Creating safe-to-speak cultures

OurWatch

Preventing violence against women

Acknowledgements

Our Watch acknowledges the Traditional Owners of the land across Australia on which we work and live. We pay respect to Elders past and present and recognise the continuing connection Aboriginal and Torres Strait Islander people have to land, sea, culture, knowledge and language for over 65,000 years.

As a non-Aboriginal organisation, Our Watch understands that violence against Aboriginal and Torres Strait Islander women and children is a problem facing the whole community. As highlighted in Our Watch's national resource *Changing the picture,* there is an intersection between racism, sexism and violence against Aboriginal and Torres Strait Islander women.

Our Watch has an ongoing commitment to the prevention of violence against Aboriginal and Torres Strait Islander women and children, who continue to experience violence at significantly higher rates than non-Aboriginal and Torres Strait Islander women. We acknowledge all Aboriginal and Torres Strait Islander people who continue to lead the work of sharing knowledge with non-Aboriginal people and relentlessly advocate for an equitable, violence-free future in Australia.

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Creating safe-to-speak cultures

This resource/guide will help human resources/people and culture teams to create safe-to-speak cultures that assist workplaces in meeting their positive duty obligations

A safe-to-speak culture is one where employees feel psychologically safe and have confidence that they can provide feedback and raise concerns without fear of negative consequences.

The introduction of a new positive duty into the *Sex Discrimination Act 1984* means all organisations must actively prevent sex discrimination and sexual harassment at workplaces. The Australian Human Rights Commission have increased powers to enforce the positive duty and to investigate systemic discrimination.

Preventing sexual discrimination and harassment is not just about addressing the behaviour of individuals but about changing the culture and environment of workplaces. Prevention requires a whole of organisation culture shift and the engagement of all leaders and employees.

Organisational culture and leadership that values respectful behaviour helps prevent sexual discrimination and harassment. Employees are more likely to display appropriate behaviours, identify issues and concerns, and feel safe to respond to discrimination and harassment. In turn, an organisational culture that tolerates sexual discrimination and harassment can contribute to the prevalence of such harassment in the workplace.[1]

As articulated by the Champions of Change Coalition, "we need to shift the responsibility for speaking up from the individual impacted to others who observe or know of sexual harassment and create the right environment for them to do so safely." [2]

The Our Watch Workplace Equality and Respect standard on Culture is to 'promote a workplace culture where all people feel safe, confident, and supported to actively challenge gender bias and discrimination, gender stereotypes and harmful gender norms without adverse consequences'.[3] The Australian Human Rights Commission's standard on Culture is to ' foster a culture that is safe, respectful and inclusive and that values diversity and gender equality'.[4]

Fundamental to meeting these standards is creating a safe-to-speak culture where employees can identify and respond to both the harmful behaviours of individuals and the systems and practices that contribute to sexual discrimination and harassment.

FACT CHECK

Employees are not speaking up

2 in 5 women   1 in 4 men

According to the Australian Human Rights Commission's 2022 Fifth National Survey of sexual harassment in Australian workplace[5], **almost two in five women (41%) and just over one in four men (26%) have experienced sexual harassment in the workplace in the last five years.**

18% make a formal report or complaint

Despite the high prevalence of workplace sexual harassment, fewer than **one in five people (18%) make a formal report or complaint.**

2 in 5 people (41%) have witnessed or heard about the sexual harassment of another person occuring in their workplace.

The majority of these people do not take any action in response, with just over a third (35%) taking action to prevent or reduce the harm of the harassment they witnessed or heard about.

In the 2022 National Survey, for those that had experienced sexual harassment,

only 28% said the sexual harassment stopped after they made a formal report or complaint.

Negative outcomes included being ostracised, victimised or ignored by colleagues (13%), resigning (13%) and being labelled a troublemaker (12%).

61 % of witnesses saw harassment stop and 57% got positive feedback after taking action.

The majority of people (61%) who took action after witnessing or hearing about workplace sexual harassment said that the harassment stopped as a result, and just over half (57%) received positive feedback for their actions.

However, **one in six (16%) of those who took action were ostracised, victimised or ignored** by colleagues. In over **one in 10 cases (13%), the bystander resigned after taking action** in response to the incident; whilst in **8% of cases, the bystander was dismissed.**

The prevalence of sexual harassment, witnessing of sexual harassment and barriers to responding to harassment are compounded for employees experiencing various forms of inequality and vulnerability. We know that workplace sexual harassment is more likely to be experienced by younger people; Aboriginal and Torres Strait Islander people; people living with disability; and people with diverse sexual orientations, gender identities, or gender expressions. We also know that people who experience sexual harassment at work themselves, are more likely than those who have not, to have witnessed or heard about the sexual harassment of others.

