

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ACT Government's Response to Australian Human Rights Commission's
Respect@Work - National Inquiry into Sexual Harassment in Australian Workplaces**

**Presented by
Yvette Berry MLA
Minister for the Prevention of Domestic and Family Violence
August 2021**



ACT GOVERNMENT

Response to:
Australian Human Rights Commission's
Respect@Work: National Inquiry into
Sexual Harassment in Australian Workplaces

Community Services Directorate

June 2021

Acknowledgment of Country

The ACT Government acknowledges the Traditional Custodians of the land of the Canberra region, the Ngunnawal people and acknowledges that the region remains a significant meeting place. ACT Government respects their continuing culture and connections to the land and the unique contributions they make to the life of this area.

The ACT Government and community partners are committed to self-determination as the guiding principle in the delivery of programs and services and are working in partnership with Aboriginal and Torres Strait Islander communities to address matters that are important to them.

Recognition of lived experience

The ACT Government recognises the courage of the people who shared their personal experiences with the Australian Human Rights Commission and acknowledges the significant value their contributions have in informing and focusing our responses to addressing sexual harassment in the workplace.

Seeking support

Reading about work of the Australian Human Rights Commission, alongside the ACT Government's progress report on sexual harassment may bring up strong feelings and questions.

Be assured you are not alone, and that there are many services and support groups available to assist. Some options for advice and support include:

- [1800 Respect](#)
- [Lifeline](#) on 13 11 14
- [Canberra Rape Crisis Centre](#) on 6247 2525 (for sexual assault matters)
- [QLife](#) 1800 184 257 (from 3pm to midnight, everyday)

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MINISTER'S FOREWORD

Everyone has the right to feel safe. Safe in our communities, safe in their homes, and safe at work. As a Government, it's what we strive for.

Unfortunately, the findings of the Australian Human Rights Commission's (AHRC) *Respect@Work* report demonstrate that for too many people this is not the case, with an alarmingly high rate of workers, 39% of women and 26% of men, having experienced sexual harassment at work in the past five years.¹ The pervasiveness of sexual harassment across our communities and indeed in our workplaces is rooted in gender inequality and unequal power structures. These inequities are perpetuated through workplace cultures that allow sexual harassment to flourish, and where employers fall short by not holding perpetrators and harassers to account.

Sexual harassment impacts individuals, teams and workplaces. Costs include psychological harm, absence from work, reduced productivity while at work, through to increased staff turnover, and the opportunity cost of manager time responding to complaints. Responding to the impact of sexual harassment increases costs to government, community, business and industry.

The *Respect@Work* framework set out by the AHRC provides a clear, evidence-based and importantly survivor-centred approach to preventing and responding to workplace sexual harassment. At the core of this approach, is that everyone has responsibility for preventing and responding to sexual harassment.

This *ACT Government response* to the *Respect@Work* report details the territory's position on each of the 55 recommendations proposed by the AHRC. Improving gender equality and respect for women are foundational to preventing sexual harassment, firmly underpinning our response to sexual harassment and to the recommendations in the ground-breaking *Respect@Work* report across the Territory.

Addressing these root causes of sexual harassment is a priority for the ACT Government and is reflected in the *ACT Women's Plan 2016-2026*² and *ACT Implementation Plan*³ for the *National Fourth Action Plan to Reduce Violence against Women and their Children 2010-2022*.⁴ More recently as a community, we recognised the importance of safety for our wellbeing and our ability to lead lives of personal and community value, by building the 'safety domain' measurement into our ACT Wellbeing Framework. These strategic frameworks and the actions for implementing them outline our commitment to promoting respect, equity and diversity across the community and to increasing safety and wellbeing, especially for women and girls, regardless of the setting.

As *Respect@Work* clearly demonstrates, sexual harassment is not inevitable, it is preventable. Eliminating sexual harassment and the harm it causes, is a whole-of-society responsibility and we all have a role to play in addressing it.

We look forward to working alongside employers, community organisations, unions, and peak bodies here in the ACT to implement responses to sexual harassment and drive meaningful, sustainable change in our workplaces, and across the community more broadly. Working with our Federal, State and Territory government colleagues to collectively progress our shared actions will contribute to preventing sexual harassment as we collectively share evidence and lessons across jurisdictions, while holding each other to account for our commitments.

Yvette Berry

Minister for the Prevention of Domestic and Family Violence
Minister for Women

¹ Australian Human Rights Commission, '[Everyone's business: Fourth national survey on sexual harassment in Australian workplaces](#)' (2018) page 8, as cited in Australian Human Rights Commission, '[Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces Report](#)' (2020)

² www.communityservices.act.gov.au/women/womens-plan-2016-26

³ www.communityservices.act.gov.au/data/assets/pdf_file/0004/1451272/Implementation-of-the-4AP.pdf

⁴ www.dss.gov.au/women-publications-articles-reducing-violence/fourth-action-plan

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BACKGROUND

Sexual harassment is pervasive across workplaces and the broader community

Sexual harassment is pervasive across workplaces and the broader community, regardless of setting, level, industry, or location.

The Australian Human Rights Commission's fourth national survey on sexual harassment (2018) established that more than four in five (85%) Australian women and over half (56%) of Australian men over the age of 15 have been sexually harassed at some point in their lifetimes.⁵ Comparison over time of these national surveys indicate that the reporting of sexual harassment has increased over time.

11% of all employees in 2003 stated they had been sexually harassed in the previous five years, rising to 21% in 2012, and 33% in 2018. This prevalence is unacceptable.

Sexual harassment impacts individuals, teams and workplaces and the costs are substantial and are borne by both individuals and across multiple sectors of society. These impacts and costs include short term absence from work, reduced productivity while at work, increased staff turnover, and the opportunity cost of manager time responding to complaints. Deloitte established that workplace sexual harassment cost \$2.6 billion in 2018 in lost productivity, and \$0.9 billion in other financial costs. Each case of harassment represented around 4 working days of lost output. Employers bore 70% of the financial costs, government 23% and individuals 7%.⁶ Lost wellbeing for victims was an additional cost of \$250 million, or nearly \$5000 per victim on average, with the overall costs to the Australian economy being \$3.8 billion annually.⁷

Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces

In June 2018, the then Minister for Women, the Hon Kelly O'Dwyer, announced the National Inquiry into Sexual Harassment in Australian Workplaces (Inquiry) to improve how Australian workplaces prevent and respond to sexual harassment, including through an examination of the systemic issues.

