



Government of **Western Australia**  
Department of **Communities**

WA State Government  
**Progress Report 2022**



# Implementing **Respect@Work**



**Stronger Together:** WA's Plan for Gender Equality





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## **Acknowledgement of Country**

The Government of Western Australia acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.

We particularly acknowledge the caring strengths, resilience and central role of Aboriginal women within their families.

## **About the Report**

This report has been developed by the Department of Communities and is part of the State Government commitment to address and respond to workplace sexual harassment by implementing the recommendations from the Australian Human Rights Commission's, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces Report 2020*.

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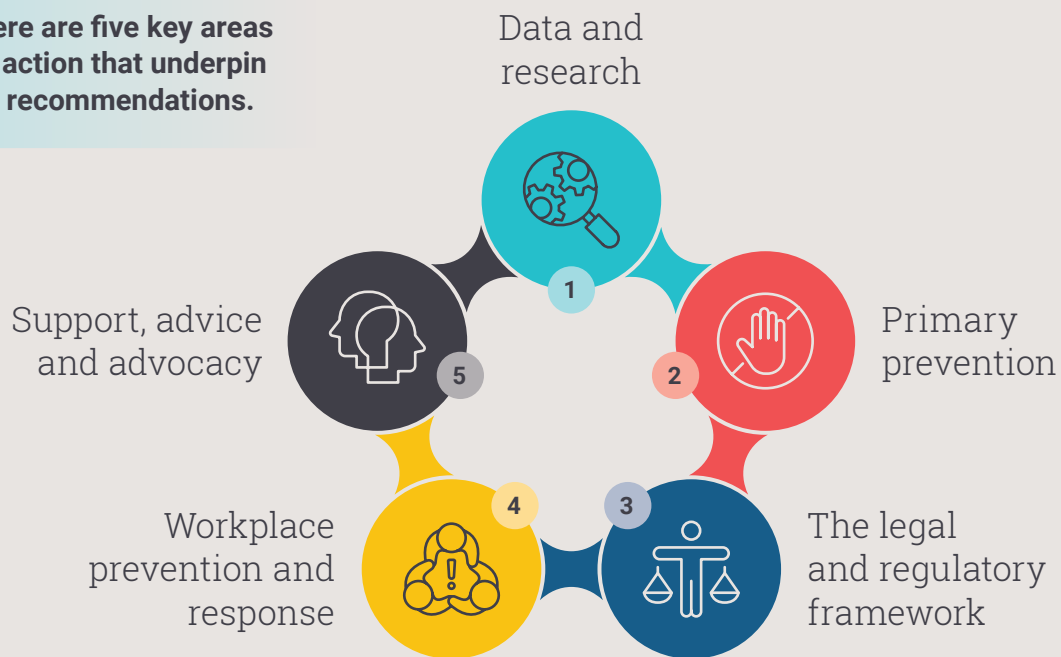
# Introduction

The Western Australian (WA) State Government supports the objectives and recommendations of the Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces Report 2020 (Respect@Work Report).

The Australian Human Rights Commission handed down the landmark Respect@Work Report in March 2020 which outlines 55 recommendations addressed to all levels of government, industry, business and the community to prevent and respond to sexual harassment in Australian workplaces.



**There are five key areas for action that underpin the recommendations.**



In April 2021, the Commonwealth Government outlined its response to the Respect@Work Report and published A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces. This provided the national framework for all state and territory governments to work in partnership through a shared purpose to ensure women's safety in all workplaces regardless of industry or size. It outlined the Commonwealth Government response to the Respect@Work Report, supporting recommendations in-full, in-part, in-principle or as noted.

In 2022, the Commonwealth Government committed to fully implement all 55 recommendations of the Respect@Work Report. Responsibility for implementing recommendations is shared between the Commonwealth Government, independent government agencies, state and territory governments, and the private sector. Nationally, this is guided by the Respect@Work Council.

