

Safety Regulation For Primary Prevention Of Gendered Violence

Regulating Power Imbalances, Structural Discrimination and Structural Inequality

National Joint Submission to Safe Work Australia's 2025 Best Practice Review



Submission Details

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	• Tradeswomen Australia • Women in Film and Television Australia • Women in Film & Television, Victoria • National Foundation for Australian Women • Single Mother Families Australia • CEOs for Gender Equity • Australian Graduate Women
Calling for safety regulation for gendered violence prevention	<i>We acknowledge the below organisations who collaborated on a 2024 letter to the Federal Government's Expert Panel for the Rapid Review of Prevention Approaches calling for stronger safety laws to prevent work-related gendered violence.</i> • Australian Women Lawyers • Australian Gender Equality Council • Australian Council of Trade Unions • Working Women's Centre's SA Inc • National Association of Women in Construction • CEOs for Gender Equity • The Sexual Assault & Family Violence Centre • Australian Professionals of Colour • Women of Colour Australia • Asylum Seeker Resource Centre • Professional Migrant Women • Women's Legal Service Victoria <i>We acknowledge the below organisations who are calling upon Safe Work Australia to amend model safety laws and regulations to expressly regulate work-related gendered violence as a safety hazard in 2025 (including via joining this submission, and / or in letters of support provided):</i> • Australian Women Lawyers • Victorian Women Lawyers • Women Lawyers of South Australia • Women Lawyers Association of Queensland Inc • Women Barristers' Association • Disabled Australian Lawyers Association • Working Women's Centre Australia • Working Women's Centre Victoria • Women's Legal Centre ACT • Working Women's Centre ACT • Basic Rights Queensland Inc • Working Women Queensland • Women's Legal Services Australia • Australian Gender Equality Council (approval for the call for reform, subject to the letter provided by AGECE) • National Aboriginal and Torres Strait Islander Women's Alliance • Working With Women Alliance • Women With Disabilities Australia • Australian Multicultural Women's Alliance • Women of Colour Australia • Equality Australia • National Association of Women In Construction • Women in Defence Association • Australian Women in Aviation (approval for the call for reform, subject to the letter provided by Australian Women in Aviation) • Women in Technology

	• Australian Federation of Medical Women • Tradeswomen Australia • Women in Film and Television Australia • Women in Film & Television, Victoria • National Foundation for Australian Women • Single Mother Families Australia • CEOs for Gender Equity • Violence Prevention Australia (approval for the call for reform, subject to the letter provided by Violence Prevention Australia) • Australian Graduate Women Inc
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1. Acknowledgement of Country

We acknowledge and pay our respects to all Aboriginal and Torres Strait Islander people across Australia as the traditional custodians of these land and waterways, recognising their continuous connection to Country, dating back more than 60,000 years. We pay our respect to their Elders, lores, customs and creation spirits. We acknowledge that sovereignty was never ceded. This land always was, and always will be, Aboriginal land.

We also acknowledge the harm caused by the ongoing impacts of colonisation and the way colonial systems continue to disproportionately discriminate against and harm Aboriginal and Torres Strait Islander women and gender diverse people. We commit to working in allyship with Aboriginal and Torres Strait Islander people and communities to dismantle systems of marginalisation and discrimination.

2. Dedication to Victim-Survivors

This submission is dedicated to all victim-survivors of work-related gendered violence. We recognise the profound impacts on your mental, physical and emotional wellbeing and acknowledge the immense courage it takes to survive and speak out.

We acknowledge the voices, lived and living experiences of Aboriginal and Torres Strait Islander people, women, gender diverse people, LGBTIQA+ people, culturally and racially marginalised people, migrants and refugees, and all people who have experienced (and continue to experience) work-related gendered violence, gender inequality and intersecting inequalities, and the significant harm this causes, particularly for those at a higher risk of harm due to systemic discrimination based on intersections of age, sex, sexual orientation, disability, cultural and racial marginalisation, migration and visa status.

Your experiences have contributed to and informed this submission. These experiences are not isolated. Instead, they reflect systemic risks within Australian workplaces, underscoring the urgent need for safety regulatory intervention.

We are hopeful that this submission will support the adoption of stronger safety laws and regulations that ensure the primary prevention of work-related gendered violence in all its forms, including by dismantling the systemic discrimination and inequality that drives harm.

3. Terms of Reference for Safe Work Australia's Best Practice Review

The terms of reference for Safe Work Australia's Best Practice Review of Model Work Health & Safety Laws include consideration of outcomes from other recent best practice reviews, including relevant recommendations from the 2018 Review of Model Work Health and Safety Laws, the 2022 Review of the Work Health and Safety Act 2011 (QLD) and the 2022 Independent Review of SafeWork SA¹. This submission addresses the questions in items 1, 2, 3, 4, 5, 13, 14, 15 and 19 of the Discussion Paper released by Safe Work Australia².

4. Statement on Language

References to women in this submission refer to both women and gender diverse people. References to gender in this submission refer to the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours and roles associated with being a woman, man, girl or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time³.

Gender is hierarchical and produces inequalities that intersect with other social and economic inequalities. Gender-based discrimination intersects with other factors of discrimination, such as ethnicity, socioeconomic status, disability, age, geographic location, gender identity and sexual orientation, among others. This is referred to as intersectionality⁴.

Gender interacts with but is different from sex, which refers to the different biological and physiological characteristics of females, males and intersex persons, such as chromosomes, hormones and reproductive organs. Gender and sex are related to but different from gender identity. Gender identity refers to a person's deeply felt, internal and individual experience of gender, which may or may not correspond to the person's physiology or designated sex at birth⁵.

¹ Safe Work Australia. (2025). Best Practice Review Safe Work Australia Terms of Reference. Safe Work Australia. <https://consult.swa.gov.au/best-practice-review>.

² Safe Work Australia. (2025). Best Practice Review Safe Work Australia Terms of Reference. Safe Work Australia. <https://consult.swa.gov.au/best-practice-review>.

³ World Health Organization. (2025). Gender and Health. World Health Organization. https://www.who.int/health-topics/gender#tab=tab_1.

⁴ World Health Organization. (2025). Gender and Health. World Health Organization. https://www.who.int/health-topics/gender#tab=tab_1.

⁵ World Health Organization. (2025). Gender and Health. World Health Organization. https://www.who.int/health-topics/gender#tab=tab_1.

5. Global Best Practice Note

At a global level, C190 - Violence and Harassment Convention, 2019 (**No. 190**) recognises that violence and harassment impact women's ability to access, remain and advance in the labour market in safe and healthy work environments⁶.

Through the adoption of No. 190, the International Labour Organization has recognised that gender-based violence and harassment disproportionately affect women and girls, and that it is essential to take an inclusive, integrated, and gender-responsive approach which tackles the underlying causes and risk factors for harmful behaviour, including gender stereotypes, multiple and intersecting forms of discrimination and unequal gender-based power relations as doing so is essential to end violence and harassment in a workplace context⁷.

The work health and safety (**WHS**) framework is uniquely suited to tackling the underlying causes and risk factors for violence and harassment including gender-based violence and harassment. Research also suggests that WHS institutional capacity in this respect can be enriched by contributions from non-traditional WHS actors including groups such as those making this (National) Joint Submission to Safe Work Australia.

Specifically, through the adoption of Violence and Harassment Recommendation, 2019 (No. 206), the International Labour Organization has recognised that within a WHS framework, risk assessments should take into account factors that increase the likelihood of violence and harassment, with particular attention to the hazards and risks that arise from discrimination, abuse of power relations, as well as gender, cultural and social norms that support violence and harassment⁸.

In 2022, the International Labour Organization's *Experiences of violence and harassment at work: A global first survey*⁹ found that people who have experienced discrimination in life were more likely to have experienced violence and harassment at work, and this was especially so for persons having experienced gender discrimination¹⁰. Previous working papers by the International Labour Organization, such as Working Paper No.5 2016, *Addressing Occupational Violence: An overview of conceptual and policy considerations viewed through a gendered lens*¹¹, and ILO Working Paper 116, *Addressing Gender-Based Violence and Harassment in a Work Health and Safety Framework*¹² (of which I am the author), specifically recommend adopting a gendered lens in considering the prevention of work-related violence, noting that some types of violence disproportionately affect women.

Notably, research has shown that to be effective, prevention of gender-based violence and harassment must constitute an explicit legal obligation. Working Paper No.5 2016¹³ specifically recognised that gender neutrality is an impediment to the development of adequate regulatory protections that are sensitive to the different needs for protection of men, women, and gender diverse people, particularly with regard to sexual and gender-based harassment and bullying. This is also true when considering work-related violence which disproportionately impacts feminised industries.

The recommendations called for in this submission are thus consistent with global recommendations for best practice, as recognised by the International Labour Organization.

Professor Rachel Cox
Professor of Law, University of Québec
Author of International Labour Organization Working Paper 116

⁶ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

⁷ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

⁸ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). R206 - Violence and Harassment Recommendation, 2019 (No. 206). https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206.

⁹ International Labour Organization. (2022). Experiences of violence and harassment at work: A global first survey. International Labour Organization and Lloyd's Register Foundation 2022. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40dcomm/documents/publication/wcms_863095.pdf.

¹⁰ International Labour Organization. (2022). Experiences of violence and harassment at work: A global first survey. International Labour Organization and Lloyd's Register Foundation 2022. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40dcomm/documents/publication/wcms_863095.pdf.

¹¹ Lippel, K. (2016). Addressing Occupational Violence: An overview of conceptual and policy considerations viewed through a gendered lens. International Labour Organization. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms_535656.pdf.

¹² Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

¹³ Lippel, K. (2016). Addressing Occupational Violence: An overview of conceptual and policy considerations viewed through a gendered lens. International Labour Organization. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms_535656.pdf.

6. Foreword by Elena Campbell, Expert Panel, 2024 Rapid Review of Prevention Approaches

Australia has long been at the forefront of efforts to prevent and address gender-based violence. As a nation we took an international lead in developing and then extending one of the world's first *National Plans to End Violence against Women and Children 2022-2032*¹⁴.

We have also benefited from a robust anti-discrimination legislative framework which has enabled many who experience harmful behaviours in the workplace and other aspects of public life to bring complaints and seek redress on an individual basis. More recently the new positive duty under the *Sex Discrimination Act 1984* (Cth) requires organisations and businesses to take steps to prevent, as far as possible, certain unlawful behaviours at work or in connection with work, with redress mechanisms available.

A range of mechanisms are therefore now embedded across our laws as a means of either preventing gender-based violence or responding when it occurs. Despite these considerable efforts, however, Australia continues to experience a national crisis of gender-based violence across all aspects of public and private life. Simultaneously we face increasing misogynistic forces in the online context, as well as in real world narratives which are propelling a backlash against 'diversity, equity and inclusion' in the workplace and elsewhere.

As such, Australians have a collective obligation to explore further opportunities to prevent and address gendered harm – to examine *all* our existing frameworks; to question how they may currently be reinforcing inequality; and to ask whether they can be strengthened in complementary ways. The reform proposed in this submission represents this kind of opportunity – a once in a generation chance to recognise our international obligations and to balance ongoing developments in the discrimination sphere with associated workplace safety reform.

Accordingly, Australia's 2024 Rapid Review of Prevention Approaches¹⁵, commissioned by the Commonwealth¹⁶, recommended that states and territories explore opportunities for a model approach to workplace safety laws which centres psychological safety and prevention of gender-based violence, complementing the positive duty under the *Sex Discrimination Act 1984* (Cth). Recommendation 7(f) in the *Rapid Review of Prevention Approaches Report*¹⁷ recognised the vital role of women's ongoing participation, security and safety in the workplace – both as a means of preventing violence and as a foundation for escaping and recovering from harm, if and when it occurs.

The Review – like the extensive list of signatories to this submission – also recognised the reality that employers pay attention to workplace safety frameworks, particularly to the accountability levers that operate within them. It is for this reason that workplace safety mechanisms have been so effective in reducing physical injury and other forms of workplace harm. In other words, while discrimination mechanisms offer a way for employers to promote prevention and respond to harmful behaviours on a case-by-case basis, safety frameworks offer external enforcement mechanisms, as well as a means of preventing and addressing behaviour on a much more significant scale.

These opportunities are desperately needed. As this submission sets out, women and gender diverse people, as well as people with intersecting identities such as Aboriginal and Torres Strait Islander people, people with disability, migrant and refugee workers, people of colour, and LGBTIQ+ people are experiencing significant rates of harm in Australian workplaces. Their experiences of higher rates of harm – including from harassment and bullying – can entrench existing power imbalances while leading to severe physical and psychological injury in those who so often have the least agency and voice. That includes those whose voices are not necessarily represented in bodies responsible for advocacy and reform, such as Safe Work Australia.

Clearly the weight and scale of this risk cannot be borne by discrimination frameworks alone, particularly as these largely depend on individuals bearing the responsibility of coming forward, rather than being driven by a systemic force. Inquiries in the Australian and international context have recognised this, as have jurisdictions which have moved towards the integration of controls for work-related gendered violence into work health and safety regulations. It is now time for Australia to follow suit – to respond to a growing consensus that our workplace safety frameworks must tackle gendered and other forms of workplace harm. By doing so, workplace participation can become safer and more equitable for all – in turn helping to embed equality across a greater reach of public life.

Elena Campbell

Expert Panel, Federal Government's 2024 Rapid Review of Prevention Approaches

¹⁴ Department of Social Services. (2022). National Plan to End Violence Against Women and Children 2022-2032. Commonwealth of Australia. <https://www.dss.gov.au/system/files/resources/national-plan-end-violence-against-women-and-children-2022-2032.pdf>.

¹⁵ Department of Prime Minister and Cabinet. (2024). Rapid Review of Prevention Approaches. Commonwealth of Australia. <https://www.pmc.gov.au/office-women/womens-safety/rapid-review-prevention-approaches>.

¹⁶ Department of Prime Minister and Cabinet. (2024). Rapid Review of Prevention Approaches. Commonwealth of Australia. <https://www.pmc.gov.au/office-women/womens-safety/rapid-review-prevention-approaches>.

¹⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.

7. Executive Summary

In a nutshell: Australia led the way in 2015 when we launched our national, world-first, primary prevention framework, *Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia*. We now have an opportunity to be a world leader in primary prevention of work-related gendered violence, by amending work health and safety laws and regulations, consistent with existing national recommendations.

On 28 April 2024, the Prime Minister of Australia, the Honourable Anthony Albanese MP, declared that Australia is experiencing a National Crisis of Gender-Based Violence, saying “It’s not just governments’ problem. It’s a problem of our entire society. And this is a national crisis... People do need to be made accountable. And I’ll be accountable for what my Government does... But I want us to work together. I want us to work together as a society to build a better Australia. Because an Australia where women and children are safe is a better Australia for women, for children and for men”¹⁸.

With Recommendation 7(f) of the 2024 Unlocking the Prevention Potential Report¹⁹ and Recommendation 5 of the House Standing Committee’s 2012 Report - Workplace Bullying: We Just Want It to Stop²⁰ recommending embedding the Respect@Work reforms, and workplace bullying prevention in work health and safety regulations, respectively, Australia now has an opportunity to be a world leader in primary prevention of work-related gendered violence.

On 24 September 2015, then Prime Minister of Australia, the Honourable Malcolm Turnbull MP had said that “Violence against women is one of the great shames of Australia. It is a national disgrace... Disrespecting women is unacceptable. It is unacceptable at every level. At home, at the workplace, wherever”²¹.

In a world-first, on 10 November 2015, Australia adopted a national framework for a consistent, integrated, evidence-based and national approach to primary prevention of gender-based violence, by adopting *Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia*, developed by Our Watch and Australia’s National Research Organisation for Women’s Safety²².

On 11 November 2015, Senator the Honourable Michaelia Cash, then Minister for Employment and Minister for Women declared, “We have a national crisis when it comes to violence against women in Australia... We must also, however, address the root cause of domestic violence and violence against women – gender inequality and a lack of respect”²³.

In this national crisis on women’s safety, we must urgently shift the conversation to long-term primary prevention of gendered violence. The workplace is a critical location for long-term structural reform, women’s economic empowerment, and fostering a culture of respect and equality²⁴.

When the risk is serious harm or death, as it is with gendered violence, regulatory intervention is imperative. Yet, our current safety laws and regulations remain silent on this issue. This gap leaves women, especially those from high-risk groups, vulnerable to violence both at work and at home²⁵.

Inequality in the workplace translates directly to inequality at home, fuelling the cycle of violence. It is difficult for individuals to report bullying and harassment if the perpetrator holds a position of power. Similarly, leaving a violent

¹⁸ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

¹⁹ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>

²⁰ The Parliament of the Commonwealth of Australia. (2012). Workplace Bullying “We Just Want It To Stop”: House of Representatives Standing Committee on Education and Employment. Commonwealth of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/fullreport.pdf.

²¹ The Hon Malcolm Turnbull MP. (2015). Transcript of joint press conference: Women’s Safety Package to Stop the Violence. Commonwealth of Australia. <https://pmtranscripts.pmc.gov.au/release/transcript-40008>.

²² ANROWS. (2015). World first framework launches to Change the story of violence against women and their children in Australia. <https://www.anrows.org.au/media-releases/world-first-framework-launches-change-the-story-violence-against-women-and-children/>.

²³ Senator Michaelia Cash. (2015). We Have A National Crisis When It Comes to Violence Against Women in Australia. HuffPost News. https://www.huffpost.com/archive/au/entry/we-have-a-national-crisis-when-it-comes-to-violence-against-wome_b_8527502.

²⁴ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

²⁵ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

relationship is nearly impossible without financial independence or the means to support oneself and one's children, resulting in women fleeing violence becoming vulnerable to homelessness. Structural reform starts in the workplace²⁶.

Workplace inequality, unconscious bias, and unaddressed barriers to progression leave women, particularly those from intersectional and diverse backgrounds, susceptible to harmful behaviour at work and at home. Low workforce diversity and workplace power imbalances are significant risk factors for violence, exacerbated by racism, homophobia, discrimination, ableism, and heteronormativity²⁷.

Exposure to work-related gendered violence can result in serious harm or death²⁸. In 2024, 4 out of 5 occupations with the most claims for exposure to workplace violence or assault had a high share of female employment²⁹.

Work-related gendered violence can range in severity from comments and gestures through to sexual harassment, physical assault, verbal abuse, stalking, intimidation, threats, ostracism, exclusion, discrimination and victimisation³⁰, often overlapping with work-related bullying³¹.

The evidence is clear:

- Australian studies have previously concluded that regulations have a substantial relevance to occupational injury such that the injury rate would be at least halved if all regulations were complied with, and without which the rate of severe injuries may be more than doubled, finding that there were also substantial benefits gained from increasing the ambit of regulations³².
- Women make up 57.8%³³ of all serious workers' compensation claims for psychological injury and they are more likely to be exposed to psychosocial hazards, including work-pressure, work-related bullying and harassment, and occupational violence than men³⁴.
- Women are twice as likely as men to experience bullying and harassment at work, both recognised forms of gendered violence³⁵.
- Work-related gendered violence, including bullying and harassment, can lead to serious physical and psychological injuries, including anxiety, depression, acute stress disorder, PTSD, heart disease, physical injuries, immune deficiency and, in the worst cases, even suicide³⁶.
- Women and gender diverse workers, including Aboriginal and Torres Strait Islander workers, workers with disability, migrant workers, culturally and linguistically diverse workers, and LGBTIQ+ workers are more likely to be exposed to harmful behaviour at work³⁷.

²⁶ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

²⁷ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

²⁸ WorkSafe Victoria. (2022). Work-related gendered violence including sexual harassment. Work Safe Victoria. <https://content-v2.api.worksafe.vic.gov.au/sites/default/files/2022-11/ISBN-Work-related-gendered-violence-including-sexual-harassment-2022-11.pdf>.

²⁹ Safe Work Australia. (2024). Workplace and work-related violence and aggression in Australia. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-08/Work-related-violence-and-aggression_Report_August2024.pdf.

³⁰ WorkSafe Victoria. (2025). What is gendered violence? WorkSafe Victoria. <https://www.worksafe.vic.gov.au/what-gendered-violence>.

³¹ WorkSafe Victoria. (2022). Work-related gendered violence including sexual harassment. Work Safe Victoria. <https://content-v2.api.worksafe.vic.gov.au/sites/default/files/2022-11/ISBN-Work-related-gendered-violence-including-sexual-harassment-2022-11.pdf>.

³² Gun, R.T. (1993). The role of regulations in the prevention of occupational injury. Science Direct. <https://www.sciencedirect.com/science/article/abs/pii/092575359390006Y>.

³³ Safe Work Australia. (2024). Psychological health and safety in the workplace. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Report_February2024.pdf.

³⁴ Safe Work Australia. (2024). Psychological health and safety in the workplace. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Report_February2024.pdf.

³⁵ Safe Work Australia. (2021). Psychosocial health and safety and bullying in Australian workplaces. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2021-06/D21%209238%20Psychosocial_health_and_safety_and_bullying_in_australian_workplaces_6th_edition.pdf.

³⁶ WorkSafe Victoria. (2022). Work-related gendered violence including sexual harassment. Work Safe Victoria. <https://content-v2.api.worksafe.vic.gov.au/sites/default/files/2022-11/ISBN-Work-related-gendered-violence-including-sexual-harassment-2022-11.pdf>.

³⁷ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

- The cost of inaction on prevention of work-related gendered violence is significant, estimated at \$30 billion per year, through lost productivity, absenteeism, turnover, and legal costs³⁸.
- Workplace bullying costs individual employers an average of \$17,000 to \$24,00 per case through both direct and indirect costs³⁹. Conversely, Safe Work Australia acknowledges that good performance in work health and safety can lead to improved productivity because of reduced absenteeism and improved morale, noting that the average cost of a compensation claim due to workplace bullying / harassment is \$41,700 per claim and the average time lost from work is 25 weeks⁴⁰.
- The Fifth National Survey on Sexual Harassment in Australian Workplaces found that one in five Australians (19%) have been sexually harassed at work over the past 12 months⁴¹.
- Australia has 14,547,800 workers⁴². Extrapolating the data, it may be theorised that if approximately one in five workers of 14,547,800 workers have been sexually harassed at work over the past 12 months, based specifically on the Fifth National Survey on Sexual Harassment prevalence rates, then this equates to approximately 2,764,082 workers that may have experienced sexual harassment at work over the past 12 months⁴³.
- In 2024-2025, the Australian Human Rights Commission only received a total of 626 complaints under the *Sex Discrimination Act 1984* (Cth)⁴⁴. Conversely, in the 2023 - 2024 period, there were 9 applications to the Fair Work Commission for an order to stop sexual harassment⁴⁵.
- The Bullying & Harassment in Australian Workplaces: Results from the Australian Workplace Barometer Project by Safe Work Australia found that 12.9%⁴⁶ of Australian workers have been bullied for between 7-12 months, with the 6th highest prevalence of workplace when bullying compared to data from 34 European countries⁴⁷. Theorising along a similar vein, as Australia has 14,547,800 workers⁴⁸, then a notional 1,876,666 workers may have been bullied over at least the last 7-12 months.
- A total of 883 applications for an order to stop bullying were made to the Fair Work Commission in the 2023-2024 reporting year⁴⁹. Researchers have suggested that although anti-bullying amendments to the *Fair Work Act 2009* (Cth) had been anticipated to stop bullying and restore harmonious employment, the ability to achieve these aims under this *Fair Work Act 2009* (Cth) jurisdiction, particularly in relation to workplace bullying, remains elusive⁵⁰.

We are not statisticians, and do not purport to be. We have instead done our best to assess what prevalence rates may be, and based on these notional prevalence rates, considered that a notional estimate of less than 1% of people

³⁸ Ballard, A., Bozin, D. (2023). The true (financial) cost of workplace violence in Australia. Sage Journals, Volume 48, Issue 3. <https://journals.sagepub.com/doi/10.1177/1037969X231174672>.

³⁹ The Parliament of the Commonwealth of Australia. (2012). Workplace Bullying "We Just Want It To Stop": House of Representatives Standing Committee on Education and Employment. Commonwealth of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/fullreport.pdf.

⁴⁰ The Parliament of the Commonwealth of Australia. (2012). Workplace Bullying "We Just Want It To Stop": House of Representatives Standing Committee on Education and Employment. Commonwealth of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/fullreport.pdf.

⁴¹ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/infographics_1-9_24nov2022-2_1_0.pdf.

⁴² Australian Bureau of Statistics. (2025). Labour Force, Australia. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/feb-2025>.

⁴³ Australian Bureau of Statistics. (2025). Labour Force, Australia. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/feb-2025>.

⁴⁴ Australian Human Rights Commission. (2025). Annual Report. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/commission-general/publications/annual-report-2024-25>.

⁴⁵ Fair Work Commission. (2024). Annual Report - Access to Justice, 2023 - 2024. Commonwealth of Australia. <https://www.fwc.gov.au/documents/reporting/fwc-annual-report-2023-24.pdf>.

⁴⁶ Potter, E., Dollard, M., Tuckey, M. (2016). Bullying & Harassment in Australian Workplaces: Results from the Australian Workplace Barometer Project 2014/2015. Safe Work Australia. <https://www.safeworkaustralia.gov.au/system/files/documents/1705/bullying-and-harassment-in-australian-workplaces-australian-workplace-barometer-results.pdf>.

⁴⁷ Potter, E., Dollard, M., Tuckey, M. (2016). Bullying & Harassment in Australian Workplaces: Results from the Australian Workplace Barometer Project 2014/2015. Safe Work Australia. <https://www.safeworkaustralia.gov.au/system/files/documents/1705/bullying-and-harassment-in-australian-workplaces-australian-workplace-barometer-results.pdf>.

⁴⁸ Australian Bureau of Statistics. (2025). Labour Force, Australia. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/feb-2025>.

⁴⁹ Fair Work Commission. (2024). Annual Report - Access to Justice, 2023 - 2024. Commonwealth of Australia. <https://www.fwc.gov.au/documents/reporting/fwc-annual-report-2023-24.pdf>.

⁵⁰ Worth, R., Squelch, J. (2015). Stop the Bullying: The Anti-Bullying Provisions in the Fair Work Act and Restoring the Employment Relationship. UNSW Law Journal. <https://www.unswlawjournal.unsw.edu.au/wp-content/uploads/2017/09/38-3-10.pdf>.

experiencing workplace sexual harassment made a claim to Australian Human Rights Commission, and less than 1% of those experiencing bullying made a claim to the Fair Work Commission. A majority of claims to the Australian Human Rights Commission do not proceed to Court because they are discontinued, withdrawn, declined, or terminated⁵¹.

The vast majority of harmful behaviour goes unreported, not because it isn't happening, but because our systems are not designed to prevent it. Australian researchers have concluded that most victims of discrimination and harassment do not complain and even if they do, complaints often settle with non-disclosure agreements restricting them from disclosing the circumstances of their complaints⁵².

The Australian Human Rights Commission, itself has noted that, in a workplace context, fewer than 1 in 5 people have made a formal report or complaint about sexual harassment at work (i.e., at least 80% of workers do not complain), and those who do complain experience negative consequences, including ostracism, victimisation, being ignored by colleagues (13%), resigning (13%), or being labelled a troublemaker (12%)⁵³. In less than a third of cases (28%), the harassment stopped after a formal report or complaint was made, with two in five (40%) who made a formal complaint saying no changes occurred in the workplace as a result⁵⁴.

Recommendations

Safety regulations to prevent work-related gendered violence could create safer workplaces for millions of workers. We therefore call upon Safe Work Australia to amend model work health and safety laws and regulations to:

1. Expressly require persons conducting a business or undertaking to eliminate risks associated with work-related gendered violence risks, including the risk of work-related sexual and gender-based harassment, and work-related bullying, consistent with their primary duty of care.

Note: From a primary prevention perspective, if it is not reasonably practicable to eliminate a risk associated with these hazards, persons conducting a business or undertaking should be required to reduce the risk so far as is reasonably practicable by firstly seeking to alter the management of work (given this is what primary prevention requires).

This may therefore require addressing the gender and diversity composition in management roles, and gender and diversity balance in the workforce, noting that low workforce diversity and power imbalances are key drivers of work-related gendered violence⁵⁵.

Consideration should also be had to systems of work, work design, and the workplace environment. In this context, we refer Safe Work Australia to regulation 15 of the *Occupational Health and Safety (Psychological Health) Regulations 2025* (Vic) for an example of what this might entail.

2. Expressly require persons conducting a business or undertaking to eliminate unlawful discrimination, harassment and victimisation at work, particularly on the basis of sex, gender, gender identity, sexuality, migration status, race, disability and age, consistent with their primary duty of care, and recognising that these forms of discrimination, along with harassment and victimisation, are psychological safety hazards.
3. Require persons conducting a business or undertaking to take steps to identify, assess, control and monitor discrimination, harassment and victimisation risks, particularly for women, people with disability, young people, Aboriginal and Torres Strait Islander people, LGBTIQ+ people, as well as migrant workers, and culturally and linguistically diverse workers who are significantly more likely than others to experience gendered violence such as sexual harassment and work-related bullying.
4. Expressly recognise that all workers have the right to a safe and healthy working environment, free from unlawful discrimination, harassment and victimisation⁵⁶.

⁵¹ Australian Human Rights Commission. (2024). Annual Report. Australian Human Rights Commission.

https://humanrights.gov.au/sites/default/files/document/publication/ar_2023-24_complaint_stats_tables_1.docx

⁵² Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

⁵³ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission.

https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf

⁵⁴ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission.

https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf.

⁵⁵ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

⁵⁶ International Labour Organization. (2022). Resolution on the inclusion of a safe and health working environment in the ILO's framework of fundamental principles and rights at work. International Labour Organization.

5. Expressly define work-related gender-based violence and harassment in accordance with the ILO's Violence and Harassment Convention, 2019⁵⁷. In particular:

- The term "violence and harassment" in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;
- The term "gender-based violence and harassment" means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately and includes sexual harassment.

6. Require persons conducting a business or undertaking to identify, assess, control and monitor the risks of work-related gendered violence in consultation with workers and their representatives.
7. Identification and assessment of work-related gendered violence risks should occur via mandated risk assessments, with controls documented in prevention plans also specifically addressing the hazards and risks that arise from discrimination based on gender inequality, insecure work, and power imbalances based on sex, gender, sexuality, migration status, race, disability and age⁵⁸.

Relevant controls should include setting intersectional targets for representation of women and gender diverse people in leadership roles, including Aboriginal and Torres Strait Islander women, women with disability, migrant and refugee women, women of colour, and LGBTIQ+ people. This necessitates action to address low workforce diversity and power imbalances.

Prevention plans should detail how consultation has occurred both when conducting risk assessments, and in developing controls, and how this consultation has influenced the prevention plan, particularly with workers most at risk of harm, including women and gender diverse people, Aboriginal and Torres Strait Islander women, women with disability, migrant and refugee women, women of colour, and LGBTIQ+ people.

8. Expand on the risk factors and indicators for gender-based violence and harassment already recognized in the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* to further account for, and require persons conducting a business or undertaking to control the following risk factors for work-related gendered violence and harassment:

- Industry gender segregation for example, where mostly men hold the majority of leadership positions and favoured jobs,
- Workplace power imbalances, for example, if the workforce and leadership roles are dominated by one gender, age group, race or culture.
- Interaction with other psychosocial hazards that perpetuate work-related gendered violence. For example, job strain, job insecurity, and a poor psychosocial safety climate are well known determinants of workplace bullying.
- Consideration of systemic discrimination, noting that gender inequality is not the only form of inequality that drives violence.
- Insecure employment, for example, casual employment, which is a key risk factor that increases the risk of workplace sexual harassment and exploitation and one that disproportionately affects migrant workers.
- Turnover data within the workplace.
- Work design and systems of work.

9. Consideration should be had to introducing measures to improve reporting and notification of bullying, workplace sexual harassment, sex- and gender-based harassment, and other forms of gendered violence. This could include compulsory, de-identified data reporting to capture incidents below current notifiable thresholds, ensuring greater visibility of workplace risks and harms.

In the usual way, and, as has occurred with the first wave of psychosocial risk regulation across Australia, State, Territory and Federal safety regulators may also consider funding public education campaigns in collaboration with peak bodies, including community legal centres, working women's centres, trade unions and chambers of commerce and industry to assist persons conducting a business or undertaking in preparing for compliance.

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40relconf/documents/meetingdocument/wcms_848632.pdf.

⁵⁷ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

⁵⁸ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

8. Primary Prevention of Work-Related Gendered Violence on a National Scale

In a nutshell: Our safety regulatory framework holds the key to primary prevention of work-related gendered violence by enabling the key drivers of behavioural harm to be addressed: power imbalances, structural inequality, and structural discrimination. The scale of intersectional gender inequality and systemic discrimination across Australian workplaces cannot be addressed by secondary and tertiary prevention measures like an over-reliance on information, training and instruction, and remedial actions, like claims or after-the-fact inquiries or complaints under anti-discrimination frameworks, which do not drive systemic reform to address the key drivers of work-related gendered violence.

