

Insight aims to provide useful information, links and tips in the areas of Risk Management, Work Health and Safety, Business Continuity Management, and other areas relating to management systems and corporate governance.

We can't just refer it to HR (anymore)...

The issue of sexual harassment in the workplace has traditionally been the responsibility of the HR Department. However, the repositioning of the issue as a 'workplace hazard' has firmly embedded it within the WHS realm. The rationale for this is straightforward – Sexual harassment is a workplace hazard that creates physical and psychological risks to a person's health and safety, and this is now formalised in the Safe Work Australia [Preventing Workplace Sexual Harassment Guide](#).

The topic of Sexual harassment in the workplace was tabled at last month's national meeting of Work Health and Safety Ministers, where the respective jurisdictions' Ministers gave an update on their current or planned work and initiatives directed at addressing sexual harassment in response to the AHRC's report, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (their formal responses are due at the end of June 2021).

At a national and state level, sexual harassment is unlawful and prohibited by anti-discrimination laws, but with it now positioned under WHS Legislation, it becomes a 'risk-based' issue as PCBU's have a responsibility to eliminate or manage (to as low as is reasonably practicable) the risk of sexual harassment.

Understanding sexual harassment as a WHS issue means recognising that the 'hazard' is an individual (or group of individuals) who undertake or perpetrate specific behaviours, with the 'risk' being that this behaviour (towards others) constitutes bullying, harassment or sexual harassment. As a 'risk-based' issue, managing it requires firstly identifying the potential for sexual harassment and secondly identifying systemic factors that heighten the likelihood and risk of sexual harassment.

The **Preventing Workplace Sexual Harassment Guide** explores a series of factors that can increase the risk, such as:

- Low worker diversity (e.g. the workforce is dominated by one gender, age group, race or culture);



- Power imbalances (e.g. workplaces where one gender holds most of the management and decision-making positions);
- Workplaces organised according to a strict hierarchical structure (e.g. Police, Defence, medical, legal professions);
- A workplace culture that supports or tolerates sexual harassment, including where lower level (but still harmful) forms of harassment are accepted (e.g. small acts of disrespect and inequality are ignored and reports of sexual harassment or inappropriate behaviours are not taken seriously);
- Use of alcohol in a work context, including attendance at conferences and social events as part of work duties, and overnight travel;
- Workers are isolated (e.g. working at residential premises, living in employer provided accommodation, working in remote locations with limited supervision, or with restricted access to help and support);
- Working from home which may provide an opportunity for covert sexual harassment to occur online or through phone communication;
- Worker interactions with clients, customers or members of the public (either face-to-face or online) which may give rise to third-party sexual harassment; and
- Poor understanding among workplace leaders of the nature, drivers and impacts of sexual harassment.

Once these factors are identified as being evident within the workplace context, it is necessary for these to be managed (so far as is reasonably practicable) by taking a proactive risk-based approach; and:

- Examining the existing control measures in your SMS to prevent sexual harassment;
- Providing a safe physical and online work environment;
- Providing safe systems of work for your workers;
- Implementing workplace behaviour policies and practices that promote respectful and inclusive workplace culture for all levels of worker;
- Putting measures in place to detect and minimise potential third-party sexual harassment from customers, clients and members of the public;
- Addressing unwanted or offensive behaviour early;
- Encouraging workers to report sexual harassment and providing safe, confidential and clear avenues to do so, including anonymous reporting;
- Responding to reports of sexual harassment in a way that focuses on supporting the worker and is sensitive to any trauma and privacy, to minimise further risk to health and safety;
- Applying appropriate consequences for sexual harassment misconduct, such as disciplinary action;
- Using information, instruction, training and supervision to support the overall prevention strategy;
- Using recruitment and promotion strategies that create a diverse workforce; and
- Monitoring and reviewing the effectiveness of control measures.

