

## A ROADMAP FOR RESPECT

### The Commonwealth Government's response to the Respect@Work Report

#### Implementation of the Government's Roadmap for Respect: Detailed status update

Date updated: 14 February 2022

Key:

	<b>Fully implemented:</b> All action required by the Commonwealth Government to implement its commitment, as set out in the Roadmap for Respect, has been taken. This includes where the Commonwealth has supported a third party to deliver a recommendation of the Respect@Work Report.
	<b>Fully funded, work underway:</b> The Commonwealth Government has fully funded implementation of its commitment, as set out in the Roadmap for Respect, and work is underway to progress implementation. Where a commitment requires that joint funding be provided by state and territory governments, the Commonwealth has provided its contribution.
	<b>Work underway:</b> Work is currently underway by the Commonwealth Government to implement its commitment, as set out in the Roadmap for Respect.
	<b>For the private sector to implement:</b> The Commonwealth Government is not required to take steps to implement the recommendation.

## COMMONWEALTH GOVERNMENT

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
<p><b>Recommendation 14</b></p> <p>The Workplace Sexual Harassment Council, supported by a permanent secretariat, be established immediately and funded by the Australian Government. Its objective is to improve coordination, consistency and clarity across the key legal and regulatory frameworks, to improve prevention and response to sexual harassment.</p> <p>The Council is to be chaired by the Sex Discrimination Commissioner and its core membership include representatives from:</p> <ul style="list-style-type: none"> <li>• the Fair Work Commission and Fair Work Ombudsman</li> <li>• Safe Work Australia and the Heads of Workplace Safety Authorities</li> <li>• the Heads of Workers’ Compensation Authorities</li> <li>• the Australian Council of Human Rights Authorities.</li> </ul> <p>The Council will also include associate members to provide expertise and advice on specific issues or areas of work relating to sexual harassment. Associate members include representatives across government, non-government, and independent organisations, including employer and union representatives.</p>	<p><b>Agreed:</b> The Government provided funding for the establishment of the Council through the 2020 Women’s Economic Security Statement (WESS).</p> <p>The first meeting of the Respect@Work Council was held on 19 March 2021.</p> <p>The Government will consider additional funding for the Council to expand its function as part of the 2021-22 Budget process.</p>	<p><b>Fully implemented</b></p> <p>The <u>Respect@Work Council</u> has been established to bring together existing leaders from bodies with a role in preventing and responding to workplace sexual harassment to promote safer workplaces and provide high level advice to the Government and has met five times in 2021 (on 19 March 2021, 21 May 2021, 16 July 2021, 17 September 2021 and 19 November 2021). The next meeting is scheduled for 18 February 2022. Communiqués detailing the <u>outcomes</u> of each Council meeting, and the first of its 6-monthly <u>newsletters</u>, are available online.</p> <p>The Respect@Work Council is overseeing the implementation of 23 recommendations, all of which are substantially progressed.</p> <p>To date the Council has consulted with:</p> <ul style="list-style-type: none"> <li>• The Australian Institute of Company Directors on their ‘Inform, Engage, Educate’ framework for strengthening governance approaches to sexual harassment (Recommendation 41)</li> <li>• Australia’s National Research Organisation for Women’s Safety on the development of a National Sexual Harassment Research Agenda (Recommendation 4)</li> <li>• The Fair Work Commission on their preparations for the extension of the anti-bullying jurisdiction to include ‘stop sexual harassment orders’ (Recommendation 29)</li> <li>• The Workplace Gender Equality Agency on ways to improve methods for measuring and reporting on workplace sexual harassment, and on public-sector reporting on gender equality indicators (Recommendations 42 and 43)</li> <li>• Our Watch on their preparations to develop guidelines, training and tools for the media to promote and support best practice reporting on sexual harassment (Recommendation 13)</li> <li>• The Attorney-General’s Department on their development of guidance and resources on the use of non-disclosure agreements in workplace sexual harassment matters (Recommendation 38),</li> <li>• The Attorney-General’s Department on the process for consulting on the remaining Respect@Work Report recommendations requiring legislative amendment (Recommendations 16(c), 17, 18, 19, 23 and 25)</li> <li>• The Australian National University on their research on damages and costs in sexual harassment matters (Recommendations 24 and 25), and</li> <li>• The Australian Human Rights Commission on their work on data collection and sharing, training and education materials for regulators, the judiciary and young people, guidance on referral pathways, the next National Survey and the establishment of the Respect@Work website (Recommendations 2, 3, 9, 34, 36, 37, 40, 48, 51 and 52).</li> </ul>

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<p><b>Recommendation 15</b></p> <p>The Australian Government ratify ILO Convention 190.</p>	<p><b>Noted:</b> The Government will consider this recommendation as part of usual treaty processes.</p>	<p><b>Fully funded, work underway</b></p> <p>Consistent with the Australian Government’s longstanding approach to ratifying treaties, the Government is undertaking a law and practice assessment to establish its level of compliance with the Convention across all jurisdictions.</p>
<p><b>Recommendation 16</b></p> <p>Amend the Sex Discrimination Act to ensure:</p> <ul style="list-style-type: none"> <li>a) the objects include ‘to achieve substantive equality between women and men’</li> <li>b) sex-based harassment is expressly prohibited</li> <li>c) creating or facilitating an intimidating, hostile, humiliating or offensive environment on the basis of sex is expressly prohibited</li> <li>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</li> <li>e) the current exemption of state public servants is removed.</li> </ul>	<p><b>Agreed-in-Principle:</b> The Government supports equality of opportunity and the express prohibition of sex-based harassment. Further, the Government will amend the Sex Discrimination Act to ensure greater alignment with model Work Health and Safety (WHS) laws and to make the system for addressing sexual harassment in the workplace easier for employers and workers to understand and navigate.</p>	<p><b>Fully implemented</b></p> <p>Recommendations a), b), d) and e) were included in the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i> which passed both Houses of Parliament on 2 September 2021 and came into effect on 11 September 2021.</p> <p>Public consultation on recommendation 16(c) commenced on 14 February 2022.</p>
<p><b>Recommendation 17</b></p> <p>Amend the Sex Discrimination Act to introduce a positive duty on all employers to take reasonable and proportionate measures to eliminate sex discrimination, sexual harassment and victimisation, as far as possible. In determining whether a measure is reasonable and proportionate, the Act should prescribe the factors that must be considered including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) the size of the person’s business or operation</li> <li>b) the nature and circumstances of the person’s business or operations</li> <li>c) the person’s resources</li> <li>d) the person’s business and operational priorities</li> </ul>	<p><b>Noted:</b> The Government notes that under the model WHS laws, persons conducting a business or undertaking, such as employers, have a duty to ensure that all persons in the workplace, including workers, are not exposed to health and safety risks, so far as is reasonably practicable. This includes the risk of being sexually harassed. This duty was acknowledged by the Sex Discrimination Commissioner in the Report, which notes that ‘[t]he WHS regime creates duties to take reasonably practicable steps to prevent risks to worker health and safety, and this includes the risk of sexual</p>	<p><b>Fully funded, work underway</b></p> <p>Funding was provided to the Attorney-General’s Department in the 2021-22 Budget to consider legislative recommendations of the Respect@Work Report.</p> <p>Public consultation on this recommendation commenced on 14 February 2022.</p>

