

RESPECTFUL WORKPLACES TOOLKIT



Table Of Contents

01 INTRODUCTION

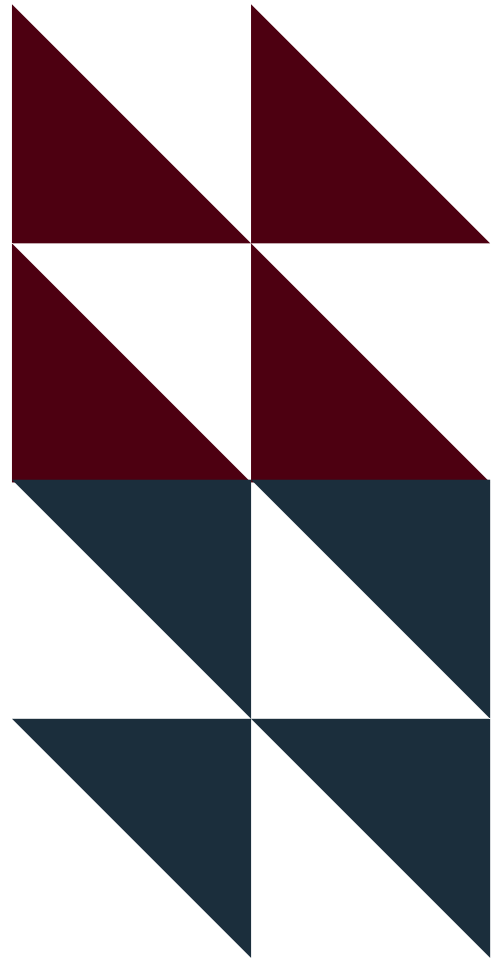
02 NATIONAL INDUSTRY
CODE TO ELIMINATE
SEXUAL HARASSMENT

03 PART ONE

04 UNDERSTANDING SEXUAL
HARASSMENT

18 PART TWO

38 FOOTNOTES



Introduction

Background

The Australian minerals industry is committed to eliminating sexual harassment in the workplace, recognising the profound impact it has on individuals and the overall work environment. To support this commitment, the Minerals Council of Australia (MCA) developed the National Industry Code to Eliminate Sexual Harassment (the code).

The code emphasises the importance of honest, respectful communication as a foundational approach to achieving a harassment-free workplace. This code serves as a critical tool in guiding industry-wide efforts to foster safe and inclusive environments for all employees.¹

The respectful workplaces toolkit

This toolkit has been designed to help MCA members effectively implement the code. The toolkit is structured in two parts to ensure clarity and ease of use:

- Part 1 offers a high-level overview of national sexual harassment laws, providing essential context and understanding of legal frameworks that guide workplace conduct and policies.
- Part 2 includes a collection of resources tailored to provide practical guidance for MCA members on sexual harassment prevention and response.

Through the implementation of these resources, the minerals industry aims to foster a culture of respect, safety, and accountability for all employees.

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.

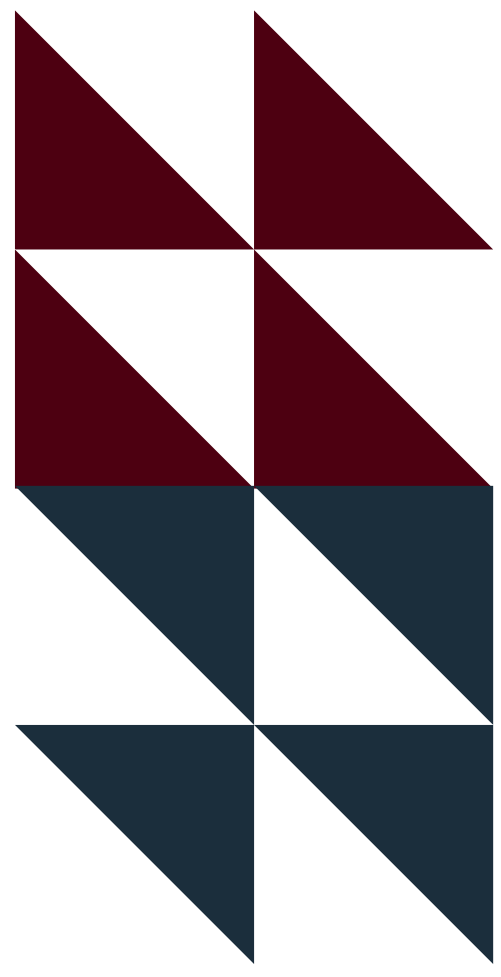
Communication

- 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.

PART ONE



Understanding sexual harassment

What is sexual harassment?

Sexual harassment, as defined by the *Sex Discrimination Act 1984* is any unwelcome sexual behaviour which is likely to offend, humiliate or intimidate.²

Sexual harassment in the workplace is prohibited under Australian law, governed by three key regulatory frameworks at the national level: work health and safety (WHS), sex discrimination and workplace relations law.³

Health and safety

WHS laws across various Australian jurisdictions address sexual harassment as a workplace hazard contributing to physical and psychological harm. Employers are required to eliminate manage or minimise risks associated with sexual harassment, so far as is reasonably practicable.

Workers are responsible for taking reasonable care of their own health and safety, ensuring their conduct does not harm others. This includes refraining from sexual harassment and following employer instructions, such as workplace policies and procedures, to prevent and address sexual harassment.⁴

Positive duty

The Positive Duty, introduced in the *Sex Discrimination Act 1984* in December 2022 requires companies to take reasonable and proportionate measures to eliminate, as far as possible, the following unlawful behaviour from occurring:⁵

- Discrimination on the ground of sex in a work context
- Sexual harassment in connection with work
- Sex-based harassment in connection with work
- Conduct creating a workplace environment that is hostile on the grounds of sex
- Related acts of victimisation.

Resources

Several organisations have produced resources which can be used by companies to communicate workplace expectations.

The Safe Work Australia resources are provided below:

- [What is workplace sexual harassment?](#)
- [Workplace sexual harassment – Your WHS duties](#)
- [Steps to prevent workplace sexual harassment.](#)

The Australian Human Rights Commission resources are provided below:

- [Toolkits, guidelines and other resources](#)
- [Employer resources.](#)

Who is vulnerable to sexual harassment?

Research has underscored the prevalence of sexual harassment in Australia and identifies specific groups at heightened risk, including:⁶

- Being female or non-binary
- Being under 30 years of age
- Identifying as LGBTIQ+
- Identifying as Aboriginal or Torres Strait Islander
- Having a disability
- Being from a culturally and linguistically diverse background
- Migrants or temporary visa holders
- People in insecure working arrangements, such as casual, labour hire, or part-time work.

Workplace risk factors

Certain workplaces can be more susceptible to sexual harassment due to specific characteristics, including where there are:

- Imbalances in workforce demographics, skewed towards one gender
- Stereotypes associated with historically male-dominated roles or industries, that question job suitability for other genders
- Power imbalances with one gender possessing control, authority, or influence over others
- Unequal sharing of opportunities and resources
- Hierarchical organisational structures
- Large numbers of contracted workers.