Barriers to speaking out

Research shows that there are multiple barriers to speaking out and feeling safe to do so, including:

- **Thinking an incident is not serious enough** or that others would see it as an overreaction.

- **A lack of trust** that concerns will be taken seriously

- **Fear of impact of speaking out** on reputation or career opportunities.

- **Fear of retaliation**.

- **Group loyalty to a work team** and not wanting to 'rock the boat'.

- **Not knowing** how to safely speak out.

- **Inadequate or complex reporting** and feedback tools.

**Often employees will choose to stay silent rather than voice their concerns about sexual discrimination and harassment because of a fear of negative consequences.**[6] This pressure to remain silent can also apply to organisational leaders.

Benefits of a safe-to-speak culture

A safe-to-speak culture enables an organisation to:

- **Strengthen internal governance** around positive duty obligations.

- **Promote stronger levels of engagement and inclusion**, where all voices are heard and valued.

- **Build confidence in an organisation's integrity and transparency** to hear experiences and concerns in relation to sexual discrimination and harassment.

- **Identify and respond to risk and underlying drivers** to prevent sexual discrimination and harassment from occurring.

- **Ensure that incidents are likely to be reported** so that organisations can respond quickly; and have a clearer picture of the types of activities happening in the workplace.

- **Create a sense of respect and belonging** as a basis for stronger teamwork.

- **Learn faster on where improvements are needed to prevent and respond to sexual harassment,** so as to adapt and innovate.

There are higher levels of employee engagement when employees feel that their opinions, concerns, and ideas are valued, listened to, and acted on. This develops a stronger sense of ownership and commitment to the organisation – whilst improving motivation, productivity and ownership over change.
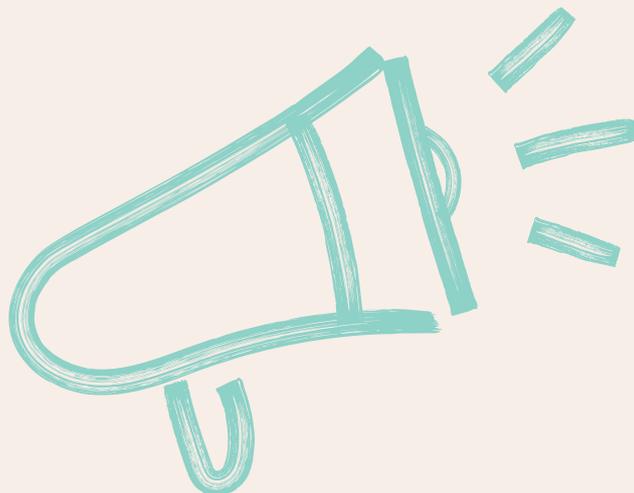
Strategies to create a safe-to-speak culture

Frame what you want to see

Organisations need to clearly state their commitment to promoting gender equality and respectful behaviour (including calling out sexual harassment). There should be clear communications that speaking out on discrimination and harassment is valued, important, supported and expected.

Many of the behaviours that constitute discrimination and harassment can be normalised and minimalised. For this reason, employees need training and information on what harmful workplace behaviour is and its effects on employee health and safety.

Framing a safe-to-speak culture also requires:

- [✓] Clear expectations and consequences for sex discrimination and sexual harassment.

- [✓] Clear information on formal and informal options for reporting concerns and incidents of sexism and sexual harassment.

- [✓] Training, guidelines and tools on preventing, identifying, and responding to sexism and sexual harassment.

- [✓] Ensuring employees know how to report harmful behaviour or concerns; and the support, protection and advice available if they do.

Lead from the top

Stopping sexual harassment is not just about addressing the behaviour of individuals but about changing the culture and environment of the workplaces in which it occurs.

Creating a safe-to-speak culture requires leaders who support diversity, inclusion and collaboration. Such leaders have several distinct qualities including asking questions, facilitating constructive conversations, giving actionable feedback, taking advice, implementing feedback, sharing credit for team success and empowering decision making.[7]

It is important that organisational leaders and senior staff model transparency and integrity - speaking up themselves and demonstrating that sexual discrimination and harassment must be called out and responded to. Ensuring that leaders call out harmful behaviour immediately improves workplace culture.

