

# RESPECT IN RESEARCH



## CAUTION TO THE READER

Please note that this report contains mention of sexual harassment and sexual assault which some readers may find distressing.

If you feel you would like to speak to someone for support or information, you can contact the following.

- 1800RESPECT (1800 737 732 or [1800RESPECT.org.au](http://1800RESPECT.org.au))
- Lifeline (13 11 14 or [lifeline.org.au](http://lifeline.org.au))
- QLife (1800 184 527 or [qlife.org.au](http://qlife.org.au))
- 13YARN (13 92 76 or [13yarn.org.au](http://13yarn.org.au))
- Relationships Australia (1300 364 277 or [relationships.org.au](http://relationships.org.au))
- Mensline Australia (1300 789 978 or [mensline.org.au](http://mensline.org.au))





# ABOUT AAMRI

The Association of Australian Medical Research Institutes (AAMRI) is the peak body representing medical research institutes across Australia<sup>1</sup>. Our 58 member organisations have over 20,000 staff and research students, are internationally recognised and undertake half of all government funded health and medical research in Australia. Our members include independent MRIs as well as university- and hospital-based institutes with a central focus on health and medical research. Their combined revenue exceeds \$2.4 billion per annum and they received over \$693 million in competitive grant funding in 2020. With over 1100 active clinical trials and over 100 new patents awarded each year, medical research institutes have a firm focus on improving health outcomes and delivering great commercial returns for Australia. Together, they aim to drive innovation in healthcare through research to improve the lives and livelihoods of people in Australia, and worldwide.



<sup>1</sup> For further information about AAMRI and its members, please visit <https://aamri.org.au>

# ABOUT WiSPP

Women in Science Parkville Precinct (WiSPP) brings together 5 of Victoria's largest Medical Research Institutes, to work collectively to enable people to thrive in research. Working together since 2014, WiSPP is driven by grassroots representatives and supported by leadership. WiSPP promotes equity through individual development programs, cultural change programs and system reform initiatives. WiSPP are passionately committed to improving workplaces and transforming the systems that limit the diversity of leadership in medical research.



# EXECUTIVE SUMMARY

This **Respect in Research Report** (Report) is a result of the **Respect in Research Project** – a collaborative project between the Association of Australian Medical Research Institute (AAMRI) and Women in Science Parkville Precinct (WiSPP) to address sexual harassment in medical research institutes.

Workplace sexual harassment is prevalent and widespread: it occurs in every industry, and the health and medical research sector is not immune. Given this risk to the medical research sector and the complexity required in response, the Respect in Research Project aimed to support medical research institutes in their prevention and response to sexual harassment.

This Report identifies a range of actions that medical research institutes can undertake with the aim to:

- support medical research institutes to actively promote gender equity and effectively prevent and respond to sexual harassment in the sector, and
- identify larger, systemic issues that are beyond the scope of the project and begin conversations to identify pathways to resolve these issues.

This Report has arisen from extensive consultations with the medical research sector, identifies sector-specific risks and solutions and contextualises a range of research and resources to support organisations to effectively prevent and respond to sexual harassment.

The Report is structured under a series of **eight priorities**, designed to be used to inform organisational strategy, policy, and training. These priorities can also be used as and as a basis for further collective reform efforts to ensure that sexual harassment does not occur in the sector.

1. Build Trust
2. Be Accountable
3. Identify & Manage Risk
4. Promote a diverse, inclusive and respectful workplace
5. Strengthen knowledge and capacity to promote a safe workplace culture.
6. Empower and support people to speak up
7. Diffuse Power
8. Working together to change the system

These key priorities are interconnected and work together to support a culture of equality, diversity, inclusion and respect and ultimately a healthy productive workplace. Whilst individual recommendations are categorised under different priorities, suggested actions serve multiple purposes, all towards a common goal of cultural change.

The Respect in Research Report is intended to support and empower our medical research institute Directors, CEOs and boards to meet their legal obligations and to drive real and substantial change in their organisations. Legislation in Australia now includes stronger provisions to prevent sexual and gender harassment in workplaces and elevation of the prevention of sexual harassment is a key accountability for Boards, CEOs and Executive teams.

# CONTENTS

About AAMRI	3
About WiSPP	4
Executive Summary	5
Contents	6
Acknowledgements	7
Introduction to the Respect in Research Report	10
Definitions and terminology	13
List of recommendations	16
Priority 1: Build Trust	19
Priority 2: Be accountable	23
Priority 3: Identify and manage risks	30
Priority 4: Promote a diverse, inclusive, and respectful workplace	35
Priority 5: Strengthen knowledge and skills to promote a safe workplace culture	41
Priority 6: Empower and support people to “speak up”	44
Priority 7: Diffusing Power	51
Priority 8: Working Together to Change the System	59
Appendix 1	65
Appendix 2	66
Appendix 3	68
Appendix 4	71

# ACKNOWLEDGEMENTS

The Respect in Research Report reflects a significant investment of time, energy, and critical thinking by the members of the health and medical research community and experts in gender equity, diversity and inclusion (GEDI) and sexual and gender-based violence, who participated in consultations. Over the past 18-months over 80 people have contributed to the project and we thank all who are listed and others not listed, for your valuable contributions. Special acknowledgements to Susan Kenna and Niamh Joyce who managed the consultation process and the development of the draft recommendations and report; to Victor Sojo and Cath Latham for valuable guidance at the beginning of the project; to the AAMRI GEDI Committee for their multiple reviews and advice; to Saraïd Billiards, Emma Burrows and Maxine Morand for their work in refining the recommendations and report; to Louise Johansson for her incredible support and invaluable insights; to Sarah Russell who has been a major driving force throughout this project; and to Alice Tinning who led this work from genesis to end. This project has been supported and funded by WiSPP, AAMRI and the Victorian State Government.

## CONTRIBUTING AUTHORS

Dr Saraïd Billiards, CEO, AAMRI

Dr Emma Burrows, Executive Director, AAMRI

Louise Johansson, Diversity and Inclusion Manager, WEHI; Member GEDI Committee AAMRI

Niamh Joyce, Senior Policy Officer, WiSPP

Susan Kenna, Senior Policy Officer, WiSPP

Professor Sarah Russell, Group Leader, Peter McCallum Cancer Centre and Swinburne University of Technology; Women in Health Science Working Committee, NHMRC; Member GEDI Committee AAMRI; Executive Committee Member and Safe Cultures Working Group Member, WiSPP

Alice Tinning, Program Manager, WiSPP



## CONSULTATION GROUP

Tamzen Armer, Senior Adviser, Capacity Building, Science in Australia Gender Equity (SAGE)

Professor Scott Ayton, Director of the Centre of Research Excellence in Enhanced Dementia Diagnosis (CREEDD) and Head of the Dementia Mission and the Translational Neurodegeneration Group, The Florey Institute for Neuroscience and Mental Health; Safe Cultures Working Group Member, WiSPP

Rameeza Barnes, Senior Policy Analyst, Universities Australia

Jillian Barr, Director, Ethics and Integrity, National Health and Medical Research Council (NHMRC)

Dr Lynette Beattie, Senior Research Officer, Department of Microbiology and Immunology (DMI), The University of Melbourne, The Peter Doherty Institute for Infection and Immunity; Executive Committee member, WiSPP

Professor Julie Bernhardt, Laboratory Head, Avert Early Rehabilitation Research Group, The Florey Institute for Neuroscience and Mental Health; Co-founder and Executive Committee Member, WiSPP

Dr Jason Cain, Head of the Developmental and Cancer Biology, Hudson Institute of Medical Research; Member GEDI Committee AAMRI

Dr Neil Cunningham, Emergency Physician/Clinical Director Medical Workforce/ Clinical Director Ethos Program, St Vincent's Hospital (Melbourne)

Sean Curtain, Head of People and Culture, Peter McCallum Cancer Centre

Professor Miles Davenport, Head of the Infection Analytics Program, Kirby Institute; Member GEDI Committee AAMRI

Angy Dinevska, Deputy Director, People and Culture, NeuRA (Neuroscience Research Australia)

Professor Shelley Dolan, Previous CEO, Peter McCallum Cancer Centre (now Royal Melbourne Hospital)

Dr Rosa Pascual Domingo, Postdoctoral Research Fellow, WEHI; Safe Cultures Working Group Member, WiSPP

Anoushka Dowling, Assistant Director, Motivating Action Through Empowerment (MATE) Program, Griffith University

Jane Farmer, Interim Chief Human Resources Officer, QIMR Berghofer Medical Research Institute

Dr Katie Fennell, Postdoctoral Researcher in the EckMas Lab, Peter McCallum Cancer Centre; Safe Cultures Working Group Member, WiSPP

Naomi Fennell, People and Culture Manager, St Vincent's Institute of Medical Research

Dr Ruwangi Fernando, Founder and CEO, STEM Sisters

Dr Sarah Gordon, Laboratory Head, Presynaptic Physiology, The Florey Institute for Neuroscience and Mental Health; Co-chair of the Victorian Chapter of Queers in Science

Jen Hargrave, Senior Policy Officer, Women with Disabilities Victoria; Honorary Research Fellow, University of Melbourne

Ann-Marie Heinrich, Associate Director Policy & Contracts, SNOW Medical

Catriona Jackson, CEO Universities Australia

Louise Johansson, Diversity and Inclusion Manager, WEHI; Member GEDI Committee AAMRI

Dr Vijaya Joshi, Health Equity Manager, Victorian Comprehensive Cancer Centre Alliance (VCCC)

Professor Maria Kavallaris, Head of Research Engagement, Head of Theme, (Nanomedicine) Group Leader, Children's Cancer Research Institute; Women in Health Science Working Committee, NHMRC

Prof Frances Kay-Lambkin, Director, Hunter Medical Research Institute; Member GEDI Committee AAMRI

Sejal Kendal, Head of Research Grants and Development, WEHI

Kim Kwan, Project Manager, Queers In Science

Paul Leary, Human Resources Manager, The Menzies Research Institute

Nicole Lee, Director, People with Disability Australia (PWDA); Board member, Safe Steps Family Violence Response Centre; Advocate



Associate Professor Ruby Lin, Project Manager/Associate Professor Westmead Institute for Medical Research; Member GEDI Committee AAMRI

Dr Chloe Mackallah, Climate Data Scientist, CSIRO Environment; Co-chair of the Victorian Chapter, Queers in Science.

Professor Fabienne MacKay, Director and CEO QIMR Berghofer Medical Research Institute; Board Member, AAMRI

Jill McCabe, CEO, Professionals Australia

Dr Aideen McInerney-Leo, Senior Research Fellow, The University of Queensland Diamantina Institute

Elizabeth McMahon, Chief People Officer, WEHI

Professor Maxine Morand, Chair, Peter McCallum Cancer Centre; Board Member and GEDI Committee Chair, AAMRI

Professor Geraldine O'Neill, Head of the Children's Cancer Research Unit (CCRU) Faculty of Medicine & Health, University of Sydney

Dr Maree Overall, Biochemist, immediate past CEO Emily's List Australia

Alicia Pearce, George Institute for Global Health

Professor Allison Pettit, Director of Biomedical Research, Mater Research; Member GEDI Committee AAMRI

Professor Louise Purton, Head of Stem Cell Regulation, St Vincents Institute of Medical Research; Member GEDI Committee AAMRI

Susannah Rooney, Deputy CEO, Victor Chang Cardiac Research Institute

Dr Mary Russell, Executive Director Regulatory Operations, Tertiary Education Quality & Standards Agency (TEQSA)

Professor Michelle Ryan, Director, Global Institute for Women's Leadership, ANU

Dr Lorey Smith, Senior Research Officer in the Molecular Oncology Lab, Peter McCallum Cancer Centre; Executive Committee Member and Safe Cultures Working Group Member, WiSPP

Dr. Miranda Smith, Project Officer – Australian Partnership (for) Preparedness Research on Infectious (disease) Emergencies (APPRISE), The Peter Doherty Institute for Infection and Immunity; Executive Committee Member and Safe Cultures Working Group Member, WiSPP

Dr Sarah Stephenson, Senior Research Officer, Neurogenetics Group, Murdoch Children's Research Institute (MCRI); Co-founder and Committee Member, Queers in Science Victoria

Anna Stewart, Diversity and Inclusion Advisor, WEHI

Dr. Mohammed Taha, Researcher, School of Engineering, University of Melbourne; Co-chair of the Victorian Chapter, Queers in Science

Leanne Tea, Head of Human Resources, George Institute for Global Health

Dr Peter Thomas – Previous Executive Director, AAMRI

Jen Turner, Human Resources Advisor, Perron Institute for Neurological and Translational Science

Professor Cathy Vaughan, Director of Nossal Institute and Chair of Global Health Melbourne School of Population and Global Health, University of Melbourne

Laura Vines, Manager, Prevention, Policy and Influence, Respect Victoria Manager

Lisa Whiffen, Program Director, Champions of Change Coalition

Associate Professor Odilia Wijburg, Head of Teaching and Learning, The Peter Doherty Institute for Infection and Immunity; Safe Cultures Working Group Member, WiSPP

# INTRODUCTION TO THE RESPECT IN RESEARCH REPORT

## BACKGROUND

This Project's beginnings date back to June 2018, when, in recognition of the prevalence of sexual harassment in Australia and globally, the former Sex Discrimination Commissioner, Kate Jenkins, announced the **National Inquiry into Sexual Harassment in Australian Workplaces**.

Commissioner Jenkins worked with five of the **Association of Australian Medical Research Institutes (AAMRI's)** member institutes in the early stages of this process, engaging specifically with leaders from the broader Melbourne Parkville precinct. This round-table was hosted by **Women in Science Parkville Precinct (WiSPP)**, an organisation set up to link Parkville medical research institutes. This represented an early data collection point for what became the **Respect@Work Report**, the key output of the National Inquiry into Sexual Harassment in Australian Workplaces.

The Respect@Work Report made 55 wide ranging recommendations directed to all levels of government and the private sector for policy and legislative reforms to prevent and address workplace sexual harassment.

In 2021, AAMRI and WiSPP initiated a collaborative project, the **Respect in Research Project**, in response to Recommendation 47 of the Respect@Work Report which called for key industry and professional groups to collaborate to establish industry and profession-wide initiatives to address sexual harassment.

Following extensive consultation with key experts (see below for further detail), it was recommended that a report be produced to help support AAMRI's member institutes to drive change and provide safe and inclusive workplaces for all staff.

## SITUATION ANALYSIS

**Health and medical research workplaces have been identified as higher risk for sexual harassment**, with reports from across a number of academic and health environments citing high prevalence rates of up to [50%](#), compared to the national prevalence rate of [33%](#) across all workplaces. Significant under-reporting of incidents, remains a major barrier for organisations to appropriately monitor, respond to and mitigate this risk, with [82%](#) of people who experience sexual harassment not formally reporting.

## WHY IS THE HEALTH AND MEDICAL RESEARCH SECTOR A HIGH-RISK ENVIRONMENT FOR SEXUAL AND GENDER HARASSMENT?

The health and medical research sector is characterised by hierarchal structures and strong power differentials - workplace characteristics which have been strongly identified as enabling sexual and gendered harassment. Sector-specific risks, include the strong dependencies on those at higher levels for entry into training and career progression (e.g., resources, access to network and profile opportunities), male-dominated leadership and psychosocial hazards, including high demands, inadequate reward and recognition and poorly managed bullying and conflict procedures.

The 2020 [Respect@Work Report](#) concluded that several key factors create a high-risk environment for sexual harassment in the workplace:

- Male-dominated environments (culturally, historically, numerically or in leadership).
- Highly hierarchal workplaces (specifically the medical profession, including the patronage system of training in the medical profession, and 'highly structured organizations with large power differentials between organisational levels').
  - Of particular concern were cultures that protect 'high value' workers.
- High level of contact with third parties, such as clients, customers and patients (including in clinical and hospital settings).
- Rural, remote, or isolated workplaces (e.g., isolated or physically cramped workspaces, rural outreach projects and work requiring travel).

## A POSITIVE DUTY TO PREVENT SEXUAL AND GENDER HARASSMENT EXISTS UNDER AUSTRALIAN LAW

In November 2022, the federal government passed legislation which has strengthened the Sex Discrimination Act to include a 'positive duty' as recommended in the [Respect@Work Report](#) (2020). This law mandates that any person conducting a business or undertaking (PCBU), "must take reasonable and proportionate measures to eliminate sex discrimination, sexual harassment and victimisation, as far as possible." A positive duty shifts the burden from individuals making complaints to employers taking proactive and preventative action.

It is important to note that from 1 December 2023, the Australian Human Rights Commission (AHRC) will have greater powers to monitor and enforce this positive duty. Changes to the law also give the AHRC inquiry and enforcement powers to ensure that organisations and businesses are complying with their positive duty. If non-compliance is reasonably suspected, the AHRC can issue a compliance notice and apply to the Federal Court for orders to direct compliance with the notice. To support organisations, the AHRC has provided [guidelines](#) on how to comply with the positive duty and includes Standards the AHRC expects organisations and businesses to meet.

The clear nexus between sex-based harassment and sexual harassment was only recently fully acknowledged in Australian legislation. New 'sex-based' harassment provisions were enshrined in law on 2nd September 2021 and amendments have been reflected in both the *Sex Discrimination Act* and the *Fair Work Act*. The *Sex Discrimination Act* now encompasses sex-based harassment defined as engaging in unwelcome conduct of a seriously demeaning nature based on a person's sex or a characteristic generally imputed to their sex [s. 28AA]. In determining sex-based harassment, a similar range of factors are legislatively relevant, including the sexual orientation, gender identity, or ethnicity of the person harassed, and the relationship between the persons (e.g., Lab Head and Lab Technician), [s.28AA (2)]. **This amendment to the *Fair Work Act* makes sexual harassment an explicit form of serious misconduct for the purposes of dismissal.**

**THIS REPORT USES THE TERM GENDER HARASSMENT (INSTEAD OF SEX-BASED HARASSMENT AS REFLECTED IN AUSTRALIA'S 'SEX-BASED' LAWS), AS IT MORE ACCURATELY REFLECTS THE VALUE-BASE BEHIND, AND IMPACT OF, THE BEHAVIOUR. IMPORTANTLY IT REMOVES ANY CONFUSION ABOUT THE NEED FOR SEXUALLY HARASSING BEHAVIOUR TO BE 'SEXUALISED' IN NATURE.**

## THE IMPACTS AND COSTS OF SEXUAL AND GENDER HARASSMENT

Sexual and gender harassment is a serious psychological hazard, and two thirds (67%) of people sexually harassed in the workplace experienced negative mental health impacts (71% of women and 59% of men; [Time for Respect](#) 2022). Those who experience harassment report decreased job satisfaction; decreased self-esteem and confidence; decreased commitment to their organisation and productivity at work.

Harassment can have a significant impact on the careers of victims and failure to prevent and respond appropriately contributes to the 'leaky pipeline' which results in low representation of women in health and medical research leadership. The National Academies (2018) looked at the specific experience of women in Science, Engineering and Medicine who were sexually harassed and found that specific impacts on careers and science, included:

- Stepping down from leadership opportunities to avoid a perpetrator
- Leaving the institution
- Leaving the field altogether
- Reliance on informal warnings from other women to avoid certain workplaces in order to avoid gendered or sexual harassers, which limit opportunities
- General career derailment when the perpetrator is a supervisor/mentor.

