



# WORKERS' RIGHTS PROGRAM: EQUALITY LAW SERVICE

## PROGRESS REPORT SECOND YEAR OF SERVICE 2024



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**Youth Branch**

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Westjustice acknowledges the Peoples of the Kulin Nation as the Traditional Owners of the lands and waters of our region.

We acknowledge the Kulin Peoples' ongoing connection to Country, and we pay our respects to Elders past and present. As we work to achieve a just and fair society, we acknowledge the fundamental role of First Peoples in the life of this region, as Custodians of the world's oldest living Culture.

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# INTRODUCTION

Westjustice's Workers' Rights Equality Law Service formally launched in 2023. As part of the service's monitoring and evaluation framework, we release an annual Progress Report at the end of each calendar year of service. Our 2023 Report can be found online [here](#). This report is our 2024 Progress Report and covers the period of service from 1 January 2024 to 31 December 2024.

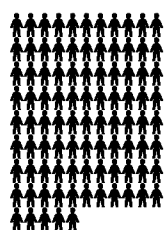
In our second calendar year of delivering the Equality Law Service, we have seen significant growth and impact across all areas of our work, delivering 117 services to 91 clients. Demand for the service has continued to rise with a marked increase in the number of workers within Melbourne's West seeking our assistance, support and guidance to navigate complex experiences of workplace exploitation, sexual harassment and discrimination. To meet this growing demand, we have reviewed the design of our service including increasing the number of available appointments per week.

A major milestone in 2024 was the successful launch of our first in situ health justice clinic at cohealth, Footscray. This is a ground breaking initiative for our program that embeds our legal service within a health setting, to reach clients who may otherwise face barriers to seeking legal support and accessing justice. This innovative model has strengthened our early intervention and cross sector collaboration, and reflects our ongoing commitment to best practice, accessible, place-based service delivery in Melbourne's West.

The year also saw us formally establish our community consultation group, a dedicated advisory body made up of community leaders, advocates and people with lived experience of workplace discrimination and harassment. Their guidance has been vital this year to ensuring our service continues to be grounded and shaped by community voices and needs. Their insights continue to influence our service design, outreach and advocacy priorities.

Throughout the year we delivered ten targeted community legal education sessions to 170 people across Melbourne's West to raise awareness about workplace rights concerning discrimination and harassment. Our legal education sessions form an essential part of our prevention and empowerment strategy to support workers in Melbourne's West understand their legal rights and take appropriate action to access justice.

In summary, this year has been one of deepening impact, strengthening relationships within the community and embedding community-led practice. We are proud to share our progress and continue contributing to more fair, safe and decent working conditions for all workers in Melbourne's West.



**91**

WORKERS PROVIDED WITH  
LEGAL ASSISTANCE



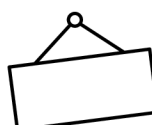
**117**

INSTANCES OF LEGAL  
ASSISTANCE



**10**

COMMUNITY LEGAL  
EDUCATION SESSIONS  
DELIVERED



**3**

HEALTH JUSTICE CLINICS  
DELIVERED



# WE ARE HERE TO HELP



 CALL US ON 03 9749 7720  EMAIL US AT [ELP@WESTJUSTICE.ORG.AU](mailto:ELP@WESTJUSTICE.ORG.AU)



## How can you book an appointment with our team?

If you have experienced or are experiencing sexual harassment or discrimination in the workplace and live, work or study in Melbourne's Western Suburbs, you can book a **FREE** and **CONFIDENTIAL** legal advice appointment with us by calling or emailing us.

## How can you refer a client to our service?

If you work with communities in Melbourne's Western suburbs including as a teacher, youth worker, social worker, settlement worker, or community worker, and you have a client who has experienced or is experiencing sexual harassment or discrimination in the workplace and that client also lives, works or studies in Melbourne's Western Suburbs, you can refer your client to us for a **FREE** and **CONFIDENTIAL** legal advice appointment.

Call or email us with your client's consent and we can provide you with our referral form to complete.

## Interested in booking in a legal education session?

If you work with communities in Melbourne's Western Suburbs who are interested in knowing more about their rights concerning workplace sexual harassment and discrimination, please get in touch with Program Manager, Rachel Athaide to **request a free community legal education session** by emailing us at [elp@westjustice.org.au](mailto:elp@westjustice.org.au).