The Australian Human Rights Commission (AHRC) task was to review and report on workplace sexual harassment and make recommendations in relation to:

- its prevalence, nature and reporting in Australian workplaces
- the role of technology
- its drivers, including risk factors for particular population groups or in different workplace settings
- the current legal framework
- existing measures to address it and examples of good practice
- its impacts on individuals and businesses, including its economic impact.

The Commission released the *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* report on 5 March 2020 and can be accessed at: <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>

⁵ Australian Human Rights Commission, 'Everyone's business: Fourth national survey on sexual harassment in Australian workplaces' (2018) ('2018 National Survey') page 8, as cited in Australian Human Rights Commission, 'Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces Report' (2020)

⁶ Deloitte Access Economics, [The Economic Costs of Sexual Harassment in the Workplace \(Final report\)](#) 2019

⁷ Ibid

Australian Human Rights Commission recommendations

The Commission proposes a new approach for government, employers and the community to better prevent and respond to sexual harassment in the workplace. The new approach is:

- evidence-based
- victim-focused to enhance outcomes for people experiencing harassment
- framed through a gender and intersectional lens
- based upon existing legal frameworks to avoid duplication, ambiguity or undue burden on employers.

The fifty-five Respect@Work recommendations proposed by the Australian Human Rights Commission encompass the following:

- Understanding sexual harassment in the workplace
- Prevention outside the workplace
- Legal and regulatory framework
- Preventing and responding to sexual harassment in the workplace
- Support, advice, and advocacy

Of the 55 recommendations, the Respect@Work report includes:

- 20 recommendations that are addressed to the Australian Government, with an additional 4 recommendations to the Respect@Work Council;
- 12 recommendations that are directed to all governments - the Australian Government and state and territory governments;
- 13 recommendations are directed to independent government agencies and regulators (such as the Australian Human Rights Commission and Safe Work Australia);
- 3 recommendations are addressed to education providers; and
- 3 recommendations are addressed to business and industry.

Australian Government response

On 8 April 2021, the Australian Government released *A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces*⁸ to set out its long-term commitment to building a culture of respectful relationships in Australian workplaces by agreeing to (in full, in part or in principle) or noting all 55 recommendations in the report.

The Australian Government recognises that preventing and addressing workplace sexual harassment requires a nation-wide effort and whole-of-society support, involving Commonwealth, state and territory governments, industry groups, professional organisations, employers, workers and the private sector.

⁸ *A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces* at www.ag.gov.au/rights-and-protections/publications/roadmap-for-respect

ACT GOVERNMENT RESPONSE

Foundations of the ACT Government response

ACT Government recognises that gendered power imbalances in the workplace and across society is the key driver of sexual harassment, and that other forms of discrimination, disadvantage and harassment intersect to compound the impact of sexual harassment- such as gender, cultural background, race, disability, or sexuality.

ACT Government is committed to promoting respect, equity, and diversity within its workforce and broadly across the community.

ACT Government has built this commitment into the following ACT policy and legislation:

For all in the Territory:

- ACT Human Rights Act 2004
- Work Health and Safety Act 2011
- ACT Wellbeing Framework
- ACT Aboriginal and Torres Strait Islander Agreement 2019-2028
- ACT Multicultural Framework 2015 – 2020
- *ACT Women's Plan 2016-2026*
- ACT Capital of Equality Strategy 2019-2023

For the ACT Public Service:

- Public Sector Management Act 1994
- ACT Public Service Code of Conduct: Respect, Integrity, Collaboration and Innovation
- ACTPS Values and Signature Behaviours
- Respect, Equity and Diversity (RED) Framework
- Aboriginal and Torres Strait Islander Inclusion
- Disability Inclusion
- LGBTIQ Inclusion
- Public Sector Health, Safety and Wellbeing Strategy 2019 – 2022
- Managing Occupational Violence policy

Acknowledgement

Sexual harassment is unacceptable and preventable

All individuals and workers have a fundamental right to be safe and protected in their workplace, and more broadly across the community

Community expects that all types of organisations, managers and employers take appropriate steps to promote respectful workplaces, free from sexual harassment

ACT Government is committed to ensuring workplace safety and will work with business and community to ensure that this expectation is met

Human rights approach

ACT is a human rights jurisdiction, committed to protecting the civil and political rights of all people, living, working and studying in the ACT without fear of discrimination

ACT Human Rights Act 2004 provides a framework for developing a 'human rights culture' in everyday and working life in the ACT

Collaboration

ACT Government recognises that preventing and addressing workplace sexual harassment is everyone's responsibility and requires territory-wide effort and support, involving government, industry groups, unions, professional organisations, employers, workers and the private and community sectors

ACT Government is committed to supporting whole-of-territory responses to sexual harassment in the ACT

Understanding the response

ACT Government has provided one of the following responses for each of the recommendations that fall within its responsibility:

1. Agree – we agree with all aspects of the recommendation and may already be delivering the outcome sought by the Australian Human Rights Commission.
2. Agree in principle – The ACT Government agrees with the outcome sought by the Australian Human Rights Commission, work may already be underway, and any future work will be done in consultation with workers, union, industry and government to understand the best fit for the ACT and any potential resourcing implications.

ACT Government notes those recommendations that fall into the responsibility of the Commonwealth Government or other organisations, or that require significant coordination across jurisdictions.

ACT Government commits to contributing to their national delivery. These non-ACT specific recommendations are listed in [Attachment A](#).

ACT GOVERNMENT RESPONSE

Supporting a whole-of-society response to sexual harassment in the ACT

An ACT implementation plan based around the themes of the Respect@Work report recommendations will be developed after National Cabinet has met in July 2021 and considered all jurisdiction's responses and determined a national approach.

Note: non-ACT specific recommendations are listed in [Attachment A](#).

UNDERSTANDING SEXUAL HARASSMENT IN THE WORKPLACE

Agency data

Recommendation 3:

Agencies that handle workplace sexual harassment matters work with the Workplace Sexual Harassment Council (as recommended in Recommendation 14) to:

- a) collect an agreed de-identified data set relating to workplace sexual harassment enquiries, complaints, claims and settlement outcomes to contribute to a coordinated system of annual reporting on workplace sexual harassment metrics
- b) establish formal arrangements for information sharing and data exchange on enquiries, complaints and claims relating to workplace sexual harassment matters.

