



EMPLOYMENT EQUALITY LAW SERVICE

PROGRESS REPORT
FIRST YEAR OF SERVICE
JAN-DEC 2023

WEstjustice

WEstjustice

Get in touch with us today. We can help with a broad range of everyday problems. Please call (03) 9749 7720 to find out more about our services or to make an appointment.

Werribee Branch

Level 1, 8 Watton St, Werribee VIC 3030
(03) 9749 7720

Footscray Branch

Workspace365, Level 2, 90 Maribyrnong St, Footscray VIC 3011 (temporary relocation)
(03) 9749 7720

Sunshine Youth Office Visy Cares Hub

80B Harvester Rd Sunshine VIC 3020
(03) 9749 7720

westjustice.org.au

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Westjustice acknowledges the Peoples of the Kulin Nation as the Traditional Owners of the lands and waters of our region. We acknowledge the Kulin Peoples' ongoing connection to Country, and we pay our respects to Elders past and present. As we work to achieve a just and fair society, we acknowledge the fundamental role of First Peoples in the life of this region, as Custodians of the world's oldest living Culture.

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INTRODUCTION

On 29 March 2023 Westjustice formally launched its Employment Equality Law Service (EELS), funded through the National Legal Assistance Partnership (NLAP). Over the past year, the EELS has become a core offering of our Employment Equality Law Program (EELP) forming an integral part of our vision for decent, safe and fair work for all.

This report sets out our achievements from the first year of the EELS with the intention of informing the implementation of the program in the second year.

In our first year of operating, from **1 January 2023 - 31 December 2023**, the EELS successfully delivered 88 legal services (comprised of legal advice, information and casework assistance) concerning workplace sexual harassment and discrimination to 67 individuals who live, study or work in the Melbourne's West*.

A key focus of delivering our service in Melbourne's West has been being visible and accessible in the community. To this end, in our first year we delivered 15 legal education sessions to over 275 members of the community and have delivered 24 community outreach stalls in public libraries in Melbourne's West.

We have solidified strong relationships with community organisations in Melbourne's West to ensure our services are reaching workers experiencing disadvantage who would otherwise be unable to enforce their workplace rights. These relationships have also been critical to ensuring we establish trust with the communities we service. We have also designed and delivered practitioner legal education training focused on issue spotting and simplifying referral pathways to our service from community organisations, such as migrant health and settlement services in Melbourne's West.

To ensure best practice service delivery and the facilitation of collaborative advocacy concerning workplace discrimination and sexual harassment, we have played an active role in state and national communities of practices. These communities of practice have enabled us to work collaboratively with services funded through NLAP to effectively provide front-line support to address workers experience of sexual harassment and discrimination.



JENNIFER JONES, EELP LEGAL DIRECTOR AT THE EELS LAUNCH



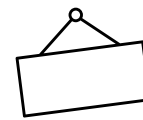
67
PEOPLE PROVIDED WITH
LEGAL ASSISTANCE



88
INSTANCES OF LEGAL
ASSISTANCE



15
COMMUNITY LEGAL
EDUCATION SESSIONS
DELIVERED



24
COMMUNITY OUTREACH
STALLS

**Statistics included in this report are accurate as of 31 December 2023. Data in this report is taken from administrative data and anonymous survey data. This is not a research report and as such is thematic and indicative only.*

WE ARE HERE TO HELP



 CALL US ON 03 9749 7720  EMAIL US AT ELP@WESTJUSTICE.ORG.AU



How can you book an appointment with our team?

If you have experienced or are experiencing sexual harassment or discrimination in the workplace and live, work or study in Melbourne's Western Suburbs, you can book a **FREE** and **CONFIDENTIAL** legal advice appointment (via phone or in person) with us by giving us a call or emailing us.



How can you refer a client to our service?

If you work with communities in Melbourne's Western suburbs including as a teacher, youth worker, social worker, settlement worker, or community worker, and you have a client who has experienced or is experiencing sexual harassment or discrimination in the workplace and that client also lives, works or studies in Melbourne's Western Suburbs, you can refer your client to us for a **FREE** and **CONFIDENTIAL** legal advice appointment.