Leaders need to take a visible and firm position that sex discrimination and sexual harassment will not be tolerated; that the organisation values and supports those who come forward; and that retribution for speaking up is prohibited.

Encourage employee voices

A safe-to-speak culture must permeate all levels of an organisation if it is to help prevent and respond to sex discrimination and sexual harassment. Employees will not speak out about gender based harassment in a workplace that does not encourage and listen to employee voices in general.

Encouraging employee voices requires developing teams in which people are valued for speaking out. It also requires building communication skills and people's capacity to manage difficult conversations.

Strengthening team norms to collectively identify and address harmful workplace behaviour can have a powerful impact on the prevention and reduction of sexual discrimination and harassment. As expressed by Culture Amp "when a speak up culture is in place, leaders and teams are comfortable discussing positive and negative behaviour. They're prepared to have difficult conversations and tackle issues head-on, using nuanced, shared language to call things out."[8]

Employees and teams will not take the risk of speaking out if they see it has little or no effect. Organisations must show how they are listening and responding to both specific reports and broader concerns. Creating a feedback loop to the business on the outcomes of incidents and interventions builds this trust.

Build psychological safety

Psychological safety is a term coined by Harvard Business School Professor Amy Edmonds to describe work environments where team members feel safe enough to take risks and openly express their thoughts and concerns, without fear of retribution.[9] Google's Project Aristotle identified psychological safety as the key component in successful teams.[10]

Psychological safety is the foundation of a safe-to-speak culture and involves creating trust, mutual respect, and openness.

Research shows that for many employees, speaking up is seen to be risky, with potential social rejection and damage to reputation, personal standing, and upward mobility.[11] Whilst an organisation may encourage employees to speak-up, if psychological safety doesn't exist, few will do so.

Strategies for increasing psychological safety include:

- Value diversity, inclusion and mutual respect.
- Encourage open and honest communication and discussion.
- Create a range of opportunities for everyone to contribute.
- Recognise and appreciate employee contributions.
- Eliminate censure, ridicule or disregard when contributions are made.
- Provide channels for idea-sharing and constructive feedback.
- Address concerns promptly and provide timely feedback on how concerns are responded to.
- Lead by example.

In creating a psychologically safe environment, Edmondson notes the importance of establishing clear norms and expectations; encouraging open communication and active listening; making sure team members feel supported; and showing appreciation and humility when people do speak up.[12]

In a psychologically safe culture, employees are valued for their contributions, diverse viewpoints are welcomed, conflicts can be addressed constructively, and innovation thrives.[13]

PRACTICE EXAMPLE

The ANZ Banking Group have been monitoring speak-up data for a number of years to understand what prevents people from speaking up and to address these concerns.[14]

To create psychological safety at the team level, the organisation developed a series of **Culture Huddles** to enable team leaders to facilitate conversations with their teams. Team leaders were trained in how to build safety and confidence within their teams.

A **social media chat platform** was introduced in 2018 for people to start and contribute to conversations through online communities. In addition to hosting enterprise-wide conversations, **the platform provides a listening tool for management on hot topics or specific areas of interest**. A community manager upskills staff on what healthy conversation looks like and appropriate use of the social media platform.

Support those who have experienced sexual harassment

In responding to specific incidences of sexual harassment, ensure all responses are trauma informed and centred on supporting the impacted person first and foremost - not simply focused on legal risk and compliance.[15] In addition:

- ☑ Clearly communicate response process to all involved.
- ☑ Protect the impacted employee/s from further victimisation.
- ☑ Maintain confidentiality.
- ☑ Treat everyone involved fairly.
- ☑ Ensure all actions and decisions are documented and securely stored.
- ☑ Communicate progress of outcomes.

Support active bystanders

A bystander is a person who witnesses sexist or sexually harassing behaviours or is told about an incident of such behaviours. An active bystander is someone who takes action as a result of what they have seen or been told. The action may be:

- ☑ in relation to a specific incident of behaviour; and/or
- ☑ speaking out or taking action to challenge a system, culture norm or practice that supports sexually discriminatory and harassing behaviours.