At the core of Australia's National Crisis of Gender-Based Violence is gender inequality, which fuels men's violence towards women and gender diverse people. Harmful attitudes and beliefs, coupled with men's dominance in decision-making roles at work and at home, foster aggressive masculinity and power imbalances that fuel violence. Eradicating these inequalities is crucial for building a safer and more equitable society⁵⁹.

Safe Work Australia has recognised that harassment and bullying are common tactics used to maintain the status quo of personal power or power distribution in workplaces, noting that 62.3% of bullying perpetrators were reported to be a supervisor, which lends itself to this hypothesis. Also, since low job control is a predictor of future bullying, this also supports the idea of a power differential in bullying; those in higher power positions keeping those in lower positions with low job control / power by bullying⁶⁰.

Whilst gender inequality is a key driver or underlying cause of sexual and gender-based harassment, other forms of disadvantage such as power imbalances based on age, sex, gender, sexuality, migration status, race and disability can combine (intersect) to increase workers' exposure to harmful behaviour hazards⁶¹.

Primary prevention of gendered violence requires a focus on actions which drive change at scale because they target the entire population to address the root causes of violence against women and gender diverse people⁶². The *Change the Story* framework recognises that creating structural change is not possible at the organisation or industry level without regulatory intervention, including through the use of work health and safety laws. For this reason, the *Change the Story* framework specifically recommends strengthening occupational health and safety legislative frameworks to mandate a focus on preventing and responding to gendered violence as an occupational health and safety issue⁶³.

Secondary prevention is then focused on early intervention for those at risk of engaging in harmful behaviour⁶⁴. In a workplace context, this looks like relying on training, policies and procedures to prevent harm. On their own, these measures do not shift power, and, resultingly, do not prevent harm.

Relevantly, 88% of employers that report to the Workplace Gender Equality Agency (WGEA), being those employers with 100 or more employees⁶⁵, provide training on the prevention of sexual harassment, with 95% having policies detailing processes to disclose, investigate and manage sexual harassment⁶⁶. Despite, this, as indicated above, the notional prevalence rate for sexual harassment in Australia is approximately 2,764,082 workers that may have experienced sexual harassment at work over the past 12 months.

⁵⁹ Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁶⁰ Potter, R. E., Dollard, M. F., Tuckey, M. R. (2016). *Bullying & Harassment in Australian Workplaces: Results from the Australian Workplace Barometer Project 2014 / 2015*. Safe Work Australia. <https://www.safeworkaustralia.gov.au/system/files/documents/1705/bullying-and-harassment-in-australian-workplaces-australian-workplace-barometer-results.pdf>.

⁶¹ Safe Work Australia. (2023). *Model code of practice: Sexual and gender-based harassment*. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

⁶² Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁶³ Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁶⁴ Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁶⁵ *Workplace Gender Equality Act 2012* (Cth), s 4.

⁶⁶ Workplace Gender Equality Agency. (2024). *GEI 6: Prevention and response to sexual harassment*. Workplace Gender Equality Agency. https://www.wgea.gov.au/sites/default/files/documents/WGEA_Gender_Equality_Scorecard_GEI6.pdf.

Indeed, research in comparable jurisdictions which considered 30 years of training found that there was no evidence that training affected the frequency of sexual harassment in the workplace, concluding, “much of the training done over the last 30 years has not worked as a prevention tool”⁶⁷.

Response, or tertiary prevention of gendered violence then involves supporting victim-survivors and holding perpetrators accountable to prevent violence from recurring⁶⁸. It is here that most of Australia’s regulatory efforts to prevent work-related gendered violence are currently focused, by an over-reliance on anti-discrimination laws, which, whilst essential, cannot prevent harm at scale, because they are unable to deliver the robust preventative intent outlined in the *Change the Story* framework, which emphasises proactive, systemic measures to address the underlying drivers of violence against women at a societal level, including, specifically, through the use of work health and safety laws.

Indeed, despite the Respect@Work Reforms, notably, the Australian Human Rights Commission still requires a reasonable suspicion that employers are already not complying with their obligations in relation to sex discrimination before it can commence an inquiry (see s 35B of the *Australian Human Rights Commission Act 1986* (Cth)).

In Australia, approximately 80% of CEO roles, approximately 70% of heads of business, and approximately 60% of key management roles are occupied by men⁶⁹, with managers being almost twice as likely to be men compared to women⁷⁰. Our workplaces are therefore marked by gender inequality, with the majority of leadership positions across the private sector dominated by men⁷¹, high numbers of women who are casually employed or underemployed and extremely high rates of discrimination against women in relation to pregnancy and parental leave, leaving a highly gender segregated workforce with significant gender pay gaps⁷². Relevantly, most full-time employees are men (61%), while most part-time employees are women (69%)⁷³.

Whilst this data underscores the under-representation of women in leadership roles, it does not provide a full picture of the true state of gender inequality in Australian workplaces, because it does not account for perspectives from Aboriginal and Torres Strait Islander women, women with disability, culturally and linguistically diverse women and non-binary people⁷⁴. We note, for example, that double the proportion of people with disability in the workforce live in a household in the lowest quintile of household income compared with people without disability⁷⁵.

For Aboriginal and Torres Strait Islander women, the accumulated 10-year median income pay gap is 40.5%, whilst the median income pay gap is 33.5% for culturally and linguistically diverse women⁷⁶. The Federal Government has specifically acknowledged that further intersectional analysis is required for disability status, sexual identity, visa status, neurodiversity and other factors that account for intersecting and compounding disadvantage in the world of work, jobs and pay⁷⁷.

Increasing the representation of women in executive leadership roles is associated with declining organisational gender pay gaps⁷⁸. For this reason, the data referenced by the Department of Employment and Workplace Relations

⁶⁷ Feldblum, C. R., Lipnic, V. A. (2016). Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic. U.S. Equal Employment Opportunity Commission. https://www.eeoc.gov/sites/default/files/migrated_files/eeoc/task_force/harassment/report.pdf.

⁶⁸ Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁶⁹ Workplace Gender Equality Agency. (2024). *Australia’s Gender Equality Scorecard*. Workplace Gender Equality Agency. https://www.wgea.gov.au/sites/default/files/documents/Australia%27s%20Gender%20Equality%20Scorecard%202023-24_V10_0.pdf.

⁷⁰ Australian Bureau of Statistics. (2020). *Gender indicators, Australia*. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/people/people-and-communities/gender-indicators-australia/2020>.

⁷¹ Workplace Gender Equality Agency. (2025). *Publishing employer gender pay gaps in 2025 FAQ*. Australian Government. <https://www.wgea.gov.au/about/our-legislation/publishing-employer-gender-pay-gaps>.

⁷² Smith, B., Schleiger, M., Elphik, L. (2019). *Preventing Sexual Harassment in Work: Exploring the Promise of Work Health and Safety Laws*. Australian Journal of Labour Law. <https://ses.library.usyd.edu.au/bitstream/handle/2123/33002/Version%20of%20Record%20%2829%29.pdf?sequence=1&isAllowed=y>.

⁷³ Australian Bureau of Statistics. (2024). *Hourly gender pay gap is highest for managers*. Australian Bureau of Statistics. <https://www.abs.gov.au/media-centre/media-releases/hourly-gender-pay-gap-highest-managers>.

⁷⁴ Department of Employment and Workplace Relations. (2025). *New Perspectives On Old Problems: Gendered Jobs Work and Pay*. Commonwealth of Australia. <https://www.jobsandskills.gov.au/download/19799/new-perspectives-old-problems-gendered-jobs-work-and-pay/3326/gender-economic-equality-study-paper-1/pdf>.

⁷⁵ Australian Bureau of Statistics. (2020). *Disability and the Labour Force*. Australian Bureau of Statistics. <https://www.abs.gov.au/articles/disability-and-labour-force>.

⁷⁶ Department of Employment and Workplace Relations. (2025). *New Perspectives On Old Problems: Gendered Jobs Work and Pay*. Commonwealth of Australia. <https://www.jobsandskills.gov.au/download/19799/new-perspectives-old-problems-gendered-jobs-work-and-pay/3326/gender-economic-equality-study-paper-1/pdf>.

⁷⁷ Department of Employment and Workplace Relations. (2025). *New Perspectives On Old Problems: Gendered Jobs Work and Pay*. Commonwealth of Australia. <https://www.jobsandskills.gov.au/download/19799/new-perspectives-old-problems-gendered-jobs-work-and-pay/3326/gender-economic-equality-study-paper-1/pdf>.

⁷⁸ Australian Government, WGEA, Bank West, Curtin University. (2017). *Gender Equity Insights 2017: Inside Australia’s Gender Pay Gap*. Commonwealth of Australia.

may be used as a starting point for reflecting the significant underrepresentation of women, particularly those with intersecting identities, in leadership roles. It is these power imbalances that drive rates of harm in Australian workplaces.

WGEA data demonstrates that leadership imbalances are not only markers of gender inequity but also capable of predicting exposure to psychosocial hazards, meaning that structural inequality itself functions as a risk factor requiring regulation. For example, a 2025 report by WGEA in collaboration with Bankwest and Curtin University, *Gender Equity Insights 2025: The Power to Balance*⁷⁹ (**WGEA's 2025 Power to Balance Report**) found that high female resignation may be a sign of cultural and structural barriers that discourage women from remaining in employment. Addressing retention may require a sharper focus on flexible and hybrid work, access to parental leave and career pathways which do not penalise part-time or flexible work, as well as tackling workplace culture and respect⁸⁰. WGEA data is not currently being used to assess exposure to psychosocial harm, but could, foreseeably, be used for this purpose.

In this context we note that whilst amendments to the *Workplace Gender Equality Act 2012* (Cth)⁸¹ now include gender equality targets, these targets only apply to “designated employers”, being those employers employing 500 or more employees, and, as such, exclude 70% of the Australian workforce, noting that within an Australian context, there are approximately 5000 large businesses (employing more than 200 employees), accounting for 0.2% of total businesses, approximately 70,000 medium businesses, accounting for approximately 3% of businesses, and approximately 3 million small businesses, accounting for the majority of businesses (approximately 97%)⁸².

Current reporting under the *Workplace Gender Equality Act 2012* (Cth) and relevant target obligations are not intersectional and do not require businesses to address intersectional power imbalances and structural discrimination, thereby failing to consider the full spectrum of workforce diversity. In addition, the *Workplace Gender Equality Act 2012* (Cth) does not frame gender and diversity balance across organisations, including in leadership roles, as being essential for safety. Resultingly, there are no safety regulatory implications for non-compliance, limited organisational imperatives to address low workforce diversity and intersectional power imbalances in leadership roles, including where these factors contribute to risks of organisational behavioural harm exposing workers to psychosocial hazards which may result in serious harm or death.

The *Change the Story* framework recognises that women are not a homogenous group, but one comprising many and varied personal identities and social positions. The intersectional approach embedded throughout *Change the Story* is one that recognises violence and gender inequality exist in relation to multiple and intersecting systems of sexism, racism, colonialism, classism, heteronormativity, cisnormativity, homo-, bi- and transphobia, ageism and their corresponding systems of power and privilege. These intersections create systems of structured inequality, characterised by unequal distribution of power, wealth, income and social status. These intersecting forms of oppression and privilege also affect the prevalence and dynamics of violence against women⁸³. For example:

- The drivers of violence against Aboriginal and Torres Strait Islander women arise and need to be understood in the context of both the racialized and patriarchal systems and relationships that colonisation introduced and sustained over time⁸⁴.
- Racism, sexism and the particular forms of oppression and discrimination faced by refugees and migrants, particularly people of colour intersect to drive increased levels of violence against women from these groups – violence that is both gendered and racialized⁸⁵.
- Sexism and ableism intersect and compound to drive high levels of violence against women with disabilities⁸⁶.

<https://www.wgea.gov.au/sites/default/files/documents/BCEC%20WGEA%20Gender%20Pay%20Equity%20Insights%202017%20Report.pdf>.

⁷⁹ Australian Government, WGEA, Bank West, Curtin University. (2025). *Gender Equity Insights 2025: The Power of Balance*. <https://www.wgea.gov.au/sites/default/files/documents/BCEC-WGEA-2025-Gender-Equity-Insights-Report.pdf>.

⁸⁰ Australian Government, WGEA, Bank West, Curtin University. (2025). *Gender Equity Insights 2025: The Power of Balance*. <https://www.wgea.gov.au/sites/default/files/documents/BCEC-WGEA-2025-Gender-Equity-Insights-Report.pdf>.

⁸¹ *Workplace Gender Equality Act 2012* (Cth), s 4A.

⁸² Australian Small Business and Family Enterprise Ombudsman. (2024). *Number of Small Businesses in Australia*. Commonwealth of Australia. https://www.asbfeo.gov.au/sites/default/files/2024-09/Number%20of%20small%20businesses%20in%20Australia_Aug%202024.pdf.

⁸³ Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁸⁴ Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁸⁵ Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁸⁶ Our Watch. (2021). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

- Rigid gender norms, together with cisnormativity, and heteronormativity produce stereotypes that devalue the bodies, identities and relationships of lesbian, bisexual, and trans women, generate homophobia, biphobia and transphobia and drive and normalise violence against these women⁸⁷.
- Ableism, ageism, and discrimination against women with disabilities and older women intersect with gendered drivers to drive the forms of violence that older women experience⁸⁸.

Given the scale of the inequality experienced across Australian workplaces, and the significant rates of harm experienced by people with intersecting identities, our workplace health and safety laws hold the key to driving the systemic safety intervention needed to address the key drivers of work-related gendered violence: gender inequality, and power imbalances, not only on the basis of sex, gender, and sexuality, but also based on migration status, race, disability and age⁸⁹.

⁸⁷ Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women and their children in Australia (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁸⁸ Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women and their children in Australia (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁸⁹ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

9. Understanding Work-Related Gendered Violence, Including Harassment

In a nutshell: Gender-based harassment is the most common but often overlooked manifestation of sexual harassment. It is about upholding status and identity. Gender inequality drives harmful behaviour at work.

Work-Related Gendered Violence Including Harassment & Bullying

Workers are subjected to a range of violence including physical violence, psychological violence (such as harassment, bullying and verbal abuse), sexual violence (including sexual harassment and assault) and other forms of discriminatory harassment, criminal violence, intimate partner violence related to the workplace and technology-facilitated violence, including cyber-bullying⁹⁰.

Violence against women and gender diverse people, overwhelmingly perpetrated by men, is both a symptom and a cause of gender inequality⁹¹. Said another way, inequality at work is driving experiences of gendered harm.

Research has shown that by far the most common but often overlooked manifestation of sexual harassment is gender-based harassment, which does not have sexual cooperation as its goal⁹². Instead, gender-based harassment communicates denigrating, demeaning or hostile attitudes based on gender or sex⁹³, and has contempt at its core, aiming to put people down and push them out, not pull them into sexual activity⁹⁴.

It is here that WGEA data could be useful in predicting and assessing organisational risk factors, particularly if this data was intersectional (e.g., do particular employers have low numbers of intersectional gender balance in leadership roles, and high rates of attrition).

Relevantly, men harass other men who do not conform to prescribed images of who “real men” are supposed to be⁹⁵. Gay, lesbian, bisexual, transgender and other people of diverse sexualities or genders who defy gender norms are subjected to high rates of harassment⁹⁶. Black women and women of colour also experience of higher rates of harassment⁹⁷.

Harassment is more about upholding gendered status and identity than it is about expressing desire or sexuality⁹⁸. Even where unwanted sexual misconduct occurs, it is typically a telltale sign of broader patterns of discrimination and inequality at work, such as sex segregation and gender stereotyping⁹⁹.

Safe Work Australia has found that when compared by gender, “other harassment” claims by women accounted for a greater proportion of all mental stress claims, nearly five times the frequency rate for men¹⁰⁰.

⁹⁰ Lippel, K. (2020). Conceptualising Violence at Work Through a Gender Lens: Regulation and Strategies for Prevention and Redress. University of Oxford Human Rights Hub Journal. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3585399.

⁹¹ Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women and their children in Australia (second edition). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

⁹² Cortina, M. L., Areguin M. A. (2021). Putting People Down and Pushing Them Out: Sexual Harassment in the Workplace. Annual Review of Organizational Psychology and Organizational Behaviour. <https://sites.lsa.umich.edu/liliacortina-lab/wp-content/uploads/sites/970/2021/12/Cortina-Areguin-2021-Annual-Review.pdf>.

⁹³ Leskinen, E. A., Cortina, L. M. (2013). Dimensions of Disrespect: Mapping and Measuring Gender-based harassment in Organization. Psychology of Women. <https://journals.sagepub.com/doi/10.1177/0361684313496549>.

⁹⁴ Cortina, M. L., Areguin M. A. (2021). Putting People Down and Pushing Them Out: Sexual Harassment in the Workplace. Annual Review of Organizational Psychology and Organizational Behaviour. <https://sites.lsa.umich.edu/liliacortina-lab/wp-content/uploads/sites/970/2021/12/Cortina-Areguin-2021-Annual-Review.pdf>.

⁹⁵ Schultz, V. (2018). Open Statement on Sexual Harassment from Employment Discrimination Law Scholars. Stanford Law Review 71: 17–48. <https://www.stanfordlawreview.org/online/open-statement-on-sexual-harassment-from-employment-discrimination-law-scholars/>.

⁹⁶ Schultz, V. (2018). Open Statement on Sexual Harassment from Employment Discrimination Law Scholars. Stanford Law Review 71: 17–48. <https://www.stanfordlawreview.org/online/open-statement-on-sexual-harassment-from-employment-discrimination-law-scholars/>.

⁹⁷ Schultz, V. (2018). Open Statement on Sexual Harassment from Employment Discrimination Law Scholars. Stanford Law Review 71: 17–48. <https://www.stanfordlawreview.org/online/open-statement-on-sexual-harassment-from-employment-discrimination-law-scholars/>.

⁹⁸ Schultz, V. (2018). Open Statement on Sexual Harassment from Employment Discrimination Law Scholars. Stanford Law Review 71: 17–48. <https://www.stanfordlawreview.org/online/open-statement-on-sexual-harassment-from-employment-discrimination-law-scholars/>.

⁹⁹ Schultz, V. (2018). Open Statement on Sexual Harassment from Employment Discrimination Law Scholars. Stanford Law Review 71: 17–48. <https://www.stanfordlawreview.org/online/open-statement-on-sexual-harassment-from-employment-discrimination-law-scholars/>.

¹⁰⁰ Safe Work Australia. (2019). Safe Work Australia Submission to the National Inquiry into Sexual Harassment in Australian Workplaces. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/2019-05/submission_446_-_safe_work_australia.pdf.

Women are more likely than men to be bullied at work, noting that gender is significantly related to bullying experiences, with women experiencing significantly higher rates of bullying than men, more frequently, and for longer periods¹⁰¹. The bullying experienced by women is perpetrated by both men and other women, whilst men are more likely to be bullied by other men¹⁰². Women are also more likely to report behaviours such as emotional abuse as well as condescension and public disparagement compared to men¹⁰³.

This is consistent with international research which suggests that women are at a higher risk of being bullied¹⁰⁴, with discrimination and harassment being more common amongst groups experiencing systemic disadvantage, leading to a higher risk of bullying¹⁰⁵. For example, 39.5% of LGBTIQ+ people that were asked if they had experienced specific forms of heterosexual violence or harassment based on their sexual identity or orientation in the past 12 months indicated that they were socially excluded, 34.6% indicated that they experienced verbal abuse and 14.6% indicated that they had experienced threats of physical violence¹⁰⁶. According to the Australian Workplace Equality Index's 2022 survey, 47.37% of LGBTIQ+ people have been sexually harassed at work over the past 12 months, with over 36% experiencing the conduct more than once but less than monthly, and 10% experiencing the conduct monthly¹⁰⁷.

This reflects the results of the 2022 global survey by the International Labour Organization which found that people who have been discriminated against based on at least one of five key characteristics, including gender, nationality / race / ethnic origin, skin colour, religion and disability status, are also three times as likely as those who have not been discriminated against to say they have experienced violence and harassment during working life¹⁰⁸.

¹⁰¹ Potter, E., Dollard, M., Tuckey, M. (2016). Bullying & Harassment in Australian Workplaces: Results from the Australian Workplace Barometer Project 2014/2015. Safe Work Australia. <https://www.safeworkaustralia.gov.au/system/files/documents/1705/bullying-and-harassment-in-australian-workplaces-australian-workplace-barometer-results.pdf>.

¹⁰² Reid, A., Daly, A., LaMontagne, A. D., Milner, A., Perez, E. R. (2020). Descriptive study of workplace demand, control and bullying among migrant and Australian born workers by gender: does workplace support make a difference? *BMJ Open*. <https://bmjopen.bmj.com/content/bmjopen/10/6/e033652.full.pdf>.

¹⁰³ Reid, A., Daly, A., LaMontagne, A. D., Milner, A., Perez, E. R. (2020). Descriptive study of workplace demand, control and bullying among migrant and Australian born workers by gender: does workplace support make a difference? *BMJ Open*. <https://bmjopen.bmj.com/content/bmjopen/10/6/e033652.full.pdf>.

¹⁰⁴ Feijó, F. R., Gräf, D. D., Pearce, N., & Fassa, A. G. (2019). Risk Factors for Workplace Bullying: A Systematic Review. *International Journal of Environmental Research and Public Health*, 16(11), 1945. <https://pubmed.ncbi.nlm.nih.gov/31159344/>.

¹⁰⁵ Feijó, F. R., Gräf, D. D., Pearce, N., & Fassa, A. G. (2019). Risk Factors for Workplace Bullying: A Systematic Review. *International Journal of Environmental Research and Public Health*, 16(11), 1945. <https://pubmed.ncbi.nlm.nih.gov/31159344/>.

¹⁰⁶ Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). Private Lives 3: The health and wellbeing of LGBTIQ people in Australia. ARCSHS Monograph Series No. 122. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University. <https://opal.latrobe.edu.au/ndownloader/files/29080047>.

¹⁰⁷ Pride in Diversity. (2022). 2022 Australian Workplace Equality Index Survey Results. Australian Government Department of Health. <https://www.health.gov.au/sites/default/files/2023-01/foi-4058-release-documents-australian-workplace-equality-index-awei-department-of-health-survey-results.pdf>.

¹⁰⁸ International Labour Organization. (2022). Experiences of violence and harassment at work: A global first survey. International Labour Organization and Lloyd's Register Foundation 2022. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40dcomm/documents/publication/wcms_863095.pdf.

10. Gender Inequality as a Recognised Risk Factor in the Experience of Work-Related Psychological Harm

In a nutshell: Work-related gendered violence can result in anxiety, depression, acute stress disorder, PTSD, and suicide. At a national level, women lose more healthy life years from living with disease and injury than from dying prematurely. Depression is the leading cause of the non-fatal disease burden for women in Australia, driven by gender inequality, and resulting in unemployment, under-employment, reduced quality of life, and premature death.

Work-related gendered violence, including bullying and harassment, can lead to serious physical and psychological injuries, including anxiety, depression, acute stress disorder, PTSD, heart disease, physical injuries, immune deficiency and, in the worst cases, even suicide¹⁰⁹.

Evidence shows clear gendered patterns in psychological harm at work, with women and gender-diverse people more likely to experience harm linked to harassment, discrimination and exclusion. Whilst these patterns reflect the impact of gender inequality as a systemic driver, this has not yet been systematically integrated into work health and safety regulatory frameworks. It is for this reason that our above observations with regard to WGEA data being capable of predicting harm are so pertinent. This is also why it is essential for this data to be intersectional.

Mental health conditions account for 9% (11,700) of all serious workers' compensation claims, and 7% of all work-related injuries and illnesses, and these claims are increasing¹¹⁰. The most common mechanism attributed to claims for mental health conditions is work-related bullying and harassment (27.5%), work pressure (25.2%) and exposure to workplace or occupational violence (16.4%)¹¹¹.

Over half of all serious workers' compensation claims for mental health conditions are among women (57.8%)¹¹². This is broadly reflective of the broader population who have experienced a mental health condition in the past 12 months, which comprises 57.3% women and 42.7% men¹¹³.

At a national level, depression has been amongst the leading causes of the non-fatal burden of disease for women in Australia¹¹⁴. Anxiety and depression have been amongst the most commonly co-occurring conditions amongst women in all age groups, except 65, and over¹¹⁵.

The high prevalence of mental distress amongst women of all ages is bound up in the totality of their experiences of social and economic inequality¹¹⁶. Yet, despite all the evidence about the impact of gender inequality, mental health policy in Australia is largely silent on the issue¹¹⁷.

Almost half of Australian women aged 16-85 and over report having a mental health condition at some point in their lives. The most common conditions are anxiety (35%) and mood-affective disorders (18%). Women lose more healthy years of living from living with disease and injury (58%) than from dying prematurely (42%). Mental and substance use disorders and neurological disease form two of the top five disease groups representing the highest proportion of the total disease burden for women¹¹⁸.

¹⁰⁹ WorkSafe Victoria. (2022). Work-related gendered violence including sexual harassment. Work Safe Victoria. <https://content-v2.api.worksafe.vic.gov.au/sites/default/files/2022-11/ISBN-Work-related-gendered-violence-including-sexual-harassment-2022-11.pdf>.

¹¹⁰ Safe Work Australia. (2024). Psychological health and safety in the workplace. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Report_February2024.pdf.

¹¹¹ Safe Work Australia. (2024). Psychological health and safety in the workplace. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Report_February2024.pdf.

¹¹² Safe Work Australia. (2024). Psychological health and safety in the workplace. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Report_February2024.pdf.

¹¹³ Safe Work Australia. (2024). Psychological health and safety in the workplace. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Report_February2024.pdf.

¹¹⁴ Duggan, M. (2016). Investing in Women's Menal Health: Strengthening the Foundations for Women, Families and the Australian Economy. Australian Health Policy Collaboration. <https://content.vu.edu.au/sites/default/files/media/investing-in-womens-mental-health-mitchell-institute.pdf>.

¹¹⁵ Australian Institute of Health and Welfare. (2025). The health of women in Australia. Australian Government. <https://www.aihw.gov.au/reports/womens-health/the-health-of-women-in-australia>.

¹¹⁶ Duggan, M. (2016). Investing in Women's Menal Health: Strengthening the Foundations for Women, Families and the Australian Economy. Australian Health Policy Collaboration. <https://content.vu.edu.au/sites/default/files/media/investing-in-womens-mental-health-mitchell-institute.pdf>.

¹¹⁷ Duggan, M. (2016). Investing in Women's Menal Health: Strengthening the Foundations for Women, Families and the Australian Economy. Australian Health Policy Collaboration. <https://content.vu.edu.au/sites/default/files/media/investing-in-womens-mental-health-mitchell-institute.pdf>.

¹¹⁸ Australian Institute of Health and Welfare. (2023). The health of Australia's females. Australian Institute of Health and Welfare. <https://www.aihw.gov.au/reports/men-women/female-health/contents/how-healthy>.

Research conducted by the World Health Organisation has found that gender differences in mental health conditions, including anxiety and depression, are consistently found in epidemiological surveys, suggesting that these differences narrow as gender roles become more equal¹¹⁹. Relevantly, research has also found that the risk of depression onset is significantly narrower for times and places in which gender roles become more equal¹²⁰.

Inequality Is Driving Distress

Women's experiences of psychological harm is driven by the inequality they experience in all aspects of life, including within a workplace context¹²¹.

Within a workplace context, mental health conditions - specifically anxiety and depression - have been identified as the largest single set of contributors to disability-adjusted life-years lost amongst Australian women. This burden results in premature death, unemployment, under-employment and reduced quality of life¹²².

Studies have found that work-related harmful behaviour, such as work-related bullying, which often overlaps with work-related gendered violence¹²³, is a significant predictor of the risk of disability retirement, particularly for women¹²⁴.

When examined by type of disability, persons with a psychological condition reported the highest rate of employment restrictions (91% for mental illness and 88% for emotional / nervous conditions)¹²⁵.

There is also a substantial body of research revealing that LGBTIQ+ communities experience higher rates of depression and anxiety than the general population, which has been associated with stigma, prejudice and discrimination that creates a hostile and stressful social environment. Previous research has also revealed that LGBTIQ+ communities have comparatively higher levels of suicidal ideation and suicide attempts than the general population¹²⁶.

¹¹⁹ Seedat, S., Scott, K. M., Angermeyer, M. C., et al. (2009). Cross-National Associations Between Gender and Mental Disorders in the World Health Organization World Mental Health Surveys. *JAMA Psychiatry*, Vol. 66, No. 7. <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/483115>.

¹²⁰ Seedat, S., Scott, K. M., Angermeyer, M. C., et al. (2009). Cross-National Associations Between Gender and Mental Disorders in the World Health Organization World Mental Health Surveys. *JAMA Psychiatry*, Vol. 66, No. 7. <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/483115>.

¹²¹ Duggan, M. (2016). Investing in Women's Mental Health: Strengthening the Foundations for Women, Families and the Australian Economy. Australian Health Policy Collaboration. <https://content.vu.edu.au/sites/default/files/media/investing-in-womens-mental-health-mitchell-institute.pdf>.

¹²² Duggan, M. (2016). Investing in Women's Mental Health: Strengthening the Foundations for Women, Families and the Australian Economy. Australian Health Policy Collaboration. <https://content.vu.edu.au/sites/default/files/media/investing-in-womens-mental-health-mitchell-institute.pdf>.

¹²³ WorkSafe Victoria. (2022). Work-related gendered violence including sexual harassment. Work Safe Victoria. <https://content-v2.api.worksafe.vic.gov.au/sites/default/files/2022-11/ISBN-Work-related-gendered-violence-including-sexual-harassment-2022-11.pdf>.

¹²⁴ Nielsen, M., Emberland, J., Knardahl S. (2017). Workplace Bullying as a Predictor of Disability Retirement. *National Library of Medicine*. <https://pubmed.ncbi.nlm.nih.gov/articles/PMC5491229/>.

¹²⁵ Office of the Australian Safety and Compensation Council. (2007). Are people with disability at risk at work? A review of the evidence. *National Library of Australia*. <https://catalogue.nla.gov.au/catalog/4232470>.

¹²⁶ Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). Private Lives 3: The health and wellbeing of LGBTIQ people in Australia. ARCSHS Monograph Series No. 122. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University. <https://opal.latrobe.edu.au/ndownloader/files/29080047>.

11. Increased Risk of Harm for People With Intersecting Identities

In a nutshell: Systemic discrimination drives higher rates of harm for women, LGBTIQ+ people, people with disability, Aboriginal and Torres Strait Islander people, culturally and racially diverse people, women of colour, refugee and migrant women and gender diverse people.

Safe Work Australia recognises that whilst gender inequality is a key driver or underlying cause of sexual and gender-based harassment at work, other forms of disadvantage such as power imbalances based on age, sex, gender, sexuality, migration status, race and disability can combine (intersect) to increase a person's exposure to behavioural hazards and conditions of vulnerability¹²⁷.

Additional systemic drivers (such as ableism, racism and other structural inequalities) interact with gender inequality to create environments where harassment is more likely to occur.

For example, gender inequality and ableism can overlap in the workplace, meaning that women with disabilities may be more likely to experience bullying or harassment. They may also face systemic barriers to seeking support or redress, such as fear of losing their job or not being believed.

We note that Safe Work Australia data on work-related gendered violence, including sexual and gender-based harassment, and work-related bullying, is not intersectional. Because of this, we have considered various other sources.

The Australian Human Rights Commission has found that some groups of people experience sexual harassment at disproportionately higher rates than the general population who have experienced this conduct at the rate of 33% over the past five years¹²⁸.

For example, 41% of women, 46% of people aged between 18-29, between 46% to 70% of LGBTIQ+ people (inclusive of people with an intersex variation), 48% of people with disability and 56% of Aboriginal and Torres Strait Islander people have experienced work-related sexual harassment in the past 5 years¹²⁹. For people with disability who experience work-related sexual harassment, rates are higher for women with disability than for men with disability (54% compared to 38% of men with a disability)¹³⁰.

Recent studies, for example, by Australia's National Research Organisation For Women's Safety (**ANROWS**), have also found that almost half (46%) of migrant and refugee women surveyed had experienced at least one form of sexual harassment in the workplace in the last 5 years in Australia¹³¹. For these women, workplace sexual harassment was consistently experienced alongside exploitative work conditions and / or racial discrimination, reflecting a survey finding that the behaviour was motivated by gender and / or sex and race and / or religion¹³².

Across the ANROWS survey, interviews and focus groups, it was consistently identified that men were the most frequent harassers and were most often in senior positions in the workplace (managers) or a client / customer. Perpetrators were identified as having both power and entitlement¹³³.

¹²⁷ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

¹²⁸ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf.

¹²⁹ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf.

¹³⁰ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf.

