Implementation Guide

The Mental Awareness, Respect and Safety (MARS) Program is led by the Department of Mines, Industry Regulation and Safety in collaboration with the Department of Communities, the Mental Health Commission and the Equal Opportunity Commission.

The Respect in Mining program is led by the Department of Communities with research and development undertaken by Curtin University's Collaboration for Evidence, Research and Impact in Public Health. Respect in Mining is built on the principles of the department's Respectful Relationships programs, and seeks to build workers' relationships that are characterised by non-violence, equality, mutual respect and trust.

Acknowledgement of Country

The Government of Western Australia acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.

We particularly acknowledge the caring strengths, resilience and central role of Aboriginal women within their families.

Contents

Background and purpose

Background to program

In June 2021, following several reports addressing gender inequality and violence against women in the workplace, the Western Australian Parliament's Community Development and Justice Standing Committee initiated an inquiry into sexual harassment against women working in WA's fly-in-fly-out (FIFO) mining industry. The Committee's report Enough is Enough: Sexual harassment against women in the FIFO mining industry was tabled in Parliament on 23 June 2022. Informed by nearly 100 submissions, the report provided both the government and mining industry with 79 findings and 24 recommendations.

In December 2021, to strengthen responses to workplace sexual harassment and sexual assault (SHSA) in the mining industry, the Western Australian Government committed significant resources to develop and implement the Mental Awareness, Respect and Safety (MARS) Program.

The MARS Program is a collaboration between the Western Australian Department of Mines, Industry Regulation and Safety (DMIRS), the Department of Communities (Communities), the Mental Health Commission and the Equal Opportunity Commission. The MARS Program is underpinned by a Landmark Study to research and evaluate strategies to improve mental health outcomes, workplace culture and respect, and to identify emerging safety issues likely to impact mining industry workers.

Under the MARS Program, DMIRS is funding various partner agency initiatives. In contribution to this, Communities developed the Respect in Mining Program, based on the principles of its Respectful Relationships programs and is customised to the requirements of the Western Australian mining industry. It aims to strengthen awareness of, and responses to SHSA and take a whole-of-organisation approach to embed gender equality policies and practices that benefit all workers. There is a particular emphasis on supporting small and medium mining companies.

Our Watch is a national leader in the primary prevention of violence against women and their children in Australia. Our Watch's Change the Story outlines 12 essential actions to address the gendered drivers, the social context and the reinforcing factors that enable violence against women. All workplaces, including the mining industry, can provide tailored prevention activities, set behavioural and cultural standards, address systemic issues, and provide public advocacy.

DMIRS' Code of Practice: Workplace Behaviour (2022) is an industry-specific guide to identifying the risks of inappropriate behaviours in the workplace. It also contains strategies for prevention, management, reporting, and responding to incidents. When planning and implementing a workplace policy relating to such behaviours, this code of practice should be used to ensure that work health and safety guidelines are being adhered to.

The Office of the Commissioner for Victims of Crime and the Department of Communities are jointly leading the development of Western Australia's first Sexual Violence Prevention and Response Strategy (the Strategy). The Strategy will take a whole-of-government approach to preventing and addressing the impact of sexual violence in the community and will define and consider the full continuum of sexual violence. When released, the Strategy will further inform the Respect in Mining Program.

Purpose of this document

The purpose of this Implementation Guide is to:

- summarise the psychosocial risk of sexual harassment and sexual assault in the workplace;
- provide organisations in the mining industry with tools and resources to assist in the management of the risk of sexual harassment and sexual assault in the workplace; and
- provide practical advice to adapt the tools and resources to its workplaces.

Definitions and abbreviations

Abbreviation	Definition
Bystander	An individual who witnesses SHSA behaviour. A bystander is also someone who is told about an incident. In the workplace, bystanders can include co-workers who are informed of workplace SHSA through the 'grapevine' or are sought out by victims or perpetrators for support or advice. Bystanders also include a range of people formally authorised to receive reports of SHSA such as managers, supervisors, human resource workers or harassment contact officers. An **active bystander** or **upstander** is someone who takes some form of action to address SHSA behaviours when they witness or hear about these behaviours. They may step in or speak up to intervene, disrupt or provide support to the person being harmed. A **passive bystander** is aware of the SHSA behaviour but does nothing to prevent or raise concerns about the behaviour.
Control measure	An action taken to eliminate or minimise health and safety risks so far as is reasonably practicable. A hierarchy of control measures is set out in the *Work Health and Safety (Mines) Regulations 2022* (WA) to assist duty holders to select the highest control measures reasonably practicable.
DMIRS	Department of Mines, Industry Regulation and Safety (Western Australia).
Duty holder	A duty holder refers to any person who owes a WHS duty under the WHS Act including a person conducting a business or undertaking, designer, manufacturer, importer, supplier, installer of products or plant used at work (upstream duty holders), an officer and workers. More than one person can concurrently have the same duty in which case the duty is shared. Duties cannot be transferred.
FIFO	Fly-in, fly-out.
Hierarchy of control	The hierarchy of risk control shows ways of controlling risks, ranked from the highest level of protection and reliability to the lowest.
Impacted person	An individual who has experienced sexual harassment and/or sexual assault (SHSA). Anyone can be a victim of SHSA, regardless of their sex and the sex of the perpetrator. It is recognised that SHSA may also occur between people of the same sex.
MARS Program	Mental Awareness, Respect and Safety Program.

Abbreviation	Definition
Officer	An officer within the meaning of section 9 of the *Corporations Act 2001* (Cth). Broadly, an officer is a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the organisation's activities. Each partner within a partnership is not an officer but a PCBU in their own right. Under the WHS Act, an officer must exercise due diligence to ensure compliance by the PCBU with its health and safety obligations.
PCBU	Person conducting a business or undertaking. The *Work Health and Safety Act 2020* (WA) (WHS Act) places the primary duty of care on the PCBU. The term PCBU is an umbrella concept used to capture all types of working arrangements or structures. A PCBU can be a company; unincorporated body or association; sole trader or self-employed person. Individuals who are in a partnership that are conducting a business will individually and collectively be a PCBU.
Perpetrator	An individual who is accused of perpetrating sexual harassment or sexual assault against another person.
Person with management or control of a workplace	The person with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.
Risk control	Taking action to eliminate health and safety risks so far as is reasonably practicable, and if that is not possible, minimising the risks so far as is reasonably practicable. Eliminating a hazard will also eliminate any risks associated with that hazard.
Sexual assault	Any sexual behaviour which is threatening, violent, forced, coercive, or exploitative and in which the victim or impacted person has not given, was unable to give, or has withdrawn consent. Consent is when the person freely and voluntarily agrees to sexual activity, and they have the freedom and capacity to make that choice. Sexual assault describes a broad range of behaviours including sexual penetration without consent and indecent assault.

