

# Disrupting the System

Preventing and responding to  
**sexual harassment** in the workplace

# 04

## Sexual Harassment: Inform and empower everyone to act



## 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



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

# 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 of 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.

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# Identifying, understanding and responding when sexual harassment occurs





## Range of responses

### Early intervention



#### Options for individuals impacted

- 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.

#### Options for observers and those who know of conduct

- 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.

#### Options for individuals who may have caused offence

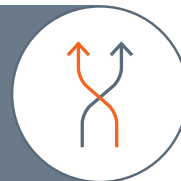
- Stop the behaviour.
- Accept the perspective of the offended person.
- Reflect on the issues raised and your behaviour.
- Commit to not repeat the behaviour.
- Apologise sincerely.

#### Options for organisations

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





## Range of responses

### Formal 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"> <li>Report the incident in your preferred way, e.g. your manager, peer contact, or organisation's advisory/ integrity team.</li> <li>Speak with an external expert advisory organisation, e.g. Human Rights Commission.</li> <li>Make an anonymous report which may support other reports of a known pattern of behaviour.</li> <li>Seek counselling or other psychological support if needed.</li> <li>Keep a diary of the experiences you have had.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure the person impacted is safe and check in on them if appropriate.</li> <li>Report the issue to your organisation's advisory or integrity team.</li> <li>Participate in any inquiries or investigations about the incident(s).</li> <li>Keep details of the incident or investigation confidential.</li> </ul>	<ul style="list-style-type: none"> <li>Stop the behaviour.</li> <li>Cooperate with the investigation.</li> <li>Keep details of the incident or investigation confidential.</li> <li>Understand and take restorative actions needed, including compliance with any orders or participation in behaviour change programs.</li> <li>An apology may be appropriate if sought by the person impacted and structured with support people.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure the person impacted is safe.</li> <li>Support the individual impacted and understand how they would like the issue managed.</li> <li>Provide access to EAP, peer or specialist support for all parties</li> <li>Issue a no-fault stand down for the offender pending investigation.</li> <li>Consider reporting obligations to the senior leadership team and Board.</li> <li>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.</li> <li>Support the individual's choice to take the matter to an external body for resolution.</li> <li>Keep all parties updated on process, timeframes and outcome.</li> <li>Communicate with internal and external stakeholders as relevant and aligned to the transparency principles throughout the process.</li> <li>Action disciplinary, financial or other career consequences appropriate to the context and circumstances, which may include termination of employment.</li> <li>Record and report numbers of incidents, themes and restorative and preventative action to the senior leadership team and Board on a regular basis.</li> <li>Support the impacted person to continue to thrive in their career.</li> <li>Monitor and report long-term impacts on parties involved, e.g. promotion, retention.</li> </ul>

## Where an alleged criminal offence has occurred



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"> <li>Take action to ensure your safety.</li> <li>Report the incident to the organisation in your preferred way, e.g. your manager, peer contact, or organisation's advisory/ integrity team.</li> <li>Speak with an external expert advisory organisation, e.g. Human Rights Commission.</li> <li>Seek counselling, psychological or medical support if needed.</li> <li>Report the issue directly to the police.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure the person impacted is safe and receives medical treatment, if required.</li> <li>Support the individual impacted and understand how they would like you to help.</li> <li>Accompany or support the individual to report the incident to the police.</li> <li>Report the issue to your organisation's advisory or integrity team.</li> <li>Keep details of the incident or investigation confidential.</li> </ul>	<ul style="list-style-type: none"> <li>Stop the behaviour.</li> <li>Cooperate with the investigation.</li> <li>Keep details of the incident or investigation confidential.</li> <li>Understand and take restorative actions needed once the investigation is concluded, including compliance with any orders or participation in behaviour change programs.</li> <li>An apology may be appropriate if sought by the person impacted and structured with support people.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure the person impacted is safe and receives medical treatment, if required.</li> <li>Support the individual to report the incident to the police, if they chose to.</li> <li>Issue a no-fault stand down for the offender pending investigation.</li> <li>Report the issue immediately to the senior leadership team and Board.</li> <li>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.</li> <li>If the police do not charge you may still need to consider obligations to act.</li> <li>Provide access to EAP, peer or specialist support for all parties</li> <li>Communicate with internal and external stakeholders as relevant and aligned to the transparency principles throughout the process.</li> <li>Action disciplinary, financial or other career consequences appropriate to the context and circumstances, which may include termination of employment.</li> <li>Record and report numbers of incidents, themes and restorative and preventative action to the senior leadership team and Board on a regular basis.</li> <li>Monitor and report long-term impacts on parties involved, e.g. promotion, retention.</li> </ul>

\* 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.

## Disrupting the System

This resource is an extract from *Disrupting the System - Preventing and responding to sexual harassment in the workplace*. Find the full report here:

[championsofchangecoalition.org/resource/disrupting-the-system/](https://championsofchangecoalition.org/resource/disrupting-the-system/)

## About Champions of Change Coalition

Champions of Change Coalition Members include CEOs, secretaries of government departments, non-executive directors and community leaders. 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.

[championsofchangecoalition.org](https://championsofchangecoalition.org)

