

COMMERCIAL IN CONFIDENCE

Research by MindTribes Pty Ltd and the University of Melbourne,
in Racism and Discrimination

SAFER WORKPLACES FOR WOMEN OF COLOUR PROJECT



CPSU Victoria



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This report acknowledges the traditional custodians of Australia and pays respect to elders both past and present. We recognise their continual connection to land, waters, and community, and acknowledge that sovereignty has never been ceded as we strive for a more inclusive Australia. This land always was and always will be, Aboriginal land.

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DISCLAIMER

The University of Melbourne, its staff and participating students will bear no responsibility for any loss or inconvenience arising to the client organisation and/or any third party which may arise through the use of the data or recommendations from the consulting research project and final report.

If you have any questions regarding this report, please email fbe-capstonestudies@unimelb.edu.au.

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EXECUTIVE SUMMARY

The Safer Workplaces for Women of Colour project is funded by WorkSafe Victoria and managed by the Community and Public Sector Union (CPSU) as a result of both organisations' shared commitment to safety in the workplace. The project aims to develop strategies for preventing and responding to race-based bullying and discrimination in the workplace. This report completes the project's research component and will guide stakeholder engagement for future phases.

DEFINE

Women in the workplace are often exposed to misogynistic bullying and harassment. Minority groups may similarly experience bullying and harassment in the form of racism and discrimination. Falling at the intersection of both gender and ethnicity, Women of Colour as a minority group are particularly vulnerable. The intersection of gender and race has a compounding effect and Women of Colour consequently face bullying and harassment to a degree greater than that experienced by other groups.

PLAN

The aim of this report is to suggest ways in which CPSU can advocate against the racism and discrimination that Women of Colour experience in the Victorian Public Service (VPS). This report forms a part of a larger project by CPSU, and as such, focuses more narrowly on the following areas:

- How workplace racism and discrimination manifests and what the impacts are.
- The linkages between workplace racism, discrimination and bullying.
- Barriers that discourage Women of Colour from reporting incidents.
- Strategies that Women of Colour can adopt to safely raise issues with employers.
- How employers can effectively prevent and respond to workplace racism and discrimination in a timely manner.

RESEARCH

This report comprises two parts. In part I, we explore the current manifestations and impacts of workplace racism, the linkages between racism, discrimination and the workplace, and the internal and external barriers to reporting.

In part II, we assess options and propose a recommended approach for CPSU to advocate against workplace racism and discrimination towards Women of Colour.

RECOMMENDATION

The overarching recommendation is for organisations to build an enabling framework to respond to, address and prevent incidents of racism and discrimination internally. This framework consists of

1. Voice (Race advisory panel to promote diverse decision-making and confidential and anonymous reporting)
2. Education, Awareness and Coaching (including training for leadership and employees)
3. Tracking Metrics (improving diversity in leadership positions, independent monitoring of outcomes)
4. Clear governance (policies, programs, and targets)

Three external interventions are assessed in their effectiveness to have organisations adopt the framework (via compliance, or incentivisation).

1. Hazard reduction via compliance with Occupational Health and Safety regulations with the introduction of punitive penalties under the remit of WorkSafe¹ Victoria
2. Regulation supported by a Racial Discrimination Commission and/or by Victoria's Gender Equality Commission to guide and enforce compliance
3. An incentivised approach – highlighting “best in class” organisations

It is the view of the researchers that all three interventions can be adopted separately or concurrently. The VPS's appetite for change and capability to execute should be considered in adopting each intervention (separately or concurrently).

¹ WorkSafe Victoria (WorkSafe) regulates risks to workplace health and safety through the Occupational Health and Safety Act 2004 (OHS Act).

INTRODUCTION

This report explores the ways in which racism and discrimination adversely impact Women of Colour in the workplace and provides strategies that CPSU and WorkSafe Victoria can employ to make the workplace a safer environment. The report will provide insights and practical advice for the public sector to address racially motivated workplace bullying towards Women of Colour in a timely and meaningful way.

PROJECT SCOPE

Safer Workplaces for Women of Colour is a collaborative project between CPSU and WorkSafe Victoria, which aims to develop prevention and response strategies to address race-based discrimination and bullying in the workplace. This research was commissioned following the outcomes of the 2019 CPSU Women of Colour Conference and the 2020 Workplace Safety Workshop to investigate potential ways to address racism and discrimination. The key focuses of this research are the impacts of racism and discrimination, the incident reporting process, and the potential strategies that public sector organisations can adopt to appropriately address racism and discrimination issues.

The scope of this report is specifically focused on addressing the following questions:

- What are the impacts of and the various ways in which racism and discrimination manifest in the workplace?
- What are the linkages between racism and discrimination and workplace bullying in the workplace?
- What barriers discourage Women of Colour from reporting incidents to employers?
- What strategies can Women of Colour adopt in safely raising issues of workplace racism and discrimination to employers?
- How can employers effectively prevent and respond to workplace racism and discrimination in a meaningful and timely manner?

LIMITATIONS

We acknowledge the limitations of this report and recognise the following areas are out of scope for the project:

Systemic racism such as discriminatory recruitment practices and advancement opportunities were covered in previous research; and will therefore will not be the focus of this report.

This project investigates explicitly issues faced by Women of Colour in the workplace. This is reflected in our research and initial focus groups, which exclusively involved Women of Colour.

The term *Women of Colour* in this report is based on individual self-identification which is in alignment with CPSU's previous stakeholder engagement activities and with the definition used by the VPS Women of Colour Network^[61].

The sample size of Women of Colour in the focus groups and survey completed for this project was relatively small. This was in part due to participant availability, the sensitivity of the research topic and the emotional exhaustion many participants relayed, at the request to provide more evidence of racism and discrimination in the workplace. Many of the findings in this report are supported by the findings of other research, specifically a survey and stakeholder engagement activity conducted by the VPS Women of Colour Network^[61].

This report is not explicitly addressing racism or race-related bullying of any racial/ethnic group. It is important to acknowledge that Aboriginal and Torres Strait Islander women experience racism, race-related bullying and discrimination at a rate up to four times^[63] other women. Given that, we believe that consultation with Aboriginal and Torres Strait Islander employees in the VPS on their views of the recommendations contained in this report is required.



DEFINITIONS

We acknowledge the subjective nature of defining racism and discrimination, as well as workplace bullying. For this report, we adopt the following definitions:

RACISM

is any prejudice, discrimination, or hatred directed at a party because of their colour, ethnicity, or national origin that prevents the party from enjoying dignity and equality because of their race. Racism can manifest in many forms. While overt racism is explicit and intentional, covert racism is subtle and disguised beneath any visible or tangible event.^[1]

DISCRIMINATION

occurs when a person, or a group of people, are treated less favourably than another because of their background or certain personal characteristics.^[2]

WORKPLACE BULLYING

refers to “repeated and unreasonable behaviour directed at an employee or group of employees that creates a risk to health and safety.”^[3]

WORK-RELATED GENDERED VIOLENCE

is any behaviour that arises due to a person’s sex, gender, or sexual orientation that create a risk to a person’s health and safety.⁴

INTERSECTIONALITY

refers to the ways in which different aspects of a person’s identity can expose them to overlapping forms of discrimination and marginalisation.^[5]

WOMAN OF COLOUR

The term Woman of Colour is based on individual self-identification and typically refers to women who do not self-identify as “white”. It is used fundamentally to unite women who may experience multiple layers of marginalisation and inequality based on race, ethnicity and gender.

CASE BACKGROUND

CPSU has already conducted studies prior to the initiation of this research. These findings are summarised below and have been used to inform and support our research. The scope of this project was not to retrace any of this research, but rather to extend it, to address the specific questions set out by CPSU.

“How can CPSU advocate against racism and discrimination to create a safer workplace for Women of Colour in the public sector?”



PREVIOUS CPSU ENGAGEMENT WITH WOMEN OF COLOUR

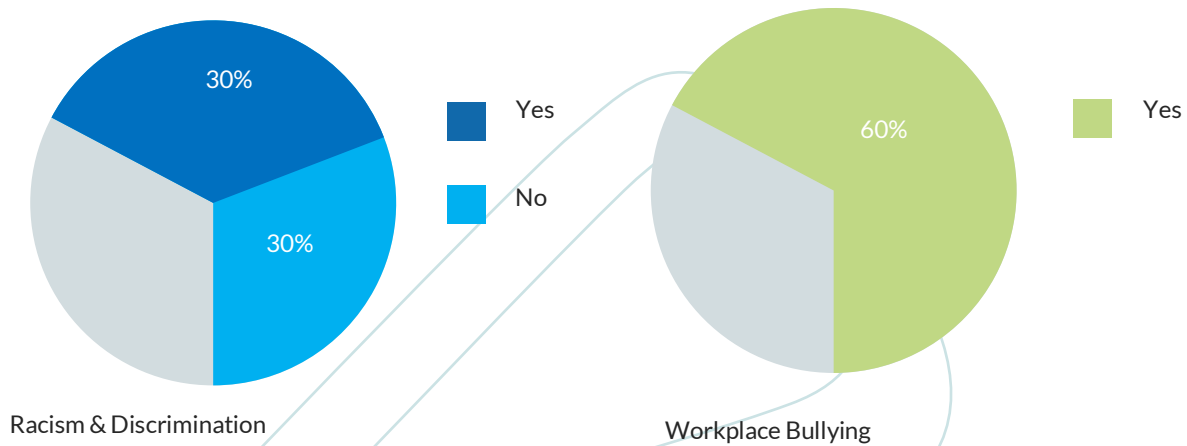
In 2019, CPSU conducted a conference and several workshops to understand the views of Women of Colour on workplace racism, discrimination, and violence.²⁰ The conference and workshops fundamentally found that racism and discrimination are major contributors to “poor workplace culture” and pose a significant barrier for Women of Colour in the workplace. Thirty-two (32) percent of respondents to a pre-conference survey indicated that they had personally experienced workplace racism, and fifty-eight (58) percent of respondents had personally experienced bullying or harassment in the workplace. However, of those who indicated they had experienced workplace racism, sixty (60) percent chose not to report the incidents due to a range of barriers that will be covered in this report. Furthermore, those who did report suggested that reporting the issue did not lead to satisfactory follow-up actions. Instead, complainants commonly received no response, or some discovered later that the department had relocated the perpetrator(s) to another work area. This approach is ineffective as it fails to address the underlying problem and places further burden on the victim. Informal resolution was the most common departmental response to dealing with complaints.

Other significant reasons for choosing not to report racism, discrimination and bullying were:

- A lack of trust in management to investigate and respond impartially.
- A lack of belief that reporting would help to change the situation.
- A view that speaking up would negatively impact the complainant’s career.

CPSU’s survey and conference also drew attention to the ineffectiveness of current strategies that fail to focus on perpetrator accountability.

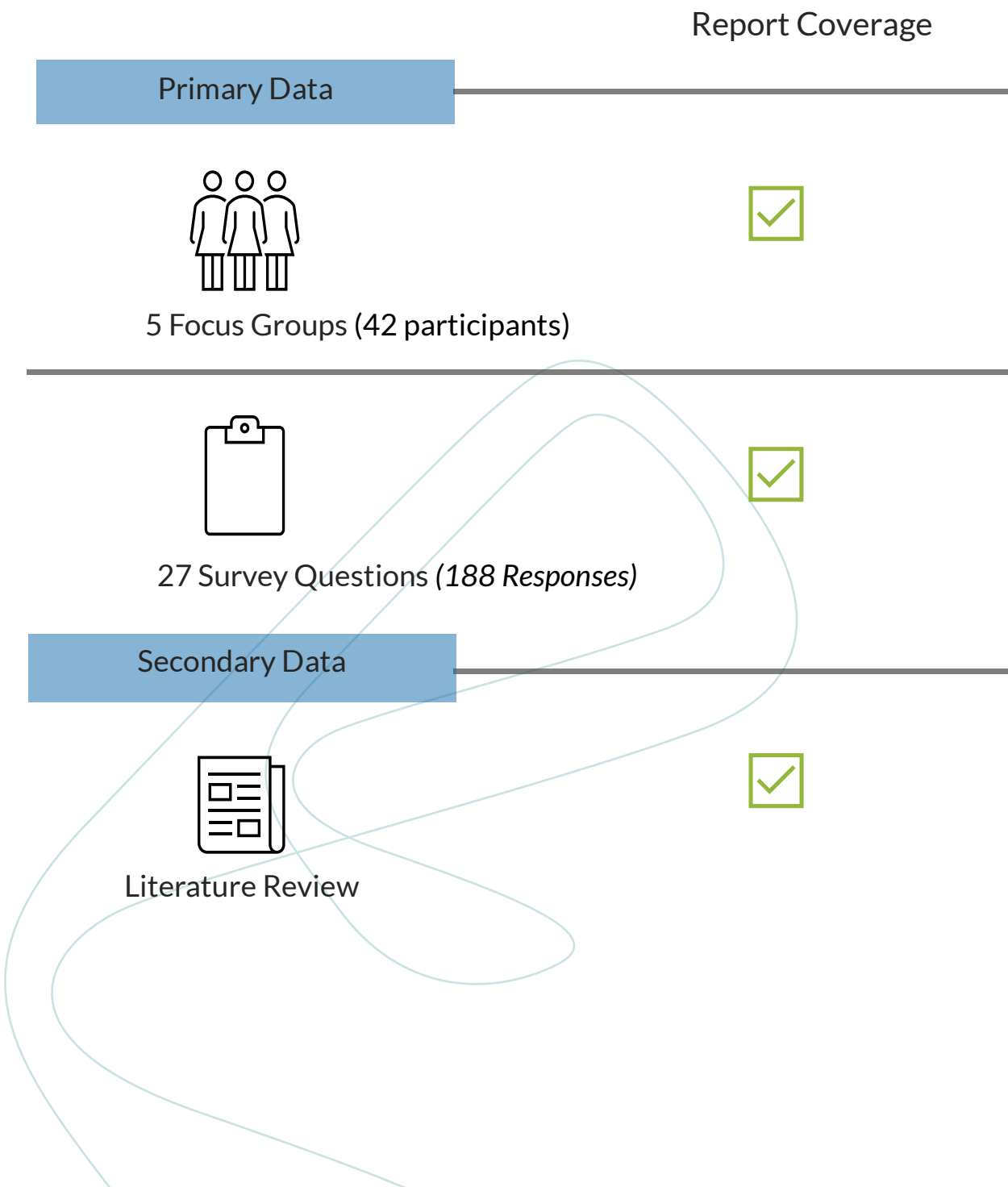
Figure 1: Percentage of Women of Colour who faced Workplace Racism, Discrimination or Bullying



RESEARCH METHODOLOGY

The consulting team used a combination of both primary and secondary research to address the questions set out in the scope. Both primary and secondary sources complemented and supported each other in a way that allowed a greater breadth as well as depth of understanding. The primary data was collected using two approaches: focus groups and survey data, both of which were completed in Phase 2 of this study. The secondary research consisted of a literature review of relevant texts, websites, articles, white papers, and publications.

Figure 2: Report Coverage



A. LITERATURE REVIEW

We have sourced local and international reports and literature to explore how the research questions were addressed globally. The literature review considered best practices and frameworks to understand what has been successfully implemented, what has failed, and the reasons behind failure and success. This approach supported our analysis and recommendations in determining potential solutions to practically tackle workplace racism and discrimination.

B. FOCUS GROUPS

The consulting team conducted five focus groups in this project – three with 17 volunteer Women of Colour participants employed in the VPS, and two focus groups with 25 managers and senior leaders in the VPS of multiple diverse backgrounds. The focus groups encouraged participants to share and discuss their personal views and experiences around racism and discrimination in their workplace.

The themes of the first three focus groups were:

1. Barriers to reporting incidents of racism and discrimination in the workplace.
2. How to create a more effective reporting process where workers have confidence in the system.
3. The effectiveness of punishment vs reward policies as a deterrent to racism and discrimination.

Two additional focus groups were conducted, with participants of diverse backgrounds,

1. To explore the likelihood of adopting proposed external approaches and internal mechanisms (to manage and reduce discrimination and racism in the workplace]
2. To understand the practical barriers to implementing the recommendations in the workplace

C. SURVEY

Following the focus groups, the consulting team created a survey with the intention of validating and supporting the key findings from the focus groups. The survey was intended to determine participants' level of comfort for different anti-racism and discrimination initiatives, and it was designed to complement the qualitative data gathered from the focus groups with quantitative data.

The survey consisted of 27 questions and was circulated through CPSU's Women of Colour group and membership list. The survey questions have been included in the report in Appendix C. The survey's objectives were:

1. To explore how racism and discrimination occurs.
2. To obtain participant perspectives on the impact of racism and discrimination.
3. To understand the potential barriers that prevent individuals from reporting incidences.
4. To examine what an "appropriate strategy" looks like to Women of Colour.

188 employees of the VPS responded to the survey, 184 identified as female and 114 identified as either a person of colour, a culturally and linguistically diverse person, a person from a non-English speaking background or a person of mixed ancestry.

