

EQUALITY LAW CAPABILITY PROJECT

INSIGHTS ON THE LEGAL
NEEDS OF PEOPLE FROM
FOUR COMMUNITIES IN THE
WESTERN SUBURBS OF
MELBOURNE

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REPORT VERSION NO.1

ACKNOWLEDGEMENT OF COUNTRY

Monash Business School recognises that our Australian campuses are located on the unceded lands of the people of the Kulin Nations, and we pay our respects to their Elders, past and present.

This research was conducted in the western suburbs of Melbourne Victoria, and the researchers respectfully acknowledge the traditional owners of the land, the Bunurong and Wadawurrung People who also belong to the Kulin Nation.

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GLOSSARY OF TERMS

The following terms and abbreviations are used in this report.

ABS:	Australian Bureau of Statistics.
ADA:	<i>Age Discrimination Act 2004</i> (Cth).
AHRC:	Australian Human Right Commission.
AHRC Act:	Australian Human Rights Commission Act 1986 (Cth).
CLC:	Community legal centre.
CLSP:	Community Legal Services Program administered by VLA.
CALD:	Culturally and linguistically diverse.
DDA:	Disability Discrimination Act 1992 (Cth).
ELS:	Equality Law Service at Westjustice.
EOA:	<i>Equal Opportunity Act 2010</i> (Vic).
FWA:	<i>Fair Work Act 2009</i> (Cth).
FWC:	Fair Work Commission.
FWO:	Fair Work Ombudsman.
ISEALS:	International Students Employment and Accommodation Legal Service at Westjustice.
NLAP:	National Access to Justice Partnership 2025-30, formerly the National Legal Assistance Partnership 2020-25.
RDA:	<i>Racial Discrimination Act 1975</i> (Cth).
SDA:	<i>Sex Discrimination Act 1984</i> (Cth).
SJP:	Settlement Justice Partnership at Westjustice.
VEOHRC:	Victorian Equal Opportunity and Human Rights Commission.
VLA:	Victoria Legal Aid.
VLF:	Victoria Law Foundation.
Westjustice:	Western Community Legal Centre Inc.
WRP:	Workers Rights Program at Westjustice.
WCEC:	Wyndham Community and Education Centre.

EXECUTIVE SUMMARY

This Report presents the findings of a study focusing on people who live, work or study in the western suburbs of Melbourne and identify as belonging to the Vietnamese, Afghan, Indian or South Sudanese community (collectively, the Four Communities). Specifically, the study investigated the knowledge, attitudes, capability and needs of people from the Four Communities with respect to solving legal problems about workplace discrimination or sexual harassment. The study was led by Dr Adriana Orifici (Monash Business School) with Carol Ransley, Director, Human Rights Associates (who was a community engagement advisor for the study and moderator of all focus group interviews).

This study was funded by a VLF Knowledge Grant 2024 and prepared in collaboration with Westjustice to enable it to understand the legal service accessibility needs of people from the Four Communities with respect to issues about workplace discrimination and sexual harassment. The rationale for the study was to gain understanding of why people who identified as belonging to the Four Communities rarely, if ever, sought legal help from the ELS at Westjustice regarding problems about workplace discrimination or sexual harassment.

The research questions investigated in this study were as follows.

- How much do people from the Four Communities understand about the law and their legal rights regarding workplace discrimination and sexual harassment?
- What are the legal attitudes and capabilities of people from the Four Communities to solving problems about workplace discrimination and sexual harassment?
- What barriers are there to people from the Four Communities accessing a legal service like the ELS?
- What, if any, cultural needs do people from the Four Communities have when they seek help from a legal service like the ELS to solve a problem about workplace discrimination and/or sexual harassment?

Two categories of data were collected and examined in this study:

- quantitative and qualitative data from an anonymous online survey of people from the Four Communities conducted for the study from 18 October to 18 November 2024; and
- qualitative data from 8 focus group interviews conducted with people from the Four Communities for the study from March to May 2025.¹

In the absence of reliable data about the knowledge, attitudes, capability and needs of people from the Four Communities with respect to solving legal problems about workplace discrimination or sexual harassment, the study also drew on insights from wide-ranging studies of Australians' public understanding of law and legal needs.

This study examined anonymised data from 10 survey responses and 8 focus group interviews (with a total of 36 focus group participants). Due to the number of survey responses, the survey findings are not generalisable but offer important insights into the experiences and views of participants who were from the Four Communities, and who comprise 'hard to reach' subjects in socio-legal research. The focus group interviews also offered deeper qualitative insights into the perspectives of participants who were from the Four Communities.

Key **preliminary findings** were that study participants:

- often expressed understanding that laws about discrimination and sexual harassment applied in Australian workplaces, but did not express detailed understanding of the law in this area or options for pursuing a legal claim;
- in the focus group interviews had limited knowledge about free legal assistance services in Melbourne that could help them to solve problems about workplace discrimination and sexual harassment (such as Westjustice) and often asked for more information about these services;
- were often confident in their digital literacy and preferred to use online sources and networks to obtain legal information to solve a problem involving workplace discrimination and sexual harassment;
- often said they were more likely to use informal in-person or online personal and community-based networks to get help to solve a problem about workplace discrimination or sexual harassment than go to a lawyer and preferred getting help in a manner that preserved their anonymity;

¹ The people who completed the survey or participated in the focus groups all: were aged 18 years and over; lived, worked or studied in the western suburbs of Melbourne at the time; self-identified as belonging to one of the Four Communities.

- had mostly low to moderate levels of trust in lawyers, and wanted a lawyer to be recommended/ referred by family, friends or others within their community and for the lawyer to be able to meet individually, in private, and face-to-face;
- described concerns about the costs involved in getting help from a lawyer regarding a problem with respect to workplace discrimination or sexual harassment;
- described cultural barriers they had to making complaints at work, including about workplace discrimination or sexual harassment, whether through internal workplace processes or by making a legal claim;
- expressed preferences regarding how they wanted to communicate with a lawyer about a problem involving workplace discrimination or sexual harassment: they preferred to communicate in the language they mainly spoke at home (or through a skilled interpreter) or wanted to use digital translation software to help them understand the legal advice provided (either verbally or in writing); and
- had differing cultural safety needs, as well as needs arising from their individual intersectional identities (e.g. gender, disability), when seeking help from a private or community lawyer with a problem about workplace discrimination or sexual harassment.

While the study did not specifically investigate if participants experienced potential workplace discrimination or sexual harassment, several survey and focus group participants stated they had experienced a problem at work in Australia about potential discrimination or sexual harassment. In all but one of these instances, the participant did not seek legal help.

Recommendations were developed, based on the key findings above regarding legal knowledge, legal capability, legal attitudes and legal needs of the study's participants, to assist Westjustice to consider how the findings might be operationalised.

The following **recommendations** based on the research were offered for consideration.

Recommendation 1: Develop digital resources about the law and rights about workplace discrimination and sexual harassment and how these can be made most visible and available to online users and communities in Melbourne.

Recommendation 2: Provide targeted information about the ELS to people in the Four Communities online in a range of languages (e.g. via an online advertising campaign).

Recommendation 3: Develop video testimonials of past clients of Westjustice including with and by people who identify as belonging to one of the Four Communities and make these testimonials available online and in different languages.

Recommendation 4: Consider if any adjustments need to be made to in-person advice settings to ensure they are private and discreet and ask people who contact the ELS about privacy-related needs.

Recommendation 5: Consider options for an established process for referrals ('warm referral' pathway) to the ELS from local Police stations that receive inquiries about workplace sexual harassment.

Recommendation 6: Pilot an online 'chat' service for the ELS that allows people to make contact and ask for legal information anonymously.

Recommendation 7: Develop, in collaboration with members of the Four Communities, information and training resources for staff at Westjustice (including the ELS) about the communities' cultural needs.

Recommendation 8: Direct lawyers and staff at Westjustice to ask clients about any individual cultural needs at intake interviews and consider these needs in their advice.

Recommendation 9: Extend programs in which Westjustice lawyers provide in-person clinics at local community centres, with particular attention to centres that provide support for people from the Four Communities.

This study points to **pathways for future research** and **gaps in publicly available data**, including the need:

- for separate, in-depth empirical studies of the legal needs for each of the Four Communities;
- to investigate the legal needs of people in the Four Communities by interviewing community insiders, service providers and local leaders within the Four Communities; and

- for systematic and consistent collection and publication of anonymised data about complaints across the Commissions and Courts, including concerning requests by complainants for assistance from an interpreter (and if so in which language) to better understand the needs of people who make legal claims of workplace discrimination and sexual harassment.

PART 1 INTRODUCTION

1 BACKGROUND

This study examined the legal knowledge, attitudes, capability and needs, with respect to solving legal problems about workplace discrimination or sexual harassment, of people who live, work or study in the western suburbs of Melbourne and identify as belonging to the Vietnamese, Afghan, Indian or South Sudanese communities (collectively, the Four Communities). The study was completed by the researchers in collaboration with Westjustice and funded by a VLF Knowledge Grant 2024.

The Four Communities comprise 'diaspora communities'.² People in the study who identify as belonging to the Four Communities occupy many intersectional identities, but it is a participant's self-identification as belonging to one of the Four Communities that is the focus of this research.

Westjustice is a rights-based community legal centre based in Victoria that provides legal help to persons who live, work and study in the western suburbs of Melbourne, which comprises the local government areas of Maribyrnong, Brimbank, Wyndham, Hobson's Bay and Melton. It is principally funded by State and Commonwealth funding provided through the NLAP, which is administered by VLA under the CLSP.

Westjustice provides free legal and confidential services to eligible individuals. It provides information and advice about legal problems at work through the WRP. The WRP includes the ELS, which was established in 2022 and commenced providing services in March 2023. The ELS is funded under the NLAP, following recommendation 53 of *Respect@Work*.³ A key function of the ELS is to provide free legal help to eligible individuals about legal problems involving workplace discrimination or sexual harassment. It does so at in-person clinics, located at Westjustice offices in Sunshine and Werribee, and over the telephone.

Westjustice provides legal services to workers who are culturally and racially marginalised through the ELS, and also more broadly through its SJP and ISEALS.⁴ Westjustice also provides targeted legal services to workers through its Working Women's Centre Victoria (established in August 2024), and Youth Employment Program. Westjustice lawyers attend in-person legal clinics for the public at the WCEC (weekly) and at Cohealth Footscray for the ELS (monthly).

Westjustice maintains a database of all people who have sought legal help, including from the ELS. Westjustice uses this database to report on its services and for quality assurance and review purposes, including to identify demographic characteristics of people who have used the ELS, track trends in users of the service over time, and improve accessibility of the service. When people seek legal help from Westjustice, they are asked about their country of birth, their language spoken at home, and to self-identify their cultural background by way of cultural community groups. For example, a person may self-identify as having a Vietnamese cultural background because they were born in Vietnam, or they may be born in Australia but speak mainly Vietnamese at home.

In August 2023, Westjustice examined data it had collected about people who had sought legal help from the ELS between 30 June 2022 and 30 June 2023. This data showed that individuals who identified having Vietnamese, South Sudanese, Afghan or Indian cultural backgrounds had rarely, if ever, sought legal help from the ELS, despite meeting service eligibility criteria.⁵ However, people who identified as having these cultural backgrounds had sought help at higher rates from other services provided by Westjustice.⁶

This study was commissioned by Westjustice to better understand why people who identified as having cultural backgrounds from the Four Communities had not often or ever sought legal help from the ELS, and whether the ELS was culturally accessible to people from the Four Communities.

² Louise Olliff and Melissa Phillips, 'Introduction' in Melissa Phillips and Louise Olliff (eds), *Understanding Diaspora Development* (Springer, 2022) 1, 1–9.

³ AHRC, *Respect@Work: Sexual Harassment National Inquiry Report (2020) 770 ('Respect@Work')*. Recommendation 53 was for: '[a]ll Australian governments [to] provide increased and recurrent funding to community legal centres, Aboriginal and Torres Strait Islander Legal Services, and legal aid commissions to provide legal advice and assistance to vulnerable workers who experience sexual harassment, taking into account the particular needs of workers facing intersectional discrimination.'

⁴ The SJP is provided in partnership with the WCEC and MiCare, and the ISEALS is provided in partnership with the Study Melbourne Hub, South-East Monash Legal Service and JobWatch.

⁵ Specifically, in that period, the ELS had assisted one client who identified as having a South Sudanese cultural background, one client who identified as having a Vietnamese background, and four clients who identified as having Indian backgrounds, and no clients who identified as having an Afghan background.

⁶ Census data also indicates that people who were born in India and Vietnam make up a significant proportion of the population of the western suburbs of Melbourne, and people born in Afghanistan and South Sudan make up a significant proportion of humanitarian entrants to Australia: ABS, 'Australia's Population by Country of Birth, 2024' (30 April 2025) <<https://www.abs.gov.au/statistics/people/population/australias-population-country-birth/latest-release>>.

2 RESEARCH CONTEXT

There is a lack of targeted research about the legal needs of people who identify as belonging to any of the Four Communities and who have a legal problem about workplace discrimination or sexual harassment. Research and data in several fields of literature are, however, instructive in guiding research on this subject.

This study is conducted in the context of the legal framework that applies in Victoria, which sets out protections against workplace discrimination and sexual harassment. It is also informed by literature on the prevalence of discrimination and sexual harassment at work in Australia, legal needs in Australia, barriers to access to justice for people who have problems about workplace discrimination and sexual harassment and decolonising legal research. This context is set out in further detail, below.

2.1 LEGISLATIVE FRAMEWORK

Protections against discrimination and sexual harassment applicable to Victorian workers are principally set out in equality and labour laws.⁷ Firstly, in Victoria, discrimination in employment (based on prescribed attributes) is prohibited under the EOA,⁸ and each of the Commonwealth anti-discrimination statutes.⁹ In addition, 'sexual harassment'¹⁰ in employment is unlawful under the EOA and SDA.¹¹ Under both the EOA and SDA, an employer will be vicariously liable for the conduct of an employee or agent, unless the employer can prove it 'took all reasonable steps to prevent' the alleged conduct,¹² and victimisation is prohibited.¹³

The EOA, SDA and DDA also include certain positive duties that apply to employers. Specifically, under the EOA, employers must take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation as far as possible from their workplace.¹⁴ Under the SDA, persons including employers have a positive duty to take reasonable and proportionate measures to eliminate as far as possible conduct including unlawful discrimination on the ground of sex and sexual harassment.¹⁵ The SDA also includes other prohibitions, such as subjecting another person to a workplace environment that is hostile on the ground of sex.¹⁶ Duties of accommodation are also a form of positive duty,¹⁷ and the EOA requires employers to reasonably accommodate employees' parenting and carer responsibilities.¹⁸ The EOA and DDA oblige employers to make reasonable adjustments for employees with a disability, unless an exception applies.¹⁹

A person who has experienced unlawful discrimination and/or sexual harassment at work in Victoria can lodge a claim in the VEOHRC (for a claim under the EOA) or AHRC (for a claim under a Commonwealth anti-discrimination statute).²⁰ The agency in which the claim is filed provides conciliation services and can help the parties resolve their dispute confidentially. Alternatively, EOA claims can be lodged directly in VCAT.²¹ If the dispute cannot be resolved informally, the person can lodge a claim in VCAT (if it is a claim made under the EOA), or the Federal Court or Federal Circuit and Family Court of Australia (if it is a claim made under a Commonwealth anti-discrimination statute).²²

⁷ Sexual and gender based harassment is also a risk to health and safety at work and persons including employers hold a duty to eliminate this conduct so far as is reasonable practicable: *Occupational Health and Safety Act 2004* (Vic) s 21 ('OHS Act (Vic)').

⁸ *Equal Opportunity Act 2010* (Vic) pt 4 div 1 ('EOA (Vic)').

⁹ *Sex Discrimination Act 1984* (Cth) pt 2 div 1 ('SDA'); *Racial Discrimination Act 1975* (Cth) s 15 ('RDA'); *Age Discrimination Act 2004* (Cth) pt 4 div 2 ('ADA'); *Disability Discrimination Act 1992* (Cth) pt 2 div 1 ('DDA').

¹⁰ EOA (Vic) (n 8) s 92; SDA (n 9) s 28A.

¹¹ EOA (Vic) (n 8) s 93, 94; SDA (n 9) s 28AB.

¹² SDA (n 9) ss 106, 107.

¹³ EOA (Vic) (n 8) s 103; SDA (n 9) 47A; RDA (n 9) s 18AA; ADA (n 9) s 47A; DDA (n 9) s 42.

¹⁴ EOA (Vic) (n 8) s 15.

¹⁵ SDA (n 9) s 47C.

¹⁶ *Ibid* s 28M.

¹⁷ Beth Gaze and Belinda Smith, *Equality and Discrimination Law in Australia: An Introduction* (Cambridge University Press, 2017) 284.

¹⁸ EOA (Vic) (n 8) s 19. Cf SDA (n 9) s 7A.

¹⁹ EOA (Vic) (n 8) ss 20-29. Note, there no equivalent positive duties are set out in the ADA or RDA.

²⁰ *Australian Human Rights Commission Act 1986* (Cth) s 46P ('AHRC Act'). Any complaint of unlawful discrimination may be dismissed if it was lodged more than 24 months after the alleged conduct occurred: *Ibid* s 46PH(1)(b).

²¹ There is no time limit for lodging the application in VCAT, but it may be dismissed if it is lodged more than 12 months after the discrimination occurred. See *Lanigan v Circus Oz* (2022) 65 VR (2022) 371.

