

SUBMISSION TO THE DEPARTMENT OF SOCIAL SERVICES

Consultation on the Second Action Plan under the National Plan to End Violence against Women and Children 2022–2032

Submitted by: Working Women's Centre Australia (WWCA)
In collaboration with the national Working Women's Centre (WWC) Network

Date: July 2026

Acknowledgments

We acknowledge the Traditional Custodians of the lands on which we live and work across Australia. We pay our deep respects to Elders past and present for their continuous custodianship and care of the land, sea and waterways. This was and always will be unceded land.

We also acknowledge the many women subjected to gender-based violence, workplace exploitation and insecure work with whom we work, and whose lived experiences inform this submission and our ongoing advocacy for systemic change.

This submission was developed through consultation across the national Working Women's Centre Network, including a national consultation meeting attended by Centres and network partners from across Australia, and written feedback provided by Centres and partners.

Case studies in this submission are drawn from the de-identified client work of Working Women's Centres and network partners across Australia. Names marked with an asterisk (*) are pseudonyms, and identifying details have been changed. This submission discusses domestic, family and sexual violence and may be distressing for some readers.

About Working Women's Centre Australia

Working Women's Centre Australia (WWCA) is the national peak body for Working Women's Centres (WWCs). WWCs provide free, confidential and trauma-informed legal advice, representation, social work support, education and advocacy to women experiencing workplace issues, with a focus on sexual harassment, discrimination and the workplace impacts of domestic, family and sexual violence (DFSV). Centres also deliver workplace training, organisational development and community education to help employers build safe, respectful and equitable workplaces. Throughout this submission we refer to women; our submissions are intended also to cover non-binary and gender diverse workers, who likewise experience gendered workplace harm.

Executive Summary and Overview

The Second Action Plan recognises that ending violence requires action across the places where people live, work, learn and connect. Workplaces are one of those places, and they matter twice over: they are sites where violence, harassment and discrimination occur, and they are central to how women experience, respond to and recover from violence occurring elsewhere. The National Plan has not traditionally had a strong workplace focus. The Second Action Plan should address that gap directly by explicitly recognising workplaces as a core part of the national response to DFSV and to preventing sexual harassment — not an adjacent setting, but infrastructure through which prevention, early intervention, response and recovery are delivered.

Sexual harassment remains widespread — one in three workers have experienced sexual harassment at work in the past five years — and reporting and accountability remain low.¹ At the same time, violence does not stop at the workplace door. Women experiencing violence continue to attend work while managing safety concerns, coercive control, trauma, legal proceedings, housing instability and

¹ Australian Human Rights Commission, *Time for Respect: Fifth National Survey on Sexual Harassment in Australian Workplaces* (2022).

financial insecurity. Whether they intend to or not, employers become part of a victim-survivor's response and recovery journey: decisions about leave, flexibility, accommodation, performance management and ongoing employment carry significant consequences for safety and economic security. Leaving an abusive relationship costs on average around \$18,000 and requires approximately 141 hours spent securing safety, housing, legal assistance and other supports.² For many women, losing employment means losing the practical resources needed to rebuild a safe life.

The consistent experience across the WWC Network is that workplace systems fail victim-survivors in two ways. Entitlements and protections that exist on paper are too often inaccessible in practice, because implementation, workplace culture and employer capability remain inadequate. At the same time, significant gaps remain in the law itself, including for sexual violence outside domestic relationships, workplace silencing, and high-risk settings. Both problems require attention. Working Women's Centres see both failures daily: the WWC service model — specialist legal assistance combined with wrap-around social work support and community and employer capability building — means Centres hold a distinctive evidence base on where workplace systems fail victim-survivors, and are central to how access to entitlements, accountability and prevention are delivered in practice. Economic security is a cross-cutting concern that runs through every section of this submission: violence-related workplace failures undermine income, workforce participation, recovery and long-term independence.

This submission responds to all five priority areas identified in the Consultation Paper from a workplace perspective. Sections 1 to 4 respond primarily to Priority Area 1 (victim-survivors); Section 5 responds to Priority Areas 2 and 3 (prevention and early intervention; children and young people); Section 6 responds to Priority Area 4 (people who use violence); and Section 7 responds to Priority Areas 2 and 5 (prevention and early intervention; system integration and workforce). It identifies seven priority areas for action:

- Safe disclosure and ending workplace silencing;
- Economic security, recovery and workforce participation;
- High-risk settings: mining, FIFO and employer-provided accommodation;
- Protecting women facing intersecting disadvantage;
- Young workers, education and prevention;
- People who use violence, workplace accountability and systems abuse; and
- Building capable and accountable workplaces.

Together, these reforms would strengthen women's economic security, improve workplace responses to violence and support the National Plan's objective of ending violence against women and children.

1. Safe Disclosure and Ending Workplace Silencing

Non-disclosure agreements (NDAs) remain the default tool for resolving workplace sexual harassment matters. Despite the AHRC's 2022 guidelines on the use of confidentiality clauses, research in 2024 found that 75% of lawyers still routinely used strict NDAs to resolve such matters, and that every sexual harassment matter resolved with compensation through the Australian Human Rights Commission (AHRC) in 2021–22 included confidentiality and non-disparagement obligations.³

NDAs are frequently negotiated at a point when victim-survivors are experiencing financial pressure, poor health and significant uncertainty about the legal process; in those circumstances, apparent

²Australian Council of Trade Unions costings developed for the paid family and domestic violence leave campaign; see SBS News, 'Cost of fleeing violent relationship is \$18,000 and 141 hours: ACTU' (November 2017).