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<p>e) the practicability and the cost of the measures</p> <p>f) all other relevant facts and circumstances.</p>	<p>harassment'. Noting the existing positive duty under WHS laws, and given the Report's findings that the current system for addressing workplace sexual harassment is complex and confusing for victims and employers to navigate, the Government will assess whether such amendments would create further complexity, uncertainty or duplication in the overarching legal framework.</p>	
<p><b>Recommendation 18</b></p> <p>The Australian Human Rights Commission be given the function of assessing compliance with the positive duty, and for enforcement. This may include providing the Australian Human Rights Commission with the power to:</p> <p>a) undertake assessments of the extent to which an organisation has complied with the duty, and issue compliance notices if it considers that an organisation has failed to comply</p> <p>b) enter into agreements/enforceable undertakings with the organisation</p> <p>c) apply to the Court for an order requiring compliance with the duty.</p>	<p><b>Noted:</b> The Government will consider this recommendation pending the outcome of its assessment of Recommendation 17.</p>	<p><b>Fully funded, work underway</b></p> <p>Funding was provided to the Attorney-General's Department in the 2021-22 Budget to consider legislative recommendations of the Respect@Work Report.</p> <p>Public consultation on this recommendation commenced on 14 February 2022.</p>
<p><b>Recommendation 19</b></p> <p>Amend the Australian Human Rights Commission Act to provide the Australian Human Rights Commission with a broad inquiry function to inquire into systemic unlawful discrimination, including systemic sexual harassment. Unlawful discrimination includes any conduct that is unlawful under the federal discrimination laws. The Australian Human Rights Commission should be given powers to require:</p> <p>a) the giving of information</p>	<p><b>Agreed-in-Part:</b> The Government notes that the Australian Human Rights Commission has a series of existing functions to conduct investigations and generally works cooperatively with organisations. The Government is concerned that the AHRC adopting the role of investigator as a matter of course may undermine the effectiveness of</p>	<p><b>Fully funded, work underway</b></p> <p>Funding was provided to the Attorney-General's Department in the 2021-22 Budget to consider legislative recommendations of the Respect@Work Report, and the Attorney-General's Department.</p> <p>Public consultation on this recommendation commenced on 14 February 2022.</p>

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<p>b) the production of documents c) the examination of witnesses d) with penalties applying for non-compliance, when conducting such an inquiry.</p>	<p>the cooperative model. However, as there may be advantages to the AHRC having broader investigative powers in limited circumstances, the Government is willing to consider models for an inquiry function in circumstances where the matter for inquiry is referred by Government.</p>	
<p><b>Recommendation 20</b> Amend section 105 of the Sex Discrimination Act to ensure that it applies to sexual harassment.</p>	<p><b>Agreed</b></p>	<p><b>Fully implemented</b> Implemented by the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i>.</p>
<p><b>Recommendation 21</b> Amend the Australian Human Rights Commission Act to make explicit that any conduct that is an offence under section 94 of the Sex Discrimination Act can form the basis of a civil action for unlawful discrimination.</p>	<p><b>Agreed</b></p>	<p><b>Fully implemented</b> Implemented by the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i>.</p>
<p><b>Recommendation 22</b> Amend the Australian Human Rights Commission Act so that the President’s discretion to terminate a complaint under the Sex Discrimination Act on the grounds of time does not arise until it has been 24 months since the alleged unlawful discrimination took place.</p>	<p><b>Agreed</b></p>	<p><b>Fully implemented</b> Implemented by the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i>.</p>
<p><b>Recommendation 23</b> Amend the Australian Human Rights Commission Act to allow unions and other representative groups to bring representative claims to court, consistent with the existing provisions in the Australian Human Rights Commission Act that allow unions and other representative groups to bring a representative complaint to the Australian Human Rights Commission.</p>	<p><b>Noted:</b> The Government notes that there is an existing mechanism to enable representative proceedings in the Federal Court.</p>	<p><b>Fully funded, work underway</b> Funding was provided to the Attorney-General’s Department in the 2021-22 Budget to consider legislative recommendations of the Respect@Work Report. Public consultation on this recommendation commenced on 14 February 2022.</p>
<p><b>Recommendation 25</b></p>	<p><b>Agreed-in-Principle:</b> The Government notes that the</p>	<p><b>Fully funded, work underway</b></p>

OFFICIAL

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<p>Amend the Australian Human Rights Commission Act to insert a cost protection provision consistent with section 570 of the <i>Fair Work Act 2009</i> (Cth)</p>	<p>determination of costs orders is already at the discretion of the court, but will review cost procedures in sexual harassment matters to ensure they are fit for purpose, taking into account the issues raised by the Report.</p>	<p>Funding was provided to the Attorney-General's Department in the 2021-22 Budget to consider legislative recommendations of the Respect@Work Report.</p> <p>Public consultation on this recommendation commenced on 14 February 2022.</p> <p>The Attorney-General has also written to the federal courts to recommend the Respect@Work Report for their consideration and draw their attention to the impact different costs orders may have on victims of sexual harassment.</p> <p>In addition, the Attorney-General's Department has selected a team of academics to conduct research on costs (and damages) in sexual harassment matters.</p> <p>The team from the Australian National University is led by Emerita Professor Margaret Thornton FASSA, FAAL, and is scheduled to deliver its research in March 2022.</p>
<p><b>Recommendation 27</b></p> <p>A disclosure process be established that enables victims of historical workplace sexual harassment matters to have their experience heard and documented with a view to promoting recovery. The Australian Government should fund the Australian Human Rights Commission to facilitate this process.</p>	<p><b>Noted:</b> The Government supports the intention of this recommendation and will evaluate the effectiveness of existing counselling-based services for victims, including those provided by state and territory governments, for allowing matters to be confidentially and anonymously disclosed and heard for the purpose of promoting recovery.</p> <p>The Government will also ensure that employers have access to guidance materials to assist in supporting victims of historical workplace sexual harassment.</p>	<p><b>Fully funded, work underway</b></p> <p>Funding was provided to the Attorney-General's Department in the 2021-22 Budget to undertake this work.</p>
<p><b>Recommendation 28</b></p> <p>The Fair Work system be reviewed to ensure and clarify that sexual harassment, using the definition in the Sex Discrimination Act, is expressly prohibited.</p>	<p><b>Agreed-in-Principle:</b> The Government will review the Fair Work system once the amendments proposed under Recommendation 16 have been implemented and their impact assessed.</p>	<p><b>Work underway</b></p> <p>The Government will commence this review in October/November 2022, being 12 months from passage of the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i>.</p>

