

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600
AUSTRALIA

12 October 2022

Dear Committee Secretary,

I, Associate Professor Kantha Dayaram, welcome the opportunity to make a brief submission regarding the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022.

I am an Associate Professor of Employment Relations at Curtin University and hold a doctorate in Public Policy, and qualifications in Health and Labour Economics. I teach and research in the areas of Employment Relations and Work Health and Safety. As part of my research with Curtin University's Gender Research Network and work through Curtin University, I have undertaken research, provided executive training, given public seminars¹, and participated in symposium panels in the area of Workplace Sexual Harassment and Discrimination. I provide this submission based on some of the research findings that have emanated from my studies on the 'Prevalence and reporting of workplace sexual harassment in Australia'² and on 'Bystander intervention and training'³

Yours sincerely,
Associate Professor Kantha Dayaram

REFERENCES

1. Dayaram, K. (2022). 'Sexual Harassment in the Workplace: Prevalence, Regulations and Reporting', John Curtin Institute of Public Policy, Curtin University, 6 May 2022. <https://research.curtin.edu.au/businesslaw/our-research/centres-and-institutes/jcipp/curtin-corner/2022-presentations/>
2. Dayaram, K. (2022). Funded research project: [RES-HUM-CEA-RJ-65505]. Co-Investigator, 'Whole of State Government Strategy to Prevent and Respond to Sexual Violence', Departments of Communities and Justice, Western Australia.
3. Dayaram, K. (2022). Funded research project: [CBS_SOMM RES-66231]. Principal Investigator, 'Developing Workplace Sexual Harassment Bystander Reporting', Circle Green Community Legal Centre.
4. Guardian Online (2016). Backpackers sexually harassed and underpaid, government report finds. October 15, 2016.
5. ABC News (2021). Former FIFO worker speaks out over alleged sexual harassment as mining industry's treatment of women faces scrutiny. 7.30 / By Angelique Donnellan and Hannah Bowers.
6. The Conversation. (2022). Delay and deflect: How women gig workers respond to sexual harassment Published: July 6, 2022 5.10am AEST
7. Australian Human Rights Commission (1984). *Sex Discrimination Act 1984* (SDA). <https://humanrights.gov.au/>

8. Australasian Legal Information Institute (2018). *Ford v Ingham Enterprises Pty Ltd* [2018] FCA 794. Federal court of Australia.
9. Australasian Legal Information Institute (1958). *Crimes Act 1958*.
10. Fair Work Ombudsman (2009). *Fair Work Act 2009* (Cth). Federal Government of Australia.
11. Australian Human Rights Commission (2018). 'Everyone's Business: 2018 Sexual Harassment Survey'.
12. Australian Human Rights Commission (2020) 'Respect @Work: National Inquiry into Sexual Harassment in Australian Workplaces'.
13. Fair Work Ombudsman (2021). 'Sexual Harassment in the Workplace'. [fairwork.gov.au/](https://www.fairwork.gov.au/)
14. Australasian Legal Information Institute. (2021). *THDL* [2021] FWC 6692 (24 December 2021). Fair Work Commission
15. *Ibid*.
16. Golding, G. (2022). Major court and tribunal decision in Australia in 2021. *Journal of industrial Relations*. 64(3), pp412-425.
17. Government of Western Australia (1984). *Equal Opportunity Act 1984* (WA), Western Australia. <https://www.legislation.wa.gov.au/>
18. Government of Western Australia (2020). Department of Mines, Industry Regulation and Safety. *Work Health and Safety Act 2020* (WA). <https://www.dmirs.wa.gov.au/>
19. Australian Human Rights Commission (2020) 'Respect @Work: National Inquiry into Sexual Harassment in Australian Workplaces'.
20. Government of Western Australia (2020). Department of Mines, Industry Regulation and Safety. *Work Health and Safety Act 2020* (WA).
21. Guthrie, R., Taplin, R., & Oliver, J. (2009). Workplace harassment a health issue: anti-discrimination cases and workers' compensation claims. *International Journal of Discrimination and the Law*, 10(4), 163-190.
22. Australian Human Rights Commission (1984). *Sex Discrimination Act 1984* (SDA).
23. Eastreal, P. and Saunders, S. (2020). 'Revisiting vicarious liability in sexual harassment cases heard under the Sex Discrimination Act', *Alternative Law Journal*. 45(1), 38-44. doi/10.1177/1037969X19877736
24. Australian Human Rights Commission (1984). *Sex Discrimination Act 1984* (SDA).
25. Eastreal, P. and Saunders, S. (2020). 'Revisiting vicarious liability in sexual harassment cases heard under the Sex Discrimination Act', *Alternative Law Journal*. 45(1), 38-44. doi/10.1177/1037969X19877736
26. Government of Western Australia (2020). Department of Mines, Industry Regulation and Safety. *Work Health and Safety Act 2020* (WA). <https://www.dmirs.wa.gov.au/>
27. *Ibid* p 181.
28. The Parliament of the Commonwealth of Australia. Anti-Discrimination and Human Rights Legislation Amendment Bill (Respect at Work) 2022).
29. Workplace Express (2022) Labor introduces Respect@Work legislation. p1.
30. Government of Western Australia (2020). Department of Mines, Industry Regulation and Safety. *Work Health and Safety Act 2020* (WA).
31. Australian Human Rights Commission (2020) 'Respect @Work: National Inquiry into Sexual Harassment in Australian Workplaces'.
32. Australasian Legal Information Institute. (2022). *Australasian Meat Industry Employees Union v Dick Stone Pty Ltd* [2022] FCA 512 (6 May 2022). Federal Court of Australia.
33. International Labour Organisation. (2022). "OSH as a fundamental principle and right at work". <https://www.ilo.org/>
34. Workplace Express (2020). *Von Schoeler v Allen Taylor and Company Ltd Trading as Boral Timber* (No 2) [2020] FCAFC 13 (20 February 2020).

35. Legislative Assembly of Ontario (2016). Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016. <https://www.ola.org/>