³R Featherstone and S Bargon, *Let's Talk About Confidentiality: NDA Use in Sexual Harassment Settlements Since the Respect@Work Report* (University of Sydney Law School, 6 March 2024).

agreement does not reflect genuine choice. Broad confidentiality obligations impede recovery — in one survey, 95% of people who had signed NDAs reported negative mental health impacts associated with their inability to speak about their experiences⁴ — and they conceal repeat misconduct, limit organisational learning, undermine the positive duty and obscure the outcomes available to future complainants. Claims that NDAs lead to higher settlements remain largely anecdotal and are not supported by empirical evidence.⁵

Reform momentum is building. The AHRC's Speaking from Experience report (2025) recommended legislation restricting NDAs so they cannot be misused to silence victim-survivors or conceal patterns of misconduct;⁶ the Commonwealth Work Health and Safety (Sexual and Gender-Based Harassment) Code of Practice 2025 advises employers to avoid confidentiality clauses in settlements except to protect the harassed person;⁷ and Victoria has legislated to restrict NDAs in workplace sexual harassment matters, joining several comparable jurisdictions internationally.⁸ National legislation is the logical next step.

Case study. Tracey* worked in a real estate agency. After rejecting her manager's advances, her employment was terminated. With support from her Working Women's Centre she commenced a sexual harassment claim. Her employer's defence was funded through business insurance; Tracey, by contrast, had been unemployed for months, was behind on her mortgage and was experiencing serious mental health impacts by the time the matter reached conciliation. Her employer offered a settlement conditional on a strict NDA. Facing a further 12–18 months of litigation she could not afford, she accepted. She later learned that similar behaviour was continuing in the workplace. The process produced a settlement, but not accountability.

This submission contains few case studies on NDAs, because NDAs make the problem hard to evidence. WWC lawyers report that an NDA is expected in most matters that settle, and that clients who have signed one are often too afraid, or unsure if they are permitted, to speak about their experience, even confidentially.

Recommendation 1: Introduce nationally consistent legislation regulating the use of NDAs in workplace sexual harassment and discrimination matters, consistent with the AHRC's Speaking from Experience recommendations and building on the Victorian model. At a minimum, legislation should:

- ***prohibit NDAs unless requested by the victim-survivor, with access to independent legal advice and no coercion, pressure or inducement;***
- ***provide broad carve-outs permitting disclosure to health professionals, lawyers, unions, support services, family and trusted support people;***
- ***require NDAs to be time-limited at the victim-survivor's election, drafted in plain language, and incapable of endangering others or undermining the positive duty and work health and safety obligations; and***
- ***establish transparency and reporting obligations, regulatory oversight and accessible enforcement. WWCA's full 14-point reform package is at Appendix A.***

⁴Featherstone and Bargon (n 3) p 20, citing Speak Out Revolution survey data.

⁵Lisa Heap and David Peetz, *Submission to Industrial Relations Victoria Inquiry on Restricting Non-Disclosure Agreements (NDAs) in Workplace Sexual Harassment Cases* (Centre for Future Work at the Australia Institute, September 2024) [5].

⁶Australian Human Rights Commission, *Speaking from Experience: What Needs to Change to Address Workplace Sexual Harassment* (June 2025) p 62 and recommendations regarding NDA legislation.

⁷Part 7.4, *Work Health and Safety (Sexual and Gender-Based Harassment) Code of Practice 2025* (Cth).

⁸*Restricting Non-Disclosure Agreements (Sexual Harassment at Work) Act 2025* (Vic). The UK, Ireland, Canada and parts of the USA have also legislated to restrict the use of NDAs.

Silencing extends beyond NDAs

Working Women's Centre NSW and Women's Legal Service NSW report a sharp rise over the past decade in retaliatory legal claims against women who report, disclose or speak out about sexual harassment and sexual violence. Their casework includes defamation concerns notices issued for disclosures made privately, to the very institutions responsible for responding to violence or providing support — employers, police, hospitals, education and housing providers, health practitioners, and even close friends and family.⁹ In *Magar v Khan*, the Federal Court found that defamation threats made against an employee who had complained of workplace sexual harassment amounted to victimisation under the Sex Discrimination Act 1984 (Cth) — judicial recognition of how defamation law is used to deter and punish complainants.¹⁰

Case study. After reporting a sexual assault to police, a hospital, her education provider, her housing provider and her psychologist, Lilly* received a defamation concerns notice from the alleged perpetrator demanding that she retract her reports, apologise, pay damages and never speak about the assault again. Lilly maintained the truth of her allegations, but could not face lengthy and costly defamation proceedings in which she would effectively have to prove the assault in order to defend herself. She instructed her lawyers to negotiate a resolution. She later described feeling that the system protected the perpetrator, not the victim-survivor.

The law heavily favours plaintiffs in this context. A victim-survivor's statement is presumed false, and she bears the onus and cost of proving its truth in a civil court that lacks the procedural protections of the criminal jurisdiction. Average defamation damages have been found to be nearly four times higher than damages in equivalent sexual harassment litigation.¹¹ Absolute privilege now protects reports made to police in most jurisdictions, including NSW, Victoria, the ACT, Tasmania and the Northern Territory, but has not been enacted nationally — and nowhere does it protect reports to hospitals, employers, education or housing providers, or complaints bodies such as the AHRC.¹² Australia also lacks any meaningful anti-SLAPP protection. Successive reports — *Respect@Work* (Recommendation 39) and the ALRC's *Safe, Informed, Supported* — have called for reform.¹³ The weaponisation of defamation law is a form of legal systems abuse, which the Consultation Paper identifies as requiring systematic attention.

