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BYSTANDER APPROACHES TO SEXUAL
HARASSMENT IN THE WORKPLACE • 2012

Encourage. Support. Act!

Bystander Approaches to Sexual Harassment in the Workplace

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Australian Human Rights Commission

June 2012

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Elizabeth Broderick
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I am pleased to present *Encourage. Support. Act!: Bystander Approaches to Sexual Harassment in the Workplace,* a research paper authored by Paula McDonald (Queensland University of Technology) and Michael Flood (University of Wollongong).

Sexual harassment is conduct of a sexual nature that a reasonable person would anticipate could make the person harassed feel offended, humiliated or intimidated. It is a form of sex discrimination and usually a manifestation of gender-based violence.

Sexual harassment is widespread in Australia. 22 percent of women aged 18-64, and 5 percent of men aged 18-64 years experience sexual harassment in their lifetime – and most commonly in the workplace. It is not surprising, therefore, that almost one-third of all complaints received by the Australian Human Rights Commission in 2010-11 under the *Sex Discrimination Act 1984* related to sexual harassment.

Particularly concerning is the fact that those who experience sexual harassment rarely report it. The 'hidden' nature of sexual harassment makes it especially difficult to bring the problem to the surface. Creative and innovative approaches are required.

One such approach is to enlist the help of bystanders; that is individuals who witness or are informed of sexual harassment. Bystanders can be highly effective in raising awareness of sexual harassment. They can also intervene to prevent harm and contribute to improving workplace practices and cultures that reduce the occurrence of sexual harassment.

In 2008, the Commission conducted a Sexual Harassment National Telephone Survey. The Survey found that 12% of respondents had witnessed sexual harassment, the large majority of whom went on to take some form of action. Witnesses – or bystanders – most commonly listened or offered advice to targets of sexual harassment, but many also confronted harassers or made formal complaints. Tellingly, bystanders were twice as likely to take action than were targets of sexual harassment.

For those who experience and witness it, sexual harassment can have significant negative health and other consequences. It is also costly to organisations. Employee turnover, reduced morale, absenteeism, the threat of legal action, injury to reputation and loss of shareholder confidence are just some of the possible consequences. These flow-on effects for business productivity indicate we cannot afford to ignore bystander strategies.

In May 2011, the *Sex Discrimination Act 1984* was amended to expand protections against sexual harassment. This was a step in the right direction for strengthening protections.

However, in order for bystanders to feel supported in highlighting sexual harassment in the workplace, there must be a substantial shift in organisational culture. Organisational environments must support the reporting of sexual harassment. This will encourage bystanders to take action. This paper outlines some of the key factors that discourage bystanders from taking action. These factors include a lack of knowledge of workplace rights, low expectations of reporting mechanisms and a fear of the potential negative impacts of reporting on career.

Drawing from other research in areas such as whistle blowing, racial harassment and workplace bullying, this paper recommends a number of strategies to encourage bystander intervention. Development of training programs, grievance procedures, multiple complaints channels and incentives for bystanders to make valid reports of sexual harassment are some of the suggestions. Assuring bystanders of anonymity and immunity from legal action and victimisation are others. I believe that actions such as these have real potential to increase reporting and reduce the incidence of sexual harassment in Australia.

If we don't support and encourage the targets of sexual harassment and any bystanders to take action, we run the risk of creating cultures of tolerance. It is up to organisations to provide this support and encouragement, thereby making it clear that sexual harassment has no place in our workplaces or in our society.

It is my hope that this paper will become a critical resource that provides the basis for understanding the role of bystanders and implementing effective strategies to support and encourage action against sexual harassment in Australian workplaces.

E. Broderick

Elizabeth Broderick
Sex Discrimination Commissioner
Australian Human Rights Commission

June 2012

Executive summary

Sexual harassment in the workplace is a persistent and pervasive problem in Australia and elsewhere, demanding new and creative responses.[1] One significant area that may inform prevention and response strategies is the area of 'bystander approaches'. In examining the potential for bystander approaches to prevent and respond to workplace sexual harassment, this paper draws upon a range of theoretical and empirical research.