Response

Agree in principle. The ACT Government agrees in principle to collect an agreed de-identified data set relating to workplace sexual harassment enquiries, complaints, claims and settlement outcomes and to contribute to a coordinated system of annual reporting on workplace sexual harassment metrics.

Locally, further work is required on scoping the establishment of formal arrangements for information sharing and data exchange, and legislative amendments may be required.

The Annual Reports (Government Agencies) Act 2004 sets the framework for annual reporting across the ACT public sector and makes provision for the Chief Minister to make directions that set the form and content of annual reports. The Annual Report Directions will be reviewed in 2022 to establish the suggested annual reporting requirements for ACT Public Sector bodies.

The ACT Public Service will also undertake work to evaluate the effectiveness of the various reporting channels in place, along with the cultural factors that may prevent someone from reporting an incident.

PREVENTION OUTSIDE THE WORKPLACE

Government gender equality and violence prevention strategies

Recommendation 6:

All Australian governments have gender equality strategies that address sexual harassment and that recognise sexual harassment is driven by gender inequality and is a form of gender-based violence.

Response

Agree. ACT Government expects that all Australian governments will accept this recommendation to have gender equality strategies that address sexual harassment and that recognise sexual harassment is driven by gender inequality and is a form of gender-based violence.

The ACT Government will participate in the development of a national approach by consideration of this recommendation through Women's Safety Taskforce processes. This work will guide approaches to be agreed locally.

Locally, as an employer, the ACT Public Service is committed to creating a positive, respectful, supportive and fair work environment where employee differences are respected, valued and utilised to create a productive and collaborative workplace. In April 2021, the ACTPS commenced a project to expand its *Diversity and Inclusion Agenda*, which includes reviewing the existing *Respect, Equity and Diversity Framework*. Actions to improve gender equity within the ACT Public Sector, including to address sexual harassment, will be developed and implemented as a central component of this project. A Gender Equality Strategy will also be developed for the ACT Public Service.

The *ACT Women's Plan 2016-2026* acknowledges the role of gender inequality in driving gender-based harassment and violence, and the importance of intersectional approaches towards gender equality. Under the now concluded *First Action Plan*, training to address sexual harassment and discrimination was designed and delivered for key *Respect, Equity and Diversity* officers within the ACTPS.

Additionally, the ACT Human Rights Commission supported the delivery of community engagement initiatives aimed at improving understanding of workplace rights, including sexual harassment and discrimination. Women's safety, including from workplace sexual harassment, is a continuing priority in the *Second Action Plan 2020-2022*, with further training and resources in development to support women and girls know their rights, and understand pathways for reporting.

Recommendation 7:

All Australian governments have strategies for the prevention of violence against women that are based on Change the Story, recognise that sexual harassment is driven by gender inequality and is a form of gender-based violence, and include the prevention of sexual harassment as a key area for action.

Response

Agree in principle. The ACT Government expects that all Australian governments will support this recommendation to have strategies for the prevention of violence against women that are based on Change the Story, recognise that sexual harassment is driven by gender inequality and is a form of gender-based violence, and include the prevention of sexual harassment as a key area for action.

The ACT Government will participate in the development of a national approach through consideration of this recommendation through Women's Safety Taskforce processes and this work will guide the approach to be agreed locally.

Locally, the ACT has established a Sexual Assault Prevention and Response Program, which includes a Prevention Working Group tasked to drive systemic, cultural change across the Canberra community, particularly targeted at schools, universities, Canberra Institute of Technology and workplaces.

The Prevention Working Group is undertaking intensive work to establish key priorities for local implementation and to inform future budget and cabinet considerations.

The ACT Government online platforms also have potential to enhance the local access and dissemination of Our Watch campaigns and other state and national resource materials – such as *Stop It at the Start*, *Workplace Equality and Respect*, *Respectful Relationships*, *Equality and Respect in Sport*.

School-based respectful relationships education

Recommendation 10:

All Australian governments ensure children and young people receive school-based respectful relationships education that is age appropriate, evidence-based and addresses the drivers of gender-based violence, including sexual harassment.

Response

Agree. The ACT Government expects that all Australian governments will accept this recommendation to ensure children and young people receive school-based respectful relationships education that is age appropriate, evidence-based and addresses the drivers of gender-based violence, including sexual harassment.

The ACT Government will participate in the ongoing development of a national approach to respectful relationships education through consideration of this recommendation through Women's Safety Taskforce processes. This work will continue to guide the approach locally.

Locally, the ACT Government provides respectful relationships education that is age appropriate and evidence-based across the education system. All ACT public schools deliver the Australian Curriculum. Under the Australian Curriculum learning area of Health and Physical Education there is a strong focus on providing students with ongoing and developmentally appropriate learning experiences through the focus area: 'Relationships and Sexuality'. The ACT Government also funds the Safe and Inclusive Schools Initiative which supports schools to work with their students and communities in building upon the values of social responsibility, respectful relationships and inclusion of diversity.

The Australian Curriculum supports teachers to teach students to develop knowledge, understanding and skills that will help them establish and manage respectful relationships. This learning content includes elements such as the teaching of consent and refusal strategies. The curriculum provides teachers with information that is age, year level and developmentally appropriate. The Australian Curriculum is undergoing a review and as part of this process the resources connected to respectful relationships will be examined and further strengthened. In addition to this, consultation is occurring with University of Canberra academics, school executives and other thought leaders that will explore how to build further capacity and capability in teaching respectful relationships education.

THE LEGAL AND REGULATORY FRAMEWORK

Sex Discrimination Act

Consistency of sexual harassment laws

Recommendation 26:

The Australian Government work with state and territory governments, through the Council of Australian Governments or another appropriate forum, to amend state and territory human rights and anti-discrimination legislation with the objective of achieving consistency, where possible, with the Sex Discrimination Act, without limiting or reducing protections.

Response

Agree in principle. The ACT Government accepts in principle the recommendation to amend relevant human rights and anti-discrimination legislation with the objective of achieving consistency, where possible, with the *Sex Discrimination Act* (including amendments referred to in recommendations 16-22 above), without limiting or reducing protections under ACT laws. This work may be progressed through the Meeting of Attorneys-General.