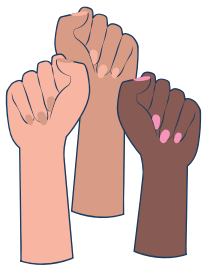
Call or email us with your client's consent and we can provide you with our referral form to complete.

Interested in booking in a legal education session?

If you work with communities in Melbourne's Western Suburbs who are interested in knowing more about their rights concerning workplace sexual harassment and discrimination, please get in touch with Program Manager, Rachel Athaide to request a free community legal education session by emailing us at elp@westjustice.org.au.

OUR PRIORITY AREAS

The foundations of the EELS are underpinned by our theory of change. Our theory of change focuses on understanding community needs to deliver short and long-term outcomes that:



REDUCE INEQUITY

Reduce and prevent experiences of discrimination and inequity experienced by women and other minority groups



IMPROVE KNOWLEDGE OF WORKPLACE RIGHTS

Improve our community's knowledge of what is unlawful behaviour at work and their rights if they experience this behaviour



INCREASE CONFIDENCE AND CAPABILITY TO IDENTIFY UNLAWFUL BEHAVIOUR

Enhance our community's ability to identify situations in which they are being subjected to discrimination and sexual harassment



EMPOWER CLIENTS

Increase our clients confidence to self-advocate or find assistance if they experience sexual harassment or discrimination

OUR CLIENTS

DEMOGRAPHICS

In our first year of operating, we assisted a range of clients who live, work and study in Melbourne's West who experienced workplace sexual harassment and/or discrimination.

The below statistics showcase our commitment to servicing diverse communities in Melbourne's West which include newly arrived migrant workers, culturally and linguistically diverse workers and people experiencing family and gender-based violence.



67

PEOPLE PROVIDED WITH
LEGAL ASSISTANCE



58%

IDENTIFIED AS FEMALE



71.6%

BORN OVERSEAS



80%

FROM CULTURALLY AND
LINGUISTICALLY DIVERSE
BACKGROUNDS



45%

SPOKE ANOTHER
LANGUAGE OTHER THAN
ENGLISH AS A FIRST
LANGUAGE



13%

REQUIRED AN
INTERPRETER



20

DISTINCT LANGUAGE
GROUPS RECORDED
ACROSS OUR CLIENT
GROUP



26

COUNTRIES OF BIRTH
RECORDED ACROSS OUR
CLIENT GROUP

EMERGING TRENDS

In our first year of operating, we delivered 88 discreet legal assistance services ranging from legal advice to legal tasks to ongoing representation.

Across the types of legal assistance provided we identified the following emerging trends:

Types of matters:

- 91.1% of clients sought advice about workplace discrimination;
- 8.9% of clients sought advice about workplace sexual harassment

Types of employment:

- 60% of clients were engaged in full-time work;
- 7.9% of clients were engaged in part-time work;
- 14.38% of clients were engaged in casual work; and
- 6% of clients were engaged as independent contractors.

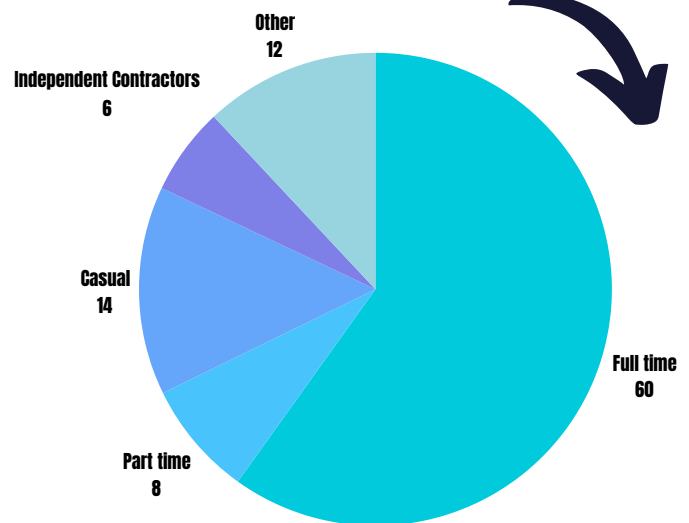
The most common industries our clients worked in were:

- 37.5% of clients were Professionals;
- 20.25% of clients were Labourers, Technicians or Trades Workers;
- 18.75% of clients were Community or Personal Service Workers; and
- 7.8% of clients were clerical or Administrative Workers.