PART I: CURRENT STATE

Understanding Bullying and Harassment and Its Intersection with Racism and Discrimination in the Workplace

- #1 Bullying and Harassment in the Workplace
- #2 Causes of Workplace Bullying and its Intersection with Racism and Discrimination
- #3 Women of Colour as Susceptible Targets of Workplace Racism and Discrimination

How Racism and Discrimination Manifests in the Workplace

- #1 Racism and Discrimination as Bullying and Harassment in the Workplace
- #2 The Effects of Experiencing Racism and Discrimination

Internal and External Barriers to Reporting

- #1 External Barriers
- #2 Internal Barriers to Reporting: Internalised or Conditioned Racism

Organisational Responses to Racism and Discrimination

- #1 Incident Handling
- #2 Consequences
- #3 Prevention

UNDERSTANDING BULLYING AND HARASSMENT AND ITS LINK TO RACISM AND DISCRIMINATION IN THE WORKPLACE

1 BULLYING AND HARASSMENT IN THE WORKPLACE

Racially motivated discriminatory behaviours in the workplace typically fall under the broader category of workplace bullying which encompasses ill-treatment and hostile behaviour towards people at work^[10]. Workplace bullying can also include mobbing, emotional abuse, harassment, mistreatment, and victimisation^[11,12]. It ranges from subtle, even unconscious incivilities to the more explicit and intentional emotional abuse. According to WorkSafe Victoria, workplace bullying is defined as repeated, unreasonable behaviour directed at an employee or group of employees that creates a risk to health and safety¹³.

A 2010 study by the Productivity Commission found that workplace bullying in Australia cost the economy up to \$36 billion, annually⁶²

These behaviours can be summarised into seven main categories:^[4]

1. Work-related bullying relating to workload or tasks, e.g., unreasonable workload or deadlines
2. Social isolation – e.g., not invited to meetings or social events
3. Attacking personal attitudes and values – e.g., insulting beliefs, religion
4. Verbal aggression such as threats and humiliation
5. Spreading rumours and affecting the reputation of the individual, including blame for something they have not done
6. Attacking the personal domain – including social media harassment
7. Physical intimidation - including body language

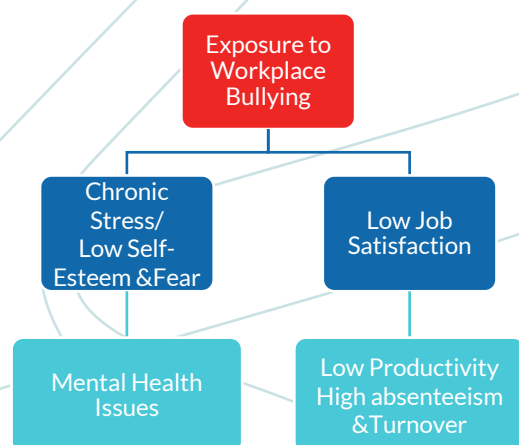


Figure 3: Examples of Impacts of Racism and Discrimination on Victims

Both the literature review and our analysis suggest that behaviours that fall under workplace bullying and the different manifestations of racism tend to overlap. Such behaviours arise from the prejudices, which may be implicit or explicit biases, that perpetrators hold towards their victim^[12]. The scope of this report covers the prejudices that pertain to the intersection of race, ethnicity, and gender in the case of Women of Colour.

2 CAUSES OF WORKPLACE BULLYING AND ITS INTERSECTION WITH RACISM AND DISCRIMINATION

There are two common explanations for why racially motivated workplace bullying occurs.

“Predatory bullying” is based on in-group out-group bias. that is, it occurs when the victim is perceived to belong to an ‘outsider group’ relative to the workplace culture.^[12] For example, an Asian woman in a white male-dominated department may be discriminated against by virtue of belonging to the perceived ‘Asian’ group. In this example, bullying manifests from racially rooted in-group out-group mentality.

On the other hand, the “retain-and-build personal power hypothesis”^[13] describes bullying behaviour that is used to repel workers who are perceived as a threat to the dominant culture of the organisation^[8].

These motivations are facilitated by numerous factors such as power imbalances between perpetrator and victim. These power imbalances can be between an individual and their supervisor or an individual and a group of colleagues^[12]. In both cases, the power imbalance can cause the victim to experience difficulty in protecting themselves^[13].

Another factor that facilitates workplace bullying is ‘implicit permission’^[11]. This occurs in circumstances where the organisation gives the perpetrator a sense of support or implicit permission to engage in workplace bullying, through inadequate attention or penalties to deter bullying. Examples include managers that pretend not to notice or are unwilling to apply any punitive measures to discourage bullying.

3 WOMEN OF COLOUR AS SUSCEPTIBLE TARGETS OF WORKPLACE RACISM AND DISCRIMINATION

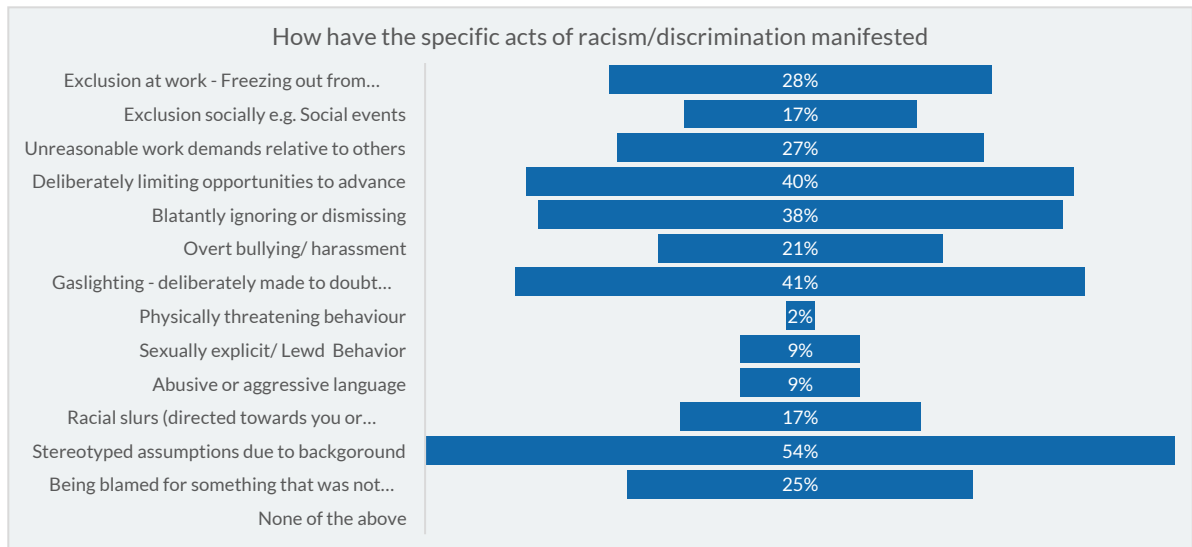
Women of Colour regularly find themselves as a minority in the workplace, in most cases being both the gender and racial minority. Women of Colour face bullying resulting from the intersectional effects of both misogyny and racism^[15]. A 2016 study titled “Bullying and Harassment in Australian Workplaces” found that women are “more likely to receive unfair treatment because of their gender”^[13], and experience significantly higher levels and longer periods of bullying than men.

FOCUS GROUP RESPONSE

Focus group participants revealed some of the same experiential manifestations of racism towards Women of Colour as the 2016 study, including:

- Name-calling (Verbal Abuse)
- Unacknowledged work contributions (Work-related Bullying)
- Exclusion from social events and meetings (Social Isolation)
- Being blamed for somebody else’s mistake (Slandering Reputation)
- Facing hostile body language and/or tone of voice (Physical Intimidation)
- Bullying outside of the workplace – primarily on social media (Personal sphere)

SURVEY DATA:



Survey responses for Woman of Colour were consistent with the focus group findings:

- Verbal Racial Abuse – 17 percent
- Exclusion from social events and meetings – 28 percent
- Being blamed for something that was not your responsibility – 25 percent
- Overt bullying and harassment – 21 percent
- Gaslighting – 41 percent

The survey also identified 9 percent as having experienced sexually explicit behaviour which, while low in comparison to other experiences, constitutes a form of discrimination that can inflict serious harm to the individual. Such behaviour can also cause significant damage to an organisation's reputation if it escalates to the threshold of criminal behaviour.

“I wasn't able to be included even when I've specifically asked for it, and I was kept in silence; I was told to do all the work without even knowing what it was for.”

- Woman of Colour

HOW RACISM AND DISCRIMINATION MANIFESTS IN THE WORKPLACE

1. RACISM AND DISCRIMINATION AS BULLYING AND HARASSMENT IN THE WORKPLACE

As with all workplace bullying, racism and discrimination can include relatively minor instances such as repeated name mispronunciation to major instances such as physical assault or behaviours that cause critical damage to an individual's career, e.g., the threat of dismissal^[8,12].

Like bullying, racism and discrimination can also be divided into direct and indirect behaviours^[10,12]. Direct behaviours are explicit and overt, for instance, racial slurs by a colleague or a supervisor towards a target. In contrast, indirect behaviours are subtler and harder to observe directly, and therefore, more difficult to report and punish – for example, being ostracised in your department.

Some current workplace policies and practices have made some progress in deterring overt racist behaviours; however, many workplaces still feature subtle, and sometimes even unconscious, manifestations of racism, including neglect, incivility, mocking humour, inequitable treatment, and other forms of “microaggressions” and “micro-inequities”^[10].

Ultimately, what all forms and severities of racially motivated bullying have in common are that they position the victim to experience a state of psychological fear and inferiority.^[13] These acts, when frequently and persistently directed towards one individual, can become a major source of work-related stress that can be more crippling than other work-related stressors combined¹¹.

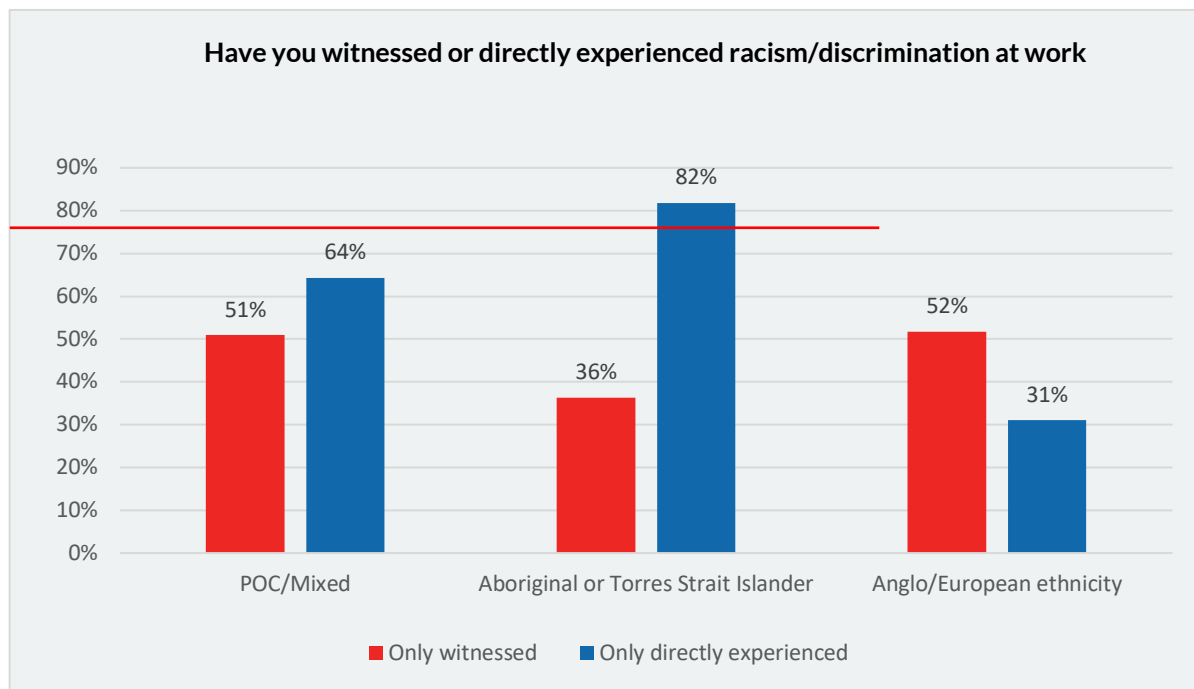
According to a US study, women are at a higher risk of being targeted^[19]. The US study also highlighted that 20 percent of all bullying incidents contain an element of racial discrimination. The bullying and harassment of Women of Colour is compounded by the intersectional experience of both racism and sexism.

“It’s hard at times when [Racism and Discrimination] is hidden, you always think you’re making it up or blowing it out of proportion. “

- Woman of Colour



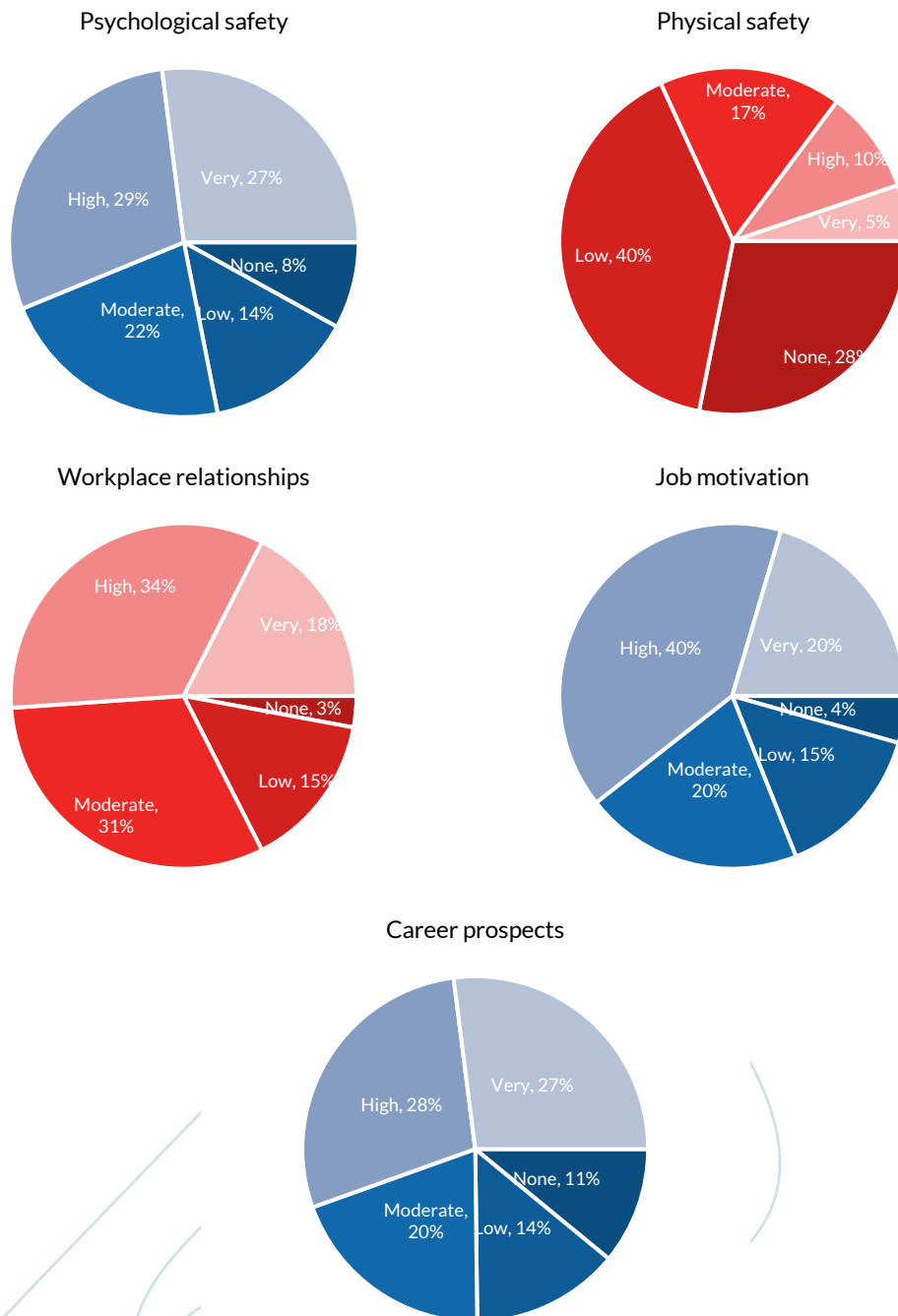
SURVEY DATA:



76 percent of all respondents either witnessed discrimination, experienced discrimination or had both witnessed and experienced it

The racism and discrimination that People of Colour experience in many aspects of their lives has a significant impact on their mental and physical health^[6,7]. Studies show strong linkages between perceived discrimination and psychological impacts on victims such as depression and chronic stress and other issues relating to self-esteem, interpersonal experiences, and career development^[8]. These psychological impacts are recognized (since 1961)^[9] as having a direct impact on job satisfaction and performance and are addressed in the next section.

WHAT IS THE IMPACT OF SYSTEMIC RACISM ON YOUR...



Consistently across all ethnic groups, more than 50 percent of respondents felt that the impacts of systemic racism were high or very high for their psychological safety, job motivation and career prospects. 15 per cent of respondents expressed concern for their physical safety.

15 percent of respondents being highly or very highly concerned about their physical safety is a significant percentage of the polled group and warrants closer attention to avoid situations that may cause serious harm to the individual.

51 percent report being severely impacted by the effects of racism in terms of psychological safety, job motivation, and career prospects. These statistics reinforce the need to address racism and discrimination urgently to manage the harm caused.