Understanding and addressing these risk factors are crucial for creating safer workplaces. Instances where there is alcohol consumption, such as camps and work social events, can exacerbate these risks.⁷

Governance

All companies should manage the risks associated with sexual harassment with the goal of eliminating it from the workplace.⁸

Governance

Companies may choose to integrate sexual harassment governance, including compliance with the Positive Duty into existing non-financial risk reporting.⁹

Focusing on leadership, education, culture, and risk management will improve transparency, support reporting and measurement and there are several tools and frameworks that can assist companies. A sample framework is provided below:¹⁰

- Leadership: The organisation's governance framework clearly reflects the responsibility of organisational leaders and the board for addressing sexual harassment
- Knowledge: People managers regularly communicate about respectful conduct, the organisation's stance on sexual harassment and the consequences for perpetrators
- Culture: The organisation supports flexible working and balancing of caring and work responsibilities for all workers, including organisational leaders
- Risk assessment and transparency: The organisation consults with workers on its identification, prevention and response efforts, including through providing anonymous feedback channels
- Support: A variety of resources and trained personnel are accessible, trauma-informed and responsive to the needs of the individual
- Reporting: Workers who report sexual harassment, via any avenue, are not subject to adverse action as a result
- Measuring: Data is collected and analysed to support the organisation's immediate responses as well as its long-term prevention efforts.

Leaders play an important role in building and maintaining an inclusive environment, where people feel safe to report issues without fear of reprisal.¹¹

Conversations about sexual harassment are difficult but necessary. Most victims do not report it due to fears about their reputation, career, and relationships. Leaders must address these concerns and remove barriers within their organisation.¹²

Developing a culture of respect which allows concerns to be raised in a supported and protected way without fear of retribution can empower individuals and help minimise further harm to victims.

Empowering people to act

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

An important strategy for eliminating sexual harassment is to encourage people to act. A bystander is someone who observes sexual harassment firsthand or hears about it afterward. An upstander is a person who speaks or acts in support of an individual or cause, particularly someone who intervenes on another's behalf. Upstanders are crucial to eliminate sexual harassment.¹³

Removing barriers to action

People may be hesitant to act when an incident occurs. This may be due to a lack of awareness on inappropriate and/or unlawful behaviours, low expectations of reporting mechanisms, a fear they will be a target, or concerns of the potential ramifications.

It is important to empower, encourage and enable bystanders to call out unacceptable behaviours. Organisations must ensure they educate their employees, contractors and suppliers to identify sexual harassment. Organisations should develop policies and procedures that support the actions of an upstander. This could include:

- Anonymous reporting
- Protection from disciplinary action and retaliation
- Providing support services
- Rewards, recognition and incentives
- Transparency on actions taken as appropriate
- Adjusting and managing workloads as required.

What can an upstander do?

If someone witnesses or hears about sexual harassment occurring, they may choose to do one or more of the following:

- If they feel safe and comfortable, they can address the behaviour directly and request that it stop
- If appropriate, they can engage with the person experiencing the harassment, offering to listen and provide support
- They can report the incident to a supervisor, human resources, or the designated person within the organisation.

The role of an upstander, and the action they take will depend on the situation. The priority, however should always be personal safety. Some roles in an organisation may have a duty to report sexual harassment and check that processes are being followed.

Providing support to upstanders

Upstanders can make a significant contribution to the wellbeing and of safety others. The *Sex Discrimination Act 1984* extends protections to individuals who report sexual harassment. Individuals are more likely to act if it is actively encouraged and supported by employers.¹⁴

Cyber abuse

Cyber abuse and how it may occur

Workers may experience sexual harassment via electronic media at, or outside of, work arising from workplace interactions. Specific risks include:

- Image-based abuse: sharing intimate images or videos without consent
- Sexual extortion: a form of image-based abuse where someone threatens to share intimate images unless their demands are met
- Online unwanted contact: any electronic communication that makes a person feel uncomfortable or unsafe, whether from a stranger or someone known
- Sending pornographic images and sexting: the act of distributing nude or suggestive images.

Prevention

Companies should take action to reduce these risks in the workplace. Some examples of how a company can reduce these cyber abuse risks can include:

- Avoiding the use of private mobile phones or personal social media by employees for work purposes¹⁵
- Providing training on cyber safety
- Developing clear and concise policies relating to the use of technology

Responding to reports

If an employee reports an incident of workplace sexual harassment, which has occurred via electronic means, a company should endeavour to determine:

- Whether the harassment is work related
- Details including the method of the harassment
- All parties affected by the harassment
- Potential impacts of vicarious trauma
- Support resources available for affected persons
- What evidence is available to support an investigation.

Legislation

The *Online Safety Act 2021* gives the eSafety Commissioner powers to help protect all Australians from the most serious forms of online cyber abuse.¹⁶

Non-disclosure agreements

The MCA's National Industry Code to Eliminate Sexual Harassment establishes clear expectations on member companies to develop a culture of respect while improving support for workers. The national industry code recognises that honest, respectful and open communication is the key to eliminating sexual harassment.¹⁷

A transparent dialogue needs to be opened in workplaces regarding the repercussions of sexual misconduct in the workplace, and the use of non-disclosure agreements (NDAs) can be seen as a significant barrier to such a change.

NDAs are used in settling sexual harassment cases and other workplace issues and can vary in their terms. Agreements can include clauses preventing parties from discrediting each other and may require confidentiality about the complaint.

The Human Rights Commission developed a range of guidance on the resolution of workplace sexual harassment complaints, including guidelines on the use of confidentiality clauses.¹⁸

MCA members have agreed to a code of conduct that ensures NDAs are only used at the request of victims of sexual harassment.

Benefits of using NDAs

- Privacy or anonymity to protect reputation, professional standing or workplace wellbeing
- Greater bargaining power for financial recompense
- Better chance of reaching a settlement, and avoiding the uncertainty and financial and emotional costs associated with litigation
- Providing incentive for the employer to settle a legal claim, rather than proceeding to litigation
- Providing a definitive resolution to the matter.¹⁹

Negatives associated with using NDAs

- Disempowering victims and impeding recovery
- Silencing the discussion around sexual harassment in a workplace and therefore, dampening the awareness and stunting social change
- Enabling a standard of silence and secrecy within organisations
- Protecting 'high value' alleged offenders
- Instilling a culture that facilitates repeated offending
- Business reputation prioritised over unlawful behaviour and individual harm
- Reinforcing an imbalance of power.

Support for those affected by sexual harassment

Understanding trauma

Trauma occurs when an individual's ability to cope is overwhelmed. It can significantly impact a person's physical, emotional, and psychological wellbeing. The experience of trauma varies from person to person, influenced by factors such as past traumatic events, access to support, and overall mental health.

Ensuring individuals affected by trauma are listened to, empowered, respected, and supported can help them decide how they wish to report the incident and involve them in decisions about how to manage it.