²² This must occur within 60 days of the AHRC issuing a Notice of Termination in relation to the claim: *AHRC Act* (n 20) s 46PH.

Discrimination in employment is also prohibited under the general protections set out in the FWA.²³ Specifically, persons including employers are prohibited from taking adverse action,²⁴ against another person because of a protected attribute.²⁵ The FWA also prohibits sexual harassment in connection with work,²⁶ and an employer can be vicariously responsible for the conduct unless it proves it took all reasonable steps to prevent the conduct.²⁷ Breaching this provision constitutes a civil penalty.²⁸

If an employee is dismissed and decides to pursue a claim under s 351 of the FWA based on discrimination, they must lodge the complaint in the FWC within 21 days of the date of dismissal.²⁹ The FWC will attempt to resolve the complaint informally. If this fails, the employee can lodge a claim in the Federal Court or Federal Circuit and Family Court of Australia. If the employee was not dismissed and makes a claim under s 351 of the FWA, the employee may apply for the FWC to resolve the claim (with the employer's consent). Otherwise, the employee can pursue a claim in court.

A worker who has experienced sexual harassment can apply to the FWC to deal with the dispute within 24 months of the conduct occurring.³⁰ A worker can request that the FWC: make a 'stop sexual harassment' order,³¹ deal with the dispute, or make a 'stop sexual harassment order' and otherwise deal with the dispute.³² A 'stop sexual harassment order' is intended to stop future conduct, and the FWC can make any order it considers appropriate (other than the award of money). If a worker applies to the FWC to deal with the dispute, the tribunal can do so by conciliation, mediation, making a recommendation or expressing an opinion,³³ with the dispute directed to past and future harm from the conduct. If the dispute is not resolved, the worker can apply for it to be resolved by the FWC by conference or arbitration (by consent),³⁴ or can lodge a claim in court.³⁵

2.2 PREVALENCE OF WORKPLACE DISCRIMINATION AND SEXUAL HARASSMENT

This study is conducted in a context where workplace discrimination and sexual harassment, while unlawful, remain prevalent in Australian workplaces.

One source of information on the prevalence of workplace discrimination and sexual harassment is complaints data published by equality commissions,³⁶ although these bodies do not take a consistent or coordinated approach to data collection.³⁷ For example, complaint statistics published by the AHRC highlight that it received 1,167 complaints under Commonwealth anti-discrimination statutes in the area of employment in the 2023/24 financial year.³⁸ Of those complaints made under the SDA, 314 related to the ground of sexual harassment although it is not clear from published data how many of those complaints arose in the area of employment.³⁹ In addition, the VEOHRC stated that it received 448 complaints and reports under the EOA in the 2023/24 financial year concerning discrimination in employment.⁴⁰

Decisions of courts and tribunals comprise a smaller subset of complaints lodged with labour and equality agencies. To establish the empirical foundations for this study, a database of all decided cases about discrimination and sexual harassment in employment in Victoria was prepared. The database spanned cases in the 2014-2024 FY (inclusive) under: Commonwealth anti-discrimination legislation; s 351 of the FWA. and the EOA. The table below sets out the number of claims of workplace discrimination or sexual harassment determined in relation to a claimant based in Victoria in that period.

²³ *Fair Work Act 2009* (Cth) s 351 ('FWA').

²⁴ *Ibid* s 342.

²⁵ The protected grounds are 'race, colour, sex, sexual orientation, breastfeeding, gender identity, intersex status, age, physical or mental disability, marital status, family or carer's responsibilities, subjection to family and domestic violence, pregnancy, religion, political opinion, national extraction or social origin': *Ibid* s 351(1).

²⁶ *Ibid* s 527D.

²⁷ *Ibid* s 527E. The FWA also enables workers to apply for an order to stop sexual harassment, see: *Ibid* Pt 3-5A Div 3(B).

²⁸ *FWA* (n 23) s 539, It 27A.

²⁹ Dismissal from employment for one or more of the grounds set out under s 772(1) comprises unlawful termination of employment under the FWA. If the claimant is not entitled to make a claim under s 351, the claimant may be entitled to make a claim under s 772 of the FWA. An industrial instrument, such as an enterprise agreement, may also cover and apply to an employee and include other relevant provisions.

³⁰ *FWA* (n 23) s 527G.

³¹ *Ibid* s 527J.

³² *Ibid* s 527F.

³³ *Ibid* s 527R.

³⁴ *Ibid* s 527R, 592.

³⁵ *Ibid* s 527T.

³⁶ The FWC does not publish data on the rate of complaints under Part 3-1 of the *Fair Work Act 2009* (Cth) (FWA).

³⁷ On the need for consistency in data collection see further AHRC, 'Respect@Work' (n 3) 121.

³⁸ These statutes are: *DDA* (n 9); *ADA* (n 9); *SDA* (n 9); *RDA* (n 9). See AHRC, *Complaint Statistics 2023/24* (November 2024) 2-3.

³⁹ See AHRC, 'Complaint Statistics 2023/24' (n 38) 19. Note, one complaint may relate to more than one area.

⁴⁰ Specifically, the annual report states that the VEOHRC received '...845 complaints and reports, raising 1,851 instances of discrimination, sexual harassment, victimisation, vilification, and change or suppression practices' and that employment was the setting where the discrimination occurred in 53% of complaints: VEOHRC, *2023-24 Annual Report* (October 2024) 18.

TABLE 1: DETERMINED DECISIONS WITH CLAIMANTS BASED IN VICTORIA, 2014-2024 FY

	Commonwealth Court	Victorian Civil and Administrative Tribunal	FWC	Total
SDA (Discrimination)				
SDA (Sexual harassment)	3			3
DDA				
RDA				
ADA				
FWA	7 ⁴¹		15	22
EOA		26		26
Total	10	26	15	51

Studies based on public surveys also illustrate that experiences of discrimination and sexual harassment remain widespread in Australian workplaces.⁴² For example, the Diversity Council of Australia found that, in 2023, 30% of workers had experienced discrimination and/ or harassment in the past 12 months,⁴³ and a national survey conducted by the AHRC in 2022 found that one in three Australians (33%) were sexually harassed at work (41% of women and 26% of men) in the last 5 years.⁴⁴

The gap between the number of decided cases and relevant complaints received by the AHRC and VEOHRC on the one hand, and the findings of surveys about the prevalence of workplace discrimination and sexual harassment on the other, indicates that complaints data and case law do not provide a complete picture of the prevalence of these problems in workplaces. Few people who experience workplace discrimination or sexual harassment proceed to make a formal legal claim.⁴⁵

It is challenging to discern the prevalence of experiences of workplace discrimination and sexual harassment of workers in Australia who are CALD, as data is very limited.⁴⁶ Labour and equality commissions do not publish relevant information when reporting complaints statistics. Case law includes little information to assist with understanding, although it is sometimes noted when a complainant requested the assistance of an interpreter.⁴⁷

People from CALD communities in Australia are also underrepresented in studies that investigate the prevalence of workplace discrimination or sexual harassment.⁴⁸ This gap might in part be explained by issues relating to accessibility and methodology of survey instruments.⁴⁹ The scope of analysis in existing studies can also differ, rendering it difficult to

⁴¹ Two of these decisions also included claims under the DDA (*Findley v MSS Security Pty Ltd* [2017] FCCA 2898) and the DDA and ADA (*Peters v Commonwealth* [2021] FCA 1624).

⁴² Even large-scale surveys may not reflect the extent of experiences of workplace discrimination and sexual harassment, however, as people might not view an experience as involving workplace discrimination and sexual harassment. See further, eg, Alysia Blackham, *Reforming Age Discrimination Law: Beyond Individual Enforcement* (Oxford University Press, 2022) 20.

⁴³ Rose D'Almada-Remedios, *Inclusion@Work Index 2023–2024: Mapping the State of Inclusion in the Australian Workforce Synopsis Report* (Diversity Council of Australia, 29 February 2024) 12.

⁴⁴ AHRC, *Time for Respect: Fifth National Survey on Sexual Harassment in Australian Workplaces* (AHRC, 2022) 12 ('Time for Respect').

⁴⁵ For example, a study by the AHRC in 2012 reported that barriers to reporting sexual harassment mean that fewer than 1 in 5 people who experience sexual harassment make a formal report or complaint: AHRC, *Working without Fear: Results of the 2012 Sexual Harassment National Telephone Survey* (AHRC, 2012) 5.

⁴⁶ AHRC, 'Respect@Work' (n 3) 182. Findings from a study by the AHRC, 'Speaking from Experience', which sought responses from workers from diverse backgrounds about experiences of workplace sexual harassment, are expected in July 2025.

⁴⁷ See, eg, *Tham v Hertz Australia Pty Ltd* [2020] VCAT 31.

⁴⁸ See, eg, review of literature in Sara Charlesworth and Catherine Deen, *Summarising the Evidence: Sexual Harassment at Work* (2023) 5.

⁴⁹ See, eg, the AHRC, which noted the national survey was conducted in English, it did not ask respondents questions about cultural or linguistic diversity and that 'additional barriers to survey participation may also be present...particularly those who do not speak English, low-socio economic migrants, international students, and humanitarian refugee holders': AHRC, 'Time for Respect' (n 44) 27. See also AHRC, 'Respect@Work' (n 3) 97.

compare findings of studies. For example, studies may focus on whether a person was a migrant or refugee,⁵⁰ or broadly examine CALD communities.⁵¹

Despite gaps and key variations in the research, studies suggest that people from CALD communities may be at increased risk of workplace discrimination and sexual harassment.⁵² For example, the Migrant Workers Centre found that 49% of 959 migrant workers it surveyed in 2023-2024 reported experiencing discrimination at work⁵³ and a study by Australia's National Research Organisation for Women's Safety (ANROWS) found that 46% of 701 surveyed migrant and refugee women had experienced workplace sexual harassment in the last 5 years in Australia.⁵⁴

2.3 UNDERSTANDING INTERSECTIONALITY AND WORKPLACE DISCRIMINATION AND SEXUAL HARASSMENT

People from CALD communities also have multiple, intersectional identities. Intersectionality recognises that causes of disadvantage or discrimination can coexist, intersect and overlap.⁵⁵ A person's identity is shaped by intersecting characteristics and grounds (such as, where relevant, gender, disability, age and socio-economic status),⁵⁶ and their vulnerability to workplace discrimination and sexual harassment can also be impacted by these intersecting characteristics and grounds. This illuminates the relevance of intersectionality to this study and the complexity of considerations of prevalence of workplace discrimination and sexual harassment among people who identify as belonging to a CALD community.

There are also, of course, significant differences between the lived experiences of people across each of the Four Communities. There is a paucity of studies that specifically examine the prevalence of workplace discrimination or sexual harassment of people from any of the Four Communities.

The interrelation between intersecting grounds is particularly relevant to the present study, noting that people from the Four Communities live, work or study in an area of Melbourne, Victoria where there is a higher concentration of indicators of disadvantage, including financial and socio-economic disadvantage. The wide-ranging study *Dropping off the Edge 2021* found 'disadvantage is disproportionality located in a small number of communities in Victoria',⁵⁷ and that 6 of the 13 most disadvantaged locations in Greater Melbourne (46%) were in the western suburbs of Melbourne.⁵⁸ Each of these 6 locations is an area of Melbourne within the scope of this study.

This examination of existing data and research illuminates that workplace discrimination and sexual harassment remains a pervasive issue in Australian workplaces, and that people from the Four Communities may be at a higher risk of experiencing these problems at work. This study is significant because it contributes to understanding the legal needs of people who may be vulnerable to workplace discrimination and sexual harassment including because they self-identify as belonging to a specific cultural community.

2.4 UNDERSTANDING LEGAL NEEDS

The legal needs of people from the Four Communities in relation to solving legal problems about workplace discrimination or sexual harassment are yet to be specifically examined, together or individually. In the absence of comprehensive and specific data, it is instructive to draw on research on legal needs in Australia, as well as law reform reports and previous qualitative and quantitative studies.

⁵⁰ Charlesworth and Deen (n 48) 5.

⁵¹ AHRC, 'Time for Respect' (n 44) 27.

⁵² See, e.g., Charlesworth and Deen (n 48) 5.

⁵³ Migrant Workers Centre, *Visa on Arrival and Migrant Worker Exploitation: 2023-24 Survey Finding* (2024) 9.

⁵⁴ Marie Segrave et al, *Migrant and Refugee Women: A National Study of Experiences of, Understandings of and Responses to Sexual Harassment in the Workplace* (ANROWS, 2023) 23–25. See also, eg, AHRC, 'Respect@Work' (n 3) 19; Charlesworth and Deen (n 48) 5.

⁵⁵ See Kimberle Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' [1989] (1) *University of Chicago Legal Forum* 139. See also Alysia Blackham and Jeromey Temple, 'Intersectional Discrimination In Australia: An Empirical Critique Of The Legal Framework' (2020) 43(3) *UNSW Law Journal* 773.

⁵⁶ The interrelation between intersecting grounds is particularly relevant to the present study, noting that people from the Four Communities live, work or study in an area of Melbourne, Victoria where there is a higher concentration of indicators of disadvantage, including financial and socio-economic disadvantage. The wide-ranging study *Dropping off the Edge 2021* found 'disadvantage is disproportionality located in a small number of communities in Victoria'. The report assessed 'disadvantage' according to a broad range of indicators, including income, education and unemployment as well as intergenerational and environmental disadvantage based on data provided by Commonwealth, State and Territory governments: Robert Tanton et al, *Dropping off the Edge 2021* (2021) 17–18. The report also identified that 6 of the 13 most disadvantaged locations in Greater Melbourne (46%) were in the western suburbs of Melbourne. These locations are: St Albans – North; Kings Park (Vic.); St Albans – South; Lalor; Sunshine North, and Sunshine West, each of which is an area of Melbourne in the scope of this study: Ibid 91.

⁵⁷ The report assessed 'disadvantage' according to a broad range of indicators, including income, education and unemployment as well as intergenerational and environmental disadvantage based on data provided by Commonwealth, State and Territory governments: Tanton et al (n 56) 17–18.

⁵⁸ These locations are: St Albans – North; Kings Park (Vic.); St Albans – South; Lalor; Sunshine North, and Sunshine West: Ibid 91.

The concept of 'legal needs' is contested.⁵⁹ This study adopts the working definition articulated by the OECD.⁶⁰ This definition reflects the close link between the idea of 'legal needs' and 'access to justice'.⁶¹ In short, an unmet legal need results in lack of access to justice, and comprises a health problem.⁶² For a legal need to be met, a person must have the requisite legal knowledge, attitude and capability to resolve the legal problem they have encountered, or access to suitable legal help to enable them to do so.⁶³ Addressing how 'legal needs' can be met promotes 'the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards.'⁶⁴

The two major studies of legal needs conducted in Australia are the Legal Australia-Wide (LAW) Survey (conducted in 2008) and the Victoria-wide Public Understanding of Law (PULS) Survey (conducted in 2022-2023).⁶⁵ Reports on the LAW Survey and PULS Survey provide rich datasets from face-to-face interviews about how people understand, experience and navigate a problem with a legal dimension.

Reporting on the LAW Survey, Coumarelos et al found that unmet legal need was widespread in Australia,⁶⁶ and coexisted with social, economic and health problems.⁶⁷ In addition, awareness of the existence of free legal services was consistently poor,⁶⁸ and people often did not know how to obtain legal assistance.⁶⁹

Reporting on the PULS Survey, Balmer et al identified that: there was a 'mismatch between legal service provision and the legal needs of the public';⁷⁰ most Victorians had a reasonable level of legal knowledge, but legal capability was unequally distributed and tied to disadvantage;⁷¹ and legal capability and disadvantage were not the same, as the effect of legal capability remained, with or without disadvantage.⁷² The authors also noted that the PULS Survey data broadly reinforced the central findings of the LAW Survey, above.⁷³

Balmer et al also identified that unmet legal need was particularly high in the case of problems about employment.⁷⁴ In addition, people whose main language spoken at home wasn't English also had: a particularly high percentage of legal needs going unmet;⁷⁵ 'poorer practical legal literacy';⁷⁶ and lower digital legal capability than people who mainly spoke English at home.⁷⁷ These findings suggest people in the Four Communities who face problems about employment

⁵⁹ Nigel J Balmer et al, *Everyday Problems and Legal Need: Vol 1* (Victoria Law Foundation, 2023) 26 ('PULS Volume 1'); Catherine Hastings, *Sector Perspectives: Legal Need in Australia* (Macquarie University, 2024) 9–10; Hugh M McDonald, Suzie Forell and Julie People, *Limits of Legal Information Strategies: When Knowing What to Do Is Not Enough* (Law and Justice Foundation of NSW, 2014). Cf OECD and Open Society Foundations, *Legal Needs Surveys and Access to Justice* (OECD, 2019) 24.

⁶⁰ OECD and Open Society Foundations (n 59) 24. Cf Balmer et al, 'PULS Volume 1' (n 59) 26. The definition is: '[l]egal need arises whenever a deficit of legal capability necessitates legal support to enable a justiciable issue to be appropriately dealt with. A legal need is unmet if a justiciable issue is inappropriately dealt with as a consequence of effective legal support not having been available when necessary to make good a deficit of legal capability. If a legal need is unmet, there is no access to justice.'

⁶¹ Hastings (n 59) 24.