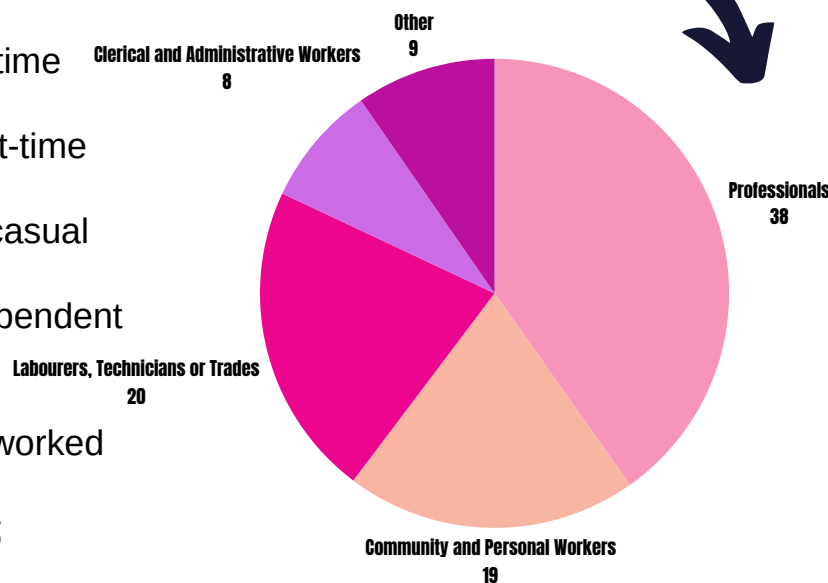
The most common types of employers our clients worked for were:

- 53% of clients were employed by large employers (50+ employees)
- 25% of clients were employed by medium sized employers (15-50 employees)
- 4% of clients were employed by small employers (15 or less)

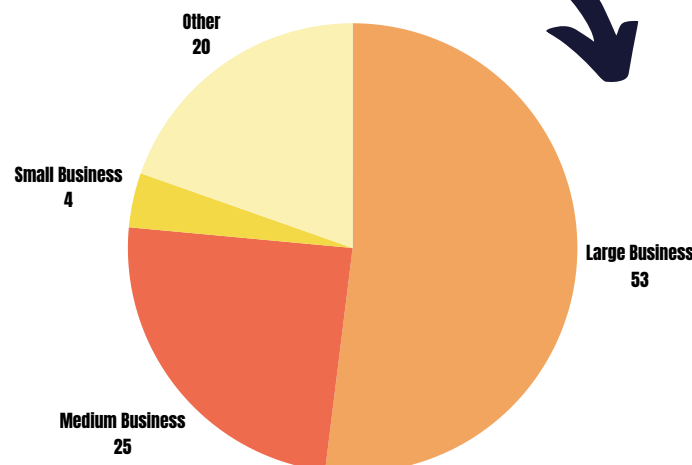
TYPES OF EMPLOYMENT



INDUSTRIES



TYPES OF EMPLOYERS



FEEDBACK FROM OUR CLIENTS

"I am grateful for the free legal service. Highly professional"

ANONYMOUS CLIENT



"My experience with Westjustice was really the best, so so helpful. The lawyer was very clear and concise and were able to help so much. I am really thankful, it was the best service I've ever received."

ANONYMOUS CLIENT

90%

OF CLIENTS SURVEYED STRONGLY AGREED AND AGREED THAT

THE LEGAL SERVICE PROVIDER (I.E. LAWYER) LISTENED TO THEIR LEGAL PROBLEM

50%

OF CLIENTS SURVEYED REPORTED

THAT IF THEY HAD NOT RECEIVED HELP FROM WESTJUSTICE, THEY WOULD HAVE GONE NOWHERE TO GET HELP



90%

OF CLIENTS SURVEYED STRONGLY AGREED TO AGREED THAT

THE WESTJUSTICE LAWYER COMMUNICATED CLEARLY AND WAS EASY TO UNDERSTAND

"You guys have been amazing from the first instance last year. It's greatly appreciated and I can't thank you guys enough for everything."