Trauma-informed approaches

The Australian Human Rights Commission promotes the use of person-centred and trauma-informed approaches to ensure that workplace systems, policies and practices affirm the safety and dignity of the people who encounter them.²⁰

Trauma-informed approaches are strength-based, prioritise safety and help individuals regain a sense of control and autonomy.²¹

Supporting affected persons

Systems, practices and policies that may assist organisations to support affected persons include:

- Engagement of employee assistance program (EAP) providers for professional counselling and coaching services
- Facilitation of listening sessions with employees to collate feedback on culture and best practice prevention measures
- Training for employees and leaders on the impacts of sexual harassment on individuals to ensure a sufficient workplace understanding of sexual harassment
- Building capability of internal teams to respond appropriately to people impacted by sexual harassment
- Providing the impacted person with the opportunity to consult on the actions to be taken and respecting their wishes, where possible
- Maintaining a person-centred, trauma-informed approach
- Providing multiple avenues for impacted persons to report and providing an anonymous option
- As appropriate, updating impacted persons on the progress of the investigation into the allegations and any police or regulatory engagement by the company
- Sharing organisational learnings.

Hearing and responding to disclosures of sexual harassment can be distressing and traumatic. It is important that organisations put in place support mechanisms for the workforce, who may also have their own experience or are providing care for someone that has experienced sexual harassment.

Workplace sexual harassment: Consequences, support, and prevention

It is essential for organisations to clearly communicate the potential consequences of sexual harassment in the workplace. Organisations must explicitly outline the consequences for individuals found to have:

- Sexually harassed another person
- Intimidated or threatened someone who reports or witnesses sexual harassment
- Made a vexatious claim.

Outcomes and consequences – substantiation of conduct

If a report of sexual harassment is substantiated, various outcomes and implications for a person's employment may be considered, such as:

- An apology
- Transfer to another location
- Demotion, suspension or termination of employment
- Withholding remuneration increases or bonus payments
- Removal from high-potential talent or leadership programs
- Education or behaviour change coaching.

Caring for the individual

Organisations should work with the relevant person to understand and implement, where possible, any actions that may help their recovery from the incident, rebuild relationships at work and continue a successful career with the organisation.

Organisational action

Organisations should continuously assess for risks of sexual harassment. Post-incident, organisations should conduct reviews of controls and introduce targeted measures to prevent future incidents.

Retaliation for reporting or intervention

If an individual is found to have victimised, harassed, or retaliated against others for intervening or reporting sexual harassment they may face separate disciplinary action. Examples of retaliation could include the following:

- Removal from key client accounts or projects
- Relocation or transfer without consultation or consent
- Provision of unwarranted negative performance review
- Reduction in shifts or overtime opportunities
- Ostracism or shunning
- Assignment to solely menial duties.

Relationship policy

Intimate relationships may form in workplaces, and consensual interactions are not harassment. Inappropriate behaviour can, however, create a sexualised atmosphere that may condone harassment. A relationship policy can help address conflicts of interest and prevent confusion.

The policy may include:

- Acknowledgement that consensual relationships may occur between co-workers and disclosure of a relationship will be treated confidentially
- Definitions of acceptable and unacceptable relationships, particularly those involving power imbalances (e.g. between direct reports and senior management)
- Clear expectations for appropriate workplace behaviour
- Requirements for disclosure of real or perceived conflicts of interest (e.g. existing or former relationships)
- Options and processes for how conflicts within personal relationships will be resolved e.g. alternate work arrangements
- Guidelines for when separating work groups may be necessary
- Confidentiality clauses where one person has access to sensitive business information.



Case study 1: Managing conflicts of interest

Scenario: Anna and David work in the same department at a large corporation. They have been in a relationship for the past year and declared their relationship when it began. Recently, Anna was promoted to a managerial position and David reports directly to her. Concerns have been raised by David's colleagues about favouritism and fairness in decision-making.

Good practice: The company's relationship policy clearly outlines guidelines for managing conflicts of interest. Anna and David disclosed their relationship to Human Resources (HR) and the executive team. To respond to the concerns raised by David's colleagues, David requested to report to a new line manager, while still working in the same team and undertaking the same duties. HR and Anna agreed this was a suitable solution to avoid any further conflicts related to fairness and decision making.



Case study 1: Managing conflicts of interest

Scenario: Carlos and Maria are colleagues at a small mining services organisation. They recently started dating and declared their relationship to HR. Upon notification, HR commenced an investigation to understand the potential impacts to the team.

Good practice: HR interviewed several of Carlos' and Maria's teammates. The feedback consistently highlighted that the relationship between Carlos and Maria has been professional and has not impacted the team's work or dynamics. Team members stated that Carlos and Maria refrained from public displays of affection and ensured their personal relationship did not affect their interactions with colleagues or compromise team cohesion. The policy encourages open communication and sensitivity, fostering a work atmosphere where all employees feel valued and respected.



Case study 3: Consistent enforcement of policies

Scenario: Angela (a mine manager) and Jane (superintendent) work in the same business unit. They recently ended a two-year personal relationship. This relationship was not disclosed to the company, and they were careful to avoid any discussion of their relationship. The relationship did not end amicably.

Angela wants to apply for a newly advertised position within Jane's business unit. Angela is unsure if Jane will be supportive of her application for the position.

Situation:

- Potential workplace conflict between Angela and Jane
- Personal relationship that was not declared as required by the policy
- Recruitment conflict of interest.

Challenge: The non-disclosure of Angela's and Jane's relationship constitutes a breach of workplace policy. Further, with a new recruitment process, there are challenges for HR to adjust the process to ensure Jane is treated fairly as an applicant. HR will also need to consider how Angela and Jane will be able to work in the same team, if Angela is successful, given the state of their relationship.

Resolution:

- Disclosure requirement: The relationship policy mandates that employees disclose any romantic relationships that could create a conflict of interest in the workplace. Both Angela and Jane are issued formal warnings for the breach of policy
- Ongoing working relationship: After discussions with HR, Angela and Jane agree to workplace mediation. HR also stipulate that Angela and Jane should not be in the same reporting line.

Promotion application: Given the breach of policy and the disruption to the workplace caused by the relationship breakdown, Angela is advised she has been excluded from applying for the new role. Jane has been advised that she will not be eligible for promotion for six months.

Mechanisms for reporting sexual harassment

Creating an inclusive environment where individuals can report issues safely is crucial. A positive reporting culture helps address and prevent sexual harassment.²²

Various reporting options, from formal investigations to informal measures, help identify issues, prevent recurrence, and improve controls. Reports can be made by those directly impacted, witnesses, or employee representatives.

Internal reporting

Companies should establish effective processes for the reporting of sexual harassment, and should consider the following:²³

- How workers report and escalate reports
- What support is provided
- When and how investigations are conducted
- What consequences will be applied
- How workers can anonymously report concerns
- What protections are in place to prevent victimisation or retribution.