Work health and safety

New Regulation, Code or guideline

Recommendation 35:

WHS ministers agree to amend the model WHS Regulation to deal with psychological health, as recommended by the Boland Review, and develop guidelines on sexual harassment with a view to informing the development of a Code of Practice on sexual harassment. Sexual harassment should be defined in accordance with the Sex Discrimination Act.

Response

Agree in principle. The ACT Governments agrees in-principle with this recommendation. The 2018 review of the nationally agreed model work health and safety (WHS) laws (Boland Review) in recommendation 2, recommended the model WHS regulations be amended to deal with psychosocial hazards in the workplace.

The ACT Government agrees with recommendation 2 of the Boland Review and notes that WHS Ministers have now considered and decided to implement recommendation 2 of the Boland Review to amend the model WHS regulations to deal with psychosocial hazards in the workplace.

The ACT is a member of Safe Work Australia, the national policy body responsible for maintaining the model WHS laws, and would be actively participating in the development of any amendments to the nationally agreed model WHS laws in response to the Boland Review.

The ACT Government is a party to the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety, signed in 2008 (IGA). The IGA sets out the principles and processes for cooperation between the Commonwealth, states and territories to implement and maintain model work health and safety (WHS) laws.

Workers' compensation

Training and education

Recommendation 36:

Safe Work Australia and WHS regulators, with guidance from the Workplace Sexual Harassment Council, undertake training and education on the nature, drivers and impacts of sexual harassment to inform their work.

Response

Accept in principle. The ACT Government notes that this recommendation falls within the terms of reference for consideration of the Respect@Work Council established by the Commonwealth in response to recommendation 14. The ACT Government further notes that the Chairs of Heads of Workers' Compensation Authorities (HWCA) and Heads of Workplace Safety Authorities (HWSA) are represented on the Council.

The ACT Government supports the intent of the Council's terms of reference to consider how existing frameworks can be better used to prevent and respond to workplace sexual harassment, to promote safer workplaces and to reduce undue burden on employers and victims of workplace sexual harassment.

The ACT is represented on the respective national fora that form part of the membership of the Respect@Work Council, including HWCA, HWSA and Safe Work Australia and will working with all jurisdictions in response to the Respect@Work recommendations being considered by the Council.

The national approach will be used to guide and enhance the Office of the Work Health and Safety Commissioner (WorkSafe ACT) approach to its WHS regulator and training roles, including:

- WorkSafe ACT specialised team of inspectors trained to deal with psychosocial risks
- WorkSafe ACT's workforce capability framework and ongoing training to WorkSafe ACT inspectors

- WorkSafe ACT website updated to provide additional information in relation to ‘person conducting a business or undertaking’ (PCBU) responsibilities in relation to these obligations under WHS laws.

Recommendation 37:

Workers’ compensation bodies, with guidance from the Workplace Sexual Harassment Council, undertake training and education on the nature, drivers and impacts of sexual harassment to inform their work.

Response

Accept in principle. The ACT Government notes that WorkSafe ACT is the regulator for workers’ compensation in the ACT and supports training and education on the nature, drivers and impacts of sexual harassment to inform their work.

The ACT Government will engage with private insurers in the ACT including EML which manages public sector compensation, to raise awareness of this work.

Defamation laws and protection for sexual harassment victims in defamation proceedings

Recommendation 39:

The Council of Attorneys-General consider how best to protect alleged victims of sexual harassment who are witnesses in civil proceedings, including but not limited to defamation proceedings. Measures could include amending state and territory legislation governing defamation proceedings to introduce a standard direction or presumption in favour of confidentiality and suppression or non-publication of witness details in any defamation court proceeding, where the defamatory material includes allegations of sexual harassment. Consideration should also be given to additional witness safeguards and protections including:

- a) having the proceedings conducted in a closed courtroom
- b) giving evidence from a remote room
- c) having their evidence in chief be audio- visually recorded prior to the hearing
- d) having an audio-visual recording of their evidence during the hearing be re-used in any subsequent proceedings
- e) being protected from direct cross-examination by a self-represented party
- f) having a support person present while giving evidence.

Response

Agree. The ACT Government will work with other jurisdictions through the Meeting of Attorneys-General to consider how to best protect alleged victims of sexual harassment who are witnesses in civil proceedings, including but not limited to defamation proceedings.

Locally, Chapter 9 of the *Civil Law (Wrongs) Act 2002* governs defamation law in the Territory. In 2005-2006, Australian state and territory jurisdictions endorsed and enacted the Model Defamation Provisions (MDPs), which is a uniform regime for regulating defamation actions across Australia. On 27 July 2020, the Council of Attorneys-General (CAG) approved the final version of the Model Defamation Amendment Provisions 2020 (MDAPs) and agreed that the MDAPs will be enacted and commenced by all States and Territories as soon as possible. The MDAPS do not directly address the recommended protections, but they do substantially reform and improve the operation of defamation actions more generally. The Civil Law (Wrongs) Amendment Bill 2021 is due to be introduced in the Legislative Assembly in May 2021 and will implement the MDAPs. Stage 2 of the defamation reform program is currently subject to a national consultation process.

Aside from defamation law, there may also be some protection available in the *Evidence (Miscellaneous Provisions) Act 1991 (ACT)* to particular vulnerable witnesses.

A holistic approach to support, advice and advocacy

Recommendation 49:

Australian governments provide increased and recurrent funding to working women's centres to provide information, advice and assistance to vulnerable workers who experience sexual harassment, taking into account particular needs of workers facing intersectional discrimination. Australian governments should consider establishing or re-establishing working women's centres in jurisdictions where they do not currently exist.

Response

Agree in principle. The ACT Government accepts the importance of the provision of information, advice and assistance to vulnerable workers who experience sexual harassment, and taking into account particular needs of workers facing intersectional discrimination.

Locally, while there is no formal Working Women's Centres in the ACT, there are several services which may perform functions similar to those that would be performed by a Working Women's Centre – such as the Women's Legal Centre ACT (WLC). As the ACT is a small jurisdiction it is particularly important to ensure that limited resources are used efficiently, and that service provision is not duplicated. Further consultation will be required to support the implementation of a Working Women Centre that enhances, and does not duplicate, pre-existing services in the ACT.

Legal advice and assistance

Recommendation 53:

All Australian governments provide increased and recurrent funding to community legal centres, Aboriginal and Torres Strait Islander Legal Services, and legal aid commissions to provide legal advice and assistance to vulnerable workers who experience sexual harassment, taking into account the particular needs of workers facing intersectional discrimination.