Abbreviation	Definition
Sexual harassment	As set out in the *Equal Opportunity Act 1984* (WA) and the *Sex Discrimination Act 1984* (Cth), sexual harassment includes an unwelcome sexual advance, or an unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment does not need to be repeated or continuous, it can involve a single incident. Sexual harassment can take many forms including, but not limited to: • unwelcome physical touching, hugging or kissing; • staring or leering at someone or at parts of their body; • suggestive comments or jokes; • insults or taunts based on sex; • sexually explicit pictures, e-mails or text messages; and • intrusive questions about a person's private life or body.
SHSA	Sexual harassment and sexual assault.
WHS Act	*Work Health and Safety Act 2020* (WA) (WHS Act).
Worker	Any person who carries out work in any capacity for a PCBU, including work as an employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company who has been assigned to work in the PCBU, a self-employed person, an outworker, an apprentice or trainee, a work experience student and volunteers.
Workplace	A place where work is carried out for a business or undertaking including any place where a worker goes, or is likely to be, while at work. This may include offices, factories, shops, construction sites, vehicles, ships, aircraft or other mobile structures on land or water.

Legislative framework

The WHS Act

On 31 March 2022, the WHS Act and its accompanying regulations came into force in Western Australia. The WHS Act replaced the *Occupational Safety and Health Act 1984* (WA) and parts of some other legislation, including the *Mines Safety and Inspection Act 1994* (WA) and the *Petroleum and Geothermal Energy Resources Act 1967* (WA).

The WHS Act focuses on protecting both the physical and psychological health and wellbeing of persons within a workplace.

PCBUs

PCBU is a new term to Western Australia's WHS laws which stands for Person Conducting a Business or Undertaking.

Under the WHS Act, a person conducts a PCBU:

- whether they conduct the business or undertaking alone or with others; and
- whether or not the business or undertaking is conducted for profit or gain.

It is a term which is intended to capture a broader range of contemporary workplace relationships. It includes corporations, partnerships, unincorporated associations, government, charities and not-for-profit organisations.

The WHS Act requires all PCBUs to ensure, so far as is reasonably practicable, the health and safety of workers. Health is defined in the WHS Act to mean physical and psychological health. PCBUs therefore have a duty to protect workers from psychological risks as well as physical risks in the workplace.

This primary duty of care requires a PCBU to eliminate risks to health and safety, so far as is reasonably practicable. If this is not reasonably practicable, risks must be minimised so far as is reasonably practicable.

A PCBU owes a similar duty of care to other people who may be at risk from work carried out by the business (e.g. visitors and customers at the workplace).

Legislative references: *WHS Act, section 4.*

Primary duty

Under the primary duty of care, a PCBU must ensure, so far as is reasonably practicable, the following:

- the provision and maintenance of a work environment without risks to health and safety;
- the provision and maintenance of safe plant and structures;
- the provision and maintenance of safe systems of work;
- the safe use, handling and storage of plant, structures and substances;
- the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities;
- the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking;
- that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking; and
- the maintenance of any accommodation that is owned or under the PCBU's management or control, so that the workers occupying the premises are not exposed to risks to health and safety.

Legislative references: *WHS Act, section 19.*

FIFO accommodation

As detailed at (3.3(h)) above, this primary duty extends to FIFO accommodation. A new code of practice addressing FIFO camp accommodation and security is in development and will be released by the Work Health and Safety Commission. Any PCBU with FIFO accommodation can take the following steps to ensure they are meeting their primary duty to:

- ensure there are adequate CCTV cameras and trusted security guards present;
- ensure internal and external lighting provides good visibility across the accommodation so workers feel safe;
- give workers the opportunity to create a more comfortable and home-like environment in their FIFO accommodation as this will assist with their mental health;
- ensure the facilities and amenities include private and secure spaces including change rooms and bathrooms; and
- ensure there are no areas where workers could become trapped.

Psychosocial hazards

Psychosocial hazards at work are aspects of work and work situations which can lead to psychological or physical harm. These stem from:

- the way the tasks or job are designed, organised, managed and supervised;
- tasks or jobs where there are inherent psychosocial hazards and risks (such as shift work, or dealing with violent or abusive members of the public);
- the equipment, working environment (such as noise or temperature irregularities) or requirements to undertake duties in physically hazardous environments; and
- social factors at work, workplace relationships and social interactions.

Workplace psychosocial hazards are related to the psychological and social conditions of the workplace rather than just the physical conditions. These include stress, fatigue, bullying, violence and aggression, harassment and burnout, which can be harmful to both the physical and psychological health of workers.

The type of psychological harm that can be caused by exposure to psychosocial hazards includes conditions such as anxiety, depression, post-traumatic stress disorder and sleep disorders. In extreme cases, workplace psychosocial hazards could lead to self-harm and suicidal thoughts. Physical injuries from psychosocial hazards include musculoskeletal injury, chronic disease and fatigue-related accidents.

In addition to adverse health outcomes, exposure to psychosocial hazards at work can also affect performance and productivity and increase absenteeism, staff turnover and the risk of accidents or incidents in the workplace, all of which can be expensive. Notably, psychological injuries typically require three times more time off work than other injuries.

Workers are likely to be exposed to a combination of psychosocial hazards and factors – some may always be present, while others only occasionally.

The effects of psychosocial hazards and risk factors in the workplace will differ for each person and at varying degrees; therefore, some people may be more susceptible to psychological or mental harm, compared to others. It is the responsibility of PCBUs to consider and prevent, as far as reasonably practicable, any factors or vulnerabilities that would increase a worker's risk to psychosocial hazards in the workplace.

Under WHS laws, psychosocial hazards and risks are treated the same as physical hazards and risks. PCBUs are not able to control workers' personal lives and the stressors they may encounter; however, they do have a legal obligation to eliminate or minimise exposure to work-related hazards and risks that can increase the risk of work-related stress or other psychological harm.

It is a requirement under the WHS regulations to use a risk management approach to manage psychosocial hazards in the workplace. Sexual harassment and sexual assault are psychosocial hazards.

Psychosocial risk management should be a proactive process. Often risk management only occurs after an individual suffers from psychological harm or distress, however this approach is costly and can also mean that the PCBU is not complying with its duty to eliminate or minimise risks to workers. Therefore, this Implementation Guide and the template documents will assist businesses in meeting their obligations under the WHS Act.

Legislative references: *Work Health and Safety (Mines) Regulations 2022* (WA).

Available sources

The Work Health and Safety Commission (previously known as the Commission for Occupational Safety and Health) and Safe Work Australia have published codes of practice and guidance to assist duty holders in managing psychosocial hazards, including:

- Managing psychosocial hazards at work;
- Mentally healthy workplaces for fly-in fly-out (FIFO) workers in the resources and construction sectors
- Psychosocial hazards in the workplace
- Workplace Behaviour;
- Violence and aggression at work
- Preventing workplace sexual harassment – guidance for small business; and
- Preventing workplace violence and aggression - guidance for small business.

DMIRS has also published the Mentally Healthy Workplaces: resources for management, which provides more information and can assist with the management of psychosocial hazards.

Management of the risk

The hierarchy of control

The following section has been adapted from [Safe Work Australia: Managing risks](#).

