



Australian
Human Rights
Commission

ABF Respect@Work Summary Report

Preventing and responding to unlawful conduct
and other inappropriate behaviours

March 2024



Note to reader: This Respect@Work **summary report** is intended as an overview of the Project's findings and recommendations only. ABF and Department personnel involved in the implementation of recommendations should consult the further detail and guidance provided in the **full report**.

Acknowledgements

The Commission appreciates the Respect@Work Steering Committee for their strategic guidance, and support of the project.

The Commission thanks all the ABF and the Departmental officers who contributed their time in the course of consultations for the Project.

The Commission is grateful to ABF Workforce Branch and the office of the Deputy Commissioner for Strategy and Capability for providing liaison, support, and advice during the Project.

The Sex Discrimination Commissioner thanks members of the Commission's ABF Partnership Team who worked closely with the ABF to produce this report.

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Cover image: ©Australian Border Force.

Suggested citation: Australian Human Rights Commission (2024). *ABF Respect@Work Project Summary Report. Preventing and responding to unlawful conduct and other inappropriate behaviours*. Sydney: Australian Human Rights Commission.

Typeset by Lisa Carroll

2403_ABF_Respect@Work_SummaryReport

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1. Introduction

This Summary Report provides an overview of the findings from the *ABF Respect@Work Project Report* (the Full Report).

The Full Report is the outcome of the ABF Respect@Work Project (the Project), the first ABF-wide project undertaken by the Australian Human Rights Commission (the Commission) under its Partnership with the ABF.

The Project sought to identify gaps and opportunities in the way ABF prevents and responds to unlawful conduct and other inappropriate behaviours in the workplace¹ by applying the 'Respect@Work Framework'.²

Figure 1: The Respect@Work framework.



1.1 What we did

The Commission reviewed current practices and systems, and consulted widely with the ABF workforce (see Figure 2) to ensure the Project outcomes were based on lived experience of ABF Officers. During the course of this project, we met committed and dedicated ABF Officers, who were excited by the process and eager to see the results.

1.2 What we found

Throughout workforce engagement, ABF officers said that working in a safe, respectful, inclusive and gender-equal environment enabled them to thrive and perform at their best.

While this was the ideal, we found that many officers had experienced or witnessed potentially unlawful conduct and other inappropriate behaviours that caused harm and negatively impacted their sense of safety and wellbeing at work.

Some key observations about the nature and extent of behaviour within the ABF include:

