

Government Response to Respect@Work Report

8 April 2021

Overview

Today the Government has released 'A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces'. This roadmap is the government's response to the Respect@Work report conducted by Kate Jenkins, the Sex Discrimination Commissioner. The government's roadmap responds to all 55 recommendations of the Respect@Work report.

The Respect@Work Report

The Respect@Work report is the product of the National Inquiry into Sexual Harassment in Australian Workplaces led by Kate Jenkins, the Sex Discrimination Commissioner. This independent inquiry was commissioned by the Federal government in June 2018 to provide recommendations to increase protections against workplace sexual harassment.

The report was released on 5 March 2020 and the Federal government has now responded directly to all 55 recommendations.

Changes to Sexual Harassment in the Workplace

The Government has committed to changes in workplace law and wider changes to combat sexual harassment in the workplace. It is worth noting that the government has promised to fund the implementation of these changes in the upcoming budget.

The changes made will be implemented by the Australian Government through the creation of the Respect@Work Implementation Taskforce. This taskforce is chaired by Commissioner Kate Jenkins and includes representatives from regulators and policymakers from all levels of government. This includes the Fair Work Ombudsman, Safe Work Australia the Fair Work Commission, and the Australian Council of Human Rights Authorities.

The changes the government has committed to include:

- To amend the Sex Discrimination Act to ensure that it applies to sexual harassment.
- Judges and politicians are to be subject to the Sex Discrimination Act.
- To amend the Australian Human Rights Commission Act to make explicit any conduct that is an offence under the Sex Discrimination Act can form the basis of a civil action for unlawful discrimination.
- The government has today announced that the definition of serious misconduct across all workplaces will be changed to include sexual harassment. This allows employees to be fired for sexual harassment.

- The scope for workplace sexual harassment complaints will be extended from six months to two years.
- To supply employees and employers with guidance material created by Fair Work Commission with Respect@Work Council to ensure the changes are understood and implemented.
- For the government to 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.
- The government will provide additional funding in the 2021-22 budget to three support services including community legal centres, Working Women's Centres and the 1800RESPECT hotline.
- The Federal, state and territory governments will work together to create gender equality strategies.
- The Commonwealth Government will work with state and territory governments to develop school-based educational programs for children and young people on respectful relationships.
 - o Educational programs will be developed for primary, higher and tertiary education students.
- Improve data collection and research methods for the purposes of creating evidence-based policy.
- Joint funding programs between Commonwealth and state governments for psychosocial support for people affected by workplace sexual harassment.

Possible Changes to Workplace Laws

The government has agreed in part or in principle to recommendations in the report, leaving certain changes subject to inquiry by the government or the Respect@Work Implementation Taskforce to determine if they are suitable for legislation.

These possible changes include:

- The Respect@Work Implementation Taskforce shall determine which government agency shall become the central point of contact for workers and employers for sexual harassment issues.
- The government will determine whether sexual harassment should become part of the Work Health and Safety (WHS) legal framework. This would require the employer to have a positive duty in mitigating sexual harassment in the workplace.
 - o The government is assessing whether this change would increase complexity or duplicate current processes in the WHS legal framework.
- To expand the powers of the Australian Human Rights Commission (AHRC) to inquire into systemic unlawful discrimination under federal discrimination laws.
 - o The government believes that the AHRC has existing powers to do so, however, it will consider whether this added scope would improve the functions of the AHRC to investigate sexual discrimination specifically.

- Amend the AHRC Act to grant the ability to determine cost protection provisions consistent with section 570 of the Fair Work Act.
 - o The government understands the determination of cost already exists with the court however will assess whether a cost review for sexual harassment matters would improve the functions of the existing cost protection provision.
- The government is determining whether they can introduce sexual harassment under the existing 'Stop Bullying Order'.

For more information

- [The Prime Minister's Press Release](#)
- [The Respect@Work: Sexual Harassment National Inquiry Report \(2020\)](#)
- [The Government's Response: 'A Roadmap for Respect'](#)

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