⁶² See, eg, Lynne Haultian and Zhigang Wei, *Are Legal Problems Bad for Your Health? Are Health Issues Bad for Your Law?* (Victoria Law Foundation, 2025). On the definition of 'unmet legal need' see further Liz Curran and Mary Anne Noone, 'The Challenge of Defining Unmet Legal Need' (2007) 21(1) *Journal of Law and Social Policy* 63. The link between unmet legal need and health illuminates that it is two directional.

⁶³ This is associated with a process of 'naming, blaming and claiming', whereby a person 'names' a problem as a legal problem, identifies who is to 'blame' for the legal problem, and is willing and able to make a legal 'claim': William LF Felstiner, Richard L Abel and Austin Sarat, 'The Emergence and Transformation of Disputes: Naming, Blaming, Claiming' (1981) 15(3–4) *Law & Society Review* 631.

⁶⁴ UNDP (ed), *Programming for Justice: Access for All; a Practitioner's Guide to a Human Rights-Based Approach to Access to Justice* (2005) 5 ('*Programming for Justice*'). Cf OECD and Open Society Foundations (n 59) 24.

⁶⁵ Christine Coumarelos et al, *Legal Australia-Wide Survey Legal Need in Australia: Access to Justice and Legal Needs, Volume 7* (August 2012); Balmer et al, 'PULS Volume 1' (n 59). Data from these surveys has also been analysed including to draw out the 'public legal assistance policy implications'. See, eg, Pascoe Pleasence et al, *Reshaping Legal Assistance Services: Building on the Evidence Base: A Discussion Paper* (Law and Justice Foundation of NSW, April 2014). Similar comprehensive surveys have been undertaken in other countries, including the United Kingdom, Canada and the United States. For an overview and examples see further Ronald Macdonald, 'Access to Civil Justice' in Peter Cane and Herbert M Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (OUP, 1st edn, 2010) 493, 498–504.

⁶⁶ Coumarelos et al (n 65) xiv.

⁶⁷ *Ibid* xv.

⁶⁸ *Ibid* 209.

⁶⁹ *Ibid*.

⁷⁰ Balmer et al, 'PULS Volume 1' (n 59) 11.

⁷¹ Nigel Balmer et al, *Understanding and Capability: Vol 2* (No Vol 2, Victoria Law Foundation, 2024) 37 ('PULS Volume 2').

⁷² Nigel Balmer et al, *A New Perspective on Legal Need and Legal Capability: Vol 3* (Victoria Law Foundation, 2024) 14 ('PULS Vol 3').

⁷³ Balmer et al, 'PULS Volume 1' (n 59) 11.

⁷⁴ *Ibid* 14.

⁷⁵ *Ibid* 36. This differs from the finding of the LAW Survey, which found that people whose main language spoken at home was not English reported significantly lower rates of legal problems experienced than people whose main language spoken at home was English, however, this might indicate lower experiences of some legal problems, or it may reflect that respondents may not always recognise problems to be legal problems: Coumarelos et al (n 65) 2010.

⁷⁶ Balmer et al, 'PULS Volume 2' (n 71) 77.

⁷⁷ *Ibid* 158.

discrimination or sexual harassment, and whose main language spoken at home is not English, are at higher risk of having unmet legal needs.

The LAW Survey and PULS Survey form part of a broader body of research that has examined aspects of legal need in Australia.⁷⁸ Relevantly, studies have scrutinised the legal needs and problem-solving capabilities of people who have experienced legal problems about employment;⁷⁹ experienced financial or socioeconomic disadvantage;⁸⁰ are migrant women;⁸¹ are from CALD communities,⁸² and who live in certain geographical areas.⁸³ These studies present a nuanced picture of the factors that can lead to unmet legal need; they reinforce that a person's intersecting needs and identities can affect how they experience legal problems and whether and how they access legal help.

Experts have also investigated how legal assistance services,⁸⁴ and holistic and people-centred government strategies,⁸⁵ might be designed and delivered to respond to unmet legal need. Drawing on existing research and the LAW Survey data, Pleasence et al identified four themes to guide the development of public legal assistance services to people experiencing disadvantage.⁸⁶ These were that services should be: targeted to those most in need;⁸⁷ 'joined up' with other legal and non-legal services;⁸⁸ timely, and appropriate to users' needs and capabilities.⁸⁹

Pleasence et al also observed that while these four themes provided central guidance on the design of services, improving public legal assistance services was complex,⁹⁰ 'no one-size fits all, and it was necessary to consider the specific circumstances of the case.'⁹¹ This approach seems particularly important for people experiencing indicators of disadvantage. As succinctly observed by Buck and Curran, it is necessary 'to tailor advice [and obtain]...an understanding of how [disadvantaged and 'hard to reach'] groups experience legal problems, and how they access legal aid services.'⁹² It is also important for people from CALD backgrounds.⁹³ In terms of designing legal services, this research highlights that addressing unmet legal need not only involves consideration of the type of services offered, but how and to whom they are offered.

2.5 UNDERSTANDING BARRIERS TO ACCESS TO JUSTICE IN WORKPLACE EQUALITY LAW

Studies of legal needs are often described as part of a broader field of socio-legal research about 'access to justice'.⁹⁴ This field includes analysis of barriers to access to justice, some of which apply generally (e.g. costs, delays, complexity,

⁷⁸ Many short reports focus on aspects of the data from these surveys. For a review of this literature see further Hastings (n 59) 6. See also Pascoe Pleasence and Hugh McDonald, *Crime in Context: Criminal Victimization, Offending, Multiple Disadvantage and the Experience of Civil Legal Problems* (Law and Justice Foundation of NSW, 2013).

⁷⁹ See, eg, Sarah Randell and Catriona Mirrlees-Black, *Employment-Related Problems and Enquiries to Legal Assistance Services in NSW* (February 2020); Georgina Rychner and Hugh McDonald, *Problems at Work: Young People, Employment and Legal Need* (Report, 16 May 2024).

⁸⁰ See, eg, Christine Coumarelos et al, *Justice Made to Measure: NSW Legal Needs Survey in Disadvantaged Areas* (Law and Justice Foundation of New South Wales, 2006); Hugh McDonald and Zhigang Wei, *Concentrating Disadvantage: A Working Paper on Heightened Vulnerability to Multiple Legal Problems* (Law and Justice Foundation of NSW, 24 May 2013); Hugh M McDonald and Zhigang Wei, *How People Solve Legal Problems: Level of Disadvantage and Legal Capability* (Law and Justice Foundation of NSW, December 2023).

⁸¹ See, eg, Women's Legal Services NSW, *A Long Way to Equal: An Update of 'Quarter Way to Equal: A Report on Barriers to Access to Legal Services for Migrant Women'* (Women's Legal Services NSW, 2007) ('*A Long Way to Equal*').

⁸² See, eg, Lola Akin Ojelabi, 'Adopting Culture-Specific Dispute Resolution Processes in Australia: Which Way Forward for Access to Justice?' (2015) 29(3) *Australian Journal of Family Law* 235 ('Adopting Culture-Specific Dispute Resolution Processes in Australia').

⁸³ Delphine Bellerose and Catriona Mirrlees-Black, *Need for Legal Assistance Services (NLAS) Indicators – 2021 Census Update* (Law and Justice Foundation of NSW, 2021).

⁸⁴ See, eg, Pleasence et al (n 65); Alexy Buck and Liz Curran, 'Delivery of Advice to Marginalised and Vulnerable Groups: The Need for Innovative Approaches' (2009) 3(1) *Public Space: The Journal of Law and Social Justice* 1; McDonald, Forell and People (n 59).

⁸⁵ See, eg, *OECD Framework and Good Practice Principles for People-Centred Justice* (20 December 2021).

⁸⁶ Pleasence et al (n 65) iii. See further McDonald and Wei, 'How People Solve Legal Problems: Level of Disadvantage and Legal Capability' (n 80).

⁸⁷ See also Liz Curran, *Solving Problems – a Strategic Approach Examples, Processes & Strategies* (2013).

⁸⁸ See further Hugh McDonald et al, *Reaching in by Joining-up: Evaluation of the Legal Assistance Partnership between Legal Aid NSW and Settlement Services International* (Law and Justice Foundation of New South Wales, 2014); Buck and Curran (n 84) 3.

⁸⁹ Pleasence et al (n 65) iii.

⁹⁰ *Ibid.* See also Mary Anne Noone and Kate Digney, '*It's Hard to Open up to Strangers*' *Improving Access to Justice: The Key Features of an Integrated Legal Services Delivery Model Research Report* (La Trobe University, 2010) 76.

⁹¹ Pleasence et al (n 65) iii. Studies have also used empirical research methods to evaluate legal service delivery by public legal assistance services to address unmet legal need, see, eg, Mary Anne Noone and Kate Digney, '*It's Hard to Open up to Strangers*' - *Improving Access to Justice: The Key Features of an Integrated Legal Services Delivery Model* (September 2010); Liz Curran and Andrew Crockett, 'Measuring Legal Services: A Practical Methodology for Measuring the Quality and Outcomes of Legal Assistance Services' (2013) 32(1) *University of Tasmania Law Review* 70.

⁹² Buck and Curran (n 84) 2.

⁹³ *Ibid.*

⁹⁴ Macdonald (n 65) 518.

legal process) and some of which apply to certain groups or in certain circumstances (e.g. socio-cultural factors, barriers linked to physical or mental health, poverty).⁹⁵

Studies have specifically examined access to justice in the Australian legal context for people who experience discrimination and sexual harassment.⁹⁶ For example, Gaze and Hunter conducted an in-depth empirical study of complainants in equality law proceedings, including assessing the accessibility of procedures for protecting equality rights under Australian law.⁹⁷ Drawing on the work of Marc Galanter,⁹⁸ the authors observed that complainants usually had little or no prior contact with the legal system, whereas respondents (such as employers) were frequently 'repeat players'.⁹⁹

Gaze and Hunter also found there was 'a clear need for free or low cost, skilled legal representation in order to begin to provide access to justice for discrimination complainants', and a need to increase the availability of 'specialist community legal centres (CLCs) to provide free and sufficiently expert legal representation to discrimination complainants'.¹⁰⁰ Equality law experts have highlighted the limitations of the Australian system's over-reliance on individual enforcement to achieve systemic change in equality law,¹⁰¹ and the crucial role that legal advice and representation plays in access to justice in this area.

Barriers to access to justice for people who experience discrimination and sexual harassment seem to be multiplied and amplified for vulnerable people and groups. They may experience multiple forms of discrimination, which is poorly accommodated by the legal framework of available protections. As Gaze and Smith have observed, the law is deficient in acknowledging claimants' 'actual experience, in which the attributes that affect them are a whole and may not be separable, and the disadvantage that each attracts may actually be compounded by their combination'.¹⁰² This situation is reflected in the findings of *Respect@Work*. The AHRC found that access to justice for vulnerable workers (including CALD workers) was facilitated by legal assistance services that considered their experiences of intersectional discrimination.¹⁰³

Few Australian studies have empirically examined the legal needs of people from any one the Four Communities in Australia, and it does not seem that any studies specifically focus on legal need in relation to problems about workplace discrimination or sexual harassment.

Relevantly, several studies have examined the experiences of people from Sudanese communities and have identified a range of experiences of discrimination in employment,¹⁰⁴ including intersectional discrimination.¹⁰⁵ In this context, a study based on qualitative interviews of South Sudanese Australians by Arbur and Spaaij found that 'supporting people from refugee backgrounds to understanding their rights in the workplace, and supporting them when they experience discrimination, is fundamental'.¹⁰⁶

Wide-ranging studies have also examined the legal problems that migrant workers encounter at work in Australia, and how specific vulnerabilities and intersectional discrimination can increase or amplify these problems. Key studies highlight a range of specific reasons why migrant workers will not report unlawful conduct to regulators while working in

⁹⁵ These are each discussed in Ibid 510–515.

⁹⁶ See, eg, Paul Flatau et al, *Workplace Respect: Final Report* (University of Western Australia, 2023).

⁹⁷ See, eg, Beth Gaze and Rosemary Hunter, 'Access to Justice for Discrimination Complainants: Courts and Legal Representation' (2009) 32(3) *UNSW Law Journal* 699; Beth Gaze, 'The Costs of Equal Opportunity' (2000) 25(3) *Alternative Law Journal* 125; Beth Gaze, *Enforcing Human Rights in Australia: An Evaluation of the New Regime* (Themis Press, an imprint of the Federation Press, 1st ed., 2010).

⁹⁸ Marc Galanter, 'Why the "Haves" Come out Ahead: Speculations on the Limits of Legal Change' (1974) 9(1) *Law & Society Review* 95, 97. See also Gaze and Hunter (n 97) 716.

⁹⁹ Galanter (n 98) 97. See also Gaze and Hunter (n 97) 716.

¹⁰⁰ Gaze and Hunter (n 97) 716, 723. This recommendation is reinforced in a study by Flatau et al in 2023, which investigated the prevalence, nature and occurrence of workplace sexual harassment in Western Australia, as well as evidence of legal need and the design of legal assistance services for people who have experienced it, and set out 28 recommendations directed to legal assistance services, workplaces and employees, or law reform bodies: Flatau et al (n 96).

¹⁰¹ See, eg, Blackham (n 42) 20.

¹⁰² Gaze and Smith (n 17) 90.

¹⁰³ See further AHRC, 'Respect@Work' (n 3) (Recommendations 49, 53) 755-770.

¹⁰⁴ See, eg, Peter Westoby, *Working Paper: Sudanese Refugee Narratives of Social Distress* (University of Queensland, 2 August 2007) 7; Danijela Milos, "'I Don't Think There Will Be a Legal System for Me.'" Meeting the Legal Needs of South Sudanese Communities in Australia' (PhD Thesis, Flinders University, 2012) 157–160.

¹⁰⁵ A study by the VEOHRC on the experiences of Australian-Sudanese young people from the City of Greater Dandenong found '[t]his group of young people is vulnerable in the employment setting – because they are young, low skilled and evidently reluctant to complain for fear of retribution': VEOHRC, *Rights of Passage: The Experiences of Australian-Sudanese Young People: A Report* (VEOHRC, 2008) 9 ('*Rights of Passage*').

¹⁰⁶ William Arbur and Ramón Spaaij, 'Settlement and Employment Experiences of South Sudanese People from Refugee Backgrounds in Melbourne, Australia' (2016) 37(2) *Australasian Review of African Studies* 107, 117–124.

Australia, including instances of workplace sexual harassment.¹⁰⁷ An empirical study by Howe et al identified that barriers to reporting workplace sexual harassment among temporary migrant workers in the horticulture industry include: their immigration/ visa status; fear of losing their jobs; English language proficiency; low unionisation; and poor access to the legal justice system.¹⁰⁸

This study seeks to build on broader research about legal need and access to justice in relation to problems about workplace discrimination and sexual harassment. It aims to contribute to understanding the experiences and legal needs of people who identify as belonging to one of the Four Communities. It addresses a gap in understanding in existing research, by contributing more detailed understanding about their experiences and circumstances to inform deeper insights into the legal needs of people whose voices and views are rarely considered or featured in legal research.

2.6 DECOLONISING LEGAL RESEARCH

In the context of conducting research to understand peoples' legal needs, it is crucial to understand how the law may create and perpetuate power structures and epistemic boundaries that can 'other' and disadvantage people including by gender, race and class.¹⁰⁹

Decolonising perspectives on legal research encourage researchers to recognise and dismantle underlying inequities embedded in law and legal systems.¹¹⁰ Decolonisation is an idea with a range of meanings that depend on factors such as identity, geographical location and discipline. In the context of law, the concept has been adopted to challenge the idea of its neutrality, inherent structural inequalities and entrenchment of power systems.¹¹¹

In exploring practical ways to conduct decolonial research for justice, Hyacinth Udah has observed that decolonisation involves 'delinking' to confront and counteract colonisation,¹¹² and prioritising 'the experiences, perspectives, voices theories and worldviews of Indigenous and other subjugated and marginalised communities in research'.¹¹³ As Udah noted, 'if research does not bring about change for the people involved, then it has not been done correctly. Research should be conducted in solidarity with the marginalised and oppressed, supporting their everyday struggle against ongoing coloniality.'¹¹⁴ The aim of decolonising research is, therefore, no less than transformative of people and legal structures.

Decolonisation perspectives influence this study's perspective and methodology.¹¹⁵ This study seeks to give voice to the experiences and views of people from the Four Communities and to collaborate with them in the process of knowledge production.¹¹⁶ It prioritises giving space to their voices, ideas and perspectives on the law.¹¹⁷ It acknowledges alternative forms of problem-solving (that might be adjacent to the law or non-legal in approach) and concepts of justice beyond those that dominate the Australian legal framework and scholarly discourse.¹¹⁸

Decolonising research also involves understanding the perspective of the researchers. This study is led and undertaken through the lens of an Australian researcher, who is the child of an Italian migrant, who belonged to a family that spoke a language that was not English at home, who lives in the western suburbs of Melbourne, and whose approach to legal research is shaped by personal experiences of education and research.

The study included support from a cultural advisor and focus group moderator who has worked for over 30 years with marginalised communities within Australia and in countries throughout South-East Asia. Working with these marginalised communities (including communities that comprise refugees, undocumented workers and asylum seekers) her work has aimed to articulate peoples' experiences of injustice and map out strategies to achieve justice, whether that is through legal, non-legal or human rights mechanisms.

