



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

12 October 2022

Senator Nita Green
Chair
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

via: legcon.sen@aph.gov.au

Dear Chair

Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022

Thank you for the invitation to comment on the *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022* (the Bill). We endorse efforts from the Australian Government to create a safe and discrimination free workplace and support the intent of the Bill to increase protections for workers and minimise unlawful workplace conduct.

We note the introduction of a positive duty on employers and persons conducting a business or undertaking (PCBUs) may add to the complexity and regulatory burden already in place under existing frameworks. We encourage the Parliament to be mindful that when new regulations are introduced most small businesses do not have the resources to manage the change, and typically the time-poor owner running the business and managing several aspects must create time to understand and comply with regulatory changes. As such, we make the following comments.

- 1. We strongly support the requirement within the Bill for the Human Rights Commission (the Commission) to ensure that employers and PCBUs are supported to meet their obligations and achieve compliance.** To realise the intent of the Bill the Commission should provide clear guidelines for compliance with the positive duty and actively promote small and family business' understanding of their obligations.
- 2. Enforcement should prioritise targeted education over punitive measures.** The Bill provides that the Commission should ensure compliance with the positive duty in relation to sex discrimination. We recommend the Commission consider factors including lack of previous offences and the time a business has been operating when undertaking compliance activity.

The Commission could, for example, consider that where an unintentional error is made by a newly operational small business, that business be provided with targeted education rather than be subject to punitive measures. 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.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr Cameron Dyson-Smith on 02 5114 6105 or at Cameron.Dyson-Smith@asbfeo.gov.au.

Yours sincerely

The Hon. Bruce Billson

Australian Small Business and Family Enterprise Ombudsman

T 1300 650 460 E info@asbfeo.gov.au
www.asbfeo.gov.au

Office of the Australian Small Business and Family Enterprise Ombudsman
GPO Box 1791, Canberra City ACT 2601