¹³¹ Segrave, M., Tan, S. J., Wickes, R., Keel, C., Lopez, N. A. (2024). Migrant and refugee women: A national study of experiences of, understandings of and responses to sexual harassment in the workplace. Australia's National Research Organisation for Women's Safety. https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2024/08/19203606/ANROWS_Segrave_Migrant_Refugee_Sexual_Harassment_REPORT_2024.pdf.

¹³² Segrave, M., Tan, S. J., Wickes, R., Keel, C., Lopez, N. A. (2024). Migrant and refugee women: A national study of experiences of, understandings of and responses to sexual harassment in the workplace. Australia's National Research Organisation for Women's Safety. https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2024/08/19203606/ANROWS_Segrave_Migrant_Refugee_Sexual_Harassment_REPORT_2024.pdf.

¹³³ Segrave, M., Tan, S. J., Wickes, R., Keel, C., Lopez, N. A. (2024). Migrant and refugee women: A national study of experiences of, understandings of and responses to sexual harassment in the workplace. Australia's National Research Organisation for Women's Safety. https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2024/08/19203606/ANROWS_Segrave_Migrant_Refugee_Sexual_Harassment_REPORT_2024.pdf.

This is consistent with findings by the Australian Human Rights Commission which considered that women are more likely than men to be sexually harassed by more senior co-workers¹³⁴. In addition, where more than one harasser was involved in the most recent incident of workplace sexual harassment, almost half involved a person or people in a more senior position than the person harassed, for example, a co-worker who was more senior, a direct manager, supervisor or head of the organisation such as the CEO or business owner¹³⁵.

The literature suggests that ethno-racial minority groups, especially women within these groups, are more likely to be bullied¹³⁶, but less likely to report this conduct, for example due to structural values of a workplace which impact their ability to have confidence in reporting systems¹³⁷.

Caucasian men, on the other hand, are more likely to report bullying, finding that they have the confidence to make reports given their trust in a structure that typically works in the interests of people like them¹³⁸.

In Australia, migrant and refugee workers are also more likely to report that they have experienced work-related discrimination and bullying, compared to Caucasian workers¹³⁹.

We note that approximately 60% of women of colour in a recent study commissioned by the Community & Public Sector Union (CPSU) Victoria with funding from WorkSafe Victoria, reported experiencing workplace bullying¹⁴⁰.

In addition, 11.11% of workers who are LGBTIQ+ have been the target of more serious bullying / sexual harassment targeting their gender diversity within the last year¹⁴¹. For people with disabilities, international research suggests that reasonable estimates could place the prevalence rate as being as high as 41% of people with disabilities facing workplace bullying¹⁴².

Rates of workplace harm are also disproportionately high amongst Aboriginal and Torres Strait Islander workers, with 50% of Aboriginal and Torres Strait Islander workers reporting that they have experienced discrimination and / or harassment at work¹⁴³.

Other data, for example, from the Australian Public Service, highlights that 9.7% of respondents to the APS Employee Census said that they were subjected to harassment or bullying in their current workplace over the past 12 months. Perceptions of harassment and bullying for Aboriginal and Torres Strait Islander employees were 16.1%, and for employees with a disability were 18.2%¹⁴⁴.

¹³⁴ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf.

¹³⁵ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf.

¹³⁶ Hollis, L. P. (2018). Bullied Out of Position: Black Women's Complex Intersectionality, Workplace Bullying, and Resulting Career Disruption. *Journal of Black Sexuality and Relationships*.

https://www.researchgate.net/publication/326107893_Bullied_Out_of_Position_Black_Women's_Complex_Intersectionality_Workplace_Bullying_and_Resulting_Career_Disruption.

¹³⁷ Patel, T. G., Kamerade, D., Carr, L. (2022). Higher Rates of Bullying Reported by "White" Males: Gender and Ethno-Racial Intersections and Bullying in the Workplace. *British Sociological Association*. <https://journals.sagepub.com/doi/10.1177/09500170221134397#bibr21-09500170221134397>.

¹³⁸ Patel, T. G., Kamerade, D., Carr, L. (2022). Higher Rates of Bullying Reported by "White" Males: Gender and Ethno-Racial Intersections and Bullying in the Workplace. *British Sociological Association*. <https://journals.sagepub.com/doi/10.1177/09500170221134397#bibr21-09500170221134397>.

¹³⁹ Cain, P., Daly, A., Reid, A. (2021). How Refugees Experience the Australian Workplace: A Comparative Mixed Methods Study. *International Journal of Environmental Research and Public Health*. <https://pmc.ncbi.nlm.nih.gov/articles/PMC8069511/>.

¹⁴⁰ Yip, H. Y. C., Arnanta, J., Munshi, M., Lamb, S. Chen, Y., Pillay, V. (2022). Safer Workplaces for Women of Colour Project. CPSU Victoria. <https://cpsuvc.org/woc/files/sw-for-woc-research-report.pdf>.

¹⁴¹ Pride in Diversity. (2022). 2022 Australian Workplace Equality Index Survey Results. Australian Government Department of Health. <https://www.health.gov.au/sites/default/files/2023-01/foi-4058-release-documents-australian-workplace-equality-index-awe-i-department-of-health-survey-results.pdf>.

¹⁴² Bernard, A. (2017). Beyond the Wheelchair: Workplace Bullying and Persons with Disabilities. *Global Journal of Arts, Humanities and Social Sciences*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3029870.

¹⁴³ Diversity Council of Australia. (2023). First Nations facing increased discrimination and cultural load. Diversity Council of Australia. <https://www.dca.org.au/news/media-releases/first-nations-facing-increased-discrimination#:~:text=In%202021%2C%2050%25%20of%20Aboriginal,and%20For%20harassment%20at%20work>.

¹⁴⁴ Australian Public Service Commission. (2022). State of the Service Report – Building the Future. Commonwealth of Australia. <https://www.apsc.gov.au/sites/default/files/2022-11/APS%20State%20of%20the%20Service%20Report%202021%20%28Accessible%29%E2%80%939322.pdf>.

Violence and harassment are not only the results of power imbalances, but also tools used to reinforce them¹⁴⁵. It is for this reason that International Standard 45003:2021¹⁴⁶ specifically requires the assessment of unequal power relationships between dominant and non-dominant groups, as well as an assessment of potential abuses or misuses of power when identifying psychosocial hazards in aspects of how work is organized, the work environment and in assessing hazards associated with social factors at work¹⁴⁷.

¹⁴⁵ Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539

¹⁴⁶ International Organization for Standardization. (2021). International Standard 45003:2021 – Occupational Health and Safety Management – Psychological Health and Safety at Work – Guidelines for Managing Psychosocial Risks. International Organization for Standardization. <https://www.iso.org/standard/64283.html>.

¹⁴⁷ International Organization for Standardization. (2021). International Standard 45003:2021 – Occupational Health and Safety Management – Psychological Health and Safety at Work – Guidelines for Managing Psychosocial Risks. International Organization for Standardization. <https://www.iso.org/standard/64283.html>.

12. The Limitations Of Anti-Discrimination Laws in Preventing Harm At Scale

In a nutshell: Despite a notional estimate of approximately 3 million workers experiencing work-related sexual harassment, and a notional estimate of approximately 2 million workers experiencing work-related bullying every year, less than 1% of the people experiencing this harm at work complain to the Australian Human Rights Commission and Fair Work Commission, with approximately 80% of harassment cases going unreported in a workplace context. Work health and safety regulations could prevent harm at scale, with previous studies finding safety regulatory intervention, if safety regulations are complied with, this can halve the rate of injury.

Anti-discrimination laws remain essential but unable to prevent work-related gendered violence at scale which means that most harm goes unaddressed.

The International Labour Organization has considered that in the past, sexual harassment and other forms of gender-based violence and harassment have been addressed through complaints-based regimes, which prohibit the behaviour in question, but then place the responsibility to report and prove the wrongdoing on the shoulders of the target of the gender-based violence and harassment, concluding that these regimes have not made satisfactory inroads into eradicating sexual harassment and other forms of gender-based violence and harassment at work¹⁴⁸.

Australia's current approach to preventing work-related gendered violence, including sexual harassment, is largely reactive and complaints based¹⁴⁹, requiring individuals to take action after harm has already occurred, thereby placing the onus on the worker – often from groups disproportionately impacted by work-related gendered violence – to initiate and sustain legal or procedural processes against their employer. This approach directly contradicts the primary prevention approach recommended by the *Our Watch, Change the Story Framework*, which emphasises proactive, systemic measures to prevent harm before it occurs, and instead creates additional barriers for workers with intersecting identities who may fear retaliation, visa impacts, loss of income or cultural stigma¹⁵⁰.

This is said alongside an acknowledgement of the important role that Australia's anti-discrimination framework has historically played in promoting equality in Australia. Despite this, substantive equality remains out of reach for many of those most reliant on our anti-discrimination framework¹⁵¹.

The Australian Human Rights Commission's 2023 Report, *Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report*, specifically recommended that the Australian Government modernise federal discrimination laws to ensure fairness and shift the focus from a reactive model that responds to discriminatory treatment to a proactive model that seeks to prevent discriminatory treatment in the first place¹⁵². We consider that our workplace health and safety frameworks provide a complimentary and stronger vehicle to achieve this.

The limitations of only relying on anti-discrimination laws to prevent work-related gendered violence, in circumstances where this violence is driven by intersecting forms of discrimination, is evident in the extent of the harm experienced, and the comparatively low number of complaints made to anti-discrimination bodies like the Australian Human Rights Commission and Fair Work Commission.

Understanding Experiences of Work-Related Sexual Harassment

According to the Australian Bureau of Statistics, Australia has 14,547,800 workers¹⁵³. Extrapolating the data, it may be theorised that if approximately one in five workers¹⁵⁴ of 14,547,800 workers have been sexually harassed at work over the past 12 months, based specifically on the Fifth National Survey on Sexual Harassment prevalence rates, then this equates to a notional estimate of approximately 2,764,082 workers that may have experienced sexual harassment at work over the past 12 months. We are not statisticians, and do not purport to be, and are instead doing our best to assess what prevalence rates may be.

¹⁴⁸ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

¹⁴⁹ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

¹⁵⁰ Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women and their children in Australia (2nd ed.). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

¹⁵¹ Law Council of Australia. (2017). Anti-discrimination laws. Law Council of Australia. <https://lawcouncil.au/policy-agenda/human-rights/anti-discrimination-laws>.

¹⁵² Australian Human Rights Commission. (2023). Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/2311_freeequal_finalreport_1_1.pdf.

¹⁵³ Australian Bureau of Statistics. (2025). Labour Force, Australia. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/feb-2025>.

¹⁵⁴ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/documents/publication/2022.11.25_time_for_respect_2022_final_digital.pdf.

In 2024-2025, the Australian Human Rights Commission only received a total of 626 complaints under the *Sex Discrimination Act 1984* (Cth)¹⁵⁵. In 2023-2024, the Australian Human Rights Commission only received a total of 586 complaints under the *Sex Discrimination Act 1984* (Cth), of which 314 related to complaints of sexual harassment, 135 related to complaints of sex-based harassment, and 95 related to complaints of hostile workplace environments based on sex. Of the complaints in 2023-2024, 209 were conciliated, 113 were discontinued, 79 were withdrawn and 207 were terminated or declined¹⁵⁶. In the same reporting period, there were 9 applications to the Fair Work Commission for an order to stop sexual harassment¹⁵⁷.

The Australian Human Rights Commission, itself has noted that, in a workplace context, fewer than 1 in 5 people have made a formal report or complaint about sexual harassment at work (i.e., at least 80% of workers do not complain), and those who do complain experience negative consequences, including ostracism, victimisation, being ignored by colleagues (13%), resigning (13%), or being labelled a troublemaker (12%)¹⁵⁸. In less than a third of cases (28%), the harassment stopped after a formal report or complaint was made, with two in five (40%) who made a formal complaint saying no changes occurred in the workplace as a result¹⁵⁹.

Understanding Experiences of Work-Related Bullying

Bullying & Harassment in Australian Workplaces: Results from the Australian Workplace Barometer Project by Safe Work Australia found that 12.9%¹⁶⁰ of Australian workers have been bullied for between 7-12 months. Theorising along a similar vein, if Australia has 14,547,800 workers¹⁶¹, then a notional 1,876,666 workers may have been bullied over at least the last 7-12 months.

However, only 883 applications for an order to stop bullying were made to the Fair Work Commission in the 2023-2024 reporting year¹⁶².

Researchers have suggested that although anti-bullying amendments to the *Fair Work Act 2009* (Cth) had been anticipated to stop bullying and restore harmonious employment, the ability to achieve these aims under this *Fair Work Act 2009* (Cth) jurisdiction, particularly in relation to workplace bullying, remains elusive¹⁶³.

The Majority of Harm is Not Being Reported

In effect, it may be considered, based on this data, and our rudimentary analysis, that less than 1% of people experiencing workplace sexual harassment made a claim to Australian Human Rights Commission, and less than 1% of those experiencing bullying made a claim to the Fair Work Commission. Most claims to the Australian Human Rights Commission never made it to Court because they were discontinued, withdrawn, declined, or terminated.

A further barrier, from a work health and safety perspective, is the use of non-disclosure and non-disparagement agreements (NDAs), with 75% of legal professionals reporting to not have never reached a sexual harassment settlement without strict NDA terms. While NDAs are legally permissible in Australia, their use in matters relating to workplace sexual harassment or sexual violence has been widely criticised. These agreements prioritise institutional protection over the safety, rights and wellbeing of victims, restricting their ability to access support, share their experiences, or contribute to systemic reform¹⁶⁴.

¹⁵⁵ Australian Human Rights Commission. (2025). Annual Report. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/commission-general/publications/annual-report-2024-25>.

¹⁵⁶ Australian Human Rights Commission. (2024). Australian Human Rights Commission 2023 - 24 Complaint Statistics. https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fhumanrights.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fpublication%2F2023-24_complaint_stats_tables_1.docx&wdOrigin=BROWSELINK.

¹⁵⁷ Fair Work Commission. (2024). Annual Report - Access to Justice, 2023 - 2024. Commonwealth of Australia. <https://www.fwc.gov.au/documents/reporting/fwc-annual-report-2023-24.pdf>.

¹⁵⁸ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf

¹⁵⁹ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf.

¹⁶⁰ Potter, E., Dollard, M., Tuckey, M. (2016). Bullying & Harassment in Australian Workplaces: Results from the Australian Workplace Barometer Project 2014/2015. Safe Work Australia. <https://www.safeworkaustralia.gov.au/system/files/documents/1705/bullying-and-harassment-in-australian-workplaces-australian-workplace-barometer-results.pdf>.

¹⁶¹ Australian Bureau of Statistics. (2025). Labour Force, Australia. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/feb-2025>.

¹⁶² Fair Work Commission. Annual Report - Access to Justice, 2023 - 2024. Commonwealth of Australia. <https://www.fwc.gov.au/documents/reporting/fwc-annual-report-2023-24.pdf>.

¹⁶³ Worth, R., Squeelch, J. (2015). Stop the Bullying: The Anti-Bullying Provisions in the Fair Work Act and Restoring the Employment Relationship. UNSW Law Journal. <https://www.unswlawjournal.unsw.edu.au/wp-content/uploads/2017/09/38-3-10.pdf>.

¹⁶⁴ Featherstone, R., Bargon, S. (2024). Let's Talk About Confidentiality: NDA Use In Sexual harassment Settlements Since the Respect@Work Report. The University of Sydney. https://rlc.org.au/sites/default/files/2024-03/Let%27s%20talk%20about%20confidentiality%20final_0.pdf.

Internationally, reforms are underway. For example, the United Kingdom's Employment Rights Bill will, from 2026, prohibit the use of NDAs to silence victims of workplace harassment and abuse¹⁶⁵. Similar reforms in Australia would align with global best practice and send a clear signal that transparency, accountability, and workplace safety must take precedence over reputational risk management.

Limited Redress for Disability Discrimination

These statistics are similarly reflected in experiences of age, race and disability discrimination.

An estimated 45.2% or 40,300 employed people with disability report experiencing unfair treatment or discrimination from their employer in the past 12 months. Of these people, 2 in 5 experience unfair treatment or discrimination due to their disability from their work colleagues¹⁶⁶.

1 in 5 people with disability aged 15 and over have avoided work over the past 12 months due to their disability, whilst 1 in 4 people aged 15 years and over with a psychosocial disability have reported this¹⁶⁷.

In 2023 - 2024, the Australian Human Rights Commission received a total of 1,164 complaints under the *Disability Discrimination Act 1992* (Cth)¹⁶⁸. The outcomes of these complaints were that 335 were terminated after inquiry, with the majority being because there was no reasonable prospect of conciliation. A further 328 were discontinued, 125 were withdrawn, and 446 were conciliated¹⁶⁹.

The Final Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with disability (**Report**) considered that although people with disability held high hopes for the *Disability Discrimination Act 1992* (Cth), expecting it to bring about significant change, these expectations were not realised¹⁷⁰.

One of the main reasons for the limitations of disability discrimination laws is that protection from discrimination depends on a person's preparedness to make and pursue a complaint of disability discrimination against their employer or prospective employer (which they often do not do, given the significant power imbalances, and barriers to pursuing justice) thereby giving persons conducting a business or undertaking limited incentive to take proactive measures to prevent disability discrimination or increase equal employment opportunities¹⁷¹.

Whilst the Report recommended amendments to strengthen the *Discrimination Act 1992* (Cth), including creation of a new, positive duty to take reasonable and proportionate measures to eliminate all forms of discrimination, including harassment and victimisation on the grounds of disability, there have been no amendments to the *Discrimination Act 1992* (Cth) to reflect this so far.

We note, however, that at the time of writing this submission, the Australian Government is conducting a review of the *Discrimination Act 1992* (Cth), with one of the matters to be considered being the creating of a positive duty to prevent discrimination on the basis of disability¹⁷².

Limited Redress for Racial Discrimination

Studies show that almost 2 in 3 women of colour have experienced discrimination in the workplace (68.4%), and racial discrimination is the predominant type of discrimination they face, accounting for 93.8% of the discrimination

¹⁶⁵ Green, R. (2025). Rule of law: UK to ban NDAs in cases of harassment and discrimination. International Bar Association. <https://www.ibanet.org/Rule-of-law-UK-to-ban-NDAs-in-cases-of-harassment-and-discrimination>.

¹⁶⁶ Australian Bureau of Statistics. (2020). Disability and the Labour Force. Australian Bureau of Statistics. <https://www.abs.gov.au/articles/disability-and-labour-force>.

¹⁶⁷ Australian Bureau of Statistics. (2020). Disability and the Labour Force. Australian Bureau of Statistics. <https://www.abs.gov.au/articles/disability-and-labour-force>.

¹⁶⁸ Australian Human Rights Commission. (2024). Australian Human Rights Commission 2023 - 24 Complaint Statistics. https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fhumanrights.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fpublication%2Far_2023-24_complaint_stats_tables_1.docx&wdOrigin=BROWSELINK.

¹⁶⁹ Australian Human Rights Commission. (2024). Australian Human Rights Commission 2023 - 24 Complaint Statistics. https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fhumanrights.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fpublication%2Far_2023-24_complaint_stats_tables_1.docx&wdOrigin=BROWSELINK.

¹⁷⁰ Commonwealth of Australia. (2023). Final Report - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with disability - Executive Summary, Our Vision for an inclusive Australia and Recommendations. Royal Commission. <https://disability.royalcommission.gov.au/system/files/2023-11/Final%20report%20-%20Executive%20Summary%2C%20Our%20vision%20for%20an%20inclusive%20Australia%20and%20Recommendations.pdf>.

¹⁷¹ Commonwealth of Australia. (2023). Final Report - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with disability - Executive Summary, Our Vision for an inclusive Australia and Recommendations. Royal Commission. <https://disability.royalcommission.gov.au/system/files/2023-11/Final%20report%20-%20Executive%20Summary%2C%20Our%20vision%20for%20an%20inclusive%20Australia%20and%20Recommendations.pdf>.

¹⁷² Attorney-General's Department. (2025). Review of the Disability Discrimination Act. Australian Government. <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/australias-anti-discrimination-law/review-disability-discrimination-act>.

experienced¹⁷³. Across the Australian population, almost one in five people (18%) have experienced discrimination based on their skin colour, ethnic origin or religion over the past 12 months¹⁷⁴.

Despite this, we observe similar limitations with racial discrimination complaints to the Australian Human Rights Commission. For example, in 2023-2024, there were a total of 488 complaints under the *Racial Discrimination Act 1975* (Cth), of which 144 were terminated after inquiry, 162 were discontinued, 37 were withdrawn, and 130 were conciliated¹⁷⁵.

Researchers have observed that anti-discrimination laws should not be the only line of challenge to racial disadvantage. Positive steps must be taken to bring members of groups disproportionately targeted by racism into the mainstream in business. Positive action in Australia has been neglected other than to a limited extent. Anti-discrimination laws are only one element; Unless remedies can be obtained, then the assurance of protection is deceptive¹⁷⁶.

Aboriginal and Torres Strait Islander people also experience disproportionately high rates of racism. In a 2022 report by Reconciliation Australia, it was reported that 60% of Aboriginal and Torres Strait Islander people had experienced at least one form of racial prejudice in the past 6 months, compared to 52% in 2020¹⁷⁷.

An important measure of how well racial discrimination laws might be working is the extent to which Aboriginal and Torres Strait Islander people are using civil law remedies to challenge racial discrimination. In at least this one significant respect, the legislation is not working effectively for Aboriginal and Torres Strait Islander people, with the laws having failed to achieve any tangible shift in Indigenous and non-Indigenous race relations in Australia. In short, the capacity of the *Racial Discrimination Act 1975* (Cth) to make a genuine contribution to Aboriginal and Torres Strait Islander peoples' attainment of substantive equality is limited¹⁷⁸.

We note that the National Anti-Racism Framework has recommended that the *Racial Discrimination Act 1975* (Cth) be amended to include a positive duty to eliminate racial discrimination, noting that one of the difficulties of using the current *Racial Discrimination Act 1975* (Cth) is that it does not take an anti-racist and systemic approach, and does not currently include a duty to eliminate racial discrimination, instead putting the onus on persons targeted by racism to bring about change¹⁷⁹. A key observation by the Australian Human Rights Commission was the *Racial Discrimination Act 1975* (Cth)'s inherent limitations in addressing systemic and structural racism, especially for intersectional experiences of discrimination¹⁸⁰.

Limited Redress for Age Discrimination

Unsurprisingly, the results with the *Age Discrimination Act 2004* (Cth) are similar, with only a total of 138 complaints of age discrimination received by the Australian Human Rights Commission in the 2023 - 2024 reporting year, of which 54 were terminated after inquiry, 56 were discontinued, 48 were conciliated, and 14 were withdrawn¹⁸¹. Despite this, 32% of people aged 55-59, and 20% of Australians aged 65 and over continue to experience age discrimination in the workplace¹⁸².

¹⁷³ Michaels, V., Kong, J., Hu, W., Penmetcha, B., Beshar, A., Boateng, J., Kitaoji, S., Hwang, M., Gaddi, B. (2024). Women of Colour in Australian Workplaces. Women of Colour Australia. <https://womenofcolour.org.au/workplace-report-2024/>.

¹⁷⁴ O'Donnell, J. (2023). Mapping Social Cohesion 2023. Scanlon Institute. <https://scanloninstitute.org.au/wp-content/uploads/2023-Mapping-Social-Cohesion-Report.pdf>.

¹⁷⁵ Australian Human Rights Commission. (2024). Australian Human Rights Commission 2023 - 24 Complaint Statistics. https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fhumanrights.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocument%2Fpublication%2Far_2023-24_complaint_stats_tables_1.docx&wdOrigin=BROWSELINK.

¹⁷⁶ Gaze, B. (2005). Has the Racial Discrimination Act Contributed to Eliminating Racial Discrimination? Analysing the Litigation Track Record 2000-2004. Australian Journal of Human Rights. <https://www.austlii.edu.au/cgi-bin/viewdoc/au/journals/AJHR/2005/6.html#Heading96>.

¹⁷⁷ Nelson, D. (2022). Australian Reconciliation Barometer 2022 Full Research Report. Reconciliation Australia. <https://www.reconciliation.org.au/wp-content/uploads/2022/11/2022-Australian-Reconciliation-Barometer-FULL-Report.pdf>.

¹⁷⁸ Allison, F. (2013). A Limited Right to Equality: Evaluating the Effectiveness of Racial Discrimination Law for Indigenous Australians Through An Access to Justice Lens. Australian Indigenous Law Review. https://www.jcu.edu.au/_data/assets/pdf_file/0011/119999/jcu_144196.pdf.

¹⁷⁹ Australian Human Rights Commission. (2024). The National Anti-Racism Framework: A roadmap to eliminating racism in Australia. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/2024-11/NARF_Full_Report_FINAL_DIGITAL_ACCESSIBLE.pdf.

¹⁸⁰ Australian Human Rights Commission. (2024). The National Anti-Racism Framework: A roadmap to eliminating racism in Australia. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/2024-11/NARF_Full_Report_FINAL_DIGITAL_ACCESSIBLE.pdf.

¹⁸¹ Australian Human Rights Commission. (2024). Australian Human Rights Commission 2023 - 24 Complaint Statistics. https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fhumanrights.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocument%2Fpublication%2Far_2023-24_complaint_stats_tables_1.docx&wdOrigin=BROWSELINK.

¹⁸² Australian Institute of Health and Welfare. (2024). Older Australians. Australian Institute of Health and Welfare. <https://www.aihw.gov.au/reports/older-people/older-australians/contents/justice-and-safety>.

It is therefore safe to assume that the majority of people experiencing discrimination based on age, sex, gender, race, migration status and disability are not complaining to the Australian Human Rights Commission, and their experiences are not being addressed.

Safe Work Australia already recognises that whilst gender inequality is a key driver or underlying cause of sexual and gender-based harassment at work, other forms of disadvantage such as power imbalances based on age, sex, gender, sexuality, migration status, race and disability can combine (intersect) to increase a person's exposure to hazards and conditions of vulnerability¹⁸³.

It is evident that Australian anti-discrimination legal frameworks, including the *Disability Discrimination Act 1992* (Cth), *Racial Discrimination Act 1975* (Cth), *Age Discrimination Act 2004* (Cth), and the *Sex Discrimination Act 1984* (Cth), alone, cannot tackle the key drivers of work-related gendered violence and harassment.

Similar themes are reflected in State and Territory anti-discrimination laws. A snapshot of relevant complaints data is outlined below.

ACT	ACT Human Rights Commission	A total of 1,357 complaints were received in 2023-2024, of which 336 were discrimination complaints, and 95 were complaints from Aboriginal and Torres Strait Islander people ¹⁸⁴ .
NSW	Anti-Discrimination NSW	A total of 1,536 complaints were received in 2023-2024, with 493 disability discrimination complaints, 261 race discrimination complaints, and 81 complaints of sexual harassment ¹⁸⁵ .
NT	Northern Territory Anti-Discrimination Commission	A total of 317 complaints were received in 2023-2024, with 85 complaints on the basis of disability, 69 on the basis of sex, 67 on the basis of race, 44 on the basis of age, 21 on the basis of sexual orientation, 11 on the basis of gender identity and 2 on the basis of sex characteristics ¹⁸⁶ .
QLD	Anti-Discrimination Commission Queensland	A total of 1432 complaints were received in 2023-2024, with 368 complaints of impairment discrimination, 95 complaints of sexual harassment, 22 complaints of racial vilification, 5 complaints of sexual vilification, 1 complaint of vilification on the basis of gender identity, and 111 complaints of victimisation ¹⁸⁷ .
SA	Equal Opportunity Commission South Australia	A total of 148 complaints were received in 2023-2024, with 27 complaints of sexual harassment, 15 complaints of discrimination on the basis of disability, 15 complaints of discrimination on the basis of sex, 10 complaints of victimisation, 10 complaints of discrimination on the basis of race, 3 complaints of discrimination on the basis of gender identity, and 1 complaint of discrimination on the basis of sexual orientation ¹⁸⁸ .
TAS	Office of the Anti-Discrimination Commissioner Tasmania	A total of 242 complaints were received in 2023-2024, with 28 complaints about sexual harassment, 148 complaints about victimisation, and 1 complaint about promoting discrimination and prohibited conduct ¹⁸⁹ .

¹⁸³ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

¹⁸⁴ ACT Human Rights Commission. (2024). Annual Report 2023-2024. ACT Human Rights Commission. https://www.hrc.act.gov.au/__data/assets/pdf_file/0006/2619123/11812R-ACT-HRC-Annual-Report-2023-24_FA_tagged.pdf.

¹⁸⁵ Anti-Discrimination NSW. (2024). Anti-Discrimination NSW Annual Report 2023-2024. Anti-Discrimination NSW. https://antidiscrimination.nsw.gov.au/documents/annual-reports/Anti-Discrimination_NSW_-_Annual_Report_2023-24_under_s_122_of_the_Anti-Discrimination_Act.pdf.

¹⁸⁶ Northern Territory Anti-Discrimination Commission. (2024). Annual Report 2023/2024. Northern Territory Anti-Discrimination Commission. <https://adc.nt.gov.au/media/documents/annual-reports/annual-report-23-24.pdf>.

¹⁸⁷ Queensland Human Rights Commission. (2024). Annual Report 2023-2024. Queensland Human Rights Commission. https://www.qhrc.qld.gov.au/__data/assets/pdf_file/0007/50389/2024.08.28-Annual-Report-2023-24-Queensland-Human-Rights-Commission.pdf.

¹⁸⁸ Government of South Australia. (2024). Equal Opportunity SA 2023-24 Annual Report. Government of South Australia. https://www.equalopportunity.sa.gov.au/__data/assets/pdf_file/0009/1067238/2023-2024-Annual-Report-Equal-Opportunity-SA-final.pdf.

¹⁸⁹ Equal Opportunity Tasmania. (2024). Annual Report 2023-24. Equal Opportunity Tasmania. https://www.antidiscrimination.tas.gov.au/__data/assets/pdf_file/0011/791759/EOT-OADC-Annual-Report-2023-24-FINAL-accessible.pdf.

VIC	Victorian Equal Opportunity and Human Rights Commission	A total of 974 complaints were received in 2023-2024, with 65 complaints of sexual harassment, 12 complaints about discrimination in the basis of sexual orientation, 97 complaints of discrimination on the basis of race, 254 complaints of discrimination on the basis of disability, 11 complaints of discrimination on the basis of gender identity, and 93 complaints of discrimination on the basis of sex ¹⁹⁰ .
WA	Equal Opportunity Commission – Western Australia	A total of 407 complaints were finalised in 2023-2024, with complaints relating to employment being comprised of 34 complaints finalised concerning sexual harassment, 19 regarding racial harassment, 18 regarding discrimination on the basis of race, 2 regarding discrimination on the basis of sexual orientation, and 32 regarding complaints of victimisation ¹⁹¹ .

Reactionary, Complaints-Based Model (Limited Capacity to Address Structural Drivers of Harm)

Whilst rights-based systems can work to drive change, even if most work-related gender violence, including sexual harassment, was reported, the key elements that enable systems to drive change are absent from federal anti-discrimination law¹⁹², namely a public prosecutor, public litigation and transparency that can expose perpetrators to risks of reputational damage, or orders that are punitive or corrective and transformational¹⁹³.

In circumstances where most sexual harassment and other forms of discrimination based on attributes like race, age, and disability, is not reported and survivors lack confidence that our laws can effectively address their problems, the limitations of this model are obvious and significant¹⁹⁴. Individual claims are a weak motivator for organisational change because they do not shift the underlying power structures of inequality that are driving gendered violence, including harassment, in the first place¹⁹⁵.

Whilst our anti-discrimination laws, including the *Sex Discrimination Act 1984* (Cth), have played a role in helping establish the fact that discrimination and harassment are wrong and afforded some survivors redress¹⁹⁶, they sit within a broader anti-discrimination framework that cannot, on its own, prevent work-related gendered violence because the focus of the framework is on redress, and not prevention¹⁹⁷.

Redress Depends on Preparedness to Make and Pursue A Complaint

Redress is heavily dependent upon a person's preparedness to make and pursue a complaint against their employer or prospective employer (which they often do not do, given the significant power imbalances, and barriers to pursuing justice) thereby giving persons conducting a business or undertaking limited incentive to drive systemic change within their organisations¹⁹⁸.

For example, despite the Respect@Work Reforms, the Australian Human Rights Commission's ability to influence outcomes is still heavily dependent on victim-survivors of work-related gendered violence, harassment and

¹⁹⁰ State of Victoria (Equal Opportunity and Human Rights Commission). 2023-24 Annual Report. State of Victoria (Equal Opportunity and Human Rights Commission).

https://www.humanrights.vic.gov.au/static/ff6edeb31893579b589538458406fd60/Resource-Annual_Report_2023-24-Nov_2024.pdf.

