Navy ship when it is alongside in port are also deemed to be taking place in the workplace. The more usual pattern of employees returning to their homes, away from their colleagues at work, does not apply.

2.39 Activities ashore are normally not regarded as workplace activities. Nevertheless this does not mean a green light for sexual harassment once personnel are physically no longer on board the ship. As previously noted and as in the case of civilian employees, there is no geographic limitation to the application of the Sex Discrimination Act. However, in addition, any behaviour ashore that discredits the Navy can attract disciplinary measures. This includes sexual harassment.³¹

2.40 The Committee notes that while in law all time on board a Navy ship is considered as time spent at the workplace, it is unrealistic not to expect some variation in the style and content of communication amongst personnel while on watch on the bridge and when relaxing after dinner in the wardroom.

2.41 It is in the context of the wardroom that individuals, and managers, are likely to experience the greatest difficulty in drawing the line between acceptable and unacceptable topics of conversation, language and behaviour. Rapid changes in community standards contribute to the difficulty.

2.42 The Committee raised with several witnesses the question of common standards in all circumstances, in particular whether it is appropriate to set the same parameters of behaviour for people on a small, isolated, cramped and uncomfortable ship at sea as are set for the more common situations where people work in an office or on a building site and then go to the pub, or for a stroll, or just go home at the end of the day. The responses varied. Ms Triulzi's view was that:

"you have to apply different standards to different environments. You can have a general core of accepted standards and accepted ways of

30 The time spent *'on watch'* rather than *'on duty'* can roughly be equated to the working hours in civilian employment.

31 Sub-section 28 B (2) of the Sex Discrimination Act makes sexual harassment between fellow employees anywhere unlawful. Sub-sections 28 (6) and 28 (7) make sexual harassment between workplace participants (for example behaviour between an ADF member and a contract worker) unlawful only at *'a workplace of both of those persons'*.

*operating. You then add to that additional strategies or actions that apply to a particular environment. There is no one answer to all of this."*³²

2.43 The Sex Discrimination Commissioner's views were less flexible. She drew parallels between working on a navy ship at sea and on a base in the Antarctic. She maintained that there is no variation in what constitutes unacceptable behaviour. In response to the question whether it is different in different places, Ms Walpole said:

*"No. There are standards of acceptable behaviour within the community ... The vast majority of the community understands and accepts these standards."*³³

2.44 While Ms Walpole accepted that *"there are particular aspects of the culture in the defence forces which are peculiar to the defence forces"*³⁴ the Committee found it difficult to explore with Ms Walpole as fully as it would have wished the difficult question of the effect that variations in the norms of different groups and the effect that different environments might have on the management of sexual harassment.³⁵

2.45 An interesting question to consider, for example is whether in attempting to control wardroom behaviour to the extent that it now appears to be doing, the Navy is seeking to achieve standards that are in effect above community standards under conditions that are more difficult than most.

The nature of women's experiences in the RAN

2.46 This Committee's inquiry has come about as a result of Dr Wheat's allegations that she was sexually harassed on HMAS SWAN and from her dissatisfaction with Navy's handling of her allegations. The Committee's findings about Dr Wheat's allegations and the manner in which Navy's Board of Inquiry addressed them are

32 Triulzi Collins Solution, submission Committee Hansard, p. 734.

33 Ms S. Walpole, Committee Hansard, p. 140. Navy acknowledges "there are similarities, as there is (sic) a lack of similarities, driven in large part by this environment", RADM D. Chalmers, Committee Hansard, P. 576. The HQADF submission summarises the differences in Service life from civilian life and how those differences may affect Service personnel, Committee Hansard, pp. 1319-1321.

34 Ms S. Walpole, Committee Hansard, pp. 155-159.

35 For Navy's comment on its distinctive environment see Committee Hansard, p.576.

discussed in later chapters of this Report. What about other women in the Navy? What do they have to say about sexual harassment in the Navy?