# OUR PRIORITY AREAS



The foundations of the Equality Law Service are underpinned by our theory of change. Our theory of change focuses on understanding community needs to deliver short and long-term outcomes that:



## REDUCE INEQUITY

Reduce and prevent experiences of discrimination and inequity experienced by women and other minority groups

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## IMPROVE KNOWLEDGE OF WORKPLACE RIGHTS

Improve our community's knowledge of what is unlawful behaviour at work and their rights if they experience this behaviour

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## INCREASE CONFIDENCE AND CAPABILITY TO IDENTIFY UNLAWFUL BEHAVIOUR

Enhance our community's ability to identify situations in which they are being subjected to discrimination and sexual harassment

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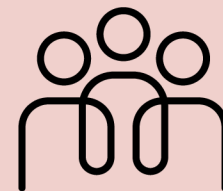


## EMPOWER CLIENTS

Increase our clients confidence to self-advocate or find assistance if they experience sexual harassment or discrimination

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# OUR CLIENTS



## DEMOGRAPHICS

In our second year of service we assisted an increased number of clients with complex workplace discrimination and sexual harassment problems. Across the year we saw a 35.8% increase in the number of workers in Melbourne's West accessing our service in comparison to 2023. This amounted to providing legal assistance to 91 clients, in comparison to 67 in 2023.

The below data showcases our ongoing commitment to servicing diverse communities in Melbourne's West.



**91**

WORKERS PROVIDED WITH  
LEGAL ADVICE AND  
ASSISTANCE



**71%**

IDENTIFIED AS FEMALE



**61.9 %**

BORN OVERSEAS



**66.3%**

FROM CULTURALLY AND  
LINGUISTICALLY DIVERSE  
BACKGROUNDS



**40.2%**

SPOKE ANOTHER  
LANGUAGE OTHER THAN  
ENGLISH AS A FIRST  
LANGUAGE



**6.4%**

IDENTIFIED AS ABORIGINAL  
OR TORRES STRAIT  
ISLANDER



**23%**

IDENTIFIED AS LIVING  
WITH A TEMPORARY OR  
PERMANENT DISABILITY



**22**

COUNTRIES OF BIRTH  
RECORDED ACROSS OUR  
CLIENT GROUP



# OUR SERVICES



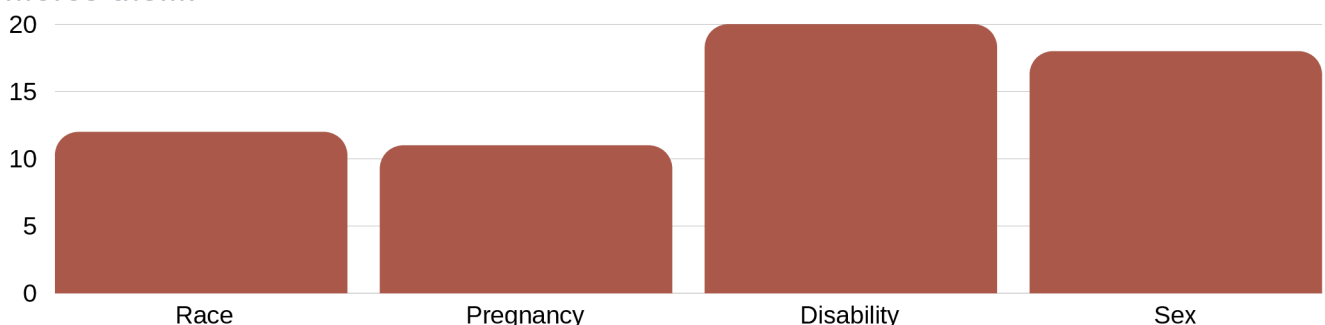
The Equality Law Service's second year of operating marked a period of both significant growth and tailored community engagement to more effectively engage with and meet the needs of priority cohorts within Melbourne's West. As our specialist knowledge in workplace discrimination and sexual harassment evolved through increased experience in running complex matters within state and federal human rights and fair work commissions, so too did our service delivery impact. This was reflected in an 32.9% overall increase in the number of legal assistance services provided to workers in Melbourne's West. In 2024 we delivered 117 individual instances of legal assistance, up from 88 services in 2023.

Of the 117 services provided, 83% focused on the provision of discrimination law advice, assistance and referrals and 14% focused on the provision of sexual harassment law advice, assistance and referrals.