¹⁹¹ Equal Opportunity Commission. Equal Opportunity Commission Annual Report 2023-24. Government of Western Australia.

https://www.wa.gov.au/system/files/2024-10/equal_opportunity_commission_annual_report_2023_2024.pdf.

¹⁹² Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

¹⁹³ Gaze, B. Smith, B. (2017). Equality and Anti-Discrimination Law in Australia: An Introduction. Cambridge University Press. https://assets.cambridge.org/97811074/32253/frontmatter/9781107432253_frontmatter.pdf.

¹⁹⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

¹⁹⁵ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

¹⁹⁶ Smith, B., Schleiger, M., Elphik, L. (2019). Preventing Sexual Harassment in Work: Exploring the Promise of Work Health and Safety Laws. Australian Journal of Labour Law. <https://ses.library.usyd.edu.au/bitstream/handle/2123/33002/Version%20of%20Record%20%2829%29.pdf?sequence=1&isAllowed=y>.

¹⁹⁷ Smith, B., Schleiger, M., Elphik, L. (2019). Preventing Sexual Harassment in Work: Exploring the Promise of Work Health and Safety Laws. Australian Journal of Labour Law. <https://ses.library.usyd.edu.au/bitstream/handle/2123/33002/Version%20of%20Record%20%2829%29.pdf?sequence=1&isAllowed=y>.

¹⁹⁸ Commonwealth of Australia. (2023). Final Report - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with disability - Executive Summary, Our Vision for an inclusive Australia and Recommendations. Royal Commission. <https://disability.royalcommission.gov.au/system/files/2023-11/Final%20report%20-%20Executive%20Summary%2C%20Our%20vision%20for%20an%20inclusive%20Australia%20and%20Recommendations.pdf>.

discrimination, being willing to speak up due to its need to first form a reasonable suspicion of non-compliance before an inquiry can commence¹⁹⁹.

Within an anti-discrimination framework, there are significant barriers to information flow about sexual and gender-based harassment, including due to an absence of reporting obligations for duty holders, and employee obligations to employers to not to disclose confidential information, combined with the Commission's own duties of confidentiality within its operations which would likely prevent it from using complaints data to inform itself²⁰⁰.

In addition, as the Respect@Work Inquiry has already found, there are significant levels of under-reporting of work-related sexual harassment, particularly amongst those at highest risk of harm²⁰¹; put simply, most survivors of discrimination and harassment do not complain²⁰².

The Australian Human Rights Commission's 2025 Report, *Speaking From Experience: What Needs to Change to Address Workplace Sexual Harassment*²⁰³ (Speaking from Experience Report), highlights many of these issues, particularly for people with intersecting identities. For example, "contributors made it clear that their ability to access help was hindered by how much they had to lose in terms of employment, social standing and residency in Australia"²⁰⁴.

In addition, young workers also feared the consequences of speaking up. Some workers who were subjected to transphobic harassment at work stayed silent, because they were worried that if they complained, this could lead to fewer shifts, or job losses²⁰⁵.

The Speaking from Experience Report also acknowledged that the barriers to speaking up reflect "a broader trend where power dynamics protect harassers, making reporting seem futile"²⁰⁶.

Given the scale of the harm experienced and noting that experiences of harm are compounded by intersecting forms of discrimination, alongside the recognised limitations of our fragmented State, Territory and Federal anti-discrimination frameworks²⁰⁷, it cannot be left to the *Sex Discrimination Act 1984* (Cth) alone to prevent work-related gendered violence.

A Need to Expand the Breadth And Depth Of How Work-Related Gendered Violence Is Regulated

Whilst the *Sex Discrimination Act 1984* (Cth) has a focus on work-related sexual and gender-based harassment and hostile workplace environments on the ground of sex, work-related gendered violence is much broader than this, ranging from physical assault, verbal abuse, stalking, intimidation, threats, verbal abuse, ostracism, exclusion, discrimination and victimisation²⁰⁸, often overlapping with work-related bullying²⁰⁹.

An expanded regulation of work-related gendered violence under a work health and safety framework could, for example, expand safety regulation for workplace behaviours, practices, and processes that may cause physical, psychological, sexual, or economic harm, thereby addressing current gaps in protection²¹⁰.

¹⁹⁹ Australian Human Rights Commission Act 1986 (Cth), s 35B.

²⁰⁰ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

²⁰¹ Australian Human Rights Commission. (2020). Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

²⁰² Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

²⁰³ Australian Human Rights Commission. (2025). Speaking from Experience: What needs to change to address workplace sexual harassment. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/Speaking%20from%20Experience%20Report_0_0.pdf.

²⁰⁴ Australian Human Rights Commission. (2025). Speaking from Experience: What needs to change to address workplace sexual harassment. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/Speaking%20from%20Experience%20Report_0_0.pdf.

²⁰⁵ Australian Human Rights Commission. (2025). Speaking from Experience: What needs to change to address workplace sexual harassment. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/Speaking%20from%20Experience%20Report_0_0.pdf.

²⁰⁶ Australian Human Rights Commission. (2025). Speaking from Experience: What needs to change to address workplace sexual harassment. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/Speaking%20from%20Experience%20Report_0_0.pdf.

²⁰⁷ Australian Human Rights Commission. (2023). Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/2311_freeequal_finalreport_1_1.pdf.

²⁰⁸ WorkSafe Victoria. (2025). What is gendered violence? WorkSafe Victoria. <https://www.worksafe.vic.gov.au/what-gendered-violence>.

²⁰⁹ WorkSafe Victoria. (2022). Work-related gendered violence including sexual harassment. Work Safe Victoria. <https://content-v2.api.worksafe.vic.gov.au/sites/default/files/2022-11/ISBN-Work-related-gendered-violence-including-sexual-harassment-2022-11.pdf>.

²¹⁰ Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-

In our consultation in drafting this submission, peak bodies like Equality Australia have considered that the fact that the *Sex Discrimination Act 1984* (Cth) only covers sex-based harassment or hostile work environments based on sex, and not other protected attributes within the same Act, limits its effectiveness in addressing related conduct based on homophobia or transphobia.

Furthermore, whilst the new positive duties under the *Sex Discrimination Act 1984* (Cth) are significant milestones in prevention, the effectiveness of these duties is limited because anti-discrimination laws predominantly focus on redress in individual cases²¹¹, within a framework which does not seek to control all risks which contribute to the hazard eventuating.

The *Sex Discrimination Act 1984* (Cth) also does not address the industry-wide structural or institutional dimensions of gendered violence, concentrating only on individual cases²¹².

Relevantly, structural risk factors arise from **both** industry composition **and** workforce gender segregation, including in industries where men either dominate the workforce, or form the majority of management roles, which is evident across most of the private sector.

For example, whilst Safe Work Australia acknowledges that casual workers may be more likely to experience harm²¹³, recognising that precarious employment arrangements are associated with a significantly increased risk of work-related sexual harassment, disproportionately impacting younger women²¹⁴, this workforce risk factor, although recognised in *Queensland's Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD) is not recognised under the *Sex Discrimination Act 1984* (Cth).

The current broader framing of anti-discrimination laws in Australia, with separate statutes for age, racial and disability discrimination, along with the *Sex Discrimination Act 1984* (Cth), also makes it difficult for women experiencing intersectional discrimination to address the full complexity of their circumstances under an anti-discrimination framework²¹⁵.

We also note, for example, that the National Human Rights Consultation Report has already recommended that federal anti-discrimination laws be one of the prioritised areas for review, with Government seeking to harmonise and consolidate anti-discrimination laws to remove unnecessary regulatory overlap and inconsistencies across laws²¹⁶.

The National Human Rights Consultation Report also expressly recognised that Australia's current approach to addressing discrimination is currently heavily reliant on individuals bringing complaints, rather than more systemic approaches to building a culture of prevention²¹⁷.

based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539

²¹¹ Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539

²¹² Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539

²¹³ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

²¹⁴ La Montagne, A. D., Smith, P. M., Louie, A. M., Quinlan, M., Shoveller, J., Ostry, A. S. (2009). Unwanted sexual advances at work: variations by employment arrangement in a sample of working Australians. *Australian and New Zealand Journal of Public Health*. <https://www.sciencedirect.com/science/article/pii/S1326020023006593>.

²¹⁵ Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539

²¹⁶ Commonwealth of Australia. (2024). Parliamentary Joint Committee on Human Rights. Inquiry into Australia's Human Rights Framework. Commonwealth of Australia. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000210/toc_pdf/InquiryintoAustralia'sHumanRightsFramework.pdf.

²¹⁷ Commonwealth of Australia. (2024). Parliamentary Joint Committee on Human Rights. Inquiry into Australia's Human Rights Framework. Commonwealth of Australia. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000210/toc_pdf/InquiryintoAustralia'sHumanRightsFramework.pdf.

Limited Proactive Enforcement And Systemic Accountability

Whilst investigations can now occur under the *Sex Discrimination Act 1984* (Cth), limited funding and enforcement measures provide inadequate incentives for persons conducting a business or undertaking to actively prevent and address gendered violence²¹⁸.

Notably, the Australian Human Rights Commission currently has only four (4) active inquiries started in the 2024-2025 financial year, impacting a total of about 7,500 workers, alongside working with 35 employers to help them understand their obligations²¹⁹ (in comparison to the approximately 3 million workers impacted by sexual harassment each year, and the approximately 1 million employing businesses²²⁰ in Australia).

Comparatively, in 2023, Comcare conducted 946 monitoring compliance inspections and investigations, 1239 compliance and enforcement activities, with 99% of inspections with corrective actions being subject to verification²²¹. In Victoria alone, in the 2023-2024 reporting year, WorkSafe Victoria conducted 50,177 workplace visits, with 13,943 improvement notices issued²²².

In Queensland, in 2021-2022, there were 26,295 proactive and reactive site visits conducted by Workcover Queensland²²³, with 14,138 infringement, improvement and prohibition notices issued²²⁴. In the same period, in New South Wales, there were 46,846 proactive and reactive site visits conducted by SafeWork NSW²²⁵, with 10,826 infringement, improvement and prohibition notices issued²²⁶.

In Western Australia, there were 7,189 proactive and reactive site visits conducted by WorkSafe WA²²⁷, with 6,999 improvement and prohibition notices issued²²⁸; In South Australia, there were 5,324 proactive and reactive site visits conducted by SafeWork SA²²⁹, with 2,271 infringement, improvement and prohibition notices issued²³⁰.

In the Northern Territory, there were 4,942 proactive and reactive site visits conducted by NT WorkSafe²³¹, with 597 infringement, improvement and prohibition notices issued²³²; In the Australian Capital Territory, there were 3,335

²¹⁸ Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539

²¹⁹ Australian Human Rights Commission. (2025). The positive duty is making workplaces safer. Australian Human Rights Commission. <https://humanrights.gov.au/about/news/positive-duty-making-workplaces-safer>.

²²⁰ Australian Bureau of Statistics. (2025). Counts of Australian Businesses, including Entries and Exits. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/economy/business-indicators/counts-australian-businesses-including-entries-and-exits/latest-release#:~:text=Media%20releases-,Key%20statistics,exit%20rate%2C%20with%20370%2C500%20exits.>

²²¹ Australian Government - Comcare. (2023). Comcare Work Health and Safety Year in Review 2023. <https://www.comcare.gov.au/about/forms-pubs/docs/pubs/safety/WHS-Year-in-Review-2024.pdf>.

²²² WorkSafe Victoria. (2024). WorkSafe Annual Report 2023 - 2024. WorkSafe Victoria. <https://www.parliament.vic.gov.au/4aa796/globalassets/tailed-paper-documents/tailed-paper-8713/worksafe-victoria-2023-24-annual-report.pdf>.

²²³ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²²⁴ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²²⁵ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²²⁶ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²²⁷ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²²⁸ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²²⁹ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²³⁰ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²³¹ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²³² Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

proactive and reactive site visits conducted by WorkSafe ACT²³³, with 2,774 infringement, improvement and prohibition notices issued²³⁴.

In addition to mandating employer-level self-regulation and external regulation from safety regulators, safety inspectors also have broad powers to enter and inspect workplaces and these inspections can be self-initiated²³⁵. Thus, if primary prevention measures or response measures (i.e., secondary or tertiary prevention measures) are lacking, workers or their representatives can make reports to safety regulators to conduct an inspection to ensure compliance with legal obligations. This is particularly important because workplace health and safety laws and regulations are explicitly focused on preventing harm, particularly through imposing positive prevention obligations that are publicly enforced as a matter of public concern²³⁶.

An essential part of the safety regulatory framework is also the ability for safety regulators to be able to require remedial action or to prosecute breaches even if no-one has been injured, for example, due to a failure to prevent the risk of injury occurring²³⁷.

²³³ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²³⁴ Safe Work Australia. (2023). 25th Edition: Comparative Performance Monitoring Report 25 / Work Health and Safety Compliance and Enforcement. Safe Work Australia. <https://data.safeworkaustralia.gov.au/sites/default/files/2023-12/CPM%2025%20-%20WHS%20Compliance%20and%20Enforcement%20-%20Dec2023.PDF>.

²³⁵ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

²³⁶ Smith, B., Schleiger, M., Elphik, L. (2019). Preventing Sexual Harassment in Work: Exploring the Promise of Work Health and Safety Laws. Australian Journal of Labour Law. <https://ses.library.usyd.edu.au/bitstream/handle/2123/33002/Version%20of%20Record%20%2829%29.pdf?sequence=1&isAllowed=y>.

²³⁷ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

13. Safety Regulatory Reform In A “National Crisis” Of Gender-Based Violence

In a nutshell: In the context of Australia’s National Crisis of Gender-Based Violence Safety regulation for gendered violence prevention is consistent with Recommendation 5 of the House Standing Committee on Education and Employment Inquiry Into Workplace Bullying: Workplace Bullying “We Just Want It To Stop”, and Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches.

2012 House Standing Committee on Education and Employment Report

On Monday 26 November 2012, the House Standing Committee on Education and Employment tabled its report into the inquiry into workplace bullying: Workplace Bullying “We Just Want It To Stop”²³⁸.

Recommendation 5 urged that the “Commonwealth Government seek agreement through Safe Work Australia for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces”²³⁹.

This recommendation has not been actioned in that whilst a Model Code of Practice for Managing Psychosocial Hazards at Work was introduced by Safe Work Australia in July 2022, the recommendation by the House Standing Committee on Education and Employment went further, recommending **regulatory intervention**, which has not occurred.

2019 Boland Review Report

Marie Boland’s 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development of guidance material or regulations, including for hazards impacting migrant workers, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who often experience inappropriate behaviour in the workplace, which poses significant risks to their psychological health²⁴⁰.

Respect@Work Report

In 2020, the Australian Human Rights Commission’s 2020 Report, Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces (**Respect@Work Report**) had previously identified that while Australia’s workplace health and safety laws provide an appropriate framework to address sexual harassment, these laws are currently underutilised, in large part due to the lack of any express regulation, code of practice or guidance on sexual harassment²⁴¹.

However, rather than recommending new laws, the Respect@Work Report considered that additional regulation and guidance could be recognised as being able to assist in clarifying that the existing duty under work health and safety laws includes prevention of sexual harassment, rather than the creation of new obligations²⁴².

In this regard, Recommendation 35 of the Respect@Work Report recommended that Work Health and Safety Ministers agree to amend model work health and safety regulations to deal with psychological health, as recommended by the Boland Review, and develop guidelines on sexual harassment with a view to informing the development of a code of practice on sexual harassment, and that sexual harassment be defined in accordance with

²³⁸ House Standing Committee on Education and Employment. (2012). Committee activities (inquiries and reports). Commonwealth of Australia.

https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report.htm.

²³⁹ The Parliament of the Commonwealth of Australia. (2012). Workplace Bullying “We Just Want It To Stop”: House of Representatives Standing Committee on Education and Employment. Commonwealth of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/fullreport.pdf.

²⁴⁰ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.

²⁴¹ Australian Human Rights Commission. (2020). Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

²⁴² Australian Human Rights Commission. (2020). Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

the *Sex Discrimination Act 1984* (Cth)²⁴³. In December 2023, A Model Code of Practice for Sexual and Gender-Based Harassment was released by Safe Work Australia²⁴⁴.

2022 Queensland Review of WHS Act

In 2022, Queensland's Office of Industrial Relations acknowledged the importance of persons conducting a business or undertaking taking existing legal obligations seriously in the Queensland Review of the Work Health and Safety Act 2011 (QLD)²⁴⁵ (**2022 Queensland Review**), for example when acting to prevent discrimination and harassment towards women in male-dominated industries. The 2022 Queensland Review stopped short of specifically recommending safety regulatory reform in this area.

2023-2027 National Plan to End Violence Against Women & Children

In 2024, Action 6 of the Federal Government's First Action Plan 2023 - 2027, under the National Plan to End Violence Against Women and Children 2022-2032²⁴⁶, acknowledged that targeted work is needed to address gendered violence in all settings, including in the workplace, and that an outcome relevant to this includes that women are safe and supported in all settings and that systems and institutions should support and protect persons impacted by gender-based violence²⁴⁷.

2024 Rapid Review of Prevention Approaches

On 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on persons conducting a business or undertaking to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth)²⁴⁸.

Recommendation 7(f) in the Expert Panel's Report followed advocacy by Australian Women Lawyers²⁴⁹ alongside other peak bodies including the Australian Council of Trade Unions, Australian Gender Equality Council, Women's Legal Service Victoria, Working Women's Centre SA Inc, National Association of Women in Construction, CEO's For Gender Equity, The Sexual Assault & Family Violence Centre, Australian Professionals of Colour, Women of Colour Australia, the Asylum Seeker Resource Centre, and Professional Migrant Women²⁵⁰.

2024 QLD WHS Regulations to Prevent Sexual & Gender-Based Harassment

On 30 August 2024, Queensland safety regulations requiring persons conducting a business or undertaking to manage work-related sexual and gender-based harassment as a safety hazard were released for commencement on 1 September 2024²⁵¹, the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (Qld).

The Queensland Government cited that these changes represented a proactive approach to managing risks of workplace sexual harassment, which was a key recommendation from the 2020 Respect@Work Report²⁵².

²⁴³ Australian Human Rights Commission. (2020). Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

²⁴⁴ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

²⁴⁵ Massy, C., Allen, C., Swan, D., (2022). Review of the Work Health and Safety Act 2011: Final Report - December 2022. Queensland Government Office of Industrial Relations. <https://www.oir.qld.gov.au/system/files/2023-04/review-work-health-safety-act-final-report.pdf>.

²⁴⁶ Commonwealth of Australia. (2024). First Action Plan, 2023 - 2027, Under the National Plan to End Violence Against Women and Children. Department of Social Services. www.dss.gov.au/node/2043.

²⁴⁷ Commonwealth of Australia. (2024). First Action Plan, 2023 - 2027, Under the National Plan to End Violence Against Women and Children. Department of Social Services. www.dss.gov.au/node/2043.

²⁴⁸ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.

²⁴⁹ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

²⁵⁰ Annexure 1.

²⁵¹ *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (Qld).

²⁵² The Honourable Grace Grace, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing. (2024). Queensland Government. Employers Put on Notice to Proactively Manage Workplace Sexual Harassment. <https://statements.qld.gov.au/statements/100905>.

We note that although the publicly stated rationale for Queensland's legal changes, as reflected in Explanatory Notes for SL 2024 No. 173 made under the *Work Health and Safety Act 2011 (QLD) - Work Health and Safety (Sexual Harassment) Amendment Regulation 2024 (QLD)*²⁵³ was previous reviews such as the Building Belonging: Review of Queensland's Anti-Discrimination Act 1991²⁵⁴, and previous Australian Human Rights Commission Reports, such as the 2020 Respect@Work Report, these previous reports had not specifically recommended stronger safety regulations to prevent work-related gendered violence.

Relevance of Recommendation 7(f) from the Rapid Review's Expert Panel

We consider that Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches, made in the context of Australia's National Crisis of Gender-Based Violence is particularly significant in the call for safety regulatory reform to prevent work-related gendered violence and we have not identified another recent State or Federal Government review that has recommended reforms of this nature.

We observe that Our Watch's national approach to primary prevention of gender-based violence calls for the use of policy, legislative and regulatory levers as a critical element of prevention practice, specifically acknowledging that legislation requiring workplaces to prevent (rather than only respond to) sexual harassment can help reduce this form of violence²⁵⁵.

Our Watch recognises that as well as having a powerful direct effect on the drivers of violence, policy levers can create an enabling environment for other prevention activities, including setting or sector-based work²⁵⁶.

The lack of express safety regulations for work-related gendered violence leaves women, especially those with intersecting identities, exposed to the greatest risk of violence at work²⁵⁷.

Specifically regulating safety controls for work-related gendered violence places the responsibility for preventing harm and eliminating discrimination in the hands of persons conducting a business or undertaking²⁵⁸. This approach shifts the focus from reactive response measures, claims and prosecutions to proactive prevention, creating clear, strategic compliance and enforcement obligations, ensuring that those with decision-making power are held accountable²⁵⁹.

²⁵³ Explanatory notes for SL 2024 No. 173 made under the Work Health and Safety Act 2011; Work Health and Safety (Sexual Harassment) Amendment Regulation 2024. (2024). Queensland Parliament. <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5724t1662/5724t1662-83a5.pdf>.

²⁵⁴ The State of Queensland. (2022). Building belonging: Review of Queensland's Anti-Discrimination Act 1991, July 2022. Queensland Human Rights Commission. <https://www.qhrc.qld.gov.au/about-us/reviews/ada>.

²⁵⁵ Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women and their children in Australia (second edition). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

²⁵⁶ Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women and their children in Australia (second edition). Our Watch. <https://assets.ourwatch.org.au/assets/Key-frameworks/Change-the-story-Our-Watch-AA.pdf>.

²⁵⁷ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

²⁵⁸ Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539.

²⁵⁹ Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539.

14. Work-Related Gendered Violence As A Human Rights Violation

In a nutshell: Regulating gender-based violence under a work health and safety framework is consistent with Australia's international obligations under ILO Convention No. 190 and is also consistent with the right of all workers to a safe and healthy working environment.

Article 7 of the International Covenant on Economic, Social and Cultural Rights²⁶⁰ has long recognised the right of all workers to safe and healthy working conditions, whilst Articles 3 and 4 of the Convention on the Elimination of All Forms of Discrimination Against Women have recognised that member states should undertake measures to ensure the full development and advancement of women for the purpose of guaranteeing their exercise and enjoyment of human rights and fundamental freedoms on the basis of equality to men²⁶¹.

Article 6 of the Convention on the Rights of Persons With Disabilities also recognises that women and girls are subject to multiple forms of discrimination and that measures should be taken to ensure the full enjoyment by them of all human rights and fundamental freedoms²⁶².

Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination proposes that special measures be taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary to ensure equal enjoyment or exercise of human rights and fundamental freedoms provided these measures do not continue after the objectives for which they are taken have been achieved²⁶³.

In December 2018, the United Nations General Assembly adopted a resolution to intensify efforts to prevent and eliminate all forms of violence against women and girls, recognising that violence against women and girls is rooted in structural inequality²⁶⁴ and power relations related to gender as a construct (including for gender-diverse people), and associated with ableism, racism, colonialism, classism and heteronormativity.

In June 2019, ILO Convention No. 190²⁶⁵ recognised that violence and harassment can constitute a human rights violation and abuse, requiring Member States to adopt an inclusive, integrated and gender-based responsive approach to prevent and address such behaviours at work²⁶⁶, including by adopting laws and regulations to define and prohibit work-related gender-based violence and harassment²⁶⁷.

Member States are also required to adopt laws and regulations ensuring the right to equality and non-discrimination in employment, including for women workers and workers and other persons belonging to one or more groups that are disproportionately impacted by work-related violence and harassment²⁶⁸.

In 2022, the ILO affirmed the view that health and safety is a fundamental principle and right at work²⁶⁹. This is consistent with the ILO's previous Resolution on the Inclusion of a Safe and Healthy Working Environment in its Framework on Fundamental Principles and Rights, adopted in June 2022²⁷⁰.

²⁶⁰ Office of the High Commissioner. (1976). Article 7 of the International Covenant on Economic, Social and Cultural Rights. United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

²⁶¹ Office of the High Commissioner. (1979). Articles 3 and 4 of the Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979. United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

²⁶² United Nations. (2008). Convention on the Rights of Persons with Disabilities. United Nations. <https://social.desa.un.org/issues/disability/crpd/article-6-women-with-disabilities>.

²⁶³ United Nations. (1965). International Convention on the Elimination of All Forms of Racial Discrimination. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>.

²⁶⁴ United Nations General Assembly. (2019). Resolution Adopted by the General Assembly on 17 December 2018. United Nations. <https://docs.un.org/en/A/RES/73/148>.

²⁶⁵ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

²⁶⁶ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

²⁶⁷ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

²⁶⁸ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

²⁶⁹ International Labour Organization. (2022). ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. International Labour Organization. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@declaration/documents/normativeinstrument/wcms_716594.pdf.

²⁷⁰ International Labor Rights Case Law. (2022). International Labour Conference. International Labour Conference: Resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, 10 June 2022. Brill. https://brill.com/view/journals/ilrc/8/3/article-p289_017.xml?language=en&srsId=AfmBOoo9P4L0JkCdUoEMZHTpXtK0Y2CDGYSg78K7NQRpbpqqxV6QLb8b.

In June 2024, the ILO's Working Paper 116, authored by Professor Rachel Cox, concluded that:

- Addressing gender-based violence and harassment under a work health and safety framework allows for proactive, systematic, collective, inclusive and publicly enforceable approaches to prevention, offering the kind of progressive and transformational change needed to prevent gender-based violence at work and ensure that women's and other people's equality rights, as well as their health and safety, are respected²⁷¹.
- Given the historical and ongoing resistance to the idea that gender-based violence and harassment are work-related risks, a legal obligation to conduct a gender-responsive risk assessment emerges as an important precondition for effective prevention²⁷².
- Addressing gender-based violence and harassment solely through complaints-based equality and non-discrimination legal frameworks, with no external monitoring or enforcement has hampered the realisation of the right to equality at work. In contrast, work health and safety regulatory regimes mandate organization-level "self-regulation" of health and safety, including the right to work free from violence and harassment, but crucially, with external regulatory oversight²⁷³.

²⁷¹ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

²⁷² Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

²⁷³ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

15. The Cost of Work-Related Gendered Violence to the Economy and To Business

In a nutshell: The cost of inaction on work-related gendered violence is at least \$30 billion per year to the Australian economy. Each case of work-related bullying costs a business an average of \$17,000 to \$24,000 per case, with compensation claims due to workplace bullying / harassment being approximately \$41,700 per claim.

It has been estimated that the current cost of inactivity on work-related gendered violence (including work-related bullying but excluding sexual harassment) is at least \$30 billion per year to the Australian economy when considering a range of factors including lost productivity, absenteeism, turnover, compensation costs for disputes, mediations, court and tribunal matters, redundancy and early retirement, as well as costs associated with managing grievance procedures, employee assistance and workers' compensation²⁷⁴.

Other costs include public sector costs such as health and medical services, income support and other Government benefits provided to individuals who prematurely depart the workforce based on their bullying experiences and injuries suffered²⁷⁵.

Workplace bullying costs persons conducting a business or undertaking an average of \$17,000 to \$24,00 per case. These costs can be directly or indirectly borne by the employer²⁷⁶. Conversely, Safe Work Australia acknowledges that good performance in work health and safety can lead to improved productivity because of reduced absenteeism and improved morale, noting that the average cost of a compensation claim due to workplace bullying / harassment is \$41,700 per claim and the average time lost from work is 25 weeks²⁷⁷.

The Australian Industry Group (**AIG**) acknowledges that bullying can sometimes also be behaviour that is considered discrimination or harassment²⁷⁸ and that despite the increased awareness, there is a lack of understanding in the community about what constitutes bullying and that it is not widely understood that bullying is a problem that primarily falls within the jurisdiction of work health and safety regulation, and not anti-discrimination or industrial law²⁷⁹.

AIG also acknowledges that bullying is a form of psychological violence²⁸⁰ which can have far reaching impacts on the workplace, including on individuals, the organisation and the community at large, including decreased productivity, mental health issues, low morale, increased workers' compensation claims, absenteeism, time taken to investigate complaints, costs of external investigators, costs of defending prosecutions, legal costs, potential damages or settlement costs and negative impacts on an organisation's reputation²⁸¹.

AIG strongly supports a holistic approach to workplace bullying, with an emphasis on prevention, recognising that work health and safety regulators play an important role in addressing and preventing bullying, and one of the main ways regulators do this is by focusing on preventative measures before bullying becomes a risk to health and safety²⁸².

²⁷⁴ Ballard, A., Bozin, D. (2023). The true (financial) cost of workplace violence in Australia. Sage Journals, Volume 48, Issue 3. <https://journals.sagepub.com/doi/10.1177/1037969X231174672>.

²⁷⁵ The Parliament of the Commonwealth of Australia. (2012). Workplace Bullying "We Just Want It To Stop": House of Representatives Standing Committee on Education and Employment. Commonwealth of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/fullreport.pdf.

²⁷⁶ The Parliament of the Commonwealth of Australia. (2012). Workplace Bullying "We Just Want It To Stop": House of Representatives Standing Committee on Education and Employment. Commonwealth of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/fullreport.pdf.

²⁷⁷ The Parliament of the Commonwealth of Australia. (2012). Workplace Bullying "We Just Want It To Stop": House of Representatives Standing Committee on Education and Employment. Commonwealth of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/fullreport.pdf.

²⁷⁸ Australian Industry Group. (2012). Submission to the House Standing Committee on Education and Employment: Inquiry into Workplace Bullying - Submission 59. Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/subs/sub59.pdf.

²⁷⁹ Australian Industry Group. (2012). Submission to the House Standing Committee on Education and Employment: Inquiry into Workplace Bullying - Submission 59. Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/subs/sub59.pdf.

²⁸⁰ Australian Industry Group. (2012). Submission to the House Standing Committee on Education and Employment: Inquiry into Workplace Bullying - Submission 59. Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/subs/sub59.pdf.

²⁸¹ Australian Industry Group. (2012). Submission to the House Standing Committee on Education and Employment: Inquiry into Workplace Bullying - Submission 59. Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/subs/sub59.pdf.

²⁸² Australian Industry Group. (2012). Submission to the House Standing Committee on Education and Employment: Inquiry into Workplace Bullying - Submission 59. Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/subs/sub59.pdf.

The Australian Chamber of Commerce, on the other hand, considers that Governments should utilise the established network of business associations and their distribution and communication channels to collaboratively implement national information and education campaigns, considering how particular sectors may benefit with focused attention where there is evidence of problems²⁸³.

²⁸³ Australian Chamber of Commerce and Industry. (2012). Submission to the House Standing Committee on Education and Employment: Inquiry into Workplace Bullying - Submission 62. Parliament of Australia.
https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/subs/sub62.pdf.
3436-1626-5022v45

16. Evidence Base For Stronger Safety Regulations To Prevent Psychological Hazards At Work

In a nutshell: Previous Australian studies have found that regulations specifying mandatory controls for safety risks and hazards can halve the rate of injury if they are complied with.

Regulations Halve The Rate of Injury If Complied With

Australian studies have previously found that safety regulations specifying mandatory controls for safety risks and hazards can halve the rate of injury if they are complied with²⁸⁴.

Previous reviews by Safe Work Australia have found that the introduction of new regulations are one of the primary strategies governments use to influence safety practices in workplaces. For larger businesses and those businesses that pay attention to regulations, and have a positive perception of the regulator, the introduction of new regulations is more likely to result in improved work health and safety outcomes²⁸⁵.

Within an Australian context, by way of recent example, for high-risk industries, such as construction, agriculture, fishing / forestry and transport, which employ 18% of the Australian workforce and are the top three industries for work-related fatalities, expanded duties of care, introduction of criminal enforcement and increased penalties significantly reduced workers' compensation probabilities²⁸⁶.

This evidence is consistent with international research. For example, within a European context, evidence showed that fulfilling legal obligations (i.e., hard law) is the major reason companies address workplace health and safety; Legal compliance motivated 88% of companies to manage occupational health and safety risks²⁸⁷.

In 2024, the European Commission's Peer Review on Legislative and Enforcement Approaches to Address Psychosocial Risks at Work in the Member States found that Belgium, which has had a specific royal decree targeting work-related sexual harassment since 1992, followed by specific regulatory intervention to prevent psychosocial hazards including sexual harassment and workplace violence, had positive results from these legislative changes, noting the impact of legislative intervention²⁸⁸.

Research has found that specific legislation on risks emanating from psychosocial hazards at work provide clarity on employer responsibilities and motivates organisations to implement appropriate actions to tackle occupational health and safety risks²⁸⁹.

For example, more organisational action on work-related stress was identified in those countries that have already adopted specific legislation. Furthermore, a link was identified between the existence of organisation action plans and the provision of more job resources and less reported work-related stress in those countries with specific legislation²⁹⁰. When the risk is serious harm or death, as it is with work-related gendered violence²⁹¹, regulatory intervention is imperative. Despite this, our harmonised safety laws and regulations remain largely silent on this issue²⁹².