Sexual harassment also poses a measurable economic risk for organisations. The Australian Human Rights Commission recruited Deloitte Access Economics to assess the economic cost of sexual harassment in Australian workplaces and found notable losses of productivity, absenteeism, reductions in work satisfaction, increased thoughts on leaving the workplace, staff turnover and poor workplace culture. Included in their assessment were the costs of responding to sexual harassment complaints, legal costs, workers compensation, and reputational damage. ([Deloitte](#) 2020)

In the health and medical research sector, the costs can be even greater. The National Academies report considered the significant institutional and government investment in early career researchers, the significantly 'high costs of entry' into the field and the loss of this investment when researchers leave due to experiencing harassment. When sexual harassment reduces productivity, or even leads to researchers leaving, the impact on the research can be severe (See [McLaughlin, Uggen and Blackstone et al 2017](#); and [Medeiros and Griffith, 2019](#)).

## CONSULTATIONS AND METHODOLOGY

Throughout the development of this Report, consultations were held widely to hear voices from the sector about characteristics that increase risk of sexual and gender harassment (some universal and some specific to the sector), and the best means of achieving change.

Consultations with over 80 people included:

1. Representatives from AAMRI Institutes, including research leaders; people and culture/human resources and diversity and inclusion personnel
2. Groups of researchers from Medical Research Institutes including students and post-doctoral researchers
3. Advocacy groups and individual staff and students including:
  - LGBTQIA+ people
  - Culturally and Linguistically Diverse (CALD) people
  - People living and working with a disability
  - First Nations people
4. An Expert Advisory Group made up of representatives from the above groups and additional experienced members including academics, health practitioners, GEDI experts, sexual and gender violence experts, and representatives from peak bodies and other relevant organisations.

### PHASE 1

- Review of literature and development of preliminary recommendations.
- Survey of AAMRI member institutes to test preliminary recommendations.
- Consultation workshops to share preliminary recommendations with the Advisory Group, groups of researchers and professional services personnel from AAMRI member institutes (x 6 in total).

### PHASE 2

- Exposure draft of recommendations provided by the project Advisory Group, groups of researchers and professional services personnel from AAMRI member institutes.
- Consultation workshops to review recommendations (x 4 in total).
- Further consultations with sector representatives and advocacy groups representing underrepresented groups.



# DEFINITIONS AND TERMINOLOGY

## DEFINING SEXUAL AND GENDER HARASSMENT

A key recommendation of this project is that health and medical research institutes need to ensure they design prevention and response efforts with a strong focus on gender harassment. Gender harassment is the most prevalent form of sexual harassment and makes unwanted sexual attention and sexual coercion more likely to occur.

Better understanding of what constitutes sexual and gender harassment will better equip leaders, staff and students to prevent harassment. Gender harassment is the most common form of harassment but many who experience these behaviours themselves don't identify it as sexual harassment, don't think it's serious enough and therefore don't report it ([Holland & Cortina, 2013](#)). A report by the [Victorian Equal Opportunity and Human Rights Commission](#) found that managers are able to readily identify sexual harassment at the criminal and egregious end of the spectrum (such as sexual assault and coercion) but are less able to recognise the broad spectrum of behaviour that constitutes unlawful sexual harassment – such as offensive banter, jokes and unwelcome romantic attention (p297, 2015). Greater awareness of what constitutes sexual and gender harassment is essential for fostering a safer workplace.

Whilst it is important to prevent and investigate easily identified and egregious sexualised types of behaviour (for example, sexual coercion and unwanted sexual attention), equal attention should be paid to the more common forms of gender harassment (also known as sex-based harassment, or sexism). More common workplace experiences of gender harassment (crude jokes, offensive remarks, being overlooked or talked over in meetings) have significant and negative effects on wellbeing ([Fitzgerald et al., 1997](#)) and if sustained over time, the impact can be comparable to experiencing the overt forms of sexual harassment ([Sojo et al., 2015](#)).

The National Academies (2018 pg. 23) report reviewed decades of sexual harassment research and in considering these sources, the report used the 3-part classification system to define sexual harassment which are used in this Report (*see definition below*).

*“Gender harassment (e.g., behaviors that communicate that women do not belong or do not merit respect) is by far the most common type of sexual harassment. When an environment is pervaded by gender harassment, unwanted sexual attention and sexual coercion become more likely to occur—in part because unwanted sexual attention and sexual coercion are almost never experienced by women without simultaneously experiencing gender harassment.”*

([National Academies 2018](#))

## FORMS OF SEXUAL HARASSMENT: THE TRIPARTITE MODEL

A 3-part classification system divides sexual harassment into these distinct categories: gender harassment, unwanted sexual attention, and sexual coercion. Sexual harassment is not necessarily about sexual activity or sexual desire. Sexual harassment is also discrimination based on gender, which includes one's biological sex and cultural gender-based stereotypes.

**Gender harassment** includes verbal or physical behaviour that denigrates or shows aversion to one's gender, gender identity, or sexual orientation. For example, calling out a man for being a “sissy” or telling a woman she isn't fit for a senior position in a male-dominated leadership environment may constitute gender harassment. Gender harassment can include hatred, objectification, exclusion, or giving second-class status to members of a particular gender. Sexist or heterosexist language, jokes, or comments also fall under this category. Given the circumstances, gender harassment can have the same unfavourable outcomes as one instance of sexual coercion.

**Unwanted sexual attention** includes making suggestive statements about a person's body, spreading sexual rumours, and electronically sharing sexualized images.

**Sexual coercion**, or quid pro quo, happens the least frequently of the 3 categories of sexual harassment but is the most reported and involves demands for sexual favours in exchange for some benefit or to avoid some detriment in the workplace.

Source: <https://www.ncbi.nlm.nih.gov/books/NBK587339/>

## GENDER INEQUALITY IS A KEY DRIVER, OR UNDERLYING CAUSE, OF WORKPLACE SEXUAL HARASSMENT.

Sexual harassment is largely not about sexual attraction, but about disrespect. Disrespect is enabled by workplace structures and cultures which are informed by broader societal discriminatory attitudes. All people experience sexual harassment, regardless of their gender, however a “key factor that drives sexual harassment of all people, regardless of their gender, are norms, practices and structures in society that shape (and are shaped by) gender inequality”. ([Respect@Work](#), 2022). Gender inequality occurs when men and women have unequal access to power, opportunities and resources and when women are not valued and respected as much as men. Further, inequalities including racism, homophobia, transphobia, ableism creates power imbalances in the workplace to increase the risk of sexual harassment.

### TERMINOLOGY USED IN THIS REPORT:

During consultations for this project, there were many discussions with experts and those with lived experience regarding appropriate and relevant language use. Where possible, this Report uses terminology from the [Respect@Work Report](#), (2020). The Report draws on the following resources for terminology preferred by people with intersecting characteristics who may be affected by sexual harassment; [People with Disability Australia Language Guide](#), [Victorian Government's LGBTIQ+ Language Guide](#), [Glossary – LGBTIQ+ Terminology | Pride Inclusion Programs](#).

The extract in the left hand column from [Respect@Work Report](#) (2020) represents this Reports approach in talking about those who have experienced gendered or sexual harassment, including the use of the term ‘victim’ throughout the report:

*“Some people when describing their experiences prefer to use the term ‘victim’ and others prefer the term ‘survivor.’ The Commission recognises that some people consider ‘victim’ problematic because it may suggest that people who have experienced workplace sexual harassment are helpless or lack agency. This is not the position of the Commission. Similarly, other people prefer the resilience and empowerment associated with the term ‘survivor’. In this report, the Commission generally uses the term ‘victim’, since this is most commonly used in the community, and intends this to be inclusive of victims and survivors.”*

([Respect@work Report](#) 2020)

Much of the literature, including the 2020 [Respect@Work Report](#), uses the term “victim-centred”. Taking the lead from [Champions of Change](#) (2021) and the recently developed [Respect at Work website](#) (2022), this Report utilises the term “people-centred” to reflect that people, in addition to the victim are impacted by sexual harassment (bystanders and those exposed to ambient harassment) and have used this term where appropriate in this report.

The term **‘perpetrator’** or **‘alleged perpetrator’** are used to denote the harasser.

The term **‘staff’** to describe employees of medical research institutes which includes researchers, managers, technical staff, administrative staff and those with joint academic or other appointments. This term also includes contractors, trainees or anyone providing a service to the institute, including volunteers. **‘Students’** mean those who have an attachment to an academic institution (usually a university) and are placed in a medical research institute to conduct research, usually as contribution to their PhD or Masters by Research. This includes international students.

The terms **‘First Nations people’** and **‘Aboriginal and Torres Strait Islander people’** are used depending on reference to specific research or literature.

The terms **‘low intensity’** and **‘high intensity’** are used to describe a range of sexually harassing behaviours. This is not to indicate that ‘low intensity’ should not be considered a lesser form of harassment. Distinctions among harmful workplace experiences based on severity should be avoided as such distinctions may perpetuate the view that some harmful workplace experiences (e.g., sexist jokes and remarks, ignoring women during meetings) have a lesser impact and are therefore tolerated, when they are in fact as detrimental as other well-recognised forms of mistreatment at work ([Sojo, Wood, & Genat](#), 2016).

## A NOTE ABOUT KEY SOURCES FREQUENTLY REFERENCED IN THIS REPORT:

This Report frequently refers to two reports from the Australian Human Rights Commission (AHRC) the **Respect@Work Report (2020)** which was the result of a National Inquiry into Sexual Harassment in Australian Workplaces commissioned by the Australian Government in 2018. The second report **Time for Respect (2022)**, provides the latest Australian data taken from the fifth national survey that investigates the prevalence, nature and reporting of sexual harassment in Australian workplaces. For the first time, the 2022 survey also asked about workers' views on the actions taken by their employers to address workplace sexual harassment.

In 2018, the National Academies of Science, Engineering and Medicine in the USA completed an extensive project to examine the prevalence and impact of sexual harassment on the academic career advancement of women in the scientific, technical, and medical workforce. The resulting report, [Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine](#), provides much of the sector specific insights that inform the recommendations outlined in this report (and referenced herein as '**National Academies (2018)**').

In 2022, the Australian Human Rights Commission (AHRC) released the Respect@Work website in partnership with a range of government and non-government agencies, and non-profit organisations working to address gender inequality, violence against women and promote workplace safety. In this report there are frequent references to this website including direct links (and referenced herein as '**Respect@Work (2022)**').



# LIST OF RECOMMENDATIONS

## PRIORITY 1: BUILD TRUST

### **Leadership acknowledges the prevalence and impact of sexual and gender harassment and demonstrates a commitment to prevent it.**

- 1.1 Acknowledge that sexual and gender harassment occurs in the health and medical research sector and commit to prevention.
- 1.2 Demonstrate commitment to preventing sexual and gender harassment by taking fair and proportionate action.
- 1.3 Demonstrate commitment to preventing sexual and gender harassment by taking substantive action, and where appropriate removing perpetrators.
- 1.4 Be transparent about responses to incidences of sexual and gender harassment.

## PRIORITY 2: BE ACCOUNTABLE

### **Staff and students must effectively respond to and prevent workplace sexual and gender harassment. Leaders at all levels, must deliver on their specific responsibilities.**

- 2.1 Ensure boards are appropriately informed and supported to meet their obligation to manage the risks related to sexual and gender harassment.
- 2.2 Develop and implement an effective Sexual and Gender Harassment Prevention Strategy.
- 2.3 Ensure your organisation has a clear up-to-date standalone policy addressing sexual and gender harassment.
- 2.4 Ensure effective systems to collect, analyse and use data to manage the risks related to sexual and gender harassment, and to evaluate the prevention plan designed to control risks.
- 2.5 Hold leaders accountable for actively driving and supporting an inclusive, respectful, and safe workplace culture.

## PRIORITY 3: IDENTIFY AND MANAGE RISKS

### **Address sexual and gender harassment as a significant Workplace Health and Safety risk for individuals and organisations.**

- 3.1 Use a Workplace Health and Safety (WHS) approach to identify and manage risks of sexual and gender harassment.
- 3.2 Be proactive about identifying risks, and intervene early.
- 3.3 Minimise risk of employing staff with a history of risk behaviours and misconduct.

## PRIORITY 4: PROMOTE A DIVERSE, INCLUSIVE, AND RESPECTFUL WORKPLACE

### **A diverse, inclusive, and respectful workplace culture reduces the risk of sexual harassment.**

- 4.1 Leadership to set the standard and exemplify the values of respectful behaviour.
- 4.2 Elevate Gender Equity, Diversity and Inclusion (GEDI) as a strategic priority and co-design GEDI strategies in collaboration with all communities in the workplace.
- 4.3 Expand focus of prevention and response efforts to include everyday sexism and discrimination.
- 4.4 Prevention and response efforts must be designed using an intersectional approach and be based on the understanding that sexual and gender harassment is experienced at higher rates and differently by some members of the community.



## **PRIORITY 5: STRENGTHEN KNOWLEDGE AND SKILLS TO PROMOTE A SAFE WORKPLACE CULTURE**

### **Adopt an effective education strategy to cultivate a respectful workplace culture.**

- 5.1 Provide training and education opportunities to all levels of staff to develop relevant knowledge and skills to promote a respectful culture.
- 5.2 Measure impact of harassment prevention training and education.

## **PRIORITY 6: EMPOWER AND SUPPORT PEOPLE TO “SPEAK UP”**

### **Sexual and gender harassment reporting and response systems need to listen to, empower, and support people who are impacted.**

- 6.1 Ensure reporting systems include multiple pathways for disclosing experiences of sexual and gender harassment, including at least one anonymous option.
- 6.2 Ensure reporting and response systems are trauma informed and people responsible for handling disclosures have appropriate knowledge and skills.
- 6.3 Ensure reporting systems are accessible.
- 6.4 People who report sexual and gender harassment need to be kept informed and supported.
- 6.5 Periodically review and evaluate reporting and response systems.
- 6.6 Commit to limited use of Non-Disclosure Agreements (NDAs).
- 6.7 Safeguard the careers/studies of victim-reporters.
- 6.8 Provide an option for independent investigation of harassment disclosures.

## **PRIORITY 7: DIFFUSING POWER**

### **Addressing power imbalances to reduce the risk of sexual harassment and support disclosures.**

- 7.1 Restructure teams to be less reliant on individual researchers.
- 7.2 Promote collegial and respectful relationships between supervisors and higher degree by research students.
- 7.3 Provide structural and policy support for healthy relationships between management and postdoctoral researchers.
- 7.4 Centralise administrative and funding allocation decisions that impact career progression.
- 7.5 Consider developing a policy to ensure that labs are not named after their chief investigator or lead, but instead by the area of research.
- 7.6 Create processes to remove bias, discrimination, or conflicts of interest in the writing of references and letters of support.
- 7.7 Develop and communicate a policy and process for managing consensual sexual relationships in the workplace.

## **PRIORITY 8: WORKING TOGETHER TO CHANGE THE SYSTEM**

### **Systemic changes are needed to diffuse hierarchical power within medical research and to hold organisations to account if they fail to effectively address sexual and gender harassment.**

- 8.1 Consider establishing an independent body that brings the sector together for a sustained effort to prevent all forms of sexual harassment.
- 8.2 Consider developing a sector-wide standardised culture and psychological safety survey where results are reported publicly.
- 8.3 Discuss how sexual harassment can be considered a breach of responsible research conduct and identify opportunities for reporting and action management.
  - 8.3.1 If sexual and gender harassment is considered a breach of responsible research conduct, discuss how investigations can be reported to funding bodies and appropriate action taken.
  - 8.3.2 Consider integrating sexual and gender harassment as a component of research misconduct and which has oversight from the establishment of a new research integrity body.
  - 8.3.3 Funders of health and medical research should work together and agree to withhold funding from organisations that do not satisfactorily report on and prevent sexual harassment.
- 8.4 Discuss options for restructuring the system of funding and grant support to enable a more diverse, inclusive and respectful medical research sector.
  - 8.4.1 Consider developing standardised policies and procedures that ensure research projects can continue when leadership changes.
  - 8.4.2 Consider redefining measures of success and merit to suit a modern and diverse workforce.
  - 8.4.3 Sector wide efforts are needed to address the precarity of the health and medical research workforce.

# PRIORITY 1: BUILD TRUST

## LEADERSHIP ACKNOWLEDGES THE PREVALENCE AND IMPACT OF SEXUAL AND GENDER HARASSMENT AND DEMONSTRATES A COMMITMENT TO PREVENT IT.

Sexual and gender harassment in Australian workplaces is persistent, prevalent, and under-reported. Data from the most recent national survey of sexual harassment in Australian workplaces by the Australian Human Rights Commission (AHRC) found that 82% of people who had experienced harassment in workplaces did not formally report the incident ([Time for Respect 2022](#)). This underreporting represents a major risk to organisations as accurate data is required to develop effective strategies to protect staff and students in line with their legal duty (*See Priority 3*).

Central to underreporting is a lack of trust in the workplace to act and safeguard staff and students. In the landmark 2018 report by the National Academies of Science, Engineering and Medicine on sexual harassment in academia, perceived organisational tolerance of sexual and gender harassment and absence of sanctions was identified as a key predictor of sexual and gender harassment occurring in those in work organisations ([National Academies 2018](#)). When leadership is perceived to minimise sexual and gender harassment, or fails to act on known incidents, the risk of reoccurrence in the same workplace increases. Unacknowledged and unaddressed sexual and gender harassment not only increases the risk of reoccurrence in the same workplace but also creates 'institutional betrayal', affecting the mental and physical health of victims beyond the experience of harassment itself ([Freyd 1997](#)).

Building trust is key to facilitating disclosures, to remove perpetrators and build a culture of respect and prevent further harm. The responsibility sits with leadership and two elements are key: substantive and proportionate action in the event of an incident of sexual or gender harassment and clear and transparent communication to all staff and students following an incident or investigation to demonstrate that action has been taken ([Hart, Crossley & Correll 2018](#)).

*Central to underreporting is a lack of trust in a workplace to act. According to 28% of victims who did not report, this was because they thought "it would not change things" or that "nothing would be done as a result".*

([Time for Respect 2022](#), p.129)

### KEY ACTIONS

- Acknowledge that sexual and gender harassment occurs in the medical research sector and commit to prevention.
- Demonstrate commitment to preventing sexual and gender harassment by taking fair and proportionate action.
- Demonstrate commitment to preventing sexual and gender harassment by taking substantive action and, where appropriate, removing perpetrators.
- Be transparent about responses to incidences of sexual and gender harassment.

## RECOMMENDATIONS

### 1.1 Acknowledge that sexual and gender harassment occurs in the medical research sector and commit to prevention.

Under Australian Law, organisations have a positive duty to eliminate sexual and gender harassment as far as possible. Leadership recognition and public acknowledgment of the problem is the first step.

Absence of formal reports within an organisation does not indicate absence of a problem. It is undisputed that high levels of sexual and gender harassment exist in all Australian workplaces ([Respect@Work Report](#) 2020; [Time for Respect](#) 2022), and this includes research organisations. Acceptance and acknowledgement that sexual and gender harassment exists is the cornerstone of a proactive approach that addresses the drivers rather than reacts to complaints after the event.