Recommendation 2: Protect good-faith disclosures of sexual harassment and sexual violence from legal retaliation by:

- ***amending the Model Defamation Provisions to grant absolute privilege to genuine reports of sexual harassment and sexual violence, and/or amending the Sex Discrimination Act 1984 (Cth), Fair Work Act 2009 (Cth) and work health and safety legislation to make such reports protected disclosures for the purposes of defamation law;***
- ***extending absolute privilege to reports made to employers, healthcare, education and housing providers, support services and complaint-handling bodies;***

⁹Working Women's Centre NSW and Women's Legal Service NSW, *Parliamentary Briefing for I'm Speaking: The urgent need for Non-Disclosure Agreement and defamation law reform* (2026).

¹⁰*Magar v Khan* [2025] FCA 874.

¹¹Margaret Thornton, Kieran Pender and Madeleine Castles, *Damages and Costs in Sexual Harassment Litigation: A Doctrinal, Qualitative and Quantitative Study* (Report to the Respect@Work Secretariat, 25 March 2022) 5.

¹²*Model Defamation Provisions* s 27(2)(b1). Beginning in 2024, several Australian jurisdictions — including NSW, the ACT, Victoria, the Northern Territory, and Queensland — have extended absolute privilege in defamation law to reports made to police. This privilege applies only to police; it does not extend to reports made to employers.

¹³Australian Human Rights Commission, *Respect@Work: Sexual Harassment National Inquiry Report* (2020) Recommendation 39; Australian Law Reform Commission, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* (ALRC Report 143, January 2025) 600.

- ***introducing gender-sensitive anti-SLAPP legislation that expressly treats gender-based violence, harassment and discrimination as matters of public interest and enables early dismissal of retaliatory proceedings with costs deterrents; and***
- ***implementing Respect@Work Recommendation 39 and ALRC Recommendation 46 on procedural protections for victim-survivors in civil proceedings.***

2. Economic Security, Recovery and Workforce Participation

Violence and work are deeply interconnected. Women experience violence at work, and violence occurring outside work follows women into the workplace through harassment, monitoring, threats and unwanted contact. Violence disrupts attendance, performance, housing, career progression and ongoing workforce participation: women managing violence must attend court, counselling, medical and housing appointments while managing trauma and, often, coercive control.¹⁴

Case studies. Jodie*, an early childhood educator, was experiencing domestic and family violence from a former partner, the father of her young children. After she attended a police station with her children, her former partner and his family began contacting her workplace in a campaign of harassment, pretending to be members of the public and making complaints about her. Her employer knew about her situation, knew the complaints were spurious, and knew the former partner had a history of stalking Jodie, including at her workplace. Nonetheless, the employer told Jodie they needed to let her go because they were scared of what her former partner might do to their business, including by leaving negative reviews online. She was terminated that day ‘for misconduct’, with one week’s notice, and left without income or support. Jodie sought advice from her Working Women’s Centre but ultimately chose not to pursue a general protections claim because of the impacts of the violence and the dismissal on her mental health.

Yee Ming* was the sole income earner for her family. When her partner perpetrated family violence, she obtained a violence restraining order to protect herself and took FDV leave to deal with the impacts of the violence and to attend court. Shortly after she returned to work, her employer called her into a meeting without notice and dismissed her — during her probationary period — because of her ‘personal circumstances’. With advice and assistance from her Working Women’s Centre, Yee Ming lodged a general protections claim.

These experiences demonstrate that women lose employment, workplace support and economic security not because violence has ended, but because workplace systems fail to recognise its ongoing impacts. Workers who develop psychological injuries following workplace sexual harassment or violence face further economic harm where complaints are not substantiated or workers compensation claims fail, compounding trauma with income loss.

Workplace supports remain difficult to access

Even where entitlements and supports exist, victim-survivors encounter significant barriers: concerns about privacy and confidentiality, stigma, rigid approval chains, employers approaching violence through a narrow incident-based lens, and demands to repeatedly disclose and prove traumatic experiences. Government has expressed concern about low uptake of paid FDV leave; the frontline experience of WWCs explains why uptake remains low and what would fix it.

Case studies. Rachna*, a sole parent of two school-aged children, worked full-time for a large financial services company while experiencing escalating violence from her intimate partner. The violence escalated in part because a coworker, who knew the couple socially, told Rachna’s partner that she was having a workplace affair and regularly reported to him when Rachna arrived at and

¹⁴Kate Fitz-Gibbon, Naomi Pfitzner and Ellen McNicol, ‘Domestic and family violence leave across Australian workplaces: Examining victim-survivor experiences of workplace supports and the importance of cultural change’ (2023) 56(2–3) *Journal of Criminology* 294.

left work and took her breaks. When Rachna needed time off to progress a protection order application, her employer did not tell her about her entitlement to paid FDV leave and directed her to use annual leave. On each later occasion when she sought FDV leave, her employer challenged her need for it and pressured her to provide extensive evidence about her situation before deciding whether she could take the leave.

Renee* was refused FDV leave on the basis that, because her relationship with the perpetrator had ended, she was no longer experiencing family and domestic violence — a misreading of both the purpose of the entitlement and the definition of family and domestic violence in the Fair Work Act 2009 (Cth), which expressly extends to violence by a former intimate partner.