Eliminating a psychosocial risk is the best control, however, if this is not possible then PCBUs must minimise the risk so far as is reasonably practicable. The hierarchy of control measures assists duty holders to select the highest control measures to effectively manage risk.

To manage WHS risks, PCBUs should:

(a) Identify hazards: hazards are things and situations that could harm a person.

(b) Assess risks: undertake a risk assessment to identify the hazards in the workplace, which may cause harm.

(c) Control risks: PCBUs can follow the hierarchy of control measures, detailed below.

(d) Review control measures: to make sure they worked as planned.

At each step, PCBUs must consult with workers and their health and safety representatives.

The hierarchy of control measures rank the ways of controlling risks from highest level of protection and reliability to the lowest. Administrative controls are the least effective as they do not control the hazard at the source and rely on human behaviour and supervision.
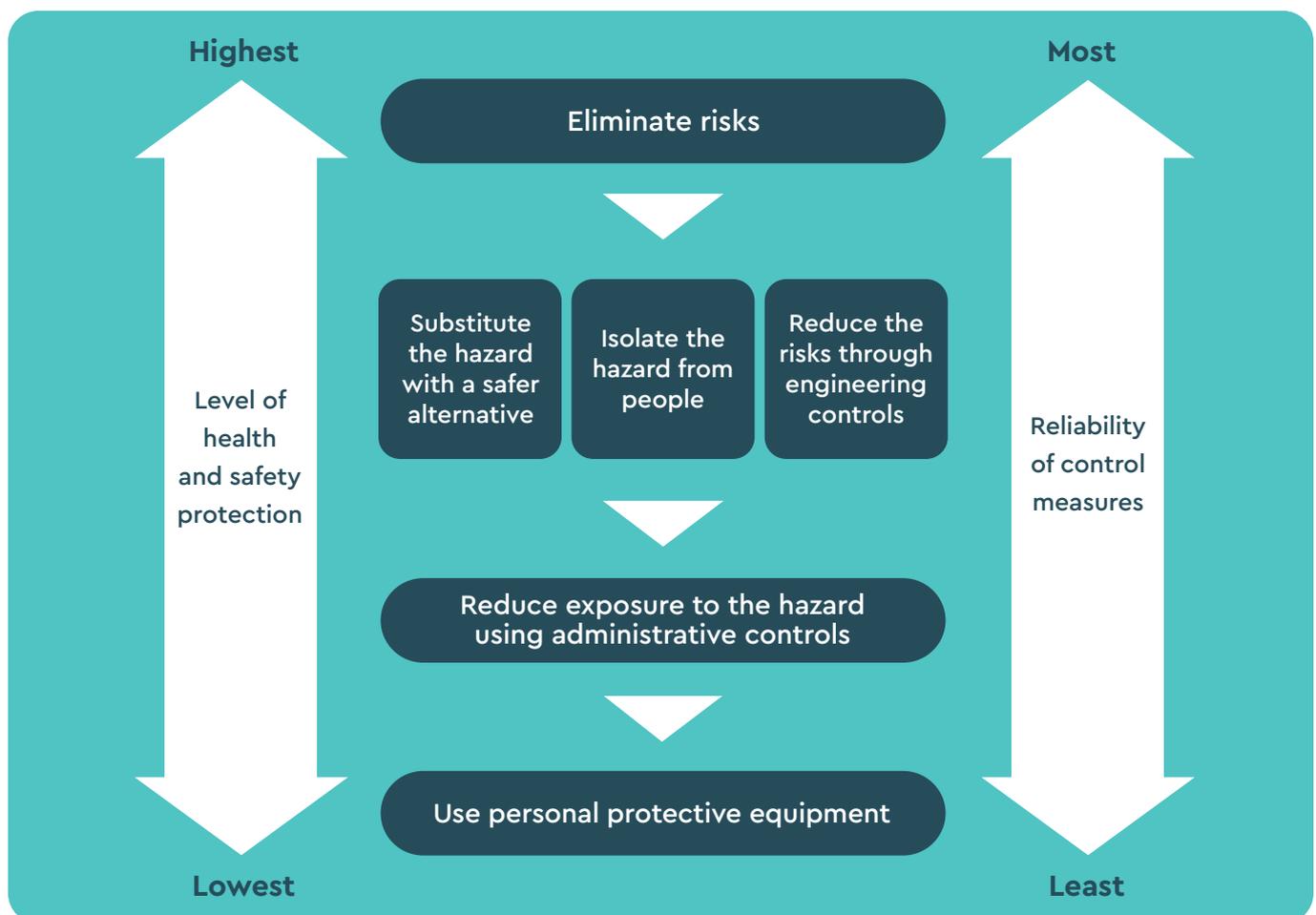

Figure 1: The hierarchy of control measures, found at: [Safe Work Australia: Managing risks](#).

Respect in Mining Program tools and resources

As part of the Respect in Mining Program, a number of tools and resources have been identified or developed for organisations to use to assist in managing SHSA risks in the workplace. The table below summarises the action the PCBU can take and the available tool or resource.

Proposed Action		Tools
Leadership commitment	Create a leadership statement so workers know the leaders of the organisation and workplace are committed to preventing, managing and responding to incidents of SHSA appropriately.	Template – code of conduct Template – relationship policy Leadership Commitment Checklist Leadership Statement Our Watch Standards
Data collection	Collect data to assist with identifying the hazards in the workplace and assessing the risks (step a and b above at section 4.1). This will allow a PCBU to understand where it is currently placed in terms of preventing, managing, and responding to incidents of SHSA.	SHSA Risk Assessment Audit Workplace Audit Tool Worker SHSA Experience Survey Focus Group Discussion Guide Data Collection Guide
Policy development	Create and implement a SHSA policy.	SHSA Policy
Training	Provide regular training on SHSA to all workers.	Equal Opportunity Commission SARC education and training FIFO Focus – Specialist Trauma Training
Reporting pathways	Provide numerous pathways for workers to report incidents of SHSA.	Reporting Avenues Safe Work Australia, advice for workers
Responding to reports of SHSA	When a report has been made, ensure it is taken seriously, handled confidentially and impartially, investigated promptly with appropriate support for the impacted person, and sanctions and disciplinary actions implemented where necessary.	Internal Reporting Guide Legal and Advisory Services Responding to Resistance Reporting Avenues Safe Work Australia, advice for workers SARC education and training FIFO Focus – Specialist Trauma Training
Record keeping	Keep detailed records.	Incident Management Investigation Report
Post incident support: impacted person, bystander and perpetrator	Ensure all parties are supported following the incident.	Legal and Advisory Services External Support Services

Leadership in the workplace

Leaders play a key role in creating a workplace culture free from SHSA and ensuring that, if it does occur, it is addressed in a way that minimises further harm to impacted persons.

Conversations about SHSA can be very confronting and upsetting, but they need to happen. Most people who experience SHSA never report it. They fear the impact that reporting it will have on their reputation, career prospects and relationships within their community or industry.

It is up to leaders to remove these concerns or barriers for their organisation. Developing a culture of respect can empower individuals to raise concerns in a supportive and protected way.