As a starting point, leaders can demonstrate commitment to eliminating sexual and gender harassment by developing a leadership statement that is publicly available and consistently promoted to all staff and students in their organisations. A public pledge will also demonstrate both a leadership and an organisational position on sexual and gender harassment prevention.

#### FURTHER GUIDANCE

See [Champions of Change Leadership Statement](#) (2021, pp. 4-5) and [Respect@Work](#) for sample leadership statements.

Organisational commitment is best demonstrated through regular communication about the organisation's position of zero-tolerance for sexual and gender harassment, spearheaded by the highest level of leadership. This message must be amplified and repeated in multiple ways, for example in town hall meetings attended by all staff and students, in smaller team meetings, on notice boards, and via emails and the intranet.

To build a culture of trust and respect and set the tone for the expected behaviour of all staff and students, it is important to normalise discussion about sexual and gender harassment. This will ensure that staff and students are confident that harassment is being addressed in their organisation and they feel safe to speak up. In addition to communicating strong zero-tolerance statements it is also equally important to use positive messaging that promotes a respectful culture. This means encouraging staff and students to be a part of the sexual and gender harassment prevention solution, a far more effective means of shaping respectful conduct than focusing on sanctioned behaviours alone ([See Priority 4 and 5](#)).

#### WHAT CAN YOU DO?

- Release a leadership statement that articulates the organisation's commitment to take action to eliminate sexual and gender harassment. Ensure that this statement is publicly available and promoted to all staff and students.
- As part of your organisation's Sexual and Gender Harassment Prevention Strategy ([See Recommendation 2.2](#)), create a clear Sexual and Gender Harassment Prevention Communication plan ([See Appendix 1 for guidance](#)).

*As former Sex Discrimination Commissioner Kate Jenkins emphasised, “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”.*

*([Champions of Change Coalition](#) 2021, p. 5).*



## 1.2 Demonstrate commitment to preventing sexual and gender harassment by taking fair and proportionate action.

Evidence shows that sexual and gender harassment is not reported due to a lack of trust that any action will follow the formal complaint ([Time for Respect](#) 2022, p. 149). In order to demonstrate commitment to action and to create a respectful environment in which people feel safe to report, it is crucial that staff and students can see that reports of harassment, offensive behaviours and discrimination are being responded to fairly and proportionately. It is important that staff understand that just as there is a spectrum of behaviours that constitute sexual and gender harassment, there is a fair and proportionate response that corresponds to the severity of each behaviour.

A zero-tolerance position of sexual and gender harassment calls for strong yet proportionate action (counter to the greater punitiveness it may infer). It is important for leadership, staff and students to know that not all harassment reports result in a disruptive outcome such as a dismissal. Demonstrated use of a range of disciplinary actions can reduce the fear of reporting incidences among those who just want the behaviour to stop and do not want to be seen as causing disruption to the status quo ([National Academies](#) 2018).

## 1.3 Demonstrate commitment to preventing sexual and gender harassment by taking substantive action, and where appropriate removing perpetrators.

Whilst it is important to demonstrate a range of responses that correspond to the severity of inappropriate behaviours, it is important that this includes commensurate and substantive action when appropriate, i.e. when staff perpetrate high intensity, egregious, overt sexual and gender harassment. Failure to take substantive action, (e.g. dismissal) sends the signal that this harassment is not taken seriously by leadership and erodes trust not just in the victim, but also in staff and students who witness or are aware of the incident(s). With no consequence, perpetrators are likely to continue to offend and harm other staff or students, representing a significant safety risk and a breach of legal duty. Further, as established, lack of substantive action will likely lead to underreporting and inaccurate data that inhibits the design of effective mitigation approaches. Leadership must be prepared to discipline and, where appropriate, remove a staff member or student regardless of their position or affiliation.

### WHAT CAN YOU DO?

- Identify and articulate the range of behaviours that constitute sexual and gender harassment and their proportionate responses in the sexual and gender harassment policies of the organisation.
- Reinforce the range of behaviours and appropriate responses in regularly implemented awareness and education activities (*See Priority 5*).
- Where removal of the perpetrator would impact project funding, mitigation strategies should be developed and implemented to minimise impact. Mitigation strategies can include consideration of team structures (*See Recommendation 7.1*) and identification of appropriate expertise to support the ongoing success of the research project.

## 1.4 Be transparent about responses to incidences of sexual and gender harassment.

Transparency demonstrates a leadership commitment to eliminating sexual and gender harassment, develops knowledge, normalises discussions, and raises awareness of and trust in, support and reporting mechanisms ([Respect@Work 2022](#)). Open communication about sexual and gender harassment lays the foundation for building a culture of trust, respect and safety. It is a vital part of all measures taken to prevent gender harassment.

To ensure that staff and students feel confident that sexual and gender harassment is being addressed and eliminated in their organisation, employers must be transparent about trends, patterns of incidence, and disciplinary actions, and regularly share this information with all staff, boards and external stakeholders ([Victorian Equal Opportunity and Human Rights Commission 2020](#), p. 95).

Best practice in transparency includes sharing de-identified and aggregated data on sexual and gender harassment incidence, and related disciplinary action. This includes the total number and type of reported incidences, the steps taken to resolve complaints, the duration of the process, and the consequences for the perpetrators ([Respect@Work 2022](#)).

**“Transparency is an effective, relatively low-cost mechanism for engineering positive change”**

([Respect@Work Report 2020](#) p. 628).

### FURTHER GUIDANCE

See Champions of Change: [A guide to confidentiality and transparency](#); & Respect@Work [Balancing confidentiality and transparency during and after a matter](#) for useful discussions about balancing transparency with confidentiality.

In addition to sharing de-identified data from formal reports, it is important to demonstrate your organisation’s commitment to taking fair and proportionate action by providing high-level de-identified data about sexual and gender harassment incidents that have been disclosed but not formally reported, including actions taken in response to these disclosures. This is critical as it will encourage more reporting of such incidents and allow organisations to intervene early and develop effective prevention strategies (**See Recommendation 3.2**).

*Note:* The level of detail in the information provided to all staff and students regarding outcomes of investigations will be influenced by factors including the number of staff and students in the organisation, the ability to maintain confidentiality, and legal considerations.

### WHAT CAN YOU DO?

- Ensure that your organisation’s Sexual and Gender Harassment Prevention Strategy (**See Recommendation 2.2**) includes details about the quantitative and qualitative data that will be collected, analysed and reported on.
- In your Sexual and Gender Harassment Prevention Communication Plan, include the following actions: provide regular de-identified reporting on gender harassment incidents and outcomes to the board (**see Recommendation 2.1 relating to board responsibility**) and to all staff; and make this information publicly available on a specified platform.

# PRIORITY 2: BE ACCOUNTABLE

## STAFF AND STUDENTS MUST EFFECTIVELY RESPOND TO AND PREVENT WORKPLACE SEXUAL AND GENDER HARASSMENT. LEADERS AT ALL LEVELS, MUST DELIVER ON THEIR SPECIFIC RESPONSIBILITIES.

While protection from workplace sexual and gender harassment and its impacts is an obvious human right, there are other important organisational motivations to prevent incidences, in particular maintenance of reputation and productivity.

Australian legislation now includes stronger provisions to prevent sexual and gender harassment in workplaces. Recent legislative changes to the Sex Discrimination Act and the Fair Work Act have expanded protections in the workplace to include a positive duty to eliminate gender harassment and discrimination, which now applies under Federal anti-discrimination law<sup>2</sup>. This positive duty requires employers to eliminate risks of sexual and gender harassment as far as is 'reasonably practicable'. Unless they can prove they took all reasonable steps to prevent sexual and gender harassment, employers may be vicariously liable for the infringements of their employees.

The Champions of Change Coalition, made up of international and national leaders in industry and education, are calling for the prevention of sexual and gender harassment through early intervention to be considered a leadership priority, and marked as a key accountability for boards, CEOs and executive teams, on a par with other occupational health and safety responsibilities. A recent report by the [Australian Human Rights Commission](#) (2021) also recommends that boards should take primary responsibility and accountability for the implementation and monitoring of sexual and gender harassment governance frameworks across the organisation and the monitoring of performance against these frameworks.

*“While the experience of people impacted by sexual harassment has not changed, there has rightly been a shift in the reputational and market costs of perceived cover-ups, which are now significant and are beginning to appropriately reflect the harm of sexual harassment to individuals, organisations and our community.”*

[Champions of Change Coalition](#) (2021, p. 53)

### KEY ACTIONS

- Ensure boards are appropriately informed and supported to meet their obligation to manage the risks related to sexual and gender harassment.
- Develop and implement an effective Sexual and Gender Harassment Prevention Strategy (Strategy).
- Ensure your organisation has a clear up-to-date standalone policy addressing sexual and gender harassment.
- Ensure the effective operation of systems to collect, analyse and use data to manage the risks related to sexual and gender harassment and to evaluate the prevention plan designed to control risks.
- Hold leaders accountable for actively driving and supporting an inclusive, respectful, and safe workplace culture.

<sup>2</sup> In 2022, Sex Discrimination Act 1984 (Cth), was amended introducing a positive duty on employers and Persons Conducting Business or Undertaking (PCBUs) to eliminate workplace sexual harassment, sex discrimination and sex-based harassment. New 'sex-based' harassment provisions were enshrined in law on 2nd September 2021. These amended both the *Sex Discrimination Act* and the *Fair Work Act*. The *Sex Discrimination Act* now encompasses sex-based harassment defined as engaging in unwelcome conduct of a seriously demeaning nature based on a person's sex or a characteristic generally imputed to their sex [s. 28AA]. These changes expand the previous protections around sexual harassment in the workplace.

## RECOMMENDATIONS

### 2.1 Ensure boards are appropriately informed and supported to meet their obligation to manage the risks related to sexual and gender harassment

**A 2022 SURVEY<sup>3</sup> OF AAMRI MEMBER MEDICAL RESEARCH INSTITUTES COMPLETED AS PART OF THIS PROJECT FOUND THAT WHILE 80% REPORTED SEXUAL HARASSMENT COMPLAINTS OR INCIDENTS TO THEIR EXECUTIVE, ONLY HALF (52%) REPORTED THEM TO THE BOARD (unpublished).**

**ONLY 39% OF ORGANISATIONS INCLUDED SEXUAL AND GENDER HARASSMENT AS A RISK ON THEIR OVERALL ORGANISATIONAL RISK REGISTER.**

In addition to a positive duty to take reasonable measures to eliminate discrimination, sexual and gender harassment, organisational leaders, including the board also have legal responsibilities under workplace law ([Fair Work Act 2011](#) and [Workplace Health and Safety Act 2011](#)) and can be held liable for harassment under these laws.

Organisational leaders and boards need to be empowered and supported to meet their legal obligations and to drive real and substantial change. It is essential that they have the skills and knowledge to effectively respond to and prevent sexual and gender harassment, and that they are kept appropriately informed about risks and actual incidences in their organisation.

#### WHAT CAN YOU DO?

- Ensure that the governance framework of your organisation clearly reflects the responsibility of organisational leaders and the board for the response to and prevention of sexual and gender harassment, and for monitoring performance across the organisation.
- Ensure that sexual and gender harassment is formally included in your organisation's operational risk register, including an assessment of the health and safety, reputational, and financial risks for the organisation.
- Ensure that organisation leaders and board members have the necessary skills and experience to effectively respond to and prevent workplace sexual and gender harassment. Recommended training to support leaders and board members include:
  - respectful work conduct
  - definitions of sexual and gender harassment
  - the role of leadership in prevention and response ([Respect@Work 2022](#), p.4).
- Establish a regular reporting line to organisation leaders and the board on matters including:
  - formal and informal reports or disclosures of sexual and gender harassment
  - progress of any investigations being undertaken in response to reports
  - outcome/s of investigations and any disciplinary actions taken following substantiated investigations
  - sexual and gender harassment risk assessment processes, including evaluation reports on workplace measures to mitigate or eliminate risks.

<sup>3</sup> This survey of AAMRI member institutes was undertaken in Phase One of the Project to test preliminary recommendations.



## FURTHER GUIDANCE

There are many resources available online resources for directors and boards that explain responsibilities to prevent sexual and gender harassment as part of good governance. These include:

[Accountability for Organisations](#) on the Respect@Work website: provides an excellent summary and advice.

[Champions of Change Coalition guidelines for board reporting](#) (p. 30ff): includes examples of safety and sexual/gender harassment metrics.

[Equality Across the Board: Investing in Workplaces That Work For Everyone:](#) This report contains strategies for prevention and response to workplace gender harassment.

## 2.2 Develop and implement an effective Sexual and Gender Harassment Prevention Strategy

Organisations must determine the steps they will take to proactively address sexual and gender harassment. These should be mapped in a Sexual and Gender Harassment Prevention Strategy (Strategy) to ensure prevention efforts are well conceived, clearly designed and well-coordinated. The application of a Work Health Safety approach when designing the Strategy will ensure that it meets the legal requirements of **positive duty**. The Strategy should include both long and short-term goals for sexual and gender harassment prevention and leaders should be held accountable for achieving the outcomes articulated in the Strategy ([Victorian Equal Opportunity and Human Rights Commission](#) 2020).

Ensure senior leaders actively participate in the design and implementation of the Strategy, as their involvement in the process will raise their collective accountability for its success. It is also important to provide the opportunity for staff and students, or their representatives (e.g., relevant union, equal opportunity contact officers, or health and safety representatives), to contribute to the development of the Strategy. Consultation with staff and students will ensure the plan is based on a thorough understanding of the specific risks in the organisation so that the most appropriate measures to eliminate harassment can be adopted (*See Appendix 2 and 3 for more information about consultation processes used in a Workplace Health and Safety risk assessment and management*).

An accountability framework should be included in the Strategy (*See further guidance below for an example*). This will ensure all members of the organisation – leaders, staff, students, board members, and others affiliated with the organisation such as donors and volunteers – are fully aware of the responsibilities specific to their roles in achieving zero-tolerance for any form of sexual or gender misconduct.

Raising awareness of the Strategy, and any related policies and procedures, can be achieved through forums such as staff induction, sexual and gender harassment prevention training and through other channels including notice boards, team meetings, emails, and the intranet.

**An important note:** The Strategy should be designed to align and work in conjunction with your organisations Gender Equity, Diversity and Inclusion (GEDI) Strategy (*See Recommendation 4.2*).

### WHAT CAN YOU DO?

- Ensure your organisation has a Sexual and Gender Harassment Prevention Strategy that clearly outlines steps to prevent harassment and effective organisational responses. Share the organisation strategy with staff, students and key stakeholders and keep them regularly updated on progress.
- Ensure the Strategy includes an accountability framework outlining specific accountabilities for all leaders, staff, students, board members, and others affiliated to the organisation such as donors and volunteers.

### FURTHER GUIDANCE

See Respect@Work's [Good Practice Indicators Framework for Preventing and Responding to Workplace Sexual Harassment](#), 2022) for excellent guidance of best practice to consider when developing your strategy.

Many universities and large health services have already developed and initiated sexual and gender harassment strategies and action plans. Contact your affiliated universities and health services and request access to their plans and customise them to the specific organisational context. Some examples include:

- [University of Tasmania Sexual Assault and Sexual Harassment Action Plan](#)
- [QUT Student Sexual Assault and Harassment Action Plan](#)
- [Melbourne University Respect Action Plan](#)

See this example of a Sexual Harassment Accountability Framework created by the [World Health Organization](#) (WHO): this is a comprehensive framework, and one that reflects the scale of that organisation. Read with an eye to scaling down for your organisation.

### FURTHER COLLECTIVE EFFORTS:

Development of a comprehensive Sexual and Gender Harassment Prevention Strategy may require a level of resources some medical research institutes, especially smaller ones, might not have in place to complete. A sector-wide collaboration is recommended to develop a template specific to medical research institutes that identifies key considerations and inclusions in a prevention plan (including an accountability framework) that can be adapted to different organisational requirements and contexts.

## 2.3 Ensure your organisation has a clear up-to-date standalone policy addressing sexual and gender harassment

It is commonplace for organisations to include sexual harassment among other undesired behaviours in their appropriate workplace conduct policy and/or a combined workplace discrimination, bullying and harassment policy. A standalone prevention policy explicitly calls attention to the importance an organisation places on the issue of sexual and gender harassment and its commitment to prevent it. As part of good practice, [Respect@Work](#) (2022) recommends that *“the organisation has a clear up-to-date standalone policy addressing sexual harassment, developed in consultation with workers. The policy details how complaints are handled, and investigations are conducted, how risks will be identified and assessed, and how control measures will be monitored, implemented and reviewed.”*

An effective standalone policy will:

- Include an inclusive definition of sexual harassment and explicitly outline gender harassment as a form of sexual harassment (*See the National Academies' Tripartite Model*).
- Clearly articulate reporting processes including:
  - Formal reporting procedures
  - Informal reporting procedures
  - External pathways to report e.g., the Fair Work Commission or an anti-discrimination and human rights body.
- Clearly articulate how disclosures are handled, and investigations are conducted (including how you will support people involved in investigations).
- Clearly articulate sanctions and disciplinary measures (including the range of proportional responses).
- Identify responsibilities and the role everyone must play in preventing sexual and gender harassment.

Sexual and gender harassment prevention policies and reporting processes are better targeted if they are developed through consultation with people with lived experience. Consultations are advised to identify and address the needs of employees identifying as members of marginalised communities, including Aboriginal and Torres Strait Islander People, Culturally and Linguistically Diverse (CALD) people, people with a disability (including neurodiverse employees), and people identifying as LGBTQIA+.

### WHAT CAN YOU DO?

Develop a standalone sexual and gender harassment policy. If you already have one in place, review it to ensure that it reflects good practice and understanding and supporting the needs of members from marginalised communities in your organisation.

### FURTHER GUIDANCE

- See *Empower and Support People to Speak Up* for a detailed discussion of good practice reporting and response systems.
- See [Chief Executive Women](#) for a comprehensive Policy Template.
- This [Model Policy](#) has been developed by NSW government sector agencies. It is based on best practice approaches to preventing and responding to sexual and gender harassment in the workplace. Whilst most relevant to sector agencies inside the government sector, this Model Policy can be adapted to other contexts.
- The Champions of Change Coalition provides a [sample standard policy](#) (2021, pp. 84-95) with additional actions to drive system change. They advise a careful reading of the sample and thoughtful adaptation that takes into account particular characteristics of an organisation and its workforce.
- A good practice sector-specific policy example is shared by [WEHI](#).

## 2.4 Ensure effective systems to collect, analyse and use data to manage the risks related to sexual and gender harassment, and to evaluate the prevention plan designed to control risks.

For leaders and boards to take primary responsibility for implementing and monitoring sexual harassment governance frameworks, it is essential that systems are in place to collect, analyse and use data to monitor performance against these frameworks. To take into account underreporting, data gathering must not be limited to formally reported incidents of sexual harassment only. Analysis of quantitative and qualitative data from informal reports, workplace surveys, Employee Assistance Program (EAP) reports and resignation and turnover rates ([Respect@Work 2022](#)) will give a more holistic and accurate understanding of the prevalence and types of sexual and gender harassment requiring attention.

### FURTHER GUIDANCE

To develop a plan for the collection, analysis and reporting of sexual and gender harassment data, see [Collecting and Using Data](#) on the Respect@Work Website (2022).