## Discrimination



In 2024 we saw a 38.3% increase in the legal assistance services sought by workers in Melbourne's West concerning workplace discrimination. The four most common discrimination law problem types that workers sought our advice and assistance with were workplace **disability discrimination** (20%), **sex discrimination** (18%), **race discrimination** (12%), and **pregnancy discrimination** (11%). Many workers who sought advice in these areas expressed feelings of isolation or fear in addressing these workplace issues on their own, seeking our assistance to understand their workplace rights and enforce them.



## Sexual Harassment



This year we saw a significant increase in the legal assistance services sought by workers in Melbourne's West regarding workplace sexual harassment. Across the year we charted a 142% increase in the provision of sexual harassment advice and assistance services. We believe this reflects not just a growing awareness of rights but also an increase of trust within the community in our service as a safe place for survivors of sexual harassment to seek legal assistance and support from.

# WHAT OUR CLIENTS TOLD US



Since opening our service, we have received the below feedback from our clients



89% of clients surveyed reported that because of the legal advice they received **they understood more about their rights and responsibilities at work**

87% of clients surveyed reported that the **Westjustice lawyer helped them understand their options to resolve their legal problem**

85% of clients surveyed reported that because of the legal assistance received they **felt more confident to take action to address their legal problems**

24% of clients surveyed reported that if they **hadn't come to Westjustice for legal help, they probably would have not gone anywhere for help**

I love and appreciate the amazing support I have received. I would describe what I liked about the service by using the following words: active listening, understanding, non judgement, informative, clear communication, prompt responses, direct clarity and most of all provided hope at a stressful time.

ANONYMOUS CLIENT



I received excellent advice I was very grateful for as my pathway forward was affecting my mental health. I now feel more confident knowing my workplace rights and options.

ANONYMOUS CLIENT

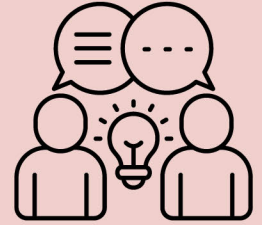
I am grateful for the free legal service. Highly professional and I hope the government supports Westjustice with funding. Customer service team were so efficient

ANONYMOUS CLIENT





# COMMUNITY EDUCATION & ENGAGEMENT



This year our CLE focused on equipping workers within the community with an understanding of their workplace rights concerning discrimination and sexual harassment.

## LEGAL EDUCATION

Across the year, we delivered ten community legal education sessions reaching 170 community members in Melbourne's West. We ran our legal education sessions in collaboration with local community-based organisations and tailored our sessions to meet the needs of our priority cohorts who face barriers in accessing legal information and assistance – particularly women, young people and recently arrived migrants.

Our free education sessions provided practical, plain language information about legal rights at work, how to recognise sexual harassment and discrimination in the workplace, and the legal and non-legal options for support and taking action. In our sessions we prioritised creating safe, inclusive and educative spaces where participants were encouraged to ask questions, share experiences, test their learnt understandings and build confidence in their ability to navigate workplace issues.

We also delivered education on sexual harassment and workplace gender equality to industry groups as part of the Sir Zelman Cowan's WorkWell Respect Network, funded by WorkSafe Victoria (see image on right).

## COMMUNITY CONSULTATION GROUP

In 2024 we designed, facilitated and launched our first Community Consultation Group (CCG) sessions. Our CCG is made up of community members, advocates, cultural leaders and people with lived experience of workplace sexual harassment and discrimination in Melbourne's West. The establishment of our CCG ensures that our service receives regular feedback, insight and strategic guidance.

In 2024 the Equality Law Service's CCG:

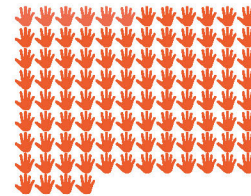
- Advised on cultural safety in the delivery of our workplace sexual harassment and discrimination services across various cultural and community contexts in Melbourne's West;
- Identified barriers to accessing legal services by members of the community from underrepresented and marginalised groups accessing our service and proposed solutions to more effectively target priority cohorts;
- Co-designed outreach and engagement strategies to strengthen trust, reach and responsiveness of our priority cohorts; and
- Supported continuous improvement through reflection, collaboration and accountability.

Following the success of our CCG, our Workers' Rights Program will be creating a program wide Advisory Group to ensure that our whole practice is centered in best practice and responsive to community need.



