



**LAUNCH OF THE AUSTRALIAN HUMAN RIGHTS
COMMISSION (AHRC)**

**“EFFECTIVELY PREVENTING AND
RESPONDING TO SEXUAL HARASSMENT –
A CODE OF PRACTICE FOR EMPLOYERS
2008 EDITION”**

Melbourne, 12 November 2008

**Scott Barklamb, Director – Workplace Policy
Australian Chamber of Commerce and Industry**

November 2008





ABN 85 008 391 795

Canberra Office

24 Brisbane Avenue
BARTON ACT 2600

PO Box 6005
KINGSTON ACT 2604

Telephone: (02) 6273 2311
Facsimile: (02) 6273 3286
Email: info@acci.asn.au

Melbourne Office

Level 3
486 Albert Street
EAST MELBOURNE VIC 3002

PO Box 18008
Collins Street East
MELBOURNE VIC 8003

Telephone: (03) 9668 9950
Facsimile: (03) 9668 9958
Email: melb@acci.asn.au

Web: www.acci.asn.au

© Australian Chamber of Commerce and Industry 2008.

This work is copyright. Reproduction is permitted, with direct attribution and notification to the Australian Chamber of Commerce and Industry.

INTRODUCTION

Sex Discrimination Commissioner, Ladies and Gentlemen, my name is Scott Barklamb, and I am Director – Workplace Policy with the Australian Chamber of Commerce and Industry (ACCI).

It's my role today to introduce this morning's proceedings and our three speakers:

- The Federal Sex Discrimination Commissioner – Elizabeth Broderick.
- Entrepreneur, company director, author - Maureen Frank.
- (And after morning tea) Jennie Mansfield, Partner in the Employment, Discrimination and Workplace Training Practice of Blake Dawson.

On behalf of the Chamber, and the various organisations participating in today's launch, I would like to welcome you here this morning.

It is a pleasure to have you join us at the offices of both ACCI, and our major Victorian member, the Victorian Employers' Chamber of Commerce and Industry (VECCI).

What brings us together today is an issue fundamental, and quite central to employment aspirations and experiences in modern Australia – that of sexual harassment.

The challenge of addressing sexual harassment is vital and wide ranging - not because all or even most employees experience harassment in any particular cohort, group or gender - but because of the pervasive and wide ranging impact actual instances of sexual harassment can have on workplace performance, engagement, experience, and on the progress and aspirations of working Australians.

There would not be a single commercial, productivity, or human resource measure in the modern commercial world which is not adversely affected when sexual harassment occurs – something I am pleased to say Australian business is increasingly well aware of.

Australia's employers increasingly recognise not only the business case for addressing sexual harassment (and threats to business reputation and of prosecution), but also the moral and societal basis for equitable, harassment free working lives.

The Australian Human Rights Commission last week released significant new data in this area through the results of its 2008 Sexual Harassment National Telephone Survey.

It shows that changing workplace attitudes, greater commitment from employers and the efforts of their representatives, and the work of agencies such as the

Australian Human Rights Commission and legal profession, are reflected in a fall in the incidence of sexual harassment across the past five years.

Last week's report indicates a fall in those personally reporting experience of sexual harassment from 28% to 20% between 2003 and 2008.

Such a reduction is welcome, but offers no room for complacency.

Australia's employers maintain an active commitment from their highest level forums right through to the workplace floor, to further reducing the incidence of sexual harassment and ensuring even fewer Australians experience unacceptable detriment to their working and wider social lives.

Employers increasingly understand their obligations in this area, and are either putting in place systems to meet those obligations, or in less formal workplaces, are striving to combat sexual harassment through supervision, direction and patterning professional conduct.

The work of bodies such as the Australian Human Rights Commission, ACCI member organisations, and many of those present today, has combined with generational and attitudinal change to fundamentally improve outcomes in the area of sexual harassment. It is now very uncommon to meet people who believe sexual harassment constitutes acceptable workplace conduct, or at very least, are not aware that it is wrong.