This level of detail formalised within the Guide and available to PCBU's becomes evidence of what is 'Reasonably Practicable' ... and therefore represents what needs to be undertaken. Comcare has also released a [series of guides](#) in relation to managing workplace sexual harassment.

Ensuring your workers have completed their annual *Code of Conduct Training* just doesn't cut it anymore. Whether sexual harassment is committed by your workers or other people (clients, customers or other members of the public), you have a duty to

eliminate or minimise workplace this risk to health and safety so far as is reasonably practicable.

It is anticipated that Regulators, in responding to sexual harassment complaints, will make inquiries into the system / process, to determine whether it is sufficiently robust and to see what other controls are in place. Remember though, the PCBU has the responsibility to manage the risk of sexual harassment, which may be without the risk materialising into harassment prompting a psycho-social claim.

Please [contact QRMC](#) for more information.

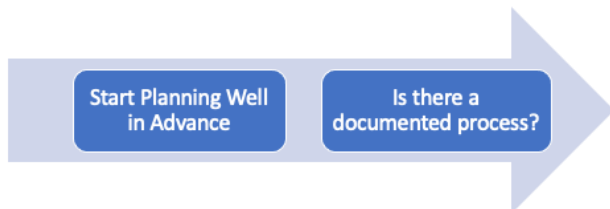
How Ready Are You for Your Next Management System Audit? Part 2

In our [previous issue of Insight](#), we published *Part 1 of How Ready Are You for Your Next Management System Audit?* Part 1 reinforced the need to start the audit preparation process well in advance, and focused on ensuring the requirements of the respective ISO Standards are completed prior to audit time, including the review of processes and procedures and input from workers and senior management. This article is the second in a series designed to provide some useful background information and tips to assist your organisation to prepare when audit time rolls around.



In Part 1 we covered two specific ISO Standard requirements that take some time to organise and complete – the *Internal Audit* and the *Management Review*. In seeking improvement for your organisation's management system, both these activities typically give rise to actions aimed at addressing the identified issues or managing changes that have occurred since the previous

audit or review. In many instances, these actions include the review and updating of an organisational policy, procedure, process or other document to ensure it remains relevant, applicable and suitable for its intended purpose.



This is the first information an Auditor will seek – does the organisation have a documented process for each requirement of the Standard? In order to determine this, the Auditor will look for evidence of:

- *Document existence* – does a published (*not draft*) Policy, Procedure, process or other document exist within the organisation's document management system?
- *Document content* – does the document contain the necessary guidance required by the Standard? The old adage of *keeping it simple* should be embraced by organisations with their documentation.
- *Document currency* – when was the last time the document was reviewed to ensure relevancy and applicability? Additionally, all documents need to have been approved and communicated to everyone involved in the process or activity. It is an absolute must that no one is using outdated documents.

- *Document accessibility* – how do workers access the relevant documentation? Is this easy or difficult, laborious or straight forward? Additionally, is the key information that is necessary to guide workers easily located within the procedure, or hidden amongst a mass of words? Key information that is easily and quickly identifiable is more likely to be found and implemented by those who need it.

Lastly, it is important to understand that the ISO Standards contain key words like “shall”, “consider” and “effective”. These have specific definitions and in their simplest terms, *shall* means you must do; *consider* is defined as you must demonstrate that you have thought about and taken into account all relevant factors prior to making a decision; and *effective* means the extent to which planned objectives are realised, and desired results are achieved.

In summary for Part 2 of our audit preparation article series, it is essential that your organisation has an up-to-date policy, procedure, process, form(s) or register document that it can provide as evidence of addressing each requirement of the relevant Standard.

However, having the documented processes is just the starting point. To fully ensure conformance with each requirement of the Standard, workers and managers must know and follow the requirements of the organisation's policies and procedures as they apply to their work activities and areas of accountability. And this is where we will kick things off for Part 3 of *How Ready Are You for Your Next Management System Audit?*

Please [contact QRMC](#) for more information.