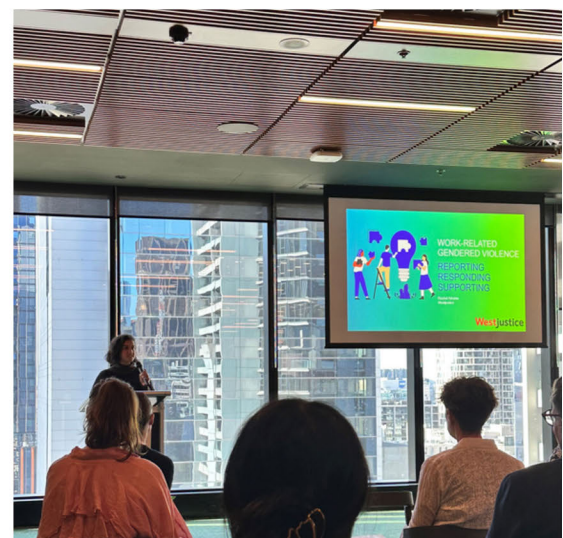
10

COMMUNITY LEGAL  
EDUCATION SESSIONS  
DELIVERED ACROSS  
MELBOURNE'S WEST



170

PEOPLE IN MELBOURNE'S  
WEST WERE PROVIDED  
WITH LEGAL EDUCATION



Westjustice



# NEW INITIATIVES



## SETTING UP OUR FIRST HEALTH JUSTICE CLINIC

Sexual harassment continues to be a widespread issue, especially for workers in insecure, low paid and casual jobs. For refugees and people seeking asylum in Australia risks are even greater. Many work within sectors where power imbalances are stark, supervision is minimal and protections lacking. Fear of losing a job, risking visas or not being taken seriously are reasons why many workers report staying silent about their experiences of sexual harassment.

In 2024 we collaborated with one of the largest community health providers in Melbourne's West, cohealth to deliver our very first health justice Equality Law Clinic. This pioneering initiative was designed to help break cycles of silence concerning workplace sexual harassment and to provide safe culturally appropriate legal support for people who may not otherwise access legal help, such as refugee and asylum seekers.

The legal clinic will be delivered monthly in collaboration with cohealth's Asylum Seeker and Refugee Health Team to bring together legal and health professionals in a collaborative setting where members of the community are encouraged to seek legal advice on matters directly impacting their health – such as workplace bullying, sexual harassment and discrimination.

This clinic was designed so that our service meets the community where they are in places they already go for support, such as community health centres and refugee health services. By embedding a legal clinic within a health setting we aim to:

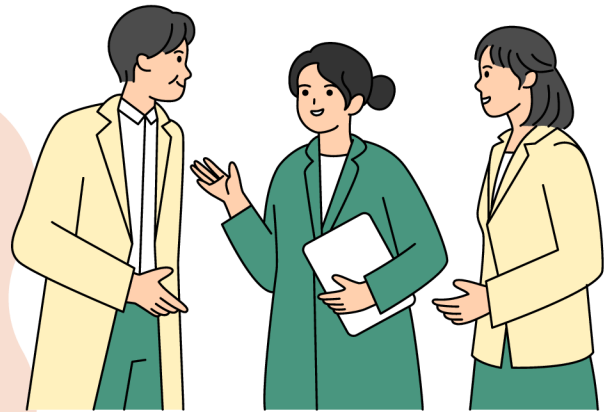
- **Break down barriers** for communities in Melbourne's West accessing legal assistance to address workplace discrimination and sexual harassment;
- **Create safe entry points** for victim survivors of sexual harassment to obtain trauma informed legal advice;
- **Identify legal issues early** before they escalate through warm referral pathways with health practitioners; and
- **Support health workers to spot legal red flags** and refer patients for legal advice where the assistance of legal advice improves health and life outcomes.



# CLIENT STORIES: FAMILY & DOMESTIC VIOLENCE DISCRIMINATION

## LEE'S STORY READ MORE

Lee\* had been working for her employer for 5 years. Over the course of her employment, Lee consistently received positive feedback about her work and output. After several years of employment, Lee told her manager that she had been a victim of severe family violence and had been required to spend time in hospital. Shortly after notifying her manager of her experience of family violence and the impacts of it, Lee's manager started to performance manage her and started picking on Lee in the workplace. Lee's manager directed her to complete an independent medical assessment because of her disclosure of family violence and the impacts of it. Lee was directed to take unpaid leave. Lee felt threatened by her manager's behaviour and understood that the reason she was suddenly being performance managed was because her work perceived her to be a problem in the workplace due to her experience of family violence.