2. THE EFFECTS OF EXPERIENCING RACISM AND DISCRIMINATION

Research has shown that over time, racism and discrimination can affect an individual's physical and mental health^[5]. Chronic stress and low self-esteem are commonly experienced by victims of workplace discrimination in addition to anxiety, depression, post-traumatic stress disorder, generalised strain, psychosomatic symptoms, and burnout^[11,13,14]. These effects lead to job dissatisfaction and decreased performance which, in turn, deteriorate overall organisational function^[14].

MENTAL HEALTH IMPACTS OF BULLYING AND HARASSMENT AND RACISM AND DISCRIMINATION

The effects of workplace bullying on mental health (such as stress, anxiety, depression, and burnout) and motivation (such as increased absenteeism, decreased job satisfaction and increased intention to leave) have been well documented in research.^[44]

Anxiety and major depression may be a direct consequence of the stress induced through discrimination. Racism is considered a type of emotional abuse and the associated stress (including anger, anxiety, vulnerability and sadness) of this cumulatively results in psychological trauma and "emotional burnout".^[43]

Of particular significance, racial discrimination in employment and in government settings is associated with "high or very high psychological distress"^[47]. The frequent occurrence of discrimination in Australian workplaces is not in the scope of this report, however it has been covered in many other studies including a recent survey conducted by the VPS Women of Colour Network^[61].

"Siloing" is described as when dominant majorities in the workplace congregate and gravitate to like-minded groups (often centred around race or gender). Siloing leads to further alienation of minority individuals who are made to feel more vulnerable. Women of Colour may be stereotyped and deemed as part of a group not fully accepted by the dominant organisational cultural group²⁴. These silos lead to social isolation, discomfort, and poor mental health of minority individuals. Though siloing can be intentional or unintentional, participants from our focus groups identified unconscious bias as a primary driver of isolation within their workplace.

"Gaslighting" occurs when an individual is made to doubt themselves and question their own memory, perception, or judgment. A 2011 study of black African nurses in Australia identified gaslighting being used in the context of racist behaviour, when the nurses were subjected to racist stereotypes and micro-aggressions such as pervasive, subtle remarks that undermined their professionalism and skillset, implying a level of incompetence^[47,56]

Employees may experience gaslighting by the perpetrator or their line manager if they are made to feel that they are over-reacting by raising a seemingly insignificant incident of racism or discrimination. The occurrence of covert and implicit racism facilitates this gaslighting as incidents of more subtle racism are more difficult to tangibly prove. These slights, or micro-aggressions, cause people to feel invisible, and rejected, resulting in low self-esteem. The consequent inability to directly address constant, pervasive humiliation results in self-doubt, race-related stress, anger, and indignation. This can lead to "conditioned racism" where people begin to accept the negative perceptions of themselves or their racial group, which leads to further psychological distress.^[43]

In organisations with diverse workforces, a positive and psychologically safe environment has been shown to improve all employees' (not only minority groups') performance. An environment where employees feel confident to express themselves without fear of being judged as inferior or incompetent has been shown to be a principal motivator of employee performance⁴⁶.

In a recent survey conducted on behalf of Victoria Legal Aid (VLA), a statutory authority under the Department of Justice within the VPS, acts of “vicarious racism” were also identified. Lawyers who witnessed racism towards their clients by external associates in external environments, such as courts, tribunals, mental health facilities or in other outreach locations, felt that they were unable to act due to a lack of power in the specific situation, or due to the belief that speaking up would make the situation worse for their client. While the racist behaviour was not directed at the lawyers (often they were of the same race as the perpetrator), their inability to confront the racist behaviours left them feeling stressed and anxious. This feeling of powerlessness was particularly heightened by the perpetrators’ expectation that the witness remains silent and, in so doing, be complicit in maintaining the status quo.

FOCUS GROUP RESPONSE

Focus group participants reported some of the following effects:

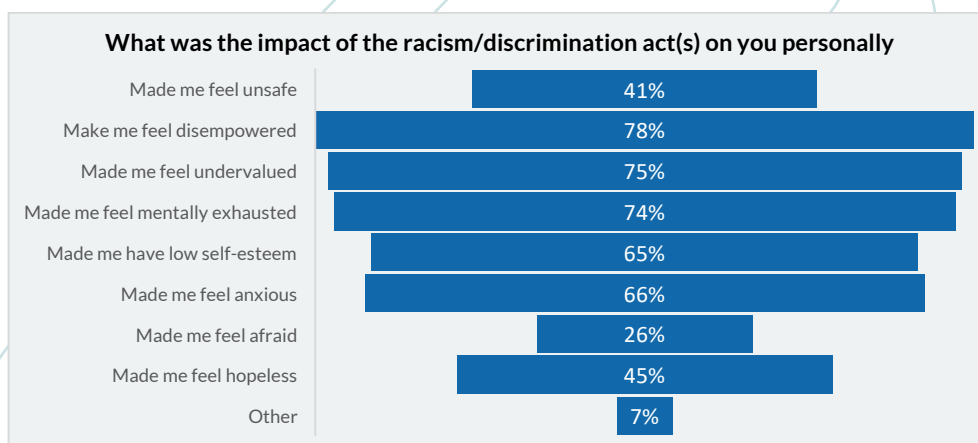
- Negative feelings towards going to work
- Unease participating and other work withdrawal behaviours (some mentioned others who had quit their job)
- Reduced job satisfaction and productivity, making them feel undervalued
- Lowered self-esteem and confidence
- Changes in their outlook towards both current and future workplaces
- Feelings that they are unable to be themselves and unable to feel safe at work

The ongoing belief that an individual carries about the racism and discrimination they will likely experience with current and future workplaces has been defined as racial trauma, or race-based trauma^[53], and may suggest a form of stress with symptoms similar to Post-Traumatic Stress Disorder (PTSD)^[14,53].

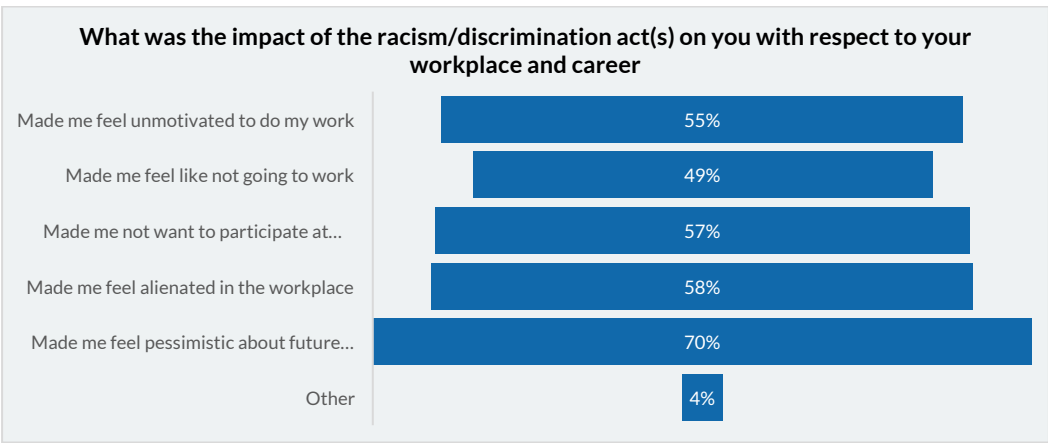
This would be further compounded if they also experienced or witnessed similar behaviour in a new workplace, which may act as a reminder of their trauma^[12] – what is commonly referred to as “a triggering experience”. The impact of workplace bullying may extend past the victim and affect witnesses of the behaviour who have themselves experienced bullying in the past.

From a financial point of view, the physical and mental health problems stemming from workplace bullying result in increased organisational costs associated with sick leave and rehabilitation. Workplace bullying comprises nearly a third of mental stress compensation claims, which generate the largest proportion of costs relative to all other claims^[13,14].

SURVEY RESULTS



The majority of respondents to the survey, who had experienced or witnessed racism, discrimination or race-related bullying, have also reported experiencing feelings of disempowerment (78 percent), anxiety (66 percent), and low self-esteem (65 percent) in line with previous studies.



Given the psychological impacts to the individual, organisations have a positive duty of care to ensure that the work environment is safe from psychological hazards such as discrimination, racism, and race-related bullying. Furthermore, as indicated in the above chart, reducing racism and discrimination will improve employee motivation and productivity.



INTERNAL AND EXTERNAL BARRIERS TO REPORTING

1. INTRODUCTION

Both internalised and externalised racist and sexist stereotypes constitute barriers that Women of Colour face in their reporting of incidents involving racism and discrimination. Whilst these forces may overlap, it is important to distinguish between the two and their impact on the reporting of incidents.

External barriers exist as a product of systemic racism within our society, manifesting via institutional and structural components. Common institutional factors applied to minority groups include stereotyping and microaggressions, which may arise due to conscious or unconscious biases. Structural racism varies in that it involves macro-level systems, including social forces, policies, economics, and organisational factors that reinforce inequities between minority and majority groups^[18]. (Typical examples include a lack of clear anti-discrimination policies, poor complaint systems, managers/colleagues who bully people who complain, organisational culture that sees complainants as troublemakers).

Accordingly, structural racism is more insidious to address as it is widely accepted and interlaced within various elements of society, requiring active opposition from all parties to eliminate.

Internal barriers (internalised racism or conditioned racism) are a direct consequence of the institutional and systemic forms of racism and discrimination (identified in the external barriers) imposed on Women of Colour, most commonly by a more dominant group separated by either race or gender¹⁷. This may result in creating feelings of internal discomfort and self-doubt about one's own cultural and/or gender identity. Conditioned racism and sexism also discourage individual dialogue, engagement with reporting processes, and inhibits individuals from recognising incidents of bias and discrimination, while promoting self-doubt or a sense that efforts to complain or seek justice would be futile.

2. EXTERNAL REPORTING BARRIERS

EASE OF REPORTING

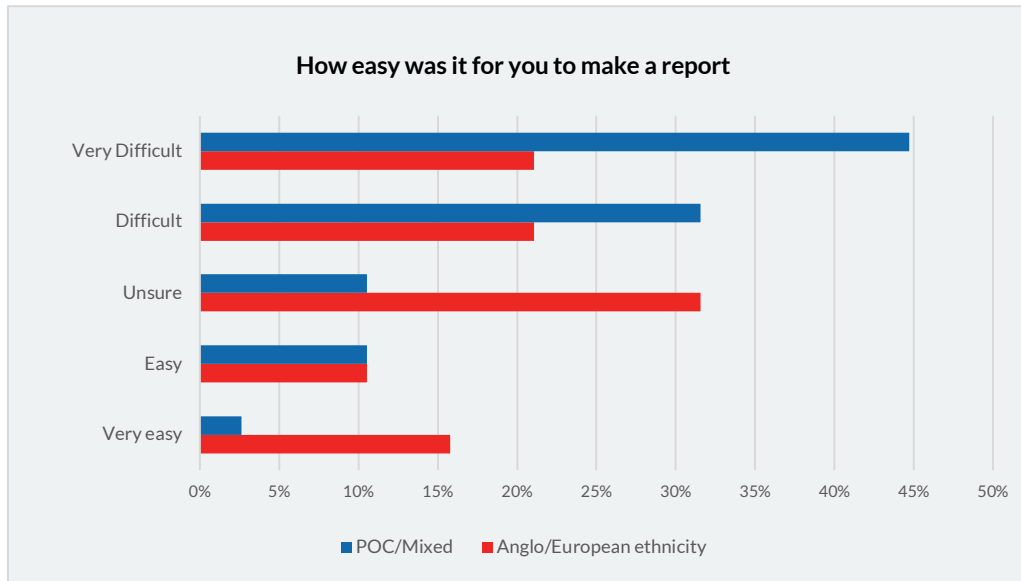
Despite the anti-discrimination policies and available reporting practices within organisations, individuals are unlikely to report incidents of discrimination if they feel their efforts will be futile or if the report will lead to negative consequences such as hostility from line managers. While an organisation may have certain policies and practices well documented to deal with discrimination, organisational culture constitutes a significant external barrier to an individual's willingness to report.

Fear of being seen as a troublemaker, being socially isolated, or being demoted or dismissed may lead to compliance and underreporting of workplace discrimination. Additionally, a lack of English proficiency also constitutes a barrier to reporting. When complaints are racialized, individuals who speak English as a second or third language may find themselves as "the problem" if the organisation attributes the complaint to a misunderstanding due to a lack of English language competency.

The research on the experiences of the migrant nurses in Australia^[56] highlights that there was a general neglect and dismissal of their experiences of workplace social dynamics, particularly relating to more covert forms of everyday racism which are harder to provide evidence for. This neglect reinforced their racialisation.

Workplace cultures that perpetuate inequality through undermining and questioning the competency of Women of Colour also form a barrier to reporting. Such cultures reduce the individual's confidence and trust in the organisation, which results in the belief that reporting experiences of discrimination will be invalidated or met with resistance^[25].

SURVEY RESULTS



While the majority of all respondents found reporting difficult, 76 percent of people of colour respondents found reporting difficult or very difficult, compared with 42 percent of respondents with Anglo/ European ethnicity. Ensuring that the ability to report is accessible and that systems are universally trusted and understood is critical for employees to engage with the reporting process either as witnesses or targets.

POWER DYNAMICS AS A BARRIER TO REPORTING

Workplace bullying is exacerbated by associated power and organisational hierarchy. Individuals in lower-power positions (subordinates, part-time) are more vulnerable to being victims of bullying and discrimination than those in higher-power positions (supervisors, bosses)^[25].

Furthermore, victims of bullying are less likely to come forward when perpetrators are those in higher-level positions. Given the implications of power dynamics, witnesses are also much less likely to report instances of racism and discrimination involving senior staff members.

Acting manager was reluctant to lodge a report, system triggered a number of internal services contacting me, but it was a simple 'tick and flick' exercise without any actual support to me.”

- Woman of Colour

FOCUS GROUP RESPONSE

In the focus group interviews, participants highlighted a lack of support from managers when accessing complaints systems, and in some cases being actively discouraged from reporting by their managers. Where the perpetrator of bullying or racism, was the manager, respondents feared reprisals and victimisation.

SYSTEMIC ISSUES AS A BARRIER TO REPORTING

Systemic components of racism and discrimination are harder to change and quantify as they exist within the less observable structures of the workforce and society as a whole. While accepted standards can be mitigated by individual behaviour, system-wide improvements within organisations are often reliant on a top-down mandate^[26].

Being systemic in nature, there is also difficulty identifying intent because perpetrators often conform to accepted norms, beliefs and stereotypes that enable, support and reinforce discrimination^[25]. As an example of systems that support perpetrators, a Workplace Bullying Institute survey^[18] estimates that 60 percent of witnessed occurrences of racism and discrimination result in negative actions, ranging from doing nothing (41 percent) to actively ostracising victims for fear of association (14 percent)^[19].

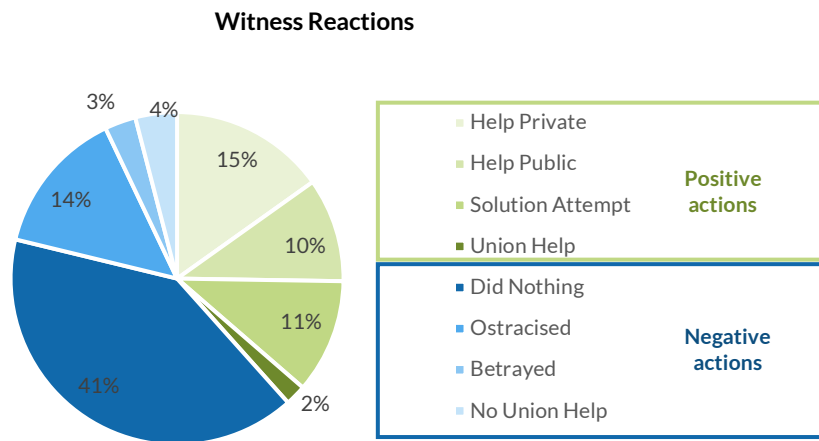
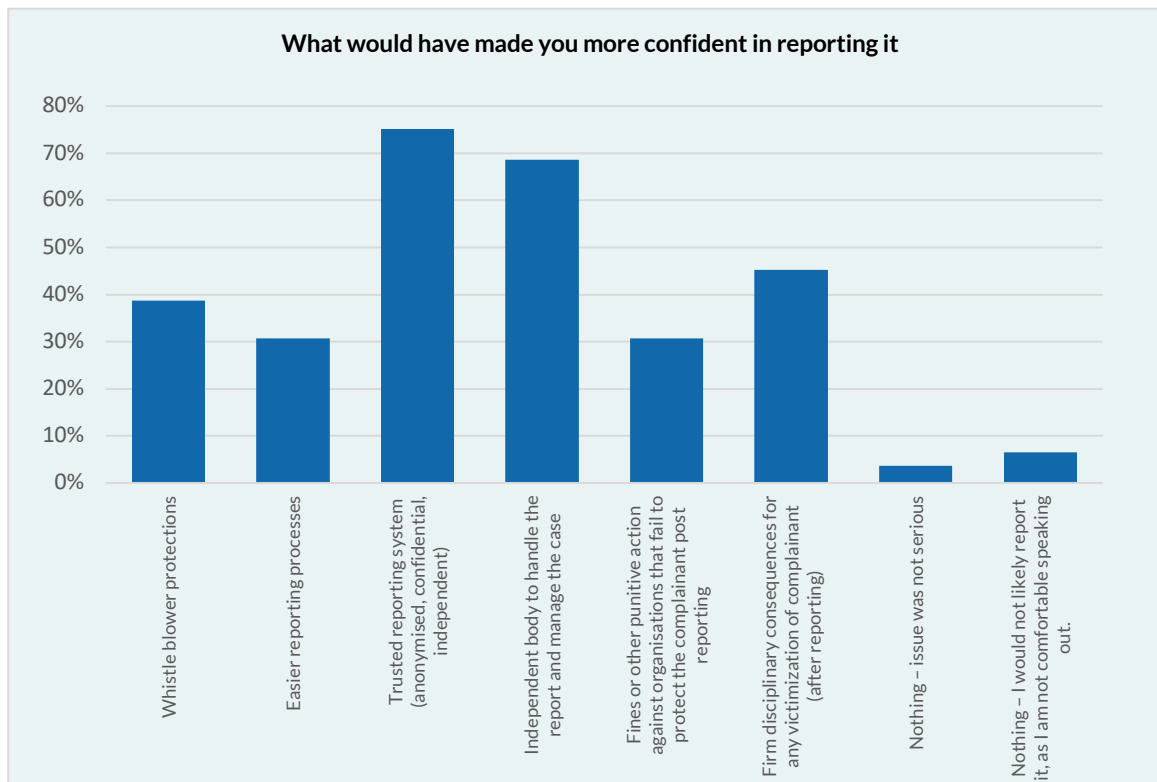


Figure 4: Witness Reactions to Racism and Discrimination in the Workplace - 2017 U.S. Workplace Bullying Survey^[19]

FOCUS GROUP ANALYSIS

Focus group participants identified the importance of addressing systemic issues as a fundamental component to encouraging reporting. Specifically, they cited a need to diverge from traditional “top-down” organisational cultures that create power imbalances.

