



APPROPRIATE WORKPLACE BEHAVIOURS *PREVENTION*

February 2024

Contents

Contents	2
• About This Guide Series	3
• Disclaimer	4
• References	4
• Gender Terminology	4
• Structure	5
• Leadership Commitment and Policy	6
Positive duty of care	6
Role of leaders	6
Policy.....	6
• Early indicators of inappropriate workplace behaviour	7
• Risk Management Approach	7
Hazard Identification and Risk Management	7
Organisational Causes of Inappropriate Workplace Behaviour	8
Optimising Work Design to Improve Workplace Behaviour	10
Interventions to Eradicate Inappropriate Workplace Behaviour.....	11
• Workplace Consultation	11
• Recruiting	12
Business Case for a Diverse Workforce	12
Employment Brand and Employee Value Proposition (EVP).....	12
Remove Unconscious Biases from the Recruitment Process.....	13
Bias and Discrimination in Automated Recruitment Algorithms.....	13
Pre-Employment Reference Checks	14
• Situational Challenges at Remote Sites	14
• Monitoring and Review	15
Inclusive Safety Audit	15
<i>Benefits of an Inclusive Safety Audit</i>	15
<i>Elements of an Inclusive Safety Audit</i>	15
<i>AREEA Support for the Elements of an Inclusive Safety Audit</i>	16
• AREEA Support	16
• References	17



About This Guide Series

Inappropriate workplace behaviours including sexual harassment, bullying and harassment constitute major occupational safety and health hazards that can endanger a worker's physical and psychological safety and health. Inappropriate workplace behaviours, especially if prolonged and unresolved, can have a negative impact on worker health and must be addressed in a manner that provides appropriate support to all parties involved.

Managing the risks of inappropriate workplace behaviours should be part of an organisation's overall workplace health and safety strategy and people and culture practices.

Inappropriate workplace behaviours might raise the likelihood of psychological impacts or associated health conditions. Aside from negative health effects for workers, exposure to psychological hazards and risk factors in the workplace can also have an impact on performance, behaviour choices and engagement with colleagues and the workplace.

Psychosocial risks may be harmful to a person in both the short and long term. Furthermore, it is critical to recognise that a cumulative impact of low-level exposure to psychosocial risks can result in psychological or physical harm. As a result of their exposure, people may experience a variety of psychological and physical signs of injury.

This guide series aims to provide a practical overview including key standards, information, reference material and draw together some of the best resources on the topic from within and outside the resources and energy industry, including the following:

- Legislative background
- Definitions and examples
- Respect@Work Framework
- Integrated Approach to Inappropriate Workplace Behaviours
- Leadership and commitment
- Risk management
- Workplace consultation
- Recruiting
- Situational challenges at remote sites
- Monitoring and review
- Practical response examples
- Responding to complaints and reports
- Outcomes of the Complaint Process
- Workplace Investigations
- Mandatory reporting and notification
- Record keeping
- Post-incident follow-up and support.



Disclaimer

The information contained in this publication, including data, representations, advice, statements and opinions, expressly or implied set out in this publication, is guidance material only and does not constitute advice. It is provided in good faith and believed to be reliable and accurate at the time of publication. To ensure you understand and comply with your legal obligations, this information must be read in conjunction with the appropriate Acts and Regulations.

The Australian Resources and Energy Employer Association AREEA, including every department, committee, statutory body corporate and instrumentality thereof and each employee or contractor of any of them, disclaims all responsibility and all liability (including without limitation liability in negligence) for all expenses, losses, damages and costs liability, cost, expense, illness and injury (including death) you might incur as a result of the information contained in this publication, including data, representations, advice, statements and opinions, expressly or implied set out in this publication, being inaccurate or incomplete in any way, and for any reason.

This document is a general guide and does not constitute advice. Members should obtain tailored advice to manage their legislative obligations.

References

Information in boxes is cited from external sources. For brevity, these citations do not always contain all consecutive paragraphs from the source, but rather some paragraphs may be omitted.

Acts, Regulations and Codes are only referenced in-text. All other references are detailed in the reference section at the end of the document.

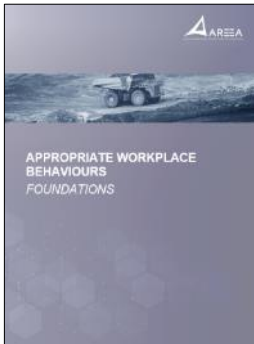
Gender Terminology

Where original sources and/or research specifically refer to binary genders, this terminology is retained in keeping with the source. However, it is acknowledged that gender-based inappropriate workplace behaviours are not restricted solely to scenarios where male perpetrators target female employees. Incidences of gender-based inappropriate workplace behaviours targeted towards male or non-cis-gender employees also exist, especially affecting diversity groups relating for instance to disability, sexual orientation, gender identity and intersex status. Ultimately, the goal is to eradicate all inappropriate workplace behaviours and to ensure full inclusion of all diversity groups in the workplace.



Structure

This Guide is part of a Series, which is structured as illustrated below.



Foundation

The first part, *Appropriate Workplace Behaviours – Foundations*, contains the following topics:

- Legislative background
- Duty of Care and penalties
- Definitions and examples
- Respect@Work framework
- Integrated approach to inappropriate workplace behaviours.



Prevention

The second part, *Appropriate Workplace Behaviours – Prevention*, contains the following topics:

- Leadership and commitment
- Risk management and workplace consultation
- Work design
- Recruiting and situational challenges at remote sites
- Monitoring and review.



Response

The third part, *Appropriate Workplace Behaviours – Response*, contains the following topics:

- Responding to complaints and reports (including practical examples)
- Outcomes of the complaint process
- Workplace investigations
- Mandatory reporting and notification, record keeping
- Post-incident follow-up and support.



Factsheet

The final part, *Appropriate Workplace Behaviours – Factsheet*, contains the following:

- Brief overview of IR issues related to inappropriate behaviour.