¹⁰⁷ See, eg, Segrave et al (n 54) 23–25; Migrant Justice Institute, *Breaking the Silence: A Proposal for Whistleblower Protections to Enable Migrant Workers to Address Exploitation* (February 2023); Joanna Howe, Elizabeth Shi and Stephen Clibborn, 'Fruit Picking in Fear: An Examination of Sexual Harassment on Australian Farms' (2022) 45(3) *MULR* 1141.

¹⁰⁸ Howe, Shi and Clibborn (n 107) 1156–1172.

¹⁰⁹ Mohammad Shahabuddin, 'Decolonising Minority Rights Discourse' (2023) 30(5) *International Journal on Minority and Group Rights* 931, 936. *Decolonising Law Book*, 9.

¹¹⁰ Hyacinth Udah, 'Decolonising Research for Justice: Ethical Imperatives and Practical Applications' (2024) 23 *International Journal of Qualitative Methods* 1.

¹¹¹ See, eg, *Ibid*.

¹¹² *Ibid* 3 (citations omitted).

¹¹³ See, eg, *Ibid*.

¹¹⁴ See, eg, *Ibid* 6.

¹¹⁵ See Part 2, Section 3, below.

¹¹⁶ On the 'decolonial potential' of lived experience research see further Maree Higgins and Caroline Lenette, 'Unpacking Disruptive Methodologies: What Do We Know about Lived Experience-Led Knowledge and Scholarship?' in Maree Higgins and Caroline Lenette (eds), *Disrupting the Academy with Lived Experience-Led Knowledge* (Bristol University Press, 1st edn, 2024) 1, 3–4.

¹¹⁷ See further Shahabuddin (n 109) 959.

¹¹⁸ Udah (n 110) 3.

This is research committed to 'learning' and 'unlearning',¹¹⁹ open dialogue, critical inquiry and self-reflexivity with the aim of inclusivity and empowerment of the participants involved, and recognition that in Australia we still live under coloniality.

¹¹⁹ Vivetha Thambinathan and Elizabeth Anne Kinsella, 'Decolonizing Methodologies in Qualitative Research: Creating Spaces for Transformative Praxis' (2021) 20 *International Journal of Qualitative Methods* 1, 4.

PART 2 RESEARCH PROJECT

1 PROJECT AIM

Having regard to the background and research context, the aim of this research project was to investigate:

- the legal attitudes, capability and needs of people from the Four Communities with respect to solving problems about workplace discrimination and sexual harassment;
- any barriers to people from the Four Communities accessing legal services like the ELS; and
- any cultural needs that people from the Four Communities had in terms of accessing a legal assistance service like the ELS.

2 RESEARCH QUESTIONS

The project examined the following research questions:

- How much do people from the Four Communities understand about the law and their legal rights regarding workplace discrimination and sexual harassment?
- What are the legal attitudes and capabilities of people from the Four Communities to solving problems about workplace discrimination and sexual harassment?
- What barriers are there to people from the Four Communities accessing a legal service like the ELS?
- What, if any, cultural needs do people from the Four Communities have when they seek help from a legal service like the ELS to solve a problem about workplace discrimination and/or sexual harassment?

3 RESEARCH METHOD

This study was conducted between February 2024 and June 2025 and received approval from Monash University Human Research Ethics Committee.¹²⁰ It used a mixed methods approach, which integrated quantitative and qualitative research methods.¹²¹

The research design combined a review of relevant literature,¹²² and analysis of quantitative and qualitative data collected as part of the study.

Specifically, this study collected and examined:

- qualitative and quantitative data from an anonymous online survey that was conducted using the Qualtrics XM Platform (Qualtrics), which was conducted from 18 October to 18 November 2024,¹²³ and
- qualitative data from 8 focus group interviews with people from the Four Communities, which were conducted from March to May 2025.

The data was analysed to identify central themes, make findings in relation to each of the research questions, and understand pathways for future research.

3.1 DECOLONISING METHODOLOGIES

As noted, this study investigates the views of people from the Four Communities, who live in a geographical area of Melbourne with heightened indicators of disadvantage and who may be migrants or refugees and/ or mainly speak a language at home that is not English.

¹²⁰ MUHREC Study ID: 42338.

¹²¹ Laura Beth Nielsen, 'The Need for Multi-Method Approaches in Empirical Legal Research' in Peter Cane and Herbert M Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (OUP, 2010) 951; Alysia Blackham, 'When Law and Data Collide: The Methodological Challenge of Conducting Mixed Methods Research in Law' (2022) 49(S1) *Journal of Law and Society* 587.

¹²² See Part 1 of this Report for a summary.

¹²³ The survey was open to persons who: were aged 18 years and over; lived, worked or studied in the western suburbs of Melbourne at the time and; self-identified as belonging to one of the Four Communities.

People from the Four Communities are, therefore, likely to be excluded from dominant 'eurocentric [research] paradigms'¹²⁴ and so the research design integrated decolonising methodologies to challenge these paradigms.

There is no standard model or practice with respect to decolonising methodologies. Instead, the process invites an holistic and continuous process of deconstructing and recreating knowledge.¹²⁵ Decolonisation does not involve a specific methodological framework but offers a lens through which to challenge and dismantle knowledge and prevalent paradigms.¹²⁶

Thambinathan and Kinsella suggest ways to incorporate decolonial learning, including by using a methodology that incorporates critical self-reflexivity, reciprocity and respect for self-determination, embracing other(ed) ways of knowing and transformative practices.¹²⁷ Experts have also identified that interpretive qualitative methodologies are helpful at moving the agenda forward on decolonising research.¹²⁸ This approach is adopted in the approach to interpreting data from the focus group interviews conducted for this study.

3.2 ONLINE SURVEY

A survey was conducted to investigate the research questions. The survey was designed using Qualtrics and delivered online. It was optimised as a mixed-device survey that could be completed on a computer or handheld device (e.g. a smartphone).¹²⁹ The survey was translated into five languages in addition to English to promote accessibility: Vietnamese, Dari, Hindu, Pashto and Dinka.

An online survey was chosen for this study because it is an efficient and cost-effective tool to obtain information from a geographically widespread population, and it enables participants to control where and when they complete the survey, although there are recognised challenges associated with this method.¹³⁰

Consultation on survey design, and the types of questions that might be included in the survey, was undertaken with a range of community contacts including from community groups and centres.¹³¹

The survey was piloted in October 2024. The aims of the pilot were to gain feedback on: whether participants understood the questions and if they found any wording confusing; whether the programming of the survey was working as designed, and whether the survey was too lengthy. The pilot led to several improvements in the final survey instrument.¹³²

The survey was open from 18 October to 18 November 2024. The research team and Westjustice staff promoted the survey, including by posting flyers on community notice boards in the western suburbs of Melbourne and at Westjustice's offices, by promoting the survey on Westjustice's distribution lists and on social media. Community leaders and groups also promoted the survey on social media.

The survey questions were divided into 5 sections that included questions that explored: Knowledge of Services; Hypothetical A-C; Capability Scales; Demographics; End of Survey Support Services.¹³³

At the commencement of the survey, participants were asked to:

- read an introductory page and explanatory statement and provide consent to participate; and
- specify that they met the eligibility criteria for participation.¹³⁴

At the end of the survey, participants were invited to opt-in to:

¹²⁴ Sonia Hoque, 'Decolonising Methodologies: Towards Alternative Approaches to Studying Women's Unpaid Care Work in the Global South' [2024] *Forum for Social Economics* 1, 2.

¹²⁵ Thambinathan and Kinsella (n 119) 3.

¹²⁶ Hoque (n 124) 2.

¹²⁷ Thambinathan and Kinsella (n 119) 2–6. See also Hoque (n 124) 9–10.

¹²⁸ Hoque (n 124) 2.

¹²⁹ Vera Toepoel, 'Online Survey Design' in Nigel G Fielding, Raymond M Lee and Grant Blank (eds), *The SAGE Handbook of Online Research Methods* (SAGE, 2nd edn, 2017) 304, 304–306.

¹³⁰ Vasja Vehovar and Katja Lozar Manfreda, 'Overview: Online Surveys' in Nigel G Fielding, Raymond M Lee and Grant Blank (eds), *The SAGE Handbook of Online Research Methods* (SAGE, 2nd edn, 2017) 249, 266–267.

¹³¹ See Appendix 1.

¹³² These were: the 'drag and drop' did not always work as expected and this was addressed through modification of the programming of the survey; some words and options were confusing for respondents and required clarification so these options were amended to elaborate on or list examples of the information sought; the survey took longer than 30 minutes for some respondents to complete and so one batch of questions was removed.

¹³³ The survey is available on request from the lead researcher. The survey and explanatory statement were translated into Vietnamese, Dari, Hindu, Pashto and Dinka, and these are also available on request from the lead researcher.

¹³⁴ To be eligible, a participant needed to: be over 18 years of age; live, work or study in the western suburbs of Melbourne in Victoria, Australia (specified to include any location in the local government areas of Maribyrnong, Brimbank, Wyndham, Hobsons Bay, or Melton); and identify as belonging to one of the Four Communities. Participants who did not consent or did not meet the eligibility criteria did not proceed to the next part of the survey.

- a prize draw to win one of four \$25.00 Coles Gift Card Vouchers; and
- receive an invitation and further information about participating in a focus group interview where they would be asked further questions relevant to the study.¹³⁵

The Survey received 57 responses, but 40 responses were excluded from analysis for the following reasons:

- 1 respondent did not provide consent, and so did not complete any further questions;
- 19 did not meet one of the eligibility criteria or did not complete the questions relating to eligibility;
- of the remaining 37 responses, 24 responses provided postcodes that were invalid or outside the western suburbs of Melbourne; and
- of the remaining 13 responses, 3 were identified as 'bots' using analytic tools.¹³⁶

The remaining 10 responses were analysed for this study.

The survey yielded a small number of responses despite a range of features being included in the design of the online survey with the aim of enhancing response rate. These features included making the survey available in 6 languages, offering a prize draw, encouraging community leaders and centres to promote the survey online via emails to contacts and social media posts (with a URL link provided to the survey) and via hard copy posters (with a QR code provided to the survey), sending multiple reminders, and using different recruitment strategies.¹³⁷

There are a range of factors that could explain the low survey response rate, such as the possibility that technology or internet access was unavailable to some people who were eligible to complete the survey. People who met the eligibility criteria were part of a 'hard to reach' group for the purpose of research. Notably, participants who met the eligibility criteria mostly proceeded to answer all questions in the survey, and this suggests that the low response rate was less about survey design than about reaching eligible participants.

The data obtained from eligible respondents was analysed using Qualtrics data analysis tools and Excel. The numerical and textual data was separated in Excel and analysed. The small number of responses means that the sample is non-representative, and the data cannot be generalised. Findings are set out, below.

3.3 FOCUS GROUPS

Focus groups were conducted to further investigate views of people from the Four Communities in relation to the research questions, and to draw out 'complexities, nuances and contradictions' in perspectives that could not be captured by the survey tool.¹³⁸

Eight focus group interviews were conducted from March to May 2025, including the pilot interview, and 36 people participated. Focus group interviews were conducted with people who identified as belonging to each of the Four Communities. A summary of each focus group's composition is provided in Table 36, Appendix 3.¹³⁹

The purpose of a focus group is to gather and evaluate ideas in a group setting. The utility of focus groups for socio-legal scholars is that they provide a method for gathering qualitative data and exploring social phenomena. They are often seen as a more natural setting for gathering data than a one-on-one interview, as well as being a setting that allows the researcher to gain insights from the dialog and interaction between participants.

This methodology was informed by the aim of deconstructing and challenging entrenched knowledge about the law and legal systems and decentralise the position of the researcher. Focus groups have potential to draw out the discursive power of a group, mitigate the authority of the researcher in positive ways and empower participants to guide discussion in the interview setting, including by encouraging a sense of safety and ownership of the space.¹⁴⁰ They can draw out

¹³⁵ Details for entry to the prize draw and to receive the invitation to a focus group were collected via separate surveys on Qualtrics to ensure participants' answers to survey questions remained anonymous. Winners of the prize draw were notified via email or text message to a mobile phone number on 29 November 2024.

¹³⁶ The IP addresses and geolocation recorded for these responses indicated that these responses were very likely to be illegitimate or 'bots', and on this basis were excluded from the study.

¹³⁷ Vehovar and Lozar Manfreda (n 130) 252–254.

¹³⁸ George Kamberelis and Greg Dimitriadis, 'Focus Group Research: Retrospect and Prospect' in Patricia Leavy (ed), *The Oxford Handbook of Qualitative Research* (Oxford University Press, 2nd edn, 2020) 480, 498.

¹³⁹ No focus group comprised male participants from the Vietnamese community. This was because only one male person from the Vietnamese community expressed interest in participating in a focus group interview and a one-on-one interview was outside the scope of the study.

¹⁴⁰ Kamberelis and Dimitriadis (n 138) 494–5.

data that is difficult to obtain through individual interviews, or observation,¹⁴¹ and researchers have used the method over time to generate deeper understanding of the views of hard-to-reach groups.¹⁴²

The primary aim of the focus groups was to gain understanding about workplace problems involving discrimination or sexual harassment, strategies they would use to address these problems, and participants' legal needs. It was recognised that the topic of workplace discrimination and sexual harassment might be a sensitive one for participants, and it was for this reason that separate focus groups were held for male and female participants.

Survey respondents were asked to 'opt-in' to receive information about an invitation to participate in a focus group interview for the study. They could do so via an online survey link or by emailing the lead researcher. Other methods were also adopted to recruit participants for the focus groups. The invitation was posted via email and social media by the researchers, Westjustice staff and community contacts within the network of Westjustice. Posters with the invitation were displayed at Brimbank library service branches and on public notice boards within Brimbank and Maribyrnong local government areas. Flyers were distributed at Sunshine mall on two occasions. With permission, the lead researcher and Carol Ransley distributed flyers at three local community centres in Tarnait and Werribee.

The same eligibility criteria for participation in the survey applied to the focus groups. People who expressed interest were provided with a written invitation, along with the explanatory statement and consent form. The explanatory statement and consent form were also provided in languages other than English, when requested. Participants were required to complete consent forms prior to the interview and informed consent was confirmed in-person before the interview.

Focus group participants were provided with a \$125 honorarium in recognition of their time and contribution to the research as well as a light meal and reasonable public transport costs up to \$10 (where requested). All interviews were held at local community centres or one of the offices of Westjustice.

Planning for the focus groups prioritised producing a welcoming and collaborative space for participants, with the aim of ensuring that their voices and views were central to the study. The focus group interviews were conducted in English, but telephone interpreters were provided whenever requested. Focus group participants also assisted with interpreting for other participants. Audio recordings of each interview were made with the consent of the participants and transcripts were later made to ensure an accurate record of discussions. Males and females participated in separate interviews, given that subject matter covered sex discrimination and sexual harassment.

To ensure participants' anonymity, it was a condition that participants agreed not to disclose the names of other people in attendance or any details of what was discussed with people outside the interview. Only first names were used, and participants were asked not to refer to any personal details, such as the name of an employer. Participants were not prompted to discuss any of their own experiences in the workplace, although some did so and were encouraged to speak in general terms. The explanatory statement included information about where participants could go for legal help, and contact details for support services, if there were any issues that had been raised for them personally by the discussion in the interview.

The focus groups were moderated by Carol Ransley. The lead researcher attended to support the moderator, arrange and monitor the recording of the interview and take notes. The interviews followed an interview guide with semi-structured questions and prompts.¹⁴³

The interview guide was piloted at a focus group interview in March 2025. The aim of piloting the guide was to determine if the flow and structure of questions and prompts were adequate to promote discussion and interaction between participants, and to confirm if the interview could be conducted within the timeframe of 60-90 minutes. Following the pilot, minor changes were made to the interview guide.¹⁴⁴

The guide was divided into six parts. Part 1 comprised preliminary matters (introductory comments, confirmation of informed consent, consent to audio recording of the interview, confirmation of eligibility to participate in the study); Part 2 asked participants about the main language they spoke at home; Part 3 prompted discussion about four hypothetical stories about workplace discrimination or sexual harassment; Part 4 prompted discussion about asking for legal help about problems of workplace discrimination or sexual harassment (including from a community legal centre like Westjustice); Part 5 asked participants to share their views about the relevance of the law to their lives and views about legal advisors, and Part 6 asked about some further demographic information.¹⁴⁵

The qualitative data from the focus groups was analysed using NVivo software. Codes were developed according to the research questions using a grounded theory approach. Where new themes emerged, additional codes were developed to capture insights from the data.

¹⁴¹ Ibid 491.

¹⁴² Ibid 498.

¹⁴³ A copy of the guide is available from the lead researcher on request.

¹⁴⁴ As minimal changes were made to the guide, the responses of participants in the pilot were included in the study without denoting that they were from the pilot study.

¹⁴⁵ The template guide is available from the researcher on request.

3.4 LIMITATIONS

Due to the low response rate, the results of the survey are not generalisable but they provide preliminary insights that can be built on in future empirical investigations. As an online survey, it is likely that participants from the Four Communities were digitally connected and confident.

The focus group findings report on the perspectives and experiences of individual members of the Four Communities and cannot be taken to represent the views of all members of the Four Communities.

4 FINDINGS

The key findings from the survey and focus group interview data are provided, below.¹⁴⁶ Discussion of the findings, and key recommendations informed by the findings, are then included in Part 2, Sections 5 and 6.

4.1 SURVEY RESULTS

4.1.1 Demographic information about participants

The first part of the survey sought key demographic information about the 10 participants, which were tied to their eligibility to participate in the study. Each participant answered these questions, and the information is summarised in Tables 2-3, Appendix 2.

