

# MEDIA RELEASE

Embargoed until 8am 8 November 2023



## 3 in 5 employers are not protecting their employees from workplace sexual harassment and discrimination

A new research report by JobWatch employment rights legal centre, RMIT and the University of Wollongong, has revealed that over 3 in 5 employers are not taking internal complaints of workplace sexual harassment and discrimination seriously and are not acting to protect their employees from discrimination in the workplace.

In the report *“Overwhelmed and Frustrated: Experiences of workplace sexual harassment and discrimination; the barriers faced with the legal system”* released today, research conducted by JobWatch with callers to their free Telephone Information Service revealed that:

- **95 per cent** of respondents experienced discrimination either multiple times or by multiple perpetrators
- **Nearly 3 in 4** respondents reported multiple adverse outcomes including loss of job opportunities, financial reward, position and work, as well as harassment and bullying
- **Less than 3 per cent** of respondents reported positive outcomes after taking action about their situation
- **Over 3 in 5 employers** are not taking internal complaints seriously and acting to protect their employees from discrimination in the workplace.

“The most concerning aspect of the research revealed the depth of the emotional toll that these experiences had on them,” says Zana Bytheway, Executive Director of JobWatch. “Many people talked about the stress, anxiety, poor mental health and in one case – even hospitalisation that resulted from their experiences of workplace sexual harassment and discrimination.”

“With a projected 15 per cent increase in calls to our Telephone Information Service relating to workplace sexual harassment this year compared to last year, and a 9 per cent increase in discrimination calls generally, this represents a potentially significant increased burden on the state’s mental health system if we don’t act now to address this workplace issue,” says Ms. Bytheway.

Collaboration with RMIT and the University of Wollongong on the workplace sexual harassment component of the report revealed further concerning trends.

“Our analysis of the survey data confirmed that power imbalances underscore the perpetration of workplace sexual harassment, that many, if not most, victim/survivors face challenges in seeking to report workplace sexual harassment, and the overall lack of meaningful outcomes for victim/survivors of workplace sexual harassment,” says Dr. Rachel Loney-Howes of the University of Wollongong.

“What this really demonstrates is the need to further investigate workplace safety and culture, especially where such cultures enable problematic attitudes and behaviours towards gender, sexuality, ability and ethnicity,” says Dr. Loney-Howes.

The research also found that the reported experiences were exacerbated by negative and unsatisfactory interactions with a complex legal system that favoured the employer.

“People told us that they are loathe to and struggle to take legal action and see it through to conclusion. It is expensive, time consuming and often detrimental to wellbeing,” says Ms. Bytheway.

As a result of this research, JobWatch is making ten recommendations for improving workplace cultures and safety, and increasing access to justice for vulnerable workers.

1. Standardise time limits across all jurisdictions to 24 months for initiating all forms of discrimination claims.

# MEDIA RELEASE

**Embargoed until 8am 8 November 2023**



2. Expand the positive duties and vicarious liability provisions in anti-discrimination law to better address shared workspaces.
3. Fund duty lawyers for conciliations and mediations through both anti-discrimination and industrial relations claims.
4. Fund the development and promotion of legal education resources for the general community and secondary contacts.
5. Increase funding to community legal centres to deliver dedicated workplace sexual harassment and discrimination legal services.
6. Create a 'Discrimination Information Statement' to be provided to all employees on the commencement of a new job, similar to the 'Fair Work Information Statement'.
7. Fund and actively regulate and monitor compliance with the positive duty in the *Equal Opportunity Act 2010* (Vic) and other anti-discrimination legislation across the country.
8. Reduce and regulate the use of Confidentiality clauses in settlement agreements, to be used only on request by the applicant in proceedings.
9. Require employers to undergo mandatory anti-discrimination training and implementation of appropriate policies and procedures at the conclusion of any discrimination claim.
10. Create a leading-practice recognition program like Workplace Gender Equality Agency's 'Employer of Choice' to promote best practice amongst employers who demonstrate an active commitment to eradicating discrimination and sexual harassment in the workplace.

The full report can be found on the JobWatch website: <https://jobwatch.org.au/what-we-do/law-reform/>

JobWatch encourages all workers who are experiencing workplace sexual harassment and discrimination to contact the JobWatch Telephone Information Service for free and confidential legal information on their rights at work: (03) 9662 1933 (Melbourne Metro) or 1800 331 617 (Regional Vic, Qld, Tas).

## **The following quotes can be attributed to Jenny M, who participated in the research:**

"When you're in that situation, it's like being in an abusive relationship. The workplace culture grooms you into thinking that it's normal, and you can get stuck into thinking that you just need to be resilient and to stick it out."

"I'm a tough cookie but eventually, even the toughest break. By the time I left this workplace, I was broken. I felt unsupported and did not know where to go – and I had no energy left to fight after 13 years of workplace sexual harassment. I wish I had stood up to expose the culture at my former workplace."

"I'm really glad that my contribution in the research might help to create change for more people – no one should have to go through what I went through."

## **Available for interview**

- Zana Bytheway, Executive Director, JobWatch

## **Contact**

Amanda Chan, Communications Manager, 0433 843 643, [amandac@jobwatch.org.au](mailto:amandac@jobwatch.org.au)