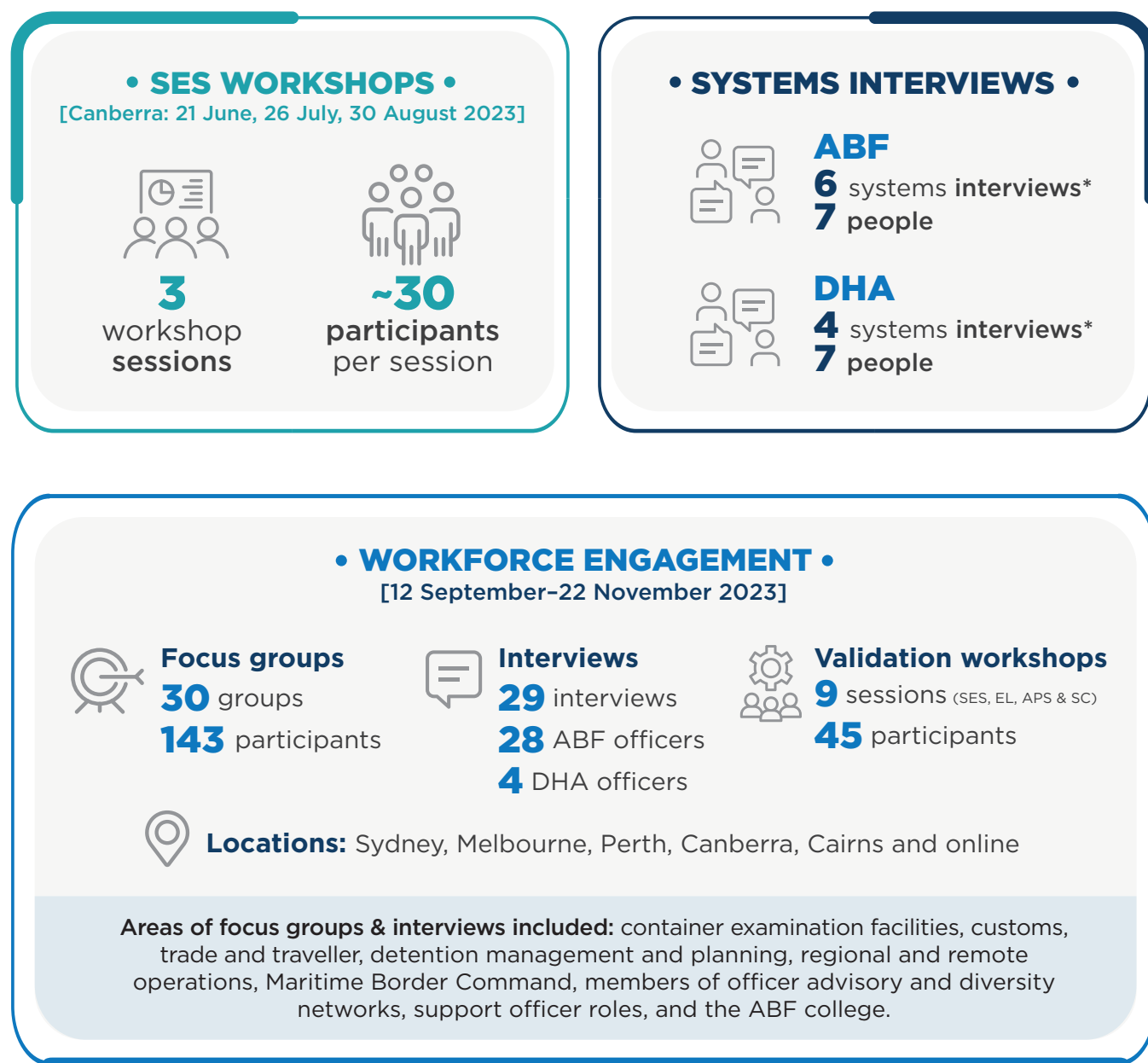
- Gender inequality persists in the ABF, creating unsafe work environments for some women.
- In some areas of the ABF, bullying and harassment are normalised.
- There are occurrences of casual racism and disability discrimination.
- Despite the above, there appears to have been a shift in standards and attitudes over time, leading to improved behavioural norms.

The Project identified a number of issues that need to be addressed for the ABF to make positive changes to its workplace culture.

¹ Unlawful conduct refers to a range of workplace conduct that is unlawful under federal legislation including sexual harassment, sex-based harassment, creating a hostile workplace on the ground of sex, discrimination and harassment on the basis of protected attributes, bullying and related acts of victimisation. 'Other inappropriate behaviours' refers to conduct that while not unlawful, is inappropriate in a workplace setting, e.g. verbal abuse or exclusion from work activities.

² humanrights.gov.au/our-work/sex-discrimination/projects/positive-duty-under-sex-discrimination-act

Figure 2: Workforce engagement



* **Systems interviews** were conducted with ABF Workforce Commands, and branches within DHA including WBT, PCD, HSD, I&PS and WHS.

Leaders, as key players in creating cultural change, need to be visible, accountable and genuine in their commitment.

Currently, lower and middle level leaders do not always have the skills and confidence to identify and address inappropriate and unlawful conduct, and should be better supported through education, training and procedural improvements.

Structural barriers exist for improving equality and inclusion across the ABF, in particular for women, such as gendered work expectations and access to flexible work arrangements.