Response

Agree in principle. The ACT Government is committed to supporting a diverse and sustainable legal assistance sector by funding community legal centres (CLC), Aboriginal and Torres Strait Islander Legal Services and Legal Aid Commissions to provide vital legal advice and assistance to vulnerable Canberrans, including workers experiencing sexual harassment.

Locally, the ACT Government gives consideration to the funding needs of the legal assistance sector in its annual budget processes.

In 2021-22, the Justice and Community Safety Directorate will work with the ACT's legal assistance sector to develop a *Legal Assistance Strategy and Action Plan* in accordance with the *National Legal Assistance Partnership (NLAP) 2020-2025*.

This work will enhance the ACT Government's understanding of legal need in the Territory and may support decision-making about the level of resources necessary to support the sector to respond to legal need in the Territory. The legal needs of workers experiencing sexual harassment will be considered as a part of this process.

ACT Government provides investment to community legal centres (CLC), noting that this funding does not include funding specifically tailored towards employment and discrimination law matters.

The Women's Legal Centre and Legal Aid ACT both received funding to provide employment and discrimination law support in 2020-21 from Commonwealth Government funding for the Project Agreement for COVID-19 Legal Assistance Funding or the National Legal Assistance Partnership 2020-2025.

Recommendation 55:

Psychosocial support for people affected by workplace sexual harassment be provided through a national network of services, including specialist sexual assault support services, mental health helplines, and healthcare providers with the expertise to respond appropriately to the gendered nature of sexual harassment. All Australian governments should prioritise funding to these services to ensure accessibility and capacity.

Response

Agree in principle. The ACT Government expects that all Australian governments will accept this recommendation to provide psychosocial support for people affected through workplace sexual harassment through a national network of services. The ACT Government will participate in the development of a national approach through consideration of this recommendation through Women's Safety Taskforce processes. This work will guide the approach to be agreed locally.

ACT Government recognises the evidence on the strong association between sexual harassment and/or violence and poor mental health outcomes, including where more subtle forms of violence have been experienced. Many studies have identified a lasting impact from past sexual abuse and an increased risk of mental illness diagnosis or symptoms later in life⁹.

ACT Government funded services and organisations range from suicide prevention and social capacity building programs, early support and therapeutic programs and supported residential mental health recovery/rehabilitation programs. Through these organisations, people have improved access to the right services when they require them. The ACT Government is committed to timely support to optimise mental health and wellbeing outcomes and build people's capacity through increased knowledge, skills and confidence to manage future crises.

Through service commissioning and sector development there are opportunities to ensure development and delivery of services that take into consideration important principles of care to support people affected by sexual assault and abuse, including gender-sensitive care, trauma-informed care, and holistic approaches.

Prevention of suicide and self-harm is a critically important aspect in supporting people dealing with these issues. As part of the LifeSpan Suicide Prevention project, the Office for Mental Health and Wellbeing is working in partnership with Healthier Work and Black Dog Institute to provide funding for online suicide prevention training in workplaces in the ACT. Question, Persuade, Refer (QPR) is a suicide prevention intervention that teaches people to recognise and respond positively to someone exhibiting suicide warning signs and behaviours, regardless of their level of prior knowledge of mental health or suicide.

QPR training is designed to equip workplaces with the skills needed to recognise individuals who may be contemplating suicide, so that they can be engaged in a supportive manner and connected with appropriate sources of professional care. QPR training has been shown to significantly increase an individual's ability to recognise and engage with someone who may be at risk of suicide, as well as connect them with appropriate ongoing supports.

⁹ Oram S (2019), Sexual violence and mental health, *Epidemiology and Psychiatric Sciences*, 28, 592–593.
<https://doi.org/10.1017/S2045796019000106>

THE CURRENT CONTEXT FOR THIS INQUIRY

Implementation of recommendations

Recommendation 1:

The Australian Government work with state and territory governments to implement the recommendations in this report and provide a joint funded package to ensure their implementation.

Response

Noted. The ACT Government expects that all Australian Governments will accept this recommendation to incorporate sexual harassment as a key area for action and investment under any national framework to address violence against women.

The ACT Government will participate in the development of a national approach through consideration of this recommendation through existing Women's Safety Taskforce processes. This work will guide the approach to be agreed locally.

UNDERSTANDING SEXUAL HARASSMENT IN THE WORKPLACE

National Sexual Harassment Survey

Recommendation 2:

The Commission conduct a nationally representative survey every four years, funded by the Australian Government, that:

- a) provides data on sexual harassment, including the prevalence, nature, reporting, impacts of and responses to sexual harassment in the workplace, and identifies trends over time
- b) provides detailed industry data which allows analysis across and within industries
- c) is accessible and adequately captures experiences of sexual harassment across all population groups, including people of culturally and linguistically diverse backgrounds.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

National Sexual Harassment Research Agenda

Recommendation 4:

The Australian Government supports the development and implementation of a National Sexual Harassment Research Agenda, which will identify priorities for research relating to sexual harassment (in addition to the National Sexual Harassment Survey) and contribute to a national evidence base on sexual harassment that can guide policy and practice. ANROWS should lead this work in consultation with the Workplace Sexual Harassment Council.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth and expects that all Australian Governments will support this recommendation to identify priorities for research and build a national evidence base on sexual harassment that can guide policy and practice.

The ACT Government will participate in the development of a national research approach through Women's Safety Taskforce and ANROWS processes. This work will guide approaches to be agreed locally.

PREVENTION OUTSIDE THE WORKPLACE

National coordination of sexual harassment prevention

Recommendation 5:

The Council of Australian Governments agrees to incorporate sexual harassment as a key area for action and investment under any national framework to address violence against women.

Response

Noted. The ACT Government expects that all Australian governments will accept this recommendation to incorporate sexual harassment as a key area for action and investment under any national framework to address violence against women.

The ACT Government will participate in the development of a national approach through consideration of this recommendation through Women's Safety Taskforce processes. This work will guide approaches to be agreed locally.

