

Disrupting the System

Preventing and responding to sexual harassment in the workplace



Unless we all
**take action
to intervene**
against sexual
harassment,

we remain part
of the culture
that enables it.

– Elizabeth Broderick
Founder, Male Champions of Change

By openly acknowledging the prevalence of sexual harassment and taking action to address its systemic drivers, leaders have the unique power to ensure their workplaces are safe, respectful and inclusive. Their employees and the community expect no less from them.

– Kate Jenkins
Sex Discrimination Commissioner
Australian Human Rights Commission

Contents

Introduction 6

Listening, Learning 14

Insights & Actions 20

Disrupting the System 26

1. Elevate the prevention of sexual harassment and early intervention as a leadership priority 26

2. Address sexual harassment as a workplace health and safety issue 32

3. Introduce new principles on confidentiality and transparency for high-profile sexual harassment cases 38

4. Inform, empower and expect everyone to speak up and take action on sexual harassment in the workplace 50

5. Listen to, empower, respect and support people impacted 64

Resources 70

Example leadership statement 72

What to look for when scanning for sexual harassment in the workplace 74

Addressing everyday sexism 76

Questions for leaders responding to sexual harassment cases 78

The role of policy in preventing sexual harassment 79

Policy and process enhancements to drive system change 80

Example policy 84

Personal relationships at work 96

Board reporting on sexual harassment 98

Understanding sexual harassment in your organisation 101

Employee education: Male Champions of Change collaboration on the SBS Inclusion Program 104

A range of pathways for reporting and response 105

Responding to reports 108

Responding to historical reports of sexual harassment 113

Practical actions summary 115

Referrals to external organisations 118

References 120

Acknowledgements 122

INTRODUCTION

Over the past 18 months, members of Male Champions of Change (MCC) have looked deeply at the issue of sexual harassment in the workplace.

This work forms part of our broad and long-term MCC mission to achieve gender equality, advance more women into leadership and build safe, respectful and inclusive environments for all.

CONTENT NOTE: SEXUAL HARASSMENT IN THE WORKPLACE



If reading this report causes you to feel distressed or you wish to report sexual harassment you have experienced or observed, here are some options to seek support or counselling:

- Nominated support people within your organisation
- Your organisation's Employee Assistance Program
- The Equal Opportunity Commission in your state or territory
- The Australian Human Rights Commission at 1300 656 419
- 1800RESPECT (1800 737 732), the National Sexual Assault, Domestic Family Violence Counselling Service

More information including contact details can be found in the Referrals section of this report.

We are sharing this resource not because we are perfect or consider our teams are immune to sexual harassment. But as a coalition, **we intend to be visible leaders in setting new standards, building new and better systems, and accelerating the pace of change.**

This is a guide for future approaches, recognising that the starting point for each organisation will be different.



We know we need to reflect on our past

In any conversation about workplace behaviour, it is natural to reflect on our own careers: our workplace relationships; how we have treated others; and whether we have done enough to make positive changes.

We have come to a junction where we have choices. We can bury our heads in the sand and hope that others will lead. Or, we can reflect on our own past. We can acknowledge, apologise and make amends for unacceptable behaviour; share what we have learned through experience; and commit to leading the cultural change that will be essential in advancing gender equality. The same goes for how we respond to new issues that may surface about our teams, colleagues and employees. **We must demonstrate and require accountability, empathy and compassionate leadership.**

Dear colleague

Sexual harassment in the workplace is rightfully getting much attention. That is as it should be given the psychological, emotional and physical toll, the distress and pain experienced by countless women and some men over many decades.

This report has been developed to provide insights, practical actions and resources that aim to disrupt the system on how sexual harassment is managed in the workplace. It's a bold and ambitious approach and work in progress that we will continue to refine, but it's clear the current system is not working and new and different thinking is required.

We have listened to women in our organisations. We have researched why and how sexual harassment occurs. We have engaged with the people who deal with sexual harassment in our workplace, including the perspective of CEOs, Boards, our human resources function, legal advisors and communications teams. We have paid particular attention to the landmark report, **Respect@Work**, arising from the National Inquiry into Sexual Harassment in Australian Workplaces (National Inquiry) led by the Australian Sex Discrimination Commissioner Kate Jenkins.

What we know from this work is that leaders can use the organisational systems they steer to eradicate sexual harassment, but it does require significant shifts. **Leaders must take responsibility for developing workplace cultures that prioritise safety, respect and inclusion for all.** This report makes our stance clear. We must focus on preventing sexual harassment before it happens.

We must provide physically and psychologically safe workplaces as a Board and Executive priority through a focus on prevention and early intervention, incident and consequence management and transparency in reporting to boards and external stakeholders. This is not a giant leap. Existing gender equality and workplace health and safety practices provide an excellent model to adapt, integrate and amplify.

Offenders must know they will not be protected by organisations in the interests of performance, position or reputation. Action will be taken.

Everyone must understand sexual harassment in all its forms and be supported and expected to speak up about issues they observe or know of.

We must provide respect and support for people who experience sexual harassment. This means ensuring their wishes are listened to and prioritised and that they retain the right to share their stories if and how they want to, rather than be silenced in the interests of legal and reputation risk management.

The real risk to organisations is the human cost of not preventing sexual harassment or not addressing it in the right way. The actions you take as a leader say everything about what you and your organisation values – especially if you prioritise power and past achievements over the well-being of employees.

Privacy, confidentiality, due process and natural justice remain essential for employees irrespective of their position in an organisation. But once an outcome is determined, transparency is critical. Organisations need to learn from it. Stakeholders are entitled to know about it – particularly when it involves the most senior people.

These are not system shifts that 'take time' – we know organisations are capable of rapid, radical change when required. Sexual harassment requires such focus.

We acknowledge the many people who have raised their own experiences of sexual harassment and brought this issue to light, often at great personal and professional cost.

We stand by our long-term, public commitment to advancing gender equality and creating respectful, inclusive and safe environments for all.

Male Champions of Change Coalition

Context

This resource was developed against the backdrop of significant shifts to prevailing community standards on sexual harassment.

This included #MeToo – a catalysing movement which seeks to highlight the breadth and impact of sexual harassment and sexual assault worldwide, support those who have experienced it and hold sexual harassment offenders accountable for their behaviours. It has empowered people to share their stories – thousands of people have bravely recounted their experiences so that everyone might listen, learn and act.

At the same time, the National Inquiry into Sexual Harassment in Australian Workplaces, led by the Australian Government’s Sex Discrimination Commissioner, Kate Jenkins, was completed – the first of its kind in the world. The findings, which have informed this report, identified changes that businesses, governments and the community can implement to address this issue.

Now, as we release this report, we are in the midst of response to the COVID-19 global health and economic crisis. Far from relegating sexual harassment to a less important issue, now more than ever in our history, leaders must be squarely focused on the critical importance of providing physically and psychologically safe work environments for their employees – anytime, anywhere.

Our role

We have analysed this issue from the viewpoint of a CEO, identifying the changes we can lead to eradicate sexual harassment from our organisations.

The expectation, rightly, is that we will step up beside women in creating more effective approaches to preventing and responding to sexual harassment in the workplace.

This involves taking a clear stance, demonstrating compassionate leadership, shared language, practical knowledge, disruptive actions, and providing tools and resources that empower our people to support this goal.

Incremental change is not enough.

On the following pages, we share what we have learned and propose disruptive actions to end sexual harassment in the workplace.

Our thanks to everyone who has so generously contributed their experiences, insights and innovative thinking to help disrupt the systems that enable sexual harassment to occur.

Our goal was to identify the specific actions CEOs could lead to **disrupt workplace cultures and systems** that enable sexual harassment to occur.

Our approach

The Male Champions of Change strategy involves male leaders stepping up beside women leaders to achieve gender equality and advance more women into leadership. The heart of the strategy involves listening, learning and leading with practical, constructive and disruptive action to accelerate change.

Our coalition benefits from a range of perspectives in shaping its actions – especially on an issue such as this where women’s insights, experience and ownership of their own stories is so central to progress. As part of this work, we wanted to better understand the issue of sexual harassment and the experiences of people in our organisations. This involved:

- » **Reviewing all major cultural reviews, industry-wide surveys and insight reports** from 2012 to 2019 from across the MCC coalition, covering the views and experiences of our employees and stakeholders. This was a rich resource that included inputs from over 50,000 people across 15 different reports.
- » **Holding forums with 41 CEOs and heads of our Legal, Communications and People and Culture teams** to understand lessons learned from dealing with sexual harassment in our organisations.
- » **Hosting Australian Sex Discrimination Commissioner Kate Jenkins at MCC group meetings** to discuss the issue, the work of the National Inquiry and the role of leaders in addressing sexual harassment.
- » **Reviewing submissions to the National Inquiry and recommendations** from the final report, Respect@Work: Sexual Harassment National Inquiry Report (2020).
- » **Engaging with experts in the field and women leaders** including the Convenors, Special Advisors and Implementation Leaders involved in the MCC strategy.
- » **Examining initiatives currently in place to improve prevention and responses** that could be adopted, adapted or scaled up across member organisations to accelerate change.
- » **Engaging in multiple detailed discussions on everyday sexism and sexual harassment** as part of regular MCC and Implementation Leader meetings.

We acknowledge the extensive research on this topic by experts globally. With reference to this, we have sought to bring a CEO lens and the everyday experiences of employees across our coalition to hopefully provide another layer of insight and compelling roadmap for action.

The commitment we make is to **provide safe, respectful and inclusive environments** – free of sexual harassment – for all our employees wherever we operate.

We have a 'zero tolerance' approach to sexual harassment in the workplace

This report reinforces our 'zero tolerance' approach to sexual harassment in the workplace. By this we mean we will be proactive in eradicating the behaviour – in all its forms. Zero tolerance also means there will be action and consequences that are appropriate and proportionate considering the offender's behaviour and the impact of their actions, and taking into account the wishes of the person subjected to the harassment.

It is important to note that zero tolerance does not mean we respond in the same way to every incident, for example through automatic dismissal. This is a misconception we need to clear up, particularly because we know it stops people coming forward.

Often people who report sexual harassment do not wish the offender's employment to be terminated, but want the behaviour to stop, an apology and for it not to happen to anyone else. Just as responses that are too weak can permit sexual harassment to continue, responses that are seen as disproportionately severe can work against all the cultural and system changes we aspire to: physically and psychologically safe environments, open communication, greater bystander intervention, early resolution of issues and behaviour change.

Definition: Sexual harassment

The *Sex Discrimination Act 1984* (Cth) defines sexual harassment as 'an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.'

A working environment or workplace culture that is sexually permeated or hostile will also amount to unlawful sexual harassment.'

Source: Australian Human Rights Commission. n.d. Sexual Harassment in the Workplace – The Legal Definition of Sexual Harassment. <https://humanrights.gov.au/our-work/sexual-harassment-workplace-legal-definition-sexual-harassment> (accessed August 2020).

Our position

Sexual harassment, in all its forms, is an abuse of power.

It represents behaviours that are beneath the standards we expect from every one of us and across our organisations. It is unethical and against the law. It is inextricably linked to gender inequality.

We have seen the psychological, emotional and physical toll it takes, and the detrimental consequences it can have on the careers and personal lives of those affected, as well as their families and those close to them.

We acknowledge that past approaches to address this behaviour have been insufficient.

We agree that new approaches are required, recognising that this is a human and societal issue.

We will act to prevent it and ensure effective responses for those impacted within, and connected to, our organisations.

We will enable people to recognise sexual harassment in all its forms, and empower them to speak about it, change behaviour if required and respond appropriately in the moment to prevent repetition and escalation.

We will strive for ethical responses over expedient solutions.

We will support respectful transparency so that we can learn from incidents, continuously improve our approach, and improve our accountability to our staff, our stakeholders, and the broader community.

We will lead a new conversation and take new actions to ensure that sexual harassment in our workplaces is eradicated.

LISTENING, LEARNING

There are clear international standards supporting the right to live and work free from violence and harassment. Sexual harassment is against the law in many countries where we operate. This gives rise to specific obligations about how we define workplace sexual harassment and guides how we investigate complaints, make findings on whether a claim is substantiated, and take disciplinary action.

We have focused on understanding how sexual harassment is experienced in our organisations to identify disruptive action against the conditions that enable it.

The heart of our work: listening to the voices and experiences of our people

These are just a few of the many experiences of sexual harassment that can be found in the References on page 120.

I didn't want a convoluted process. I just wanted it to stop.

There is an unspoken rule that you shouldn't speak out ... It was basically up to me to handle the situation and, if I could not manage it, that it was my fault.

I would go on work trips and the boys would bash on my door at 2am going, 'Let us in. We just want a hug.' It was pretty scary really.

A male ran his open palm completely across my exposed stomach as I was in gym gear. I immediately told him to get his hands off me and never touch me again. Another witnessed it and ran out of the room. Afterwards, he approached to tell me that he knew what he saw was wrong but he didn't want to get involved so he left.

It's everywhere and it's insidious. It's very difficult to call out because sometimes it's so nuanced and accepted. There is a view that things are really good for women now ... that makes it virtually impossible to call out systemic and insidious gendered issues.

The impact of sexual harassment in the workplace extends far beyond the workplace itself.

It all starts with the leadership – what happens above. So, if they allow that to happen, well, then it'll probably happen. If they've created a culture and environment where we perhaps tackle it in a different manner – encourage[ment] and support – well, then that'll probably happen.

After the incident, I felt hollow and empty inside. I hated myself, believed the incident was my fault, and was severely depressed.

When I did complain to my boss, he said I should feel flattered and not make a fuss.

What we heard was consistent with the research: **Sexual harassment is pervasive. It is inextricably linked to gender inequality.**

It can be overt or insidious. A sense of power over others and/or the abuse of power, alongside disrespect, sits at the heart of most cases of sexual harassment. Sexual harassment is also preventable.

The research is clear

The findings of any review on sexual harassment – global, local, sector-based or organisation-specific – are clear and consistent:

- Sexual harassment is prevalent, largely experienced by women but also by men and other genders.
- Men are most commonly the perpetrators of sexual harassment against women, men and people who identify as non-binary.
- However, sexual harassment is a systemic cultural issue, not only an act of individual conduct.
- Young age, gender identity, sexual orientation, Indigeneity, other cultural and linguistic diversity, disability, low income and job insecurity are factors that increase the likelihood a person may experience sexual harassment and compound the barriers to speaking up – often in ways that intersect with each other.
- Location (remote or isolated sites, international offices); environments (high-pressure situations, extended working hours, roles facing customers and patients) and demographics (male-dominated or culturally homogenous workforces) can increase the incidences and severity of the behaviour.
- Very few people choose to report sexual harassment. This is for a range of reasons including fear of ostracism and a negative impact on their income, career and/or reputation.
- Given sexual harassment is so under-reported, the extent of the problem is not fully understood.
- There is no evidence to suggest that generational change in workforces will stop this behaviour.
- Sexual harassment sits on a continuum of behaviours and norms that reflect unequal gender power dynamics in the workplace. These behaviours can vary in how they manifest and can occur in isolation or concurrently. Workplace cultures that normalise, tolerate and excuse disrespectful behaviour at one end of the continuum may lead to more serious issues at the other.

Sexual harassment is pervasive

Most employees can describe sexual harassment in the workplace through experience or observation. For many people, dealing with sexual harassment is an accepted part of navigating workplace dynamics. Numerous studies and organisational inquiries have sought to expose the extent of the issue, but under-reporting remains rife. This tells us that people do not feel safe in raising sexual harassment, lack confidence in existing systems to deal with it, or both.

Sexual harassment can happen to anyone, but it is not experienced in the same ways. For example, people of diverse sexual orientation or gender identity commonly report sexual harassment as intrusive questions about their intimate relationships; women of culturally and linguistically diverse backgrounds experience sexual harassment in ways that are often bound up in assumptions and stereotypes based on race and gender. For all those impacted, it is a deeply personal and individual experience.

In particular, while sexual harassment is experienced throughout our organisations, it takes on an especially malignant character when perpetrated by leaders. When complaints are made, the established approach is to 'shut an issue down', usually in the name of profile, performance and reputation, which visibly and perversely serves to protect perpetrators who are powerful.

Permissive cultures enable sexual harassment

Sexual harassment is one of a number of behaviours that occur in and outside the workplace that contribute to a wider culture of disrespect of women.

Examples of disrespectful behaviour we have dealt with in our organisations include:

- Inappropriate after-hours or outside-of-work behaviour of employees.
- Inappropriate social media activity of employees.
- Trolling of women by people within and outside our organisations.
- The objectification of women in mainstream media advertising.
- Intimate relationships formed through work that are inappropriate because they involve conflicts of interest and significant power imbalances.
- Gendered bullying and victimisation.

These behaviours or incidents may not meet the legal test for sexual harassment, but they are inextricably linked as they are also rooted in gender inequality. Our previous report on Everyday Sexism, highlighted how these kinds of behaviours can repeat, escalate and/or cumulatively cause harm. Critically, if overlooked or condoned it creates a permissive culture for more serious incidents, like sexual harassment.

Current approaches are not effective

Our organisations have policies, processes and training in place to prevent and address sexual harassment that are varied in comprehensiveness and effectiveness. We can't, however, ignore the facts and the stories of people in our workplaces which tell us clearly that current approaches are not working.

Some strategies employed in response to complaints may serve to tacitly condone behaviour, silence people, entrench enabling systems and even exacerbate trauma. For example, the practice of quietly removing people from an organisation found to have sexually harassed others means that personal and organisational stances can be seen as invisible and assessed by staff and stakeholders as complicit or passive.

Serial offenders should not be moved from one role to another, perpetuating harm. Such an approach prevents the whole organisation learning from the experience. The corrosive reality that people 'get away' with sexual harassment contributes to the lack of reporting and confidence in the system.

Greater and more visible leadership is required to drive disruptive change rather than incremental improvements.

Ethical and consistent leadership is necessary in how we respond to all of types of behaviour, and especially those linked to how people relate to each other in and around our workplaces.

INSIGHTS & ACTIONS

We know through experience that the law is not enough to stop sexual harassment in our workplaces.

Good intent towards 'safe, respectful and inclusive environments' and 'zero tolerance' needs to be backed up by changing the systems that can work against these goals.

Prevention and early intervention are the priority, and this report emphasises what we can do as senior leaders to significantly reduce the number of people impacted, while at the same time ensuring respect and support for people who are harmed by sexual harassment.

Sexual harassment is much more than a legal issue – **it is a social problem, one that is driven by gender inequality** in the workplace and exacerbated for certain groups.

Greater action at the leadership, organisational and team level will be critical in **reducing the incidence and impact** of sexual harassment at an individual level.

We are collectively committed to action

Our approach is outlined on the following pages and summarised here. We will:

01

Elevate the prevention of sexual harassment and early intervention as a leadership priority



02

Address sexual harassment as a workplace health and safety issue



03

Introduce new principles on confidentiality and transparency for high-profile sexual harassment cases



04

Inform, empower and expect everyone to speak up and take action on sexual harassment in the workplace



05

Listen to, respect, empower and support people impacted

Shifting our mindest, management systems and processes

Here we summarise the major shifts required to disrupt the system of how sexual harassment is typically managed within organisations. It starts with leadership from the top.

CURRENT STATE

The focus is on compliance, minimising reputational damage and legal liability

Impacted People

Impacted people feel disrespected, alone, afraid, vulnerable and silenced

Teams/ Colleagues

People are uncertain about what is right and wrong and the behaviour expected of them

Leadership/ Organisation

Compliance is prioritised and cases are quietly managed

Board/ Executives

Focus is on protecting reputation and managing legal liability

The goals are prevention, early intervention and to significantly reduce the number of impacted people

Listen to, respect, empower, and support impacted people

Impacted People

Inform, empower and expect everyone speak up and take action on sexual harassment

Teams/ Colleagues

Introduce new principles on confidentiality and transparency for high-profile sexual harassment cases to accelerate cultural change

Leadership/ Organisation

Elevate prevention of sexual harassment and early intervention as a leadership and safety issue

Board/ Executives

FUTURE STATE

Disrupting our
mindsets,
management
systems and
processes

01

Elevate the prevention
of sexual harassment
and early intervention
as a leadership priority

02

Address sexual
harassment as
a workplace health
and safety issue

03

Introduce new principles
on confidentiality
and transparency for
high-profile sexual
harassment cases

04

Inform, empower and
expect everyone to
speak up and take action
on sexual harassment
in the workplace

05

Listen to, respect,
empower and support
people impacted

Elevate the
prevention of sexual
harassment and
early intervention as
a leadership priority

Gender equality strategies help to reduce the incidence of sexual harassment

Efforts to increase the representation of women at all levels of our organisations have helped to raise standards of behaviour, prevent sexual harassment and ensure more effective responses. However, even in female-dominated and gender-balanced sectors and organisations, harassment still occurs, underpinned by power dynamics that serve to target and subjugate others.

A continued focus on advancing more and diverse women into leadership and other disruptive actions to reduce gender inequality will help to shift cultures that enable sexual harassment to occur.

Sexual harassment is an issue of gender inequality. It manifests when structural and social power disparities are abused. It can cause physical and psychological harm.



Sponsorship of women must continue to be a leadership priority

We know from our own experience that at some point in everyone’s career, decisions about advancement aren’t just up to an individual manager. For very senior positions, or leadership of important projects, endorsement from other leaders becomes critical.

Having well-connected, senior leaders commit to, and advocate for women disrupts the typical career patterns and barriers that too often prevent women advancing at the same rate as men. This is essential for advancing gender equality.

One regrettable response to the heightened spotlight on sexual harassment has been for some men to step back from sponsorship relationships with women or to avoid business trips or social settings with women because of inaccurate assumptions that women make false allegations or concern for speculation about the nature of their relationships.

On the contrary, this is the time **men should step up** to sponsor and include women. But senior men **can’t act as if there is no power imbalance between them**.

This power dynamic always exists when a senior person offers knowledge, networks and experiences and a more junior person is open and honest about their aspirations and receiving support for their goals. Power difference is exacerbated when the senior mentor is a man and the mentee is a woman.

A senior leader must be aware of this power imbalance, work to normalise interactions and **make sure they don’t abuse it**. This isn’t hard, but it takes humility, showing respect and professionalism at all times.

Better address the connection between power, gender inequality and sexual harassment

Research and experience tell us that sexual harassment stems from gender inequality and the abuse of unequal power relations.

Although called ‘sexual harassment’ and referring to behaviour that manifests as conduct that is sexual in nature, this behaviour is not about consensual sex and sexual attraction; rather, it is about exerting power and position over others who are perceived to be, or are in fact, more vulnerable.

It manifests as offensive, demeaning, humiliating and/or intimidating behaviour that can cause physical and psychological harm. Sexual harassment is particularly prevalent where gender inequality exists – where organisation demographics, values and structures prioritise men and workplace cultures reinforce rigid gendered norms and sexist attitudes. The dynamics that exist within and around organisations implicitly or explicitly reinforce this power disparity.

Some can erroneously draw a sense of power through their position in the hierarchy; managerial or supervisory roles; financial status; connections or ‘mates’ in the business; their control over the pay and conditions of employees with less power; or their own personal sense of entitlement over others.

A significant but subtle power shift also happens at the point of transition to leadership. The rules of engagement with the former team changes. Socialising, banter and relationships are all seen through a different lens where new power imbalances exist.