However unacceptable conduct still occurs, and must be addressed.

Various new problems are also emerging, including:

- A growing incidence of coworker or peer to peer harassment, extending the sometimes assumed model of supervisory or managerial harassment. Harassment within the same age and gender cohort is also an emergent problem in many workplaces.
- The rise of new information and communication technologies, often accessible in the workplace, which blur the personal and the professional – with potentially damaging consequences and new risks of sexual harassment.
- An increasing blurring of personal and working relationships and socialising with workmates, often involving alcohol.

Ultimately – despite welcome and significant improvements, the incidence and experience of sexual harassment in contemporary Australia remains a very real challenge.

Further gains will require shared endeavours – and will require governments, regulators, practitioners, employers, employees and trade unions, working together from a

sound policy base. Last week's Australian Human Rights Commission survey results offer an important foundation for further consideration of combating sexual harassment into the future.

Today's release of the revised code of conduct is an important contribution to providing employers with tools to effectively prevent and respond to sexual harassment. The code, and the accompanying quick guide, offer precisely the type of practical, informative materials businesses of all sizes need to foster not only compliance, but also more fundamental changes in cultures and attitudes.

ACCI and its member organisations strongly support regulators such as the Australian Human Rights Commission providing such effective supporting materials.

For our part, we are committed to their dissemination and making the best possible use of them in advising and assisting employers. We also particularly welcome the Commission's liaison with business during its revision of the code, and the production of a simplified version for busy business people.

Another area for future consideration is an audit of the impact of the wider regulatory environment on employers and their capacity to manage and address harassment. Employers remain very concerned that other laws, such as those relating to privacy and unfair dismissal, often hamper their capacity to match their commitment to eliminating sexual harassment with effective remedial action.

The next frontier is clearly further changes in awareness, cultures, behaviours and attitudes. Whilst the law, and regulation has a safety net role to play, it is at this juncture an increasingly limited and remedial one.

The next five years, (which will hopefully see the next Australian Human Rights Commission survey show an even further reduction in sexual harassment) will require us to look beyond the law.

Industry recognises this, and we believe with the production of useful and relevant tools and research, the Australian Human Rights Commission also clearly recognises the combined role of both legal redress and proactive information and supportive resources, in fostering fundamental and lasting attitudinal and cultural change.

ACCI and its members look forward to continuing to work with the Australian Human Rights Commission on sexual harassment, and wider equity and diversity challenges into the future.

We wish to commend the Sex Discrimination Commissioner on her approach to her role to date, and her genuine interest in working with the business community.

We thank Elizabeth Broderick and her team for what you will shortly see is a very substantial and highly relevant contribution in this area through the 2008 Code of Practice.

ACCI MEMBERS

CHAMBERS OF COMMERCE & INDUSTRY

ACT and Region Chamber of Commerce & Industry

12A Thesiger Court
DEAKIN ACT 2600
Telephone: 02 6283 5200
Facsimile: 02 6282 5045
Email: chamber@actchamber.com.au
Website: www.actchamber.com.au

Business SA

Enterprise House
136 Greenhill Road
UNLEY SA 5061
Telephone: 08 8300 0000
Facsimile: 08 8300 0001
Email: enquiries@business-sa.com
Website: www.business-sa.com

Chamber of Commerce and Industry Queensland

Industry House
375 Wickham Terrace
BRISBANE QLD 4000
Telephone: 07 3842 2244
Facsimile: 07 3832 3195
Email: info@cciq.com.au
Website: www.cciq.com.au

Chamber of Commerce & Industry Western Australia (Inc)

PO Box 6209
EAST PERTH WA 6892
Telephone: 08 9365 7555
Facsimile: 08 9365 7550
Email: info@cciwa.com
Website: www.cciwa.com