With respect to participants' self-identification with one of the Four Communities, two identified as belonging to the Afghan community, four identified as belonging to the Indian community, one identified as belonging to the South Sudanese community, and three identified as belonging to the Vietnamese community.

Table 3, Appendix 2 shows the local government area where participants lived, worked or studied based on postcode: there were four participants from the local government area of Brimbank, three participants from Maribyrnong, two participants from Wyndham, and one from Hobsons Bay.

The final part of the survey sought more detailed demographic information about participants, which is summarised in Tables 4-20, Appendix 2. Two of the 10 participants did not answer any of the questions in this part of the survey and so, in each instance, their response is recorded as 'not specified'.

Participants were predominantly younger women who were engaged in paid work who had completed a bachelor's degree or higher. Specifically, six participants identified as female, and one identified as male. Six participants were aged between 25-34 years, with one participant aged between 35-44 years and one aged between 45-54 years. Seven participants had completed a bachelor's degree or higher, and one had completed secondary schooling.

There were eight participants who specified that they were engaged in paid work and with most engaged in ongoing employment on a full-time (2) or part-time (4) basis. One participant was engaged in casual employment, and one worked for their own business. There were four participants who were engaged in further study while undertaking paid work. Most participants were not members of trade unions: two participants specified they were members, five stated that they were not members, and one participant preferred not to answer this question.

All participants with parental and caring responsibilities for children under 18 years (5) were women who were engaged in full time or part time paid work: four of these participants were married and one was a single parent or carer. One participant, who was employed in casual work and had parental or caring responsibilities for children under 18 years also had a long-term health condition, impairment or disability that mildly restricted their daily activities that has lasted or was likely to last for 6 months or more.

Six participants were Australian citizens, and two were temporary residents. Of those eight participants, four most often spoke English at home, and four mostly spoke one of the following languages at home: Dari (1), Punjabi (1), Hindi (1) and Vietnamese (1). The participants who mostly spoke a language that was not English at home were not born in Australia, with two arriving in the last five years and two arriving more than five years ago.

Despite this, most participants mostly felt 'comfortable' (3) or 'very comfortable' (6) communicating only in English with a professional advisor about a problem about their boss. One participant, who most often spoke Vietnamese at home, specified that they would feel 'uncomfortable' communicating only in English with a professional advisor regarding a problem about their boss.

Participants were also asked questions about their digital literacy or capability.¹⁴⁷ Five participants indicated that no support was needed. Three participants indicated that minor (1) or major (2) support was needed to interact with the law digitally with respect to some tasks (Tables 19-20, Appendix 2).

¹⁴⁶ Tables 23-35, Appendix 2 set out the survey data, and Tables 36-39, Appendix 3 set out focus group interview data.

¹⁴⁷ Legal needs surveys ask these types of questions to help understand who is likely to require help interacting with the law digitally. See Balmer et al, 'PULS Volume 1' (n 59) 43.

4.1.2 Understanding of services

Participants were asked to select any organisations from a list, with which they were familiar, or to specify that they were not familiar with any of the organisations listed.¹⁴⁸

One participant specified that they were not familiar with any of the organisations. Of the 9 participants who specified that they were familiar with one or more of the organisations, the most commonly identified were Victoria Legal Aid (5), JobWatch Inc (4) and Westjustice (4). The most common source of information about a service was online (e.g. a website or 'ap') (9).

Most commonly, participants specified that they knew about one of these services because of online information (9), referral from another support service or advisor (4), social media adverts (2). Tables 21-22, Appendix 2 set out complete data provided by participants in response to the questions in this section.

4.1.3 Understanding of the law

In the third part of the survey, participants were asked to read two hypothetical stories about work and answer questions about the problem (2 problems were randomly drawn from a set of 3).

Each of the problems was about a potential breach of Australian labour or equality law, which led to a detriment to a worker comprising dismissal in the context of discrimination based on parental/ carer responsibilities (HA), denial of promotion in the context of discrimination based on race (HB) or sexual harassment (HC).

The questions investigated whether participants recognised the 'problems' in the hypothetical stories as legal problems or other types of problems, and what action they would take in the circumstances. Eight participants answered the questions in relation to both hypothetical stories, provided, and two answered questions in relation to just one hypothetical story.

Participants were asked to specify what type of problem the worker was facing from a list of options. A free-text prompt was provided for participants to explain their choice. In only three instances (out of 18) did a participant select that the problem faced by the worker in the hypothetical story was a legal problem. Otherwise, participants identified the type of problem as criminal (6), social (4), moral/ ethical (3), private/ personal (1) or bureaucratic/ red tape (1).

However, more participants identified that the hypothetical stories included legal issues. For example, of the five participants who identified hypothetical story HC as a 'criminal' problem, 4 stated (in the free text box provided) that the conduct was unlawful and that it related to 'sexual harassment' or 'sexual discrimination laws. There were also two participants who identified hypothetical story HB as a 'moral/ ethical' problem and one participant who identified it as a 'private/ personal' problem, but all three stated that the situation raised 'workplace laws' or 'discrimination law', and one participant who identified hypothetical story HA as a 'social' problem, stated that under 'Fair Work' the worker had 'the right to get a leave to take care of her husband and son'.

4.1.4 Seeking legal help

With respect to the two hypothetical stories, participants were also asked to indicate how serious they considered the problem to be, whether they would seek information/ advice to solve the problem if they were the worker (and if so from where) and what they would do to solve the problem if they were the worker.

On 17 of 18 occasions, a participant characterised a hypothetical story as comprising a problem that was moderately-significantly serious (5 or above). Participants gave a score of 10 (extremely serious) on one occasion in relation to HB, and on 3 occasions in relation to HC.

Also, on 16 occasions, participants selected that they would, or 'maybe' would, get information or advice if they were the worker. On one occasion, a participant stated that they would not get information or advice if they were the worker in HC and specified this was because that they would: be embarrassed or ashamed, find it easier to find a new job, and have to communicate in English and would find that very difficult.

On 11 occasions, participants chose and ranked the sources where they would seek the information/ advice. The first-ranked sources chosen were either a personal contact, internal to the workplace, or online. Specifically, the first-ranked choices comprised: a family member (2), a friend of acquaintance (1), a coworker (2), another supervisor/ boss in the workplace/organisation (1), a community legal service (2), FWC (1), websites (1), ChatGPT or other generative AI (2) and social media (1). Not all participants specified the reason they chose their first ranked choice but those who did so often identified the importance of getting help quickly, the help not costing any money, or ensuring privacy and avoidance of embarrassment.

On three of the 11 occasions, participants chose a community legal service as the source of information/advice that they would have chosen to help solve the problem if they were the worker. Where a community legal centre was not chosen as a source of information/ advice, the participant was prompted to specify (from a list of choices) any reasons for not

¹⁴⁸ The organisations listed were: AED Legal Centre, Disability Discrimination Legal Service, Human Rights Law Centre, JobWatch Inc, Justice Connect, Law and Advocacy Centre for Women, Mental Health Legal Centre, Refugee Legal, Seniors Rights Victoria, Victoria Legal Aid, Westjustice, and Young Workers Centre.

doing so. The most frequently chosen reasons provided were concern it would take too long (5), and worry about getting in trouble from the Government for seeking advice (4), but there were numerous other reasons as shown in Table 29, Appendix 2.

Participants were also asked if they had experienced a problem at work like the problem in the scenario (once or more than once) in the last five years in Australia. The purpose of this question was to ask participants what they did in the situation.

No participants answered that they had experienced a problem like HA. However, four participants who answered questions about HB stated they had experienced a similar problem, but none of these participants noted that they had sought information/ advice about the problem. Four participants who answered questions about HC also stated they had experienced a similar problem, and one of these participants specified that they had sought information/ advice about the problem from a co-worker.

Those participants who specified that they had experienced a problem like one HB or HC, and had not sought information/ advice were asked to choose from a list of options as to why they did not do so. Seven responses were provided to this question, with one or more reasons per response.

The most common reasons participants gave that they had not sought information/ advice were that they: didn't think getting help would make a difference (4), thought it would be easier to find another job (4) or didn't know where to go or who could help (3), viewed the issue as private and not something the participant wanted to discuss with others (2) and did not view the problem as serious enough (2).

4.1.5 Confidence in legal problem-solving

Participants were asked about their legal confidence and capability to solve legal problems in their lives. Tables 33-35, Appendix 2 sets out the survey data in response to these questions. Of the eight participants who answered these questions, five indicated medium level of confidence in solving 'significant legal problems' and three indicated high level of confidence in solving 'significant legal problems.'

4.2 FOCUS GROUP INTERVIEW FINDINGS

There was diversity in views between and within groups of participants in the focus groups.

Some focus group participants who identified as belonging to the Afghan and South Sudanese communities who had arrived in Australia in the last five years. Most of these participants had received, or were receiving, the support of services provided to newly arrived migrants, refugees and people seeking asylum provided by local governments in the western suburbs of Melbourne. The participants referred to these services from time to time in the interviews and they are collectively referred to as 'settlement services.'

4.2.1 Demographic information about the participants

At the beginning of the interviews, participants were asked to confirm their eligibility to participate. At the end of the interview, further information was sought about education level and industry (if the participant was working).

All participants lived, worked or studied in the western suburbs of Melbourne. Each participant self-identified as belonging to either the Afghan (11), Indian (7), South Sudanese (13) or Vietnamese (5) community. The ages of participants in the focus groups varied between 20 years and 70 years of age. Ages of participants are summarised in Table 37, Appendix 3. Twenty-one participants were female, and 15 participants were male.¹⁴⁹

Thirty-four of the 36 participants spoke a main language at home that was not English. An interpreter was provided at the request of three participants. However, there were 4 other participants (who did not ask for interpreters) who required some assistance from other participants to understand certain words or phrases during the interviews.

4.2.2 Understanding of the law and legal problem-solving strategies

Participants were asked to consider and discuss 4 hypothetical stories. The purpose of these questions was to gain in-depth understanding of participants' legal understanding and attitudes about getting legal or non-legal help to solve a problem about workplace discrimination or sexual harassment, and if the type of problem made any difference to what they would do to solve it.

Each story included a workplace problem about discrimination or sexual harassment. The moderator described each hypothetical story and posed questions for the participants. The hypothetical stories involved:

¹⁴⁹ The gender specified by participants in each focus group is set out in Table 36, Appendix 3. No participants identified as gender diverse or non-binary.

- HP1: non-payment of wages for one month;
- HP2: a boss' refusal of further work based on age discrimination;
- HP3: a boss ignoring a worker's complaint of sexual jokes by a coworker to produce a hostile environment based on sex; and
- HP4: sexual harassment of a worker including physical harassment (HP4).

Participants were asked about whether the law was relevant to the story (and if so why), if they would try to sort out the problem if they were the worker or get help (and if so from whom), whether they would ask a lawyer for help (and if so, how they would find a lawyer, prefer to speak to the them and at what time of day) and whether they would ask a CLC for help (and if so, how they would find a lawyer, prefer to speak to them and at what time of day). A thematic analysis of the discussions in focus groups on these hypothetical stories is set out, below.

Hypothetical problem 1

Identifying the legal problem (HP 1: Non-payment of wages)

All but one focus group started by talking about how the boss in HP1 might have made a mistake or have a legitimate reason for non-payment of wages, rather than the non-payment being deliberate. Participants spoke about ways to informally solve the problem by ensuring the money was paid.

When prompted to think of the underpayment in HP1 as a deliberate non-payment, participants across the focus groups generally agreed that the law required the boss to pay the worker, but there were differences in participants' views within and across focus groups about how to solve the problem.

Problem-solving strategies

All focus groups reached a consensus that, if they were the worker, they would try to solve HP1 by themselves, either independently or with some help. Most focus groups discussed options for the worker to first get help within the workplace (e.g. from a co-worker, manager, payroll or HR). All but two focus groups also discussed that they would use the internet to get information to understand the law about wages, such as from the website of 'Fair Work' or the '[Fair Work] Ombudsman', or from Reddit or Facebook community pages.

"But first thing I will seek for help is internet. Go on internet and I read just like lesson learned from other people on the community groups. I saw people mentioned Ombudsman. Yes. So to me the first thing I can think of – I can think of if I'm in such situation is Ombudsman. And I may try to search for the website and if possible, raise certificate via their website first." (Focus group participant, Vietnamese community, female, regarding HP1)

Most focus groups included participants who said they would ask for help from friends or people they knew in their community. Participants who identified as belonging to the Vietnamese and Afghan communities spoke about online groups (e.g. Facebook groups for people within their communities) as being important sources of information including about workplace issues and rights where they could ask questions. Some participants disagreed they would ask for help at all because this was a private matter they would try to deal with it.

Participants in 6 focus groups also talked about options for the worker to get help from a person or organisation outside the workplace (e.g. Legal Aid, 'Fair Work', 'Safe Work Australia'. Member of Parliament, settlement case manager). Three focus groups also spoke about contacting the Police for help to sort out the problem, and two focus groups spoke about contacting a trade union.

When deliberating whether the worker should make a complaint to the employer about the problem, some participants expressed views that they would not press the issue because they did not want to be seen by an employer as a person who complains.

Participants in two focus groups referred to the 'stigma' that came from making a complaint and talked about other options, such as finding another job or waiting longer for the payment to be made. In two focus groups, participants

talked about how their cultural perspective or values were reasons they would be reluctant to pursue a complaint about a problem like HP1.

“But to be honest, again the cultural mindset would not allow me to take that step for only one-off instance. But it really depends. Has it stopped at one instance, but they start paying up...Don’t know because I still have to continue working with the same organisation, rapport is important.” (Focus group participant, Indian community, female, regarding HP1)

Asking a lawyer for help

There were five focus groups where one or more participants said they would ask a lawyer for help with HP1, if they had been the worker, and the problem was not resolved by asking the boss to fix it. In three focus groups, participants said they were not likely to do so, or would certainly not do so. Themes that emerged from these discussions were: the problem did not seem serious enough, worry about cost, and lawyers were avoided for cultural reasons.

“So to be honest, in my culture we avoid going to lawyers, we avoid court. To be honest, it’s just my culture. Maybe my family only, from my parents’ only.” (Focus group participant, Vietnamese community, female, regarding HP1)

Where participants said they would ask for help from a lawyer, they were asked to discuss how they would find a lawyer who could help with this type of issue. Sources discussed ranged from community centres (for participants from the South Sudanese community) or community leaders and associations (for participants from the Vietnamese and Indian communities) to co-workers or friends (for participants from the Afghan community). Participants in four focus groups discussed using the internet, ‘Google’ or private Facebook groups (for people within the community) to find a lawyer.

“We don’t know anyone, so we have to go through the google only and it is difficult to find the genuine one.” (Focus group participant, Indian community, female, regarding HP1)

Participants across all focus groups deliberated on the best way to communicate with a lawyer about this type of problem, and most participants said they wanted to discuss it face-to-face, at least for the first meeting. The preference for face-to-face meetings was consistent across all focus groups, and across discussions of all hypothetical stories, and even where participants also spoke about using the internet to get legal information.

Some participants expressed a strong preference for the first meeting with a lawyer to be face-to-face and some groups spoke about needing to build trust in the lawyer by meeting them in-person.

“First preference face-to-face, so to understand the situation better. And then if it’s because of the distance, so then over the phone. And I like to get the catch up something by email to capture what we discuss, what’s to we need to follow up.” (Focus group participant, Vietnamese community, female, regarding HP1)

“[Preference is face-to-face because of] language barriers. Body language.” (Focus group participant, Vietnamese community, female, regarding HP1)

One or two participants said they preferred to communicate with a lawyer in writing from the beginning (e.g. via email or live chat). The reasons given for this preference included that it was more likely they could follow the details, and they could use online translation to help with understanding. In most focus groups, participants mentioned that written communication (text or email) was preferable to phone calls.

Participants often said having an interpreter would help with meeting a lawyer, although a focus group with participants from the South Sudanese community spoke about the difficulty of finding interpreters in Dinka or Arabic, especially at short notice, and of experiences where the interpreter had not exactly captured their words.

Each focus group debated the best day and time to meet with a lawyer about a problem like HP1. Many participants said they would be flexible about the day/ time, and some said these hours were likely to be the lawyer's preference. Some participants with parental/ caring responsibilities said they would prefer meetings to take place on weekdays, either during school hours or work hours, and a few participants said they would prefer to meet on the weekend. These views about day/ time were consistent for each hypothetical story.

Asking a CLC for help

Some participants did not know about CLCs and so on that basis said they would not have considered asking for help on this issue. These participants had very recently arrived in Australia from Afghanistan.

Two focus groups included participants who said they were unsure whether they would ask a CLC for help, if they were the worker in HP1. Themes in these discussions included uncertainty about: whether there would be any costs involved, the availability of services was means tested, or whether CLCs could help with this type of workplace problem.

Participants in two other focus groups referred to CLCs in ways that indicated they viewed them as the same as local community centres. They talked about how a community centre was not a place where they would go for help with HP1. In one focus group, it emerged that the reason for this view was that participants thought a community centre was not a private setting.

"Why go to the community...There will be a leakage of the whole problem, and everyone will be discussing it, and everyone has a different suggestion. So it is more confusing." (Focus group participant, Indian community, female, regarding HP1)

In contrast, participants in three focus groups spoke about CLCs as different to community centres. Participants mentioned 'Legal Aid' and one referred to 'Westjustice'. Participants who identified as belonging to the South Sudanese community spoke about community lawyers as being available in the local community centre building. Participants in these groups said that they would go to a CLC for help with the problem.