Leaders can consciously or unconsciously embolden and protect offenders by giving people unchecked authority; positioning some as ‘**rain makers**’, ‘**high value employees**’, ‘**subject matter experts**’ or above reproach; and brushing off inappropriate or illegal behaviour as a quirk instead of an offence.

Individuals or teams can sexually harass to undermine their female leaders, for example with sexualised or appearance-based comments.

While power dynamics play a significant role in sexual harassment, it can also occur in situations where there are no hierarchies, for example **between co-workers**.

Power disparities can be amplified by the nature of an employee’s engagement. Casual employees, migrant workers, temporary visa holders and international students can be faced with an impossible choice between tolerating offensive behaviour or the devastating impacts for their family if they lose their job for speaking up about sexual harassment.

Other factors such as age, gender identity, sexual orientation, Indigeneity, other cultural and linguistic diversity, and disability have also shown to increase the likelihood a person may experience sexual harassment.

In sectors where **supervisors, sponsors and patrons** are critical for progress, such as the law, academia, science and research, raising issues can impact opportunities for promotion, rewards and career progression.

Customers, clients, contractors, investors, patients, passengers and supporters are all people of value to our organisations, but the issue of preventing sexual harassment must extend into all of these relationships.

Layers of ignorance, tolerance or avoidance of the issue can inadvertently reinforce the power of offenders and at worst, help to entrench sexual harassment as a cultural norm. In many cases, employees know who serial offenders are. A lack of action at the most senior levels of our organisations is seen by employees as excusing or condoning inappropriate behaviour. This can fatally weaken other efforts at personal, cultural and organisational leadership.

We need to better understand and address these power dynamics as part of our leadership response.

At its core, sexual harassment is a misuse of power. It is therefore an issue of leadership and values at the heart of the organisation.



Leading from the top: 10 principles for Executive Teams and Boards

- 1** **Lead** through your own behaviour and hold others accountable for creating safe, respectful and inclusive environments and preventing sexual harassment.
- 2** **Ensure** your organisation has a gender equality strategy that includes a sexual harassment prevention strategy aligned to existing workplace health and safety systems.
- 3** **Include** sexual harassment on risk registers and do scenario planning on potential risks and responses.
- 4** **Require** regular reporting of complaints data (e.g. incidents, themes, resolution time frames, and outcomes including settlements), as well as cultural indicators (e.g. culture surveys) and other prevalence data (e.g. industry surveys).
- 5** **Interrogate** the numbers to account for under-reporting: low or no reporting does not mean there are no incidents.
- 6** **Insist** on external transparency regarding incidents involving senior leaders and where there is legitimate public or stakeholder interest.
- 7** **Ensure** proportionate and appropriate consequences for offenders.
- 8** **Recognise** that respect and support for people who experience sexual harassment is now essential to effective and responsible approaches. Do not restrict victims' ability to manage their own circumstances and tell their own story.
- 9** **Ensure** thorough due diligence in recruitment of senior leadership roles, including by insisting on disclosure of misconduct and where employment has ceased during a misconduct investigation.
- 10** **Ensure** who you promote and reward reinforces your organisational values and your commitment to gender equality and the prevention of sexual harassment.

SUMMARY

01 Elevate the **prevention** of sexual harassment and **early intervention** as a leadership priority

Practical actions

➔ Actions for leaders

- ✓ **Develop and publicise** a gender equality strategy and action plan and strive for gender balance in the workforce.
- ✓ **Set expectations** and support leaders to address gender inequality, gender-based discrimination, everyday sexism, sexual harassment and violence against women.
- ✓ **Understand** how sexual harassment manifests in your own organisation and industry, the risks and impacts (Refer to Resources, pages 101–103).
- ✓ **Role model** standards of behaviour, addressing disrespectful and/or unlawful behaviour in the moment and empowering others to do so (Refer to Resources, pages 76–77).
- ✓ **Clearly articulate** that eradicating sexual harassment is a leadership priority (Refer to Resources, page 72).
- ✓ **Ensure all employees** – especially those with a high status – know your stance that sexual harassment, everyday sexism and unacceptable behaviour will not be tolerated in any circumstance.
- ✓ **Share leadership stories** and de-identified case studies to support individual and organisational learning and behaviour change.
- ✓ **Require oversight** of incidents and regular reporting (Refer to Resources, page 98).

➔ Fundamentals for organisations

- ✓ **Develop and share** a robust and effective standalone sexual harassment policy that responds to current issues and expectations of all employees or relaunch one with a strengthened commitment (Refer to Resources, page 84).
- ✓ **Develop and communicate** a clear position on personal relationships at work (Refer to Resources, page 96).
- ✓ **Reference** sexual harassment and its consequences explicitly in employment contracts, codes of conduct and/or performance management frameworks. Make clear to all, and in particular senior men, and with contractors, consultants and sub-contractors, that unlawful and inappropriate behaviour will have real consequences.
- ✓ **Explicitly state expectations** of behaviour in contractor, subcontractor and consulting agreements.
- ✓ **Measure and monitor** information and data that provides insight into culture, as well as reports of sexual harassment, the number and characteristics of formal allegations of sexual harassment, and also informal reports that are managed within teams.
- ✓ **Report** sexual harassment cases regularly and transparently to senior leaders, board and external stakeholders (Refer to Resources, page 98).
- ✓ **Incorporate** reporting on these issues, and the financial impact of settlements, as part of our annual reports (Refer to Resources, page 100).

Disrupting our
mindsets,
management
systems and
processes

01

Elevate the prevention
of sexual harassment
and early intervention
as a leadership priority

02

Address sexual
harassment as
a workplace health
and safety issue

03

Introduce new principles
on confidentiality
and transparency for
high-profile sexual
harassment cases

04

Inform, empower and
expect everyone to
speak up and take action
on sexual harassment
in the workplace

05

Listen to, respect,
empower and support
people impacted

Address sexual
harassment as a
workplace **health
and safety** issue

This is an issue of workplace health and safety

We know that sexual harassment in the workplace can have long-term emotional, psychological, physical and financial impacts on those affected. Yet rarely is sexual harassment treated with the same rigour we apply to other types of workplace harm. We continue to treat sexual harassment as an individual grievance rather than a systemic organisational issue, which is inconsistent with the way we view other workplace hazards.

Our historical idea of occupation health and safety hasn’t typically connected the harm that many women and some men experience at work from sexual harassment. Yet, a person who is away from work because they have been experiencing or witnessing sexual harassment is reasonably a lost-time injury. A person who seeks medical or psychological treatment because they are being sexually harassed at work is arguably a reportable incident. A known offender is a workplace hazard.

Existing workplace health and safety obligations place due diligence obligations on senior leaders to understand the hazards and risks associated with the business operations and ensure there are resources and processes to eliminate them, including the creation of psychologically safe environments. There are also reciprocal duties on workers to protect each other from harm to their health and safety.

The massive strides forward over past decades in creating safe environments and safety cultures offer lessons for how to do the same in relation to sexual harassment. We recommend that the prevention of sexual harassment in the workplace be reframed as a critical leadership accountability to ensure safe and respectful environments for all, where the physical and psychological safety of employees is prioritised.

Sexual harassment causes harm

Sexual harassment causes harm. It is significant and can be felt immediately, emerge over time and/or result in long-term trauma.

The impacts are personal, varied and deeply affecting. The evidence of harms such as anxiety, depression, stress, relationship breakdowns, physical ailments, career consequences and financial loss caused by sexual harassment are all well-documented.

The harm also extends to families, people who witness incidents and people within and outside of organisations who have to support those impacted, respond to or manage the behaviour.

It creates risk beyond individual harm

Research and evidence show additional risks to our core purpose and operations if we do not address sexual harassment. Some examples:

- In medical settings, there is a risk to patient care.
- In policing, military and emergency services, there is a risk to public safety.
- In sport, there are risks to teams, officials and the communities who follow them.

In all settings, there are risks of losing talented people from the organisation. We risk reducing diversity and inclusion, when we know that more diverse and inclusive organisations perform better. In addition, vicarious trauma may be experienced by those who witness the impact and distress of sexual harassment on colleagues.

We can and must identify the risks

In the prevention of accidents and operational safety incidents, the full attention of management and all our systems are geared to prevent injury. This occurs at every level, from Board oversight to frontline operations. Even the most rudimentary risk assessment provides us with a more proactive approach to preventing sexual harassment than many organisations currently employ:

- **Identify hazards** – What are the occupational groups, locations, situations that we know or could conceive of as being a high risk for sexual harassment?
- **Assess risks** – What are the influencing factors (e.g. high-pressure environments, gender imbalance, social events, alcohol, remote or isolated locations), what is the likelihood of harm, and how effective have we been at preventing sexual harassment to date (noting that a lack of reporting is not necessarily an indicator of low prevalence)?
- **Control risk** – What interventions will give employees the best protection and reliability, with consideration to both system (e.g. alcohol-free events, reminders of expectations) and behaviour change (co-worker intervention)?
- **Review control measures** – Has sexual harassment been prevented?

»» Example

A large health network uses data collected from anonymous online reporting of behaviour to identify high-risk themes: patterns of behaviour (e.g. abuse over the telephone); by occupational group (e.g. male health practitioners from a particular profession); and geographic location (e.g. a regional hospital). Information is used to target prevention and early intervention activity such as individual conversations, team forums and awareness-raising about safe and respectful conduct.

»» Example

A professional services employer with a large intake of graduates each year recognised the risk factors associated with this group: age; power disparity between themselves and senior leaders; client interactions; socialising and alcohol; and workplace relationships. Open conversations about appropriate behaviour and support to navigate these workplace dynamics now feature in this organisation’s graduate program.

Early intervention is critical

Human resources and legal teams are not always resourced or equipped with the right capabilities to respond to every incident that occurs across organisations. Individual people managers often say that they feel unsure of how to respond to a disclosure by one of their staff. Observers are often unclear about what they can or should do if they see or hear of an incident. Yet we know that a quick and effective response when an incident first occurs can achieve the best outcome for those impacted and prevent the escalation of the behaviour.

Addressing sexual harassment through early intervention can help avoid the escalation of issues which can lead to lengthy investigations and adversarial legal processes that are difficult for all involved.

Given that sexual harassment is significantly under-reported, relying on formal pathways alone will also mean that most incidents go unaddressed.

By the time issues reach a senior executive, key functional teams, the CEO's office or the Board, the damage to individuals, personal relationships, workplace dynamics and reputations is often done and is likely to be irreparable. Irreversible personal, workplace and career harm to the person impacted has often already happened.

Responding once an incident has reached a critical crisis point diverts effort and resources from a focus on prevention and early intervention.

We need better tools and approaches to prevent and address inappropriate and unlawful behaviours in the moment, to prevent repetition, escalation and harm.

With physical safety, we absolutely believe that **near misses and small incidents are indicators of an unsafe culture that could lead to a fatality.**

In the same way, acceptance of everyday sexism creates an enabling culture for sexual harassment to occur.

02 Address sexual harassment as a workplace health and safety issue

Practical actions

➔ Actions for leaders

- ✓ **Clearly articulate** that the prevention of sexual harassment is a leadership and workplace health and safety issue to ensure the physical and psychological well-being of all employees (Refer to Resources, page 72).
- ✓ **Ensure** a risk assessment has been undertaken in your organisation (Refer to Resources, page 74).
- ✓ **Be clear** about consequences and disciplinary action for different types of behaviour and follow through where necessary.
- ✓ **Make** the consequences visible for those who have breached sexual harassment policy, by sharing aggregated and de-identified case studies.

➔ Fundamentals for organisations

- ✓ **Ensure** alignment and collaboration between leaders and the core functions responsible for preventing and responding to sexual harassment – workplace health and safety, human resources, legal and communications.
- ✓ **Adapt** workplace health and safety strategies to address sexual harassment in all its forms.
- ✓ **Include** questions about sexual harassment in employee engagement surveys or conduct standalone surveys to create a more robust and reliable measure of prevalence and high-risk work groups beyond actual complaints made (Refer to Resources, page 101–103).
- ✓ **Include** sexual harassment on risk registers to be managed in the same manner as other workplace safety risks.
- ✓ **Develop** Standard Operating Procedures for 'critical incidents' of sexual harassment.

Disrupting our
mindsets,
management
systems and
processes

01

Elevate the prevention
of sexual harassment
and early intervention
as a leadership priority

02

Address sexual
harassment as
a workplace health
and safety issue

03

Introduce new principles
on confidentiality
and transparency for
high-profile sexual
harassment cases

04

Inform, empower and
expect everyone to
speak up and take action
on sexual harassment
in the workplace

05

Listen to, respect,
empower and support
people impacted

Introduce new
principles on
**confidentiality and
transparency** for
high-profile sexual
harassment cases

The current system silences people

While the current legal system has been important in giving rights and avenues for redress to victims, we know this approach hasn't been effective in eradicating sexual harassment. The use of non-disclosure agreements in particular has silenced people impacted, allowed the behaviour to continue and at times, appeared to condone it.

In the past, many organisations have prioritised legal responses and 'shutting down the issue', driven by reputation management. This can have the perverse outcome of protecting and/or emboldening higher-status employees at the expense of complainants, their co-workers and the broader interests of the organisation and the community in naming and tackling sexual harassment.

Commercial settlements and non-disclosure agreements often reinforce this view and ensure issues are kept out of the public domain and opportunities to learn from cases are diminished.

Solutions that involve removing the person impacted or transferring the offender have served to silence others, and often have not stopped the behaviour.

When picked up by and tracked through the media, the problems of incidences of sexual harassment can compound and rapidly turn into significant personal and organisational crises for those involved. In the face of intense media scrutiny, it is often difficult to protect the interests of those impacted.

It is very common to hear stories of victims – employees, colleagues, family and friends – who have never spoken up because they see that the system deters it at every level.



A case-by-case approach is required

Organisations are all different, and therefore the right general approach in each organisation will also be different. Context matters, and there are different implications for small professional services firms and large, national employers; for government organisations and multinational companies; and for organisations with constant media attention and listed companies.

Each specific issue, allegation or circumstance is also different. While all sexual harassment is unlawful, some allegations raise the prospect of police involvement and serious criminal charges; some involve one complainant and some involve many; some involve people whose mental well-being has already suffered considerably, or who have previous challenges in their lives that resurface in the light of a current incident.

For these reasons, it is very difficult to draw definitive conclusions about actions that should always be taken, or that every organisation must pursue – we will respond better to sexual harassment when each organisation, and leaders, considers context, the needs and wishes of the person involved and works towards a tailored response.

The landscape has changed

Sexual harassment has never been acceptable but frustration with its persistence and systems that fail to hold offenders accountable have pushed the issue into the public domain.

Traditional and social media have created a new kind of permanent transparency and the lines between what should be public and private are less clear.

These factors challenge the tension between traditional notions of confidentiality (e.g. keep everything in-house, protect those involved) and new expectations of accountability and transparency.

Our organisations are responding to a new environment and spending more time thinking about the context of our stakeholders, shareholders and communities. Boards and senior management teams are constantly considering legal, social and environmental licence to operate.

While the experience of people impacted by sexual harassment has not changed, there has rightly been a shift in the reputational and market costs of perceived cover-ups, which are now significant and are beginning to appropriately reflect the harm of sexual harassment to individuals, organisations and our community. Proactive disclosure is highly valued by key stakeholders. The balance in reputational management between transparency and secrecy has tilted significantly towards transparency.

In the most extreme cases of serious harm and systemic disregard for the issue, we now see redress schemes that threaten the long-term viability of organisations.

The harm to our organisations from avoiding public scrutiny is now more significant than the harm of being upfront about misconduct.

Unless we change our view and approach to secrecy, we will continue to see high rates of sexual harassment and poor organisational responses.

Confidentiality remains a cornerstone of natural justice

Irrespective of whether a reported issue is resolved through informal pathways or formal investigation, due process and natural justice are essential.

This includes giving someone the opportunity to understand the allegations and to respond; respecting and supporting individuals involved; facilitating a timely and objective process; substantiating decisions and ensuring outcomes are fair and proportionate. And critically, confidentiality is maintained.

This is particularly important when the way the organisation responds (e.g. initiating a formal investigation) impacts the rights of the alleged harasser. These principles are critical to preserve the integrity of the process and well-being of all the parties involved and to guard against pressure for expediency, false accusations, stereotyping those involved and victim-blaming. Due process and natural justice is also essential for organisations to meet their parallel legal obligations to ensure dismissal of an employee (should that be the outcome) is fair, just and reasonable.

We must prioritise and protect the identity and well-being of the person impacted, and anyone else that the investigation reveals has been subjected to or witnessed the harassment. Investigations also work better, at a very practical level, when they are not conducted in the full glare of employee and/or media scrutiny.

Keeping the details of complaints confidential while investigations are underway must be prioritised.

Transparency offers a new strategy to better protect victims and deter offenders

Transparency in the context of sexual harassment means we will be open about the existence of sexual harassment in our workplaces, visible in the action we are taking to address it and honest with stakeholders, including our people, about the circumstances and outcomes in certain cases.

Transparency about the prevalence of sexual harassment in a workplace and strategies in place to eliminate it first and foremost sends a clear signal about the standards of behaviour that will be accepted. It also shines a light on sexual harassment and supports close examination of lessons from specific cases and the culture and standards which are either driving or enabling the behaviour.

When there is a legitimate public or stakeholder interest, for example where an offender is a senior leader of an organisation, there is now a greater imperative and an expectation from employees and stakeholders that organisations will have a degree of transparency about such cases. We have experienced that without transparency, speculation can be rife and extremely damaging to the parties involved.

A commitment to transparency also sends a strong signal to men with power in our organisations that will help prevent future sexual harassment. It tells them that the consequence of proven cases of sexual harassment will not be a quiet departure with a healthy payout, but rather that their behaviour may become public knowledge and disclosed to future employers.

The role of non-disclosure agreements

The use of non-disclosure agreements (NDAs) has been a widely discussed issue given the competing interests that they serve.

On one hand, NDAs come under much criticism for their contribution to silencing people who report sexual harassment, while protecting offenders.

On the other hand, for many people who experience sexual harassment, a non-disclosure agreement is an important tool for protecting their privacy, avoiding further trauma through public scrutiny and gaining closure. For others, raising the possibility of public disclosure of the behaviour may be the only option available to compel action or redress, with NDAs used to facilitate this.

The key issue here is choice. When an organisation offers non-disclosure as a choice for people who experience sexual harassment, rather than a requirement, they cannot ‘cover up’ or ‘shut down’ issues without a person’s experiences ever being acknowledged or investigated. Further, by retaining a person’s right to speak, we support recovery and empower them to tell their own stories in the way that they want to, if they want to.

This approach requires a significant shift in mindsets around the use of NDAs, making them optional for the person who experiences sexual harassment rather than a blanket condition of settlement. This shifts the use of non-disclosure agreements from restriction to protection of the person impacted.

Based on the wishes of the person subjected to the harassment, organisations can be open about the fact of an individual settlement (not the value) and the circumstances that led to it. By aggregating and reporting on the themes, cost and frequency of use of NDAs, Boards and other stakeholders can also get a clearer picture of what gives rise to them and any remedial action required.

Internal transparency and confidentiality need to be rebalanced

The desire and need for greater transparency are not only limited to individuals of seniority or public interest. For our employees, there is equally as much concern about incidents involving people they work with every day which are also the vast majority of matters dealt with in organisations.

We rebuild confidence in our ability to resolve issues when all employees know that issues are taken seriously, people involved are respected and supported, and that outcomes are fair. This does not mean full disclosure of all the details, but rather considered sharing of relevant information in order to encourage organisational learning and prevent similar cases from happening in the future.

We cannot anticipate the circumstances or degree of internal transparency appropriate for every issue, but we can be consistent with our aspiration for greater internal and external transparency that prioritises the best interests of the person impacted and organisational health and learning through organisational transparency and fairness to respondents.

Example

A research organisation provides interim updates to all staff that reinforces expectations of behaviour and also offers de-identified information about recent cases: the number of issues raised; themes; length of resolution; support and outcomes for the parties involved; and the decision-making framework that guided the organisation’s response.

Our approach to transparency means we are honest about the fact that sexual harassment exists, can learn and improve our prevention efforts, let people talk about it for their own healing and well-being if they wish, and ensure external and internal stakeholders know that we treat sexual harassment as a serious workplace issue.

New principles on confidentiality and transparency for high-profile sexual harassment cases

The following principles set out an approach to communicating about high-profile sexual harassment cases in our organisations, in particular **where the allegation demands investigation, where the offender or alleged offender is one of our organisation’s senior leaders and where there is legitimate public or stakeholder interest**. The principles will be relevant to CEOs, human resources and legal functions and communication teams and will in many cases be given effect through legal documents such as a Deed of Settlement.

These principles represent a significant shift in organisational practice. They serve as both a prevention mechanism and practical guide.

Principle 01	Our organisations will be transparent with internal and external stakeholders about the fact that sexual harassment claims exist.
Principle 02	The identity of those involved will be protected by our organisations at all times during the investigation process.
Principle 03	We will ask everyone involved to keep any workplace investigation process confidential while that process is underway with an exception for receiving expert counselling or support.
Principle 04	Once any investigation is complete, our organisations will not restrict the complainant’s right to speak.
Principle 05	Where there is a legitimate public or stakeholder interest and an investigation has found that allegations are substantiated, our organisations may identify the offender.
Principle 06	Where an investigation has substantiated the allegations, we will be transparent about the outcomes and where an alleged offender leaves our organisation, we will be transparent about the fact of any financial settlement as part of that departure.
Principle 07	If a financial settlement is reached with the complainant, the fact of the settlement will be disclosed by our organisations to relevant stakeholders, together with the restrictions it imposes but not the amount.

01	Our organisations will be transparent with internal and external stakeholders about the fact that sexual harassment claims exist.	<div><div>Potential external language</div><div>'We have had 14 complaints of sexual harassment over the past financial year, and right now 2 reports are being investigated. The average time taken for reports to be fully resolved has been 21 days this year.'</div></div> <div><div>Explanation</div><div><ul style="list-style-type: none">Stakeholders (including government, shareholders, staff and customers) expect major organisations to show leadership in addressing these issues.This transparency will assist in addressing the under-reporting of harassment.We need to be honest with the community about this issue and communicate regularly about it.We will work to identify how best to report these matters through annual reports and other relevant documents.</div></div>
02	The identity of those involved will be protected by our organisations at all times during the investigation process.	<div><div>Potential external language</div><div>'There is an investigation underway, but in order to protect the well-being of those involved, we will not reveal names, their work units, or other details that could identify them.'</div></div> <div><div>Explanation</div><div><ul style="list-style-type: none">It is not reasonable or fair to either party for our organisations to release the name of the person involved or alleged offender during the investigation process.People may not come forward if they fear problems for their career or personal life, or that they will lose control of their experience.It is not fair to the alleged offender to identify them until an investigation has run its course.In some circumstances, where there is significant public interest, where media are planning to publish names, or where there is ongoing public speculation over the identity of an alleged offender, this will be challenging. It may in some circumstances be practically impossible not to acknowledge the identity of an alleged offender, even though it would be preferable for this information to remain confidential.</div></div>
03	We will ask everyone involved to keep any workplace investigation process confidential while that process is underway with an exception for receiving expert counselling or support.	<div><div>Potential external language</div><div>'To protect the integrity of the investigation process, we have asked everyone involved to refrain from public comment until that process has reached a conclusion.'</div></div> <div><div>Explanation</div><div><ul style="list-style-type: none">While people impacted will sometimes feel frustrated by a workplace investigation process, it is impossible to fairly investigate an allegation if the issues involved are being openly discussed amongst staff and/or the media at the same time.This will require the person impacted to agree to confidentiality during an investigation, before that investigation is commenced.It will also require the alleged offender to agree to confidentiality before any allegations are put to them.This confidentiality arrangement should be narrowly framed to refer to the specific allegations that relate to an individual report.This would not include where someone is receiving support from a formal peer support or expert provider e.g. employee assistance program, community legal centre.</div></div>

04

Once any investigation is complete, our organisations will not restrict the complainant’s right to speak.