Where anonymous reporting systems are in place, companies should ensure:

- Confidentiality
- Reporting channels are accessible and impartial
- Investigations are fair, timely and transparent.

External reporting

Criminal forms of sexual harassment, such as indecent exposure, stalking, sexual assault, and obscene communications, should be reported to the police.²⁴

Historical complaints

Organisations may need to investigate historical sexual harassment reports, if allegations are made regarding the past conduct of a current employee. Where allegations are made, it is essential for organisations to investigate these matters to ensure workers are not exposed to a harmful or unsafe work environment.

Responding to historical complaints

Organisations may need to investigate historical sexual harassment reports if allegations are made regarding the past conduct of a current employee. These allegations could be raised by either a current or former employee of the organisation.

Where allegations are made, it is essential for organisations to investigate these matters regardless of when they occurred.

Understand who is responsible for the oversight of historical complaints

All complaints must be handled with strict confidentiality and impartiality. Organisations should establish clear procedures outlining responsibilities for managing each phase of an inquiry into historical complaints. These procedures should also cover who is responsible for conducting and approving investigations, contacting affected parties and liaison with external organisations.

Communicate and understand the facts

Where possible, contact all relevant parties to understand their account of the circumstances.

Respond to internal and external stakeholder questions

- Where appropriate, respond to inquiries (for example media). This is particularly important in circumstances involving high-profile employees.
- Confirm the fact of the allegation(s) and that the organisation is taking steps to understand the full picture.
- Protect the identity of all parties until you have further information, and an assessment is made by the organisation.
- When inquiries have concluded, be transparent with your stakeholders, as appropriate, about the steps you have taken to understand the issue, your assessment and any action your organisation has taken.

Support the people involved

Where appropriate, offer support to the affected parties and refer them to external support organisations who may be able to help them with any unresolved concerns.

Historical complaints: other considerations

When inquiring into historical complaints, organisations may encounter some of the following challenges:

- Incomplete investigations or records
- The resignation of employees before an investigation was completed
- Matters were referred to police and information cannot be accessed.

Managing complaints that were previously investigated

Where an allegation was internally investigated, evaluate whether there is any new information that could impact the investigation's previous conclusions. If evaluation of the new information:

- Confirms the original investigation's conclusion, document your findings and reasoning, and consider closing the matter.
- Contradicts the original investigation's conclusion, consider escalating the matter to consider the appropriate next steps.

Investigations into sexual harassment complaints

Investigations into sexual harassment complaints can play a crucial role in preventing the recurrence of such behaviours. A thorough investigation can uncover systemic issues that, when addressed, help to prevent future occurrences. Investigations into sexual harassment complaints should:

- Uncover the facts surrounding the allegation of sexual harassment
- Uphold procedural fairness by ensuring all parties are provided with the opportunity to provide their version of events and respond to allegations where relevant
- Abide by applicable Australian laws
- Be performed by a competent person.

Gathering evidence

Investigations should be supported by evidence, which could include the following:

- Written statements
- Documents, electronic communications (e.g. emails, social media), closed circuit television recordings (CCTV)
- Recorded interviews in compliance with legal requirements, including obtaining consent for recordings.

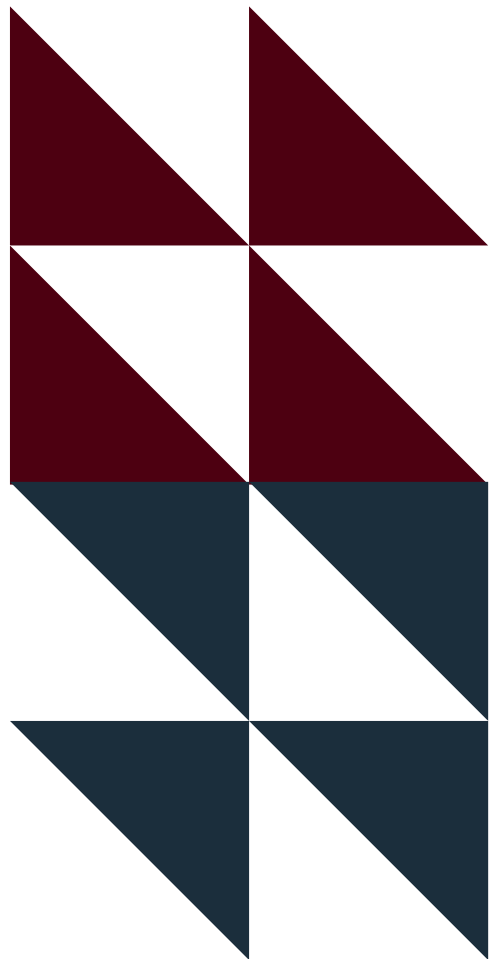
Considerations for formal investigations

- Advising relevant parties of the investigation process, scope and potential outcomes
- Informing respondent that relevant outcome details will be disclosed to the complainant
- Confirming impartiality, objectiveness and skills of the investigator, to ensure they are competent to conduct the investigation
- Providing procedural fairness to both parties, including sufficient information about the allegations and any potential workplace or disciplinary action that may be taken if the complaint is substantiated
- Exercising particular care in determining what facts are established on the available evidence where serious allegations are being considered.

Factors to consider in making your findings

- Does the version of events make sense? Does it seem logical?
- Did the person have a reason to lie?
- Does any of the witness evidence, physical evidence, or documentation gathered corroborate one side's statement?

PART TWO



Example: Investigation template

Part A - Investigation Plan

Date received		Date of alleged incident	
Allegation			
Urgent precautionary considerations to avoid further harm (shift changes, referral to hospital/ support service, role relocation etc)			
Has the investigation process been discussed with both parties? (If yes, provide details)		Yes/No	
Investigating officer?		<i>(It may be appropriate to engage an external investigator where an investigation could be compromised through a conflict of interest)</i>	
What is the scope of this investigation? Manager/ Executive sign off on investigation plan scope and report		Scope	Approval
		Factual Findings <i>Are the allegations true?</i> <i>Has there been illegal conduct?</i> <i>Has there been a breach of policy?</i>	
		Identifying root cause or causal factors	
		Recommendations based on the findings	
		Actions already taken, deemed necessary or urgent to prevent further harm	
		Review of controls	
		Recommended control measures	
Where did the alleged incident take place? <i>(This may be a physical address or an online platform)</i>			

