

# The West Australian



## Advocates urge companies to increase responses to workplace harassment, overhaul of WA equal opportunity laws

Main Image: Public reports of harassment complaints increasing is not necessarily a bad thing, say advocates, and reflects a changing culture. Credit: Liudmila Evsegneeva/Getty Images



**Adrian Lowe and Cheyanne Enciso** | The West Australian

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Sexual harassment at work still remains under-reported and companies can do more to ensure safe workplaces, experts and advocates say, despite new rules including a positive duty for boards and company directors

Human resources professionals also report an uptick in demand for training to prevent workplace sexual harassment and bullying.

Country Road has been rocked by sexual harassment and workplace bullying claims at its Melbourne headquarters, while Rio Tinto is facing a class action to test if it is liable for sexual harassment and discrimination at its mine sites.



Historic allegations at media company Nine have also grabbed headlines and its chair, Peter Costello, resigned at the weekend after an airport tangle with a journalist.

But WA advocates have also called for the State Government to overhaul the Equal Opportunity Act to ensure complainants are not disadvantaged.

“While sexual harassment in workplaces is extremely common, it remains very under-reported,” Centre for Women’s Safety and Wellbeing chief executive Alison Evans said.



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“Happily, we are seeing companies step up and do more to prevent sexual harassment in their workplaces – but there is a long road ahead – changing culture takes time.”

Dr Evans said WA remained the only State or Territory with a “disadvantage test” for sexual harassment complainants – which required victims to prove harm had been caused.

“Updating changes to the Equal Opportunity Act remains critical to improving responses to sexual harassment in WA,” she said.

The Act also does not cover parliamentarians or their staff, judicial officers or court staff, and the compensation cap is stuck at \$40,000 – a level that’s not been amended since 1985.





📷 Susan Lloyd-Hurwitz. Credit: Iain Gillespie/The West Australian

Chief Executive Women president Susan Lloyd-Hurwitz said many companies were working hard to prevent harassment, which alongside domestic violence occurred at levels that were “completely unacceptable . . . in a country that’s as wealthy and with as many resources as Australia”.

Ms Lloyd-Hurwitz, a former chief executive at property firm Mirvac and now also a director at Rio Tinto, said the miner’s external review of its work practices and culture by former sex discrimination commissioner Elizabeth Broderick had been vital – more so because it had been made public.

This prompted other companies, including Mirvac to look at its recommendations and measure its culture.

“I don’t think we were the only company that took that report as an important guide to what we should be doing around harassment,” Ms Lloyd-Hurwitz said.

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Experts say the introduction of positive duty laws in December 2022, mandating organisations to take “reasonable and proportionate measures” to prevent sex-based discrimination in the workplace, were also having an impact.

Human resources professionals, too, are facing increased demand on their skills, pushing appetite for further training, said Australian HR Institute chief executive Sarah McCann-Bartlett.

“There is undoubtedly more awareness about unlawful behaviour among employees and management, organisations have clear policies and processes around sexual harassment, bullying and racism clearer than they ever have been in the past,” she said.

“But where it's hard is where senior leadership and boards are still not following these processes themselves.”

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“There are things that we need to put in place as organisations to make sure that attention and seriousness of eliminating sexual harassment and bullying flows all the way through the organisation.”

CEOs for Gender Equity chief executive Ashley McGrath said the prevalence of public accounts of harassment coming to light helped to set a tone that it was appropriate to have public discussions on the topic – which in turn helped to shift cultures.

“Ideally there shouldn’t be any harassment to any gender of any form, but compared to some of the stories coming out about two to three years ago, frankly, it’s a sign we’re moving very quickly in the right direction,” she said.

*While sexual harassment in workplaces is extremely common, it remains very under-reported.*

Centre for Women’s Safety and Wellbeing’s Alison Evans

“On this topic and gender equity solutions more broadly, we’re moving beyond the CEO and leaders to all of the business – that’s the real shift we’re noticing.

“Change starts at the top and yes, leaders and CEOs need to drive it, but if we don’t inspire and engage all employees to change their language, be aware of unconscious biases . . . then we’re not shifting everyday micro-actions which lead up to your culture.”

Ms McCann-Bartlett recommended companies establish separate board and leadership training on their obligations and responsibilities around sexual harassment in the workplace.

“Put sexual harassment and bullying on the organisation’s business risk register, because it is a risk in many ways, including around attraction and retention,” she said.

“What organisations can also do is train their managers to respond sensitively and appropriately with employee reports of domestic and family violence.”

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