

Committee Members
Education and Employment Legislation Committee
c/o Committee Secretary
Senate Education and Employment Committees
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Parliament House
Canberra ACT 2600

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27 July 2021

Dear Committee Members

Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021 Inquiry – further information

Thank you for inviting Circle Green Community Legal (**Circle Green**) to appear before the Senate Education and Employment Legislation Committee (**the Committee**) at a public hearing on 19 July 2021 in relation to the above inquiry.

During the hearing, we agreed to look into providing some further information to the Committee on:

- Our data in relation to the industries of clients accessing our service concerning sexual harassment issues.
- Some examples of the kinds of sexual harassment issues clients contact our service about (for example, in the form of de-identified case studies).

We set out information on these items below.

Data on industries

Of the clients Circle Green assisted with sexual harassment issues during the period 1 October 2020 to 30 June 2021:

- Approximately 23% were in the accommodation / food industry.
- Approximately 18% were in the retail trade industry.
- Approximately 14% were in the mining industry.

Please note that we primarily provide assistance to non-unionised, low-income, vulnerable and disadvantaged employees in Western Australia. We were unable to collate location-specific data in the timeframe allowed.





Case studies

Four clients consented to us sharing de-identified case studies with the Committee based on their workplace sexual harassment experience. Please note that some minor details have been changed to protect the identity of our clients.

Case study 1: Noor

Noor was a young worker from a culturally and linguistically diverse background who had a casual job in the hospitality industry. Noor experienced sexual harassment from the beginning of her employment and persistently throughout.

Noor's manager, Paul, consistently made suggestive comments and jokes of a sexual nature to Noor. Paul would regularly comment on her body and appearance, and expressed his attraction to her. Paul was in control of Noor's employment conditions and shifts. When Noor objected to Paul's conduct, he laughed it off and ridiculed Noor in front of other staff. This made Noor feel scared, isolated, and unsafe at work.

Eventually, Noor felt she had no other option but to resign due to the persistent and serious nature of the harassment. This left Noor in a financially vulnerable position and with ongoing mental health issues.

Case study 2: Lin

Lin was employed on a full-time basis in a small business. Lin is from a culturally and linguistically diverse background and was on an employer-sponsored work visa.

During her employment, Lin was subjected to ongoing sexual harassment from her manager, including unwanted advances and sexual assaults. Lin did not initially report these to the police as her residence in Australia was dependent on her employer's sponsorship, which her manager had threatened to cancel on several occasions. Lin finally complained when her working conditions became impossible due to the ongoing harassment, significant underpayments and other breaches of her industrial award and workplace safety laws.

Lin's manager failed to address the issues and ultimately dismissed her for making the complaints. This placed Lin in a vulnerable position in relation to her visa and right to remain in Australia during a global pandemic.

Case study 3: Shannon

Shannon was a young worker employed in a sales role for several years. During her employment she experienced sexual harassment from her colleague, Ben. Ben called Shannon a sexist nickname and encouraged others in the workplace to do the same. Ben would also make Shannon uncomfortable by sniffing her.

Furthermore, Shannon experienced sexual harassment from her manager, Tobe. Tobe made comments about wanting to sexually touch Shannon and pressured her to enter into a sexual relationship with him. Tobe told Shannon she would be protected at work if she did.

A short time later, Shannon was dismissed for alleged misconduct.

Case study 4: Clara

Clara was a young worker employed in a sales position.

Her manager, Ed, would make comments of a sexual nature about Clara's appearance. He also made inappropriate comments of a sexual nature about a social media video of Clara and her younger sister (who was a minor at the time).

When Clara raised her concerns about Ed with her employer's Human Resources department, in response, they made comments about the way Clara dressed at work.



The case studies above all feature inadequate or unlawful employer responses to workplace sexual harassment experienced by vulnerable workers within the last year. In our view, they highlight the need for a specific positive duty in the *Sex Discrimination Act 1984* (Cth) for employers to take reasonable and proportionate steps to eliminate sex discrimination, sexual harassment, and victimisation as far as possible.

We thank the Committee for considering the additional information outlined above.

Yours sincerely

Elisha Butt

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