Potential external language	Explanation
'The investigation into this matter has [substantiated the concerns raised/has not substantiated the concerns raised]. The person impacted is free to tell their side of the story if they wish. The risks and benefits to them that could arise from speaking publicly about the circumstances are something that only they can judge.'	<ul style="list-style-type: none">• It is not reasonable for our organisations to restrict complainants from talking about these matters using their own channels (not the organisation’s) and in a personal capacity (rather than as a representative of the organisation).• We know this can be critically important for their healing, mental health and well-being.• Speaking publicly about the issue involves risks for everyone involved – including reputational risks and legal risks such as defamation. Those risks are a matter for the individuals involved to judge.• Organisations should also be well-prepared to address these issues should the individual impacted exercise their right to speak. This should include being able to clearly articulate prevention, early intervention and response strategies in place and the procedural fairness adhered to as relevant to a particular case.• Even in circumstances where a person impacted chooses to enter a non-disclosure agreement with the organisation, they will always retain the ability to talk about their circumstances with any formally constituted government or process that they choose, for example a Royal Commission or National Inquiry.

05

Where there is a legitimate public or stakeholder interest and an investigation has found that allegations are substantiated, our organisations may identify the offender.

Potential external language	Explanation
'An investigation into allegations of sexual harassment made against our CEO, John Smith, has found some of those allegations to be substantiated. Mr Smith denies the allegations. The [Board/CEO] is now considering what appropriate steps to take following the investigation’s conclusion.'	<ul style="list-style-type: none">• Substantiated sexual harassment is unlawful and against the values of our organisations. As organisations, we need to be transparent about these matters. This is particularly so for senior people, who have substantial power in workplaces, given that sexual harassment is a significant abuse of power.• 'A legitimate public or stakeholder interest' will not arise in respect of every individual within our organisations who is found to have engaged in sexual harassment. Generally, the Board and senior leadership team will trigger this interest for listed companies or public sector organisations as their conduct will usually involve the most egregious misuse of power. Each situation should be judged in its own context.• Public comment by our organisations will need to carefully balance a range of risks, including the risk of defamation. We will, however, pursue transparency wherever possible.• Relevant leaders will be made aware of this policy position upon their appointment.

06

Where an investigation has substantiated the allegations, we will be transparent about the outcomes and where an alleged offender leaves our organisation, we will be transparent about the fact of any financial settlement as part of that departure.

Potential external language	Explanation
<p>'An investigation into allegations of sexual harassment made against our CEO, John Smith, has found some of those allegations to be substantiated. Remedial and restorative measures are in place'</p> <p>OR</p> <p>'As you know, the former CEO John Smith left the organisation at the end of July. He was paid a financial settlement consistent with his contractual arrangements in circumstances in which we wish the employment relationship to cease.'</p>	<ul style="list-style-type: none">• Stakeholders of our organisations have legitimate expectations of transparency.• Transparency about broad outcomes for offenders assures external and internal stakeholders that we treat sexual harassment as a serious workplace issue and hold people to account for their behaviour at work.• While we will ensure that alleged offenders do not benefit from the situation, it will often be pragmatically necessary to enter departure negotiations that involve some element of financial settlement – for example, in line with the arrangements that would apply if the Board wished to terminate the contract for other reasons.• Our organisations will be transparent about the underlying contractual basis of any financial arrangement agreed upon.• The identity of the complainant will remain confidential, if that is what they wish.

07

If a financial settlement is reached with a complainant, the fact of the settlement will be disclosed by our organisations to relevant stakeholders, together with the restrictions it imposes but not the amount.

Potential external language	Explanation
'Following the conclusion of the investigation, we have reached a settlement with the complainant that seeks to financially compensate them for the harm they have suffered. Our organisation will not disclose the settlement amount – this is up to the individual, if they wish. The settlement does not require confidentiality on the individual’s behalf. The individual has agreed that this settlement, rather than legal proceedings, is the most appropriate way to resolve the issue.'	<ul style="list-style-type: none">• It is particularly important that our organisations are transparent with our stakeholders, including the public where relevant, about any financial settlement that may be agreed.• Our organisations will not pay 'hush money' and will be explicit about the fact that a financial settlement does not require silence.• It is not fair to the person impacted for our organisation to reveal the exact amount unless they are comfortable for us to do so.• It is appropriate to request that a person impacted agree not to sue the organisation as part of a settlement. Settlement is a choice, by both sides. It is a faster, more pragmatic and more open way to resolve the matter through an agreed payment rather than a lengthy and costly court process.• People who receive a financial settlement will need to be informed of their organisation’s stance on transparency.• The identity of the complainant will remain confidential, if that is what they wish.

» Example:

A senior male leader is accused of sexual harassment, dating back several years involving several women. The allegations revealed a longstanding pattern of behaviour of propositioning and caressing younger women, whose career progression relied on the advocacy of this influential leader.

The media are made aware of the allegations, which is confirmed by the organisation when asked (Principle 1) without revealing any of the parties involved (Principle 2).

Consistent with the organisation's policy, those involved and investigating the complaint are asked to sign a confidentiality agreement to protect the well-being of those involved until the investigation is complete (Principle 3).

Given the nature of the allegations, the senior male leader is asked to take leave while the investigation is underway. All involved are offered counselling and support during the process.

An external expert is engaged to investigate the issue. Throughout the investigation, the media continue to speculate about the identity of the people involved and seek further comment on the circumstances, given the public and stakeholder interest in the alleged harasser. (Principle 2).

At the end of the investigation, the Board makes a statement to the media, confirming the investigation has concluded, that their investigation has substantiated sexual harassment has occurred and identifying the offender (Principle 5).

The organisation's statement confirms to relevant internal and external stakeholders that the offender has left the organisation and is transparent about the contractual basis of any financial arrangement agreed upon, without disclosing amounts. (Principle 6).

The organisation also confirms that the organisation has financially compensated the women impacted for the harm they have suffered (without disclosing amounts) as the women believe that this settlement, rather than legal proceedings, is the most appropriate way to enable them to move on (Principle 7).

The women at the centre of the matter are not asked to sign a non-disclosure agreement, thereby retaining the right to share their story if and how they wish to including participating in any formal inquiry at some point in the future should they choose to (Principle 4).

03 Introduce new principles on confidentiality and transparency for high-profile sexual harassment cases

Practical actions

➔ Actions for leaders

- ✓ **Develop and endorse** new principles around transparency and confidentiality as part of our processes covering communication with parties involved, the media and the organisation.
- ✓ **Change** standard approaches to non-disclosure agreements to avoid silencing complainants and allow some transparency and disclosure to employees, stakeholders and the community.
- ✓ **Communicate** the guidelines widely so that our position is clear, supports prevention efforts and acts as a deterrent to offenders.
- ✓ **Share** internal updates on sexual harassment with the organisation.

➔ Fundamentals for organisations

- ✓ **Work** with key internal teams and relevant suppliers covering HR, Legal, Compliance and Corporate Affairs to introduce and apply the principles. Lead a change in approach and communicate it widely.
- ✓ **Build** internal updates on efforts to address sexual harassment into the schedule of staff communications.

Disrupting our
mindsets,
management
systems and
processes

01

Elevate the prevention
of sexual harassment
and early intervention
as a leadership priority

02

Address sexual
harassment as
a workplace health
and safety issue

03

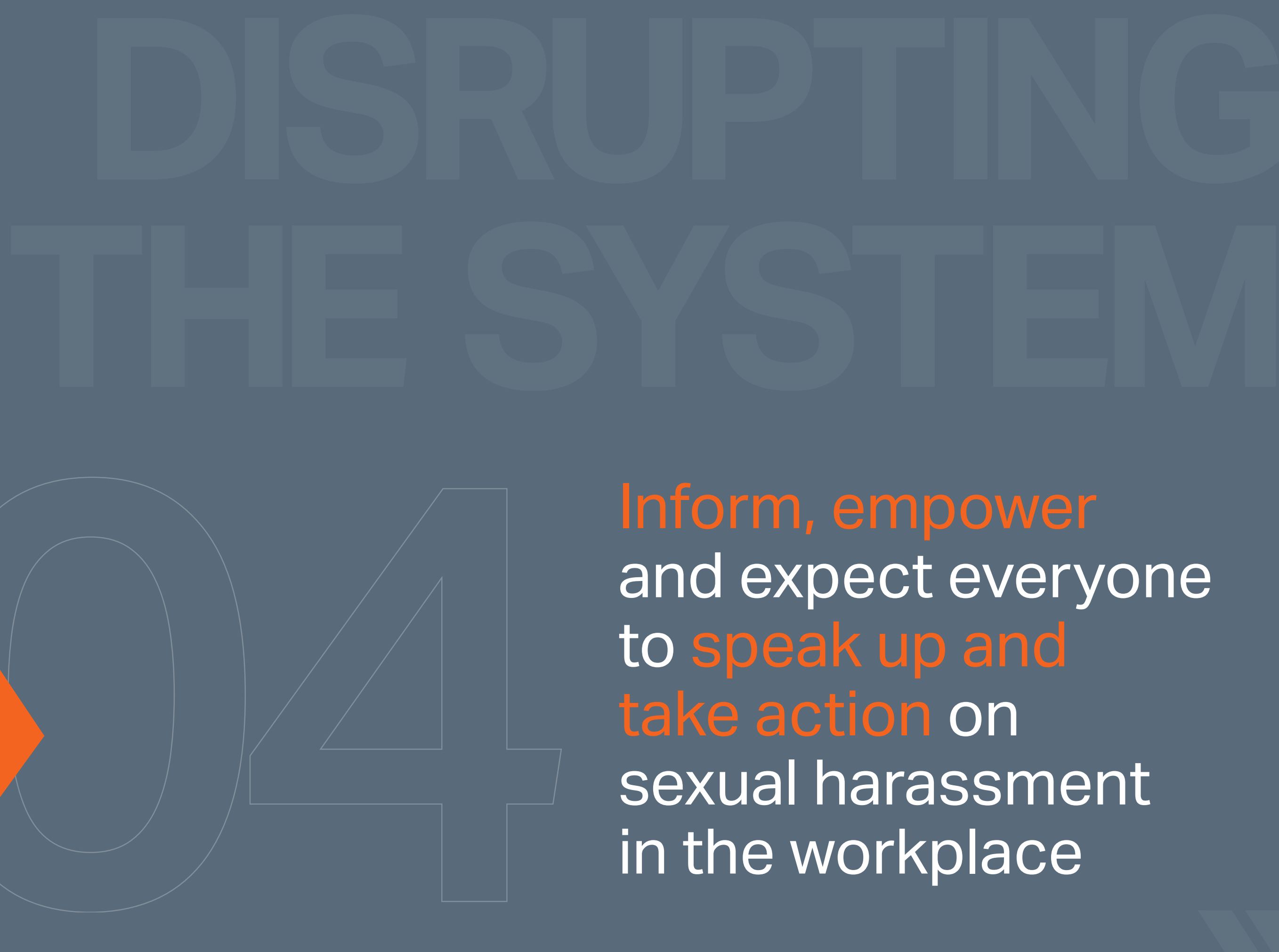
Introduce new principles
on confidentiality
and transparency for
high-profile sexual
harassment cases

04

Inform, empower and
expect everyone to
speak up and take action
on sexual harassment
in the workplace

05

Listen to, respect,
empower and support
people impacted



There are significant barriers to addressing sexual harassment when it happens

Our organisations, systems and cultures work strongly against resolving issues when they happen and at the source, underpinned by competing interests and approaches to action:

- **Impacted people:** unsafe reporting cultures; personal and career consequences of ‘complaining’; social pressure to fit in.
- **Offenders:** lack of awareness of offence; behaviour is condoned and/or encouraged; consequences are disregarded.
- **Observers:** not knowing what is ok and not ok; not feeling a responsibility to intervene; personal implications of speaking up; not knowing what to do or say.
- **Organisation:** desire for expediency to manage ‘difficult departures’ with minimal disruption or organisational risk, or conversely to manage the legal and reputational risk by triggering overt and formal processes rather than a thoughtful, direct approach.

Some organisation are large enough to have dedicated first response teams, or online tools to filter and triage reports. For most, sexual harassment plays out away from the systems that are geared up to deal with issues, such as the human resources or legal functions.

Situations can escalate from ‘zero to one thousand’ in a matter of days, when an acknowledgement of the behaviour, a genuine apology and commitment not to reoffend may have resolved the issue in the moment.

Behaviour can escalate unchecked (particularly in social situations involving alcohol) where thoughtful early intervention could have prevented a significant incident.

However, most organisations’ cultures are not yet robust enough to resolve these issues at the source so we need to support employees with safe environments, tools and language to build competence.

Everyone has a role to play

Senior leadership actions are critical for setting the tone within an organisation and leading disruptive action, but we know that as with any major program of change, everyone has a role to play.

This is entirely consistent with employees’ reciprocal duty of care to protect each other from harm to their health and safety, including psychological harm.

And you cannot underestimate the power of men intervening when they see or know of other men behaving disrespectfully.

We can help our employees understand that unless everyone takes action to intervene against sexual harassment, they are part of a culture that enables it.

What is ok and not ok and how to react is not always clear to people

Sexual harassment sits on a spectrum of behaviours and takes many forms. The legal definition of sexual harassment varies under different legal jurisdictions but is generally characterised by behaviour of a sexual nature, that is unwelcome and makes a person feel offended, humiliated, intimidated, degraded or violates dignity.

Courts and organisations have interpreted these laws broadly and cite a range of behaviour that may potentially be sexual harassment, which are commonly listed in organisational policies.

The breadth of definition and examples provides employees with protection against a wide range of behaviours. However, it also collectively defines behaviour that in reality has varying degrees of harm, risk and consequence and requires a potentially different response from observers and organisations.

This has led to significant inconsistencies and traumatic experiences for those impacted in the past. We have seen organisations minimise, justify or dismiss harmful behaviour or over escalate some issues to the detriment of the person who experienced the sexual harassment. Offenders underestimate the impact of their behaviour and continue to offend. People who observe sexual harassment often lack the skill, knowledge and confidence to appropriately intervene. Many are reluctant to report issues for fear of extreme consequences for themselves and others.

We need to better educate everyone on the types of behaviour that are considered sexual harassment, and provide clearer guidance for onlookers, offenders and organisations on appropriate or proportionate responses, accountability and consequences for different forms of sexual harassment.

We also absolutely need to get better at giving consideration to context, respecting the experience of those impacted and being guided by their wishes on how they want the matter handled.

People need to be empowered, supported and expected to intervene when they see, or know of, sexual harassment

While an organisation may encourage employees to intervene when they witness sexual harassment, supportive systems and cultures may not exist to make this safe or the norm. We need to shift the responsibility for speaking up from the individual impacted to others who observe or know of sexual harassment and create the right environment for them to do so safely.

Within organisations, there is often significant uncertainty about obligations to disclose potentially inappropriate conduct that have been seen by a third party or disclosed to a colleague. Viewed through a workplace health and safety lens, there is no uncertainty – all employees have a duty to take reasonable steps to protect the health and safety of others in their workplace.

However, unlike identifying physical safety hazards, sensitivity needs to be given to the wishes of the person at the centre of the issue, that they are not disclosed unwillingly or put at the centre on an investigation they did not choose and was unnecessary, or when less formal options would have been a better approach.

Although most people think it is right to intervene and intend to act, research consistently shows people rarely intervene unless they:

- Recognise the behaviour: know what is and isn't sexual harassment.
- Interpret the need for intervention: see the behaviour as serious and warranting action.
- Assume responsibility: believe it is their role to act.
- Decide how to help: have options to choose from to relate to the behaviour.
- Have confidence and capacity to help: know what to say or do in different scenarios.

Creating an environment that is psychologically safe and where there is an expectation to speak up is a critical precondition. Where people feel free to question and respectfully challenge incidents or established ways of behaving, it creates a better understanding of what behaviours make others feel unsafe, creates new norms and standards of behaviour, and builds confidence that people will not be penalised or victimised for speaking up.

Without the full backing of leadership and comprehensive support systems that create safe reporting environments, there are significant risks for people wanting to identify sexual harassment, take a stand against it, and both.

A practical approach

Throughout our work in developing this report, we consistently and overwhelmingly heard that organisations and individuals have a tendency to be polarised in their responses to sexual harassment – from no response to an over-reaction.

Organisations sought a framework that makes the forms of sexual harassment clearer, provides options for how to react and potential consequences, and that there is some proportionate alignment between these.

We have sought to give consideration to the entire context in which sexual harassment plays out. We recognise the limitations in being able to convey an individual's experience or response to different types of behaviour.

Instead, we provide a practical tool to help our employees recognise how sexual harassment may manifest in workplaces and be experienced by others. It offers potential responses for those who see or know of sexual harassment, those who are offended, and those who offend.

The evidence shows that most people who experience sexual harassment want the behaviour to stop, to have their experience validated, their organisation to know that it happened, and for it not to happen to anyone else. In many cases, all people want is an apology. Hence, there needs to be more focus on early intervention and informal pathways that deliver these types of outcomes.

Our report also provides some guidelines for how an organisation might respond in a way that holds the experience and well-being of the person impacted at the core.



Context is everything

When it comes to understanding a person's experience of sexual harassment, **context is everything.**

Context is the lens through which a person experiences the behaviour of others. Context filters intent and can amplify impact or give the behaviour a different nature. It explains why a certain behaviour, for example a kiss or a touch on the back is experienced in one situation as 'ok', and 'not ok' by others.

Contextual factors that come into play may include:

- Relationship and power disparity between the parties.
- The history of the relationship.
- Previous patterns of behaviour between the parties (i.e. one-off incident or pattern).
- Tone, verbal and non-verbal cues.
- Position in the organisation.
- Employment status, job security and the nature of work.
- Where and when the incident takes place.
- Number of alleged offenders.
- Previous experience with sexual harassment and how it was handled.
- Personal characteristics of age, gender identity, sexual orientation, Indigeneity, other cultural and linguistic diversity, and disability which can make people more subject to the behaviour.

All of these factors combine to affect a person's experiences of and responses to sexual harassment.

When you overlay context onto a behaviour, such as a kiss, the change of dynamic is clear: a kiss hello from a colleague you have a longstanding friendship with; a kiss from a manager along with a salacious 'look' at a work social function; a kiss from a senior male leader (who has power over your career progress) in his office after hours – all of these are a 'kiss' but with varying levels of discomfort, offence and impact because of context.

It is important to note that there are some behaviours that are criminal offences and context is irrelevant.

Context is the lens through which a person experiences the behaviour of others.
Context filters intent and can amplify impact or give the behaviour a different nature.

Identifying, understanding and responding when sexual harassment occurs



Early intervention 			
Options for individuals impacted	Options for observers and those who know of conduct	Options for individuals who may have caused offence	Options for organisations
<ul style="list-style-type: none"> • Raise it with an observer, seeking help to speak to the person or intervene either in the moment or if it happens again. • Seek advice or support from your preferred contact, e.g. your manager, peer contact, or organisation's advisory/ integrity team. • Ask someone else to provide the feedback to the person. • Raise it with the person, if you feel safe and comfortable to do so. 	<ul style="list-style-type: none"> • Ensure the person impacted is safe and check in on their well-being. • Intervene in a way that is comfortable for you and the person impacted, and if you feel safe to do so, to redirect the conversation or stop the behaviour. • If safe to do so, separate the offender from the situation, e.g. remove the offender before circumstances escalate. • Speak up publicly/in the moment to address the comment or behaviour. • Seek help and support from a senior leader for those impacted, including yourself. • Encourage the offender to reflect on their behaviour, including apologising to the person or people impacted. 	<ul style="list-style-type: none"> • Stop the behaviour. • Accept the perspective of the offended person. • Reflect on the issues raised and your behaviour. • Commit to not repeat the behaviour. • Apologise sincerely. 	<ul style="list-style-type: none"> • Conduct a risk assessment of the organisation to understand the vulnerable workers, work locations, environments where sexual harassment has a history of occurring or is high-risk. • Make a note of any incidents that may alert to patterns of behaviour or cultural issues. • Target communication, education and support in high-risk areas. • Build the capacity of everyone to intervene confidently and safely. • Understand and implement what is required to support a psychologically safe environment that encourages early intervention. • Ensure managers in 'hot spots' are aware of their accountability for prevention.

Informal action 			
Options for individuals impacted	Options for observers and those who know of conduct	Options for individuals who may have caused offence	Options for organisations
<ul style="list-style-type: none"> • Alert an appropriate person to what is going on, e.g. your manager, peer contact, or organisation's advisory/ integrity team. • Speak with support from your Employee Assistance Program or specialist services. • Speak with an external expert advisory organisation, e.g. Human Rights Commission. • If safe and supported to do so, participate in a facilitated discussion with the individual who caused offence. • Ask someone else to provide the feedback to the person. • Make an anonymous report which may help identify a known pattern of behaviour. • Keep a diary of the experiences you have had. 	<ul style="list-style-type: none"> • Ensure the person impacted is safe and check in on their well-being. • Intervene in a way that is comfortable for you and if you feel safe to do so, to redirect the conversation or stop the behaviour. • Listen to the experience of the person impacted without judgement or preconceived solutions – understand how they would like you to help. • If appropriate, support the offender to reflect on their behaviour, including encouraging the offender to apologise. • Participate in any inquiries or facilitated conversations about the behaviour or incident(s). • Keep details of the incident confidential. 	<ul style="list-style-type: none"> • Stop the behaviour. • Accept the perspective of the offended person. • Participate in any inquiries or facilitated conversations about the behaviour or incident(s). • Keep details of the incident confidential. • Understand and take restorative actions needed, including participation in behaviour change coaching. • Commit to not repeat the behaviour. • An apology may be appropriate if sought by the person impacted and structured with support people. 	<ul style="list-style-type: none"> • Support the individual impacted and understand how they would like the issue managed. • Provide access to EAP, peer or specialist support for all parties. • Ensure impartial, capable people (internal or external to the organisation) can explain concerns about behaviour or support conciliated conversations. • Provide education or support to the offender on why their behaviour is offensive/needs to change, including behaviour change/coaching if appropriate and the potential consequences of ongoing offensive behaviour. • Provide support for teams involved to rebuild relationships. • Support leaders to communicate outcomes transparently and confidentially to parties involved, immediate teams and stakeholders, as appropriate. • Record and report numbers of incidents, themes and restorative and preventative action to the senior leadership team and Board on a regular basis. • Support the impacted person to thrive in their career. • Monitor and report long-term impacts on parties involved, e.g. promotion, retention.

Range of responses



Formal action



Options for individuals impacted

- Report the incident in your preferred way, e.g. your manager, peer contact, or organisation's advisory/ integrity team.
- Speak with an external expert advisory organisation, e.g. Human Rights Commission.
- Make an anonymous report which may support other reports of a known pattern of behaviour.
- Seek counselling or other psychological support if needed.
- Keep a diary of the experiences you have had.

