

9 July 2021

Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600

via email: eec.sen@aph.gov.au

Dear Sir/Madam

Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021

We welcome the proposed amendments outlined in the Bill and support the efforts made to strengthen, streamline and simplify the regulatory frameworks that protect vulnerable workers and address unlawful workplace conduct. Clarity and simplicity of regulatory frameworks is critical to ensuring time-poor small business owners are able to properly implement regulatory requirements in their businesses. To ensure an efficient and effective compliance model we provide the following comments:

- In the first instance where an unintentional error occurs, small businesses should be provided with targeted education and guidance rather than be the subject of penalty proceedings. Despite best intentions, small businesses do not have the resources of their larger counterparts to manage complex and changing regulatory environments and as such, initial compliance activity should focus on education.
- To promote clarity regarding sexual harassment as a valid reason for dismissal, consideration should be given to listing “sexual harassment” also as a form of serious misconduct in the Small Business Fair Dismissal Code.
- We recommend that the Committee consider the timing of regulatory changes that will impact on small businesses. There are a large number of significant regulatory changes that have recently occurred or are occurring within the next 12 months. The cumulative effect of these changes, however important and worthy, results in a substantial compliance burden for small business.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr Rowen Murphy on 02 6213 7448 or at Rowen.Murphy@asbfeo.gov.au.

Yours sincerely



The Hon. Bruce Billson
Australian Small Business and Family Enterprise Ombudsman