SURVEY RESULTS



Anonymous and confidential reporting, with an appropriate mechanism for an independent body to take responsibility for case management would address some of the systemic issues raised earlier, and help organisations address cases of workplace bullying when they arise.

Furthermore, a confidential system with robust whistle-blower protections would address the concern of reprisals against victims and/or witnesses.

3. INTERNAL REPORTING BARRIERS: INTERNALISED OR CONDITIONED RACISM

NORMALISATION, SHAME AND HUMILIATION

Normalisation, a feeling of personal shame and humiliation and internalised racism were identified as **internal** barriers to reporting experiences of racism and discrimination in the workplace.

The data from both the focus groups and the survey showed that approximately 60 percent of participants did not report instances of racism/discrimination in the workplace. This is significantly higher when compared to studies ^[20] where race was not a mitigating factor.

Based on the focus group responses, this disparity can in part be attributed to the effects of internalisation - with participants citing “disempowerment”, a fear of being labelled as a “troublemaker”, and mental anguish as barriers to reporting.

Normalisation

The normalisation of racism and discrimination can lead to a lack of awareness and therefore an acceptance of incidents of racism. Women of Colour may fail to report incidents due to a lack of awareness on what constitutes appropriate behaviour.

Unlike overt, major examples of racism, microaggressions and gaslighting are covert forms of racism that often manifest through social interactions in the workplace. The normalisation of subtle forms of racism is reinforced when managers fail to intervene in such interactions. Managers are integral in shaping the interactions that either perpetuate or challenge discrimination.

“The person who was getting all the bullying, has not had [their] contract renewed/extended. The bully is one of the manager’s shining lights and can do no wrong”

– *Anglo Celtic Ally*

FOCUS GROUP RESPONSE

Focus group participants indicated that there were many instances where they felt racially discriminated against where the perpetrator was seemingly unaware of their behaviour. Most common incidents concerned microaggressions, where participants reported being exposed to offensive yet subtle remarks from colleagues that often appeared “unconsciously racist”.

Whether the perpetrator was cognizant or oblivious to their actions, both scenarios have the potential to normalise discriminatory behaviour. Unable to determine clear intent, many Women of Colour questioned their reality, i.e., they felt perpetrators were “gaslighting” them by creating feelings of self-doubt and warping their perceptions of acceptable workplace standards.

SHAME AND HUMILIATION

“Invisibility syndrome”, defined as a condition where an employee believes that their talents, capabilities and identity are less valued, leading to reduced self-esteem, is a recognised consequence of racism and discrimination^[43].

A study by the Workplace Bullying Institute (WBI) in 2017 indicated that 40 percent of bullying targets are believed to suffer adverse health consequences, including humiliation and shame, which prevents the reporting and sharing of bullying incidents¹⁹. Women of Colour report facing embarrassment, particularly if they are uncertain if they will be believed when raising complaints against anyone within a workplace clique. In the U.S., 45 percent of nearly 90,000 discrimination complaints made in 2015 included a charge of retaliation which suggests that the original reporter was met with ridicule or demotion. Once it becomes established that grievance systems are ineffective or lead to some form of negative consequences, employees become less likely to raise complaints^[52].

The shame and ridicule experienced as a result of making a complaint may lead to further social isolation for Women of Colour, especially if they already feel a lack of belonging within their organisation.

Because it can be quite covert, it can be very micro in its form;
it can cut you off from your peers and others. You don't say it.
And in speaking out, you know you are wrong.”

– Woman of Colour

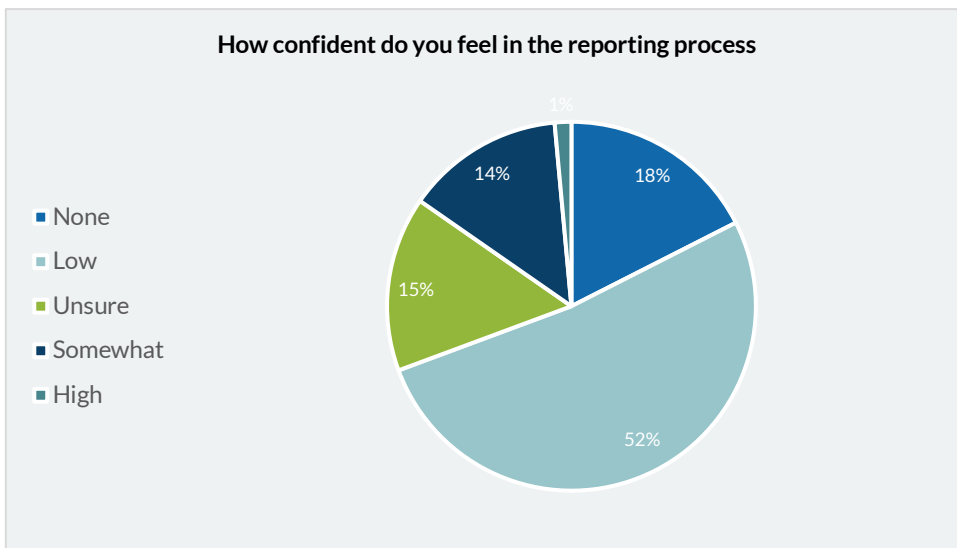


DISTRUST IN REPORTING PROCESSES

Distrust in reporting processes constitutes a significant barrier to reporting racism and discrimination. Beliefs that reports will not be taken seriously, or that reporting will be met with negative consequences (hostility, shame or being seen as a troublemaker) lead Women of Colour to feel a lack of safety associated with reporting processes^[52].

Previous engagement with Women of Colour by CPSU indicates that of 32 percent of union members who admitted experiencing racism or discrimination in the workplace, 60 percent did not report it, citing a lack of trust for impartiality (29 percent) and fear of the effect on promotion (22 percent) as contributing factors^[20].

FOCUS GROUPS ANALYSIS



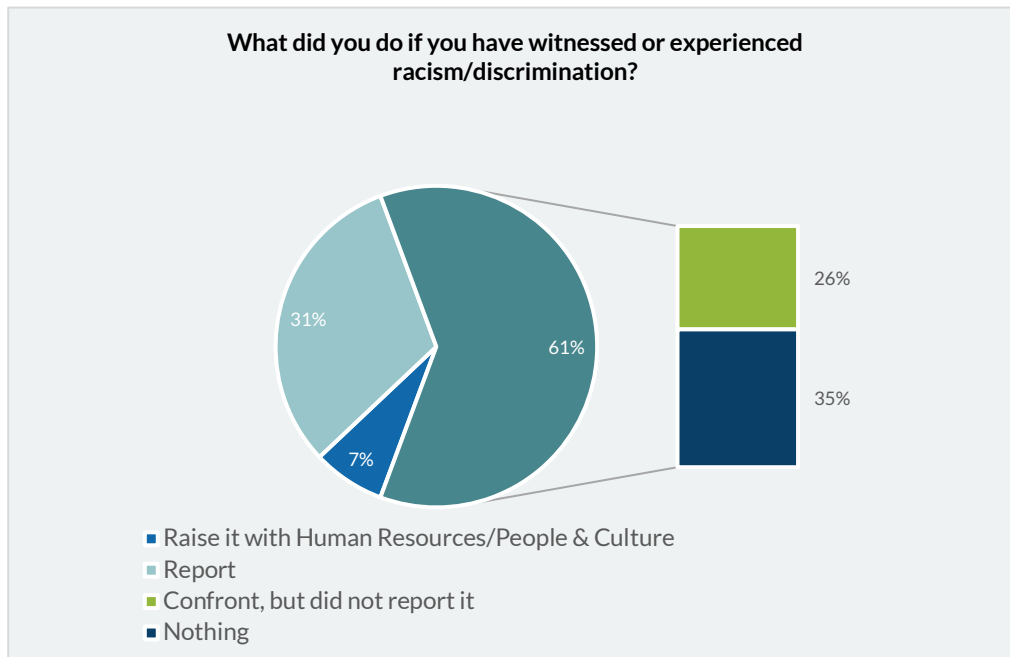
69 percent of respondents felt low or no confidence in the reporting process and only one percent had a high confidence in the reporting process. A major barrier to reporting was the potential impacts on career or job security. Participants felt that perpetrators avoid accountability in current reporting processes. Where perpetrators do face consequences, these are usually limited to apologies or to actions that are not made known to victims due to the workplace's duty to protect confidentiality.

Focus group participants believed that sham investigations are the norm. For example, in some instances where preliminary steps were taken after reporting, key information was omitted from complaints as a result of managerial bias.

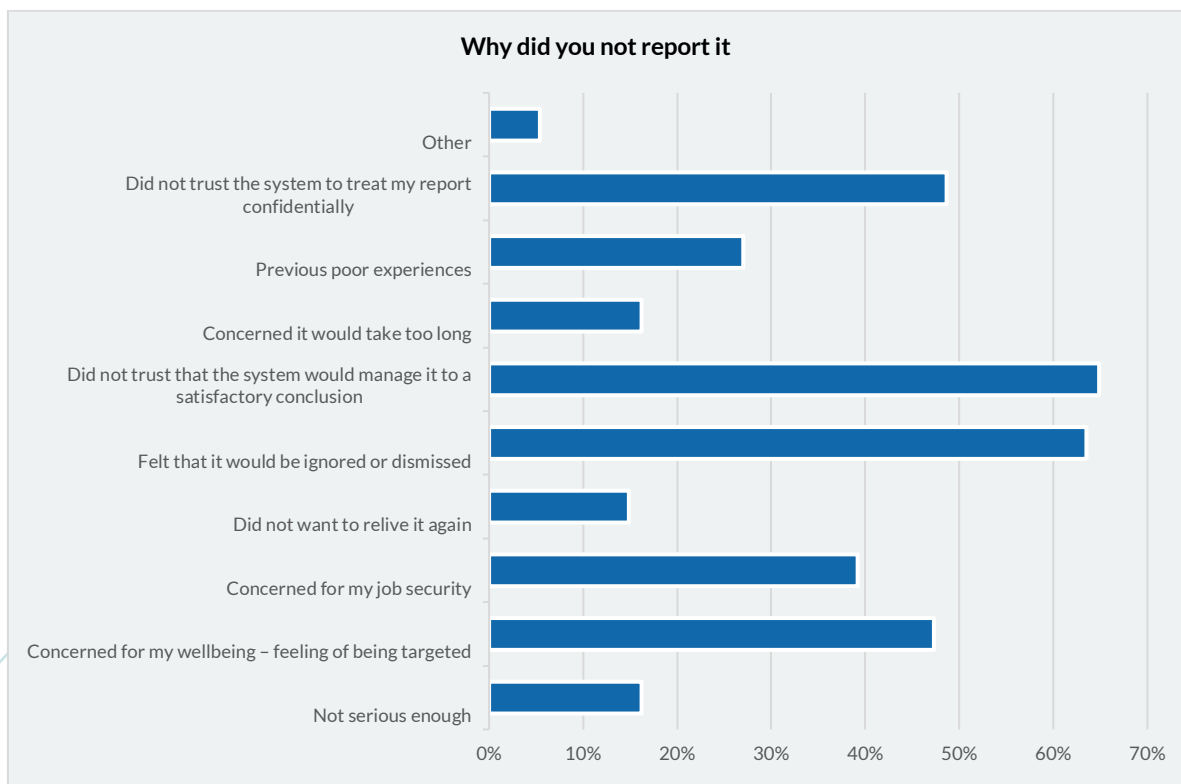
Data by the WBI indicates that sham investigations represent an estimated 46 percent of total responses by employers, reinforcing a consensus that concludes reporting is a "waste of time"^[19].

Participants also indicated that white leadership is a contributing factor to the lack of trust in reporting processes. Women of Colour feel safer and are more inclined to report to representative senior leaders that they believe will understand and validate their experiences. However, participants reported anecdotally that whilst the proportion of women in senior management roles has increased in recent years in Australia, Women of Colour are still widely underrepresented.

SURVEY RESULTS:



61 percent of participants either did nothing or confronted the perpetrator directly (but did not report), when witnessing or experiencing racism or discrimination. Only 31 percent lodged a formal report.



Participants cited that they “did not trust that the system would manage it to a satisfactory conclusion” (65 percent) or felt “that it would be ignored or dismissed” (64 percent) as the top two reasons for not reporting. Job security, lack of trust in the system to treat the report confidentially, or a concern of being targeted, were the other main responses.

ORGANISATIONAL RESPONSES TO RACISM AND DISCRIMINATION

1. INCIDENT HANDLING

The Australian Human Rights Commission encourages employees to raise incident complaints directly with organisations through Human Resource management. However, if the issue is unresolved or not properly dealt with, employees may lodge a formal complaint to the Australian Human Rights Commission. For a complaint to be valid, it must be reasonably argued that the incident described falls under unlawful discrimination. However, while it may be easier to provide sufficient details for allegations of overt intentional racism, it is more difficult to provide evidence of covert “everyday racism” which can be more prevalent in an organisation.

Furthermore, while incident handling procedures and policies may appear effective, their effectiveness is undermined by the competency of line managers who may be unable or unwilling to confront issues directly. The culture of organisations and willingness to confront racism plays a significant role in incident handling.

In the nursing sector in Australia for example, there is a denial of racism within the industry and a general promotion of “official rhetoric” that perpetuates myths of racial harmony, multiculturalism, and egalitarianism. Given the beliefs that there is little to no racism within the nursing industry, line managers typically dismiss reports of racism that migrant nurses experience from other nurses^[56]. There are also a lack of policies to address nurse-to-nurse racism from major national and international nursing governing bodies, likely as a result of such official rhetoric.

On the other hand, one not-for-profit aged care facility in Australia strongly embedded diversity management in its HR practices by appointing a multicultural project officer whose role is to support employees in valuing diversity and to create a safe space for conversations and complaints about diversity^[57].

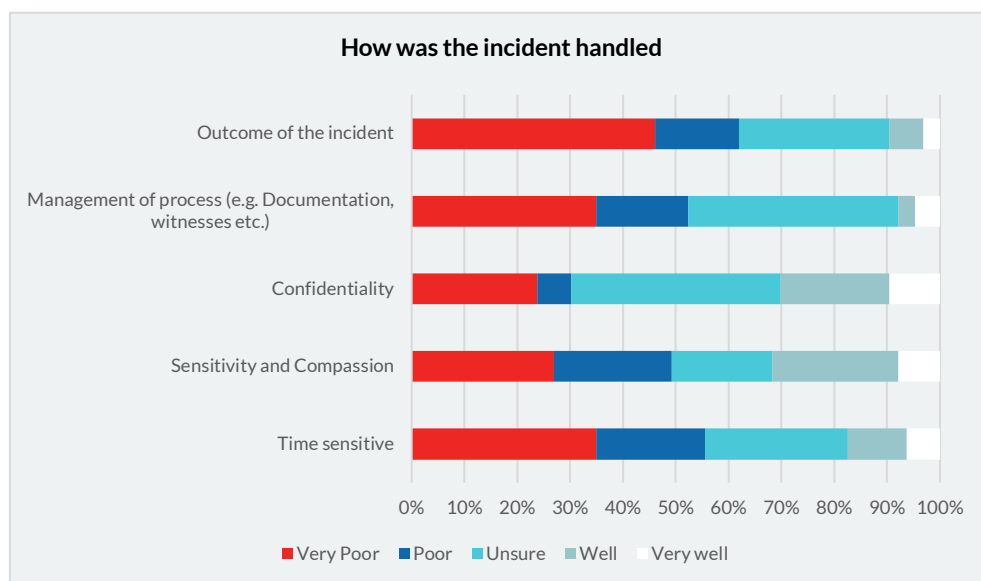
Air New Zealand similarly seeks to create a safe space for reporting incidents by explicitly stating in their diversity inclusion policy that no employee will suffer retaliation for reporting a genuine complaint made in good faith^[58]. According to their policy, all complaints are to be reported confidentially to either a line manager, Human Resources, or to the “Speak Up” reporting line.