Data collection should be designed with the specific characteristics of the workforce in mind, noting the unique experiences of different groups of staff and students, including older and younger people, those from culturally and linguistically diverse (CALD) backgrounds, and LGBTQIA+, Aboriginal and Torres Strait Islander People, and people with disability.

### WHAT CAN YOU DO?

- Ensure that your Sexual and Gender Harassment Prevention Strategy includes a clear articulation of quantitative and qualitative data-gathering techniques designed to capture risk and prevalence (assuming under-reporting) and identify areas for attention.
- Board members should receive clear and transparent reports including:
  - formal and informal reports of sexual and gender harassment
  - progress of any investigations being undertaken in response to reports
  - outcome of investigations and any disciplinary actions taken following substantiated investigations
  - sexual and gender harassment risk assessment processes, including evaluation reports on workplace measures to mitigate or eliminate risks.
- Ensure your Sexual and Gender Harassment Prevention Communication Plan includes a strategy for the transparent sharing of data, both internal and external to the organisation.

## 2.5 Hold leaders accountable for actively driving and supporting inclusive, respectful, and safe workplace culture.

A workplace culture of inclusion and respect is key to preventing sexual and gender harassment. In addition to scientific and technical skills and achievements, promotion to leadership roles must be contingent on a person's ability to lead in the creation and maintenance of an organisation's culture of respect. This includes skills and achievement in fostering equity, diversity and inclusion, psychological safety in the workplace, and a culture of respect. Key performance indicators (KPIs) for leadership roles should include goals that demonstrate the use of these skills and specific achievements.

To set appropriate KPIs for all levels of staff, organisations should define and communicate a clear set of expected outcomes for an inclusive, respectful, and safe workplace culture (set out in GEDI and Sexual and Gender Harassment Prevention Strategies). To enable leaders to meet these expectations, they should be provided with appropriate support and training regarding inclusive leadership, respectful behaviours, sexual and gender harassment prevention and workplace psychological safety.

Incentivising respectful behaviours and inclusive leadership attributes as key measures of performance in addition to research success will empower leadership to build a safe and equitable working environment for all.

### WHAT CAN YOU DO?

- Ensure your organisation has a Sexual and Gender Harassment Prevention Strategy that includes measurable and achievable objectives.
- Embed inclusive leadership expectations and responsibilities for a safe and respectful workplace culture into key performance indicators for all leadership roles.
- Provide appropriate training regarding respectful and inclusive behaviours, sexual and gender harassment prevention, and workplace psychological safety for all levels of leadership (*See Priority 5*).

### FURTHER COLLECTIVE EFFORTS:

The development of meaningful quantitative inclusive leadership metrics (specific to the medical research institute sector) that link equity, diversity and inclusion measures and psychological safety responsibilities is a complex task for many smaller organisations.

A cross-sector project is recommended to draft a template of standardised inclusive leadership metrics and Key Performance Indicators (KPIs), which can be tailored to institutes across the sector.



# PRIORITY 3: IDENTIFY AND MANAGE RISKS

## ADDRESS SEXUAL AND GENDER HARASSMENT AS A SIGNIFICANT WORKPLACE HEALTH AND SAFETY RISK FOR INDIVIDUALS AND ORGANISATIONS.

Recent legislative changes to the [Sex Discrimination Act](#) and the [Fair Work Act](#) have expanded protections in the workplace to include a positive duty to eliminate sexual harassment and sex-based discrimination (or gender harassment), which now applies under Federal anti-discrimination law. This positive duty requires employers to eliminate risks of sexual and gender harassment as far as is 'reasonably practicable'. The legislation explicitly states that positive duty is intended to operate concurrently with existing model Workplace Health and Safety (WHS) Laws ([AHRC 2023](#)).

Under WHS Laws, organisations also have a positive duty, so far as is reasonably practicable, to eliminate or minimise risks to workers' physical and psychological health arising from psychosocial hazards, including sexual and gender harassment ([Safe Work Australia](#)). Employers are obliged under law to undertake regular risk assessments of work hazards ([Work Health and Safety Act 2011](#)), including hazards to physical and/or psychological health caused by sexual and gender harassment.

Sexual and gender harassment is identified by Safe Work Australia as a hazard that can cause physical and psychological harm to individuals; significant organisational reputational damage; loss of productivity and talent; and financial loss for the impacted individual as well as for the organisation ([Safe Work Australia](#); [Comcare](#)). Leaders must now view *unaddressed* sexual and gender harassment as a significant WHS risk for individuals and their organisation. If it is not reasonably practicable to eliminate risks, they must be minimised as much as possible.

The negative impacts of sexual and gender harassment on victim's professional, psychological, and physical health can ultimately result in them leaving the workplace ([National Academies 2018](#)). This loss of specialised talent and skills is costly to the organisation, but also to the wider collaborative network of the individual who has been impacted. At an organisational level, sexual and gender harassment impacts bystanders, those exposed to ambient toxic behaviour and can drive loss of productivity and employee turnover at a larger scale.

### KEY ACTIONS

- Use a Workplace Health and Safety (WHS) approach to identify and manage risks of sexual and gender harassment.
- Be proactive about identifying risks and intervene early.
- Minimise risk of employing staff with history of misconduct.

## RECOMMENDATIONS

### 3.1 Use a Workplace Health and Safety (WHS) approach to identify and manage risks of sexual and gender harassment.

Most Australian employers and employees are familiar with and take seriously WHS risk as it pertains to physical injury or loss of life. For example, research labs with equipment, chemicals and/or live animals have strict WHS procedures in place, supported by regular training and communication to employees. In addition, workplaces need to exhibit the same level of commitment to protection from psychosocial hazards as they do to protection from physical health and safety.

It is recommended that organisations apply the Workplace Health and Safety frameworks to assess and manage sexual and gender harassment risks (see Respect@Work's [Good Practice Indicators Framework for Preventing and Responding to Workplace Sexual Harassment](#), 2022). This use of existing frameworks minimises duplication of risk assessment practices and reporting procedures, including routine assessment and review of procedure, and reporting to boards and regulatory bodies. As per WHS protocols for managing physical injury, all WHS staff should be required to undergo specialised training to be able to identify and manage psychosocial risks associated with sexual and gender harassment, in particular how these risks differ for staff and students from marginalised communities.

Three key elements underpin federal and state work health and safety laws: Prevention, Consultation and Representation.

**Prevention:** Organisations have a positive duty to actively identify risks and introduce control measures to mitigate those risks and prevent sexual and gender harassment from occurring.

**Consultation:** Identification and assessment of hazards or risks, and decision-making about control measures must be conducted in consultation with all employees as required under federal and state work health and safety laws. This ensures that those who may be more at risk – women, young staff, individuals with a disability, and those who identify as LGBTQIA+, culturally and linguistically diverse (CALD) or Aboriginal and/or Torres Strait Islander – have access to information and the opportunity to have their say through the consultation process ([Safe Work Australia](#) 2022, p. 9).

**Representation:** An effective health and safety system provides employees with a say over their own health and safety and that of their colleagues. This embeds responsibility for WHS, including prevention of sexual and gender harassment, across multiple areas and all levels of the organisation.

#### WHAT CAN YOU DO?

- Ensure that sexual and gender harassment is communicated as a WHS issue in your Sexual and Gender Harassment Prevention Communication Plan. Make it clear that protecting employees and students from psychological risks will be treated with the same level of commitment as protecting their physical health and safety.
- Use WHS risk assessment processes to regularly identify and manage risk factors for sexual and gender harassment, in consultation with all employees (*see Appendices 2 and 3 for more detail discussion of WHS Framework and Identifying Risks*).
- Ensure all WHS staff are trained to be able to identify and manage psychosocial risks associated with sexual and gender harassment.

**FURTHER GUIDANCE:**

[Safe Work Australia](#): useful information and resources to manage the WHS risks of workplace sexual and gender harassment.

[Victorian Equal Opportunity and Human Rights Commission – Guidelines Preventing and responding to Sexual Harassment](#): For risk identification, see the Risk Matrix on page 100 that can be used to scan a given workplace for characteristics that may enable sexual and gender harassment and create barriers for identification and reporting.

**FURTHER COLLECTIVE EFFORTS:**

While some medical research institutes are in the process of developing a new risk register for sexual harassment and others have one in place, there is benefit from understanding best practice in applying a WHS framework to prevent and respond to sexual harassment. Future work should consider a sector-wide collaboration to embed sexual harassment in organisational risk assessments.

### 3.2 Be proactive about identifying risks, and intervene early

It is well-established that sexual and gender harassment incidences are underreported. While there are nuanced reasons for not reporting an incident, the framing of lower intensity harassment as “not serious enough” is a significant barrier to reporting ([Time for Respect 2022](#), p. 14). Capturing more ‘subtle’ forms of gender harassment, such as sexist remarks or crude language in addition to overt high intensity forms (e.g. unwanted sexual attention and sexual coercion) enables early identification of ‘hot-spots’ of inappropriate behaviours and early intervention. Research reveals three key findings: first, these ‘subtle’ or ‘low intensity’ forms of sexual harassment occur more frequently than other forms; second, their negative impact on wellbeing is significant; and third, when left unaddressed, more overt ‘high intensity harassment’ is more likely to occur ([National Academies 2018](#)). It is essential that all levels of leadership are consistent in their communication that all forms of sexual and gender harassment, regardless of their intensity, are serious and will be handled appropriately and proportionately.

Proactive early identification of patterns (or ‘hotspots’) of these ‘low intensity’ behaviours help to focus mitigation strategies and prevent more ‘high intensity’ and illegal forms of harassment. These incidents can be better identified by providing channels that allow employees a safe and informal place to share their experiences of ‘low intensity’ harassment. This could include encouraging staff and students to talk to their supervisor (if appropriate) or a designated contact officer and, importantly ensuring these conversations are captured in de-identified and aggregated data and communicated to leadership. Anonymous options include opportunities to share in a workplace survey or an anonymous incident reporting line.

The establishment of a mechanism that can respond to disclosures of ‘low intensity’ problematic behaviours in a structured, yet informal way will enable local resolution as a first step, rather than proceeding to a formal investigation and/or disciplinary procedures. When appropriate training is provided for the staff member facilitating the resolution, discussion and mediation can stop harassment from escalating, and protect the individual at risk (and others) of further harm. When staff and students see that informal reports are acted on quickly and without cumbersome investigative procedures, they can trust that sexual and gender harassment is being managed effectively. This approach will give greater confidence to those who experience ‘high intensity’ incidents, that their organisation will respond appropriately. *(See Appendix 2 for a more detailed discussion on proactively using incident reporting pathways to identify and mitigate risks).*

Capturing data on sexual and gender harassment incidences that are disclosed or reported informally can support organisations to better identify risks and mitigate them. Often when sexual harassment is handled informally, there is little central oversight or knowledge of these instances and their handling, it important to have systems in place to safely capture this information in order for leadership to uphold their positive duty to eliminate risks of sexual and gender harassment as far as is ‘reasonably practicable’.

#### FURTHER GUIDANCE:

See [The Australian Human Rights Commission](#) for advice on keeping records of informal reports.

See Appendix 4 for a discussion of using incident reporting systems to identify and mitigate risks of sexual and gender harassment.

### WHAT CAN YOU DO?

- Provide training and education opportunities for employees to better understand what constitutes sexual and gender harassing behaviours and how to report them (*see Priority 5*).
- Communicate to employees that all forms of sexual and gender harassment are considered serious and will be handled appropriately and proportionately.
- Have mechanisms in place to receive disclosures and respond to incidents in a structured, but informal way and outline to employees the formal and informal pathways best used to disclose the range of sexually and gender harassing behaviours (*see recommendation 6.1*).
- Ensure anyone who will be handling informal or formal reports has training in how to handle effectively and appropriately (*see Recommendation 6.2*).
- Develop a process of systematically documenting informal reports.

### 3.3 Minimise risk of employing staff with history of risk behaviours and misconduct

Concerns about the ‘shuffling’ of perpetrators were recurrently raised in consultations. Unknowingly employing someone with a history of sexual harassment, due to a failure to adequately check for past workplace harassment/misconduct represents a serious risk to organisations. There have been high profile cases internationally and here in [Australia](#) (including in academia and medical research) where influential scientists and/or leaders have moved to another organisation, only to be later found by their new employer to have perpetrated sexual harassment. A more rigorous and standardised process is required to prevent the ‘shuffling’ of perpetrators between organisations.

To reduce the risks associated with hiring a person with a history of sexual and gender harassment, the [Respect@Work Report](#) (2020, pp. 660) recommends reference checks, and specific requests for information about conduct from previous employers (e.g., asking directly about prior sexual harassment, or about a candidate’s people management and interpersonal skills). Recruitment templates used for individuals working with children and for assessment of researchers working overseas could be adapted to ensure more rigorous scrutiny of past workplace conduct.

### WHAT CAN YOU DO?

Ensure you have standardised reference checks for new employees which include explicit questions that elicit information about conduct relevant to sexual and gender harassment.

### FURTHER COLLECTIVE EFFORTS:

During consultations with AAMRI members there was strong interest in ensuring their organisations don’t unknowingly employ a person with a history of sexual harassment. However, there were key concerns about charges of discrimination or possible defamation action if a previous employer revealed specific complaints around previous misconduct. It is recommended AAMRI draw on its Professional Staff Network (particularly those with legal expertise), to consider this issue further and develop best practice advice on how to avoid recruiting individuals with a history of sexually harassing conduct.

# PRIORITY 4: PROMOTE A DIVERSE, INCLUSIVE, AND RESPECTFUL WORKPLACE

## A DIVERSE, INCLUSIVE, AND RESPECTFUL WORKPLACE CULTURE REDUCES THE RISK OF SEXUAL HARASSMENT.

Organisations with higher levels of diversity and inclusion have been shown to have lower rates of sexual harassment ([Respect@Work Report](#), 2020). Elevation of Gender Equity, Diversity and Inclusion (GEDI) as a strategic priority is critical to prevent disrespect and reduce the risk of sexual harassment in your workplace.

Institutions and leaders need to strive to cultivate environments where all people enjoy genuine respect and inclusion, no matter their gender, race, sexuality or other identity. Prevention and response efforts must be designed using an intersectional approach. Women who also experience other forms of discrimination are more likely to experience sexual harassment in the workplace ([Respect@Work](#), p 92). [Intersectionality](#), a term coined by Professor Kimberlé Crenshaw ([1991](#)), provides a framework for understanding how people experience multiple and intersecting forms of discrimination and disadvantage (e.g., a black woman faces both racism and sexism while a white woman faces sexism only). Key to adopting an intersectional approach that serves all people in an organisation is to consider how harassment and barriers to safety in the workplace are experienced differently by marginalised groups.

Overt forms of sexual harassment and discrimination remain the focus of harassment prevention and response policies and staff training, despite research demonstrating that significant career damage occurs through an accumulation of subtle forms of sexual and gender harassment or 'everyday sexism'. 'Everyday sexism' can manifest in many ways including devaluing voices, insults masquerading as jokes, gender stereotyping of roles and a preoccupation with appearance. Everyday sexism comes into play at critical decision points affecting career progression, influencing who gets recruited, promoted, developed, and rewarded.

When focusing on the overt and egregious forms of sexual harassment (e.g., coercion and inappropriate physical contact) organisations can overlook these behaviours which have a significant impact on individuals and create fertile ground for further sexual harassment to occur.

### KEY ACTIONS

- Leadership to set the standard and exemplify the values of respectful behaviour.
- Elevate Gender Equity, Diversity and Inclusion (GEDI) as a strategic priority and co-design GEDI Strategies in collaboration with all communities in the workplace.
- Expand focus of prevention and response efforts to include everyday sexism and discrimination.
- Prevention and response efforts must be designed using an intersectional approach and be based on the understanding that sexual and gender harassment is experienced at higher rates and differently by some members of the community.

*“That’s not to say that women with intersectional identities are more vulnerable to sexual harassment. **When we suggest that some women are ‘vulnerable’ to harassment, it can impact or distract from the severity of the harassment and unintentionally lay blame on the victim. But we know that the way different aspects of our identities interact affects the ways that harassment is perpetrated. And the reality is, the sexual harassment also often occurs together with other forms of discrimination such as racism or homophobia”***

([Lisa Annese](#), 2021)

*“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 it pass. At other times there is no question that it oversteps the mark”*

Champions of Change, [We set the tone eliminating everyday sexism](#) (2016, pg. 6)



## RECOMMENDATIONS

### 4.1 Leadership to set the standard and exemplify the values of respectful behaviour.

Leadership (from board level down) must set the standard for and model behaviours that foster a positive and respectful workplace culture. This is key to leading an organisation that prevents sexual and gender harassment. Leaders must become aware of their own unconsciously formed attitudes about gender and identity before they can openly challenge disrespectful and/or unlawful behaviour when it occurs and empower others to do the same. Only by displaying the highest standard of behaviour, by genuinely celebrating positive behaviours and addressing disrespectful behaviours in others, can trust be built and change be realised.

#### FURTHER GUIDANCE

[The Leadership Shadow](#): This model was developed by Champions of Change Coalition and Chief Executive Women, to enable reflections on personal leadership about inclusive gender equality.

#### WHAT CAN YOU DO?

- Engage in critical self-reflection. Hold yourself accountable for recognising and challenging your own unconsciously formed attitudes and biases before asking others to do the same. Share your own stories of vulnerability, learning, and growth and commit to leading the cultural change that will be essential in preventing sexual and gender harassment.
- Model respectful behaviours and talk openly and frequently to celebrate positive behaviours and acknowledge and address disrespectful behaviours in the organisation.

***“Leaders have a crucial role to play in creating safe, respectful workplaces. They should be visible and proactive in their efforts to address sexual harassment, challenge inappropriate conduct and celebrate positive behaviour in the workplace, and be transparent about the organisation’s shortcomings ... There is no substitute for leading by example, and men, in particular, must model the way... To make progress, programmes and conversations must be perceived as genuine, rather than token, and they must be part of the daily dialogue***

([Respect@Work Report 2020](#), p. 623).

### 4.2 Elevate Gender Equity, Diversity and Inclusion (GEDI) as a strategic priority and co-design GEDI strategies in collaboration with all communities in the workplace.

A culture of gender equity, diversity and inclusion reduces the risk of sexual and gender harassment in organisations and should therefore be elevated as a strategic priority. The 2020 survey of AAMRI member institutes revealed that 39% of participating organisations had already developed a GEDI Strategy or action plan and 36% had one under development. To be effective, all organisations should have a GEDI Strategy that is aligned with and works in conjunction with their Sexual and Gender Harassment Prevention Strategy.

It is important to provide the opportunity for staff and students to contribute to the development of the GEDI Strategy as fostering a culture of respect can only be achieved by listening to people within your organisation and using their insights to improve systems, policies, and practice. If staff and students share their experiences, ideas and perspectives and provide input and feedback on the development of GEDI strategies (as well as the Sexual and Gender Harassment Prevention Strategy), this will not only ensure that the process reflects all intersections of community in the organisation but can also strengthen the understanding of GEDI issues among those not directly affected by harassment resulting in attitudinal change.