Options for observers and those who know of conduct

- Ensure the person impacted is safe and check in on them if appropriate.
- Report the issue to your organisation's advisory or integrity team.
- Participate in any inquiries or investigations about the incident(s).
- Keep details of the incident or investigation confidential.

Options for individuals who may have caused offence

- Stop the behaviour.
- Cooperate with the investigation.
- Keep details of the incident or investigation confidential.
- Understand and take restorative actions needed, including compliance with any orders or participation in behaviour change programs.
- An apology may be appropriate if sought by the person impacted and structured with support people.

Options for organisations

- Ensure the person impacted is safe.
- Support the individual impacted and understand how they would like the issue managed.
- Provide access to EAP, peer or specialist support for all parties
- Issue a no-fault stand down for the offender pending investigation.
- Consider reporting obligations to the senior leadership team and Board.
- Determine whether to engage an external investigator taking into account the individual's wishes, impartiality of internal investigators, complexity of the issue (e.g. multiple reports), seniority of the person being investigated, and nature of workplace.
- Support the individual's choice to take the matter to an external body for resolution.
- Keep all parties updated on process, timeframes and outcome.
- Communicate with internal and external stakeholders as relevant and aligned to the transparency principles throughout the process.
- Action disciplinary, financial or other career consequences appropriate to the context and circumstances, which may include termination of employment.
- Record and report numbers of incidents, themes and restorative and preventative action to the senior leadership team and Board on a regular basis.
- Support the impacted person to continue to thrive in their career.
- Monitor and report long-term impacts on parties involved, e.g. promotion, retention.

Where an alleged criminal offence has occurred



Options for individuals impacted

- Take action to ensure your safety.
- Report the incident to the organisation in your preferred way, e.g. your manager, peer contact, or organisation's advisory/ integrity team.
- Speak with an external expert advisory organisation, e.g. Human Rights Commission.
- Seek counselling, psychological or medical support if needed.
- Report the issue directly to the police.

Options for observers and those who know of conduct

- Ensure the person impacted is safe and receives medical treatment, if required.
- Support the individual impacted and understand how they would like you to help.
- Accompany or support the individual to report the incident to the police.
- Report the issue to your organisation's advisory or integrity team.
- Keep details of the incident or investigation confidential.

Options for individuals who may have caused offence

- Stop the behaviour.
- Cooperate with the investigation.
- Keep details of the incident or investigation confidential.
- Understand and take restorative actions needed once the investigation is concluded, including compliance with any orders or participation in behaviour change programs.
- An apology may be appropriate if sought by the person impacted and structured with support people.

Options for organisations

- Ensure the person impacted is safe and receives medical treatment, if required.
- Support the individual to report the incident to the police, if they chose to.
- Issue a no-fault stand down for the offender pending investigation.
- Report the issue immediately to the senior leadership team and Board.
- Cooperate with the investigation and liaise with the police on any action you may wish to take to ensure you do not impair their investigation.
- If the police do not charge you may still need to consider obligations to act.
- Provide access to EAP, peer or specialist support for all parties
- Communicate with internal and external stakeholders as relevant and aligned to the transparency principles throughout the process.
- Action disciplinary, financial or other career consequences appropriate to the context and circumstances, which may include termination of employment.
- Record and report numbers of incidents, themes and restorative and preventative action to the senior leadership team and Board on a regular basis.
- Monitor and report long-term impacts on parties involved, e.g. promotion, retention.

* Behaviour that could be considered a criminal offence (depending on the legal jurisdiction) may include distributing an image without consent, stalking, following, watching, actual or attempted sexual assault or rape.

We have heard that what most people who experience sexual harassment want is for **the behaviour to stop, to have their experience validated, their organisation to know that it happened, and for it not to happen to anyone else.**

In many cases all people want is an apology.

Hence there needs to be more focus on early intervention and informal pathways that deliver these types of outcomes.

SUMMARY

04 Inform, empower and expect everyone to speak up and take action on sexual harassment in the workplace

Practical actions

➔ Actions for leaders

- ✓ **Establish** a common framework and language for identifying, raising and responding to sexual harassment in all its forms.
- ✓ **Build** into leadership communication, policy and practice that speaking up and taking action against sexual harassment in the workplace is an expectation on all employees, and in many circumstances a workplace health and safety obligation.
- ✓ **Create** a workplace environment that is safe for people to speak up.

➔ Fundamentals for organisations

- ✓ **Build capability** of internal teams to respond appropriately to sexual harassment.
- ✓ **Ensure** that systems, processes and communication treats sexual harassment as a type of workplace harm.
- ✓ **Help** employees to understand the range of behaviours that constitute sexual harassment and the range of responses for people impacted, observers, offenders and organisations. (Refer to Resources, page 104).
- ✓ **Provide** employees with tools and language to help them safely raise concerns about inappropriate behaviour in the moment and/or support those that may be impacted.

**Disrupting our
mindsets,
management
systems and
processes**

01

Elevate the prevention
of sexual harassment
and early intervention
as a leadership priority

02

Address sexual
harassment as
a workplace health
and safety issue

03

Introduce new principles
on confidentiality
and transparency for
high-profile sexual
harassment cases

04

Inform, empower and
expect everyone to
speak up and take action
on sexual harassment
in the workplace

05

Listen to, respect,
empower and support
people impacted

Listen to,
respect, empower
and support
people impacted

We need to build trust in our reporting system

The experiences of women and what we know about the under-reporting of sexual harassment in the workforce tell us that current reporting systems are not working. At best, they are not effective; at worst, they are harmful or not trusted by our people.

A history of organisations perceiving people who report issues as a ‘risk’ because of the legal and reputational risk their ‘complaint’ raises means that often, the organisations treatment of the person impacted becomes as substantive in the matter as the original incident.

Organisational processes for redress, while established with the best intentions, have placed our human resource functions in the difficult situation of having to carefully navigate the support for individuals who report issues; the legal liability of the organisation and in some cases accusations against powerful senior leaders with networks which can limit people’s careers.

The tendency towards complex investigations is at odds with what we know people seek – less adversarial options that stop the behaviour and prevent it from happening again, with all its consequences.

Protracted organisation processes limit options for people to seek a more satisfactory outcome through an external body as the statute of limitations to pursue legal action may have expired.

Our responsibility to people who disclose sexual harassment to us is high. Our obligation is to provide holistic support and to ensure that issues reported are responded to by teams who know how to assist people who have experienced trauma and can support the wishes of the person impacted with appropriate expertise for the situation including counselling, facilitated conversations and investigation when needed.

This requires we have given consideration to intersectionality in the options we provide for reporting (e.g accessible for people with disabilities); that our response teams have the capability to recognise and respond to individual needs and that we have strong connections to specialist external support services (e.g. CALD, LGBTI, disability services) to support our response and the person impacted.

» Example

Promising practice has seen the establishment of internal ‘safe places’, independent from human resources, legal and industrial relations, managed by specialist staff with expertise in bullying, sexual harassment and trauma. Safe places provide both a central point of contact and a range of informal and formal ways that employees can resolve concerns. Individuals are supported by a network of trained confidants/peer support advocates. Other functions of the safe place include providing advice to managers and the collection and analysis of data to track progress and identify trends and gaps and report to senior leadership teams and Boards.

Treating people who report issues with **respect shows that we value their contribution to creating a better workplace** and appreciate the opportunity to resolve the issue.

Responses should be guided by those who experience sexual harassment

Multiple reviews and inquiries have told us that a person-centred approach ensures we listen to, empower, respect and support impacted people.

Person-led means the individual impacted chooses how they wish to report it and is involved in the decision about how to handle the issue. It respects the wishes and best interests of the person impacted, but does not mean they solely decide the organisation’s response or consequences for the offender because the organisation still owes a duty of care to others.

A person-centred approach also recognises that people will share their experience when they feel comfortable and that it may take people time to process what has happened and feel ready to talk. An overly restrictive time limitation between the incident and the report can be a barrier to people speaking up.

When organisations put the care and support of the person impacted at the heart of their response and are open to hearing and learning about what is happening in their organisation when the person is ready to share their experience, the process contributes to healing the harm that has been done rather than exacerbating it.

Compassionate, long-term leadership is essential

We have learned that in sexual harassment cases, there are lasting implications for the parties involved. These issues affect workplace relationships, families and communities over the short, medium and long term.

Many high-profile cases suggest that the actual or perceived power of offenders can determine how well and quickly their reputation is restored or they recover in the workplace, while victims can be left with shattered self-confidence, reputations and careers.

We have a history of people leaving our organisations, even when issues have been resolved. Whatever the outcome, an organisation, leader and work team is left with an issue they need to consciously work to repair.

We need to get better at helping the people impacted to heal, be and feel respected, and continue to thrive in their careers.

» Example

An organisation recognised that a contributing factor to the offensive behaviour of one of their staff was a cognitive inability to read social situations and draw the line between a collaborative and collegial relationship and something more intimate. In addition to disciplinary action, attendance at behavioural coaching was a condition of ongoing employment for the offender.



Characteristics of person-centred systems and approaches



There are multiple ways a person impacted may report concerning behavior to the organisation including anonymously.



The person impacted is involved in the decision about how to handle the issue and there are anonymous, informal, formal and external options to choose from.



Issues are managed by highly capable individuals who are trauma-informed, skilled facilitators of supported conversations and competent investigators.



Individuals involved in the investigation have access to trained confidantes/peer support advocates or referral pathways to external support services.

Person-centred systems and approaches



People impacted do not need to retell their story multiple times to multiple people.



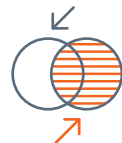
Investigations are concluded as quickly as possible while ensuring the approach prioritises the ethical over expediency.



The parties involved are well informed and supported throughout the process.



The organisation's response is supportive and sensitive to the possibility that the reported behaviour occurred, without making conclusions.



Organisations are appropriately confidential and transparent about issues, process and outcomes through reporting systems.



Senior or high-value respondents do not subjugate the needs and wishes of complainants with less power.

05 Listen to, respect, empower and support people impacted

Practical actions

➔ Actions for leaders

- ✓ **Establish** person-centred, safe and supportive reporting, investigation processes and responses.
- ✓ **Build capability** of internal teams to respond appropriately to people impacted by sexual harassment.
- ✓ **Develop and implement** new standards for the use of non-disclosure agreements.

➔ Fundamentals for organisations

- ✓ **Provide** multiple, confidential avenues for advice and complaints (Refer to Resources, pages 105–107).
- ✓ **Have skilled advisory teams** in place to respond to issues when they arise.
- ✓ **Provide** the person impacted with the opportunity to guide the course of action taken, respecting their wishes for informal or formal action, where possible.
- ✓ **Appoint** peers or external experts to support all parties to a complaint (Refer to Resources, pages 118–119).
- ✓ **If appropriate to investigate**, complete the investigation of matters in a timely, compassionate and fair manner with communication of outcomes and de-identified case studies shared with staff (Refer to Resources, pages 108–115).
- ✓ **Ensure** there is swift, proportionate and appropriate outcomes for offenders.

RESOURCES

Over the course of developing this report, we heard from our members that sharing practical tools and templates would be highly valuable.

We reviewed existing policies and procedures from many of our Male Champions of Change organisations representing a range of industries and sectors, as well as best practice guidelines and recommendations from leading Australian and international reviews, reports and inquiries.

We know that developing policy and processes can be a time-consuming undertaking for organisations. We share the following resources so that you can adapt or adopt them for your own context and accelerate change.

The resources shared in this section are examples or amalgams from our member organisations and should not be taken as legal advice.

Advice from your legal, human resources and communications team is essential in customising these tools and templates for your organisations.

Example leadership statement

The following leadership statement is adapted from a version shared by one of our members. It is provided as an example structure that leaders could adapt or customise for their organisation. For a leadership statement to have authenticity and impact, there are key message elements that must personally come from leaders.

Dear colleagues,

It is important that we create a workplace environment that is safe, respectful and inclusive for all who work here.

This is personally important to our Board, leadership team and myself.

It is consistent with the values of our organisation.

It is also fundamental to our purpose as an organisation. As an emergency service organisation, we are charged with protecting the communities we serve. It is essential that that same commitment to health, safety and well-being extends to all our staff.

I have learned recently, that for many of our colleagues, to varying degrees, this is not a physically or psychologically safe organisation. Specifically, this has been the situation for many of our women colleagues which I have learned about from individual reports; from a series of 'listen and learn' sessions with women members of staff; and from a preliminary assessment report conducted by an independent consultant.

From these sources a consistent picture emerged, and it is evident that for many women, working here can be both confronting and disturbing. We were provided with examples of unprofessional and inappropriate behaviours, where important professional boundaries were crossed. These examples ranged from jokes of a sexual nature through to incidents that could easily be interpreted as constituting serious workplace misconduct.

Context around these issues is really important. While these incidents were perpetrated predominantly by males, this is not representative of males in our organisation generally. There was a consistent backstory of how women valued their male colleagues and enjoyed working with them.

Key message elements

- Clear statement of responsibility
- Personal leadership and commitment
- Link to organisational values
- Link to organisational purpose
- Personal engagement from leaders on the issue
- Description of the range of issues
- Acknowledge context

It is also fair to say that on many of the occasions that were identified, there may not have been any serious intent to cause offence. These issues often appear to arise as a product of a mainly male-dominated workplace that existed 20 to 30 years ago, at a time when these behaviours were tolerated, especially in workplaces modelled on old systems of work. It is, however, important to note, that although these behaviours may have been tolerated at that time, they were neither legal nor acceptable. And regardless of whether or not there is an intent to cause offence, it is still inappropriate behaviour.

We need to be mindful of others' feelings, and to be prepared to speak up, not only when we may be offended ourselves, but when we feel that someone else may be uncomfortable. For those of us who have worked here for a long time, it is too easy to overlook how difficult it may be for a newer member of staff to feel that they can speak up themselves.

I believe that all of us know inherently what constitutes professional and appropriate conversation and behaviour. It is an integral, critical component of being competent in our roles, including knowing how to speak respectfully and courteously to a wide variety of people, in many diverse situations. We do this every day representing our organisation. It is not difficult to translate this to interactions with our colleagues.

It is important to remember that this is a good place to work, and is an organisation that has much to be proud of. However, these issues demonstrate that we have a way to go and that there is scope for improvement.

And there needs to be a clear understanding that inappropriate workplace behaviours will not be tolerated into the future.

I acknowledge there are sensitivities around these issues for many people. We have our Contact Officers, Employee Assistance Program, line managers and network to provide guidance and support as necessary.

And as always, I am happy to discuss this further with any of you, in whatever manner you feel most comfortable with.

Best wishes

Key message elements

- Link to gender inequality in the workplace and new employee, organisation and community expectations and standards on the issues
- Reinforce expectations of employees to speak up when they see the behaviour
- Reinforce expectations for all employees to treat each other with dignity and respect as a mark of professionalism
- Acknowledge there is work to be done and change is required
- Affirm zero tolerance approach
- Highlight referral pathways
- Personal commitment

What to look for when scanning for sexual harassment in the workplace

This resource has been replicated with permission from the Victorian Equal Opportunity and Human Rights Commission. The source document *Guideline: Preventing and responding to workplace sexual harassment*. - *Complying with the Equal Opportunity Act 2010* can be found at www.humanrights.vic.gov.au/resources/sexual-harassment-guideline/.

➡ Signs your workers may be at risk of sexual harassment	
Workplace characteristics	<ul style="list-style-type: none">Sex-segregated workplaces (where work is typically or historically performed by men or women) and workplaces with rigid workplace norms based on gender stereotypes (e.g. 'men work in the mines, women in the office').
	<ul style="list-style-type: none">Leaders with unquestioned, discretionary authority to hire, fire and promote.
	<ul style="list-style-type: none">Hierarchical or command and control workplace structures.
	<ul style="list-style-type: none">Workplaces that protect 'high-value' or 'indispensable' workers from accountability for unacceptable behaviour.
	<ul style="list-style-type: none">Workplaces that value profit over protecting workers, enabling customers/clients to harass workers.
	<ul style="list-style-type: none">High-pressure workplaces such as frontline and emergency services work, with an attitude that workers need to let off steam to deal with the pressures of work and certain behaviours don't need to be taken seriously.
	<ul style="list-style-type: none">Short-term contracts with a reliance on reputation and word-of-mouth for securing the next job (e.g. individuals in the fashion and entertainment industries and junior doctors completing their placement training).
Work environment	<ul style="list-style-type: none">Some areas in or around the workplace are isolated, poorly lit or intimidating to enter.
	<ul style="list-style-type: none">Sexualised or sexist materials are on display (e.g. posters, calendars, screensavers).
	<ul style="list-style-type: none">Lack of privacy or security for workers using bathrooms/change rooms.
	<ul style="list-style-type: none">In-home work (such as providing childcare, nursing, cleaning services, aged or disability care) with direct client contact and little or no oversight.
Workplace composition	<ul style="list-style-type: none">Male-dominated workforce, management, leadership or board.
	<ul style="list-style-type: none">Male-dominated customer or client base.
	<ul style="list-style-type: none">Small businesses where confidentiality and confidence to raise issues may be difficult to achieve.
	<ul style="list-style-type: none">A cohort of young workers (including under 18 years), interns, apprentices, graduates or other junior workers.
	<ul style="list-style-type: none">A cohort of women from migrant and non-English speaking backgrounds, people on employer-sponsored visas, and women with disabilities.
	<ul style="list-style-type: none">A cohort of people in insecure work, such as casuals, contractors, short-term workers, temporary workers and freelancers.

➡ Signs your workers may be at risk of sexual harassment	
Workplace trends	<ul style="list-style-type: none">High staff turnover, particularly of female or junior workers.
	<ul style="list-style-type: none">Gender differences in shifts or teams (e.g. women more reluctant to work with particular workers or take on particular tasks).
	<ul style="list-style-type: none">Concentration of men in senior positions and men being promoted more often than women.
Workplace requirements	<ul style="list-style-type: none">Different uniform requirements for men and women, or prescriptive dress codes or expectations for how women should look at work (such as high heels, skirts and make-up).
	<ul style="list-style-type: none">Travel and overnight stays.
	<ul style="list-style-type: none">Placements in regional or remote locations where workers may be socially isolated.
	<ul style="list-style-type: none">Frequent formal or informal client functions or after-work events.
	<ul style="list-style-type: none">Shift work, after-hours and longer hours.
	<ul style="list-style-type: none">Workplaces where alcohol is served and workers are encouraged to socialise outside of work hours.
	<ul style="list-style-type: none">Workplaces where workers interact directly with customers or consumers.
Workplace behaviours	<ul style="list-style-type: none">'Everyday sexism', such as sexist jokes, and homophobia/transphobia in the workplace.
	<ul style="list-style-type: none">Gendered and binary networking events or mentoring opportunities (e.g. work lunches at men's clubs, invitations to play golf with the boss).
	<ul style="list-style-type: none">Differences in the unspoken expectations of male and female workers (e.g. women routinely being the ones to take minutes, organise catering, prepare rooms for meetings and clean up after events).
	<ul style="list-style-type: none">Male workers dominate meetings or decisions.

Addressing everyday sexism

This resource is an extract from the Male Champions of Change report *We Set the Tone: Eliminating Everyday Sexism*. The full report can be found at malechampionsofchange.com/reports-and-resources/. We welcome you to access the full report to adapt or adopt for your own context.

Everyday sexism occurs as the name suggests, in both formal and casual interactions between people. It happens in daily life. It happens frequently in workplaces.

They are sometimes the little things, said or done in a moment, that play into stereotypes of gender. Perceived as too small to make a fuss about, we let them pass. At other times, there is no question that they overstep the mark.

In our contexts, everyday sexism also comes into play at critical decision points affecting the progress and careers of women and men, influencing who to appoint, develop, sponsor, reward or promote.

Everyday sexism is frequently invisible, and often accepted. Because it is hard to speak up when it occurs, it continues unchecked.

In examining this topic, we have learned that context, culture, generational differences and norms are among some of the factors that underpin everyday sexism.

Most people do not want to be accused, let alone guilty, of sexist behaviour. Yet often, well-intentioned words, actions and decisions are not received that way. Worse, they can be outright offensive.

We hope this report encourages an open and respectful conversation about everyday sexism, with the goal of creating fairer, more positive and inclusive organisational environments for all.

Examples of everyday sexism:		Actions to address it:	
Insults masquerading as jokes	The most frequently encountered form of everyday sexism, experienced by all, consists of sexist remarks or jokes, and insulting terms based on gender.	Respond to 'jokes'	<ul style="list-style-type: none">Do not validate humour that is explicitly or implicitly sexist or offensive by laughing, staying silent, or making excuses.Call out the joke, for example, say: 'What did you mean by that comment?'If you miss the moment to call it out, don't let it pass – ensure both the joker and those who heard it are aware of your stance.
Devaluing women's views or voice	Many women experience: <ul style="list-style-type: none">men interrupting or talking over them.men explaining things to them as if they have no prior skills or knowledge, when they do have them.their views not listened to or supported until restated by a man.	Value women's voices	<ul style="list-style-type: none">Ensure an equal share of voices at meetings you lead or attend.Before closing a meeting or agenda item, ensure everyone has been provided the opportunity to comment or contribute.Ensure all contributions/ contributors to a discussion or initiative are acknowledged – beyond the most senior and/or vocal.Adopt the Panel Pledge to ensure high-profile discussions and forums include the voices and experiences of women.

Examples of everyday sexism:		Actions to address it:	
Role stereotyping	Assumptions are made about suitability for roles and tasks on the basis of gender.	Make role stereotyping a thing of the past	<ul style="list-style-type: none">Ensure critical and ancillary roles at functions, meetings and in your workplace are shared equally amongst all employees, for example rotate meeting note-taker and chair.Question assumptions about the type of work, especially physical, that people can and cannot do.
Preoccupation with physical appearance	Comments about body shape, size, physical characteristics or dress over skill and competence are frequent. This is amplified for women with a public profile or in the media.	Keep the focus on capability, not appearance	<ul style="list-style-type: none">Keep conversations focused on content and capabilities, rather than physical appearance.Be vigilant when introducing women, for example, as speakers or at meetings where comments about appearance can undermine credibility.
Assumptions that caring and careers don't mix	Employees encounter gendered assumptions about parenting roles, with women being: <ul style="list-style-type: none">subjected to comments that infer poor parenting for prioritising work equally with family.questioned about their commitment to work because they work flexibly.expected to explain why they don't have children. Men can be discouraged from or denied access to flexible work because everyday sexism assumes caring is not a man's role.	Support personal choices about caring and careers	<ul style="list-style-type: none">Check whether you are making assumptions about or choices for employees regarding how they value or prioritise their career.Ensure equal access to flexible work arrangements for women and men within your organisation.
Unwarranted gender labelling	Women are often described as being too bossy or not assertive enough – or the flip side – too 'emotional' or 'nice'. Men can be told they are too soft and not competitive enough.	Challenge gender labelling	<ul style="list-style-type: none">Recognise where gender stereotypes are being applied to assess performance or leadership capability.Reframe a discussion anytime an employee or candidate is assessed as 'too' anything – 'too bossy', 'too soft' or 'too emotional'.Use the In the Eye of the Beholder report to reflect on your use of merit in your decisions about people.

Questions for leaders responding to sexual harassment cases

The following questions were shared by one of our Male Champions of Change members. They have been used in his organisation to guide the response of the leadership team to behavioural issues that had been raised. They have been shared so that others may adapt or adopt them for their own decision-making processes.