Unless the reporting process is handled by an independent body, the complainant/reporter will not be confident to report anything. Particularly when the bad behaviour is from an employee valuable to management.”

- Woman of Colour

SURVEY RESULTS

Few respondents in the survey believed that reported incidents were handled well. While only 30 percent thought the handling of incidents was poorly managed in terms of confidentiality, this is nevertheless a concerning result. It is incumbent on organisations to ensure robust, anonymous systems that protect the identity of the individual, given the potential sensitivity of the issue and risk of reprisals to the complainant.



Further to the above dataset, 44 percent of respondents who experienced racism felt that they wanted management to at least acknowledge that the incident was real for the complainant. 40 percent of the same cohort believed management should have provided regular feedback on the handling of the incident (even if there was no action to report).

Considering the responses in section 1.8.3, perceptions of poor organisational handling of complaints highlight a lack of trust in the current systems, processes and practices currently used by the VPS.

2. INDIVIDUAL CONSEQUENCES

Without formalised policies and practices, complaint handling and outcomes vary greatly between organisations and between leaders within organisations. Leaders in the absence of clear guidance take different approaches based on their determination of the seriousness of the incident. When incidents are seen as being of lesser gravity, informal mediation and discussion is often employed to resolve the issue. Consequences can include an acknowledgement and apology of offense caused. If the reported incident involves very subtle covert racism or sexism such as microaggressions they can be misattributed to a misunderstanding on behalf of the complainant, in which case there are typically no sanctions imposed. Victims can feel gaslighted and accept such incidents as part of the organisation's culture.

For incidents regarded as major acts of racism, complaints are typically reported to Human Resources/People and Culture representatives who investigate and take the appropriate measures. Typically, where there is clear evidence that an alleged incident contravened the organisation's anti-discrimination policies, organisations take some form of punitive action. The nature of the incident, including its severity and intent, are typical considerations of what punitive actions are taken, for example, if justified it may result in the dismissal of the perpetrator.

Other, less severe, examples of punitive consequences, where dismissal is deemed to be disproportionate to the incident, include unpaid suspension, increased supervision, and mandatory training.

Virtually all organisations have some form of anti-discrimination policy and Code of Conduct regarding workplace behaviour, however a survey of employees at two Australian councils revealed that around one third of participants felt that there were inadequate policies, practices and processes in place to address racial discrimination^[54]. A large minority of participants (21 percent) felt there were no clear consequences for engaging in discriminatory behaviour.

Victims' dissatisfaction with outcomes results in an erosion of trust in the organisation's commitment to combat workplace discrimination. Both the focus group and survey respondents supported the view that appropriate consequences are an important mechanism to deter racist behaviour and restore victims' trust in complaints systems.

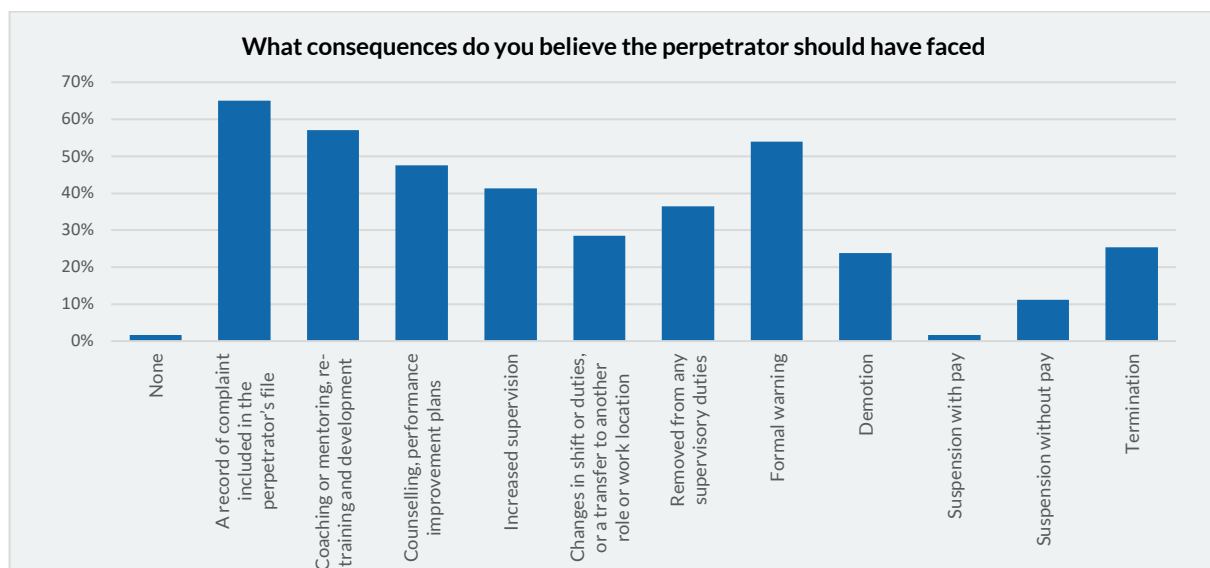
However, while punitive action is necessary to reduce racism in the workplace, it does not change an individual's basic beliefs about different groups or address systemic forms of racism and discrimination and can serve only as a deterrent^[55]. A punitive approach needs to be complemented by policies, practices and programs that target the prejudice which generates the behaviour in the first place.

FOCUS GROUP RESPONSE

Participants felt strongly that consequences for perpetrators need to reflect the gravity of the incident. Furthermore, they felt that consequences are an important part of incident handling as witnessing and understanding an organisation's application of punitive measures also acts as a deterrent for future behaviour.

Participants noted that often perpetrators were ignored or relocated to a new role. In many cases, perpetrators were promoted. Participants reported feeling demoralised by the lack of disciplinary action taken.

SURVEY RESULTS



Survey participants who had experienced or witnessed incidents of racism overwhelmingly believed that perpetrators should have faced direct punitive consequences for their actions. Responses to what consequences they believed "the perpetrator should have faced" aligned with the type of incidents complainants experienced (as identified earlier in the survey), and comments indicated that punitive consequences should be proportional to the severity and frequency of the incidents.

While a majority would have been comfortable with improved support structures for perpetrators such as coaching, mentoring, training, increased supervision and performance improvement plans, most (78 percent) believed this should be accompanied by either a formal warning or a record of the incident in the perpetrator's work record.

There was also strong support for more punitive measures; 37 percent felt that the perpetrator should be removed from any supervisory duties. 41 percent suggested either demotion or termination as consequences.

3. PREVENTION

As discussed previously, workplace racism can manifest covertly within an organisation in everyday informal interactions. As managers play an active role in shaping these interactions, they contribute to perpetuating or curtailing discrimination, racism and race-related bullying. While diversity initiatives, legislation and anti-discrimination policies are key to making structural changes within organisations and changing organisational culture, poor incident handling and the managerial capability to reduce everyday racism can be barriers to implementing change programs aimed at reducing racism.

Creating a culture of inclusion and anti-racism, which is key to preventing incidents of racial and gender-based discrimination, requires changing attitudes and beliefs in addition to structural changes. Policies, practices, processes and organisational culture must be addressed concurrently, as change initiatives will be unsuccessful if policies and practices conflict with the beliefs, assumptions, and values of an organisation.

Culturally and linguistically diverse employees from a not-for-profit aged care facility in Australia^[57], stated that they had an overall positive experience working in the organisation. The culture of racial harmony, equal treatment, and peer support was attributed to organisational strategies of valuing and managing diversity. The facility created a culture of acceptance and diversity by requiring all employees to sign up to the organisation's vision and values statement and appointed a multicultural project officer to bridge cultural divides.

In the US, a public health department sought to create an organisational cultural shift by fostering discussions between employees of a range of ethno-racial backgrounds to promote awareness and mutual understandings of racism⁵⁹. Discussions were led by a diverse team of leaders that oversaw the implementation of equality and diversity initiatives in addition to collecting data to monitor and address policies, practices, individual attitudes, and norms within the organisation.

Anti-racism and anti-discrimination initiatives are most effective when complemented with policies that counter prejudice and stereotypes. This requires adopting an approach that targets both organisational culture at the individual level as well as structural barriers through formal policy and legislation.

In addition to specific inclusive initiatives aimed at changing organisational culture, organisations have also tried fostering a more diverse workforce. For example, Air New Zealand has implemented a range of diversity initiatives for a 10-year plan (2018-2028) including unconscious bias training, flexible work policies, Pasifika internships, anonymous recruitment, and diverse panels for promotions^[58].

PART II: OPTIONS ANALYSIS

Proposed Enabling Framework

#1 Voice

#2. Education, Coaching and Awareness

#3. Tracking Metrics

#4. Governance

Proposed Approaches to External Intervention

#1. Racial Discrimination Commission with Supporting Regulation

#2 Hazard Reduction - Reducing Psychological Harm

#3 Incentive Approach - Positive Reinforcement

INTRODUCTION

This section presents recommendations based on three potential interventions to reduce racism and discrimination in the workplace. These approaches were discussed with participants in two focus groups comprised of managers and senior leaders from VPS departments and agencies. The purpose of these focus groups was to explore the suitability of the three approaches and barriers towards effective implementation by the managers and leaders..

The “External Intervention” approaches outlined in this section are designed to support and reinforce an “Internal Enabling Framework”, which is necessary to support change and create a cultural shift in VPS workplaces. This framework, based on the strategy of “Mainstreaming”, can be summarised as Voice, Metrics, and Education and Awareness, and is underpinned by a strong Governance Structure.

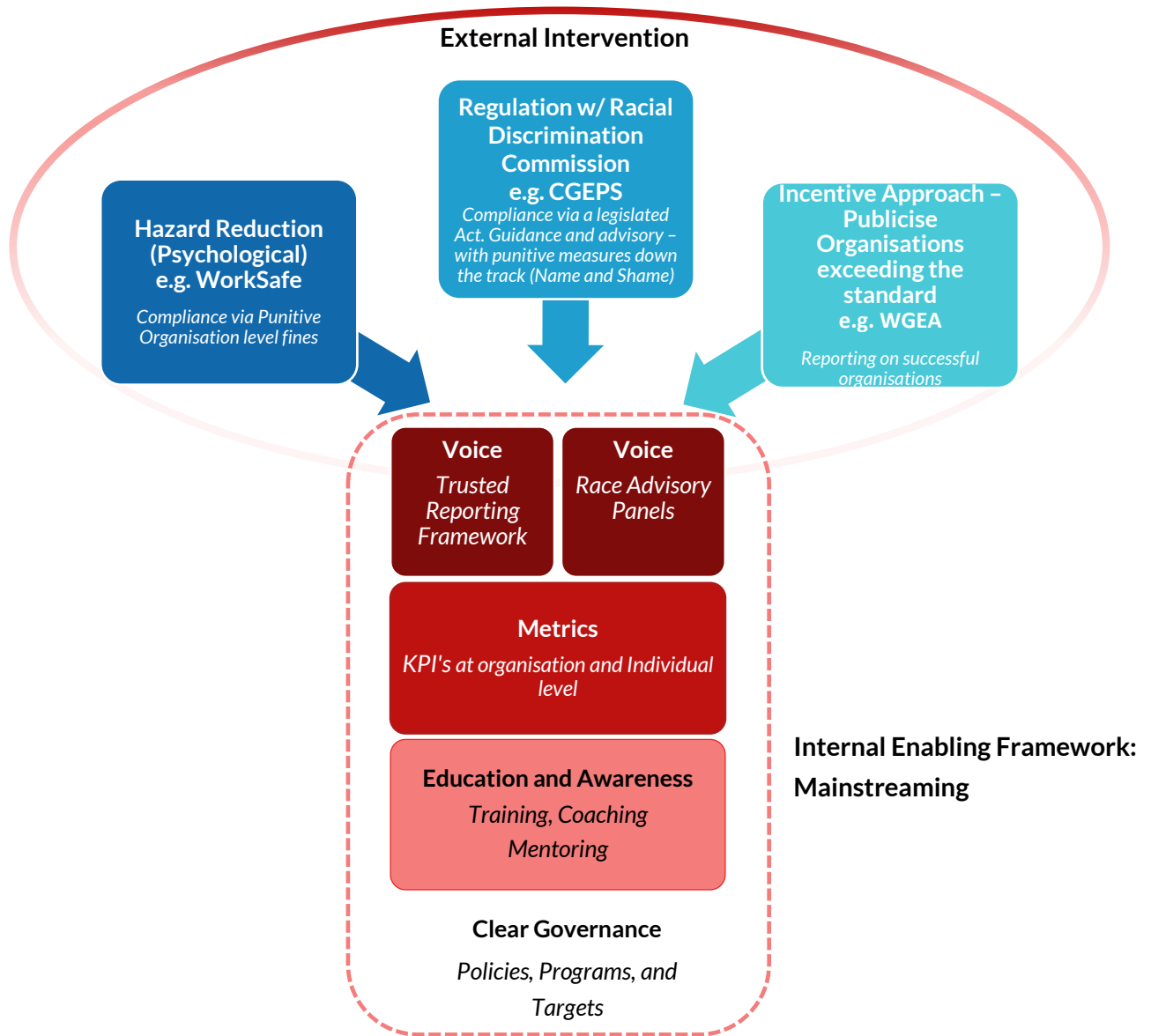


Figure 5: Proposed framework for responding to Racism, and Discrimination in the workplace

1. PROPOSED ENABLING FRAMEWORK

MAINSTREAMING STRATEGY

Gender mainstreaming has been a foundational strategy for achieving gender equality objectives in Sweden's government agencies since 1988²⁷. This process involves changes to long-term development programs to promote gender inclusion and equality across all levels whilst simultaneously addressing barriers to reporting channels²⁸. Due to the demonstrated efficacy of this strategy (noting Sweden's strides in establishing gender equality in their public services), our recommended framework has been adapted to address barriers associated with racial discrimination.

Mainstreaming Policy Recommendations as applied to addressing Racism and Discrimination

1. Voice
 - Promotion of Race Advisory Panel
 - Confidential and anonymous reporting
2. Education, Awareness and Coaching
 - Leaders and employee training
 - Organisation awareness
3. Tracking Metrics
 - Individual and Organisational Level Key Performance Indicators (KPIs)
4. Clear governance
 - Policies, programs and targets

IMPLEMENTATION OF MAINSTREAMING

The Operations Evaluation Department, African Development Bank summarised the implementation of the Mainstreaming of Gender Equality as follows:

"First, an organisation's leadership must consistently lead and support the mainstreaming of gender equality and policy. This must start at the top.

Second, systems of accountability and incentives must have enough "bite" so staff cannot evade responsibility for delivering gender equality results.

Third, gender equality work must be properly funded and there must be sufficient trained senior staff to gain traction over an organisation; a few junior gender staff is not enough.

Fourth, new procedures and practices must be well designed, given a big push at the outset and the momentum maintained rather than allowed to diminish.

Fifth, there needs to be a consistent approach to recording results and disseminating lessons.

Finally, the test of whether gender equality has been embedded in the mainstream of an organisation is the degree to which it is seen as contributing to rather than competing with ... other priorities.

*If gender equality is to become an integral part of the culture of an organisation—part of what defines its mission, values and objectives then consistent and sustained action is needed in all six of these areas."*²⁸

<https://www.oecd.org/dac/evaluation/dcdndep/48977974.pdf>

1.1. VOICE

Voice, in the context of these recommendations, refers to providing the mechanisms for minority at risk voices to speak up without fear, and to ensure that those voices are heard. The recommended approach is through a Race Advisory Panel and confidential reporting systems.

Creating race advisory panels (or diverse decision-making bodies) to tackle systemic discriminatory issues is effective in reducing barriers to incident reporting by empowering minority groups to speak up. Levi Strauss' 'Project Change' successfully reduced these barriers by promoting diverse leadership and providing a platform to resolve inter-ethnic and gender conflict³⁰. This had the effect of reducing internalised and systemic barriers to reporting, and through diverse representation at leadership levels, allowed discriminatory workplace norms to be challenged.

Confidential reporting, which focuses on the safety of the complainant, enables employees to anonymously raise concerns or highlight incidents of discrimination and racism. Given that fear of retaliation and hostility constitutes a major barrier to reporting, confidentiality increases the willingness of victims of bullying and discrimination to make incident reports. Confidential reporting enables organisations to protect the safety of complainants and identify systemic issues^[48] that can be addressed to prevent repeat incidents.

1.1.1. RACE ADVISORY PANEL

A Race Advisory Panel (board) is a group of suitably experienced people of colour appointed to give senior leaders in organisations advice and recommendations on issues that relate to racial discrimination and bias^[32]. This panel should be representative of different minority racial groups within the organisation, gender balanced, and have sufficient influence both within their racial group as well as with senior leadership.

In creating trust with employees and providing a safe space for reporting, organisations must demonstrate that they are willing to listen to the voices of employees with "lived experience". By setting up a Race Advisory Panel, employees are ensured of a representative avenue for reporting and resolving issues promptly. This would increase the willingness of people to report by making them feel safe and validated, and it would help reports be treated seriously due to the panel's own lived experienced with racism. It would also result in a positive outcome for the organisation in building trust in the policies, processes and practices of the organisation.