The State Government is in its second year of reporting, with significant progress made to create safer, more respectful and accountable workplaces for all workers in WA. Workplace sexual harassment is not a women's issue; it is a societal issue which all organisations, employers and individuals have a responsibility to address.

This report highlights the progress of the State Government in implementing the relevant recommendations of the Respect@Work Report for 2021–2022. This important work contributes to the broader commitment of government through the implementation of Stronger Together: WA's Plan for Gender Equality to ensure that women and girls are safe and free from violence, discrimination and harassment in their homes, workplaces and in the community.



Eliminating sexual harassment in the workplace requires a coordinated and sustained commitment from all states and territories to drive both systemic and cultural change.



# Our Approach

Of the 55 recommendations contained in the national Respect@Work Report, 18 recommendations require collaboration across all Australian Governments to ensure a nationally consistent approach.

The State Government has responsibility for implementing 12 recommendations in Western Australia and is actively contributing to the national implementation of the remaining six recommendations through ministerial forums.



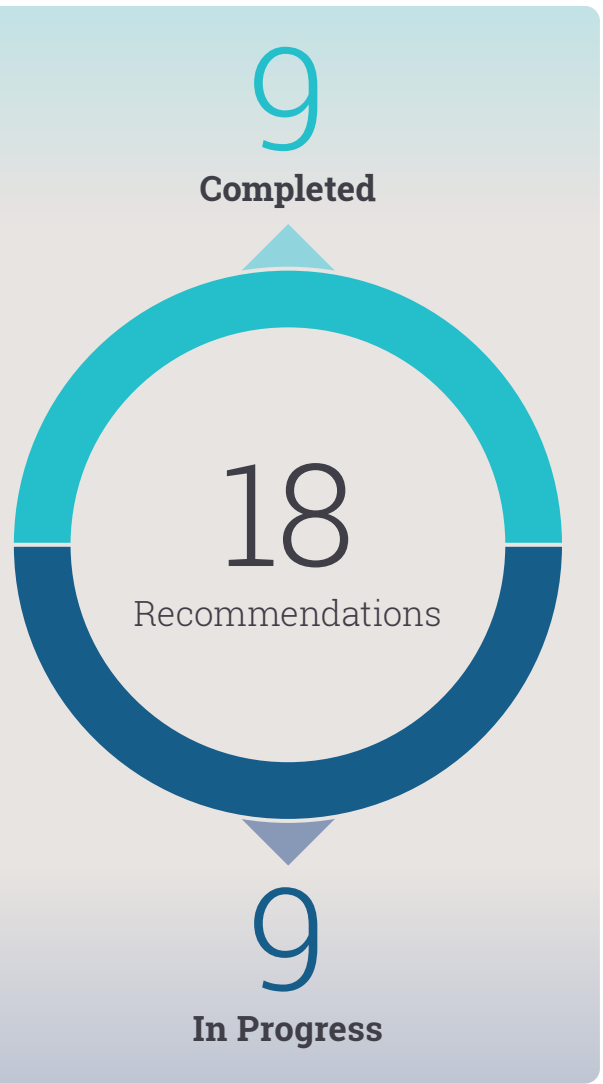
The implementation of these recommendations involves the work of multiple State Government agencies in the areas of law reform, research and advocacy, health, education and community services. Partnership with key industry groups and peak organisations is a central component to achieving a shared vision of workplace safety and respect.

WA is contributing at the national level including the Respect@Work Council, relevant interjurisdictional ministerial meetings and taskforces to progress recommendations. Progress on the implementation is also reported annually by the Attorney-General's Department.

The recommendations arising from the national Respect@Work Report strongly align with existing state-wide policies and strategies to address violence and discrimination against women developed by the Department of Communities, including:

- Stronger Together: WA's Plan for Gender Equality;
- Path to Safety: Western Australia's Strategy to reduce family and domestic violence 2020–2030; and
- Development of Western Australia's Sexual Violence Prevention and Response Strategy.





# State Government Progress 2022

Since the first year of implementation, the State Government has taken a leading role to strengthen regulatory frameworks and drive cultural change towards harassment-free workplaces for all employees through the recommendations of the Respect@Work Report.