2.47 The Committee has received a small number of submissions from women who have been sexually harassed in the course of their employment in Navy in the past 10 years and who chose not to make a complaint about the treatment they were subjected to.³⁶ One of them, Lieutenant Susan Sly, explained:

"For a long time I had the feeling that I deserved the treatment I got because I had come into a male domain. `They did not invite me; I invited myself was certainly the way a lot of the time you finished up feeling." 37

2.48 The women learnt early that there was a price to pay for having previously "male only jobs" opened to them. Lieutenant Sly says about her time at the Australian Defence Force Academy (ADFA), beginning in 1986:

"I was ostracised, abused and had several attempts made to sexually assault me. ... The attitude which pervaded was one in which even the females believed that by venturing into the male domain we deserved the treatment which we received." 38

2.49 These women, like all the other Navy women who made submissions to the Committee, expressed sympathy for the male sailors and officers who saw "their ship" invaded overnight by one or several women:

"They were rung up on the phone and told: Your navigator is a girl. She gets here tomorrow." 39

2.50 There was no preparation or training to help them change from a lifestyle in which they were steeped and accept the individual whom they perceived had caused the change.

36 LEUT W. Russell, Committee Hansard, p. 904; LEUT S. Sly, Committee Hansard p. 932.

37 LEUT S. Sly, Committee Hansard, p. 941.

38 LEUT S. Sly, submission, Committee Hansard, p. 926.

39 *ibid.*, p. 934.

2.51 The majority of submissions from women in the Navy did not refer to their experiences as sexual harassment. Rather, they spoke of an environment charged with hostility towards working women, especially women working in the same jobs as men. It is with great reluctance that some of the women admitted that they had encountered a difficult working environment when they were first posted to a ship or were promoted on shore:

*"I was not ignorant to the fact that some people would not want us there, but given time and effort they would come around ... and they did";*⁴⁰

and

*"I have to admit that I was given a hard time by male sailors, some of them were senior to me, who thought that I could not handle the job, that I was not 'pulling my weight' or branded me as being lazy and incompetent at my job."*⁴¹

2.52 This female sailor was one of those who recognised that the situation was made worse for them by the novelty aspect of women on warships and the fact that the small numbers of women meant that any shortcomings they might have and their inexperience was highlighted:

*"To be branded lazy and incompetent can be very demoralising to one's self esteem especially if you are in the 'limelight' and endeavouring to make a difficult situation such as the integration succeed."*⁴²

2.53 Even the Navy women who did not mention in their submissions that they had faced hostility, expressed a hope, and a belief that, as a result of the Good Working Relationships program and of the training now available to all, things will change for the better:

"I truly (sic) believe that when some form of education is introduced for

40 LSWTR D. Cleary, submission, Committee Hansard, p. 800.

41 PO S. Brown, submission, Committee Hansard, p. 806.

42 PO S. Brown, submission, Committee Hansard, p. 806.

*both men and women ... attitudes will change and there is a future for women at sea."*⁴³

The women were particularly keen to see the education program in gender awareness issues continued because they feared that some of the positive attitudes they encountered from their male contemporaries on entry could change as the latter became integrated into an environment that had been predominantly hostile to women. They found also that positive attitudes did not flourish under the pressure of competition:

*"As soon as it became evident that some of the females were formidable 'opponents' some of the old attitudes resurfaced."*⁴⁴

The strong competition that the women graduating from ADFA provide was confirmed at the Committee's hearing by Rear-Admiral Carwardine, Commandant of the Australian Defence Force Academy: *"I can say without any doubt that the women are disproportionately higher achievers than the men."*⁴⁵

2.54 The Chief of Naval Staff accepts that hostility to women has been a problem in Navy. Vice-Admiral MacDougall told the Committee:

*"There has been a great deal of soul-searching. We acknowledge that historically we are a misogynistic society. The warrior ethos is strong. There are many complexities to this".*⁴⁶

2.55 The price of acceptance for the women was that they had to perform better than the men in order to prove their worth. This attitude took its toll on Lieutenant Sly for example:

"I was getting very weary of the first few months of every posting being

43 LS K. McMullen, submission, Committee Hansard, p. 844.

44 LEUT W. Russell, Committee Hansard, p. 902. As noted in Chapter 1, sexual harassment is one form of discrimination.

45 RADM A. Carwardine, Committee Hansard, p.1567.

46 VADM MacDougall, Committee Hansard, p. 592.

*lousy, while people checked out whether I could do my job. I was always having to justify why I got the same jobs as some of the guys got."*⁴⁷

2.56 Others also mentioned this in their submissions:

*"I did feel uncomfortable at the beginning and always felt as though I had to prove myself";*⁴⁸ and

*"once they saw that most of the females were willing to work and give 100% and in some cases they often worked harder than their male counterparts, attitudes started to change."*⁴⁹

Who engages in sexual harassment?