Margot* works in a large public sector workplace whose FDV policy provides leave beyond the minimum NES entitlement. She requested extended leave so she could prioritise engagement with the crisis services already supporting her, make safety arrangements and manage the health impacts of violence on herself and her immediate family, and she provided evidence in support of the request. Her employer responded by demanding further information: whether she was currently in a safe environment, when the violent incident happened, whether medical treatment was required and details of that treatment, and what arrangements were in place for her ongoing safety, including alternative accommodation. The crisis and specialist services supporting Margot were best placed to assess risk and assist with safety planning; the employer's demands went well beyond what was reasonably required to approve the request. Faced with those demands, Margot did not proceed with the request and instead accessed personal leave. Only later, with WWC advocacy, was that leave recredited as paid FDV leave. Without that advocacy, she would likely have depleted a personal leave balance she may need in the future.

Lovisa* had worked full-time for a local government agency for over a decade when she unexpectedly became the primary carer for her niece, after her niece disclosed family violence by her parent — Lovisa's only sibling, who had used similar violence against Lovisa herself. Her employer granted FDV leave under the applicable Award and permitted five additional days beyond the legal entitlement. But for each day of leave taken over around 18 months, the employer first required a daily breakdown of every activity Lovisa needed to attend and how it connected to her and her niece's experiences of family violence — far beyond what was needed to satisfy a reasonable person of her eligibility, and retraumatising to produce. When Lovisa sought flexible working arrangements to balance her caring and professional responsibilities, her employer refused, even though she performed her role largely autonomously and remotely from home. The barriers her employer created also affected her niece, who became fearful that Lovisa would abandon her.

Chelsea*, a public sector worker, applied for FDV leave following a threatening and intimidating incident involving her estranged husband, so that she could put arrangements in place to separate safely before the situation escalated. The leave was initially approved but later reduced, because decision-makers concluded that the incident was not serious enough to justify the leave requested. The leave was serving its intended purpose — helping a worker leave an unsafe relationship before circumstances worsened — but the decision turned on the severity of a single incident rather than the purpose of the entitlement. Chelsea still took the time off, using other leave balances at her own cost. She lost trust in her managers, no longer feels comfortable disclosing personal circumstances at work, and describes feeling judged rather than supported.

Maxine* also works in a large public sector workplace with an FDV policy that provides leave beyond the minimum entitlement. When she enquired about accessing FDV leave, she was told that approval could only be given by an HR delegate. No longer comfortable making the request —

even after receiving advice about the confidentiality obligations that applied — she instead accessed other leave, depleting balances she may need in the future.

Talia*, a casual worker rostered at short notice, told her manager in advance that she needed to attend court in connection with family and domestic violence, and was simply not rostered on what would ordinarily have been one of her usual days. Her employer then denied her paid FDV leave for the court appearance on the basis that she ‘didn’t miss any shifts’.

Pregnancy, parental leave and insecure work heighten risk

Pregnancy and the period surrounding parental leave are times of heightened vulnerability to violence, and also times when women most depend on workforce attachment and economic security. WWCs regularly assist women who are made redundant during pregnancy or parental leave, or shortly after returning to work. WWCA's submission to the current inquiry into the National Employment Standards (NES) sets out detailed reforms, including a higher evidentiary threshold for establishing a genuine redundancy where a worker has taken parental leave in the preceding two years; a minimum entitlement to six weeks of employer-paid parental leave; and reforms to close the gender superannuation gap.¹⁵

Gendered economic inequality — including the gender pay gap, the superannuation gap and the concentration of women in insecure and low-quality flexible work — is itself a structural driver of vulnerability to violence. Recent national research demonstrates that poorly designed, employer-controlled flexibility pushes women into insecure, lower-paid arrangements that undermine earnings, superannuation and retirement outcomes, while well-designed flexible work supports women's workforce attachment, security and capacity to manage safety alongside work.¹⁶ Reforms that strengthen women's economic independence are prevention measures.

Artificial intelligence is the next frontier of this structural risk. AI adoption is expected to transform clerical, administrative, bookkeeping, customer-service and retail work — roles in which women are concentrated — while algorithmic rostering, surveillance and management tools are already reshaping frontline feminised sectors such as care, health, hospitality and education, even where the underlying jobs are not automated. Without a gender lens, AI reform risks repeating the pattern in which the costs of technological and structural change are absorbed disproportionately by feminised, lower-paid workforces. As the Australian Government considers AI reform, including possible national AI governance arrangements, gender impacts must be central: protections and transition support for workers in feminised industries affected by automation, investment in upskilling and reskilling women, transparency and consultation obligations where AI drives restructuring or automated management decisions, and protection of creative workers' rights, including copyright.

Recommendation 3: Recognise workforce participation and economic security as core components of both prevention of, and recovery from, DFSV. This should include:

- ***adopting employment and economic security outcomes as recovery indicators within the National Plan;***
- ***investing in specialist workplace legal, advocacy and job-readiness support services (such as NTWWC's Best Foot Forward program, which provides job-readiness and employment support to women affected by domestic, family and sexual violence) that assist victim-survivors to enter, remain in or return to employment;***

¹⁵Working Women's Centre Australia, *Submission to the Inquiry into the Operation and Adequacy of the National Employment Standards* (27 February 2026), Recommendations 8, 11, 14, 15 and 16.

¹⁶R Cooper, E Hill, B Churchill and N Young, *Good Flex, Bad Flex: Designing Flexibility for Gender Equality* (Working for Women Research Partnership, 2026).

