



# National Industry Code to Eliminate Sexual Harassment



## What are the expectations of MCA member companies under the code?

### Prevention measures

#### Awareness and education

- Emphasise the serious risk to safety, health and wellbeing that can arise from sexual harassment
- Visual promotion and regular education demonstrating commitment to eliminating sexual harassment
- Expectations embedded through training, inductions, supplier engagements and business relationships.

#### Cultural and governance frameworks

- Organisational values that support safety, health, and psychological wellbeing
- Systems and procedures that enable and empower our people to recognise, prevent and act
- Supportive and confidential avenues for informal and formal reports
- Identify specific risks arising in offices, operations, workshops, camps, and travel and implement and review control measures.

#### Leadership

- Clear, consistent, and authentic messaging across the business on organisational values
- All sexual harassment reports are treated seriously, confidentially and sensitively
- Shape a respectful culture that supports speaking up and active bystander behaviours.

### Response measures

#### Support and protect

- Ensure people feel supported and respected when exercising their right to report an incident
- Consider appropriate alternate working arrangements to support the reporter
- Encourage use of company support services and facilitate access to external services for current and previous employees
- Take reasonable steps to protect individuals from victimisation or reprisals.

#### Investigating concerns and/or incidents

- Take immediate action to investigate when a complaint is made and resolve issues promptly
- Ensure the investigation process is managed sensitively, confidentially and as efficiently as practicable
- Clearly document and communicate the process and expectations for investigations
- Provide counselling and support to all affected persons following conclusion of an investigation.

#### Communication

- Communicate outcomes of completed investigations in a sensitive and timely manner
- Enable reporters to speak openly about experiences
- Avoid the use of non-disclosure clauses in any agreements with impacted persons of sexual harassment.

#### Consequences

- Fair and proportionate application of consequences
- Clearly outline the actions that may result if an individual is found to have engaged in sexual harassment.



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## What is sexual harassment?

Sexual harassment is behaviour characterised by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation.

Sexual harassment can impact a person physically, emotionally, and psychologically with long term effects. Sexual harassment is against the law and must be eliminated from our industry's culture and workplaces. All Australian workplaces now have a positive duty to eliminate, as far as reasonably practicable, unlawful behaviour from occurring.

## Why have we updated the national industry code to eliminate sexual harassment?

It has been three years since the original release of this code. To continue the [mining industry's commitment to eliminating sexual harassment](#), the MCA remains committed to the *National Industry Code to Eliminate Sexual Harassment*.

The release of the Australian Human Rights Commission's [Time for Respect: Fifth National Survey on sexual harassment in Australian Workplaces](#) highlighted the work the mining industry has done to reduce the prevalence of sexual harassment, with 8 per cent less reported incidents (from 40 per cent to 32 per cent from 2019 to 2023), this now puts mining below the national average of 33 per cent. This is a significant improvement, but there is a long way to go. This code establishes clear expectations on member companies in developing a culture of respect that empowers individuals to raise concerns in a supportive and protected way.

## What resources are available?

The MCA released the *Respectful Workplaces Toolkit* to assist members in facilitating respectful workplaces. The toolkit is a suite of guidance and fact sheets, to help industry understand the need for eliminating sexual harassment. The toolkit also provides some reasonable steps companies and leaders can take to ensure a safe and respectful working environment. In line with the recommitment to this code, the toolkit has been updated and can be found on the [MCA website](#).

## How can MCA members formally commit to the code?

The MCA Board has determined that all members are required to confirm their commitment to eliminating sexual harassment and adopting the national industry code.

MCA members can confirm or reaffirm their commitment to eliminating sexual harassment and the *National Industry Code to Eliminate Sexual Harassment* via [Eliminating Sexual Harassment](#).