Unlawful conduct and inappropriate workplace behaviour persists and is not always recognised or addressed in meaningful, transparent, and effective ways. Factors such as power imbalances, high-pressure work, shift work, isolated or remote environments, culture of banter (including abusive, sexist and sexually suggestive remarks), and (perceived) lack of accountability for actions can contribute to a level of tolerance for such behaviours.

Existing systems do not effectively support leaders to understand the extent or nature of inappropriate and unlawful conduct within the ABF, impeding the implementation of effective prevention and response systems that are essential to the elimination of relevant conduct. More deliberate risk management action must be undertaken to affect and measure long-term change.

Achieving long-term, sustained cultural change requires resolute commitment.

The recommendations summarised in section 3 present an opportunity for the ABF to lead in becoming a safe, inclusive, gender-equal workplace free from unlawful conduct including sexual harassment, sex discrimination, sex-based harassment, discrimination, and other inappropriate behaviours.

1.3 What we heard

Examples of potentially unlawful conduct or inappropriate behaviour raised by ABF officers:

Sex discrimination

- Comments from a team leader about wanting to ‘get rid of all his part-time workers’ who were all women.
- Misogynistic and belittling comments by a male supervisor to a woman officer to the effect that she belonged in the kitchen.
- A woman officer constantly told to smile while working on sensitive issues.
- Co-workers withholding information from a pregnant officer on the basis that she was not going to be around.
- Leaders commenting that some women are not suitable for certain roles because of their childcare responsibilities.

Sexual harassment

- Sexual images sent to women officers by a male officer.
- Sexual innuendo seen as ‘banter’ as commonplace in some teams.
- A senior male leader sending multiple junior women officers numerous, unwelcome personal messages and calls after hours.

Bullying and other discriminatory conduct

- Yelling, screaming and belittling behaviours by high-ranking officers.
- Casual banter or jokes that can often cross boundaries.
- Use of discriminatory language directed at clients from specific nationalities.

2. Findings



2.1 Leadership

ABF senior leaders³ play a critical role in creating safe, respectful and inclusive workplaces that value diversity and gender equality. They are responsible and accountable for governance and legal compliance and can systematically influence organisational change.

(a) Senior leaders' communication, engagement and actions have significant impact on ABF officers' trust and confidence in fostering a safe, respectful and inclusive workplace.

ABF officers emphasised the need for transparent engagement by senior leaders on workplace behavioural matters, to avoid creating cultures that minimise or hide the existence of these issues. They also expressed frustration at what they saw as unequal treatment of junior staff, with a perception that senior figures were more likely to get away with misconduct.

(b) Mixed perceptions exist among ABF workforce on ABF senior leadership commitment to building a safe, respectful and inclusive workplace.

Some ABF officers observed a welcome shift in engagement, with ABF senior leaders making a concerted effort to engage with staff on building positive workplace cultures. They observed that ABF senior leaders were visible in their engagement with staff on issues such as work-life balance, workplace cultures and behavioural standards.

However, in contrast, many ABF officers said they had minimal direct engagement with senior leaders and even less communication of behavioural expectations. When communication

did occur, officers noted it was often contained in lengthy written messages which tended to get 'buried' in everyday paperwork.

(c) Lack of clear, effectively utilised, formal leadership accountability mechanisms to drive behavioural change in the ABF.

Some ABF officers expressed limited confidence in senior leadership's ability or desire to address unlawful or inappropriate conduct. They noted that consistent, visible action was needed, and that one-off communication of expected behavioural standards is ineffective.

The Commission heard many positive examples of senior leaders creating informal mentoring programs, driving recruitment and retention programs for Aboriginal and Torres Strait Islander Officers and creating communities of practice within sections to discuss diversity and inclusion.

However, there was a view that such examples are driven by a leader's personal commitment rather than being supported by an organisation-wide effort, leading to inconsistencies in leadership practices.