Meaningful consultation must have an explicit focus on actively addressing the needs of those at risk of sexual and gender harassment. Specific focus should be placed on including perspectives from people from marginalised communities including Aboriginal and Torres Strait Islander peoples, and those who identify as Culturally and Linguistically Diverse (CALD), neurodiverse, disabled and LGBTQIA+, as they are at higher risk of experiencing sexual harassment. In addition to awareness of how harassment is experienced differently by marginalised community members, organisations must also take into account those employees who are precariously employed and reliant on those in leadership positions for security and career progression. Providing the appropriate support, so these employees feel safe to identify themselves and contribute, will ensure diverse perspectives are captured in the development of an effective GEDI strategy and action plan.

### WHAT CAN YOU DO?

- Create or revise a Gender Equity, Diversity and Inclusion Strategy and Action Plan and relevant policies (including Sexual and Gender Harassment Policies) through meaningful consultation with people with lived experience.
- Explicitly identify and address the needs of Aboriginal and Torres Strait Islander peoples, Culturally and Linguistically Diverse (CALD) people, neurodiverse people, people with a disability and LGBTQIA+ people, to uphold the positive duty to respond to and prevent gender harassment.

### FURTHER GUIDANCE

[Diversity and Inclusion](#): This page on the Respect@Work website provides an excellent summary and links to resources to improve diversity and inclusion in the workplace for specific groups.

[Change at Work](#): Accessible to all Diversity Council Australia members, this Diversity and Inclusion Organisational Change model offers strategic advice to achieve effective outcomes in the workplace.

[Workplace Equality and Respect](#): A How To Guide: Our Watch explains the key steps to secure commitment, communicate and consult effectively, identify needs and priority areas, and prepare an action plan to create a gender-equitable and inclusive workplace for people of all genders.

[Science in Australia Gender Equity \(SAGE\)](#): This STEM program offers an excellent framework and support for organisations to develop a strategic approach to GEDI. Several Australian medical research institutes are already members of SAGE and leaders should consider whether this approach would benefit their organisation.

### 4.3 Expand focus of prevention and response efforts to include everyday sexism and discrimination.

Unaddressed discriminatory behaviours (sexist, racist, ableist, homophobic, transphobic) creates a hostile work environment for women and other marginalised groups and increases the risk of sexual harassment.

Preventing 'everyday sexism' and other forms of discrimination at work is required by law. Under [Australia's federal anti-discrimination laws](#)<sup>4</sup>, it is unlawful to discriminate on the basis of a number of protected attributes including age, disability, race, sex, intersex status, gender identity and sexual orientation in certain areas of public life, including education and employment. A positive duty under these laws, requires that organisations must eliminate, as far as possible, "conduct creating a workplace environment that is hostile on the ground of sex" and "sex-based harassment at work". This refers to 'everyday sexism' as much as it does to more serious forms of harassment and violence.

#### FURTHER GUIDANCE

See Champions of Change practical resource on addressing everyday sexism: [We set the tone – Eliminating everyday sexism.](#)

Organisations where leaders acknowledge and call out 'everyday sexism' and other forms of casual discrimination, and staff who are supported to do so too, are more likely to address it and prevent it from occurring and escalating. Organisations should strive to promote an environment where people feel empowered to 'speak up' and respond to all forms of harassment and discrimination when they experience or witness it. Having mechanisms in place, to respond to disclosures of problematic behaviours and to resolve issues informally and effectively will foster a culture of trust and respect where people see problematic behaviour and feel safe to 'speak up' (*see Recommendation 3.2*).

#### WHAT CAN YOU DO?

- Raise awareness of sexism and other forms of discrimination in the workplace and discuss the impact of this behaviour on staff and students by continually reiterating expected standards of respectful behaviour in the workplace (*see Priority 5*).
- Create and encourage the use of safe communication channels by which sexist and discriminatory behaviour can be raised and addressed as part of the suite of reporting pathways available for staff and students who experience or witness discrimination and harassment (*see Recommendation 3.2*).

<sup>4</sup> See: [Age Discrimination Act 2004](#); [Disability Discrimination Act 1992](#); [Racial Discrimination Act 1975](#); [Sex Discrimination Act 1984](#)

#### 4.4 Prevention and response efforts must be designed using an intersectional approach and be based on the understanding that sexual and gender harassment is experienced at higher rates and differently by some members of the community.

It is important to acknowledge that while all workers are at risk of sexual and gender harassment, some members of the community are at greater risk, including:

- Women, non-binary people and gender diverse people
- Young workers aged less than 30 years
- Lesbian, gay, bisexual, transgender, queer, intersex or asexual (LGBTQIA+) workers
- Aboriginal and/or Torres Strait Islander workers
- Workers with disability
- Workers from culturally and linguistically diverse (CALD) backgrounds
- Migrant workers or workers holding temporary visas
- People in working arrangements described as 'precarious' or 'insecure'.

([Respect@Work Report 2020](#); [Time for Respect 2022](#); [Change the Course 2017](#))

When designing approaches to prevent and respond to sexual and gender harassment, a one-size fits all approach is not effective. For example:

- Sexual and gender harassment can manifest through the sexualisation of LGBTQIA+ identities, and that in being 'out' about their sexuality there is an open invitation to make sexualised comments or ask inappropriate questions about their body or intimate relationships. (['Sexual harassment of LGBT people in the workplace'](#) Trade Unions Congress, 2019)
- People with diverse gender identities such as transgender and non-binary, experience misgendering as a form of harassment and discrimination. Misgendering is a term for describing or addressing someone using language that does not match how that person identifies their own gender or body, such as using their previous or 'dead' name or using the incorrect pronouns ([Queensland Human Rights Commission 2023](#)).
- Women of culturally and linguistically diverse backgrounds tend to experience sexual and gender harassment in ways that are bound up in stereotypes based on race ([See Further Guidance for links to more resources](#)).

In consultations, representatives of marginalised groups stated that they feel responsible for educating their employers and colleagues about inclusivity and accessibility, and that this is exhausting. Instead, it should be the responsibility of leaders to ensure their staff have a high level of literacy regarding sexual and gender harassment and intersectional differences in experiences harassment.

#### WHAT CAN YOU DO?

Ensure all leaders, staff and students are appropriately informed and supported to protect staff and students from marginalised communities from increased risk of sexual and gender harassment ([see Further Guidance for some excellent resources](#)).

***“Every workplace I go to I am the only disabled employee. I stand out from my co-workers because so many practices are not inclusive or accessible. I feel like I am always a pioneer, heading into new territory, trying to teach each workplace how to be accessible. I have had to learn to be so assertive, and it is exhausting to maintain it five days a week. If sexual harassment happened to me on top of all the exclusion and inaccessibility, I do not have the resources to deal with it. I would leave the workplace.”***

Quote supplied by Women with Disabilities Victoria 2022.

#### **FURTHER GUIDANCE:**

- [Diversity and Inclusion](#): This section of the Respect@Work Website provides excellent information and advice to understand the experience of gender harassment by specific groups:
  - [Aboriginal and Torres Strait Islander People](#)
  - [LGBTQIA+ People](#)
  - [People with a Disability](#)
  - [Culturally and Linguistically Diverse People](#)
- LGBTQIA+ inclusion audit tools are available free online. A good example is the [LGBTQIA+ Legal Services' Organisational Audit Tool](#).
- [The Unique Challenges Faced by First Nations Women in Reporting Workplace Sexual Harassment & Assault](#): An excellent article with insights and tips for organisations.
- This article summarises the issues faced by women (and students) in the Sciences as a consequence of sexual and gender harassment: [Women with disabilities 'underestimated' as battle for equality in science careers heats up – ABC News](#) (Beidatsch 2022)

# PRIORITY 5: STRENGTHEN KNOWLEDGE AND SKILLS TO PROMOTE A SAFE WORKPLACE CULTURE

## ADOPT AN EFFECTIVE EDUCATION STRATEGY TO CULTIVATE A RESPECTFUL WORKPLACE CULTURE.

It has been found that workplace training that focuses on legal compliance, undesired behaviours and grievance procedures tends to increase worker disaffection and erodes prevention efforts ([Dobin & Kaley 2020](#)). [National Academies 2018](#) recommends that anti-harassment efforts be combined with respect promotion programs to reinforce positive behaviours among staff and students. These programs must explicitly reflect GEDI policies and strategies, and similarly, should be developed in consultation with staff and students.

Effective training programs should be tailored to the specific target population or group (e.g., leaders, staff, students). They should include activities that explicitly focus on the intersection between sexual and gender harassment and other forms of harassment and discrimination such as race, disability, age, sexuality, or religion ([National Academies 2018](#)). Harassment prevention training is best supported when reinforced with regular prevention-focused communication from leadership and regular impact assessments.

### KEY ACTIONS

- Provide training and education opportunities to all levels of staff to develop relevant knowledge and skills to promote a respectful culture.
- Measure the impacts of harassment prevention training and education.

## RECOMMENDATIONS

### 5.1 Provide training and education opportunities to all levels of staff to develop relevant knowledge and skills to promote a respectful culture.

Organisations should provide education and training programs and resources that support leaders, staff and students to develop the relevant knowledge and skills to contribute to a workplace that is free of sexual and gender harassment. It is especially important that this training and support is provided to and taken up by leaders at all levels, from the Board to those who are new to team leadership and supervisory roles.

Training and education programs should deepen participant understanding of the drivers of sexual and gender harassment, the spectrum of sexual and gender harassing behaviours, the intersectional experiences of marginalised groups and the impact to individuals and organisations. It should give leaders the skills and confidence to drive the creation of cultures of respect and support them to successfully fulfill their obligation to prevent and address sexual and gender harassment. For all employees, it should reinforce understanding of policies and procedures for handling sexual and gender harassment issues and reinforce the fulfillment of their role and responsibilities in upholding these.

If managers/supervisors are identified in the relevant policy as the first line of reporting incidents of harassment, they must receive practice-based training on appropriate responses to disclosures, confidentiality and referrals. In handling informal reports, they should also learn how to engage in conflict resolution, mediation, negotiation, and/or de-escalation skills.

Two effective types of training and education opportunities to consider as part of Sexual and Gender Harassment include bystander intervention training and micro and social learning.

***“Start any training by telling a group of people that they’re the problem, and they’ll get defensive. Once that happens, they’re much less likely to want to be a part of the solution; instead, they’ll resist”.***

[\(Why sexual harassment programs backfire 2020\)](#)



### **Bystander intervention training**

When people look the other way during an incident of 'low intensity' harassment or discrimination, the perpetrator escalates this behaviour towards the individual, and in the process potentially harms others. Bystander intervention training, which empowers individuals to intervene at the first sign of a 'red flag' moment, can break the cycle of harassment. Research has shown the bystander intervention approach to be effective, with participants in the training reporting that they now know what to do when they see signs of a problem. The research found that months after the completion of training, participants are significantly more likely than others to report having intervened in real-life situations ([Dobin & Kaley 2020](#)).

### **Micro and social learning**

Respect@Work (2022) recommends [micro and social learning](#) as effective tools for setting positive workplace cultures. This involves everyday 'normalised' discussions about harassment prevention in all its forms. This approach is based on the premise that the knowledge and skills needed to achieve the aim of cultural change is an ongoing process of continuous improvement. It highlights the task of leadership to model respectful workplace practices in all communications. It seeks all employees to 'speak truth to power'.

Micro and social learning can be embedded as appropriate into most communication forums, such as induction sessions, annual in-service WHS training, and performance management sessions between employees and managers, all-staff meetings, email campaigns, and on-demand webinars.

#### **WHAT CAN YOU DO?**

As part of your Sexual and Gender Harassment Prevention Strategy (*see Recommendation 2.2*), include a Sexual and Gender Harassment Education Strategy to support leaders, staff and students at all levels.

***Effective sexual harassment education happens not only in training or during one-off conversations. It happens everywhere – openly, regularly and with the continued support of leaders. This is the concept of micro learning and social learning***

([Respect@Work 2020](#)).

## FURTHER GUIDANCE

See the Australian Human Rights Commission's [Good Practice Education Strategy: Where to Start and Education and Training](#) for guidance on best practice

[Micro and Social Learning](#): this page on the Respect@Work website provides excellent advice and resources to support you develop a plan for micro and social learning.

For an excellent example of an effective awareness campaign, read about the partnership between advisory group Aurecon, the behavioural change organisation Behavioural Insights Team (BIT) and the Victorian Health Promotion Foundation (VicHealth), who together developed and implemented a [five-part social norms email campaign](#) to encourage bystanders to join with colleagues in tackling inappropriate behaviours.

The following three presentations at the National Academies Conference (2019) provide accessible and informative discussion of sexual and gender harassment and its impact. These could be incorporated into training or micro learning opportunities:

[Responding to the most common misperception about sexual harassment – Presentation 1](#)

[Responding to the most common misperception about sexual harassment – Presentation 2](#)

[Responding to the most common misperception about sexual harassment – Presentation 3](#)

## 5.2 Measure impact of harassment prevention training and education

It is important to assess if education and training efforts are making a difference, and application of a range of formal and informal tools will give the best indications. Workplace culture surveys that monitor staff and student sentiment and their understanding of issues related to the prevention of workplace harassment will provide critical data on impact, for example feelings and observations regarding changes in behaviour and perceived ability to speak out; knowledge of acceptable and inappropriate behaviours; knowledge of, and confidence in the reporting process. Data about both formal and informal incidences of sexual and gender harassment (e.g., numbers of calls to employee hotlines, reports/complaints to HR or anonymous reporting pathways), will also provide valuable insights. It's important to note that elevating sexual and gender harassment as a leadership priority, and the accompanying increased awareness, is likely to result in an increase in the number of reports in the early stages as members of the organisation feel confident to reveal incidences that once remained unreported and hidden.

### WHAT CAN I DO?

Use a workplace culture survey to monitor staff and student sentiment and their understanding of issues related to the prevention of workplace harassment. If your organisation does not regularly conduct such a survey, it is recommended to implement one.

# PRIORITY 6: EMPOWER AND SUPPORT PEOPLE TO “SPEAK UP”

## SEXUAL AND GENDER HARASSMENT REPORTING AND RESPONSE SYSTEMS NEED TO LISTEN TO, EMPOWER, AND SUPPORT PEOPLE WHO ARE IMPACTED.

Sexual and gender harassment in Australian workplaces is significantly underreported. Reasons for this include: those who experience it do not trust their workplaces to deal with it effectively; they are afraid of personal and career repercussions; and they believe it would be easier for them if they stayed quiet ([Respect@Work Report 2020](#)). In order to tackle sexual and gender harassment, it is vital that people feel safe to “speak up”. A people-centred and trauma-informed process is fundamental to fostering a psychologically safe work culture that will enable more people to disclose and seek support when impacted by harassment ([Walker et al. 2019](#)).

When an organisation resists acknowledging the presence of sexual and gender harassment, perhaps from the misperception that ‘it can’t happen here’, common responses are to deny allegations, protect institutional reputations over staff safety, and engage in inappropriate gaslighting, retaliation or punishment of victims. Another unhelpful response is to take a ‘legalistic’ investigatory approach that can cause significant harm to the victim (*see Priority 1 for leadership responsibility to build trust*).

A people-centred approach acknowledges that individuals in an organisation are valuable and if one of them experiences harm, their rights and needs must be addressed. This does not mean that the rights of the accused are ignored, for they too deserve a voice and a fair process. A people-centred approach ensures that victims are believed, listened to and have a voice at every stage of the response process. Importantly, a people-centred approach recognises the harm that may have been experienced, even if the accused had not intended it, and aims to protect the victim from further harm.

A people-centred approach to sexual and gender harassment seeks to prevent retaliation or victimisation against the person making the report. Importantly, people-centred systems for reporting are designed to identify some of the psychological ploys adopted by some perpetrators to undermine their victims. One of the most well-known of these is described by the acronym DARVO: Deny, Accuse, Reverse Victim and Offender ([Freyd 1997, p.29](#)). Organisations must stand resolute against threats of legal action by perpetrators and recognise that the risk of not acting is far greater for the organisation and its people.

*“A people-centred [approach] inherently includes being victim-centred, but it also recognises that other people may also suffer harm if sexual harassment occurs, such as bystanders and other impacted persons”*

([Respect@Work 2022](#))

*A people-centred approach “recognises that a person can experience harm even if the offender did it unintentionally. It recognises that the impact of an action is more important than the intent of the person who acted”*

([Jones 2018](#)).

### KEY ACTIONS

- Ensure reporting systems include multiple pathways for disclosing experiences of sexual and gender harassment, including at least one anonymous option (*see Recommendation 3.2 and 4.3*).
- Ensure reporting and response systems are trauma-informed and all people responsible for handling disclosures have appropriate knowledge and skills.
- Ensure reporting systems are accessible.
- People who report sexual and gender harassment need to be kept informed and supported.
- Periodically review and evaluate reporting and response systems.
- Commit to limited use of Non-Disclosure Agreements (NDAs).
- Provide an option for independent investigation of harassment disclosures.

## RECOMMENDATIONS

### 6.1 Ensure reporting systems include multiple pathways for disclosing experiences of sexual and gender harassment, including at least one anonymous option.

Staff and students should be able to disclose and/or record instances of harassment according to their choice and with the knowledge that their safety and well-being is at the centre of reporting options.

It is essential that people have multiple confidential and safe avenues for seeking advice and to disclose their experiences of sexual and gender harassment, including a securely anonymised option, external options for reporting and options for peer disclosure ([Respect@Work Report 2020](#), pp. 696-702). Importantly, reporting procedures should also include safe options for employees to report outside their direct line of management.

An anonymous and accessible reporting system empowers victims to know that they can have their harassment on record, while remaining safe from possibly invasive processes as long as they choose to do so. Anonymous reporting can encourage reports from victims who may not want to formally report for fear of victimisation or traumatisation that might come from an investigation process ([Respect@Work 2022](#)).

#### Good practice reporting avenues include:

- an internal and/or external anonymous incident reporting channel. See [Respect@Work](#) (2022) for advice and [Speak Safely](#) (University of Melbourne) for examples
- disclosure or report to a Work, Health & Safety Officer, or Health and Safety Representative where established
- report to Human Resources/People and Culture
- formal or informal disclosure to a designated Contact Officer trained to deal with disclosures of sexual and gender harassment (preferably drawn from a range of levels and departments in an organisation)
- formal or informal disclosure to a manager or supervisor (where appropriate)
- disclosure to an external body (directly to a whistle-blower mechanism, Anti-discrimination tribunal or similar, research funders or to the organisation's board as appropriate).

Anonymous reporting or disclosure is already a feature of some medical research organisations and affiliated organisations such as Universities. Research organisations should also consider how they respond to these anonymous reports of sexual and gender harassment and the risk implications for all parties, even if an anonymous report is not sufficient to trigger a formal misconduct investigation.

#### WHAT CAN YOU DO?

Review existing or develop new sexual and gender harassment policies. Ensure they are designed using people-centred and trauma-informed approaches ([See Recommendation 2.3](#)).

#### **FURTHER GUIDANCE:**

[Good Practice Reporting Framework](#): Guidance from Respect@Work (2022) on the key principles informing an effective reporting framework.