As Race Advisory Panels provide the organisation with a group of dedicated individuals who understand the organisation's culture and are representative of different racial groups, they are also best placed to assess what strategic interventions will have the greatest likelihood of success to ensure long-term cultural change within the organisation..

RECOMMENDATION

We recommend that the VPS' Anti-Racism Taskforce currently in development be given the remit to examine the internal environment within the VPS in addition to the public-facing external environment. An internal review by the Taskforce should consider both covert and overt forms of discrimination to demonstrate a commitment to safe, inclusive workplaces across the VPS, to demonstrate a zero-tolerance approach to racism and discrimination and to enhance the role of the Victorian Government in combatting racism and discrimination wherever it occurs. The "Anti-Racism Taskforce" should have a VPS wide remit, with localised representation within organisations in the form of 'Race Advisory Panels'.

We recommend Race Advisory Panels be set up across VPS departments and agencies to drive continuous action to address racism, discrimination, and race-related workplace bullying. Race Advisory Panels could regularly report on their progress via each department's cultural diversity plan as mandated by Victoria's Multicultural Act 2011. This provides another way for departments and agencies to build trust with employees by demonstrating a strong preventative approach and promoting equal representation.

Given that Aboriginal and Torres Strait Islander women experience racism, race-related bullying and discrimination at four times the rate⁶³ of other women, we strongly recommend that representatives have decision-making powers on any Race Advisory Panel or Anti-Racism Taskforce. Furthermore, we recommend that organisations implementing anti-racism initiatives (either internally or externally) engage with their local Aboriginal and Torres Strait Islander community.

Case Study 1: Lloyds TSB³³

Lloyds TSB is a retail bank in the UK that successfully set up a Race Advisory Panel to act against workplace racism and discrimination. Their panel comprises 23 Black, Asian, and Minority ethnic colleagues who provide input to address race-related issues and create a safe and inclusive working environment.

To date, the advisory panel has set up a race action plan consisting of eight different goals to increase diversity in the workplace - each with specific timelines. The action plan so far has resulted in innovative, actionable strategies such as:

- Launching a support pack to leaders and colleagues with the necessary information to have an open and honest conversation around race and ethnicity within the team
- Published an ethnicity pay gap report to ensure transparency within the organisation
- Ensured diversity on all senior executive recruitment shorts and provided training to third-party suppliers, hiring managers and recruiters to equip them with the necessary tools to understand expectations.
- Created and spearheaded development and sponsorship programmes for middle management and senior grades to break the ceiling for senior role models

As a result, there is continuous work being done to ensure the organisation prioritises these matters.

We need to have culturally safe working places and speak out, either for ourselves or others who currently work or will work in this organisation.”

-Woman of Colour

1.1.2. CONFIDENTIAL AND TRUSTED REPORTING

As explored in the previous section on reporting barriers, distrust in reporting practices and power imbalances constitute significant barriers to reporting. A perceived lack of action and acknowledgement of incidents creates distrust in the organisation's ability to create meaningful change. More specifically, Women of Colour may not trust those they report to, who are often in more senior positions, responsible for workplace safety and potentially more likely to be favoured and/or protected by the organisation given their senior ranking.

The process is opaque and answers to questions vague. Things have been handled behind the scenes and no elaboration is given, simply "it's confidential".

- Woman of Colour

Anonymous reporting is a way to reduce the barriers to incident reporting by ensuring confidentiality as a means of protection for complainants. It also increases the likelihood of most incidents of racism, discrimination or race-based bullying being reported. The potential increase in real-time data would allow patterns and similarities of incident reports to be identified, such as incidents by the same perpetrator. These patterns will determine the appropriate response - it may be necessary to conduct an independent investigation of the incident, determine if more wide-ranging interventions are required or systemic issues need to be addressed. Anonymous reports can also factor into general education and awareness-raising campaigns about appropriate workplace behaviour.

Case Study 2: Ted Baker^[49]

When campaigning website Organise conducted a survey of their database of 47,000 members, they uncovered reports of sexual harassment in the workplace of Fashion House Ted Baker. Using a private messaging system, employees were encouraged to speak out about their own experiences. As more stories surfaced, Organise started a petition to assist employees.

One hundred reports of misconduct accusing the CEO, Ray Kelvin of incidents such as "forced hugs" and "ear kissing", were presented to the board.

Without the help of Organise, it is likely that the employees' stories would have gone unreported or only discovered after more incidents occurred or the alleged behaviour of the CEO escalated.

Given the number of employees that took advantage of the private messaging systems and the petition, a confidential reporting system would have recorded these incidents at a much earlier stage, preventing multiple employees from experiencing sexual harassment and protecting the organisation from the subsequent scandal.

RECOMMENDATION

Complainants need a reporting framework that is anonymous, confidential, and universally trusted. Anonymous reporting and guaranteed confidentiality build trust in organisational grievance procedures without fear of negative consequences.

In addition to confidentiality, we recommend a transparent process with clear guidelines that clearly articulates both the process and the punitive measures that will be taken in the event of a transgression e.g., dismissal for a racist slur. “Transparency is only effective at combating discrimination if it is coupled with an effective accountability mechanism”⁴².

The process needs to be timely with the outcomes communicated to the complainant to provide reassurance that the matter is being investigated thoroughly (with due attention to confidentiality). The reporting and complaints handling process should also be included in inductions for new employees to reinforce the message that the organisation has zero tolerance of racism and discrimination.

Furthermore, managers who impede reporting by ignoring, not reporting, or playing down incidents of racism and discrimination should also face consequences for creating an unsafe work environment.

We also recommend the possibility of having an independent arbiter, outside of the reporting line or department, to manage complaints. Independent arbiters ensure objectivity and impartiality in the reviews of incident reports and remove fear of retaliation or hostility that many employees fear from reporting to managers. This independent body would investigate the case, accumulate supporting evidence, investigate the frequency of complaints and work in tandem with the department or agency’s Race Advisory Panel.

It should be noted that anonymous reporting in itself will not result in a more trusted reporting system. Anonymous reporting must be part of a reporting framework that includes a transparent complaint handling process. There needs to be confidence in the methods of reporting and the resources and infrastructure to manage the case and the follow-up.

1.2. EDUCATION AND AWARENESS

In addressing racism and discrimination in the workplace, organisations must create a safe and supportive environment for individuals to engage in dialogue and be heard.

Awareness activities and campaigns proposed to promote greater awareness of racism and discrimination in the workplace include:

- A Mission Statement: to declare what actions are /are not tolerable within the organisation.
- Workplace Posters: to promote awareness of the issue amongst workers and the general population.
- Vox Pop: interviewing stories of voluntary participants and pasting posters across the organisation to encourage others to do the same.
- Video and Social Media campaign: to promote awareness of the issue amongst workers and the general population.
- Discussion forums: an anonymous discussion forum set up for people to share their stories with an administrator moderating the forum.
- Rallies and Speakers: anti-racism campaigns and movements in the past have had significant successes in raising awareness.
- Events: to celebrate important events, such as cultural events on a minority group's calendar

Activities that stimulate dialogue and spread awareness of discrimination can be effective in lowering barriers and promoting an inclusive environment. Aside from explicit diversity efforts, research suggests that exposing individuals to people from different groups through contact lessens bias and breaks down stereotypes. Social events that recognise important cultural events, self-managed teams, mentoring and cross-training are all examples of activities that allow people in different roles to work together on projects as equals.

However, it should be noted that these recommendations should not be implemented in lieu of more systemic, structural reforms. Organisations should guard against using activities such as celebratory events as a proxy for doing any other meaningful activity. These recommended activities should be used in combination with structural reform.

TRAINING MENTORING AND COACHING

Providing education and anti-discrimination training is important for creating awareness and knowledge within organisations to address systemic issues. While employees have shown less resistance and more acceptance to voluntary rather than mandatory training^[23], voluntary training tends to be taken up by those who least need it.

When applied appropriately, education initiatives increase employees' awareness of systemic barriers, improve trust, reduce internalisation, help create an environment of psychological safety, and demonstrate a commitment to anti-discrimination. Education ensures that all employees are equally informed of what is deemed acceptable in terms of organisational policies and practices.

Coaching, which provides regular support and addresses a focussed need with a clear outcome, can help leaders adapt to a more inclusive leadership style which in turn can create a more inclusive and trusted environment for minority groups, foster a culture of openly speaking up, and support identifying and managing issues of discrimination and racism when they occur.

Mentoring is another way of supporting Women of Colour. Mentorship provides a younger or less experienced person (for example new minority recruits) with support and advice over time. A mentor can facilitate introductions and create opportunities that may otherwise be closed to a new recruit from a minority group. Mentoring provides a way to address social isolation of minorities and to increase contact between different employees to reduce stereotypes, implicit biases and break down silos.

For Women of Colour, mentoring programmes can improve self-image which contributes to increased job performance, career development and overall psychological well-being^[50]. Mentoring, coaching and training programs^[50] are more effective when used alongside initiatives that establish organisational responsibility i.e., affirmative action plans and diversity task forces.

Case Study 3: The Scottish Trade Union Congress – Higher Education Mentoring and Training Programmes³⁵

Mentoring and training programs are created to provide individuals with a role model to support and guide them when they step into the organisation.

The Scottish Trade Union Congress implemented mentoring and training programs for staff at Higher Education and has had great outcomes. The main goal of this mentorship was to equip individuals with 3Cs: Competence, Confidence, and Credibility, as well as provide a supportive community for individuals to feel safe.

As a result of the training and mentorship program, 64 percent reported increased confidence in their jobs, 73 percent reported increased personal confidence, and 54 percent felt that participation had helped them develop professionally. Furthermore, 60 percent of participants had applied for new roles at the same Further Education/Higher Education institution or another institution.

FOCUS GROUP RESPONSE

Whilst cultural responsiveness training is an important feature of safe and inclusive workplaces, participants expressed the belief that one-off training loses its significance when the participant leaves the session. Participants also recognised that coaching benefits individuals and leaders who may need more one-to-one support and builds on the leadership capability of employees, as opposed to one-off training, which is discrete, transactional and often forgotten over time.

RECOMMENDATION

We recommend that organisations set up mentoring, coaching, and training programmes at all levels to nurture a safe environment and build a network of support for employees.

By integrating diversity training into general training initiatives, such as leadership training or team building skills, organisations will communicate the message that diversity is part of everyday business practice and shift attitudes towards accepting diversity as a norm. Used in combination with other initiatives that increase contact between groups without being branded explicitly as diversity efforts (i.e., self-managed teams, mentoring), training will assist in breaking down structural barriers resulting from stereotypes and biases, particularly in recruitment and advancement.

We recommend that education and awareness programs should be targeted at different levels across the organisation. Training targeted at managers and leaders will enable them to identify inappropriate behaviours and ensure that they understand appropriate responses for dealing with incidents of racism and discrimination. Employee level training and awareness will define and establish a standard for acceptable behaviours, while supporting victims in providing advice on how to safely report incidents.

Mentoring will increase contact between groups to lessen biases, provide networking opportunities and enhance professional capabilities, while coaching will help solidify skills and support leaders through different real-life scenarios, particularly when managers are forced to confront incidents of racial discrimination. Other opportunities, e.g., self-managed team projects, to increase contact between different groups that educate, inform and build awareness, are also recommended.

1.3. METRICS

Tracking key indicators and creating frameworks to monitor progress will create an evidence base and promote equity and equality. Baseline and comparative data will guide progress toward equitable outcomes for Women of Colour by informing the success of measures introduced to reduce incidents of racism and discrimination in the workplace. Monitoring of diversity initiatives embeds responsibility and accountability and ensures that the organisation incorporates goals into everyday practice.

Appropriate, consistent, whole-of-government measures within an “accountability framework”²⁸ provides the structure to monitor progress against pre-determined targets and strategy while also highlighting areas for further effort. Furthermore, metrics allow for comparisons across departments to enable identification of best practice approaches and common barriers to improvement. Publishing this data transparently will encourage comparisons to be drawn between organisations, creating a disincentive to be seen to be stagnant or regressive.

INDIVIDUAL AND ORGANISATIONAL LEVEL KPI'S

Creating a diverse workforce will reduce discrimination and incidents of racism. The US Equal Employment Opportunity Commission (EEOC) determined that incidents of harassment and discrimination are more likely to occur in workplaces that lack diversity³⁸. Key Performance Indicators (KPIs) can be effectively employed to monitor and hold departments accountable for improving diverse representation at all levels by measuring progress towards goals and identifying inequities for review.⁴³

When utilised to reduce bullying and harassment resulting from racism and discrimination, organisational KPIs that hold senior leaders accountable will create a disincentive for each business unit to tolerate racism or discrimination.

Whilst many organisations in the public and private sectors employ KPIs to monitor their progress on gender equality, there are no publicly available examples of organisations in Australia implementing “whole-of-business” KPIs to promote representation of intersectional gender and ethnic diversity. Similarly, no KPI's were identified that monitored racism and discrimination at the individual level. This provides a leadership opportunity for the VPS to develop and pilot organisational KPIs specifically designed to reduce racism and discrimination in the workplace.

POTENTIAL KPI'S COULD INCLUDE:

- Positive leading indicators to monitor take-up and progress of initiatives such as:
 - Anti-Racism campaigns
 - Training and coaching
 - Mentoring
 - Success of zero tolerance campaigns
- Negative, lagging indicators to monitor trends and trends of incidents of racism, and race-related bullying improvements and compliance
 - Number of verified incidents reported; severity, scope and impact of incident
 - Engagement of minority groups (trust, safety etc)

KPI's should be targeted at specific workplace outcomes and used to monitor known areas of discrimination for patterns:

- Employee life cycle focusing on women from minority groups
 - Number of diverse new recruits shortlisted and appointed
 - Diversity in advancement, promotions
 - Pay gaps and reward and recognition
 - Attrition rates
 - Retention rates
 - Over or under-representation of employees from minority groups in specific roles
 - Take-up of flexible leave
- Diversity in managers and leaders, Executive and Board
- Diversity of external suppliers or consultants
- Projects that include women from minority groups
- Customer/stakeholder feedback

Quantitative data from KPI's, together with qualitative data (interviews, upward feedback, complaints) can help identify deeper insights. The following scenarios demonstrate this point:

1. Why are individuals from certain groups still underrepresented, though recruitment onto the project is set up to reach diverse employees?
 - Are they unwilling to work in certain areas or with some individuals? A further investigation will be warranted to identify the root cause,
2. Why are particular racial groups over-represented in some roles and in some departments?
 - Does no-one else want to do the role, or have they been pigeonholed (e.g., community engagement, analytical roles etc.)?

Case Study 4: National Health Service (NHS) Workforce in UK³⁷

In the UK, the NHS Workforce Equality Standard has the responsibility to address race inequality in employment. With data collected showing the prevalence of race discrimination within the workforce, they have taken steps to address the issues by collaborating with higher bodies such as the Diversity Council and other related bodies in the NHS to provide a ensure all NHS providers adhere to a contractual agreement to the following:

- Publishing diversity proportion of Trust Board members
- Publish relative likelihood of BAME (Black, Asian or Minority Ethnic) staff being appointed once shortlisted compared to others
- Collect, analyse and publish the relative likelihood of BAME staff accessing non-mandatory training, including those designed to improve career opportunities.

Within the first 12 months, significant results were seen. Overall staffing numbers of BAME increased from 24.7 percent to 26.8 percent, senior manager numbers also increased from 7.6 percent to 10.2 percent, and the actual turnover resulted in lower numbers of BAME leaving than might be expected at 22.3 percent.

FOCUS GROUP RESPONSE

Employer focus group participants agreed that data collection needed to be underpinned by cultural awareness training and racial literacy. This would reduce the potential for defensive reactions at the individual and organisational level.

Participants noted that employee surveys such as the VPS People Matters Survey, which collects data on Diversity and Inclusion in the VPS, face several limitations, such as asking people who are not in a minority group to comment on the experiences of minority groups. For example, data measuring statements such as "disability is not a barrier in my organisation" includes the opinions of those who have not firsthand lived experience, thereby diluting the results. To mitigate this, it is advised that organisations understand the different cohorts of groups on whom they are collecting data and assess the disaggregated data.

RECOMMENDATION

We recommend implementing a consistent approach to adopting KPIs across VPS departments and agencies to expose areas and/or forms of discrimination and to improve diversity in leadership positions which will proactively reduce incidents of workplace racism and discrimination. Whilst used as an organisational measure, KPIs should be managed at an individual level to ensure that senior management are held accountable for providing safe workplaces.

When collecting quantitative data for organisational wide measures, we stress the importance of ensuring that individuals self-identify their cultural identity (identities).

We recommend ensuring that the demographic information collected on race or ethnicity takes an intersectional approach, noting that intersectional women (such as Women of Colour, and particularly Aboriginal and Torres Strait Islander women) are more susceptible to racism, discrimination and race-related bullying. Intersectional data needs to be collected in a way that it can be disaggregated, to identify vulnerable cohorts.

While disaggregated data may result in cohorts considered as “not statistically significant”, monitoring KPI’s for at-risk groups such as Women of Colour will help to identify potential patterns of concern.

Organisations should track and monitor complaints to develop a good baseline knowledge of issues and the frequency, severity and location of complaints. We recommend a universal, shared reporting template for whole-of-government reporting. Reporting severity and frequency would support identification of broader patterns e.g., whether the behaviour continues or escalates.

