



Terms of Reference

Context

In 2020 Professor Meredith Nash was contracted by the Australian Antarctic Division (AAD) to provide advice, support and project deliverables on gender equity diversity and inclusion in the Australian Antarctic Program. The outcomes of Professor Nash's research were handed down to the AAD in 2022.

The research study points to a culture that has accepted incidents of sexual harassment, gendered inequality and people from underrepresented groups feeling excluded and diminished. This is consistent with recent reports indicating that the risks of sexual harassment are increased in isolated or remote environments and environments with an unequal gender balance. The study also found that women did not trust HR systems to make formal complaints about inappropriate behaviour given the fear of losing their positions or being stigmatised, including in relation to sexual harassment.

Independent specialists in organisational culture have been working with AAD to develop an action plan of training, policy and behaviour that will build a culture where everyone is respected and included.

Work has already been undertaken in relation to this, including the following.

- In the last 12 months, the AAD has gone from a senior executive cohort that was 100 percent male, to equality.
- Fifty percent of station leaders last season and for the next season are female.
- Revision of the expeditioner recruitment process, including a more rigorous assessment of behavioural patterns.
- Updates to the Field Manual and Expeditioner Handbook to provide more information around behavioural expectations and guidance on managing inappropriate behaviour.
- Leadership training began earlier this year and has been delivered to many of AAD's Executive Level staff.
- Bystander training has been delivered since 2021 with more than 200 of our people having completed the training.
- Specialist advisors have been engaged to consider this report and provide advice on concrete next steps.

However, given the substance of the study, it is important that further independent consideration be given to ensuring that staff feel safe at work, they are able to be themselves at work, and that the right systems, processes and protocols are in place to support staff who may experience bullying or harassment, or other harmful behaviours.

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Scope

1. Provide advice to the Secretary of the Department of Climate Change, Energy, the Environment and Water in the form of a written report setting out findings and recommendations in relation to:
 - a. Actions taken to date to address the findings and recommendations of the Nash Report;
 - b. Progress on cultural change and creating an inclusive workplace where staff in Antarctic and working in head office feel safe and valued; and
 - c. the adequacy of the systems, policies and processes in the department to:
 - support AAD staff who may experience bullying, harassment and other forms of inappropriate behaviour;
 - be accessible and well-known to AAD staff; and
 - facilitate confidential complaints in a way that employees feel safe, that their complaints will be responded to in a timely way and they are confident that their concerns will be treated seriously.
2. The independent person will consult with AAD staff to assess:
 - a. Any leadership capabilities or asymmetrical power relationships that are creating increased risk of inappropriate behaviours.
 - b. The specific work systems and job design issues that contribute to increased risk of sexual harassment, bullying and victimisation.
 - c. The arrangements, cultures and systems that make it difficult to report sexual harassment, bullying and victimisation.
 - d. The arrangements, cultures and systems that make it less likely that sexual harassment, bullying and victimisation will be appropriately addressed.
3. The independent expert will be supported by the Department's Integrity team to conduct the review and will consult to identify and assess sexual harassment, bullying and victimisation work hazards, and to identify potential controls, using a work health and safety risk framework.

Objectives

Taking a best practice approach, the Review will:

- a. Consider whether AAD has sufficient strategies and programs to prevent the occurrence of inappropriate behaviour, including sexual harassment, that target root causes, the responsibility of individuals for their actions and the responsibility of third parties to call out inappropriate behaviour.
- b. Consider the current impediments to reporting and levels of support available for those reporting sexual harassment and inappropriate behaviour including the fear of victimisation by those who make reports.

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- c. Examine the adequacy, effectiveness, independence, resourcing and awareness of current supports available to enable a safe and respectful workplace, in particular preventing and responding to workplace bullying, sexual harassment and sexual assault.
- d. The recommendations of the Review should include clear accountabilities for implementation and, opportunities to prevent inappropriate behaviour and improve reporting and support those who experience it. The recommendations should also propose a process for regular monitoring and evaluation.
- e. Consider the specific work systems and job design issues that contribute to the risk of sexual harassment, bullying and victimisation.

This review will be informed by best practice mechanisms and processes including:

- The Research Study into diversity, equity and inclusion into the AAD undertaken by Associate Professor Meredith Nash
- Consultations with staff using the Australian Human Rights Commission [Have your Say - Conversation Toolkit](#) (or other appropriate resources)
- The Safe Work Australia [Model Code of Practice: Managing psychosocial hazards at work](#) of July 2022;
- The [Respect@Work Sexual Harassment National Inquiry Report 2020](#);
- The Champions of Change “Disrupting the System” Report
- Comcare’s [Guide for Preventing and Responding to Workplace Bullying](#);
- the Commonwealth Ombudsman’s [Best Practice Complaint Handling Guide](#); and
- Existing work health and safety mechanisms, staff survey results, complaints data, Health and Safety Representative reports, Employment Assistance Program (EAP) trend reports, information received during staff exit interviews, reports from stakeholders and regulators, and any data received from online reporting tools.