[Speak Safely](#): University of Melbourne's online sexual misconduct reporting tool offers a simple and accessible way to report sexual misconduct, access support, or seek action by the University. Importantly, it respects the agency of victim-survivors who can choose to remain anonymous while using the tool, including an encrypted chat function that allows victim-survivors to anonymously chat to someone with relevant expertise, and a 'Diary Note' function to store evidence while they decide their next steps. It also offers an optional matching feature that enables victim-survivors to submit reports as a group when similar disclosures are made.

[Person-centred approaches to workplace sexual harassment](#): Guidance from Respect@Work (2022).

[Practice guidance: a victim/survivor-centred approach to responding to violence](#): Universities Australia and Our Watch developed this [short resource](#) as part of their Educating for Equality partnership.

## **6.2 Ensure reporting and response systems are trauma informed and people responsible for handling disclosures have appropriate knowledge and skills.**

Experiences of sexual and gender harassment can be traumatic regardless of severity or duration. Many research studies have identified reduced physical, psychological, professional, and financial wellbeing among people who have experienced sexual and gender harassment ([National Academies](#) 2018).

If not handled carefully, the experience of formal or informal reporting within the workplace can be further traumatising and result in negative outcomes for victims. The trauma stems from feelings that they are not being believed or respected, that their experience is not being taken seriously, that there will be no consequences or repercussions for the perpetrator, and that the consequences for them will be negative, including loss of career opportunities ([Trades Union Congress](#) 2016).

#### **A trauma-informed approach includes:**

- Listening to victims and ensuring that the language used when speaking with victims is neutral, free from judgement or bias.
- Prioritising the victim's safety and wellbeing. Clearly explaining options of reporting and disclosure and allowing choice and control to make or not make a report.
- Connecting victims to appropriate support and specialist services relevant to their needs.
- Ensure timeliness in communications and investigations (if conducted).
- Ensuring safety of victim including changes to working arrangements that do not disadvantage them, if required.

([Respect@Work](#) 2020, pp. 679-680)

A trauma-informed approach recognises the impact of trauma and integrates knowledge of trauma into policies, procedures, and practices to avoid re-traumatisation. In the context of sexual and gender harassment, this should include: allowing for choice and control over how, and to whom to disclose harassment; ensuring that those experiencing harassment do not need to tell their story multiple times to multiple people; and control over the process and outcomes.

It is essential that those who experience sexual and gender harassment are able to disclose their experiences to people who have the confidence, skills and experience with trauma-informed approaches, who can respond appropriately to disclosures.

### WHAT CAN YOU DO?

Provide trauma-informed training and resources to those whose role is to support individuals impacted by sexual and gender harassment (this includes those who are designated as contact officers or identified in your harassment policies and procedures as a reporting pathway). Also consider accredited mental health first aid (MHFA) training for designated staff.

### FURTHER GUIDANCE:

[Sharing experiences of bullying, sexual harassment and sexual assault](#): As part of its Review into Commonwealth Parliamentary Workplaces, the Australian Human Rights Commission developed this trauma-informed guide to support people wishing to share experiences of bullying, sexual harassment and sexual assault with the Review.

[How to support persons affected by sexual harassment – trauma-informed care](#): This guide developed by the Minerals Council of Australia provides an excellent summary of what organisations/leaders and Individuals can do to support persons effected by gender/sexual harassment.

## 6.3 Ensure reporting systems are accessible.

If victims and bystanders struggle to access and use reporting or disclosure tools, it is likely that underreporting will continue, and trust in the organisation will suffer. Organisations should clearly explain options for disclosing or reporting sexual and gender harassment, so that staff and students can assess their options before coming forward. Language used to communicate options should be in plain english, and easy to comprehend by all staff and students at all levels.

Relevant policies and information on reporting procedures should be provided at induction, made accessible on the workplace intranet and website, and links provided regularly in online communications. Public access to sexual and gender harassment and related policies not only demonstrates an organisation's willingness to be transparent and accountable but also provides an external avenue of access for staff and students who might not feel safe to use internal links.

### WHAT CAN YOU DO?

Relevant policies and information on reporting procedures should be provided at to all staff and student and induction, made clearly accessible on your workplace intranet (with regular communication reminding staff and students where to access) and on your organisation's website.



## 6.4 People who report sexual and gender harassment need to be kept informed and supported.

Reporting and response systems should ensure that people who disclose incidences of sexual and gender harassment are kept informed of how disclosures are handled, and investigations are conducted.

Those who disclose incidences of sexual and gender harassment should also be given appropriate information and meaningful opportunity to provide input in to how the issue is handled. Where possible, a different support officer should be assigned to the victim and the alleged perpetrator/s to avoid conflict of interest.

### FURTHER GUIDANCE:

The Respect@Work website has an excellent guide to [supporting people before, during and after an incident](#). The template for an [Immediate Response Plan](#) is an. Easy to adapt framework for consulting with victims of sexual and gender harassment regarding reporting and resolution options, and support through the process.

### WHAT CAN YOU DO?

- Ensure all communications on reporting procedures includes a commitment to support people who disclose incidences.
- Ensure all relevant policies and procedures clearly articulate that all people involved will be informed of the process of investigation and outcomes.
- When incidences are reported ensure that all people involved are provided with regular and timely information regarding the progress and outcome of an investigation.

## 6.5 Periodically review and evaluate reporting and response systems.

It is important to periodically review the effectiveness of the reporting policy and procedure to ensure they are achieving the goals of sexual and gender harassment prevention. Review and evaluation can be achieved through various means:

- employee focused questionnaires that seek to assess the knowledge of, access to, and confidence in reporting systems
- satisfaction with outcomes
- feedback from victims, and/or those whose role it is to support individuals impacted by sexual and gender harassment (anyone identified in harassment policies and procedures as a reporting pathway).

### WHAT CAN YOU DO?

Regular data on reporting systems should be collected as part of monitoring the effectiveness of your Sexual and Gender Harassment Prevention Plan *(See Recommendation 2.4)*.

## 6.6 Commit to limited use of Non-Disclosure Agreements (NDAs).

The use of Non-Disclosure Agreements (NDAs) limits transparent flow of communication to staff regarding outcomes of sexual harassment investigation. NDA's can also inhibit oversight by leaders (including managers and executives) and boards who, in some cases, may not be aware that complaints have been raised if they were settled confidentially. Silence can contribute to continued risk to workers at the current and/or subsequent workplace. If navigated appropriately, confidentiality provisions can contribute to an effective people-centred response, for example by providing anonymity and privacy where that is the victim-reporter's choice and enabling greater flexibility for the parties to reach a faster and less formal resolution than litigation ([Australian Human Rights Commission 2022](#)).

### WHAT CAN YOU DO?

Review your organisations current use of NDAs and consider their use from:

- A people-centred perspective (consider using confidentiality clauses in settlements only when the person who has experienced harassment and discrimination has requested this).
- A risk management perspective (i.e., will the lack of transparency about the outcome of an investigation exposing employees to risk?).

### FURTHER GUIDANCE

[Guidelines on the Use of Confidentiality Clauses in the Resolution of Workplace Sexual Harassment Complaints](#): This advice developed by the Australian Human Rights Commission provides guidance on the manner in which private settlements of sexual/gender harassment cases can be approached appropriately considering the reduction of harm to individuals and the prevention of future harassment.

## 6.7 Safeguard the careers/studies of victim-reporters.

Fear of negative career consequences is a major impediment to disclosing experiences of sexual and gender harassment. To support people to come forward, organisations should make it clear that they are committed to supporting the victim-reporter during and after the reporting and investigation processes.

There is a strong evidence base for the negative impact of an unsupportive harassment investigation process on an individual's health, wellbeing, and career progression ([Respect@Work Report 2020](#); [National Academies 2018](#)).

Institutes should recognise the impact of sexual and gender harassment on the working or study life of those who experience it and develop individually tailored support. This not only involves referrals to counselling but may also require attention to work or study visas, sponsorship arrangements, career planning and mentoring, further legal advice, or forms of financial support. For example, staff or students on temporary visas (especially work-sponsored) or those employed precariously are likely to require additional support to continue their work and studies following disclosure of sexual and gender harassment.

### WHAT CAN YOU DO?

As part of the sexual and gender harassment response process, develop individually tailored plans and allocate resources where possible to support the wellbeing of affected individuals.

## 6.8 Provide an option for independent investigation of harassment disclosures.

Internal investigations of harassment disclosures are appropriate when an organisation has sufficiently trained personnel responsible for the investigation. An internal investigator (e.g. a designated staff member) should understand the unique culture of the organisation, know the parties involved, and be in an appropriate role to make recommendations and implement decisions.

Given the often highly contested nature of sexual and gender harassment disclosures, providing an option for independent investigation is necessary to combat perceived conflicts of interest and to ensure a procedurally fair and unbiased assessment.

One independent investigation option is the panel model currently used in academia to investigate serious research misconduct (as determined by a preliminary assessment). For many years, Australian universities and some medical research institutes, have used a panel in investigations and appeals in relation to research misconduct. Membership of an investigation panel is determined by a range of factors. Some or all of the panel members may be external to the investigating institution, but all must be independent from the matters under investigation and no member can act as an advocate on behalf of any party to the investigation.

A panel member who is not connected to the victim-reporter or alleged perpetrator but works in the same sector can bring to an independent perspective about the type of work, working relationships, and work processes and cultures within the organisation. Importantly any investigation panel should also include members with expertise in sexual and gender harassment (for example, an academic or practitioner in the field).

The model of panel investigation is appropriate for investigations of sexual and gender harassment disclosures only if this model is chosen by a victim. A victim-centred ethos requires that only the reporter-victim can choose between an internal/HR investigation process (which may involve contracting the investigation to an outside provider), or a peer review process. Giving an alleged perpetrator preference to choose a panel investigation process where it is not the preference of the victim-reporter carries a high risk of exacerbating the negative impact of the investigation on the victim-reporter. In turn, alleged perpetrators should be able to choose this model for appeals, thereby meeting the interests of procedural fairness and natural justice.

### WHAT CAN YOU DO?

Consider implementing an independent investigation of harassment disclosures to combat perceived conflicts of interest and to ensure a procedurally fair and unbiased assessment

# PRIORITY 7: DIFFUSING POWER

## ADDRESSING POWER IMBALANCES TO REDUCE THE RISK OF SEXUAL HARASSMENT AND SUPPORT DISCLOSURES.

The health and medical research sector is characterised by hierarchal structures and power differentials. These workplace characteristics have been identified as significant enablers of sexual and gender harassment ([Respect@Work Report 2020](#); [National Academies' Action Collaborative on Preventing Sexual Harassment in Higher Education 2023](#)).

Sector-specific risks include: the strong dependencies on those at higher levels for entry into training and career progression (e.g., access to resources, network, and profile opportunities); male-dominated leadership; and psychosocial hazards including high demands, and inadequate rewards and recognition. Workplaces that employ particularly powerful and "high value" employees (such as the 'rainmaking' prized grant-winning researcher) are also considered high-risk workplaces ([US Equal Employment Opportunity Commission 2020](#)).

In such workplaces, management is more likely to be reluctant to jeopardise an employee's high economic value, and, in turn, this employee may perceive themselves as exempt from workplace rules, or immune to the consequences of misconduct. Further, the popular culture of 'scientific pedigrees' (whereby an individual's reputation is shaped by that of their supervisor and their supervisor's supervisor) entrenches the power differential and disincentivises 'inheritors' of a pedigree from exposing flaws in their supervisor.

Steps to diffuse the power structure within research institutions include creating structures that disperse responsibility for students and early career researchers, centralising funding allocation, and implementing structures that reduce bias and ensure accountability for career progression and establish clear guidelines for consensual sexual relationships in the workplace ([National Academies 2018](#)).

The benefits of balancing power within medical research institutions goes beyond prevention of sexual and gender harassment: there is likely to be a reduction in practices of bullying, and research misconduct and discrimination; research continuity is ensured; collaboration is likely to be more dynamic and productive; and the workplace culture is likely to be healthier. These are far-reaching changes that require a major systemic shift (*see Priority 8*).

### KEY ACTIONS

- Restructure teams to be less reliant on individual researchers.
- Promote collegial and respectful relationships between supervisors and higher degree by research students, and between established research scientists and younger workers.
- Provide structural and policy support for healthy relationships between management and postdoctoral researchers.
- Centralise administrative and funding allocation decisions that impact career progression.
- Consider developing a policy to ensure that labs are not named after their chief investigator or lead, but instead by the area of research.
- Create processes to remove bias, discrimination, or conflicts of interest in the writing of references and letters of support.
- Develop and communicate a policy and process for managing consensual sexual relationships in the workplace.

***“Sexual harassment in science, engineering, and medicine.... occurs when power is highly concentrated in a single person, perhaps because of that person’s success in attracting funding for research (i.e., academic star power) or because that person can influence the career options of those he (sic) supervises, and students or employees feel as if revealing the harassing behaviour will have a negative impact on their own lives and careers”***

([National Academies 2018](#), p. 135).

## RECOMMENDATIONS

### 7.1 Restructure teams to be less reliant on individual researchers.

There is both a real and a perceived fear of repercussions on a victim or bystander's career in the event of an incidence of sexual/gender harassment. Fear is one of the most significant barriers to reporting. If the alleged perpetrator is a senior researcher and a number of staff and students are dependent on this researcher, the barrier is even higher. There is a common perception that the organisation will prioritise "rainmakers" over the psychological and physical safety of lower profile staff, and that those individuals who "bring in the money" are "untouchable" ([Respect@Work Report 2020](#) p. 156).

According to the National Academics Report, "*power isolation occurs when there is a significant power imbalance—one party holds enough power and authority over the other that the former isolates the latter from being able to go to others for help without risking potentially serious retaliation*" ([National Academies 2018](#)). To address the power isolation that prevents victims from seeking help and to diffuse the power difference caused by staff and student dependency on individual successful researchers, organisations must embed flexibility into team and laboratory structures so that staff and students are confident that their research projects and supervision can continue if they report harassment and personnel changes occur as a result.

Restructuring teams to reduce reliance on individual researchers has other positive impacts, including preventing bullying and research misconduct, and allowing for employment flexibility (e.g., caring duties or illness). Restructuring teams can include co-leadership, increased flexibility across job descriptions, and succession planning. Through a consultation process it came to light that it is becoming more common practice for institutions to have strategies in place to support transition of staff and students to new teams if research teams need to be disbanded for any reason. These strategies can be applied in the event of removal of a researcher for poor conduct. Funding bodies should allow for flexible funding arrangements to accommodate variances in project delivery and personnel in these circumstances. Advocacy is needed to restructure the system of funding and grant support, and to encourage and support the adoption of flexible teams (*see Priority 8*).

*In consultations with the sector, many raised the fear that reporting incidences of sexual and gender harassment would be "career ending".*

#### WHAT CAN YOU DO?

- Encourage and support team leaders to consider succession planning when developing and managing teams.
- Increase skills capacity in a team to minimise risks associated with the loss of a team member with a unique skill set.
- Encourage meaningful co-leads in research projects and link this to organisational KPIs (not just in name only).
- Foster a workplace culture that empowers and rewards team science and co-leadership through internal communications and awards, and internal grant schemes.
- Advocate for changes to funding schemes that recognise and incentivise co-leadership (*see Priority 8*).

#### **FURTHER COLLECTIVE EFFORTS:**

Participants in consultations widely accepted the benefits of succession planning but stated that there needed to be a sector-specific model for succession planning in medical research. The sector would benefit from working collaboratively to develop a framework for succession planning. Any model of succession planning in medical research would have to address such issues as the current need for researchers to significantly differentiate themselves from their colleagues to attract funding. Advocacy is also needed to encourage funders and decision-makers to reward team contributions to facilitate a culture of leadership succession.

### **7.2 Promote collegial and respectful relationships between supervisors and higher degree by research students.**

People aged 18–29 experience the highest rates of workplace sexual and gender harassment in Australia ([Time for Respect 2022](#)). As most of the Higher Degree by Research (HDR) students are in this cohort, additional support and consideration is required when building relationships with students and other young staff members (e.g., research assistants, technicians, administration staff *(for recommendations to support post-doctoral researchers, see 7.3).*)

While some medical research institutes have support structures in place for HDR students through their affiliations with universities and associated unions, actual implementation can be influenced by the organisations' own policies. The degree of independence an organisation has from their affiliated university and associated policies, the distance from university campus, and training requirements of institute employed staff can impact the risk of sexual and gender harassment for HDR students.



## WHAT CAN YOU DO?

- Clearly articulate expectations of the supervisor relationship for HDR students and establishing processes for addressing any conflict in the student-supervisor relationship.
- Training for all staff working with students, regardless of their formal supervisory role, should include information about the role of power in workplace culture, working relationships, sexual and gender harassment, with emphasis on the greater vulnerability of young people.
- All HDR students should be formally supervised by more than one person, with processes in place to ensure both supervisors are actively involved. Independence from the primary supervisor's network, and diversity in a supervisor's experiences, skillsets and identity should be considered when forming the student's Masters or PhD committee.
- Processes to manage the student-supervisor relationship should include third party check-ins. An independent advocate, separate from the supervisor or Masters/PhD committee, would provide an informal and accessible pathway for a student to raise their concerns, allowing for early resolution before issues escalate. The advocate may be the masters/PhD student co-ordinator, or as occurs in some organisations, a student support officer appointed and trained for this dedicated role.
- Younger workers in research and non-research roles should be provided with comprehensive information about sexual and gender harassment, including what it looks like, what to do if they are harassed, and how to support friends and co-workers.

## FURTHER GUIDANCE

[Universities Australia – Principles for Respectful Supervisory Relationships:](#) Universities Australia, the National Tertiary Education Union, the Council of Australian Postgraduate Associations and the Australian Council of Graduate Research jointly developed this set of principles to underpin the relationship between postgraduate research students and their academic supervisors.

### 7.3 Provide structural and policy support for healthy relationships between management and postdoctoral researchers.

Postdoctoral scientists are often dependent on the training and career support of one mentor, usually a research team leader or manager. This arrangement, however, *“not only places undue expectations that a single relationship can support and enhance a range of research skills developments and anticipated career development outcomes, but also risks concentrating power over those outcomes in a single individual”* ([National Academies Press](#) 2019).

There is a growing body of research that suggests that more open structures than standard supervisor/student roles may benefit both the mentor and the postdoctoral researcher, in particular those postdoctoral researchers from underrepresented groups. Triads or group mentorship that increase communication are recommended by the National Academies, who note that in the dyadic model *“they work with just one advisor and do not usually arrive with a cohort like graduate students do”* ([National Academies](#) 2018). Additionally, they recommend adopting *“mentoring networks or committee-based advising that allows for a diversity of potential pathways for advice, funding, support, and informal reporting of harassment”* ([National Academies](#) 2018).

*In consultations, postdoctoral researchers reported feeling left in a supervisory and career support vacuum within their institutions.*

Postdoctoral researchers tend not to be supported by formal structures such as those for HDR students. As a result, they are likely to face the risks inherent in a workplace characterised by power imbalances. Research organisations need to provide more than one direct pathway for decision-making about their careers and facilitate career-enhancing networks and pathways. They should also establish a reporting procedure for the disclosure of any concerns. Several AAMRI member organisations already have some of these processes in place and the sector can learn from best practice examples detailed below.