Building on this foundation, in 2022 the State Government has completed nine recommendations and is continuing work on nine recommendations.





Key achievements in 2022, include commencement of WA's new *Work Health and Safety Act 2020* and regulations which took effect from 31 March 2022. The new laws harmonise WA with other states and territories and are supported with three new Codes of Practice that provide guidance to workplaces on dealing with difficult and inappropriate workplace behaviour **(Recommendation 35)**.

The Department of Mines, Industry Regulation and Safety (DMIRS) in partnership with the Commission for Occupational Safety and Health has launched three Codes of Practice, providing guidance to employers, including:

- The Code of Practice on Workplace Behaviour – covering misconduct, prolonged conflict, discrimination, harassment, sexual harassment and bullying;
- The Code of Practice on Psychosocial Hazards in the Workplace – including: violence, aggression, fatigue, burnout, stress and trauma; and
- Code of Practice on Violence and Aggression at Work – providing guidance where workers may be exposed to physical assault, verbal abuse, threats, intimidation and harassment.

In February, the State Government commenced two major reviews of the WA's sexual offence laws. The Law Reform Commission of Western Australia will scrutinise the laws pertaining to sexual offending contained in the Criminal Code and provide advice on possible amendments to enhance these provisions.

Consideration will also be given to the concept of affirmative consent and how this could be reflected in legislation. The Office of the Commissioner for Victims of Crime is leading a review into the experiences of sexual violence victim-survivors in the criminal justice system **(Recommendations 16 and 26)**.

The State Government response to the findings and recommendations of the Parliamentary Inquiry into sexual harassment against women in the FIFO mining industry was tabled in the Parliament of Western Australia (Parliament) on 21 September 2022.

The government supports, or supports in-principle, all recommendations pertaining to the State Government and will progress implementation across key areas such as primary prevention, data and research, a refocused regulatory framework and better support and advocacy for victim-survivors of workplace sexual harassment.

As part of the response, a new Code of Practice for mining and construction accommodation will be created, additional support for community legal services and establishment of an expert group within WorkSafe WA to respond to reports of sexual harassment and assault. These initiatives will build on existing state-wide programs to address harmful behaviours in the mining and resources sector. The State Government progress report was tabled in Parliament on 1 December 2022 **(Recommendation 55)**.

In May 2022, the State Government allocated an additional \$6.5 million for the second phase of the Mental Awareness, Respect and Safety (MARS) program. The MARS program is a whole of government initiative that aims to improve the health, safety and wellbeing of workers and others in the mining industry through organisation and systemic change in three focus areas:

- creating mentally healthy workplaces;
- building a culture of safety and respect; and
- preparing for workplace safety in the future mines.

The DMIRS is working with the Mental Health Commission, the Equal Opportunity Commission, and the Department of Communities to develop and deliver the MARS program.

A key initiative of the MARS program is the development and delivery of a bespoke Respect in Mining program, led by the Department of Communities, which will implement a pilot initiative in a number of small-to-medium companies to educate the workplace about gendered drivers of violence, implement a whole-of-organisation approach to violence prevention and work to embed respectful relationships across the organisation **(Recommendation 55)**.

Through the \$5.5 million National Legal Assistance Agreement Partnership 2020–25, Circle Green Community Legal have established the Workplace Respect Project to focus on the provision of legal assistance services for people experiencing workplace sexual harassment or discrimination.

The program seeks to identify legal need, provide legal assistance services, develop responsive intake pathways, develop a suite of pro-bono resources, develop and provide community legal education, and develop and deliver training for the sector. A Lived Experience Advisory Panel provides expert independent advice to Circle Green on the design and development of services and supports. Since December 2021, 200 services have been delivered and 23 clients provided with legal assistance and support **(Recommendation 53)**.

The Law Reform Commission's Final Report of the Review of the *Equal Opportunity Act 1984* (WA) (the Act) was tabled in Parliament in August 2022 and makes 163 recommendations to enhance and update the Act by strengthening anti-discrimination protections and ensuring consistency with the *Sex Discrimination Act 1984* (Cth).