OFFICIAL

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<p><b>Recommendation 29</b></p> <p>Introduce a ‘stop sexual harassment order’ equivalent to the ‘stop bullying order’ into the <i>Fair Work Act 2009</i> (Cth). This should be designed to facilitate the order’s restorative aim.</p>	<p><b>Agreed-in-Principle:</b> The Government will clarify that a ‘stop bullying order’ is available in the context of sexual harassment.</p>	<p><b>Fully implemented</b></p> <p>Implemented by the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i>.</p>
<p><b>Recommendation 30</b></p> <p>Amend Section 387 of the <i>Fair Work Act 2009</i> (Cth) to clarify that sexual harassment can be conduct amounting to a valid reason for dismissal in determining whether a dismissal was harsh, unjust or unreasonable.</p>	<p><b>Agreed.</b></p>	<p><b>Fully implemented</b></p> <p>Implemented by the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i>.</p>
<p><b>Recommendation 31</b></p> <p>Amend the definition of ‘serious misconduct’ in the Fair Work Regulations to include sexual harassment.</p>	<p><b>Agreed.</b></p>	<p><b>Fully implemented</b></p> <p>Implemented by the <i>Fair Work Amendment (Respect at Work) Regulations 2021</i> which came into effect on 10 July 2021).</p>
<p><b>Recommendation 33</b></p> <p>The Fair Work Ombudsman update its employee information and guidance relating to workplace rights under the <i>Fair Work Act 2009</i> (Cth) to include sexual harassment, such as amending the Fair Work Information Statement.</p>	<p><b>Agreed:</b> The Government will ask the Fair Work Ombudsman (FWO) to update its guidance for workers on workplace rights, including sexual harassment, noting that the FWO is an independent agency, so implementation of this recommendation is subject to the FWO’s agreement.</p>	<p><b>Fully implemented</b></p> <p>The Fair Work Ombudsman has delivered these changes and will continue to review and update education resources as appropriate.</p> <p>The Government asked the Fair Work Ombudsman to update its employee information by releasing the Roadmap for Respect.</p> <p>The Fair Work Ombudsman has published a new dedicated <a href="#">Sexual harassment in the workplace page</a> (with pathways to relevant external organisations for more information) on its website and made other updates (<a href="#">including to information about serious misconduct</a>) to reflect the changes to the <i>Fair Work Act 2009</i> (Cth) by the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i>. The FWO distributed an <a href="#">email update</a> to the agency’s subscribers on 12 November 2021, noting the new ‘stop sexual harassment’ orders available from 11 November 2021.</p> <p>The Fair Work Ombudsman has made updates to the <a href="#">Fair Work Information Statement</a> to reflect the Fair Work Commission’s new powers to issue stop sexual harassment orders, which were published on 12 November 2021.</p>
<p><b>Recommendation 43</b></p> <p>The Australian Government:</p> <p>a) amend the <i>Workplace Gender Equality Act 2012</i> to require public sector organisations to report to the</p>	<p><b>Agreed:</b> The Government will amend the WGE Act to require public sector organisations to report to the WGEA on gender equality initiatives.</p>	<p><b>Fully funded, work underway</b></p> <p>As part of the <a href="#">2021-22 Women’s Budget Statement</a>, the Government provided \$6.0 million to WGEA and the Australian Public Service Commission (APSC) to enable them to undertake technical and education work with organisations to implement this recommendation.</p>

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<p>Workplace Gender Equality Agency on its gender equality indicators</p> <p>b) fund the Workplace Gender Equality Agency adequately to meet these expanded reporting obligations.</p>	<p>The Government will consider additional funding for the WGEA to support these expanded responsibilities as part of the 2021-22 Budget process.</p>	<p>In 2021, WGEA launched a new portal with the ability to collect data from local, state and federal government agencies on a voluntary basis.</p> <p>WGEA and the APSC are currently conducting a pilot with Commonwealth and state public sector organisations to inform the implementation of this recommendation across the Commonwealth public service.</p> <p>The Government released the <a href="#">Terms of Reference</a> for the review of the <i>Workplace Gender Equality Act 2012</i> on 20 October 2021. The Department of the Prime Minister and Cabinet concluded the WGEA Review in December 2021. This fulfils the Government’s Women’s Budget Statement 2021-22 commitment. The WGEA Review Report has been provided to the Minister for Women and the Minister for Women’s Economic Security for their consideration.</p> <p>As part of National Cabinet’s work on a <i>Nationally Consistent Reporting Framework for Measuring Progress of Women’s Economic Security</i>, there was in principle agreement from the National Cabinet on 10 December 2021 to provide state and territory public sector workforce data to WGEA. This means that state and territory governments will join the Commonwealth Government’s commitment from earlier this year to provide data on six Gender Equality Indicators. This will expand the Australian workforce covered by consistent reporting on workforce gender equality approaches and outcomes, which can be used to continue to target efforts to reduce the gender pay gap.</p> <p><a href="#">The Prime Minister’s Media Statement</a> provides a summary of National Cabinet’s decisions at the 10 December 2021 meeting.</p>
<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><b>Agreed:</b> The Government will consider additional funding to promote the 1800RESPECT hotline and raise community awareness of its services as part of the 2021-22 Budget process.</p> <p>The Government will also engage with states and territories on the promotion and appropriate resourcing of 1800RESPECT.</p>	<p><b>Fully implemented</b></p> <p>Under recommendation 54 of the Respect@Work Report, \$0.5 million was committed in the 2021-22 Budget to promote <a href="#">1800RESPECT</a>, the national counselling and support service for people affected by domestic, family and sexual violence, with a focus on sexual violence including workplace sexual harassment.</p> <p>On 24 January 2022, after an extensive procurement process, Telstra Health were <a href="#">announced</a> as the successful provider to deliver 1800RESPECT.</p> <p>Telstra Health with DVConnect, a current 1800RESPECT subcontractor, will now engage with other existing counselling services and specialist organisations to transition the service from the incumbent provider Medibank Health Solutions.</p> <p>From 1 July 2022, Telstra Health with other specialist organisations will provide an expanded, high-quality, accessible and inclusive service to people affected by family, domestic and sexual violence including workplace sexual harassment.</p>



COMMONWEALTH GOVERNMENT – RESPECT@WORK COUNCIL

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<p><b>Recommendation 2</b></p> <p>The Australian Human Rights Commission conduct a nationally representative survey every four years, funded by the Australian Government, that:</p> <p>a) provides data on sexual harassment, including the prevalence, nature, reporting, impacts of and responses to sexual harassment in the workplace, and identifies trends over time</p> <p>b) provides detailed industry data which allows analysis across and within industries</p> <p>c) is accessible and adequately captures experiences of sexual harassment across all population groups, including people of culturally and linguistically diverse backgrounds.</p>	<p><b>Agreed:</b> Funding has been provided through the 2020 WESS for the AHRC to conduct this survey in 2022.</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has provided \$467,033 for the Australian Human Rights Commission to undertake the next four-yearly survey in 2022.</p> <p>The AHRC has developed a project plan and is undertaking a procurement process through AusTender to identify a suitable provider to undertake the survey.</p> <p>This project has an anticipated completion date in August 2022 as recommended in the Report.</p> <p>The AHRC provided an update to the Council on this recommendation at the 19 November 2021 meeting.</p>
<p><b>Recommendation 3</b></p> <p>Agencies that handle workplace sexual harassment matters work with the Workplace Sexual Harassment Council (as recommended in Recommendation 14) to:</p> <p>a) collect an agreed de-identified data set relating to workplace sexual harassment enquiries, complaints, claims and settlement outcomes to contribute to a coordinated system of annual reporting on workplace sexual harassment metrics</p> <p>b) establish formal arrangements for information sharing and data exchange on enquiries, complaints and claims relating to workplace sexual harassment matters.</p>	<p><b>Agreed:</b> The Government will ask the Council to develop an agreed data set and establish information sharing arrangements.</p> <p>The Government will consider additional funding for the Council to support the implementation of this recommendation as part of the 2021-22 Budget process.</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has provided \$166,545 in funding to the AHRC for this work.</p> <p>The AHRC has commenced work, with an information request circulated to Council member organisations the data currently collected and shared on 12 October 2021.</p> <p>The AHRC provided an update to the Council on this recommendation at the 19 November 2021 meeting.</p> <p>The Chair of the Council provided a report back to National Cabinet on the progress of this project on 10 December 2021.</p> <p>The work is expected to be completed by August 2022.</p>
<p><b>Recommendation 4</b></p> <p>The Australian Government support the development and implementation of a National Sexual Harassment Research Agenda, which will identify priorities for research relating to sexual</p>	<p><b>Agreed:</b> The Government will engage with states and territories on the development and implementation of a National</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has provided \$1 million to ANROWS to deliver a series of research projects into sexual harassment.</p>