Primary prevention initiatives

Recommendation 8:

Our Watch lead the development of evidence-based strategies for the prevention of sexual harassment, including implementation, monitoring and evaluation. Immediate priorities for action should include:

- a) social change strategies on sexual harassment, including a national campaign to increase knowledge of, and change behaviours that drive, sexual harassment
- b) targeted, evidence-based prevention strategies to address sexual harassment of populations who are at higher risk
- c) Initiatives targeted towards young people that focus on sexual harassment as a form of gender-based violence.

Response

Noted. The ACT Government accepts this recommendation for Our Watch to lead the development of evidence-based strategies for the prevention of sexual harassment, including implementation, monitoring and evaluation.

ACT Government will participate in the development of a national approach through consideration of this recommendation through Women's Safety Taskforce processes. This work will guide the approach to be agreed locally.

Locally, a Workplace Rights eLearn is in development (Action 2.8 of the *ACT Women's Plan*) for workers across the ACTPS and local businesses. Content development includes workplace sexual harassment that draws upon Our Watch expertise and evidence.

Workplace rights education for young people

Recommendation 9:

Educational resources for young people of working age on workplace rights be identified, adapted to ensure relevance to workplace sexual harassment and promoted by the Australian Human Rights Commission and Fair Work Ombudsman for use in schools, tertiary education institutions and other settings that reach young people.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Locally, a Workplace Rights eLearn is in development (Action 2.8 of the *ACT Women's Plan*) for workers across the ACTPS and local businesses. Content development includes workplace sexual harassment that draws upon OurWatch expertise and evidence.

Skills Canberra field officers provide support and guidance to Australian Apprentices, their parents/carers and employers based on their obligations under a training contract. Field officers monitor employer and Australian Apprentice compliance against the National Code of Good Practice for Australian Apprenticeships through scheduled visits.

To support quality assurance and best practice in vocational education and training, field officers provide advice on obligations under training contracts, including the appropriate administration, training, experience and supervision of apprentices and trainees, monitor at-risk industries and groups and manage concerns and complaints as needed. This includes referring matters to the Fair Work Ombudsman and WorkSafe ACT where appropriate.

The Canberra Institute of Technology (CIT) works with the CIT Student Association and other community groups to provide relevant information about issues and services available to students.

The ACT Government also funds a Young Worker Service which provides a central source for young workers to obtain information about their workplace rights and entitlements.

Sexual harassment prevention by universities and other tertiary education institutions

Recommendation 11:

Building on work already underway in response to the recommendations in *Change the Course*, all tertiary and higher education providers deliver evidence-based information and training on sexual harassment for staff and students that addresses the drivers of gender-based violence and includes content on workplace rights.

Response

Noted. The ACT Government expects that all Australian governments will accept this recommendation that all tertiary and higher education providers deliver evidence-based information, training on sexual harassment for staff and students which addresses the drivers of gender-based violence and includes content on workplace rights.

The ACT Government will participate in the development of a national approach through consideration of this recommendation through the Skills Ministers' Meeting processes. This work will guide the approach to be agreed locally.

Locally, the Canberra Institute of Technology (CIT) delivers the following evidence-based information and training and responses for sexual harassment for staff and students:

- *Sexual Harassment and Sexual Assault Policy and Procedure (2019)*
- Comprehensive student support strategy that includes: class visits by Student Support staff, face-to-face information session for students, awareness raising through posters, plasma screen displays and information on the CIT website and eLearn.
- Reporting harassment and assault, and assistance for students can be made in person to Student Support or via a confidential email address.
- Regular training, including *Sexual Harassment Response Training* to assist staff respond to disclosures and reports of sexual assault and sexual harassment.
- MATE Bystander training for both students and staff to raise awareness and improve bystander responses to all forms of aggression and violence.
- Working@CIT training for all staff, at induction and repeated annually, regarding acceptable behaviour in the workplace.

The *ACT Quality Framework* sets the quality standards for delivery of government-funded training in the ACT. The framework comprises contractual and compliance arrangements, principles and obligations

governing registered training organisations (RTO) conduct. Only RTOs that demonstrate high quality training provision in accordance with the ACT Government's quality and performance criteria are approved to deliver government-subsidised training in the ACT. These RTOs must have and comply with an ACT Training Initiative Funding Agreement to operate and to access government training subsidies.

Recommendation 12:

Recognising that some smaller tertiary and higher education providers lack the necessary resources and expertise to deliver the information and training identified in Recommendation 11, the Australian Government should support those providers to do so, for example through the Tertiary Education Quality Standards Authority and the Australian Skills Quality Authority.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth and expects that all Australian governments will accept this recommendation that the Australian Government should support those providers to do so, for example through the Tertiary Education Quality Standards Authority and the Australian Skills Quality Authority.

The ACT Government will participate in the development of a national approach through consideration of this recommendation through the Skills Ministers' Meeting processes. This work will guide the approach to be agreed locally.

Media guidelines

Recommendation 13:

The Workplace Sexual Harassment Council (as recommended in Recommendation 14) work with the Australian Communications and Media Authority, the Australian Press Council and Our Watch to promote and support best practice reporting on sexual harassment by the media, including through:

- a) guidelines that promote the safe, responsible, victim-centred and gender responsive reporting of sexual harassment
- b) practical measures that build the knowledge, skills and capacity of media professionals to implement best practice reporting on sexual harassment.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth. ACT Government will review internal communication and media guidelines to ensure alignment.

THE LEGAL AND REGULATORY FRAMEWORK

Workplace Sexual Harassment Council

Recommendation 14:

The Workplace Sexual Harassment Council, supported by a permanent secretariat, be established immediately and funded by the Australian Government. Its objective is to improve coordination, consistency and clarity across the key legal and regulatory frameworks, to improve prevention and response to sexual harassment. The Council is to be chaired by the Sex Discrimination Commissioner and its core membership include representatives from:

- the Fair Work Commission and Fair Work Ombudsman
- Safe Work Australia and the Heads of Workplace Safety Authorities
- the Heads of Workers' Compensation Authorities
- the Australian Council of Human Rights Authorities.

The Council will also include associate members to provide expertise and advice on specific issues or areas of work relating to sexual harassment. Associate members include representatives across

government, non-government, and independent organisations, including employer and union representatives.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth and that the Respect@Work Council has since been established by the Commonwealth. The ACT Government further notes that the Chairs' of Heads of Workers' Compensation Authorities (HWCA) and Heads of Workplace Safety Authorities (HWSA) are represented on the Council.