²⁸⁴ Gun, R.T. (1993). The role of regulations in the prevention of occupational injury. Science Direct. <https://www.sciencedirect.com/science/article/abs/pii/092575359390006Y>.

²⁸⁵ Safe Work Australia. (2013). The Effectiveness of Work Health and Safety Interventions by Regulators: A Literature Review. Safe Work Australia. <https://www.safeworkaustralia.gov.au/system/files/documents/1702/effectiveness-whs-interventions-by-regulators-literature-review.pdf>.

²⁸⁶ Bilgrami, A., Cutler, H., Sinha, K., (2024). Higher penalties, broader definitions, and national standards: Did harmonized Australian workplace health and safety laws reduce workers' compensation receipt? Wiley Online Library. <https://doi.org/10.1111/irel.12357>.

²⁸⁷ Irastorza, X. (2019). Third European Survey of Enterprises on New and Emerging Risks (ESENER 3). Publications Office of the European Union. https://osha.europa.eu/sites/default/files/ESENER_3_first_findings.pdf.

²⁸⁸ ICF. (2024). Peer Review on Legislative and Enforcement Approaches to Address Psychosocial Risks at Work in the Member States: 26-27 June 2024, Brussels, Belgium Summary Report. European Commission. https://employment-social-affairs.ec.europa.eu/document/download/ee5b9c93-7279-4065-a3f5-8b5d7e175665_en?filename=Peer%20Review%20psychosocial%20risks_Belgium_June%202024_summary%20report.pdf.

²⁸⁹ Jain, A., Torres, L.D., Teoh, K., Leka, S. (2022). The impact of national legislation on psychosocial risks on organisational action plans, psychosocial working conditions, and employee work-related stress in Europe. ScienceDirect, Social Science & Medicine, Volume 302, June 2022, 114987. <https://www.sciencedirect.com/science/article/pii/S0277953622002933?via%3Dihub#sec5>.

²⁹⁰ Jain, A., Torres, L.D., Teoh, K., Leka, S. (2022). The impact of national legislation on psychosocial risks on organisational action plans, psychosocial working conditions, and employee work-related stress in Europe. ScienceDirect, Social Science & Medicine, Volume 302, June 2022, 114987. The impact of national legislation on psychosocial risks on organisational action plans, psychosocial working conditions, and employee work-related stress in Europe - ScienceDirect.

²⁹¹ WorkSafe Victoria. (2025). What is gendered violence? WorkSafe Victoria. <https://www.worksafe.vic.gov.au/what-gendered-violence>.

²⁹² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

Even The Most Vocal Critics of Regulation Recommend It For Bullying & Harassment

Even the most vocal critics against safety regulatory intervention requiring persons conducting a business or undertaking to prevent work-related psychological risks acknowledge workplace harassment and bullying are an exception and accept that these forms of harmful behaviour should be prevented²⁹³.

Proponents of regulation consider that approaches to managing work-related psychosocial risks and mental health should not be considered as being in opposition to each other, but rather, as complementary based on a need to not only protect workers from harm, but to also promote the positive aspects of work and respond to mental health problems as they arise in a workplace context²⁹⁴.

Apart from Queensland²⁹⁵, compliance is currently left to guidelines and codes of practice (termed “compliance codes” in Victoria) which do not impose minimum mandatory controls on persons conducting a business or undertaking.

At a global level, empirical evidence suggests that guidance and tools on gender-responsiveness are insufficient to ensure update of a gender-responsive approach to risk assessment at the level of the organisation or even at the level of the regulator²⁹⁶. For gender-responsiveness to be considered a universally applicable principle, it should be enshrined in law. Because of the pervasive beliefs and stereotypes about the nature of gendered violence, and the people who are targeted by it, prevention of gendered violence will be systematically marginalised and overshadowed by competing priorities, unless it is purposively centred as a legislative priority²⁹⁷.

Whilst virtuous persons conducting a business or undertaking voluntarily comply with non-regulatory requirements, middle-of-the road and recalcitrant persons conducting a business or undertaking are more responsive to regulation²⁹⁸.

Relevantly, current codes of practice are admissible “after-the-fact” in safety prosecutions, as evidence of what should have been known about hazards and risks and the means of controlling them, for example, as evidence of whether a duty or obligation has been complied with²⁹⁹.

For example, even in New South Wales, which has an approved NSW Code of Practice: Sexual and Gender-Based Harassment, under s 275 of the *Work Health and Safety Act 2011* (NSW), its approved code of practice is admissible after the fact, in a safety prosecution, as evidence of whether a duty or obligation under the Act has been complied with.

Regulations, on the other hand, specifying mandatory risk identification, assessment and controls, are consistent with proactive / primary prevention.

²⁹³ Mishiba, T. (2023). The Legal Regulation of Psychological Hazards at Work: The Hypothesis regarding the benefits of the Mental Health Approach Compared to the Psychosocial Risk (PSR) Approach. *J Work Health Saf Regul* 2023; 2 97-109. <https://doi.org/10.57523/jaohlev.ed.23-002>.

²⁹⁴ LaMontagne, Tony; GREINER, Birgit; KAWAKAMI, Norito; RUGULIES, Reiner; KEEGEL, Tessa; MARTIN, Angela; et al. (2024). Letter to: Mishiba, T (2023): The Legal Regulation of Psychological Hazards at Work: The Hypothesis regarding the Benefits of the Mental Health Approach Compared to the Psychosocial Risk (PSR) Approach. *J Work Health Saf Regul* 2023; 2: 97–109. DOI: 10.57523/jaohlev.ed.23-002. Deakin University. Journal contribution. <https://hdl.handle.net/10779/DRO/DU:28604213.v4>.

²⁹⁵ Work Health and Safety (Sexual Harassment) Amendment Regulation 2024 (Qld).

²⁹⁶ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

²⁹⁷ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

²⁹⁸ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

²⁹⁹ Model Work Health and Safety Bill, s 275.

17. Suggested Content for WHS Regulation for Gendered Violence Prevention

In a nutshell: The core recommendation is for an express duty to prevent work-related gendered violence under a work health and safety framework, which necessarily includes addressing intersectional power imbalances, harassment, discrimination and victimisation based on protected attributes, and workplace gender inequality.

The ILO has recommended that in managing hazards and risks associated with work-related gendered violence, particular attention should be paid to hazards and risks that³⁰⁰:

- Arise from working conditions and arrangements, work organization and human resource management,
- Involve third parties such as clients, customers, service providers, users, patients, and members of the public, and
- Arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.

It is in this context, that the key features outlined below build on the ILO recommendations.

The express regulation of work-related gendered violence as a safety hazard

In circumstances where safety regulatory intervention specifying mandatory safety controls has previously been found to reduce the rate of injury by 50% if regulations are complied with³⁰¹, in this National Crisis of Gender-Based Violence, we call upon Safe Work Australia to expressly regulate work-related gendered violence, including sexual and gender-based harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers, thereby creating clarity and accountability on risk factors and relevant controls.

Model workplace health and safety laws and regulations should specify the requirement for persons conducting a business or undertaking to manage work-related gendered violence risks, including the risk of work-related sexual and gender-based harassment, and work-related bullying, consistent with their primary duty of care.

Safety laws should also expressly recognise that all workers have the right to a safe and healthy working environment, free from unlawful discrimination, harassment and victimisation³⁰².

Consistent with this, it should be clarified that there is a positive duty on persons conducting a business or undertaking to eliminate unlawful discrimination, harassment and victimisation at work, particularly on the basis of sex, gender, sexuality, migration status, race, disability and age.

This is consistent with Resolution I adopted by the ILO at the 110th Session in 2022³⁰³, and recognises that health and safety is a fundamental principle and right at work³⁰⁴. It is also consistent with the ILO's Violence and Harassment Convention, 2019, which requires Member States to adopt laws, regulations and policies ensuring the right to equality and non-discrimination³⁰⁵.

³⁰⁰ International Labour Organization. (2020). Safe and healthy working environments free from violence and harassment.

International Labour Organization.

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_protect/@protrav/@safework/documents/publication/wcms_751832.pdf.

³⁰¹ Gun, R.T. (1993). The role of regulations in the prevention of occupational injury. Science Direct.

<https://www.sciencedirect.com/science/article/abs/pii/092575359390006Y>.

³⁰² International Labour Organization. (2022). Resolution on the inclusion of a safe and health working environment in the ILO's framework of fundamental principles and rights at work. International Labour Organization.

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40relconf/documents/meetingdocument/wcms_848632.pdf.

³⁰³ International Labour Organization. (2022). Resolution on the inclusion of a safe and health working environment in the ILO's framework of fundamental principles and rights at work. International Labour Organization.

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40relconf/documents/meetingdocument/wcms_848632.pdf.

³⁰⁴ International Labour Organization. (2022). ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. International Labour Organization.

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@declaration/documents/normativeinstrument/wcms_716594.pdf.

³⁰⁵ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmix_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

This is also consistent with recommendations arising from the Australian Human Rights Commission's 2021 Report, *Free & Equal*, A Reform Agenda for Federal Discrimination Laws, which expressly recommended the inclusion of a positive duty on all duty bearers to take steps to eliminate unlawful discrimination³⁰⁶.

Indeed, the Australian Human Rights Commission has recognised that we need to shift the focus from a reactive model that responds to harm after it happens to a proactive model that prevents discrimination from happening in the first place³⁰⁷. Under a work health and safety framework, this can be achieved through regulatory requirements to identify, assess and control discrimination, harassment and victimisation risks in the workplace.

In managing the risks associated with unlawful discrimination, harassment and victimisation, persons conducting a business or undertaking should also be required take steps to identify, assess, control and monitor discrimination, harassment and victimisation risks, particularly for women, people with disability, young people, Aboriginal and Torres Strait Islander people, LGBTIQ+ people, as well as migrant workers, and culturally and linguistically diverse workers who are significantly more likely than others to experience gendered violence such as sexual harassment and work-related bullying.

Within a workplace context, this necessitates steps to ensure intersectional gender and diversity balance in leadership roles (naturally requiring a focus on recruitment, retention, and promotion via proactive steps to improve organisational diversity pipelines, whilst focusing on workplace culture and structural inequality, in order to improve retention). Primary prevention of work-related gendered violence requires a focus on shifting intersectional power imbalances along gendered lines, social norms and the structures that drive gendered violence whilst addressing intersecting and compounding forms of discrimination.

When people are subjected to multiple forms of intersecting discrimination and harassment, for example, based on gender, race, disability or sexuality, this can drive gendered violence across all types of workplaces, regardless of industry, occupation, or sector³⁰⁸.

Real, systemic change requires more than policies that mitigate legal claims risks, but which are not enforced in practice³⁰⁹, and are not backed-up by evidence-informed action plans to address disparity³¹⁰, rewarding form over substance³¹¹, or training that occurs annually, but which does little to meaningfully reduce day to day experiences of intersectional gender inequality and the harm it perpetuates, because it is not backed by action.

The reason for this is that policies, procedures, training and reporting pathways are secondary and tertiary prevention approaches which are concerned with behavioural change and response, after the damage is done. They do not shift power, and, resultingly, do not do enough to prevent harm.

Relevantly, 88% of employers that report to WGEA, being those employers with 100 or more employees³¹², provide training on the prevention of sexual harassment, with 95% having policies detailing processes to disclose, investigate and manage sexual harassment³¹³. Despite, this, as indicated above, the notional prevalence rate for sexual harassment is approximately 2,764,082 workers that may have experienced sexual harassment at work over the past 12 months.

Indeed, research in comparable jurisdictions which considered 30 years of training found that there was no evidence that training affected the frequency of sexual harassment in the workplace, concluding, "much of the training done over the last 30 years has not worked as a prevention tool...even effective training cannot occur in a vacuum", and recommending that "employers should assess their workplaces for the risk factors associated with harassment and explore ideas for minimising those"³¹⁴.

³⁰⁶ Australian Human Rights Commission. (2021). *Free & Equal: An Australian Conversation on Human Rights*. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/ahrc_free_equal_dec_2021.pdf.

³⁰⁷ Australian Human Rights Commission. (2023). *Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023*. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/2311_freeequal_finalreport_1_1.pdf.

³⁰⁸ Australian Human Rights Commission. (2020). *Respect@Work: Sexual harassment national inquiry report*. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

³⁰⁹ Cortina, M. L., Areguin M. A. (2021). *Putting People Down and Pushing Them Out: Sexual Harassment in the Workplace*. Annual Review of Organizational Psychology and Organizational Behaviour. <https://sites.lsa.umich.edu/liliacortina-lab/wp-content/uploads/sites/970/2021/12/Cortina-Areguin-2021-Annual-Review.pdf>.

³¹⁰ Workplace Gender Equality Agency. (2024). *Australia's Gender Equality Scorecard*. Workplace Gender Equality Agency. https://www.wgea.gov.au/sites/default/files/documents/Australia%27s%20Gender%20Equality%20Scorecard%202023-24_V10_0.pdf.

³¹¹ Grossman, J. L. (2003). *The Culture of Compliance: The Final Triumph of Form Over Substance in Sexual Harassment Law*. Hofstra University. https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1340&context=faculty_scholarship

³¹² *Workplace Gender Equality Act 2012* (Cth), s 4.

³¹³ Workplace Gender Equality Agency. (2024). *GEI 6: Prevention and response to sexual harassment*. Workplace Gender Equality Agency. https://www.wgea.gov.au/sites/default/files/documents/WGEA_Gender_Equality_Scorecard_GEI6.pdf

³¹⁴ Feldblum, C. R., Lipnic, V. A. (2016). *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*. U.S. Equal Employment Opportunity Commission. https://www.eeoc.gov/sites/default/files/migrated_files/eeoc/task_force/harassment/report.pdf

These changes would clarify that the responsibility for primary prevention of work-related gendered violence is squarely in the hands of employers, regardless of industry, or workplace factors.

In undertaking consultation for this submission, the Disabled Australian Lawyers Association noted that by developing proactive and targeted protections for women with disability (as well as other women and gender diverse people disproportionately impacted by work-related gendered violence, including people facing discrimination because they are Aboriginal or Torres Strait Islander, culturally or racially diverse, migrants, and LGBTIQ+ people) within a positive safety duty, their workplace rights can be upheld, fostering a cohesive and unified legal framework that enables safety laws to address intersectional experiences of work-related gendered violence.

The Disabled Australian Lawyers Association also noted that any positive duty should be shaped around the social and human rights models of disability, which work together to affirm the rights of disabled people to have access to workplaces on an equal basis to people without disability. The social model states that disabled people are disabled or disadvantaged as a result of the social, physical, environmental and attitudinal barriers they encounter, rather than their individual impairment.

Expanding the definition of work-related gender-based violence and harassment

The model WHS Act and / or Regulations should expressly define work-related gender-based violence and harassment in accordance with the ILO's Violence and Harassment Convention, 2019³¹⁵. That is:

- a. "Work-related gender-based violence and harassment" refer to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, including gender-based violence and harassment³¹⁶.
- b. "Gender-based violence and harassment" mean violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately and includes sexual harassment³¹⁷.

This definition expands the current focus on work-related sexual and gender-based harassment and hostile workplace environments on the ground of sex, to work-related gendered violence, which is much broader, ranging from physical assault, verbal abuse, stalking, intimidation, threats, verbal abuse, ostracism, exclusion, discrimination and victimisation³¹⁸, in some cases even overlapping with work-related bullying³¹⁹.

A requirement to identify, assess, control and monitor risks and implement safety controls

The model WHS Regulations should require persons conducting a business or undertaking to identify, assess, control and monitor risks and hazards associated with work-related gendered violence in consultation with workers and their representatives³²⁰.

Identification and assessment of work-related gendered violence risks should occur via mandated intersectional and gender-responsive risk assessments, with controls encompassing the need for written prevention plans which require persons conducting a business or undertaking to consider the hazards and risks that arise from discrimination, abuse of power, gender and cultural norms that support work-related gendered violence and harassment³²¹, particularly for those who experience of higher rates of harm due to multiple layers of discrimination based on sex, race, colour, descent, national or ethnic origin, disability, or age³²².

³¹⁵ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

³¹⁶ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

³¹⁷ International Labour Organization. (2019). C190 - Violence and Harassment Convention, 2019 (No. 190). International Labour Organization. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

³¹⁸ WorkSafe Victoria. (2025). What is gendered violence? WorkSafe Victoria. <https://www.worksafe.vic.gov.au/what-gendered-violence>.

³¹⁹ WorkSafe Victoria. (2022). Work-related gendered violence including sexual harassment. Work Safe Victoria. <https://content-v2.api.worksafe.vic.gov.au/sites/default/files/2022-11/ISBN-Work-related-gendered-violence-including-sexual-harassment-2022-11.pdf>.

³²⁰ Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539.

³²¹ Cox, R. (2024). Addressing gender-based violence and harassment in a work health and safety framework, ILO Working Paper 116 (Geneva, ILO). International Labour Organization. https://www.ilo.org/sites/default/files/2024-07/116_web.pdf.

³²² Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

We note, for example, that the occupations with the most claims for exposure to workplace violence or assault tend to be female. For example, registered nurses reported 88% of serious claims, welfare and support workers reported 74% of serious claims, aged and disabled carers reported 77% of serious claims, and nursing support and personal care workers reported 79% of claims³²³.

Controls should require persons conducting a business or undertaking to address intersectional gender inequality by addressing gendered power structures of workplaces, and the underrepresentation of women and persons with intersecting identities based on sex, race, colour, descent, national or ethnic origin, disability, or age in leadership roles³²⁴.

Industry gender segregation and power imbalances along gendered lines

This submission has highlighted the predominance of gender-based harassment across workplaces, noting that most harassment does not take the form of sexual overtures because most of the time, harassment is not about securing sexual gratification, it's about putting women (and men who are "not man enough") down, reinforcing the existing gender order, and reaffirming threatened social identities³²⁵. This submission has also highlighted the overlap of work-related gendered violence with work-related bullying, which is also gendered in nature.

It is unsurprising then, that women who enter traditionally male-dominated work settings are more likely to experience sex-based harassment not just because they are more likely to encounter men, but because they pose a threat to the masculine composition of the image of "men's jobs", and their sense of manhood³²⁶.

It is not just heterosexual, cisgender women who experience this, but both homosexual and heterosexual men who fail to conform to prescribed gender norms, lesbians, bisexuals, transgender, and non-binary people, as well as women of colour³²⁷.

Within an Australian context, this holds true, with women entering male-dominated industries experiencing poorer health outcomes, whilst men entering female-dominated industries do not experience the same harm³²⁸.

The Model WHS Regulations should expand on the risk factors and indicators for gender-based violence and harassment already recognised in the QLD Regulations to further account for, and require persons conducting a business or undertaking to control for the following risk factors for work-related gendered violence and harassment:

Addressing industry gender segregation

Industry gender segregation, for example, where mostly men hold the majority of leadership positions and favoured jobs, while women are greatly outnumbered or are concentrated in less highly regarded roles³²⁹.

The Australian Human Rights Commission has reported that the sectors with the highest rates of harassment include industries that are male dominated (for example, the construction and mining industries), or where industries are organised according to a strict hierarchical structure where men dominate leadership roles (for example, the Australian Defence Force, and the medical and legal professions)³³⁰.

Some of the other industries with significant rates of harassment include the information, media and telecommunications industry, arts and recreation services, mining and resources, accommodation and food services, transport, postal and warehousing, and construction industries³³¹.

³²³ Safe Work Australia. (2024). Workplace and work-related violence and aggression in Australia. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-08/Work-related-violence-and-aggression_Report_August2024.pdf.

³²⁴ Australian Human Rights Commission. (2025). Speaking from Experience: What needs to change to address workplace sexual harassment. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/Speaking%20from%20Experience%20Report_0_0.pdf.

³²⁵ Schultz, V. (2018). Reconceptualizing Sexual Harassment, Again. The Yale Law Journal Forum. https://www.yalelawjournal.org/pdf/Schultz_f63u48az.pdf.

³²⁶ Schultz, V. (2018). Reconceptualizing Sexual Harassment, Again. The Yale Law Journal Forum. https://www.yalelawjournal.org/pdf/Schultz_f63u48az.pdf.

³²⁷ Schultz, V. (2018). Reconceptualizing Sexual Harassment, Again. The Yale Law Journal Forum. https://www.yalelawjournal.org/pdf/Schultz_f63u48az.pdf.

³²⁸ Milner, A., King, T., La Montagne, A. D., Bentley, R., Kavanagh, A. (2018). Men's work, Women's work, and mental health: A longitudinal investigation of the relationship between gender composition of occupations and mental health. Social Science and Medicine. <https://www.sciencedirect.com/science/article/abs/pii/S0277953618301217?via%3Dihub>.

³²⁹ Schultz, V. (2018). Reconceptualizing Sexual Harassment, Again. The Yale Law Journal Forum. https://www.yalelawjournal.org/pdf/Schultz_f63u48az.pdf.

³³⁰ Australian Human Rights Commission. (2020). Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

³³¹ Australian Human Rights Commission. (2020). Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

Safe Work Australia has also considered that workplaces organised according to a strict hierarchical structure, for example, police and enforcement, medical and legal professions, are at a particularly high risk for harmful behaviour³³².

Legal industry

Multiple reports have detailed the extent of work-related gendered violence in the legal industry³³³, detailing widespread unequal treatment and disrespect towards women and gender diverse people³³⁴ in a profession charged with upholding the rule of law and administration of justice³³⁵.

The key drivers are intersectional gender inequality, including power imbalances along gendered lines, harmful gendered roles and stereotypes, disrespect and the condoning of violence and disrespect. Current legal workplaces privilege certain people – specifically, white, Anglo, cisgender, non-disabled, class-privileged, heterosexual men³³⁶.

Women in the legal sector are also significantly more likely to have experienced sexual harassment in their careers (61%) compared to men (12%). Women in the legal profession also experience higher rates of sexual harassment than the Australian Human Rights Commission has found is the case for other Australian workplaces (61% in the legal profession versus 41% of women generally³³⁷)³³⁸.

Consistent with the findings in other workplaces, the majority of perpetrators in the legal sector are men (90%) and, the majority of the time, the perpetrator is more senior than the target (72% at the time of the most recent incident)³³⁹.

Whilst the number of female solicitors compared to male solicitors has been steadily increasing since 2011, women remain markedly under-represented in senior leadership roles. For example, some studies have found that women held only 16% of equity partnerships, and 33% of non-equity partnerships³⁴⁰.

The Department of Employment and Workplace Relations has recently reported that there continues to be an underrepresentation of workers from culturally and linguistically diverse backgrounds within Australia's legal industry³⁴¹. Similarly, the Law Society of New South Wales has acknowledged that the structures that have historically underpinned the legal profession have meant that people from culturally and racially marginalised communities have faced unique hurdles entering the profession and progressing to its highest ranks³⁴².

The Disabled Australian Lawyers Association has found that the Australian legal profession does not have a culture of celebrating people with disability or embedding inclusive practices. In facing the suite of structural and systemic barriers

³³² Safe Work Australia. (2022). Model code of practice: Managing psychosocial hazards at work. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2022-08/model_code_of_practice_-_managing_psychosocial_hazards_at_work_25082022_0.pdf.

³³³ Victorian Legal Services Board and Commissioner. (2019). Sexual Harassment in the Victorian Legal Sector: 2019 Study of Legal Professionals and Legal Entities. Victorian Legal Services Board and Commissioner. <https://lsbc.vic.gov.au/sites/default/files/2022-07/Sexual%20Harassment%20in%20the%20Victorian%20Legal%20Sector%20Report.pdf>; Equal Opportunity SA. (2024). 2024 Review of Harassment in the South Australian Legal Profession. Government of South Australia. https://www.equalopportunity.sa.gov.au/_data/assets/pdf_file/0013/1107112/2024-Review-of-Harassment-in-the-South-Australian-Legal-Profession.pdf.

³³⁴ Women's Legal Services Victoria. (2025). Challenging disrespect and inequality in the legal profession: leading change to prevent gendered violence. Women's Legal Service Victoria. <https://www.womenslegal.org.au/wp-content/uploads/2025/04/Challenging-disrespect-and-inequality-in-the-legal-profession-Leading-change-to-prevent-gendered-violence.pdf>.

³³⁵ Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015.

³³⁶ Women's Legal Services Victoria. (2025). Challenging disrespect and inequality in the legal profession: leading change to prevent gendered violence. Women's Legal Service Victoria. <https://www.womenslegal.org.au/wp-content/uploads/2025/04/Challenging-disrespect-and-inequality-in-the-legal-profession-Leading-change-to-prevent-gendered-violence.pdf>.

³³⁷ Australian Human Rights Commission. (2022). Time for respect: Fifth national survey on sexual harassment in Australian workplaces, Fifth national workplace sexual harassment survey. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25_time_for_respect_2022_final_digital.pdf.

³³⁸ Victorian Legal Services Board and Commissioner. (2019). Sexual Harassment in the Victorian Legal Sector: 2019 Study of Legal Professionals and Legal Entities - Report of Findings. Victorian Legal Services Board and Commissioner. <https://lsbc.vic.gov.au/sites/default/files/2022-07/Sexual%20Harassment%20in%20the%20Victorian%20Legal%20Sector%20Report.pdf>.

³³⁹ Victorian Legal Services Board and Commissioner. (2019). Sexual Harassment in the Victorian Legal Sector: 2019 Study of Legal Professionals and Legal Entities - Report of Findings. Victorian Legal Services Board and Commissioner. <https://lsbc.vic.gov.au/sites/default/files/2022-07/Sexual%20Harassment%20in%20the%20Victorian%20Legal%20Sector%20Report.pdf>.

³⁴⁰ Foley, M., Tapsell, A., Cooper, R., Lee, T., Lipton, B., Rutledge-Prior, S., Vromen, A., (2023). Designing Gender Equality into the Future of Law. University of Sydney Business School. <https://ses.library.usyd.edu.au/handle/2123/31656>.

³⁴¹ Department of Employment and Workplace Relations. (2025). New Perspectives On Old Problems: Gendered Jobs Work and Pay. Commonwealth of Australia. <https://www.jobsandskills.gov.au/download/19799/new-perspectives-old-problems-gendered-jobs-work-and-pay/3326/gender-economic-equality-study-paper-1/pdf>.

³⁴² The Law Society of New South Wales. (2024). Elimination of All Forms of Racial Discrimination: Introductory Guidance and Strategies for the Legal Profession. The Law Society of New South Wales. https://www.lawsociety.com.au/sites/default/files/2024-03/LS4051_PAP_EliminateRacialDiscrim_2024-03-20.pdf.

within the legal profession, disabled lawyers have survived and thrived, either through individual advocacy at a local level, or, frankly, by hiding in plain sight³⁴³.

The lack of intersectional diversity in leadership means that decision makers are less likely to acknowledge, understand and safely address work-related gendered violence³⁴⁴. It is this same lack of intersectional representation, both within the legal profession, and within leadership roles that drives harm for Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, women with disabilities, trans and gender diverse people, and people from the broader LGBTQIA+ community³⁴⁵. When workplaces lack diversity in leadership, it can send an implicit and sometimes explicit message that there is no space for people from diverse backgrounds³⁴⁶.

Many victim-survivors choose to leave the sector due to the behaviours they experience, rather than stay and seek justice³⁴⁷. Recent reports in the legal sector have considered that whilst robust reporting processes are essential for those wishing to come forward, individual, complaints-based models fail to account for the gendered power dynamics at play in cases of sexual harassment, gender-based violence and discrimination because these models place a disproportionate burden on individual victim-survivors, rather than emphasising the systemic changes needed to prevent harm³⁴⁸.

Construction industry

Within the construction industry, women are four times more likely than their male co-workers to be sexually harassed at work. Construction is also significantly gender-segregated, with approximately 75% of men occupying senior leadership roles, less than 1% of boards being women-dominated, women only occupying 6% of CEO roles, and 90% of boards being male dominated³⁴⁹.

In undertaking consultation for the preparation of this submission, we heard from the National Association of Women in Construction that the construction industry is amongst Australia's most gender-segregated sectors, marked by entrenched power imbalances, microaggressions, and workplace cultures where reporting harassment frequently leads to reprisal or career limitations. Evidence demonstrates that sectors with significant gender imbalances – especially those dominated by male leadership – show considerable higher rates of sexual harassment, bullying, and gendered violence.

For the National Association of Women in Construction, much of their advocacy is focused on addressing the personal impacts of discrimination and bullying for women in construction. For example, their 2022 survey found that 75% of respondents had experienced gender-based adversity within their construction career, 50% had received inappropriate or unwanted attention from colleagues, and 43% did not consider that all genders had the same opportunities and career advancement³⁵⁰.

The National Association of Women in Construction reported that specific risk factors in the construction industry include:

- Workforce segregation: Women represent a very small proportion of the overall workforce in construction, with men holding the majority of senior and leadership roles.
- Gender pay gap: Persistent pay disparities reflect underlying systemic inequalities and reinforce the cultural perception of women as secondary within the sector.

³⁴³ Dalton, A., Alexander, E., Wade, N. (2022). No More Hiding in Plain Sight: The Need for a More Inclusive Legal Profession. Australian Lawyers Alliance. <https://www.austlii.edu.au/cgi-bin/viewdoc/au/journals/PrecedentAULA/2022/37.html>.

³⁴⁴ Women's Legal Services Victoria. (2025). Challenging disrespect and inequality in the legal profession: leading change to prevent gendered violence. Women's Legal Service Victoria. <https://www.womenslegal.org.au/wp-content/uploads/2025/04/Challenging-disrespect-and-inequality-in-the-legal-profession-Leading-change-to-prevent-gendered-violence.pdf>.

³⁴⁵ Women's Legal Services Victoria. (2025). Challenging disrespect and inequality in the legal profession: leading change to prevent gendered violence. Women's Legal Service Victoria. <https://www.womenslegal.org.au/wp-content/uploads/2025/04/Challenging-disrespect-and-inequality-in-the-legal-profession-Leading-change-to-prevent-gendered-violence.pdf>.

³⁴⁶ Women's Legal Services Victoria. (2025). Challenging disrespect and inequality in the legal profession: leading change to prevent gendered violence. Women's Legal Service Victoria. <https://www.womenslegal.org.au/wp-content/uploads/2025/04/Challenging-disrespect-and-inequality-in-the-legal-profession-Leading-change-to-prevent-gendered-violence.pdf>.

³⁴⁷ Women's Legal Services Victoria. (2025). Challenging disrespect and inequality in the legal profession: leading change to prevent gendered violence. Women's Legal Service Victoria. <https://www.womenslegal.org.au/wp-content/uploads/2025/04/Challenging-disrespect-and-inequality-in-the-legal-profession-Leading-change-to-prevent-gendered-violence.pdf>.

³⁴⁸ Women's Legal Services Victoria. (2025). Challenging disrespect and inequality in the legal profession: leading change to prevent gendered violence. Women's Legal Service Victoria. <https://www.womenslegal.org.au/wp-content/uploads/2025/04/Challenging-disrespect-and-inequality-in-the-legal-profession-Leading-change-to-prevent-gendered-violence.pdf>.

³⁴⁹ Our Watch. Workplace Sexual Harassment in Australia's Construction Industry. Our Watch. https://assets.ourwatch.org.au/assets/Workplace-resources/Lead-the-change_Construction-stats-infographic.pdf.

³⁵⁰ National Association of Women in Construction. (2022). The Results Are In On the Inaugural NAWIC 'State of the Industry' Survey. (2022). National Association of Women in Construction. <https://www.nawic.com.au/common/Uploaded%20files/BLOG%202020/NAWIC%20State%20of%20the%20Industry%20Survey%20Results%20are%20IN.pdf>.

- **Microaggression and power imbalances:** The dominance of men in management roles fosters workplace cultures where microaggressions and subtle forms of discrimination are pervasive, undermining women's sense of safety and belonging.
- **Facility and PPE Gaps:** Workplaces frequently lack suitable facilities and personal protective equipment designed to accommodate women, signalling exclusion and exacerbating health and safety risks, reinforcing the gender inequality in the industry.
- **Leadership deficit:** The limited presence of women in leadership positions means decision making power is concentrated among senior male leaders, perpetuating cultural norms and limiting opportunities for diverse perspectives to inform regulatory compliance and prevention strategies.

We also heard from the National Association of Women in Construction that migrant and refugee women, women of colour, women with disabilities, youth, people who are LGBTQIA+ and Aboriginal and Torres Strait islanders are disproportionately targeted for discrimination and harassment and encounter substantial barriers in accessing justice.

In the construction industry, the harm caused by systemic discrimination is acute.

Gender-based harassment is both a cause and consequence of entrenched inequality and underrepresentation, reinforcing persistent obstacles to entry, career progression, and access to redress for women and diverse groups.