Quantitative data should as far as possible be supported by qualitative data and direct engagement with minority groups. Feedback on the experiences of at-risk groups will support evidence-building and adoption of a continuous improvement approach to complaints handling.



1.4. CLEAR GOVERNANCE AND TARGETS

The main aim of the governance framework is to create change across individual organisations by creating consistent approaches to new policies, programs and targets. Establishing a clear set of rules is essential to improving accountability via effective reporting processes. ‘Dismantling Racism’ is a systemic framework and an intervention strategy designed to help solve systemic racism in organisations³¹.

The ‘Dismantling Racism’ framework has four objectives:

- 1) increase accountability of individuals
- 2) examine power dynamics within the organisation
- 3) develop a common language and framework for understanding the problem
- 4) create opportunities for individual and professional development

This is achieved by developing a common framework for assessing incidents, education, and the creation of a diverse “change team” tasked with overseeing implementation. Consequently, this system improves the efficacy of reporting systems, improving trust and challenging power imbalances, which overall reduces barriers to reporting incidents.

For successful management and implementation of a diversity policy, the policy should include efforts to:^[51]

- Disseminate the business imperative
- Convince managers of the business imperative e.g., through senior leadership sponsorship and support
- Culture change, e.g., targeted HR initiatives; and employee engagement initiatives

Implementation needs to include the practical work required with hard measures and targets to monitor and measure performance.

The VicRoads Diversity and Inclusion Strategy 2018–2022⁶⁰ proposes an internal governance framework that includes an implementation plan for engaging different levels of the organisation and includes time horizons that clearly articulate intent to build upon diversity and inclusion year on year.



Case Study 5: Ernst & Young – Inclusive Leadership Programme and Promotion Policies³⁴

In the UK, Ernst & Young set KPIs in their 'Inclusive Leadership Program and Promotion Policies' program to shift responsibility of diversity targets from the diversity and inclusion team to the leadership team, further promoting gender and ethnic diversity. The key areas to these programs are:

- The Board of Directors advocates for Black and Minority Ethnic (BaME) senior promotions and sets out a target of 10 percent BaME partners every year. This target seeks to advance employees on a representative basis according to the diverse composition of each job level.
- There is a focus within the HR department to ensure an increased admittance of BaME in leadership programs. Recruitment targets are set at every level of the organisation with compliance from every business unit. When there is a failure to do so, the HR team review the reasons given and supports business leaders to improve the likelihood of success.
- One of the main factors when there is an under representative promotion for eligible BaME candidates lies in the allocation of work. A resourcing team reviews the nature of work allocated to BaME team members, and if work is allocated inequitably, promotions will be skewed, therefore, there is a huge emphasis on constant review and feedback to ensure a fair and equitable work allocation.

Through this strategic implementation, from 2012-2016, there was an increase in BaME representation in all levels of an organisation, with BME partners increasing by 5 percent. Performance levels were also high among all representatives.

RECOMMENDATION

Use the 'Dismantling Racism'^[31] framework to set anti-racism/anti-discrimination policies and goals that:

- Ensure accountability of leaders and individuals
- Review and reduce unfair power imbalances
- Develop a common framework for action and reporting to address inequality and acts of racism and discrimination
- Eliminate barriers and create opportunities for employees to produce equitable outcomes and reduce discrimination

The VPS as a model employer should publish a transparent, sector-wide benchmark report so that departments and agencies can review milestones and progress made towards eliminating racism and discrimination in the workplace. This will demonstrate transparency and honesty, build trust in systems, and demonstrate that the Public Service is making progress toward a broader definition of inclusion. Setting up reporting structures to measure and monitor the progress of departments and agencies towards achieving their targets will result in an improvement in the diversity of all employees at all levels, particularly management. The increase in diversity will effectively reduce workplace discrimination⁴² and pay disparities.

There is recognition that individuals only take positive actions when success of an initiative is included as a metric into organisational KPIs and individual KPIs of senior management. Establishing KPI targets will help organisations monitor their progress toward reducing and eliminating racism and discrimination. KPI targets should be reinforced and mandated across organisations to ensure a consistent approach. Within this overarching approach, organisations should be encouraged to set additional internal targets, where appropriate.

Targets devolved to each layer of the organisation and reported on transparently will increase the motivation of non-compliant managers to make a greater effort, rather than risk disapprobation among their peers.

A review body (such as a Race Advisory Panel discussed in the previous section) can reinforce positive action across the organisation, by setting high-level targets that are mandated across departments within the organisation. This approach is used by VicRoads in their Diversity and Inclusion Council. These panels should be representative and include gender diverse intersectional voices with the “lived experience” to act on behalf of at-risk minority groups such as Women of Colour.

An important part of developing policies and processes to prevent racism is having an effective deterrent policy. As indicated by survey respondents, developing an approach with serious consequences for individuals who contravene organisational anti-discrimination policies are an important part of the framework. A consistent approach across the VPS should be established that identifies behaviour that causes psychological harm and defines punitive consequences .

However, for an approach that includes punitive actions to be effective, it should ensure that:

- zero tolerance of racism and race-related bullying is communicated to all employees.
- there is a strong focus on reporting and identifying racism.
- the consequence of breaching policy is well communicated and understood.
- the threat of consequence is taken seriously by enforcing the policy and holding perpetrators accountable.

Furthermore, this approach should be supported by the policies, processes and practices that address systemic racism.

“Incentivising leaders is the way to get traction –
It has to be in their PDP”

-Anglo Celtic Leader

Case Study 6: Rural County Public Health Department (RCPHD)³¹

In Rural County, People of Colour have higher incidence rates than Whites for diabetes mellitus, heart disease, and prostate cancer in addition to a higher death rate from all causes. One of the goals of the RCPHD is to reduce health disparities based on race and ethnicity.

The foundation for the intervention approach was a “Dismantling Racism” workshop addressing institutional racism at the individual level and helping participants conceptualise racism. In the process, Whites and People of Colour participate in separate caucuses (discussions), then are brought together to discuss common issues (people are organized in this manner based on the premise that racism affects Whites and People of Colour in very different ways). Caucusing also provides opportunities to plan, discuss, debate, and solve problems across racial lines and to strengthen relationships between staff and provide mutual understanding

The intervention process was guided by a Change Team which developed a unique organisational vision and goals for dismantling racism.

In 2003, the RCPHD change team, with the help of a university-based evaluation consultant, designed an action plan to begin the process of addressing institutional racism at multiple levels within the organization. The action plan was a series of recommendations. The change team, however, was not in charge of decision-making.

The change team collected data (a staff survey on the perceptions of racism) to measure the root causes of health care disparities. Only 55% of Whites and 20% of People of Colour reported believing there was a fair system for all staff to advance to management and supervisory positions.

In 2005, a qualitative evaluation process reported that policies and practices, decision-making processes, and an authoritarian leadership structure within the RCPHD facilitated the systemic disparities observed e.g., some staff turnover was a result of racist practices.

These tangible examples of institutional racism provided the impetus for implementing and sustaining the ‘Dismantling Racism’ process to examine and address the underlying contributing factors.

Next steps

The change team are in the process of

- developing a monitoring system to assess the impact of the intervention on health and health care disparities in the county.
- creating a data system to track staff hiring, wages, and promotions over time and evaluating client services and outcomes.

Partnerships were established with other community-based organisations to engage them in the process and increase the accountability of the RCPHD. These partnerships led to

- creating community-level change by building the capacity of diverse community members who participated in the RCPHD ‘Dismantling Racism’ process.
- supporting other county organizations to begin their own ‘Dismantling Racism’ process.

2. PROPOSED APPROACHES TO EXTERNAL INTERVENTION

2.1. RACIAL DISCRIMINATION COMMISSION WITH SUPPORTING REGULATION

Victoria relies on a range of Acts, supported by regulations and strategic policy to address racism, discrimination and bullying in the workforce. These include:

- The Equal Opportunity Act 2010, which promotes recognition and acceptance of everyone's right to equality and aims to eliminate discrimination as far as possible.
- The Charter of Human Rights and Responsibilities Act 2006, which sets out and protects freedoms, rights and responsibilities of all people in Victoria.
- The Racial and Religious Tolerance Act 2001, which prohibits racial and religious vilification.
- The Occupational Health and Safety Act 2004, which seeks to protect the health, safety and welfare of employees and other people at work. Currently the OHS Act focuses on physical hazard reductions. WorkSafe Victoria is the regulator of the OHS Act.
- The Multicultural Victoria Act 2011, which outlines the principles of multiculturalism and establishes annual reporting requirements for Victorian Government departments in relation to multiculturalism.
- The Gender Equality Act 2020, which aims to improve workplace gender equality in the Victorian public sector, universities and local councils. The Act will require that each time a Defined Entity² develops or reviews a policy, program, or service that directly and significantly impacts the public, it assesses the relevant venture against gender equality criteria. As part of the Act, Defined Entities need to consider their obligations with an Intersectional lens.

The various Acts create what has been described as an “individual complaints-led model”⁴⁰, where the main avenue for employer and employee to resolve issues is through mediation, therefore, any punitive measures or cases where compensation is awarded are mostly private. The system is fault-based, requiring employer action only after the wrongdoing has been proven³⁹. The structural issues that allowed the discriminatory behaviour to occur are largely ignored and there is a lack of explicit punitive measures to operate as means of discouraging discriminatory behaviour.

RECOMMENDATION

We recommend using the Gender Equality Act 2020 and the existing Commission for Gender Equality in the Public Sector (CGEPS) as a model for managing racism and discrimination in the public sector. The CGEPS has been established to promote gender equality and reduce gender inequality by supporting defined entities to fulfil their obligations and enforce the Gender Equality Act 2020.

CGEPS powers to enforce the Gender Equality Act 2020, include issuing compliance notices, recommending that the Minister take action or making an application to the Victorian Civil and Administrative Tribunal (VCAT) for an order directing the organisation to comply.

A dedicated government body such as the Victorian Multicultural Commission (VMC) or Victorian Equal Opportunity and Human Rights Commission (VEOHRC) could act in the same capacity if provided with statutory authority to do so, i.e., to promote, support and enforce.

² ² The Act applies to certain organisations that have 50 or more employees, including the public sector, universities and local councils ('defined entities'). Defined entities will have obligations under the Act. <https://www.genderequalitycommission.vic.gov.au/about-gender-equality-act-2020#what-are-defined-entities%E2%80%99-obligations>

Adapting the current obligations under the Gender Equality Act, the obligation meets the governance recommendations provided earlier, specifically the “Dismantling Racism” systemic framework and intervention approach, which provides:

- Duty to promote the Act, including engagement with the community to consider the voices of people with lived experience
- Equity Audit to review racism and discrimination in the workplace
- Impact assessment to consider how entities are taking an intersectional approach to service delivery
- Action Plan i.e., an anti-discrimination strategy
- Reporting on key measures and metrics to ensure that there is progress in reducing racism and discrimination

2.2. HAZARD REDUCTION – REDUCING PSYCHOLOGICAL HARM

As discussed in the previous section, Victoria has multiple acts that cover racism, discrimination and bullying in the workforce, however current approaches focus on guidance materials and campaigns, e.g., the Australian Human Rights Commission’s National Anti-Racism Strategy and “Racism. It Stops with Me Campaign”, WorkSafe’s “Work Well” initiatives, and VEOHRC’s “There’s no place for racism in Victoria” stakeholder kit.

VEOHRC predominantly supports communities and the media to “[call] out instances of racism” via an anonymous complaints system and managed conciliation service. However, VEOHRC has no power to make orders or award compensation, nor does it have the remit to explicitly address racism and discrimination as a systemic workplace issue.

The Fair Work Act (2009) provides workplace protections against discrimination that results in adverse action to an employee or perspective employee because of a protected attribute, which includes race, colour, religion, and sex. The Fair Work Commission is the national workplace relations tribunal that is responsible for administering the provisions of the Fair Work Act (2009), which includes general protections laws which provide protection and relief for people who experience workplace discrimination. In the 2019-2020 the Fair Work Commission saw a total of 5,873 general protections applications lodged. Over 80% of the applications lodged were General protections involving dismissal. Realistically, the Fair Work Commission has been used by the majority of applicants to remedy instances of discrimination once dismissal has occurred, rather than be used as an avenue to prevent, reduce and address issues of racism and discrimination that employees may currently face in the workplace.

It is also worth noting that whilst the Fair Work Act (2006) provides protections against bullying under the national workplace relations system, the Fair Work Commission does not have the jurisdiction to deal with these matters as it pertains to Victorian Public Sector employees.

WorkSafe Victoria (WorkSafe) regulates risks to psychological health through the Occupational Health and Safety Act 2004 (OHS Act) and provides guidance for employers to meet their duties under the OHS Act in relation to psychological health. Currently, however, the Occupational Health and Safety Regulations 2017 (OHS Regulations) focus on physical hazards and do not define any psychological hazards.

WorkSafe has many functions under the OHS Act.

- *monitor and enforce compliance with the OHS Act and regulations*
- *make recommendations to the Minister about the OHS Act, regulations, and compliance codes*
- *promote public awareness and discussion about occupational health, safety and welfare issues*
- *publish OHS statistics”*

<https://www.worksafe.vic.gov.au/occupational-health-and-safety-act-and-regulations>

RECOMMENDATION

On 17 May 2021, the Victorian Minister for Workplace Safety (Ingrid Stitt MP) proposed amending current regulations to also address psychological health. The intent of the proposed regulations is to accept that psychological health hazards are as harmful to workers' safety and wellbeing as physical hazards.

As with the current OHS regulations, the proposed regulations need to prescribe the type of incidents, hazards, or injuries. Given the links between Racism, Discrimination, Bullying and Harassment and Mental Health covered earlier in the report, **we recommend the inclusion of racism and discrimination as a prescribed psychosocial hazard³**, in the revised OHS Regulations would be consistent with the intention to reduce harm to workers' safety and wellbeing.

This in turn would bring identification and regulation of risks and harm caused by racism and discrimination in the workplace directly under the remit of WorkSafe. Mandatory compliance with the OHS Act and OHS regulations would ensure that all organisations are accountable for introducing measures to improve working conditions, and for monitoring and maintaining a safe working environment. This could also include publishing progress and actions taken within the organisation to identify successful initiatives and best practice examples across sectors. .



³ psychosocial hazard is anything in the design or management of work that causes stress. Stress is the physical, mental and emotional reaction a person has when we perceive the demands of their work exceed their ability or resources to cope. Work-related stress if prolonged or severe can cause both psychological and physical injury. Stress itself is not an injury

. <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/mental-health#heading--1--tab-toc-what-causes-psychological-injury?what-are-psychosocial-hazards?>

2.3. INCENTIVE APPROACH POSITIVE REINFORCEMENT

Diversity and gender equality initiatives that take a solely punitive approach for non-compliance tend to give rise to pro forma compliance and official rhetoric that has limited engagement and are often slow in implementing effective systemic change. Initiatives to increase diversity should also be linked to the organisation's purpose, e.g., being representative of the community it serves, to engender widespread support internally and externally

This Workplace Gender Equality Agency (WGEA) is an Australian Government statutory agency, created by the Workplace Gender Equality Act 2012, which is responsible for monitoring, promoting and improving gender equality outcomes in Australian workplaces. This approach is based on the WGEA model, which offers an alternative approach to punitive measures and incentivises organisations to adopt positive approaches to reinforce anti-racist, anti-discriminatory behaviour.

RECOMMENDATION

We recommend an incentive approach featuring established guidelines for monitoring and collecting data that allows organisations to

- compare against their peers and identify best practice.
- benchmark and baseline data to identify progress and areas of concern
- demonstrate accountability and commitment to employees and stakeholders
- demonstrate alignment to their vision and purpose, as being representative of the community they serve.

This approach would entail providing an independent monitor with organisational data to track anti-racist, anti-discriminatory indicators and outcomes. Organisations should set individual targets towards a common overarching goal established by the independent monitor, e.g., zero incidents of racism by 2025, 20 percent of senior managers to be self-identified people of colour by 2025). Progress should be monitored, and compliance encouraged through publicly available, searchable data.

High-level KPI targets relating to gender and ethnicity can be reviewed through an audit and published report every two years, such as those produced by the Workplace Gender Equality Agency (WGEA). Non-conforming organisations are provided support to embark on an approved action plan or program of work, to get back on track by a set deadline.

Organisations would be required to consult with their employees and external stakeholders to develop the action plan. Adapting the gender equality indicators^[52] contained in the Workplace Gender Equality Act 2012, predefined organisations will be required to collect data and report KPI's such as,

1. Intersectional composition of the workforce
2. Intersectional composition of governing bodies of relevant employers
3. Pay gap between Women of Colour and Anglo-Celtic Australians
4. Flexible work take-up by Women of Colour and equitable availability and utility of other employment terms, conditions and practices
5. Consultation with employees on issues concerning race and discrimination, equality in the workplace

CONCLUSION AND SUMMARY OF RECOMMENDATIONS

CONCLUSION

Comprehensively tackling systemic issues of racism and discrimination for Women of Colour in the workplace requires a cultural shift within the VPS, whilst also imposing external compliance controls to ensure that departments and agencies are held accountable for positive change.