The State Government broadly accepts the recommendations of the final report with further consideration to be given to the extent they will be implemented. Several key reforms have committed to be included in the Bill, including removing the outdated 'disadvantage test' for sexual harassment complainants and extending the prohibition against sexual harassment to all members of Parliament and its staff. Drafting of a new Equal Opportunity Act is currently underway **(Recommendation 26)**.

A full list of recommendations being progressed by the State Government in partnership with the Commonwealth Government is provided at the end of this report.



# Commonwealth Partnerships

## Implementation of recommendations (Recommendation 1)

The State Government continues to work in close partnership with the Commonwealth and state and territory governments through national forums to implement all relevant recommendations of the national Respect@Work Report. The Federal Budget 2022–2023 provides \$42.5 million over four years from 2022–23 (and \$10.2 million per year ongoing) to fully implement the recommendations of the Respect@Work Report, including:

- \$32.0 million over four years from 2022–23 to fund Working Women’s Centres in all states and territories.
- \$5.8 million over four years from 2022–23 to support education and compliance activities associated with introducing a positive duty on employers to take reasonable and proportionate measures to eliminate sex discrimination, sexual harassment and victimisation as far as possible.
- \$2.6 million over three years from 2022–23 to hear and confidentially document the experiences of victims of historical workplace sexual harassment.

- \$2.1 million over four years from 2022–23 to establish a one-stop shop for workplace sexual harassment information, including about victims’ rights, complaint options, support service referrals and employer responsibilities.

## National sexual harassment research agenda (Recommendation 4)

Australia’s National Research Organisation for Women’s Safety Limited (ANROWS) 2021–2024 Sexual Harassment Research Program is building the critical evidence base on sexual harassment in Australia to inform the development of policies and programs for workplaces, public spaces and online. The five projects funded under the program are:

- Migrant and refugee women’s attitudes, experiences and responses to sexual harassment in the workplace.
- Technology-facilitated sexual harassment in the workplace: Perpetration, responses and prevention.
- Sexual harassment of LGBTQ young people in the workplace and at workplace training.
- Understanding and addressing sexual harassment in the Australian retail sector.
- Process and impact evaluation of the Respect@Work Council.



### **National coordination of sexual harassment prevention (Recommendation 5)**

The new National Plan to End Violence Against Women and Children 2022–2032 (The National Plan) sets out the collective commitment of Australian governments to end all forms of violence against women and children. It provides a framework for change, reflecting shared goals, priorities and sets clear targets to drive this change over the next 10 years.

The National Plan recognises sexual harassment as part of the continuum of sexual violence and includes targets to reduce the prevalence of workplace sexual harassment over the life of The National Plan.

### **Sexual harassment prevention by universities and other tertiary education institutions (Recommendations 11 and 12)**

The Commonwealth, with all state and territory governments, are together progressing a program of significant structural reform of the Vocational Education and Training (VET).

As part of this broader skills reform agenda, the WA Training Accreditation Council (TAC) are working closely with the Commonwealth, Department of Training and Workforce Development and VET regulators on the review of the Standards for Registered Training Organisations.

Tertiary Education Quality Standards Agency (TEQSA) has moved to ensure that all higher education providers are fostering safe environments and safeguarding student wellbeing by improving their ability to prevent and respond to sexual assault and harassment.

TEQSA have developed a suite of resources including good practice models in prevention and information for higher education providers and students to support student safety and wellbeing online.

### **Sex Discrimination Act 1984 (Cth) (Recommendation 16)**

Introduced to Federal Parliament on 27 September 2022, the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 seeks to fully implement recommendations 16, 17, 18, 19, 23, 25 and 43 of the Respect@Work Report. The Bill will also make a number of ancillary amendments arising from the *Sex Discrimination and Fair Work (Respect at Work) Act 2021*.

