



Science & Technology AUSTRALIA

Sexual Harassment in the Workplace

28 February 19

To the Australian Human Rights Commission,

Thank you for the opportunity to contribute to the National Inquiry into Sexual Harassment in Australian Workplaces.

Science & Technology Australia (STA) is the peak representative body for more than 70,000 scientists and technologists in Australia through our member organisations, including associations and societies, research institutes, and research strategy bodies such as councils of deans. Our mission is to connect science and technology with governments, business, and the community, to enhance the role, reputation and impact of science.

As a leader for equity, diversity and inclusion in the STEM sector, STA considers the issue of sexual harassment in the workplace to be an issue that must be addressed as a priority.

In preparation of this submission, STA conducted an online survey of member organisations, their staff and members, and others in the STEM sector. The survey was designed to develop a better understanding of the prevalence of sexual harassment within the STEM sector and perceptions of the STEM sector's preparedness to address and prevent sexual harassment.

In analysing the results and examining the responses, STA makes this submission with the hope that it will contribute to a National Action Plan to address sexual harassment in the workplace.

STA recommends:

- A national Action Plan for addressing sexual harassment should be developed, to ensure the best available policies and procedures are implemented by Australian workplaces;
- Any National Action Plan needs to include sector specific considerations;
- Sexual harassment training should be accredited, ensuring credible delivery in a way that provides context relevant to each industry and sector;
- Accredited Sexual harassment training should be a requirement of all workplace inductions, and readily available to workplaces that do not have access to human resources staff;
- Specific attention to more vulnerable groups including LGBTQIA+, people from diverse cultural and linguistic backgrounds and people with a disability;
- Support for initiatives to achieve better gender equity, prioritising those with the widest gap;
- Explore and remove barriers to the reporting of sexual harassment including anonymous reporting;
- Legislation should be introduced to prevent non-disclosure agreements and confidentiality clauses from being used to prevent survivors speaking about their experiences;

- A federally funded awareness and education campaign to inform the Australian workforce about sexual harassment and of the Australian Human Rights Commission's resources and role in reporting sexual harassment in the workplace;
- A requirement that all workplaces and professional societies make sexual harassment and assault reporting pathways clear in the workplace and at off-site events;

STA has also crafted the following STEM sector specific recommendations, to ensure relevant outcomes for STEM students and professionals;

- Implementation of the upcoming [Women in STEM decadal plan](#) and [Science & Technology Australia's](#) recommendations to this plan;
- Increase penalties for those found guilty by a court of law of sexual harassment in the STEM sector through removing access to federal research funding and the removal of honours;
- Mandatory reporting of sexual harassment cases by research institutes to federal funding bodies;
- The inclusion of sexual harassment prevention plans in any risk assessment conducted prior to fieldwork, and additional sexual harassment training for those undertaking this kind of work;
- A sexual harassment policy and code of conduct that provides clear instructions for reporting and responding to workplace sexual harassment that occurs off-site; and
- Provide protections for research students in cases of supervisor-student sexual harassment including formal adoption of the Principles for Respectful Supervisory Relationships by all organisations in the STEM sector.

Thank you again for the opportunity to make this submission.

Kind regards,



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President
Science & Technology Australia



Kylie Walker
CEO
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Introduction

The Australian science, technology, engineering and mathematics (STEM) sector is not immune to workplace sexual harassment. Our survey has received reports of sexual harassment at conferences, in laboratories, in offices, and in the field.

In a sector that is striving for equity, diversity and inclusion, sexual harassment must be a major focus. We have received reports of women and LGBTIQ+ identifying scientists and technologists leaving the sector after suffering or being exposed to harassment. We have also heard from women who believe they have not been promoted as their promotion decisions lie in the hands of their harasser.

In the past five years, there have been moves to address the challenges of sexual harassment within academic research and education through the ‘Respect. Now. Always’¹ campaign and the Change the Course Report², however their impact has struggled to extend to the STEM sector beyond academia. With more STEM-qualified professionals working outside academia than inside it, it’s clear any action must extend beyond universities.

To help inform this submission and provide STEM-sector specific information for the review, STA conducted a survey to better understand the nature and prevalence of sexual harassment within the sector as well as perceptions of how sexual harassment is managed. The results of this survey indicate that the STEM sector is not yet meeting the expectations of its workforce and that the prevalence of sexual harassment is high.

We sent our survey out to more than 70-member organisations for distribution among 70,000 STEM professionals and promoted it to thousands of newsletter subscribers. Of the more than 297 individual voluntary recipients, 50% of women and 1 in 10 men said they had faced sexual harassment in their workplace. Sexual harassment policies were poorly rated, with 30% of respondents stating that their workplace did not have adequate policies to address or prevent sexual harassment.

Of the many women and men who said they had experienced sexual harassment in the workplace, 70% had chosen not to report it. The reasons given included fear of reprisals, an expectation that nothing would change, and concern for their reputation.

¹ [“Respect. Now. Always”](#) Universities Australia, 2018

² [“Change the Course”](#) Australian Human Rights Commission, 2017

Our survey of the STEM sector

Survey Background

STA surveyed individuals and organisations within our membership and the broader STEM sector to gain an understanding of the prevalence and perceptions of sexual harassment in Australian STEM. The survey ran for two weeks and received a total of 318 responses from voluntary participants³. Of the respondents, approximately 70% were female, which needs to be taken into consideration given sexual harassment is typically a gendered issue. Respondents were self-selected, and submitted their answers either as individuals, or on behalf of an organisation. Due to the low rate of responses from organisational representatives, we have only used responses from individuals to inform this submission.

Summary of findings

The headline findings of the survey are as follows:

- 1 in 2 female respondents and 1 in 10 male respondents had experienced sexual harassment in their workplace
- 30% of respondents thought their workplace did not have policies that were effective in preventing sexual harassment in the workplace.
- 33% of respondents thought their workplace had inadequate policies for addressing reported incidences of sexual harassment in the workplace.
- Fewer incidences of sexual harassment were reported by those in workplaces that were perceived by respondents to have equal or close to equal numbers of men and women.

³ See survey explanatory notes for survey breakdown

Prevalence of sexual harassment by gender

Based on the responses to our voluntary survey, and the findings of other peer-reviewed studies, sexual harassment appears to be a significant problem within the STEM sector. Of the 297 individual (not organisational) respondents, more than one-third reported experiencing sexual harassment in the workplace (36%). This reported experience is highly gendered (Figure 1), with just under 10% of male respondents reporting having experienced sexual harassment in the workplace compared with almost 50% of women (46%).

