

The Business Sector's Responsibility to Respect Human Rights and its Opportunity to Help Combat Antisemitism and Strengthen Social Cohesion in Australia

Submission to the Royal Commission on Antisemitism and Social Cohesion

RMIT Business and Human Rights Centre

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Table of Contents

Summary of Recommendations	3
Executive Summary	4
BHRIGHT's Three Core Recommendations	5
Part I – Conceptual Framework.....	6
Part II – Foundational Reforms to the Legal and Regulatory Architecture – Recommendations for Government	9
Part III – Business Sector Opportunities to Combat Antisemitism – Recommendations for Businesses	13
Part IV – Business Sector Responsibilities and Opportunities to Promote and Strengthen Social Cohesion	18
Part V – Sector-Specific Recommendations	23
Part VI – Concluding Observations	27

About the Submitter

The RMIT Business and Human Rights Centre conducts research, teaching and engaged scholarship on the human rights responsibilities of business. BHRIGHT's work spans modern slavery, corporate accountability for environmental and human rights harm, the responsibilities of financial institutions, technology and human rights, and the role of universities themselves as economic and social actors. For more information, see: www.rmit.edu.au/bhright.

The Director, Dr Jonathan Kolieb, who authors this submission, is an Associate Professor of International Law at the RMIT School of Law, with expertise in international human rights law, business and human rights, and responsible business conduct in conflict-affected areas. The Director identifies as a Jewish Australian. This submission represents the considered view of BHRIGHT and not necessarily the views of any other unit of RMIT University.

Summary of recommendations

Three Core Recommendations

- A. Build the legal and regulatory architecture to enable business to address antisemitism and strengthen social cohesion.** The Australian Government should adopt the UN Guiding Principles on Business and Human Rights as the framework to understand business' responsibilities to combat antisemitism and other identity-based harms and translate that framework into effective law and policy.
- B. Equip business to identify and respond to antisemitism.** Australian businesses should treat antisemitism as a foreseeable workplace and operational risk engaging their responsibility to respect human rights, and act accordingly across their workforces, supply chains, customer-facing operations, and advertising and sponsorship decisions.
- C. Mobilise business as a builder of social cohesion.** Workplaces are principal sites of cross-cultural encounter and a builder of belonging. Australian businesses should recognise this and invest accordingly in inclusive workplaces, civic engagement and partnerships across communities.

Detailed Recommendations

Foundational Reforms to the Legal and Regulatory Architecture

1. A National Statement on Business, Human Rights and Social Cohesion
2. Mandatory Human Rights Due Diligence for Identity-Based Harms
3. A Workplace Positive Duty for Racial and Religious Discrimination
4. Identity-Based Hostility as a Recognised Psychosocial Hazard
5. A Sector-Specific Code on Antisemitic Content and Generative AI
6. Procurement Conditionality & Modern Slavery–Style Reporting on Identity-Based Harm

Business' Responsibilities & Opportunities to Combat Antisemitism

7. Identify and Respond to Antisemitism in the Workplace
8. Consult Jewish Employees and Stakeholders
9. Calendar, Kosher and Religious Accommodation as Routine Practice
10. Strengthen Existing Grievance Mechanisms to Effectively Address Antisemitism
11. Brand, Advertising and Sponsorship Due Diligence Against Antisemitic Content
12. Avoid Involvement in Unlawful Discrimination & Targeted Boycotts of Jewish-Owned Businesses
13. A Standing Industry-Community Dialogue on Antisemitism

Business' Opportunities to Promote and Strengthen Social Cohesion

14. Workplaces as Australia's Principal Site of Cross-Cultural Encounter: Inclusive Recruitment, Promotion & Procurement
15. Long-Term Investment in Interfaith and Cross-Community Partnerships
16. Reconciliation with First Nations Peoples as the Foundation of Social Cohesion Work
17. Multilingual, Plural and Accessible Customer-Facing Operations
18. Civic Engagement Support Through Paid Volunteering Leave and Workplace Flexibility
19. Pluralistic Australian Narratives: Media, Cultural and Creative Sector Investment
20. Education for Democratic Citizenship Through Employer Investment
21. An Annual National Report on Business and Social Cohesion

Sector-Specific Recommendations

22. A Sector-Wide Standard on Human Rights and Social Cohesion in Higher Education
23. Human Rights Due Diligence in University Procurement, Investment and Partnerships
24. A National SME Program on Human Rights and Social Cohesion

Executive Summary

This submission is made by the **Business and Human Rights Centre at RMIT University** (BHRIGHT) in response to the Royal Commission on Antisemitism and Social Cohesion (the Commission), established by Letters Patent on 9 January 2026. It is made by BHRIGHT's Director, Dr Jonathan Kolieb, an Associate Professor of Law, who writes also as a Jewish Australian deeply concerned by the rise of antisemitism in this country, including the terrorist attack on Jewish Australians at Bondi Beach on 14 December 2025.

The Commission's terms of reference direct it to recommend measures that will tackle antisemitism in Australia *and* strengthen social cohesion in Australia. Any such program of work should address the role of the business sector. Business activity touches every Australian every day – as employee, customer, student, supplier, investor, online user, and community member. Where business is left out of the policy response to antisemitism, the policy response is incomplete. Where business is brought in – and supported to act – it is uniquely placed to reduce harm at scale and to help build the conditions of belonging on which social cohesion ultimately rests.

Our analytical framework is the **United Nations' Guiding Principles on Business and Human Rights** (UNGPs), unanimously endorsed by the United Nations Human Rights Council in 2011 with Australian co-sponsorship.¹ The UNGPs articulate a three-pillar architecture – the State duty to *protect* against business-related human rights abuse; the corporate responsibility to *respect* human rights through a business' own activities and its business relationships; and access to effective *remedy* for those who are harmed. Antisemitism, where it manifests or escalates with the involvement of business, engages all three pillars of the UNGPs. The same is true of Islamophobia, racism directed at First Nations or other peoples, and other forms of identity-based hostility that erode social cohesion. The UNGPs remains the international gold standard for operationalising business responsibilities to societies in which they do business. The UNGPs have been integrated into governance instruments of the OECD, the European Union., and Australia's Modern Slavery Act.² The UNGPs expectations include companies identifying and assessing their impacts on human rights, including on individuals and communities, and to address impacts in which they are involved, including remediating or cooperating in remediation where they identify they have caused or contributed to harm.

This submission can be read at three levels. The **three Core Recommendations** that follow state BHRIGHT's central propositions. The **twenty-four detailed recommendations**, in Parts II–V, identify the specific legal, regulatory and operational levers required to give those propositions effect: Part II addresses foundational reforms to the legal and regulatory architecture (Recommendations 1–6); Part III addresses the business sector's responsibilities and opportunities to combat antisemitism (Recommendations 7–13); Part IV addresses its responsibilities and opportunities to strengthen social cohesion (Recommendations 14–21); and Part V provides sector-specific recommendations for higher education and SMEs (Recommendations 22–24). The **justifications** accompanying each recommendation provide the supporting analysis.

¹ United Nations Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, UN Doc A/HRC/17/31 (21 March 2011), endorsed by HRC Res 17/4 (16 June 2011).

² *Modern Slavery Act 2018 (Cth)*.

BHRIGHT's Three Core Recommendations

Taken together these core recommendations describe a coherent program for the business sector's contribution to combating antisemitism and strengthening social cohesion in Australia.

Core Recommendation A: Build the legal and regulatory architecture to enable business to address antisemitism and strengthen social cohesion

The Australian Government should adopt the UN Guiding Principles on Business and Human Rights as the authoritative framework for understanding the business sector's responsibilities and possible contribution to combating antisemitism, racism directed at First Nations peoples, religious-based racism and other identity-based harms. It should translate that framework into Australian law and practice. The principal instruments required are: a National Statement on Business, Human Rights and Social Cohesion; a mandatory human rights due diligence regime covering identity-based harms; a workplace positive duty for racial and religious discrimination; formal recognition of identity-based hostility as a psychosocial hazard under work health and safety law; a tech-sector code on antisemitic content and generative AI; and procurement conditionality with Modern Slavery-style reporting.

These elements are operationalised through Recommendations 1–6 in Part II.

Core Recommendation B: Equip business to identify & respond to antisemitism

Australian businesses should treat antisemitism as a foreseeable workplace and operational risk, and one that engages their internationally-recognised responsibility to respect human rights. In practice, this means recognising antisemitism's distinctive manifestations, including conspiracy tropes and Holocaust denial; consulting Jewish employees and stakeholders; accommodating Jewish religious practice as a routine; ensuring that existing grievance mechanisms address antisemitism by name; exercising due diligence over the advertising placement and affiliations sponsored; protecting Jewish-owned businesses from unlawful discrimination and targeted boycotts; and participating in a standing industry-community dialogue. Higher-education providers and other large customer-facing institutions have particular work to do in translating these obligations into sector-specific practice.

