



Australian Gender Equality Council

working for balance

Respect@Work

Member Resources

July 2021





Aligning sexual harassment policy to the respect@work report recommendations

In early 2020, Sex Discrimination Commissioner, Kate Jenkins launched **Respect@Work**, the Australian Human Rights Commission's report of the National Inquiry into Sexual Harassment in Australian Workplaces 2020. It found 1-in-3 Australians have experienced sexual harassment in the workplace in the past five years.

Workplace sexual harassment is prevalent and pervasive: it occurs in every industry, in every location and at every level, in Australian workplaces. Australians, across the country, are suffering the financial, social, emotional, physical and psychological harm associated with sexual harassment. This is particularly so for women.

Through a package of 55 recommendations, Respect@Work proposes a new approach for government, employers and the community to better prevent and respond to sexual harassment in the workplace, and position Australia as a world leader in addressing workplace sexual harassment.



Aligning sexual harassment policy to the respect@work report recommendations

The new approach is focused on five key areas:

- 1 Data and research to deliver useful industry-based information about the nature of sexual harassment and effectiveness of actions.
- 2 Primary prevention of sexual harassment through education, media and community-wide initiatives.
- 3 A refocused legal and regulatory framework, which recognises the mutually reinforcing roles of workplace, safety and human rights laws.
- 4 Better workplace prevention and responses, which are leader-driven, victim-centred, practical and adaptable.
- 5 Better support, advice and advocacy for people who experience sexual harassment.



There are several recommendations relevant to industry and employers

Section 6 of the report and recommendation 47 in particular has specific relevance to the workplace.

Recommendation 47: Key industry and professional groups (unions, employer associations, employers and other industry bodies) collaborate to establish industry and profession-wide initiatives to address sexual harassment, for Australian workplaces of all sizes. Initiatives may include industry-wide prevalence surveys, awareness-raising campaigns on industry-specific issues, or the development of industry-specific policies or accreditation requirements.



So what can your workplace do to improve Respect@Work?

To help you identify initiatives that could help your business respond proactively to the finding of this ground breaking report we have pulled together this set of recommendations and some associated resources in relation to three areas for systemic focus. We believe that considering changes in each of these areas will improve workplace prevention and response, to ensure a leader-driven, victim-centred, practical and adaptable approach.



Focus Area 1:
Integration into Safety Management Systems



Focus Area 2:
Taking a Victim Centric Approach



Focus Area 3:
Ensuring a Psychologically Safe Workplace Culture

What does this mean?

Treating sexual harassment as a safety risk like any other risk. Completing risk assessments, and incident investigations and reporting on number of incidents reported by location. Preparing safety shares so that other locations can learn and implement measures to prevent incidents occurring.

What does this mean?

Ensure anyone who reports harassing behaviour is heard, and empathically supported and that all possible steps are taken to achieve an outcome they are satisfied with.

What does this mean?

Having a 'truth-telling' culture where people feel safe to report behaviour and display positive bystander behaviours (being an upstander!). Leaders are able to receive 'bad news' without a defensive or aggressive reaction.



Questions to ask yourself with to ensure Safety@Work

The following table provides you with three areas of systemic focus, with some key questions to ask yourself with respect to each area and some helpful resources for reference.



Focus Area 1:
Integration into Safety
Management Systems



Focus Area 2:
Taking a Victim Centric
Approach



Focus Area 3:
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Safe Workplace Culture

Questions to ask

- Are respect@work incidents (harassment, bullying, discrimination) considered in the same way as any other safety risk in your organisation?
- Are reports of respect@work incidents tracked by function/department and #'s reported to the executive as per safety incidents?

Questions to ask

- Is there separation of responsibility between receipt of report, mediation, investigation and remediation (versus HR being responsible for it all)
- Does the victim maintain control over forward actions being taken on their behalf? (or is it handed over to the process and taken out of the victims hands)

Questions to ask

- Do Leaders and Managers actively role model positive bystander behaviours? – **that is they do not walk past behaviour that it out of line with expectations – particularly from their own colleagues or direct reports**
- Does your organisation facilitate training to enable courageous bystander conversations and appropriate workplace conduct, including on social media?

