



Implementing Respect@Work

WA State Government Progress Report 2021




On 8 April 2021, the Commonwealth Government outlined its response to the Australian Human Rights Commission Respect@Work report (the Respect@Work Report) and published 'A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces'. This roadmap details how the Commonwealth Government will implement the Respect@Work Report's 55 recommendations either in full, in part, or for noting.



On 28 June 2021, the McGowan Government agreed to implement 18 recommendations in the Respect@Work Report which apply to state government and will be reported through appropriate Commonwealth ministerial forums. Of these 18 recommendations, 12 will be implemented by government agencies and the remaining six recommendations will be progressed jointly between jurisdictions and the Commonwealth.




The WA State Government response acknowledges its ongoing commitment to ensure women are free from violence, discrimination and harassment in their homes, workplaces and community. The WA State Government has already taken important steps to create safe and inclusive workplaces through the development and implementation of the following key strategies:




- Stronger Together: WA's Plan for Gender Equality (Stronger Together)
- Path to Safety: Western Australia's strategy to reduce family and domestic violence 2020 – 2030 (Path to Safety)
- Development of the WA Sexual Violence Prevention and Response Strategy
- The National Plan to Prevent Violence against Women and their Children.



These strategies recognise the disproportionate impact on women of workplace sexual harassment and are well positioned to align with implementing the recommendations of the Respect@Work report.



Table key		
		
2 Recommendations achieved	14 Recommendations in progress/ongoing	2 Recommendations planned

Recommendations for implementation by WA Government		
Recommendation	Government update	Status
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.	<ul style="list-style-type: none"> Through the Women's Safety National Federation Reform Council Taskforce, the WA Government will work with the Commonwealth and state and territory governments to identify funding to implement Respect@Work recommendations. Additional financial implications will be considered through regular State Budget processes. 	
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.	<ul style="list-style-type: none"> Under the 2021-22 Federal Budget, the Commonwealth committed up to \$260 million to states and territories through a new two-year National Partnership Agreement Family, Domestic and Sexual Violence Responses 2021-2023. The WA Government has signed the Agreement and will work in partnership with state-based services to deliver new programs aligned to Path to Safety. The WA Government contributes initiatives under the National Plan to Reduce Violence against Women and their Children, including actions to respond to sexual harassment. 	

Recommendation	Government update	Status
	<ul style="list-style-type: none"> The WA Government is contributing to the development of the Nationally Consistent Reporting Framework for Measuring Progress of Women's Economic Security. 	
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.	<ul style="list-style-type: none"> Launched in 2020, Stronger Together provides a framework for action by Government, industry and the community to progress gender equality over the next 10-years. Stronger Together is being implemented through four action plans and recognises that gender inequality, including beliefs, attitudes and behaviours relating to gender, set the social conditions that enable violence against women, including sexual harassment. 	
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.	<ul style="list-style-type: none"> Launched in 2020, Path to Safety represents a whole of community approach to prevent and reduce family and domestic violence over the next 10-years. Primary prevention is a key focus area of the plan. The WA Government has commenced development of the WA Sexual Violence Prevention and Response Strategy, aimed at addressing sexual violence and improving outcomes for survivors. A primary prevention framework is being developed as a priority area of Path to Safety to guide state-wide prevention activities and services. These strategies are based on Change the Story and recognise that gender inequality is the leading driver of violence against women. 	
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.	<ul style="list-style-type: none"> Under the 2021 McGowan Government Election Commitments, the delivery of the respectful relationships teaching support program for schools will be expanded in 2022. A further commitment was made to expand the respectful relationships approach to sport and recreation clubs and organisations through a bespoke version of the school program. 	

Recommendation	Government update	Status
<p>Recommendation 26</p> <p>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.</p>	<ul style="list-style-type: none"> The Commonwealth Meeting of Attorneys-General working group will focus efforts on aligning specific areas where legislative difference create practical difficulties for people experiencing sexual harassment. The WA Law Reform Commission completed its public consultation on the review of the <i>Equal Opportunity Act 1984</i> (WA), which considers strengthening sexual harassment protections to align with the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021</i> (Cth). 	
<p>Recommendation 35</p> <p>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.</p>	<ul style="list-style-type: none"> The Department of Mines, Industry Regulation and Safety is assisting the Commission for Occupational Safety and Health in development of Codes of Practice to assist workplace stakeholders to maintain mentally healthy workplaces. WA is working towards implementing Work Health and Safety legislation, based on national model laws, in early 2022. 	
<p>Recommendation 39</p> <p>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:</p> <ol style="list-style-type: none"> having the proceedings conducted in a closed courtroom giving evidence from a remote room 	<ul style="list-style-type: none"> The Commonwealth Attorney-General's Department has established a working group with all states and territories to consider options for reform in relation to protecting alleged victims of sexual harassment who are witnesses in civil proceedings. The Meeting of Attorneys-General Defamation working party will progress reform to the model defamation laws as a priority in 2022. WA is currently drafting a new Evidence Act which will adopt the Uniform Evidence Act provisions while retaining and strengthening vulnerable witness provisions from the <i>Evidence Act 1906</i> (WA). 	