(d) ABF senior leaders are provided with limited information to enable review of prevention and response measures to manage unlawful conduct and other inappropriate behaviours.

Some senior ABF leaders said limited access to complaint information hampered their ability to understand, deal with and take action to prevent unlawful and inappropriate workplace behaviour.

Some de-identified thematic briefings are provided to ABF SES on a quarterly basis, but these briefings do not cover complaints made via all available channels. This fragmented approach creates challenges to meaningful analysis, prevention and response efforts, and workforce communication.

³ Refers to Senior Executive Services (SES) officers (Commissioner, Deputy Commissioners, Assistant Commissioners, First Assistant Secretaries, Commanders, Chief Superintendents and Assistant Secretaries).



2.2 Culture

Workplaces that are inclusive, diverse, gender-equal and have cultures of respect, trust and safety are effective at preventing and responding to sexual harassment and other unlawful conduct.

By contrast, a workplace with a permissive culture that devalues women, accepts and normalises everyday sexism, discrimination and harassment, and excludes people who are often socially marginalised, creates an environment for these behaviours to thrive.

(a) Lack of consistency by senior leaders and people leaders⁴ in setting standards expected in the workplace and in taking action to address unlawful conduct and other inappropriate behaviours.

While there were numerous examples of positive leadership across the ABF, we also heard that in some areas:

- There is a lack of leadership action and accountability in response to unlawful and inappropriate behaviour, with a tendency to 'sweep matters under the carpet' and leave officers to deal with their own matters.
- Individuals who engaged in unlawful or inappropriate conduct, including sexual harassment, were allowed to behave inappropriately without consequences. Examples were given of 'high performers' or members of 'mates clubs' being protected or even promoted, or moved on to other areas rather than performance managed.

(b) Insufficient leadership capability hinders new leaders from effectively addressing unlawful conduct and other inappropriate behaviours.

Many people leaders within the ABF managing large teams are themselves engaged at junior levels (APS4-5). ABF officers observed that the organisation did not sufficiently invest

in developing people leadership capability, particularly at early stages of leadership, to manage relevant conduct and set standards of behaviour to build respectful and inclusive workplaces.

(c) Despite notable progress in advancing gender equality, some ABF officers are hindered by ongoing gendered expectations on work allocation, experiences of discrimination, difficulty in flexible work arrangements, and pockets of exclusionary cultures.

The ABF has made significant strides in promoting gender equality. Increased representation of women, particularly in leadership roles, is a positive outcome recognised by many officers.

Even so, ABF officers reported experiencing and witnessing unlawful conduct, including sexual harassment, sex-based harassment, and discriminatory treatment towards women. These accounts show that gender inequality persists, creating an unsafe work environment for women.

'Boys club/mates club' persist in some areas, excluding women and others who do not meet gendered male stereotypes from promotions, training and other professional opportunities. Competitive, masculine norms remain pervasive in some settings, influencing the expectations of leadership behaviour.

Gendered nature of work was also highlighted, with women describing a tendency to be allocated social and office-based tasks while men are prioritised for development opportunities such as use of force training.

Access to part-time work and flexible work arrangements were identified as key to job satisfaction, maintaining work-life balance, and supporting higher rates of recruitment and retention for women and men.

While supported by policy, in practice some managers are hesitant to approve requests, citing 'operational requirements' reportedly due to perceptions that part time workers were less

4 Refers to ABF officers with supervisory and line management responsibilities at the APS 4-6 levels and EL1 and 2 levels.

reliable. This led to officers turning down job offers where requests for flexibility could not be accommodated.

Some officers also observed that requests for part-time arrangements by male officers are perceived as less legitimate than those made by women, suggesting a bias against men with caregiving responsibilities that defy traditional gender norms.

(d) ABF officers have mixed views about the value of diversity and inclusion initiatives within the ABF.

Many ABF officers acknowledged the social diversity within the organisation, particularly in gender and culture, as a strength. Concerns were raised however about leadership efforts to build diversity being 'tokenistic' rather than designed to make real change through opportunities for genuine participation and engagement (particularly in operational, remote, and regional locations).