"I prefer going to the community lawyers and talk with them if they can do it, OK, if they not, they will show me where to go." (Focus group participant, South Sudanese community, female, regarding HP1)

Hypothetical problem 2

Identifying the legal problem (HP 2: Age discrimination)

Focus group participants responded to this hypothetical story in different ways. Participants in five focus groups concluded that the story involved a legal issue, it was about unlawful age discrimination, and the boss was not permitted to dismiss the worker. Participants expressed certainty about their views.

Participants from three other focus groups talked about the story as involving age discrimination, but questioned whether the boss might still have been permitted to act as they did. For example, some participants questioned if the worker could be excluded from employment because they were no longer fit to work and considered if retirement was compulsory in Australia. These participants expressed uncertainty about the law.

Problem-solving strategies

There was diversity between and within the views of participants in the focus groups about whether the worker should get help (such as from a lawyer) to sort out this problem, or should try to solve it themselves. Some focus groups debated whether the worker would be better off complaining about the discrimination or avoiding 'the hassle' of doing so.

Some participants said the worker could solve the problem by going to find another job, trying to convince the boss they could still work, or providing medical evidence that they were fit for work. Three participants spoke of personal

experiences of discrimination at work (that was not on the basis of age) while considering this story, and some talked about their responses, which were to move on to other jobs, or live with the problem.

“So yeah, [workplace discrimination is] why you see a lot of people quitting their job, but they keep it themselves.” (Focus group participant, South Sudanese community, female, regarding HP2)

Three focus groups quickly agreed between themselves that it was unlawful discrimination, but didn't reach consensus that they would take any action outside the workplace if they were the worker. A theme in the discussions was uncertainty about where to go for help with this type of problem.

“I would try to solve that myself. I would try to convince my boss that I can work. And if I'm not [able], then I will go for help. But I don't know actually where to go.” (Focus group participant, Afghan community, female, regarding HP2)

Like discussions about HP1, participants in these discussions explored how the worker could get information about the law and available lawyers from digital technology, with some participants referring to 'Google searches' as a way to understand the law.

There was also more emphasis on seeking help from the union in relation to this problem, with three focus groups talking about asking the union to help solve it. Building on debates in some focus groups that the story raised issues about medical fitness, some participants said the worker should ask for help or letters from their doctor.

Asking a lawyer for help

In each focus group, one or more participants said it was necessary to get help from a lawyer to address this issue. Some groups discussed strategies for finding a lawyer who was an expert on this issue. Participants suggested online searches (e.g. 'Google searches', asking a Facebook or WhatsApp groups with people in the community), asking a friend or family member, or asking for a lawyer from the union, or asking a senior citizens centre.

Some participants said that it was difficult to prove discrimination in the workplace, and that it was different to the problem about wages. One participant questioned whether it would be possible to show that the boss' reason for acting was discriminatory because they would tell you another reason instead, even with the help of a lawyer.

“[F]rom my experience, my employer, they have a million reasons to not say the direct side [for a decision], the true reason to you.” (Focus group participant, Vietnamese community, female, regarding HP2)

Similar to HP1, focus groups that discussed CLCs as separate from community centres said they would ask a CLC for help.

Hypothetical problem 3

Identifying the legal problem (HP3: Sexual harassment via sexual jokes and workplace culture)

Participants in the eight focus groups discussed and reached consensus that HP3 involved sexual harassment. A key factor in the discussions about this problem was that the behaviour was repeated and the worker's request that the conduct stop was ignored by their co-worker.

Some participants debated if the story also raised other legal issues, such as 'OHS [occupational health and safety]', and the potential for psychological distress. Many participants emphasised that they viewed this problem as more serious than HP1 and HP2 and more important to address quickly.

“The harassment, especially sexual harassment, is a very serious problem. We have to take action immediately after complaining to our manager. If they don’t care about it, we have to go beyond that as soon as we can.” (Focus group participant, Afghan community, male, regarding HP3)

Problem-solving strategies

All focus groups debated whether the worker should try to sort out the problem themselves, or get help from within the workplace, or outside, and views varied widely within and between the groups.

For example, in one focus group, participants agreed a first step would be for the worker to try to resolve the issue themselves. One participant said that the worker should ignore the behaviour and not engage with their co-worker, whereas another participant said that the worker should tell their co-worker to stop (if they felt safe doing so) and then if the jokes did not stop, they should complain to others in the organisation.

The theme that this type of problem was best resolved by the worker, whether by speaking to the co-worker or leaving the workplace, was prevalent. The main options discussed to solve the problem were non-legal pathways, such as resigning, ignoring the problem, or telling a senior manager.

“I think me personally, I think it's just too new. Me, I'm just one person. Company, that's a big organisation. So I feel like with this sort of scenario I'd probably not fight back successfully. So I think that easiest option would just be to leave, have a bit of time off and potentially go to some psych sessions to go through it all, debrief it with someone professionally. But I think for my mental wellbeing, I don't think I would like to fight for a company like that.” (Focus group participant, Vietnamese community, female, regarding HP3)

In three focus groups, participants also debated how hard it might be for the worker to prove the conduct happened if they did complain internally, and how legal advice might help.

“If I want to fight back, definitely I'll seek for the legal advice to ask what kind of evidence should I collect to save myself in the future for someone able to support me. But now that they probably are with the company.” (Focus group participant, Vietnamese community, female, regarding HP3)

Focus groups discussed potential sources of information, if the worker could not resolve the problem, such as, a friend, a human resources manager, the Police, a whistleblower line, work health and safety officers and an Employee Assistance Program.

Asking a lawyer for help

No participants spoke about taking legal action in relation to this problem, but all focus groups included participants who talked about getting advice from a lawyer. The focal point of each group’s discussion was on how the worker could themselves, or with help from others, get the behaviour to stop.

A strong theme in discussions in all female focus groups was the importance of privacy and trust when asking for legal help about a problem like HP3. Some participants spoke about the need to ensure that the environment felt safe, and some participants said they would prefer to speak to a female lawyer.

“And it’s not that easy, actually, to speak about that in our community...whenever something like this happens, it’s not that easy to just disclose it.” (Focus group participant, Afghan community, female, regarding HP3)

“...[T]o be honest seeking legal aid from potentially a male lawyer in this situation I would feel quite fearful. And being a person of colour as well, I think I would rather speak to someone who may have

the same sort of culture or experiences as me.” (Focus group participant, Vietnamese community, female, regarding HP3)

“Being a woman, I would prefer to talk to a woman lawyer, lady lawyer so she can understand problems...It’s easier to understand and easier to communicate also and find a solution.” (Focus group participant, Indian community, female, regarding HP3)

The focus group with female participants from the Afghan community discussed that they preferred to only talk about this type of problem with other women, sometimes with friends, and with some family members. The participants agreed their preference was to speak to a lawyer or a CLC outside of the Afghan community. One participant stated that this would help because it avoided the risk of being judged by people (such as Elders) in the community.

Again, this problem raised confusion in some groups regarding the difference between a CLC and local community centre.

“Participant 1: We have never heard about a community legal service. We just heard in here about community centres, but not a community legal service. It’s a new word for us.

Participant 2: We just assumed our own community.

Participant 3: Yeah. We don’t have that. We didn’t know anything about it.” (Focus group participants, Afghan community, female, regarding HP3)

Hypothetical problem 4

Identifying the legal problem (HP4: Sexual harassment via unwanted physical contact)

Building on the discussions about HP3, participants in the 8 focus groups broadly agreed that the problem involved sexual harassment. Participants in all eight focus groups spoke about this being a very serious issue.

Problem-solving strategies

Participants’ responses to HP4 generally reinforced the views and approach taken to considering how the worker could address the problem in HP3, although a theme that emerged was certainty that this problem involved physical touching which, if of a sexual nature, was an issue the worker needed to address quickly.

There were two focus groups where participants debated how hard it might be for the worker to prove the behaviour had occurred, if they decided to complain within the organisation or to an external party. Three focus groups talked about how hard this problem would be to complain about, and that, if they were the worker, they would try to solve it themselves and privately.

In five groups, discussion centered on using people and processes within the workplace to seek help as a next step (e.g. from a senior manager or HR). Focus groups with female participants spoke about only wanting to speak about this issue with a trusted close family member, and other participants said they would speak to a close female co-worker.

“Yes, I think if it was about sexual harassment, I would really stick to someone like my husband or someone very, very trusted or very close.” (Focus group participant, Indian community, female, regarding HP4)

In four focus groups participants raised (and some debated) that this was a matter for the Police, and some participants stated that if they were the worker and the behaviour did not stop, they would call the Police.

While debating how to find help with this issue, if there was no one in the workplace to talk to, participants in 3 focus groups noted there were ‘government bodies’ or ‘government departments’ that could assist with these issues, and if

they were the worker they would try to get help from them. Participants in one focus group spoke about trusting online government information to provide guidance on the problem.

Asking a lawyer for help

In some focus groups, participants spoke about how the main priority for the worker would be to stop or avoid the behaviour, and that seeking help from a lawyer about this type of issue would cause undue cost, uncertainty and stress.

“Participant A: So in that situation it's like fight or flight. I would probably be tempted to take the flight from the situation and just don't see that in front of you.

Participant B: I think simply put, we are talking about prioritising, avoiding that conflict rather than reporting it. That means – yes.” (Focus group participants, Indian community, female, regarding HP4)

Participants in one focus group also specifically discussed concern about the cost of lawyers. A participant in another focus group discussed that they would ask a trusted person who had 'been [in Australia] for a long time' for help find a lawyer about this type of problem, if the behaviour did not stop.

4.2.3 Legal needs

Participants were then asked about any needs they had if they wanted to speak to a lawyer about a problem about workplace discrimination or sexual harassment. A thematic analysis of the discussions in focus groups is set out, below.

Supporting cultural safety

Participants were asked to discuss if there were any supports that a CLC could put in place to ensure that it was culturally safe for them to ask for help. Some focus groups reiterated that face-to-face meetings supported them to feel culturally safe going to a CLC for help, and to be able to speak to someone in the language they mainly spoke at home (or have an interpreter). A female participant who identified as belonging to the South Sudanese community also said that cultural safety included providing support for mental health (e.g. by providing access to a counsellor).

Participants who identified as belonging to each of the Four Communities said that understanding their culture was very important and connected to making them feel safe to ask for help. As noted, participants who identified as belonging to the Vietnamese community said because of their culture they would not usually 'open up', or to ask for help from a place like a CLC.

Themes from discussions between participants were that safety was connected to 'understanding', 'privacy', 'private spaces' and referrals/ endorsements from trusted people to the CLC.

“[Cultural safety is] creating an environment where you feel comfortable to share, but having the space where it's more private for you to share your [problem].” (Focus group participant, South Sudanese community, female)

Participants also spoke about the importance of having someone to speak to in the language they mainly spoke at home. This was discussed by participants who identified as belonging to each of the Four communities.

“How much they are charging, can I afford it or not? And will I be able to communicate my problems perfectly or not? These are the concerns.” (Focus group participant, Indian community, male)

A theme that emerged from these discussions was that cultural understanding was especially important when speaking to someone about workplace discrimination or sexual harassment. This theme was prevalent in discussions by female participants from each of the Four Communities.

“Understanding the Vietnamese culture is one of the sure things [to make me feel safe]. Because Vietnamese people usually not open up to talk. Providing understanding of that make them feel safe and relief and walk in [the door].” (Focus group participant, Vietnamese community, female)

“Participant A: “Speaking with someone, it has to be someone who actually understands where you’re coming from...a person from your background.

Participant B: “That’s the white mentality – “You are being over-sensitive.” So it’s good to have an environment that where you could feel safe.” (Focus group participants, South Sudanese community, female)

A connected theme was that participants viewed their cultural needs as linked to their individual identities. Participants from the Indian and Afghan communities spoke about how diverse views and values were between people who belonged to their community. A female participant who identified as belonging to the Afghan community said a CLC supporting her culturally involved the lawyer giving her a chance to explain her cultural needs as an individual.

“For the legal centre, community legal centre also, if they don’t have any idea about our culture, we would love to explain a bit. Especially individually; like usually it’s not the same for everyone coming from Afghanistan, it’s not the same culture. Some of our people, we are more restricted, some of us, we are not, so it’s better to discuss this individually.” (Focus group participant, Afghan community, female)

In three focus groups, participants also discussed the need to feel reassured there would not be hidden costs to getting the advice from the CLC.

“The place, the community we come from...So there is no free legal advice even for 30 minutes. Even you get something out of it or not, it’s already charged.” (Focus group participant, Indian community, female)

“Because it may cost money, it may cost me money. On the surface the lawyer may not disclose how much does it cost for you to go through to the end of the case.” (Focus group participant, Vietnamese community, female)

Understanding about CLCs prior to study

Participants were asked about how much they knew about Westjustice before the study. Participants in four focus groups said they had not heard of Westjustice before. Participants in four other focus groups knew about Westjustice. The main source of information about Westjustice was local community centres and universities where participants had studied. Only one participant said she had heard about the ELS.

Many participants wanted to know more about Westjustice and the ELS and the type of problems at work these services could assist with. Some participants talked about using the internet to find out more about Westjustice.

“In community legal centre, do they have a specified person for a certain thing? For example, this is a sexual harassment issue, so do we have an assigned person, or one person takes age discrimination and sexual harassment? I’m not sure how the model works. If they do, then I definitely go there.” (Focus group participant, Indian community, female, regarding HP3)

4.2.4 Attitudes to the law and lawyers

Participants were asked how often they thought about the law, and what their views were of lawyers. The purpose of these questions was to investigate if attitudes to the law might contribute to unmet legal need.

In six focus groups, participants talked about how they thought about the law frequently, and some participants talked about thinking about the law 'every day'. Themes in these discussions were that the law is: part of everyday life, something to know/ think about because you had to follow it, important, not always fair, and linked to rights.

"Yeah, law is every day...Because in everything you can do here in this – everywhere...everything is law. Because you cannot cross the law." (Focus group participant, South Sudanese community, male)

In two other focus groups, participants said they 'never' or 'not often' thought about the law, and some participants in these groups said that they wanted to know more. Across each of these discussions was the theme that participants did not feel they knew a lot about the law, even though many said they thought about the law frequently. For many participants, this was a process of continual learning.

There was a circular pattern to the conversations in the focus groups about getting help from lawyers about problems at work. Lawyers had not been used by participants in the focus groups in the past, and discussion included themes of reluctance and worry about seeking out help from lawyers. Participants spoke about solving issues in the past without the need to go to lawyers. There were participants who spoke about lawyers being a 'last option', or for a 'crisis'.

"Yes. So I wouldn't go to the lawyer because I feel like sometimes lawyer works where they get paid more. If I have to fight with my company, I wouldn't go to the lawyer." (Focus group participant, Indian community, female)

"I would avoid going to court. Avoid a lawyer. It'll bring bad reputation to the [employer]." (Focus group participant, Indian community, female)

Some participants spoke about certain lawyers who charged fees who were recommended, endorsed or used often by people within the community because they were well known and had staff who spoke the language they mostly spoke at home. They said they would go to these lawyers if they had to.

Confidence about dealing with a legal problem independently and to reach a 'fair outcome'

Participants were asked if they had confidence that they could solve the problems (included in the hypothetical stories) by themselves and reach an outcome they were satisfied with, and whether they would have trust in a lawyer if they had to go to one.

Across all focus groups, viewpoints varied widely. Some participants spoke about having confidence in solving the problems if they had to do so. Themes included that doing so would arise from necessity, involve stress and difficulty, require confrontation and negotiation, and require knowledge of and/ or trust in the law. Female participants who identified as belonging to the Indian and Vietnamese communities spoke about having lower confidence because of experiences of trying to solve problems at work alone in the past.

Some participants noted that HP3 and HP4 were more serious problems, and they would find it harder to solve them on their own. Other participants held definite views they could not solve these types of problems by themselves but would probably ask for help or support to do so. A female participant who identified as belonging to the South Sudanese community referred to seeking legal help from a 'community lawyer' about a workplace problem (that did not involve discrimination or sexual harassment) and reaching a 'fair outcome', and said she would ask for help like this in future if needed.

For all the focus groups, the idea of an outcome that they could achieve and that was satisfactory to them was to have the problem go away and, sometimes, participants mentioned an apology. For HP1, this involved being paid the wages, and for HP2 this involved continuing to work. For HP3 and HP4 this involved the behaviour stopping or finding another job.

In six focus groups, participants mostly had moderate to high trust in lawyers in Australia. However, in two other focus groups, participants stated they did not trust lawyers. Where participants expressed low trust, or some hesitation regarding trusting a lawyer, two key themes to their comments emerged: worry about cost, and uncertainty about competence.

5 DISCUSSION

The discussion below considers the findings from the online survey and the focus groups with reference to the research questions.

5.1 DISCUSSION OF FINDINGS FROM THE SURVEY AND FOCUS GROUP INTERVIEWS

5.1.1 How much people from the Four Communities know about the law and their legal rights regarding workplace discrimination and sexual harassment

Few survey participants selected that the hypothetical stories comprised legal problems, but most referred to the law or legal rights in some way when describing these stories in 'open text' responses. Overall, survey participants set out very little detail about the law that applied in their answers, and this indicated that understanding of the law was general in nature.

