



Australian human Rights Commission
[REDACTED]

Dear Mrs Jenkins,

Thank you for your letter dated 16 January 2019 where you invited Heads of Workplace Safety Authorities (HWSA) to participate in the National Inquiry into Sexual Harassment (Inquiry) in Australian Workplaces. This is an important Inquiry and topic for community consultation.

With respect to the Inquiry focus on the nature and prevalence of sexual harassment, I have requested a review of historic data held by the Department of Mines, Industry Regulation and Safety (Department), regarding matters where sexual harassment claims are raised and the policies for managing complaints.

The Department has recorded approximately 70 enquiries, where the term "sexual" is mentioned, from June 2016 to January 2019. There were two records of investigations primarily concerned with sexual harassment allegations. One of the matters was investigated by WA Police. After being made aware of this investigation and having discussions with WA Police, WorkSafe took no further action. For the second matter, no breach of employer duties, under the Occupational Safety and Health Act 1984, was identified.

The Department's processes for managing matters where claims of sexual harassment are raised, include referring complainants directly to the Equal Opportunity Commission (EOC). For circumstances where a caller is distressed or may require support and assistance, the process also includes referral to the Mental Health Emergency Referral Line.

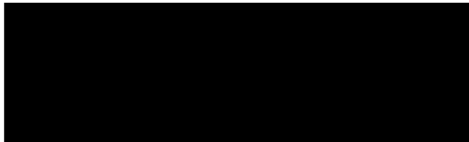
In Western Australia the EOC has specific legislation to address complaints of sexual harassment matters. As a safety regulator, WorkSafe is not sufficiently resourced and does not have the expertise to adequately address sexual harassment matters. Therefore these matters are appropriate to remain in the jurisdictional control of the EOC. The EOC is also better positioned to respond to the Inquiry in respect to the terms of reference that relates to drivers of harassment and measures to address sexual harassment.

In addition to reviewing the instances of claims of sexual harassment and processes, I have referred the details of the Inquiry to the Commission for Occupational Safety and Health, which is Western Australia's lead tripartite safety and health body, for information and awareness. This will assist in publicising the work of the National Inquiry with WorkSafe WA's key stakeholders.

I note that submissions will be treated as confidential although quotes or other references may be included in the final report. I have no issues with the submission being made public.

I thank you for the opportunity to provide a submission to the Inquiry.

Yours sincerely



Darren Kavanagh
WorkSafe Western Australia
Commissioner

5th February 2019

cc: Tanaya Roy



Inquiry Director