

National Inquiry into Sexual Harassment in Australian Workplaces

Legal Aid NSW submission to the
Australian Human Rights Commission

February 2019

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Legal Aid 
NEW SOUTH WALES

About Legal Aid NSW

The Legal Aid Commission of New South Wales (**Legal Aid NSW**) is an independent statutory body established under the *Legal Aid Commission Act 1979* (NSW). We provide legal services across New South Wales through a state-wide network of 24 offices and 221 regular outreach locations, with a particular focus on the needs of people who are socially and economically disadvantaged.

We assist with legal problems through a comprehensive suite of services across criminal, family and civil law. Our services range from legal information, education, advice, minor assistance, dispute resolution and duty services, through to an extensive litigation practice. We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients.

We also work in close partnership with LawAccess NSW, community legal centres, the Aboriginal Legal Service (NSW/ACT) Limited and pro bono legal services. Our community partnerships

include 29 Women's Domestic Violence Court Advocacy Services.

Legal Aid NSW has significant expertise in the area of employment and discrimination law. Grants of legal aid are available for such matters.

This submission draws on the casework experience of our civil lawyers in providing these services.

Legal Aid NSW welcomes the opportunity to make a submission to the Australian Human Rights Commission's inquiry. Should you require any further information, please contact

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Summary of recommendations

1. The *Sex Discrimination Act 1984* (Cth) and *Anti-Discrimination Act 1977* (NSW) should be amended to impose a positive duty on employers to ensure that, so far as is reasonably practicable, a worker is not sexually harassed.
2. The *Sex Discrimination Act 1984* (Cth) should be amended to provide the Sex Discrimination Commissioner with a function to conduct 'own motion' investigations.
3. Federal and State anti-discrimination laws should be harmonised to provide the greatest level of protection from discrimination.
4. Amend the *Australian Human Rights Commission Act 1986* (Cth) to restore the time limit in which to lodge complaints to 12 months after the alleged unlawful conduct occurred.
5. Amend the *Australian Human Rights Commission Act 1986* (Cth) to insert a 'costs protection' consistent with that in section 570 of the *Fair Work Act 2009* (Cth).
6. The Australian Human Rights Commission and State anti-discrimination commissions should regularly release uniform, de-identified data which provides an outline of the nature of complaints and any financial and non-financial outcomes.
7. The Australian Human Rights Commission and State anti-discrimination commissions should set performance targets of finalising almost all sexual harassment complaints within three months.
8. Provide additional funding to the legal assistance sector to conduct specific community legal education about sexual harassment.
9. Re-establish Working Women's Centres in New South Wales.

Introduction

Legal Aid NSW welcomes the opportunity to provide a submission to the National Inquiry into Australian Workplaces. The submission is based primarily on the experience of Legal Aid NSW's Civil Law Division and in particular our Employment Law Team.

All case studies in this submission have been de-identified by changing names, workplaces, rare characteristics and unique combinations of identifying factors.

The nature and prevalence of sexual harassment

Advice about sexual harassment forms a significant part of Legal Aid NSW's employment law work. Since 2014, Legal Aid NSW has provided over 350 advice and representation services about sexual harassment. Legal services in relation to sexual harassment represent approximately 22% of all our discrimination advice services. We advise victims of sexual harassment and workers whose employment is in jeopardy because they are alleged to have engaged in sexual harassment.¹

Since 2014, approximately 64% of workers who have sought advice about sexual harassment from Legal Aid NSW were women. Most clients who sought assistance were aged between 30-40 (25%) and 40-50 (25%), 8% of clients identified as Aboriginal or Torres Strait Islander and 40% of clients were not employed when they sought advice, however only 10% of clients were in receipt of Centrelink benefits. Workers seeking advice about sexual harassment are employed in a range of industries, the most common being hospitality, which accounted for 12% of all matters.

Anecdotally, we have noticed a trend of sexual harassment occurring in workplaces where the use of employees of labour hire firms is prevalent or where workplace participants work for different employers, as seen in Case Studies 1 and 2.

