

Tuesday 20 August 2024

## Only 1 in 230,000 sexual harassment victims get to court

The ACTU is looking forward to broad support across the Parliament for new laws that will ‘level the playing field’ to make it easier for victim-survivors of workplace sexual harassment to bring a legal case.

The ACTU is part of a broad coalition of over 85 organisations, the Power to Prevent coalition, including National Legal Aid and the Kingsford Legal Centre, advocating for the new costs model.

Victim-survivors currently face significant barriers to justice. 1 in 230,000 victim-survivors of workplace sexual harassment end up bringing proceedings in an Australian court, according to new analysis by the ACTU.

The Australian Human Rights Commission estimates that nearly 1 in 5 workers are sexually harassed at work each year, yet only 444 cases have ever been brought to court since 1984 according to research by the ANU. This means that perpetrators are often never held to account, and dangerous workplaces continue to expose workers to dangerous behaviour.

The Parliament is due to consider the Albanese Government’s Costs Protection Bill this week. The Bill would implement the 55<sup>th</sup> – and final – outstanding recommendation from the landmark Respect@Work Report.

The Bill removes one of the biggest deterrents workers face when weighing up court action; the real risk they may be left paying the other sides’ legal costs, leading to significant debt or bankruptcy – which can often run to tens of thousands of dollars.

The Bill’s new ‘equal access’ costs model will enable workers to pursue their rights in federal courts, without the fear of hefty court-ordered costs.

The new costs model will apply to all Commonwealth sexual harassment and anti-discrimination laws and prevents federal courts from ordering an applicant to pay a respondents’ costs, other than in certain limited circumstances.

The model applies in a range of international jurisdictions, including federal civil rights and anti-discrimination law in the United States.

### Quotes attributable to ACTU President, Michele O’Neil:

“The passage of the bill will send a clear message that sexual harassment and discrimination is unacceptable in our workplaces.

“This reform is a massive step forward in holding the perpetrators of sexual harassment to account.

“The Dutton Opposition has voted against all eight of the Respect@Work changes in this term of Government, including placing a duty on employers to take all reasonable steps to eliminate sexual harassment at work.

“The lack of certainty around costs, means that even when they win, there is no guarantee a victim-survivors’ costs will be covered, and in fact, they may even be liable for the respondent’s costs.

“By removing this barrier, low-income and vulnerable workers will be empowered to seek justice for encountering workplace sexual harassment or discrimination.”

**Quotes attributable to National Legal Aid Chair, Louise Glanville:**

“Over the past ten years Victoria Legal Aid’s specialist discrimination law service, the Equality Law Program, has provided over 12,500 legal advice sessions on discrimination matters and run over 1,000 case files, but during that time only 4 of our clients proceeded to hearing and final judgment.

“It is heartening to see the Government listening to both victim-survivors and those organisations that work with the most disadvantaged to design a system that removes barriers to seeking redress from workplace discrimination and sexual harassment.

“Many of our clients choose not to proceed with seeking legal justice because of their legitimate worries about financial risk to their future well-being, and that of their families.

“This change is especially important for individuals in low-paid and precarious employment, which often translates to lower awards of compensation that are quickly eroded by legal costs in litigation.”

**Quotes attributable to Kingsford Legal Centre Director, Emma Golledge:**

“I think the whole nation was shocked by the Respect@Work Report and the high rates of sexual harassment in Australia. This type of conduct has lasting and damaging effects on people. To prevent sexual harassment, we must support victim-survivors to assert their rights.

“Enforcing your rights shouldn’t bankrupt you and people who experience sexual harassment shouldn’t be forced to end their claims because of this fear.

“This is an important and welcome change as part of the Respect@Work implementation. However, that work is not done, and Australia still has unacceptably high rates of sexual harassment. Specialist legal services in community legal centres, Legal Aid and working women’s centres undertaking this vital work do not have funding past 30 June 2025, and we urge the Government to provide funding certainty to these vital and important services.”

**ENDS**

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