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As an employment lawyer, usually by the time a sexual harassment complaint is referred to me (whether by the complainant or the employer), the working relationship is so damaged that the complainant will ultimately leave the organisation and the value of their claim will be significant. I would like Commissioner Jenkins to consider the value of implementing access to interim orders akin to the types of orders available from the stop-bullying jurisdiction of the Fair Work Commission. These would not require any adverse judgement to be made of employers or staff and would merely serve to keep the complainant in safe employment while their complaint is processed.

When an employee is excluded from a workplace for a lengthy period as a result of their lodgement of a harassment complaint, psychological injury follows. I think interim orders would go some way towards reducing the adversarial nature of sexual harassment complaints and offer the complainant and the employer an opportunity to minimise the harm that is caused by the bringing of the claim (as opposed to harm caused by the harassment the subject of the claim).