Case Study 1 - Shae

Shae is a young woman who was employed casually to clean in buildings at a mine site. The site is in regional New South Wales in an area of very high unemployment. There were many more men working at the plant than there were women. All the women employed at the site were cleaners. One of Shae's tasks was to clean the male toilets. While cleaning, a sign was displayed at the door advising that the toilets were not in use. However, in the first week of Shae's employment, Dino entered the toilets while Shae was cleaning and used the toilet. Shae told Dino that he should not enter the toilet while she was cleaning.

¹ 14% of advice services were provided to workers accused of sexual harassment.

The day after the incident with Dino, Shae was cleaning the recreation room. Peter and Colin, workers who were not employed by Shae's employer and who were each employed by different companies, were talking in a group of other men. Colin and Peter began laughing at Shae and joking that Shae had been performing sex acts in the toilets the day before.

Over the next few days, Shae received a number of messages via Facebook messenger from other workers at the site asking for sexual favours. Shae was humiliated by the way that she was treated and resigned from her position after only a few days of work.

Further, it is our experience that employees with less secure employment, such as those who are on a visa or who are casually employed, like several of the employees in the case studies, are more likely to experience sexual harassment.

Case Study 2 - Tracey

Tracey was employed casually as a site access controller on a construction project. Tracey's job involved standing alone on an isolated stretch of road. There were far more men working on the project than women.

Jared was an employee of another company and was working on the same project. Jared's role required him to drive to various project sites. One morning, Jared approached Tracey. Jared asked Tracey a number of questions that became increasingly personal. Jared and Tracey became friends on social media. Throughout the day, Jared would return to Tracey's work location. Jared made sexual comments to Tracey in person and via social media. Tracey felt threatened when Jared asked her from his car if he could cuddle her, and then got out of his vehicle and walked towards her.

Tracey told her boss about what happened with Jared. After that, Tracey's boss no longer required Tracey to work alone. A week or two after the incident with Jared, Tracey began to dread going to work because she knew that she would see Jared. Tracey started telling her boss that she was unavailable for work. Within a few weeks of the sexual harassment having occurred, Tracey resigned from her position. Tracey felt that she was becoming unreliable and did not want to damage her reputation with her employer in case she was able to be re-employed on a different project.

As illustrated by the two case studies above, we consider that our clients are more likely to experience sexual harassment if they work in male-dominated industries.

We observe that clients who make sexual harassment claims are often treated less favourably in their employment after making the claim. We have also observed that if our clients complain about sexual harassment, it often quickly results in the end of their employment, either by resignation or termination, as illustrated further in Case Studies 3 and 4 below. In our experience, termination of employment following a sexual harassment complaint is usually for alleged poor performance. Often it is the first time performance issues have been raised, which amplifies the complainant's distress.

Case Study 3 - Renee

Renee was employed casually in a hardware shop in regional New South Wales. In her job interview, Renee was asked how she would handle it if she was sexually harassed at work. One day, Tony, a customer, asked Renee to take her shirt off and asked if she was wearing a bra. Renee complained to her manager about Tony's behaviour. In order to protect Renee from being sexually harassed, Renee's manager, reduced her shifts so that she would not have to see Tony. Tony attended the shop frequently and Renee's shifts were significantly reduced. Shortly after having complained about sexual harassment, Renee was dismissed for alleged performance reasons.

Case Study 4 - Rebecca

Rebecca worked as a casual personal assistant. Rebecca's boss, Ross, made sexual comments to her and told her that he was in love with her. Rebecca made a complaint to the HR manager, Tim. Tim told Rebecca that she should email Ross and tell him that his comments were inappropriate and she wished them to have a professional relationship only. Ross' girlfriend later discovered the email that Rebecca had sent. On the following day, Ross told Rebecca what had happened and dismissed her.

We have noticed that technology and out-of-hours conduct also frequently feature in the harassment experienced by our clients. Case Studies 5 and 6 provide examples of this.

Case Study 5 - Emma

Emma worked in a video games store in a regional town on a casual basis. At the shop there was constant talk about sex, including the telling of inappropriate jokes and sexual innuendo. Some jokes and inappropriate photos were shared between employees via Snapchat. Shane, a manager, began requesting sex from Emma and inappropriately touching her, including touching her buttocks under her clothing.

Emma decided that she could not put up with the harassment and resigned from her employment.