Key amendments will include:

- Amending the existing objects clause of the *Sex Discrimination Act 1984* (Cth) to state that an object of the Act is to achieve substantive equality between men and women.
- Insert a new provision in the *Sex Discrimination Act 1984* (Cth) to prohibit conduct that subjects another person to a workplace environment that is hostile on the ground of sex.
- Insert a new provision in the *Sex Discrimination Act 1984* (Cth) to introduce a positive duty on all employers to take 'reasonable and proportionate measures' to eliminate unlawful discrimination, including sexual harassment.
- Amend the *Workplace Gender Equality Act 2012* to require Commonwealth public sector reporting to the Workplace Gender Equality Agency.



### **Defamation laws and protection for sexual harassment victims in defamation proceedings (Recommendation 39)**

The Defamation Working Party (Working Party) of the Standing Council of Attorneys General are progressing reforms to the Commonwealth model defamation laws. This work remains a priority of the Standing Council in 2023. The Working Party has drafted a report which highlights discrepancies between protections available to witnesses in criminal and civil proceedings and will soon conduct national consultation on the draft report to inform reforms to the model defamation laws.

The State Government is currently drafting a new Evidence Act, which will retain and strengthen well recognised vulnerable witness protections from the current *Evidence Act 1906* (WA). The new Evidence Act will incorporate aspects of the Commonwealth uniform evidence legislation adapted as appropriate for WA.

### **Judicial education and training (Recommendation 40)**

The Australian Human Rights Commission is continuing to develop training and education resources on the nature, drivers and impacts of sexual harassment, including for judicial officers. When training programs are developed, the Court and Tribunal Services division of the Department of Justice will draw the training to the attention of the heads of jurisdiction of the courts and tribunals in Western Australia for consideration.

### **A holistic approach to support, advice and advocacy (Recommendation 49)**

Working Women's Centres provide free, confidential assistance and advice about workplace matters, including sexual harassment, wage theft, and discrimination. The Federal Budget 2022–32 provides \$32 million over four years from 2022–23 to fund Working Women's Centres in all states and territories to provide advice, information and advocacy to workers on gender-based workplace issues, including sexual harassment.

### **Psychosocial support (Recommendation 54)**

Through the Women's Budget Statement 2022–23, the Commonwealth Government committed \$200 million for 1800RESPECT, the national sexual assault, domestic and family violence counselling service, over the next five years.

Delivered through the National Plan, 1800RESPECT will expand its service offering to provide psychological support and referrals to people affected by workplace sexual harassment, as well as maintaining de-identified and disaggregated data on contacts regarding workplace sexual harassment.

Following advice from the community services sector, new technology was built into the service from July 2022 to provide additional options for use including text messages, video calls and follow-ups on referrals. This new technology supports a 'tell it once' model of service delivery to minimise the need for users to repeat their story.



The State Government is committed to ensuring safe workplaces for all Western Australian workers.



# Next Steps for Implementation

Sexual violence, including sexual harassment, is unacceptable and requires a dedicated whole of government and community commitment to understand, prevent and address sexual harassment in all workplaces. We all have a responsibility to ensure safe, respectful, inclusive and gender-equitable workplaces for all.

The State Government welcomes the renewed focus of the Commonwealth Government to improve women's safety and economic security through the full implementation of all 55 recommendations of the Respect@Work Report.

The State Government remains committed to the long-term and coordinated implementation of recommendations of the national Respect@Work Report and will continue to support its progress through collaborative and innovative partnerships to achieve our shared vision of workplaces that are free from sexual harassment, violence and discrimination.

The next year of implementation will have a strong focus on the development of WA's first Sexual Violence Prevention and Response Strategy, building on existing work to improve prevention and responses to sexual harassment in the mining and resources sector through expansion of the MARS program, the development of a new Equal Opportunity Act and new supports for victim-survivors of workplace sexual harassment.

On a national level, WA will begin working with jurisdictional counterparts to progress the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022, implementation of the National Plan to End Violence against Women and Children 2022–32, development of a National Plan for Gender Equality and strengthening research, advocacy and primary prevention initiatives.