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<p>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>Sexual Harassment Research Agenda.</p> <p>The Government will also consider funding for research related to sexual harassment as part of the 2021-22 Budget process.</p>	<p>ANROWS established a sexual harassment research program, and launched the grant round on 6 September 2021. The grant round was open until 11 October 2021. Grant applications were assessed in November 2021 to evaluate the research proposals and recommend projects for funding.</p> <p>It is anticipated that research projects will be announced and commence in early 2022.</p>
<p><b>Recommendation 9</b></p> <p>Educational resources for young people of working age on workplace rights be identified, adapted to ensure relevance to workplace sexual harassment and promoted by the Australian Human Rights Commission and Fair Work Ombudsman for use in schools, tertiary education institutions and other settings that reach young people.</p>	<p><b>Agreed:</b> The Government provided funding through the 2020 WESS for these educational resources to be developed.</p> <p>The Government will also ask the AHRC and FWO to promote these resources.</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has provided \$304,856 in funding to the AHRC to develop education and training for a range of critical groups across the economy.</p> <p>The AHRC has prepared draft training and education materials and incorporated feedback from the Attorney-General’s Department. The materials are expected to be delivered by April 2022. The AHRC will customise the materials for the regulators, judiciary, young people and other workers.</p> <p>The AHRC provided an update to the Council on this recommendation at the 19 November 2021 meeting.</p>
<p><b>Recommendation 11</b></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> <p><b>Recommendation 12</b></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>	<p><b>Agreed:</b> The Government will continue to engage with educational institutions, and with the states and territories on vocational education and training (VET) through the Skills Reform agenda, to strengthen supports for staff and students.</p> <p><b>Agreed:</b> The Government will engage with the states and territories and education providers to support the implementation of this recommendation.</p>	<p><b>Work underway</b></p> <p>The Department of Education, Skills and Employment is working with the Australian Human Rights Commission to determine how they can partner to deliver this training to the vocational education and training (VET) and higher education sectors.</p> <p>This work will leverage the training and educational materials that the Australian Human Rights Commission is currently developing (recommendations 9, 34, 36, 37 and 40). The Department of Education, Skills and Employment will determine how best to deliver this training and educational material when the final materials are available in April 2022.</p> <p>The Minister for Employment, Workforce, Skills and Small and Family Business, the Hon Stuart Robert MP, has written on behalf of Skills Ministers to the VET regulators, the Australian Skills Quality Authority, the Victorian Qualifications and Registration Authority and the Western Australian Training Accreditation Council, requesting assistance in implementing these recommendations. This will include supporting registered training organisations (RTOs), particularly smaller providers, to access resources and good practice models to support students and staff to be educated regarding sexual assault and sexual harassment prevention and response.</p> <p>Revising the Standards for Registered Training Organisations 2015 is also underway as part of the Skills Reform agenda. The Standards are anticipated to be released in mid-2022 and in use across the VET sector from January 2023.</p>

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
<p><b>Recommendation 13</b></p> <p>The Workplace Sexual Harassment Council (as recommended in Recommendation 14) work with the Australian Communications and Media Authority, the Australian Press Council and Our Watch to promote and support best practice reporting on sexual harassment by the media, including through:</p> <ul style="list-style-type: none"> <li>a) guidelines that promote the safe, responsible, victim-centred and gender-responsive reporting of sexual harassment</li> <li>b) practical measures that build the knowledge, skills and capacity of media professionals to implement best practice reporting on sexual harassment.</li> </ul>	<p><b>Agreed:</b> The Government will ask the Council to engage with ACMA, the APC, and Our Watch, to develop and distribute clear guidelines to promote and support best practice reporting on sexual harassment by the media.</p> <p>The Government will consider additional funding for the Council to support development of these guidelines as part of the 2021-22 Budget process.</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has provided \$700,000 in funding to Our Watch to deliver this recommendation through an expansion of its National Media Engagement initiative, which promotes responsible and ethical reporting of violence against women.</p> <p>This will include updating the Media Making Change website (including guidance material on reporting sexual harassment), mentoring and upskilling journalists through a fellowship program and driving increased engagement with the Media Making Change website</p> <p>The Our Watch CEO consulted the Respect@Work Council on 17 September 2021 on their preparations to develop guidelines, training and tools for the media to promote and support best practice reporting on sexual harassment.</p> <p>The Department of Social Services will work closely with Our Watch over the next three years on delivery of the activity.</p>
<p><b>Recommendation 24</b></p> <p>The Australian Government conduct further research on damages in sexual harassment matters and whether this reflects contemporary understandings of the nature, drivers, harms and impacts of sexual harassment. This research should inform judicial education and training.</p>	<p><b>Agreed:</b> The Government will ensure that research will be undertaken on trends in the nature, type and quantity of damages awarded in sexual harassment matters, in consultation with the Council.</p>	<p><b>Fully funded, work underway</b></p> <p>The Attorney-General’s Department has selected a team of academics to conduct research on damages (and costs) in sexual harassment matters as recommended in the Respect@Work Report.</p> <p>The team from the Australian National University led by Emerita Professor Margaret Thornton FASSA, FAAL, has delivered a progress report and is scheduled to deliver its final research in March 2022.</p> <p>The team from the Australian National University consulted the Council at the 19 November 2021 meeting, and have invited relevant Council members to participate in qualitative interviews.</p>
<p><b>Recommendation 32</b></p> <p>Additional guidance material for all employers relating to unfair dismissal, which includes dismissal relating to sexual harassment, be developed by the Fair Work Commission in consultation with the Workplace Sexual Harassment Council.</p>	<p><b>Agreed:</b> The Government will ask the Fair Work Commission to update existing guidance for all employers on unfair dismissal, including dismissal relating to sexual harassment, noting that the Fair Work Commission is an independent agency, so implementation of this recommendation is subject to the Fair Work Commission’s agreement.</p>	<p><b>Work underway</b></p> <p>The Fair Work Commission has undertaken a review of its website material relating to unfair dismissal and has made updates to guidance material relating to the definition of serious misconduct and valid reasons for dismissal, as a result of the amendments contained in the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i> and <i>Fair Work Amendment (Respect at Work) Regulations 2021</i>.</p> <p>The Fair Work Commission is also currently reviewing and updating information contained within its unfair dismissal guides and its unfair dismissal bench book as a result of the amendments.</p> <p>On 11 November 2021, the Fair Work Commission published an <a href="#">orders to stop sexual harassment benchbook</a>.</p>