Example: Investigation template

Parties involved	<i>Person/s making report</i>		<i>Alleged offender</i>	
<i>Name</i>				
<i>Position</i>				
<i>Direct Manager</i>				
Name/s of witnesses providing statements				
Has the person making the report outlined what outcome they are seeking?				
Evidence available <i>(CCTV, photos, texts, social media, emails, witness statements, hospital or external agency records etc)</i>				
Order of evidence gathering <i>(prioritise capturing evidence that may be altered or removed)</i>				
Is suspension of employment or administrative leave pending investigation findings required?	<i>(If yes, provide details. This may be appropriate when the allegations are serious or where the parties involved work in proximity to each other, or in the same reporting line)</i>			
Is this a notifiable incident? <i>(Refer to state/ territory Work Health and Safety Regulator)</i>	Yes/No	<i>If yes, provide details</i>		
Have police been involved in the investigation? <i>(Generally required if the investigation relates to a serious criminal offence)</i>	Yes/No	<i>If yes, provide details of notification</i>		
Supporting company policies and/or procedures				
Has a copy of the complaint been made in writing? <i>(if so, attach to the investigation plan, if not a file note detailing the verbal complaint should be attached)</i>	Yes/No	<i>Are personnel files for the person making the report, the alleged offender and witnesses available for the investigation?</i>	Yes/No	
Expected timeframe for the investigation process and expected final reporting date				
Are there any other legal considerations at the time of planning the investigation? <i>(police or regulator investigation, or ongoing relevant legal action)</i>	Yes/No	Subject to legal professional privilege? <i>(Is it likely this document will be used in any legal action?)</i>	Yes/No	

Example: Investigation template

Part B - Investigation Report

Report details

Report number	
Date received	
Investigation report date	
Investigating officer	
Location of incident (address)	

Scope of investigation

This investigation concerns [describe the incident] at [location] on [date/time].

The scope of this report is detailed in Part A – Investigation Plan

Evidence register

Date	Type of Evidence	Title
<i>E.g. 01/ 01/ 2024</i>	<i>Witness statement</i>	<i>Attachment A – Witness Statement – (name of witness)</i>

Chronology of events

Date	Event	Evidence to support event
<i>E.g. 01/ 01/ 2024</i>	<i>XX arrived at (site/ location) at 12:52pm to undertake a mine site</i>	<i>Sign in records</i>

Example: Investigation template

Analysis of evidence

	Analysis	Evidence used to support
Findings Are the allegations true? Has there been illegal conduct? Has there been a breach of policy?		<i>(Detail how the findings were supported, how the witness statements were determined to be credible, the policies relevant and applicable legislation for a legal breach)</i>
<i>Identifying root cause or causal factors</i>		<i>(Outline how the analysis has determined the root cause and detail any contributing factors)</i>

Executive summary of analysis

In the matter of XX
<i>It is my determination, based on the evidence available to me, that XXXX</i>

Other findings

Review of controls	<i>(Detail any failed, omitted or effective controls)</i>
Recommended additional control measures	

Conclusion and recommendations

<p><i>Examples:</i></p> <ol style="list-style-type: none"> 1. <i>Communicate the findings of the report to the complainant prior to or after finalisation.</i> 2. <i>The behaviour of xxxxxx be assessed against the [Discipline Guideline], and [Executive Team] to determine appropriate disciplinary action in the circumstances.</i> 3. <i>Continue to provide support to person making the report. Describe any restorative actions.</i> 4. <i>Other examples</i> <ul style="list-style-type: none"> ◦ <i>An apology by the offender and / or a company representative.</i> ◦ <i>An agreement on protocols to manage the relationship moving forward.</i> ◦ <i>A change to working hours or locations.</i> ◦ <i>Whole of company or team specific refresher sexual harassment prevention training</i> ◦ <i>Termination of employment</i> ◦ <i>Review of XXX controls or XXX Policy</i>
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Example: Policy to support the elimination of sexual harassment

A fundamental step to preventing sexual harassment is for employers and management to understand expected behaviours during work. Companies are encouraged to establish comprehensive workplace policies.

The [National Industry Code to Eliminate Sexual Harassment](#) and the [MCA Safe Healthy and Respectful Workplaces Policy](#) are important documents that companies should consider when developing workplace policies and health and safety resources.

Elements to consider including in a policy

In developing a policy dealing with sexual harassment, companies may consider including the following elements:

- A clear statement that sexual harassment will not be tolerated at any time by anyone
- Definition of sexual harassment with examples of types of behaviours that are and are not allowed
- Recognition that sexual harassment is unlawful and in some circumstances criminal
- Articulation of the consequences of sexual harassment, which may include disciplinary action up to termination of employment
- Definition of workplace standards about behaviours, attitudes and language that respects people regardless of gender, gender identity, sexual orientation or assumptions about gender stereotypes
- Explanation of the role everyone plays in intervention and action when behaviour is inconsistent with expectations
- Identification of the additional responsibilities of leaders
- Explanation of the workplace risk factors that could contribute to the risk of sexual harassment
- Outline of the strategies and control measures to prevent sexual harassment relevant to your workplace
- Explanation of what workers should do if they experience or witness sexual harassment
- Articulation of how workers can report sexual harassment
- Explanation of what support services and referral resources are available
- Outline how the company will manage complaints or concerns, specifically:
 - When an external or independent third-party may be engaged to investigate
 - How workers can formally and informally report sexual harassment
 - How process will be fair, confidential, transparent and efficient
 - What safeguards will be in place protect against victimisation
 - How people will be supported and protected.

An example policy for the prevention of sexual harassment in the workplace is provided below.

Example policy statement

Purpose

Sexual harassment can take various forms. It can be directed at one person or be prevalent throughout a workplace that makes the environment you are working in uncomfortable or threatening. It may be physical, spoken or written. Sexual harassment is not always obvious, repeated or continuous.

Sexual harassment is unlawful and prohibited by the *Sex Discrimination Act 1984* (Cth). This organisation aims to:

- Create a working environment which is free from sexual harassment and where all employees are treated with dignity, courtesy and respect
- Implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities
- Provide an effective process for complaints based on the principles of natural justice
- Treat all complaints in a sensitive, fair, timely and confidential manner
- Guarantee protection from any victimisation or reprisals; encourage the reporting of behaviour which breaches the sexual harassment policy, and
- Promote appropriate standards of conduct at all times.

Scope

This policy applies to the following:

- All aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport
- On-site, off-site, accommodation facilities, work-related social functions, conferences, travel – wherever and whenever employees may be as a result of their working duties
- Employee's treatment of colleagues, clients, service providers, visitors and members of the public encountered in the course of their working duties.

When managing reports of sexual harassment, the **<refer to company>** will also refer where relevant to safety and health and industrial instruments.

Principles

The principles associated with this policy are that:

- Sexual harassment is unlawful and will not be tolerated in the workplace
- A single incident can constitute sexual harassment

- Most instances of sexual harassment (but importantly not all) are experienced by females.
- **<Refer to organisation>** has a positive duty to ensure the health and safety of employees:
 - To eliminate risks to health and safety so far as is reasonably practicable
 - If it is not reasonably practicable, to eliminate risks to health and safety, to reduce those risks so far as is reasonably practicable
- Employees may be personally liable if allegations of sexual harassment are substantiated against them legal action (civil and/or criminal) may be taken against a person who has engaged in sexual harassment
- Conduct constituting sexual harassment by an employee may also expose the **<refer to organisation>** to liability. The **<refer to organisation>** may be vicariously liable for an employee's conduct undertaken during, or in connection with, their employment
- **<Refer to organisation>** recognises that comments and behaviour that do not offend one person can offend another. All **<refer to organisation>** employees are required to treat others with dignity, courtesy, respect and professionalism and must not engage in unlawful conduct, including sexual harassment.