Other officers expressed fears that measures such as targeted recruitment processes could lead to a reduction of professional standards or preferential treatment, causing division and potentially distracting from primary responsibilities.



2.3 Knowledge

Fostering a culture of continuous learning and knowledge development is vital for empowering officers to prevent and respond to unlawful conduct and inappropriate behaviours. Understanding the nature, causes, prevalence and impacts of relevant conduct is important for prevention.

(a) Current policy on workplace behaviour is fragmented and complicated.

Current policies governing workplace behaviours are lengthy and complicated, and officers noted confusion in relation to definitions and pathways to seek support and raise concerns.

(b) Reliance on the intranet and brief eLearning courses results in ABF officers having an inadequate understanding of their rights and responsibilities in the workplace.

There is an inconsistent and superficial level of understanding throughout the ABF of expected standards of behaviour, reporting options, and consequences for unlawful or inappropriate behaviours. This appears to be influenced by factors such as the use of online rather than in-person training; limited focus on prevention; and a lack of clear, person-centred⁵ and trauma-informed⁶ guidance for witnesses (bystanders) on when and how to intervene.

Officers also noted that there was insufficient content in early training and limited opportunities for open dialogue about standards of behaviour in the workplace.



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- 5 Person-centred approaches are about ensuring systems and processes are responsive to and meet individual needs. This approach keeps the person at the centre of decision-making; prioritising the individual's needs, values and preferences and respecting their ability to make their own choices.
- 6 Trauma-informed approaches require the workplace to build in understanding of trauma and how it impacts people. It prioritises safety and avoiding further harm and supports choice and empowerment of an individual.

(c) There is a lack of contextually appropriate and consistently available training.

Training focused on creating safe and inclusive workplaces is provided by the Department, with no additional context-specific training that reflects the ABF's operational environments and its unique risk factors.

While some officers believed that additional training is available for people who want it, others identified barriers such as limited budgets, availability and access.

(d) Most training offerings relevant to maintaining a safe, respectful and inclusive workplace are optional, with limited scope.

This results in inconsistent levels of understanding across the ABF and communicates to officers that this information is non-essential, resulting in low completion rates.

(e) Learning opportunities, both formal and informal, are not subject to regular monitoring and evaluation processes.

Currently, there is no ongoing evaluation of training, except for some courses. Most feedback collected is anecdotal, resulting in limited awareness of the effectiveness of educational offerings.

(f) Many people leaders are not sufficiently supported to manage unlawful conduct and other inappropriate behaviours due to lack of access to appropriate learning opportunities.

Genuine inclusion within teams is impeded by lack of support for inclusive leadership development within the ABF. As noted above, inconsistent leadership approaches and expertise was a theme of this project. Educational opportunities to equip leaders to manage inappropriate and unlawful behaviours, and training that focused on people leadership, were identified as key requirements.

As noted elsewhere in the report, participants raised concerns about junior leaders being ill-prepared to manage behaviour. This concern extended to managing potential backlash and was reported to be particularly concerning in regional shift environments. Some officers noted that positive initiatives such as the 'Readiness to Lead' program (for APS5/6) are offered inconsistently, or too late after promotion.



2.4 Risk management

Throughout the Project, risk management was identified by senior leaders as a key area requiring action and improvement to ensure ABF succeed in their efforts to prevent and respond to unlawful and other inappropriate behaviour.

(a) Limited implementation of a risk-based approach to preventing and responding to unlawful conduct and inappropriate behaviours within the ABF.

Whilst some participants acknowledge an increased focus on psychosocial hazards in the ABF in recent years, others expressed uncertainty about responsibilities and processes for risk assessments and suggested the approach is more reactive than preventative.

Significant data gaps, inconsistencies in relation to how existing policies and tools address risks associated with sexual harassment and other aspects of the positive duty, and a lack of clarity with regards to procedures for managing risks were all highlighted throughout the project.



