



S.M.A.

NEWSLETTER

JUNE 2021

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Welcome to Our New Team Member

A very warm welcome to Peter Wrigley, our new solicitor, who has numerous years of litigation experience. Peter has come on board the S.M.A. team and is providing services to new clients as well as some of our existing clients. So a big welcome to Peter, it's great to have you on board.

ABC Radio Interview regarding Gender Equality

On Wednesday 16th June 2021, Susan Moriarty took part in a news-radio interview regarding one of Sydney's exclusive men's only club, when it voted to keep women out. For more info see the article: "Australian Club member quits after vote to exclude women" or to listen to the interview click the link below:

<https://www.abc.net.au/radio/newsradio/australian-club-member-quits-after-vote-to-exclude/13391770>

Latest Updates : as at 24 June 2021:

New Bill empowers Fair Work Commission ("FWC") to make Anti-Bullying / Anti-Harassment orders:

A number of FWC decisions have considered the meaning of "at work" in the existing anti-bullying jurisdiction and these principles will continue to be relevant to sexual harassment matters. A five-member FWC full bench ruling in 2014 said the concept of being "at work" includes both the performance of work (at any time or location) and when the worker is engaged in some other activity authorised or permitted by their employer. "A worker does not need to be performing actual work for the bullying or harassment to have a clear and temporal connection to work".

"Further, the FWC has reasoned that behaviour that occurs at work events, coffee breaks, or other activities that are closely connected to work are all within the jurisdiction".

New Leave Entitlement : "Miscarriage"

The Morrison Government has introduced legislation into the Senate that amends the Fair Work Act and Sex Discrimination Act to respond to Sex Discrimination Commissioner Kate Jenkins' landmark "Respect@Work" report, which includes two (2) days paid compassionate leave for workers who suffer miscarriages.

The Bill also amends the Fair Work Act to enable an employee to take paid compassionate leave if they, or their spouse or de facto partner, has a miscarriage.

Changes to the Fair Work Act would extend to :

- **Clarifying** that an anti-bullying order is available in the context of sexual harassment;
- **Amending** the Fair Work Act's s387 to clarify that sexual harassment can be conduct amounting to a valid reason for dismissal in determining whether a dismissal is harsh, unjust or unreasonable; and
- **Changing** the definition of "serious misconduct" to include sexual harassment.