

29 June 2023

Dr James Popple
Chief Executive Officer
Law Council of Australia
PO Box 5350
BRADDON ACT 2612

By email: matthew.wood@lawcouncil.au

Dear Dr Popple

THE LAW COUNCIL OF AUSTRALIA MEMORANDUM: GUIDANCE MATERIALS FOR THE LEGAL PROFESSION ON ADDRESSING SEXUAL HARASSMENT IN THE WORKPLACE

I refer to your Memorandum dated 7 June 2023 and on behalf of the Law Society of Western Australia appreciate the opportunity to provide advice and comment on the resources to address sexual harassment within the legal profession through the Law Council of Australia's The Time for Change: Addressing Sexual Harassment portal.

For the purpose of this response to your Memorandum we have consulted with the Law Society's Human Rights and Equal Opportunity Committee, the Joint Law Society/ Women Lawyers Committee and Young Lawyers Committee.

The Law Society considers the portal would benefit from:

1. The inclusion of a definition of sexual harassment (as contained in ss 527D and 23 of the *Fair Work Act*).
2. The portal may also be improved by adding headings such as (1) 'Reporting sexual harassment', (2) 'Taking action as a bystander and other training', (3) 'Information for employers' (4) 'Reports, papers and other resources', to assist persons in finding the most relevant resources.
3. The following resource presently listed in the Western Australia section of the portal be placed higher (or first) in that section to assist persons seeking information on how to make a sexual harassment complaint locate the relevant resources more easily, namely:

Resources available on the Equal Opportunity Commission's Website, including but not limited to fact sheets and brochures, helpful contacts and websites, and making a complaint.

In relation to other links to resources the Law Society suggests the Law Council consider publishing the following

Under "National Resources":

1. The Law Society of Western Australia's Fair, Safe and Inclusive Legal Workplaces: Guidelines for the Employment of Law Clerks, Graduates and Lawyers: <https://www.lawsocietywa.asn.au/wp-content/uploads/2015/10/2022SEP01-Fair-Safe-Inclusive-Legal-Workplaces-Guidelines-C10.pdf>. These Guidelines contain recommendations for employers in the legal sector for improving safety, fairness and inclusion within their workplaces. Part 6 specifically addresses sexual harassment.
2. The Fair Work Commission Benchbook on Sexual Harassment: <https://www.fwc.gov.au/benchbook/sexual-harassment-benchbook>.
3. The Australian Human Rights Commission Respect@Work: Sexual Harassment National Inquiry Report (2020): https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020?mc_cid=1065707e3c&mc_eid=%5bUNIQID%5d&_ga=2.109684165.190900993.1686213465-321174155.1685432156.
4. Respect@Work Bystander action guide: <https://www.respectatwork.gov.au/individual/responding-workplace-sexual-harassment/bystander-actions>.
5. Respect @ Work's Resource [Hub](#);
6. The Fair Work Commission's landing page on sexual harassment: <https://www.fwc.gov.au/issues-we-help/sexual-harassment>.

Under "Western Australia Resources":

1. The Law Society of Western Australia's Fair, Safe and Inclusive Legal Workplaces: Guidelines for the Employment of Law Clerks, Graduates and Lawyers: <https://www.lawsocietywa.asn.au/wp-content/uploads/2015/10/2022SEP01-Fair-Safe-Inclusive-Legal-Workplaces-Guidelines-C10.pdf>. These Guidelines contain recommendations for employers in the legal sector for improving safety, fairness and inclusion within their workplaces. Part 6 specifically addresses sexual harassment.
2. The Legal Practice Board of Western Australia Harassment Report <https://www.lpbwa.org.au/Harassment-Report>
3. Government of Western Australia, Department of Mines, Industry Regulation and Safety

[Complaints about bullying, sexual assault or harassment | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](https://www.commerce.wa.gov.au/worksafe/complaints-about-bullying-sexual-assault-or-harassment)

<https://www.commerce.wa.gov.au/worksafe/complaints-about-bullying-sexual-assault-or-harassment>
4. The Western Australian Industrial Relations Commission: Stop Bullying or Sexual Harassment

[Stop bullying or sexual harassment applications » Western Australian Industrial Relations Commission \(wairc.wa.gov.au\)](https://www.wairc.wa.gov.au/employees/stop-bullying-or-sexual-harassment-applications/)

<https://www.wairc.wa.gov.au/employees/stop-bullying-or-sexual-harassment-applications/>

5. Circle Green Community Legal: Information Kits

[Information Kits – Circle Green Community Legal](https://circlegreen.org.au/resource/information-kits/)
<https://circlegreen.org.au/resource/information-kits/>

In addition, the Law Society is aware that the Legal Practice Board of Western Australia and Women Lawyers of Western Australia are in the process of developing a further resource to assist with sexual harassment reporting. A link to these resources will be provided once they are available.

If you have any query please contact Mary Woodford, General Manager Advocacy and Professional Development on mwoodford@lawsocietywa.asn.au or telephone (08) 9324 8646.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ante Golem', with a stylized, cursive script.

Ante Golem
President

cc: Matthew Wood, Principal Policy Lawyer
Email: matthew.wood@lawcouncil.au