Case Study 6 - Gail

Gail was employed as an office manager. Gail asked Claudio, the senior sales representative, to collect her smartphone, which she had left in another colleague's car. Claudio hacked into Gail's phone and found some naked pictures that she had taken to send to her boyfriend who was overseas. Claudio sent the naked pictures of Gail to other staff. One of recipients of the pictures told management about it and Claudio was dismissed.

The Current Legal Framework with respect to sexual harassment

Legal Aid NSW considers that there are a number of amendments that could be made to Federal and State anti-discrimination laws to strengthen the protection from sexual harassment. The weaknesses in the law we see as most significant fall into two broad categories: those caused by the complaint based model and those caused by the inconsistencies between Federal and State anti-discrimination laws.

The complaint based model

The relationship between employer and employee is fundamentally unequal. The clients to whom Legal Aid NSW provides advice about sexual harassment are often at a further disadvantage because of their youth, cultural and linguistic background or economic circumstances. Our clients often decide not to lodge a complaint of sexual harassment because they fear the consequences of doing so. There are a number of amendments that could be made to discrimination laws that would relieve the burden on applicants to bring a complaint.

A Positive Duty to Prevent Sexual Harassment

Under the *Sex Discrimination Act 1984* (Cth) (**SD Act**) and the *Anti-Discrimination Act 1977* (NSW) (**NSWAD Act**), employers are liable for sexual harassment when they fail to take 'all reasonable steps' to prevent sexual harassment.² The courts have established that an employer will need to have taken significant action in order to satisfy the court that it took all reasonable steps to prevent discrimination.³ However, neither the SD Act

² *Sex Discrimination Act 1984* (Cth) s 106 (SD Act); *Anti-Discrimination Act 1977* (NSW) s 53(3) (NSWAD Act).

³ *Richardson v Oracle Corporation Australia Pty Ltd* [2014] FCAFC 82.

nor the NSWAD Act impose duties on employers to take positive steps to ensure a workplace is free from sexual harassment.

The law imposes positive duties in other areas of employment law. National work health and safety laws require employers to ensure, so far as reasonably practicable, the health and safety of their workers. Given the significant impact that sexual harassment often has on employee wellbeing, it would seem that existing work health and safety laws already impose a positive duty on employers to prevent sexual harassment. Accordingly, the insertion of a positive duty to prevent sexual harassment in the SD Act and NSWAD Act would not increase the regulatory burden on employers.

Being required to address a formal or informal complaint of sexual harassment will often have an educative effect on an employer. A complaint will often cause employers to think about the adequacy of their policies and processes for dealing with workplace misconduct. However, complaints cannot drive workplace cultural change if they are not being made. A positive duty to prevent sexual harassment encourages employers to proactively consider the adequacy of their workplace policies and procedures to prevent sexual harassment. This is preferable to an employer only doing so when they receive a complaint of sexual harassment.

Recommendation 1 The *Sex Discrimination Act 1984* (Cth) and *Anti-Discrimination Act 1977* (NSW) should be amended to impose a positive duty on employers to ensure that, so far as is reasonably practicable, a worker is not sexually harassed.

Own motion powers for the Sex Discrimination Commissioner

As Australia's National Human Rights Institution, the Australian Human Rights Commission (**AHRC**) should have greater powers to prevent sexual harassment in the workplace. Expanded powers are consistent with the AHRC's function to promote an understanding and acceptance, and the public discussion, of human rights in Australia.⁴

The Senate committee that reviewed the SD Act in 2008 recommended that further consideration be given to amending the SD Act to give the Sex Discrimination Commissioner the power to investigate alleged breaches of the Act, without requiring an individual complaint.⁵ The Sex Discrimination Commissioner should be empowered to conduct 'own motion' investigations based on anonymous reports of sexual harassment. This would relieve the burden on individual complainants of having to lodge complaints in order for the AHRC to investigate whether sexual harassment has occurred.

⁴ *Australian Human Rights Commission Act 1986* (Cth) (AHRC Act) s 11(g)

⁵ Standing Committee on Legal and Constitutional Affairs, *Effectiveness of the Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality* (2008) Recommendation 37.

Recommendation 2 The *Sex Discrimination Act 1984* (Cth) should be amended to provide the Sex Discrimination Commissioner with a function to conduct ‘own motion’ investigations.