Leadership Commitment and Policy

Positive duty of care

Under relevant health and safety laws and other related legislation (e.g., state-based discrimination law, the *Fair Work Act 2009*, etc.) employers have a duty of care to their employees and an obligation to provide a safe and healthy workplace. The definition of healthy in most relevant legislation includes psychological health, meaning all requirements that apply to physical health also apply to psychological health.

The *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022* has created a positive duty to eradicate discrimination, sexual harassment, and victimisation as much as practicable. This means that, regardless of whether someone has complained, meaningful proactive action should be taken to avoid these behaviours.

Ensuring compliance to legislation, through ensuring policies, procedure, education, and resources are in place, is essential. Additionally, how the organisation demonstrates that inappropriate behaviours, including sexual harassment or sexual assault, are not acceptable in any form, reflects the culture of the organisation.

Under the *Work Health and Safety Act 2020* (WHS Act), PCBUs must ensure, so far as is reasonably practicable, the health and safety of workers they engage or cause to be engaged. These obligations include controlling workplace risk factors that increase the risk of workers' exposure to psychosocial hazards, such as gendered violence.

Source: Government of Western Australia, Department of Mines, Industry Regulation and Safety. (2022). *Information sheet – Gendered violence: Sexual harassment*¹.

Role of leaders

Leaders (including managers and supervisors) have a crucial role in building a culture that does not accept, encourage or exhibit inappropriate workplace behaviours. Leaders must also ensure that employees understand the policy and the consequences of noncompliance.

It is also important for leaders to know they are supported in responding to inappropriate workplace behaviours including sexual assault or harassment. Ensuring appropriate policies, procedures, education, and resources are available including support through human resources and health & safety specialists is key to supporting management of such behaviours.

Policy

It is critical that employer policies set clear expectations of behaviour in order to eradicate inappropriate workplace behaviours and ensure psychological and psychosocial safety of the workforce.

Organisations can have a dedicated psychological safety and wellbeing policy, or it can be incorporated into related policies, such as the Workplace Health and Safety Policy.

AREEA advisors are available to support members in reviewing and tailoring policies.



Early indicators of inappropriate workplace behaviour

Some early indicators that inappropriate workplace behaviour may be occurring within the workplace include:

- negative results in employee engagement survey
- increased turnover
- increased sick days and absenteeism.

Inappropriate workplace behaviour is more likely to occur in situations where:

- there is a strong power differential between the people involved (e.g., senior staff versus junior staff) and/or
- leaders do not role model appropriate workplace behaviours.

Certain groups may also experience disproportionately high rates of sexual harassment, including LGBTIQ+ people, juniors, people with disabilities, Aboriginal and Torres Strait Islander, and people from multicultural and multifaith backgrounds.

Inadequate reporting processes and/or employer responses to complaints compound the issue of inappropriate behaviour in the workplace.

Risk Management Approach

Hazard Identification and Risk Management

The aim is for organisations to move beyond reactively responding to inappropriate workplace behaviours and engage in proactive risk management, including:

- identifying the hazards
- assessing the associated risks and contributing factors
- implementing control measures to eliminate or control the risks
- incident response
- workplace investigations
- reporting and notifications
- regularly reviewing control measures to ensure they remain effective.

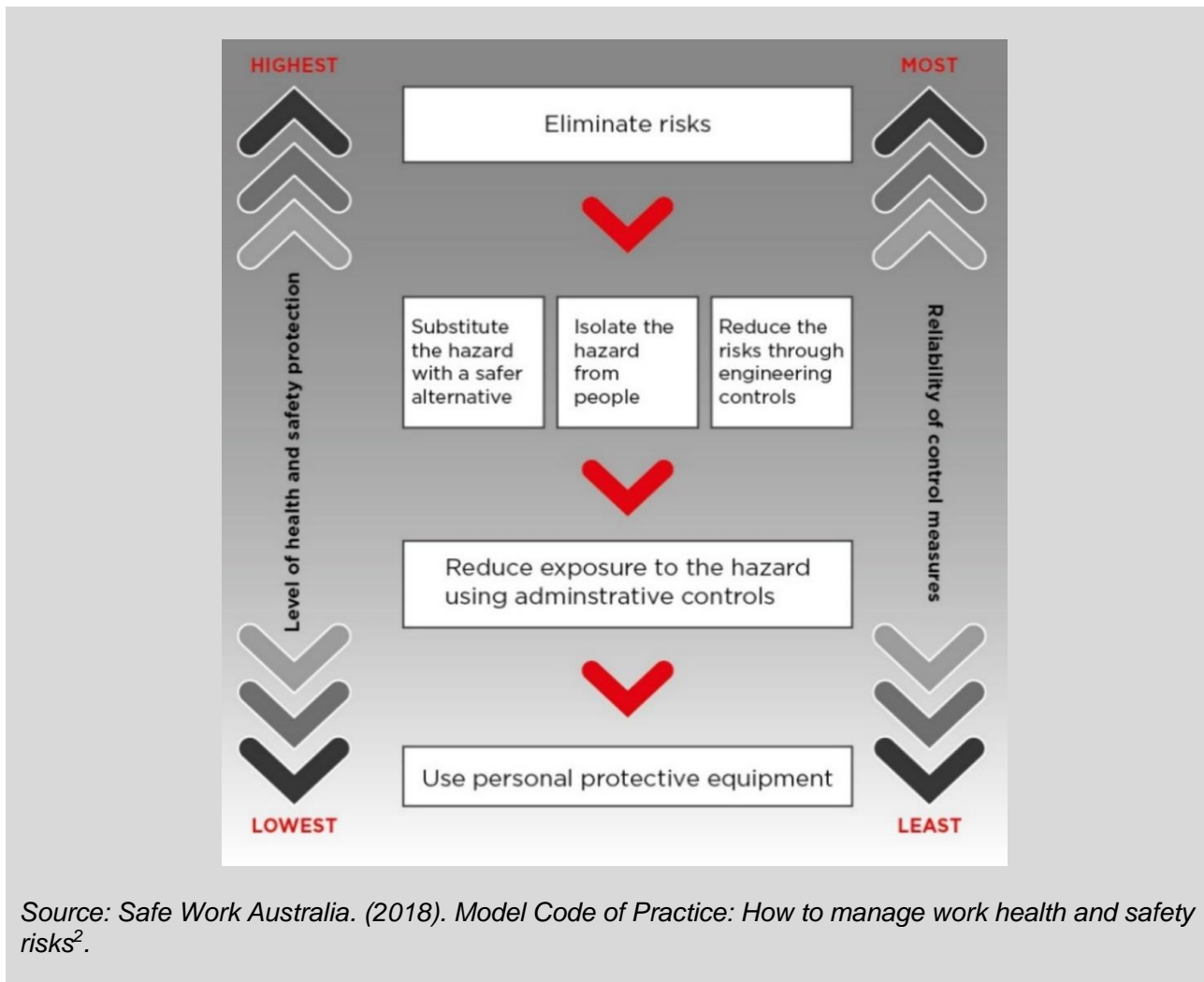
Most organisations already have some form of risk management in place. There are different formats and implementations, from paper-based to ERP-integrated apps. Regardless of format or technology, it is important to ensure existing hazards are regularly assessed, emerging hazards are identified, implement or update control measures as required, and review the control measures to mitigate risks and ensure they are effective.