- *progressing the NES reforms on redundancy protection, employer-paid parental leave and superannuation identified in WWCA's NES submission;*
- *ensuring AI and automation reform, including any national AI governance arrangements, applies a gender lens — with transition support and upskilling for women in feminised industries affected by automation, consultation and transparency requirements for AI-driven restructuring and management decisions, and protection of creative workers' rights, including copyright; and*
- *prioritising reforms addressing gendered economic inequality, including pay equity in feminised sectors, the gender superannuation gap, and equitable access to secure, high-quality flexible work.*

Sexual violence is not adequately covered by existing leave

Paid FDV leave does not extend to sexual violence perpetrated outside a domestic or family relationship, leaving many victim-survivors without any dedicated entitlement.

Case study. Murphy*, a casual worker in the amusement and recreation sector, was sexually assaulted by a colleague and, as a result of trauma, was unable to attend several rostered shifts. Because the perpetrator was not a family member or partner, she was not entitled to paid FDV leave or compassionate leave. She was left to negotiate ad hoc arrangements with her employer, without any policy framework to rely on, and lost income for missed shifts.

Recommendation 4: Remove barriers to workplace supports for victim-survivors by:

- *expanding violence-related leave so that victim-survivors of sexual violence can access workplace support regardless of their relationship to the perpetrator;*
- *reviewing FDV leave provisions to minimise disclosure requirements and clarify appropriate, limited evidentiary standards;*
- *confirming that leave can be used for safety planning, counselling, legal and family law proceedings and recovery activities, including forward planning, and recognising that recovery is long-term and rarely linear;*
- *strengthening privacy protections and providing workers with choice and flexibility in approval pathways; and*
- *developing national, trauma-informed guidance for employers administering FDV leave, supported by awareness-raising for workers and employers.*

3. High-Risk Settings: Mining, FIFO and Employer-Provided Accommodation

In mining, remote and FIFO settings, the line between work and home barely exists. Housing is frequently tied directly to employment, meaning workplace decisions determine whether a victim-survivor has somewhere safe to live. WWCA assist women who are effectively forced to continue living with perpetrators because of work arrangements and women facing disciplinary action or dismissal whose housing in a remote town is tied to their employment. HR staff watching these circumstances unfold do not know what they can do. Isolation, long swings away from home, alcohol culture and small, closed communities compound the risk — and NDAs are particularly corrosive in small communities where people may already know what happened, yet victim-survivors remain formally silenced.

Case studies. Ellie* was a teacher employed on a fixed-term contract in a remote regional community where there was effectively no private rental market: workers lived in employer-provided accommodation or with family members. Ellie was living with family, experiencing domestic and family violence, and needed alternative accommodation in order to be safe. Although employer accommodation existed in the community and vacant accommodation was reportedly available, she was refused access to it. Her employment arrangements compounded

the problem: there were significant questions about whether she had been provided with a proper employment contract, whether the contract was correct, and even whether it identified the correct employer — issues addressed only after she had left the job. Unable to secure safe housing, Ellie was forced to relocate from the community, losing her employment, incurring relocation expenses while moving with a young child, losing her local support networks, and ultimately leaving the state to find work. The experience so damaged her confidence and wellbeing that it took around two years before she felt able to seek advice — by which time most legal avenues were out of time. Her motivation in coming forward was not compensation; it was to ensure the same thing did not happen to someone else.

Western Australia's parliamentary inquiry into sexual harassment against women in the FIFO mining industry, 'Enough is Enough' (2022), made 24 recommendations, including standalone gendered violence training and stronger employer accountability.¹⁷ Implementation remains incomplete. The Second Action Plan should reinforce and nationalise the lessons of that inquiry: workplaces respond with urgency to fatalities, and gender-based violence warrants the same seriousness.

Recommendation 5: Address the heightened risks in mining, FIFO, remote and employer-accommodation settings by:

- ***establishing clear employer obligations regarding safety, relocation pathways and emergency accommodation where housing is tied to employment;***
- ***requiring gendered violence prevention obligations, including standalone gender-based violence training, in remote and FIFO workplaces;***
- ***reviewing and driving implementation of the outstanding recommendations of the WA 'Enough is Enough' inquiry nationally; and***
- ***recognising the particular silencing effect of NDAs in small and remote communities in NDA reform (Recommendation 1).***

4. Protecting Women Facing Intersecting Disadvantage

The Consultation Paper emphasises that experiences of violence, and access to support, are not the same for all people or communities. WWC casework confirms that marginalised women face compounding workplace harm and heightened barriers to safety and economic security.

- **Migrant women.** Almost half of migrant and refugee women experience sexual harassment in the workplace,¹⁸ and employment-reliant temporary visa conditions create inherent vulnerability to exploitation and silence, with racial discrimination compounding these harms. The Workplace Justice Visa and Strengthening Reporting Protections pilots should be extended and made permanent, and the list of accredited third parties expanded to include more community legal centres, including WWCs.
- **First Nations women.** More than half of First Nations employees (53%) report inappropriate race-based comments and assumptions at work, and only 40% report that their workplace is culturally safe.¹⁹ Racism compounds gendered violence, increases vulnerability to workplace harm and limits economic security. Key recommendations of the AHRC's National Anti-Racism Framework should be implemented.
- **Women with disability.** Women with disability experience very high rates of sexual harassment alongside profound barriers to workforce participation, with employment often low paid, insecure

¹⁷Community Development and Justice Standing Committee, Parliament of Western Australia, 'Enough is Enough': Sexual harassment against women in the FIFO mining industry (June 2022).

¹⁸Marie Segrave et al, *Migrant and refugee women in Australia: A study of sexual harassment in the workplace* (ANROWS, 2023).

