

Episode 125: Summary

Episode name: From Research to Practice: Applying Behavioural Science to Prevent Sexism and Sexual Harassment in the Workplace

Guest(s): Dr Karen Tindall

What area(s) of law does this episode consider?

Mitigating workplace sexism and sexual harassment; behavioural science.

Why is this topic relevant?

Sexism and sexual harassment in the workplace remain pressing issues that affect employees' well-being, productivity, and career progression. As organisations strive to create inclusive and respectful environments, it becomes crucial to explore strategies that can effectively combat these behaviours. One promising approach involves leveraging insights from behavioural science to influence and reshape workplace norms.

By understanding how people perceive and respond to social norms, organisations can develop targeted interventions that empower employees to act when they witness inappropriate behaviour. This approach not only addresses the immediate issue but also contributes to a cultural shift towards greater respect and equality in the workplace.

What legislation is considered in this episode?

Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth) ('Respect at Work Act')

Australian Human Rights Commission Act 1986 (Cth)

Anti-Discrimination Act 1977 (Cth)

Sex Discrimination Act 1984 (Cth)

Disability Discrimination Act 1992 (Cth)

Racial Discrimination Act 1975 (Cth)

Age Discrimination Act 2004 (Cth)

What are the main points?

- The *Respect at Work Act* made key changes to protect workers from sexual harassment and sex discrimination. Employers now have a positive duty to take reasonable measures to eliminate discriminatory conduct, including workplace harassment. The Australian Human Rights Commission also has new functions to monitor compliance with the new employer obligations.
- There has been a shift in these provisional changes on sexual harassment and sex discrimination toward proactivity rather than reactivity.
- Policies, programs, and services are often designed with the assumption that people always make rational decisions by weighing costs and benefits carefully. However, humans often act on mental shortcuts and biases.
- Behavioural science interventions enhance traditional tools like policies, programs and services by considering human behaviour nuances, making incentives more impactful. Interventions address individuals' motivation and can reflect social norms to promote behaviour change effectively.

- By understanding human behaviour, strategies are created to improve systems and policies to shift workplace culture towards respect and inclusivity. The Behavioural Insights Team have worked on specific interventions like bystander intervention to foster a more respectful workplace environment.

What are the practical takeaways?

- Understanding workplace environments and the behaviours that need to change is key to addressing behavioural barriers, such as fear of retaliation or lack of trust in the reporting process. Initiatives to simplify reporting processes and increase awareness can encourage reporting and intervention against harassment.
- Being an effective active bystander involves various actions. Calling out behaviour in the moment can deter the perpetrator from repeating it. Other actions include talking to the perpetrator, reporting the behaviour, and supporting the target by expressing disapproval, offering help, and checking on their well-being. It is crucial to do what you are comfortable with and educate yourself on further steps for future incidents.
- It's important for organisations to assess if foundational policies and reporting mechanisms are in place before implementing any interventions. Encouraging reporting without an effective system in place can be detrimental.
- It is crucial to consider both individual actions and systemic changes to improve workplace culture. Collaborating with HR, people and culture, and equity, diversity and inclusion teams, and utilising resources from organisations like the Human Rights Commission can promote leadership and cultural improvements within an organisation.

Show notes

The Behavioural Insights Team Australia ([link](#))

Behavioural Insights Team Resources with VicHealth ([link](#))

The Human Rights Commission's Factsheet on the Respect at Work Act ([link](#))

The Law Council of Australia's '*National Attrition and Re-engagement Study*' (the NARS) in 2014 ([link](#))

The International Bar Association's '*Us Too? Bullying and Sexual Harassment in the Legal Profession*' in 2019 ([link](#))

Review of Sexual Harassment in Victorian Courts and VCAT in 2021 ([link](#))

Review of Harassment in the South Australian Legal Profession in 2021 ([link](#))