

Hundreds of NSW women get legal help for workplace sexual harassment and discrimination

Women needing help with sexual harassment and discrimination in the workplace because of pregnancy, sex and disability have dominated the first year of demand for Legal Aid NSW's new Respect at Work Legal Service (RAWLS).

Ahead of International Women's Day on 8 March, new data shows complaints of workplace sexual harassment and discrimination continue to be a concern, with over 800 workers seeking help and 1153 advice and representation services provided since the service, RAWLS, began in January 2023.

Of those services, 71 per cent were for female clients with the most common complaints being disability discrimination (27 per cent) followed by sexual harassment (20 per cent) and sex discrimination (14 per cent).

The figures come amid increased awareness of sexual harassment because of the #MeToo movement and ongoing efforts to address the issue including the recent introduction of a "positive duty" on employers to act to prevent sexual harassment and sex discrimination.

RAWLS solicitor Fiona Pace said while it was positive people were getting legal help, the fact women are still experiencing workplace sex-based discrimination and harassment was a cause for concern.

"Unfortunately, we continue to see women experiencing unwelcome sexual behaviours in the workplace, including assaults and inappropriate comments. Sex-based discrimination based on pregnancy or family responsibilities are also common issues we see, with some complaining of losing their job on this basis," she said.

"The harmful impact of these experiences cannot be overstated. We see clients who experience financial loss from being demoted, losing shifts or their job or being victimised for complaining. People are also dealing with the mental health impacts and stress."

RAWLS is a free statewide legal service offered by Legal Aid NSW. It was established in 2023 to support people experiencing workplace sexual harassment and discrimination. It followed the [Respect@Work report](#), which found a third of workers, and two in five women, have experienced sexual harassment.

In the area of disability discrimination, most advice given by RAWLS concerns employers refusing to provide workplace adjustments to accommodate a worker's disability or health condition.

Ms Pace said: "18 per cent of Australians have a disability and employers should be supporting them to properly participate and thrive in the workplace."¹

Of the advice provided, 6 per cent related to racial discrimination and of those people who contacted us, 42 per cent of those seeking help were First Nations people.

"We know racial discrimination is widespread with 16 per cent of Australians experiencing it, so we really encourage more people to seek help," Ms Pace said.²

¹ Australian Institute of Health and Welfare, People with disability in Australia, 2019.

² The Scanlon Institute, Mapping Social Cohesion Report, 2022.

The highest number of complaints came from the healthcare and social assistance sector, followed by the professional, scientific and technical sector and accommodation and food services.

“We know certain groups like newly arrived migrants, farm workers, young people, Aboriginal people and those from CALD communities are more likely to be affected by discrimination and harassment but less likely to seek help,” she said. “So we really encourage people to come forward so we can find the right solution for them help protect their job and resolve things early on before they escalate.”

RAWLS works collaboratively with other organisations to support clients, including with trauma-informed referral pathways to partner organisations who can provide specialist non-legal support.

Legal Aid NSW CEO Monique Hitter said ensuring people can understand and defend their rights in the workplace is essential to address workplace discrimination.

“We know from the Respect@Work report that ensuring people have access to free legal help early on is part of addressing the prevalence of workplace discrimination and sexual harassment,” she said.

“RAWLS has achieved great outcomes for clients. Many workplace complaints have been resolved with clients receiving compensation, apologies from employers and changes to policies or training for staff.”

People are encouraged to contact RAWLS on (02) 9072 2333 or by emailing respectatwork@legalaid.nsw.gov.au. The service can also be accessed through the TIS interpreter service by calling 131 450 and asking for RAWLS.

Ms Pace is available to be interviewed and photographed.

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Data

Source: RAWLS, Legal Aid NSW, January 2023-February 2024.

- Total services: 1,153 – 71% women, 16% Aboriginal or Torres Strait Islander
- Total clients – approximately 800
- Breakdown of discrimination inquiries (as a proportion of services):
 - Disability: 27% (59% women)
 - Sexual harassment: 21% (89% women)
 - Sex-based discrimination: 15% (88% women)
 - Race: 6% (48% women) (42% First Nations)