¹⁹Centre for Indigenous People and Work (N Young, J Gilbert, O Evans and J O'Leary), *Gari Yala 2 (Speak the Truth): Centreing the Work Experiences of Aboriginal and/or Torres Strait Islander Australians in 2025-2026* (UTS, 2026).

or segregated. Positive duty implementation should specifically address the barriers and risks facing women with disability at work.

Case study. Anna* came to Australia on an international student visa with limited work rights. She is the only member of her family in Australia and English is not her first language. Anna was sexually assaulted by her employer, who was later imprisoned for the assault. She was twice hospitalised for her mental health following the assault and was diagnosed with PTSD, but received little explanation of what the diagnosis meant and inadequate support after discharge, encountering services with long waiting lists and strict eligibility criteria. Left in that vulnerable position, she was coerced into a relationship by a perpetrator of family and domestic violence, which culminated in her being locked inside the home without means of escape; she got out with the help of an FDV helpline. When Anna reached a Working Women's Centre, what she was seeking was basic: clarity and guidance about how Australian systems work and what she could do.

More broadly, the positive duty to prevent unlawful conduct currently exists only under the Sex Discrimination Act 1984 (Cth). Employers should be subject to an equivalent positive obligation to prevent all forms of discrimination, embedded consistently across the full suite of federal discrimination laws, so that the women described above are not protected against sex discrimination but left exposed to race, disability and age discrimination occurring in the same workplaces.

Recommendation 6: Ensure the Second Action Plan addresses workplace safety and economic security for women facing intersecting disadvantage, including by extending and expanding the Workplace Justice Visa and Strengthening Reporting Protections pilots, implementing key recommendations of the National Anti-Racism Framework, strengthening positive duty implementation for workers with disability, and extending the positive duty model across the federal discrimination law suite so that employers have a positive obligation to prevent all forms of discrimination.

5. Young Workers, Education and Prevention

Workplaces are where many young people first encounter gendered violence, particularly in youth-dominated industries such as retail and hospitality. Centres see relatively few young workers, but those who do reach a WWC frequently present with the most serious matters, including serious workplace sexual harassment in first jobs. This pattern suggests significant under-reporting driven by low awareness of workplace rights and reporting pathways, rather than low levels of harm. The transition into first employment is a point of particular vulnerability, compounded by young workers' economic insecurity and junior rates of pay.

Prevention should begin before young people enter the workforce. Respectful relationships education remains inconsistent and rarely addresses workplace sexual harassment, and teachers themselves experience significant sexual harassment, with their safety often overlooked when issues are reported.²⁰ Programs such as NTWWC's Basic Rights at Work, delivered in secondary schools, vocational settings and to young job seekers, equip young people to identify inappropriate conduct early and seek help; the former Student Wellbeing Boost demonstrated the value of funding schools to engage specialist organisations to deliver evidence-based education. Workplaces employing workers under 18 should also carry a higher duty of care, including child safety plans and Working with Children Check requirements for owners, managers and supervisors. Almost half (47%) of workers aged 15 to 17

²⁰ Australian Education Union. *Submission to the Human Rights Commission National Inquiry into Sexual Harassment in Australian Workplaces* (Melbourne: Australian Education Union, 2019).

experienced workplace sexual harassment in the preceding five years,²¹ yet there are few — and sometimes no — screening requirements for adults working alongside children in youth-dominated industries. The Standing Council of Attorneys-General has agreed to deliver national Working with Children Check reform, and the SDA has separately called for WWCC coverage to be extended to retail and fast-food workplaces;²² the Second Action Plan should connect with this reform window.

Recommendation 7: Strengthen prevention for young people at the school-to-work interface by:

- ***funding national rights-at-work and workplace sexual harassment prevention education prior to workforce entry, delivered by specialist organisations;***
- ***ensuring respectful relationships education addresses workplace sexual harassment;***
- ***funding targeted outreach and accessible reporting pathways in youth-dominated industries such as retail and hospitality; and***
- ***requiring child safety planning and screening in workplaces employing workers under 18.***

6. People Who Use Violence, Workplace Accountability and Systems Abuse

Workplaces are a missed early-intervention setting

The Consultation Paper identifies workplaces among the settings where people who use violence can be recognised and engaged before violence escalates.²³ WWC experience supports this. Specialist workplace training creates moments of recognition: participants in WWC programs have reflected, sometimes for the first time, on their own past use of violence. Almost every workplace is likely to include people who have used violence, and prevention programs need to be designed with that reality in mind. While the Fair Work Ombudsman and the Department of Employment and Workplace Relations provide employer guidance on family and domestic violence, awareness and uptake remain low, and there is very little guidance on responding when an employee is identified as using violence.

Recommendation 8: Recognise workplaces as a setting for early intervention with people who use violence, including by developing national guidance and manager training on proportionate, trauma-informed and safety-focused responses to employees who use violence; funding specialist-led training that builds employer capability to identify and respond safely; and driving awareness and uptake of existing Fair Work Ombudsman and DEWR guidance, including through the procurement requirements in Recommendation 11.

Perpetrator accountability in workplace processes

Employer responses to people who use violence are often blunt: allegations are met with minimisation or denial, dealt with through inappropriate informal processes such as mediation — particularly unsafe where current or former partners share a workplace — or handled without regard to proportionality. Workplace cultures that minimise complaints and disclosures embolden perpetrators and discourage victim-survivors from speaking up. Centres have also assisted in matters where perpetrators occupied roles such as HR manager or work health and safety consultant and were then involved in workplace investigations and meetings relating to complaints, with employers failing to remove them from internal processes despite obvious conflicts of interest. In one matter, an employer brought back a

²¹ Australian Human Rights Commission, *Time for Respect: Fifth National Survey on Sexual Harassment in Australian Workplaces* (2022).