These elements are operationalised through Recommendations 7–13 in Part III, with sector-specific recommendations for higher education in Recommendations 22–23 in Part V.

Core Recommendation C: Mobilise business as a builder of social cohesion

Australian business should see itself as a principal site of cross-cultural encounter in this country, and as a builder of the conditions of belonging on which social cohesion depends. The workplace is one of the highest-frequency settings for substantive interaction across difference for working-age Australians. Opportunities for affirmative contribution include inclusive recruitment, promotion and procurement; long-term investment in interfaith and cross-community partnerships; reconciliation with First Nations peoples as foundational to this work; pluralistic customer-facing operations and Australian narratives; support for civic engagement; investment in education for democratic citizenship; and a national reporting mechanism tracking the sector's contribution over time.

These elements are operationalised through Recommendations 14–21 in Part IV, with a sector-specific application for SMEs in Recommendation 24 in Part V.

Part I – Conceptual Framework

A. Antisemitism is a human rights issue

Antisemitism is a form of racial and religious discrimination. As a State Party to the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), Australia has accepted obligations to prohibit and eliminate racial discrimination in all its forms, including discrimination based on race, descent and national or ethnic origin, and to guarantee equality before the law in the enjoyment of work, education, and access to public life.³ These obligations are partly implemented domestically through the Racial Discrimination Act 1975 (Cth) (RDA) and complementary state and territory legislation. The Federal Court’s decision in *Wertheim v Haddad* [2025] FCA 720 confirms that section 18C is available to address antisemitic conduct, including online speech that revives age-old tropes, conspiracy theories and stereotypes about Jews.⁴

Recent data illustrate the scale of the problem. The Executive Council of Australian Jewry recorded 1,654 anti-Jewish incidents in the year to 30 September 2025, on top of 2,062 incidents the year before – nearly five times the pre-October 2023 annual average of 342.⁵ The Bondi terrorist attack of 14 December 2025 sits at the apex of a wider environment in which Jewish Australians have been targeted in their workplaces, at their universities, in their commercial premises, and online.

The same body of international and domestic law protects freedom of expression, freedom of religion, freedom of association, the right to participate in public life, and the right to equal treatment for every protected group – Jewish, Muslim, First Nations, and otherwise. A human-rights-based response to antisemitism must therefore be careful, principled, and universalist in its protections, even as it is targeted in its diagnosis. The Commission’s decision to use the IHRA Working Definition of Antisemitism as a “starting point”, applied on a case-by-case basis, can be reconciled with these protections so long as it is applied with the caution recommended by its drafters, and supplemented by other definitional frameworks where appropriate (such as the Jerusalem Declaration and the Nexus Document).⁶

B. The UN Guiding Principles on Business and Human Rights

The UNGPs apply to all enterprises regardless of size, sector, operational context, ownership and structure.⁷ Three features of the UNGPs are central to this submission. First, the corporate responsibility to *respect* human rights is independent of, and additional to, compliance with domestic law (Principle 11). Second, the responsibility extends not only to a business’s own activities but to

³ *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969; ratified by Australia 30 September 1975) (“ICERD”), arts 2, 4, 5(e)(i), 7. ICERD obligations are given partial domestic effect through the Racial Discrimination Act 1975 (Cth).

⁴ *Wertheim v Haddad* [2025] FCA 720 (Stewart J), particularly at [46] (distinguishing criticism of Zionism as a political ideology from disparagement of Jewish people as a group).

⁵ Executive Council of Australian Jewry, ‘Report on Anti-Jewish Incidents in Australia 2025’ (December 2025): 1,654 anti-Jewish incidents recorded between 1 October 2024 and 30 September 2025, on top of 2,062 incidents in the previous 12 months. The pre-October 2023 annual average over the previous decade was 342 incidents.

⁶ International Holocaust Remembrance Alliance, ‘Working Definition of Antisemitism’ (26 May 2016); Jerusalem Declaration on Antisemitism (25 March 2021); Nexus Project, Nexus Document on Antisemitism, Israel and Palestine (2021). The Royal Commission adopted the IHRA Working Definition as its “starting point”, to be applied on a case-by-case basis: see opening remarks of the Hon Virginia Bell AC SC, 24 February 2026.

⁷ UNGPs, Principle 14 (responsibility applies regardless of size, sector, operational context, ownership or structure; means may vary according to factors including size).

impacts that are directly linked to its operations, products or services through a business relationship (Principle 13). Third, businesses are expected to "know and show" how they respect human rights, principally through human rights due diligence (Principle 17) and through operational-level grievance mechanisms (Principle 31).⁸

We submit that the corporate responsibility to respect human rights includes a responsibility to identify, prevent, mitigate and account for adverse impacts associated with antisemitism – in the workplace, in supply chains, in customer interactions, in advertising and brand affiliations, and in the use of digital products and services. The same responsibility applies *mutatis mutandis* to other forms of identity-based harm. This is the core insight that animates our recommendations.

Australia voted in favour of the UN Human Rights Council's unanimous endorsement of the UN Guiding Principles on Business and Human Rights in June 2011, and has since reaffirmed its commitment to the UNGPs in successive Universal Periodic Review cycles before the Council.⁹ However, Australia still does not have a comprehensive National Action Plan on Business and Human Rights, despite repeated calls for one from the Australian Human Rights Commission, civil society, academic researchers and the UN Working Group on Business and Human Rights itself, including following its country visit to Australia.¹⁰ Implementation of the UNGPs in Australia has instead proceeded on an uneven basis. The Modern Slavery Act 2018 (Cth) was the first significant legislative reflection of the corporate responsibility to respect human rights, though it operates on a disclosure-only model and has been the subject of a substantial statutory review identifying the need for substantive due diligence obligations and meaningful sanctions.¹¹

More recent developments include the appointment of a Commonwealth Anti-Slavery Commissioner under the Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Act 2024 (Cth);¹² the Australian Human Rights Commission's *National Anti-Racism Framework* (2024), which expressly references the UNGPs in addressing the role of the business sector;¹³ and the development of mandatory climate-related financial disclosure regimes that draw upon human rights due diligence concepts.¹⁴ At the State level, the Charter of Human Rights and Responsibilities Act 2006 (Vic), the Human Rights Act 2004 (ACT) and the Human Rights Act 2019 (Qld) give domestic effect to elements of international human rights law, though their application to private business actors remains limited.¹⁵ Australian courts and regulators have increasingly engaged with the UNGPs as an authoritative interpretive source – for example in the consideration of directors' duties in light of

⁸ UNGPs, Principle 15; Office of the High Commissioner for Human Rights, 'The Corporate Responsibility to Respect Human Rights: An Interpretive Guide,' UN Doc HR/PUB/12/02 (2012).

⁹ Australia referenced the UNGPs in its Universal Period Review to the Human Rights Council, see *Report of the Working Group on the Universal Periodic Review: Australia*, UN Doc A/HRC/47/8 (24 March 2021), recommendations 146.106–146.109, and the Australian Government response.

¹⁰ UN Working Group on the issue of human rights and transnational corporations and other business enterprises, *Visit to Australia: Report of the Working Group*, UN Doc A/HRC/35/32/Add.2 (8 May 2017), particularly recs 90(a)–(d). See also Australian Human Rights Commission, *Free and Equal: An Australian Conversation on Human Rights — Position Paper: A National Action Plan on Business and Human Rights* (October 2020).

¹¹ *Modern Slavery Act 2018* (Cth), ss 14, 16; John McMillan AO, *Report of the Statutory Review of the Modern Slavery Act 2018 (Cth)* (Commonwealth of Australia, 2023), recommending substantive due diligence obligations, declared offences, and a strengthened compliance regime. See also Justine Nolan and Martijn Boersma, *Addressing Modern Slavery* (UNSW Press, 2019).

¹² *Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Act 2024* (Cth), inserting Pt 2A into the *Modern Slavery Act 2018* (Cth).

¹³ Australian Human Rights Commission, *National Anti-Racism Framework* (November 2024), particularly recs 25–37.

¹⁴ *Treasury Laws Amendment (Financial Market Infrastructure and Other Measures) Act 2024* (Cth), introducing mandatory climate-related financial disclosure into the *Corporations Act 2001* (Cth) Pt 2M.4 Div 6.

