

WORKPLACE HEALTH AND SAFETY

410. Ms C.M. COLLINS to the Minister for Industrial Relations:

I refer to the McGowan Labor government's commitment to supporting the health and safety of all Western Australian workers. Can the minister update the house on how the government is promoting the wellbeing of workers and strengthening protections against workplace bullying and sexual harassment?

Mr W.J. JOHNSTON replied:

I thank the member very much. I appreciate the question. I know the member's deep interest in advancing the rights of working people.

I am pleased to say that this government has put through Parliament and brought into law the Industrial Relations Amendment Bill 2021, one component of which is to provide jurisdiction to the Western Australian Industrial Relations Commission to address workplace bullying and sexual harassment for all employees covered by the state industrial relations system. This is an important reform. It mirrors provisions in the Fair Work Act. It makes it clear that 85 per cent of businesses in Western Australia—employers and employees in Western Australia's private sector workforce—are covered by the federal Fair Work Act, which includes all workers in the mining and oil and gas industry. But we want to provide benefits and protections for workers for whom we have responsibility in small businesses, so we have included in the legislation a provision that allows workers who suffer from workplace bullying and sexual harassment the opportunity to take that matter to the state Industrial Relations Commission. The legislation also provides for five days' unpaid family and domestic violence leave. We note that the Fair Work Commission has now awarded a superior entitlement, and we are committed now to go back and examine whether we can improve on the provisions in this new legislation. I have asked my agency to consider whether it should be done by general order. As minister, I have a right to seek a general order from the commission that would apply to all workers covered by the state jurisdiction, rather than needing to vary awards separately or come back and amend the legislation. I have asked them to consider that, because at the time that we passed the legislation, five days' unpaid family and domestic violence leave was considered a proper benchmark, but we now recognise that the community has moved on. We are seeing how we can improve on what has already been provided.

Noting that Western Australian employers have had no doubt since 1993, when the decision was handed down by the former Equal Opportunity Tribunal—now part of the State Administrative Tribunal—in its decision in the quite famous case *Horne and another v Press Clough Joint Venture* that employers have the sole responsibility to manage sexual harassment in workplaces. I congratulate the Australian Human Rights Commission, which has the principal responsibility in managing sexual harassment amongst employers, including all those in the mining industry and the oil and gas industry, as the regulator for incorporated businesses. In Western Australia, through the WorkSafe Commissioner, we have included a code of practice for workplace behaviour covering misconduct, prolonged conflict discrimination and harassment, and sexual harassment and bullying; a code of practice on psychological hazards in the workplace, including violence, aggression, fatigue, burnout, stress and trauma; and a code of practice on violence and aggression at work that provides guidance for workers who may have been exposed to physical assault, verbal abuse, threats, intimidation and harassment to make sure that employers fully understand their obligations so there are no longer any excuses for employers failing to meet their responsibilities in those areas.

I also let members know that, along with the Minister for Women's Interests, we have announced the appointment of Elizabeth Shaw, a prominent person in gender diversity issues, to review the Department of Mines, Industry Regulation and Safety's protocols. I make it clear that in response to the increased responsibilities of the WorkSafe Commissioner when he became responsible for the Mines Safety Inspectorate on 31 March, we will now have that external review of the role of DMIRS in handling complaints that might be received.

I also note that in conjunction with the Minister for Women's Interests and the Minister for Mental Health, we provided funding to a range of organisations to support mental health best practice in workplaces. That includes the WA Centre for Rural Health, the South West Aboriginal Medical Service, Juniper, People Diagnostix and Pivot Support Services, which will share around \$500 000 a year over the next four years. That is in addition to the grants we have provided to Lifeline Western Australia for its Resourceful Mind program, to Steering Healthy Minds in the transport industry and to Mates in Construction.

We know that the work is never done in this space, but with a Labor government, workers know for the first time that they have a government that is on their side. We want to continue to stand with victims and will provide whatever resourcing and assistance that we can. It is always traumatic when employees are being bullied at work. I know many people on this side of the chamber, and on that side of the chamber, had prior involvement in assisting people who were harassed at work, as either trade union officials, lawyers or workers in the not-for-profit-sector. I am pleased that as a Labor government, and as a minister on behalf of the McGowan government, we are able to continue that good work that so many people have been involved with over their working life.

Visitor — Sam Moyle

The SPEAKER: I would like to welcome to the Speaker's gallery this afternoon a guest of the member for Scarborough, Mr Sam Moyle, who is the cofounder of Ocean Heroes Australia. Welcome.