2.57 The Committee heard evidence that the older generation of sailors are finding it more difficult to adapt to the presence of women at sea. Most of that evidence was sympathetic to the difficulties faced by those older sailors. Associate Professor Kim Kirsner expressed it thus:

*"These older sailors grew up in a different navy, and it is changing before their eyes".*⁵⁰

Ms Sandra Triulzi had this to say:

"Their view is that things are changing very rapidly for them, with a lot of their conditions. Most of them have never worked with women before; their life has been at sea. If you do not give these people some support and help through the integration process, particularly when they are asked to take in difference, then they are floundering. When they are floundering they become threatened and when they are threatened they react because they do not want to be seen to be stupid, they do not want to be seen as though they cannot do their job, but they are being asked to integrate

47 LEUT S. Sty, Committee Hansard, p. 940.

48 PO J. Clark, submission, Committee Hansard, p. 812.

49 PO S. Brown, submission, Committee Hansard, p. 806.

50 Associate Professor Kim Kirsner, submission, p. 3.

these women. At the end of the sessions their cry was 'Please help us. We want to be part of this change but we need support.'"⁵¹

However, Ms Triulzi was keen to point out that:

*"I would just like to say at the outset that it is very important that we do not put the senior sailors all in the same box. They are not all the same."*⁵²

2.58 Dr Westphalen, a medical officer who has served on HMAS SWAN and HMAS SYDNEY, perceived onboard Navy ships a "type" of person prone to harass anyone who appeared to be different. In some instances, they would engage in harassment but their target did not have to be female:

*"The perpetrators have similar characteristics. They are in their mid-late 20's, with a fair amount of naval experience behind them, but perhaps little idea of civilian concerns. They are extroverts, very competitive, ... The main distinguishing feature of the perpetrators is their emotional insensitivity - they seem unaware of the emotional /psychological effects of their acts on others."*⁵³

2.59 Part of the reason that sexual harassment appears to be more prevalent among the older sailors is that they have an established position from which to engage in such harassment. And as has been pointed out, they joined a very different Navy at a time when Navy was a man's world. Warrant Officer Pontarolo's submission to the Committee stated:

"Whilst not having any statistical data, nearly all sexual harassment or assaults, or inappropriate sexual conduct that I have knowledge of, has involved Officers, followed by senior sailors. This would indicate that the

51 Ms S. Triulzi, Committee Hansard, p. 739.

52 *ibid.*, p. 738.

53 LCDR N. Westphalen, submission, Committee Hansard, p. 1107. See also Chapter 7 of this Report.

*main offenders are the very ones who are the supervisors, managers and divisional officers."*⁵⁴

She perceived that it was not a world where it was easy for a woman to make a complaint:

*"To some extent they are also a 'protected species'. If a female member is able to lodge a complaint, a closed shop mentality is formed to protect the offender. This loyalty proffered to Officers and senior sailors is at the expense of the victim. In my opinion, it is done to protect the image of the officer and/or officer corps, or to protect the senior sailors' pension."*⁵⁵

2.60 At the Committee's hearings in Sydney, Warrant Officer Pontarolo said that, as a result of the "Good Working Relationships" project, she was:

*"seeing an improvement in what they are saying and in their attitude. They are all taking into account this good working relationship and they are more aware of the guidelines that are in the instructions and regulations."*⁵⁶

The evidence quoted above highlights the need for the pro-active approach adopted in the Good Working Relationships program and the importance of an obvious commitment from senior Navy management to education of all personnel to eradicate discriminatory behaviour. The report prepared for Maritime Command by Commander Brand after the SWAN incident pointed to the negative influence the older sailors could have on new recruits' attitudes:

*"Young male sailors on joining a ship do not appear to be prejudiced against their fellow female sailors but become so when assimilated into the crew and influenced by their seniors."*⁵⁷

54 WO F. Pontarolo, submission, Committee Hansard, p. 833.

55 *ibid.*

56 *ibid.*, p. 861.

57 CMDR CM Brand, *The Assimilation of Women at Sea, Report to the Maritime Commander*, p. 3. Enclosure to letter from CAPT B. Robertson to Committee Secretary, 11 May 1994.