¹⁵ *Charter of Human Rights and Responsibilities Act 2006* (Vic); *Human Rights Act 2004* (ACT); *Human Rights Act 2019* (Qld).

material non-financial risks, in the work of the Australian National Contact Point under the OECD Guidelines for Multinational Enterprises and the in the government's Official Guidance for entities reporting under the Modern Slavery Act.¹⁶

In short, Australia is a country that has accepted the UNGPs in principle, made important progress in their implementation, and yet has not yet brought them into integrated, whole-of-government policy frameworks. This submission, and the Royal Commission's broader inquiry, present an opportunity to lean in to Australia's commitment to the UNGPs to address antisemitism and advance social cohesion.

C. Business response: harm prevention and cohesion-building

The business sector's response to the moment should encompass two complementary enquiries:

- in a country in which antisemitism is at historically high levels, what is the business sector expected to do to ensure it does no harm or addresses it when it occurs? Part III of this submission engages this.
- in a country at its best – multicultural, pluralistic, diverse, peaceful and fair – what is the business sector's positive contribution? Part IV of this submission engages with this question.

Combating antisemitism and building social cohesion are not separable projects: the Jewish Australian who walks more safely in 2030 will walk more safely because the country around her has, in those intervening years, become more equal, more curious about difference and shared humanity, more confident in its diverse-and-united identity, and more practiced in the everyday work of belonging.

D. Why the business sector matters for social cohesion

Social cohesion is not produced principally by government. It is produced in the everyday institutions where Australians spend their lives – workplaces, classrooms, marketplaces, sporting clubs, and increasingly online platforms.¹⁷ Business actors govern many of these spaces. They set norms; they hire and fire; they decide what is acceptable speech in a Slack or Teams chat, on a shop floor, or in a customer service interaction; they decide what they buy and from whom; and they shape the digital environments in which radicalisation now substantially occurs.

A Royal Commission that confines itself to law-enforcement, intelligence and government action will reach only a fraction of the levers that bear on social cohesion. To engage business is not to displace state responsibility; it is to operationalise it.

¹⁶ OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (2023 update); on the Australian National Contact Point, see Treasury, *Australian National Contact Point Annual Reports* (2020–2024); Attorney-General's Department, 'Commonwealth Modern Slavery Act 2018: Official Guidance for Reporting Entities' (May 2023).

¹⁷ Australian Multicultural Council, *Towards Fairness: A Multicultural Australia for All* (March 2024); Scanlon Foundation, *Mapping Social Cohesion Report 2024* (November 2024).

Part II – Foundational Reforms to the Legal and Regulatory Architecture – Recommendations for Government

The recommendations in this Part address the architecture within which Australian businesses operate. They are addressed primarily to the Australian Government. They are essential foundations: without them, the more granular responsibilities and opportunities set out in Parts III and IV will remain matters of voluntary good practice rather than systemic change.

Recommendation 1: A National Statement on Business, Human Rights and Social Cohesion

Recommendation: The Australian Government should issue a **National Statement on Business, Human Rights and Social Cohesion**, expressly endorsing the UN Guiding Principles on Business and Human Rights as the authoritative framework for the business contribution to combatting antisemitism, racism directed at First Nations peoples, religious-based racism and other identity-based harms. The Statement should be developed in consultation with affected communities, industry, unions, civil society and academic experts, and informed by the Australian Human Rights Commission’s *National Anti-Racism Framework* (2024). (It could be sequenced as a precursor to a full National Action Plan on Business and Human Rights.)

Justification

Australia does not have a comprehensive National Action Plan on Business and Human Rights. The country has a sectoral plan on modern slavery, but no equivalent instrument that brings the wider responsibility to respect human rights under the UNGPs into a single, coherent national policy framework.¹⁸ This is a significant gap. A National Statement would give the business sector a clear policy signal that respect for the human rights of *all* Australians – including Jewish Australians – is an expectation of doing business in this country.

Importantly, the Statement should be universalist rather than identity-specific. Jewish Australians are not best protected by a regime that singles them out; they are best protected by a regime that takes identity-based harm seriously across the board, and that names antisemitism as one severe manifestation of that broader problem. This approach is also consistent with the AHRC’s National Anti-Racism Framework, which recommends a whole-of-society approach across business, education, health and other sectors.¹⁹

Recommendation 2: Mandatory Human Rights Due Diligence for Identity-Based Harms

Recommendation: The Australian Government should legislate a **mandatory human rights due diligence (mHRDD) regime** for large entities (consistent with the threshold in the *Modern Slavery Act*

¹⁸ John Ruggie, *Just Business: Multinational Corporations and Human Rights* (Norton, 2013); Surya Deva and David Bilchitz (eds), *Building a Treaty on Business and Human Rights: Context and Contours* (Cambridge University Press, 2017).

¹⁹ Australian Human Rights Commission, *National Anti-Racism Framework* (November 2024) (“NARF”), in particular recs 25–37 (workplaces) and recs 38–47 (education).

2018 (Cth)), requiring such entities to identify, prevent, mitigate and account for actual and potential adverse impacts on human rights in their operations and value chains. The regime should expressly require attention to identity-based harms including antisemitism, religious-based racism, and racism and racism directed at First Nations peoples. It should be enforced by a dedicated regulator – akin to the existing Anti-Slavery Commissioner, with adequate resourcing and civil penalties for non-compliance.

In the alternative, if a sweeping human rights due diligence law is too ambitious, a specific reporting-based law – modelled on the *Modern Slavery Act* (2018) that focusses on addressing and eradicating racism in the workplace and business sector. Along with the Modern Slavery Act, mandatory climate reporting and child sexual abuse laws, this would build a package of legislation addressing critical human rights concerns addressing the business sector.

Justification

The MSA requires reporting entities to describe their modern slavery risks and actions, but contains no substantive due diligence obligation and no penalty regime.²⁰ The McMillan review of the MSA and the Anti-Slavery Commissioner’s Strategic Plan have urged for a more robust regime – in line with emerging global best-practice as reflected in the European Union’s Corporate Sustainability Due Diligence Directive (2024) – a mandatory, general human rights due diligence regime supported by accountability mechanisms.²¹

A general human rights due diligence law (or in the alternative, a mandatory reporting obligation) would oblige Australian businesses to ask: How might our products, services, advertising decisions, brand sponsorships, supply chain partners, recruitment practices, customer policies, online platforms and procurement choices contribute to, or help reduce, identity-based harm including antisemitism? It would convert a moral question into a corporate governance question, which is where it belongs.

Recommendation 3: A Workplace Positive Duty for Addressing Racial and Religious Discrimination

Recommendation: The Australian Government should extend the **positive duty** model in section 47C of the *Sex Discrimination Act 1984* (Cth) to racial and religious discrimination and harassment, by inserting an equivalent positive duty into the *Racial Discrimination Act 1975* (Cth) and any consolidated federal anti-discrimination statute. Compliance and enforcement powers should be conferred on the Australian Human Rights Commission.

Justification

The introduction of a positive duty to eliminate sexual harassment and certain other unlawful conduct represented a paradigm shift in Australian anti-discrimination law. It moved the system from individual complaint-driven enforcement to a proactive, organisation-level compliance regime, with the AHRC as

²⁰ *Modern Slavery Act 2018* (Cth) ss 14, 16 (mandatory reporting criteria for entities with consolidated revenue ≥ A\$100 million).

²¹ UNGPs, Principle 17 (human rights due diligence). See further European Union, Corporate Sustainability Due Diligence Directive (EU) 2024/1760; John McMillan AO, ‘Report of the Statutory Review of the Modern Slavery Act 2018’ (Cth) (Commonwealth of Australia, 2023).

regulator.²² The *Wertheim v Haddad* litigation, and the rising volume of antisemitism complaints documented by community organisations and the AHRC, demonstrate that the complaint-driven model is not coping, nor sufficient to deal with antisemitic conduct in or around the workplace.²³

A positive duty would require employers and other duty-holders to take reasonable and proportionate measures to eliminate, as far as possible, racial discrimination, harassment and victimisation (including antisemitism) in their workplaces and in the conduct of their business. Existing vicarious liability under section 18E RDA is engaged only after the fact;²⁴ a positive duty is preventative in nature. Critically, it applies equally to all forms of racial harassment – protecting employees of all faith and cultural backgrounds, including but not only Jewish employees. It does not single any group out; it raises the floor for everyone.

Recommendation 4: Identity-Based Hostility as a Recognised Psychosocial Hazard

Recommendation: SafeWork Australia should issue a **specific guidance note** on antisemitism, Islamophobia and other identity-based hostility as psychosocial hazards under model work health and safety law, with practical guidance for businesses on assessment and control.