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
<p><b>Recommendation 34</b></p> <p>The Fair Work Ombudsman and Fair Work Commission, with guidance from the Workplace Sexual Harassment Council, ensure that their staff undertake training and education on the nature, drivers and impacts of sexual harassment to inform their work. Statutory office holders in these jurisdictions should also be supported and encouraged to undertake this training and education.</p> <p><b>Recommendation 36</b></p> <p>Safe Work Australia and WHS regulators, with guidance from the Workplace Sexual Harassment Council, undertake training and education on the nature, drivers and impacts of sexual harassment to inform their work.</p> <p><b>Recommendation 37</b></p> <p>Workers' compensation bodies, with guidance from the Workplace Sexual Harassment Council, undertake training and education on the nature, drivers and impacts of sexual harassment to inform their work.</p>	<p><b>Agreed:</b> The Government provided funding through the 2020 WESS for the Australian Human Rights Commission training to be developed and delivered.</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has provided \$304,856 in funding to the AHRC to develop education and training for a range of critical groups across the economy. This includes educational resources for the Fair Work Commission, Fair Work Ombudsman, <u>Work Health and Safety (WHS) regulators and workers compensation bodies</u>.</p> <p>The AHRC has developed draft training and education materials and is incorporating feedback from the Attorney-General's Department. The materials are expected to be delivered by April 2022. The AHRC will customise the materials for regulators, judiciary, young people and other workers.</p> <p>The Fair Work Ombudsman will deliver this training to all staff across the agency once it has been released. In the meantime, the Fair Work Ombudsman is reviewing current internal policies and training for staff relating to sexual harassment in the workplace.</p> <p>In November 2021, all Members of the Fair Work Commission undertook workshop-based training on the nature, drivers and impacts of sexual harassment. Members are also undertaking online training modules developed by the AHRC on the nature, drivers and impacts of sexual harassment. Staff of the Fair Work Commission are currently undertaking mandatory online training on sexual harassment.</p> <p>On 18 August 2021 Comcare hosted the 'Building a culture of respect: Workplace sexual harassment – never part of the job' webinar, discussing the nature, drivers and impacts of sexual harassment in the workplace, as well as the rights and responsibilities of workers and employers. This webinar is available <u>online</u>.</p> <p>On 12 October 2021 Comcare hosted the 'Managing psychosocial hazards and risks' webinar, including practical, solutions-based content. This webinar is available <u>online</u>.</p> <p>On 11 and 12 November 2021, Comcare convened the <u>Workplace Sexual Harassment National Forum</u> via an online platform for jurisdictional WHS inspectors. The Forum sought to ensure WHS inspectors are equipped to assist businesses and workers to understand their responsibilities in relation to sexual harassment under WHS laws. The Government has already provided \$1.7 million of funding over two years for the Comcare Forum.</p>
<p><b>Recommendation 38</b></p> <p>The Australian Human Rights Commission, in conjunction with the Workplace Sexual Harassment Council, develop a practice note or guideline that identifies best practice principles for the use of NDAs in workplace sexual harassment matters to inform the development of regulation on NDAs.</p>	<p><b>Agreed:</b> The Government will ask the Council to develop a practice note that identifies best practice principles for the use of NDAs in workplace sexual harassment matters.</p>	<p><b>Fully funded, work underway</b></p> <p>Attorney-General's Department with the support of the Fair Work Commission, and in consultation with the Respect@Work Council, developed draft guidance materials with best practice principles for the use of non-disclosure agreements in sexual harassment matters.</p> <p>The Attorney-General's Department has consulted stakeholders including business representatives, lawyers, academics and unions to inform the development of the guidance materials.</p>

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
		<p>The Attorney-General's Department consulted the Council at the 17 September 2021 meeting on the development of the materials, and will consult the Council again at the 18 February 2022 meeting on the draft materials.</p> <p>It is anticipated that the materials will be released by April 2022.</p>
<p><b>Recommendation 42</b></p> <p>The Workplace Gender Equality Agency (WGEA) work with the Workplace Sexual Harassment Council to consider how good practice indicators for measuring and monitoring sexual harassment prevalence, prevention and response may apply to reporting in relation to sexual harassment under the <i>Workplace Gender Equality Act 2012</i>.</p>	<p><b>Agreed:</b> The Government will ask the Council to work with the WGEA to consider how good practice indicators for measuring and monitoring sexual harassment, prevalence, prevention and response may apply to reporting under the <i>Workplace Gender Equality Act 2012</i>.</p>	<p><b>Work underway</b></p> <p>WGEA provided an update to the Respect@Work Council at the 16 July 2021 meeting.</p> <p>As part of the development of best practice indicators (Recommendation 46), the Attorney-General's Department will consider the merits of reporting on these measures to WGEA, and will work with the Department of the Prime Minister and Cabinet to consider this question as part of the review of the Workplace Gender Equality Act.</p> <p>The Department of the Prime Minister and Cabinet concluded the WGEA Review in December 2021. This fulfils the Government's <a href="#">Women's Budget Statement 2021-22</a> commitment. The WGEA Review Report has been provided to the Minister for Women and the Minister for Women's Economic Security for their consideration.</p>
<p><b>Recommendation 46</b></p> <p>The Australian Human Rights Commission in consultation with the Workplace Sexual Harassment Council develop a set of good practice indicators and methods for measuring and monitoring sexual harassment prevalence, prevention and response.</p>	<p><b>Agreed:</b> The Government will ask the Council to lead the development of indicators and methods for measuring and monitoring sexual harassment prevalence, prevention and response.</p>	<p><b>Fully funded, work underway</b></p> <p>The Australian Government provided funding to the Attorney-General's Department in the 2021-22 Budget to progress this project.</p> <p>The Attorney-General's Department is liaising with the Workplace Gender Equality Agency and the Australian Human Rights Commission to develop an initial set of indicators for the Council's consideration. These indicators will be focussed on organisational culture and preventing sexual harassment and draw on existing products and guidance. The agreed indicators will then form the centrepiece of subsequent guidance material for business produced under the project.</p>
<p><b>Recommendation 48</b></p> <p>To support all workplaces to address sexual harassment, the Workplace Sexual Harassment Council will lead a new collaboration by unions, employers and employer associations called Respect@Work, which will deliver information, education and resources for workers and employers through an online platform.</p>	<p><b>Agreed:</b> The Government provided funding through the 2020 WESS to establish the Respect@Work online platform.</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has provided \$265,510 in funding to the AHRC to develop the Respect@Work Website.</p> <p>The AHRC has engaged a project officer to lead this work, and held five consultation sessions with the Respect@Work Council, industry and employer groups, union and advocacy organisations, government and legal, academic and policy experts for the purpose of identify key resources and gaps in the existing resources. The AHRC has completed a procurement process through AusTender to identify a suitable developer to build the portal. The AHRC has also developed branding including a logo and style guide for the portal.</p>