Responsibilities

All employees must:

- Behave in a way that creates a safe, respectful and inclusive environment and prioritises looking after the safety of others
- If you experience or observe sexual harassment and feel safe and comfortable, tell the other person that you object to their behaviour and ask that it stop
- If you feel unsafe, remove yourself from the situation, such as retreating to a safe location, asking the harasser to leave the work area or disconnecting the harasser from a phone call
- Seek support from other workers, other people nearby or security personnel
- If comfortable, report any incident that makes you feel harassed, disrespected or unsafe.
- Participate in any inquiry or investigation about an incident(s).
- Keep details of the incident or investigation confidential.

Management/leaders with management responsibilities must:

- Identify, address and educate about behaviour that enables or condones sexual harassment, including tolerance for everyday sexism
- Speak up when you see, know of or can anticipate the likelihood of sexual harassment
- Create an environment that encourages teams to feel safe speaking up about or reporting sexual harassment they experience or know of
- Support an individual who is impacted and understand how they would like the issue managed
- Prioritise the care and support of those impacted when responding to issues raised with you or observed
- Report to the Executive and Board on incidents, immediate outcomes and long-term implications for parties involved
- Speak openly with impacted team/stakeholders about any incidents/outcomes and reinforce expectations of safe, respectful and inclusive behaviour, while at all times respecting the wishes of the impacted person(s).

What are the workplace risk factors?

Refer – [Who is vulnerable to sexual harassment](#) (page 5)

Reporting sexual harassment

Refer – [Reporting sexual harassment](#) (page 14)

Confidentiality

Refer – [Reporting sexual harassment](#) (page 14)

Bystander intervention

Refer – [Empowering bystanders](#) (page 7)

Responding to sexual harassment

Refer – [Reporting sexual harassment](#) (page 14), [Investigation Plan Report](#) (page 21), [Responding to historical incidents](#) (page 15)

Additional considerations

Consent

A key element of sexual harassment is that it is unwelcome. It is important to note that if a person does not object to inappropriate behaviour at the time; it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

Intent

The *Sex Discrimination Act 1984* states that sexual harassment occurs when the conduct is unwelcome, and a reasonable person would anticipate that the other person would be offended, humiliated, or intimidated.

Sexual harassment can occur even if the harasser does not intend it. Motive is irrelevant; the focus is on how the behaviour is received. Every employee is responsible for ensuring they do not engage in behaviour that could be considered sexual harassment. The <refer to organisation> will not excuse sexual harassment which was intended as a joke if it meets the legal definition of sexual harassment.

Technology and social media

Refer – [Cyber abuse](#) (page 8)

Support options

Refer – [External support and advisory services](#) (page 34)

Example commitment statement to support the elimination of sexual harassment

Company name and logo

[Company] is committed to the safety, health, and psychological wellbeing of its workforce. To support our commitment to the elimination of sexual harassment within our industry, **[Company]** endorses the Minerals Council of Australia's National Industry Code to Eliminating Sexual Harassment.

Sexual harassment is behaviour characterised by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace, or in other professional or social situations. Sexual harassment can impact a person physically, emotionally, and psychologically with long term effects. Sexual harassment is against the law.

All Australian workplaces are now subject to a Positive Duty to eliminate, as far as possible, unlawful conduct. Examples of unlawful conduct covered by the Positive Duty include:

- Sex-based and sexual harassment in the workplace
- Discrimination on the grounds of a worker's gender in a work setting
- Behaviour in the workplace environment that is hostile on the grounds of sexual orientation
- Victimization of a worker because they have complained (or assisted someone) about sexual harassment in the workplace.

Respectful communication is key to preventing sexual harassment. **[Company]** has appointed **[Name(s)]** as the sexual harassment prevention contact for **[workplace location]**. **[Contact(s)]** is available to all employees and service providers at **[location]**. Contact details: **[details]**.

Please report any sexual harassment concerns promptly to **[contact]**, your supervisor, or **[site GM/HR head]**. Anonymous reports can be made via our hotline at [details]. All reports will be handled fairly and confidentially.

[Company] is committed to procedural fairness, impartiality, protection from victimisation, and timely responses to all concerns. Suspected criminal behaviour or misconduct will be reported to authorities in consultation with the affected individual

For additional support, **[company]** encourages its workers to access our Employee Assistance Program (EAP) provider **[details]**.

Signed,

CEO/Executive Leader/Most Senior Regional Officer

[Date]

Example survey

Surveys can assist companies to understand valuable insights into the beliefs, values, and overall work culture of the people within an organisation. By understanding the attitudes and perceptions of employees, companies and organisations can identify areas for improvement. This process can assist in identifying necessary actions, clarifying accountabilities, and monitor trends over time. An example survey adapted from several online resources has been provided below.²⁵

Before administering any survey, it is crucial to seek expert advice. Depending on the survey topic and participants' experiences, some individuals may experience emotional distress. Consulting experts ensures that participants receive adequate support and are safeguarded from potential harm.

Company name and logo

<i>In our organisation</i>	Agree	Tend to agree	Don't know	Tend to disagree	Disagree
Organisational values or statements articulate a zero tolerance for sexual and sex-based harassment					
Various systems and strategies are used to monitor, analyse and report levels of sexual and sex-based harassment at different levels of the organisation					
A range of methods allow workers to report sexual and sex-based harassment incidents informally, formally, anonymously or confidentially					
Various systems and strategies exist that encourage and support workers to speak-up when witnessing sexual and sex-based harassment					
Inappropriate or harmful behaviours of a sexual or sex-based nature are addressed early, regardless of whether a formal report is raised					
Sexual and sex-based harassment investigations are timely, and conducted fairly and transparently					
Trauma-informed approaches are used when handling reports of sexual and sex-based harassment					
Line managers are provided training to identify causes and manage sexual and sex-based harassment					
Risk assessment procedures identify the key causes of sexual and sex-based harassment and take targeted action to address them					
Codes of conduct that define organisational behavioural expectations with respect to sexual and sex-based harassment exist					
Senior leaders support inclusion and diversity in the workplace					
Employees are treated with respect regardless of their role					

Example safety share

A safety share is when a worker discusses lessons learned from a health and safety incident. Workers may be reluctant to talk about sexual harassment, so it's important to foster a workplace environment where challenging topics can be openly discussed.

For sensitive topics, inform workers about available support resources, such as Employee Assistance Programs or mental health organisations like Beyond Blue. When developing discussion content, provide relevant details while ensuring real-life scenarios are de-identified.

The goal is to promote learning and encourage workers to suggest actions to prevent reoccurrence. Below are two example scenarios for future discussions.

