# 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
45. South-East Monash Legal Service Inc.
46. United Workers Union
47. Victoria Legal Aid
48. Victorian Trades Hall Council
49. WestJustice
50. Wirringa 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