ANONYMOUS CLIENT

STRATEGIC IMPACT WORK



In our first year of operating, we worked hard to create systemic change by advocating for decent, fair and safe working conditions for our clients and communities.

Protections against family violence discrimination

We submitted a comprehensive submission to the Federal Government which advocated for stronger protections for workers against family violence discrimination.

Subsequently, in August 2023, the Federal Government announced a suite of reforms to the Fair Work Act, with one pivotal amendment being the prohibition of adverse actions by employers against employees who have experienced family violence.

This landmark change has elevated family and domestic violence to the status of a "protected attribute" under the Fair Work Act. This means that employers for the first time in history will be prevented under legislation from subjecting employees to family violence discrimination.

Improved access to justice for survivors of sexual harassment

We played a key role in systemic advocacy about federal anti-discrimination laws to provide enhanced protection for victim/survivors of workplace sexual harassment. Through collaborative efforts with other community legal centers, academics, and organisations as part of the "Power2Prevent Coalition", our joint advocacy resulted in the Federal Government's adoption of an equal access model for costs and introduction of a bill to change the legal position.

The equal access model for costs means that if victim/survivors of sexual harassment wish to pursue claims under federal anti-discrimination law, they are less susceptible to a costs order being made against them.

This achievement represents a significant step forward in empowering victim/survivors of workplace sexual harassment to pursue claims under federal anti-discrimination laws, notably improving access to justice.

We also completed several submissions to Government focused on improving safety and equality for our clients in the workplace.

- Our joint submission with JobWatch, South-East Monash Legal Service and UMSU Legal Service on the **Federal Government's Employment White Paper** outlining key areas of law reform including improvements to job security, fair pay and conditions, pay equity and equal opportunities for women in the workplace, improvements to labour market outcomes for those who are at risk of exploitation and the removal of systemic barriers to prevent exploitation of migrant workers.
- Our submission on the **National Strategy to Achieve Gender Equality** detailing urgent reforms required to remove entrenched gender inequalities in the workplace.
- Our submission on **Updating the Fair Work Act 2009 to provide stronger protections for workers experiencing discrimination** to advocate for domestic and family violence to be listed as a protected attribute so that victim/survivors of family and domestic violence are better protected under workplace laws.
- Our submission on the **Review into an appropriate costs model for Commonwealth anti-discrimination laws** outlining our vision for survivors of sexual harassment to have increased access to justice under commonwealth anti discrimination laws.

COMMUNITY ENGAGEMENT

We understand that in order to reach unmet legal need in the community, our service must be accessible and present. We therefore targeted our outreach to places that our community has told us they already go to for services and education, like libraries and shopping centres.

We also developed client resources, social media posts and free online training for community members and practitioners to better equip our communities with knowledge about their workplace rights concerning discrimination and sexual harassment.

100%

of all survey respondents from our legal education sessions reported feeling more confident to spot workplace discrimination

15

LEGAL EDUCATION SERVICES DELIVERED
275 PEOPLE REACHED



24

COMMUNITY OUTREACH STALLS/CLINICS IN COMMUNITY LIBRARIES

68 PEOPLE REACHED



#SOCIAL MEDIA

- 442 LIKES ON EELS POSTS
- 8983 PLAYS OF REELS
- 492 ACCOUNTS REACHED



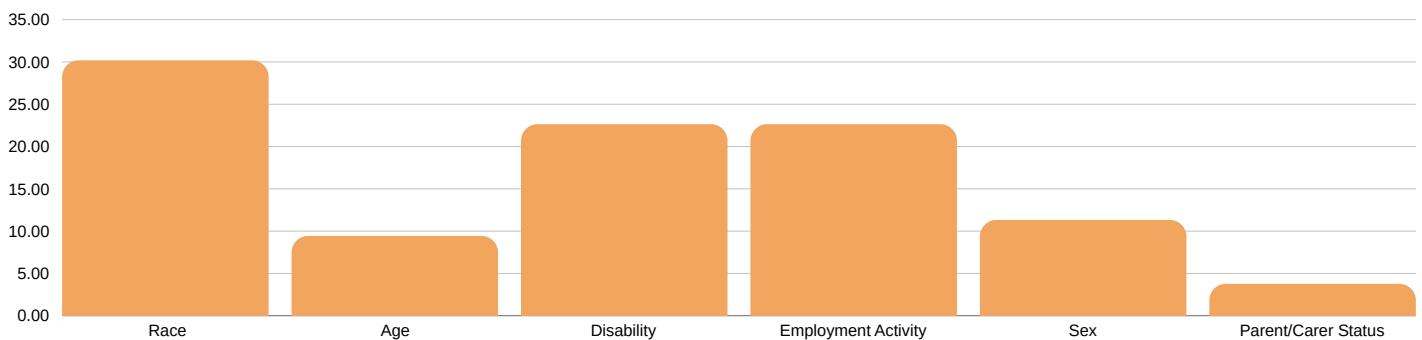
"When I have problems, I will go to WestJustice"
ATTENDEE OF CLE SESSION