- Is the behaviour disrespectful or illegal?
- Is the behaviour consistent with the values of our organisation?
- Is the behaviour consistent with my personal commitment and/or our organisation's commitment to advance gender equality?
- Is the behaviour consistent with our commitment to providing safe, respectful and inclusive environments for all?
- Does this meet the standard of behaviour expected by people who matter to our organisation – employees, customers, clients, patients, passengers and players?

The role of policy in preventing sexual harassment

In seeking to understand the role of policy in preventing sexual harassment, we reviewed policies of several Male Champions of Change organisations representing a range of industries and sectors. We share our insights and an example policy for others to adapt and adopt for their own context. **Neither the insights or example policy included here are intended, or should be taken as legal advice.**

In recent years, many organisations have tightened existing policy to reflect their 'zero tolerance' stance; however, by its nature, policy continues to serve as less of a prevention or protection tool for people who experience sexual harassment than a safety net for organisations to mitigate vicarious and other liability by articulating action and consequences for offenders and to reflect best practice.

We know that policy is not a preventer or a panacea. However, in practice, robust policy is the cornerstone of good governance for many organisations, so we need to evolve it from a minimum standard and enhance it for the current context.

A standalone sexual harassment policy demonstrates that preventing and responding to sexual harassment is a priority for the organisation and provides clear options for redress for specific behaviour and may be easier to navigate for a person in distress or trauma.

Other related documents or policies, for example a Code of Conduct, should reflect the same values in a cohesive way, as this will amplify the effectiveness of all policies. Best practice policy development recommends that to be effective, a standard or template policy should not be adopted without adapting it to your organisation's context and workforce.

An effective policy should:

- Articulate expectations that employees will behave in ways that are safe, respectful and inclusive.
- Educate employees on the range of behaviours that may be considered sexual harassment, and explains they are both unacceptable and unlawful
- Prioritise prevention through a safety lens.
- Explain the role everyone plays in intervention and action when behaviour is inconsistent with expectations.
- Outline how the organisation will respect for and support victims.
- Define the steps it will take to resolve issues and respond to offenders.
- Be fully supported by the Board (or equivalent) and senior leaders of the organisation making their communication, actions and personal behaviour congruent.

Policy and process enhancements to drive system change

	<div>➡</div> Elements	<div>➡</div> Minimum requirements	<div>➡</div> Mature application	<div>➡</div> Enhancements to drive system change
Dimensions	Principle	<ul style="list-style-type: none"> Processes exist that define the issue and follow basic principles of procedural fairness. Compliance with minimum action provides reasonable comfort to an organisation that, on paper, it will avoid legal liability. Risks nevertheless exist that the processes described in the policy will not be followed. 	<ul style="list-style-type: none"> Processes have been developed following consideration of the experience of complainants, the respondents and line management attempting to implement/apply the policy. Mature application provides reasonable comfort to an organisation that harassment or inappropriate responses will only occur through outlier employees. 	<ul style="list-style-type: none"> Legal policies form the foundations/beginning of an ongoing conversation aimed at prevention and early intervention. Gender inequality is acknowledged as a key driver of sexual harassment, and articulated. Emphasis is on educating and empowering all employees to recognise and intervene when they see or know of problematic behaviour before it becomes malignant. This proactive approach eschews reliance on formal complaints as an indicator of anything.
	Communication	<ul style="list-style-type: none"> Policy is distributed to all employees on commencement. Policy is easily accessible on the organisation's intranet. 	<ul style="list-style-type: none"> Policy is translated into relevant languages. Policy accessible to all employees appropriate to their workplace, e.g. posters in lunch rooms. Policy provided on commencement and explained during induction. Expectations are outlined in employment contracts and cross-referenced in other policies, e.g. IT, Code of Conduct, OHS. 	<ul style="list-style-type: none"> The language and tone of the policy emphasises respect, support and the wishes of the person impacted, rather than organisation legal risk mitigation. The language is simple and 'plain English', making it easy for a person who has experienced trauma to understand their options. Policy is accessible to people of all backgrounds and with all abilities. Expected behaviour of clients/customers/patients is communicated, e.g. articulated in contract terms, posters in public areas. Regular communications regarding the behaviour expected of all employees in regard to sexual harassment. De-identified case studies shared to help employees navigate the nuances.
	Education	<ul style="list-style-type: none"> (Policy states that) employees will receive training on sexual harassment on induction. (Policy states that) employees will receive regular training to maintain awareness of the issue and the organisation's response to allegations. 	<ul style="list-style-type: none"> Training includes opportunities for active engagement by employees on context, how behaviour might be experienced by others, and what an appropriate organisational response should be. 	<ul style="list-style-type: none"> General education grounded in understanding the drivers of sexual harassment, respect and safety for all to inform and empower upstanders. Prevention of sexual harassment early recognition and intervention is a core leadership competency, along with responses that prioritise care and support for impacted people. Response and support teams are trauma-informed and have broad capabilities to support a range of resolution options including counselling, mediation and investigation.
1.	The organisation's stance on sexual harassment	<ul style="list-style-type: none"> Unequivocal message that the organisation has a 'zero tolerance' approach to sexual harassment. Often included as part of a broader statement about 'appropriate workplace behaviour' or 'prohibited conduct' including bullying, discrimination and harassment. 	<ul style="list-style-type: none"> Acknowledgement that sexual harassment is unlawful and that the organisation has a real interest in preventing sexual harassment. Statement that the policy applies at all levels of the organisation, including to sponsors, clients and visitors. 	<ul style="list-style-type: none"> Sexual harassment is a legal, social and human issue. It is unethical and against the law. Creating diverse, safe, respectful and inclusive workplaces is the foundation of people and culture strategies. The Board (or equivalent) and most senior leaders set the tone with a clearly articulated statement of support and commitment to action. The organisation's 'zero tolerance' position is clearly defined. Prevention and early intervention is our priority, as well as the care of people impacted. There is a shared responsibility for early intervention.
2.	Legal and policy framework	<ul style="list-style-type: none"> Clearly stated, legally correct definition. 	<ul style="list-style-type: none"> Reference to relevant Commonwealth, State or Territory laws that apply to the organisation. Detailed definition that addresses how the tests are applied (e.g. that the capacity to offend is assessed on an objective basis). 	<ul style="list-style-type: none"> Acknowledgment that sexual harassment is more than a legal issue, but a social issue. Recognition that the law alone is not enough to stop sexual harassment in our workplaces. Reference to the International Labour Organization (ILO) convention that upholds the right of everyone to a world of work free from violence and harassment, and that such behaviour can constitute a human rights violation or abuse.

➡ Elements	➡ Minimum requirements	➡ Mature application	➡ Enhancements to drive system change
3. Definition of sexual harassment	<ul style="list-style-type: none"> Defines scope of application to employees, contractors and clients. 	<ul style="list-style-type: none"> Examples of behaviour that could constitute sexual harassment. References behaviour that is not sexual harassment (in particular, intimate personal relationships). 	<ul style="list-style-type: none"> Acknowledgment that sexual harassment is driven by/ underpinned by gender inequality. Highlight the range of behaviours that constitute sexual harassment. Explanation of context as an essential consideration. Provides guidelines for managing personal relationships at work.
4. Roles and responsibilities	<ul style="list-style-type: none"> Managers must monitor the workplace to ensure appropriate standards of contact are observed in their work area. Managers should receive and refer complaints (circumstances in which to escalate). State that bystanders are supported to act if sexual harassment is witnessed. 	<ul style="list-style-type: none"> Managers treat complaints seriously and take immediate action to investigate and resolve the issue. Provide training to line managers in modelling appropriate behaviour and responding to issues of sexual harassment (including active steps to prevent victimisation). Tips on what to do if sexual harassment is witnessed and appropriate responses. 	<ul style="list-style-type: none"> Emphasis on shared responsibility and individual obligations. Board and executive responsibility to prioritise prevention and reporting. Managers have an obligation to identify, address and educate about behaviour that enables or condones sexual harassment, including tolerance for everyday sexism. All leaders are accountable for leading through their own behaviour and preventing sexual harassment in their teams. Employees actively encouraged, supported and expected to speak up and take action when they see or know of sexual harassment in the workplace.
5. Options for reporting issues	<ul style="list-style-type: none"> Identify multiple internal officers, inside and outside line management to make complaints. 	<ul style="list-style-type: none"> External avenues (e.g. relevant Equal Opportunity Commission, Australian Human Rights Commission). Guidance about the circumstances in which it is usually preferable to utilise one response avenue over others. 	<ul style="list-style-type: none"> Multiple safe and trusted internal pathways are available including independent, safe spaces for people to get information and help to deal with the issue in their preferred manner. Anonymous reporting options are available. Highlights time limitations exist for lodging complaints with external bodies, but will not be overly restrictive from an organisation's perspective to recognise people will share their experience when they are ready to talk.
6. Resolution options	<ul style="list-style-type: none"> Informal and formal resolution options. 	<ul style="list-style-type: none"> Ensure robust processes that protect against the organisation's legal liability and validate disciplinary action, e.g. mitigate against unfair dismissal claims. 	<ul style="list-style-type: none"> Person-centred approaches that involved the individual impacted in the decision about how to handle the issue, including ongoing communication and input at each stage. Emphasis on less adversarial processes that prevent repetition, validate the experience, stop the behaviour, and offer restorative outcomes.
7. Complaint handling principles	<ul style="list-style-type: none"> Description of process. 	<ul style="list-style-type: none"> Identification of indicative timelines, roles and expectations at each stage. 	<ul style="list-style-type: none"> Emphasis on how the organisation will respect and support people impacted. The organisation's response and interim action taken are supportive and sensitive to the possibility that the reported behaviour occurred, without making conclusions. Referrals for additional external or specialist support for all parties. Principles of procedural fairness and natural justice outlined.
8. Outcomes for offenders	<ul style="list-style-type: none"> State that disciplinary action may include apology, counselling, transfer, dismissal or demotion. 	<ul style="list-style-type: none"> Guidance about the matters that will be considered when determining the discipline. Guidance about how victimisation or vexatious complaints will be treated. 	<ul style="list-style-type: none"> Employees aware of the potential consequences for sexual harassment ranging in implication and severity. Restorative consideration for people impacted. Organisation action that also informs future prevention efforts. Clear articulation of transparency principles that apply to senior leaders and employees of legitimate public interest.
9. Confidentiality of investigation	<ul style="list-style-type: none"> Confidentiality of complainant and respondent wherever possible. 	<ul style="list-style-type: none"> Guidance about limits on the organisation's capacity to maintain confidentiality. 	<ul style="list-style-type: none"> Guidance about organisation's responsibility to act even if the complainant does not want to act. Commitment to protect the safety and privacy of those impacted. Expectations of all parties to keep details confidential to enable the investigation to be undertaken unimpeded. Articulation of principles of transparency that will guide the organisation's action and respond to, for example, the media.
10. Follow up	<ul style="list-style-type: none"> Statements about victimisation of both the complainant and the respondent. 	<ul style="list-style-type: none"> Follow up with complainant and respondent a few months after the allegation is processed to monitor relationships and to check whether management action was appropriate to findings and to timing. 	<ul style="list-style-type: none"> Ongoing support for parties as appropriate. Governance and reporting. Review policy, investigation and process, and education in light of information and insights obtained during the investigation. Improvements are made where necessary.

Example policy

This sample policy is an example of a standard policy with enhancements to drive system change. It is shared so that others may adapt or adopt it for their own context. To ensure this policy is effective for your organisation's context, this example policy should be worked through and thoughtfully adapted to your organisation and workforce. This example policy is not intended nor should be taken as legal advice.

1 Our position

Sexual harassment, in all its forms, is an abuse of power. It represents behaviours that are beneath the standards we expect from every one of us and across our organisation. It is unethical and against the law. Sexual harassment takes a psychological, emotional and physical toll and has detrimental consequences on the careers and personal lives of those affected, as well as their families and those close to them. Sexual harassment in any form is completely at odds with our aspiration to create a safe, respectful and inclusive workplace.

We will act to prevent sexual harassment and provide safe and effective responses for those impacted within, and connected to our organisations, ensuring well-being, that their wishes are listened to, prioritised and inform the action we take.

This is the commitment of our Board and senior leaders.

It is expected that this is the shared responsibility of everyone who works in our organisation – to behave in a way that ensures the safety and well-being of others and is respectful and inclusive. It is also an expectation that, if it is safe to do so, you intervene or report when you see or know of behaviour that may cause offence, distress or harm to others.

We will educate and support everyone connected with our organisation on how to prevent, intervene early and respond to offensive behaviour to ensure sexual harassment is eradicated from our work environment.

1.1 Zero tolerance

At <organisation>, we have a ‘zero tolerance’ approach to sexual harassment in the workplace.

By this we mean we will be proactive in eradicating the behaviour – in all its forms. Zero tolerance also means there will be action and consequences that are appropriate and proportionate considering the offender’s behaviour and the impact of their actions, and taking into account the wishes of the person subjected to the harassment.

It is important to note that zero tolerance does not mean we respond in the same way to every incident, for example, through automatic dismissal.

Often people who report sexual harassment do not wish the offender’s employment to be terminated, but want the behaviour to stop, an apology and for it not to happen to anyone else. Just as responses that are too weak can permit sexual harassment to continue, responses that are seen as disproportionately severe can stop people coming forward.

2 Understanding sexual harassment

2.1 Drivers of sexual harassment

Sexual harassment rarely occurs as an aberration in organisations or in isolated incidents. The existence of sexual harassment reflects an environment that overlooks or excuses disrespectful behaviour towards others, particularly women and people who do not conform to expected gender roles, such as LGBTIQ+ people.

Although called ‘sexual harassment’ and referring to behaviour that manifests as conduct of a sexual nature, this behaviour is not about consensual sex and sexual attraction, but rather about unwelcome behaviour that is experienced as offensive, demeaning, humiliating and/or intimidating. In many cases, it is about exerting power and position over others who are perceived to be, or are in fact, more vulnerable. This can even be the case between peers or co-workers.

Sexual harassment is particularly prevalent where gender inequality exists – where organisation demographics, values and structures prioritise men and workplace cultures reinforce rigid gendered norms and sexist attitudes.

Other factors such as age, gender identity, sexual orientation, Indigeneity, other cultural and linguistic diversity, and disability have also shown to increase the likelihood a person may experience sexual harassment.

2.2 Definition

Although varying in legal definition under different jurisdictions, sexual harassment is generally characterised by behaviour that is unwanted, sexual in nature and reasonably anticipated to offend, humiliate, demean or intimidate.

<Insert legal definition from relevant jurisdiction>

2.3 Understanding the context of sexual harassment

When it comes to understanding a person’s experience of sexual harassment, context is essential. Context is the lens through which a person experiences the behaviour of others. Context filters intent and can amplify impact or give behaviour a different nature.

It explains why a certain behaviour, for example, a kiss or a touch on the back is experienced in one context as ‘ok’, and ‘not ok’ in another.

Contextual factors that come into play may include:

- Relationship and power disparity between the parties.
- The history of the relationship.
- Previous patterns of behaviour between the parties (i.e. one-off incident or pattern).
- Tone, verbal and non-verbal cues.
- Position in the organisation.
- Employment status, job security and the nature of work.
- Where and when the incident takes place.
- Personal characteristics of age, gender identity, sexual orientation, Indigeneity, other cultural and linguistic diversity, and disability which can make people more subject to sexual harassment.

All of these factors combine to shape a person’s experiences of sexual harassment, and in turn can guide responses.

When you overlay context onto a behaviour, such as a kiss, the change of dynamic is clear: a kiss hello from a colleague you have a longstanding friendship with; a kiss from a manager along with a salacious ‘look’ at a work social function; a kiss from a senior male leader (who has power over your career progress) in his office after hours – all of these are a ‘kiss’ but with varying levels of discomfort, offence and impact because of context.

It is therefore important to understand that:

- Sexual harassment can still occur even when the offender does not intend it – innocent or humoured intent, or poor judgement of the offender is irrelevant.
- A lack of objection to behaviour at the time it occurs does not infer that the behaviour is welcome or that it is acceptable for the behaviour to continue at another time.
- There is no requirement that behaviour be repeated – a one-off incident, as well as a pattern of behaviour can both be sexual harassment.
- Consumption of alcohol is not an excuse or extenuating circumstance.
- There are some behaviors that are criminal offences and context is irrelevant.

2.4 Recognising sexual harassment

Sexual harassment takes many forms. It can be a one-off incident or a pattern of behaviour. Examples of behaviour that could be considered sexual harassment include:

<Insert context-specific examples drawn from your organisation's experiences as relevant>.

- Unwelcome comments about looks, dress, hairstyles.
- Repeated and inappropriate invitations to drinks, dinner, non-work-related social events.
- Jokes of a sexual nature or about a person's sexual orientation or gender identify.
- Unwelcome light touch gestures, e.g. an arm around, a kiss hello.
- Degrading comments.
- Sexual objectification of people.
- Repeated requests for dates.
- Personal contact via email or social media that is out of context, out of work hours.
- Ongoing unwelcome contact (e.g. in person, phone, social media) following the end of a consensual relationship.
- Staring or leering.
- Sexually explicit pictures, posters or gifts.
- Whistling, catcalling, honking.
- Intrusive questions or comments about private life, gender identity, sexual orientation, sexual relationships and sexual practices.
- Sexually explicit comments in emails, SMS, phone messages or social media.
- Touching or fiddling with a person's clothing including lifting up skirts or shirts, flicking bra straps, or putting hands in a person's pocket.
- Forced intimacy, e.g. touching, massaging, hugging, cornering or kissing.
- Exposing self.
- Coercing people to look at pornography.
- Requesting intimate images/video of someone.
- Requests or pressure for sex or other sexual acts in exchange for favourable treatment.
- Sharing intimate images/video of someone without consent.
- Stalking, following, watching.
- Actual or attempted sexual assault or rape.

2.5 Where and how sexual harassment may occur

Location

Our world of work is expansive. Therefore, so too are the locations and circumstances in which sexual harassment may occur:

- In the workplace, during work hours, including common areas such as lifts, entrances, vehicles, reception areas, corridors, kitchens and toilets.
- Work-related locations including client sites, worksites, public spaces where work is conducted, remote sites, international offices.
- Beyond the usual workplace and outside normal working hours where there is a link to employment such as conferences, social events, business trips, after parties.
- Online via technology and social media, irrespective of whether work resources were used.

Relationships

Our work relationships are extensive which gives rise to the potential for workplace sexual harassment to occur between:

- Employees of the same organisation including manager/employee or co-workers.
- An employee and potential employee.
- An employee and someone connected to the organisation for work purposes: volunteer, intern, work experience or consultant.

Customers

Customers, clients, contractors, investors, patients, passengers, patrons and supporters are all people of value to our organisations and offensive behaviour by them towards our employees or towards them by our employees is also unacceptable.

2.6 Personal relationships

Sexual, romantic or intimate interaction that is entered into freely and reciprocated between consenting employees is not a form of sexual harassment. However, if people behave in sexually inappropriate ways at work, it could still create a sexualised atmosphere that is unwanted by others in the workplace.

Some personal relationships need to be disclosed as they give rise to perceived, potential and/or actual conflicts of interest, for example, where one person has significant influence over the other's opportunities, remuneration and progress; where there is significant power imbalance between parties (i.e. seniority differences); where the relationship is potentially disruptive to team dynamics or has potential reputational implications for the organisation.

Full and early disclosure of these relationships to the relevant manager is required so that any implications can be understood and parties can work together on any action that may be required to resolve any actual or potential conflict.

Sexual harassment may arise in situations where the personal relationship ends and the intimate behaviour of one of the parties is no longer welcome. Support should be sought from the relevant manager or Employee Assistance Program as soon as possible if you are concerned about your behaviour or the behaviour of your ex-partner.

3 Laws and policies

Behaving in a way that is consistent with our values of safety, respect and inclusion requires more than just compliance with the relevant law, which sets out minimum standards and obligations.

3.1 International standards

Our position on sexual harassment is aligned with international standards, as set out in several international human rights and labour conventions, which establish obligations to prevent sexual harassment in the world of work, recognising sexual harassment as a form of discrimination, as well as a labour and human rights issue. The International Labour Organization (ILO) convention upholds the right of everyone to a world of work free from violence and harassment, and states that such behaviour can constitute a human rights violation or abuse.

- [C190 – Violence and Harassment Convention, 2019 \(N.190\)](#)

3.2 Applicable legislation

Sexual harassment is unlawful and prohibited in Australia by both State and Commonwealth legislation. Some of the relevant Federal and State Acts are listed below:

<Insert as relevant for example>

- *Age Discrimination Act 2004* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Fair Work Act 2009* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Workplace Gender Equality Act 2012* (Cth)

3.3 Employer and individual legal obligations

The laws give rise to potential legal liability for sexual harassment for individuals and our organisation.

Individuals may be liable for their own behaviour if they sexually harass another person. In some cases, this may also be criminal conduct.

Observers and other individuals may be liable if they request, instruct, induce, encourage, authorise or assist someone to sexually harass another person.

Employers are also responsible for sexual harassment that occurs in the workplace and may be liable for failing to prevent or properly respond to sexual harassment, which is known as vicarious liability.

This policy provides guidance on how employers and individuals can meet their obligations under that law by prioritising the prevention and early intervention of sexual harassment and contributing to build a workplace that is safe, respectful and inclusive.

3.4 Relevant organisational policies

This policy operates in conjunction with the following organisation policies:
<Insert as relevant. Note these documents should be checked and edited to ensure they all reflect the same values in a cohesive way, as this will amplify the effectiveness of all policies>.

- Code of Conduct
- Workplace Health and Safety
- Anti-discrimination or equality policy
- IT policy.

4 Everyone has a role to play

Everyone has a role to play in preventing and responding to sexual harassment. This is entirely consistent with our existing workplace health and safety obligations to protect each other from harm to our health and safety, including psychological harm.

Without exception, everyone is expected to behave in ways that are safe, respectful and inclusive. People who speak up about or report concerning behaviours they see or know of make a valuable contribution to the health and safety of our workplace by supporting someone who may be subjected to the behaviour and preventing escalation or repeat behaviour.