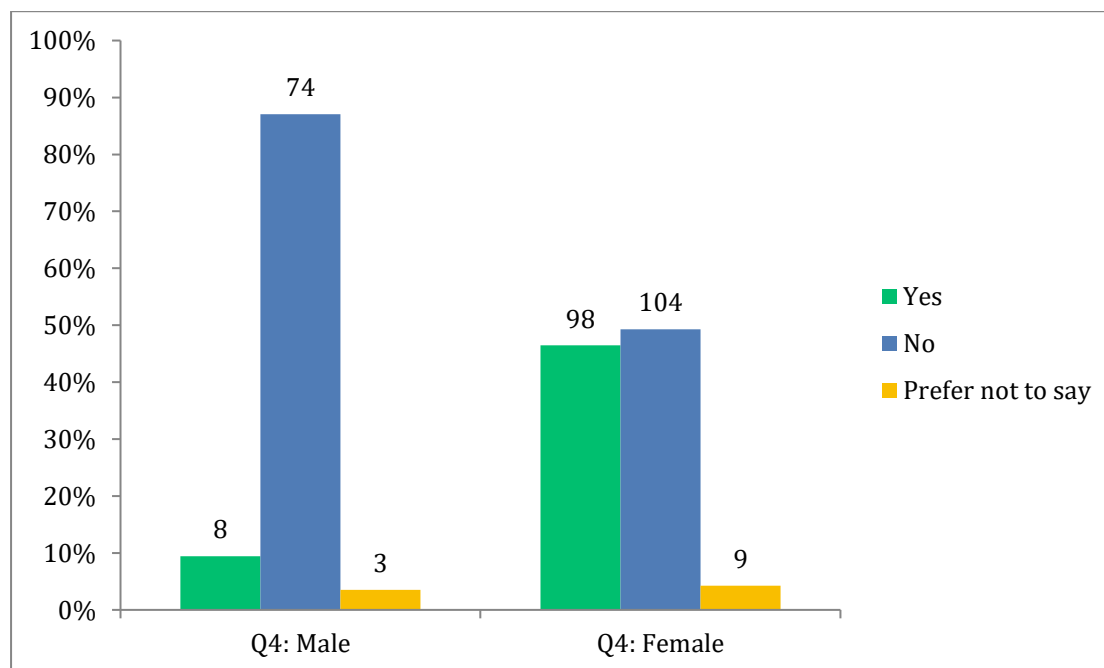


Figure 1: A comparison between male (n=85) vs female (211) respondents to the questions "Have you experienced sexual harassment in the workplace"

Policies and procedures in the workplace

When asked about the effectiveness of workplace policies and procedures to prevent and respond to sexual harassment, responses were mixed. Across all disciplines, male respondents were more likely to agree that the policies and procedures in place within their organisations were sufficient, whereas female respondents were less likely to agree (see Figure 2 and Figure 3).

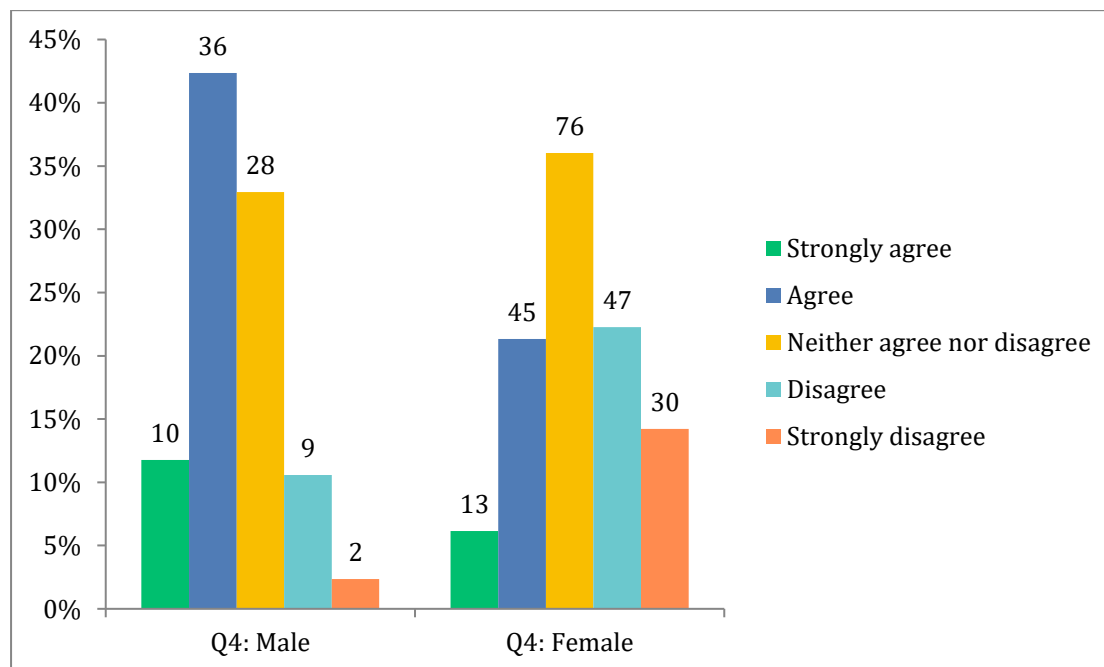


Figure 2: A comparison of the responses to the statement "My workplace's policies and procedures are effective at preventing sexual harassment in the workplace" from male (n=85) vs female (n=211) respondents

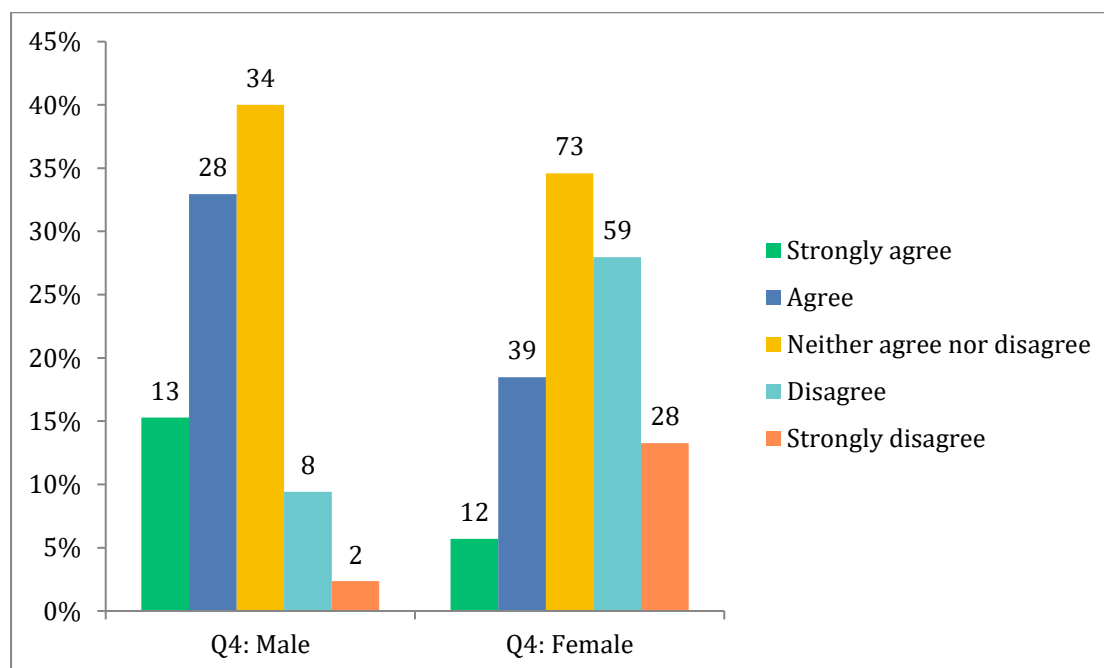


Figure 3: A comparison of the responses to the statement "My workplace's policies and procedures are adequate at addressing incidences of sexual harassment" from male (n=85) vs female (n=211) respondents