2.5 Support

Providing effective support to ABF officers who experience or witness unlawful conduct and other inappropriate behaviours is essential for reducing ongoing harm and will in turn increase the likelihood of future reports.

(a) Widespread concerns about the quality and confidentiality of available support services are impacting the use of these services by officers.

The ABF offers a range of internal support services including Speak Safe, Harassment Contact Officers (HCOs), Mental Health First Aid Officers and Peer Support Officers (PSOs). The main external service is the Employee Assistance Program, including the Aboriginal and Torres Strait Islander Support Line.

Barriers to accessing these services included:

- Limited resources and training for those providing support
- Lack of tailored options for remote and regional localities
- Lack of clarity about the role of some services (most notably Speak Safe)
- Concerns about the confidentiality of the services offered
- A lack of diversity among support providers.

(b) Some team cultures and leaders discourage seeking support, resulting in ABF officers often being reluctant to seek help when needed.

While current policies encourage ABF officers to seek support from their immediate manager, officers suggested that some team cultures discourage seeking support. There were references to some leaders stigmatising use of support services, labelling those seeking support as ‘complainers’. The level of support received by officers appeared to be based on individual characteristics of managers and support staff.



2.6 Reporting and response

An effective reporting and response framework to deal with unlawful conduct and other inappropriate behaviour will be person-centred, trauma-informed, and safe and fair for all involved.⁷ It should prioritise early intervention to minimise harm.

(a) Reporting options are perceived as unsafe, lacking confidentiality and lengthy, discouraging officers from reporting.

As with support options, ABF officers expressed concerns about confidentiality in reporting processes. Instances of identity disclosure and slow response times caused anxiety and led some officers to avoid formal reporting channels.

Fear of victimisation was raised as a further barrier to reporting. Officers spoke of negative career impacts and retaliation such as unfavourable rostering and reputational damage.

Women officers reporting sexual harassment spoke of facing dismissal of their allegations based on supposed ‘he said, she said’ scenarios, highlighting that reporting can lead to judgement and a lack of empathy towards those reporting.

(b) There are limited internal reporting points available to officers and an explicit organisational preference for internal reporting in the first instance.

Despite the availability of 3 internal avenues for complaint – line management, WBT and I&PS – each of these results in a similar process that appears to offer limited agency to those reporting and downplay the importance of potential systemic drivers of behaviour. Current policies appear to discourage anonymous complaints and the use of external reporting options, communicating a preference for formal internal reporting that may reduce the likelihood of behaviour being reported.

7 Champions of Change Coalition, *Disrupting the System: preventing and responding to sexual harassment in the workplace*, 2023.

(c) Mandatory reporting obligations are not well understood and are creating confusion for officers.

The Department has mandatory reporting obligations for ‘serious misconduct, corrupt conduct or criminal activity’. While sexual harassment is not specifically addressed, workforce engagement participants reflected significant confusion about whether it was included within this obligation.

Mandatory reporting of sexual harassment and sexual assault can remove the agency of the officer experiencing the behaviour in deciding how and if they want to disclose and discourages them from reaching out for informal support and resolution.

(d) Understanding and access to reporting options vary significantly across the ABF.

ABF officers are not consistently equipped with the necessary information on how to report inappropriate behaviours and/or unlawful conduct.

While there is a range of resources available, they are not always fit for purpose and do not address barriers to reporting such as insecure work, fear of retribution, and escalation options when the chain of command is implicated or does not take appropriate action.

(e) A lack of transparency and communication after reporting is negatively impacting on reporting behaviour.

Many officers have observed an ‘information vacuum’ following the reporting of an issue, affecting both the reporting officer and supervisors managing the behavioural incidents. This undermines confidence in the reporting process and prolongs uncertainty, while intensifying stress for those subject to the behaviours.

(f) The current response processes seem to support only a limited range of outcomes.