Apprenticeships and trades

In undertaking consultation for the preparation of this submission, we also heard from Tradeswomen Australia that women remain critically under-represented in skilled trades. In industries such as construction, electrotechnology, and automotive, they account for less than 5% of qualified trade workers in Australia. In construction specifically, only **3.7%** of technicians/trades roles are held by women, while they represent **13.6%** of the broader industry workforce³⁵¹.

Retention is an equally pressing concern. More women are resigning from the construction industry than are entering the industry, resulting in a net loss of women in the sector³⁵².

In addition, poor working conditions lead to higher dropout rates among women apprentices (14% for women and 7% for men), and more frequent bullying (46% for women versus 24% for men)³⁵³.

These figures illustrate a "leaky pipeline," where women may enter apprenticeships but are often pushed out by unsafe, hostile, or isolating work environments before even completing their training.

Tradeswomen Australia has advised us that the research they conducted in 2024³⁵⁴ affirms these systemic barriers, capturing the lived experience of apprentices. Consider these direct quotes;

"Have changed jobs twice due to sexism and discrimination in the workplace..."

"Constantly bullied and discriminated against. Employer refused to take any action against perpetrators. Was not given appropriate training or enough work to develop skills."

"I have faced discrimination at every site and company I have worked at."

"I do not regret doing my apprenticeship, but there's no doubt that it was harrowing at times, and I often questioned whether I could have longevity, not because of the work, but the environment and culture."

"We are decades or longer off having a female friendly work environment."

These experiences align with broader evidence linking work-related gendered violence as both a **driver and consequence** of inequality in male-dominated industries.

³⁵¹ Master Builders Australia. (2024). The Building and Construction Industry Workforce. Master Builders Australia. https://mba.org.au/wp-content/uploads/2024/07/2024_July_State-of-building-and-construction-industry-workforce.pdf?utm_source=chatgpt.com.

³⁵² Workplace Gender Equality Agency. (2024). Data Explorer – National Snapshot – Australian Private Sector 2023-24. <https://www.wgea.gov.au/Data-Explorer/National>.

³⁵³ Department of Employment and Workplace Relations. (2024). Skills for tomorrow: Shaping the future of Australian apprenticeship, Strategic Review of the Australian Apprenticeship Incentive System 2024 Final Report. Commonwealth of Australia. <https://www.dewr.gov.au/download/16795/strategic-review-australian-apprenticeship-incentive-system-final-report/39422/strategic-review-australian-apprenticeship-incentive-system-final-report/pdf>.

³⁵⁴ Tradeswomen Australia Engagement of Lived Experience Female Apprentices on behalf of Department of Employment Workplace Relations (DEWR) for the Australian Apprenticeships Incentive System Strategic Review.

A recent report conducted for the Victorian Government found that poor worker wellbeing and hostile workplace environments are a barrier to retention of women in the construction industry³⁵⁵.

These behavioural risks are overlayed by a workplace environment which does not treat gender inequality as a safety hazard, demonstrated by a lack of basic facilities such as private change rooms and toilets further compound the overt and covert sexism female apprentices experience on site. These conditions create a perfect storm where women feel the need to prove themselves in the face of unsurmountable odds while at the same time being hyper-visible to their male counterparts further increasing the likelihood for gender-based harassment.

When events of harm occur, even if they meet the threshold for civil or criminal investigation, women are forced to calculate the future impact of their disclosure. The potential of becoming the 'problem apprentice' deters women from seeking support or redress. The ongoing exposure to gender-based harassment becomes a daily reality that women navigate alongside their job responsibilities, their personal lives, possible caring duties, and educational commitments for the life of their apprenticeship creating an unreasonable mental burden that can have long term consequences.

Australian Defence Force

Within the Australian Defence Force, amongst those serving, only 20.6% are women³⁵⁶ and whilst 17% of Senior Officer positions are occupied by women, the majority of leadership roles are still occupied by men. In addition, women veterans are twice as likely to die by suicide compared to civilian women. Furthermore, 80% of survivors of military sexual misconduct are women while men in Defence represent 90% of alleged perpetrators. The Australian Defence Force estimates an under-reporting rate of 60% for sexual assaults, and notes that 80% of people in the military who experience sexual misconduct do not report it³⁵⁷.

Healthcare and medical

Within healthcare contexts, we note that of 185 descriptive studies, 25% reported that women in medicine experience sexual harassment, with trainees being most affected. Australian and New Zealand studies also report a higher proportion of sexual harassment, bullying and discrimination among female trainees, compared to others³⁵⁸.

In undertaking consultation for preparation of this submission, the Australian Federation of Medical Women pointed to a report by the Australian Medical Association noting that while all doctors are at risk of sexual harassment, female doctors report a higher incidence, noting that gender inequality is particularly relevant for medicine where significant gender imbalances emerge in the majority of specialties, despite female medical students and trainees slightly outnumbering their male counterparts³⁵⁹.

The Australian Federation of Medical Women also noted the Royal Australasian College of Surgeons Submission to the Senate Community Affairs Reference Committee Inquiry into Medical Complaints in 2016, which alarmingly found that 49% of fellows and trainees had been subjected to discrimination, bullying or sexual harassment, and 71% of hospitals reported that this behaviour had occurred in the workplace³⁶⁰, considering that safety regulation for gendered violence prevention would ensure that the medical profession is safer for all workers, including women who are disproportionately impacted by harmful behaviour risks.

Women with disabilities

In undertaking consultation for this submission, advocacy by Women With Disabilities Australia highlighted that women with disability are concentrated in industries with high rates of casualisation, such as in aged care and

³⁵⁵ Holdsworth, S., Turner, M., Scott-Young, C.M., & Sandri, K. (2020). Women in Construction: Exploring the Barriers and Supportive Enablers of Wellbeing in the Workplace. RMIT. <https://www.rmit.edu.au/content/dam/rmit/documents/about/academic-schools/property-construction-project-management/report-women-in-construction-exploring-the-barriers-and-supportive-enablers-of-wellbeing-in-the-workplace.pdf>.

³⁵⁶ Australian Bureau of Statistics. (2022). Australian Defence Force service. Australian Defence Force. <https://www.abs.gov.au/articles/australian-defence-force-service>.

³⁵⁷ Australian Government Department of Veterans' Affairs. (2025). Women Veterans 2025 Baseline Data Report. Australian Government Department of Veterans' Affairs. <https://www.dva.gov.au/sites/default/files/2025-03/women-veterans-2025-baseline-data-report-acc.pdf>.

³⁵⁸ Nelson, S., Ayaz, B., Baumann, A., Dozois, G. (2024). A gender-based review of workplace violence amongst the global health workforce—A scoping review of the literature. Global Public Health. <https://journals.plos.org/globalpublichealth/article?id=10.1371/journal.pgph.0003336>.

³⁵⁹ Australian Medical Association. (2019). AMA Submission - AHRC National Inquiry into Sexual Harassment in Australian Workplaces. Australian Medical Association. https://ama.com.au/sites/default/files/documents/AMA_Submision_National_Inquiry_into_Sexual_Harassment_in_Australian_Workplaces.pdf.

³⁶⁰ Royal Australasian College of Surgeons. (2016). Response to the Senate Community Affairs Reference Committee Inquiry Into Medical Complaints. <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjQuQOZ-7mPAxXF4zQHHaMTLLYQFnoECBoQAQ&url=https%3A%2F%2Fwww.aph.gov.au%2FDocumentStore.ashx%3Fid%3Df1f7475c-778c-4668-9c2d-30cad56cb15a%26subId%3D460062&usq=AOvVaw3Eay2WZPRYmpbXsoglkoo4&opi=89978449>.

cleaning workforces. Women With Disabilities Australia also noted that in mainstream employment settings, women with disability are less likely to be employed than men and are more likely to be precariously or under-employed³⁶¹.

Furthermore, only 29% of NDIS participants are in employment, and of these, over 77% work for Australian Disability Enterprises, paying well below minimum wages, and reflecting broader structural inequity limiting access to opportunities. Labour market trends suggest women with disability are disproportionately impacted by inequities due to barriers of ableism and sexism, underscoring the urgent need for systemic reform³⁶².

Culturally and linguistically diverse women

In undertaking consultation for this submission, we engaged with the Australian Multicultural Women's Alliance (AMWA). AMWA represents migrant, refugee, and culturally and linguistically diverse (CALD) women nationally. AMWA's consultations and lived-experience insights consistently show that CALD women face compounded risks of work-related gendered violence due to intersecting forms of discrimination, including racism, xenophobia, and religious vilification. These risks are heightened by visa precarity, cultural stigma, language barriers, and the absence of culturally safe reporting mechanisms.

AMWA indicated that CALD women are overrepresented in insecure, low-paid, and isolated roles such as cleaning, hospitality, aged care, and other forms of precarious work. These contexts often lack robust workplace protections, increase exposure to harassment, and create significant disincentives to report harmful behaviour due to fear of job loss, reduced shifts, or visa repercussions. When harassment occurs, it frequently intersects with racial or religious discrimination, compounding harm and reducing the likelihood of complaints being made or acted upon.

AMWA considered that without a primary prevention approach to prevent work-related gender-based violence, which also speaks to intersecting forms of discrimination based not only on gender, but also on race, CALD women will continue to face disproportionate risks of work-related gendered violence, particularly as Australian anti-immigrant sentiments intensify and migrants are scapegoated or blamed for Australia's economic and social challenges³⁶³.

Addressing industry gender segregation

To effectively combat work-related gendered violence through a focus on addressing industry composition, persons conducting a business or undertaking should be required to implement strategies to recruit, retain and promote women in all their diversity.

International research has said that "We already know how to reduce sexual harassment at work, and the answer is pretty simple: hire and promote more women"³⁶⁴.

Leading employers often set ambitious targets, aiming for 40% to 50% representation of women in management and executive positions within five years. These targets are typically accompanied by efforts to improve the diversity pipeline³⁶⁵.

The Australian Government's Strategy for Gender Equality recognises that persons conducting a business or undertaking can implement targets to achieve increased gender diversity and representation of women in leadership positions alongside measures to address barriers to equality to ensure leadership reflects the diversity of Australia's population³⁶⁶.

Furthermore, given the importance of intersectional representation, and the clear link established between a diverse workplace and organisational safety³⁶⁷, strategies adopted by persons conducting a business or undertaking³⁶⁸.

³⁶¹ Women With Disabilities Australia. (2025). Submission to Gender Economic Equality Study Consultation. Women With Disabilities Australia. https://wwda.org.au/wp-content/uploads/2025/03/WWDA_JSA_Gender_Economic_Equality_Submission.pdf.

³⁶² Women With Disabilities Australia. (2025). Submission to Gender Economic Equality Study Consultation. Women With Disabilities Australia. https://wwda.org.au/wp-content/uploads/2025/03/WWDA_JSA_Gender_Economic_Equality_Submission.pdf.

³⁶³ FECCA. (2025). FECCA Calls for Respect Ahead of 31 August Rallies. <https://fecca.org.au/updates/fecca-calls-for-respect-ahead-of-31-august-rallies/>.

³⁶⁴ Cortina, M. L., Areguin M. A. (2021). Putting People Down and Pushing Them Out: Sexual Harassment in the Workplace. Annual Review of Organizational Psychology and Organizational Behaviour. <https://sites.lsa.umich.edu/liliacortina-lab/wp-content/uploads/sites/970/2021/12/Cortina-Areguin-2021-Annual-Review.pdf>.

³⁶⁵ Fitzsimmons, T. W., Yates, M. S., & Callan, V. J. (2020). Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation. AIBE Centre for Gender Equality in the Workplace. Retrieved from <https://www.wgea.gov.au/sites/default/files/documents/UQ%20full%20report.pdf>.

³⁶⁶ Australian Government. (2024). Working for women: A strategy for gender equality. <https://genderequality.gov.au/sites/default/files/2024-03/working-for-women-a-strategy-for-gender-equality.pdf>.

³⁶⁷ National Safety Council. (2025). Diversity, Equity, Inclusion and Safety: Intersections, Integration and Implementation. National Safety Council. <https://www.nsc.org/getmedia/7bc36b4d-e692-431c-94d6-97ff820c632b/report-dei-implementation.pdf?srsId=AfmBOoqUKkP0OZjdcHp7OzIDfp68Y774AwUvsCRqLNaelau61Sbxcap0>.

³⁶⁸ Australian Human Rights Commission. Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth). (2023). Australian Human Rights Commission. <https://humanrights.gov.au/sites/default/files/2023-08/Guidelines%20for%20Complying%20with%20the%20Positive%20Duty%20%282023%29.pdf>.

We note, for example, that the Federation of Ethnic Communities' Councils of Australia has emphasised the need for reforms that specifically address the experiences of migrant, refugee, and multicultural women. This includes recognising their unique strengths and challenges in the workplace as part of broader diversity and inclusion efforts³⁶⁹.

In 2024, the Australian Public Service introduced a reportable benchmark of 24% for CALD representation in Senior Executive Services following evidence of structural barriers impeding CALD employees' progression, including due to experiences of discrimination, sexism and racism³⁷⁰. We consider that similar targets for cultural diversity in senior leadership roles could apply across Australian workplaces.

For example, the Diversity Council of Australia has recently stated that all boards should take action to be diverse and ensure they reflect the communities they serve, specifically advocating for board diversity to consider Aboriginal and/or Torres Strait Islander peoples, culture/ethnicity/race (culturally and racially marginalised people), gender (women and non-binary people), people with disability, sexual orientation and gender identity (LGBTIQA+ people), and social class (lower social class), as well as consider intersectionality and recognise that some people experience much greater (compounded) discrimination due to belonging to more than one marginalised group (e.g. women with disability, Aboriginal women)³⁷¹.

A recent report by the Department of Employment and Workplace Relations has highlighted occupational gender segregation as it relates to CALD workers, noting that CALD workers represent more than a third of workers in lower skill level jobs across care, banking, hospitality, food manufacturing, warehousing and machine operating, whilst they are less likely to be represented in law, farming, most male dominated trades, paramedics and police. The report considered that further attention needs to be given to the lack of CALD representation and the extent to which occupational segregation is a combination of gender segregation and other forms of discrimination, barriers and disincentives³⁷².

Women With Disabilities Australia has also recommended development of disability employment strategies with gender-specific targets³⁷³. We also thank Women With Disabilities Australia for referring us to advocacy by Disability Representative Organisations ahead of the 2025 Federal Election, Economic Justice for People With Disability: A National Blueprint, which recommended setting a 15% disability target for public sector with specific targets for marginalised people with disability, recognising that "The current system is failing us. We need justice now"³⁷⁴.

WGEA's 2025 Power to Balance Report³⁷⁵ found that to build resilient pipelines, targets must be supported by actions to embed structural equity in a workplace context. This includes embedding equity into recruitment and promotion systems at every level, strengthening women's pathways into line management and profit and loss roles where evidence shows that gaps in representation are greatest³⁷⁶.

Efforts to improve the diversity pipeline for management roles must occur alongside addressing attrition hotspots by reforming policies on parental leave, flexible and workplace culture³⁷⁷. Key actions to strengthen organisational pipelines include³⁷⁸:

- Prioritising equitable recruitment into leadership roles by setting clear intersectional targets for women's appointment at all levels,

³⁶⁹ Federation of Ethnic Communities' Councils of Australia. (2022). Employment white paper submission. Federation of Ethnic Communities' Councils of Australia. <https://fecca.org.au/wp-content/uploads/2022/12/FECCA-Employment-White-Paper-Submission.pdf>.

³⁷⁰ Australian Public Service Commission. (2024). The APS Culturally and Linguistically Diverse Employment Strategy and Action Plan. https://www.apsc.gov.au/sites/default/files/2024-05/APS%20Culturally%20and%20Linguistically%20Diverse%20Employment%20Strategy%20and%20Action%20Plan%20-%20Accessible_0.pdf.

³⁷¹ Diversity Council of Australia. (2024). Joint Diversity Council Australia, University of Sydney Business School, University of Technology Sydney Business School/Jumbunna Institute for Indigenous Education and Research submission on the 5th Edition of the ASX Corporate Governance Council Principles and Recommendations consultation. Diversity Council of Australia. https://www.dca.org.au/wp-content/uploads/2024/05/dca_usyd_uts_jumbunna_joint_submission_review_asx_boards.pdf.

³⁷² Department of Employment and Workplace Relations. (2025). New Perspectives on Old Problems: Gendered Jobs Work and Pay. Commonwealth of Australia. <https://www.jobsandskills.gov.au/download/19799/new-perspectives-old-problems-gendered-jobs-work-and-pay/3326/gender-economic-equality-study-paper-1/pdf>.

³⁷³ Women With Disabilities Australia. (2025). Submission to Gender Economic Equality Study Consultation. Women With Disabilities Australia. https://wwda.org.au/wp-content/uploads/2025/03/WWDA_JSA_Gender_Economic_Equality_Submission.pdf.

³⁷⁴ People With Disability Australia. (2025). Economic Justice for People with Disability: A National Blueprint" – a critical call to action for our next government. People With Disability Australia. <https://pwd.org.au/wp-content/uploads/2025/04/Primary-Election-25-NationalBlueprint.pdf>.

³⁷⁵ Australian Government, WGEA, Bank West, Curtin University. (2025). Gender Equity Insights 2025: The Power of Balance. <https://www.wgea.gov.au/sites/default/files/documents/BCEC-WGEA-2025-Gender-Equity-Insights-Report.pdf>.

³⁷⁶ Australian Government, WGEA, Bank West, Curtin University. (2025). Gender Equity Insights 2025: The Power of Balance. <https://www.wgea.gov.au/sites/default/files/documents/BCEC-WGEA-2025-Gender-Equity-Insights-Report.pdf>.

³⁷⁷ Australian Government, WGEA, Bank West, Curtin University. (2025). Gender Equity Insights 2025: The Power of Balance. <https://www.wgea.gov.au/sites/default/files/documents/BCEC-WGEA-2025-Gender-Equity-Insights-Report.pdf>.

³⁷⁸ Australian Government, WGEA, Bank West, Curtin University. (2025). Gender Equity Insights 2025: The Power of Balance. <https://www.wgea.gov.au/sites/default/files/documents/BCEC-WGEA-2025-Gender-Equity-Insights-Report.pdf>.

- Tracking intersectional resignation data and identifying attrition hotspots,
- Providing flexible working arrangements, part-time and job share in all roles, and
- Investing in leadership development.

Whilst these factors may have previously been seen as desirable, they must now be fundamental safety requirements.

Workforce risk factors

Workplace risk factors, for example, if the workforce is dominated by one gender, age group, race or culture, and if there are power imbalances along gendered lines. This recognises that power imbalances, low workforce diversity, and inequality heighten the risk of work-related gendered violence and harassment³⁷⁹.

Under-representative workplace structures reinforce power imbalances and perpetuate inequalities. Violence and harassment are not just results of these power dynamics but also tools used to reinforce inequality within the workplace³⁸⁰.

Conversely, workplaces that visibly support diversity can reduce the likelihood of work-related gendered violence and increase the likelihood that people will report this behaviour³⁸¹. In addition, greater diversity of management is linked to an increased chance of reporting workplace work-related gendered violence³⁸².

We note, for example, that in workplaces where there is a high level of contact with customers or clients, there could be heightened risks of work-related sexual and gender-based harassment³⁸³.

Interaction with other psychosocial hazards

Interaction with other psychosocial hazards that perpetuate structural violence. For example, job strain (high work demands and low job control), job insecurity, and a poor psychosocial safety climate are well known determinants of workplace bullying, which are often precursors to other forms of occupational violence³⁸⁴.

Reports on behalf of the ILO have considered studies comparing the working conditions of Canadian workers to those in Scandinavia, finding that there were very large disparities in exposure levels of Canadian workers to physical violence; 43% of Canadians reported being exposed daily compared to 5-8% of Scandinavian workers³⁸⁵. The same was true with unwanted sexual attention whereby this was experienced by 14% of Canadian workers studies, compared to less than 1.5% of Scandinavians³⁸⁶.

The authors linked these different outcomes to structural factors that exposed workers to various psychosocial risks in residential care facilities in Canada. These included heavy workload, insufficient staff, rigid work outcomes, lack of decision making autonomy and inadequate relational care³⁸⁷.

³⁷⁹ Safe Work Australia. (2022). Model code of practice: Managing psychosocial hazards at work. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2022-08/model_code_of_practice_-_managing_psychosocial_hazards_at_work_25082022_0.pdf.

³⁸⁰ Heap, L. S. (2023). Preventing gender-based violence and harassment at work: A study of the potential of new regulatory approaches. RMIT University. https://research-repository.rmit.edu.au/articles/thesis/Preventing_Gender-based_Violence_and_Harassment_at_Work_A_Study_of_the_Potential_of_New_Regulatory_Approaches/25779969?file=46583539.

³⁸¹ Australian Human Rights Commission. (2025). Speaking from Experience: What needs to change to address workplace sexual harassment. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/Speaking%20from%20Experience%20Report_0_0.pdf.

³⁸² Australian Human Rights Commission. (2025). Speaking from Experience: What needs to change to address workplace sexual harassment. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/Speaking%20from%20Experience%20Report_0_0.pdf.

³⁸³ Australian Human Rights Commission. (2020). Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

³⁸⁴ Lippel, K. (2020). Conceptualising Violence at Work Through a Gender Lens: Regulation and Strategies for Prevention and Redress. University of Oxford Human Rights Hub Journal. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3585399.

³⁸⁵ Lippel, K. (2016). Addressing Occupational Violence: An overview of conceptual and policy considerations viewed through a gender lens. International Labour Organization. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms_535656.pdf.

³⁸⁶ Lippel, K. (2016). Addressing Occupational Violence: An overview of conceptual and policy considerations viewed through a gender lens. International Labour Organization. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms_535656.pdf.

³⁸⁷ Lippel, K. (2016). Addressing Occupational Violence: An overview of conceptual and policy considerations viewed through a gender lens. International Labour Organization. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms_535656.pdf.

In Italian studies, job strain and lack of social support meant that workers in a healthcare setting were more likely to report non-physical aggression the following year, with those exposed to workplace violence being more likely to report low support and high strain the subsequent year³⁸⁸.

Within an Australian context, studies of police officers have provided evidence of links between psychological risk factors measured by a combination of high job demands, low job control and low support, with higher reported levels of bullying³⁸⁹.

Consideration of systemic discrimination

Consideration of systemic discrimination, noting that gender inequality is not the only form of inequality that drives violence. Targets are often those habitually denied equality rights and justice; Perpetrators tend to be those who enjoy privilege and power and are shielded from accountability³⁹⁰.

It is systemic discrimination based on sex, gender, age, sexual orientation, and disability, as well as **intersectional factors** such as race, ethnicity, and immigration which can further increase a person's risk of experiencing gender-based violence and harassment³⁹¹.

The more diverse the workforce, the less likely that discrimination against specific workers can be ignored and the more likely that workplace sexual harassment can be understood alongside (or intrinsically connected to) other forms of discrimination like racism and transphobia³⁹². This is consistent with international research where the impacts of inclusive climates on workplace sexual harassment have previously been studied³⁹³.

Consideration of working environment and work situations

Physical working environments, including the design and maintenance of work facilities and equipment, as well as working situations, for example, working in an industry which involves a high degree of contact with members of the public, working with people in distress, working with valuables and remote and isolated work, as well as evening or night work may present a higher risk of work-related gendered violence³⁹⁴.

Consideration of insecure employment

Insecure employment³⁹⁵, for example, casual employment³⁹⁶, which is a key risk factor that increases the risk of workplace sexual harassment and exploitation and one that disproportionately affects migrant workers³⁹⁷ and LGBTIQ+ women who are over-represented in part-time temporary and contract roles³⁹⁸.

³⁸⁸ Lippel, K. (2016). Addressing Occupational Violence: An overview of conceptual and policy considerations viewed through a gender lens. International Labour Organization.

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms_535656.pdf.

³⁸⁹ Lippel, K. (2016). Addressing Occupational Violence: An overview of conceptual and policy considerations viewed through a gender lens. International Labour Organization.

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40gender/documents/publication/wcms_535656.pdf.

³⁹⁰ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

³⁹¹ Siuta, R. L., Bergman, M. E. (2019). Sexual Harassment in the Workplace. Oxford Research Economics.

<https://oxfordre.com/business/display/10.1093/acrefore/9780190224851.001.0001/acrefore-9780190224851-e-191>.

³⁹² Australian Human Rights Commission. (2025). Speaking from Experience: What needs to change to address workplace sexual harassment. Australian Human Rights Commission.

https://humanrights.gov.au/sites/default/files/Speaking%20from%20Experience%20Report_0_0.pdf.

³⁹³ Perry, E. L., Block, C. J., Noumair, D. A., (2020). Leading in: inclusive leadership, inclusive climates and sexual harassment. Emerald. <https://www.emerald.com/insight/content/doi/10.1108/edi-04-2019-0120/full/html>.

³⁹⁴ International Labour Organization. (2020). Safe and healthy working environments free from violence and harassment.

International Labour Organization.

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_protect/@protrav/@safework/documents/publication/wcms_751832.pdf.

³⁹⁵ Australian Human Rights Commission. (2020). Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces. Australian Human Rights Commission. <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

³⁹⁶ La Montagne, A., Smith, P., Louie, A., Quinlan, M., Shoveller, J., Ostry, A. (2009). Unwanted sexual advances at work: variations by employment arrangement in a sample of working Australians. Australian and New Zealand Journal of Public Health 2009, Vol. 33, No. 2.

³⁹⁷ Mikołajczak, G., Barry, I., Summerhayes, E., Ryan, M., Baird, M., Barr, N., and Shepard, B. (2024). Work-related gendered violence against Victorian healthcare workers: A review of the literature. Australian National University.

<https://giwl.anu.edu.au/files/2024-11/Work-related%20gendered%20violence%20against%20Victorian%20healthcare%20workers.pdf>.

³⁹⁸ Commission for Gender Equality in the Public Sector. (2023). Intersectionality at Work: Building a Baseline on Compounded Gender Inequality in the Victorian Public Sector. State of Victoria.

<https://www.genderequalitycommission.vic.gov.au/sites/default/files/2023-10/Intersectionality-At-Work-Report.pdf>.

Consideration of turnover data

Turnover data within the workplace, for example, based on individual factors such as sex, gender, age, sexual orientation, and disability, as well as **intersectional factors** such as race, ethnicity, and immigration. For example, we note that male-female violence has systematic effects on the gender composition of workplaces in which it occurs.

Following an incident, the gender composition of companies becomes significantly more male. This fall in the female share of employees is entirely explained by male-female violence. There is no significant impact of male-male violence on the gender composition of employees³⁹⁹. We note, for example that workforce trends such as withdrawing from colleagues, not attending work functions or if a work group has had a number of resignations can be indicators of harmful behaviour⁴⁰⁰.

As mentioned earlier in this submission, WGEA's 2025 Power to Balance Report⁴⁰¹ found that high female resignation may be a sign of cultural and structural barriers that discourage women from remaining in employment. Addressing retention may require a sharper focus on flexible and hybrid work, access to parental leave and career pathways which do not penalise part-time or flexible work, as well as tackling workplace culture and respect⁴⁰². WGEA data is not currently being used to assess exposure to psychosocial harm, but could, foreseeably, be used for this purpose.

³⁹⁹ Adams-Prassl, A., Huttunen, K., Nix, E., Zhang, N. (2022). Violence Against Women at Work. University of Oxford. https://ora.ox.ac.uk/objects/uuid:2ee3a3c1-9c57-4c27-bf90-da54bb935706/download_file?safe_filename=Adams-Prassl_et_al_2022_Violence_against_women.pdf&file_format=pdf&type_of_work=Working+paper.

⁴⁰⁰ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

⁴⁰¹ Australian Government, WGEA, Bank West, Curtin University. (2025). Gender Equity Insights 2025: The Power of Balance. <https://www.wgea.gov.au/sites/default/files/documents/BCEC-WGEA-2025-Gender-Equity-Insights-Report.pdf>.

⁴⁰² Australian Government, WGEA, Bank West, Curtin University. (2025). Gender Equity Insights 2025: The Power of Balance. <https://www.wgea.gov.au/sites/default/files/documents/BCEC-WGEA-2025-Gender-Equity-Insights-Report.pdf>.

18. Addressing Concerns About the Compliance Burden

In a nutshell: A positive duty to prevent work-related gendered violence, including sexual and gender-based harassment, and bullying is consistent with existing work health and safety, and Respect@Work obligations. In addition, a positive duty to eliminate discrimination, harassment and victimisation is also consistent with existing recommendations by the Australian Human Rights Commission.

Work health and safety laws already impose a positive duty to ensure health and safety, which extends to preventing discrimination and harassment, so, to the extent safety laws and regulations would be amended, this would not place any additional requirement on persons conducting a business or undertaking⁴⁰³, it would merely impose specific obligations outlining what should already be occurring in order to ensure compliance.

Recommendation 5 in the House Standing Committee on Education and Employment report into the inquiry into workplace bullying: Workplace Bullying “We Just Want It To Stop” considered that workplace bullying regulations setting minimum regulatory controls, and which are strongly supported by a code of practice providing persons conducting a business or undertaking with practical guidance on how to meet their obligations would not place any additional requirement on persons conducting a business or undertaking. Regulations would merely impose specific obligations outlining what persons conducting a business or undertaking should already be doing to comply with their duty of care⁴⁰⁴.

The same is true with respect to managing the risk of sexual and gender-based harassment. Under the Safe Work Australia Model Code of Practice for Managing Sexual & Gender-Based Harassment, it is recognised that whilst gender inequality is a key driver or underlying cause of sexual and gender-based harassment at work, other forms of disadvantage such as power imbalances based on age, sex, gender, sexuality, migration status, race and disability can combine (intersect) and increase a person’s exposure and conditions of vulnerability⁴⁰⁵.

Failure to manage and appropriately respond to other forms of harassment and discrimination can encourage a culture of disrespect and increase the likelihood of sexual and gender-based harassment occurring. Workers are less likely to report sexual and gender-based harassment if they perceive other harassment and discrimination, such as bullying and racism are not appropriately addressed. This may lead to more frequent, severe or prolonged exposure⁴⁰⁶.

Other recommendations, for example, actions to improve workforce diversity and reduce power imbalances along gendered lines, for example, through the adoption of targets, are already included in the Guidelines for Complying With the Positive Duty Under the *Sex Discrimination Act 1984* (Cth).

The Guidelines recommend that medium and large businesses should set gender equality targets and assess performance against them, with these targets being regularly reviewed. It is also recommended that businesses consider implementing special measures or positive discrimination to advance gender equality and diversity, including in recruitment and employment conditions⁴⁰⁷ (e.g., special measures under the *Sex Discrimination Act 1984* (Cth), *Racial Discrimination Act 1975* (Cth)⁴⁰⁸ and *Disability Discrimination Act 1992* (Cth)).

In addition, the Guidelines also already recommend features such as a Sexual Harassment Prevention and Response Plan which address the seven Respect@Work Standards, particularly for medium and large businesses, with medium businesses defined to mean businesses with between 20 - 199 workers⁴⁰⁹.

⁴⁰³ Australian Human Rights Commission. (2023). Revitalising Australia’s Commitment to Human Rights: Free & Equal Final Report 2023. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/2311_freeequal_finalreport_1_1.pdf.

⁴⁰⁴ The Parliament of the Commonwealth of Australia. (2012). Workplace Bullying “We Just Want It To Stop”: House of Representatives Standing Committee on Education and Employment. Commonwealth of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/fullreport.pdf.

⁴⁰⁵ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

⁴⁰⁶ Safe Work Australia. (2023). Model code of practice: Sexual and gender-based harassment. Safe Work Australia. https://www.safeworkaustralia.gov.au/sites/default/files/2023-12/model_code_of_practice_-_sexual_and_gender-based_harassment.pdf.

⁴⁰⁷ Australian Human Rights Commission. Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth). (2023). Australian Human Rights Commission. <https://humanrights.gov.au/sites/default/files/2023-08/Guidelines%20for%20Complying%20with%20the%20Positive%20Duty%20%282023%29.pdf>.

⁴⁰⁸ Australian Human Rights Commission. Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth). (2023). Australian Human Rights Commission. <https://humanrights.gov.au/sites/default/files/2023-08/Guidelines%20for%20Complying%20with%20the%20Positive%20Duty%20%282023%29.pdf>.

⁴⁰⁹ Australian Human Rights Commission. Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth). (2023). Australian Human Rights Commission. <https://humanrights.gov.au/sites/default/files/2023-08/Guidelines%20for%20Complying%20with%20the%20Positive%20Duty%20%282023%29.pdf>.

In this context, we note that our recommendations expand on the protections already in existence in Queensland. For example, in Queensland, under the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD)⁴¹⁰, persons conducting a business or undertaking already have an obligation to manage risks to health and safety arising from sexual and gender-based harassment, determine control measures based on certain worker characteristics (e.g., age, gender, sex, sexual orientation, disability), review control measures, and prepare a prevention plan, all in consultation with workers and their representatives.

