

30 | July | 2021

To whom it may concern,

Independent Review into Commonwealth Parliamentary Workplaces

The Champions of Change Coalition would like to contribute 'Disrupting the System: Preventing and responding to sexual harassment in the workplace' to the Independent Review into Commonwealth Parliamentary Workplaces (the Review).

Disrupting the System was developed by Members of the Champions of Change and offers insights, practical actions and resources to disrupt ineffective systems for managing sexual harassment within organisations. It aims to guide future approaches taken by leaders and their organisations.

The report has been informed by consultation over two years with people who deal with sexual harassment complaints within organisations, including CEOs, Non-Executive Directors, human resource leaders, legal advisors and communications teams. Academics, community lawyers, federal and state human rights commissioners and other experts in the field were also engaged. The resource also paid particular attention to the Respect@work – the findings of the National Inquiry into workplace sexual harassment.

Disrupting the System defines the Champions of Change Coalition's zero tolerance position on sexual harassment and proposes a range of disruptive system shifts designed to, first and foremost, prevent sexual harassment in the workplace through the creation of safe, respectful and inclusive environments for all. Early intervention to avoid repetition or escalation when the behaviour occurs is critical; as is ensuring safer organisational responses and support for those impacted when reports are made.

The 5 key focus areas for prevention and responding to sexual harassment in the workplace are:

1. Leaders must develop workplace cultures that prioritise safety, respect and inclusion for all – this includes a focus on gender equality.
2. Eliminating sexual harassment must be central to strategies and systems already in place to ensure workplaces are physically and psychologically safe. Like our occupational health and safety obligations.
3. New dynamics around transparency and confidentiality are required. This is particularly important when it involves the most senior people in our organisation. While confidentiality remains a cornerstone of natural justice – when investigations prove a case of sexual harassment, stakeholders have higher expectations of transparency.
4. All employees must understand what constitutes sexual harassment in all its forms and be supported, be safe and be expected speak up about issues they observe or know of, with sensitivity to the wishes of the impacted person.
5. Safety, respect and support must also be provided for people who experience sexual harassment. This means ensuring their wishes are listened to and guide how issues are handled, and that employee well-being is prioritised over the power, position and previous achievements of alleged offenders.

The 255+ Members of Champions of Change Coalition represent 220+ organisations operating in 155 countries and covering 1.5m employees globally. Members cover every major sector of the economy and include representatives from business, government, community, academic and not-for-profit organisations.

We contribute this resource in support of the work of the Australian Human Rights Commission and for other organisations to consider, adopt and/or adapt to help accelerate change and eradicate sexual harassment from all workplaces.

Regards



Annika Freyer
CEO

Champions of Change Coalition

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, Champions of Change Coalition

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

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INTRODUCTION

Over the past 18 months, Members of Champions of Change Coalition have looked deeply at the issue of sexual harassment in the workplace.

This work forms part of our broad and long-term 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.

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 male leaders 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 Champions of Change Coalition 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 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 Champions of Change Coalition 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 Member 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.

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.

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.

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.

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.

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 mindset, 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.

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

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

CURRENT STATE



FUTURE STATE

Disrupting our mindsets, management systems and processes

01

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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.

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

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

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

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Listen to, respect, empower and support people impacted

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

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.

Potential external language

'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.'

Explanation

- 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.

02 The identity of those involved will be protected by our organisations at all times during the investigation process.

Potential external language

'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.'

Explanation

- 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.

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.

Potential external language

'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.'

Explanation

- 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.

» 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

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

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 organisations 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.

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Listen to,
respect, empower
and support
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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.

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 Member 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.

Addressing everyday sexism

This resource is an extract from the Champions of Change Coalition report *We Set the Tone: Eliminating Everyday Sexism*. The full report can be found at championsofchangecoalition.org/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.

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.

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 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).

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-harrasment/ 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	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 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 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
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

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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

