

Urgent law reform needed to prevent sexual harassment at work

Joint statement

Everyone deserves to be safe at work and free from sexual harassment, but our current system is failing us. While sexual harassment is pervasive across all industries and all employment levels in Australia, it is not inevitable. We have the power to prevent it.

We call on the Australian Government to implement all remaining recommendations of the Respect@Work report in full and without further delay. This includes urgently amending our laws to create the following eight changes:

1. Confirmation that one of the objects of the *Sex Discrimination Act 1984 (Cth)* is substantive equality – **Recommendation 16(a)**
2. Amending the *Sex Discrimination Act* to prohibit the creation of a hostile, sexist working environment – **Recommendation 16(c)**
3. A positive duty on all employers to take reasonable and proportionate steps to stop sex discrimination and sexual harassment – **Recommendation 17**
4. New compliance and investigation powers for the Australian Human Rights Commission to enforce the positive duty – **Recommendation 18**
5. A new inquiry power for the Sex Discrimination Commissioner to investigate systemic sexual harassment – **Recommendation 19**
6. A new process to allow representative bodies to bring actions to court on behalf of people who have been sexually harassed – **Recommendation 23**
7. Creating an express prohibition on sexual harassment and an accessible new complaints process in the *Fair Work Act 2009 (Cth)* – **Recommendation 28**
8. A new Work Health and Safety Code of Practice on Sexual Harassment at Work – **Recommendation 35**

One of the core findings of Respect@Work was that our current laws are ‘simply no longer fit for purpose’ and should require employers to take proactive measures to prevent sexual harassment.

Respect@Work highlighted the disproportionate impacts of sexual harassment on women, in particular on Aboriginal and Torres Strait Islander women, women of colour, women with disability, younger women, older women, low paid and insecurely employed women, and on LGBTIQ+ communities. It found that we must address gender inequity as the main driver of sexual harassment.

Two years on, we are deeply concerned that key recommendations from Respect@Work have still not been implemented. These sensible and practical changes to our laws must be made urgently to help create gender-equal and inclusive workplaces that are safe, respectful and equitable for everyone.

The Power2Prevent Coalition is a group of more than 60 diverse community organisations, unions, academics, peak bodies, health professionals, lawyers and victim-survivors. We see the effects of sexual harassment on people around Australia every day and how our systems are not responding to the issues.

We stand together to call for this urgent reform to prevent sexual harassment at work.

List of Signatories (as at March 2022)

1. Australian Council of Trade Unions
 2. Basic Rights Queensland
 3. Carol Andrades, Senior Fellow, University of Melbourne
 4. Construction Forestry Maritime Mining Energy Union
 5. Community and Public Sector Union
 6. Domestic Violence NSW
 7. Dr Alysia Blackham, Associate Professor, Melbourne Law School, University of Melbourne
 8. Dr Belinda Smith, Associate Professor, Sydney Law School, University of Sydney
 9. Dr Dominique Allen, Associate Professor, Monash University
 10. Drummond Street Services
 11. Australian Education Union
 12. Emerita Professor, Margaret Thornton, Australian National University
 13. Employment Rights Legal Service
 14. Equality Rights Alliance
 15. Fair Agenda
 16. Finance Sector Union
 17. Full Stop Australia
 18. GenWest
 19. Grata Fund
 20. Health Services Union
 21. Independent Education Union of Australia
 22. Job Watch
 23. Jumbunna Institute for Indigenous Education and Research
 24. Justice Connect
 25. Kingsford Legal Centre
 26. Australian Lawyers Alliance
 27. Legal Aid Queensland
 28. Maritime Union of Australia
 29. Maurice Blackburn
 30. National Tertiary Education Union
 31. North Queensland Women's Legal Service
 32. Northern Territory Legal Aid Commission
 33. Not in My Workplace
 34. Australian Nursing & Midwifery Federation
 35. Professor Beth Gaze, Melbourne Law School, University of Melbourne
 36. Professor Nareen Young, Jumbunna Institute, UTS
 37. Professor Sara Charlesworth, Director of the Centre for People, Organisation & Work, RMIT
 38. Public Interest Advocacy Centre
 39. Queensland Council of Unions
 40. Redfern Legal Centre
 41. Safe Steps
 42. Australian Services Union
 43. Sexual Assault Services Victoria
 44. Shop Distributive and Allied Employees' Association
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45. South-East Monash Legal Service Inc.
 46. United Workers Union
 47. Victoria Legal Aid
 48. Victoria Trades Hall Council
 49. WestJustice
 50. Wurringa Baiya Aboriginal Women's Legal Centre
 51. Women with Disabilities Victoria
 52. Women's Health and Wellbeing Barwon South West
 53. Women's Health in the South East
 54. Women's Health NSW
 55. Women's Health Victoria
 56. Women's Information and Referral Exchange Inc
 57. Women's Legal Centre ACT
 58. Women's Legal Service Australia
 59. Women's Legal Service NSW
 60. Women's Legal Service Victoria
 61. Working Women's Centre South Australia Inc
 62. Young Workers Centre
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