



Media release

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Airservices Australia workplace culture so poor it could “compromise the safety of passengers”

Former Federal Court Judge, the Honourable Anthony North QC, has released a report detailing serious concerns that Airservices Australia is so pervaded by bullying and sexual harassment that it poses a possible threat to the safety of air travellers.

Mr North’s report found that there was a serious argument that Airservices’ workplace culture was not only compromising the health and safety of its employees, but may also endanger the safety of Australia’s air navigation system.

Mr North’s report was commissioned by leading workplace lawyers Maurice Blackburn Lawyers for Civil Air, the trade union covering employees of Airservices.

In light of Airservices’ core safety function, Mr North observes: *“Of particular concern in the air navigation control environment, in which Airservices operates, is the potential for the poor workplace culture to have effects which compromise the safety of aircraft and passengers.”*

“It is evident... that bullying, discrimination, and sexual harassment are features of the experience of many employees of Airservices and that they are not confident that management condemns the behaviour and acts effectively to prevent or stop it,” Mr North’s report found.

After considering extensive materials concerning the workplace at Airservices, Mr North’s report said: *“the fact that such behaviour has been documented as occurring over many years and at various Airservices worksites allows for the conclusion that bullying, discrimination and sexual harassment is part of the way things are done at Airservices, that they are part of its culture, and that they are not isolated or aberrant occurrences.”*

A YouGov Galaxy Survey of more than 500 Airservices employees conducted in January revealed widespread bullying and sexual harassment in Airservices, which is responsible for air safety on some of the world’s busiest airline routes.

Almost half of respondents, and more than three quarters of female respondents, said that they had experienced bullying, discrimination or sexual harassment while working at Airservices, with managers often the perpetrators.

Mr North’s report also reveals extreme sexual harassment of female employees, widespread inappropriate language, sexist remarks about women, and even some staff using control tower binoculars to ogle women.

In the YouGov survey, one Air Traffic Controller described her experience reporting sexual harassment within Airservices: *“Nothing changed. When managers were approached again they had nothing to offer. The issue starts right at the top of the tree. There are way points in my airspace that spell out ‘put your sweet lips a little closer to the phone’. There is a penis drawn on our chair. It goes on and on. It’s disgusting but nothing can be done. If I could move to another company and be an Air Traffic Controller I would have long ago.”*



Another Air Traffic Controller said that *“every female I know personally at Airservices has experienced sexual harassment on numerous occasions.”*

Mr North’s report also reveals that Airservices experiences abnormally high rates of absenteeism, which on occasion has resulted in cancelled flights. Mr North said it was *“reasonable to conclude that the high comparative rates of absenteeism in the Airservices workforce may be linked to the state of the workplace culture at Airservices.”*

Maurice Blackburn Principal Kamal Farouque said that bullying and sexual harassment had been allowed to flourish unchecked at Airservices for too long.

“Airservices needs to change. The data disclosed in Mr North’s report and the YouGov Galaxy Survey reflects a seriously unhealthy workplace. This should be a matter of great concern to all Australians who value a safe and efficient air navigation service.”

“Employees have the right to attend a safe workplace, free from bullying and harassment. It is imperative that the Minister intervene and order an urgent and independent inquiry into Airservices.”

Civil Air Executive Secretary Peter McGuane said:

“Airservices have for far too long tolerated a systematic culture of bullying, discrimination and sexual harassment by condoning the behaviour, often promoting the perpetrators and disciplining an employee who complains”

“Civil Air calls on the Minister and the Morrison government to urgently step up and direct a full and independent enquiry. The Minister must direct an inquiry into the workplace culture of Airservices be undertaken and that any recommendations be implemented”

“Employees lives are being ruined by the culture of bullying, discrimination and sexual harassment that Airservices have allowed, and the government must intervene stop this”

It is noteworthy that Airservices does not have a specific sexual harassment policy. Having a sexual harassment policy is entry level – Airservices have failed to reach even that level.”

“This employer has known about this culture for many years but it still refuses to change”

Mr North’s report and the YouGov survey are available upon request to Maurice Blackburn Lawyers at pmurphy@mauriceblackburn.com.au

Media inquiries:

Paddy Murphy at Maurice Blackburn

T 0490 297 391

E pmurphy@mauriceblackburn.com.au

SUMMARY OF FINDINGS AND RECOMMENDATIONS

This report into the workplace of Airservices Australia has arrived at a number of key conclusions and, on the basis of those conclusions, has made recommendations about how these matters may be further investigated and resolved. A summary of those conclusions and recommendations is set out below:

- The primary statutory function of Airservices Australia is to ensure the safety of air navigation in Australia.
- There is a serious argument to be further investigated that there is a culture of bullying, discrimination and sexual harassment which pervades the Airservices Australia workforce.
- There is a serious argument to be further investigated that the management of Airservices Australia has failed to effectively address the workplace culture of bullying, discrimination and sexual harassment.
- There is a serious argument to be further investigated that the Airservices Australia workplace culture of bullying, discrimination and sexual harassment has negative effects on the health and safety of the employees of Airservices Australia.
- There is a serious argument to be further investigated that the Airservices Australia workplace culture of bullying, discrimination and sexual harassment has negative effects on the productivity of the workforce of Airservices Australia.
- There is a serious argument to be further investigated that the Airservices Australia workplace culture of bullying, discrimination and sexual harassment could endanger the safety of air navigation and as a result endanger the lives of air travellers.
- There is a serious argument to be further investigated that as a result of the effect of the Airservices Australia workplace culture on productivity and on the health and safety of its employees, Airservices Australia has not fulfilled its statutory obligation to ensure the safety of air navigation in Australia.

- The Airservices Australia workplace culture of bullying, discrimination and sexual harassment should be addressed through a wide-ranging inquiry into the causes of the deficiencies in the workplace culture and should investigate methods of eliminating or minimising bullying, discrimination and sexual harassment in the workplace.
- If possible, the inquiry should be undertaken with the support, and in collaboration with, the management and Board of Airservices Australia.
- The pervasive nature of the Airservices Australia workplace culture of bullying, discrimination and sexual harassment and the fact that it has been evident for such a prolonged period suggests that the management of Airservices Australia may upon investigation be found to have been primarily responsible for the existence of that culture. Those factors may make it unlikely that management and the Board of Airservices Australia will co-operate and collaborate in any such inquiry.
- In the event that management and the Board of Airservices Australia cannot be engaged to co-operate and collaborate in such an inquiry, there is a sound basis for the Minister to act in accordance with his statutory duty to direct that such an inquiry be held.
- There is a serious argument to be further investigated that by allowing bullying, discrimination and sexual harassment to occur in the workplace, Airservices Australia is in breach of its obligation under s 19 of the *Work Health and Safety Act 2011* (Cth) (WHS Act) to provide a safe workplace for employees.
- Any breaches by Airservices Australia of s 19 of the WHS Act may be further investigated by Comcare which has power to investigate such breaches and to institute a prosecution against Airservices Australia for any such breaches.
- There is a serious argument to be further investigated that Airservices Australia is liable under s 106 of the *Sex Discrimination Act 1984* (Cth) for the sexual harassment of its employees by other employees.
- Any liability of Airservices Australia for sexual harassment may be further investigated in the course of complaints to the Australian Human Rights Commission and, ultimately, to the courts, by employees who have experienced sexual harassment.