Justification

Australian work health and safety law imposes a primary duty on businesses to ensure, so far as is reasonably practicable, the health and safety of workers, where “health” expressly includes psychological health.²⁵ The *Model Code of Practice: Managing Psychosocial Hazards at Work* (2022) recognises that exposure to harmful behaviours – including bullying, harassment, and discrimination – is a psychosocial hazard that businesses must identify and control.²⁶ A targeted guidance note would translate this general obligation into concrete steps for managers: how to recognise antisemitic conduct (whether overt or in the form of conspiratorial tropes, coded language, exclusionary jokes, or hostile-environment behaviours); how to assess risk; what controls are reasonably practicable; and how to support affected workers in a trauma-informed manner without singling them out in ways that increase their exposure to further harm.

Reframing antisemitism as a workplace healthy and safety matter is not a substitute for anti-discrimination law; it is a complement to it. It pulls antisemitism into a regulatory pathway with which every Australian business is already familiar, and which is overseen by established regulators.

²² *Sex Discrimination Act 1984* (Cth), s 47C, as inserted by the *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022* (Cth); Australian Human Rights Commission, ‘Guidelines for Complying with the Positive Duty’ (August 2023).

²⁴ *Racial Discrimination Act 1975* (Cth) ss 18C, 18D, 18E (vicarious liability of employers).

²⁵ *Fair Work Act 2009* (Cth) ss 351 (adverse action on prohibited grounds), 387 (criteria for harsh, unjust or unreasonable dismissal); *Work Health and Safety Act 2011* (Cth) ss 19, 27 (primary duties of care, including for psychosocial hazards).

²⁶ Safe Work Australia, ‘Model Code of Practice: Managing Psychosocial Hazards at Work’ (July 2022); Boland Review, *Review of the Model Work Health and Safety Laws* (December 2018).

Recommendation 5: A Tech Sector Code on Antisemitic Content and Generative AI

Recommendation: The Australian Government, in partnership with the eSafety Commissioner and the major digital platforms operating in Australia, should develop a **sector-specific code of practice on antisemitic content** under the *Online Safety Act 2021 (Cth)*, supplementing the existing *Basic Online Safety Expectations*. The code could address user-generated content, platform-amplified content, advertising adjacency, the use of recommendation algorithms, and the outputs of generative AI tools deployed in Australia. It should require platforms to publish regular transparency reports on antisemitic content removal and to maintain accessible, trauma-informed reporting channels for affected users.

Justification

The *Online Safety Act 2021* and the *Basic Online Safety Expectations Determination 2022* provide the existing regulatory architecture for harmful online content in Australia.²⁷ That architecture is generic in its treatment of identity-based harm. A targeted code of practice on antisemitism would not displace the Act's identity-blind protections; it would supplement them. It would also address an emerging and significant frontier: generative AI tools that hallucinate, reproduce or amplify antisemitic tropes, including Holocaust distortion or denialism and other forms of conspiratorial misinformation.

Recommendation 6: Procurement Conditionality and Modern Slavery–Style Reporting on Identity-Based Harm

Recommendation: The Commonwealth, States and Territories should use their **procurement power** to require suppliers above a defined threshold to publish an annual public statement, modelled on the Modern Slavery Act 2018 (Cth), describing their actions to address antisemitism, racism, religious discrimination and other identity-based harm in their operations and value chains. The statement should be lodged in a public register.

Justification

Government procurement is one of the most powerful and underused human rights levers available to the State. Under Principle 6 of the UNGPs, States should promote respect for human rights by business enterprises with which they conduct commercial transactions.²⁸ The Commonwealth Procurement Rules already require consideration of broader policy objectives; the Sustainable Procurement Guide and the Modern Slavery Procurement Toolkit operationalise this for environmental and modern slavery risks.²⁹ Extending this architecture to identity-based harm would help normalise the question – “What are you doing about antisemitism, Islamophobia, racism against First Nations people and other forms of racism in your supply chain and your own workforce?” – as a routine question that suppliers expect to be asked.

²⁷ *Online Safety Act 2021 (Cth)*; Online Safety (Basic Online Safety Expectations) Determination 2022; eSafety Commissioner, Tech Trends Position Statement: Generative AI (2024).

²⁸ UNGPs, Principle 6 (state procurement of goods and services from business).

²⁹ ‘Sustainable Procurement Guide’ (Department of Finance, Cth, 2023); Commonwealth Procurement Rules (1 July 2024) r 10.10; Modern Slavery Procurement Toolkit (Cth, 2023).

Part III – Business Sector Opportunities to Combat Antisemitism – Recommendations for Businesses

While Part II addressed the State's role, Part III addresses what businesses themselves can and should do independent of government policy or action – within the existing legal framework – to combat antisemitism within their own companies and business relationships, and spheres of influence.

Recommendation 7: Identify and Respond to Antisemitism in the Workplace

Recommendation: Every medium and large Australian business should adopt and train its managers in a **working understanding of how antisemitism manifests in modern workplaces** – including but not limited to: conspiracy tropes about Jewish control of media, finance, governments or pandemics; 'dual-loyalty' accusations against Jewish employees; Holocaust denial or distortion; coded language that uses 'Zionist' as a substitute for 'Jew' to target or attack Jewish employees as a group; and hostile-environment behaviours that single out visibly Jewish employees. Businesses should include a statement that names these behaviours as unacceptable and explains the company's response. **Boards of directors should treat antisemitism (and identity-based hostility more generally) as a governance matter.** The Australian Institute of Company Directors should publish a Director's Guidance Note to support boards in doing so.

Justification

Antisemitism is distinctive in its reliance on conspiratorial reasoning. It does not present primarily as a claim of inferiority (as some other forms of racism may) but as a claim of malign and concealed Jewish power.³⁰ This makes antisemitism particularly difficult for managers without training to recognise. A line manager who would unhesitatingly stop a colleague calling another colleague a racial slur may not recognise that a remark suggesting Jewish employees have 'influence in higher places,' or that a Jewish supplier is 'probably linked to' Israel's actions abroad, falls into the same category of unlawful conduct.

The Federal Court's decision in *Wertheim v Haddad* provides guidance on the contemporary line between protected political speech and unlawful racial vilification.³¹ Justice Stewart specifically distinguished criticism of Zionism as a political ideology (protected) from conduct that treats 'Jews' as interchangeable with the State of Israel and imputes collective vices on that basis (unlawful under section 18C). Companies should translate this distinction into operational workplace guidance as part of their broader workplace protections and their internationally-recognised responsibility to respect human rights. But responding effectively to antisemitism in the workplace is not solely a matter for line managers and HR; it is also a matter for boards. Director duties under section 180 of the *Corporations Act 2001* (Cth) — the duty of care and diligence — increasingly require consideration of material non-financial risks, including human rights and sustainability risks.³²

³⁰ Deborah Lipstadt, *Antisemitism: Here and Now* (Schocken, 2019); David Nirenberg, *Anti-Judaism: The Western Tradition* (Norton, 2013).

³² *Corporations Act 2001* (Cth) s 180 (duty of care and diligence); Noel Hutley and Sebastian Hartford Davis, 'Further Supplementary Memorandum of Opinion - Climate Change and Directors' Duties' (2021), Centre for Policy Development.

Recommendation 8: Consult Jewish Employees and Stakeholders

Recommendation: Businesses with Jewish employee/s should conduct **regular, structured, confidential consultation with Jewish staff** (and with Muslim and other identity-based and minority groups in parallel processes) regarding their experience of the workplace and the company's response to identity-based incidents. Such consultation should be facilitated through internal employee resource groups, anonymous surveys, external academics or consultants, and engagement with peak community organisations.

Justification

Principle 18 of the UNGPs requires businesses to assess their actual and potential human rights impacts through 'meaningful consultation with potentially affected groups and other relevant stakeholders.'³³ Jewish employees in Australia today are a 'potentially affected group' within the meaning of this principle. Yet most Australian businesses have no mechanism through which they consult them. The result is that the lived experience of antisemitism in the workplace – which empirical studies suggest is significant – does not surface in management decision-making.³⁴

Critically, this consultation must be designed to surface the lived experience without singling Jewish employees out as a source of organisational risk. A poorly designed engagement process can re-traumatise affected staff and undermine psychological safety. A well-designed one – confidential, voluntary, run by HR but with input from external community organisations, and reciprocated with concrete responsive action – turns affected employees into co-designers of the workplace culture they share with everyone else.