How women cope

2.61 There has been considerable variation in the way women have chosen to cope with the challenge of entering an all-male domain. Sub-Lieutenant Schelling gives a good account in her submission of this variation in relation to language:

"Female behaviour currently ranges from overbearing prime-donnas (ie. won't accept any swearing at all, and take everything personally) to those that swear to excess, quite often embarrassing their male shipmates." 58

In her view:

"Fixed behaviour needs to be for males and females, and both sides will have to make adjustments." 59

2.62 Sub-Lieutenant Miller, one of the junior female officers under training on the HMAS SWAN in 1992 brings out very clearly in her testimony to the Board of Inquiry (BOI) the conflicting pressures and challenges that inevitably face the women pioneers in the Navy.⁶⁰ On the one hand, to be accepted as equal professionals, they have to prove their ability to do the job. Many women in the Navy believe that the sooner and the better they do this, the sooner and more fully they will be accepted, and even welcomed as equals. Some women have concluded that achieving this objective may require tolerating some behaviour or attitudes that, in an ideal world, they would rather not have to put up with.

2.63 There is no doubt that exactly that same calculation has also been made by many men who have chosen to make their career in the Navy in the past. It is also undoubtedly this, probably quite large group of men, who warmly welcome the steps now being taken by the Navy to clarify what is and what is not regarded as unacceptable sexual behaviour and what constitutes good working relations between all members of the Service.

58 SBLT M. Schelling, submission, p.3.

59 *ibid.*

60 For further details about the Board of Inquiry, see Chapter 5.

2.64 For many and varied reasons, many men, and now women, have felt it was not appropriate to complain about some behaviour that they would have preferred not to have around them. It also seems to the Committee that the more mature, and self-confident members of the Navy have been able, through their own personal approach to instances of unbecoming behaviour, been able to deal quite effectively at a personal level with such behaviour. Again, where their personal efforts have not been sufficient, the majority have in most instances found sources of support, whether it be through the Divisional System, peer support, or other means, such as the chaplains, to deal with behaviours that have gone beyond the tolerable.

2.65 Facilitating the integration of women has required a certain measure of tolerance and maturity. The calculation was made by many individual women to avoid the backlash that could confidently be expected if a more comprehensive and rapid effort to impose demands that behaviour that had previously been tolerated (even perhaps implicitly condoned) should immediately change.

2.66 The Committee notes the fine judgements that are required if the ultimate objective of true equality for women in the defence forces is to be achieved. This tolerant approach requires that parallel and serious steps be taken to clarify standards, define the parameters of unacceptable behaviour and educate every member of the Service. It is now clear, and fully demonstrated by Navy, that initially this need to educate all personnel, both men and women, was not sufficiently recognised by Navy's management.

2.67 It is also sensible, in the Committee's view, for the managers in the Navy to take special care in selecting appropriate people at this early stage of the integration process. This applies both to the women billeted to the foreseeable difficult postings, and to the selection of commanding officers and those charged with divisional responsibilities.

2.68 The Committee notes that this was a matter that was consciously addressed when Sub-Lieutenants Miller and Ganter were posted to the SWAN. The selection officer in this case is quoted by Sub-Lieutenant Miller in her testimony to the BOI as having given attention to the likelihood that a small number of junior female officers would face more than the usual challenges and made his selection of personnel to appoint with that consideration clearly in mind.

2.69 There have been some very successful appointments of female doctors to sea postings, with the doctor being the only woman on board. For example, the Committee received, late in the Inquiry, submissions from Dr C. Moore and Lieutenant Commander Alison McLaren, both of whom served as medical officers on HMAS SWAN. Neither encountered difficulties. LCDR McLaren described her approach as follows:

*"I tried to make it clear that I was not offended by casual (conversational) swearing as long as it was not directed at me and that I find dirty jokes perfectly acceptable as long as they are funny and not overly derogatory. It took about three weeks before I was fully accepted into the wardroom and from then on the officers were quite relaxed in my presence. I must admit I was surprised at some aspects of male behaviour when females are not around, eg the play fights, the frequent homosexual allusions and the conviction that violence is the ultimate answer to any problem, but I found this interesting rather than offensive."*⁶¹

2.70 Inevitably it has been, at times, a difficult learning experience for both the men and the women who have found themselves at the vortex of change. It was a learning experience for the managers and it was a learning experience for those at the coal face. It was a learning experience for the men and it was a learning experience for the women. With the best will in the world, no-one could have anticipated all the problems that were to crop up or prescribe what solutions would work best.

