For the most this inquiry and every report I have ever read on this subject (and I have read quite a few), either ignores this fact completely or it’s buried in a foot note with the rest of the report/reporting of it dedicated the effects of sexual harassment on women. Surely our starting point should be to reduce to zero all sexual harassment at work not just the sexual harassment of women?

The starting point should be that the law on sexual harassment needs to be bolstered to protect all workers. If there needs to be additional provisions to enhance the protection to women and girls then by all means do so, but it has to be within that legislation and not the focus of it. However that said, a well drafted and enforced law will in effect achieve that aim without any specific provisions for one gender or the other. The aim of any such law should be to reduce to zero all sexual harassment at work not better protect one group from being subject to it.

If we follow the rule that all employment law applies equally to all employees regardless of their differences and all employment law is written to apply equally to all, then it has it a better chance of being accepted by, adopted by and backed by all. Any inquiry, report or legislation that comes from it, that comes from only one viewpoint will be seen as it should be, as bias. Any concentration on only the issues that women face with regard to sexual harassment at work is in danger of producing bad law based on flawed statistics and previous reports which ignore male victims.

I passionately believe that we all must do more to reduce as I said earlier the instances of sexual harassment at work to zero. No one should have to go to work to face sexual harassment no matter where it comes from. It needs to be dealt with quickly and effectively but there have to be better definitions on what constitutes sexual harassment. I also agree with your witnesses whom suggest that greater penalties need to be imposed when tribunal find in favour of the harassed person. I would go further in that I would hold not only the company liable but also the person(s) who participated in it, who failed to deliver on their duty of care etc personally liable following the Australian system of breaches of employment law. This may make individuals, managers and directors focus more on ensuring that no employment law is broken, let alone the law on sexual harassment.

However the is a big problem with employment law and in my mind it is probably the main reason why we still have instances of sexual harassment, sex discrimination, race discrimination, et al. It is the individual who has suffered who has to bring the prosecution. If I were to have robbed my neighbour (not that I would) they would call the police and they would carry out the investigation, arrest me and the crown would prosecute and rightly so.

in the case of a breach of the law as it relates to employment, it is the individual who has to bring the case with all the costs associated with doing so. Sexual Harassment outside of work would be dealt with by the police and crown prosecution service. Why is it different when it occurs within a work place?

I would recommend that you look at the Australian Fair Work Commission as a possible route of having a more effective monitoring and enforcement process. The one government body that really worries Australian business.

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