Who are bystanders?

Bystanders are individuals who observe sexual harassment firsthand, or are subsequently informed of the incident. This definition includes both 'passive' bystanders (those who take no action) and 'active' bystanders (those who take action to prevent or reduce the harm).

This inclusive definition of bystanders is not limited to people who have witnessed the event or incident. It also includes those who subsequently hear about the event.

In the context of sexual harassment, individuals often fail to distinguish their personal observations from the suggestions of others.[2] Further, the impact of sexual harassment can extend from the observers to other co-workers who are not direct witnesses.[3] For example, studies have shown that women working in an environment that is hostile to women and lax about harassment can experience similar negative impacts to those women who are actual targets of sexual harassment.[4]

In the workplace, bystanders can include a range of people. They may include managers or supervisors, human resource employees, workplace ombudsmen and/or equity/harassment contact officers to whom sexual harassment is reported. Reporting can be either formally, where policies and grievance procedures are implemented, or informally,[5] where targets seek support or request advice. Co-workers, who are informed of sexual harassment through the workplace grapevine or targets seeking emotional support and advice, are also bystanders.

What are bystander approaches?

Bystander approaches focus on the ways in which individuals who are not the targets of the conduct can intervene in violence, harassment or other anti-social behaviour in order to prevent and reduce harm to others.[6]

Bystander approaches have a long history of being used in emergency situations. Increasingly, they have become part of efforts to prevent injustices, such as interpersonal violence, cyberbullying and race discrimination. For example, the Australian Human Rights Commission incorporated bystander approaches into initiatives aimed at empowering young people to take safe steps to respond to cyberbullying.[7] The Victorian Health Promotion Foundation used bystander approaches to prevent and respond to race discrimination and violence against women in the community.[8] A small body of recent work has also begun to address the potential for bystander interventions in workplace bullying.

There has been less emphasis, however, on bystander approaches in workplaces and in relation to sexual harassment specifically. Relative to the extensive literature that addresses the prevalence of sexual harassment, the way in which bystander approaches may be utilised to actively prevent or respond to sexual harassment is still a relatively new area.

One of the reasons that bystander approaches to sexual harassment in the workplace are under-utilised is because harassers tend to actively hide their sexually harassing behaviour.[9] Further, relatively few targets report their experiences through formal organisational grievance procedures. Even fewer report the harassment to bodies outside the confines of the workplace or to a public hearing.[10] For example, the Commission's 2008 Prevalence Study on sexual harassment revealed that fewer than one in six respondents who reported sexual harassment had formally reported the incident(s). Predominantly this was because of fear of reprisals and/or an expectation that the response would be inadequate.[11] Even when legal redress is sought, it is rare for direct eyewitness testimony to be available.[12] Rather than anticipating the benefit of deterring potential harassers, a fear of bad publicity also means organisations rarely publicise cases.

Research suggests that, in some work environments and circumstances, the hidden nature of sexual harassment can be especially problematic. Deployment in Defence operations where the focus on the mission overshadows other concerns is one example.[13] Off-site interactions with clients or customers where harassers may perceive less accountability, is another.[14]

Despite these trends, the evidence of the success of bystander approaches in other areas suggests that they may also be highly effective in raising awareness of sexual harassment in the

workplace. Accordingly they may also be effective in changing cultures of tolerance towards sexual harassment and, ultimately, eradicating the problem.

An example of a bystander intervention:

In a large gem mine in remote Australia women were being systematically subjected to a range of offensive behaviours, predominantly the display of pornographic pictures. A group of women organised and advertised a series of women-only meetings, which were held at the mine itself. They formed an 'Offensive Materials Committee' to negotiate a broad-based agreement for the removal of the pin-ups. They also collectively approached their state's Equal Opportunity Commissioner who subsequently visited the mine-site, providing advice about sexual harassment, pin-ups and sex discrimination. The Equal Opportunity Commission also ensured that programs on sexism and sexual harassment were run.[15]

Why are bystander approaches relevant for addressing sexual harassment?