The relationship between the perceived gender balance in respondents' workplaces and whether the respondent reported having experienced sexual harassment was also explored. (Figure 4). This comparison indicates gender balance within a workplace correlates with a lower prevalence of sexual harassment.

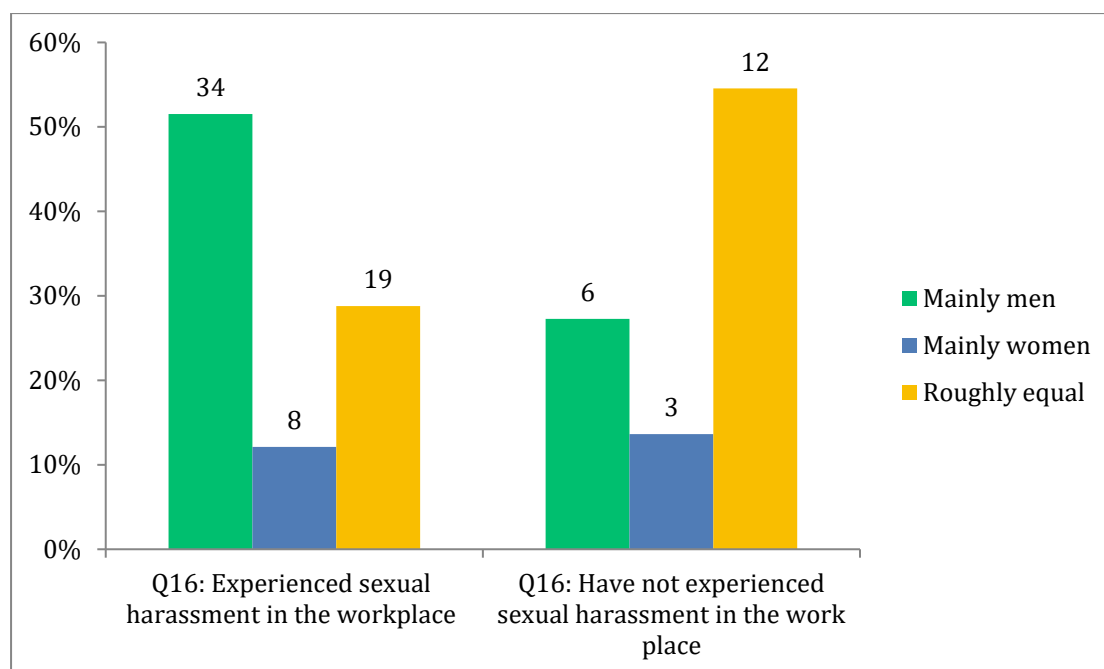


Figure 4: workforce gender balance as estimated by the respondents that have experienced sexual harassment in the workplace (n=61) vs those that have not (n=21). There were 6 responses that related to multiple incidences of sexual harassment and as such, have not been included.

Prevalence among the LGBTIQ+ community

LGBTIQ+

28 people responded to the survey who identified as belonging to the LGBTIQ+ community⁴. Results from our survey correspond with research which shows a higher rate of sexual harassment among those from the LGBTIQ+ community⁵.

Only a small portion of LGBTIQ+ respondents said their workplace policies were adequate at addressing or preventing incidences of sexual harassment, much lower than respondents who identified as cis-gendered and straight. (Figure 8 & Figure 9). Respondents from the LGBTIQ+ community also felt less safe from reprisals than their heterosexual/cis-gendered colleagues.

Regarding the effectiveness of workplace policies, not one lesbian or bisexual female respondent said that their workplace's policies and procedures were effective at preventing sexual harassment (Figure 6) and only one agreed that their workplace's policies and procedures were adequate at addressing incidences of sexual harassment (Figure 7).

⁴ Only 1 respondent identified as non-gender binary so was not included in further analysis

⁵ ["Everyone's business: Fourth national survey on sexual harassment in Australian workplaces"](#), Australian Human Rights Commission 2018

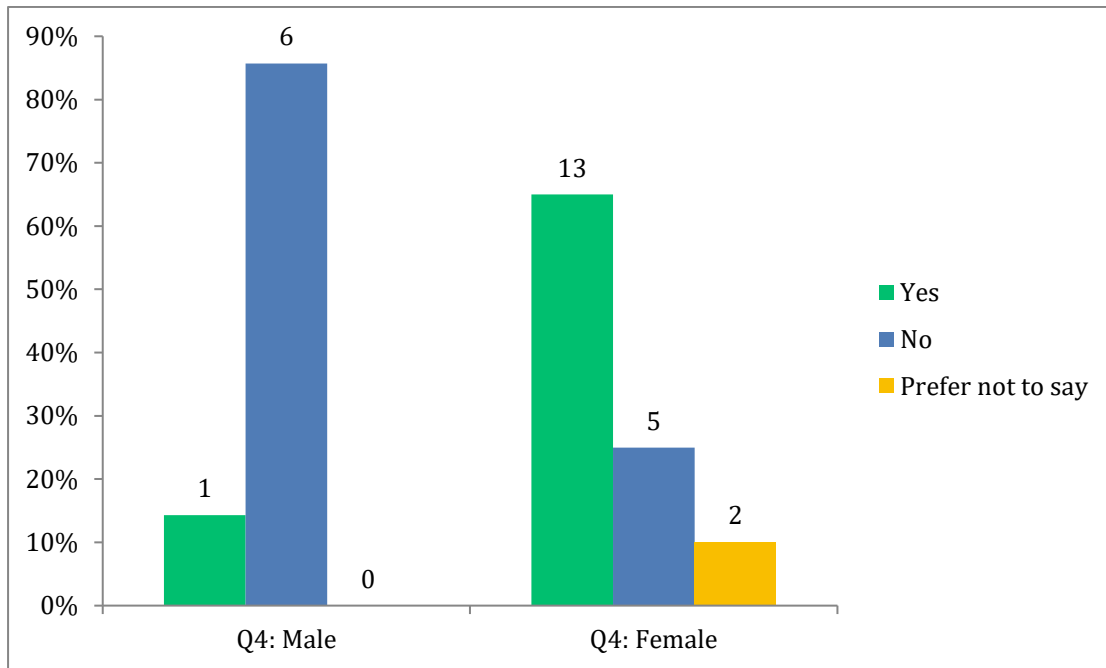


Figure 5: Response to the question "Have you experienced sexual harassment in the workplace" for respondents that identify as LGBT for male (n=7) vs female (n=20)