One key item in this context is the Hierarchy of Control Measures. Increasingly, Regulations and/or Codes of Practice (e.g., ACT, QLD, Comcare/Cth) specify that in mitigating risk, the Hierarchy of Control Measures should be observed; that is where reasonably possible hazards should be 'designed out' with good work design rather than mitigated with administrative controls or impact ameliorated with Employee Assistance Programs (EAP), wellness programs or resilience training.

The Hierarchy of Control Measures is familiar to most from the management of physical risks (see Figure 1 below). In the context of physical risk management, the lowest level of the Hierarchy of Controls is usually described as personal protective equipment (PPE). However, in the context of psychosocial risk management, the lowest level could refer to programs to encourage psychologically safe behaviour, EAPs or wellness and resilience programs.



Figure 1: Hierarchy of control measures.



Note: This figure originates from a publication concerned with health and safety risk management in general. When more specifically looking at psychosocial risk management, the lowest level would refer to programs to encourage psychologically safe behaviour as well as EAPs or wellness and resilience programs.

Safe Work Australia provides guidance material that includes information on risk management (including hazard identification, hazard assessment and risk control): *Preventing workplace sexual harassment: National guidance material 2021*³.

Another important resource in the context of risk management is the [Model Code of Practice: Sexual and gender-based harassment 2023](#)⁴, released in December 2023 by Safe Work Australia and containing best practice information on risk management and consulting, identifying and assessing hazards, intersectionality and interaction with other psychosocial hazards and risk control (incl. duration, frequency, severity, interactions).

Organisational Causes of Inappropriate Workplace Behaviour

In 2020 the Government of the Australian Capital Territory conducted a Rapid Evidence Assessment (REA) on the antecedents of inappropriate workplace behaviours⁵.

The REA found that most inappropriate workplace behaviours are indicative of broader organisational problems. According to the REA, inappropriate workplace behaviour is ultimately the result of

inappropriate organisational structure, leadership styles, management skills, and inappropriate work design.

Conversely to popular belief, there was relatively little evidence that perpetrators of bad workplace behaviours share certain personality traits or demographic factors⁶.

Lack of Organisational Justice

According to the REA, attitudes of organisational fairness and justice might influence workplace incivility, particularly workplace aggressiveness. When methods and processes for making decisions are deemed to be unjust, employees may engage in aggressive behaviour against the organisation or the supervisor⁷.

Similarly, workers who believe that the outcome of a decision is unjust are more inclined to blame the source of the decision and, as a result, may participate in supervisor- and organisation-targeted violence^{8,9}.

Hierarchical Structures

Inappropriate workplace behaviours are more common in organisations with hierarchical management structures, high job pressure, and few policies.

A recent systematic evaluation of 62 research studies conducted in the setting of Australian healthcare organisations discovered that interpersonal hierarchical bullying was more common in professions with a substantial power disparity¹⁰.

Downsizing

The most frequently cited organisational antecedent for inappropriate workplace behaviour according to a 2008 literature review was downsizing¹¹.

The impact of downsizing is exacerbated by the fact that perceived job insecurity is also often a motivator for inappropriate workplace behaviours¹². This piece of research associated with bullying was classified into three pillars of antecedents: (1) enabling structures, such as perceived power imbalances, low perceived costs, dissatisfaction, and frustration; (2) incentives such as internal competition, reward systems and expected benefits; and (3) triggers such as downsizing, restructuring, organisational changes, and work group changes. Often all three pillars interact to give rise to bullying.

Organisational People Management Practices

Recent research at UniSA¹³ found that bullying is largely an organisational issue related to the people management practices employed by an organisation.

The researchers found that bullying complaints largely result from three areas of managing people: (1) coordination of work arrangements and schedules; (2) performance management; and (3) management of workplace relations and workplace safety¹³.

The researchers developed a risk audit tool and used this to demonstrate that workplace bullying is predicted by how effective the organisation's people management practices are¹³.

Leadership Style

Leaders who are regarded by their employees to be authoritarian, dictatorial, unethical, or freewheeling are more prone to engage in abusive behaviour and to instil workplace incivility in others^{10,7,14}.

According to a recent systematic evaluation of 62 studies in the setting of Australian healthcare organisations, a lack of good management skills is a key contributor to workplace bullying, authoritarian management, and inability to confront inappropriate workplace behaviours when it happens¹⁰.

Leaders' Stress and Affective State

Interactions between supervisors and higher organisational levels influence their affective state and behaviour towards their teams¹⁴, implying a 'trickle down' effect.

Danish research found that stressed leaders 'transmit' the stress they sustain onwards to their workforce. The effects of this stress "transmission" are still detectable after a year and slowly fade over the course of a further two years. This research highlights that targeting stress experienced by leaders is a contributor to healthy workplaces¹⁵.



