

Submission 160

I have been repeatedly sexually harassed and assaulted twice and lost two careers due to it. I wrote a long sad, sad story about what happened to me, but I am unable to submit it. I still want my voice heard as one of my cases was very significant, so I will approach my submission from a different perspective.

I'd like to address the power imbalance when large entities are against a small singular party. It's clear the large entity has all of the power, and they have no interest in the victim's well-being, they are only interested in obtaining the victim's signature on the non-disclosure. There seems to be no assurance on the industry, does the industry know how many sexual harassments are settled via mediation? Or is mediation and its confidentiality clauses systemically hiding cultural issues? Are certain entities repeat offenders and abusing the mediation process to evade vicarious liability, hide their inadequacies and not address cultural issues effectively?

Assurance and performance of mediation needs to be introduced to maintain the integrity of the process. Abuses of the process need to be accountable. My proposal involves compulsory registration of all mediations where a large entity is up against a small singular party. A data-set that requires the mediation number, the type of mediation (e.g. sexual harassment, bullying, fence dispute, and so on), the outcome (e.g. settled or litigation), the jurisdiction, Of course, confidentiality is essential, perhaps an ABN can be used or a number assigned by the assurance authority for identification and maintain confidentiality. This data from the registration can be analysed to determine performance and to highlight exploiters. Of course, naysayers are going to object, but at least my proposal is a step in the right direction and fine tuning can occur.