Harmonisation of discrimination laws

Clients come to Legal Aid NSW for advice about sexual harassment at a time when they are distressed and often fearful of losing their job. The provisions in the SD Act and NSWAD Act which provide that sexual harassment is unlawful are broadly similar, but are not identical. Having to explain to our clients that in order to lodge a complaint they need to choose between two largely similar but slightly different legislative regimes adds to our clients’ distress and confusion. It is desirable that, to the fullest extent possible, Federal and State anti-discrimination laws are uniform. Where Federal and State laws differ, the law which offers less protection should be amended to reflect the law which offers greater protection.

Definitions and Coverage

There are differences in the definitions and coverage of the SD Act and the NSWAD Act. The NSWAD Act definition of sexual harassment is narrower than that of the SD Act. The NSWAD Act states that sexual harassment occurs when a person either:

- (a) makes an unwelcome sexual advance or request for sexual favours, or
- (b) engages in unwelcome conduct of a sexual nature

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.⁶

In contrast, the SD Act defines sexual harassment as:

- (a) an unwelcome sexual advance,
- (b) request for sexual favours or
- (c) engagement in conduct of a sexual nature

in circumstances in which a reasonable person, having regard to all of the circumstances, would have anticipated *the possibility* that the person harassed would be offended, humiliated or intimidated.⁷ (emphasis added)

⁶ NSWAD Act s 22A.

⁷ SDA s 28A(1).

Further, the SD Act requires that factors including the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, national or ethnic origin, relationship between the parties, disability of the person harassed and other relevant circumstances are taken into account.

There are other minor differences between the SD Act and the NSWAD Act. For example, a 'workplace participant' within the meaning of the SD Act does not include persons who are self-employed or volunteers, whereas these categories of worker are included under the NSWAD Act. These differences in the law add to the complexity for clients trying to choose where to lodge their complaint.

Differences in coverage of Federal and State anti-discrimination law also make the law more complex for lawyers trying to advise not only applicants but also respondents about the scope of the protection against discrimination. Unlike every other federal discrimination law, the SD Act does not cover acts done by employees of a State or State instrumentality.⁸ In New South Wales, this means that over 300,000 employees of state and local government and government instrumentalities must bring sexual harassment claims under the NSWAD Act.

All workers in New South Wales should have the same rights in relation to workplace sexual harassment.

Maximum compensation

There are also differences in the powers of the adjudicators of applications alleging sexual harassment. Where the New South Wales Civil and Administrative Tribunal (NCAT) finds a complaint of sexual harassment substantiated, it may award damages not exceeding \$100,000.⁹ Conversely, there is no limit on the sum of damages that the Federal Court or Federal Circuit Court can award if it finds a breach of the SD Act.¹⁰

Victims of sexual harassment can be devastated by the impact of harassment. Victims can find themselves unable to work for a considerable period of time or in the worst cases, unable to work ever again. Some conduct that constitutes sexual harassment is so egregious that NCAT should not be constrained in its ability to award compensation in relation to the conduct.

Recommendation 3 Federal and State anti-discrimination laws should be harmonised to provide the greatest level of protection from discrimination.

⁸ SDA s 13.

⁹ NSWAD Act s 108(2)(a).

¹⁰ AHRC Act 46PO(4).

Time limits

Since April 2017, there has been a different time limit to lodge a complaint of sexual harassment with the AHRC compared to the time limit for lodging with the NSW Anti-Discrimination Board (**ADB**). The President of the ADB may decline a complaint if it is lodged more than 12 months after the unlawful discrimination,¹¹ whereas the President of the AHRC may now terminate a complaint if the complaint was lodged more than 6 months after the alleged sexual harassment took place.¹²

In our practice experience, it often takes workers who have experienced sexual harassment some time to complain about the conduct. Victims of sexual harassment are often significantly impacted by the harassment. It can take them some time to overcome the shock, distress or embarrassment of being sexually harassed, and to make a complaint. Victims of sexual harassment also often fear the consequences that making a complaint will have on their continued employment. Many victims of sexual harassment simply cannot afford to resign from their job and make a complaint. These workers, overwhelmingly women, continue to endure sexual harassment because they consider that they have no other practical alternative.