⁴¹⁰ Work Health and Safety (Sexual Harassment) Amendment Regulation 2024 (Qld).
3436-1626-5022v45

19. Future Areas for Consideration and Additional Remarks

Expansion of Safe Work Australia's voting membership

As an underpinning consideration arising through the preparation of this submission was the recognition that many workers and industries at greatest risk of experiencing work-related gendered violence do not have any formal mechanism for direct decision-making within Safe Work Australia's voting membership outside of formal review processes and consultations such as the Best Practice Review.

To enable these reforms, there must be due consideration of the composition of Safe Australia's governing base and its voting membership to include diverse voices and their perspectives. For reforms to be effective, they must reflect the diversity of Australia's workforce and address the unique risks faced by those who experience intersecting forms of discrimination.

This is in recognition that over 85% of Australian workers do not belong to a trade union⁴¹¹. It may be, for example, that Safe Work Australia's voting membership could be expanded to include peak bodies representing women, people with disabilities, people who are LGBTIQA+, Aboriginal and Torres Strait Islanders and culturally and racially marginalised people who are disproportionately impacted by safety decisions but who do not currently have formal representation in Safe Work Australia. This is consistent with Recommendation 30 of the Australian Human Rights Commission's 2023 Report, *Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report*.
Accountability Roundtable

Safe Work Australia may also look to establish an **Accountability Roundtable** for Work-Related Gendered Violence, recognising that work-related gendered violence impacts women and gender diverse people across industries. This forum would provide a structured and ongoing mechanism to monitor, assess, and report on trends in workplace harm, including sexual and gender-based harassment, and work-related bullying, as well as for measuring and publicly reporting on benchmarks to reduce structural inequality based on gender, disability, race, and Aboriginal and Torres Strait Islander status, and promote intersectional representation in leadership roles.

By creating a space for dialogue between workers, industry representatives, and regulators, the Roundtable would support evidence-based interventions, track the effectiveness of preventative measures, and ensure that workplace interventions are responsive to the experiences of women and gender diverse people across Australia, particularly those most at risk of harm.

Mandated annual public report detailing the number and outcomes of workplace harm complaints, including those related to sexual harassment, bullying, and gendered violence should also be considered. Currently, while Safe Work Australia compiles and publishes national data on work health and safety (WHS) and workers' compensation, there is no consistent, publicly accessible reporting on the volume and outcomes of complaints related to workplace harm. Such transparency is essential for assessing the effectiveness of existing WHS frameworks and identifying areas for improvement. By systematically tracking and publicly reporting this data, Safe Work Australia can provide valuable insights into trends, inform policy development, and enhance accountability within industries.

Inclusion of Victoria under harmonised safety laws and regulations

We also note that Victoria is not subject to harmonised safety laws and regulations, and, as a result, it lags behind the rest of the country in managing workplace psychological health and safety, in that, at the time of writing this submission, it is the only State in Australia to not have amended its work health and safety regulations with specific regulatory obligations to manage psychological hazards at work. As such, we consider that there could be significant benefit to Victoria being included under a harmonised safety framework.

Including Victoria under a harmonised safety compliance framework is particularly important in the context of work-related gendered violence, noting recent changes to Victorian workers' compensation laws in 2024 which now make it harder for women to claim workers' compensation for psychological injury (noting that mental injury is now defined as an injury that causes "significant" behavioural, cognitive or psychological dysfunction, and that there is also now no entitlement to compensation in respect of a mental injury predominantly caused by work related stress or burnout that has arisen from events usual or typical and reasonably expected to occur in the course of a worker's duties⁴¹²).

As acknowledged by Georgie Purcell MP, the *Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Act 2024* (Vic), "Disproportionately impacts women... Stress and burnout claims are often a result of gendered violence or sexual harassment at work... In the inquiry we recommended that the Government be asked to indicate if they had undertaken a gender impact assessment and, if they had not done one, to undertake one urgently. They have not done either of those things"⁴¹³.

⁴¹¹ Australian Bureau of Statistics. (2024). Trade Union Membership. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/labour/earnings-and-working-conditions/trade-union-membership/latest-release>.

⁴¹² Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Act 2024, ss 4 and 6.

⁴¹³ Parliament of Victoria. (2024). Legislative Council - 60th Parliament. Hansard, p 589.

https://hansard.parliament.vic.gov.au/images/stories/daily-hansard/Council_2024/Legislative%20Council%202024-03-05.pdf.

Consideration of workers compensation laws

Given that women make up 57.8%⁴¹⁴ of all serious workers' compensation claims for psychological injury and that they are more likely to be exposed to psychosocial hazards, including work-pressure, work-related bullying and harassment, and occupational violence than men⁴¹⁵, it is essential that Governments do not make it harder for psychological injury claims to be accepted as has already occurred in Victoria, and in New South Wales, where the Workers Compensation Legislation Amendment Bill 2025, if passed, will substantially reduce the rights and entitlements of injured workers, particularly those who have suffered psychological injuries⁴¹⁶.

⁴¹⁴ Safe Work Australia. (2024). Psychological health and safety in the workplace. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Report_February2024.pdf.

⁴¹⁵ Safe Work Australia. (2024). Psychological health and safety in the workplace. Safe Work Australia. https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Report_February2024.pdf.

⁴¹⁶ Toomey, D. (2025). Statement on the NSW Government's Workers' Compensation Legislation Amendment (Reform and Modernisation) Bill 2025. New South Wales Bar. https://nswbar.asn.au/uploads/pdf-documents/submissions/NSWBA_Statement_on_Workers_Compensation_Legislation_Amendment_Reform_and_Modernisation_Bill_2025_FINAL.pdf.

20. Conclusion

This is a once-in-a-generation opportunity to embed prevention into the core of Australia's work health and safety framework protecting workers now and shaping safer workplaces for the future.

Amending work health and safety laws and regulations to specifically regulate work-related gendered violence as a serious workplace safety hazard can compel employers to prevent harm **before** it occurs. This is consistent with Australia's international obligations.

This could create clearer duties, more accountable leadership, and safer environments for all workers. The reforms proposed in this submission not only strengthen prevention but also ensure that intersectional and culturally safe approaches are embedded, so that no group of workers is left behind. This is the transformational change that is urgently needed in Australia to protect the health, safety, and equality of all workers, particularly those most at risk of harm.

Despite their benefits, current anti-discrimination and workplace laws are fundamentally ill-equipped to prevent work-related gendered violence at scale because of their predominantly complaints-based regulatory framework which has significant limitations in comparison to the scale of the problem⁴¹⁷.

⁴¹⁷ Smith, B., Schleiger, M., Elphik, L. (2019). Preventing Sexual Harassment in Work: Exploring the Promise of Work Health and Safety Laws. Australian Journal of Labour Law. <https://ses.library.usyd.edu.au/bitstream/handle/2123/33002/Version%20of%20Record%20%2829%29.pdf?sequence=1&isAllowed=y>.

21. Statements & Annexures

- Australian Women Lawyers – 28.10.25
- Australian Gender Equality Council - 29.9.25
- Australian Federation of Medical Women - 4.9.25
- Australian Graduate Women Inc - 18.10.25
- Australian Multicultural Women's Alliance - 29.8.25
- CEOs for Gender Equity - 25.8.25
- Equality Australia - 27.8.25
- National Aboriginal and Torres Strait Islander Women's Alliance - 13.10.25
- National Association of Women in Construction - 28.8.25
- National Foundation for Australian Women - 22.8.25
- Single Mother Families Australia - 12.9.25
- Tradeswomen Australia - 2.9.25
- Violence Prevention Australia - 4.9.25
- Women in Aviation Australian Chapter - 26.8.25
- Women in Defence Association - 21.8.25
- Women in Film and Television - Australia - 13.10.25.pdf
- Women in Film and Television - Victoria - 7.10.25
- Women in Technology - 19.8.25
- Women Lawyers Association of Queensland - 17.10.25
- Women Lawyers' Association of South Australia Inc - 12.10.25
- Women of Colour Australia - 8.9.25
- Working Women's Centre Victoria - 20.10.25

28 October 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Ms Boland

Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP, has declared a National Crisis of Gender-Based Violence.¹

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue.² This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work.³

With approximately **2.7 million workers** experiencing work-related sexual harassment, approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers making a complaint to the Australian Human Rights Commission and Fair Work Commission**, the current approach to preventing work-related gendered violence remains largely reactive and complaints based.⁴

We therefore call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

We note that on 26 November 2012, the House Standing Committee on Education and Employment urged that the “Commonwealth Government seek agreement through Safe Work Australia for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces”.⁵

¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender-based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

⁵ Workplace Bullying “We Just Want It To Stop” - Chapter 2. (2012). Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/frontpagesfinal.pdf.

We also note the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health.⁶

We further note that Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth).⁷

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

Australian Women Lawyers, whose membership comprises constituent bodies of women lawyers and their members across Australia, considers that this is particularly important to our members and stakeholders as research has demonstrated the extent of work-related gendered violence in the legal industry. Women in the legal sector are significantly more likely to have experienced sexual harassment than men. This is harmful not only to individuals but to workplaces and the legal industry generally. Amending model work health and safety laws to specifically prevent work-related gender-based violence would be a significant step towards addressing this pervasive problem.

Yours faithfully



Renée Bianchi

President

P. 02 9335 3050

E. awl@australianwomenlawyers.com.au

Australian Women Lawyers (**AWL**) is a justice and equity champion advancing women within the legal profession and beyond. Established in 1997, AWL strives to ensure that Australia's legal system protects and upholds women's rights, advocates for the legal profession to recognise and support the equality and advancement of women and provides a professional and social network for women in law.

AWL is the peak body representing women lawyers in Australia with constituent bodies in every State and Territory.

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.
https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.

⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet.
<https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.



Monday, 29 September 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

The Australian Gender Equality Council (AGEC) brings together front-line organisations working towards gender equality. Backed by rigorous research, we advocate for women in all their diversity across the country, to achieve progress in key areas of policy and government action. We are independent, and a not-for-profit peak body. AGEC currently represents 26 organisations whose members combine to reach more than 500,000 women across a wide range of industry and community sectors.

AGEC advocates for effective safety regulations to prevent work-related gendered violence and, in principle, supports the Joint Submission to Safe Work Australia drafted by Sapphire Parsons in collaboration with other peak bodies representing women and gender diverse people in industry, including those with intersecting identities, calling for amendments to work health and safety regulations to specifically regulate work-related gendered violence as a serious workplace safety hazard.

We endorse the call for stronger safety laws to prevent work-related gendered violence.

In summary:

1. Overall Position: We support the intent behind this submission

- o This submission is grounded in a clear commitment to preventing gender-based violence in the workplace. Our strong preference would be for this to be introduced through a harmonised and federally consistent safety regulations framework that integrates both the new and existing measures.
- o The values underpinning the submission are consistent with AGECC's core advocacy goals, particularly the call for stronger structural responses to gendered harm at work.
- o We are aligned in the view that workplaces must be safer, more accountable environments, particularly for women and marginalised employees.

2. Appropriateness of Framing Gendered Violence as a WHS Risk

- o Recognising gendered violence as a workplace hazard is conceptually sound and reinforces employer obligations. Moving the responsibility for reporting incidents from the individual employee to the employer is likely to improve prevention, given the known low rates of individual reporting.
- o This framing allows existing compliance systems, such as risk assessments and incident response protocols, to be brought to bear.
- o It also opens the door for regulators with inspection powers to support cultural and behavioural reform, should governments proceed down that path.

3. AGECC's Role as National Advocate

- o As the national peak body for gender equality, AGECC is uniquely positioned to support the direction and values of this submission while maintaining a clear focus on principles and intent rather than technical drafting.
- o Our endorsement centres on shared goals: safer workplaces, consistent legal frameworks, preventative duties on employers, and a shift away from individualised complaint mechanisms.
- o In doing so, we continue to model constructive, solutions-focused advocacy while respecting the role of regulatory experts in shaping the legal detail.

4. Greater Diversity in Safe Work Australia's voting membership

AGEC also provides in-principle support for the expansion of Safe Work Australia's voting membership to include diverse voices and perspectives. For example, Safe Work Australia's voting membership could be expanded to include peak bodies representing women, people with disabilities, people who are LGBTIQ+, Aboriginal and Torres Strait Islanders and culturally and racially marginalised people who are disproportionately impacted by safety decisions but who do not currently have formal representation in Safe Work Australia. Safe Work Australia may also look to establish an Accountability Roundtable for Work-Related Gendered Violence.

Yours faithfully.

A handwritten signature in black ink that reads "Coral Ross". The signature is written in a cursive, flowing style.

Coral Ross AO
Chair AGECC

e: chair@agec.org.au

m: 0438 005 225

4 September 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence¹.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

We therefore urgently call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

This is particularly important to members of the Australian Federation of Medical Women given that the Australian Medical Association has already reported that while all doctors are at risk of sexual harassment, female doctors report a higher incidence, noting that gender inequality is particularly relevant for medicine where significant gender imbalances emerge in the majority of specialties⁴.

We also note the Royal Australasian College of Surgeons Submission to the Senate Community Affairs Reference Committee Inquiry into Medical Complaints in 2016, which alarmingly found that 49% of fellows and trainees had been subjected to discrimination, bullying or sexual harassment, and 71% of hospitals reported that this behaviour had occurred in the workplace⁵.

Safety regulation for gendered violence prevention would ensure that the medical profession is safer for all workers, including women who are disproportionately impacted.

Yours faithfully



Dr Brenda Masters
President
Australian Federation of Medical Women

¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Australian Medical Association. (2019). AMA Submission - AHRC National Inquiry into Sexual Harassment in Australian Workplaces. Australian Medical Association. https://ama.com.au/sites/default/files/documents/AMA_Submission_National_Inquiry_into_Sexual_Harassment_in_Australian_Workplaces.pdf.

⁵ Royal Australasian College of Surgeons. (2016). Response to the Senate Community Affairs Reference Committee Inquiry Into Medical Complaints. <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjQuqOZ-7mPAxXF4zQHHaMTLLYQFnoECBoQAAQ&url=https%3A%2F%2Fwww.aph.gov.au%2FDocumentStore.ashx%3Fid%3Df1f7475c-778c-4668-9c2d-30cad56cb15a%26subld%3D460062&usg=AOvVaw3Eay2WZPRYmpbXsoglkoo4&opi=89978449>.



20 October 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

Australian Graduate Women (AGW) welcomes the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations. As an organisation dedicated to advancing the higher education of women, AGW is deeply committed to ensuring that all women, especially those in tertiary education and academia, can study, work, and thrive in environments free from violence, harassment, and discrimination. We view this review as a critical and much needed opportunity to address serious gaps in the protection of workers, particularly women, from gender-based violence in the workplace.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence¹. When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

AGW therefore urgently calls upon Safe Work Australia to strengthen the model WHS regulations to:

- Recognise and explicitly name work-related gendered violence, including harassment and bullying, as workplace safety and psychosocial hazards;
- Place the primary responsibility for prevention on employers; and
- Ensure that those in positions of decision-making power are held accountable for preventing harm before it occurs.

This issue is of particular importance to AGW, as we support and advocate for the advancement of women in higher education. Gender-based violence, harassment, and bullying in academic and professional spaces can undermine women's ability to succeed, directly impacting their mental health, career progression, and overall wellbeing. It is vital that we address these risks to ensure women can fully participate in education and the workforce without fear of violence or discrimination.

In line with our mission to promote the higher education of women, AGW urges Safe Work Australia to take a leading role in embedding robust protections against work-related gendered violence into the Model WHS Regulations. By doing so, you will demonstrate a commitment to gender equity and safety, allowing all women in the workforce, including those in academia, to reach their full potential in environments free from harm.

Yours faithfully

Kind regards

Jaya

Professor Jaya Dantas
President, Australian Graduate Women

Professor Jaya Dantas [PhD, MA, FPHAA]
Dean International | Faculty of Health Sciences
Professor of International Health | Curtin School of Population Health

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¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.prm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.



Australian Multicultural Women's Alliance

29 August 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

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With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers** making a complaint to the Australian Human Rights Commission and Fair Work Commission, our current approach to preventing work-related gendered violence remains largely reactive and complaints based⁴.

We therefore urgently call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

We note that on Monday 26 November 2012, the House Standing Committee on Education and Employment urged that the "Commonwealth Government seek agreement through Safe Work Australia for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces"⁵.

We also note the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health⁶.

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⁵ Workplace Bullying "We Just Want It To Stop" - Chapter 2. (2012). Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/frontpagesfinal.pdf.

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia. https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.



Australian Multicultural Women's Alliance

We also note that on 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth)⁷.

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

This is particularly important to our members and stakeholders because the Australian Multicultural Women's Alliance (AMWA) (led by the Federation of Ethnic Communities' Councils – FECCA) represents migrant, refugee, and culturally and linguistically diverse women across Australia. Through our consultations and engagement with members and stakeholders, we have consistently heard that women from multicultural backgrounds face heightened risks of work-related gendered violence due to intersecting factors including racism, cultural stigma, language barriers, and insecure visa or employment conditions. These risks are compounded by the overrepresentation of CALD women in precarious, low-paid, or isolated work, and by the lack of culturally safe reporting channels.

Without explicit recognition of these intersectional risks and the embedding of culturally responsive prevention measures in WHS laws and regulations, these workers will remain disproportionately vulnerable. Regulatory reform must therefore mandate intersectional risk assessments, culturally safe prevention plans, and disaggregated data collection to ensure no group is left behind in efforts to eliminate work-related gendered violence.

Yours faithfully

Malini Raj

Executive Director – Australian Multicultural Women's Alliance

⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.

25th August 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

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We therefore urgently call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

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Warmest,



Dr Ashley McGrath
Chief Executive Officer

⁵ Workplace Bullying “We Just Want It To Stop” - Chapter 2. (2012). Parliament of Australia.
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27 August 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

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⁵ Workplace Bullying “We Just Want It To Stop” - Chapter 2. (2012). Parliament of Australia.

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Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

This is particularly important to the communities we represent because LGBTIQ+ people experience gendered violence in unique and compounding ways. Harassment and abuse directed at LGBTIQ+ workers is often rooted in misogyny and rigid gender norms, with women, trans and gender diverse people, and those with intersecting identities disproportionately targeted. For example, gay and bisexual men may be targeted with homophobic abuse that relies on misogynistic stereotypes, while trans women experience both misogyny and transphobia in the workplace. These intersecting forms of violence mean that LGBTIQ+ workers are frequently exposed to higher levels of risk but are less likely to report due to stigma, fear of reprisal, or previous negative experiences of complaints systems.

Yours faithfully



Heather Corkhill
Legal Director
Equality Australia

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

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natsiwa

NATIONAL ABORIGINAL AND
TORRES STRAIT ISLANDER WOMEN'S ALLIANCE

13/10/2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

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natsiwa

NATIONAL ABORIGINAL AND
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Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

This is particularly important to our members and stakeholders because Aboriginal and Torres Strait Islander women continue to experience disproportionately high rates of workplace discrimination, bullying, and harassment, often within systems that fail to recognise or respond to cultural and gendered power imbalances. Culturally safe workplaces are essential to ensuring that First Nations women can participate fully, confidently, and equitably in the workforce. Strengthening safety regulation to explicitly prevent work-related gendered violence—including sexual harassment, racism, lateral violence, and cultural disrespect—will help close the gap in economic participation and wellbeing outcomes, while aligning with broader national commitments under the Closing the Gap Agreement and the National Plan to End Family, Domestic and Sexual Violence.

Yours faithfully

Wendy Anders
ceo@natsiwa.org.au
0481458339

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia. https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.

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28 August 2025

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NATIONAL ASSOCIATION OF WOMEN IN CONSTRUCTION

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This is particularly important to our members and stakeholders because work-related gendered violence, including harassment, bullying and discrimination, remains widespread yet severely underreported, causing significant harm not only to individuals but also entire workplaces and industries.

Many of our members, especially women and those with intersecting identities are disproportionality exposed to these risks and often face unique barriers to seeking help or redress. Stronger, proactive safety regulations will help ensure that all employers are held accountable for creating safe and equitable workplaces, where harm is prevented before it occurs, rather than relying on individuals to report misconduct after the fact.

Embedding these protections in work health and safety laws is vital to promoting equality, reducing the social and economic costs of inaction, and supporting the wellbeing and productivity of all who work in the construction sector.

Yours faithfully

Inger Nieuwkamp

Advocacy and Policy Manager
National Association of Women in Construction (NAWIC)
advocacy@nawic.com.au

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

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22 August 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

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¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.



for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces”⁵.

We also note the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health⁶.

We also note that on 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth)⁷.

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

Yours sincerely

Sally Moyle

Deputy Chair

National Foundation for Australian Women

⁵ Workplace Bullying “We Just Want It To Stop” - Chapter 2. (2012). Parliament of Australia.
https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/frontpagesfinal.pdf.

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.
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⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet.
<https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.



12 September 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

Single Mother Families Australia [SMFA] thanks Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

SMFA wholeheartedly supports progressive workplace initiatives, such as the ten days of paid family and domestic violence leave each year¹, and its intersection with the National Plan to eradicate gender-based violence². The Plan serves as an overarching framework that seeks to eradicate violence against women and children in the coming decade. Our submission is aligned with this national framework.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue³. This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work⁴.

With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers** making a complaint to the Australian Human Rights Commission and Fair Work Commission, our current approach to preventing work-related gendered violence remains largely reactive and complaint-based based⁵.

We therefore urgently call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

We note that on Monday, 26 November 2012, the House Standing Committee on Education and Employment urged that the “Commonwealth Government seek agreement through Safe Work Australia for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces”⁶.

We also note the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace,

¹ Fair Work Ombudsman, Family and domestic violence leave, <https://www.fairwork.gov.au/leave/family-and-domestic-violence-leave>

² Department of Social Services, 28 November 2024, National Plan to End Gender Based Violence <https://www.dss.gov.au/national-plan-end-gender-based-violence>

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁵ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

⁶ Workplace Bullying “We Just Want It To Stop” - Chapter 2. (2012). Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/frontpagesfinal.pdf.





and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health⁷.

We also note that on 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth)⁸.

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

The majority of single-parent families are led by women who juggle both caregiving and financial responsibilities. Safe, sustainable workplaces are crucial to these families' financial security and well-being.

Warm Regards,

Terese Edwards

Chief Executive

⁷ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.
https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.

⁸ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet.
<https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.



2 September 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence¹.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers** making a complaint to the Australian Human Rights Commission and Fair Work Commission, our current approach to preventing work-related gendered violence remains largely reactive and complaints based⁴.

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⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces”⁵.

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Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

This is particularly important to Tradeswomen Australia’s stakeholders because women working in male-dominated skilled trades face disproportionately high levels of harassment, bullying, and unsafe workplace cultures, which not only jeopardise their immediate safety and wellbeing but also drive many out of apprenticeships and careers, deepening skills shortages and undermining gender equity in the workforce.

Yours faithfully



Clea Smith

CEO

Tradeswomen Australia Group

cleas@twaus.com.au

⁵ Workplace Bullying “We Just Want It To Stop” - Chapter 2. (2012). Parliament of Australia.
https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/frontpagesfinal.pdf.

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<https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.



4 September, 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence (GBV)¹.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers** making a complaint to the Australian Human Rights Commission and Fair Work Commission, our current approach to preventing work-related gendered violence remains largely reactive and complaints based⁴.

We therefore urgently call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

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We also note the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health⁶.

¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

⁵ Workplace Bullying "We Just Want It To Stop" - Chapter 2. (2012). Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/frontpagesfinal.pdf.

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

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Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

Violence prevention is the only long-term solution to ending the GBV crisis, which is why this work is critical to our members and stakeholders. Violence Prevention Australia (VPA) collaborates with health and wellbeing practitioners, frontline responders, and educators to drive meaningful change. However, these efforts must be supported by strong regulatory frameworks that set clear standards for acceptable behaviour. VPA recognises that ending violence against women requires a multi-faceted, national approach, one that engages all sectors of society and reflects the diversity of Australia's communities.

Yours faithfully

A handwritten signature in black ink, appearing to read "Anne Stephens", written over a horizontal line.

Dr Anne Stephens
CEO
Violence Prevention Australia

⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.



26 August 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence¹.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

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This area is important to our members and stakeholders. For our members, these outcomes would translate to safer and more productive workplaces. Safety is imperative in aviation and aerospace, not just for workers, but also for the general public. This will also translate to better career outcomes.

Yours faithfully

Jennifer Williams

Vice President

WAI Australia

¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

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21 August 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

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⁵ Workplace Bullying “We Just Want It To Stop” - Chapter 2. (2012). Parliament of Australia.

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⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

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Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

Impact to the Australian Defence Force (ADF)

This issue is of particular concern to the Women in Defence Association (WiDA) and our members, as the Australian Defence Force (ADF) has faced decades of reported incidents of gendered violence, persistent underreporting, and repeated reviews. Despite successive inquiries and reports, the problems remain entrenched. Key reviews include:

- 1996: Women in the Australian Defence Force (Clare Burton)
- 2009: Women's Participation in the Navy (Christine McLoughlin)
- 2009: Review of Mental Health Care in the ADF (Prof. David Dunt)
- 2010–2012: ADF Mental Health and Wellbeing Studies
- 2011: HMAS Success Inquiry (Hon Roger Gyles AO QC)
- 2012: Facing the Problems of the Past (DLA Piper)
- 2012: Review into the Treatment of Women in the ADF (Australian Human Rights Commission)
- 2014: Defence Abuse Response Taskforce (DART) Final Report
- 2024: Royal Commission into Defence and Veteran Suicide (RCDVS)
- The persistence of these issues demonstrates that further systemic intervention is required.

The ADF as a Workplace under Australian Law

Under Australian law, the ADF is recognised as a workplace. The Work Health and Safety Act 2011 (Cth) (WHS Act) applies to the Commonwealth and its authorities, including the Department of Defence and the ADF. For the purposes of the Act, Part 1, Division 3 (2A) defines a member of the Defence Force as a “worker.” Accordingly, ADF personnel are legally regarded as workers under the WHS Act and are entitled to the same protections, rights, and responsibilities as all Australian workers.

However, Section 12D(2) of the WHS Act provides that:

“Without limiting the generality of subsection (1), the Chief of the Defence Force may, by instrument in writing, declare that specified provisions of this Act do not apply, or apply subject to such modifications as are set out in the declaration, in relation to:

(a) a specified activity; or

(b) a specified member of the Defence Force; or

(c) members of the Defence Force included in a specified class of such members.”

The Parliamentary Joint Committee on Human Rights (PJCHR) (2012) observed that this exemption power limits the right to just and favourable conditions of work⁸, particularly the right to safe and healthy working conditions under Article 7(b) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Concentrating such authority in a single individual, the Chief of the Defence Force (CDF), is not consistent with modern standards of workplace governance, where safety should not be subject to discretionary exemption. The existence of such exemptions therefore increases risks to personnel safety by weakening prevention and oversight mechanisms, rather than strengthening them.

While previous exceptions were justified to the PJCHR on the basis of accommodating “warlike and non-warlike deployments,” it is widely accepted by those who serve that warfighting roles inevitably involve exposure to physical danger. However, gendered violence is a preventable workplace hazard and should not be treated as an unavoidable consequence of service. Just like equipment failures, fatigue risks, or chemical exposure, it requires active prevention and management. The current WHS carve-outs therefore risk excusing failures to address preventable harms such as harassment, bullying, and sexual violence.

Australia has not been engaged in a declared warlike operation in recent years, and the majority of Defence recruitment occurs during peacetime. Nonetheless, the United Nations has consistently found

⁸ Work Health and Safety Act 2011 (application to Defence activities and Defence members) Declaration 2012, Parliament of Australia, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/42013/c24

that women face a heightened risk of gender-based violence during wartime and armed conflict⁹, including sexual assault, harassment, exploitation and other forms of abuse. This international evidence emphasizes that moments of deployment or conflict are precisely when robust protections are most critical. Exempting the ADF from the application of workplace health and safety laws in “warlike” or “non-warlike” operations therefore runs counter to this reality, as it removes safeguards at the very time when women’s vulnerability is most acute. Rather than justifying exemptions, the increased risk to women during wartime highlights the necessity of ensuring that WHS protections apply without limitation across all Defence workplaces and operational contexts.

Findings of the Royal Commission into Defence and Veteran Suicide

The RCDVS found a lack of harmonisation and accountability in how the ADF applies workplace health and safety principles compared with non-military workplaces. This is evidenced by:

- inconsistent terminology and reporting practices, including reporting to Comcare, and
- Defence’s reliance on internal frameworks such as the Complaints and Alternative Resolution Manual (CARM), a document exceeding 200 pages that governs complaints and resolution processes.

The RCDVS also identified problems with Defence’s use of the term “unacceptable behaviour” (Chapters 8 and 10), finding that this framing obscures and minimises the seriousness of workplace harms. The Commission described “military institutional abuse” as encompassing bullying, sexual assault, sexual harassment, hazing, bastardisation, and other forms of abuse, including “administrative violence,” where command discretion is exercised to target, humiliate, punish, or harass subordinates. Behaviours that Defence internally categorises as “unacceptable behaviour” are, in fact, serious forms of gendered violence and psychological harm in a workplace context.

These internalised systems, rather than alignment with national safety regulations, perpetuate barriers to accountability and cultural reform.

Gaps in Accountability: The Military Discipline System

The Australian military discipline system, governed by the Defence Force Discipline Act 1982 (Cth) (DFDA), operates separately from the civilian criminal justice system. While the DFDA addresses service offences unique to the military, it also incorporates certain civilian criminal offences, particularly when members are deployed overseas. In practice, the DFDA establishes a parallel system of investigation, prosecution, and punishment, mirroring aspects of the civilian justice system but operating within the ADF’s command structure.

This separation has created gaps in accountability, particularly in cases of gendered violence. Allegations of serious criminal conduct, such as sexual assault, harassment, and bullying, have often been dealt with internally under the DFDA rather than referred to civilian police and courts. This practice has contributed to chronic underreporting, loss of victim confidence, and failures in justice outcomes.

To ensure safety, transparency, and trust, it is imperative that the military discipline system and the civilian criminal justice system report to and inform each other in all cases involving alleged criminal conduct. Matters amounting to crimes under civilian law must be referred as a matter of course to civilian authorities, with Defence maintaining responsibility only for purely service-related disciplinary breaches. Without mandatory cross-reporting, the ADF risks perpetuating cycles of concealment, minimisation, and impunity for serious forms of gendered violence.

Trauma Informed Practice Training and Misuse of Non-Disclosure Agreements

The ADF asserts that it applies trauma-informed practices in responding to Work Health and Safety matters. However, there is little evidence that such practices are being delivered by qualified, independent practitioners. Reports from current and former members continue to demonstrate that mishandling of disclosures has caused further psychological harm.

⁹ Women’s human rights and gender-related concerns in situations of conflict and instability, United Nations
<https://www.ohchr.org/en/women/womens-human-rights-and-gender-related-concerns-situations-conflict-and-instability>

As one veteran and advocate, Julia Delaforce, has publicly stated:

“My disclosure contributed to the Australian Human Rights Commission’s (Phase 2) National Inquiry into the Treatment of Women in the ADF – a landmark investigation – and was eventually a part of a 60 Minutes episode with other women speaking up about the ADF’s toxic culture. But the price I paid for speaking up was immense. I was forced out of service, and bound to a settlement agreement that only benefited my employer. For more than a decade, I was silenced.

*Like many whistleblowers – particularly women – I was isolated, discredited, and left to navigate the trauma alone” – **Julia Delaforce, Whistle-blower, Advocate, Veteran**¹⁰*

Such outcomes highlight the dual problem: the absence of genuine trauma-informed practice and the misuse of non-disclosure or non-disparagement agreements (NDAs). These agreements, while legally permissible in Australia, are increasingly recognised as harmful when applied in cases of workplace sexual violence. They protect institutions at the expense of victims, restricting their ability to seek support, advocate for reform, or contribute to systemic change.

WiDA strongly recommends that Australia examine international reforms, such as the United Kingdom’s Employment Rights Bill, which will phase out the use of NDAs for silencing victims of workplace harassment and abuse from 2026¹¹. The continued use of NDAs in this context perpetuates trauma and undermines transparency, accountability and workplace safety.

With the documented harms in the Royal Commission into Defence and Veteran Suicide and decades of past inquiries, reform is required to ensure mandated, ongoing, independent training and support to reduce the risk of re-traumatisation. WiDA further advocates for the re-introduction of initiatives such as the Defence Reparation Scheme (DRS), which closed to new reports on 30 June 2023¹², which ensured that those impacted by unacceptable behaviour in service were supported.

The Need for Regulatory Harmonisation

The ADF’s treatment as an institution “above” standard workplace regulation has contributed to the persistence of gendered violence in Defence. Unless the model Work Health and Safety Regulations explicitly state their applicability to Defence workplaces, there remains an unacceptably high risk that gendered violence will continue unchecked.