## Key Milestones 2020–23

2020

- ✓ Respect@Work Report launched by Australian Human Rights Commission.
- ✓ Stronger Together: WA's Plan for Gender Equality is launched by State Government.
- ✓ First Action Plan of Stronger Together: WA's Plan for Gender Equality launched.

2021

- ✓ Commonwealth Government responds to Respect@Work Report recommendations and releases A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces.
- ✓ National Cabinet agrees to implement all recommendations from Respect@Work Report that require collaboration across jurisdictions.
- ✓ State Government begins implementing recommendations from Respect@Work Report.
- ✓ Parliamentary Inquiry into sexual harassment against women in the FIFO mining industry commenced.
- ✓ *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021* took effect.
- ✓ State Government commenced development of the Sexual Violence Prevention and Response Strategy.
- ✓ Mental Awareness, Respect and Safety (MARS) program launched by State Government.

2022

- ✓ Second Action Plan of Stronger Together: WA's Plan for Gender Equality launched.
- ✓ Review of WA's sex offence laws by the Law Reform Commission of Western Australia commenced.
- ✓ Implementing Respect@Work: WA State Government Progress Report 2021 launched.
- ✓ Western Australia's new work, health and safety (WHS) laws commenced under the *Work Health and Safety Act 2020 (WA)*.
- ✓ State Government responds to the Community Development and Justice Standing Committee Report 2: 'Enough is Enough' Sexual harassment against women in the FIFO mining industry.
- ✓ Respectful Relationships approach expanded by Department of Communities to include the mining sector.
- ✓ Final Report of the review of the *Equal Opportunity Act 1984 (WA)* tabled in Parliament.
- ✓ Aboriginal Family Safety Strategy 2022–32 launched by Department of Communities.
- ✓ Implementing Respect@Work: WA State Government Progress Report 2022 launched.

2023

- ✓ Expansion of the Mental Awareness, Respect and Safety program.
- ✓ Launch of Western Australia's Sexual Violence Prevention and Response Strategy.
- ✓ Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 referred to the Senate for Inquiry.



# State Government Update 2022

**Table Key**



Completed








In Progress

Recommendation	Update 2022	Status
<p><b>Recommendation 1</b> 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.</p>	<p>The Federal Budget 2022–23 provides \$42.5 million over four years to fully implement the recommendations of the Respect@Work Report. The State Government will continue to work together with all Australian Governments to identify emerging funding implementation to ensure the ongoing implementation of recommendations.</p>	
<p><b>Recommendation 4</b> 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.</p>	<p>The five projects funded under the ANROWS 2021–2024 Sexual Harassment Research Program are:</p> <ul style="list-style-type: none"> <li>• Migrant and refugee women’s attitudes, experiences and responses to sexual harassment in the workplace.</li> <li>• Technology-facilitated sexual harassment in the workplace: Perpetration, responses and prevention.</li> <li>• Sexual harassment of LGBTQ young people in the workplace and at workplace training.</li> <li>• Understanding and addressing sexual harassment in the Australian retail sector.</li> <li>• Process and impact evaluation of the Respect@Work Council.</li> </ul>	










Recommendation	Update 2022	Status
<p><b>Recommendation 5</b> 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.</p>	<p>The National Plan to End Violence Against Women and Children 2022–2032 (The National Plan) was launched on 17 October, providing a foundation for a whole-of-society approach to end gender-based violence. Implementation of The National Plan is supported by \$1.3 billion through the Federal Budget 2022–23.</p>	
<p><b>Recommendation 6</b> 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.</p>	<p>The Second Action Plan 2021–25 of Stronger Together: WA's Plan for Gender Equality identifies Safety and Respect at Work as a key focus area for collaboration across government, business and the community and includes the implementation of Respect@Work Report recommendations as a priority action.</p>	
<p><b>Recommendation 7</b> 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.</p>	<p>Path to Safety: Western Australia's Strategy to Reduce Family and Domestic Violence 2020–2030 sets out a whole-of-government and community plan for reducing and responding to family and domestic violence and includes the development of a Primary Prevention Framework. A dedicated Aboriginal Family Safety Strategy will be launched before the end of 2022. The State Government is also progressing the development of the Sexual Violence Prevention and Response Strategy.</p>	




