



VICTORIAN WOMEN LAWYERS PRE-BUDGET SUBMISSION

HEALTH AND SAFETY IN THE WORKPLACE

When the risk is serious harm or death, as it is with gendered violence, regulatory intervention is imperative. Despite this, our current safety laws and regulations remain silent on this issue. Violence against women is increasingly occurring the workplace, an environment that is supposed to be safe, professional and one that most of us spend our time in.

Recommendation: Victorian Women Lawyers recommend that the Federal Government conduct an inquiry into the development of specific model safety regulations to address occupational violence, bullying, and sexual and gender-based harassment, which disproportionately impact women.

The current gap in our workplace safety regulations leaves women, especially those from high-risk groups, vulnerable to violence both at work and at home. We consider that the workplace is a critical location for long-term structural reform, women's economic empowerment, and fostering a culture of respect and equalityⁱ.

Safe Work Australia's February 2024 Reportⁱⁱ (**Report**) identified that in 2021 - 2022, women accounted for the majority (59%) of accepted workers' compensation claims for occupational violence. The Report also found that women are more likely than men to experience poor work-related psychological health outcomes because they are exposed to more psychosocial hazards, including work pressure, work-related bullying and harassment, occupational violence and workplace sexual harassment than menⁱⁱⁱ.

Action 6 of the Federal Government's First Action Plan 2023 - 2027, Under the National Plan to End Violence Against Women and Children 2022-2032^{iv} acknowledges that targeted work is needed to address sexual 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 violence^v.

The Australian Human Rights Commission's 2020 Report, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*^{vi}, identified that while Australia's model workplace health and safety framework has the potential to adequately address sexual harassment, this framework is currently underutilised due to the lack of express regulation^{vii}.

We consider that whilst previous Australian Government Productivity Commission inquiries have recommended the development of psychological safety codes of practice^{viii}, and that a model code of practice has now been developed for sexual and gender-based harassment^{ix}, this code does not mandate minimum safety controls for employers and instead is only admissible as evidence of what should be known about the hazard of sexual and gender-based harassment and the means of controlling the risks associated with this hazard.

On 23 August 2024, recommendation 7(f) in the Federal Government's Rapid Review Expert Panel Report 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)^x.

It has been estimated that the current cost of inactivity on work-related gendered violence is \$30 billion per year^{xi}. Victoria proposes to expressly regulate the management of occupational violence, sexual harassment and bullying hazards in the workplace. Deloitte Access Economics estimates the total costs associated with doing this to be \$537.75 million per year^{xii}. If Victoria employs 25% of the country's



workforce (ABS, 2024), the cost of regulating these hazards in Australia could be considered \$2.15 billion.

In any event, the significant cost associated with the absence of express controls for work-related gendered violence, and the comparatively lower cost of regulation, suggests that there could be significant social and economic benefits for Australia if these behavioural hazards, which disproportionately impact women, are properly regulated, with minimum enforceable standards.

It is clear from this submission that further action and funding needs to be utilised by the Federal Government to continue to review, monitor and develop frameworks to prevent violence in the workplace against women, and provide support for those who have experienced workplace violence.

VICTORIAN WOMEN LAWYERS

JANUARY 2025

REFERENCES

- ⁱ Parsons, S. (2024). *Safety Regulation for Primary Prevention of Gendered Violence*. Australian Women Lawyers, p.5, <https://australianwomenlawyers.com.au/wp-content/uploads/2024/09/1-Australian-Women-Lawyers-Submission-31.7.24.pdf>.
- ⁱⁱ Safe Work Australia. (2024). *Psychological health and safety in the workplace, February 2024, Our Data, Your Stories*, p 24, Figure 12 <https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace-Report-February2024.pdf>.
- ⁱⁱⁱ Safe Work Australia. (2024). *Psychological health and safety in the workplace, February 2024, Our Data, Your Stories*, p 29, <https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace-Report-February2024.pdf>.
- ^{iv} Commonwealth of Australia. (2023). *First Action Plan, 2023 - 2027, Under the National Plan to End Violence Against Women and Children, 2022-2032*, p 44, <https://www.dss.gov.au/system/files/resources/d23-1021308-first-action-plan-accessible-pdf.pdf>.
- ^v Commonwealth of Australia. (2023). *First Action Plan, 2023 - 2027, Under the National Plan to End Violence Against Women and Children, 2022-2032*, p 45, <https://www.dss.gov.au/system/files/resources/d23-1021308-first-action-plan-accessible-pdf.pdf>.
- ^{vi} Jenkins, K. (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>.
- ^{vii} Jenkins, K. (2020). *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*. Australian Human Rights Commission, p 443, <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.
- ^{viii} Australian Government Productivity Commission. (2020). *Mental Health Productivity Commission Inquiry Report Volume 1, No. 95, 30 June 2020*, <https://www.pc.gov.au/inquiries/completed/mental-health/report/mental-health.pdf>.
- ^{viii} Model Sexual and Gender Based Harassment Code of Practice, December 2023.
- ^{ix} Model Sexual and Gender Based Harassment Code of Practice, December 2023.
- ^x 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*, p 20, <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>.
- ^{xi} Ballard, A., & Bozin, D. (2023). The true (financial) costs of workplace violence in Australia. *Alternative Law Journal*, 48(3), 191-196. <https://doi.org/10.1177/1037969X231174672>.
- ^{xii} Deloitte Access Economics. (2022). *Occupational Health and Safety (Psychological Health) Regulations Amendment 2022 Regulatory Impact Statement*, <https://engage.vic.gov.au/download/document/23765>.

3440-1191-8132v3

VICTORIAN WOMEN LAWYERS

GPO 2314 Melbourne VIC 3001

Email vwf@vwf.asn.au www.vwf.asn.au ABN 32 198 567 354