The ACT Government supports the intent of the Council's terms of reference to consider how existing frameworks can be better used to prevent and respond to workplace sexual harassment, to promote safer workplaces and reduce undue burden on employers and victims of workplace sexual harassment.

The ACT is represented on the respective national fora that form part of the membership of the Respect@Work Council, including HWCA, HWSA and Safe Work Australia and will work with all jurisdictions in response to the Respect@Work recommendations being considered by the Council.

ILO Convention concerning the elimination of violence and harassment in the world of work (ILO 190)

Recommendation 15:

The Australian Government ratify ILO Convention 190.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

The ACT Government supports in-principle ratification of the ILO Convention 190 on violence and harassment by the Federal Government, to progress the intent of the Convention in prioritising workplace regulation and architecture that promotes an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work.

Sex Discrimination Act

Objects, definitions and coverage

Recommendation 16:

Amend the Sex Discrimination Act to ensure:

- a) the objects include 'to achieve substantive equality between women and men
- b) sex-based harassment is expressly prohibited
- c) creating or facilitating an intimidating, hostile, humiliating or offensive environment on the basis of sex is expressly prohibited
- d) the definition of 'workplace participant' and 'workplace' covers all persons in the world of work, including paid and unpaid workers, and those who are self employed
- e) the current exemption of state public servants is removed.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Positive duties

Recommendation 17:

Amend the Sex Discrimination Act to introduce a positive duty on all employers to take reasonable and proportionate measures to eliminate sex discrimination, sexual harassment and victimisation, as far as possible. In determining whether a measure is reasonable and proportionate, the Act should prescribe the factors that must be considered including, but not limited to:

- a) the size of the person's business or operations
- b) the nature and circumstances of the person's business or operations
- c) the person's resources
- d) the person's business and operational priorities
- e) the practicability and the cost of the measures
- f) all other relevant facts and circumstances.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Recommendation 18:

The Commission be given the function of assessing compliance with the positive duty, and for enforcement.

This may include providing the Commission with the power to:

- a) undertake assessments of the extent to which an organisation has complied with the duty, and issue compliance notices if it considers that an organisation has failed to comply
- b) enter into agreements/enforceable undertakings with the organisation
- c) apply to the Court for an order requiring compliance with the duty.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Australian Human Rights Commission powers

Recommendation 19:

Amend the Australian Human Rights Commission Act to provide the Commission with a broad inquiry function to inquire into systemic unlawful discrimination, including systemic sexual harassment.

Unlawful discrimination includes any conduct that is unlawful under the federal discrimination laws.

The Commission should be given powers to require:

- a) the giving of information
- b) the production of documents
- c) the examination of witnesses with penalties applying for non-compliance, when conducting such an inquiry.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Aiding or permitting an unlawful act

Recommendation 20:

Amend section 105 of the Sex Discrimination Act to ensure that it applies to sexual harassment.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Victimisation

Recommendation 21:

Amend the Australian Human Rights Commission Act to make explicit that any conduct that is an offence under section 94 of the Sex Discrimination Act can form the basis of a civil action for unlawful discrimination.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Timeframe as a ground on which the President can terminate an accepted complaint

Recommendation 22:

Amend the Australian Human Rights Commission Act so that the President's discretion to terminate a complaint under the Sex Discrimination Act on the grounds of time does not arise until it has been 24 months since the alleged unlawful discrimination took place.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Representative and/or collective claims

Recommendation 23:

Amend the Australian Human Rights Commission Act to allow unions and other representative groups to bring representative claims to court, consistent with the existing provisions in the Australian Human Rights Commission Act that allow unions and other representative groups to bring a representative complaint to the Commission.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Damages and costs

Recommendation 24:

The Australian Government conduct further research on damages in sexual harassment matters and whether this reflects contemporary understandings of the nature, drivers, harms and impacts of sexual harassment. This research should inform judicial education and training.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Recommendation 25:

Amend the Australian Human Rights Commission Act to insert a cost protection provision consistent with section 570 of the Fair Work Act 2009 (Cth).

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Addressing historical complaints

Recommendation 27:

A disclosure process be established that enables victims of historical workplace sexual harassment matters to have their experience heard and documented with a view to promoting recovery. The Australian Government should fund the Commission to facilitate this process.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth and will consider further arrangements that may need to be put in place following any scheme put in place by the Commonwealth.

Locally, the ACTPS considers that it is important for people who have experienced workplace sexual harassment to have the opportunity to be heard and believed, and for these experiences to be documented and drive change. The ACTPS is committed to supporting its staff and understanding their experiences to continue to improve workplace cultures.

Fair Work Act/Fair Work Commission

Prohibition against sexual harassment

Recommendation 28:

The Fair Work system be reviewed to ensure and clarify that sexual harassment, using the definition in the Sex Discrimination Act, is expressly prohibited.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Stop sexual harassment order

Recommendation 29:

Introduce a 'stop sexual harassment order' equivalent to the 'stop bullying order' into the Fair Work Act. This should be designed to facilitate the order's restorative aim.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Unfair dismissal and serious misconduct

Recommendation 30:

Amend Section 387 of the Fair Work Act to clarify that sexual harassment can be conduct amounting to a valid reason for dismissal in determining whether a dismissal was harsh, unjust or unreasonable.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Recommendation 31:

Amend the definition of 'serious misconduct' in the Fair Work Regulations to include sexual harassment.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Recommendation 32:

Additional guidance material for all employers relating to unfair dismissal, which includes dismissal relating to sexual harassment, be developed by the Fair Work Commission in consultation with the Workplace Sexual Harassment Council.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth and will consider following any arrangements put in place by the Commonwealth.

Locally, all ACTPS Enterprise Agreements are made under the Fair Work Act.

Fair Work Information Statement

Recommendation 33:

The Fair Work Ombudsman update its employee information and guidance relating to workplace rights under the Fair Work Act to include sexual harassment, such as amending the Fair Work Information Statement.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Education and training

Recommendation 34:

The Fair Work Ombudsman and Fair Work Commission, with guidance from the Workplace Sexual Harassment Council, ensure that their staff undertake training and education on the nature, drivers and impacts of sexual harassment to inform their work. Statutory office holders in these jurisdictions should also be supported and encouraged to undertake this training and education.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Other legal issues

Non-disclosure agreements (NDAs)

Recommendation 38:

The Commission, in conjunction with the Workplace Sexual Harassment Council, develop a practice note or guideline that identifies best practice principles for the use of non-disclosure agreements NDAs in workplace sexual harassment matters to inform the development of regulation on NDAs.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Judicial education and training

Recommendation 40:

All Australian governments should:

- a) Ensure that relevant bodies responsible for developing training, programs and resources for judges, magistrates and tribunal members make available education on the nature, drivers and impacts of sexual harassment. This should be trauma-informed and in line with the principles of Change the Story.
- b) Support and encourage judicial officers and tribunal members across civil and criminal jurisdictions who may come into contact with victims of sexual harassment to undertake this education and training.