Scenario 1 - Inappropriate conversations	
Location	Heavy Vehicle Workshop
Detail	While working on a haul truck, several workers were overheard rating and ranking their female colleagues. None of those colleagues were present. Joe, an apprentice fitter, could hear the conversation and was very uncomfortable with it.
Immediate action	As he was new and junior to the workers participating in the discussion, he did not feel he could speak up.
Organisational action	At the end of shift, Joe went to his manager and relayed what he had heard and how he felt. The manager thanked Joe for raising the incident and decided that refresher training on respectful behaviours was required. Additional training on the role of active bystanders would be provided.
Discussion	<ul style="list-style-type: none"> • Was the organisational action sufficient? • Should the manager raise the issue with the executive leadership team? • Joe's workmates will assume that Joe had overheard their conversation and reported it. How should Joe be supported?

Scenario 2 - Unwanted physical contact	
Location	Crib room, underground mine
Detail	Jane was making a coffee in the crib room. John came up behind her and pressed his body into her, under the pretext of reaching for a mug. Jane asked John to move away and never touch her again. John ignored her.
Immediate action	Jane called out loudly repeating to John to move away and not touch her. Jane's colleagues had noticed the incident. Bill yelled to John to back off. John retreated. Bill asked Jane if she wanted to report the incident. Jane was very shaken and didn't give an answer. Bill said 'ok, I will ask you again at the end of shift. I will support whatever decision you make.' Jane had later told Bill she did not want to report the incident.
Organisational action	Bill spoke to his manager about an incident he observed, without naming anyone. The Manager thanked Bill for raising the incident and decided that refresher training on respectful behaviours was required.
Discussion	<ul style="list-style-type: none"> • Were the immediate actions appropriate? • Did Jane get the immediate support she needed? • Should Jane have reported the incident? Why do you think she didn't want to? • Did Bill do the right thing by telling his manager what he had observed? • Was the organisational action sufficient? • Should the Manager raise the issue with the executive leadership team? • John will assume that Jane reported him, how should Jane be supported?

Example hazard identification checklist

Hazards are situations that could harm a person, while risk management involves considering potential outcomes from exposure.

When assessing the risk of sexual harassment, it's important to understand the hazards and potential risks. Leadership, culture, policies, employee behaviour, past incidents, and training all influence how sexual harassment risk is managed.

Understanding these factors helps in assessing risk and developing prevention strategies. This checklist can guide the risk assessment process.

Company name and logo

Element	Specific question	No	Yes	Action required
Workforce demographics and composition	Is there a greater representation of one gender in your workplace?			
	Is the size of your workforce such that maintaining confidentiality or raising issues might be challenging?			
	Does your organisation have vulnerable workers (age, culturally and linguistically diverse (CALD) and/or immigrants, workers with a disability)?			
	Besides full-time employees, does your organisation employ a large contingent workforce, e.g. casuals, contractors or temporary staff?			
	Does your organisation undertake background and reference checks for all workers and other persons at your workplace (including contractors)?			
Working environment	Does your workplace indirectly allocate specific work by gender?			
	Is there a higher representation of one gender in the leadership team?			
	Does your workplace structure allow employees to access management beyond their direct reporting or supervisory relationships?			
	Do leaders have individual authority over recruitment practices?			
	Is the balance between profit/production and workplace wellbeing appropriate?			
	Does a culture of drinking to 'let off steam' exist?			
Physical work environment	Are there any areas in the workplace that are isolated, poorly lit or unsecured?			
	Are there sexualised or sexist materials on display (e.g. posters, calendars, screensavers)?			
	Are there sufficient bathroom facilities for workers of all genders?			
	Is there adequate privacy or security for workers using bathrooms/change rooms?			
	Are carparks used by workers secure?			
	Where provided, are accommodation facilities for workers secure and appropriate?			
	Are shift arrangements structured to facilitate workers to take sufficient rest breaks?			
Virtual working environment	Are there arrangements to ensure the safety of workers performing work remotely?			
	Does your company have policies regarding worker use of social media platforms e.g. LinkedIn, Facebook, Instagram, Twitter for work purposes?			

RESPECTFUL WORKPLACES TOOLKIT - 31

Element	Specific question	No	Yes	Action required
Workplace trends	Do you have a high staff turnover, particularly of female or junior workers?			
	Have you been told that some workers are hesitant to work with certain colleagues or take on specific tasks?			
	Are men being promoted more often than women?			
	Is there a concentration of men in senior positions?			
Workplace behaviours	Are sexist jokes and homophobia/transphobia prevalent in the workplace?			
	Do you have gendered and binary networking events or mentoring opportunities (e.g. Work lunches at men's clubs, invitations to play golf with the boss)?			
	Are there differences in the unspoken expectations of male and female workers (e.g. taking meeting minutes, organise catering, and clean up after events)?			
	Does one gender regularly dominate meetings or make most of the decisions?			
Workplace requirements	Are there different uniform requirements for men and women, prescriptive dress codes or expectations for either gender?			
	Do policies exist to ensure the safety and security of workers travelling to and staying in remote locations?			
	Does your company have policies in place to support workers that may be socially isolated due to the location of the workplace?			
	Does your company consider the risks to workers who attend after hours client functions or after-work events?			

Example leadership statement

Company name and logo

Dear colleagues

It is vital that we foster a workplace environment that is safe, respectful, and inclusive for all workers. This commitment is deeply personal for every member of our Board, leadership team, and myself, and it resonates strongly with our company's core values.

In the Australian mining industry, our foremost commitment is to the safety, health, and psychological wellbeing of our workforce, ensuring that everyone returns home safe and well. Sexual harassment inflicts significant physical, emotional, and psychological harm on those affected.

Our company is actively engaging in **[detail action being taken]** to address these issues head-on. It is imperative that we uphold respect, consideration, and awareness in our interactions, ensuring that our behaviours do not compromise anyone's comfort or safety. As veterans of this company, we must recognise the challenges newcomers face in speaking up.

Professional and appropriate conduct is fundamental to our roles. We represent our company daily, and it is incumbent upon us to extend this professionalism to our colleagues. Inappropriate behaviours will not be tolerated, and we must all be vigilant in upholding our standards.

I acknowledge the sensitivity of these issues and remind everyone of the resources available **[list resources and contact officers e.g. Employee Assistance Program, line managers, and support networks]**.

Best wishes

Signed,

CEO/Executive Leader/Most Senior Regional Officer

[Date]

Example social event checklist

When assessing the risk of sexual harassment, it is important to understand what hazards exist and what risks could arise. A social event checklist can be used by companies to identify potential hazards and implement preventive measures.

This checklist can be used to inform a risk assessment.

