



Standing Committee on Health and Community Wellbeing

Inquiry into Annual and Financial Reports 2021-2022 **ANSWER TO QUESTION ON NOTICE**

Asked by Mrs Kikkert MLA:

Reference: Hearing on 4 November 2022, Output Class 1.5 Safer Families, CSD Annual Report 2021-22, p 83.

In relation to: Respect@Work report recommendations

1. The ACT Government has accepted in full or in principle all 12 recommendations to prevent and reduce workplace sexual harassment. Can the Minister please detail the current status of the implementation of each of these recommendations?

Yvette Berry MLA: The answer to the Member's question is as follows:—

Respect@work Recommendation	Current implementation status
Agency Data (rec 3)	There is a planned annual reporting legislation change and will support ACTPS Agencies to report on Gender Action Plans.
Government Gender Equality and Violence Prevention Strategies (rec 6 & 7)	The first ACTPS workforce Gender Equality Strategy is currently being developed. A consultation draft has been prepared, which draws on current data and evidence, and includes a comprehensive gender equity audit. Consultation will be undertaken with key stakeholders including: ACTPS Directorates, the ACT Office for Women and Office for LGBTIQ+ Affairs, and ACT Unions. The draft strategy identifies and examines potential areas for improvement or further focus for the ACTPS workforce. Some of the themes under consultation are: • increasing the number of women in male-dominated fields and creating more effective talent pipelines for Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse (CALD) women; • progressing the flexible work agenda forward with a view to limiting the impact of unpaid caring on women's careers and wellbeing; and

	- building psychologically safe, inclusive workplace cultures through education and allyship. Projects to support this body of work are also underway: - Implementing Gender Action Plans for all 'larger public service entities'. The definition of 'larger public service entities' (ie: over 100 staff) has not yet been agreed in consultation with ACTPS Directorates but will be consistent with outcomes of the National Jobs and Skills Summit. - ACTPS Directorates to report on Gender Action Plans for the 2022-23 reporting period, following planned changes to annual reporting legislation. - Contributing to the development of a nationally consistent reporting framework for measuring the progress of women's economic security in partnership with the Workplace Gender Equity Agency (WGEA). - Adopting and evaluating progress towards ACTPS workplace gender equity using the 'Our Watch Workplace equality and respect standards'.
School-based respectful Relationships education (rec 10)	- The ACT Government is committed to high quality, lifelong respectful relationships education. - In July 2021, the Education Directorate facilitated a Respectful Relationships, Sexuality and Consent Education Roundtable. The event was designed to identify the varying perspectives of the Canberra education community and identify points of intersection and a pathway forward to improve respectful relationships, sexuality and consent education for ACT students. A communiqué was published on the Directorate's website summarising the key themes. - In December 2021, the Government agreed in principle to recommendation 20 from <i>Take Action to Prevent, Believe and Heal</i>, the final report from the Sexual Assault Prevention and Respond Steering Committee. It recommends the ACT Government fund and make accessible evidence based lifelong comprehensive relationships and sexuality education to all members of the community. This recommendation is being led by the Community Services Directorate and supported by the Education Directorate. This is in recognition the recommendation spans all environments where Canberran's live, work and play, including but not limited to school settings. The Gender Equality Initiative - The ACT Government committed \$2.1 million dollars over 4 years in the 2021-22 Budget to establish and deliver the Gender Equality in our Schools Initiative. - The Initiative has supported recruitment of a team of 3 Gender Equality Coaches to provide expert advice, professional learning, develop and curate teaching and learning resources and facilitate connections between schools and community organisations.

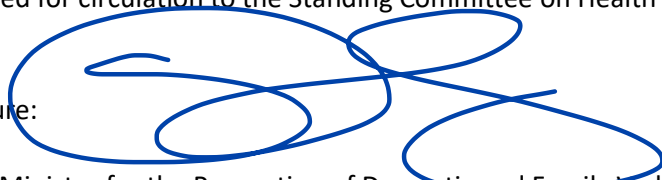
	• The Initiative supports a whole school approach to respectful relationships education as a prevention approach to domestic and family violence by creating a culture of gender equality in schools. • The Initiative is in its scoping stage and consultation with schools and stakeholders will begin in 2023. Changes to the Australian Curriculum • The Health and Physical Education learning area of the new Australian Curriculum Version 9.0 has been revised to explicitly include consent education from Foundation to Year 10. This will also include the role of gender, power, coercion, and disrespect in abusive or violent relationships, and sexual consent in years 9 and 10. • ACT public schools will be implementing the updated curriculum from 2024. The Education Directorate is supporting schools to understand the changes to the Australian Curriculum throughout 2023 including the provision of professional learning and resource development. National approach • Education Directorate officials are engaging with Commonwealth counterparts to explore how the Australian Government's commitment to RRE will impact the ACT. There will be \$77.6 million in grants to help schools invest in teacher training and partner with quality external providers. The funding will be rolled out in 2023, for use in the 2024 school year. ACT's share in funding is unknown at this stage.
Sex Discrimination Act - Consistency of sexual harassment law (rec 26)	The ACT Government recognises the value in having consistency across jurisdictions in sexual harassment and sex discrimination laws. As such, the ACT has been participating in an interjurisdictional officer-level working group to identify areas of possible alignment and harmonisation. In November 2021, the then Meeting of Attorneys-General agreed to the focus areas for potential legislative alignment across jurisdictions. On the 30 November 2022, the ACT Government introduced the <i>Discrimination Amendment Bill 2022</i> (the Bill) to modernise the Territory's discrimination laws to ensure they support best practice and contemporary approaches to addressing discrimination, sexual harassment and vilification. The Bill includes a positive duty to eliminate discrimination, sexual harassment and unlawful vilification. In developing this duty, consideration has been given to the model of the existing Victorian positive duty; the models proposed in Recommendation 17 of the Respect@Work Report and the recent <i>Commonwealth Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022</i>. At the Standing Council of Attorneys-General (SCAG) on the 9 December 2022, the ACT Government also agreed to continue working collaboratively with other jurisdictions and that a final report to the SCAG on the implementation of recommendation 26 would be provided to the SCAG by mid-2023. The communique from that meeting of the SCAG is available at SCAG-communiqué-9-december-2022.DOCX (live.com)