Response

Noted. Training for the judiciary and tribunal members is primarily a matter for the Chief Justice, Chief Magistrate and the ACT Civil and Administrative Tribunal President, respectively.

The National Judicial College of Australia (NJCA) organises a number of judicial training programs available to the judiciary and to Tribunal Members. The Justice and Community Safety Directorate provides funding to the NJCA through an agreement with the Meetings of Attorneys-General.

The ACT Government would support the development of training, programs and resources on the nature, drivers and impacts of sexual harassment through the NJCA and the Council of Australasian Tribunals.

PREVENTING AND RESPONDING TO SEXUAL HARASSMENT IN THE WORKPLACE

Board education and training

Recommendation 41:

The Australian Institute of Company Directors and the Governance Institute of Australia, in consultation with the Workplace Sexual Harassment Council, develop education and training for board members and company officers on good governance in relation to gender equality and sexual harassment.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

External reporting

Recommendation 42:

The Workplace Gender Equality Agency work with the Workplace Sexual Harassment Council to consider how good practice indicators for measuring and monitoring sexual harassment prevalence, prevention and response may apply to reporting in relation to sexual harassment under the Workplace Gender Equality Act 2012

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Recommendation 43:

The Australian Government:

- a) amend the Workplace Gender Equality Act 2012 to require public sector organisations to report to the Workplace Gender Equality Agency on its gender equality indicators
- b) fund the Workplace Gender Equality Agency adequately to meet these expanded reporting obligations.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Recommendation 44:

The ASX Corporate Governance Council introduce sexual harassment indicators for ASX listed entities to report against, under its Corporate Governance Principles and Recommendations. This could include:

- a) specific mention of sexual harassment in guidance on company codes of conduct (ASX recommendation 3.2)

- b) information about measures taken to address sexual harassment, as part of its requirements that listed entities have and disclose a diversity policy and set measurable objectives to achieve gender diversity (ASX recommendation 1.5).

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Accredited education and training

Recommendation 45:

Industry educational bodies, in consultation with the Workplace Sexual Harassment Council, develop accredited education and training for individuals in roles that are responsible for advising employers on addressing workplace sexual harassment. The training should aim to:

- a) build skills and capacity on how to prevent and respond to workplace sexual harassment
- b) be trauma-informed
- c) include content on the nature, drivers and impacts of sexual harassment.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Measuring and monitoring

Recommendation 46:

The Commission in consultation with the Workplace Sexual Harassment Council develop a set of good practice indicators and methods for measuring and monitoring sexual harassment prevalence, prevention and response

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Industry-wide initiatives

Recommendation 47:

Key industry and professional groups (unions, employer associations, employers and other industry bodies) collaborate to establish industry and profession-wide initiatives to address sexual harassment, for Australian workplaces of all sizes. Initiatives may include industry-wide prevalence surveys, awareness-raising campaigns on industry-specific issues, or the development of industry-specific policies or accreditation requirements.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

ACT Government recognises that preventing and addressing workplace sexual harassment is everyone's responsibility and requires territory-wide effort and support, involving government, industry groups, unions, professional organisations, employers, workers and the private and community sectors. ACT Government is committed to supporting whole-of-territory responses to sexual harassment in the ACT.

Respect@Work

Recommendation 48:

To support all workplaces to address sexual harassment, the Workplace Sexual Harassment Council will lead a new collaboration by unions, employers and employer associations called Respect@Work, which will deliver information, education and resources for workers and employers through an online platform

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

SUPPORT, ADVICE AND ADVOCACY

Information and referral

Recommendation 50:

The Commission be promoted as the central contact point for information on workplace sexual harassment rights and responsibilities, including information about options for action and referral to alternative regulatory schemes, and referral to a range of victim support services.

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Recommendation 51:

Hotlines and similar services provided by other agencies and regulatory bodies under the Commission's proposed new regulatory model (see Section 5) provide information and referral services in relation to workplace sexual harassment in a gender responsive manner, including:

- a) detailed information about workplace sexual harassment under their regulatory schemes
- b) information about options for action and referral to alternative regulatory schemes
- c) referral to a range of victim support services

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Recommendation 52:

The Workplace Sexual Harassment Council:

- a) provide high-level advice on development of guidelines and resources to ensure that all services providing information, advice and support in relation to sexual harassment can provide accurate information, make appropriate cross-referrals, and collect consistent data
- b) after three years, consider the need for a centralised, accessible service to provide information and advice in relation to workplace sexual harassment

Response

Noted. The ACT Government notes that this recommendation falls within the jurisdiction of the Commonwealth.

Psychosocial support

Recommendation 54:

The Australian Government promote the 1800RESPECT hotline and ensure it is adequately resourced to expand its services to provide appropriate psychological support and referral to people affected by workplace sexual harassment, and collect and maintain de-identified and disaggregated data on contacts regarding workplace sexual harassment.

Response

Noted. The ACT Government expects that all Australian governments will accept this recommendation for the Australian Government to promote the 1800RESPECT hotline and ensure it is adequately resourced to expand its services to provide appropriate psychological support and referral to people affected by workplace sexual harassment. The ACT Government supports the collection and maintenance of de-identified and disaggregated data on 1800RESPECT hotline contacts regarding workplace sexual harassment.

Locally, the ACT Government will participate in the promotion of appropriate services for responding to workplace sexual harassment and ensure the national approach will guide the local implementation and promotion of existing resources and services available in the Territory.

The Office for Women promotes 1800RESPECT as the primary referral for many women requiring support related to domestic and family violence, sexual assault and other related challenges. 1800 RESPECT is promoted through the Office for Women's 'women's directory', newsletter and through the Women's Information Line. www.communityservices.act.gov.au/women/womens_directory



ACT
Government

Community Services Directorate

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