According to research¹⁶, negative emotional reactions like irritation are more likely to lead to abusive behaviour from leaders, managers, and supervisors, with role overload a significant source of unpleasant feelings among supervisors.

Supervisors who feel 'in charge,' on the other hand, are less prone to engage in abusive behaviour¹⁷.

Conflict Management

Several studies have found that workplace disputes are a significant predictor of interpersonal aggressiveness, implying that workplace interpersonal aggressiveness, such as bullying, should be seen as the culmination of a highly escalating and poorly handled conflict^{18,19,9}.

An integrating style of conflict management, incorporating problem solving and a desire to investigate and work with the other person to identify mutually acceptable choices, was shown to be the most productive of the five conflict management styles in cross-sectional research²⁰. Less productive styles include accommodating, avoiding, and compromising. A dominant style was discovered to be the least constructive of the five styles tested.

Employees who lack social skills to handle organisational problems are also more likely to be victims of workplace bullying²¹.

Optimising Work Design to Improve Workplace Behaviour

Job Demands and Resources

Job stress, role or task overload, and a poor physical work environment can all contribute to bullying, aggressive behaviour, harassment, and other types of inappropriate workplace behaviour^{22,9}.

Research found employees with higher job demands were nearly four times more likely to be bullied than those with lower job demands²³.

High job pressures are known to cause negative emotional states, which have been linked to an increase in interpersonal incivility and workplace aggressiveness^{22,24,25,14}.

Furthermore, individuals who report higher job demands and fewer job resources, as well as organisational issues such as restructuring, are more likely to be targets of workplace bullying in the long term²⁶.

Job/Role Ambiguity and Conflict

Uncertainty regarding which actions to do to fulfil the expectations of one's work position is referred to as role ambiguity, whereas role conflict occurs when the multiple expectations and demands of one's work role are incompatible²⁷.

Numerous studies have revealed that job ambiguity and role conflict are significant predictors of workplace harassment and bullying^{22, 28, 29, 30}, with job ambiguity and role conflict predicting more than 20% of the variation in workplace harassment²².

Job/Role Restrictions, Job Control and Autonomy

However, according to meta-analyses, job restrictions may be a better predictor of workplace incivility than role ambiguity and role conflict^{22, 9}.

According to a study conducted by researchers from the University of Gothenburg³¹, suicide risk is higher for men working in occupations with low demands and low control than in jobs with high demand and high control. The Swedish study also showed suicide is more common amongst men, and that men are having a harder time seeking help for mental health issues than women³¹.

Job autonomy was also revealed to be a moderator of inappropriate workplace behaviour¹⁹.



Interventions to Eradicate Inappropriate Workplace Behaviour

There have been few studies reported on the effectiveness of programs intended to minimise inappropriate workplace behaviour. The following is a summary of the key findings from comprehensive studies (i.e., including a control group and baseline measure).

Consistency and Inclusivity of Inappropriate Workplace Behaviours Programs

The conception, execution, and assessment of an inappropriate workplace behaviours program should be consistent. This uniformity might be accomplished by implementing a single method program throughout the organisation³².

Involving workers in the design and delivery of intervention programs and relying on their experiences, provides them a sense of agency and ownership, which increases the likelihood of success over passive recipients of an intervention³³.

Multi-component interventions

Multi-component, organisational-level interventions that focus on individual behaviours in a group setting and include activities to assure visible management commitment, tend to be more successful than single-component interventions³³.

Research further recommends a combination of the three following elements to assist employees in managing inappropriate behaviours in the workplace^{34, 35, 32}:

- education about inappropriate workplace behaviours
- training related to effective responses to inappropriate workplace behaviours
- an opportunity to practise those responses in a safe environment.

Workplace Consultation

Part of the employer's duty under occupational health and safety laws includes consulting with employees (and health and safety representatives if applicable), as far as reasonably practicable.

Options for consultation can include disseminating information, providing opportunities for employees to share their views, and sufficiently considering those views in regard to health and safety decisions affecting workers.

By conducting workplace consultation, it facilitates the process by allowing employees input into policies and procedures for managing inappropriate workplace behaviour and aids the development of policies and procedures for the organisation. Good workplace consultation also contributes to raising awareness of inappropriate workplace behaviours and the processes for managing reporting and responses.

Further information on workplace consultation detailed in the following Codes of Practice may be helpful. These examples are for illustrative purposes only. Members should obtain tailored advice to manage their legislative obligations with regards to workplace consultation.

Table 1: Examples of Codes of Practice regarding consultation. For illustration only – always check legislation for currency and/or obtain tailored advice.

Jurisdiction	Code of Practice
Model Laws	Model Code of Practice: Work health and safety consultation, cooperation and coordination (2023)
Commonwealth	Work Health and Safety (Work Health and Safety Consultation, Co-operation and Co-ordination) Code of Practice 2015 (Cth)
Australian Capital Territory	Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2023 (ACT)
New South Wales	Work health and safety consultation, cooperation and coordination 2022 (NSW)
Northern Territory	Work health and safety consultation, cooperation and coordination 2023 (NT)



Jurisdiction	Code of Practice
Queensland	Work health and safety consultation, cooperation and coordination Code of Practice 2021 (QLD)
South Australia	Work health and safety consultation, co-operation and co-ordination 2020 (SA)
Tasmania	Work health and safety consultation, cooperation and coordination 2022 (TAS)
Victoria	WHS Laws under review
Western Australia	Code of practice - Work health and safety consultation, cooperation and coordination 2022 (WA)

Also see *the South Australian Mining and Quarrying Occupational Health and Safety Committee's Workplace Consultation and Communication Guide 2019 (SA)*³⁶.

Recruiting

Business Case for a Diverse Workforce

It is established that women in male dominated industries face more sexual harassment than those in female dominated or equal ratio industries³⁷. Consequently, increasing female participation and achieving a gender diverse and inclusive workforce is thought to contribute to decreasing sexual harassment.

