# Media Release

## Prevention better than a cure in sexual harassment report

9 March 2020

The Australian Human Rights Commission's landmark Respect@Work report highlights what we already know – that sexual harassment is widespread in Australian workplaces with almost 2 in 5 women experiencing sexual harassment in the past five years, causing devastating impacts on individuals and significant costs to Australian society.

Kingsford Legal Centre, Redfern Legal Centre, the Women's Legal Service NSW and Community Legal Centres Australia[1] have called for comprehensive reform to protect workers from sexual harassment, agreeing with Kate Jenkins, Sex Discrimination Commissioner, that the law is simply no longer fit for purpose.

We call on the Australian Government to take immediate steps to implement the 55 recommendations contained in the Respect@Work report. The Report highlights the problems with the current laws and provides sound solutions that will mean workplaces will be the safe places they ought to be.

Kingsford Legal Centre Director Emma Golledge welcomed the report's recommendation that the Australian Government prioritise initiatives that aim to stop sexual harassment from happening in the first place.

"The Respect@Work report recognises Kingsford Legal Centre's innovative *#MeToo, It's About You* initiative, which brings conversations about sexual harassment to year 9 and 10 students, many of whom are about to get their first jobs," Ms Golledge said.

"We know from the *#MeToo, It's About You* initiative that community legal education is a powerful tool in raising awareness about sexual harassment and changing community attitudes."

Sharmilla Bargon, employment law solicitor at Redfern Legal Centre, said that the law should be changed to require employers to take steps to stop sexual harassment.

"We regularly advise people who have been sexually harassed, who are then fired or bullied when they report it," Ms Bargon said.

"Due to gaps in the law, we have to use 'workarounds' to protect people from sexual harassment and to hold perpetrators to account," she said.

[1] Formerly known as the National Association of Community Legal Centres.

"We need to change workplace culture. The law needs to make clear that it's the employer's role to provide a safe workplace, free of harassment."

Principal Solicitor at Women's Legal Service NSW Pip Davis was pleased that the Respect@Work report identified non-disclosure agreements as an important issue, but disappointed that the report did not make a specific recommendation for the law to be changed.

"The #MeToo movement has drawn attention to the many ways that perpetrators and employers silence women, including the use of non-disclosure agreements that stop women from talking about sexual harassment," said Ms Davis.

"Non-disclosure clauses should be prohibited unless a victim of sexual harassment requests confidentiality, and such clauses should never stop women from speaking about their own experiences of sexual harassment."

**Case study – Amanda and Jill**

Amanda is employed as a casual cleaner by a small business. One of the contracts held by the business is to provide cleaning services in a nursing home. Amanda, her colleague Jill, and the cleaning business owner were cleaning the room of a patient when he pulled his penis out and started to masturbate. When Amanda and Jill complained to the business owner about being subjected to the patient's conduct, he told them *"Just ignore it. Keep working: the patient is harmless."* The following day when they complained again, the business owner stopped giving each of them shifts.

Further case studies are included in the **#MeToo: Legal Responses to Sexual Harassment at Work**, which is available here.

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*We can also provide former clients for interview on request.*

*A copy of the Respect@Work report is available here.*