### WHAT CAN YOU DO?

- Appoint an appropriately trained Postdoctoral Researcher Support Officer, equivalent to a Student Support Officer, to support people experiencing sexual and gender harassment. This person/s should be equipped to support marginalised groups and be able to influence decision-making in the organisation.
- Formalise a transparent process to increase options for discretionary decision-making by postdoctoral researchers regarding authorship of papers, grant positioning, and professional development opportunities. This includes the provision of pathways to seek advice and support if initial discussions with a supervisor breaks down or has an unsatisfactory outcome.
- Formalise and fund peer support mentoring and network programs for postdoctoral researchers that focus on wellbeing in addition to career achievements. Participation by both mentors/managers and postdoctoral researchers should be strongly encouraged by leadership.
- Ensure that promotion of postdoctoral researchers is independently governed by the organisation's promotions committee. This committee should have broad representation from across the organisation (including levels, gender, and other underrepresented groups). The remit of the promotions committee should include opportunities for Early and Mid-Career Researchers (EMCRs), clear and transparent communication of KPIs for each career level, and regular review of promotions data to identify potential barriers to the promotion of EMCRs who have been noted as deserving of promotion but who are not applying.

### 7.4 Centralise administrative and funding allocation decisions that impact career progression.

Discretionary decision-making is a risk area for misuse of power and can lead to harassment and discrimination. When decisions regarding authorship, conference travel funding, and leave are made by a person who already holds significant institutional and interpersonal power over the requestee, the risks of misuse are high. It is therefore likely that people who experience and/or report sexual and gender harassment in the workplace are at greater risk of retaliation, victimisation and negative decisions made by these more powerful individuals.

Bias in the allocation of organisational resources and discretionary funds, including salary top-up/extension can have significant negative effects on underrepresented people who are often in more need of internal funding to survive. Transparency in how institutional resources are administered to researchers is therefore important to ensure accountability and equity. Organisations can reduce the risk of bias and discrimination by introducing greater administrative oversight on decisions that impact career progression ([National Academies 2018](#)).

### WHAT CAN YOU DO?

- Establish equitable institutional authorship guidelines that are highlighted in training sessions and upheld through formal processes.
- Establish principles for administrative and funding allocation decisions based on Equity, Diversity and Inclusion principles, with the explicit aim to diffuse discretionary decision-making power.
- Develop and adhere to transparent processes for the allocation of institutional resources and discretionary funds, including salary top-up/extension.
- Centralise administrative decision-making regarding non-technical aspects of research, such as special leave, travel funds, adjusted research outputs, extensions to PhD scholarships, and other forms of financial support to PhD students.

### 7.5 Consider developing a policy to ensure that labs are not named after their chief investigator or lead, but instead by the area of research.

As discussed in Priority 1, organisational culture is the key enabler or inhibitor of workplace sexual and gender harassment. The culturally fostered perception that 'irreplaceable' and 'star' researchers should have priority over 'less valuable' researchers both increases the risk of sexual and gender harassment and reduces the likelihood of anyone reporting it.

The widely used practice of naming teams and laboratories after their chief investigator/lead rather than by the area or topic of research reinforces workplace perceptions of the 'irreplaceable star' researcher. In order to counter this inequitable cultural position, one strategy is to name teams and laboratories in accordance with the research or project being undertaken (e.g., Bioinformatics Lab, not 'Person' Lab). This is both a symbolic and a culture-setting act, signalling that the team is valued more highly than an individual researcher.

### WHAT CAN YOU DO?

Initiate discussions in your organisation about changing names of teams and laboratories in accordance with the research or project being undertaken and consider ways to transition this across the organisation.

## 7.6 Create processes to remove bias, discrimination, or conflicts of interest in the writing of references and letters of support.

Reference letters from supervisors, managers and mentors play a key role in a researcher's career progression. The content of references and letters of support tends to be the view of a single individual with significant influence, which poses the risk of bias.

In order to prevent potential abuse of power, formal processes to remove perceived bias, discrimination, or conflicts of interest in references and letters of support can be introduced by organisations. Guidelines on consistency and quality of letters, including objective criteria to be covered in the letter and advice on avoiding gender-biased language represent best practice. Accountability is ensured by centralising all reference requests. A centralised system would allow for submitted references to be reviewed for bias and for reference refusals to be appealed.

In the event of a breakdown in the relationship between a student or postdoc researcher and a staff-supervisor or mentor/manager, alternative avenues for references can be explored such as taking the request to a higher institutional level. Any increasing in the perceived value of institutional references will further act to diffuse power imbalances across the sector. In recognition of the currently flawed and subjective nature of this system that has led to a de-valuing of references as a tool for researcher selection, a cross-sectoral discussion regarding systemic changes to referencing processes is warranted.

### WHAT CAN YOU DO?

Develop and communicate to staff and students a clear policy and process (including training and oversight) for ensuring equity in the issue of references and letters of support.

## 7.7 Develop and communicate a policy and process for managing consensual sexual relationships in the workplace.

Currently there is no consensus on best practice regarding consensual romantic or sexual relationships in any workplace, including in the medical research sector. On the one hand, the medical research institute sector celebrates the many couples who perform research together and who work at the same level. On the other, there are many reported examples of consensual personal relationships that are problematic, in large part because of power imbalances in the relationship.

Standard practice in Australian Universities is to discourage consensual personal relationships between individuals possessing significant power imbalances, in particular between students and their supervisors ([Universities Australia](#)). This does not mean that the relationships cannot happen; it means that if they happen, they must be reported, and new supervisory arrangements immediately put in place. The focus on students does not account for other consensual personal relationships with significant power imbalances in the workplace (such as between people at significantly different levels within an organisation). Regardless of the intentions of the individuals involved, consensual personal relationships in the workplace that also involve power differentials can create the risk of misconduct, favouritism, and/or prohibited discrimination or harassment.

***“In these situations, powerful individuals might lure subordinates, or even a succession of subordinates, into relationships that are not truly consensual because they are the result of pressure from one party that leads the other party to reluctantly consent to the relationship. Such relationships are exploitative and, in fact, constitute sexual harassment because they are unwanted and are the result of coercion. Additionally, such coerced relationships are likely to contribute to ambient harassment for others in the environment”.***

[National Academies](#) (2018)

To ameliorate any negative impacts and mitigate the risk of sexual and gender harassment, it is important that organisations have a clear policy and process for managing consensual personal relationships at work. A range of approaches can be considered, but at a minimum the policy should identify processes for safe and confidential disclosure and management of consensual personal relationships with potential conflict of interest i.e., people in a direct hierarchical relationship in the same reporting line, where one person has supervisory or decision-making authority over the other. It should also specify process for management of these relationships, such as outline arrangements to end the supervisory relationship or the line of authority between them, or to request authorisation to continue the supervisory relationship/line of authority).

### WHAT CAN YOU DO?

- Develop and communicate to employees a clear policy and process for managing consensual personal relationships (*see Further Resources for guidance material*).

### FURTHER GUIDANCE

[Conflict of Interest – Consensual Relationships](#): This model Conflict of Interest Policy, issued by the Victorian Public Sector Commission (VPSC), includes high-level processes for the management of consensual personal relationships in the workplace. A Practice Guide to support implementation is also provided.

[Policy on Consensual Romantic or Sexual Relationships between Employees and between Non-Faculty Employees and Students](#): This excellent example of a policy from Duke University covers sexual and romantic relationships between employees, and between employees and students.

[Close Personal Relationships Policy](#): A policy example from Flinders University.

### FURTHER COLLECTIVE EFFORTS:

The National Academies reports on the range of options adopted by universities and other STEM research organisations, which include *“either banning relationships in some or all cases, discouraging those relationships, requiring disclosure, or opting not to attempt to regulate those relationships at all. The impacts of this range of policy options are not yet known and need to be studied”* ([National Academies](#), 2018).

It is recommended that the sector commit to reaching a consensus on consensual romantic or sexual relationships within the health and medical research sector and collaborate on development of a policy and procedures template.

# PRIORITY 8: WORKING TOGETHER TO CHANGE THE SYSTEM

## **SYSTEMIC CHANGES ARE NEEDED TO DIFFUSE HIERARCHICAL POWER WITHIN MEDICAL RESEARCH AND TO HOLD ORGANISATIONS TO ACCOUNT IF THEY FAIL TO EFFECTIVELY ADDRESS SEXUAL AND GENDER HARASSMENT.**

Sexual harassment in research organisations is part of a wider system of harassment and gendered violence that women and marginalised communities face during their lifetime. While the past decade has seen significant investment in women in STEM by the Australian Government, and the impact of these are under review ([Diversity in STEM Review](#)), an explicit focus on respect and prevention of harassment has been called for by Australia's Women in STEM Ambassador, [Professor Lisa Harvey Smith](#) (2022) – “*The vast majority of people are trying to tackle a very small sliver of the issue – which is the pipeline of young people. That does not address the core issue: lack of respect for women, and discrimination and harassment in the workplace*”.

While most institutions in the higher education and research sector have processes for reporting and managing sexual harassment, there are still considerable barriers, such as limited support for victims, and a lack of a cohesive system for reporting and managing sexual and gender harassment. The evidence is clear that greater and more visible leadership is needed. While the legal responsibility sits with each employer, changes to the culture and structure of the research sector must involve a broad range of stakeholders, including peak-bodies, government, universities, hospitals and other health care providers, unions, funding agencies and the philanthropic sector to work together.

Several international examples (see below for further detail) of collective efforts to prevent and respond to sexual harassment serve as a model for Australia and could be considered as opportunities to work together to raise awareness about sexual harassment and identify best-practice approaches for sexual harassment prevention.

## **RECOMMENDATIONS**

### **8.1 Consider establishing an independent body that brings the sector together for a sustained effort to prevent all forms of sexual harassment.**

There are several international examples of collective efforts designed to prevent sexual harassment in academia and the higher education sector including the National Academies in the United States and the United Kingdom. The National Academies’ [“Action Collaborative on Preventing Sexual Harassment in Higher Education”](#) brings 60 colleges, universities and research institutes together to collaboratively identify, track and measure progress on preventing sexual harassment in higher education. The [1752 Group](#) leads action on staff sexual misconduct in higher education in the UK through raising awareness and sharing of evidence-based policies and strategies for reducing and preventing sexual harassment.

These collective efforts, which have emerged over the past decade, provide an opportunity to understand the problem, propose sector specific solutions, develop best practice and support institutions – all of which ensure that the prevention of sexual harassment stays firmly on the agenda.



To support the ongoing national efforts described in this report, consideration should be given to establishing an independent body representing the broader health and medical research sector in Australia to drive a collective effort for system-wide reform. An independent and expert-led body with an explicit focus on sexual violence in the higher education sector has been recently called for following a [landmark Senate inquiry](#) into sexual consent laws and like international examples, the objectives of such a body may include:

- Raising awareness and educating the sector about all forms of sexual harassment and its consequences;
- Collecting sector-wide data to provide a benchmark for comparison and change (*see Recommendation 8.2 for further detail*);
- Sharing evidence-based policies and strategies for reducing and preventing sexual harassment;
- Developing and promoting strategies for systems level change;
- Providing opportunities to collaborate on a shared research agenda and gather and apply research results across medical research institutes;
- Developing a standard for measuring progress toward reducing and preventing sexual and gender harassment in medical research (*See 8.2*); and
- Supporting an effort to restructure a system of funding and grant support to enable a more diverse, inclusive and respectful medical research sector (*See Recommendation 8.3*).

#### SUGGESTED ACTIONS:

- Begin a conversation with health and medical research peak bodies, government departments and organisations, funders and non-for profits leading in gendered violence prevention efforts ([Australian Human Rights Commission](#)), to identify key stakeholders that can drive systemic change and the national collective efforts identified in this report.

## 8.2 Consider developing a sector-wide standardised culture and psychological safety survey where results are reported publicly.

Having a strong evidence base is key to driving policy change.

While the process of collecting appropriate data to inform the evidence base can be a serious challenge for many organisations, particularly smaller ones, there is still an opportunity for all organisations to learn from data that is collected at the industry, professional or sector level.

Anonymous and rigorous workplace culture and psychological safety surveys are a key tool for identifying risks for sexual harassment and measuring organisations' success in creating cultures of safety and respect. They can also provide meaningful quantitative metrics and targets for leadership to adopt to drive inclusive, respectful, and safe workplace cultures.

**Consideration should be given to the development of a survey that is standardised across the sector and administered independently of institutions.** Administration of a survey through an independent party, such as that outlined in Recommendation 8.1, will allow for greater confidence in the anonymity of reporting and will provide a much-needed opportunity for marginalised or precariously employed staff members to voice concerns safely. Such a survey will enable medical research institutes and other organisations to self-evaluate and benchmark themselves against like organisations. The results of these surveys should also be shared publicly to inform change and policy development.

### 8.3 Discuss how sexual harassment can be considered a breach of responsible research conduct and identify opportunities for reporting and action management.

#### 8.3.1 If sexual and gender harassment is considered a breach of responsible research conduct, discuss how investigations can be reported to funding bodies and appropriate action taken.

The Australian Research Integrity Committee, jointly established by the National Health and Medical Research Council (NHMRC) and the Australian Research Council (ARC) in 2011, is the current body responsible for managing and investigating potential breaches of the [Code for the Responsible Conduct of Research \(2018\)](#). The Code articulates the broad principles and responsibilities that underpin the conduct of Australian research. Adherence to the Code is a prerequisite for the receipt of funding by the NHMRC and ARC.

NHMRC and ARC have existing procedures in place for responding to cases of research misconduct. While all cases of proven breaches of the Code must be reported to the NHMRC and ARC, there are a range of actions that can be taken both while an investigation is under way (precautionary) or following an investigation outcome (consequential) including the removal of individuals from projects, ceasing the progression of grant applications, suspending payments and/or recovering funds.

If sexual and gender harassment was considered a breach of the Code, like other breaches of the Code, these instances could be reported to the funding bodies and appropriate action taken. It should be noted however, that in line with people-centred and trauma-informed best practice, consideration of an approach must ensure minimising harm to individuals involved.

#### 8.3.2 Consider integrating sexual and gender harassment as a component of research misconduct and which has oversight from the establishment of a new research integrity body.

Many countries (including Australia) have established systems to manage research misconduct that ensure: a) researchers and research institutions follow rules and procedures, b) allegations of irresponsible behaviour are investigated, and c) corrective actions are taken when warranted ([Benya, 2019](#)).

*“To address the effect sexual harassment has on the integrity of research, parts of the federal government and several professional societies are beginning to focus more broadly on policies about research integrity and on codes of ethics rather than on the narrow definition of research misconduct. **A powerful incentive for change may be missed if sexual harassment is not considered equally important as research misconduct, in terms of its effect on the integrity of research**” ([National Academies](#))*

For several years, Australian scientists have been calling for a new body (Research Integrity Australia) to investigate scientific research misconduct. The establishment of this body presents a unique opportunity to formally integrate responses to gendered and sexual harassment into the management of responsible research conduct.

### Case study

Following a 2018 review of Sexual Harassment and Misconduct in Science, the US Congress, implemented several changes aimed at ending sexual and gender harassment in the research sector. Changes in legislation now give the Director of the National Institutes of Health (NIH) a mandate to require NIH-funded institutions to report to the NIH when:

*“Individuals identified as principal investigator or as key personnel in an NIH notice of award are removed from their position or are otherwise disciplined due to concerns about harassment, bullying, retaliation, or hostile working conditions.”* (NIH, 2022).

Effective July 8, 2022, NIH-funded institutions must notify within 30 days of the removal or disciplinary action. This provision enables mandatory reporting to NIH of removals and disciplinary actions, but it also ensures that NIH is made aware when the reason for the actions relates to sexual harassment. These changes have resulted in the NIH working with funded institutions on 112 confirmed findings of harassment and the removal of 92 individuals from NIH-funded grants (NIH, 2022).

### ACTION:

- Discuss how sexual and gender harassment can be considered as a reportable breach of the Australian [Code for the Responsible Conduct of Research](#).
- Support ongoing discussions about the establishment of a new research integrity body.

### 8.3.3 Funders of health and medical research should work together and agree to withhold funding from organisations that do not satisfactorily report on and prevent sexual harassment.

Since 2015 there has been a requirement from the NHMRC which requires Administering Institutions (AIs) to have policies in place to support gender equity in health and medical research, in 2019 that was expanded to include “policies, procedures and training in place...” in relation to discrimination and sexual harassment.

However, there is no evidence to suggest that this criterion has been used as a mechanism for not granting funding to researchers within organisations that don't have a policy.

Internationally and in Australia, organisations that provide funding for scientific research are implementing stronger policies and procedures to hold awardee organisations to account for appropriate reporting, response and progress on reducing sexual harassment. These examples provide working models for the broader Australian research sector to draw on.

## Case Studies

The Wellcome Trust in the UK has made it mandatory for employing organisations to report cases of harassment. Where reports are made, there is a series of escalating potential sanctions for individuals against whom an allegation is upheld, ranging from a letter of reprimand through to the withdrawal of grants and the barring of applying for future funding.

Sanctions against organisations if they have failed to respond to an allegation or to keep the Wellcome Trust informed include:

- not accepting new grant applications for a limited period;
- restricting applications for specific grant types, for example, not allowing participation in PhD programmes or overseas-based research;
- suspending funding to the organisation in extreme cases.

Since 2018, Cancer Research UK (CRUK) implemented policy and procedures similar to that of The Wellcome Trust. The CRUK policy and process is as follows: *“CRUK may sanction organisations if it feels that there has been institutional level failure to respond to complaints, carry out disciplinary processes or uphold conduct standards, by carrying out ongoing monitoring of a host institution’s policies and practices, suspending grants or not accepting new grant application”*.

Going further, the CRUK’s policy also includes a clause mandating that grantee institutions do not enter into agreements (such as NDAs) which may prevent them from telling funders about allegations of bullying and harassment ([Jones, Boesten & Riazuddin, 2019](#)).

In Australia, a significant philanthropy funder Snow Medical is taking steps to ensure organisations that host Snow Fellows, meet [Equality Benchmark Criteria](#). For future application rounds, there will be requirements for host organisations to demonstrate that Snow Fellows are not under any allegations of breach of The Australian Code for the Responsible Conduct of Research and/or bullying and harassment. They also require host organisations to have clear, well publicised policies, processes, procedures and training in place to handle and manage allegations of a breach of the Code, Research Misconduct, Bullying and Harassment.

## SUGGESTED ACTION:

- All funders to require administering organisations to report on investigations for sexual or gender harassment and demonstrate effective response and prevention efforts.

## **8.4 Discuss options for restructuring the system of funding and grant support to enable a more diverse, inclusive and respectful medical research sector.**

### **8.4.1 Consider developing standardised policies and procedures that ensure research projects can continue when leadership changes.**

The recommendations in **Priority 7** provide suggestions for creating greater flexibility in research teams to ensure continuity in the event of leadership changes. Research organisations already accommodate the need to occasionally reconfigure work and teams, for example, upon the departure, death, or illness of a Chief Investigator. Whilst granting bodies are often supportive of variances in original projects in these circumstances, developing (and communicating) standardised policies and procedures that ensure funding continuity for teams in the event of removal of a researcher for misconduct, will provide assurances to those experiencing sexual harassment that a report will not derail a research team (*see recommendation 7.1 for discussion on reliance on individual researchers as a barrier to reporting*).