However, it is not enough to just increase overall female participation in the workforce, but to ensure the proportion of female leaders increases appropriately. According to recent research, organisations with gender-diverse boards experience less sexual harassment, with one additional female director associated with a 20.71% decrease in sexual harassment³⁸.

However, the benefits of greater female participation go well beyond arguments of political correctness and equality. Workforce gender diversity and inclusion are strongly associated with improved organisational performance³⁹. It provides adaptability, better governance and improved access to resources. Data from a range of industries show that increasing female participation correlates strongly with increased financial performance, better governance, stronger risk management and increased innovation.

On a national scale, the case for increasing women's workforce participation in Australia is powerful. A 2022 snapshot of the labour force (all industries) illustrates the stark disparity between men and women in terms of workforce participation: more men (61.4%) than women work full-time (38.6%), and the full-time workers are a much larger proportion of all men than they are of all women; whereas more women (68.8%) than men (31.2%), and a larger proportion of all women, work part-time⁴⁰.

Organisations with a gender diverse leadership team outperform organisations with no women represented at the top. Organisations in the top quartile of gender diversity in executive teams were 21% more likely to outperform the market on profitability, and 27% more likely to have greater value creation⁴¹.

Employment Brand and Employee Value Proposition (EVP)

For employers to become recognised in a competitive market and successfully attract and retain women and other members of diversity groups, there are two related strategies that can assist – the employment brand and the EVP.

An organisation's employment brand represents its reputation as an employer (such as being a preferred employer of women). It is the image of an organisation as a 'great place to work'⁴².

An EVP is an organisation's employment offering. That is, what an employee would experience and gain from working at one organisation compared with another. This includes tangible and intangible elements such as the work environment, content, and rewards and benefits for workplace performance; and it



characterises an employer to current and future employees and differentiates it from competition in the labour market.

A distinctive and appealing employment brand, coupled with a genuine, consistent and aspirational EVP, enables an organisation to become an employer of choice.

To illustrate, PwC's 'What Workers Want' 2021 survey⁴³ found that women place a premium on culture, wellbeing, and the ability to work in a variety of ways. If an organisation EVP emphasises work-life balance, women are 10% more likely than males to pick that organisation⁴³.

Remove Unconscious Biases from the Recruitment Process

There are many ways in which recruitment processes might be unconsciously biased. It is important to review and scrutinise existing processes to remove such bias. Below are a number of examples:

- Ensure all job profiles or descriptions reflect the real requirements of the position, rather than describing the person who filled that position previously.
- Ensure that guidelines for selection practices are transparent and explained in full.
- Provide clear, complete and consistent information to all candidates about the process, including how decisions will be made.
- Ensure that candidates' needs are catered for in terms of language, literacy and accessibility.
- Write position descriptions in language that encourages all genders to apply.
- Eliminate exclusive language (e.g., jargon, slang, references or metaphors) from interview questions or task descriptions.
- Consider, based on the job design, whether flexible work arrangements can be considered. Can the job be redesigned to enable part-time, job-sharing, telecommuting, or other flexible arrangements?
- Ensure that diverse groups are represented on the interview or selection panel.
- Make interviewers/task supervisors aware of verbal and non-verbal signals and interpretations, and how these can influence the candidate and/or the interviewer.
- Clearly base the selection processes on the job description so that interview questions, tests and other selection instruments address only relevant skills and competencies.
- Ensure that a variety of ways of carrying out the job tasks is considered and allowed for in the selection.
- Review current processes and recruitment/selection data and ask: do they disadvantage women or other diversity groups in any way?
- Refer to the Australian Standard on Gender Inclusive Job Evaluation and Grading (AS 5376—2012), to ensure that the job description includes only skills and competencies relevant to the job, and that the job is graded and remunerated fairly.

In reviewing the recruitment process, it is worthwhile conducting a broad survey of current employees – including all genders and diversity groups – to examine perception of the recruitment processes as they have first-hand experience of this.

Bias and Discrimination in Automated Recruitment Algorithms

Further on the topic of bias, recruitment practices that involve processing of large datasets via machine learning (also referred to as artificial intelligence or AI), may be at risk of introducing bias into the recruiting process^{44, 45}. Reducing human productivity to narrowly defined data doesn't always tell the whole picture⁴⁶. The collected data could facilitate bias, prejudice and discriminatory behaviour in the workplace⁴⁷.

Even organisations that don't apply automated recruitment algorithms themselves may be affected, if they are employing recruitment firms that use AI. This has particularly occurred when applying sophisticated machine learning algorithms to data, as decisions made by the algorithm are only as good



as the quality of the data the algorithm was ‘trained’ on, and this input data is often incomplete or biased (also referred to as ‘garbage in, garbage out’).

One of the best-known examples of bias introduced via machine-learning based recruitment processes includes an Amazon’s hiring tool that was eventually found to favour men for technical jobs⁴⁸. Training data consisted of CVs collected over a decade when men controlled the technology industry and there were virtually no successful women in the industry; this sampling bias led to the tool scoring words typically seen in men’s CVs higher and as a result preferencing male workers⁴⁹. Based on this, some researchers have concluded that truly unbiased training data for machine-learning algorithms does not exist⁴⁹.

In addition to machine-learning based CV screening systems, employers also use digital job ads, which adds further risk of bias. Using targeting technologies to position a digital job advertisement might encourage unlawful discrimination since it allows organisations to pick the audience who reads a certain advertisement.

Furthermore, video interview assessment systems have become more prevalent. These systems allow pre-screening job applications and/or automating a first interview and are intended to evaluate soft skills including communication skills, team orientation, and initiative by capturing data points depending on the words individuals speak and their nonverbal behaviour (e.g., eye contact), and can discriminate amongst groups. For example job applicants from non-English speaking backgrounds might score lower on these systems because they possess a more limited vocabulary, whereas job applicants on the autism spectrum may be scored lower because they may make less eye contact⁴⁹.