There are specific expectations depending on your role:

Board/Executive

- | | |
|--|--|
| <ul style="list-style-type: none">• Ensure sexual harassment prevention and early intervention are a leadership priority and organisation systems are in place to support this.• Require regular reporting of frequency and types of incidents, immediate outcomes and long-term implications for parties involved. | <ul style="list-style-type: none">• Support external transparency of incidents involving senior leaders and where there is legitimate public or stakeholder interest.• Prioritise the care and support of those impacted in the organisation's approach to resolving the issue. |
|--|--|

Leaders

- | | |
|--|---|
| <ul style="list-style-type: none">• Identify, address and educate about behaviour that enables or condones sexual harassment, including tolerance for everyday sexism.• Speak up when you see, know of or can anticipate the likelihood of sexual harassment.• Create an environment that encourages teams to feel safe speaking up about or reporting sexual harassment they experience or know of.• Support an individual who is impacted and understand how they would like the issue managed. | <ul style="list-style-type: none">• Prioritise the care and support of those impacted when responding to issues raised with you or observed.• Report to the Executive and Board on incidents, immediate outcomes and long-term implications for parties involved.• Speak openly and confidentially with the impacted team/stakeholders about any incidents/outcomes and reinforce expectations of safe, respectful and inclusive behaviour. |
|--|---|

Teams/Colleagues

- | | |
|---|--|
| <ul style="list-style-type: none">• Behave in a way that creates a safe, respectful and inclusive environment and prioritises looking after the safety of others.• Speak up when you see, know of or can anticipate the likelihood of sexual harassment.• Intervene in a way that is comfortable for you and if you feel safe to do so, to redirect the conversation or stop the behaviour. | <ul style="list-style-type: none">• Ensure the person impacted is safe and check in on them if appropriate.• Listen to the experience of the person impacted without judgement or preconceived. solutions – understand how they would like you to help.• Participate in any inquiries or investigations about incidents.• Keep details of the incident or investigation confidential. |
|---|--|

Internal advisory or support team

- | | |
|---|--|
| <ul style="list-style-type: none">• Support the individuals impacted and understand how they would like the issue managed.• Provide access to EAP, peer or specialist support for all parties.• Ensure impartial, capable people (internal or external to the organisation) are available who can explain concerns about behaviour or support conversations to resolve the issue. | <ul style="list-style-type: none">• Investigate the issue or engage an external investigator where appropriate.• Ensure privacy, confidentiality, due process and natural justice is adhered to throughout. |
|---|--|

<Insert **Identifying, understanding and responding when sexual harassment occurs** model from the MCC report Disrupting the System: Preventing and responding to sexual harassment in the workplace. Refer to page 56-57>.

5 Reporting sexual harassment

To help you choose how you wish to report concern about someone’s behaviour, we offer multiple options so you can speak with whomever you are most comfortable.

Reports can be made by people directly impacted or others who observe or know of sexual harassment. You will not be restricted by a time limitation between the incident and reporting the issue to us. We understand that people will share their experience when they feel comfortable and that it may take time to process what has happened and feel ready to talk. Knowing about incidents and issues is helpful for our organisation’s future efforts to prevent repeat and escalated incidents.

It is important to note that there are time limitations for lodging a complaint with an external body, for example within six months of the incident if you wish the Australian Human Rights Commission to assist.

You will see from the information below, letting the organisation know about sexual harassment does not necessarily trigger a formal investigation, although that may be appropriate in some cases. Support, advice and early intervention may resolve the issue and it will also help us understand what is happening in the organisation.

There will be no repercussions for those who report issues. Repercussions are unlawful as well as against the values and policies of the organisation.

<Insert organisation-specific reporting pathways as relevant. For example:>.

Safe and Respectful Workplace Leaders/Contact Officers

- Our organisation has a network of Safe and Respectful Workplace Leaders/Contact Officers who can listen to your concerns, talk with you about your options, where you can get personal support and the different ways the organisation could help you to resolve the issue.

Managers

- You can speak to any member of our leadership team if you are uncomfortable speaking with your own manager in the first instance. Managers can listen to your concerns, talk with you about your options, where you can get support and the different ways the organisation could help you to resolve the issue.
- Managers can also provide feedback to the person who engaged in the behaviour on your behalf or support you to have a conversation with that person.
- There are some circumstances where a manager may need to refer the issue to the organisation's expert advisory team, for example, where the behaviour is serious, creates risk to the psychological and physical safety of others or where it involves a senior member of the organisation.

People and Culture/Professional Standards/Integrity Team

- Our <insert, e.g. People and Culture> team can be contacted directly. They can help in various ways depending on your wishes and the circumstances of the issue. They will:
 - Listen to your concerns, talk with you about your options, where you can get personal support and the different ways the organisation could help you to resolve the issue.
 - Provide feedback to the offender on your behalf or support you to have a conversation with that person.
 - Initiate a formal process to investigate, where appropriate (using an internal or external investigator), make formal findings and take disciplinary action where appropriate.

Anonymous reporting

- In some circumstances, you may prefer to tell the organisation about the issue without being identified. You can do this by contacting <insert details of anonymous reporting option or similar>.

External body

- You may wish to seek help from an external body or authority who can provide information about your options and in some cases may be able to provide a free, confidential dispute resolution process, which may be legally enforceable. Some organisations who specialise in independent resolution of sexual harassment include:
 - Australian Human Rights Commission.
 - Relevant State Equal Opportunity Commission.
 - Relevant State Workplace Health and Safety Body.

6 Ways we can help

Resolution options

There are a number of ways we can help to resolve the issue depending on your wishes, the context and circumstance.

We know that what most people who experience sexual harassment want is for the behaviour to stop, to have their experience validated, their organisation to know that it happened, and for it not to happen to anyone else. In many cases, all people want from the person who harassed them is an apology.

Wherever possible, we will prioritise early intervention and informal pathways that deliver these types of outcomes.

We will support your wishes to progress from one pathway to another once the process has commenced if you feel that is a more appropriate way for the issue to be resolved, for example, starting out wishing for an investigation and then deciding a more informal process would be preferable.

There are, however, times when the circumstances of the issue mean we must take more formal steps to resolve the issue, such as a formal investigation or referring the matter to the police. Decisions to escalate issues will be made after consideration of the wishes of the person impacted, the seriousness of the behaviour, the context, the seniority of the offender, the impact on the individual, the risk to the psychological and physical safety of others, and the likelihood that the behaviour is also a criminal offence.

Option	What this might involve
Early intervention	<p>The objective of early intervention is to let a person know their behaviour is offensive, have the behaviour stop and prevent escalation or repeat behaviour. Responding to issues through early intervention may include:</p> <ul style="list-style-type: none">• Raise it with the person, if you feel safe and comfortable to do so.• Raise it with an observer, seeking help to speak to the person or intervene either in the moment or if it happens again.• We encourage observers and those who know of potentially offensive behaviour to:<ul style="list-style-type: none">◦ Intervene in a way that is comfortable for them and if they feel safe to do so, to redirect the conversation or stop the behaviour.◦ If safe to do so, separate the offender from the situation, e.g. remove the offender before circumstances escalate.◦ Speak up publicly/in the moment to address the comment or behaviour.◦ Encourage the offender to reflect on their behaviour, including apologising to the person or people impacted.• Seek advice or support from your preferred contact, e.g. your manager, peer contact, or your organisation's advisory/integrity team.
Informal pathways	<p>The objective of an informal pathway is to provide the offender with the opportunity to stop their behaviour, ensuring they also get a clear message their behaviour is offensive and may constitute sexual harassment. It can provide a safe way for individuals to raise issues about behaviour without being identified. Informal pathways alert the organisation about the issue and understand what it needs to do to prevent escalation or repeat behaviour. Responding to issues through informal pathways may include:</p> <ul style="list-style-type: none">• A manager speaking to the offender about their behaviour.• Facilitating or mediating an open and respectful conversation between the parties.• An anonymous report.• Putting system changes in place to prevent further issues, such as moving or changing the shifts of the offender.• The organisation initiating further reviews to understand any underlying cultural issues and taking preventative action such as education.
Formal pathways	<p>The objective of a formal pathway is to initiate fair and confidential inquiries to fully understand the circumstances of a reported issue by impartial, capable internal or external investigators. It protects the person impacted from further harm by ensuring the person is safe and support is in place. The issue is documented, findings are made, proportionate disciplinary action can be taken and restorative action identified. Responding to issues through informal pathways may include:</p> <ul style="list-style-type: none">• Written statements and interviews about the incident.• Speaking to witnesses.• Gathering other relevant evidence.• Putting the allegations to the person and giving them the opportunity to respond.• Weighing up all the facts and making a decision about whether the behaviour has breached relevant policies and codes of conduct.• Ensuring there are proportionate consequences for substantiated sexual harassment.

Option	What this might involve
External pathways	<p>The objective of an external pathway is to provide the individual the choice to have the issues resolved by an independent, expert body that can assist the employer and the parties to reach an outcome or resolution. It is important to note that there are time limitations for lodging a complaint, for example, within six months of the incident if you wish the Australian Human Rights Commission to assist.</p> <p>Responding to issues through external pathways may include:</p> <ul style="list-style-type: none">• Participating in mediated discussions.• Parties agreeing to outcomes or resolutions, including compensation.• Escalating the issues to a formal Court or Tribunal if the matter cannot be resolved by conciliation.• Findings and determinations are usually made public.
Where the alleged behaviour may be a criminal offence	<p>The most serious sexual harassment may also be considered an offence under Criminal Law. In that instance, it may be appropriate to refer the issue to the police. We will assist you in whatever way we can, such as contacting the police on your behalf or accompanying you to the make the report should you choose to do so.</p>

7 How we will respond

Prioritising your safety and well-being

- If you make a report of sexual harassment, we will ensure you are supported and involved in the decision about how to handle the issue. We will respect your wishes and best interests but this does not mean they solely decide the organisation's response or the consequences for the offender.
- Issues raised are taken seriously and viewed with integrity. We may take interim action in the interests of health and safety that is supportive and sensitive to the possibility that the reported behaviour occurred, without making conclusions.
- If you share your experience, we will, to the extent possible, ensure you do not need to retell your story to multiple people.
- Everyone directly impacted by an issue, including those who report and alleged offenders, will have access to trained confidantes/peer support advocates or referral pathways to external support services.
- All parties involved will be kept well informed and supported throughout the process.
- Investigations will be concluded as quickly as possible while ensuring the approach is ethical over expedient.
- Confidentiality will be maintained.

Procedural fairness and natural justice

- All investigations will be conducted to ensure there is procedural fairness and natural justice, irrespective of your position in the organisation. This means:
 - giving someone the opportunity to understand the allegations made against them and to respond.
 - providing appropriate support for individuals involved including the person subjected to the harassment and the alleged offender, such as referral to external support services.
 - facilitating a timely and objective process.
 - substantiating decisions.
 - ensuring outcomes are reasonable and proportionate.
 - maintaining confidentiality throughout.

Referrals for support

- There are a number places where you can get specialist external support including:
 - Employee Assistance Program.
- <Insert as relevant, including organisations that can support the specific needs of diverse groups (e.g. CALD, LGBTI or disability services)>.

8 Possible outcomes

Consequences for offenders

- The decision about any outcomes of a sexual harassment investigation will take all the circumstances of the case into consideration including the seriousness of the behaviour, the context, the impact on the individual, the seniority of the offender and relevant industrial instruments.
- There are a range of outcomes and implications for a person's employment that our organisation might consider once a report of sexual harassment is substantiated. This may include, but will not be limited to:
 - Requirement to participate in education or behaviour change coaching.
 - Disciplinary action against the person found to have engaged in harassment.
 - An apology from the offender (structured with support people).
 - Consequences for the position and remuneration of the offender such as demotion; transfer to another location; withholding remuneration increases or bonus payments; removal from sponsorship or high-potential talent or leadership programs; removal of leadership responsibilities.
 - Termination of employment.

Restorative actions for the individual impacted

- We will work with you to understand and implement, where possible, any actions that may help you to recover from the incident, rebuild relationships at work and continue a successful career with our organisation.

Organisation action

- On an ongoing basis, our organisation will take steps to identify the potential risk of sexual harassment. After an incident, it may be necessary to undertake a review of a particular work site or environment and implement targeted interventions such as culture surveys and further education.
- Transparency of the existence of incidents and sharing de-identified case studies will ensure the organisation and its employees continue to build capability in preventing sexual harassment.

Reprisals and victimisation

- If any person is found to have victimised, harassed or taken reprisal action against people who intervene to stop sexual harassment, report sexual harassment or participate in any inquiries or investigations relating to an allegation of sexual harassment, they may be subject to separate disciplinary action.
- This includes any action that treats someone adversely, such as ostracising a colleague, reducing their shifts or overtime opportunities, giving them menial jobs, relocating them against their wishes, taking them off key client accounts/key projects, and giving them a poor performance review.

Information or claims without substance

- While claims without substance are rare, if any person is found to have knowingly provided false information, knowingly made allegations of sexual harassment without any substantive merit or for vexatious or malicious reasons, they may be subject to separate disciplinary action.

9 Privacy, confidentiality and transparency

Confidentiality and privacy

The nature of sexual harassment and obligations that our organisation has when it is made aware of sexual harassment means that there are limits to what may or may not be disclosed.

Confidentiality in sexual harassment cases means only those who need to know about the issue in order to help resolve it and prevent further incidents will know the details. This means there may be times when we cannot meet a person’s request that the information ‘goes no further’ than the person they reported the issue to. This is particularly the case, for example, when the issues are serious, involves someone senior in the organisation or there are psychological and safety risks to others.

Our organisation will prioritise and protect the identity of a person impacted, and anyone else that the investigation reveals has been subjected to harassment. We absolutely preserve the right to keep all details of issues confidential while investigations are underway, including in regard to media inquiries.

While the individual subjected to the alleged harassment will sometimes feel frustrated by a workplace investigation process, it is impossible to fairly investigate an allegation if the issues involved are being openly discussed amongst staff and/or the media at the same time.

We will therefore ask and expect people who report issues, participate in inquiries or are the subject of inquiries about their behaviour to keep all details of the issues confidential until the investigation is concluded. Failure to do so may result in further consequences or disciplinary action.

Once the matter is finalised, we will not restrict the impacted person’s right to speak in their personal capacity, with any potential issues arising from this for their own consideration.

Transparency with external stakeholders

The following principles set out our approach to communicating about sexual harassment cases in particular *where the allegation demands investigation, where the offender or alleged offender is one of our organisation’s senior leaders and where there is legitimate public or stakeholder interest.*

1. Our organisation will be transparent with internal and external stakeholders about the fact that sexual harassment claims exist.
2. The identity of those involved will be protected by our organisation at all times during the investigation process.
3. We will ask everyone involved to keep any workplace investigation process confidential while that process is underway with an exception for receiving expert counselling or support.
4. Once any investigation is complete, our organisation will not restrict the complainant’s right to speak.
5. Where there is a legitimate public or stakeholder interest and an investigation has found that allegations are substantiated, our organisation may identify the offender.
6. Where an investigation has substantiated the allegations, we will be transparent about the outcomes and where an alleged offender leaves our organisation, we will be transparent about the fact of any financial settlement as part of that departure.
7. If a financial settlement is reached with the complainant, the fact of the settlement will be disclosed by our organisation to relevant stakeholders, together with the restrictions it imposes but not the amount.

Internal transparency

In order for everyone to be assured that issues are taken seriously, we are committed to sharing what we can about sexual harassment cases we deal with, while respecting the privacy of the people involved.

This does not mean full disclosure of all the details, but rather considered sharing of relevant information in order to encourage organisational learning and prevent similar cases from happening in the future.

10 Reporting and evaluation

The prevention of and response to sexual harassment is priority at <organisation> and, consistent with any other core organisation metric, is reported to our Board/Executive on a regular basis to help inform further action our organisation needs to take to eradicate sexual harassment.

This includes <insert as relevant>:

- Number of investigations: open, closed.
- De-identified case studies of serious incidents.
- Average length of investigation to resolution.
- Number of employee days lost, e.g. standdown, stress leave.
- High-level outcomes of investigations.
- Consequences for offenders including value of any settlements.
- Restorative action taken for the individuals impacted.
- Root cause analysis and organisation corrective actions.
- Long-term impact monitoring.

This policy will be reviewed on an <insert as relevant, e.g. annual basis> as part of our ongoing commitment to continuously improve our prevention efforts, create an environment that encourages early intervention on issues by everyone, and respect and support people who may be impacted by sexual harassment.

Personal relationships at work

Personal relationships can be conflated with sexual harassment and be challenging for organisations to know what role they should play and when. Sexual, romantic or intimate interaction that is entered into freely and reciprocated between consenting employees is not a form of sexual harassment. However, it is important to note that if people behave in sexually inappropriate ways at work, it could still create a sexualised atmosphere that is unwanted by others in the workplace.

This resource is indicative of the approaches from various Male Champions of Change member organisations. It provides some guidance on what may be considered a personal relationship, and when and how they might need to be disclosed to the organisation. It is shared so that others may adapt or adopt it for their own context.

Definition

A close personal relationship is difficult to define because personal relationships can take many forms and can mean different things to different people and relationships can evolve over time.

Many long-term platonic or intimate relationships form through work connections.

While we respect the privacy of employees, sometimes the nature of the relationships formed gives rise to actual, potential or perceived conflicts of interest or compromised objectivity when it comes to important work-related decisions or actions.

Characteristics of a personal relationship

- Close or immediate family members.
 - Spouse, de facto or domestic partner.
 - Children including stepchildren, parents, brothers or sisters.
 - Definition may be extended in some workplaces to grandparents, aunts, uncles, nieces, nephews or grandchildren whether by blood or marriage.
- Current or past consensual romantic, intimate or sexual relationships.
 - May be on a casual, periodic or regular basis and may or may not constitute a primary relationship.
- A close, platonic friendship.

Circumstances in which the relationship may have adverse impacts

Personal relationships give rise to complexities and conflicts in some circumstances, including where:

- A direct report, management or strong collaboration relationship exists.
- There is an actual or possible power imbalance between the parties, e.g. where one is more senior than the other.
- One may have significant influence over another’s recruitment/engagement, performance, progress, opportunities or finances.
- One individual is a senior leader or a significant stakeholder of public interest.
- The relationship leads to disruption or negatively impacts the working environment of others.
- There is an actual or perceived reputation damage for the organisation.

Principles for individual/organisation response

- Early and confidential disclosure by the individual(s) involved if the relationship meets the characteristics and circumstances identified above, with the objective of understanding implications rather than judgemental or punitive responses.
- Collaborative consideration and agreement of alternate arrangements to manage any potential impacts.
- Expectations that the parties will behave towards each other in work contexts and in front of colleagues in a professional and respectful way.
- Discretion and confidentiality is expected by both individuals and the organisation.
- Communication within the organisation will be collaboratively agreed and transparent as appropriate.
- Concealment of the relationship will be considered more seriously than full and early disclosure.

Questions for individuals and organisations to consider

- What assessment would a reasonable person make of the circumstances?
- Could my involvement in this relationship cast doubt on my or my organisation's integrity and the values we hold?
- If I saw someone else doing this, would I suspect that they might have a conflict of interest?
- If I did participate in this relationship, would I be happy if my colleagues and the public became aware of my involvement and any association or connection?
- How would I feel if my actions were covered by the media? Would they embarrass me, my family or the organisation?
- Is the matter or issue one of great public interest or controversy where my proposed decision or action could attract greater scrutiny by others?

Board reporting on sexual harassment

This reporting framework draws on the insight of Male Champions of Change with extensive Board safety reporting experience and has been adapted for a sexual harassment context. It is shared so that others may adapt or adopt it for their own context.

Internal reporting

There are a range of metrics reported to Boards on safety, with additional information provided depending on the metric.

At a minimum, safety is a mandatory monthly report to the full Board, with detailed reviews conducted by the relevant committee (for example, the Health, Safety and Environment Committee) as required.

It is recommended that sexual harassment reporting is anchored in safety reporting and included in the current safety reporting cadence, to provide Boards with a full picture of the physical and psychological safety culture in their workplace.

Consistent with safety, it is incumbent on Board members to request this information and interrogate 'zero' numbers because we know under-reporting is common: low or no reporting is a more likely scenario than low or no incidents.

The table below describes current safety reporting requirements in typical ASX entities and aligns this against a potential framework for reporting to Boards on sexual harassment.

Safety metric	Equivalent sexual harassment metric
Fatality/Significant Injury <ul style="list-style-type: none">Reported to the Board within 24 to 48 hours of incident occurring.Detailed follow-up report provided along with management presentation which includes:<ul style="list-style-type: none">Details of the event.Initial management response.Root cause analysis.Corrective actions.	Significant incident defined as: <ul style="list-style-type: none">Serious incident, e.g. sexual assault.Incident involving a senior employee or where there is legitimate public or stakeholder interest.High profile incidents. Reporting requirement: <ul style="list-style-type: none">Reported to the Board within 24 to 48 hours of incident.Ongoing updates at key points of the process, as required, until resolution.Remains on monthly report for 12 months after the incident close to understand restorative action taken for all parties (e.g. behaviour change counselling, implications for bonus/pay review) and long-term impact (e.g. resignation). Reporting to include: <ul style="list-style-type: none">Details of the incident.Initial management response.Root cause analysis.Corrective actions including making inquiries about additional impacted people.Immediate outcome of the investigation.Value of any settlements.Restorative action taken for all parties.Long-term impact monitoring.

Safety metric

Equivalent sexual harassment metric

Medically Treated Injury/Lost Time Injury/Recordable Case

- Reported to the Board monthly.
- Relates to an injury that has occurred and requires medical treatment, time off work or restricted duties.
- Reporting seeks to understand whether the safety management system is working and uncover systemic issues and must include:
 - Number of incidents.
 - Types of incidents.
 - Days lost by employee (an indicator of severity).

Recordable incident defined as:

- Incident that requires formal investigation.
- Where either party requires time away from work, i.e. respondent stood down, stress leave.

Reporting requirement:

- Reported to the Board monthly.

Reporting to include:

- Number of investigations: open, closed.
- Key themes/issues.
- Length of investigation to resolution.
- Number of employee days lost, e.g. standdown, stress leave.
- Outcomes of investigation.
- Corrective actions including risk assessments.
- Value of any settlements.
- Restorative action taken for all parties.
- Long-term impact monitoring.

Near Miss/Potential Hazard

- Reported to the Board monthly.
- Relates to something that has occurred which hasn't resulted in injury but could have, can include first aid treatment.
- Reporting seeks to understand the cultural clues to the potential of injury or harm and must include:
 - Number of incidents.
 - Types of incidents.

Cultural indicators defined as:

- Issues informally raised, not requiring investigation.
- Information derived from a range of tools the organisation may employ depending on the maturity of feedback systems in place, including:
 - People and Culture (HR) operations.
 - Whistleblowers.
 - Employee Assistance Program reports.
 - Online reporting tools for peer feedback on behaviour.
 - Internal advisors, e.g. Contact Officers.
- Results of climate, engagement or pulse surveys; everyday sexism surveys.

Reporting requirement:

- Reported to the Board monthly.
- Supported by a detailed discussion with the CEO speaking to key aspects of the reporting every six months.

Reporting to include:

- Number of incidents.
- Key themes.
- Corrective actions including risk assessments.

Board reporting on sexual harassment

External reporting

The following is an example statement on the prevalence and consequences for sexual harassment incidents that organisations may adapt or adopt for inclusion in organisation annual reports

In FY2020, there were XX sexual harassment matters informally and formally addressed by the organisation compared to XX in FY2019.

- The key themes of the matters were <insert for example, jokes and comments of a sexual nature; inappropriate contact following the end of a consensual relationship; forced intimacy; repeated propositions and requests for sex>.
- The average length of time it took to resolve these issues was X days.
- For X matters, termination of employment was the outcome (compared to X in FY2019).
- The value of financial settlements that related to these departures was a total of \$XX (compared to X in FY2019).
- For X matters, a formal warning was issued (compared to X in FY2019). Additional consequences were applied as appropriate including additional training, removal of delegated authorities or permissions, adjustments to profit share and/or impact to promotion.
- Of the X matters, X have resulted in individuals subsequently leaving the organisation and X individuals had their profit share reduced by an average of x%.
- The organisation undertook the following preventative action as a result <e.g. sexual harassment survey, education, leadership sessions, revised policy>

Understanding sexual harassment in your organisation

In our experience, understanding the prevalence, manifestations and culture of sexual harassment is critical for leadership accountability, targeted action and monitoring progress. The following statements are excerpts from employee engagement surveys conducted by Male Champions of Change organisations. They are shared so others may adapt or adopt them for their own context.