²² Standing Council of Attorneys-General, *Agreement to Deliver National Working with Children Check Reform* (14 November 2025); Shop, Distributive and Allied Employees' Association, *Submission: Best Practice Review – Safe Work Australia* (November 2025).

²³ ANROWS and Department of Social Services, *Evidence to action: informing direction for the Second Action Plan* (Consultation Paper, May 2026), Priority Area 4.

manager previously accused of violence against a female employee and involved him in a process that appeared designed to push her out of the organisation. Outcomes proportionate to the nature and severity of misconduct, ranging from warnings and mandatory training through to termination, better support genuine accountability and behaviour change while maintaining victim-survivor safety.

Recommendation 9: Strengthen perpetrator accountability in workplace processes by developing national standards requiring conflict-of-interest checks in complaint handling, independent investigation where managers, HR or WHS personnel are implicated, and proportionate outcomes; and by ensuring positive workplace practice is recognised through procurement and funding settings.

Workplace-related systems abuse

Centres in more than one jurisdiction have independently observed perpetrators using workplace, professional and regulatory systems as tools of coercive control, retaliation and economic abuse. Examples include vexatious complaints to professional regulators such as AHPRA — which can result in a victim-survivor being stood down and drawn into lengthy investigations regardless of the complaint's merits — and perpetrators sabotaging victim-survivors' employment opportunities. The matters reaching Centres likely understate the prevalence of this conduct: workers in the professions most exposed, such as nursing, are highly unionised and rarely present to WWCs, and this form of abuse is seldom recognised for what it is by the systems processing the complaints. Its true prevalence is unknown, which is why research is warranted. Policy attention to systems abuse has to date focused on family law, policing and child protection;²⁴ its workplace and professional-registration dimensions are largely absent from current policy discussion, despite the Consultation Paper's call to systematically address systems abuse across sectors.

Case study. Abby*, a full-time FIFO worker at a remote mine site, lived in employer-provided accommodation while on roster. After she ended a consensual relationship with a colleague because of his escalating behaviour — including an occasion on which he entered her accommodation while she was showering and attempted to intimidate her — the colleague lodged a sexual harassment complaint against her, supplying intimate messages exchanged during the relationship. The employer commenced an investigation on the strength of material supplied by one party, before properly speaking with Abby. Like many FIFO workers, Abby did not maintain permanent housing away from site, so losing her job was also her main fear — it would have meant losing her housing altogether. With advice from her Working Women's Centre, Abby was able to go into the investigation and advocate for herself, putting the full context of the relationship before her employer.

Recommendation 10: Investigate and respond to workplace-related systems abuse by:

- ***funding research into the prevalence and patterns of the use of workplace, professional and regulatory systems as tools of coercive control and economic abuse;***
- ***recognising workplace-related systems abuse within the Second Action Plan's treatment of systems abuse;***
- ***developing guidance for professional regulators on identifying and managing potentially malicious complaints, including safeguards against automatic stand-downs; and***
- ***improving protections for workers subjected to retaliatory complaints.***

7. Building Capable and Accountable Workplaces

²⁴See National Domestic and Family Violence Bench Book, 'Systems Abuse', 3.1.11; *Family Law Act 1975* (Cth) s 102QAC (harmful proceedings orders).

Employers need greater capability

Many of the barriers described in this submission reflect capability gaps: many legal matters arise only because a workplace responded poorly to an initial disclosure. WWCs continue to encounter employers who misunderstand the purpose of FDV leave; approach violence through a narrow, incident-based lens; seek information beyond what is necessary; fail to appreciate that recovery is rarely linear; or discount the impacts of violence and trauma, including diagnosed psychological conditions, on attendance and performance.

Case studies. Daphne*, a survivor of domestic and family violence and a single mother, had spent several years out of the workforce before securing a full-time position with a small real estate business through an employment support program designed to help women return to work. Following a criminal history check, her employment was terminated. Her offending had occurred during an exceptionally difficult period marked by violence, trauma and substance use connected to her victimisation — and the relevant industry regulator did not consider her criminal history disqualifying for employment in the industry. The employer nonetheless made its own decision to terminate. Daphne lost her first significant opportunity to re-enter the workforce after years away, having already incurred childcare expenses to make her return possible, and now faces the financial uncertainty and stress of ongoing litigation. Criminal history screening serves legitimate purposes in many roles; the failure here was the absence of any contextual, trauma-informed assessment of offending connected to victimisation, consistent with the inherent requirements of the role. The Northern Territory's protection against discrimination on the basis of irrelevant criminal history — not available in all Australian jurisdictions — is directly engaged by cases like Daphne's.

Caitlyn* first engaged a Working Women's Centre about workplace discrimination arising from severe, high-risk domestic and family violence. Her former partner had jeopardised her work in the past, including by sabotaging job interviews, and she carries a criminal record arising from his actions. With ongoing support from WWC social workers, Caitlyn was able to leave the perpetrator and report him to police. Re-entering the workforce after time away, she is required to provide criminal history checks; one prospective employer questioned her in detail about an offence that was part of the violence perpetrated against her — an experience she describes as re-traumatising and re-victimising — and she did not get the job.

WWCs already deliver the capability infrastructure the National Plan needs, providing specialist workplace education across Centres: DFSV response and organisational development training, sexual harassment prevention training, workplace equality programs and training on responding to disclosures. Effective prevention training is specialist-facilitated, delivered to whole workforces in group sessions of meaningful length, and co-designed with victim-survivors and lived-experience expertise; compliance-style e-learning modules alone do not shift behaviour or culture. Two further issues require attention: who receives government funding to deliver workplace violence training, and what quality standards apply to that training. Governments should lead by example by mandating evidence-based training across the public service and through procurement, particularly in industries subject to government-led women's participation targets.