Responses to the survey generally pointed towards participants having some legal understanding but lower confidence in terms of identifying a problem to be a legal problem.

Aligned with the survey data, discussions between participants in the focus groups (about the four hypothetical stories) indicated that participants understood the legal dimensions of the stories. Participants spoke broadly about the type of legal issue that was relevant to the story, but not about the detail of the law.

There was an apparent gap in focus group participants' understanding of legal processes and options to solve legal problems at work, and of the agencies that can help with these problems, although some participants talked about 'Fair Work', the 'Ombudsman' and unions as helpful places.

It is noted that the PULS survey found that Victorians had a reasonable level of legal knowledge (72.77% gave correct responses to questions that tested knowledge of employment law). However, there were some groups where there were key variances in the level of knowledge.¹⁵⁰ One of these groups was people whose main language at home was not English. It is noted that 34 of the 36 participants mainly spoke a language that was not English at home, and so it seems this aspect of the findings is aligned with the broad-based findings of the PULS survey.

Notably, survey and focus group participants viewed problems about workplace discrimination and sexual harassment as serious or very serious problems and were clear that the conduct was not lawful.

5.1.2 Legal attitudes and capabilities of people from the Four Communities to solving problems about workplace discrimination and sexual harassment

As Balmer et al have noted, 'Legal capability matters. Poor legal skills, low legal confidence and negative attitudes to law all limit our ability to deal with issues in our lives which might have a legal solution.'¹⁵¹ Survey participants expressed medium or high levels of confidence in their ability to solve legal problems at work on their own to reach a 'fair outcome'. Perhaps unsurprisingly for an online survey, participants broadly expressed confidence in their digital literacy.

The small number of survey participants meant it was not possible to draw out further inferences from this data. It is noted that, however, in relation to the PULS Survey, Balmer et al identified associations between social characteristics and legal confidence. There are some characteristics associated with higher legal confidence that featured among survey participants (such as mostly speaking a language at home that is not English, being married, and being a parent/carer).

In terms of confidence to solve legal problems about work, participants in the focus groups from the Indian community often expressed high confidence they could solve problems alone to reach a 'fair outcome'. Participants from the Vietnamese, Afghan and South Sudanese communities had more varied views. Some participants expressed high levels of confidence, whereas others expressed hesitation and doubt about whether they could solve legal problems at work on their own.

Many participants in the focus groups also expressed confidence in their practical ability to find legal information, including through digital sources. Participants explored a range of options for finding legal information (and lawyers) in their discussions, including digital options (e.g. 'Google searches', generative AI (e.g. ChatGPT), Reddit) and online networks and communities (e.g. private Facebook pages/ chats). Female participants from the Vietnamese and Afghan communities used online networks for local people within their community to find legal information.

¹⁵⁰ Nigel Balmer et al, *PULS Volume 2: Understanding and Capability Report Summary* (VLF, 2024) 2.

¹⁵¹ Balmer et al, 'PULS Volume 2' (n 71) 10.

As noted by Balmer et al, high levels of legal confidence might reflect that people have had to deal with legal problems in the past on their own; it might reflect capability through necessity.¹⁵² Legal confidence is not itself a measure of legal capability to solve a legal problem, such as a problem about discrimination or sexual harassment at work. That is, there might still be high unmet legal need.

Survey participants rarely said that they would go to a private lawyer or CLC for help about a workplace problem about discrimination or sexual harassment, even though many of them said they knew about CLCs such as Westjustice. There were survey participants who stated they had experienced a problem about workplace discrimination or sexual harassment in Australia in the last 5 years. None of them had sought help from a lawyer to solve the problem.

Participants in each of the focus groups also expressed hesitation and doubt about the accessibility of lawyers to assist with problems about workplace discrimination and sexual harassment. Trust in lawyers among participants varied widely. There were several persistent themes in participants' discussions: lawyers are expensive; it is difficult and time consuming to find a specialist lawyer; lawyers vary in ability and motive. These themes about why lawyers are seen as inaccessible are not specific to the perspectives of people from the Four Communities; they arise in broader studies that investigate legal attitudes.¹⁵³

Participants who were from the Afghan and South Sudanese communities often said they would go to the Police for help with a problem about workplace sexual harassment, rather than a lawyer. This might reflect information provided to them by settlement officers, as many of these participants said they had recently arrived in Australia and were in touch with settlement services.

These findings provide an indication that there are informational and attitudinal barriers to survey and focus group participants from the Four Communities getting help from a lawyer if they have a problem at workplace discrimination or sexual harassment.

5.1.3 Barriers to people from the Four Communities accessing a legal service like the ELS

As noted above, findings from the PULS Survey indicate that people in the Four Communities who face problems about workplace discrimination or sexual harassment, and whose main language spoken at home is not English, are at higher risk of having unmet legal needs.

The reasons provided by survey participants for not seeking legal help when they had experienced a problem about workplace discrimination or sexual harassment varied (and in most instances participants provided multiple reasons for not doing so). Some of the reasons illuminate reluctance to talk about the issue (except to close family or friends) and concerns the information/ advice would not be independent.

Other reasons provided by survey participants for not seeking legal help related to uncertainty about where to go to get help on a problem about workplace discrimination and sexual harassment. One participant noted they 'didn't know i can get an advise on such matters'. Survey participants also said they did not get legal help because of a concern that the problem was not sufficiently serious.

Focus group participants also often spoke about not knowing that legal assistance services helped with problems about workplace discrimination and sexual harassment. A key difference arose in discussions by participants from the South Sudanese community, who referred to a local community centre where a lawyer was often collocated who could help with civil legal problems. Overall, many focus group participants said they knew little (or nothing) about the legal help provided by Westjustice for problems at work and many participants asked to know more.

Some focus group participants from the Indian and Afghan communities also discussed that a CLC was the same as a local community centre. This is important because some of these participants said they would not approach a community centre for legal help about a problem at work (because it would not be private). This concern could be a barrier to people asking for legal help in a joined-up service. Signaling independence as a legal service is significant to consider where legal assistance services are co-located in community or health centres.

Confidentiality, privacy and even anonymity were central priorities for focus group participants with respect to getting help with solving a legal problem about workplace discrimination or sexual harassment. Participants from the Indian, Vietnamese and Afghan communities talked about handling problems alone (or with the help of a close trusted family member/ friend)¹⁵⁴ to maintain privacy. Privacy was discussed at length with respect to legal problems about workplace sexual discrimination by female participants from the Afghan community.

¹⁵² Ibid.

¹⁵³ See, eg, Nigel Balmer et al, *Law...What Is It Good for? How People See the Law, Lawyers and Courts in Australia* (Victoria Law Foundation, 2019) ('*Law...What Is It Good For?*').

¹⁵⁴ Research has found that people often disclose legal problems to 'trusted intermediaries' (e.g. social workers, settlement officers), and this is especially the case for people who are digitally excluded, and this is reflected in responses by participants in the focus groups. See further Liz Curran, Jane Ching and Jane Jarman, *Regulatory Leadership on Access to Justice* (December 2024) 45 <<https://www.legalservicesconsumerpanel.org.uk/wp-content/uploads/2025/04/25.04.01-Regulatory-Leadership-on-Access-to-Justice-Report.pdf>>.

This also linked to a key theme in discussions in focus groups about finding a lawyer, which was the need to develop trust in them. Participants often said trust was developed through face-to-face meetings. This theme of in-person meetings resonated across the focus groups, even when participants also said they had high levels of confidence in using digital technology.

Participants in focus groups said interpreters would help them if they needed to get help from a lawyer. Some participants said they were worried finding an interpreter could take too long,¹⁵⁵ and one participant from the South Sudanese community said she had experiences where interpreters had not interpreted her words correctly.

5.1.4 Cultural needs of people from the Four Communities when they seek help from a legal service like the ELS to solve a problem about workplace discrimination and/or sexual harassment

A participant from the Vietnamese community spoke about a cultural barrier to seeking help from a lawyer to solve a problem at work. It was not clear from the discussion in that focus group if this cultural barrier existed for all the participants in that group, and this warrants further investigation.

A participant from the Indian community stated that cultural barriers existed in relation to making a complaint in the workplace. They spoke about not wanting to be seen as someone who makes complaints and wanting to maintain rapport in the workplace. For the participants in the focus group, making a legal complaint would only be an option to contemplate if employment had ceased.

There were also key cultural barriers raised by some focus group participants in relation to seeking help to solve a problem about workplace sexual harassment. Male and female participants from the Afghan community stated that they would be concerned that they would be judged by others in their community if it was known that they had experienced workplace sexual harassment. Female participants from the Afghan community said that these concerns meant they would want to speak to a lawyer who was not from the Afghan community, but also that it would be very unlikely they would go to a lawyer for help.

There was also a strong view held by participants in the focus groups that the main way that a CLC could provide cultural safety to enable them to get help about a legal problem about workplace discrimination or sexual harassment would be by taking steps to understand their cultural needs, as people who were part of a cultural group *and* as individuals within that group.

These discussions drew out nuanced distinctions about the backgrounds and priorities of the participants as individuals. Participants from the Indian community spoke about how diverse the backgrounds and traditions of people from India are, and how this can affect how they respond to problems about workplace discrimination or sexual harassment.

Considerations of intersectionality are not only relevant to thinking about the types of problems participants can face, but also about legal needs and access to legal services. Female participants across the Four Communities noted that they preferred speaking to a female (friend, co-worker or lawyer) about a problem about sexual harassment. Female participants from the Afghan community emphasised that they needed to get legal help about workplace sexual harassment in a private environment (preferably anonymously) because of their cultural needs.

5.1.5 Decolonising workplace equality law

Australian workplace equality laws can be seen as mechanisms intended to combat against proscribed discrimination, including in employment. These laws have a protective aim.¹⁵⁶ Yet the data and findings in this study illuminate that there are many reasons legal help might not be sought from the perspectives of participants.

The very concept of 'barriers' to legal help is arguably underpinned by ideas regarding the limits and boundaries of legal frameworks and institutions. The concept presumes that the priority is to eliminate barriers to access, and so it is focused on how legal systems and institutions offer services.¹⁵⁷

Decolonising legal research encourages attention to be paid to the mechanisms for solving problems with legal dimensions that people use, that are outside legal systems and institutions. In this context, consideration can be given to how people might be empowered to best utilise these mechanisms. This study included insights from focus group participants about personal, family, community and online networks that they saw as providing help and agency to solve legal problems (e.g. help from community associations, Facebook pages for community members).

In addition, this study highlighted a plurality of ideas of justice expressed by focus group participants. As noted, some participants saw the ideal solution to a problem about workplace discrimination or sexual harassment to be that the problem did not interfere with or stop them from continuing with their job. Legal pathways sometimes offer these types of

¹⁵⁵ In this study, the availability of interpreters in the language needed by participants was very limited. The lack of an interpreter can make access to justice more elusive for people who speak a language this is not English at home. The Judicial Council on Cultural Diversity has stated that, for over two thirds of languages spoken in Australia (and often those spoken by recently arrived people) there are no accredited interpreters: Judicial Council on Cultural Diversity, *Recommended National Standards for Working with Interpreters in Courts and Tribunals* (Report, 2017) 41–52.

¹⁵⁶ Beth Gaze, 'Responding to Exponential Inequalities in Australia: Beyond the Limits of Equality and Discrimination Law' in Shreya Arey and Sandra Fredman (eds), *Exponential Inequalities* (OUP, 1st edn, 2023) 183, 191.

¹⁵⁷ Macdonald (n 65) 498–504.

solutions (e.g. the 'stop sexual harassment orders under Part 6-4B of the FWA) but, predominantly, they are oriented towards the remedy of compensation. These nascent ideas challenge traditional (and legally oriented) ideas of justice that warrant further examination in future studies.

6 RECOMMENDATIONS

The following recommendations are offered based on this study for consideration by Westjustice.

6.1 RECOMMENDATIONS AND REASONS

6.1.1 Recommendation 1

Develop digital resources about the law and rights about workplace discrimination and sexual harassment and how these can be made most visible and available to online users and communities in Melbourne.

This recommendation responds to survey and focus group discussion data about participants who preferred legal information to come from online sources, from 'Google searches' and generative AI (e.g. ChatGPT) to Reddit and private Facebook pages.

6.1.2 Recommendation 2

Provide targeted information about the ELS to people in the Four Communities online in a range of languages (e.g. via an online advertising campaign).

This recommendation responds to survey data and discussions in focus groups about gaps in knowledge about legal assistance services that can help with problems about workplace discrimination and sexual harassment (including Westjustice and the ELS).

6.1.3 Recommendation 3

Develop video testimonials of past clients of Westjustice including with and by people who identify as belonging to one of the Four Communities and make these testimonials available online and in different languages.

This recommendation responds to findings from the focus group discussions about the importance of community referrals and endorsements to the process of finding a lawyer. These testimonials could also include information that emphasises that CLCs provide private, confidential and free legal advice and are independent of community centres. The videos could be provided in different languages and might also include subtitles, noting that some participants stated they preferred to read rather than hear legal information.

6.1.4 Recommendation 4

Consider if any adjustments need to be made to in-person advice settings to ensure they are private and discreet and ask people who contact the ELS about privacy-related needs.

This recommendation is informed by findings from focus groups with female participants from the Four Communities that there is concern about privacy when accessing services about workplace discrimination and sexual harassment and that might stop them from going to a CLC for help with a problem.

6.1.5 Recommendation 5

Consider options for an established process for referrals ('warm referral' pathway) to the ELS from local Police stations that receive inquiries about workplace sexual harassment.

This recommendation is underpinned by focus group interview data (and to a lesser extent the survey data) that points towards the Police being a source of legal information in relation to workplace sexual harassment. This was particularly discussed by focus group participants from the Afghan and South Sudanese communities (many of whom arrived recently in Australia).

In addition, views of focus group participants, about their cultural safety needs when seeking legal help about a problem involving workplace discrimination or sexual harassment, would be relevant to considering options for any 'warm' referral pathway.

6.1.6 Recommendation 6

Pilot an online 'chat' service for the ELS that allows people to make contact and ask for legal information anonymously.

This recommendation is informed by focus group participants' concerns regarding privacy and confidentiality when asking for legal help about sexual harassment and how this is a potential reason why they would not get legal help from a lawyer or CLC. It reflects reasons why focus group participants said they preferred to access information about workplace law online: it was quick and anonymous. The findings indicate that to be most effective, the 'chat' service would need to be free and multilingual or supported by skilled interpreters.

6.1.7 Recommendation 7

Develop, in collaboration with members of the Four Communities, information and training resources for staff at Westjustice (including the ELS) about the communities' cultural needs.

This recommendation is informed by focus group participant data that the main way a legal service for workplace problems could address their cultural needs was by understanding their cultural backgrounds and to ask about how individual (and other) needs interacted with their cultural needs.

6.1.8 Recommendation 8

Direct lawyers and other staff at Westjustice to ask clients about any individual cultural needs at intake interviews and consider these needs in their advice.

This recommendation is informed by focus group participant data that individual cultural needs also need to be considered by lawyers as part of providing a culturally safe legal advice service, noting that some participants said they wanted a lawyer who *understood* their cultural background but was *outside* their community, whereas others said they wanted someone who identified as being *within* their community.

6.1.9 Recommendation 9

Extend programs in which Westjustice lawyers provide in-person clinics at local community centres, with particular attention to centres that provide support for people from the Four Communities.

This recommendation is informed by key dimensions of the findings: the higher level of knowledge of CLCs and confidence in seeking help from a lawyer among focus group participants from the South Sudanese community (and who knew of a local community centre where a clinic was held), and that focus group participants wanted to meet a lawyer face-to-face before seeking help.

While some focus group participants said that they would not go to a local community centre for legal help, this mainly arose from concerns that CLCs were not independent from local community centres, or because participants did not know CLCs existed, or did not know they offered help with legal issues at work (as compared to a local community centre).

Focus group participants from the Afghan community had the least knowledge of the existence of CLCs and so a local community centre in the western suburbs that provides services to people from the Afghan community might be prioritised to trial a face-to-face clinic.

7 FUTURE RESEARCH

This study reveals pathways for future research and gaps in publicly available data.

Separate investigations could be conducted with respect to each one of the Four Communities, and of other communities in the western suburbs of Melbourne. The distinct dimensions of the legal needs of people in the Four Communities warrant sustained analysis.

This study could also be built on by research that includes semi-structured key informant interviews with community insiders, and local leaders within the Four Communities as well as lawyers who provide legal assistance services in the western suburbs of Melbourne.

There needs to be consistent data collected about complaints across the labour and equality agencies and Courts, including about requests by complainants for assistance from an interpreter (and if so in which language). Experts have long called for consistent collection and publication of this data, and this study shows how it is important to plan legal service delivery.

8 CONCLUSION

This study sought to contribute to analysis of legal needs, with a specific focus on workplace discrimination and sexual harassment, and on people from the Four Communities.

Westjustice commissioned the study (under a VLF Knowledge Grant 2024) with the aim of better understanding why people who identified as belonging to the Four Communities had not often or ever sought legal help from the ELS, and whether the ELS was culturally accessible to people from the Four Communities.

The research questions were shaped by this aim. The study produced preliminary findings in relation to each of the research questions based on data collected from participants through an online survey and focus group interviews.

The findings provided insights into participants' understandings of relevant law, legal attitudes and capabilities, and possible barriers to seeking legal help about a problem regarding workplace discrimination or sexual harassment. The findings also highlighted the cultural needs participants had if they approached a service like the ELS for legal help.