While it might not always be easy or quick to engage leaders, it is worth the investment of time and energy. Building leaders' understanding and securing their genuine commitment is the first step to having them champion and model respectful and equitable behaviour.

Engaging leaders, including Boards, Chief Executive Officers (CEOs), and other senior leaders, helps to:

- Bring others on board with organisational change. Leaders can speak to their workers and stakeholders – of all genders – and actively role model equality and respect.

- Create an environment for establishing and reinforcing the workplace's commitment to achieving equality and respect. This can include calling attention to what needs to be changed, ensuring resources are available to create and drive this organisational change and visibly model equality and respect.

- Empower workers across the workplace to speak up or take action when they see sexist or discriminatory behaviours occurring, knowing they have the support of leaders and policies that make it clear such behaviours are unacceptable.

What can you do to get leaders on board?

PCBUs should familiarise themselves with the Workplace Equality and Respect Standards (the Standards) and use these to work with leaders and colleagues.

Establish a small team which has responsibility to work towards achieving the Standards; people who can show leadership and have authority to make changes to strategies, policies and procedures.

Respect in Mining Program provides a template Leadership Commitment Checklists as an example structure that leaders can adapt or customise for their organisation.

If everything in this checklist cannot be ticked, PCBUs will need to address those areas where more work is required before proceeding. For example, training may need to be organised for senior leaders on the role of workplaces in preventing SHSA.

Honest, respectful, and open communication is the key to eliminating sexual harassment. While it is important that leaders demonstrate expectations and do not just state them, it is important that a clear statement is provided to the workforce to reinforce behavioural expectations and underpin the actions that will be taken.

Respect in Mining Program provides a template Leadership Statement as an example structure that leaders can adapt or customise for their organisation.

Data collection

To create a workplace free from SHSA, it is helpful to understand where the organisation is currently placed in terms of preventing, managing, and responding to incidents of SHSA.

The **Respect in Mining Program** provides a **Data Collection Guide** which sets out helpful tips and considerations to incorporate when collecting data.

This guide will assist organisations to collect data on SHSA and design effective approaches to the prevention of, and response to, SHSA in the workplace. The guide provides links to data collection templates and tools which can be applied to the organisation.

Sexual harassment and sexual assault policy

To ensure PCBUs and Officers are meeting their obligations under the WHS Act and anti-discrimination legislations, it is recommended the organisation establish a SHSA Policy.

The **Respect in Mining Program** provides a **SHSA Policy** which can be adapted for any business.

Legislative references:

WHS Act.

Work Health and Safety (Mines) Regulations 2022 (WA).

Equal Opportunity Act 1984 (WA).

Sex Discrimination Act 1984 (Cth).

SHSA risk assessment audit

The **Respect in Mining Program** provides a **SHSA Risk Assessment Audit** tool which includes a list of questions to determine the level of risk of SHSA occurring in the workplace. If the audit determines the risk is high, the audit tool provides suggested actions.

Training

Education should be ongoing and not static or one-off. An education strategy should begin at induction and involve a combination of different types of learning, both formal and informal.

The core features of an effective sexual harassment education strategy include:

- being part of a broader organisational commitment to gender equality, inclusion, respect, safety, and culture change;
- focusing on supporting and motivating workers to change attitudes and behaviours;
- delivery through a combination of formal and informal learning, including micro learning and social learning which aim to embed formal learning and policy and to normalise discussion about preventing SHSA in the workplace;
- provision of information, training and instructions about the control measures the organisation is implementing for SHSA and how to report incidents or raise safety issues;
- innovative, engaging, and interactive content tailored for different audiences with different needs, experiences, vulnerabilities, and responsibilities;
- accommodating appropriate modes of accessibility and delivery for all people including differing ability levels; and
- being evidence based and regularly reviewed, evaluated, and improved to ensure it remains effective.

Figure 2: Education strategy

Formal learning includes:

- compulsory training for all workers, led by instructors with expertise in SHSA and skills to engage with complexities;
- a focus on developing behavioural skills, and new ways of thinking and acting, and providing knowledge to support those skills; and
- immersive and active participation, with space for debate, discussion, exploration of resistance, and reflection.

Micro learning is education delivered through short activities, spread across a period rather than relying on a single learning event. It is a continual approach that helps to keep important messages alive after training and policy implementation. It has been proven to boost engagement, absorption, and retention of information, and allows time to practice and embed the new skills learned.

Social learning is learning by observing other people and is based on the notion that people learn by observing the behaviours of others and through the power of storytelling. Leaders openly communicating about SHSA, and continually modelling expected workplace behaviours, is therefore an important social learning tool.

Active bystander and upstander training educates workers on how to take some form of action to address inappropriate or harmful behaviours when they see or hear about it happening.

Targeted learning is tailored to address the responsibilities, needs or experiences of specific groups with the organisation. This may include:

- **Board members:** All directors should be educated on the prevention of and response to SHSA and accompanying issues relating to gender, safety, and trauma. In addition, it is considered beneficial if a Board has at least one member with sophisticated and specialist skills, knowledge and experience on gender and workplace culture issues and/or effective prevention and management of sexual harassment.

- **CEOs, executive management and senior leaders**: Senior leaders and executive management teams should be educated on SHSA, gender, safety, trauma and good governance to develop their knowledge and understanding so they can exercise sound judgement and decision making regarding SHSA.
- **Officers**: should have training on their duty to exercise due diligence to ensure the organisation is meeting its duty to manage the risk of SHSA.
- **Specialist advisers**: These include human resources professionals, first responders, WHS teams, investigators, contact officers, lawyers, and others responsible for receiving and handling reports of sexual harassment and supporting workers. Those with specialist roles should be provided with specific education.
- **New workers**: Onboarding and induction into the organisation must include appropriate SHSA education, and highlight that induction is only the beginning of that education.
- **Vulnerable workers**: Those groups who are at higher risk of experiencing SHSA, such as young workers, workers with disabilities, ethnically diverse backgrounds, migrant workers, remote workers, and workers of Aboriginal and Torres Strait Islander descent, may benefit from education programs being tailored to address their needs.

While implementing all these elements of an effective education strategy may be challenging for small business, a key is to ensure that education is ongoing and that businesses do not rely on one method of delivery. Diversity in delivery is critical to success in educating the workforce.

The Western Australian Equal Opportunity Commission's (EOC) education team has a unique range of expertise and practical experience in the areas of sexual harassment, law, human resources and organisational change.

The EOC is in the position to observe at first hand the experiences of complainants, respondents and organisations, and uses this knowledge to keep its training programmes contemporary and relevant. As well as offering a range of general training courses, the EOC can customise and/or develop training that is cost effective and focused to suit the requirements of your organisation.

More information can be accessed at the [Equal Opportunity Commission](#).

Responding to SHSA incidents

Honest, respectful, and open communication is the key to eliminating SHSA and encourages reporting of SHSA to enable issues to be addressed and for repeat offences to be prevented.