When bystanders act, they can support the target of harassment, discourage the perpetrator and shape workplace perceptions that sexism and sexual harassment are unacceptable. Bystander responses to specific incidences can include:

- ☑ Diffuse to stop the situation or express disapproval.
- ☑ Check in and support the person being sexually harassed.
- ☑ Call out the behaviour and explain why it is wrong.
- ☑ Record the incident by taking notes of what occurred.
- ☑ Report the behaviour, with sensitivity to the wishes of the person who experienced the harassment.

We know that the majority of bystanders to sexual discrimination and harassment in the workplace do not intervene. Unpacking the reasons why bystanders do not act, and implementing ways to encourage and motivate active bystanding, is an important part of creating a safe-to-speak culture.

The Champions of Change Coalition outlines five conditions necessary for people to intervene and act:[16]

- ☑ Recognise the behaviour: know what is and isn't sexual harassment.
- ☑ Interpret the need for intervention: see the behaviour as serious and warranting action.
- ☑ Assume responsibility: believe it is their role to act.
- ☑ Decide how to help: have options to choose from to relate to the behaviour.
- ☑ Have confidence and capacity to help: know what to say or do in different scenarios.

Organisations can encourage active bystanders through bystander training and providing specific examples of different scenarios and response options. Good practice and systems should make action easier to take; eliminate the negative risks of taking action; and show appreciation and support for active bystanding.

> **PRACTICE EXAMPLE**
>
> **Research by VicHealth in a tertiary education setting showed that behaviourally informed light-touch communications about taking bystander action, coupled with a social norms approach** (encouraging people to see active bystanding as common, rather than rare) can successfully empower people to take action they otherwise would not have.[17]

Ensure effective reporting and feedback channels

Developing a safe-to-speak culture includes providing a range of reporting and feedback options with multiple entry points to allow employees to choose how, when and to whom they wish to report specific behaviours or raise concerns.

Reporting and feedback avenues should:

- Be flexible, clear, widely understood and easily accessible.

- Include both formal and informal channels.

- Allow for a level of anonymous reporting.

- Include internal and external reporting options.

- Be supportive, inclusive and culturally appropriate.

- Be available for both people experiencing harassment and bystanders.

Communication channels need to go beyond formal reporting to thinking of innovative and safe ways of encouraging employees to speak out and timely responses to what they have to say.

Consult with employees to design processes which encourage early reporting and support seeking. Consider informal, person-centred mechanisms which allow reporting without an obligation to make a formal complaint

Online and app-based tools can provide user-friendly ways of encouraging feedback and the reporting of harassment and discrimination. There are a number of products on the market that allow for anonymous reporting of misconduct, direct communication with a reporter and whistleblowing management.[18]

The St Vincent's Health's Ethos program encourages a culture of speaking up, recognising positive behaviour and addressing negative behaviour, through peer-led early intervention and feedback.

The program includes training on responding to inappropriate behaviours at an early stage. Staff can submit reports about positive (feedback for recognition) or negative (feedback for reflection) behaviour through an online tool, with the option to remain anonymous.

Negative reports are assessed by a triage team and, if deemed actionable, the employee receives feedback about their behaviour in the form of an informal, respectful 'Ethos message', offering the employee an opportunity to reflect on their behaviour.

The message is not part of a formal process or investigation and is completely confidential. Repeated reports will trigger a higher level of intervention and reports of conduct that warrant disciplinary action are referred to Human Resources.[19]

Monitor and review

Creating and maintaining a safe-to-speak culture requires ongoing monitoring, review and improvement.

Develop metrics to track and report on safe-to-speak behaviours and indicators. Keep in mind that as you create safer to use systems and psychological safety around disclosures, your level of reporting is likely to go up before it goes down. This does not indicate a rise in unwanted behaviours, but more likely that you are able to now see incidents which were previously going unreported.

Use methods such as employer engagement surveys and focus groups to shed light on the extent to which employees feel comfortable to speak out and barriers to speaking out. From such sources of information, consult with employees to review and reform barriers and sticking points.

Seek feedback on how well strategies to create a safe-to-speak culture are being implemented and utilised.

Tip checklist summary

☐ **Frame organisational expectations in relation to harmful behaviours and the value of speaking out.**

☐ **Lead by example.**

☐ **Support employee voices across all teams and areas of business.**

☐ **Build psychological safety.**

☐ **Support those who have experienced sexual harassment**

☐ **Support active bystanding.**

☐ **Ensure effective reporting and feedback channels.**

☐ **Communicate how the organisation is listening and responding to those that speak out.**

☐ **Monitor and review.**

Further reading and resources

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