Chamber of Commerce Northern Territory

Confederation House
1/2 Shepherd Street
DARWIN NT 0800
Telephone: 08 8936 3100
Facsimile: 08 8981 1405
Email: darwin@chambernt.com.au
Website: www.chambernt.com.au

Employers First™

PO Box A233
SYDNEY SOUTH NSW 1235
Telephone: 02 9264 2000
Facsimile: 02 9261 1968
Email: empfirst@employersfirst.org.au
Website: www.employersfirst.org.au

NSW Business Chamber

Australian Business Centre
140 Arthur Street
NORTH SYDNEY NSW 2060
Telephone: 13 26 96
Facsimile: 1300 655 277
Email: navigation@australianbusiness.com.au
Website: www.australianbusiness.com.au

Tasmanian Chamber of Commerce and Industry Ltd

GPO Box 793
HOBART TAS 7001
Telephone: 03 6236 3600
Facsimile: 03 6231 1278
Email: admin@tcci.com.au
Website: www.tcci.com.au

Victorian Employers' Chamber of Commerce & Industry

GPO Box 4352
MELBOURNE VIC 3001
Telephone: 03 8662 5333
Facsimile: 03 8662 5367
Email: vecci@vecci.org.au
Website: www.vecci.org.au

NATIONAL INDUSTRY ASSOCIATIONS

ACCORD

Dalgety Square
Suite C7, 99 Jones Street
ULTIMO NSW 2007
Telephone: 02 9281 2322
Facsimile: 02 9281 0366
Email: bcapanna@acspsa.asn.au
Website: www.acspsa.asn.au

Agribusiness Employers' Federation

GPO Box 2883
ADELAIDE SA 5001
Telephone: 08 8212 0585
Facsimile: 08 8212 0311
Email: aef@aef.net.au
Website: www.aef.net.au

Air Conditioning and Mechanical Contractors' Association

30 Cromwell Street
BURWOOD VIC 3125
Telephone: 03 9888 8266
Facsimile: 03 9888 8459
Email: deynon@amca.com.au
Website: www.amca.com.au/vic

Association of Consulting Engineers Australia (The)

75 Miller Street
NORTH SYDNEY NSW 2060
Telephone: 02 9922 4711
Facsimile: 02 9957 2484
Email: acea@acea.com.au
Website: www.acea.com.au

Australian Beverages Council Ltd

Suite 4, Level 1
6-8 Crewe Place
ROSEBERRY NSW 2018
Telephone: 02 9662 2844
Facsimile: 02 9662 2899
Email: info@australianbeverages.org
Website: www.australianbeverages.org

Australian Hotels Association

Level 1, Commerce House
24 Brisbane Avenue
BARTON ACT 2600
Telephone: 02 6273 4007
Facsimile: 02 6273 4011
Email: aha@aha.org.au
Website: www.aha.org.au

Australian International Airlines Operations Group

c/- QANTAS Airways
QANTAS Centre
QCA4, 203 Coward Street
MASCOT NSW 2020
Telephone: 02 9691 3636

Australian Made, Australian Grown Campaign

Suite 109, 161 Park Street
SOUTH MELBOURNE VIC 3205
Telephone: 03 9686 1500 or 1800 330 520
Facsimile: 03 9686 1600
Email: ausmade@australianmade.com.au
Website: www.australianmade.com.au

Australian Mines and Metals Association

Level 10
607 Bourke Street
MELBOURNE VIC 3000
Telephone: 03 9614 4777
Facsimile: 03 9614 3970
Email: vicamma@amma.org.au
Website: www.amma.org.au

Australian Newsagents' Federation Ltd

Level 3
33-35 Atchison Street
ST LEONARDS NSW 2065
Telephone: 02 8425 9600
Facsimile: 02 8425 9688
Email: tracy@anf.net.au
Website: www.anf.net.au

Australian Paint Manufacturers' Federation Inc

Suite 1201, Level 12
275 Alfred Street
NORTH SYDNEY NSW 2060
Telephone: 02 9922 3955
Facsimile: 02 9929 9743
Email: office@apmf.asn.au
Website: www.apmf.asn.au