WEstjustice





DISCRIMINATION



In our first year of operating, we serviced numerous clients with varied issues relating to workplace discrimination. The most common workplace discrimination issues we have seen are **race**, **disability** and **employment activity**.

IN THE SPOTLIGHT Race Discrimination

Our clients and stakeholders report race discrimination in the workplace to be the most common form of discrimination experienced by community members. For example, out of all clients serviced through our EELS 30% sought advice concerning workplace race discrimination.

The most common workplace race discrimination issues our clients experienced included employers targeting workers of a particular race to complete more work, subjecting workers of particular races to derogatory comments and subjecting workers of particular races to substandard working conditions and fewer entitlements. A significant barrier faced by our clients with race discrimination complaints is that their experiences are often difficult to connect to race within the limitations of the law.

Our clients' experiences of racism are marked by incivility in the workplace, and they often work in hostile work environments. However, currently anti-discrimination laws do not adequately recognise nor provide redress for experiences of racial incivility and hostility in work environments.

Research indicates that the disparity in the level of incivility experienced by racial minority groups cannot be explained by chance alone. Incivility in the workplace is commonly used to establish dominance over racial minorities in the workplace. Racial hostility will be a focus of our systemic advocacy in 2024.

CLIENT STORIES

RAMMY'S STORY

[READ MORE](#)

Rammy* is a recently arrived migrant who is the primary earner for his family.

Rammy worked as a labourer and observed many physical hazards at his workplace. Rammy was also subject to and witnessed multiple acts of race discrimination directed at people from his background. Rammy raised verbal and written complaints about what he observed in the workplace with his employer. When Rammy raised these complaints, he was further verbally abused and threatened about what would happen if he continued to raise complaints.

Rammy didn't know what to do. Rammy became unwell and was unable to attend work due to his health. Rammy was subsequently dismissed by his employer.

Our team at Westjustice assisted Rammy to lodge a general protections dismissal claim. We worked with Rammy to outline what had happened to him and breaches of workplace law perpetrated by his employer. As a result of our assistance Rammy was able to settle his matter for \$10,000 and a commitment with the workplace to better address and respond to workplace discrimination.



LYNN'S STORY

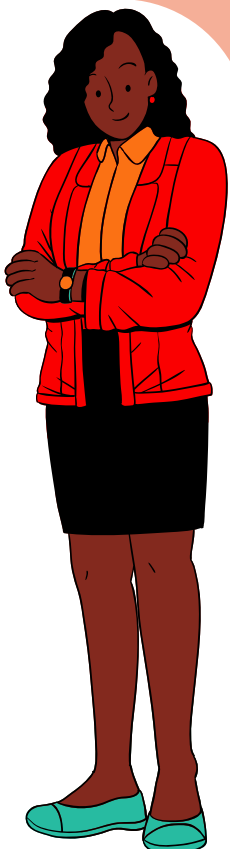
[READ MORE](#)

Lynn* was employed in a full-time role while concurrently experiencing family violence, which adversely impacted upon her mental health. Using her family violence leave entitlements, Lynn disclosed her circumstances to her managers in search of support.

Subsequently, Lynn's employer initiated a performance management plan, citing alleged poor performance, which exacerbated Lynn's mental distress. Shortly thereafter, Lynn was dismissed, with poor performance and absences cited as reasons for termination.

Westjustice intervened by assisting Lynn to file an unfair dismissal claim to dispute the allegations of poor performance and absences and represented her during conciliation proceedings. Through legal advocacy, a significant financial settlement for lost wages was secured.