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Questions to ask

- Are the learnings from respect@work incidents captured and shared in the same way as physical safety incidents? (for example as per safety shares?)
- Do your safety audits capture behavioural observations in the workplace that could be increasing the risk of respect@work incidents?

Questions to ask

- Are people who receive the first reports trained to receive them without judgement or question, and able to sign post for the person the options for remedial action?
- Do we immediately provide people who are reporting as much support or direction as possible – are these directions up to date?
- How are NDA's used? (how about only drafting NDA's when requested by the victim?)
- Have HR, Safety, Legal and Management had input into the processes for prevention and management of these issues? Is there a mechanism for ensuring that this quadrangle approach is maintained when managing incidents?

Questions to ask

- Are your corporate values aligned to behaviour and explicitly communicated to help people understand the direct link – what is and what isn't in alignment with our values?
- Is explicit permission given/communication sent by senior leaders that enables people to step in and be an 'upstander' in line with values?
- Does your organisation enable reporting of harassment, bullying etc by others (not just the victim)?
- Do people have multiple points of contact they can go to report behaviour that is not ok for them? – not just their line manager or HR. (ideally people trained to listen and advise options to resolve)



Questions to ask yourself with to ensure Safety@Work



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Questions to ask

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- Does your organisation have methods to re-introduce people back into the workplace post an issue, with remedial team building expertise?

Questions to ask

Resources



Focus Area 1: Integration into Safety Management Systems

- [Safe Work Australia](#) has a good selection of safety related tools etc
- [Safe Work Australia – National guidance material for preventing workplace sexual harassment](#): this guide is one of the tools that is particularly good.
- [Minter Ellison](#) do a pretty good summary of the safe work australia guide in their 5 minute read article
- [Champions of Change Coalition – Disrupting the System. Preventing and responding to sexual harassment in the workplace](#): this Champions of Change piece articulates the safety connection very well
- [Works Safe Victoria – information for employers](#): each state safety authority will also have resources.



Focus Area 2: Taking a Victim Centric Approach

- [The Notion of Truth and Our Evolving Understanding of Sexual Harassment](#): we need to move away from this pervasive myth that women lie about harassment. The data does not support this assertion. This is an extremely interesting scholarly article looking at the 'reasonable person' and bias in legal process as it related to sexual harassment. (US)
- [Champions of Change Coalition – Disrupting the System. Preventing and responding to sexual harassment in the workplace](#): this Champions of Change piece has terrific guidance on how to manage confidentiality whilst still maintaining a victim centric approach



Focus Area 3: Ensuring a Psychologically Safe Workplace Culture

- [Generative Learning: How to lead for learning: it's safety first](#): a white paper by Dr Karen Morley
- [Male Champions encouraging positive bystander behaviour](#): a really interesting initiative by YWCA in Adelaide
- [The Mate Bystander Program](#) – #besomeonewhodoessomething
- [Psychological safety and the critical role of leadership development](#): a useful paper from McKinsey

Resources

In relation to [Focus Area 2: Taking a Victim Centric Approach](#), ensure your policy and communications refers people to a range of options of support – not just your EAP or the 1800 line.

[Victorian Equal Opportunity & Human Rights Commission](#) provides a 'bot' that helps any impacted by sexual harassment to navigate the system and the issue – I gave it a go – it was actually pretty good as a first point of call.

National sexual assault support lines:

- 1800RESPECT national helpline: 1800 737 732
- Sexual Assault Counselling Australia: 1800 211 028

Other resources that can help:

- Lifeline (24-hour crisis line): 131 114
- LGBTIQ+ Violence Service: 1800 497 212
- Victims of Crime (or your state or territory's Victims of Crime service): 1800 819 817

Local sexual assault support lines:

- Sexual Assault Crisis Line (VIC): 1800 806 292
 - NSW Rape Crisis Counselling Service: 1800 424 017
 - Canberra Rape Crisis Centre (ACT): (02) 6247 2525
 - Sexual Assault Referral Centre (NT): (08) 8922 6472 (Darwin) or (08) 8952 6075 (Alice Springs)
 - Sexual Assault Helpline (QLD): 1800 010 120
 - Yarrow Place (SA): (08) 8226 8787
 - Sexual Assault Support Service (TAS): 1800 697 877
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