Recommendation 9: Calendar, Kosher and Religious Accommodation as Routine Practice

Recommendation: Australian businesses should treat the basic religious and cultural needs of Jewish employees and customers as part of **routine inclusive business practice** – not as exceptional accommodations. This includes flexible leave for Jewish High Holy Days (eg. Rosh Hashanah/Jewish New Year and Yom Kippur/Day of Atonement) and significant festivals, (eg. Pesach/Passover), respect for Shabbat and High Holy Day observance in shift scheduling and team meetings where feasible, the availability of kosher or kosher-friendly catering options at corporate events, and the avoidance of major staff events scheduled on Jewish holidays. Of course, the same principle should apply to Muslim, Hindu, Buddhist, Christian, First Nations and other religious and cultural observances.

Justification

The *Fair Work Act 2009* (Cth) and supporting Fair Work Ombudsman guidance recognise religious observance as a legitimate basis for accommodation in the workplace.³⁵ Beyond legal compliance, however, the substantive inclusion of religious practice is a positive contribution to the experience of Jewish (and other religious-minority) employees. It signals that they are recognised as full and equal participants in the working life of the organisation. It is also relatively low cost and high impact: a

³³ UNGPs, Principle 18 (assessing actual and potential human rights impacts), incorporating meaningful consultation with potentially affected groups and other relevant stakeholders.

³⁴ Monash Initiative for Rapid Research into Antisemitism, 'Antisemitism in the Cultural and Creative Industries' (2025); Australasian Union of Jewish Students, 'Antisemitism on Campus Report' (2024).

³⁵ Fair Work Ombudsman, 'Best Practice Guide: Cultural and Religious Inclusion in the Workplace' (2023); *Fair Work Act 2009* (Cth) ss 195A, 351.

flexible-leave policy that names Rosh Hashana and Yom Kippur literally costs the employer nothing and yet signals to a Jewish employee that they are seen.

The right to manifest religion in observance and practice is a fundamental human right;³⁶ its restriction in employment, where it can be reasonably accommodated, engages the corporate responsibility to respect human rights under the UNGPs.

Recommendation 10: Strengthen Existing Grievance Mechanisms to Effectively Address Antisemitism

Recommendation: All medium and large Australian businesses, and all higher-education providers, should review their existing grievance mechanisms to ensure they can effectively identify, address and remedy antisemitism and other forms of racism. At a minimum, this means expressly naming antisemitism (alongside other forms of racism) as a reportable category, training staff who receive complaints in how antisemitism manifests, and publishing anonymised, disaggregated data on complaints annually. Mechanisms should be benchmarked against the eight effectiveness criteria for non-judicial grievance mechanisms set out in Principle 31 of the UNGPs.³⁷

Justification

Most Australian businesses and universities already operate grievance mechanisms for workplace and student complaints. The issue is rarely the absence of a mechanism – it is whether the mechanism is fit for purpose when the complaint concerns antisemitism. Empirical research consistently finds that grievance mechanisms fail when affected groups do not trust them, when they are seen as captured by management, or when the categories of harm they recognise do not match the lived experience of those harmed.³⁸ According to one 2023 survey conducted by the Social Research Centre a majority of Jewish students who experienced antisemitism felt unsupported by their institutions.³⁹ Whether or not one accepts the precise statistics in this report or others like it, the broader signal – that existing pathways are not perceived as fit for purpose – is consistent across the evidence the Commission is hearing.

The corrective is simple and low-cost: name antisemitism as a category the mechanism can address; equip the people who staff the mechanism to recognise it; and publish the data. Doing so would satisfy the corporate responsibility to provide for remediation under Principle 22 of the UNGPs without requiring any business to build a new system from scratch.⁴⁰

³⁶ *Universal Declaration of Human Rights*, art 18; *International Covenant on Civil and Political Rights*, art 18.

³⁷ UNGPs, Principle 31 (effectiveness criteria for non-judicial grievance mechanisms: legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and based on engagement and dialogue)

³⁸ Surya Deva, 'Business and Human Rights, or the Business of Human Rights: Critical Reflections' in Surya Deva and David Birchall (eds), *Research Handbook on Human Rights and Business* (Edward Elgar, 2020); Tim Connor, Annie Delaney, Fiona Haines, Kate Macdonald and Shelley Marshall, *Global Business and Local Struggle: Reimagining Non-Judicial Remedy for Human Rights* (Cambridge University Press, 2025).

³⁹ Social Research Centre, 'The Jewish University Experience Survey' (July 2023).

⁴⁰ UNGP, Principle 22 (remediation).

Recommendation 11: Brand, Advertising and Sponsorship Due Diligence Against Antisemitic Content

Recommendation: Australian businesses, in particular those with significant advertising spend or sponsorship arrangements, should conduct human rights due diligence on the placement of their advertising and the affiliations they sponsor, with explicit attention to whether their brands are appearing adjacent to, or financing, content that propagates antisemitism. This includes programmatic advertising on online platforms, sponsorship of sports teams and cultural events, and partnerships with influencers and content creators.

Justification

Antisemitic content survives on platforms in part because it is monetised through brand advertising — including, frequently, advertising by major Australian companies that have no idea their brands are appearing alongside Holocaust denial, conspiracy theories about Jewish power, or calls for violence against Jews. Principle 13 of the UNGPs requires businesses to seek to prevent or mitigate adverse human rights impacts *directly linked* to their operations, products or services by a business relationship.⁴¹ Whether ad placement on a third-party platform falls within this principle is not entirely settled in the scholarly literature, which has focused more on the platform's own responsibilities than the advertiser's.⁴² But the direction of practice is clear. The *Stop Hate for Profit* campaign of 2020 saw more than 1,200 businesses pause advertising on Facebook in protest at its handling of antisemitic, racist and other hateful content; and the *Global Alliance for Responsible Media* has developed brand safety and adjacency frameworks expressly designed to prevent advertisements appearing alongside hate speech.⁴³ Responsible advertisers increasingly treat ad placement as engaging some form of human rights responsibility, whether or not Principle 13's formal application is settled.

Similar reasoning applies to sponsorship decisions, which involve more clearly defined business relationships. A business that sponsors a sports club posting antisemitic content, or partners with an influencer trafficking in such material, faces reputational and legal risk and legitimate questions about the alignment of its commercial relationships with its stated values. The opportunity is significant: collective action by Australian advertisers has historically been one of the most effective non-regulatory pressures on platforms to address hate content.

Recommendation 12: Avoid Involvement in Unlawful Discrimination, and Targeted Boycotts, of Jewish-Owned Businesses

Recommendation: Australian businesses, peak bodies and the Australian Competition and Consumer Commission should make clear that **discriminatory boycotts targeting Jewish-owned businesses are not lawful** and should refuse to support such boycotts when they are directed at the proprietors as

⁴¹ UNGPs, Principle 13.

⁴² See, eg: Eva Nave, 'Criminal Hate Speech Attributable to Online Platforms: A Call for a Thorough Corporate Remedial Responsibilities Framework in Europe,' (2026) *Business and Human Rights Journal*, 11(1).

⁴³ Anti-Defamation League and NAACP, *Stop Hate for Profit* campaign (July 2020); Steph Hill, 'Stop Hate for Profit: Evaluating the mobilisation of advertisers and the advertising industry to regulate content moderation on digital platforms' (2025) *Internet Policy Review*; World Federation of Advertisers, *Global Alliance for Responsible Media Brand Safety Floor + Suitability Framework and Adjacency Standards Framework* (2022).

Jews, or when they take the form of harassment, intimidation, vandalism or discriminatory refusal to deal in trade.

Justification

The post-October 2023 environment has seen targeted action against Jewish-owned cafes, restaurants and retail businesses. Some of this action sits within the bounds of lawful political protest and consumer choice. Some of it crosses into refusal to deal on grounds of the owner's race or ethnic origin, harassment of staff, vandalism, or intimidation – conduct that is unlawful under the *Racial Discrimination Act* and the criminal law.⁴⁴ The opportunity for the business sector is twofold. First, peak business bodies (eg. the Australian Chamber of Commerce and Industry, Australian Industry Group, the Business Council of Australia) can be unambiguous in their public statements that targeting Australian businesses on the basis of the religion or ethnicity of their owners is incompatible with the values of Australian commerce.

Recommendation 13: A Standing Industry-Community Dialogue on Antisemitism

Recommendation: The Australian Government should convene, and adequately resource, a **Standing Industry-Community Dialogue on Antisemitism** bringing together representatives of major Australian businesses, peak bodies, trade unions, Jewish communal organisations, the Special Envoy to Combat Antisemitism, and academic experts, to discuss emerging issues, share practice, and develop joint responses on a recurring basis. The Dialogue should be parallel to (not in competition with) similar dialogues on Islamophobia and on racism affecting First Nations peoples, with a periodic combined session on shared questions of social cohesion.