### **8.4.2 Consider redefining measures of success and merit to suit a modern and diverse workforce.**

There are many groups and individuals in the medical research institute sector championing for reforms to improve equity, increase career flexibility, and encourage part-time work and incentivise teamwork. These efforts could be bolstered by and aligned with efforts to combat sexual harassment. These include:

- Advocacy for redefining measures of success, e.g., in line with the efforts of the NHMRC to redefine track record assessments, and to reward inclusive leadership that moves away from the traditional hierarchical approach;
- Advocacy to ensure the system rewards team efforts rather than individual endeavours.
- Advocacy to ensure more comprehensive data be collected on the research workforce to determine intersectional groups which may be overlooked for funding opportunities.

### **8.4.3 Sector wide efforts are needed to address the precarity of the health and medical research workforce**

While permanent (full or part-time) work is the ideal form of secure employment, it is often not possible for researchers working in health and medical research. As described in Priority 7, dependence on other individuals for resources is a major part of the power differential and is exacerbated by the need for salary supplementation from many government funding schemes. One critical lever to decrease precarity is to ensure that the government and philanthropic funding bodies fully fund researcher salaries. It is noted, that this would require further resourcing of the funding agencies to permit full funding of research salaries without compromising already historically low funding success.

# APPENDIX 1

## SEXUAL AND GENDER HARASSMENT PREVENTION COMMUNICATIONS PLAN: SOME IDEAS

### Leadership Commitment

- A statement from leadership that articulates zero tolerance for sexual and gender harassment (see [Champions of Change Coalition Leadership Statement](#) 2021, pp. 4-5 and [Respect@Work](#) for sample statements).
- Communicate your organisation's commitment to addressing sexual and gender harassment by taking a public pledge.

### Awareness

- Share your organisation's Sexual and Gender Harassment Prevention Strategy and keep your staff and students updated on progress.
- To ensure that all staff and students are aware of important information contained in relevant policies, send regular communications about:
  - types of actions and behaviours considered as sexual and gender harassment and their appropriate responses;
  - where to report if you experience or witness sexual and gender harassment;
  - how disclosures and investigations are handled (procedures).

### Education & Culture Setting

- Implement regular communications that clearly articulate expectations of positive, inclusive, and respectful workplace behaviour among all staff and students.
- Create [Micro and Social Learning](#) opportunities to support staff and students:
  - develop an understanding about the spectrum of sexual and gender harassment and how it is experienced differently by different people;
  - have respectful conversations about 'everyday sexism' and discrimination and develop strategies to speak up.

### Transparency

- Regularly distribute de-identified reporting on sexual and gender harassment incidents and outcomes to:
  - all staff
  - the board
  - external stakeholders (see [Melbourne University example](#))
- Develop a plan for provision of transparent responses to High Profile Cases (See Champions of Change Coalition's Advice on [confidentiality and transparency for high-profile sexual harassment cases](#)).

### Evaluation

Use workplace culture surveys to evaluate the effectiveness of communication with staff and students. For example:

- How aware are they of the organisation's policies and procedures?
- How comprehensive is their understanding of types of sexual and gender harassment and appropriate responses?
- How comfortable are they to discuss issues relating to sexual and gender harassment?
- Can they identify avenues for increasing their confidence to participate in these discussions?

### See the [Respect@Work](#) website for tips on developing a communication plan:

- [Communication and transparency for organisations](#)
- [Transparency](#)

**An Important Consideration:** There is a historical legacy of unaddressed gender harassment, and this is likely to have a profound impact on how our workforce responds to and interacts with any current or future gender harassment prevention programs. Any ongoing strategy to address gender harassment (especially ones that address issues of communication) should consider this legacy and be prepared to acknowledge and support those individuals who have experienced unaddressed gender harassment.

# APPENDIX 2

## A WORK HEALTH AND SAFETY FRAMEWORK FOR PREVENTION AND RESPONSE TO SEXUAL HARASSMENT

### What must organisations do under the law?

Under the [Work Health and Safety Act 2011](#), employers are obliged under the law to undertake risk assessment of workplace hazards, to control identified risks and review risk control measures. Health and safety obligations at work include the obligation to ensure the physical and psychological health of employees, contractors or anyone associated with the work. This means that employers have a positive duty under the law to identify and minimise risks to the harm caused by harassment<sup>5</sup>.

Psychological health has been part of the definition of health in work health and safety (WHS) laws since 2011 and must therefore be part of risk assessment and other prevention efforts; recent changes to regulation only serve to strengthen this obligation.

From June 2022, the Commonwealth WHS [Regulations](#) (Chapter 3, Division 11) require employers to:

- Identify psychosocial hazards at work (including job design, physical environment, equipment and machinery, behaviours, interactions and management style) that may cause psychological harm (whether or not they may also cause physical harm);
- Eliminate risks so far as is reasonably practicable; and
- If unable to eliminate risks, minimise those risks so far as is reasonably practicable ([Safe Work Australia](#)).

State and territory laws mirror the Commonwealth law (with slight variations) that has recently strengthened regulation around psychosocial risks, either by enforceable regulation or guidance material. These laws are enforced by the appropriate state or territory Workers' Health and Safety and Compensation Authority.

### The Work Health and Safety Framework

In summary, three key elements underpin federal and state work health and safety laws:

- **Prevention** – maintaining a working environment that is safe and without risks to health 'so far as is reasonably practicable'<sup>6</sup>
- **Consultation** – with employees and their representatives (unions) via Health and Safety Committees
- **Representation** – via elected and trained Health and Safety Representatives (HSRs) who represent Designated Work Groups (DWGs) – i.e., a group of employees determined on the basis of location, type of work etc.

### Prevention

The legislation mandates that employers provide safe plant, equipment and systems of work, adequate facilities and training and instruction. In practice, prevention is far more than routine maintenance of equipment. It also involves risk assessment, which in turn involves other elements of a WHS system – consultation and representation. The WHS legislation also mandates that employers monitor the health of employees and monitor conditions at the workplace. In relation to gender harassment, prevention is a positive duty.

5 A positive duty to eliminate sexual harassment and discrimination now applies under Federal anti-discrimination law (and commonwealth, state and territory anti-discrimination laws make it unlawful to sexually harass someone at work and have as their objects the elimination of sexual harassment at work).

6 The legislation prescribes these duties for those who "manage or control workplaces" whether they are the owner or employer; they are defined as Persons Conducting a Business or Undertaking (PCBUs).



## Consultation

Under the national [Model Code of Practice on managing psychosocial hazards at work](#), Safe Work Australia recommends employers to consult with *all* workers.

Employers must consult with employees to:

- Identify and assess hazards or risks
- make decisions about measures to be taken to control risks
- make decisions about procedures for resolving Health and Safety issues at a workplace, consulting with employees, monitoring the Health and Safety of employees, and providing information and training to employees
- determine the membership of Health and Safety Committee/s.

A Health and Safety Committee is a forum for consultation between employees and management, and key to the development of health and safety strategy and policy. Health and Safety Committees must be established within two months of a Health and Safety Representative requesting the employer to do so, or if five or more staff members ask the employer to do so. At least half of the members of a Health and Safety Committee must be employees. In practice, most employers choose to set up a Health and Safety Committee of their own volition.

## Representation

Representation is key to an effective health and safety system. It provides employees with a say over their own health and safety and that of their colleagues and embeds responsibility for WHS across multiple areas and levels of the organisation.

Elected Health and Safety Representatives (HSR) represent Designated Working Groups (DWG) which are usually established based on 'common sense' designated teams or departments. HSRs have rights which ensure they can affect change at the workplace; they are not just advisors to the employer.

The HSR for a certain DWG has the power to issue a Provisional Improvement Notice (PIN) in relation to an identified risk to Health and Safety that affects a member or members of their DWG. This is usually something urgent which requires immediate action to eliminate a risk to harm, e.g., a supervisor who continues to make sexist, racist or homophobic comments in the workplace.

The HSR has rights to information held by the employer in respect to workplace hazards and they can attend interviews with employees and/or an inspector from a regulatory body (e.g., WorkSafe).

HSRs must be trained.

**Elected HSRs bring legitimate representation and consultation to the workplace and have some power to influence decisions about the health and safety of workers. An effective HSR also ensures a flow of information and access to data that can positively influence how decisions are made about health and safety at work.**

# APPENDIX 3

## RISK ASSESSMENT FOR SEXUAL AND GENDER HARASSMENT

### The medical research sector is a high-risk environment for sexual and gender harassment

The specific sector wide characteristics that present a risk include:

- male dominated leadership and decision-making
- hierarchical structures and cultures (e.g., medicine and academia)
- employment precarity
- relationships of dependency – e.g., trainees and early career researchers dependent on supervisors
- historical legacy in both academia and medicine of protecting reputation, and ‘shuffling’ perpetrators.

### The Risk Assessment Process

The standard process for addressing risk under Australian law includes the following seven cyclical steps:

1. Identifying hazards
2. Assessing the risks of those hazards causing harm
3. Controlling the risks
4. Reviewing control measures
5. Consulting workers about the above
6. Implementing new control measures as required
7. Regularly reviewing and assessing hazards and the efficacy of any control measures on a regular basis, or in the event of an incident.

This process forms a comprehensive cycle of review. **Psychosocial hazard and risk assessment for sexual and gender harassment must include consultation with employees.**

### Step 1: Identify Hazards

Psychosocial hazards and risk factors in the workplace may be identified and confirmed using the following methods:

- reviewing organisational structures (e.g., lines of reporting, supervisory responsibilities, reliance of junior staff on superiors)
- reviewing the way work is performed (e.g., if work is performed in environments that isolate workers, or where workers are required to be alone with a superior or other colleagues)
- consulting with employees through health and safety representatives
- reviewing staff satisfaction or culture surveys (employees need to ensure surveys are accessible to different groups in the workplace)
- analysing workplace data incident reports (both formal and informal)
- reviewing patterns of staff resignations and issues raised in staff exit interviews
- reviewing patterns of absenteeism and personal leave.

Gender inequality is a key driver of sexual harassment in workplaces and is therefore integral to assessing risk of gender harassment in an organisation. By benchmarking an organisation against gender equality indicators, employers can identify the underlying structural or cultural factors that enable or drive gender harassment.

Gender equality indicators include (but are not limited to):

- the gender composition of all levels of the workforce, including leadership and management positions
- the gender composition of governing bodies (such as boards)
- the ratio of women to men in new hires and internal promotions
- remuneration for work of equal or comparable value across all levels of the workforce, irrespective of gender
- rates of gender harassment and discrimination in the workplace
- the availability and uptake of family violence leave, flexible work arrangements, and working arrangements supporting employees with family or caring responsibilities

- gender segregation within the workplace
- attitudes to gender in the workplace.

([Victorian Equal Opportunity and Human Rights Commission](#) 2020, p. 64)

### Step 2: Assess Risks

Consider the hazards identified in Step 1 and ask: How often has sexual and gender harassment occurred? What is the likelihood/risk of it occurring again? What are the likely consequences of sexual and gender harassment?

### Step 3: Control Risks

Examples of control measures for sexual and gender harassment include having the following work systems and procedures:

- what an employee should do if they experience or see harassment at work or work-related events
- procedure for consistently addressing reports of harassment, including the provision of sufficient, appropriate and timely feedback to workers who have raised concerns
- procedures to deal with perpetrators and, if a perpetrator continues to offend, to terminate the employment of that perpetrator
- regular monitoring and review of work systems and practices to evaluate effectiveness of minimising harassment
- analysis of de-identified details of all harassment complaints, including those that are not pursued, to help identify systemic issues
- effective monitoring of and reporting on staff welfare through regular consultation
- responsible service of alcohol policies at work and at work events.

([Workplace Health and Safety Queensland](#) 2022, pp. 61-62)

### Step 4: Monitor and review hazards and control measures

Monitoring and review should be part of everyday business for the organisation and is an essential part of the hazard and risk identification and management process, and the drive for continuous improvement. Organisations should:

- regularly collect and assess reporting and other relevant data for trends, patterns and lessons.
- regularly review and update gender harassment prevention plans (e.g., annually).
- share information about trends, patterns and lessons with staff, boards and key stakeholders.
- ensure staff have confidence that sexual harassment is being eliminated in their workplace.

([Victorian Equal Opportunity and Human Rights Commission](#) 2010, p. 92)

Risk management should occur in consultation with employees using HSRs and reports provided to Health and Safety Committees, or other employee representative groups if these are not in place (*see Appendix 3 for more detail on employee representation*).

## FURTHER GUIDANCE

### [Safe Work Australia](#)

Safe Work Australia has a suite of information to support organisations to manage the WHS risks of workplace sexual harassment.

### [Workplace Health and Safety Queensland](#)

An excellent resource on identifying managing the risk of psychosocial hazards at work.

### [Safe Work Australia: Managing psychosocial hazards guidance](#)

Created by the commonwealth WHS regulator this resource provides information on:

- Identifying hazards and risks
- Step by step risk management process

### [Disrupting the System \(Champions of Change\) Resources](#)

- List of risk factors (pp. 6–7)
- Further information on reporting/workplace relationships/Board reporting (pp. 32–34)

### [Victorian Psychosocial hazard factsheet](#)

- Risks to gender-based violence and sexual harassment
- How to manage risks

### [Victorian Workwell Toolkit](#)

- Information, tools and resources for preventing mental health injury in the workplace.
- Toolkits for Small, Medium and Large Businesses.

### [Chief Executive Women – Risk Register](#)

Lists of hazards that can increase the likelihood of harassment occurring and means of mitigating the risks from these hazards

# APPENDIX 4

## USING INCIDENT REPORTING SYSTEMS TO IDENTIFY AND MITIGATE RISKS OF SEXUAL AND GENDER HARASSMENT

Incident reporting is an essential component of risk management and assessment and provides valuable data to identify workplace hazards and develop mitigation strategies. Reporting provides a record of an incident, even if no future action is required. Incidents that affect the psychosocial health and wellbeing of staff should be recorded as well as those that affect physical health and wellbeing. In all instances, any incidents should be acted on where appropriate, whether or not a formal complaint has been received. Providing an anonymous option for incident reporting is essential.

Whilst most employees understand the processes for and feel comfortable about reporting physical hazards or injuries, they may not report psychosocial hazards because they:

- believe it is not serious enough to report
- see them as just 'part of the job'
- think reports will be ignored, or not handled respectfully or confidentially
- fear they will be blamed or believe reporting may expose them to additional harm
- fear discrimination or disadvantage, or
- do not know or understand the processes for reporting psychosocial hazards.

To encourage employees to report psychosocial hazards and incidents, make it clear that:

- reporting concerns about psychosocial hazards and incidents (before or after it has happened) is encouraged by the organisation and can be done safely and anonymously, if required – for example, via leaders regularly discussing psychosocial hazards in team meetings (including all of organisation meetings)
- all reports will be handled with discretion and with their safety and well-being front of mind
- they can choose how they want an issue to be resolved after they are aware of all the options
- the organisation values a people-centred approach to incidents of sexual and gender harassment and that any process will be fair, transparent and include natural justice
- they will be informed of progress on their reports throughout the process.

For a comprehensive discussion of reporting options and responses, see [Psychosocial hazards at work Code of Practice \(QLD\) Chapter 4](#)

### IMPORTANT NOTES:

It may not always feel appropriate or 'safe' for an employee or student to record incidents. There must be an option for the reporter to remain anonymous. For example, in a team with just one woman, transgender or non-binary person, a person experiencing sexual or gender harassment may wish to pursue other methods of recording the incidence. They may have a confidential discussion with a Health and Safety Representative or Well-being officer or a colleague, or they may also choose to keep a personal record of incidents to use as evidence at a later date, should they choose to make a formal complaint.

All staff who are responsible for handling reports (Health and Safety Representatives, Well-being contact officers, Work Health and Safety Committee members) must be trained in all aspects of workplace sexual and gender harassment and be able to implement trauma-informed practice.

If an employer decides they must act on anonymous incident reports, they must do so always bearing the safety of the reporter in mind and take action that is proportionate to the offence. Formal reports should only be dealt with after consultation with the reporter regarding the best means of action for them.

## The following hypothetical scenario outlines how a comprehensive WHS approach can support organisations identify and act on sexual and gender harassment hazards and incidents.

### REPORTING THE INCIDENT

Roger is a lab assistant in a lab with 10 scientists made up of seven men including the lab head, and three women. Roger observes that Gary, a research fellow, has been making the odd 'joke' about women. While colleagues indicated the inappropriateness of this the first time it happened, Gary continues with the jokes. Roger notices the women in the lab have started distancing themselves from Gary, and this is affecting the collegial and productive culture in the lab.

Roger has seen a statement from the Director of his organisation and has read the posters highlighting the importance of psychological safety, so he knows his employer is committed to preventing and responding to sexual and gender harassment. He also recently completed training on workplace harassment and understands that gender harassment, even if it is not sexual in nature, is not acceptable.

While Roger could talk to Gary himself, he does not feel safe to do so. He thinks his job could be at risk as he is a lab assistant on a short-term contract. Roger decides to go to his organisation's intranet and search for the Incident Reporting Database that has been discussed previously. Knowing that he can report anonymously, and his report will be handled discreetly, Roger records the incidents in the database, with dates, times and the nature of the behaviour.

### ACTING ON THE INCIDENT REPORT

The Health and Safety Representative for the Division, Abdul, notes the record of incidents. He assesses the report and decides he needs a conversation with Gary's lab head to understand Gary's working relationships in the team. He discusses the recorded incidents with the lab head, and they decide that an informal conversation with Gary is warranted and will be an effective way of preventing further and escalating incidents.

Within the week, the lab head has discreetly discussed the record of incidents with Gary. He makes it clear that while there has been no formal complaint made, his behaviour is inappropriate and that his jokes are discriminatory against the women in the lab and could be intimidating for them. He reminds Gary of the discipline options available to him if the behaviour continues, including a formal warning, suspension or termination of employment but notes he will not take formal action at this time. Gary apologises and assures his supervisor that the jokes will end.

The nature of the incident report and follow up actions (but not Gary's name) are included in Abdul's monthly report to the Health and Safety Committee and to the Board at their quarterly meeting.

### AN IMPORTANT NOTE

It is important to distinguish between the day-to-day recording of accidents or incidents as part of a comprehensive Work Health and Safety system and a "notifiable incident" at law.

A "**notifiable incident**" is one that state and federal Work Health and Safety legislation requires be notified to health and safety regulators, with high penalties applying if this does not occur.

Notifiable incidents usually include situations in which a person experiences a serious injury or illness, or a major incident (accident) or potentially dangerous incident occurs. Presently a gender harassment incident would only be notifiable to the regulator if physical injury occurred or there was admittance to hospital. In the ACT, sexual assault at work is a notifiable incident. In all jurisdictions, of course, assault should involve criminal action. See [Safe Work Australia Incident Notification fact sheet](#) for more information.





This report was produced by AAMRI and WiSPR.  
Report date: October 2023.

#### **Contact AAMRI**

Dr Saraïd Billiards  
Chief Executive Officer  
Association of Australian  
Medical Research Institutes

PO Box 2097  
Royal Melbourne Hospital VIC 3050  
[enquiries@aamri.org.au](mailto:enquiries@aamri.org.au)  
[www.aamri.org.au](http://www.aamri.org.au)

ABN 12 144 783 728