Newly published guidance for using AI-assisted recruitment tools, developed by the federal government’s Merit Protection Commissioner for use by Australian Public Service agencies, emphasises that AI assisted recruitment tools can disadvantage diverse candidates due to bias resulting from poor quality data the machine learning algorithm is trained on and/or due to developer bias, and that employers who use it remain accountable for their actions⁵⁰. This topic is increasingly gaining focus with several Government authorities having recently published papers on the subject^{51,52}.

Pre-Employment Reference Checks

The West Australian ‘Enough is Enough’ Report of the Inquiry into female sexual harassment in the FIFO mining industry tabled as Recommendation 3⁵³, that the industry should explore an industry-wide workers’ register and ensure probity checks across the industry to include consideration of harmful sexual behaviours.

Discussions on how to implement this recommendation are ongoing and raise legal implications; therefore, it is expected that legislation would be introduced first to pave the way for the implementation of this recommendation.

In the meantime, it is suggested that organisations ensure they have a policy that clearly explains the organisation’s approach to pre-employment checks and consistently applies this policy to all applicants equally to avoid discrimination. Such a policy might include:

- a) Making a national police clearance a condition of employment;
- b) Making verified reference checks with the applicant’s previous employer a condition of employment; and
- c) Ensuring recruiters verify that they are speaking with the applicant’s previous employer (and not a colleague, friend or fake referee).

Situational Challenges at Remote Sites

Efforts to eradicate workplace sexual harassment and gendered violence are particularly challenging at remote sites. Remote sites involve onsite accommodation and significant isolation.



This dynamic has multiple detrimental impacts.

Firstly, inappropriate behaviour attributed to male-dominated environments (i.e., “blokey” culture) may get amplified, with incidents escalating.

Secondly, the people negatively affected by such behaviour have nowhere to escape to, they are forced to remain in this environment and in some cases, in the presence of their harassers and/or attackers.

Lastly, where the situation has escalated to an incident, response is made more challenging due to difficult access to support.

As a result, concerted efforts to eradicate workplace sexual harassment and gendered violence are of particular importance for remote sites. Similarly, efforts to support victims are crucial in these situations.

Monitoring and Review

To maintain a physical and physiological healthy and safe working environment, it is important to facilitate regular monitoring and review of the organisation’s safety and health systems, including procedures.

This could include measures such as regularly reviewing trends and statistics from reporting including anonymous hazard reports like with a safe card system, incident reports, speak up platforms, conducting anonymous employee surveys and regular inclusive safety audits.

An important resource in this context is the [Model Code of Practice: Sexual and gender-based harassment 2023](#)⁴, released in December 2023 by Safe Work Australia and containing best practice on monitoring, maintenance and review as well as information, training, instruction and supervision.

Inclusive Safety Audit

AREEA provides an Inclusive Safety Audit (also called a Respectful Safety Audit, and previously referred to as Gender Safety Audit) to examine employees physical, personal and psychological safety including bullying, harassment and workplace sexual harassment. The Audit was developed by AREEA’s Diversity and Inclusion Advisory Board.

The purpose is to examine the actual and perceived physical and psychological safety of employees, whether it is all employees, employees from a specific work location or employees in a minority group. Each aspect of the audit has a slightly different purpose which together provides a multi-dimensional perspective on inclusive safety. The design of the audit considers the range and variety of work practices and locations in the resources and energy industry to accommodate a range of employer specific purposes to conduct components or the full audit.

Benefits of an Inclusive Safety Audit

There are many benefits to conducting an inclusive safety audit, including the following:

- Evidence base to inform potential changes to the physical environment and associated policies to improve safety for employees and the organisations
- Positive engagement and branding for organisations that conduct an inclusive safety audit
- Awareness and confidence from employees that their employer is focused on physical and psychological safety
- Greater awareness of issues specifically related to safety and inclusivity.

Elements of an Inclusive Safety Audit

The Inclusive Safety Audit comprises three elements.



1. Inclusive Safety Survey
 - a) Employees (can be all employees, contractors, and visitors in a particular location)
 - b) Managers/leaders
2. Inclusive Safety Focus Groups
3. Inclusive Safety Leadership Walk or Facilities Review

Supporting the audit elements is templated communication to introduce and contextualise the Inclusive Safety Audit. This communication was designed to be customised by each organisation undertaking the audit.

AREEA Support for the Elements of an Inclusive Safety Audit

For each of the three audit elements above AREEA offers three levels of support.

1. Company: Company undertakes all administrative, logistical, analysis and reporting aspects of the audit internally; AREEA provides an audit overview and templates.
2. Company Assist: Company undertakes all administrative and logistical elements of the audit; AREEA prepares and provides survey link, analysis and report of findings, structure and questions for focus groups for company to undertake, template of key aspects and questions to be reviewed during Leadership walk/facilities audit for Company to undertake.
3. AREEA Independent: Company facilitates survey distribution, access to focus groups and access to site for Leadership walk/facilities audit; AREEA prepares and provides survey link, analysis and report of findings, structure and questions, facilitator and scribe for focus groups, analysis and report of focus group findings, template of key aspects and questions to be reviewed, facilitator and scribe for Leadership walk/facilities audit, analysis and report of findings.

AREEA Support

Should you require advice specific to your workplace regarding inappropriate workplace behaviours and trauma-informed handling thereof, please do not hesitate to contact AREEA's Workplace Relations Advisory Team. Your AREEA team is available to provide advice and undertake training.

For any practical support relating to workplace and employment issues get in touch via membership@areea.com.au or phone your local [AREEA office](#). For information on government policy and AREEA's advocacy, contact policy@areea.com.au.



References

Legislative background

Note: Acts, Regulations and Codes of Practice are referenced in-text only. For an exemplary overview of Acts, Regulations and Codes of Practice related to psychosocial risks and/or potentially applicable to inappropriate workplace behaviours and gendered violence, see part 1 of this series.