Justification

Combating antisemitism in the business sector is, fundamentally, a problem of *collective action* and *iterative learning*. No single business, however well-resourced, can solve it alone; and no static set of recommendations will remain adequate as the environment evolves. The empirical research on business and human rights consistently identifies multi-stakeholder dialogue as a key enabler of effective practice.⁴⁵ The UN Global Compact convenes several “Communities of Practice” around human rights issues – these could be a model for creating a similar space for dialogue around experiences and practical responses to antisemitism and racism in the workplace.

A Dialogue would create a forum in which industry can hear directly from affected community members; community organisations can be heard by decision-makers in real time rather than only through formal inquiries; and academic researchers (including BHRIGHT) can feed evidence in and take questions out. The Special Envoy's 2025 Plan to Combat Antisemitism contemplates such collaborative work;⁴⁶ the Royal Commission can recommend its institutionalisation.

⁴⁴ On the broader political-legal context, see Cary Nelson, *Israel Denial: Anti-Zionism, Anti-Semitism, and the Faculty Campaign Against the Jewish State* (Indiana University Press, 2019); Omar Barghouti, *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights* (Haymarket, 2011).

⁴⁶ Special Envoy to Combat Antisemitism, 'Plan to Combat Antisemitism' (Commonwealth of Australia, July 2025); Australian Government, 'Eliminating Antisemitism: Australian Government Response' (December 2025).

Part IV – Business Sector Responsibilities and Opportunities to Promote and Strengthen Social Cohesion

The recommendations in this Part shift register from defensive to affirmative, reactionary to proactive. Where Part III addressed what businesses owe in respect of antisemitism (and, by extension, other forms of identity-based harm), Part IV addresses what businesses can *positively contribute* to the project of social cohesion in Australia – building the conditions in which a diverse, inclusive and harmonious Australian society can flourish.

Recommendation 14: Workplaces as Australia’s Principal Site of Cross-Cultural Encounter: Inclusive Recruitment, Promotion and Procurement

Recommendation: Australian businesses should treat their **recruitment, promotion and procurement practices as social cohesion infrastructure**, actively reducing barriers to participation by Australians of diverse faiths, ethnicities, migrant backgrounds, ages and abilities, and reporting transparently on outcomes. The Workplace Gender Equality Agency model – mandated transparent reporting against defined indicators – provides a tested template for extending public accountability to broader dimensions of diversity.

Justification

The Scanlon Foundation’s annual Mapping Social Cohesion research consistently finds that workplaces are among the highest-frequency settings in which Australians of different backgrounds interact substantively.⁴⁷ For many Australians, the workplace is the only setting in which sustained cross-cultural contact occurs. The implication is profound: more is at stake in workplace inclusion than the immediate interests of any employer. Workplaces are nation-building institutions, whether they wish to be or not.

The Workplace Gender Equality Act model of mandatory transparent reporting has driven measurable progress on gender equality in Australian workplaces over more than a decade.⁴⁸ Extending an analogous transparency regime to cultural, religious and other dimensions of diversity is a high-leverage intervention. Such a regime would not impose quotas or particular outcomes; it would simply require companies to count, to publish, and to be answerable to their stakeholders for what they count.

Operationalising the workplace-as-cohesion-site insight requires more than the kind of ‘diversity statement’ that has become routine in Australian corporate communications. It requires concrete commitments: inclusive recruitment, mentoring across difference, leadership-development pipelines

⁴⁷ Scanlon Foundation, ‘Mapping Social Cohesion Report 2024’ (November 2024), finding that workplaces are among the highest-frequency settings for cross-cultural interaction in Australia.

⁴⁸ Diversity Council Australia, ‘Inclusion@Work Index 2025-26’; Workplace Gender Equality Act 2012 (Cth), as a model for transparency-based regulation; Beth Gaze, ‘Gender Equality Reporting and the Future of Equal Opportunity at Work’ (2014) 66(10) *Governance Directions* 621.

that genuinely advance people of all backgrounds, and the treatment of cultural and religious literacy as a core management competency.

Recommendation 15: Long-Term Investment in Interfaith and Cross-Community Partnerships

Recommendation: Larger Australian businesses (and SMEs through local chambers and business groups), should **partner with, fund and amplify interfaith and cross-community organisations** at local scale – synagogues partnering with mosques, indigenous and culture-based community organisations, faith-based and secular organisations, recent migrants and long-established migrant communities. Such partnerships should be funded for the long term and evaluated for impact.

Justification

The robust social cohesion of a country is not produced principally by national institutions. It is produced in everyday local relationships – a synagogue and a mosque that have hosted each other's congregants for a decade are far better placed to weather a crisis than two communities that have never spoken. Australian businesses are often important local actors with social and financial capacity that exceeds that of community organisations. Their long-term partnership investment can stabilise and protect interfaith and cross-community work.⁴⁹

The critical word is 'long-term.' The temptation in moments of crisis is to set up new initiatives, fund them in a burst of energy, and disengage when attention moves elsewhere. Sustainable cross-community work requires the opposite – investments that ride out the crises, including the crises in which the funding organisation itself comes under criticism for being on either 'side' of a contested geopolitical question. Established lines of cross-cultural communication and relationships that have developed over the longer term can prevent further fracturing at times of crisis and system shock – such as violent, hate-crime attacks, as they inevitably arise.

Recommendation 16: Reconciliation with First Nations Peoples as Fundamental Social Cohesion Work

Recommendation: Every Australian business should recognise that **social cohesion in this country begins with the relationship between Indigenous and non-Indigenous Australians**, and that respect for the rights, sovereignty and continuing culture of First Nations peoples is not an "add-on" to social cohesion work but a fundamental component. Businesses should engage seriously with Reconciliation Action Plans, support First Nations procurement, employment and leadership pipelines, and approach all interfaith and cross-community partnerships in a way that includes the Indigenous Australians.

Justification

A Royal Commission focused on antisemitism and social cohesion would be incomplete if it did not address First Nations experience. The Australian Human Rights Commission's *National Anti-Racism Framework* and the Scanlon Foundation's social cohesion research both make clear that the continuing experience of racism by Aboriginal and Torres Strait Islander people is foundational to any account of

⁴⁹ Religions for Peace Australia; National Council of Churches in Australia; Australian National Imams Council; Executive Council of Australian Jewry, 'Joint Statement on Religious Harmony' (regularly updated).

social cohesion in this country.⁵⁰ As a Jewish Australian, leader of a human rights centre making a submission to this Commission, I cannot, in good conscience, omit that reality. It is also a matter of accurate human rights analysis: the harms that Jewish Australians face today are real and severe, but they sit within a broader Australian story in which First Nations peoples have borne the most prolonged and structural injuries of identity-based exclusion.

The Reconciliation Action Plan framework (Reflect, Innovate, Stretch, Elevate) offers a mature approach through which businesses can act.⁵¹ The Indigenous Procurement Policy provides one model of how procurement power can be applied to address entrenched racism and promote diversity and inclusion. Businesses that take social cohesion seriously will engage these instruments seriously.

Recommendation 17: Multilingual, Pluralistic and Accessible Customer-Facing Operations

Recommendation: Australian businesses serving the public should design their customer-facing operations to **serve a pluralistic Australia** – including through multilingual customer service, the routine accommodation of cultural and religious practices in product and service design, accessibility for people with disabilities, and the visible representation of Australia’s diversity in marketing and brand materials. This is not ‘tokenism’ or a sellout to ‘wokeism’; it is part of the basic respect a pluralistic society’s commercial sector owes to its members.

Justification

Most Australians live their daily commercial lives in repeated, continual interaction with businesses – banking, shopping, healthcare, transport, education. When that sector signals inclusion, it strengthens the daily experience of belonging and prevents feelings of marginalisation. The cumulative effect, across millions of interactions, is significant.⁵²

Recommendation 18: Civic Engagement Support Through Paid Volunteering Leave and Workplace Flexibility

Recommendation: Australian employers should **actively support employees in their civic lives**, through paid volunteering leave for community engagement (including with cultural, religious and political organisations across the spectrum), support for employee participation in interfaith and intercultural events, and the active discouragement of workplace cultures that penalise civically active employees.

Justification

Social cohesion depends on a citizenry that is engaged in public life. Employers – who control the time of working-age Australians more than any other institution – therefore have a responsibility and opportunity. Paid volunteering leave is a low-cost, high-symbolism contribution to civic life. Cumulative

⁵⁰ Australian Human Rights Commission, *National Anti-Racism Framework* (November 2024 ; Scanlon Foundation, ‘Mapping Social Cohesion Report 2025’ and ‘Mapping Social Cohesion Report 2024’.