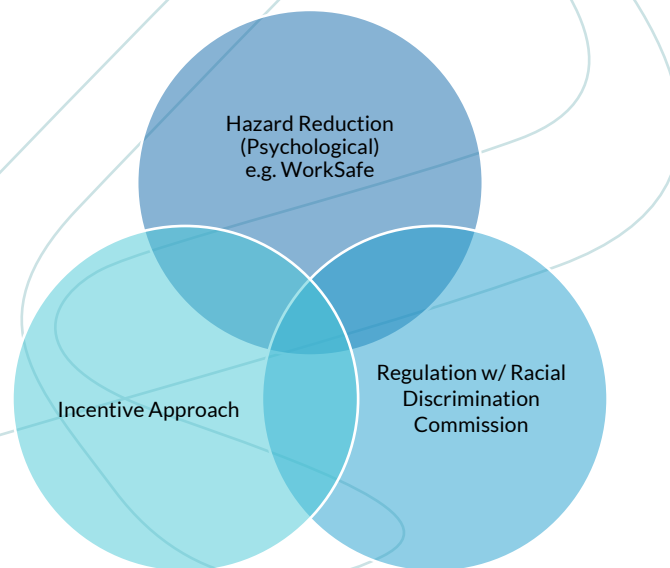
In this report, the internal changes recommended for organisations can be summarised as:

- Voice: which includes advisory bodies and a trusted reporting framework
- Education and Awareness: for leaders and employees and for promoting organisation awareness
- Tracking Metrics: including individual and organisational level KPIs
- A clear governance framework that includes policies, programs and targets

These Mainstreaming strategy recommendations are to be supported by the following external interventions to encourage organisations to drive towards the desired outcomes:

- 1 The establishment of a Racial Discrimination Commission with supporting regulation
- 2 Hazard reduction – reducing psychological harm through an Occupational Health and Safety Framework which includes the introduction of punitive measures under the remit of WorkSafe Victoria
- 3 An incentive approach-positive reinforcement like the WGEA model.

Feedback from the focus group with managers and senior leaders indicated a preference for an incentive-based approach that featured a staged implementation to be phased in over several years, considering an organisation’s maturity, capacity and capability to achieve outcomes.



Whilst any single approach regarding external intervention would have a positive outcome in comparison to the status quo, using all three approaches either in parallel or in a phased rollout would achieve a comprehensive response that would go further to eliminating racism and discrimination.

An Incentive approach would establish the case for change and set the appropriate overarching goals, provide education and support and assist organisations to develop plans to address and eliminate racism and discrimination.

A psychological health hazard reduction approach would provide WorkSafe with the power to apply punitive penalties and acknowledge the impacts of workplace harm on mental health and well-being when framed in an Occupational Health and Safety context. An extension of WorkSafe's powers to effectively investigate race-based bullying and discrimination under new psychological regulations will also ensure that allegations are appropriately, and transparently investigated, and punitive action and decision-making is subject to scrutiny in the public domain.

A Racial Discrimination Commission (or equivalent) underpinned by regulation would provide the most comprehensive, sustainable approach to reduce systemic barriers for Women of Colour and would establish long term organisational cultural change.

In summary, the rationale for all three approaches is:

- 1 Incentive Approach: to enable data collection, goal setting at a macro level and guidance
- 2 A Hazard Reduction (psychological safety) approach: to eliminate egregious incidents of racism
- 3 Racial Discrimination Commission: to establish a comprehensive framework that supports all workplaces to eliminate systemic discrimination

Employer focus group participants, who would be responsible for implementing these recommendations, indicated that supporting and incentivising workplaces would be a good first approach that can followed by other options to ensure compliance and deliver change. The majority of participants were in favour of a balanced approach, i.e., both incentivising and punitive, with tools and resources for employers to support implementation of change.

SUMMARY OF RECOMMENDATIONS

RECOMMENDATION	RESPONSIBLE OWNER	PROPOSED KPIS
External		
<ul style="list-style-type: none"> The establishment of a Racial Discrimination Commission with supporting regulation 	CGEPS or VMC	
<ul style="list-style-type: none"> Hazard reduction – reducing psychological harm through an Occupational Health and Safety Framework which includes the introduction of punitive measures under the remit of WorkSafe Victoria 	WorkSafe	
<ul style="list-style-type: none"> An incentive approach-positive reinforcement 	WGEA or similar	
Internal		
Voice		
1. Anti- Racism Taskforce	Executive	Success of initiatives <ul style="list-style-type: none"> Anti-Racism campaigns Training and coaching Mentoring Success of zero tolerance campaigns
2. Race Advisory panel	Executive	
3. Confidential transparent reporting process		<ul style="list-style-type: none"> Number of verified incidents reported, severity, scope and impact of incident Engagement of minority groups (trust, safety etc)
4. Punitive Consequences for violations		
5. Independent arbiter		
Education and Awareness		
1. Mentors (Leaders to mentor diverse employees)	Leaders and managers	
2. Coaching leaders and managers on how to handle racism	Learning and Development	
3. Diversity and Inclusion training – to be incorporated into general training programs	Learning and Development	
Metrics:		
1. Individual level KPIs	Managers	<ul style="list-style-type: none"> Employee life cycle focusing on women from minority groups: <ul style="list-style-type: none"> Number of diverse new recruits shortlisted and appointed Diversity in advancement, promotions Pay gaps and reward and recognition Attrition rates Retention rates Over or under-representation of diverse employees in specific roles Take-up of flexible leave
2. Organisational level KPIs	Executive	<ul style="list-style-type: none"> Diversity in managers and leaders, Executive and Board Diversity of external suppliers or consultants Projects that include women from minority groups Customer/stakeholder feedback
3. Supplement with Qualitative data	Diversity and Inclusion	
Clear Governance and Targets		
1. Use the Dismantling Racism framework		<ul style="list-style-type: none"> Organisational level aggregated KPI and incident reporting

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APPENDICES

A - NOTES TO FOCUS GROUPS

B - SURVEY DESIGN



APPENDIX A – NOTES TO FOCUS GROUPS

Theme	Description
How bullying/ discrimination manifests	<p>Can be visible</p> <ul style="list-style-type: none"> • Expression of annoyance when WOC speaks • Name-calling • Stereotyping and making assumptions about or based on cultural background • Disrespectful behaviour • Inappropriate/irrelevant questions during interviews • Exclusion from meetings, lunch, social events • Being called out or blamed for something they did not do <p>Can be subtle</p> <ul style="list-style-type: none"> • Formation of micro-groups and silos • Ignorance of WoC's contributions • Showing signs of discomfort towards WoC being there, especially when WoC is the majority in that setting • Have private conversations about WoC • Body language and tone of voice • Kept WoC from promotions • It happens when you are not 100 per cent sure whether R&D affect you negatively, but you will see it from people around you
Bullying can happen outside the physical workplace	Actions of racism, discrimination and bullying can be done outside the work environment by someone they know at work. E.g., on social media.
Impact of bullying/ discrimination	<p>For WoC:</p> <ul style="list-style-type: none"> • Feel unsafe • Keep to themselves and do not speak up • Feel fear, disempowered and upset • Negative feelings about going to work • Unease participating, becoming less effective at work • Less confidence and wellbeing of both victims and those in proximity • Feel invaluable and unrecognised "can't be themselves" at work, cannot express themselves at work • Be mentally exhausted to keep having this conversation around this issue when change is not being observed • It affects and changes mindset towards work, especially if they leave and get a job elsewhere • Low self-esteem and confidence, doubt ability to perform • It makes it harder for future generations of WoC to enter the workforce <p>For company:</p> <ul style="list-style-type: none"> • Loss of talent • Lower productivity and effectiveness of labour
Reporting barriers	<ul style="list-style-type: none"> • Scared of losing their job, especially if they have dependents • Not strong enough to raise the issue, need someone to raise it for them • Not aware of the steps required to take • More comfortable reporting informally or in casual conversations with the manager • Concerns "Does it affect me vs does it affect someone else." • Some report only after it becomes too much rather than address it earlier when it happens • The perpetrator is in a position of power or leadership • The perpetrator is aggressive, WoC are afraid of them • Fear of their safety • Being gaslighted, doubting whether bullying or discrimination are happening • Fear of ramifications • Avoid being put in a vulnerable position • Avoid being labelled as a troublemaker • Knowing they would not have support even if they report • Fear of being alone even despite support from union • Lack of anonymity, sometimes, people can indirectly find out who reported • Silent consequences, and people changing behaviour towards the victim • Reported, but was told that the situation was no big deal • WoC being a minority in the department, which lowers confidence, lack of representation • The long reporting process is draining and emotionally troubling
Encouraging reporting	Those encouraged to report and had support felt positive, felt believed

Theme	Description
Punitive measures	<ul style="list-style-type: none"> • No change would be made unless consequence is imposed • Acknowledge the perpetrator was reprimanded can make the victim feel powerful, that people are backing them • Repercussions are about letting the perpetrators know what they are doing is not okay • If the incident occurred in public, reprimanding can be made public • Some believe they need to be called out publicly to show the zero-tolerance policy is not just words • The general sentiment seems to be publicity depends on case-to-case basis • If the incident was sensitive, corresponding actions could be done with just key individuals • Accountability is the key; without it, behaviours continue • Racism and discrimination should not be accepted at all levels • Consequences need to be top-down championing
Non-punitive measures	<p>Examples:</p> <ol style="list-style-type: none"> 1. Confidential conversations between perpetrator and victim 2. Cultural awareness training, especially for new recruits 3. Wellbeing and safety training <ul style="list-style-type: none"> • The measures do not seem like responding to specific behaviours • Training programmes need to be tailored • Some programs prevent naming perpetrators. In this case, they would not know they are doing wrong • Want acknowledgement from the perpetrator that what they did was wrong • Punishment would not necessarily serve the correct purpose
Challenges faced in making change	<ul style="list-style-type: none"> • Interventions do not help the victim • Intolerance of racism does not get as much attention as bullying • Casual racism is harder to pin down, and it has cumulative effects • Empathetic HR, but no actual results, which discourages WoC from taking cases further and maybe causes them to leave
Improvements needed by companies	<ul style="list-style-type: none"> • Advocacy and more support or points of contact for victims • People speaking up on victims' behalf • Clearly defining policies and communicating them, as well as repercussions and consequences of breaching policies • Define racism and discrimination at all levels that it is not to be tolerated • Policy needs to make the victim feel safe • Need change with actionable items from top-down and leadership to change the company culture • Broke down and address departmental issues separately • Improve transparency and responsiveness of reporting
Workplace culture	<ul style="list-style-type: none"> • Change is about workplace culture and systematic factors • Need change that set the right culture from top to bottom • If culture is bad, it can force those who do not want to be racist to do wrong • If people perceive that they are not racist, they will be blinded • Pure white leadership can have an impact • Lack of response from people generally about sensitive and important topics, racism and discrimination need to be spoken about more • People look through the lens of those at the top, policy setting • With too much diversity and inclusion agenda in the workplace, WoC may feel that they're hired just to meet diversity targets
Commonly mentioned themes:	<ul style="list-style-type: none"> • Advocacy and support • Policy defining and clarity • Top to bottom change and championing • Accountability

APPENDIX B – SURVEY DESIGN

Identification Questions:

1. Which of the following best describes you?
[While we acknowledge that you may identify with many different identities, please select one choice which you identify with most closely]

- Aboriginal or Torres Strait Islander
- A person of colour (POC)
- A culturally and linguistically diverse person (CALD)
- A person from a non-English speaking background
- A refugee or a person seeking/ has sought asylum
- A person of mixed ancestry
- Anglo/European ethnicity
- I'm not sure
- Prefer not to say
- Other

2. Do you identify as a person with disability?

- Yes
- No
- Prefer not to say

3. Please indicate your gender identity:

- Female
- Male
- Trans
- Gender diverse
- Non-binary
- Self-described
- Prefer not to say
- Other

4. Do you identify with any of the following [Tick all that apply]?

- Gay
- Lesbian
- Bisexual
- Heterosexual
- Asexual
- Pansexual
- Queer
- Prefer not to say
- Self-described
- Other

Main Questions

5. Please use the scales below to describe your workplace environment based on the following factors. (High meaning frequently and low rarely)
- To what extent is the use of unsuitable language and slurs normalised
 - To what extent is the use of Inappropriate jokes (race, sexual or other) normalised
 - To what degree are you involved in decision making processes?
 - To what degree is your team cohesive and connected?
 - To what degree is your workplace considered diverse?
 - To what degree are your perceptions of unequal gender roles prevalent in your workplace?
6. Have you witnessed or directly experienced racism/discrimination in your workplace (or while engaged on work related activities)?
- Witnessed only
 - Directly experienced only
 - Neither
 - Both
7. How often have these acts of racism/discrimination occurred?
- Yes, often, (e.g., Weekly)
 - Yes, occasionally (Once a quarter)
 - Yes, but- Infrequently (once or twice a year or less)
 - No, Never
 - Not Sure
8. (If yes above) How have these acts of racism/discrimination manifested?
- Exclusion at work - Freezing out from meetings or important projects
 - Deliberately excluded from opportunities to advance
 - Exclusion socially e.g., social events
 - Isolation
 - Blatantly ignoring or dismissing
 - Overt bullying/ harassment
 - Gaslighting [deliberately made to doubt yourself and question your own memory, perception, or judgment]
 - Physically threatening behaviour
 - Sexually explicit/ Lewd behaviour
 - Abusive language
 - Racial slurs (directed towards you or someone of similar background in earshot)
 - Being stereotyped/having assumptions made based on background
 - Being blamed for actions you haven't done
 - Other
9. Have you faced or seen any other forms of workplace bullying, not listed above? If you're comfortable doing so, please share an example.
10. What was the impact of the act(s) on you personally? (choices + other)
- Made me feel unsafe
 - Make me feel disempowered
 - Made me feel undervalued and unrecognised as a person/individual
 - Made me feel mentally exhausted
 - Made me have low self-esteem and confidence
 - Made me feel anxious
 - made me feel afraid

- made me feel hopeless
- other:

11. What was the impact of the act(s) on you with respect to your workplace and career? (choices + other)

- Made me feel unmotivated to do my work
- Made me feel like not going to work
- Made me not want to participate at work with colleagues
- Made me feel alienated in the workplace
- Made me feel pessimistic about future jobs and my career prospects
- other:

12. (From 5) Please rate the severity of the impact it had on the following:

- Mentally/ Emotionally (Most severe [1] – not at all [5] points)
- Physically
- Workplace relationships
- Job motivation
- Career

prospects

13. If you have witnessed or experienced racism/discrimination, what did you do?

- Report
- Confront
- Bring it up to HR
- Other (please elaborate)
- Nothing

14. If Nothing- Please indicate why you did not report it (List all that apply)

- Not serious enough
- Concerned for my wellbeing – targeted
- Concerned for my job security
- Did not want to relive it again
- Felt that it would be ignored or dismissed
- Did not trust that the system would manage it to a satisfactory conclusion
- Concerned it would take too long
- Previous poor experiences
- Did not trust the system to treat my report confidentially
- Other

15. How confident and safe do you feel in the reporting process? (2 scales: one for confidence and one for safe)

16. (If indicated affirmatively to any options in Q11) How easy was it for you to make a report? (scale)

17. How was the incident handled? [a matrix of poor to excellent. Including options for: time, sensitivity, management, confidentiality, management of process (e.g., Documentation, witnesses etc. Outcome)]

18. Do you have preferences for formal (lodging a report with documentation, e.g., to HR) or informal reporting (sharing anonymously with a trusted person)?

19. Do you have any other comments about your experiences with the reporting process? (i.e., experiences, flaws or methods of improvement?)

- Yes (+ short answer)
- No

The following questions are related to Prevention, Reporting, and Handling of the issue.

20. Which of the followings can the most effectively prevent and respond to workplace racism and discrimination in your opinion? Please rank from 1 (most effective) to 4 (least effective)

- Punitive strategy
- Restoration actions
- Educational training
- Regulatory policies

21. Considering your own personal experience(s), what do you believe would have worked to prevent the issue from occurring? (Tick all that apply)

- More training for employees on how to behave inclusively
- Supervisor training to enable a culture of zero tolerance
- Encouraging both victims and bystanders to call it out in the moment
- More informal, regular opportunities to speak up safely or anonymously so leaders are aware
- Senior management/executive top-down consistent communications and /or directives
- Firm disciplinary consequences for the perpetrators (Suspension)
- Fines or other punitive action against organisations that fall below a set metric e.g., frequency of occurrences
- Randomised audits of workplaces to poll minority groups
- Nothing – issue was not serious enough to warrant any action
- Other

22. Considering your own personal experience(s), what would have made you more confident in reporting it?

- Whistle-blower protections
- Easier reporting processes
- Trusted reporting system (anonymised confidential, independent)
- Independent body to handle the report and manage the case
- Fines or other punitive action against organisations that fail to protect the complainant post reporting
- Firm disciplinary consequences for any victimisation of complaint after the report
- Nothing – issue was not serious
- Nothing – I would not likely report it, as I am not comfortable speaking out.
- Other

23. Considering your own personal experience(s), how could the issue have been better handled? (Tick all that apply)

- Management should have provided me with regular (weekly feedback), even if there was no action
- Management should have acted sooner
- Management should have suspended the perpetrator while the issue was being investigated
- Management should not move the perpetrator to another department
- Nothing – issue was not serious
- Other

24. Do you feel that women are more likely to face to racism/discrimination? If so, why?

- Yes (+ short answer)
 - No (+short answer)
-