Officers reported that a relatively high threshold is required for conduct to warrant formal sanctions (such as a reprimand, fine, reduction in salary, or termination), leading to a widespread perception that those engaging

in unlawful conduct and other inappropriate behaviours face no real consequence.

There is also a perception that current processes focus on individual incidents and not prior incidents, or series of incidents, which may highlight patterns of behaviour. This was illustrated in one example shared where a supervisor was told that previous complaints lodged against the same officer couldn’t be considered during the investigation of a new complaint, even where it established a pattern of potentially sexually harassing conduct.

(g) Limited practical support is provided to supervisors during and after an investigation, hindering early intervention efforts.

The Department has guidance for managers for addressing unlawful conduct and other inappropriate behaviours, that supports resolving matters informally in the work area.

However, supervisors expressed frustration with the tendency for referrals to be sent back to the work area for ‘line management action’ without sufficient support. This practice causes inconsistent responses between teams, as it relies on the proactive and individualised approach of team leaders in addressing these issues. There is no data available to allow for comparative assessment of these responses.

(h) A lack of transparency of report outcomes is negatively affecting trust and confidence in the response process.

A lack of transparency regarding outcomes following reports of unlawful conduct and other inappropriate behaviours was noted as problematic, fostering a perception that officers subject to complaints are merely being ‘moved on’ without consequence.

Officers recognised the need to balance privacy with transparency, however, the current level of information sharing was commonly deemed as inadequate. Many officers were in favour of sharing de-identified information and statistical trends about complaints and their outcomes to have a better awareness of the issues facing their work.



2.7 Monitoring, evaluation and transparency

Transparency on the nature and extent of relevant conduct within the ABF and the actions taken to address it sends a clear message about the ABF's commitment to accountability, ethical conduct, diversity, and gender equality.

(a) The lack of coordinated data collection and analysis on disclosures and complaints makes it challenging to effectively improve work culture and develop measures to prevent and respond to unlawful conduct and other inappropriate behaviours.

Responsibility for data collection on workplace behaviours is spread across various branches and teams, with gaps and limited coordination.

This creates challenges in understanding the nature, prevalence and risks of relevant conduct and the effectiveness of reporting outcomes.

Some of the shortcomings in current data collection and management include lack of reporting on locally managed complaints and the absence of a central point for compilation of data. In addition, other valuable data sources such as exit interviews, diversity data and workplace surveys are either limited in their content or not undertaken at all.

(b) Regular opportunities for evaluation are limited, restricting learnings and appropriate outcomes.

While the ABF undertakes considerable effort in analysing APS Census results and developing action plans, there is limited evaluation of the information to inform changes to prevention and response efforts. This is a missed opportunity that limits the ability to address systemic issues and create change.

(c) There is limited transparency provided to the ABF senior leaders, managers and workforce about the nature and extent of reported unlawful conduct and other inappropriate behaviours and actions taken to prevent and respond to them.

As noted above, limited information is shared with ABF senior leaders and officers on the nature and extent of reported conduct and actions taken to prevent and respond to them. ABF senior leaders advised that without transparent access to information, it is challenging for them to discharge their obligations.

2. Towards implementation

For the ABF to establish a safe, inclusive, and respectful workplace, proactive measures are crucial to prevent unlawful conduct and inappropriate behaviours. Long-term cultural change necessitates continuous monitoring, evaluation, and a strong commitment to accountability.

Ongoing engagement with officers, including leaders, is essential for relevant, effective, and well-supported implementation of the recommended reforms.

The Commission recognises that some recommendations from the Full Report (summarised in figure 3 below) may require thoughtful consideration and engagement, and discrete projects under the Partnership may be established to facilitate implementation.

The Commission is committed to supporting the ABF in implementing changes identified through this Project, seeking periodic updates on progress and consulting with the workforce to understand the impact of the changes at regular intervals.

Figure 3: Summary of recommendations from the Full Report





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