Harmonisation of regulatory reforms to explicitly include Defence workplaces is essential to ensuring that all workers, whether in uniform or civilian roles, are guaranteed the same minimum protections under Australian workplace health and safety laws.

Member Experiences: Gendered Barriers and Workplace Harm

In 2024, the Women in Defence Association (WiDA) conducted a Workforce Survey to capture the experiences of members across the defence sector. The data, supported by direct member statements, highlights persistent barriers to career progression, gendered harassment and inadequate responses to complaints, demonstrating that the issues identified in ADF-specific reviews reflect broader systemic challenges experienced by women across the sector.

Barriers to Career Progression

Members reported that women are frequently overlooked for roles and leadership opportunities:

- “Women just aren’t considered for the roles.”

¹⁰ Women Speaking Up. Gender Dynamics in Australia’s Whistleblowing Landscape (2025). Human Rights Law Centre. <https://www.hrlc.org.au/app/uploads/2025/08/HRLC-Women-and-Whistleblowing-report.pdf>

¹¹ Ministry of Housing, Communities and Local Government, Department for Business and Trade, Justin Madders MP and The Rt Hon Angela Rayner MP (2025). Government of UK. <https://www.gov.uk/government/news/ban-on-controversial-ndas-silencing-abuse>

¹² Commonwealth Ombudsman. <https://www.ombudsman.gov.au/publications-and-news-pages/news-pages/media-releases/defence-force/defence-abuse-reparation-scheme-insights-and-observations>

- “Unconscious bias in a male-dominated field.”
- “Being the only a couple of trades women in the workplace and the only one in meetings.”
- “Strong and capable women are often not given a seat at the table, and if they are, it's to take notes.”

Other statements highlighted structural and cultural impediments:

- Caregiving and Reservist responsibilities limit access to the same supports as full-time members, creating barriers to advancement.
- Pay inequity and informal networks (“the boy's handshake club”) favour men, while “jobs for mates” practices reduce opportunities for women.
- Exceptional female staff are sometimes perceived as threatening, reflecting entrenched gendered attitudes.

Experiences of Sexual Misconduct and Reporting

Survey responses indicate significant dissatisfaction with the handling of sexual misconduct complaints:

- “No, each time handled poorly.”
- “The incident was reported, however we did not progress further with the complaint as the process seemed too intimidating.”
- “I was asked to provide expectations of what I wanted done ... I was never told of the outcome.”
- Some members reported adverse professional consequences after lodging complaints, including exclusion from work opportunities and, in extreme cases, leaving the ADF due to mishandled processes.

General Concerns Regarding Mental Health and Trauma

Members emphasized the urgent need for improved mental health supports and trauma-informed responses:

- Stigma around mental health contributes to poor outcomes, including elevated rates of veteran suicide.
- Inadequate training in recognising and responding to PTSD, anxiety, depression, and vicarious trauma limits effective support.
- There is a critical need for trauma-informed handling of sexual harassment and assault, including clear, transparent processes and accountability for organisational responses.

These survey findings build on the ADF-specific commentary by illustrating that gendered barriers, harassment, and inadequate complaint mechanisms are not isolated incidents but reflect wider, sector-wide structural and cultural issues. Addressing these challenges requires systemic reforms, including improved reporting mechanisms, accountability frameworks, and the consistent application of trauma-informed practices to safeguard the wellbeing and career progression of women across defence and related sectors.

Yours faithfully



Rachel Falzon, Founder/National President

<https://www.womenindefenceassociation.org>

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Supporting Contributors

- Jasmin Diab CSC GAICD, **Australian Defence Force Veteran**
- Julia Delaforce, **Australian Defence Force Veteran**
- Tanya Hallett, Founder, **Trauma Informed Practice Training (TIPT)**
- Luke Armstrong, Founder & Co-CEO, **KSC Claims**
- Shannon Hennessy, Founder/CEO, **VESPIIA**







29 August 2025

Rachel Falzon
Founder and National President
Women in Defence Association (WiDA)
Via Email

Dear Ms Falzon,

Re: Support for WiDA Submission – Strengthening Safety Laws and Addressing Misconduct in Defence

KSC Claims writes in strong support of the Women in Defence Association's submission to Safe Work Australia advocating urgent reform of workplace health and safety laws to prevent and respond to misconduct, including gendered violence, within the Defence environment.

As former Defence members and advocates who have assisted thousands of veterans in navigating the claims and compensation process since 2019, KSC has long maintained that the unique environment of the Australian Defence Force (ADF) must not operate outside the core protections afforded to all Australian workers under the *Work Health and Safety Act 2011* (Cth). To permit exemptions from the protections, or to rely on internalised frameworks that minimise or obscure the seriousness of abuse, leaves service personnel, particularly women, vulnerable to misconduct and compounds systemic injustice.

Our position is informed by direct experience. KSC assisted more than 300 veterans under the Defence Reparation Scheme (DRS), which operated for abuse occurring before 1 July 2014. While the DRS was not without limitations, it demonstrated that a well-resourced, trauma-informed reparations framework can deliver timely, just, and meaningful outcomes to those impacted by unacceptable behaviour in service. The Royal Commission into Defence and Veteran Suicide has now established beyond doubt that such unacceptable behaviours, including sexual assault, harassment, hazing, and administrative abuse, remain widespread and pervasive feature of Defence culture, with clear links to suicidality and long-term harm.

In our submission to the Minister for Veterans' Affairs in September 2024, KSC called for a renewed and extended DRS to meet the needs of those who experienced abuse after 30 June 2014. The Commissioners' Recommendation 92 further underscores this necessity, requiring government to commission an independent review of DVA claims associated with physical and sexual abuse. We emphasise that this is not merely a question of veterans' entitlements, it is a question of safety, dignity, and justice for those who have served.

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kscclaims.com.au



We therefore endorse WiDA's position that:

- Defence workplaces must be subject to the same minimum workplace health and safety protections as all other Australian workplaces, without discretionary exemptions.
- Allegations of serious misconduct, including sexual assault, must be mandatorily referred to civilian authorities, with ADF retaining jurisdiction only for uniquely service-related disciplinary matters.
- A harmonised regulatory approach is required to ensure that ADF is held to the same workplace health and safety standards as any other employer in Australia.

The ADF community has endured decades of inquiries and cultural reviews. The persistence of misconduct, coupled with underreporting and systemic failures of accountability, demonstrates that incremental change has proven insufficient. The time for systemic reform, legislative clarity, and harmonised regulation is now.

KSC is proud to stand alongside WiDA in calling for urgent systemic reform and legislative clarity. We reaffirm our commitment to advancing measures, such as a renewed Defence Reparation Scheme, that provide genuine recognition, accountability, and redress for those who have suffered harm while serving their nation.

Yours faithfully,

Luke Armstrong
Founder – KSC Claims



Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

I am writing this letter to support the Women in Defence Association in the work they are doing to campaign for reforms relating to sexual and gender-based violence within the Australian Defence Force. As a Trauma Informed Practice Specialist, I am advocating for there to be significantly more education and training around the importance of trauma informed responses to sexual violence to minimise further traumatisation of the victims.

The way that sexual and gender-based violence is currently being handled within the ADF, can not continue. Besides the legal requirement that Australian Workplaces must minimise physical and psychological harm as far as is reasonable and practicable, there is a legal, moral and ethical obligation to do no further harm when reports of sexual and gender-based violence is reported.

According to the Australian Institute of Health and Welfare, 14% or 2.8 million people 18 years or over have experience sexual violence since the age of 15. The ADF review found that one in four and one in ten men experienced sexual harassment. There have been multiple cases of incidents being reported, and due to unsatisfactory response, these victims were further traumatised.

This is largely due to Traumatic Invalidation. This occurs when an individual's environment repeatedly or intensely communicates that the individual experiences or emotional reactions are unreasonable or unacceptable. (Bostonchildstudycentre.com, 2013). For example, if a serving ADF member was to report a sexual assault which occurred within their workplace or working hours to their superior and was told to "keep your mouth shut", this would be an example traumatic invalidation. Several research studies suggest Traumatic Invalidation leads to feelings of self-doubt and shame, leading to mental health issues such as anxiety and depression and worsening of PTSD.

In addition, if we consider the rates of sexual violence within Australia, the likelihood that someone has been the victim of sexual violence more than once, is high. For someone to suffer another incident of sexual violence, while serving in the ADF, to then be minimized, leaving the victim with insufficient support, creates even more layers of complex trauma and can lead to a variety of complex mental and physical health conditions for the victim.

In addition to the psychological impact trauma has on the victim, Dr Van Der Kolk writes about the impact trauma has on the physical body, from digestive issues to autoimmune diseases to cardiovascular health in his book, 'The Body Keeps the Score.' The National Centre for PTSD, states a variety of other physical effects which are linked to PTSD, including diabetes, chronic pain and cancer.

My recommendations for creating a trauma informed response to sexual violence are:

1. Mandatory education and training for all members of the ADF around Trauma Informed Sexual Assault Disclosures like that of the Education Department of WA for Child Sexual Assault.
2. Mandatory Training for all ADF members about how to be a positive bystander when witnessing sexual harassment.
3. Mandatory Education and Training for all supervisors, leaders, managers, around understanding the principles of trauma informed practice – safety, collaboration, trust, choice and empowerment.
4. Mandatory practical training around how to have a trauma informed conversation following a sexual assault or sexual harassment disclosure. This should include steps which follow the principles of trauma informed practice.
5. Mandatory training and clear indication of pathways available for ADF members to follow when they report sexual harassment or sexual assault.
6. Mandatory Training and education on how to have a mental health conversation following a sexual assault/harassment disclosure. This should follow similar steps to Mental Health Australia's ALGEE steps.

No one should ever leave their workplace in worse condition physically or psychologically than when they entered. While some incidents are much harder to mitigate than others, it is within an organisation's power to control their response. It should be expected for victims of sexual assault or harassment within their workplace, to be entitled to a trauma informed response from their superiors following a disclosure.

Yours Sincerely,

Tanya Hallett

TIPT Founder

27 August 2025

ATTN: Marie Boland
Chief Executive Officer
Safe Work Australia

Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

Dear Ms Boland,

The Veterans, Emergency Services & Police Industry Institute of Australia (VESPIIA) endorses the submission of the Women in Defence Association (WiDA) and joins their call for a comprehensive review of Work Health and Safety laws. VESPIIA is the national professional body for those who support Australia's veterans, emergency services, and police communities. Our members include ex-service organisations, emergency service providers, staff, volunteers, researchers, and allied professionals. We advocate for those who sustain the support system on which service personnel and their families rely.

Endorsement of WiDA's Position

We acknowledge the leadership of WiDA in pressing for reform and support their submission in full. In particular, we emphasise the importance of:

- Explicitly recognising gender-based violence, sexual harassment and bullying as workplace hazards;
- Placing a clear duty on employers to prevent harm, not rely on complaints;
- Removing Defence exemptions that undermine WHS protections; and
- Strengthening recognition of psychosocial risks.

The need for these reforms is consistent with the findings of the Respect@Work National Inquiry into Sexual Harassment (2020), which recommended amendments to WHS legislation to treat sexual harassment as a workplace health and safety hazard.¹

Royal Commission Findings

The Royal Commission into Defence and Veteran Suicide final report (September 2024) makes plain that workplace cultures which tolerate harassment and violence are linked directly to heightened suicide risk. Volumes 2 and 3 document the prevalence and impact of military sexual violence, harassment, and unacceptable behaviour. Survivors described these experiences as "devastating" and "soul-destroying", with many noting the harm endured long after leaving Defence.²³

The Commission also highlighted transition to civilian life as a period of acute risk. Trauma from sexual violence and harassment often resurfaces during transition, compounding mental health vulnerabilities and exposing individuals to further harm in civilian workplaces.⁴ Without clear WHS obligations to prevent and address such hazards, the risk of poor outcomes – including suicide – remains unacceptably high.

Relevance to First Responders and Police

While the Royal Commission examined Defence, the same issues are evident in emergency services and policing. Research by the Australian Institute of Health and Welfare shows that emergency service workers experience higher rates of PTSD, depression, and suicide than the general population.⁵ The Australasian Fire and Emergency Services

¹ Australian Human Rights Commission, Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces (2020): <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>

² Royal Commission into Defence and Veteran Suicide, Final Report, September 2024: <https://defenceveteransuicide.royalcommission.gov.au/publications/final-report>

³ Royal Commission into Defence and Veteran Suicide, Final Report – Volume 3: Military sexual violence, unacceptable behaviour and military justice, September 2024: <https://defenceveteransuicide.royalcommission.gov.au/publications/final-report-volume-3>

⁴ Royal Commission into Defence and Veteran Suicide, Easy Read Guide to the Final Report: <https://defenceveteransuicide.royalcommission.gov.au/publications/easy-read-guide-final-report>

⁵ Australian Institute of Health and Welfare (AIHW), Mental health of emergency service workers (2021): <https://www.aihw.gov.au/reports/veterans/emergency-service-workers-mental-health>

Authorities Council has also acknowledged entrenched issues of bullying, harassment, and gender exclusion in frontline services.⁶ These harms carry over into post-service life, affecting families and communities.

Psychosocial Hazards

Psychosocial hazards must be elevated to the same level as physical hazards in WHS frameworks. For the workforce that VESPIIA represents, this includes:

- Exposure to trauma and vicarious trauma through frontline support work;
- Moral injury, where personnel feel betrayed by systems that fail to uphold justice;
- Burnout and cumulative stress, exacerbated by chronic under-resourcing;
- Isolation and lack of peer support, particularly in rural and remote postings.

Safe Work Australia's own Model Code of Practice recognises these risks, but implementation remains inconsistent.⁷ The Productivity Commission has also shown that mental ill-health and unsafe psychosocial environments cost Australia billions annually in lost productivity and social harm.⁸

Volunteer-Heavy Workforces

Ex-service organisations and many emergency service units rely heavily on volunteers. Current WHS laws offer limited clarity on how obligations apply in these settings, and small organisations often lack resources to comply. Volunteers face the same risks – harassment, bullying, and trauma – yet protections are inconsistent. Reform must include practical guidance and compliance tools tailored for volunteer-heavy organisations. Without this, a significant portion of the workforce will remain unprotected.

Implementation Needs

Reform must not only change the law but also ensure:

- Accessible compliance resources for small not-for-profits and volunteer-led organisations;
- Consistent national standards, avoiding state-by-state inconsistencies;
- Active monitoring and enforcement of psychosocial hazard obligations; and
- Consultation with sector bodies such as VESPIIA to ensure reforms reflect lived realities.

Conclusion

We strongly support WiDA's recommendations and emphasise the additional points outlined above. The Royal Commission, alongside other national reviews, has already shown the cost of inaction. Survivors of sexual violence and harassment cannot continue to face transition into civilian life without adequate protection. Volunteers, staff, and families must not be left behind in reform.

VESPIIA urges Safe Work Australia to act without delay and ensure that WHS laws provide comprehensive, consistent, and enforceable protections across Defence, emergency services, police, and the organisations that support them.

Yours in service,



Shannon Hennessy
Chief Executive Officer
Veterans, Emergency Services & Police Industry Institute of Australia (VESPIIA)

⁶ Australasian Fire and Emergency Services Authorities Council (AFAC), Women in Fire and Emergency Services Strategy (2022): <https://www.afac.com.au/initiative/women-in-fire-and-emergency-services>

⁷ Safe Work Australia, Model Code of Practice: Managing Psychosocial Hazards at Work (2022): <https://www.safeworkaustralia.gov.au/doc/model-code-practice-managing-psychosocial-hazards-work>

⁸ Productivity Commission, Mental Health Inquiry Report (2020): <https://www.pc.gov.au/inquiries/completed/mental-health/report>





13 October 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

Women in Film and Television Australia (WIFT) wholeheartedly supports Safe Work Australia's Best Practice Review of Model Work Health and Safety Laws and Regulations. Our mission is to ***inspire, connect, empower and support** in raising the profile and skills of women and gender diverse individuals within the screen industry globally*. Guided by these four strategic pillars WIFT Australia advocates for a screen sector that is inclusive, accountable, and safe for all practitioners, regardless of gender identity or employment status.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence¹.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers** making a complaint to the Australian Human Rights Commission and Fair Work Commission, our current approach to preventing work-related gendered violence remains largely reactive and complaints based⁴.

We therefore urgently call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

We note that on Monday 26 November 2012, the House Standing Committee on Education and Employment urged that the "Commonwealth Government seek agreement through Safe Work Australia for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces"⁵.

¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

⁵ Workplace Bullying "We Just Want It To Stop" - Chapter 2. (2012). Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/frontpagesfinal.pdf.

We also note the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health⁶.

We also note that on 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth)⁷.

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

Recent findings from *Screen Australia's Gender Matters Taskforce* reveal that despite progress in representation, structural inequities and unsafe work practices persist across the screen industry. In 2022–23, women held only 46% of key creative roles across industry wide projects, with notable disparities remaining in leadership and decision-making positions. These imbalances perpetuate unequal power dynamics, often exacerbated by the freelance and transient nature of screen work. *The Gender Matters Taskforce* has further identified that women and gender-diverse practitioners disproportionately experience sexual harassment, discrimination, and psychosocial harm, particularly in informal work environments without clear reporting mechanisms or institutional safeguards.

The Taskforce's *Statement on Sexual Harassment* (Screen Australia, 2017) explicitly recognises that such behaviour constitutes a workplace health and safety issue, not merely a matter of conduct or ethics. It highlights that many practitioners work without HR oversight, grievance channels, or the protections afforded to traditional employees. These conditions create heightened exposure to psychosocial hazards — stress, anxiety, professional retaliation, and career attrition — which undermine both personal wellbeing and the sector's creative diversity.

From WIFT Australia's perspective, embedding gendered violence prevention, equity accountability, and psychosocial safety within WHS frameworks is critical to achieving real, systemic change. The inclusion of gendered harassment as a recognised workplace safety risk, improved reporting mechanisms for contractors and freelancers, and stronger enforcement pathways would ensure that all industry participants can work free from harm. By aligning WHS legislation with the lived realities outlined in *Screen Australia's Gender Matters* findings, we can build a safer, more sustainable and equitable industry — one that values every creative voice and allows the screen sector to flourish as a model of best practice for inclusion.

Yours faithfully

The WIFT Australia Board

Women in Film and Television (WIFT) Australia ABN 49 626 286 780 ACN 626 286 780

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WIFT Australia links: Website: www.wiftaustralia.org.au Facebook: www.facebook.com/wiftaus/

Twitter: www.twitter.com/wiftaus Instagram: www.instagram.com/wiftaus

Appendix: Strengthening WHS Laws to Address Gender-Based Risks in the Screen Industry

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.

⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.

Based on WIFT Australia's ongoing advocacy and the Gender Matters Taskforce data, the following key recommendations are proposed for inclusion in the WHS Review:

1. Explicit Recognition of Gendered Violence as a WHS Risk

- Amend WHS legislation to explicitly classify sexual harassment, gender-based harassment, and discrimination as psychosocial hazards under "health and safety" duties.
- Ensure that both employers and principal contractors are responsible for preventing and addressing these hazards in every workplace — including temporary sets, remote shoots, and freelance production environments.

2. Enhanced Protections for Freelancers and Contractors

- Extend WHS obligations and protections to non-traditional workers (freelancers, independent contractors, short-term hires) who constitute the majority of screen industry practitioners.
- Establish mechanisms for safe, confidential, and accessible reporting outside of traditional employer-employee structures.

3. Mandatory Psychosocial Risk Assessments

- Require production companies and funding recipients to complete psychosocial safety risk assessments that account for gender-based power imbalances, isolation, and transience in work environments.

4. Training and Industry Standards

- Mandate training on gendered harassment prevention and WHS responsibilities for producers, heads of department, and on-set leaders.
- Encourage funding bodies to include WHS gender-safety compliance as a condition of project approval or renewal.

5. Data Collection and Transparency

- Require collection of disaggregated data on harassment, discrimination, and psychosocial safety incidents by gender identity and role type, enabling evidence-based policy and sector accountability.
- Encourage collaboration between Safe Work Australia, Screen Australia, and industry associations to maintain consistent reporting and oversight.

6. Support and Referral Pathways

- Ensure access to confidential referral services and mental health supports for affected practitioners.
- Fund industry bodies (like Screen Well) to deliver outreach, training, and safe reporting resources nationally, particularly in regional and remote screen communities.

WIFTVIC

7th October 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence¹.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers** making a complaint to the Australian Human Rights Commission and Fair Work Commission, our current approach to preventing work-related gendered violence remains largely reactive and complaints based⁴.

We therefore urgently call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

We note that on Monday 26 November 2012, the House Standing Committee on Education and Employment urged that the "Commonwealth Government seek agreement through Safe Work Australia for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces"⁵.

We also note the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health⁶.

¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

⁵ Workplace Bullying "We Just Want It To Stop" - Chapter 2. (2012). Parliament of Australia.

https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/frontpagesfinal.pdf.

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.

WIFTVIC

We also note that on 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth)⁷.

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

This is particularly important to our members and stakeholders because women and gender-diverse people working in film, television and screen industries continue to face disproportionate levels of gendered harassment and discrimination - often in freelance, transient or informal work environments where power imbalances and a lack of clear reporting mechanisms exacerbate risk. These conditions not only cause personal and professional harm but also contribute to the systemic loss of diverse voices and leadership in our industry. Embedding gendered violence prevention within work health and safety laws is essential to ensuring accountability, fostering safe and equitable workplaces and creating the cultural change necessary for a truly inclusive screen sector.

Yours faithfully,



Lauren Simpson (she/her)
President

Women in Film & Television, Victoria

www.wiftvic.com.au

WIFTVIC

Board Member

Women in Film & Television, International

<https://www.wifti.net/>

WIFTI

⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.



WIT

WOMEN IN TECHNOLOGY

ADVANCE | CONNECT | EMPOWER

19 August, 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence¹.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers making a complaint to the Australian Human Rights Commission and Fair Work Commission**, our current approach to preventing work-related gendered violence remains largely reactive and complaints based⁴.

We therefore urgently call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

We note that on Monday 26 November 2012, the House Standing Committee on Education and Employment urged that the "Commonwealth Government seek agreement through Safe Work Australia for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces"⁵.

We also note the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health⁶.

¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

⁵ Workplace Bullying "We Just Want It To Stop" - Chapter 2. (2012). Parliament of Australia.

https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/frontpagesfinal.pdf.

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.



WIT

WOMEN IN TECHNOLOGY

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We also note that on 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth)⁷.

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

This is particularly important to our members and stakeholders because for our members, this translates to safer, more productive workplaces and better career outcomes.

Yours faithfully,

Iyari Cevallos

Chair

Women in Technology Limited

⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.

17 October 2025

Ms Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Ms Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

On behalf of the Women Lawyers Association of Queensland ('WLAQ'), I thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

The WLAQ acknowledges that the Prime Minister of Australia, the Honourable Anthony Albanese MP, has declared a National Crisis of Gender-Based Violence.¹ Notwithstanding this, immediate and substantive reform as outlined in the expert report of Elena Campbell, is imperative.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent and deficient on this issue.² This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work.³

With approximately 2.7 million workers experiencing work-related sexual harassment and approximately 1.8 million workers experiencing work-related bullying each year, and with fewer than 1% of workers making a complaint to the Australian Human Rights Commission and Fair Work Commission, the current approach to preventing work-related gendered violence remains largely reactive and complaints based.⁴ The appropriate approach is one of protection and prevention.

Accordingly, WLAQ calls upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making powers are held accountable for preventing harm before it occurs.

¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

I note that on Monday 26 November 2012, the House Standing Committee on Education and Employment urged that the “Commonwealth Government seek agreement through Safe Work Australia for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces”.⁵

I also note that the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health.⁶

Furthermore, on 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth).⁷

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment (as supported by the duty to manage and control psychosocial risks and the duty to prepare prevention plan), is consistent with recent Government reviews and recommendations, and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

On behalf of WLAQ, not only do we formally confirm joining the submission prepared by the Victoria Women’s Lawyers (VWL), but we also endorse the call for strong safety laws to prevent work-related gender violence. We recognise this particular arm of violence is pervasive and affects all women and gender diverse peoples at every organisational level, in every sector and industry and in every state across Australia. WLAQ stands with each organisation that has joined this submission. It is more important (now than ever) that we champion collective action and pressure systemic reform.

Simply put, WLAQ supports a re-examination of existing frameworks, regulations and laws with a focus on protecting women and gender diverse peoples of all ages in our workplaces. A particular emphasis should be placed on strengthening protections for individuals who identify as LGBTQIA+, are indigenous, and/or suffer from physical, intellectual or mental disabilities. Every individual in and around the workplace has an inherent right to be safe in such spaces and operate in the

⁵ Workplace Bullying “We Just Want It To Stop” - Chapter 2. (2012). Parliament of Australia.

https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/framesfinal.pdf.

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.

⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet.

<https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.

work-environment (free from being subjected to work-related bullying and/or sexual and gender-based harassment).

WLAQ supports and affirms Recommendations 5 and 7 made by the House Standing Committee to regulate work-related bullying and sexual and gender-based harassment. WLAQ also supports the Unlocking the Prevention Potential Report. Such regulation needs to be grounded in risk-management and enforce and mandate rigorous compliance within every industry.

Notably, amendments made through the WHS (Sexual Harassment) Amendment Regulation 2024 QLD, particularly, the duty to manage and control psychosocial risks and the duty to prepare prevention plan, places the onus of protection and prevention firmly and squarely on the employer. These amendments were not insignificant and they are a crucial step in the right direction - one which should be adopted at a federal level.

Kind Regards

Women Lawyers Association of Queensland

A handwritten signature in black ink, appearing to be 'Sarah Ford', written in a cursive style.

Sarah Ford

President

P: (07) 3236 4333

E: president@wlaq.com.au

Ms Antonella Rodriguez
President - Women Lawyers' Association of South Australia Inc

12 October 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Ms Boland

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

The Women Lawyers' Association of South Australia Inc. (**WLASA**) thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence.¹

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue.² This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work.³

With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers making a complaint to the Australian Human Rights Commission and Fair Work Commission**, our current approach to preventing work-related gendered violence remains largely reactive and complaints based.⁴

WLASA therefore urgently calls upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

This is an issue that holds importance to our members and stakeholders because these issues affect our everyday working lives and the lives of the people we represent. Like many other women, we have seen and experienced the impact of unsafe, unequal, or dismissive workplace cultures. Sexual harassment, bullying, and other forms of gendered violence are not abstract risks. They are real, harmful, and far too common.

¹ The Hon Anthony Albanese MP, Prime Minister of Australia. (2024). No more: National rally against gender based violence march. Prime Minister of Australia. <https://www.pm.gov.au/media/no-more-national-rally-against-gender-based-violence-march>.

² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

As women working in the legal profession, we are also in a unique position. We not only navigate these challenges ourselves, but we also support and empower clients who face them. We see the damage caused when workplaces fail to prevent harm, and we know how difficult it can be for people, especially those already facing disadvantage, to come forward or seek justice under a system that places the burden on individuals to make complaints.

That is why we believe prevention must be at the centre of our work health and safety laws. It should not be up to workers alone to speak out after harm has already occurred. Employers and regulators need to take clear and proactive steps to create safe environments from the outset.

For us, this is about more than regulation. It is about fairness, accountability, and the kind of workplaces we all deserve. Making gender-based violence a recognised safety risk under work health and safety laws is a critical step toward ensuring that no one has to choose between their safety and their job.

Yours faithfully



Antonella Rodriguez

President

Women Lawyers' Association SA Inc.

email | admin@womenlawyerssa.org.au



Women of Colour Australia

Championing Australia's Women of Colour

08 September 2025

To Safe Work Australia,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence¹.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model work health and safety laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers** making a complaint to the Australian Human Rights Commission and Fair Work Commission, our current approach to preventing work-related gendered violence remains largely reactive and complaints based⁴.

We therefore urgently call upon Safe Work Australia to amend model work health and safety regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

We note that on Monday 26 November 2012, the House Standing Committee on Education and Employment urged that the "Commonwealth Government seek agreement through Safe Work Australia for the development and implementation of model Work Health and Safety Regulations that capture the minimum requirements for managing the risks of workplace bullying, applicable to all workplaces"⁵.

We also note the 2019 Review of the Model Work Health and Safety Laws Final Report recognised that some specific psychosocial risks had been highlighted and seen to warrant explicit attention in the

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² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

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⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

⁵ Workplace Bullying "We Just Want It To Stop" - Chapter 2. (2012). Parliament of Australia. https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report/front-pagesfinal.pdf.

development regulations, including for hazards impacting migrant workers who are particularly vulnerable, workers who may experience inappropriate and violent behaviour related to their workplace, and women, who are often vulnerable to inappropriate behaviour which poses significant risks to their psychological health⁶.

We also note that on 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth)⁷.

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

This is particularly important to our members and stakeholders because Women of Colour Australia represents a diverse community of women who disproportionately experience intersecting forms of discrimination and workplace harm, and for whom stronger, preventative health and safety regulations are essential to ensuring culturally safe, equitable, and violence-free workplaces.

Yours faithfully

Brenda Gaddi,



Founder and Executive Director
Women of Colour Australia (WoCA)
brenda@womenofcolour.org.au
0450 851 727

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.
https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.

⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.



Working Women's Centre Vic.

20 October 2025

Marie Boland
Chief Executive Officer
Safe Work Australia

Dear Marie Boland,

Re: Safe Work Australia Best Practice Review of Model Work Health & Safety Laws & Regulations

We thank Safe Work Australia for the opportunity to provide input into the Best Practice Review of Model Work Health & Safety (WHS) Laws & Regulations.

We acknowledge that the Prime Minister of Australia, the Honourable Anthony Albanese MP has declared a National Crisis of Gender-Based Violence¹.

When the risk is serious harm or death, as it is with work-related gendered violence, regulatory intervention is imperative. In this National Crisis of Gender-Based Violence, our model WHS laws and regulations remain largely silent on this issue². This gap leaves women, particularly women with intersecting identities, vulnerable to violence at work³.

With approximately **2.7 million workers** experiencing work-related sexual harassment and approximately **1.8 million workers** experiencing work-related bullying each year, and fewer than **1% of workers** making a complaint to the Australian Human Rights Commission and Fair Work Commission, our current approach to preventing work-related gendered violence remains largely reactive and complaints based⁴.

We therefore urgently call upon Safe Work Australia to amend model WHS regulations to specifically prevent work-related gender-based violence, including harassment and bullying, as a safety hazard, placing the responsibility for prevention in the hands of employers and ensuring that those with decision-making power are held accountable for preventing harm before it occurs.

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² Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

³ Parsons, S., and Haban-Beer, A. (2024). Safety Regulation for Primary Prevention of Gendered Violence. Australian Women Lawyers. <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.

⁴ Smith, B. (2023). Respect@Work Amendments - A Positive Reframing of Australia's Sexual Harassment Laws. Australian Journal of Labour Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4640802.

⁵ Workplace Bullying "We Just Want It To Stop" - Chapter 2. (2012). Parliament of Australia.

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Working Women's Centre Vic.

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We also note that on 23 August 2024, Recommendation 7(f) in the Expert Panel Report for the Rapid Review of Prevention Approaches specifically recommended strengthening workplace health and safety laws to complement the positive duty on employers to prevent workplace sexual harassment, sex discrimination and harassment under the *Sex Discrimination Act 1984* (Cth)⁷.

Our call for safety regulatory reform to prevent work-related gendered violence, including bullying and harassment, is consistent with recent Government reviews and recommendations and builds upon the *Work Health and Safety (Sexual Harassment) Amendment Regulation 2024* (QLD).

Gendered violence remains pervasive across Australian workplaces, disproportionately impacting women, non-binary and gender-diverse people, and workers facing intersecting forms of disadvantage. Factors such as insecure and casualised employment, entrenched gender inequality, and structural discrimination heighten vulnerability to harm while limiting access to reporting and redress. Urgent national reform of the model WHS Laws and Regulations is essential to shift the onus of prevention onto employers and embed systemic accountability for creating safer, more equitable workplaces.

Yours faithfully,

Roj Amedi
Director Policy, Advocacy and Communications
Working Women's Centre Victoria

⁶ Marie Boland. (2019). Review of the model WHS laws: Final report. Safe Work Australia.

https://www.safeworkaustralia.gov.au/system/files/documents/1902/review_of_the_model_whs_laws_final_report_0.pdf.

⁷ Campbell, E., Fernando, T., Gassner, L., Hill, Jess., Seidler, Z., Summers, A. (2024). Report of the Rapid Review of Prevention Approaches, Unlocking the Prevention Potential, Accelerating action to end domestic, family and sexual violence. Department of Prime Minister and Cabinet. <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.