



BEHAVIOUR MATTERS

Leading by example is the first step in minimising the impact of workplace harassment.



BY KAREN GATELY

With the likes of disgraced movie mogul Harvey Weinstein dominating news headlines it would be hard to miss the spotlight shining brightly on sexual harassment in the workplace right now. Weinstein is just one person in a seemingly endless list of leaders who are finally being held accountable for disgraceful abuses of power ranging from inappropriate sexual remarks to violent crimes.

While many of the high-profile cases recently reported by the media relate to instances of harassment in the entertainment

industry, the harsh reality is it's a pervasive issue. One study undertaken by the Australian Human Rights Commission in 2018 found 39 per cent of Australian women and 26 per cent of Australian men had been sexually harassed at work in the previous five years.

The courage of Weinstein's victims, and many others like them, is drawing well overdue attention to the issue.

With heightened awareness, however, has also come a degree of anxiety across the business community about where appropriate boundaries lie and what employers and employees can do to protect themselves from harm and the legal ramifications of non-compliance.

Among the most powerful steps any employer can take to ensure the workplace is free of harassment is to make behaviour matter, in everything that you do. Begin by ensuring your values are clearly defined and articulated. From the beginning of your relationship with every employee paint a clear picture of how they are expected to behave.

Then practice what you preach. Leading by example and holding both yourself and other people accountable for behaving in ways any reasonable person would regard as respectful is key. Your team is entirely more likely to believe that you are sincerely working to create an environment free of harassment and other forms of unlawful conduct, if they observe you taking decisive action to address issues.

Hire only people who demonstrate values aligned with those of your organisation. If you get the hiring decision wrong, fail fast. Take firm but fair steps to address any conduct that is misaligned and likely to cause disruption or damage to the culture of your business.

In the event a complaint is raised, reserve judgement and investigate issues properly. Be careful not to jump to quick conclusions based on unfounded assumptions or unconscious biases. Give both the complainant and accused fair and reasonable opportunity to be heard, and remain objective as you investigate the concerns brought to your attention.

For example, it would be wrong to jump to the conclusion that the guy on your team who's had quite a few girlfriends since joining the business, must be guilty of the sexual misconduct he's being accused of. Just as inappropriate is leaning toward the view that the woman on the team who has dated a lot of guys at work must be making up the complaints she's raised.

Take a respectful approach and demonstrate that you take complaints of harassment seriously. What that means is you are committed to understanding the truth and taking necessary steps to address breaches of your code of conduct or the law.

Avoid the all too common mistake of treating the accused as though they are guilty before any complaint has been substantiated. While it may be reasonable in some extreme circumstances to suspend the accused with pay while an investigation is undertaken, be mindful of the damaging impact this course of action can have on the person's trust in and engagement with your business.

While vexatious claims are relatively rare, it is common for parties to have different views of the same reality. In other words, people make sincere complaints which are met with just as sincere protests of innocence.

For example, what one person considers innocent banter another may find harassing. In many circumstances reminding people of boundaries and educating them about how and why they need to stay on the right side of them, is enough to resolve brewing issues. ■



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