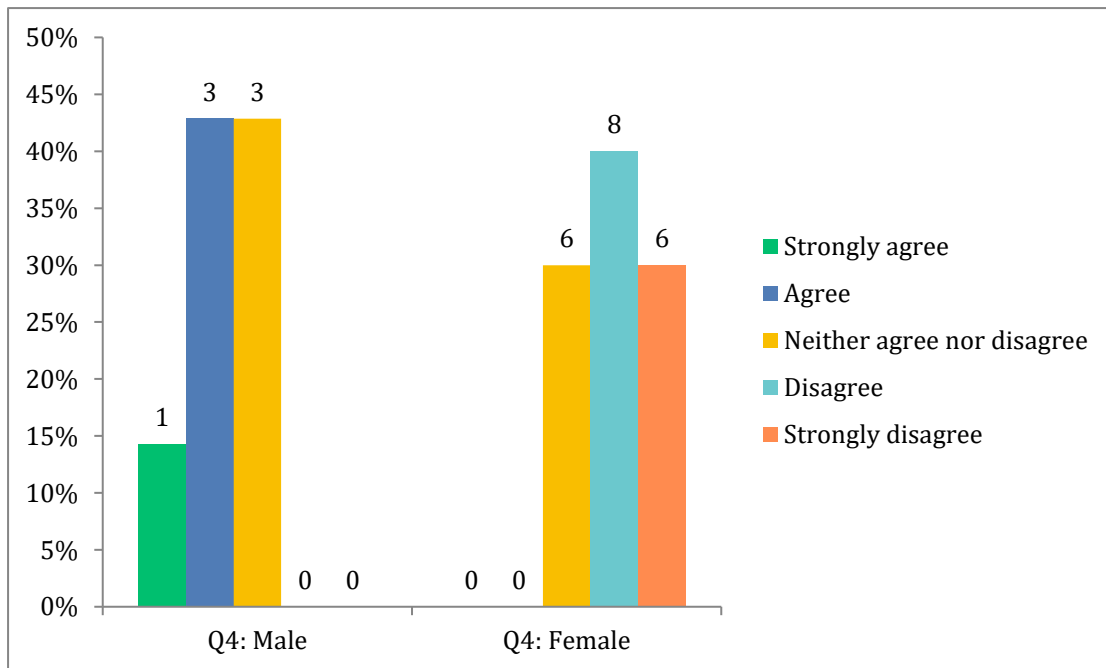


Figure 6: Response to the statement "My workplace's policies and procedures are effective at preventing sexual harassment in the workplace" from respondents that identified as LGBT for male (n=7) vs female (n=20)

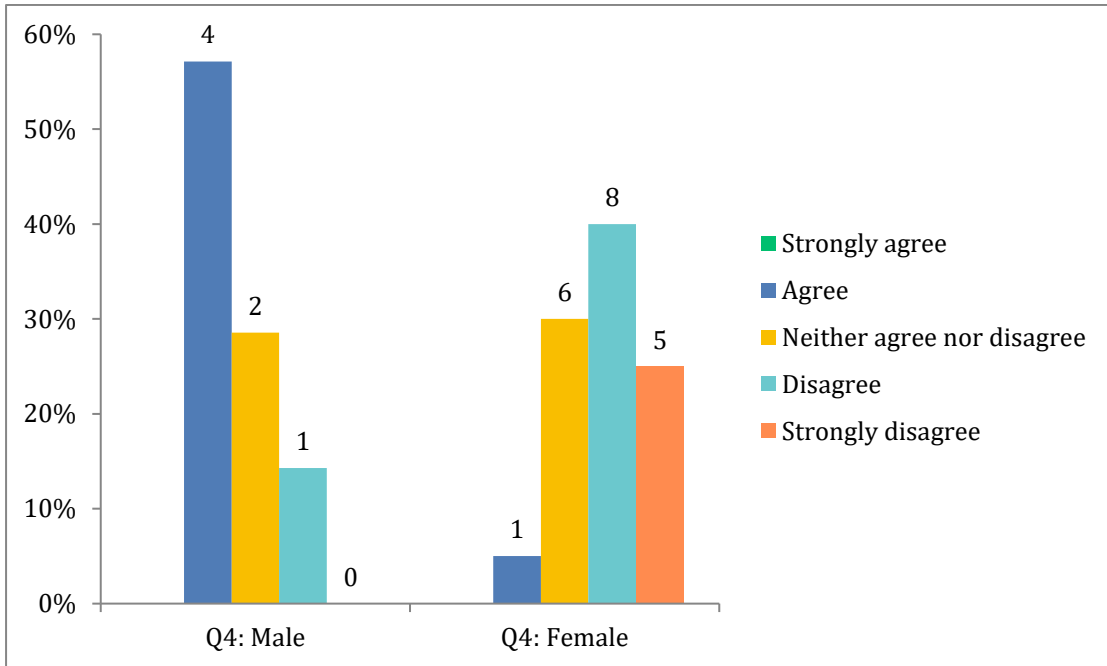


Figure 7: Response to the statement "My workplace's policies and procedures are adequate at addressing incidences of sexual harassment" for respondents that identifies as LGBT for male (n=7) vs female (n=20)