Company name and logo

Issues to consider	Yes	No	List the controls applied to manage the risk of sexual harassment
Have employees been reminded that workplace policies and behavioural expectations apply?			<ul style="list-style-type: none"> • Provide refresher training • Provide copies of applicable policies and procedures
Have leaders been reminded of their responsibility to enforce expected behaviours among attendees?			<ul style="list-style-type: none"> • Reminder/refresher note that it is a work function on behavioural expectations
Have workers been provided awareness training/information regarding the safe consumption of alcohol?			<ul style="list-style-type: none"> • Provide Australian Health Guidelines
Have start and finish times for the event been set?			<ul style="list-style-type: none"> • Set expectations of function conclusion
Where alcohol is to be served, are there measures to control excessive consumption?			<ul style="list-style-type: none"> • Set limits on consumption if consistent with company policy • Confirm the venue has a policy on the responsible service of alcohol (e.g. provide non-alcoholic drinks, food) • Confirm with venue management how responsible service of alcohol is monitored • Ensure only wait staff can serve drinks (i.e. no help yourself set ups) • Ensure alcohol is not removed from the premises?
Pre and post event transportation			<ul style="list-style-type: none"> • Consider what risks workers may encounter travelling to and from the event • Consider the risks of workers becoming isolated after the event • Select a venue that is supported by reliable public transport • Provide travel vouchers to workers
Have employees been reminded that unauthorised taking of photos or using social media is prohibited at the event?			<ul style="list-style-type: none"> • Reinforce expectations of behaviour and personal privacy
Is entertainment provided?			<ul style="list-style-type: none"> • Advise entertainment provider what is, and is not acceptable behaviour
Is security required to monitor behaviour?			<ul style="list-style-type: none"> • Consider the size and nature of the event, location, service of alcohol, emergency response requirements
Add relevant company specific checks			

External support and advisory services

Many people who experience sexual harassment in the workplace do not report it or seek support. You may not be aware if someone has experienced or observed sexual harassment in their current or previous workplace.

There are several external support and advisory services available, which offer online chat, interpreter services, quick exit and/or mobile text services.¹ The table below provides a summary of available services.

Service	Phone	Website	Online Chat	Interpreter services	Quick exit	Mobile Text	Available
Lifeline	13 11 14	www.lifeline.org.au					24/7
1800RESPECT	1800 737 732	www.1800respect.org.au					24/7
Full Stop Australia	1800 385 578	https://fullstop.org.au/					24/7
Beyond Blue	1300 224 636	www.beyondblue.org.au					24/7
13YARN	139 276	https://www.13yarn.org.au/					24/7
Australian Human Rights Commission	1300 656 419	www.humanrights.gov.au/our-work/sex-discrimination/list-sexual-assault-services www.humanrights.gov.au					9am-5pm
Our Watch	N/A	https://www.ourwatch.org.au					
Fair Work Ombudsman	13 13 94	www.fairwork.gov.au					9am-5pm
National Association of Services Against Sexual Violence	08 9535 8263	www.nasasv.org.au					9am-5pm
Reach Out	02 8029 7777	https://au.reachout.com					24/7

Respectful workplace action plan

The Australian minerals industry is committed to eliminating sexual harassment in the workplace, recognising the profound impact it has on individuals and the overall work environment.

To support this commitment, the Minerals Council of Australia (MCA) developed the National Industry Code to Eliminate Sexual Harassment.²⁶

Regulatory framework

The legal framework for sexual harassment and discrimination in the workplace is shaped by both Commonwealth and state/territory laws. Organisations should be aware of the relevant legislation in each jurisdiction for which they operate.²⁷

Positive Duty

The Positive Duty requires persons conducting a business or undertaking to take reasonable and proportionate measures to eliminate, as far as possible, the following conduct in a workplace.²⁸

Respectful Workplace Action Plan Template

The Respectful Workplace Action Plan template (the template) has been developed to help small to medium-sized organisations understand their obligations under the Positive Duty. The template draws from several authoritative resources, to emphasise essential elements of the Commonwealth sex discrimination laws.²⁹

Supported by the MCA's Respectful Workplaces Toolkit, the template highlights the importance of strong leadership and an inclusive workplace culture. It also emphasises the need for ongoing monitoring, evaluation, and transparent practices to ensure continuous improvement and compliance with legal requirements.

How to Use the Respectful Workplace Action Plan

Focusing on sex discrimination and implementation of the Positive Duty, this template is supported by guiding questions designed to help organisations assess their current practices and identify opportunities to improve their existing systems.

The template's questions encourage thoughtful reflection on the specific requirements outlined in relevant guidance, assisting organisations to develop an action plan, which is provided at the end of the template.

Legal framework

Commonwealth and state/territory laws frequently overlap; however, differences may exist in their application. Organisations should review the relevant laws in each jurisdiction they operate.³⁰

- In which Australian jurisdictions are the organisations operations based?
- What are the organisations obligations under state and federal law?

Notes:

Leadership and culture

Senior leaders are responsible for fostering safe, respectful, and inclusive workplaces, and for shaping workplace culture through their actions and influence.

- How does the organisation educate senior leaders on their legal obligations?
- How do senior leaders maintain up-to-date knowledge of industry-specific research and trends with respect to unlawful conduct?
- What actions do senior leaders take to prevent and respond to unlawful conduct?
- How do senior leaders demonstrate their commitment to safe, respectful, and inclusive workplaces?

Notes:

Drivers

Societal factors can contribute to the expression of sexual harassment in the workplace. Organisations should understand the drivers that influence behaviour.³²

- What actions are being taken to identify and remedy organisational power imbalances?
- How regularly are management practices reviewed to ensure their effectiveness at preventing unlawful, disrespectful, and discriminatory behaviour?

Notes:

Risk

Workplace characteristics can increase the risk of sexual harassment. Organisations should identify, assess, address and monitor relevant risks.³³

- What actions are being taken to identify and remedy demographic inequality?
- What actions are taken to educate the staff, key contractors and suppliers to understand appropriate workplace behaviour and conduct at the workplace?
- What measures are taken to support workers in remote or isolated workplaces?
- How is alcohol managed at the workplace and social events?

Notes:

Support

Support should be provided to workers, including leaders and managers, who experience or witness unlawful conduct.³⁴

- What confidential support options are made available to workers who experience or witness sexual harassment?
- How are workers that report instances of sexual harassment protected from victimisation?
- What information is provided to workers on how to access support?
- What processes ensure that information from inquiries related to current and former employees is protected from being disclosed beyond its primary use?

Notes:

Reporting and response

Clear and consistent options are provided for the reporting of unlawful conduct, ensuring timely, fair responses that minimise harm and prevent victimisation.³⁵

- What confidential reporting and complaints options are made available workers who experience or witness sexual harassment?
- What training is provided to persons handling reports and complaints?
- How does the organisation ensure the consistent application of consequences for unlawful conduct?
- What strategies are used to balance the privacy and the wellbeing of affected individuals when seeking to address systemic issues?

Notes:

Monitoring, evaluation and transparency

Clear and consistent options are provided for the reporting of unlawful conduct, ensuring timely, fair Organisations collect data to assess unlawful conduct, improve workplace culture, and transparency.²⁶

- How does the organisation collect and analyse data related to unlawful conduct?
- What regular public reporting is performed to demonstrate commitment and transparency?

Notes:

Action plan

	Opportunities	Action officer	Timeframe
Legal framework			
Leadership and culture			
Drivers			
Risks			
Support			
Reporting and response			
Monitoring, evaluation and transparency			

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