All reports of SHSA should be treated seriously, handled confidentially, impartially, and investigated promptly, with appropriate support for the impacted person, and appropriate sanctions and disciplinary actions implemented where necessary.

Both internal and external reporting options should be provided to allow workers to choose how, when, and to whom they wish to report.

Internal reporting pathways will involve other workers of the organisation. Concurrently, external options should also be available for workers who may not feel comfortable in making a report internally.

Reporting pathways should be clearly outlined and easily accessible for all workers via staff intranet, induction packs, and noticeboards.

Reports can be made by impacted people, bystanders, upstanders, or other persons who know of SHSA occurring.

Workers are not be restricted by a time limitation between the incident and reporting. It is vital that workers are given the opportunity to share their experience when they feel comfortable. Organisations are to understand it may take time for those involved to process what has happened and feel ready to talk. There should be no repercussions for those who report SHSA.

The Sexual Assault Resource Centre (SARC) provide online and face-to-face education and training on sexual trauma and responding to disclosures of sexual assault in a trauma informed manner.

FIFO Focus and its partners have received a grant from DMIRS to deliver Specialist Trauma Training. This two-level program provides a progressive build of skills in response, investigation, and management of sexual harassment in the workplace.

Self-resolution

In the case of sexual harassment, the impacted person should, where possible, make the perpetrator(s) aware that they find their behaviour inappropriate or offensive, and that it needs to stop immediately. It is recognised that SHSA can occur in unequal relationships (i.e. between a supervisor and their direct report) and that it may be difficult for the impacted person to approach the perpetrator. There is no expectation for the impacted person to attempt self-resolution if they do not feel safe or confident to do so. If the behaviour continues, or if the impacted person feels unable to speak to the perpetrator(s) directly, they should contact the delegates who are trained and responsible for handling SHSA reports on behalf of the business.

In the case of sexual assault, the impacted person should go directly to the delegates and/or the police and not attempt self-resolution.

Internal pathways

Informal pathways

The objective of an informal pathway is to provide the perpetrator with the opportunity to stop their behaviour, while ensuring they also get a clear message their behaviour is offensive and may constitute SHSA.

Responding to issues through informal pathways may include:

- A manager speaking to the perpetrator about their behaviour.
- Facilitating or mediating an open and respectful conversation between the parties.
- An anonymous report.
- Putting system changes in place to prevent further issues, such as moving or changing the shifts of the perpetrator.
- The organisation initiating further reviews to understand any underlying cultural issues and taking preventative action such as education.

Advantages of informal management include being quick and adaptable, an ability to solve problems indirectly without identifying the impacted person and/or the perpetrator, it is less intimidating for the impacted person, and it can foster a culture of open and respectful conversations about behaviour and appropriate boundaries.

The disadvantages of informal management include outcomes that are unenforceable and may vary widely. Any action that is taken should be agreed upon with the impacted person.

Anonymous reporting

Anonymous reporting can encourage reports from impacted persons who may not want to formally report for fear of victimisation or traumatisation that might come from an investigation process. Anonymous reporting can occur in different ways including:

- a secure mailbox where the impacted person can submit their concerns in paper-based form; and
- digital platforms and technology.

Formal internal pathway

The objective of a formal pathway is to initiate fair and confidential inquiries of a reported incident by impartial and capable, internal or external investigators.

It protects the impacted person from further harm by ensuring the person is safe and supported.

The incident is documented, findings are made to substantiate what did and did not occur, proportionate disciplinary action may be taken, and restorative action identified.

Responding to issues through formal pathways may include:

- written statements and interviews about the incident;
- speaking to witnesses;
- gathering other relevant evidence;
- putting the allegations to the perpetrator and giving them the opportunity to respond;
- considering all the facts and deciding whether the behaviour has breached relevant policies and codes of conduct; and
- ensuring there are proportionate consequences for substantiated SHSA.

Advantages to formal internal pathway	Disadvantages to formal internal pathway
• Outcomes being more readily documented, enforced, and monitored. • Complaints can be handled consistently, allowing PCBUs to identify patterns or 'hidden' issues and address them at an organisational level. • If required, a formal record of the investigation can be produced; for example, if the matter escalates to litigation or a complaint is made to an external agency.	• More time-consuming for the PCBU and more emotionally draining for the parties involved. • PCBUs must be vigilant against the risk of victimisation and re-traumatisation of the impacted person.

External pathways

The objective of an external pathway is to provide the impacted person the choice to have the incident/s resolved by an independent, expert body that can assist the PCBU and the parties to reach an outcome or resolution.

There are a range of avenues for workers to obtain support and information on SHSA outside the organisation.

Workers should be supported if they wish to contact:

- their relevant union (for example the Western Mine Workers Alliance or the Mining & Energy Union);
- Australian Human Rights Commission;
- WA Equal Opportunity Commission;
- Fair Work Commission;
- WorkSafe WA; and/or
- Western Australia Police (phone: 131 444).

It is important to note there may be time limitations if workers are wanting to lodge a report with an external body (for example, 12 months if reporting to Equal Opportunity Commission unless the worker can satisfy the Commissioner there is good cause why it should be investigated).

Responding to issues through external pathways may include:

- participating in mediated discussions;
- parties agreeing to outcomes or resolutions, including compensation;
- escalating the issues to a Court or Tribunal if the matter cannot be resolved by conciliation; and
- findings and determinations may be made public.

Advantages to exernal pathway	Disadvantages to external pathway
- Independent, expert body assisting the PCBU, the impacted person, and the perpetrator to reach an outcome or resolution by agreement. - Outcomes may become legally enforceable.	- The complaint being taken out of the workplace and may take longer to resolve. - The PCBU (and/or perpetrator) usually becomes a perpetrator to the complainant. - If the PCBU does not voluntarily participate, the complaint cannot be resolved. - If the matter cannot be resolved, it may be escalated to a formal court or tribunal process, which can be time-consuming, costly and adversarial. - Final determinations are usually public.

It is important to be guided by the impacted person and support them to make their own informed choice.

Criminal offence

The most serious SHSA may also be considered an offence under criminal law. In that instance, it may be appropriate to refer the issue to the police. It is important to support the impacted person by contacting the police on their behalf (if they have given you permission) or accompanying them to make the report, if they wish you to do so.

PCBUs should consult with the police to determine whether a workplace investigation is likely to adversely impact any criminal investigation or proceedings. Precautionary action should be considered.

Legislative references: *Criminal Code Act Compilation Act 1913 (WA), Chapter XXXI.*

Limitation period for prosecutions

If a PCBU has breached their obligations under the WHS Act, there is a chance that WorkSafe may commence proceedings for an offence.

Pursuant to section 232 of the WHS Act, proceedings for such an offence (other than industrial manslaughter) must be brought within two years after the offence first comes to the notice of WorkSafe, unless there was a coronial inquiry or a WHS undertaking was given in which case a different limitation period applies.

Reporting obligations

Under the WHS Act, certain injuries and incidents must be reported to WorkSafe immediately after the PCBU or requisite duty holder becomes aware of the incident.