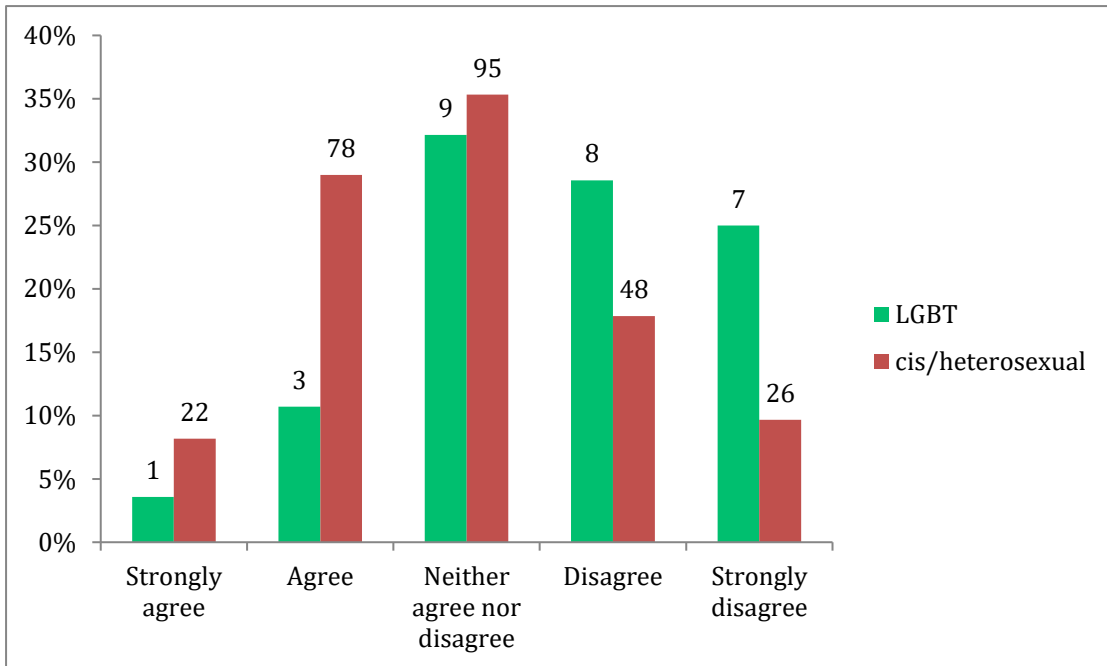


Figure 8: A comparison between straight (n=269) vs LGBT (n=28) respondents to the statement "My workplace's policies and procedures are effective at preventing sexual harassment in the workplace"

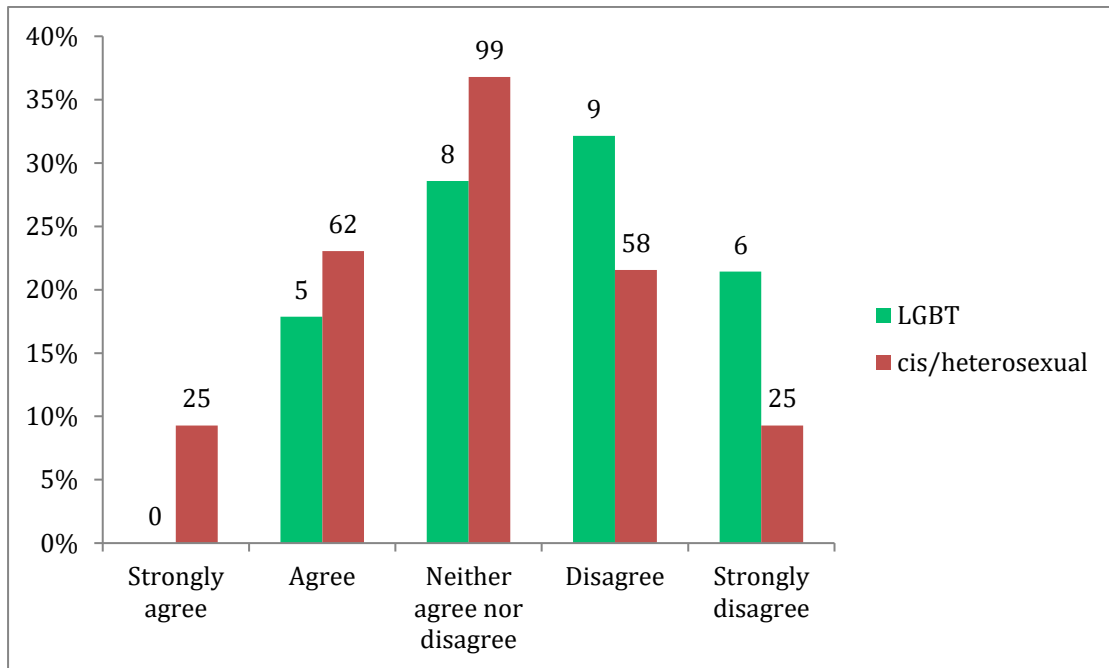


Figure 9: A comparison between straight (n=269) vs LGBT (n=28) respondents to the statement "My workplace's policies and procedures are adequate at addressing incidences of sexual harassment"

Recommendations for the STEM sector

Our national survey indicates that sexual harassment may be a significant issue for scientists and technologists. We have explored a range of recommendations to tackle sexual harassment in our sector.

We focus on six main areas: prevention, protection, consequences, potential risk factors, a national action plan, and better awareness for independent reporting avenues.

Prevention

The first step to address sexual harassment is prevention, of which cultural change is a key element. To begin this work, STA recommends specialised training paired with working towards gender balance at all levels of the STEM workforce.

Training

Effective policies and procedures for preventing and responding to sexual harassment must be clearly known and communicated across all levels of the workforce, along with an expectation of clearly defined, swift and professional action. Many of our STEM sector survey respondents did not know how to report sexual harassment, or how it would be addressed if a report was made. 30% of all respondents said they did not know how to report an incident, and this was consistent across all employer types.

Clear communication of sexual harassment policies and training for managers at all levels in reporting and response procedures should be seen as a preventative measure and delivered during induction for new employees or those newly promoted to management, rather than in response to incidences⁶.

However, STA would be concerned if STEM workplaces approach sexual harassment training solely as a mechanism to protect against liability in the instance someone is harassed.

Effective sexual harassment training is presented in a dynamic context that is relevant to the specific workplace and team. It is also important that this training informs people of the consequences of sexual harassment in the workplace, and the protections in place for those who report incidences.

Templated training targeting the workforce as a whole is not sufficient to prevent or adequately address sexual harassment, however templates for specific sector may go some way to improving training outcomes

Recommendation: Sexual harassment training should be accredited, ensuring credible delivery in a way that provides context relevant to each industry and sector.

⁶ [“Sex harassment training must change: the case for legal incentives for transformative education and prevention”](#) Bisom-Rapp, S. Stanford Review Online, 2018

Recommendation: Accredited Sexual harassment training should be a requirement of all workplace inductions, and readily available to workplaces that do not have access to human resources staff.

Workplace gender balance

Workplaces with an equal representation of genders generally experience fewer issues of sexual harassment^{7 8}. Our survey suggests this is also true in the STEM sector.

For science, technology, engineering and mathematics, the obstacles for equal representation are complex. Even in disciplines where women and men are represented equally, or in those where women outnumber men, men tend to dominate the senior ranks. 97% of our survey respondents believed that addressing sexual harassment was central to achieving gender equity in STEM

From our findings, and previous research, it is clear that the issues of sexual harassment in the work place and gender equity in the workplace have to be considered as one. Tackling these issues together is likely to mean better, more meaningful progress.