⁵¹ Reconciliation Australia, ‘Reconciliation Action Plan Framework (Reflect, Innovate, Stretch, Elevate)’ (2024); *Indigenous Procurement Policy* (Cth, 2015, as amended).

⁵² Media Diversity Australia, ‘Who Gets to Tell Australian Stories, 2.0?’ (2022); see also Australian Communications and Media Authority, ‘Commercial Television Industry Code of Practice, 2015’.

scaling – across the Australian workforce – represents a substantial transfer of resources to the civic sphere.⁵³

Importantly, this support must be pluralist. The employer who supports time off for the local soccer club but is uneasy about time off for the synagogue, the mosque, the Aboriginal Land Council or a climate-action group, is delivering a partial and potentially biased or even discriminatory version of civic support. The *OECD Guidelines for Multinational Enterprises*, in their updated 2023 version, frame employer engagement with worker civic and political rights as part of responsible business conduct.⁵⁴

Recommendation 19: Pluralistic Australian Narratives: Media, Cultural and Creative Sector Investment

Recommendation: Australian businesses in the media, cultural, creative and advertising industries – and Australian businesses outside those industries that fund them as advertisers, sponsors or philanthropists – should invest in the production and amplification of **pluralistic Australian narratives**. This means storytelling that includes Jewish, Muslim, Christian, Hindu, Buddhist, First Nations, secular, queer, regional and many other Australian experiences as part of the ordinary fabric of national life.

Justification

National identity is, in large part, a story we tell ourselves about who ‘we’ are. The narratives Australians encounter in their media, advertising and cultural products shape the imaginative borders of “Australian-ness”. The 2020 and 2022 Media Diversity Australia reports document a substantial under-representation of Australians of non-Anglo and non-Celtic backgrounds in news and current affairs media.⁵⁵ The opportunity is for businesses in the cultural and creative industries – and for the broader corporate sector that funds them – to invest in the ordinary, the everyday, the textured stories of plural Australian life. For instance, Jewish life is not only the Holocaust and Israel.

Recommendation 20: Education for Democratic Citizenship Through Employer Investment

Recommendation: Australian businesses should **invest in education for democratic citizenship** – partnering with schools, universities and adult education providers to support the development of civic literacy, media literacy, cross-cultural competence, and the capacity for reasoned disagreement. Investment may take the form of philanthropy, workplace partnerships, internships across diverse community organisations, paid education leave, and the provision of speakers and case studies to the education sector.

⁵³ *Australian Charities and Not-for-profits Commission Act 2012* (Cth); Productivity Commission, ‘Future Foundations for Giving’ (May 2024); UNESCO, ‘Education for Sustainable Development: Roadmap’ (2020); Council of Europe, ‘Reference Framework of Competences for Democratic Culture’ (2018).

⁵⁴ *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* (2023 update), Ch IV (Human Rights) and Ch V (Employment and Industrial Relations).

⁵⁵ Media Diversity Australia, ‘Who Gets to Tell Australian Stories’ (202); Media Diversity Australia, ‘Who Gets to Tell Australian Stories, 2.0?’ (2022)

Justification

Among the most pressing threats to social cohesion in Australia is the apparent decline in the capacity for reasoned disagreement on contested public questions, and the migration of discourse onto platforms that systematically reward extremity. The response is not to suppress disagreement but to invest in the citizenship competencies that allow disagreement to be productive: literacy in evidence and argument, awareness of one's own cognitive biases, capacity to engage with people whose conclusions one disagrees with, and the disposition to value plural and respectful debate.

These competencies are formed principally in schools and universities – and the education sector must be a priority, but the resources to build them increasingly come from the philanthropic and corporate sectors. Substantively realising the right to education for a pluralistic Australian citizenry is a generational project that the business sector can meaningfully accelerate.

Recommendation 21: An Annual National Report on Business and Social Cohesion

Recommendation: The Australian Government should commission, fund and table annually a **National Report on Business and Social Cohesion**, prepared by an independent research consortium (which could include the Scanlon Foundation, the Australian Human Rights Commission, the Diversity Council of Australia, the RMIT Business and Human Rights Centre and other partners), tracking the contribution of the Australian business sector to social cohesion across defined indicators and identifying areas for improvement. The Report should be presented to Parliament and inform the work of the Special Envoys to Combat Antisemitism and Islamophobia, the National Anti-Racism Framework, and other relevant bodies.

Justification

'What gets measured gets managed' is a famous management truism (often attributed to Peter Drucker). Australia has well-established annual reporting on macroeconomic, environmental, and gender-equality outcomes; it has research on social cohesion; but it does not have an integrated annual public account of how the business sector specifically is contributing to (or detracting from) social cohesion. Such an account would consolidate the evidence base, focus attention, and create a feedback loop that does not currently exist.

What is recommended here is decidedly not a report card or ranking of individual companies. It would be a structural assessment, drawing on aggregated data, illustrative case studies, and consultation with affected communities. It would track recommended indicators over time, surface emerging concerns, and provide the Royal Commission's successors with a sustained, evidence-based view of whether the program of work the Commission has begun is producing change. It would also serve as a means by evaluating the recommendations in this submission over time: has the business sector embraced their responsibility and opportunity to advance social cohesion?

Part V – Sector-Specific Recommendations

A. Higher Education

Universities are large, complex enterprises. They are employers, suppliers, customers, and significant contributors to the Australian economy. But most importantly they are educational institutions – teaching generation after generation of Australians the skills, knowledge and practices for them to excel in their vocational, civic and professional lives. Universities and higher-education institutions are traditionally places for young people to test out ideas, develop their world-views, create social connections – both inside and outside the lecture hall.

In this regard, the higher-education sector demands particular attention from the Royal Commission – both as a place of current contestation, division and even violence and a place where antisemitism and other forms of racism are all too common. Universities are also human rights duty-holders under the UNGPs in respect of all of these activities. The Parliamentary Joint Committee on Human Rights’ Inquiry into Antisemitism at Australian Universities (February 2025) and Universities Australia’s subsequent *Statement on Racism* have laid the groundwork for sectoral reform.⁵⁶ Universities present a profound opportunity to promote social cohesion through calibrated interventions

Recommendation 22: A Sector-Wide Standard on Human Rights and Social Cohesion in Higher Education

Recommendation: The Tertiary Education Quality and Standards Agency (TEQSA), in consultation with Universities Australia, the National Tertiary Education Union, Jewish and Muslim student bodies, and First Nations educators, should develop a **binding sectoral standard on Human Rights and Social Cohesion** under the Higher Education Standards Framework. The standard should require providers to: (i) maintain a public human rights policy referencing the UNGPs and International Convention on the Elimination of all forms of Racial Discrimination; (ii) operate UNGP-aligned grievance mechanisms; (iii) provide mandatory induction training to all staff and students on identity-based harm, including antisemitism and Islamophobia; (iv) protect academic freedom and lawful protest; and (v) publicly report annually on incidents and responses.

Justification

The *Higher Education Standards Framework (Threshold Standards) 2021* requires providers to ensure the wellbeing and safety of students and a learning environment free from discrimination, but does not currently translate this into a specific operational standard on identity-based harm.⁵⁷ TEQSA has the statutory power to make this normative content concrete, just as the Sex Discrimination Commissioner’s ‘Change the Course’ report drove the embedding of sexual harassment reform across the sector.⁵⁸

⁵⁶ Parliamentary Joint Committee on Human Rights, ‘Inquiry into Antisemitism at Australian Universities’ (Final Report, February 2025), recs 1–10.

⁵⁷ *Tertiary Education Quality and Standards Agency Act 2011* (Cth); *Higher Education Standards Framework (Threshold Standards) 2021* (Cth), standards 2.3 (wellbeing and safety) and 6.1 (corporate governance).

⁵⁸ Australian Human Rights Commission, ‘Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities’ (2017); Australian Universities Accord, ‘Final Report’ (Cth of Australia, February 2024), rec 33.

Critically, the standard must protect academic freedom as well as freedom from discrimination. Justice French's Review of Freedom of Speech provides an authoritative starting point for that balance.⁵⁹ Universities must remain places where contested questions – including questions about the conduct of the State of Israel, the rights of Palestinians, the meaning of Zionism, and the boundaries of antisemitism – can be debated and researched in good faith. The Federal Court in *Wertheim v Haddock* expressly preserved space for legitimate criticism of Israeli policy while drawing a clear line at conduct that vilifies Jews as a group.⁶⁰ The sectoral standard should adopt that same distinction.

