

RESPECT @WORK



MCA INDUSTRY TOOLKIT

The minerals industry is committed to eliminating sexual harassment in its workplaces and has adopted a national Industry Code that provides clear expectations on members to establish both preventative and response measures to address sexual harassment.

This document is part of the MCA Industry Toolkit that has been developed for our members and their employees and comprises a suite of Fact Sheets, Guidance and Templates.

GUIDANCE

Empowering bystanders – What should I do if I see or hear about sexual harassment at work?

An important strategy for eliminating sexual harassment is to encourage bystanders to take action. A bystander is someone who observes sexual harassment firsthand or hears about it subsequently.

The Australian Human rights Commission's 2018 survey¹ found that less than one in five instances of harassment are reported. It also found that only a small proportion of bystanders took action about sexual harassment in their workplace: 38% of people said they witnessed or heard about sexual harassment in their workplace in the last five years, but of these, only 35% said they took any action.

Sexual harassment was more likely to be witnessed by someone else in the mining industry (48% compared to 40% across all industries).

Active bystanders are crucial for reducing sexual harassment in the workplace, due to the high proportion of incidents that go unreported.

Bystander action is an effective strategy to address sexist language, sex discrimination and sexual harassment and an important part of what you do to provide a safe and inclusive environment. It can include early intervention during incidents preventing further harm, victim support, cultural development and future occurrence reduction through deterrence and awareness.

Bystander actions can cultivate more equal and respectful relationships, increasing the retention of women in your organisation and improving the productivity and morale of all employees².

What/Who is a bystander?

A bystander to sexual harassment is someone who witnesses an occurrence, or who hears about it after it has occurred. Examples of someone who may be a bystander to sexual harassment may include:

¹ Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (2018)

² <https://www.vichealth.vic.gov.au/media-and-resources/publications/bystander-action-toolkit>

- An employee who witnesses a colleague making disparaging or offensive comments to another employee.
- A witness to an unsolicited or unwanted sexual advance made by a colleague toward another employee or contractor.
- An employee that has identified a workplace process or policy that unreasonably discriminates against a particular sex or demographic of employees.
- An employee who hears the use of sexually inappropriate or discriminatory language used at a social event.
- An employee who hears about an incidence of sexual harassment and wants to take further action.

Removing barriers to bystander action

Bystanders may be uncomfortable in taking action, similar to individuals who are not comfortable in reporting an incident of sexual harassment directed at them. These concerns may include, lack of awareness on inappropriate and/or unlawful behaviours, low expectations of reporting mechanisms, a fear they will be the next target, and a concern of the potential negative impacts of reporting on career are key factors that discourage bystander action

Whilst the behaviour is not directed at them, it can also cause a profound impact to them - physically, psychologically and professionally. Witnessing or hearing about sexual harassment in the workplace can also create team conflict. Co-workers may feel compelled to 'take sides', particularly where victims or harassers are actively seeking their support or advice.

The 2018 National Survey found that one in ten bystanders who took action after witnessing sexual harassment were ostracised, victimised or ignored by colleagues, while 9% were labelled as troublemakers and 6% resigned after taking bystander action³.

It is important to empower, encourage and enable *bystanders* to call out unacceptable behaviours. To do so, organisations must ensure they educate their employees, contractors and suppliers to identify sexual harassment, and provide an understanding of what options they have to prevent it if it occurs.

What can a bystander do?

If you see sexual harassment happening or hear about it, you may choose to do one or more of the following:

- If you feel safe and comfortable doing so, tell the other person that you object to their behaviour and ask that it stop.
- Talk to the person experiencing harassment. One of the best things you can do is to listen and ask them what support they need. You can also help them find information so they can decide what to do next.
- You should report sexual harassment to a supervisor, human resources area or the person designated by your organisation, while also considering any privacy concerns of the person you are reporting on behalf of.
- Talk to your employer or your representatives about a sexual harassment policy, prominently displaying and communicating the policy in your workplace, raising awareness about sexual harassment and providing training to all workers.

A bystander's action will depend on the situation, however the priority should always personal safety and the safety of the person who is being harassed.

³ Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (2018)

Some roles in an organisation may have a duty to report sexual harassment and check that processes are being followed.

Providing support to bystanders

Bystander action is more likely to be taken if it is actively encouraged and supported by employers.

The Australian Human Rights Commission *Know the line*⁴ campaign provides a range of useful resources to drive awareness and to educate organisations and individuals on how being an active bystander can provide a huge contribution to the wellbeing and safety of themselves and others.

It is important to note that organisations should make sure they do not use bystander strategies as a way of transferring the responsibility of addressing sexual harassment onto individuals.

Employers should provide^{5,6}:

- education on what sexual harassment looks like in the workplace and examples of how bystanders can intervene to stop and prevent sex discrimination and sexual harassment based on different scenarios
- an understanding of bystander's role in the workplace and importance of them calling out bad behaviour
- complementary culture and behaviour training
- information on the protections available to bystanders if they act.
 - Note that victimisation provisions in the Sex Discrimination Act extend beyond the complainant to also protect bystanders who raise concerns or make a complaint about the alleged sexual harassment.

The Respect@Work Report noted the impact of sexual harassment not only on victims, but on bystanders, partners, family, friends and co-workers.

Partners in particular are often the first person a victim may disclose the sexual harassment to, potentially giving rise to 'vicarious trauma' or 'secondary trauma'.

Not only can partners, family and friends be affected by learning about the sexual harassment, but they often have to cope with the ongoing negative impacts of the harassment on the victim, such as mental health issues, social dislocation and erosion of trust and intimacy.

Providing support to all those affected can greatly assist the mental health and wellbeing of all involved.

Vic Health has developed a Bystander Action Toolkit⁷ that while designed for sporting clubs, has transferable information.

⁴ Australian Human Rights Commission 2019, *Sexual Harassment: Know Where the Line Is*, Australian Human Rights Commission, <https://knowtheline.humanrights.gov.au/>

⁵ Diversity Council Australia, Submission 282, *Sexual Harassment Inquiry*

⁶ Victorian Health Promotion Foundation (VicHealth) and the Behavioural Insights Team, *Take Action: Empowering Bystanders to Act on Sexist and Sexually Harassing Behaviours*

⁷ Bystander Action Toolkit <https://www.vichealth.vic.gov.au/media-and-resources/publications/bystander-action-toolkit#:~:text=%27Stepping%20in%27%2C%20VicHealth%27s%20bystander%20action%20toolkit%2C%20is%20specifically,in%20promoting%20gender%20equity%20and%20respect%20for%20women.>