If workplace gendered violence causes injuries of a type specified in the WHS Act, such as the death of a person, a serious injury or illness or a dangerous incident, then the incident is notifiable.

For workplaces where the *Work Health and Safety (Mines) Regulations 2022* (WA) applies, there is an additional requirement for WorkSafe to be notified of any reportable incidents, including a workplace incident that could have caused serious harm to a person. Sexual assault would generally fall into this category. Failing to report a notifiable or reportable incident is an offence.

The **Respect in Mining Program** provides access to Reporting Channels fact sheets as a guide for how to report SHSA internally and externally. The flowchart on the next page outlines the complaint process in detail.

```
Alleged harassment occurs
        ↓
Complainant talks to an
Employee Support Person
or their Manager
        ↓
Complainant considers options
        ↓
```

Option 1: Self-Help   **Option 2: Informal Solution**   **Option 3: Formal Complaint**

Option 1: Self-Help	Option 2: Informal Solution	Option 3: Formal Complaint
Complainant wants to deal with the situation themselves but may seek advice on possible strategies from their Manager, HR, support person or union rep	Complainant's Manager, or support person speaks to the alleged harasser on the complainant's behalf	A complaint is made to the complainant's Manager, Human Resources or Chief Executive
OR	**OR**	Decision to proceed to formal investigation
Complainant writes a letter to the alleged harasser on a 'private and confidential' basis	A complaint is made, the alleged harasser admits the behaviour, further investigation is not required and the complainant is satisfied with the outcome	A formal investigation is carried out in accordance with this policy
Successful?	Successful?	Complaint substantiated or not
Yes — End of process / **No** — Consider options again	**Yes** — End of process / **No** — Consider options again	Appropriate action taken
		Complainant satisfied
		End of process

Note: if a manager observes inappropriate behaviour they can act without a complaint being made

Complainant may elect to take action via legislation covering sexual harassment

Legislative references: *WHS Act, s35 & s38.*
Work Health and Safety (Mines) Regulations 2022 (WA), reg 5, 675V.

Third party anonymous report

Some workers may want to disclose an experience of SHSA without making a formal or informal complaint.

They may report anonymously or ask that it remain confidential. A report of SHSA (even an anonymous report) should always be a trigger for action.

It is crucial that PCBUs respect the impacted person's privacy and wishes, but these do not override the positive duty to eliminate SHSA from the workplace. PCBUs must consider the risk to other workers and take action to eliminate, or minimise, that risk as far as possible.

There are steps PCBUs can take without identifying the impacted person, nor the perpetrator or incident that has been raised. For example:

- recording the report in a de-identified way while ensuring the confidentiality of the impacted person;
- reiterating to all workers' the organisation's sexual harassment policy, complaints procedure and available support, and inviting workers to make complaints;
- monitoring the alleged perpetrator's behaviour and intervening if new issues arise;
- speaking with other members of the alleged perpetrator's team to identify whether there is a cultural issue or pattern of conduct, or surveying workers more broadly;
- monitoring closely to ensure victimisation does not occur and intervening where issues arise;
- having a system to collect de-identified information and data provided by disclosures, while maintaining confidentiality; and
- implementing new procedures or work systems that reduce the likelihood or opportunity for further harassment. PCBUs should offer the worker referrals to counselling or other support and communicate the options for making a formal or informal complaint at a later time. Critically, PCBUs should also consider whether the incident raises broader cultural or systemic problems in the workplace and investigate those issues as well as the efficacy of the strategies, policies, and procedures currently in place.

Unsubstantiated complaint compared to false complaints

SHSA can often occur without any witnesses or direct evidence to support the impacted person's allegations.

Where a PCBU determines that a complaint does not meet the civil standard of proof (the balance of probabilities), this does not mean that a complaint is fabricated or that the harassment did not occur.

PCBUs should record the outcome of the complaint as 'unsubstantiated' and advise the parties of the same.

PCBUs should avoid making statements that suggest the conduct did not occur, or that the impacted person was lying.

PCBUs should also ensure that a reporting and complaints procedure provides reassurance that impacted persons will not be subjected to any form of victimisation if their complaint is not upheld.

PCBUs should avoid making findings that an allegation is false or malicious unless they have strong and compelling evidence to support this conclusion.

Step-by-step guide to responding to SHSA

Step	Title	Action

	Listen to the impacted person's story	• Show empathy, respect and concern while remaining impartial. Avoid judging or blaming the impacted person for the behaviour and emphasise that SHSA is never the fault of the person who experiences it.
		
		• Respond promptly and commit to taking the next step within a reasonable period of time, at least within two weeks.
		
		• Keep a confidential record of their report.
		
		• Suggested questions to ask the impacted person include:
		  ▫ When and where did the incident/s happen?
		  ▫ Who did it?
		  ▫ What was said and done?
		  ▫ What did you do? Have you spoken with the person? What was their response?
		  ▫ Has this person done it before? How did you deal with it then?
		  ▫ What is your work relationship with the perpetrator?
		  ▫ Did anyone else observe or hear it?
		  ▫ Have you told anyone else about what happened?
		  ▫ Did you keep any notes about what was going on? (diary/phone, for example)
		  ▫ Do you know what your options are?
		  ▫ Would you like a support person or a counsellor?
		  ▫ Would you like time off or other assistance?
		  ▫ What does resolution look like for you?
		  ▫ Do you want to make a formal complaint?
		  ▫ What can we do right now to ensure your physical and psychological safety?
		  ▫ What would you like me to do?

	Assess the situation to determine if immediate action is necessary	• Consider whether urgent or precautionary workplace action (pending investigation) is necessary to avoid further harm. • In all cases, the proposed urgent or precautionary action should be discussed and agreed with both the impacted person and the perpetrator, with regard to principles of procedural fairness and natural justice. • No adverse conclusions should be presumed due to the action taken or agreed upon. • Urgent action might include relocating the perpetrator or changing working hours or shifts or talking with the impacted person about what measures they would like to ensure their physical and psychological safety.

Step	Title	Action
	Provide information, referrals and options to the impacted person	• Explain the complaint process, confidentiality, relevant timelines, and options to the impacted person.
		• Explain any limits to confidentiality, or obligations supervisors or managers are required to take (such as recording the incident or escalating the complaint).
		• Explain the criteria for whether or not an investigation will be undertaken and how it applies to the complaint.
		• Inform the impacted person that they are entitled to have a support person with them throughout the process.
		• Support the impacted person to lead the process and decide on the next steps that are right for them.
		• Ask the impacted person what outcome they are seeking. If that outcome is not available, explain this and discuss what a successful resolution might otherwise look like from their or the organisation's perspective.
		• Provide referrals to relevant support services (for further information, see **Legal and Advisory Services**). Remind all parties, including upstanders and bystanders, that victimisation is against the law and will not be tolerated. Discuss any urgent action that might be required to protect against it, or to otherwise protect the impacted person's physical and psychological safety, privacy, and ability to do their job, while the complaint process ensues.
	Decide whether to informally resolve the matter or to investigate	• The decision of whether to investigate should be made with consideration of:
		▫ the seriousness of the allegation;
		▫ the wishes of the impacted person;
		▫ the health, safety, and wellbeing of the impacted person and other workers; and
		▫ the outcomes sought and any legal obligations.
		• The decision and reasons should be recorded and communicated to all parties.
		• The absence of any corroborating evidence or independent witnesses is not a valid reason not to investigate, nor is the timeliness of the complaint.
		• If informally resolving the complaint, record the outcome and follow up with the impacted person.