Recommendation 11: Invest in specialist-led workplace education, prevention and capability-building on DFSV through:

- ***a national workplace training strategy with ongoing funding for Working Women's Centres and other specialist providers, and support to scale proven programs nationally;***
- ***evidence-based quality standards for government-funded workplace violence training, developed with specialist providers and victim-survivors;***

- ***requiring completion of evidence-based DFSV prevention and response training as a condition of government procurement, and mandating it across public sector employment; and***
- ***victim-survivor co-design of workplace prevention and response initiatives.***

Accountability and access to justice

Capability alone is not sufficient. WWCs continue to observe delayed investigations during which complainants — rather than respondents — are stood down or directed onto leave; misuse of mediation; breaches of confidentiality; poor communication with victim-survivors; and inconsistent implementation of the positive duty. Complaints should be investigated promptly, with interim risk management that protects rather than penalises the complainant.

Case study. Helena* worked for a large employer in a male-dominated industry. Over several weeks, a colleague repeatedly attempted to kiss her, touched her inappropriately and made lewd remarks about her. When Helena reported the conduct and asked to work from home to distance herself from the perpetrator, her employer refused — advising her that remaining in the office, in ongoing contact with the perpetrator, would help her ‘acclimatise’ to his behaviour. Helena resigned because of her employer’s failure to address the harassment. With legal advice and assistance from her Working Women’s Centre, she negotiated a resolution to her matter, later describing the Centre’s support as allowing her to feel ‘safe’ and ‘lifted’ through the process.

Formal avenues also remain slow and costly. AHRC complaints can take more than twelve months to reach conciliation, and the cost of litigating beyond conciliation is prohibitive for most women — a dynamic that drives coerced settlement (see Tracey*, above). The Consultation Paper notes that the positive duty has not yet been significantly evaluated.²⁵ The AHRC’s compliance function requires adequate resourcing, and confidentiality restrictions should be adjusted so that compliance activity undertaken short of enforceable undertakings can be appropriately published, supporting transparency, organisational learning and public confidence in reporting.

Recommendation 12: Strengthen workplace accountability and access to justice by:

- ***adequately resourcing the AHRC’s positive duty compliance function and permitting appropriate publication of compliance activity;***
- ***developing national guidance on trauma-informed workplace investigations and psychosocial risk management, including interim measures that do not penalise complainants;***
- ***reducing delay in AHRC and related complaint processes; and***
- ***adequately funding community legal centres, including Working Women’s Centres, to meet demand from victim-survivors.***

Conclusion

Work can be a source of safety, independence and recovery — or another site where victim-survivors encounter barriers, disbelief and harm. The Second Action Plan should recognise workplaces as core infrastructure for prevention, early intervention, response and recovery, and act on workplace silencing, economic security, high-risk settings, access to support, employer capability and accountability. Working Women’s Centres across Australia already deliver the specialist legal assistance, education and prevention programs these reforms require. WWCA and the WWC Network urge governments to invest in and build on this foundation, and stand ready to assist with further evidence and consultation.

²⁵ANROWS and Department of Social Services (n 23), noting in relation to the positive duty that ‘to date there have not been significant evaluations to support its effectiveness’.

This submission has been endorsed by:



Appendix A – WWCA's 14 Recommendations for NDA Reform

This reform package reflects WWCA's national NDA campaign. The Restricting Non-Disclosure Agreements (Sexual Harassment at Work) Act 2025 (Vic) demonstrates that regulating NDAs is both feasible and achievable. Nationally consistent legislation must:

- 1.** Prohibit the use of NDAs to resolve workplace sexual harassment or discrimination complaints unless requested by the victim-survivor.
- 2.** Ensure victim-survivors have access to independent legal advice of their choosing before entering into an NDA.
- 3.** Address the misuse of non-disparagement clauses as well as confidentiality obligations.
- 4.** Prohibit employers and other parties from coercing, pressuring or inducing a victim-survivor to enter into an NDA.
- 5.** Define “workplace” broadly across all working relationships, including employees, apprentices, labour-hire workers, contractors, volunteers, students and public sector workers.
- 6.** Allow victim-survivors, including those who have previously entered into NDAs, to disclose their experiences to family, friends, support persons, medical practitioners, legal practitioners and trade unions.
- 7.** Allow victim-survivors to choose the period of time, if any, that confidentiality applies.
- 8.** Provide a 60-day cooling-off period during which a victim-survivor may withdraw from an NDA without penalty.
- 9.** Require NDAs to be drafted in plain, accessible language.
- 10.** Prohibit NDAs from putting the safety of others at risk or preventing employers from complying with their legal duties to prevent and respond to workplace sexual harassment and discrimination.
- 11.** Provide clear, accessible and victim-survivor-centred enforcement mechanisms.
- 12.** Require the Federal Government to review the legislation within a specified period after commencement.
- 13.** Require workplaces to report their use of NDAs in workplace sexual harassment and discrimination matters to the relevant regulator.
- 14.** Provide sufficient funding to Working Women's Centres and other specialist services to support awareness, education and implementation of the reforms.

Further information: WWCA NDA Campaign — <https://www.wwc.org.au/campaigns/nda-campaign-our-silence-is-not-for-sale/>; WWCA 14 Key Recommendations — <https://www.wwc.org.au/wwca-hub/nda-campaign/14-key-recommendations/>