

Media Statement

Thursday 8 April 2021

Government announcement today is a step in the right direction of a much-needed broader plan for legal reform

Zana Bytheway, CEO of employment law community legal centre JobWatch, says that the Government announcement this morning of legislative and regulatory reforms to address workplace sexual harassment is just the beginning of the changes that are required.

“The legal reform required makes this a marathon, not a sprint. We mustn’t lose momentum now. The announcements today, including that community legal centres will receive further funding for employment law matters, are welcomed and are important initiatives, however we need to invest time and energy into additional reforms,” says Ms. Bytheway.

“These include further legislative changes and actions addressing civil claims and penalties, financial reform, criminal liability, and importantly, the introduction of a national register of confidential settlements of sexual harassment claims so that perpetrators cannot simply pay their way out of taking responsibility for their actions.”

JobWatch is calling on the government to adopt the following further legislative changes and actions to better protect people at work from sexual harassment and assault:

1. The introduction of a reverse burden of proof for civil sexual harassment claims similar to that which exists in general protections under the *Fair Work Act 2009*;
2. The provision of civil penalties for both individuals and organisations that are found to have engaged in, aided or failed to address instances of sexual harassment and/or assault under the *Fair Work Act 2009* and under Commonwealth, state and territory equal opportunity and anti-discrimination acts;
3. Reform wherein those found to have engaged in the conduct cannot rely on bankruptcy, insolvency or other means to avoid paying compensation;
4. Adoption of orders similar to domestic violence orders where, if it is breached, it attracts criminal liability;
 - a. This could be facilitated under the *Fair Work Act 2009* and/or through the relevant state and territory equal opportunity and anti-discrimination acts;
 - b. Similar to domestic violence orders, regardless of which forum they are sought in, they should be recognised throughout the country;
5. Introduction of a streamlined process for the enforcement of orders relating to such claims where a perpetrator may not have been compliant through the federal, state and territory court; and
6. The introduction of a national register of confidential settlements of sexual harassment claims.

Ms Bytheway finishes “Through their announcement today, the Government has already demonstrated an appetite for the legislative reform needed for structural and societal change. Broadening this plan for reform to include JobWatch’s suggested measures will maximise protection of victim-survivors of sexual harassment, ensuring that perpetrators are held to account.”



Contact

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Available for interview

- Zana Bytheway, CEO, JobWatch

Attachments

- JobWatch logo in high-res png
- Profile photo, Zana Bytheway

About JobWatch

JobWatch is an independent, not-for-profit employment rights community legal centre supporting workers in Victoria, Queensland and Tasmania with their rights at work. We are committed to improving the lives of workers, particularly the most vulnerable and disadvantaged.

We believe in workplace justice and equity for all, and tailored legal information and support is a key component to achieving rights for workers. We provide this support to workers through our Telephone Information Service, our legal practice, our law reform work and community legal information.

For more information: www.jobwatch.org.au