STA has made detailed representations regarding gender inequity in STEM to the [Academy of Science for their women in STEM decadal plan](#) and we commend this as an important annex to this review.

Recommendation: Support the development and continuation of programs and initiatives designed to achieve better gender equity, prioritising those sectors with the greatest imbalance.

STEM Sector Recommendation: Implementation of the upcoming [Women in STEM decadal plan](#) and the [Science & Technology Australia](#) recommendations to this plan.

STEM research students

Although there were no specific questions to identify students within our own survey, there were at least 3 respondents who indicated that they were a student when experiencing sexual harassment. The Change the Course report⁹ and the subsequent recommendations made by the Council of Australian Postgraduate Associations¹⁰ gave further evidence that the power imbalance that exists between research students and supervisors can, and does, lead to sexual harassment¹¹.

⁷ ["The impact of Male Work Environments and Organizational Policies on Women's Experiences of Sexual Harassment"](#) Gruber, J. Gender & Society, 1998

⁸ ["The nature, pervasiveness and manifestations of sexual harassment in rural Australia: Does 'masculinity' of workplace make a difference?"](#) Saunders, S & Easteal, P. Women's studies international Forum, 2013

⁹ ["Change the course: National report on sexual assault and sexual harassment at Australian Universities"](#) Australian Human Rights Commission, 2017

¹⁰ ["CAPA Recommendations: Sexual assault and sexual harassment survey"](#) Council of Australian Postgraduate Associations, 2017

¹¹ ["Postgraduates endure university staff sexual abuse"](#) Maslen, G. University World News, 2017

The power imbalance that exists between a student at the start of their career and a (often-senior) researcher within a field makes these cases of sexual harassment particularly difficult. This is particularly problematic in STEM fields where gender equity continues to be unrealised. Gender inequity within STEM fields begins to worsen at the research student stage, or directly after, making this a key point in the leaky pipeline for women in STEM.

After the release of the Universities Australia and Australian Human Rights Commission¹² survey into sexual assault and sexual harassment was released in 2017, a set of guidelines were developed for respectful supervisory relationships. These guidelines were developed by the Australian Council of Graduate Research, Universities Australia and the Council of Australian Postgraduate Associations however they have not been signed on to by all universities as of yet.

The issue of student supervision and power imbalance extends beyond the direct student-supervisor relationship in many cases. For example, many students will conduct work on sites with external organisations or scientific institutions. In these cases, they may be assigned an alternative supervisor during this time or may work with collaborators. As such, for a student to undertake this work, alternate, joint, or co-supervisors and collaborators must be expected to also comply with policies and procedures similar to those enforced by the university for the student's main supervisor.

STEM Sector Recommendation: Protections for research students in cases of supervisor-student sexual harassment including formal adoption of the Principles for Respectful Supervisory Relationships by all organisations in the STEM sector.

Protection for survivors

One of the biggest challenges that survivors face are negative repercussions should they choose to report harassment. Research on sexual harassment in Australia has shown that 22% of people who reported sexual harassment experienced a negative impact, such as being¹³:

- Transferred or having shifts changed
- Forced to resign
- Dismissed
- Demoted
- Disciplined
- Laughed at or ridiculed

These are significant barriers to reporting, and our survey results have reflected their impact.

¹² [“Change the course: National report on sexual assault and sexual harassment at Australian Universities \(2017\)”](#) Australian Human Rights Commission, 2017

¹³ [“Sexual harassment: serious business”](#) Australian Human rights Commission, 2008

Of the 81 respondents who gave detailed responses regarding their experiences of sexual harassment, 70% said they had not officially reported it. Two common reasons raised by respondents were: a power imbalance and a fear of reprisals. Further, two thirds of the respondents who said they had experienced sexual harassment disagreed with the statement "I feel safe from reprisals if I were to report sexual harassment to someone in my workplace" (Figure 10).

The time and cost associated with pursuing a claim of sexual harassment in the workplace can also act as a barrier for reporting. Either internally or externally investigating and addressing claims of sexual harassment can last for months or even years depending on the complexity of the claim¹⁴. During this time, sexual harassment may continue and reputational damage to all parties (but especially the complainant) may occur. Sexual harassment claims must therefore be investigated in a timely manner, made easier by clear policies and procedures.

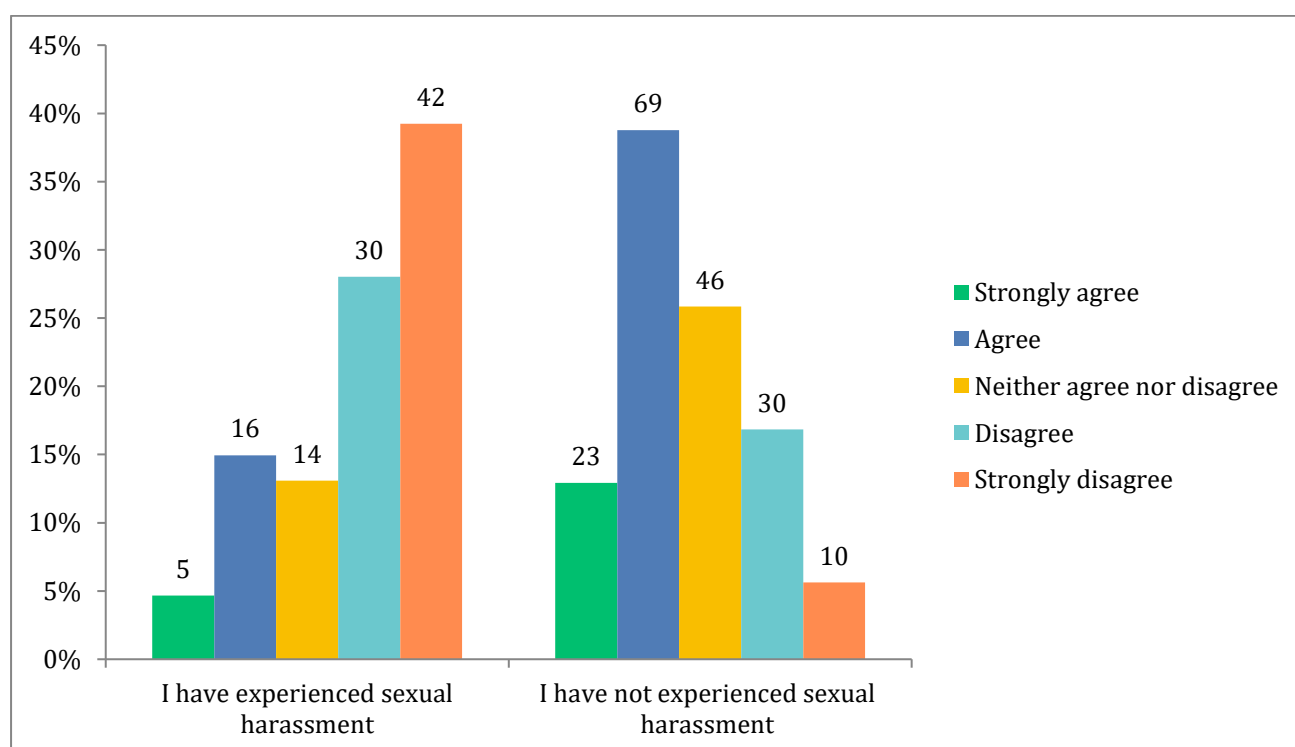


Figure 10: How safe from reprisals people feel comparing those that have experienced sexual harassment (n = 107) vs those that have not experienced sexual harassment (n = 178)

Recommendation: Any action plan addressing sexual harassment in Australian STEM workplaces must explore and test solutions to eliminate barriers to reporting.

