

ACTUS WORKPLACE LAWYERS

28 November 2022

Parliament passes new laws to prevent sexual harassment

On 28 November, the Commonwealth Parliament passed new laws which impose a statutory obligation upon employers to prevent sexual harassment, sex discrimination and victimisation at work. The laws will be in operation shortly once Royal Assent is granted.

The Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022.

- Places a positive duty on employers to take reasonable and proportionate measures to eliminate sex discrimination, sexual harassment and victimisation, as far as possible;
- Expressly prohibits conduct that results in a hostile workplace environment on the basis of sex;
- Gives the Australian Human Rights Commission (AHRC) new compliance powers, including the ability to give compliance notices to employers and enter into enforceable undertakings (NB. These powers are operative 12 months after the rest of the Act);
- Empowers the AHRC to inquire into systemic, unlawful discrimination;
- Enables unions and representative groups to make representative applications in Federal Courts on behalf of people who have experienced unlawful discrimination; and
- Requires Commonwealth public sector organisations to report to the Workplace Gender Equality Agency on the Agency's gender equality indicators.

It is important for all employers to review their policies, systems and approaches to preventing and dealing with sex discrimination, sexual harassment and victimisation in their workplaces.

Actus Workplace Lawyers is available to assist employers with discrimination, sexual harassment and bullying matters. We can assist with legal advice, workplace investigations, reviewing and developing policies, and representation in Courts and tribunals.

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