Recommendation	Update 2022	Status
<p><b>Recommendation 8</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a. Social change strategies on sexual harassment, including a national campaign to increase knowledge of, and change behaviours that drive, sexual harassment.</li> <li>b. Targeted, evidence-based prevention strategies to address sexual harassment of populations who are at higher risk.</li> <li>c. Initiatives targeted towards young people that focus on sexual harassment as a form of gender-based violence.</li> </ul>	<p>In March 2022, the Commonwealth Government committed \$189 million over five years to Our Watch to strengthen prevention and early intervention efforts in family, domestic and sexual violence. Our Watch are leading the development of evidence-based strategies for preventing sexual harassment and is collaborating with the media to improve reporting practices on incidents of sexual violence.</p>	
<p><b>Recommendation 10</b></p> <p>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.</p>	<p>Following the conclusion of the Respectful Relationships pilot in June 2022, the State Government has committed more than \$2.4 million to the expansion of the Respectful Relationships Teaching Support Program to 22 additional schools to 2026. The program will also be adapted and expanded to sporting clubs and organisations. Respectful Relationships approaches will also be applied in the development of a Respect in Mining program for the mining industry.</p> <p>In October 2022, the State Government committed to mandate consent education in the WA school curriculum for pre-primary to Year 10 students. These changes to the curriculum will take effect in WA schools from 2024.</p>	





Recommendation	Update 2022	Status
<p><b>Recommendation 11</b> 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>	<p>The Commonwealth, with all state and territory governments, are together progressing a program of significant structural reform of the Vocational Education and Training (VET) system to ensure Australians have access to high quality and relevant training. As part of this broader skills reform agenda, the WA Training Accreditation Council (TAC) are working closely with the Commonwealth, Department of Training and Workforce Development and VET regulators on the review of the Standards for Registered Training Organisations.</p>	
<p><b>Recommendation 12</b> 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>	<p>Tertiary Education Quality Standards Authority (TEQSA) has moved to ensure that all higher education providers are fostering safe environments and safeguarding student wellbeing by improving their ability to prevent and response to sexual assault and harassment. TEQSA have developed a suite of resources including good practice models in prevention and information for higher education providers and students to support student safety and wellbeing online.</p>	
<p><b>Recommendation 16</b> Amend the <i>Sex Discrimination Act 1984</i> (Cth) to ensure:</p> <ol style="list-style-type: none"> <li>The objects include 'to achieve substantive equality between women and men'.</li> <li>Sex-based harassment is expressly prohibited.</li> <li>Creating or facilitating an intimidating, hostile, humiliating or offensive environment on the basis of sex is expressly prohibited.</li> <li>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.</li> <li>The current exemption of state public servants is removed.</li> </ol>	<p>Introduced to Federal Parliament on 27 September 2022, the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 seeks to fully implement recommendations 16, 17, 18, 19, 23, 25 and 43 of the Respect@Work Report. The Bill will also make a number of ancillary amendments arising from the <i>Respect at Work Act 2021</i>.</p> <p>In February 2022, the State Government commenced two major reviews to examine WA's sexual offence laws. Consideration will be given to the concept of affirmative consent and how this could be implemented in legislation.</p>	