Consequences for perpetrators

A strong body of evidence clearly shows sexual harassment drives people who have experienced it away from the workplace, damages broader professional and

¹⁴ ["Sexual harassment in science: Why so few report it and what happens to those that do"](#) Smith. B, ABC News, 2018

workplace culture, and can have long lasting mental and physical health effects for survivors^{15,16,17,18}.

To act as a genuine deterrent, consequences to those who perpetrate sexual harassment in the workplace must be serious and appropriate, proportionate to the effects of the harassment. Of the 59 respondents who chose not to report their experiences of sexual harassment, 10 said that they did not report it because there would be “no point” or “nothing would be done”.

In the STEM sector there have been calls to withhold federal research funding from perpetrators of sexual harassment¹⁹. Consequences such as this serve as effective deterrents while disempowering perpetrators and removing them from the workplace. To ensure that these consequences are implemented, mandatory reporting of cases of sexual harassment to national funding bodies should be enforced.

For perpetrators who are at the elite level of STEM, STA further recommends the removal of honours. The American Association for the Advancement of Science (AAAS), the world’s largest general scientific society, implemented such a policy in 2018. Implementing a similar policy in all five Australian learned academies could serve as a further deterrent against perpetrating sexual harassment.

STEM Sector Recommendation: Those found guilty of sexual harassment should have their access to federal research funding through the Australian Research Council and the National Health and Medical Research Council revoked, and professional honours stripped.

STEM Sector Recommendation: Mandatory reporting of sexual harassment cases by research institutes to federal funding bodies.

Potential risk factors for the STEM sector

The STEM sector is relatively unique in its prevalence of out-of-office work and the professional relationships that form its structure.

While most organisations will have policies in place for the prevention and reporting of sexual harassment in the workplace, these policies may not have provisions for these unique arrangements or expectations relevant to the special conditions of the STEM sector.

¹⁵ [“Changed Women and Changed Organizations: Consequences of and Coping with Sexual Harassment”](#) Gutek, B. & Koss, M. Journal of Vocational Behaviour, 1993

¹⁶ [“Sexual harassment: Violence against women in the workplace”](#) Fitzgerald, L. American Psychologist, 1993

¹⁷ [“Examining the job-related, psychological, and physical outcomes of workplace sexual harassment: A meta-analytic review”](#) Chan, D. Chow, S. Lam, C. & Cheung, S. Psychology of Women Quarterly, 2008

¹⁸ [“Sexual harassment of women: Climate, culture and consequences in academic sciences, engineering and medicine”](#) The National Academies of Sciences, Engineering, Medicine. 2018

¹⁹ [“Sexual harassment in science won’t end without ‘serious systemic change’. STEM women say”](#) Mitchell, N. ABC News, 2018

Fieldwork

Due to the unique nature of fieldwork, STEM professionals are already required to produce risk-assessments, as well as undergo training and field safety courses.

Fieldwork can often involve working in confined spaces, in remote locations, at odd hours, and for long periods of time – all factors that present a higher risk for sexual harassment²⁰.

Considering these factors, STA considers it logical to require any workplace that involves field work to have enforceable sexual harassment policies and procedures, and to conduct additional training for employees undertaking this type of work.

As reporting of incidences of sexual harassment in the field can be more challenging compared with the typical workplace, policies should have clear guidelines in place. For example, in each instance of fieldwork, a sufficiently senior ranking contact person should be nominated for emergencies, and their remit should include the reporting of incidences of sexual harassment. There should also be alternate pathways for those uncomfortable reporting to a colleague, and clear instructions for how to proceed in the event of a report, for both the reporter and the contact person.

STEM Sector Recommendation: The inclusion of sexual harassment prevention plans in any risk assessment conducted prior to fieldwork, and additional sexual harassment training for those undertaking this kind of work.

Conferences and events

Research conferences are an integral part of most STEM professionals' careers. These conferences include international and domestic events, many of which are hosted outside of the control of employers (such as conference venues and convention centres). Often these events also involve the consumption of alcohol, and social activity across ranks.

To make conferences and events like these safer for attendees, STA recommends that STEM conference organisers be required to create and publish sexual harassment policies along with clear procedures and reporting pathways. This is something that has already been implemented by STEM organisations in the USA²¹. This could require the designation of a grievance officer for the duration of the event, for example, or a requirement for organisers to forward reports of sexual harassment to the associated employer.

In addition, while an employing organisation may not be involved in organising or hosting a meeting or conference, they remain responsible for the safety and conduct of their employee for the duration of attendance at the event. In the

²⁰ [“Survey of academic field experiences \(SAFE\): trainees report harassment and assault”](#) Clancy, K. Nelson, R. Rutherford, J. & Hinde, K. PLOSone, 2014

²¹ [“Anti-harassment policy for AAS & Division Meetings & Activities”](#) American Astronomical Society, 2017

event that their employee is harassed, they should make counselling and other supports available in the same way as they would if the employee had been harassed on their premises. In the event that a sexual harassment complaint is made about their employee, then the employer should similarly address it as if the incident had occurred on their own premises.

STEM Sector Recommendation: STEM workplaces must have a sexual harassment policy and code of conduct that provides clear instructions for reporting and responding to workplace sexual harassment that occurs off-site.

A National Action Plan for improving sexual harassment policies

The results of our survey indicate that STEM organisations may need to overhaul their policies around sexual harassment. In almost all disciplines (excluding mathematics) the policies and procedures in place to prevent and address sexual harassment were not considered by respondents to be sufficient. However, as previous research into sexual harassment training has shown, it is not always easy to ensure best practice is implemented in every workplace²².

To unravel the challenges of sexual harassment in STEM and other workplaces, we call for a National Action Plan to address the state of sexual harassment policies in Australian organisations. This plan should address the inadequacies in current policies and procedures, such as delivering a suite of templates and resources so that workplaces can implement best-practice solutions.