2.71 When the policy of integrating women into the Navy was first promulgated, no-one had a clear idea of the full extent of the pressures and demands that the change would bring with it, let alone have a clear idea of how to resolve those conflicting demands and pressures. Some in positions of leadership leaned one way, hanging onto traditional ways, others leaned the other way, actively searching out more creative approaches. With hindsight, it is possible to see that those who adopted the more flexible, consultative mode were the more successful in achieving acceptable solutions for the new circumstances.

2.72 The present leadership in the Navy was itself brought up in a tradition of exclusivism. It would be most surprising, then, if at least some of those who are in a position of leadership were not dismayed by the change in policy that allowed women into their ranks as equals. All the more credit must be given to those in the Navy who

61 LCDR A. McLaren, submission, para. 4.

have now wholeheartedly committed themselves to bringing about the changes that the change in policy on women entail.

Reverse discrimination

2.73 In his submission and evidence to the Committee, Dr Hugh Smith raised the issue of discrimination in favour of women. His was not the only submission to raise that sensitive issue. Lieutenant Christensen told the Committee:

"I believe that a lot of frustration of male personnel is derived from the 'reverse discrimination' that males suffer under the present naval system" and

"It seems to be a bit easier to get on a frigate if you are a female than if you are a male, as a junior officer. Because they have got the facilities available for more mixed gender, there are more places on the frigates for the girls than for the guys."⁶²

2.74 Captain Flynn makes the observation that:

"Double standards can also lead to the perception or reality of reverse discrimination. I am aware of a number of instances where female personnel, for various reasons, have been dealt with administratively quite differently because of their gender in relation to incidents that have occurred in the course of their duties. These matters are mentioned only as I believe they are relevant to the question of the acceptance of women in the services."⁶³

2.75 Dr Smith points out that it may be impossible to open up more positions to women in the Defence Force without practising discrimination in their favour. Maternity Leave, for example, can only be available to women and a pregnant sailor has to be given a shore posting:

"Personnel practices, however, may still prove a necessary source of discrimination in favour of women. It is possible that female sailors,

62 LEUT B. Christensen, Committee Hansard, pp. 913-915.

63 CAPT M. Flynn is Director Medical Services in the Office of the Surgeon General Australian Defence Force, HQADF, submission, p. 21.

especially those who are married and have children, will be given shore postings more frequently than males in the same situation. This might be necessary from Navy's point of view in order to prevent the resignation of good sailors".

But Dr Smith argues that if such practices need to be followed: *"the reason should be clearly spelt out."*⁶⁴

2.76 The Navy's current Good Working Relationships Project is aimed at changing the attitudes that have, until recently made working life for Navy women more difficult than it had to be. The submissions received by the Committee reveal that those women do not want to receive more favourable treatment than their male counterparts. Matters that might appear trivial at first, can upset the delicate balance of perceived equality. Lieutenant Commander Lloyd told the Committee:

*"The AF [Australian Fleet] memorandum on the subject of women at sea was generally well received, except for the section which stated that women could have more shower water because they had longer hair! My cabin mate and I made sure we never used more water than our male counterparts as a matter of principle."*⁶⁵

2.77 The evidence put to the Committee on the question of "reverse discrimination" reveals some of the complexities involved in changing workforce attitudes that have developed over a thousand years or more. Once women simply did not go to sea. Nowadays, the example of a pregnant sailor or officer highlights the impossibility of insisting that men and women are treated exactly the same in the Navy. A sailor about to give birth needs access to maternity leave arrangements that are not required by her male colleagues. "Good Working Relationships" require that this situation be accepted by her peers in a spirit of cooperation.

Physical Strength

2.78 The impossibility of ensuring that exactly the same tasks are given to both male and female sailors on an equal basis is highlighted when physically demanding tasks must be performed. The majority of respondents to the HMAS SYDNEY Impact Study

64 Dr H. Smith, submission, Committee Hansard, pp. 1220 - 1224.

65 LCDR Jenny Lloyd, submission, Committee Hansard, p. 887.

conducted at the end of its Red Sea deployment in December 1993 by consultant Sandra Triulzi complained about the inability of female sailors to do the "heavy work".⁶⁶ The male respondents objected to two females being assigned to the same task as one man. This led to complaints of 'favouritism' from 67 per cent of respondents in the study with 59 per cent stating that "women were not carrying their share of the work load".⁶⁷ Resentment was also expressed that if the females were told harshly to "pull their weight", they could complain of sexual harassment - an option not available to the male sailors.