Recommendation	Update 2022	Status
<p><b>Recommendation 26</b> 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 <i>Sex Discrimination Act 1984</i> (Cth), without limiting or reducing protections.</p>	<p>The Law Reform Commission's Final Report on the Review of the <i>Equal Opportunity Act 1984</i> (WA) was tabled in WA Parliament in August 2022, making 163 recommendations to enhance and update the Act to ensure consistency with the <i>Sex Discrimination Act 1984</i> (Cth). The State Government broadly accepts the recommendations with further consideration to be given to the extent they will be implemented.</p>	
<p><b>Recommendation 35</b> 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 <i>Sex Discrimination Act 1984</i> (Cth).</p>	<p>WA's new <i>Work Health and Safety Act 2020</i> and regulations commenced from 31 March, 2022. The new laws harmonise WA with other states and territories and are supported with three new Codes of Practice that provide guidance to workplaces on dealing with difficult and inappropriate workplace behaviour.</p> <p>In October 2022, the Minister for Industrial Relations approved instructions to amend the WHS General and Mines Regulations in WA to adopt the model WHS regulations recently prepared by Safe Work Australia, which include the requirement to address psychosocial hazards such as sexual harassment.</p> <p>The State Government supports Recommendation 99 of the Law Reform Commission's review into the <i>Equal Opportunity Act 1984</i> (WA) which is to adopt the definition of sexual harassment contained in the <i>Sex Discrimination Act 1984</i> (Cth).</p>	

Recommendation	Update 2022	Status
<p><b>Recommendation 39</b></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.</p> <p>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"> <li>Having the proceedings conducted in a closed courtroom.</li> <li>Giving evidence from a remote room.</li> <li>Having their evidence in chief be audio-visually recorded prior to the hearing.</li> <li>Having an audio-visual recording of their evidence during the hearing to be re-used in any subsequent proceedings.</li> <li>Being protected from direct cross-examination by a self-represented party.</li> <li>Having a support person present while giving evidence.</li> </ol>	<p>The Defamation Working Party of the Standing Council of Attorneys General are progressing reforms to the Commonwealth model defamation laws. WA is currently drafting a new Evidence Act, which will retain and strengthen well recognised vulnerable witness protections from the current <i>Evidence Act 1906 (WA)</i>. The new Evidence Act will incorporate aspects of the Commonwealth uniform evidence legislation adapted as appropriate for WA.</p>	

Recommendation	Update 2022	Status
<p><b>Recommendation 40</b> All Australian governments should:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<p>The Australian Human Rights Commission is continuing to develop training and education resources on the nature, drivers and impacts of sexual harassment, including for judicial officers. When training programs are developed, the Court and Tribunal Services Division of the Department of Justice will draw the training to the attention of the Heads of Jurisdiction for consideration.</p>	
<p><b>Recommendation 49</b> 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>	<p>The Commonwealth Government has committed \$32 million over four years to fund Working Women's Centres in every Australian state and territory. The Commonwealth Government will work with states and territories and other relevant stakeholder on the establishment of new Working Women's Centres.</p>	
<p><b>Recommendation 53</b> 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>	<p>Circle Green Community Legal have established the Workplace Respect Project to focus on the provision of legal assistance services for people experiencing workplace sexual harassment or discrimination. The program seeks to identify legal need, provide legal assistance services, develop responsive intake pathways, develop a suite of pro-bono resources, develop and provide community legal education, and develop and deliver training for the sector.</p>	

Recommendation	Update 2022	Status
<p><b>Recommendation 54</b></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>	<p>Through the Women’s Budget Statement 2022–23, the Commonwealth Government has committed \$200 million for 1800RESPECT over the next five years. Delivered through the National Plan, 1800RESPECT will expand its service offering to provide psychological support and referrals to people affected by workplace sexual harassment, as well as maintaining de-identified and disaggregated data on contacts regarding workplace sexual harassment.</p>	
<p><b>Recommendation 55</b></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>	<p>In May 2022, the State Government allocated an additional \$6.5 million for the second phase of the Mental Awareness, Respect and Safety (MARS) program. This builds on initial funding of \$1.9 million in the first phase. A key initiative of the MARS program is a bespoke Respect in Mining program which aims to educate mining organisations on the gendered drivers of violence and drive cultural change using Respectful Relationships approaches.</p> <p>WorkSafe operates a 24/7 reporting line for individuals to report workplace incidents, including workplace sexual harassment and assault. Through the MARS program, work is being undertaken to ensure this reporting line is appropriately resourced and fit for purpose to respond to incidents of harassment and assault.</p>	

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