Whether managed by government or a designated third party (such as the Australian Human Rights Commission or an organisation like the Diversity Council of Australia), STA calls for federal funding to create and implement this national plan.

Even in this national context, however, STA recognises the value and importance of consulting and working with state governments to address the issues too. Any national plan will need to take into consideration the existing state and federal legal frameworks around both sexual harassment and discrimination in the workplace. This includes, but is not limited to, training requirements, sexual harassment investigations and the legal frameworks surrounding the protection of complainants.

Any plan for next steps must consider the special needs of vulnerable groups. Our own survey indicates that LGBTQI+ individuals in STEM are approximately 1.5 times more likely to experience sexual harassment in their workplace. Other research into the challenges of intersectionality has also found that women who come from culturally and linguistically diverse backgrounds, identify as Aboriginal or Torres Strait Islander, or have a disability, face other forms of

²² [“Dealing with sexual harassment when your company is too small to have HR”](#) Fireston, K. Harvard Business Review, 2018

workplace harassment that can compound the harmful effects of sexual harassment²³.

Vulnerable groups should be given particular attention during the development of a national action plan.

Recommendation: A national Action Plan for addressing sexual harassment be developed, to ensure the best available policies and procedures are adopted and implemented by Australian workplaces.

Recommendation: Specific supports be developed for vulnerable groups including LGBTQIA+, people from diverse cultural and linguistic backgrounds and people with a disability.

Inclusions for a National Action Plan

The following points should be considered during the development of a National Action Plan.

Anonymous reporting

In our survey, 107 respondents (36%) stated that they had experienced sexual harassment in the workplace. Of those willing to share information about their experience, 70% said they did not report the incident in an official capacity.

When asked why the incident was not reported, the most common responses were associated with a power imbalance or fear of reprisal from managers or colleagues.

While STA understands the importance of natural justice, we are also very aware that the reporting of sexual harassment within the workplace, especially in cases of a power imbalance, can come with reprisals to the complainant. It is important therefore that an anonymous process for the reporting of sexual harassment be considered and tested by any review.

While anonymous reporting may not be enough to justify disciplinary action against an accused perpetrator, it does provide an opportunity to develop a case should someone choose to report an incident in an official capacity.

Recommendation: That anonymous reporting be tested as a way to address barriers to reporting incidences of sexual harassment

The handling of confidentiality

Cases of sexual harassment in the workplace are usually handled with a great deal of confidentiality. While this is done to protect the complainant, the accused, and the overall complaints process; it can also prove to be a barrier to people making complaints in the first place.

²³ ["Workplace harassment: Double jeopardy for minority women"](#) Berdahl, J. & Moore, C. Journal of Applied Psychology, 2006

Once the matter has been settled, non-disclosure agreements or confidentiality agreements can be used to prevent survivors from speaking out about the sexual harassment they have experienced. It is important that survivors of sexual harassment are able to reach out and talk about their experiences if they wish to do so.

A review into sexual harassment in the workplace undertaken by the Equality and Human Rights Commission²⁴ in the UK has recommended that legislation be introduced to ensure that no initial employment contract or sexual harassment settlement agreement can contain a non-disclosure clause. It was also recommended that a statement be annexed to the settlement agreement explaining why confidentiality clauses have been included and their effects in cases where this has occurred.

The only instances in which a non-disclosure agreement should be part of a settlement is at the request of the survivor or in special circumstances.

Recommendation: It is recommended that legislation be introduced to prevent non-disclosure agreements and confidentiality clauses from being used to prevent survivors speaking about their experiences.

An education campaign on the issue and reporting of sexual harassment

The impact of sexual harassment in the workplace extends far beyond the workplace itself. An education campaign, therefore, needs to also extend beyond physical work environments, potentially in the same way that work health and safety campaigns have done in the past. Any campaign should also provide guidance for all interactions with sexual harassment, such as what to do if you experience inappropriate behaviour as a bystander.

There is little clarity or consistency regarding how to report sexual harassment in the workplace in Australia. While there are internal human resources mechanisms in large organisations, or access to union representation for some sectors, this is not always sufficient.

The Australian Human Rights Commission provides an avenue to lodge a complaint about sexual harassment in the workplace, including legal advice on the ramifications of such a complaint. As an independent body able to provide an avenue for these reports, it is important that all Australians understand that this is available. As such, an awareness and education campaign in Australian workplaces would be a solid foundation for any National Action Plan, to empower those who have been sexually harassed to report their experiences.

Recommendation: A federally funded awareness and education campaign to inform the Australian workforce about sexual harassment and of the Australian Human Rights Commission's resources and role in reporting sexual harassment in the workplace.

²⁴ ["Turning the tables: Ending sexual harassment at work"](#) Equality and Human Rights Commission, 2018

Provision of services by this body

The provision of services for both the prevention and reporting of sexual harassment should form a central part of any National Action Plan to address sexual harassment.

This is a particular challenge for small workplaces, as they may not have a formal human resource contact who is trained in the prevention and handling of cases of sexual harassment in the workplace. For small workplaces in the STEM sector for example, such as professional societies whose volunteer workforce run events and programs for their members, other alternative access to this expertise should be made available. This could include, but is not limited to:

- Training resources;
- Database of accredited service providers;
- Relevant templates for sexual harassment policies and procedures for a variety of different workplaces; and
- Accessible best practice guides

This body should serve as a stop-gap for those organisations which do not have adequate policies and procedures in place, and for those that are too small to provide multiple reporting avenues, empowering Australian workplaces to achieve best practice in regard to policies and procedures and providing all Australians with an alternative reporting route when this fails.

Recommendation: Resources should be provided to workplaces that are small, dispersed, run by volunteers or are otherwise not adequately resourced to develop best-practice policies and procedures for preventing and responding to sexual harassment.

Survey Explanatory Notes

Respondent Discipline Breakdown

Table 1: The breakdown of the proportion of individual respondents based on discipline and gender.

Discipline	Male	Female	Total
General STEM	4%	13%	10%
Agricultural and Food Sciences	4%	4%	4%
Aquatic Sciences	0%	1%	1%
Biological Sciences	8%	21%	17%
Chemical Sciences	7%	6%	6%
Geographical and Geological Sciences	3%	7%	6%
Maths	35%	10%	18%
Medical and Cognitive Sciences	11%	15%	14%
Physical Sciences	13%	8%	10%
Plant and Ecological Sciences	2%	3%	3%
Technological	11%	11%	11%
Total	29%	71%	100%

Respondent Workplace Breakdown

Table 2: A breakdown of the proportion of individual respondents based on gender and sector

	Q4: Male	Q4: Female	Total
Academia	58%	58%	58%
Private Sector	13%	12%	12%
Government Sector	22%	26%	25%
Not for profit	7%	4%	5%
Total	29%	71%	100%