Further, it can take a victim of sexual harassment some time to realise sexual harassment is a problem about which they can seek a legal solution. Many workplace cultures normalise sexual harassment, such as the workplace of our client in Case Study 3, where she was asked in her job interview how she would respond if she was sexually harassed at work. Similarly, when another of our clients made a complaint about constant sexual banter in the workplace, her manager told her that sexual jokes and banter were “just the way things are around here.”

When the culture of organisations permits and enables sexual harassment, it is unreasonable to expect victims of sexual harassment to be aware of their legal right to have a workplace free from sexual harassment. This is especially true of younger clients, clients of culturally and linguistically diverse background and clients with lower levels of education.

When clients finally realise that they have a legal problem, it can take them a further period of time to obtain legal advice, particularly free legal advice. While Legal Aid NSW works to ensure that all clients who need urgent legal advice receive it, there is a huge demand for our services and clients sometimes need to wait to receive legal advice.

¹¹ NSWAD Act s 89B(2)(b).

¹² AHRC Act s 46PH (1)(b).

Recommendation 4 Amend the *Australian Human Rights Commission Act 1986* (Cth) to restore the time limit in which to lodge complaints to 12 months after the alleged unlawful conduct occurred.

Costs

The *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**) should be amended to provide that in all unlawful discrimination proceedings, including those involving sexual harassment, costs may only be ordered if the court is satisfied that the party instituted the proceedings vexatiously or without reasonable cause or if the court is satisfied that a party's unreasonable act or omission caused the other party to incur costs.

Australia's discrimination laws are beneficial legislation.¹³ However discrimination laws are also highly technical. Under Federal and State anti-discrimination laws, the burden of proving unlawful discrimination lies with the applicant. The respondent, particularly in disputes arising from employment, often expends significant resources in defending the claim. Persons who have a genuine belief that they have been discriminated against within the meaning of the law should be able to assert their rights without fear of having to pay the other sides' legal costs if they are unable to establish their claim. It is a strong disincentive to applicants in pursuing even the strongest of complaints of sexual harassment that there is a risk that they may be required to pay the respondent's legal costs.

Inserting a 'costs protection' in the AHRC Act would be consistent with the protection found in section 570 of the *Fair Work Act 2009* (Cth) (**FW Act**) which applies, amongst other types of claims, to General Protections claims. The General Protections provisions of the FW Act cover adverse action on grounds which are also covered by discrimination laws, such as race, sex, sexual orientation, age and disability. A costs protection is also consistent with State anti-discrimination law. In New South Wales, parties to discrimination proceedings bear their own costs.¹⁴

We note that amendments to the time limit for lodging a complaint in the AHRC Act, and to the costs regime applicable to complaints of discrimination, would have impact on all complaints of discrimination. We submit that the reasons advanced for restoring the time limit for lodging complaints to 12 months and for introducing a costs protection seem equally applicable to all claims of discrimination.

Recommendation 5 Amend the AHRC Act to insert a 'costs protection' consistent with that in section 570 of the *Fair Work Act 2009* (Cth).

¹³ *Waters v Public Transport Corporation* [1991] HCA 49.

¹⁴ *Civil and Administrative Tribunal Act 2013* (NSW) s 60.

Non-legislative measures

Required reporting of settlement outcomes

There is little public information available about settlement of sexual harassment complaints.¹⁵ Consistent, de-identified reporting of settlement data by State and Federal anti-discrimination bodies would assist our clients to better evaluate their rights and make more informed choices during negotiations. Outcomes data may also act as a deterrent for would-be harassers.¹⁶ Production of uniform data about settled sexual harassment complaints would also facilitate broader academic evaluation of the financial and non-financial outcomes achieved in all Australian jurisdictions over time.

Recommendation 6 The Australian Human Rights Commission and State anti-discrimination commissions should regularly release uniform, de-identified data which provides an outline of the nature of complaints and any financial and non-financial outcomes.

The AHRC and State discrimination commissions

The AHRC and State discrimination commissions are frequently criticised for having slow complaint handling processes. The AHRC currently has an average time of 4.6 months to finalise complaints, with only 35% being finalised within 3 months.¹⁷ The NSW Anti-Discrimination Board has an average finalisation time of 4.9 months, and 34.7% of all complaints are finalised within 3 months.¹⁸

While waiting for an investigation to begin or for a conciliation conference to be scheduled, our clients have been dismissed, have decided to resign and/or have experienced a deterioration in their mental health. All of our clients, regardless of their gender, age, profession or position, find it stressful to make a complaint of sexual harassment. Delays in the process heighten the stress that our clients feel. It is also our practice experience that the longer a dispute is left unresolved, the more difficult it is to ultimately settle.