Australian Retailers Association

Level 2
104 Franklin Street
MELBOURNE VIC 3000
Telephone: 03 9321 5000
Facsimile: 03 9321 5001
Email: vivienne.atkinson@vic.ara.com.au
Website: www.ara.com.au

Bus Industry Confederation

PO Box 5112
BRADDON ACT 2612
Telephone: 02 6247 5990
Website: www.ozebus.com.au

Live Performance Australia

Level 1, 15-17 Queen Street
MELBOURNE VIC 3000
Telephone: 03 9614 1111
Facsimile: 03 9614 1166
Email: info@liveperformance.com.au
Website: www.liveperformance.com.au

Master Builders Australia Inc.

16 Bentham Street
YARRALUMLA ACT 2600
Telephone: 02 6202 8888
Facsimile: 02 6202 8877
Email: enquiries@masterbuilders.com.au
Website: www.masterbuilders.com.au

Master Plumbers and Mechanical Services Association Australia (The)

525 King Street
WEST MELBOURNE VIC 3003
Telephone: 03 9329 9622
Facsimile: 03 9329 5060
Email: info@mpmsaa.org.au
Website: www.plumber.com.au

National Baking Industry Association

Head Office:
Bread House
49 Gregory Tce
Spring Hill QLD 4000
Phone: 1300 557 022
Email: nbia@nbia.org.au
Website: www.nbia.org.au

National Electrical and Communications Association

Level 4, 30 Atchison Street
ST LEONARDS NSW 2065
Telephone: (02) 9439 8523
Facsimile: (02) 9439 8525
Website: www.neca.asn.au

National Fire Industry Association

PO Box 6825
ST KILDA RD CENTRAL VIC 3000
Telephone: 03 9865 8611
Facsimile: 03 9865 8615
Email: info@nfia.com.au
Website: www.nfia.com.au

National Retail Association Ltd

PO Box 91
FORTITUDE VALLEY QLD 4006
Telephone: 07 3251 3000
Facsimile: 07 3251 3030
Email: info@nationalretailassociation.com.au
Website: www.nationalretailassociation.com.au

Oil Industry Industrial Association

c/- Shell Australia
GPO Box 872K
MELBOURNE VIC 3001
Telephone: 03 9666 5444
Facsimile: 03 9666 5008

Pharmacy Guild of Australia

PO Box 7036
CANBERRA BC ACT 2610
Telephone: 02 6270 1888
Facsimile: 02 6270 1800
Email: guild.nat@guild.org.au
Website: www.guild.org.au

Plastics and Chemicals Industries Association Inc

Level 1, Unit 7, 651 Victoria Street
ABBOTSFORD VIC 3067
Telephone: (03) 9429 0670
Facsimile:(03) 9429 0690
Website: www.pacia.org.au

Printing Industries Association of Australia

25 South Parade
AUBURN NSW 2144
Telephone: 02 8789 7300
Facsimile: 02 8789 7387
Email: info@printnet.com.au
Website: www.printnet.com.au

Restaurant & Catering Australia

Suite 32
401 Pacific Highway
ARTARMON NSW 2604
Telephone: 02 9966 0055
Facsimile: 02 9966 9915
Email: restncat@restaurantcater.asn.au
Website: www.restaurantcater.asn.au

Standards Australia Limited

286 Sussex Street
SYDNEY NSW 2000
Telephone: 1300 65 46 46
Facsimile: 1300 65 49 49
Email: mail@standards.org.au
Website: www.standards.org.au

Victorian Automobile Chamber of Commerce

7th Floor
464 St Kilda Road
MELBOURNE VIC 3000
Telephone: 03 9829 1111
Facsimile: 03 9820 3401
Email: vacc@vacc.asn.au
Website: www.vacc.motor.net.au

