



## Australian Women's Coalition Inc

ABN 62 685 681 595

Web: [www.awcaus.org.au](http://www.awcaus.org.au)

Email: [administration@awcaus.org.au](mailto:administration@awcaus.org.au)

27 October 2010

Committee Secretary  
Senate Legal and Constitutional Committee  
Parliament House  
PO Box 6100  
ACT 2600

### **AWC Submission to the Senate Inquiry on the Sex and Age Discrimination Legislation Amendment Bill 2010 [Provisions]**

The Australian Women's Coalition Inc (AWC) is pleased to be able to make some brief comments on specific aspects of the proposed amendments to the Sex and Age Discrimination Acts.

#### **Greater protection from sexual harassment for students and workers**

The AWC generally welcomes amendments to the Sex Discrimination Bill providing greater protection from sexual harassment for students and workers. In particular we welcome the amendments:

- (a) expanding the definition of sexual harassment to require that a reasonable person need only anticipate the possibility that the person harassed would be offended, humiliated, or intimidated by the conduct;
- (b) extending protections between institutions; and
- (c) extending protections to students under 16 years of age.

#### **Effective implementation of protections**

Our specific comments relate to **implementation** of the proposed amendments. In particular, we are concerned that laws extending sexual harassment protections for students and workers are only as good as their implementation within organisations and the extent to which they are well understood within the broader society. We would strongly recommend that a **public education** campaign accompany these amendments. The campaign would ideally include information about the power imbalance in harassment cases and encourage **greater support for women and girls to come forward** with their complaints. Sexual harassment is not simply about specific behaviours – it is about the power imbalance between harasser and harassed, and the implications this has for reporting of individual cases, as well as institutional change.

No occupations are immune from sexual harassment. It is well known from extensive research that reports of harassment of women are higher in fields that have traditionally excluded them, such as mining, emergency services and the armed forces. Men still retain the majority of workplace supervisory positions, and are generally the ones who decide whether or not a complaint of sexual harassment is justified. Because of this, if a woman complains about the man who harassed her, in most cases, she is the one who will be considered the problem. Even when the supervisor is female, it does not necessarily make her more sensitive to the seriousness of the problem.

The extension of protections to under 16s is a welcome move in the right direction. It goes some way to encouraging change within educational institutions where ideas about interpersonal conduct can be more effectively shaped. Again however, legislative amendments need to be **backed up by effective communication** of the changes and practical **implementation within all institutions and organisations**.

A quote received by the AWC from a recent Law Graduate, aged in her early twenties, illustrates the importance of stronger laws and effective implementation within organisations, in this case tertiary institutions:

*As a university graduate I can't fully express how important I feel education is for everyone especially in this current competitive society. An educational environment should be a place that encourages students to reach their full potential and I believe that legislation that removes the threat of sexual harassment is a necessary aspect of creating an engaging educational environment. The legislation however is wasted unless it is successfully executed and students know their rights and what is legal. They also need to know that if they do take courage to speak out about harassment made against them, that enforcement of the legislation will be effective. The impact an experience such as this can have on a student can be extremely detrimental and affect something as significant as their potential to learn and achieve – this legislation needs to be given major recognition which can only be achieved through effective provisions and enforcement.*

### **Age discrimination and the gender gap – cross-cutting issues**

The AWC welcomes the establishment of a dedicated Age Discrimination Commissioner in the Australian Human Rights Commission.

At the same time, the AWC recognises that the current dual role of the Sex Discrimination Commissioner (as Commissioner responsible for Age Discrimination) has brought with it some dedicated attention to cross-cutting issues for women across the lifespan. A recent example includes the Commission's work on the gender gap in retirement savings – a critical issue relevant for women from early socialisation, through their working lives and into retirement. The dual role has added much-needed depth to reform proposals in areas where women can be particularly disadvantaged.

We would expect that such critical, **cross-cutting issues affecting women** would **continue to receive attention** through the Office of a dedicated Age Discrimination Commissioner.

### **About the Australian Women's Coalition (AWC)**

The Australian Women's Coalition Inc (AWC) is a national collective of women's organisations working cooperatively to establish priorities for women and to increase communication between Government and the women of Australia. The AWC consists of 18 member organisations representing a broad and diverse cross-section of Australian women.

#### **AWC Member Organisations**

Aboriginal Legal Rights Movement  
Australian Bosnian Women's Cultural Association Inc  
Australian Church Women Inc  
Australian Federation of Medical Women  
Catholic Women's League Australia  
Conflict Resolving Women's Network Australia Inc  
Council on the Ageing Australia  
Girl Guides Australia Inc  
Hindu Women's Council of Australia  
Mothers Union Australia  
Muslim Women's National Network Australia Inc  
National Council of Jewish Women of Australia Ltd  
Pan Pacific and South East Asia Women's Association Australia Inc  
Soroptimist International of Australia Inc  
The Salvation Army  
VIEW Clubs of Australia  
Zonta International District 24 Inc  
Zonta International District 23 Inc

