

Disrupting the System

Preventing and responding to
sexual harassment in the workplace

05

Sexual Harassment: Respect and support impacted people



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

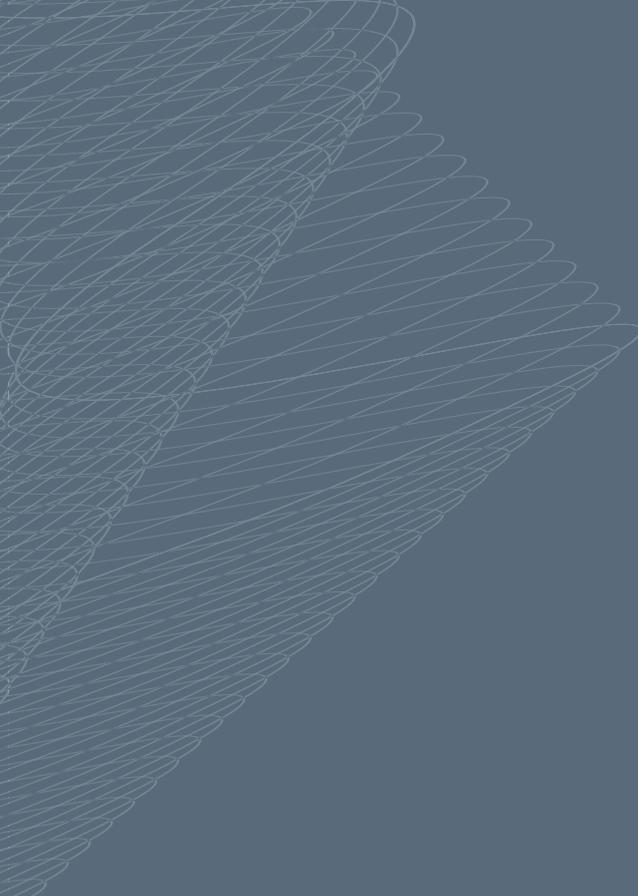
04

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

Building 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.



Listen to, respect, empower and support people who speak up



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.



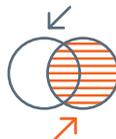
Investigations are concluded as quickly as possible while ensuring the approach prioritises the ethical over expediency.



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.

SUMMARY

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 *Disrupting the System*, 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 *Disrupting the System*, 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 *Disrupting the System*, pages 108–115).
- ✓ **Ensure** there is swift, proportionate and appropriate outcomes for offenders.

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/

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