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
		<p>The AHRC provided an update to the Council on this recommendation at the 19 November 2021 meeting.</p> <p>The Respect@Work Website is expected to be launched in April 2022.</p>
<p><b>Recommendation 50</b></p> <p>The Commission be promoted as the central contact point for information on workplace sexual harassment rights and responsibilities, including information about options for action and referral to alternative regulatory schemes, and referral to a range of victim support services.</p>	<p><b>Agreed-in-Principle:</b> The Government agrees that one agency should be promoted as the central contact point for workers and employers, but will ask the Council to identify the appropriate agency to take on this role over the long-term.</p>	<p><b>Fully funded, work underway</b></p> <p>The Respect@Work Council has committed to identifying an appropriate central contact point following the release of guidance material (Recommendations 51 and 52).</p>
<p><b>Recommendation 51</b></p> <p>Hotlines and similar services provided by other agencies and regulatory bodies under the Australian Human Rights Commission’s proposed new regulatory model (see Section 5) provide information and referral services in relation to workplace sexual harassment in a gender responsive manner, including:</p> <ul style="list-style-type: none"> <li>a) detailed information about workplace sexual harassment under their regulatory schemes</li> <li>b) information about options for action and referral to alternative regulatory schemes</li> <li>c) referral to a range of victim support services</li> </ul>	<p><b>Agreed:</b> The Government will ask the Council to produce and develop guidance materials for frontline service providers to ensure they can provide clear information on different regulatory schemes and appropriate referral pathways.</p> <p>The Government will consider additional funding for the Council to develop these guidance materials as part of the 2021-22 Budget process.</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has provided \$166,545 in funding to the AHRC to develop guidelines and resources with a view to standardising, clarifying and enhancing the information and referral services provided to workers affected by sexual harassment in consultation with the Respect@Work Council.</p> <p>The AHRC will consult the Respect@Work Council on this work at the 18 February 2022 meeting. This work is expected to be completed in August 2022.</p>
<p><b>Recommendation 52</b></p> <p>The Workplace Sexual Harassment Council:</p> <ul style="list-style-type: none"> <li>a) provide high-level advice on development of guidelines and resources to ensure that all services providing information, advice and support in relation to sexual harassment can provide accurate information, make appropriate cross-referrals, and collect consistent data</li> <li>b) after three years, consider the need for a centralised, accessible service to provide</li> </ul>	<p><b>Agreed:</b> The Government will ask the Council to promote a joined-up approach and ensure that people seeking advice and support relating to sexual harassment are referred to the appropriate service(s) (legal and/or health) regardless of the service they first approach.</p> <p>The Government will consider additional funding for the Council</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has provided \$166,545 in funding to the AHRC to develop guidelines.</p> <p>The AHRC will consult the Respect@Work Council on this work at the 18 February 2022 meeting. This work is expected to be completed in August 2022.</p>

**OFFICIAL**

<b>RESPECT@WORK REPORT RECOMMENDATION</b>	<b>GOVERNMENT RESPONSE</b>	<b>STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)</b>
information and advice in relation to workplace sexual harassment.	to support this function as part of the 2021-22 Budget process.	

## JOINT ACTION WITH STATES AND TERRITORIES

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
<p><b>Recommendation 1</b></p> <p>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><b>Agreed:</b> The Government will engage with state and territory Governments to implement this Report and consider joint funding arrangements.</p>	<p><b>Fully implemented</b></p> <p>At the National Cabinet meeting on 9 April 2021, states and territories agreed to respond to the Respect@Work Report by 30 June 2021, and have now done so. <a href="#">The Prime Minister's Media Statement</a> provides a summary of National Cabinet's decisions at its meeting on 9 April 2021.</p> <p>Discussions continue at officials' levels and at a Ministerial level, such as through meetings of National Cabinet, the Attorneys-General and the Women's Safety Taskforce.</p>
<p><b>Recommendation 5</b></p> <p>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><b>Agreed:</b> The Government will consider this recommendation, with state and territory Governments, in the development of the next National Plan (noting that addressing sexual violence and sexual harassment is already identified as a national priority under the current National Plan).</p>	<p><b>Work underway</b></p> <p>Women's Safety Taskforce Ministers have agreed that addressing sexual violence and sexual harassment must be a focus in the next National Plan to End Violence against Women and Children. Addressing sexual harassment and sexual violence was a theme at the <a href="#">National Summit on Women's Safety</a> on 6 and 7 September 2021.</p> <p>The next National Plan has been released for consultation on <a href="#">DSS Engage</a> ahead of implementation by jurisdictions.</p>
<p><b>Recommendation 6</b></p> <p>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><b>Agreed:</b> The Government will consider, with state and territory governments, the development of specific gender equality strategies.</p>	<p><b>Work underway</b></p> <p>Addressing sexual harassment and sexual violence was a theme at the <a href="#">National Summit on Women's Safety</a> on 6 and 7 September 2021, with a dedicated roundtable and panel. The Summit was attended by around 400 participants.</p> <p>The federal Government has a number of targeted strategies that support gender equality focused on <a href="#">women's safety, economic security and leadership</a>.</p> <p>The Australian Government also led discussions at National Cabinet to develop a Nationally Consistent Reporting Framework for Measuring Progress of Women's Economic Security with the states and territories in the first half of 2022. <a href="#">The Prime Minister's Media Statement</a> provides a summary of National Cabinet's discussions at this meeting.</p> <p>The next National Plan to End Violence Against Women and Children 2022-2032 has been released on <a href="#">DSS Engage</a> for consultation ahead of implementation by jurisdictions.</p>
<p><b>Recommendation 7</b></p> <p>All Australian governments have strategies for the prevention of violence against women that are based on Change the Story, recognise that sexual</p>	<p><b>Agreed:</b> The Government will work with state and territory Governments to ensure the next National Plan is informed by</p>	<p><b>Work underway</b></p> <p>Addressing sexual harassment and sexual violence was a theme at the <a href="#">National Summit on Women's Safety</a> on 6 and 7 September 2021, with a dedicated roundtable and panel.</p>



RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
<p>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>Change the Story. It will also encourage other governments to ensure that their strategies for preventing violence against women is informed by Change the Story.</p>	<p>The federal Government has a number of targeted strategies that support gender equality focused on <u>women’s safety, economic security and leadership</u>.</p> <p>The Australian Government also led discussions at National Cabinet to develop a Nationally Consistent Reporting Framework for Measuring Progress of Women’s Economic Security with the states and territories in the first half of 2022. <u>The Prime Minister’s Media Statement</u> provides a summary of National Cabinet’s discussions at this meeting.</p> <p>The next National Plan to End Violence Against Women and Children 2022-2032 has been released for consultation on <u>DSS Engage</u> ahead of implementation by jurisdictions.</p>
<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> <p>a) social change strategies on sexual harassment, including a national campaign to increase knowledge of, and change behaviours that drive, sexual harassment</p> <p>b) targeted, evidence-based prevention strategies to address sexual harassment of populations who are at higher risk</p> <p>c) initiatives targeted towards young people that focus on sexual harassment as a form of gender-based violence.</p>	<p><b>Agreed:</b> The Government will engage with states and territories on the provision of additional funding to Our Watch to lead the development of evidence-based strategies for preventing sexual harassment.</p>	<p><b>Fully funded, work underway</b></p> <p>The Department of Social Services has finalised grant arrangements to provide \$3 million to Our Watch to develop and deliver primary prevention initiatives into sexual harassment.</p> <p>The Department of Social Services will work closely with Our Watch over the next three years on delivery of the activity.</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><b>Agreed:</b> The Government is developing age-appropriate education resources and will engage with state and territory Governments on their use in government and non-government schools.</p>	<p><b>Fully funded, work underway</b></p> <p>On 14 April 2021, the Government launched new online resources through the <u>Respect Matters Program</u> to help school students learn about safe, healthy and respectful relationships, including issues around consent and peer pressure.</p> <p>The Department of Education Skills and Employment is engaging with experts to provide ongoing advice on existing and future program resources to ensure they are fit for purpose and meet community expectations. A reference panel has also been established to provide advice. The panel includes experts from the fields of family and gender-based violence, education and school leadership as well as representatives from community organisations and youth. A national stocktake and gap analysis project of respectful relationship education material and resources will also guide the</p>