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<p>c. having their evidence in chief be audio-visually recorded prior to the hearing</p> <p>d. having an audio-visual recording of their evidence during the hearing to be re-used in any subsequent proceedings</p> <p>e. being protected from direct cross-examination by a self-represented party</p> <p>f. having a support person present while giving evidence.</p>		
<p>Recommendation 40</p> <p>All Australian governments should:</p> <p>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.</p> <p>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.</p>	<ul style="list-style-type: none"> • The Australian Human Rights Commission is developing training and education resources on the nature, drivers and impacts of sexual harassment, including for judicial officers. Resources will be provided to the Heads of Jurisdiction for consideration when finalised. • The Equal Opportunity Commission is engaging the Industrial Relations Commission to provide a collaborative session on sexual harassment due to the anticipated powers for stop sexual harassment orders under the changes to the <i>Industrial Relations Act 1979</i> (WA). • The Equal Opportunity Commission is continually reviewing its awareness training on sexual harassment to provide state-wide training to organisations. 	
<p>Recommendation 49</p> <p>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.</p>	<ul style="list-style-type: none"> • Under the National Legal Assistance Partnership Agreement 2020-2025, Circle Green Community Legal will provide increased legal assistance and education to workers on employment law and workplace discrimination law, including workplace sexual harassment. • The <i>Industrial Relations Legislation Amendment Bill 2021</i> was introduced in the WA Parliament on 20 October 2021. The Bill establishes a stop bullying and sexual harassment jurisdiction for the WA Industrial Relations Commission to deal with an application made by a worker or an organisation on a worker's behalf. 	


Recommendation	Government update	Status
<p>Recommendation 53</p> <p>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.</p>	<ul style="list-style-type: none"> • Under the National Legal Assistance Partnership Agreement 2020-2025, the Commonwealth has committed \$5.5 million to WA over a four-year period to improve legal assistance services, including services to respond to workplace sexual harassment. Under the agreement, a collaborative service model led by Circle Green Community Legal will deliver the majority of services including: <ul style="list-style-type: none"> ○ Raising awareness of the prevalence of sexual harassment and discrimination in the workplace ○ Delivery of legal assistance services including education, advice and representation ○ Building capacity in the sector including training and upskilling of other community legal services, providers and pro bono lawyers. • The WA Law Reform Commission and Aboriginal Legal Service WA will complement these services through existing infrastructure. 	
<p>Recommendation 55</p> <p>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.</p>	<ul style="list-style-type: none"> • On 10 December 2021, National Cabinet provided in-principle endorsement of the National Mental Health and Suicide Prevention Agreement. Under the Agreement, state and territory governments will consider legislative and systemic reforms for work-related psychosocial health. • WA-based telephone helplines and live chat services provide comprehensive state-wide support to people for a diverse range of issues and may include support for workplace sexual harassment. • The WA Government has committed \$1.9 million to establish the Mental Awareness, Respect and Safety program to enhance the state's response to sexual harassment and assault in the mining industry. • The Sexual Assault Resource Centre (SARC) provides free medical forensic services to people who have experienced a recent sexual assault. 	

Recommendation	Government update	Status
	The service includes doctors trained in forensic examination, counsellors to provide psychosocial support and nursing staff to assist in aftercare.	



Recommendations for noting		
Recommendation	Update	Status
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.	<ul style="list-style-type: none">WA has a shared commitment to support ANROWS by contributing towards core funding on a per capita share basis to support ANROWS to continue to enhance the national evidence base on sexual harassment.	
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.	<ul style="list-style-type: none">Our Watch provides ongoing assistance to WA's implementation of Change the Story and Changing the PictureOur Watch contributed expertise to development of Path to Safety.	

Recommendation	Update	Status
<p>Recommendation 11</p> <p>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.</p>	<ul style="list-style-type: none"> • The Australian Government is engaging with education institutions and with the states and territories on vocational education and training through the Skills Reform agenda. Work has commenced on quality reforms including: <ul style="list-style-type: none"> ○ Revision of the Standards for Registered Training Organisations (RTO's) 2015, ○ Building RTO capability ○ Development of a quality strategy for the VET workforce. • The Commonwealth will work with State and Territories to review Respect@Work resources to ensure relevance for the VET sector 	
<p>Recommendation 12</p> <p>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.</p>	<ul style="list-style-type: none"> • Skills Ministers will work with the Australian Skills Quality Authority and the WA Training Accreditation Council to assist RTO's, particularly smaller providers, to access resources to support students and staff to be educated on preventing and responding to sexual assault and harassment. 	

Recommendation	Update	Status
<p>Recommendation 16</p> <p>Amend the Sex Discrimination Act to ensure:</p> <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> • Amendments made to the <i>Sex Discrimination Act 1984</i> (Cth) through the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021</i> (Cth), include: <ul style="list-style-type: none"> ○ Revised objects and scope ○ Sex-based harassment is expressly prohibited ○ Sexual harassment protections extended to all paid and unpaid workers ○ To allow complaints by and against members of Parliament, Commonwealth, state and territory judges, and state and territory public servants. 	
<p>Recommendation 54</p> <p>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.</p>	<ul style="list-style-type: none"> • The Department of Communities promotes 1800RESPECT through help pages and family and domestic violence services and resources pages on the wa.gov.au website. • Department of Communities' correspondence, media and publications include 1800RESPECT as a key referral point for people seeking information and assistance in relation to family and domestic violence. 	