## KAE'S STORY READ MORE



Kae\* worked at a company where her previous partner was employed. Kae was the survivor of serious and persistent domestic violence by her previous partner. Kae depended on her employment as her primary source of income and economic lifeline for herself and her children. When Kae disclosed to her employer her experience of domestic violence with her previous partner and requested adjustments to be made in the workplace to ensure that she would not be subject to ongoing violence, Kae was told by her manager that it would be best if she found somewhere else to work. Kae eventually had her employment terminated because of her disclosure of family violence and requests for safety measurements to be put in place at her workplace.

Kae was unable to enforce protections against family violence discrimination introduced by the Federal Labor government under the Fair Work Act 2009, because Victoria's discrimination laws remain silent on family and domestic violence as a protected attribute.



# LAW REFORM: DOMESTIC & FAMILY VIOLENCE DISCRIMINATION

As a result of the client stories we have heard and the limitations faced by clients in accessing justice as a result of workplace domestic and family violence discrimination, we have focused our advocacy efforts this year on advocating to reform state anti discrimination law to advocate for our clients to receive stronger workplace protections.

This issue has become a tier-one priority for our Workers' Rights Program and we will continue to work with our Policy, Impact and Engagement team to continue and extend our advocacy.



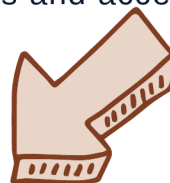
## THE ISSUE



The *Fair Work Act 2009* (Cth) (FWA) protects workers from adverse action, which includes discrimination, on the basis of a range of protected attributes under s.351. This protection includes the attribute of 'subjection to family and domestic violence'. However, under s.351(2)(a), a worker cannot enjoy full protection of s.351 if the action occurred in a place that does not prohibit the behaviour under its own anti-discrimination laws. This has the consequence that s.351(2)(a) of the FWA effectively restricts Victorian workers' right to enjoy the protection against family and domestic violence discrimination as there is no equivalent attribute under the *Equal Opportunity Act 2010* (Vic).

We consider this must be an unintended loophole of s.351 but without a corresponding amendment to our state anti discrimination laws, Victorian workers may have difficulty in pursuing claims related to family and domestic violence discrimination. We know from our casework that family and domestic violence discrimination is common in Victorian workplaces, particularly for already marginalised and/or casualised workers. However, the gap in Victoria's anti-discrimination law is causing unnecessary confusion and complexity for Victorian workers in understanding their legal protections and accessing justice.

## PROPOSED SOLUTION



To ensure that Victorian workers are afforded the same rights and protections as their counterparts in other states and territories relating to workplace family and domestic violence discrimination, we recommend the immediate amendment to section 6 of the *Equal Opportunity Act 2010* (Vic) (EOA) to include 'subjection to family and domestic violence' as a protected attribute.

This straightforward change would:

1. Enable victims of workplace family and domestic violence discrimination to confidently pursue claims against employers or perpetrators under both the FWA and EOA.
2. Align Victoria's anti-discrimination legislation with national standards, promoting a more equitable workplace.
3. Enhance legal protections for survivors of family and domestic violence across all areas of protected life under the EOA.



# SPECIAL THANKS



We would like to thank our volunteers, community consultation group, pro bono firms and pro bono Counsel who have dedicated their time to assisting our client through the ELS. In particular, we would like to thank:

- Members of our Community Consultation Group
- Nilanka Goonetillake, Counsel
- Imogen Szumer, Volunteer
- Emma Harper, Slater and Gordon
- Tyler Farr, Slater and Gordon

We thank the following organisation and firms for their continued support of the ELS:

- cohealth
- Maddocks
- Slater and Gordon
- Maurice Blackburn

We also thank the Victorian Law Foundation for providing us a grant to conduct research into legal capability of particular communities in Melbourne's West concerning workplace sexual harassment and discrimination. A report with our research findings will be published separately and will be available on the Westjustice website. We would also like to thank:

- Monash University
- Dr Adriana Orifici, Lecturer, and Director, Labour, Equality and Human Rights Research Group, Monash Business School
- Human Rights Education Associates

Thank you to our wonderful Workers Rights Program team members who have assisted with the service across our second year.