- ¹ [Government of Western Australia, Department of Mines, Industry Regulation and Safety. \(2022\). *Information sheet – Gendered violence: Sexual assault*.](#)
- ² [Safe Work Australia. \(May 2018\). *Model Code of Practice: How to manage work health and safety risks*.](#)
- ³ [Safe Work Australia. \(2021\). *Preventing workplace sexual harassment: National guidance material*.](#)
- ⁴ [Safe Work Australia. \(2023\). *Model Code of Practice: Sexual and gender-based harassment 2023*.](#)

Organisational causes of inappropriate workplace behaviour

- ⁵ [Australian Capital Territory Government. \(2020\). *Rapid evidence assessment \(REA\) on the antecedents of workplace incivility*. Center for Evidence-Based Management, Australian Capital Territory.](#)
- ⁶ [Nielsen, M. B., & Knardahl, S. \(2015\). Is workplace bullying related to the personality traits of victims? A two-year prospective study. *Work & Stress*, 29\(2\), 128–149.](#)
- ⁷ [Hoel, H., Glasø, L., Hetland, J., Cooper, C. L., & Einarsen, S. \(2010\). Leadership styles as predictors of self-reported and observed workplace bullying. *British Journal of Management*, 21\(2\), 453–468.](#)
- ⁸ [Glomb, T. M. \(2010\). Predicting workplace aggression: Reciprocal aggression, organisational, and individual antecedents. *International Journal of Organisation Theory and Behaviour*, 13\(2\), 249–291.](#)
- ⁹ [Hershcovis, M. S., Turner, N., Barling, J., Arnold, K. A., & et al. \(2007\). Predicting workplace aggression: A meta analysis. *Journal of Applied Psychology*, 92\(1\), 228.](#)
- ¹⁰ [Chadwick, S., & Travaglia, J. \(2017\). Workplace bullying in the Australian health context: a systematic review. *Journal of Health Organisation and Management*, 31\(3\), 286–301.](#)
- ¹¹ [Bartlett, J. E., Bartlett, M. E., & Reio Jr, T. G. \(2008\). *Workplace incivility: Worker and organizational antecedents and outcomes*.](#)
- ¹² [Salin, D. \(2003\). Ways of explaining workplace bullying: A review of enabling, motivating and precipitating structures and processes in the work environment. *Human Relations*, 56\(10\), 1213–1232.](#)
- ¹³ [Tuckey, M. R., Li, Y., Neall, A. M., Chen, P. Y., Dollard, M. F., McLinton, S. S., ... & Mattiske, J. \(2022\). Workplace bullying as an organizational problem: Spotlight on people management practices. *Journal of Occupational Health Psychology*. Advance online publication.](#)
- ¹⁴ [Zhang, Y., & Bednall, T. \(2016\). Antecedents of abusive supervision: A meta-analytic review. *Journal of Business Ethics*, 139\(3\), 455–471.](#)
- ¹⁵ [Bonnesen, L., Pihl-Thingvad, S., & Winter, V. \(2022\). The contagious leader: a panel study on occupational stress transfer in a large Danish municipality. *BMC Public Health*, 22\(1\), 1–9.](#)
- ¹⁶ [Eissa, G., & Lester, S. W. \(2017\). Supervisor role overload and frustration as antecedents of abusive supervision: The moderating role of supervisor personality. *Journal of Organisational Behaviour*, 38\(3\), 307–326.](#)
- ¹⁷ [Courtright, S. H., Gardner, R. G., Smith, T. A., McCormick, B. W., & Colbert, A. E. \(2016\). My family made me do it: A cross-domain, self-regulatory perspective on antecedents to abusive supervision. *Academy of Management Journal*, 59\(5\), 1630–1652.](#)
- ¹⁸ [Ågotnes, K. W., Einarsen, S. V., Hetland, J., & Skogstad, A. \(2018\). The moderating effect of laissez-faire leadership on the relationship between co-worker conflicts and new cases of workplace bullying: A true prospective design. *Human Resource Management Journal*, 28\(4\), 555–568.](#)
- ¹⁹ [Baillien, E., De Cuyper, N., & De Witte, H. \(2011\). Job autonomy and workload as antecedents of workplace bullying: A two-wave test of Karasek's Job Demand Control Model for targets and perpetrators. *Journal of Occupational & Organisational Psychology*, 84\(1\), 191–208.](#)



-
- ²⁰ [Trudel, J., & Reio, T. G., Jr. \(2011\). Managing workplace incivility: The role of conflict management styles—Antecedent or antidote? *Human Resource Development Quarterly*, 22\(4\), 395–423.](#)
- ²¹ [Moayed, F. A., Daraiseh, N., Shell, R., & Salem, S. \(2006\). Workplace bullying: A systematic review of risk factors and outcomes. *Theoretical Issues in Ergonomics Science*, 7\(3\), 311–327.](#)