To ease the distress to vulnerable victims of sexual harassment, and to increase the likelihood of a mutually agreeable settlement, the bulk of all sexual harassment complaints should be finalised within three months. Properly resourced anti-discrimination commissions could handle complaints more quickly.

¹⁵ See Paula McDonald and Sara Charlesworth, 'Settlement outcomes in sexual harassment complaints' (2013) 24(4) *Australasian Dispute Resolution Journal* 259.

¹⁶ Unions NSW, Discussion Paper: Reforms to Sexual Harassment laws (2018), 19.

¹⁷ Australian Human Rights Commission, *2017-2018 Complaint Statistics*, p 3.

¹⁸ Anti-Discrimination Board, *Annual Report 2017-28*, p 18.

Recommendation 7 The Australian Human Rights Commission and State anti-discrimination commissions should set performance targets of finalising almost all sexual harassment complaints within three months.

Community Legal Education

If there is to be a shift in community attitudes about sexual harassment, Community Legal Education (**CLE**) will be instrumental in that shift. CLE needs to be delivered to both potential victims of sexual harassment and potential harassers.

CLE must be appropriately targeted to its audience. For migrant women, CLE should be conducted in outreach settings within migrant communities. CLE should be conducted in a manner that is respectful of the culture of the audience. It may be useful to situate sexual harassment CLE to migrant women within a broader human rights framework (i.e. as conduct that is contrary to the *Convention on the Elimination of all Forms of Discrimination Against Women*) given that many women who are or have been refugees are familiar with this framework. CLE to migrant women needs to acknowledge the particular vulnerability of migrant women as individuals who are often dependent on their visa sponsor and are the sole source of income for their family. CLE should be delivered in a number of modes including face to face, electronically and via social media.

Legal Aid NSW has a specialist CLE unit and conducts CLE on a broad range of legal topics. We have a CLE package designed for people who have been in Australia for less than 5 years called *My rights at work: Australian law and you*. It explains basic employment rights and features a section on sexual harassment in the workplace. The practice experience of organisations like Legal Aid NSW and many Community Legal Centres makes us ideally placed to deliver CLE about sexual harassment.

Recommendation 8 Provide additional funding to the legal assistance sector to conduct specific community legal education about sexual harassment.

Re-establish Women's Working Centres in New South Wales

Working Women's Centres (**WWC**) are not-for-profit, community organisations that support women employees or women who wish to work, whatever their age, ethnicity or work status, by providing a free and confidential service on work related issues. They work primarily with women who are not represented by a union, their own lawyer or other advocate.¹⁹

¹⁹ Working Women's Centres, *About Us* <<http://www.wwc.org.au//index.php?page=about-us>>.

Such Centres no longer operate in NSW but continue to exist in South Australia, Queensland and the Northern Territory. The services these centres offer are not strictly legal, making them distinct from women’s legal centres and providing a less intimidating entry point into the complaints process. They take a more holistic approach to help manage multiple aspects of a situation.

WWCs focus on providing services to the most vulnerable, including women from a culturally and linguistically diverse backgrounds and women with disability.²⁰ WWCs conduct community education and training in work places across their States and territories.

WWCs can also work closely with State anti-discrimination bodies. WWC South Australia, for example, receives direct sexual harassment referrals from the Equal Opportunity Commission of South Australia. WWCs across the country have long been strong advocates for the need to recognise and respond to the workplace implications of sexual harassment, and sexual and family violence.²¹

WWCs provide a valuable and distinct role, and the absence of any comparable service in NSW increases the vulnerability of victims of sexually harassment in this State.

Recommendation 9 Re-establish Working Women’s Centres in New South Wales.

²⁰ Minh Nguyen, ‘Culturally and Linguistically Diverse Women at Work’ (Submission, Northern Territory Working Women’s Centre, 2008).

²¹ National Working Women’s Centres, *Submission on Model Work Health and Safety Laws*, (Submission, National Working Women’s Centres, April 2018) p 3.