Lynn's case highlights the intersection of family violence discrimination and workplace responsibilities, underscoring the importance of legal recourse in safeguarding employee rights amidst experiences of family violence.



SEXUAL HARASSMENT



In our first year of operating the EELS, we assisted a number of clients who experienced sexual harassment in their workplace.



71%
BORN OVERSEAS



85%
IDENTIFIED AS FEMALE



71%
WORKED FOR LARGE EMPLOYERS (OVER 50+ EMPLOYEES)



14%
SPOKE A LANGUAGE OTHER THAN ENGLISH AS THEIR FIRST LANGUAGE

Focus on multicultural communities

In our first year of operating, we identified four specific multicultural communities who were not accessing our service in the way other community groups were. These four multicultural communities are the Vietnamese, Afghani, Indian and South Sudanese communities. This was despite those communities comprising a significant proportion of our catchment area in the Western suburbs and meeting our service eligibility criteria.

To address this issue in service delivery, we successfully obtained a Victorian Law Foundation (VLF) Grant to examine the legal capability of these identified culturally and linguistically diverse communities.

The research we are undertaking this year in partnership with Monash University will seek to better understand the communities':

- experiences of intersectional discrimination and sexual harassment
- knowledge of and ability to access information about work rights and complaints processes
- ability to identify legal issues that can be resolved with advice and assistance from a lawyer legal service accessibility needs, including any cultural safety requirements or barriers to accessing services.

We will publicly report on our findings from the VLF Grant research and will use these findings to review our services so that we can make them more accessible to these communities.



MOVING FORWARD



In our first year of operating the EELS, we provided crucial employment legal services to communities in Melbourne's West. We both assisted members of the community to understand their workplace rights and protections prior to commencing work and provided assistance when those rights had been violated. In our first year of operating, we recorded race discrimination, disability discrimination and sexual harassment to be the most common workplace issues for our clients.

Moving forward we intend to focus our systemic advocacy on improving access to justice for our communities concerning the common workplace issues we have observed. Accordingly, we intend to focus our advocacy on enhancing protections against workplace race discrimination and improving protections for victim/survivors of family violence both at work and within the legal system.

In our second year of operating, we will also seek to address the findings from our Victorian Law Foundation Research Project. We will integrate the findings from our Project into our service delivery model to ensure our services are compatible with most effectively assisting multicultural people in Melbourne's West who have experienced sexual harassment and require legal assistance.

In continuing to ensure our services are meeting growing legal needs within the community, we will be opening additional appointments to the public to expand our services and exploring new outreach locations for service delivery. Our advice appointments will be open to anyone who lives, works or studies in Melbourne's West who has experienced or is experiencing discrimination and/or sexual harassment in the workplace.



SPECIAL THANKS



We would like to thank our volunteers, pro bono firms and pro bono Counsel who have dedicated their time to assisting our client through the EELS. In particular, we would like to thank:

- Siobhan Kelly of Counsel
- Joel Fetter of Counsel
- Declan Murphy of Counsel
- Imogen Szumer, Volunteer
- Emily Fyffe, Maddocks
- Tamsin Webster, Maddocks
- April Zahra, Slater and Gordon, and
- Emma Harper, Slater and Gordon

We thank the following firms for their continued support of the EELS:

- Maddocks, and
- Slater and Gordon

We also thank the Victorian Law Foundation for providing us a grant to conduct research into legal capability of particular communities in Melbourne's West concerning workplace sexual harassment. We would also like to thank:

- Monash University
- Human Rights Education Associates
- Adriana Orifici, Lecturer, and Director, Labour, Equality and Human Rights Research Group, Monash Business School, and

Thank you to our wonderful EELP team members who have assisted with the service across our first year. In particular:

- Jennifer Jones, Legal Director
- Rachel Athaide, Program Manager
- Joseph Lavelle Wilson, Program Manager
- Thea Debler Depold, Senior Lawyer
- Briana Ganesharajah, Senior Lawyer
- Morgan Cumming, Senior Lawyer
- Jeanette Dusabe, Lawyer
- Darren Boon, Lawyer
- Vicki Lamb, Project Manager
- Nilanka Goonetillake, Past Program Manager, and
- Francesca Lai, Past Program Manager.