

## Respect at Work

### National Legal Assistance Partnership (NLAP) Review legal assistance sector submission

27 October 2023

The National Legal Assistance Partnership is currently being independently reviewed and includes a focus on a holistic assessment of legal need and all Commonwealth legal assistance funding. In this context, the Respect@Work Legal Assistance Community of Practice supports:

1. Continued implementation of Recommendation 53 of the Australian Human Rights Commission's *Respect@Work* Report via commitment to permanent, ongoing funding to legal assistance services under the National Legal Assistance Partnership
2. Investment in cross-sector collaboration through the development of a resourced national coordinated approach to Respect@Work legal assistance that includes:
  - an outcomes framework that measures the impact of Respect@Work legal assistance for clients and communities and includes a data coordination and evaluation plan;
  - a national communication strategy that promotes information regarding sexual harassment legal rights and the legal assistance services available;
  - coordination and development of resources and community legal education to reduce duplication and to build on the work of Respect@Work funded services
  - fostering of good practice through supporting collaborative and co-designed approaches to service delivery.

In March 2020, the Australian Human Rights Commission released its *Respect@Work: Sexual Harassment National Inquiry Report*, which made 55 recommendations directed at all levels of government for policy and legislative reforms to prevent and address marginalised workers experience of sexual harassment and intersectional experiences of discrimination. The legal assistance sector, including through the coordination of Legal Aid Commissions, contributed significantly to advocacy and policy submissions that informed the substantial *Respect@Work* reforms. The current federal government has committed to fully implementing all *Respect@Work* recommendations.

Recommendation 53 focuses on legal assistance and states:

*All Australian governments provide **increased and recurrent funding** to community legal centres, Aboriginal and Torres Strait Islander Legal Services, and legal aid commissions to provide legal advice and assistance to vulnerable workers who experience sexual harassment, taking into account the particular needs of workers facing intersectional discrimination*

As a part of this implementation, in December 2021, specific funding was allocated under the NLAP Bilateral Agreement to Legal Aid Commissions Aboriginal and Torres Strait Islander Legal Services (ATSILS) and community legal centres (CLCs) across Australia over four years to provide front-line support to address marginalised workers experience of sexual harassment and intersectional forms of discrimination. The services provided, and model for service delivery, in each relevant state and territory differ (noting that there are state-based efforts in some jurisdictions to collaborate at a high level as far as possible).

We welcome this investment in legal assistance services by the Federal government in response to sexual harassment and intersectional forms of discrimination, and the

recognition that legal service delivery is essential to meaningfully delivering the Respect@Work reforms and cultural change, that the government has committed to. This investment has resulted in the establishment of Respect@Work services in every jurisdiction in Australia. Through our experience, we know that the legal assistance provided by the sector is essential and effective and must be made permanent and ongoing to ensure that people who are sexually harassed and discriminated against in the workplace have access to information about their rights and assistance to seek redress and systemic change.

Ongoing funding and increased opportunities for better coordination of Respect@Work legal assistance services will also improve outcomes for Aboriginal and Torres Strait Islander people, who are more likely to face intersectional discrimination.

A 2018 survey found that more than half of Aboriginal and Torres Strait Islander workers said they had been sexually harassed in the previous five years (53%), a figure which is 20% higher than the general population of 33% (see Respect@Work Report, p.170).

Nationally available access to appropriately funded and culturally safe services is imperative for supporting Aboriginal and Torres Strait Islander workers, who are at higher risk of working in culturally unsafe environments. This in turn will facilitate achieving Targets 7 and 8 of the National Agreement on Closing the Gap which seek to increase the proportion of Aboriginal and Torres Strait Islander youth and adults who are employed. Continued funding beyond 2025 will ensure Aboriginal and Torres Strait Islander workers continue to be supported and protected from sexual harassment in the workplace.

Given the importance of the Respect@Work report's recommendations, and the Government's recognition of the need to take determinative and ongoing action to stop sexual harassment in Australian workplaces, alongside the ongoing and increasing demand for our services, we seek permanent funding under the National Legal Assistance Partnership to embed sexual harassment legal services as a core service of the legal assistance sector.

In the absence of this funding being continued beyond the current NLAP agreement in 2025, there is a real risk of community legal need not being met, loss of sector capability and expertise, and the trust and goodwill that has been built up within the community being damaged due to the inability to continue to offer services.

Ongoing funding for legal assistance delivery would be supported through improved investment in collaboration across Legal Aid Commissions, ATSILS and CLCs. With no specific Respect@Work funding allocated to coordinate legal service delivery and collaboration between the service providers, coordination has currently been led through communities of practice in some states and at a federal level using existing resources. Communities of practice have focused on systemic issues and common service delivery issues.

Improved Respect@Work investment could assist to provide national coordination to assess the impact of this funding, comprehensively promote services to the community, co-design processes for legal service delivery and client intake, develop coordinated resources and ensure that services are designed to meet gaps in current legal need. Coordinated and collaborative service design of sexual harassment legal service delivery would also likely result in service efficiencies and improvements, including through the sharing of resources, systems and/or processes in relation to community legal information and education, precedents, professional development, client intake and data and evaluation frameworks. We also note the role of culturally safe services provided by ATSILS, and any investment in

national coordination specifically include the work of ATSILS as community-controlled and preferred providers to Aboriginal and Torres Strait Islander women.

This document has been endorsed by:

Aboriginal Legal Service NSW ACT	Women's Legal Service Queensland
Aboriginal Legal Rights Movement	Women's Legal Service Tasmania
Aboriginal and Torres Strait Islander Legal Service QLD	Women's Legal Service Victoria
Aboriginal and Torres Strait Islander Women's Legal & Advocacy Service	Women's Legal Service WA
Caxton Legal Centre	Working Women Queensland – Basic Rights Queensland
Central Australia Women's Legal Service	Working Women's Centre SA
Circle Green Community Legal	
Disability Discrimination Legal Service	
Katherine Women's Information & Legal Service	
Legal Aid ACT	
Legal Aid Queensland	
Legal Aid NSW	
Legal Services Commission of South Australia	
Mackay Regional Community Legal Centre	
National Legal Aid	
North Queensland Women's Legal Service	
Redfern Legal Centre	
South-East Monash Legal Services	
Tasmania Legal Aid	
Top End Women's Legal Service	
Victoria Legal Aid	
Villamanta Disability Rights Legal Service	
WEstJustice	
Women's Legal Services Australia	
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