Step	Title	Action
	Formally investigate (with the impacted person's consent as appropriate)	• Advise the parties of the investigation process and the potential outcomes, including any outcomes that will be out of scope (for instance, that the investigation will not conclude with a finding of civil or criminal wrongdoing).
		• Advise the perpetrator that relevant details of any outcome will be disclosed to the impacted person.
		• Choose the investigator, including whether they will be an in-house or externally engaged person. The investigator should be impartial, objective, and have the necessary skills to conduct the investigation.
		• Provide procedural fairness to all parties, including sufficient information about the allegations and any potential workplace or disciplinary action that may be taken if the complaint is substantiated.
		• Be impartial when speaking with both parties and keep them informed while the complaint is being resolved.
		• Take notes and keep appropriate (confidential) records.
		• Engage with the impacted person in a sensitive and respectful manner, giving them as much choice and control over the process as practicable.
		• Consider all information and evidence including direct evidence of the allegations (such as documentation of the conduct or witness accounts) and surrounding evidence (such as evidence that the impacted person discussed their concerns to a co-worker or doctor).
		• The absence of independent witnesses or directly corroborating evidence should not be solely relied on to find a complaint unsubstantiated. Investigators should be prepared to interview the parties and make a credibility assessment where evidence is in conflict or not available.

Step	Title	Action
	Take action to resolve the complaint	• If satisfied that it is likely that the conduct occurred, take action that holds the perpetrator to account for their behaviour and minimises adverse impacts on the impacted person, upstanders, bystanders, and other workers. Actions could include, for example: ▫ A change to working hours or locations. ▫ An apology by the perpetrator. ▫ An agreement on protocols to manage the relationship moving forward. ▫ Refresher SHSA prevention training. ▫ Coaching or performance counselling of the perpetrator. ▫ Sanctions or disciplinary action. • Regardless of whether the complaint is substantiated, communicate relevant details of the outcome to the impacted person and the perpetrator. • If the complaint is not substantiated, consider what action could still be taken to prevent SHSA from occurring in the future, including monitoring the situation, reminding the parties of expected behaviour, conducting further training and awareness raising for workers. • Where a complaint is not substantiated this does not mean that the conduct did not occur. Accordingly, the impacted person should be treated sensitively, including being reassured that they will not face victimisation because of the outcome, and being offered referrals to relevant support services. • Document any decisions or outcomes. Ensure any decision-making framework for disciplinary action is consistently followed. • Advise the parties of any relevant options for internal review or appeal of the decision; for example, review by a more senior staff member or an external investigator. • Schedule a time to follow up with all parties to ensure that relevant actions are being completed, the impacted person has the support they need, and issues have not resurfaced.
	Record data	• Enter the incident into an appropriate, secure, confidential data-collection or reporting tool and safely store relevant records as per organisation policy

Step	Title	Action

	Debrief and reflect on lessons learned to prevent SHSA in the future	• Consider whether the complaint points to a broader problem in the workplace.
		• While maintaining confidentiality, consider what wider workplace changes could be made as a result of this complaint and what further investigation and consultation might be needed to uncover and address what is happening in the workplace. This step may be necessary even where the complaint has been found to be unsubstantiated.
		• Reflect on the strengths and weaknesses of how the complaint was handled. If safe and appropriate, this could include seeking feedback from workers who engaged with the process about what they felt worked well and what could be improved.
		• PCBUs must ensure investigation and complaint processes are applied consistently and impartially, regardless of the position or seniority of the perpetrator or impacted person. This is integral to ensuring workers have trust that complaints processes are fair and consistent.
		• PCBUs should also ensure:
		  ▫ The outcomes for the perpetrator (where the complaint is substantiated) are proportionate and appropriate to the seriousness of the conduct and hold the perpetrator to account.
		  ▫ External complaint processes are utilised where appropriate.
		  ▫ Non-disclosure agreements are not used to silence impacted persons or hide the prevalence of sexual harassment.
		  ▫ Although PCBUs may perceive there to be benefit in protecting senior or high-value perpetrators from disciplinary action or a complaints process, this approach overlooks the true cost of unaddressed SHSA in the workplace. Prioritising a perpetrator's continued employment and reputation over the impacted person's interests will not prevent workplace SHSA from occurring. Perpetrators will be encouraged to repeat their behaviour because they believe they can act with impunity, and workers experiencing SHSA will be deterred from reporting it because of a loss of trust in the PCBUs processes and leadership generally.

Disciplinary action

Anyone who has been found to have committed SHSA against another person could be subjected to any of the following sanctions:

- conciliation or mediation conducted by an impartial third party;
- a formal apology and undertaking a commitment that the behaviour will cease immediately;
- SHSA training/education;
- a verbal or written warning;
- an adverse performance evaluation;
- demotion;
- transfer;
- suspension;
- probation; and/or
- dismissal (with or without notice).

Perpetrators may also be required to undertake counselling as part of the process.

The nature of the sanctions will depend on the gravity and extent of the SHSA.

Suitable deterrent sanctions should be applied to ensure incidents of SHSA are not treated as trivial. Where proven, certain serious cases (including physical violence, sexual assault, or sexual violence) should result in the immediate dismissal of the perpetrator.

Record keeping

When a report of SHSA has been received, the date, name of the impacted person and the substance of the allegations – time, date, places, perpetrator information and incidents should be recorded.

All interviews with the impacted person, alleged perpetrator, and any identified witnesses should be documented.

Records should be accurate and not contain any irrelevant information. Records must be factual and not contain any opinion or bias from the person receiving the information. It is desirable that the interviewees' own words are recorded as far as possible.

The parties to a complaint and any witnesses should be given the opportunity to read, correct, and endorse their record of interview. The interviewee should be provided with a copy if they request it.

As with other types of conduct-related disciplinary matters, records need to be kept for a reasonable period. In determining how long records should be retained, consider the nature of the complaint and the action taken by the organisation and the other parties involved in the case.

Management, the impacted person and other workers have an interest in ensuring complaints are thoroughly investigated and followed up. To do this, records will need to be held after the event so the parties involved can be monitored and supported, and in some cases so it can be seen whether an incident is isolated or forms part of a pattern.

Organisations may decide to destroy records of a complaint after a certain period if there has been no repetition of the behaviour and no likelihood of involvement from an external agency.

If a report is made, is investigated, appears to have substance, and the perpetrator has been disciplined, a summary of the nature of the complaint, the outcome and the actions taken against them should be placed in their personal file.

The full record of the investigation and the interviews should be kept in a separate confidential file so that access is limited to authorised personnel only. This also applies to the records in cases where, after formal investigation, it cannot be established whether the report has substance or not.