Before sexual harassment surveys are administered, expert advice is recommended to ensure survey participants are supported and not subjected to potential harm.

Example culture survey questions
<ul style="list-style-type: none">• I think I could report instances of dishonest or unethical practices to the appropriate level of authority without fear.
<ul style="list-style-type: none">• Senior leaders support diversity and inclusion in the workplace.
<ul style="list-style-type: none">• In our organisation, sex-based harassment is not tolerated.
<ul style="list-style-type: none">• My immediate manager effectively works with people who are different from themselves (e.g. gender, racial/ethnic background, lifestyle, etc.).
<ul style="list-style-type: none">• It is safe to speak up about potential issues or problems in our organisation.
<ul style="list-style-type: none">• Employees are treated with respect regardless of their role.
<ul style="list-style-type: none">• My immediate manager genuinely supports equality among all genders.
<ul style="list-style-type: none">• In this organisation, it is safe to raise issues of sexual harassment without fear of victimisation or negative career implications.

These statements should be supported by a five-point scale, for example, Agree/Tend to Agree/Don't Know/Tend to Disagree/Disagree.

» **National survey on sexual harassment in Australian workplaces**

In 2018, the Australian Human Rights Commission conducted *Everyone’s business: Fourth national survey on sexual harassment in Australian workplaces (2018)*.

Survey results and survey questions to adapt or adopt for your organisation can be found on the Australian Human Rights Commission website and we encourage you to contact them for support and advice.

Example prevalence questions (from Victorian Public Service survey)

1. During the last 12 months in your current organisation, have you experienced any of the following behaviours at work?

[Select all that apply]

- ☐ Sexually suggestive comments or jokes that made you feel offended (in either a group or one-on-one situation)
- ☐ Intrusive questions about your private life or comments about your physical appearance
- ☐ Unwelcome touching, hugging, cornering or kissing
- ☐ Inappropriate physical contact (including momentary or brief physical contact)
- ☐ Repeated or inappropriate invitations to go out on dates
- ☐ Sexual gestures, indecent exposure or inappropriate display of the body
- ☐ Any other unwelcome conduct of a sexual nature
- ☐ Repeated or inappropriate advances on email, social networking websites or internet chat rooms by a work colleague
- ☐ Sexually explicit email or SMS message
- ☐ Request or pressure for sex or other sexual act
- ☐ Sexually explicit pictures, posters or gifts that made you feel offended
- ☐ Sexually explicit posts or messages on social media (including Facebook, Snapchat, Instagram, etc.)
- ☐ Inappropriate staring or leering that made you feel intimidated
- ☐ No, I have not experienced any of the above behaviours.

2. How often have you experienced these behaviours?

- ☐ At least once a day
- ☐ Once every few days
- ☐ Once a week
- ☐ Once a month
- ☐ Less than once a month

3. Which of the following best describes the person(s) who behaved in that way?

[Select all that apply]

- ☐ Colleague
- ☐ Group of colleagues
- ☐ My immediate manager or supervisor
- ☐ A more senior manager than my manager
- ☐ Someone I supervise or manage
- ☐ Client/customer/patient/stakeholder
- ☐ Member of the public

4. When the harassment happened to you, did you respond in any of the following ways?

[Select all that apply]

- ☐ Tried to laugh it off or forget about it
- ☐ Pretended it didn't bother you
- ☐ Avoided the person(s) by staying away from them
- ☐ Told the person the behaviour was not OK
- ☐ Avoided locations where the behaviour might occur
- ☐ Took time off work
- ☐ Sought a transfer to another role/location/roster
- ☐ Told a colleague
- ☐ Told a manager
- ☐ Told Human Resources
- ☐ Told a friend or family member
- ☐ Told someone else
- ☐ Submitted a formal complaint (go to last question)
- ☐ Other

5. Please tell us why you did not submit a formal complaint

[Select all that apply]

- ☐ I believed there would be negative consequences for my reputation [e.g. that I would be blamed or not believed or thought to be overreacting.
- ☐ I believed there would be negative consequences for my career [e.g. opportunities for promotion, risk of being fired.
- ☐ I didn't think it would make a difference.
- ☐ I believed there would be negative consequences for the person I was going to complain about.
- ☐ I didn't need to because I made the harassment stop.
- ☐ I didn't need to because I no longer had contact with the harasser(s).
- ☐ I didn't know who to talk to or how to make a complaint.
- ☐ I was advised not to by a colleague or colleagues.
- ☐ I was advised not to by family or friend(s).
- ☐ Other

6. Were you satisfied with the way your formal complaint was handled?

- ☐ Yes
- ☐ No
- ☐ Don't know

Employee education: Male Champions of Change collaboration on the SBS Inclusion Program

Developing and implementing education programs on gender equality and related topics such as sexual harassment in the workplace can be cost prohibitive for many organisations. This is particularly so as employee, organisation and community expectations and standards on these issues continue to evolve rapidly.

In 2019, MCC partnered with Australian media company, SBS – a member of our MCC National 2016 Group – to develop a comprehensive, accessible and scalable online gender equality learning program following adult learning principles.

The gender equality module forms part of the SBS Inclusion Program and was produced using the combined expertise and experience of our coalition. It covers a range of topics including:

- » Why gender equality in the workplace matters
- » Women in leadership
- » Everyday sexism
- » Sexual harassment
- » The gender pay gap
- » Recruitment and promotions
- » Flexibility
- » Workplace responses to domestic violence

Participants learn how gender inequality manifests in organisations; how to consider the impact of certain behaviours such as those covered in this report; and actions leaders and employees can take to create more safe, respectful and inclusive workplaces for all.

Working with SBS, we have been able to create a product that specifically targets employees and middle managers who we know are often hard to reach but critical stakeholders to engage in the advancement of women in our workplaces and society.

SBS has made a considerable investment in developing the Inclusion Program, and while there is a cost to purchase it from SBS, there are clear economies of scale for organisations in accessing pre-prepared and regularly updated resources that are aligned to our gender equality goals.

For more information visit: <https://inclusion-program.com.au/gender>

A range of pathways for reporting and response

This resource has been replicated with permission from the Victorian Equal Opportunity and Human Rights Commission. The source document *Guideline: Preventing and responding to workplace sexual harassment - Complying with the Equal Opportunity Act 2010* (refer to page 74) can be found at www.humanrights.vic.gov.au/resources/sexual-harassment-guideline/.

The reporting and complaints procedure must allow for different reporting and response options. This will support complainants to come forward by giving them flexibility to choose the pathway that is right for them.

The procedure should list who a report or complaint can be made to, offering options to report to a range of people in different roles, for example, any supervisor or manager, human resource personnel, a contact officer, a health and safety officer, union representative or board members. Complainants should be free to report to someone outside of their business unit, for example, where the respondent is their manager or a member of the leadership team. The contact details of equal opportunity contact officers, health and safety officers, union representatives and external agencies, such as the Australian Human Rights Commission, should be included in the procedure.

The procedure should also provide for a range of options for responding to a report of sexual harassment and seeking to reach a resolution. See the table below, which considers the advantages and disadvantages of several options.

Some issues may, however, warrant immediate escalation to a formal process regardless of the person's preference, particularly if they are serious, constitute criminal behaviour or pose a risk to the health and safety of others in the workforce. Guidance on when complaints will be automatically escalated should be included in the reporting and complaints procedure and clearly communicated to staff.

A range of response options	
Self-management	Informal (internal) management
<p>The complainant is supported to resolve the matter on their own, provided they feel confident and safe to do so.</p> <p>Example</p> <p>The complainant raises the issue with the other person and asks them to change their behaviour.</p> <p>Advantages</p> <p>Self-management can resolve issues quickly and quietly, be non-threatening, build respect and preserve relationships.</p> <p>Disadvantages</p> <p>In some instances, it may result in victimisation or further harm or leave the complainant feeling isolated or unsupported. Employers may also miss opportunities to deal with broader cultural and systemic issues.</p> <p>Remember</p> <p>In some circumstances, self-management may be inappropriate, such as if there is a power imbalance between the parties, if it has been attempted unsuccessfully before, or if it raises safety concerns. Self-management is never appropriate if it is unsafe or against the complainant's wishes. Make sure to follow up with the complainant after any attempt at self-management to assess if further support or escalation is needed.</p>	<p>Resolving the issue internally, without a formal response or investigation.</p> <p>Example</p> <p>A manager who receives a complaint takes informal action, as agreed with the complainant. For example, the manager speaks to the worker to raise concerns about their behaviour, facilitates a discussion or mediation, observes matters with a view to stepping in if the behaviour happens again, or puts new practices in place such as changing the roster, reconfiguring the workspace or organising training.</p> <p>Advantages</p> <p>Informal management is quick and adaptable, can solve problems indirectly without confronting or alerting the respondent or identifying the complainant; it is generally less intimidating for the complainant, and can foster a culture of open and respectful conversations about behaviour and appropriate boundaries.</p> <p>Disadvantages</p> <p>Outcomes are unenforceable and may vary widely.</p> <p>Remember</p> <p>Any action that is taken should be agreed upon with the complainant. Informal responses are not appropriate for serious behaviour that would warrant discipline if substantiated, criminal conduct or where other workers may be at risk.</p>

A range of pathways for reporting and response

A range of response options	
Formal (internal) complaint	External complaint
<p>Dealing with a matter using formal internal processes, with documented findings.</p> <p>Example</p> <p>A written statement is made to someone in a position of authority or a representative from human resources, which is impartially investigated. Following an investigation, a formal finding is made and discipline or other action is taken when allegations are substantiated.</p> <p>Advantages</p> <p>Outcomes can be more readily documented, enforced and monitored. Complaints can be handled consistently, allowing employers to identify patterns or 'hidden' issues and address them at an organisational level. If required, a formal record of the investigation can be produced; for example, if the matter escalates to litigation or a complaint is made to an external agency.</p> <p>Disadvantages</p> <p>May be more time-consuming for the employer and more emotionally draining for the parties.</p> <p>Remember</p> <p>Employers must be vigilant against the risk of victimisation and re-traumatisation for complainants.</p>	<p>Referring the matter to an external body.</p> <p>Example</p> <p>The complainant makes a complaint to the Commission and the parties agree to participate in a free, confidential dispute resolution process. Alternatively, depending on the circumstances, the complainant may choose to go to a union, to the Australian Human Rights Commission, or to the Fair Work Commission.</p> <p>Advantages</p> <p>An independent, expert body can assist the employer and the parties to reach an outcome or resolution by agreement. Outcomes may become legally enforceable.</p> <p>Disadvantages</p> <p>The external process takes the complaint out of the workplace and may take longer to resolve. The employer (and/or individual facing the allegations) usually becomes a respondent to the complaint. If the employer does not voluntarily participate, the complaint cannot be resolved. If the matter cannot be resolved, the matter may be escalated to a formal court or tribunal process, which can be time-consuming, costly and more adversarial. Final determinations are usually public.</p> <p>Remember</p> <p>Each external body has a different jurisdiction and process with different benefits and outcomes. It is important to be guided by the person who has experienced sexual harassment and support them to make their own informed choice.</p>

? What to do when a bystander or other person anonymously reports sexual harassment but does not wish to make a complaint?

Response provided by: Victorian Equal Opportunity and Human Rights Commission. The source document *Guideline: Preventing and responding to workplace sexual harassment - Complying with the Equal Opportunity Act 2010* (refer to page 81) can be found at www.humanrights.vic.gov.au/resources/sexual-harassment-guideline/.

Some workers may want to disclose an experience of sexual harassment without making a formal or informal complaint. A report of sexual harassment (even an anonymous report) should be a trigger for action. It is crucial that employers respect the complainant's privacy and wishes, but these do not override the positive duty to eliminate sexual harassment from the workplace. Employers must consider the risk to other workers and take action to eliminate, or minimise, that risk as far as possible.

There are a number of steps employers can take without identifying the complainant, nor the respondent or incident that has been raised. For example:

- Recording the report in a de-identified way while ensuring the confidentiality of the complainant.
- Reiterating to all staff the organisation's sexual harassment policy, complaints procedure and available supports, and inviting workers to make complaints.
- Monitoring the alleged respondent's behaviour and intervening if new issues arise.
- Speaking with other members of the alleged respondent's team to identify whether there is a cultural issue or pattern of conduct, or surveying staff more broadly.
- Monitoring closely to ensure victimisation does not occur and intervening where issues arise.
- Having a system to collect de-identified information and data provided by disclosures, while maintaining confidentiality.
- Implementing new procedures or work systems that reduce the likelihood or opportunity for further harassment.

Employers should offer the worker referrals to counselling or other support and communicate the options for making a formal or informal complaint at a later time.

Critically, employers should also consider whether the incident raises broader cultural or systemic problems in the workplace and investigate those issues as well as the efficacy of the strategies, policies and procedures currently in place.

Responding to reports

This resource has been replicated with permission from the Victorian Equal Opportunity and Human Rights Commission. The source document *Guideline: Preventing and responding to workplace sexual harassment. - Complying with the Equal Opportunity Act 2010* (refer to page 77) can be found at www.humanrights.vic.gov.au/resources/sexual-harassment-guideline/.

Employers must ensure that responses to complaints are timely and consistent with set policies and processes, with proportionate disciplinary outcomes. There is no one-size-fits-all approach to handling complaints of sexual harassment. Employers should adopt a reporting and complaints procedure that is tailored to their particular workplace and work culture. To help get started, however, here are the basics of a suggested approach to receiving a complaint or report of sexual harassment.

A step-by-step guide to responding to complaints

1. Listen to the complainant's story

- Show empathy, respect and concern while remaining impartial. Avoid judging or blaming the complainant for the behaviour and emphasise that sexual harassment is never the fault of the person who experiences it.
- Respond promptly and commit to taking the next step within a reasonable period of time, at least within two weeks.
- Keep a confidential record of their report.

2. Assess the situation to determine if immediate action is necessary

- Consider whether urgent or precautionary workplace action (pending investigation) is necessary to avoid further harm.
- In all cases, the proposed urgent or precautionary action should be discussed and agreed with both parties, with regard to principles of procedural fairness and natural justice.
- No adverse conclusions should be presumed due to the action taken or agreed.
- Urgent action might include relocating the respondent or changing working hours or shifts, or talking with the complainant about what measures they would like to ensure their physical and psychological safety. In the case of serious allegations, urgent action can include temporarily suspending the respondent.

3. Provide information, referrals and options to the complainant

- Explain the complaint process, confidentiality, relevant timelines and options to the complainant.
- Explain any limits to confidentiality, or obligations supervisors or managers are required to take (such as recording the incident or escalating the complaint).
- Explain the criteria for whether or not an investigation will be undertaken and how it applies to the complaint.
- Inform the complainant that they are entitled to have a support person with them throughout the process.
- Support the complainant to lead the process and decide on the next steps that are right for them.
- Ask the complainant what outcome they are seeking. If that outcome is not available, explain this and discuss what a successful resolution might otherwise look like from the complainant's or organisation's perspective.
- Provide referrals to relevant support services see 'Referrals to external organisations' on page 120).
- Remind all parties and bystanders that victimisation is against the law and will not be tolerated. Discuss any urgent action that might be required to protect against it, or to otherwise protect the complainant's safety, privacy and ability to do their job, while the complaint process ensues.

4. Decide whether to informally resolve the matter or to investigate

- The decision of whether to investigate should be made with consideration of:
 - The seriousness of the allegation.
 - The wishes of the complainant.
 - The health, safety and well-being of the complainant and other workers.
 - The outcomes sought and any legal obligations.
- The decision and reasons should be recorded and communicated to the parties.
- The absence of any corroborating evidence or independent witnesses is not a valid reason not to investigate, nor is the timeliness of the complaint.
- If informally resolving the complaint, record the outcome and follow up with the complainant (go to step six).

5. Formally investigate (with the complainant's consent as appropriate)

- Advise the parties of the investigation process and the potential outcomes, including any outcomes that will be out of scope (for instance, that the investigation will not conclude with a finding of civil or criminal wrongdoing). Advise the respondent that relevant details of any outcome will be disclosed to the complainant.
- Choose the investigator, including whether they will be an in-house or externally engaged person. The investigator should be impartial, objective and have the necessary skills to conduct the investigation.
- Provide procedural fairness to both the parties, including sufficient information about the allegations and any potential workplace or disciplinary action that may be taken if the complaint is substantiated.
- Be impartial when speaking with both parties and keep them informed while the complaint is being resolved.
- Take notes and keep appropriate (confidential) records.
- Engage with the complainant in a sensitive and respectful manner, giving them as much choice and control over the process as practicable.
- Consider all information and evidence including direct evidence of the allegations (such as documentation of the conduct or witness accounts) and surrounding evidence (such as evidence that the complainant discussed their concerns to a co-worker or doctor). Parties cannot be compelled to give evidence.
- The absence of independent witnesses or directly corroborating evidence should not be solely relied on to find a complaint is unsubstantiated. Investigators should be prepared to interview the parties and make a credibility assessment where evidence is in conflict or not available.

Remember: Apply a civil standard of proof. Investigators must determine overall whether it is more likely than not that the conduct occurred ('the balance of probabilities'). In the case of *Briginshaw v Briginshaw*, the court said that more serious allegations will require stronger evidence to meet this standard. This means the seriousness of the allegation must be considered. However, employers must not apply a higher standard of proof (such as a criminal standard – 'beyond a reasonable doubt') to serious allegations.

Responding to reports

6. Take action to resolve the complaint

If satisfied that it is more likely than not that the conduct occurred, take action that holds the respondent to account for their behaviour and minimises adverse impacts on the complainant, bystanders and other workers. Actions could include, for example:

- A change to working hours or locations.
 - An apology by the respondent .
 - An agreement on protocols to manage the relationship moving forward .
 - Refresher sexual harassment prevention training.
 - Coaching or performance counselling of the respondent.
 - Disciplinary action such as a formal warning, suspension, demotion or dismissal.
- Regardless of whether the complaint is substantiated, communicate relevant details of the outcome to the complainant and the respondent.
 - If the complaint is not substantiated, consider what action could still be taken to prevent sexual harassment from occurring in the future, including monitoring the situation, reminding the parties of expected behaviour, conducting further training and awareness raising for workers.
 - Where a complaint is not substantiated, this does not mean that the conduct did not occur. Accordingly, the complainant should be treated sensitively, including being reassured that they will not face victimisation because of the outcome, and being offered referrals to relevant support services.
 - Document any decisions or outcomes. Ensure any decision-making framework for disciplinary action is consistently followed.
 - Advise the parties of any relevant options for internal review or appeal of the decision; for example, review by a more senior staff member or an external investigator.
 - Schedule a time to follow up with all parties to ensure that relevant actions are being completed, the complainant has the support they need, and issues have not resurfaced.

7. Record data

- Enter the incident into an appropriate, secure, confidential data-collection or reporting tool and safely store relevant records.

8. Debrief and reflect on lessons learned to prevent sexual harassment in the future

- Consider whether the complaint points to a broader problem in the workplace. While maintaining confidentiality, consider what wider workplace changes could be made as a result of this complaint and what further investigation and consultation might be needed to uncover and address what is happening in the workplace. This step may be necessary even where the complaint has been found to be unsubstantiated.
- Reflect on the strengths and weaknesses of how the complaint was handled. If safe and appropriate, this could include seeking feedback from workers who engaged with the process about what they felt worked well and what could be improved.

? When should external processes be used?

Response provided by: Victorian Equal Opportunity and Human Rights Commission. The source document *Guideline: Preventing and responding to workplace sexual harassment - Complying with the Equal Opportunity Act 2010* (refer to page 84) can be found at www.humanrights.vic.gov.au/resources/sexual-harassment-guideline/.

In some circumstances, handling a sexual harassment complaint internally may be impractical, counterproductive or irresponsible. For example, in circumstances where:

- The complainant does not want the matter dealt with internally.
- The employer does not have the capacity or expertise to effectively manage the complaint internally.
- The organisation is too small to be able to maintain all parties' trust and confidentiality and remain impartial; this includes where the investigator has a personal or other connection to the parties and cannot objectively consider the evidence.
- There are multiple allegations or multiple respondents, revealing a complex or systemic issue.
- The respondent is the boss, Chief Executive Officer or another senior figure.
- There are allegations that the employer has not managed complaints properly in the past, which mean the parties and/or broader workforce are unlikely to have trust in the process or outcomes.
- The matter involves criminal behaviour and/or the employer has legal obligations to report it externally.

External agencies such as the Human Rights Commission or Police (for criminal matters) can receive complaints and referrals. Employers may also choose to engage a reputable independent specialist investigator to gather evidence objectively before managing a complaint themselves.

Alternatively, where appropriate, employers can seek expert advice to assist them to deal with matters themselves.

Referring a complaint externally does not mean the employer has discharged their positive duty. Employers must still carefully consider any further action or risks to address within the workplace more broadly.

Responding to reports

What should you do if the complainant or harasser leaves the workplace before a complaint can be investigated?

Response provided by: Victorian Equal Opportunity and Human Rights Commission. The source document *Guideline: Preventing and responding to workplace sexual harassment - Complying with the Equal Opportunity Act 2010* (refer to page 84) can be found at www.humanrights.vic.gov.au/resources/sexual-harassment-guideline/.

Employers' legal obligations do not end just because a person leaves the workplace. While employers may no longer be able to formally investigate the matter, employers can – and must – still take action to address any residual risk and impacts being felt within the workplace. For example, employers should:

- Continue to provide support to the complainant (if still employed), along with any bystanders or other workers who may be affected.
- Closely monitor the respondent (if still employed) – this could involve issuing formal warnings or initiating formal performance management processes as appropriate.
- Provide clear messaging to the workforce that sexual harassment is against the law and will not be tolerated.
- Use the opportunity to reflect, learn and improve.
- Record the allegation and ensure systems are in place to alert appropriate personnel of the record if the respondent seeks re-employment with the organisation in the future (if appropriate, considering any privacy obligations that apply).

To generate learnings and improvements as a result of the complaint employers could:

- Invite the complainant to provide feedback on the complaints process and their experience in an exit interview.
- Formally evaluate what is and isn't working in their approach to sexual harassment.
- Review and update any sexual harassment policies, procedures and action plans in light of the complaint and broader issues it raised.
- Seek independent advice on their compliance with the positive duty.
- Implement an anonymous staff survey to better understand the issues in the workplace.

Responding to historical reports of sexual harassment

This resource draws on our experience of responding to historical allegations of sexual harassment for our members and others to consider. It is not intended to account for every scenario or offer legal advice, which may be required in some cases.

There may be instances where your organisation needs to respond to historical reports of sexual harassment. That is, when allegations of sexual harassment are made or resurface about the past behaviour of a current employee and where some time has elapsed since the incident. It may relate to their time with a previous employer or be raised by a former employee of your organisation.

How organisations respond, irrespective of the time that has elapsed, is important because it ensures consideration is given to the risk of a having a repeat offender in a workplace; reinforces what an organisation values and prioritises and demonstrates to internal and external stakeholders that sexual harassment is treated as a serious workplace issue.

Suggested actions

Understand the circumstances of the issue:

- **Speak to the person who raised the issue** or the person who was the subject of the harassment to understand their wishes, noting it may not always be possible to do this.
- **Speak with the person who was alleged to have sexually harassed** to understand the circumstances and their perspective.
- **Contact the former employer** to understand the circumstances, whether an investigation was conducted and what the outcome of the investigation was.
- **Make inquiries** about whether other people in your organisation have experienced or observed similar behaviour from the person.

