

Respect@Work legislation falls short

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Last week, we informed you ([here](#)) that our lawmakers had a crack at better addressing workplace sexual harassment as part of the Respect@Work legislation. Unfortunately, their attempts fell short as six of 12 recommendations made by Sex Discrimination Commissioner, Kate Jenkins, in her Respect@Work report were ignored. No doubt, a missed opportunity.

One of the most important recommendations was Jenkins' call to introduce a positive duty on employers to prevent sexual harassment. A positive duty would require organisations to proactively address the disadvantages and discrimination experienced by women in the workplace, including through the promotion of gender equality.

Our lawmakers say that existing WHS laws already provide a positive duty to prevent sexual harassment in the workplace. While strictly speaking true, it's about time that sexual harassment is explicitly called out as a critical issue for employers to proactively address. It shouldn't fall within the same category as a leaky pipe.

Another ignored recommendation would have allowed unions to bring claims on behalf of complainants, giving them the ability to take on the financial burden and risk that comes with litigation; burdens which are currently placed on survivors. Parliament also ignored Jenkins' recommendation that sought to give much needed enforcement powers to the Human Rights Commission.

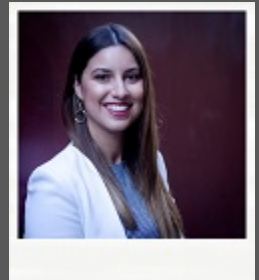
While many of Jenkins' recommendations have not outwardly been rejected by our lawmakers, they were still ignored. Jenkins has vowed "*to hold them to the commitment that the other six will get further consideration.*" We hope she does.

Questions? Give us a call.



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