The records need to be kept so that the situation can be monitored. If there are further allegations, the earlier report can be relevant in identifying a pattern of behaviour.

PCBUs should be aware that if an impacted person decides to report to an outside agency, the organisation may be identified as a co-respondent. Records of any internal proceedings will be useful in establishing whether the organisation took steps to address the report and prevent SHSA occurring.

Impacted persons need to have confidence in the organisation's ability to investigate and resolve reports of SHSA effectively. The record keeping practices are an important part of this process, particularly where some form of administrative action or counselling has occurred.

Organisations must have a clear policy on the collection, use, storage, and disclosure of any records associated with a report of SHSA. Information associated with a report needs to be handled sensitively and carefully to ensure confidentiality is respected.

Respect in Mining Program provides an Investigation Report template as an example structure that organisations could adapt or customise.

Privacy, confidentiality and transparency

Privacy and confidentiality

Confidentiality in SHSA cases means only those who need to know about the incident are to know the details. This means there may be times when it is not possible to meet an impacted person's request that the information 'goes no further' than the person they reported the issue to.

This is particularly the case, for example, when the issues are serious, involves someone senior in the organisation or there are psychological and safety risks to others.

Organisations should prioritise and protect the identity of an impacted person, and anyone else that the investigation reveals have been subjected to SHSA.

All details of the incident are to be kept confidential while an investigation is conducted, including media inquiries. It is impossible to fairly investigate an allegation if the incident is being openly discussed amongst workers and/or the media at the same time.

All parties involved including the impacted person, perpetrator, their support persons, witnesses, and the people receiving the report are required to keep details of the incident confidential until the investigation is concluded.

Once the matter is finalised, there is generally no restriction to the impacted person's right to speak in their personal capacity.

Transparency with external stakeholders

The following principles are recommended as the approach to communicating about incidents of SHSA where the allegation demands investigation, where the perpetrator or alleged perpetrator is one of the organisation's senior leaders and where there is legitimate public or stakeholder interest.

- The organisation should be transparent with internal and external stakeholders about the fact that SHSA claims exist.
- The identity of those involved will be protected during the investigation process.
- Everyone involved should be asked to keep any workplace investigation process confidential while it is underway with an exception for receiving expert counselling, legal advice or support from their support person.
- Once any investigation is complete, the complainant's right to speak will generally not be restricted.
- Where there is a legitimate public or stakeholder interest and an investigation has found that allegations are substantiated, the organisation may identify the perpetrator.
- Where an investigation has substantiated the allegations, the organisation should be transparent about the outcomes.

Internal transparency

For everyone to be assured that SHSA is being taken seriously, the organisation should be committed to sharing what they can about cases it deals with, while respecting the privacy of the people involved.

This does not mean full disclosure of all the details but considered sharing of relevant information to encourage organisational learning and prevent similar cases from happening in the future.

Support for people impacted by SHSA

An incident of SHSA has the potential to impact individuals in various ways. The impacted person, alleged perpetrators, upstanders, witnesses, and even the person receiving the report may be affected.

Workers may wish to debrief with a supervisor, senior manager, family, friend, or colleague. They may also require formal mental health support.

PCBUs must ensure all workers (impacted persons, perpetrators, upstanders, bystanders, and affected others) are properly supported throughout a complaints process, including through identifying and avoiding victimisation.

Making a report SHSA can be a daunting and confronting experience. Many people who experience SHSA are worried they will not be believed or afraid they will lose their job or jeopardise their career.

Ways to support workers when dealing with a report of SHSA include:

- Taking a victim-centric approach to the complaint by listening without judgement, keeping the impacted person informed at key stages and aiming to resolve the process without unreasonable delays.
- Supporting impacted persons to access relevant support services (see **External Support Services**).
- Engaging or appointing a suitable investigator to investigate the report impartially and sensitively.
- Considering the capacity of the impacted person, the perpetrator, or any witnesses to safely participate in the process, including any relevant health conditions or disabilities and basing any decisions on medical evidence.
- Ensuring the impacted person and perpetrator know they each are entitled a support person of their choice (which may include a union representative) in interviews and throughout the investigation.

- Focusing on outcomes that help create a safe workplace where the impacted person and others can continue to flourish and contribute.
- Recognising and minimising the impacts on upstanders, bystanders, and the workplace more broadly, particularly where impacted persons disclose to a colleague before speaking to their manager or where other team members witness the incident.
- Managing staff communications effectively, considering the importance of transparency and accountability, as well as obligations of confidentiality, procedural fairness, and natural justice.
- Providing sufficient support to managers and human resources staff and ensuring they are fully trained and skilled to hold sensitive conversations and respond appropriately to complaints.
- Understanding and utilising the role of equal opportunity contact officers, grievance officers, health and safety representatives, union delegates and leaders (at all levels) to support complaints processes and model appropriate responses and behaviours.

Trauma informed care and practice

Experiencing and recalling SHSA can commonly result in trauma. Trauma occurs when a person's ability to cope is overwhelmed. Trauma can have a significant effect on a person's physical, emotional, and psychological wellbeing.

The impacts of trauma may surface at any time, particularly when impacted persons tell or repeat their experiences, or when they encounter similar experiences shared by others.

Trauma looks different for people depending on their experience and other factors such as exposure to previous traumatic events, access to support and mental health status.

Significant effort has been made to understanding the requirements of recovery for those impacted by SHSA, resulting in the identification of a range of factors that positively influence post-incident recovery. These include the belief of peers, both personal and professional, the absence of victim stigmas, and the rebuilding of a sense of control and trust through acceptance.

A person-centred approach ensures the organisation listens to, empowers, respects, and supports impacted people. This means the impacted person chooses how they wish to report the SHSA and is involved in the decision about how to handle the issue. It respects the wishes and best interests of the person impacted but does not mean they solely decide the organisation's response or consequences for the perpetrator because the organisation still owes a duty of care to others.

Responses to SHSA have evolved as the nature and complexities of this type of incident have become better understood. An example of how best practice responses can be informed is the contemporary framework of Trauma Informed Care and Practice (TICP).

TICP is a strengths-based framework emphasising physical, psychological, and emotional safety for both service providers and survivors.

Responding appropriately to trauma and its effects requires knowledge and understanding of the nature and impacts of trauma, and broad-based workforce education and training to build capacity.

Research shows that by facilitating recovery through trauma-informed care, re-victimisation can be minimised, and self and community wellbeing and connectedness can be promoted.

The Sexual Assault Resource Centre (SARC) has a range of free online and face-to-face training available to organisations to upskill its response to disclosures of sexual harassment and sexual assault. See SARC education and training.

FIFO Focus and its partners have received a DMIRS grant to provide specialist training on the effective response, investigation and management of sexual harassment in the workplace. This course is an initiative under "the MARS Program.

Respect in Mining Program provides **Legal and Advisory Services** and **External Support Services** which contains a list of various Western Australian and national organisations who can provide legal and/or assistance to those impacted by SHSA.

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