Optimising work design to improve workplace behaviour

- ²² [Bowling, N. A., & Beehr, T. A. \(2006\). Workplace harassment from the victim's perspective: a theoretical model and meta-analysis. *Journal of Applied Psychology*, 91\(5\), 998.](#)
- ²³ [Salin, D. \(2015\). Risk factors of workplace bullying for men and women: The role of the psychosocial and physical work environment. *Scandinavian Journal of Psychology*, 56\(1\), 69–77.](#)
- ²⁴ [Reio Jr, T. G., & Ghosh, R. \(2009\). Antecedents and outcomes of workplace incivility: Implications for human resource development research and practice. *Human Resource Development Quarterly*, 20\(3\), 237–264.](#)
- ²⁵ [Van den Brande, W., Baillien, E., De Witte, H., Elst, T. V., & Godderis, L. \(2016\). The role of work stressors, coping strategies and coping resources in the process of workplace bullying: A systematic review and development of a comprehensive model. *Aggression and Violent Behaviour*, 29, 61–71.](#)
- ²⁶ [Conway, P. M., Burr, H., Rose, U., Clausen, T., & Balducci, C. \(2021\). Antecedents of workplace bullying among employees in Germany: Five-year lagged effects of job demands and job resources. *International Journal of Environmental Research and Public Health*, 18\(20\), 10805.](#)
- ²⁷ [Beehr, T. A. \(1995\). *Psychological stress in the workplace*. Routledge.](#)
- ²⁸ [Hauge, L. J., Einarsen, S., Knardahl, S., Lau, B., Notelaers, G., & Skogstad, A. \(2011\). Leadership and role stressors as departmental level predictors of workplace bullying. *International Journal of Stress Management*, 18\(4\), 305–323.](#)
- ²⁹ [Hauge, L. J., Skogstad, A., & Einarsen, S. \(2011\). Role stressors and exposure to workplace bullying: Causes or consequences of what and why? *European Journal of Work and Organisational Psychology*, 20\(5\), 610.](#)
- ³⁰ [Reknes, I., Einarsen, S., Knardahl, S., & Lau, B. \(2014\). The prospective relationship between role stressors and new cases of self-reported workplace bullying. *Scandinavian Journal of Psychology*, 55\(1\), 45–52.](#)
- ³¹ [Åberg, M., Staats, E., Robertson, J., Schiöler, L., Torén, K., LaMontagne, A. D., ... & Nyberg, J. \(2022\). Psychosocial job stressors and risk of suicidal behavior – An observational study among Swedish men. *Scandinavian Journal of Work, Environment & Health*, 48\(6\).](#)

Interventions to eradicate inappropriate workplace behaviour

- ³² [Stagg, S. & Sheridan, D. \(2010\). Effectiveness of bullying and violence prevention programs: A systematic review. *American Association of Occupational Health Nurses Journal*, 58\(10\), 419–424.](#)
- ³³ [Hodgins, M., MacCurtain, S., & Mannix-McNamara, P. \(2014\). Workplace bullying and incivility: a systematic review of interventions. *International Journal of Workplace Health Management*, 7\(1\), 54–72.](#)
- ³⁴ [Armstrong, N. \(2018\). Management of nursing workplace incivility in the health care settings: A systematic review. *Workplace Health & Safety*, 66\(8\), 403–410.](#)
- ³⁵ [Escartín, J. \(2016\). Insights into workplace bullying: Psychosocial drivers and effective interventions. *Psychology Research and Behaviour Management*, 2016, 9 Pages 157–169.](#)

Consultation

Note: Acts, Regulations and Codes of Practice are referenced in-text only. For an exemplary overview of Codes of Practice related and/or potentially applicable to workplace consultation, see Table 1 on page 11.

- ³⁶ [The South Australian Mining and Quarrying Occupational Health and Safety Committee's Workplace Consultation and Communication Guide 2019 \(SA\).](#)



Recruiting

- ³⁷ [Parker, K. \(2018, March 7\). *Women in majority-male workplaces report higher rates of gender discrimination*. Pew Research Center; Pew Research Center.](#)
- ³⁸ [Au, S. Y., Tremblay, A., & You, L. \(2021\). *Does Board Gender Diversity Reduce Workplace Sexual Harassment?* Available at SSRN 3667087.](#)
- ³⁹ For a bibliography of studies demonstrating the benefits of female participation to organizational, financial and market performance, see: [Workplace Gender Equality Agency, *Workplace gender equality: the business case, 2018*.](#)
- ⁴⁰ [Australian Bureau of Statistics \(March 2022\). Table 06. Employed persons by Industry sub-division of main job \(ANZSIC\) and Sex' \[time series spreadsheet\], Labour Force, Australia, Detailed.](#)
- ⁴¹ [Capital Human and Impact Investing Australia, *A Roadmap for Australian Investors – How to invest to achieve gender equity, racial equity, diversity and inclusion, 2022*.](#)
- ⁴² [B Minchington, *Employer Brand Leadership – A Global Perspective, 2010*, Collective Learning Australia, Torrensville SA, Australia, cited in Robert Walters Whitepaper: Spotlight Series, *Managing your employer brand throughout the recruitment process*.](#)
- ⁴³ [PwC, *What Workers Want, 2021*.](#)
- ⁴⁴ [Sánchez-Monedero, J., Dencik, L., & Edwards, L. \(2020, January\). What does it mean to 'solve' the problem of discrimination in hiring? Social, technical and legal perspectives from the UK on automated hiring systems. In *Proceedings of the 2020 conference on fairness, accountability, and transparency* \(pp. 458–468\).](#)
- ⁴⁵ [Tilmes, N. \(2022\). Disability, fairness, and algorithmic bias in AI recruitment. *Ethics and Information Technology, 24*\(2\), 21.](#)
- ⁴⁶ [Tambe, P., Cappelli, P., & Yakubovich, V. \(2019\). Artificial intelligence in human resources management: Challenges and a path forward. *California Management Review, 61*\(4\), 15-42.](#)
- ⁴⁷ [Schulte, J. \(2019\). AI-assisted recruitment is biased. Here's how to make it more fair. World Economic Forum.](#)
- ⁴⁸ [Reuters. \(2018\). Amazon ditched AI recruiting tool that favored men for technical jobs. *The Guardian: The Guardian*.](#)
- ⁴⁹ [Sheard, N. \(2022\). *Employment Discrimination by Algorithm: Can Anyone be Held Accountable?* *University of New South Wales Law Journal* \(forthcoming\), 45\(2\).](#)
- ⁵⁰ [Australian Government, Merit Protection Commissioner \(2022\). *Guidance material for using AI-assisted recruitment tools*.](#)
- ⁵¹ [Australian Government, Department of Industry, Science and Resources. \(2022\). *Positioning Australia as a leader in digital economy regulation \(automated decision making and AI regulation\): Issues paper \(2022\)*.](#)
- ⁵² [Australian Human Rights Commission. \(2020\). *Using artificial intelligence to make decisions: Addressing the problem of algorithmic bias Technical Paper*](#)
- ⁵³ [Community Development and Justice Standing Committee. \(2022\). *Report 2 'ENOUGH IS ENOUGH' Sexual harassment against women in the FIFO mining industry*.](#)