The opinions and perspectives of participants in this study reveal a multiplicity of factors that can shape a person's understanding of a legal problem relating to workplace discrimination or sexual harassment, and decision to seek legal help about that problem. The preference among participants for anonymity when seeking legal information and advice is an interesting feature of the findings that presents key challenges to the model of legal service delivery, as is the tension between preferences for online services and the need to develop trust through 'face-to-face' meetings with lawyers.

The recommendations set out for consideration in this report respond to the data and findings and so are focused on people in the Four Communities. They are pragmatic and targeted, but some contemplate incremental steps to be taken over time. The recommendations are also likely to assist both newly arrived and long-settled migrant and CALD communities across the western suburbs of Melbourne, with the social impacts likely to extend beyond people from the Four Communities.

Further research is required, including using empirical methods, to investigate the legal needs of people in the Four Communities in further depth. This would add to the insights and perspectives highlighted in this study and promote evidence-informed development of legal assistance services targeted at helping with problems about workplace discrimination and sexual harassment, and beyond.

APPENDIX 1 STAKEHOLDER SUPPORT

The support for this study provided by the following organisations and individuals is gratefully acknowledged.

The representatives from the following organisations and individuals provided views and feedback on the planning of the research and/ or the survey instrument, and also at various stages of the study.

- WCEC and Janubi Wyndham
- Utopia Refugee Health
- Indian Care
- Yarraville Community Centre
- Kowanj Australasia Ltd
- Melton City Council
- Bon Nguyen, Former President of the Vietnamese Community in Australia Victoria Chapter

The following organisations and individuals met with staff at Westjustice to hear about the survey and/ or focus group interviews, and some also provided forums to enable the focus group interviews to be promoted to members of the public.

- WCEC and Janubi Wyndham
- Penrose Community Centre Uniting Seniors Club
- South Sudanese Australian Youth Justice Expert Working Group
- Respect@Work National Community of Practice
- The Hon. Ingrid Stitt MP, Minister for Multicultural Affairs, State of Victoria (and advisors)

The following organisations promoted the survey via social media, newsletters and/ or posters in their buildings.

- Brimbank City Council
- Africause
- Cohealth
- AMES
- Centre for Multicultural Youth
- Future Connect / Melton Youth Grounds Cafe
- Ethnic Communities Council of Victoria
- Penrose Promenade Community Centre (Wyndham City Council)
- Western Bulldogs Foundation
- Louis Joel Arts & Community Centre (Altona)
- Victorian Equal Opportunity and Human Rights Commission

APPENDIX 2 SURVEY PARTICIPANTS

TABLE 2: COMMUNITY WITH WHICH THE PARTICIPANT IDENTIFIED

Afghan	2
Indian	4
South Sudanese	1
Vietnamese	3
Total	10

TABLE 3: LOCAL GOVERNMENT AREA BASED ON POSTCODE

City of Brimbank	4
City of Hobsons Bay	1
City of Maribyrnong	3
City of Wyndham	2
Total	10

TABLE 4: LANGUAGE MOST OFTEN SPOKEN AT HOME

English	4
Dari	1
Punjabi	1
Hindi	1
Vietnamese	1
Not specified	2
Total	10

TABLE 5: GENDER

Female	7
Male	1
Non-binary/ gender diverse	
Gender identity not listed (specify)	
Prefer not to say	
Not specified	2
Total	10

TABLE 6: AGE GROUP

18-24	
25-34	6
35-44	1

45-54	1
55-64	
65+	
Not specified	2
Total	10

TABLE 7: FAMILY STATUS

Married	5
De facto	
Single	3
Family status not listed (specify)	
Prefer not to say	
Not specified	2
Total	10

TABLE 8: PARENTAL OR CARER STATUS

Children under 18 years of age	5
Children over 18 years of age	
No children	3
Prefer not to say	
Not specified	2
Total	10

TABLE 9: TRADE UNION MEMBERSHIP

Member of a trade union	2
Not a member of a trade union	5
Prefer not to say	1
Not specified	2
Total	10

TABLE 10: EDUCATION

Primary school	
Secondary school	1
Trade or apprenticeship	
Certificate or diploma	
Bachelor degree or above	7
Not specified	2

Total	10
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TABLE 11: GROSS ANNUAL HOUSEHOLD INCOME

\$0 to \$39,988	
\$39,989 to \$70,564	2
\$70,565 to \$110,292	4
\$110,293 to \$165,256	1
\$165,257 or more	
Prefer not to say	1
Not specified	2
Total	10

TABLE 12: SHORTAGE OF MONEY FOR FOOD/ HEATING OR COOLING HOME IN PREVIOUS 12 MONTHS

Yes	
No	7
Prefer not to say	1
Not specified	2
Total	10

TABLE 13: YEARS SINCE ARRIVAL IN AUSTRALIA

Arrived in Australia, last 5 years	2
Arrived in Australia, over 5 years ago	2
Born in Australia	4
Prefer not to say	
Not specified	2
Total	10

TABLE 14: RESIDENCY STATUS

Australian citizen	6
Permanent resident	
Temporary resident	2
Prefer not to say	
Not specified	2
Total	10

TABLE 15: EMPLOYMENT STATUS

Permanent full time	2
Permanent part time	4

Casual, for an employer, full time	1
Casual, for an employer, part time	
Work for own business	1
On demand, as part of the gig economy	
Volunteering	
Prefer not to say	
Not specified	2
Total	10

TABLE 16: CURRENTLY STUDYING

Yes, at high school	
Yes, at university	4
Yes, at TAFE/ technical college	
No	4
Not specified	2
Total	10

TABLE 17: LONG TERM HEALTH CONDITION, IMPAIRMENT OR DISABILITY

Yes ¹⁵⁸	1
No	7
Prefer not to say	
Not specified	2
Total	10

TABLE 18: ACCOMODATION

Owned outright	
Owned with mortgage or loan	2
Part rent and part mortgage (shared equity)	1
Rent – public housing or other community or social housing	
Rent from private landlord	4
Neither own nor rent accommodation	1
Prefer not to say	
Not specified	2
Total	10

¹⁵⁸ The participant specified that this condition mildly restricted their daily activities, such as their communication, mobility or self-care.

TABLE 19: FREQUENCY OF USE OF THE INTERNET

Every day	5
Less often than every day	2
Not at all	1
Prefer not to say	
Not specified	2
Total	10

TABLE 20: TYPES OF USE OF INTERNET

	Yes – have done this	No – but could	No – and could not	Don't know what this is
Paying a bill	6	1		1
Sending an email	6	1	1	
Making a videocall on laptop	5	3		
Find specific information (e.g. about eligibility for government benefits)	7		1	
Set up 2-step ID verification	5	1	1	1
Do tax return, claim a Centrelink benefit, etc	4	1	1	2
Save online document onto computer	6		1	1
Not specified	2			

TABLE 21: KNOWLEDGE OF SERVICES

Knowledge of one or more legal services	9
AED Legal Centre	1
Disability Discrimination Legal Service	2
Human Rights Law Centre	2
JobWatch Inc	4
Justice Connect	2
Law and Advocacy Centre for Women	1
Mental Health Legal Centre	1
Refugee Legal	1
Seniors Rights Victoria	1
Victoria Legal Aid	5
Westjustice	4
Young Workers Centre	1

TABLE 22: SOURCE OF KNOWLEDGE ABOUT SERVICES

Previous use	1
Referral from another support service or advisor	4
Friend, family or colleague	1
Online (e.g. on a website or 'ap')	9
Yellow pages, or similar offline directory	1
Newspaper/ magazine/ radio	1
Social Media Advert (e.g. on Facebook, Instagram, Twitter/X)	2
Social Media Page/Post (e.g. on a Facebook, Instagram, Twitter/X, TikTok Post/Page/Video)	
Other	3 ¹⁵⁹
Not specified	2

TABLE 23: TYPE OF PROBLEM HYPOTHETICALS

	Problem A	Problem B	Problem C	Total
Bad luck / part of life				
Moral/ ethical,		2	1	3
Private/ personal		1		1
Criminal	1		5	6
Legal	1	1	1	3
Social	1	2	1	4
Bureaucratic/ red tape	1			1
Family/ community				
None of these				

TABLE 24: HOW SERIOUS IS THE PROBLEM, SCALE OF 0-10

Problem	Score
Problem A	3, 6, 7, 7, 8, 8
Problem B	5, 8, 9, 10
Problem C	5, 7, 7, 7, 8, 10, 10, 10

TABLE 25: IS CONDUCT ALLOWED BY LAW

Hypothetical story (H)	Participant response		
	HA	HB	HC
Yes	1	2	2
No	3	4	6

¹⁵⁹ Participants specified that knowledge of the service was gained by walking past the physical building of the service (1), or through word of mouth at/ referral by a local government community centre (2).

Maybe

TABLE 26: WOULD YOU GET INFORMATION/ ADVICE ABOUT THE PROBLEM

Hypothetical story (H)	HA	HB	HC
Yes	4	3	7
No			1
Maybe		2	

TABLE 27: PREFERRED SOURCE OF INFORMATION/ ADVICE ABOUT THE PROBLEM

	Ranked First	Ranked in Top 3
A family member	2	2
A friend or acquaintance (but not a person whose job is to help solve problems such as these)	1	3
A co-worker	2	6
The head of the workplace/ organisation (e.g. the CEO or business owner)		2
Another supervisor or boss in the workplace/ organisation (who is not your direct boss)	1	3
A community or religious leader		2
A trade union		2
The FWC	1	4
The FWO		1
The VEOHRC		
The AHRC		
A community legal service	2	3
A private solicitor/ lawyer		1
A court or tribunal		
The police		2
Websites	1	1
Chat GPT or another form of generative AI	2	2
Social media	1	
A community, neighbourhood, religious or charitable organisation (specify)		
A health, welfare, financial services or other professional (e.g. a doctor or social worker)		

Any other person or organisation
Don't know

TABLE 28: FIRST RANKED CHOICE OF INFORMATION/ ADVICE REASONS

	Ranked First	Reasons (from multiple responses)
		This issue is private and I would be reluctant to talk to other people about it, I've gotten information, advice or representation from them before and it was helpful
A family member	2	I think they would be the best person/organisation to get help from, This issue is private and I would be reluctant to talk to other people about it, They are the only people/ organisations that I know could help
A friend or acquaintance (but not a person whose job is to help solve problems such as these)	1	I don't think the problem is serious enough to get advice from anywhere else, I've gotten information, advice or representation from them before and it was helpful, It would not cost me any money
		I think they would be the best person/organisation to get help from, I've gotten information, advice or representation from them before and it was helpful, It would be quick to get advice from them
A co-worker	2	I've gotten information, advice or representation from them before and it was helpful, It would not cost me any money, I would be embarrassed or ashamed to get advice from other people/organisations
Another supervisor or boss in the workplace/ organisation (who is not your direct boss)	1	It would be quick to get advice from them
The FWC	1	It would be quick to get advice from them

A community legal service	2	I think they would be the best person/organisation to get help from
Websites	1	I don't think the problem is serious enough to get advice from anywhere else, I've gotten information, advice or representation from them before and it was helpful
		I would be embarrassed or ashamed to get advice from other people/organisations, I would prefer to get advice from people or organisations that are within my own community
Chat GPT or another form of generative AI	2	It would be quick to get advice from them, It would not cost me any money, I would be worried that I would get in trouble from the Government if I got advice elsewhere
Social media	1	It would be quick to get advice from them, I would prefer to get advice from people or organisations that are within my own community

TABLE 29: REASON/S WHY A CLC LIKE WESTJUSTICE NOT CHOSEN AS SOURCE OF INFORMATION/ADVICE

Reason	Participant selected
I don't think I'd need advice from them	
I think it would be too hard to contact them or get to their offices	3
This issue is private and I would not want talk to other people about it	2
I think it would take too long	5
I think they would cost too much	1
I would be embarrassed or ashamed to get advice from them	3
I would not want to cause trouble for my employer	3
I would be worried that I would get in trouble from the Government if I got advice from them	4

I would be worried that it would impact my chances of getting another job	3
I would prefer to get advice from people or organisations that are within my own community	1
I would be concerned that they are not independent	
I would be concerned that it would impact my visa status	2
I don't know anything about Community Legal Centres or what they do	1
I don't know anything about Westjustice or what they do	2
I would have to communicate in English and I would find that very difficult	

TABLE 30: EXPERIENCED PROBLEM LIKE HYPOTHETICAL STORY B IN LAST 5 YEARS IN AUSTRALIA AND IF INFORMATION/ ADVICE SOUGHT¹⁶⁰

	Information/ advice sought	No information/ advice sought
Similar problem experienced – once in last 12 months		
Similar problem experienced – more than once in last 12 months		1
Similar problem experienced – once between 1-2 years ago		1
Similar problem experienced – more than once between 1-2 years ago		
Similar problem experienced – once more than 3 years ago		1
Similar problem experienced – more than once more than 3 years ago		1
Total		4

TABLE 31: EXPERIENCED PROBLEM LIKE HYPOTHETICAL STORY C IN LAST 5 YEARS IN AUSTRALIA – WHETHER INFORMATION/ ADVICE SOUGHT

	Information/ advice sought	No information/ advice sought
Similar problem experienced – once in last 12 months		
Similar problem experienced – more than once in last 12 months		

¹⁶⁰ No participants specified that they experienced a problem like hypothetical story A and so no table is provided.

Similar problem experienced – once between 1-2 years ago	1 ¹⁶¹	2
Similar problem experienced – more than once between 1-2 years ago		
Similar problem experienced – once more than 3 years ago		
Similar problem experienced – more than once more than 3 years ago		1

TABLE 32: EXPERIENCED PROBLEM LIKE HYPOTHETICAL STORY B OR C IN LAST 5 YEARS IN AUSTRALIA – REASON/S NO INFORMATION/ ADVICE SOUGHT

Reason	Participant selected
I didn't need to	
I wanted to work the problem with my employer directly	1
This issue was private and not something I wanted to discuss with others	2
I didn't think the problem was serious enough	2
I didn't think it would make a difference	4
I had gotten information or advice before and it was not helpful	1
I thought it would take too much time	1
I was concerned about the cost	
I was embarrassed or ashamed	
I did not want to cause trouble for my employer	1
I was worried that I would get in trouble from the Government	
I didn't know where to go or who could help	3
I thought it would be easier to find a new job	4
I didn't think that the information or advice would be independent	1
I was worried that it would impact my chances of getting another job	
I was concerned that it would affect my visa status	
I would have had to communicate in English and it would have been too difficult	
Other (please specify)	1 ¹⁶²

¹⁶¹ Source of information/ advice specified: A co-worker.

¹⁶² Reason specified: 'I didn't know i can get an advise on such matters'.

TABLE 33: CONFIDENCE IN LEGAL PROBLEM-SOLVING: QUESTION SUMMARY

	Not at all	Hardly True	Moderately True	Exactly True
Question 1	1	3	2	2
Question 2	3	1	2	2
Question 3	1	1	4	2
Question 4	2	3	2	1
Question 5	1	3	2	2
Question 6	0	2	4	2
Question 7	1	2	3	2
Question 8	0	3	4	1
Question 9	0	2	5	1
Question 10	2	2	3	1

TABLE 34: CONFIDENCE IN LEGAL PROBLEM-SOLVING: PARTICIPANT SUMMARY

Confidence level (av.)	No. of Participants
Low	
Medium	5
High	3
Not specified	2
Total	10

TABLE 35: CONFIDENCE IN LEGAL PROBLEM-SOLVING: RESPONDENTS (RANKED BY AVERAGE)

	Not at all	Hardly True	Moderately True	Exactly True	Average Score ^	Confidence Level +
Respondent 1	3	4	2	1	2.1	Medium
Respondent 2	3	3	3	1	2.2	Medium
Respondent 3	1	5	4	0	2.3	Medium
Respondent 4	2	3	5	0	2.3	Medium
Respondent 5	1	4	1	4	2.8	Medium
Respondent 6	1	1	5	3	3.0	High
Respondent 7	0	2	4	4	3.2	High
Respondent 8	0	0	7	3	3.3	High

^ Average Score: Calculated by assigning a numerical score to each response on a 4-point scale (Not at all = 1, Hardly True = 2, Moderately True = 3, Exactly True = 4) and calculating the average considering all responses

+ Confidence Level: Calculating using the Average Score and defining ranges for Low (1-1.9), Medium (2-2.9), High (3-4)

APPENDIX 3 FOCUS GROUP INTERVIEW PARTICIPANTS

TABLE 36: FOCUS GROUP INTERVIEW – COMMUNITY, GENDER AND NUMBER OF PARTICIPANTS

	Community (gender)	No. of participants
Focus Group 1 (Pilot)	Indian (female)	2
Focus Group 2	Vietnamese (female)	5
Focus Group 3	Indian (female)	3
Focus Group 4	Indian (male)	2
Focus Group 5	Afghan (female)	6
Focus Group 6	Afghan (male)	5
Focus Group 7	South Sudanese (female)	5
Focus Group 8	South Sudanese (male)	8
Total		36

TABLE 37: AGE RANGE

Age range	No. of participants
18-24	3
25-34	9
35-44	8
45-54	4
55-64	7
65+	5
Total	36

TABLE 38: LANGUAGE MOST OFTEN SPOKEN AT HOME

	No. of participants
English	2
Other	34
Total	36

TABLE 39: INTERPRETER REQUESTED

	No. of participants
Yes	3
No	33
Total	36

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