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
		development of new material and ensure any future Commonwealth action complements activities underway in states and territories.
<p><b>Recommendation 26</b></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>	<p><b>Agreed:</b> The Government agrees that consistency in human rights and anti-discrimination legislation across the state and territory jurisdictions would improve the clarity of the applicable legal systems for employers, workers and regulators. To progress this reform proposal, the Government will facilitate a discussion with the state and territory governments and provide support, where necessary and appropriate, to implement legislative reform.</p>	<p><b>Fully funded, work underway</b></p> <p>The Government has begun engaging with state and territory governments on the implementation of this recommendation, and some states are already considering reforms to their sexual harassment laws (often as part of broader reviews), including WA, Qld and ACT.</p> <p>On 12 November 2021, the Meeting of Attorneys-General (MAG) agreed on the areas of focus for potential legislative alignment of anti-discrimination law across jurisdictions, noting that any changes to legislation will be a matter for individual jurisdictions to determine. Jurisdictions will report back in mid-2022 on proposed next steps. <a href="#">The communique</a> provides a summary of the MAG’s decisions at its meeting on 12 November 2021.</p>
<p><b>Recommendation 35</b></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>	<p><b>Agreed:</b> The Government notes that SWA has already taken steps to support businesses and workers to understand their rights and obligations by developing and publishing its national guidance material on preventing workplace sexual harassment under the model WHS laws.</p> <p>The Government will continue to support this work through the WHS ministers’ meetings and other forums with the states and territories.</p>	<p><b>Fully implemented</b></p> <p>WHS Ministers agreed to amend the model Work, Health and Safety Regulations to deal with psychosocial risks, including sexual harassment, as recommended by the Boland Review at the Meeting of WHS Ministers on 20 May 2021. This is currently being progressed by jurisdictions through Safe Work Australia. <a href="#">The communique</a> provides a summary of WHS Ministers’ decisions at the 20 May 2021 meeting.</p> <p>A model code of practice is also being developed by Safe Work Australia to cover psychosocial hazards, including sexual harassment. Safe Work Australia provided an update on the progress of this work to Work Health and Safety Ministers in December 2021.</p> <p>This is in addition to the national guidance material already released in January 2021 by Safe Work Australia on ‘Preventing workplace sexual harassment’.</p> <p>In the Commonwealth jurisdiction, Comcare has published guidance for employers, managers, supervisors and workers on meeting WHS responsibilities in relation to sexual harassment. This guidance material is available <a href="#">online</a>.</p>
<p><b>Recommendation 39</b></p> <p>The Council of Attorneys-General consider how best to protect alleged victims of sexual harassment who</p>	<p><b>Agreed:</b> The Government will continue to engage with state and territory governments to ensure alleged victims of sexual</p>	<p><b>Fully funded, work underway</b></p> <p>At the Meeting of Attorneys-General (MAG) on 9 June 2021, jurisdictions agreed to establish a Working Group (chaired by the Commonwealth) to recommend options for reform to a special MAG to be held</p>

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
<p>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.</p> <p>Consideration should also be given to additional witness safeguards and protections including:</p> <ul style="list-style-type: none"> <li>a) having the proceedings conducted in a closed courtroom</li> <li>b) giving evidence from a remote room</li> <li>c) having their evidence in chief be audio-visually recorded prior to the hearing</li> <li>d) having an audio-visual recording of their evidence during the hearing be re-used in any subsequent proceedings</li> <li>e) being protected from direct cross-examination by a self-represented party</li> <li>f) having a support person present while giving evidence.</li> </ul>	<p>harassment are properly protected in civil proceedings, noting defamation laws are a matter for states and territories.</p>	<p>before November 2021. The Working Group met on 13 September and 30 September 2021. <a href="#">The communique</a> provides a summary of the MAG’s decisions at its meeting on 9 June 2021.</p> <p>On 12 November 2021, MAG agreed that jurisdictions will assess the extent to which existing protections for vulnerable witnesses under current laws extend to victims of sexual harassment in civil proceedings. Jurisdictions will report back to MAG before the end of 2022.</p> <p>MAG also noted that the Working Group will continue to meet to share progress, analysis and findings on protections for alleged victims of sexual harassment who are witnesses in civil proceedings.</p>
<p><b>Recommendation 40</b></p> <p>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</li> </ul>	<p><b>Agreed:</b> The Government provided funding through the 2020 WESS for this training to be developed and delivered.</p>	<p><b>Fully funded, work underway</b></p> <p>At the 9 June MAG meeting, all Australian jurisdictions noted that the AHRC is developing resources for judicial officers, and it agreed to promote these resources once they are developed and share other resources available in each jurisdiction (noting uptake is a matter for individual courts).</p> <p>The Government has provided \$304,856 in funding to the AHRC to develop education and training for a range of critical groups across the economy.</p> <p>The AHRC has provided draft products and will begin user testing shortly. The products are expected to be delivered by April 2022.</p>

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
of sexual harassment to undertake this education and training.		
<p><b>Recommendation 49</b></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>	<p><b>Agreed:</b> The Government will engage with state and territory governments on funding for Working Women’s Centres.</p>	<p><b>Work underway</b></p> <p>This recommendation is directed to the Commonwealth and state and territory governments. Recommendation 49 was discussed at the MAG meeting on 9 June 2021.</p> <p>The Commonwealth has since provided \$200,000 in interim funding in the 2021-22 Budget to continue the delivery of support for women on work related matters, including workplace sexual harassment, while consultation on recommendation 49 takes place. This funding has been provided to working women’s centres in Queensland and the Northern Territory.</p> <p>The Government is providing a further \$350,000 in 2021-22 to support the continued operation of the Queensland and Northern Territory working women’s centres, bringing the total commitment in 2021-22 to \$550,000. This interim funding is provided while we consider future funding arrangements.</p>
<p><b>Recommendation 53</b></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>	<p><b>Agreed:</b> The Government will provide additional funding through the 2021-22 Budget process to increase access to specialised legal advice on employment and discrimination law matters.</p>	<p><b>Fully funded, work underway</b></p> <p>The Australian Government provided \$43.9 million over four years in the 2021-22 Budget for additional legal assistance for specialist lawyers with workplace and discrimination law expertise. Consistent with recommendation 53, the Commonwealth required this funding to be directed to community legal centres, legal aid commissions and Aboriginal and Torres Strait Islander Legal Services.</p> <p>This funding is being provided through the National Legal Assistance Partnership 2020-25.</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><b>Agreed:</b> The Government will engage with state and territory governments to develop joint funding arrangements.</p>	<p><b>Fully funded, work underway</b></p> <p>In the 2021-22 Budget, the Australian Government invested a record \$2.3 billion in the National Mental Health and Suicide Prevention Plan to lead landmark reform. This includes funding for phone, web-based, and face-to-face services and treatment options designed to respond to a range of needs to ensure people can access the right care at the right time, and significant ongoing investment in digital mental health services and helplines.</p> <p>As part of the reforms, the Australian Government is in negotiations with states and territories to finalise the National Mental Health and Suicide Prevention Agreement. The Agreement aims to achieve systemic, whole-of-government reform to deliver a comprehensive, coordinated, consumer-focused mental health and suicide prevention system with joint accountability and clear funding arrangements across all governments.</p> <p>The Australian Government has also invested in the <u>National Workplace Initiative</u> (NWI) being led by the National Mental Health Commission, with support from the Mentally Healthy Workplace Alliance. The NWI aims to provide a nationally consistent approach to workplace mental health. The NWI’s</p>