Respond to internal and external stakeholder questions:

- **Respond to any inquiries** (for example media) consistent with the Male Champions of Change transparency principles outlined in *Disrupting the System: Preventing and responding to workplace sexual harassment*. This is particularly important in circumstances involving high-profile employees.
 - Confirm the fact of the allegation(s) and that the organisation is taking steps to understand the full picture.
 - Protect the identity of all parties until you have further information and an assessment is made by the organisation.
 - When your inquiries are concluded, be transparent with your stakeholders, as appropriate, about the steps you have taken to understand the issue, your assessment and any action your organisation has taken.

Support the people involved:

- **Offer support** as needed to the person who has been impacted by the allegations.
- **If appropriate, reach out to the person** who raised this historical issue to refer them to external support organisations who may be able to help them with any unresolved concerns.

Responding to historical reports of sexual harassment

Organisations are likely to discover one of three outcomes:

- The issue was unresolved, for example an investigation was not conducted, the investigation was never completed because of poor process or because the alleged offender resigned before the investigation was complete:
 - You may need to initiate your own inquiries to understand the circumstances, if appropriate.
 - You may then need to make an assessment of what most likely happened, based on the information you have available.
- An investigation was conducted by the former employer and the former employer advises the allegations were unsubstantiated:
 - Your organisation does not need to make any further inquiries into the matter, other than to understand the circumstances so you can respond appropriately.
- An investigation was conducted by a former employer and the allegations were substantiated:
 - Your organisation should endeavour to understand the seriousness of the issue, time passed, context of the matter and action taken by the former employer and employee (for example, restorative actions, further education).

In deciding what action to take next, there are some important considerations for organisations:

- Whether the person who was accused of sexual harassment had failed to disclose details of this issue or provided false information when asked at the time they joined your organisation.
- Whether the person who sexually harassed has insight into the impact of their behaviour or is potentially at risk of reoffending.
- Whether in today’s context, recent, substantiated sexual harassment by a senior leader responsible for employee engagement and organisational culture impacts their ability and credibility to hold a leadership position now or in the future.

Practical actions summary

01 Elevate the prevention of sexual harassment and early intervention as a leadership priority

➔ Actions for leaders

- ✓ **Develop and publicise** a gender equality strategy and action plan and strive for gender balance in the workforce.
- ✓ **Set expectations** and support leaders to address gender inequality, gender-based discrimination, everyday sexism, sexual harassment and violence against women.
- ✓ **Understand** how sexual harassment manifests in your own organisation and industry, the risks and impacts (Refer to Resources, pages 101-103).
- ✓ **Role model** standards of behaviour, addressing disrespectful and/or unlawful behaviour in the moment and empowering others to do so (Refer to Resources, pages 76–77).
- ✓ **Clearly articulate** that eradicating sexual harassment is a leadership priority (Refer to Resources, page 72).
- ✓ **Ensure all employees** – especially those with a high status – know your stance that sexual harassment, everyday sexism and unacceptable behaviour will not be tolerated in any circumstance.
- ✓ **Share leadership stories** and de-identified case studies to support individual and organisational learning and behaviour change.
- ✓ **Require oversight** of incidents and regular reporting (Refer to Resources, page 98).

➔ Fundamentals for organisations

- ✓ **Develop and share** a robust and effective standalone sexual harassment policy that responds to current issues and expectations of all employees or relaunch one with a strengthened commitment (Refer to Resources, page 84).
- ✓ **Develop and communicate** a clear position on personal relationships at work (Refer to Resources, page 96).
- ✓ **Reference** sexual harassment and its consequences explicitly in employment contracts, codes of conduct and/or performance management frameworks. Make clear to all, and in particular senior men, and with contractors, consultants and sub-contractors, that unlawful and inappropriate behaviour will have real consequences.
- ✓ **Explicitly state expectations** of behaviour in contractor, subcontractor and consulting agreements.
- ✓ **Measure and monitor** information and data that provides insight into culture, as well as reports of sexual harassment, the number and characteristics of formal allegations of sexual harassment, and also informal reports that are managed within teams.
- ✓ **Report** sexual harassment cases regularly and transparently to senior leaders, board and external stakeholders (Refer to Resources, page 98).
- ✓ **Incorporate** reporting on these issues, and the financial impact of settlements, as part of our annual reports (Refer to Resources, page 100).

02 Address sexual harassment as a workplace **health and safety** issue

➡ Actions for leaders

- ✓ **Clearly articulate** that the prevention of sexual harassment is a leadership and workplace health and safety issue to ensure the physical and psychological well-being of all employees (Refer to Resources, page 72).
- ✓ **Ensure** a risk assessment has been undertaken in your organisation (Refer to Resources, page 74).
- ✓ **Be clear** about consequences and disciplinary action for different types of behaviour and follow through where necessary.
- ✓ **Make** the consequences visible for those who have breached sexual harassment policy, by sharing aggregated and de-identified case studies.

➡ Fundamentals for organisations

- ✓ **Ensure** alignment and collaboration between leaders and the core functions responsible for preventing and responding to sexual harassment – workplace health and safety, human resources, legal and communications.
- ✓ **Adapt** workplace health and safety strategies to address sexual harassment in all its forms.
- ✓ **Include** questions about sexual harassment in employee engagement surveys or conduct standalone surveys to create a more robust and reliable measure of prevalence and high-risk work groups beyond actual complaints made (Refer to Resources, page 101).
- ✓ **Include** sexual harassment on risk registers to be managed in the same manner as other workplace safety risks.
- ✓ **Develop** Standard Operating Procedures for 'critical incidents' of sexual harassment.

03 Introduce new principles on **confidentiality and transparency** for high-profile sexual harassment cases

➡ Actions for leaders

- ✓ **Develop and endorse** new principles around transparency and confidentiality as part of our processes covering communication with parties involved, the media and the organisation.
- ✓ **Change** standard approaches to non-disclosure agreements to avoid silencing complainants and allow some transparency and disclosure to employees, stakeholders and the community.
- ✓ **Communicate** the guidelines widely so that our position is clear, supports prevention efforts and acts as a deterrent to offenders.
- ✓ **Share** internal updates on sexual harassment with the organisation.

➡ Fundamentals for organisations

- ✓ **Work** with key internal teams and relevant suppliers covering HR, Legal, Compliance and Corporate Affairs to introduce and apply the principles. Lead a change in approach and communicate it widely.
- ✓ **Build** internal updates on efforts to address sexual harassment into the schedule of staff communications.

04 Inform, empower and expect everyone to **speak up and take action** on sexual harassment in the workplace

➡ Actions for leaders

- ✓ **Establish** a common framework and language for identifying, raising and responding to sexual harassment in all its forms.
- ✓ **Build** into leadership communication, policy and practice that speaking up and taking action against sexual harassment in the workplace is an expectation on all employees, and in many circumstances a workplace health and safety obligation.
- ✓ **Create** a workplace environment that is safe for people to speak up.

➡ Fundamentals for organisations

- ✓ **Build capability** of internal teams to respond appropriately to sexual harassment.
- ✓ **Ensure** that systems, processes and communication treats sexual harassment as a type of workplace harm.
- ✓ **Help** employees to understand the range of behaviours that constitute sexual harassment and the range of responses for people impacted, observers, offenders and organisations. (Refer to Resources, page 104).
- ✓ **Provide** employees with tools and language to help them safely raise concerns about inappropriate behaviour in the moment and/or support those that may be impacted.

05 Listen to, respect, empower and support people impacted

➡ Actions for leaders

- ✓ **Establish** person-centred, safe and supportive reporting, investigation processes and responses.
- ✓ **Build capability** of internal teams to respond appropriately to people impacted by sexual harassment.
- ✓ **Develop and implement** new standards for the use of non-disclosure agreements.

➡ Fundamentals for organisations

- ✓ **Provide** multiple, confidential avenues for advice and complaints (Refer to Resources, pages 105 –107).
- ✓ **Have skilled advisory teams** in place to respond to issues when they arise.
- ✓ **Provide** the person impacted with the opportunity to guide the course of action taken, respecting their wishes for informal or formal action, where possible.
- ✓ **Appoint** peers or external experts to support all parties to a complaint (Refer to Resources, pages 118 –119).
- ✓ **If appropriate to investigate**, complete the investigation of matters in a timely, compassionate and fair manner with communication of outcomes and de-identified case studies shared with staff (Refer to Resources, pages 108 –115).
- ✓ **Ensure** there is swift, proportionate and appropriate outcomes for offenders.

Referrals to external organisations

This is a list of organisations that can help individuals seek advice and support about matters related to sexual harassment. Many offer workplaces support and education services.

Federal	
Australian Human Rights Commission	www.humanrights.gov.au Info Line: 1300 656 419 (local call) TTY: 1800 620 241 (toll free) Fax: (02) 9284 9611 Online: complaintsinfo@humanrights.gov.au
Community Legal Centres Australia	www.naclc.org.au/directory Phone: (02) 9264 9595
New South Wales	
NSW Anti-Discrimination Board	https://www.antidiscrimination.justice.nsw.gov.au/Pages/adb1_contactus/adb1_contactus.aspx Phone: (02) 9268 5544 Free call: 1800 670 812 Email: adbcontact@justice.nsw.gov.au
Legal Aid NSW	https://www.legalaid.nsw.gov.au Legal Helpline: 1 300 888 529
Victoria	
Victorian Equal Opportunity and Human Rights Commission	https://www.humanrights.vic.gov.au/for-individuals/sexual-harrassment/ Phone: 1300 292 153 Email: enquiries@veohrc.vic.gov.au
Victoria Legal Aid	https://www.legalaid.vic.gov.au Phone: 1300 792 387 Online chat: https://www.legalaid.vic.gov.au/get-legal-services-and-advice/free-legal-advice/get-help-online-with-legal-help-chat
Queensland	
QLD Human Rights Commission	https://www.qhrc.qld.gov.au/your-rights/sexual-harassment Phone: 1300 130 670, TTY: 1300 130 680 Email: info@qhrc.qld.gov.au
Western Australia	
WA Equal Opportunity Commission	www.eoc.wa.gov.au Phone: (08) 9216 3900 Email: eoc@eoc.wa.gov.au
South Australia	
SA Equal Opportunity Commission	https://eoc.sa.gov.au Phone: (08) 8207 1977 or 1800 188 163 Email: EOC@sa.gov.au If you are deaf, hard of hearing and/or have a speech impairment, contact us via: TTY: by phoning 133 677 then asking for AGD on 1800 177 076 Speak and Listen by phoning: 1300 555 727 and ask for AGD on 1800 177 076 Internet Relay: by connecting to the National Relay Service and asking for AGD on 1800 177 076
Working Women’s Centre SA	https://wwcsa.org.au Phone: (08) 8410 6499 or 1800 652 697

Northern Territory	
NT Anti-Discrimination Commission	https://adc.nt.gov.au Phone: (08) 8999 1444 or 1800 813 846 Email: antidiscrimination@nt.gov.au
NT Working Women’s Centre	https://www.ntwwc.com.au Phone: (08) 8981 0655 or 1800 817 055 Email: admin@ntwwc.com.au
ACT	
ACT Human Rights Commission	https://hrc.act.gov.au/discrimination/sexual-harassment/ Phone: (02) 6205 2222 TTY: (02) 6205 1666 FAX: (02) 6207 1034 Email: human.rights@act.gov.au Victims Support ACT: 1800 822 272 (free call)
Tasmania	
Equal Opportunity Tasmania	https://equalopportunity.tas.gov.au Phone: (03) 6165 7515 or 1300 305 062 Email: office@equalopportunity.tas.gov.au
Specialist services	
Disability discrimination	<p>If you are Deaf, have a hearing or speech impairment; you can use the National Relay Service to access any of the services listed. For other services for people with a disability, contact AccessHub</p> <p>People With Disability Australia https://pwd.org.au/get-help/discrimination/ For advocacy support, please call us on 1800 843 929 (toll free) or Email: info@wayfinderhub.com.au.</p> <p>Australia Centre for Disability Law (NSW) Voice: 1800 800 708 (9:30am to 12:30pm, Monday, Wednesday and Thursday) National Relay Service: If you are deaf, or have a hearing or speech impairment, you can contact us through the National Relay Service (NRS). Ask for Australian Centre for Disability Law on 1800 800 708. Email: advice@disabilitylaw.org.au or info@disabilitylaw.org.au (for non-legal advice) https://disabilitylaw.org.au Disability Discrimination Legal Service (Victoria) Phone: (03) 9654 8644 Email: info@ddls.org.au www.ddls.org.au</p>
Aboriginal and Torres Strait Islander Legal Services	National Aboriginal and Torres Strait Islander Legal Services Phone: (03) 9418 5928 http://www.natsils.org.au/MembersPartners.aspx (Access State and Territory based services)
Migrant legal service	Migrant Employment Legal Service (NSW) Phone: (02) 8002 1203 https://mels.org.au/contact/
LGBTQ legal services	Inner City Legal Centre (NSW) https://www.iclc.org.au/ LGBTIQ Legal Service (VIC) https://lgbtiqlegal.org.au LGBT legal service (QLD) https://lgbtilegalservice.org.au

References

Our work builds on the work of others, to whom we are grateful for their insight and inspiration.

Reviews of member organisations

Australian Human Rights Commission. 2017. Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities. https://humanrights.gov.au/sites/default/files/document/publication/AHRC_2017_ChangeTheCourse_UniversityReport.pdf (accessed September 2020).

Australian Human Rights Commission. 2012. Review into the Treatment of Women in the Australian Defence Force. <https://defence.humanrights.gov.au/sites/default/files/adf-complete.pdf> (accessed September 2020).

Consult Australia (2019) National Inquiry into Sexual Harassment in Australian Workplaces Submission https://www.consultaustralia.com.au/docs/default-source/people/submission-sexual-harassment-in-the-workplace-inquiry.pdf?sfvrsn=3c0e0519_4 (accessed September 2020).

Elizabeth Broderick & Co. 2016. Cultural Change: Gender Diversity and Inclusion in the Australian Federal Police <https://www.afp.gov.au/sites/default/files/PDF/Reports/Cultural-Change-Report-2016.pdf> (accessed September 2020).

Elizabeth Broderick & Co. 2017. Cultural Renewal at the University of Sydney Residential Colleges <https://www.sydney.edu.au/content/dam/corporate/documents/news-opinions/Overarching%20Report%202017.pdf> (accessed September 2020).

Fire and Emergency NZ. 2019 Independent Review of Fire and Emergency New Zealand's Workplace Policies, Procedures and Practices to Address Bullying and Harassment. <https://fireandemergency.nz/assets/Documents/Research-and-reports/workplace-review/Positive-Workplace-Culture-Review-Report.pdf> (accessed September 2020).

Government of Western Australia, Department of Fire and Emergency Services. 2018. Review of response to a complaint and approach to gender inclusion [https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4011467a71f41099398adf6d482582e9002a9bde/\\$file/1467.pdf](https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4011467a71f41099398adf6d482582e9002a9bde/$file/1467.pdf) (accessed September 2020).

Male Champions of Change. 2019. Harnessing Our Innovation Potential: Gender Equality in STEM https://malechampionsofchange.com/wp-content/uploads/2019/08/Harnessing-Our-Innovation-Potential_Stem-Survey-Report-2019.pdf (accessed September 2020).

New South Wales Parliament, Legislative Council. Portfolio Committee No. 4 – Legal Affairs. 2018 Emergency services agencies. 2018. <https://www.parliament.nsw.gov.au/lcdocs/inquiries/2442/Emergency%20services%20agencies%20-%20Final%20report%20-%2024%20July%202018.pdf> (accessed September 2020).

Queensland Government, Department of Premier and Cabinet. 2014 Independent Review of an Incident Involving Queensland Fire and Emergency Services Employees. <https://www.premiers.qld.gov.au/publications/categories/reports/assets/qfes-report.pdf> (accessed September 2020).

Science & Technology Australia (2018), Sexual Harassment in the Workplace, <https://scienceandtechnologyaustralia.org.au/wp-content/uploads/2019/02/STA-Submission-Sexual-harassment-in-the-workplace-.pdf> (accessed September 2020).

State of Victoria (Victorian Equal Opportunity and Human Rights Commission). 2020. Guideline: Preventing and Responding to Workplace Sexual Harassment. https://www.humanrights.vic.gov.au/static/Resource-Guidelines-Workplace_sexual_harassment-Aug20-c1aac440cb9e735d67747e7bdcdfb5fe.pdf (accessed September 2020).

State of Victoria (Victorian Equal Opportunity and Human Rights Commission). 2015. Independent review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police. https://www.humanrights.vic.gov.au/static/Resource-Independent_Review_Victoria_Police-Phase_1-2015-c6047d1e6cb4d96861b332cd9295691cd.pdf (accessed September 2020).

Victoria Auditor-General's Office. 2019. Independent assurance report to parliament: Sexual Harassment in the Victorian Public Service. <https://www.audit.vic.gov.au/sites/default/files/2019-11/20191128-Sexual-Harassment-report.pdf> (accessed September 2020).

Women's Legal Service of Victoria., 2019. Sexism and Gender Inequality in the Victorian Legal and Justice Sector: Phase one discussion paper. Melbourne, Australia. <https://www.womenslegal.org.au/files/file/Starts%20With%20Us%20discussion%20paper.pdf> (accessed September 2020).

Other resources

Australian Human Rights Commission. 2018. Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces. https://humanrights.gov.au/sites/default/files/document/publication/AHRC_WORKPLACE_SH_2018.pdf (accessed September 2020).

Australian Human Rights Commission. 2019. Everyone's Business: Sexual Harassment of SDA members <https://humanrights.gov.au/everyones-business-sexual-harassment-sda-members> (accessed September 2020).

Australian Human Rights Commission. 2020. Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces. https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wsh_report_2020.pdf (accessed September 2020).

Australian Human Rights Commission. 2020. Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces – Community Guide. https://humanrights.gov.au/sites/default/files/document/publication/ahrc_respectwork_community_guide_2020.pdf (accessed September 2020).

Diversity Council of Australia. 2018. Myth Busting Sexual Harassment at Work: Using Evidence to Debunk Common Myths and Assumptions. Sydney, Australia.

Dzau, V. and Johnson, P.A.J., 2018. Ending Sexual Harassment in Academic Medicine. *The New England Journal of Medicine*, 25 October 2018, 1589–1591.

Elizabeth Broderick & Co. 2017. Effectively Responding to Sexual Harassment and Sexual Assault at James Cook University <https://www.jcu.edu.au/safety-and-wellbeing/jcu-respect-now-always-commitment-and-reviews/Broderick-Review-Report-JCU-2017.pdf> (accessed September 2020).

Elizabeth Broderick & Co. 2018. University of Canberra: Creating a Safe and Inclusive Community for Living and Learning <https://www.canberra.edu.au/safe-community/safe-and-respectful-community/respect.now.always/documents/Broderick-Report-to-University-of-Canberra.pdf> (accessed September 2020).

Equality and Human Rights Commission. 2019. The Use of Confidentiality Agreements in Discrimination Cases. <https://www.equalityhumanrights.com/sites/default/files/guidance-confidentiality-agreements-in-discrimination-cases.pdf> (accessed September 2020).

Our Watch. 2015. Change the Story: A Shared Framework for the Primary Prevention of Violence Against Women and their Children in Australia. <https://d2bb010tdzqaq7.cloudfront.net/wp-content/uploads/sites/2/2019/05/21025429/Change-the-story-framework-prevent-violence-women-children-AA-new.pdf> (accessed September 2020).

UN Women. 2018. Towards an End to Sexual Harassment: The Urgency and Nature of Change in the Era of #metoo. <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/towards-an-end-to-sexual-harassment-en.pdf?la=en&vs=4236> (accessed September 2020).

UN Women. 2019. Addressing Violence and Harassment Against Women in the World of Work. <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf?la=en&vs=4050> (accessed September 2020).

UK Parliament. 2019. The House of Commons Women and Equalities Committee, The use of non-disclosure agreements in discrimination cases, Ninth Report of Session 2017–19. <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/1720/1720.pdf> (accessed September 2020).

WorkSafe Victoria. 2020. Work-related gendered violence including sexual harassment. <https://content.api.worksafe.vic.gov.au/sites/default/files/2020-03/ISBN-Work-related-gendered-violence-including-sexual-harassment-2020-03.pdf> (accessed September 2020).

ACKNOWLEDGE

The work of Male Champions of Change is continuously informed and inspired by feedback and ideas from our employees, partners, peers, stakeholders and expert advisors. Their input is invaluable in shaping our priorities and the action we take.

We know that experiences of sexual harassment are particularly difficult to share. We are so indebted to the 50,000+ people from across our MCC coalition who contributed to cultural reviews, industry-wide surveys and insight reports so that we may listen and learn.

We thank Kate Jenkins, Sex Discrimination Commissioner and her team for the National Inquiry into Sexual Harassment in Australian Workplaces. We appreciate Ms Jenkins' leadership on this issue and acknowledge all those who shared their experiences to inform the Inquiry and the recommendations.

Acknowledgements

The work of Male Champions of Change is continuously driven by ideas, insights and feedback from members of our coalition. This includes Champions of Change, Special Advisors, Convenors, Program Directors, Implementation leaders and subject matter experts within member organisations who generously give their time and expertise to advance major projects such as this one.

We are particularly grateful to the Male Champions of Change National Group established in 2015 for their leadership on this report. Our sincere thanks to Convenor James Fazzino, Program Director Lisa Whiffen, the Champions of Change, Special Advisors and Implementation Leaders for this group. Thank you to Julie Bissinella, MCC Communications Director for her invaluable contribution.

We would also like to thank Kate Jenkins Australian Sex Discrimination Commissioner for her leadership, valuable advice and tireless work on this issue. We recommend her ground-breaking report Respect@work to all who are interested in leading change on this issue.

We are deeply indebted and grateful to the following people and organisations who provided their extensive expertise, insights and critique across major sections of this report:

Organisation	Expert Advice
Ashurst	Jane Harvey
Ashurst	Jon Lovell
Australian Gender Equality Council	Victoria Weekes
Boldface	Andy Quan
Disability Leadership Institute	Christina Ryan
Diversity Council of Australia	Lisa Annese
Governance Institute	Megan Motto
Independent expert	Alexandra Shehadie
MinterEllison	Amanda Watt
MCC National 2015 group, former member	Ben Rimmer
Independent expert	Anna Davis
Our Watch	Patty Kinnersly
Our Watch	Christine Gregory
QUT Business School, Queensland University of Technology	Paula MacDonald
Rape and Domestic Violence Services Australia	Karen Willis
Redfern Legal Centre	Sharmilla Bargon
RMIT	Sara Charlesworth
Shayla Melrose Design	Shayla Melrose
University of Technology Sydney	Karen O'Connell
Victorian Equal Opportunity and Human Rights Commission	Kristen Hilton
Workplace Gender Equality Agency	Libby Lyons
Workplace Gender Equality Agency	Janin Bredehoeft

For more information please contact:

Annika Freyer
CEO
Male Champions of Change
mcc@malechampionsofchange.com



About Male Champions of Change

Male Champions of Change is a coalition of CEOs, secretaries of government departments, non-executive directors and community leaders. Male Champions of Change believe gender equality is a major business, economic, societal and human rights issue. Established in 2010, by Elizabeth Broderick AO, our mission is to step up beside women to help achieve gender equality and a significant and sustainable increase in the representation of women in leadership.

malechampionsofchange.com