The standard should *not* be premised on the contested IHRA Working Definition alone. It should reference the IHRA definition alongside the Jerusalem Declaration on Antisemitism and the Nexus Document, with case-by-case application, as is now the Commission's own approach. This pluralist definitional posture is essential to preserving free academic inquiry and avoiding the politicisation of an important protective norm.⁶¹

Nothing in this or other recommendations made herein is intended to prohibit or chill lawful advocacy for Palestinian human rights, criticism of the policies or conduct of the State of Israel, peaceful protest and political expression concerning the Israel–Palestine conflict. Universities must remain places in which deeply contested political questions can be debated robustly and in good faith, provided such debate does not cross the line into unlawful discrimination, harassment or vilification directed at Jewish people or any other protected group.

Recommendation 23: Human Rights Due Diligence in University Procurement, Investment and Partnerships

Recommendation: The Department of Education should require Australian higher-education providers, as a condition of Commonwealth funding, to conduct and publish **human rights due diligence on their procurement, investment and partnership decisions**, expressly addressing risks of contribution to identity-based harm. Providers should be required to disclose institutional partnerships and major procurement relationships, and to demonstrate how the human rights of Jewish, Muslim, First Nations peoples, and other minority groups, have been considered.

Justification

Australian universities collectively procure billions of dollars of goods and services each year and manage substantial investment portfolios. Where those funds flow has human rights implications. The UNGPs require human rights due diligence on the full range of a business's relationships, not only on its own activities.⁶² For an enterprise as large and as values-laden as a university, due diligence is not optional. The Australian Universities Accord (2024) called for greater transparency and accountability across the sector; due diligence is a natural extension. Public money should not, even indirectly, finance the erosion of social cohesion in Australia.

⁵⁹ The Honourable Robert French AC, 'Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers' (Cth of Australia, 2019); Model Code, cl 4.

⁶¹ International Holocaust Remembrance Alliance, 'Working Definition of Antisemitism' (26 May 2016); 'Jerusalem Declaration on Antisemitism' (25 March 2021); Nexus Project, Nexus Document on Antisemitism, Israel and Palestine (2021).

⁶² UNGP, Principle 17.

B. Small and Medium-Sized Enterprises

SMEs constitute approximately 97.3% of all Australian businesses and account for almost half of private-sector employment.⁶³ They are also where most Australians encounter business – as customers and employees. Antisemitic conduct in an SME workplace, or by an SME service provider toward a Jewish customer, is no less harmful than the equivalent conduct in a large institution; in some ways it is harder for the affected person as the avenues for complaint may well be fewer.

Recommendation 24: A National SME Program on Human Rights and Social Cohesion — Toolkit, Training and Peer Networks

Recommendation: The Australian Government, in partnership with interested stakeholders and responsible organisations (such as the Australian Small Business and Family Enterprise Ombudsman, the State and Territory Small Business Commissioners, the UN Global Compact Network Australia, the Australian Human Rights Commission, and SME industry associations), should fund and deliver a **National SME Program on Human Rights and Social Cohesion**. Such a program could consist of initiatives such as:

- a) a free, plain-language **SME Toolkit on Human Rights and Social Cohesion**, which adapts the UNGPs for the SME context and contains practical templates – including a one-page human rights policy, a sample inclusive code of conduct, scripts for managers responding to customer-on-staff and staff-on-customer abuse, a simple complaint-handling procedure satisfying UNGP Principle 31, and signposts to external resources;
- b) short, accessible **online training modules** on identity-based harm (including antisemitism, Islamophobia and racism), available to SME owners, managers and staff at no cost; and
- c) **locally-convened peer-support networks**, including in regional Australia, in which SME owners and managers can share experiences and good practice in a collaborative, non-punitive setting.

The Program would adopt a collaborative, constructive approach. It should be developed and distributed through the channels SMEs already use – accountants, industry associations, the Fair Work Ombudsman, and the Small Business Commissioners to ensure broad reach and accessibility.

Justification

Principle 14 of the UNGPs is explicit that the responsibility to respect human rights applies to all enterprises regardless of size, but that *the means* by which they meet that responsibility may vary according to factors including size and resources.⁶⁴ For SMEs, "due diligence" rarely means a dedicated team and a 60-page assurance program; it means a small set of practical, low-cost tools. The UN Global Compact Network Australia has demonstrated this approach in its *Modern Slavery Risk Management: A Playbook for Australian SMEs* (2023), and the OECD Due Diligence Guidance for Responsible Business Conduct contains an explicit SME track.⁶⁵ A national Toolkit, distributed through the channels SMEs already use, would dramatically reduce the friction of compliance.⁶⁶ It would also send a clear

⁶³ Australian Bureau of Statistics, 'Counts of Australian Businesses' (June 2024) — approximately 97.3% of Australian businesses are small (under 20 employees).

⁶⁴ UNGPs, Principle 14 (responsibility applies regardless of size, sector, operational context, ownership or structure; means may vary according to factors including size)

⁶⁵ UN Global Compact Network Australia, *Modern Slavery Risk Management: A Playbook for Australian SMEs* (June 2023); OECD, *Due Diligence Guidance for Responsible Business Conduct* (2018), ch 2.

⁶⁶ Small Business Commissioner Acts (Vic, NSW, SA, WA); *Australian Small Business and Family Enterprise Ombudsman Act 2015* (Cth).

normative signal: that the small business that owns the café where a Jewish customer is refused service, or the construction firm whose supervisor permits antisemitic graffiti on a worksite, is not exempt from responsibility because of its size. Respect for human rights, including the rights of Jewish Australians to participate in commercial life free from discrimination, is part of being an Australian business.

Templates and tools are necessary but not sufficient. The evidence on workplace cultural change is consistent: punishment-only models produce defensive compliance at best; cultural and capability investment produces behavioural change.⁶⁷ SME owners typically lack HR specialists, legal teams, or diversity managers. They do not need to be told that antisemitism is wrong; they need to be supported to know what antisemitism looks like in their context, what to do when they see it, and how to design a workplace where it does not take root in the first place.

Training modules paired with peer-support networks are particularly powerful in the SME context, where small business owners and managers learn most readily from one another with light-touch facilitation. Government funding to convene such networks, including in regional Australia, would be a valuable investment in social cohesion.

The three proposed components of such a national program reinforce one another. The Toolkit gives SMEs the tools; the training modules give them the knowledge to use them; and the peer networks give them the community of practice in which both are sustained over time. Together, they constitute a coherent, low-cost, high-leverage national investment in the capability of the largest segment of the Australian business community to contribute to social cohesion.

⁶⁷ Civil Aviation Safety Authority "Just Culture" model; Christine Porath, *Mastering Civility: A Manifesto for the Workplace* (Grand Central, 2016); Sidney Dekker, *Just Culture: Restoring Trust and Accountability in Your Organization* (3rd ed, CRC Press, 2016).

Part VI – Concluding Observations

The Bondi terrorist attack of 14 December 2025 was an act of antisemitic violence; it was also a profound breach of the social fabric of Australia. Examining the law-enforcement, intelligence and counter-terrorism dimensions of what happened, and on the prevention of recurrence are important facets of our national response to this tragedy. But the most enduring response to antisemitism is one that goes beyond the criminal justice system and reaches into the everyday institutions where Australians live and work. This is where the business sector – corporations large and small, in all industries – has a profound role to play.

The recommendations in this submission do not just reckon with addressing the negative – antisemitism – that has caused a great deal of harm but also focussed on what business can positively contribute to a flourishing, dynamic and pluralistic Australia. We do not believe these projects can be separated. The Jewish Australian who walks more safely in 2030 will walk more safely because the country around her has, in those intervening years, become more equal, more curious about difference, more confident in its pluralistic identity, more attached to its democratic institutions, and more practiced in the everyday work of belonging.

The framework offered by the UN Guiding Principles on Business and Human Rights is not a foreign import, nor unfamiliar to Australian businesses or government. The UNGPs are deeply consistent with Australian values: a fair go, mutual respect, equality before the law, and an expectation that those who do business in this country do so in a way that is consistent with the dignity of their fellow citizens. Operationalising those principles is the work of years and decades. The Commission is an opportunity that should not be missed to reaffirm and operationalise this with clear policies, reforms and initiatives for the business sector.

We respectfully urge the Commission to recommend that the business sector be brought, expressly and confidently, into the national response.

We thank the Royal Commission and Commissioner Bell for the opportunity to make this submission. The RMIT Business and Human Rights Centre stands ready to assist the Commission with further evidence, research or expert testimony as may be of use.

Respectfully submitted,



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