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RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS OF COMMONWEALTH ACTION (as at 14 February 2022)
		<p><u>Blueprint for Mentally Healthy Workplaces</u> highlights protecting mental health at work as one of the key pillars of a mentally healthy workplace. This includes highlighting the need for pro-active and systematic actions to reducing sexual harassment in the workplace.</p> <p>The NWI's digital portal will connect people to best-practice information about identifying and managing risks to mental health in the workplace, including sexual harassment. This will include a high-level overview about sexual harassment in the workplace and links to information from the Human Rights Commission and local Work Health and Safety regulators.</p>

**PRIVATE SECTOR – NO COMMONWEALTH GOVERNMENT ACTION REQUIRED**

RESPECT@WORK REPORT RECOMMENDATION	GOVERNMENT RESPONSE	STATUS (as at 14 February 2022)
<p><b>Recommendation 41</b></p> <p>The Australian Institute of Company Directors and the Governance Institute of Australia, in consultation with the Workplace Sexual Harassment Council, develop education and training for board members and company officers on good governance in relation to gender equality and sexual harassment.</p>	<p><b>Noted:</b> The Government welcomes any initiatives to support the prevention of sexual harassment across the private sector and strongly encourages the sector to engage with the Council.</p>	<p><b>For the private sector to implement. The Government understands there has been progress on implementing this recommendation.</b></p> <p>The Attorney-General wrote to the Australian Institute of Company Directors (AICD) and Governance Institute of Australia (GIA) on 25 June 2021 on their implementation of Recommendation 41.</p> <p>The Australian Institute of Company Directors (AICD) has developed and released resources to help boards deal with workplace sexual harassment.</p> <p>The AICD has also released a report outlining a practical roadmap of board level and legal considerations for effectively responding to workplace sexual harassment. The AICD ran a complementary webinar exploring these practical measures and legal considerations on 31 August 2021.</p>
<p><b>Recommendation 44</b></p> <p>The ASX Corporate Governance Council introduce sexual harassment indicators for ASX listed entities to report against, under its Corporate Governance Principles and Recommendations. This could include:</p> <p>a) specific mention of sexual harassment in guidance on company codes of conduct (ASX recommendation 3.2)</p> <p>b) information about measures taken to address sexual harassment, as part of its requirements that listed entities have and disclose a diversity policy and set measurable objectives to achieve gender diversity (ASX recommendation 1.5).</p>	<p><b>Noted:</b> The Government welcomes any initiatives to support the prevention of sexual harassment across the private sector and strongly encourages the sector to engage with the Council.</p>	<p><b>For the private sector to implement. The Government understands there has been progress on implementing this recommendation.</b></p> <p>The Attorney-General wrote to the ASX Corporate Governance Council on 25 June 2021 to request information on their implementation of Recommendation 44.</p> <p>On 13 January 2021, the Chair of the Respect@Work Council (Sex Discrimination Commissioner Kate Jenkins) wrote to the Chair of the ASX Corporate Governance Council seeking an update on actions to implement Recommendation 44 of the Respect@Work Report</p> <p>The Treasury has advised that the ASX Corporate Governance Council’s updated Corporate Governance Principles commenced on 1 January 2020. The ASX Corporate Governance Council generally updates the Corporate Governance Principles every three to four years.</p>
<p><b>Recommendation 45</b></p> <p>Industry educational bodies, in consultation with the Workplace Sexual Harassment Council, develop accredited education and training for individuals in roles that are responsible for advising employers on addressing workplace sexual harassment. The training should aim to:</p> <p>a) build skills and capacity on how to prevent and respond to workplace sexual harassment</p>	<p><b>Noted:</b> The Government welcomes any initiatives to support the prevention of sexual harassment across the private sector and strongly encourages the sector to engage with the Council.</p>	<p><b>For the private sector to implement. The Government understands there has been progress on implementing this recommendation.</b></p> <p>The Australian HR Institute (AHRI) has reached out to the AHRC and the Respect@Work Council Secretariat, and expressed interest in engaging with the Respect@Work Council to discuss the implementation of Recommendation 45.</p> <p>The Respect@Work Council Secretariat has engaged with the AHRI and has invited them to provide an update to the Council on AHRI’s potential role in developing educational materials for human resource communities.</p>

<p>b) be trauma-informed c) include content on the nature, drivers and impacts of sexual harassment.</p>		<p>AHRI will consult with the Council on this recommendation at the 18 February 2022 meeting.</p>
<p><b>Recommendation 47</b> Key industry and professional groups (unions, employer associations, employers and other industry bodies) collaborate to establish industry and profession-wide initiatives to address sexual harassment, for Australian workplaces of all sizes. Initiatives may include industry-wide prevalence surveys, awareness-raising campaigns on industry-specific issues, or the development of industry-specific policies or accreditation requirements.</p>	<p><b>Noted:</b> The Government welcomes any initiatives to support the prevention of sexual harassment across the private sector and strongly encourages the sector to engage with the Council.</p>	<p><b>For the private sector to implement. The Government understands there has been progress on implementing this recommendation.</b> A range of industry and professional groups are undertaking industry-wide initiatives to address sexual harassment. For instance, the Minerals Council of Australia released an Industry Code on Eliminating Sexual Harassment on 7 July 2021. In addition, on 13 December 2021 the Minerals Council of Australia released its Respect@Work industry toolkit, which builds on its commitment to eliminate sexual harassment. The Law Council of Australia released its National Action Plan to Reduce Sexual Harassment in the Legal Profession on 23 December 2020. On 23 December 2021, the Law Council of Australia released a National Model Framework to guide the development and implementation of effective workplace policies. Science in Australia Gender Equity is collaborating with the Sex Discrimination Commissioner to convene National Key Leaders’ Roundtables on Sexual Harassment and incorporate Respect@Work recommendations into accreditation pathways. The Shop Distributive and Allied Employees Association (SDA) has partnered with the Australian Human Rights Commission to tackle sexual harassment experienced by retail and fast food workers. In October 2019, the SDA launched the ‘No One Deserves a Serve’ campaign focusing on workplace safety. The Chair of the Respect@Work Council will write to industries with high levels of sexual harassment and broad representation of the community to invite them to participate in a select industry forum and to seek an update on their implementation of the Respect@Work Report, including Recommendation 47.</p>