2.79 Navy has not done much to date to address the issue of the average physical strength of females relative to average male strength, although Captain Flynn draws attention in his submission to an initiative by Navy to develop fitness standards and training programs that directly relate to operational tasks and shipboard activities.⁶⁸ This problem of differences in physical strength can in part be overcome by devising better mechanical or automated ways of completing heavy tasks. But it would be simplistic to expect that this will solve the problem entirely. The issue is as much one of perceived status conferred by great physical strength as a desire to see equality of treatment. The Committee notes Ms Triulzi's comments that:

"A general view based on workplace discussions and studies, finds that the issue of physical strength is founded in the value placed on the work being done. The resistance and resentment expressed by men is more often

66 The Committee notes that only 9 per cent of the female sailors responded to the HMAS SYDNEY survey (compared to 90 per cent of males). The survey therefore presents a very masculine view of the Navy's workplace and its positive findings in relation to the absence of sexist jokes and the support provided by workmates and by Divisional officers must be assessed with this in mind. The Committee is aware that Triulzi Collins attempted to balance the poor response to the survey from female crew members by conducting "focus group" discussions in which almost all female crew participated. It is also worth noting that the survey reflects perceptions of inequalities in the extent to which women carried out heavy work. There may be value in conducting further objective study to determine what proportion of the tasks performed by the various ranks in the Navy are physically demanding.

67 Triulzi Collins Solutions, *HMAS SYDNEY - Impact Study*, Nov - Dec 1993.

68 CAPT Flynn, submission, p. 6.

about the presumption that their work is 'devalued' by the presence of women and therefore this impinges on their masculinity and sense of self-worth'.⁶⁹

2.80 It is the view of the Committee that the problem will only be eased over time if the men are encouraged to deal with it as an occupational health and safety issue. It is as much to the advantage of the men as to that of the women if better methods are devised to do the heavy lifting work. This should become more acceptable to the men as new ships are built and fitted with equipment that facilitates the physical aspects of the sailor's work. Tasks demanding above average physical strength will not disappear but if they need to be performed less frequently, it should be possible and more acceptable to make special roster arrangements for the completion of such tasks.⁷⁰

Fraternisation

2.81 The other major area of concern to the male sailors on HMAS SYDNEY was the issue of fraternisation. A lot of resentment stemmed from a perception that a small number of men could enjoy female companionship while on deployment (10 to 15 per cent in the case of SYDNEY). This was seen to be detrimental to team cohesion and to adversely affect morale. Navy has had rules against fraternisation in place for some time, but the survey reveals that it was nevertheless a problem on HMAS SYDNEY.

2.82 In this context the Committee, was perturbed by one view expressed to the Committee, that the postings of women to sea posed a threat to the spouses and families of male personnel. That threat was perceived to be different from the difficulties that arise from other kinds of sexual encounters, that may occur, particularly in foreign ports. The Committee accepts that sexual encounters of all kinds can lead to a multitude of problems. It is appropriate for the Navy to seek to provide guidance, counselling and assistance to its personnel about sexual behaviour to meet the needs of the organisation and to promote the welfare of families. However, the additional

69 Triulzi Collins Solutions, *HMAS SYDNEY - Impact Study*, Nov-Dec 1993, p. 14; Mr T. H. McDonald, submission, Attachment C, p. 11.

70 CAPT Flynn states in para 17 of his submission that *"Notwithstanding developments in engineering and maritime technology, a significant part of shipboard activities such as provisioning, ammunitioning and de-ammunitioning remain dependant to some degree upon manual handling. This requires physical strength, particularly upper body strength. In his article, Slater quotes a 1985 UN study that determined that 90% of women failed specific functions of the eight critical tasks related to emergency shipboard performance task standards. the comparable failure rate for men was 3%."*

complexity of regulating sexual behaviour on integrated ships is not, in the Committee's view, a reason to limit equality of opportunity for women in the Navy.⁷¹

71 Chaplain W. Reddin, submission, Committee Hansard, pp.986-995.