

Monday 19 July 2021

Morrison must adopt all Respect@Work recommendations

The ACTU will appear at the Senate inquiry into the Morrison Government's proposed changes to the Fair Work and Sex Discrimination Acts in response to the Respect@Work report. They call on the Prime Minister to act on all 55 recommendations rather than ignoring key elements of the report which would create safer workplaces for women.

The Morrison Government has so far refused to accept the following recommendations:

- Recommendation 28: a clear prohibition on sexual harassment in the Fair Work Act and a new complaints mechanism – instead the Government has proposed a 'stop sexual harassment' order that is a weaker mechanism that does not provide compensation to complainants.
- Recommendation 17 and 18: positive duties to be placed on employers to eliminate sexual harassment to be included in the Sex Discrimination Act. Women will not be safe at work if employers only react to sexual harassment and do not prevent it.
- Recommendation 19: powers for the Sex Discrimination Commissioner to initiate their own inquiries. This must be with enforcement powers to stop sexual discrimination and harassment.
- Recommendation 16a: The Sex Discrimination Act should be amended to ensure the objects include "to achieve substantive equality between women and men". The Government is currently proposing a weaker formulation.
- Recommendations 23 and 25: To promote access to justice for victims, the Parliament should amend the Australian Human Rights Commission Act to allow unions and other representative groups to bring representative claims to court; and, to limit cost orders to complainants who act without reasonable cause.

The ACTU is also calling on the Federal Government to use this opportunity to grant access to 10 days paid Family and Domestic Violence Leave for all workers through the National Employment Standards. Escaping a violent relationship takes time and money, and unions representing frontline family and domestic violence workers estimate that moving to find a new, safe place for yourself and your family costs can cost up to \$20,000 and take more than 140 hours.

Quotes attributable to ACTU President Michele O'Neil:

"Kate Jenkins handed down her Respect@Work report back in January 2020, and the Morrison Government put it in a drawer for 14 months. Without Brittany Higgins and a long list of brave women coming forward it is unlikely that the Morrison Government would have acted at all.

"Prime Minister Morrison publicly said that he would "accept" all 55 of the Respect@Work recommendations – and then quietly ignored the recommendations that are essential to prevent harassment and create safer workplaces for women.

"1 in 3 workplaces already have paid Family and Domestic Violence Leave – it's time that the Federal Government stepped in to ensure that all workers are supported if they need to flee violence.

"The Morrison Government has failed to adopt crucial recommendations for a clear prohibition on sexual harassment in the Fair Work Act and a new complaints mechanism and a positive duty on employers in the Sex Discrimination Act. These are essential to addressing the systemic issue of sexual harassment and gendered violence in the workplace.

“Under Morrison’s response to Respect@Work the responsibility remains on workers to seek help for harassment. The report makes several recommendations that should shift the obligation onto employers to remove threats to women’s safety from the workplace, but these have been ignored.”

Rape and domestic violence helplines

Sexual Assault Counselling Australia 1800 211 028

Domestic Violence Impact Line 1800 943 539

LGBTIQ+ Violence Services 1800 497 212

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