WHS – new Regulation, Code or Guideline (rec 35)	The ACT notes that material about preventing workplace sexual harassment has been developed and published by Safe Work Australia: https://www.safeworkaustralia.gov.au/safety-topic/hazards/workplace-sexual-harassment. The ACT Government remains committed to implementing the recommendations of the 2018 Boland Review of the model Work Health and Safety laws (Boland review). The ACT Government is making progress in reforming Work Health and Safety (WHS) laws to address workplace sexual harassment. In November 2022, the ACT Legislative Assembly passed legislative changes introducing a new rule requiring employers to report sexual assault incidents to WorkSafe ACT, the ACT’s work health and safety regulator, under the ACT’s WHS laws. The ACT Government is currently working on broader reforms to address the impacts of psychological illnesses and injuries at work. This will include a code of practice for managing psychosocial hazards in the workplace, which the Government is aiming to introduce next year.
WHS – training and education (rec 36 and 37)	The ACT notes the update against recommendations 36 and 37 in the Respect@Work Council’s Annual Report 2021-2022 on page 6. Locally, a number of measures have been implemented by the ACT’s work safety regulator, WorkSafe ACT, including: • the launch of its Strategy for Managing Work-Related Psychosocial Hazards 2021-23 and an associated dedicated Managing Work-Related Sexual Harassment Plan 2021-2023 • continuing to build ongoing capability and specialised training for inspectors, including the psychosocial inspector team, to deal with psychosocial risks at work, and • published a Data Snapshot on Work-related sexual harassment that provides information about the prevalence of work-related sexual harassment in ACT workplaces. The ACT continues to participate in the various national fora, including Safe Work Australia, the Heads of Workers’ Compensation Authorities and Heads of Workplace Safety Authorities, that form part of the membership of the Respect@Work Council established to oversee and advise on the implementation of certain recommendations from the Respect@Work Report.
Defamation laws and protection for sexual harassment victims in defamation proceedings (rec 39)	Following agreement at the then Meeting of Attorneys-General on 9 June 2021, an officer level interjurisdictional working group was established to progress implementation of Recommendation 39 (the Working Group). The Working Group was tasked with assessing the extent to which existing procedural protections for witnesses of civil proceedings extend to victims and survivors of sexual harassment.

	The Working Group's final report was endorsed by the SCAG on 9 December 2022 (the Report) and an executive summary of the report will be published. The SCAG agreed that all jurisdictions will prioritise consideration of legislative reform in line with the procedural protections identified in recommendation 39 and in the Working Group Report, with jurisdictions to provide an update on their progress by the end of 2023. The ACT will progress work in 2023 in line with this agreement.
Holistic approach to support, advice and advocacy (recs 49 & 53)	The ACT Government committed funding in its 2022-23 Budget to the Women's Legal Centre (ACT) to expand the delivery of legal assistance services for its Employment and Discrimination Law Practice. The Women's Legal Centre's employment and discrimination law practice provides legal assistance to women who have experienced sexual harassment and/or been treated unfairly at work, including the provision of legal advice, representation and information and referrals to the Human Rights Commission. In line with the ACT Government's response to Recommendation 53, this funding will enhance Women's Legal Centre's capacity and resources to deliver frontline services to workers experiencing sexual harassment. In addition to ACT Government funding, the Women's Legal Centre receives Commonwealth National Legal Assistance Partnership 2020-25 (NLAP) funding as part of the Commonwealth's response to Respect@Work. The ACT Government administers this funding arrangement and supports the Women's Legal Centre in the program management, data and reporting obligations under the NLAP.
Psychosocial support (rec 55)	The ACT Health Directorate (ACTHD) has commenced service commissioning and sector development. The design phase of commissioning will commence in March 2023, during this phase of this process ACTHD will ensure that the development and delivery of new services and approaches 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.

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature:



Date: 06/02/23

By the Minister for the Prevention of Domestic and Family Violence, Yvette Berry MLA