A focus on bystander interventions to address sexual harassment in the workplace is important because targets of sexual harassment often respond passively to the conduct. They often avoid the harasser, trivialise the behaviour or deny it altogether.[16] This may be because, although targets want the behaviour to end, they must balance this objective with avoiding reprisals by the harasser and maintaining their status and reputation in the work environment.[17] Therefore, organisational approaches which rely exclusively on individual complaints made by targets of harassment are unlikely to be successful.[18]

In this regard, bystanders may provide effective assistance in extending efforts to eliminate sexual harassment at work. Their support could be enlisted to intervene during or following an actual event, or to report the behaviour through organisational channels.

This paper examines a range of existing bystander approaches in other areas to understand how they could be applied to address sexual harassment in the workplace. This includes examination of empirical work on sexual harassment, relevant legal cases and conceptual frameworks explaining bystander interventions as part of violence prevention.

Sexual harassment may overlap with other destructive workplace behaviours that may be characterised as gendered mistreatment. Some of the shared features of these phenomena include hierarchical power relations, a reduction in the quality of working life and an undermining of equal participation in employment.[19] Examining the different forms of gendered mistreatment provides insights into organisational processes and dynamics that might not be possible with the use of a singular focus on sexual harassment. These insights are valuable for understanding what kind of bystander approaches could be effective in workplace settings.

Bystanders' perceptions of sexual harassment

There is a large body of research that considers the ways in which behaviours that may constitute sexual harassment are perceived by bystanders.[20] Research shows that in general, women are less accepting than men of sexual behaviour at work.[21] Bystanders are also more likely to say the sexual harassment has occurred when the target responds assertively than when they acquiesce or do not communicate to the harasser that the behaviour is unwelcome. Understanding the different perceptions of sexual harassment can inform the type of bystander policies and procedures that need to be developed to address sexual harassment.

There is strong evidence that witnessing or otherwise hearing about sexual harassment is not only frequent in workplace contexts, but also causes a range of negative health and occupational outcomes similar to those experienced by the targets.[22] These impacts have also been observed in individuals who witness or hear about other catastrophic or traumatic events in the community more broadly. This phenomenon is known as 'bystander stress'.

Individually or collectively, bystanders have been found to respond to sexual harassment in a number of ways. Responses include reporting the problem on behalf of the target, supporting the target in making a complaint, offering advice to the target or confronting the harasser. Bystanders may provide social guidance which can influence whether targets report the problem or make a formal legal claim.[23] They may initiate a formal organisational response themselves, intervene during an incident or later confront the harasser.[24]

What can we learn from bystander approaches in other areas?

A number of explanations have emerged for the motivations and actions of bystanders. Early studies revealed the notion of 'bystander apathy', which described the behaviours of people who observed an assault or injustice but who did nothing. Other studies have affirmed that bystanders are influenced by the behaviour of other bystanders.[25]

Some classifications of types of bystanders have been based on the type of actions taken, such as standing by and enjoying the victimisation, avoiding the behaviours or helping the target. Bystander intervention behaviours have also been categorised according to dimensions of *immediacy* (whether the intervention occurs as the sexual harassment event unfolds, or later) and the level or degree to which bystanders immerse themselves in the situation.[26]

A recent model by Goldberg and colleagues explains the process by which a workplace observer will respond to a perceived injustice faced by a co-worker. This model suggests that

- first, when an observer perceives themselves to be similar to the target of the injustice, they will identify with them;

- second, when the observer identifies with the target, this increases the likelihood that an event will be noticed and perceived as an injustice;

- third, when an injustice is perceived, the decision of an observer to respond to or report the injustice will be influenced by the organisational environment;

- fourth and finally, an observer's decision about whether to use individual or collective strategies will depend on the perceived benefits and costs of these options.[27]

Such equity or justice theories are based on the idea that where an injustice occurs, people are motivated to behave in ways which restore equity. However, the extent to which bystanders are motivated to act can vary depending on various factors. These factors include the characteristics of the bystander, their relationship with the target, perceptions of the situation and/or conduct and norms within the workplace. The extent to which bystanders are motivated to act can also be influenced by the:

- level of personal threat or benefit to the workplace they perceive (eg male bystanders can also feel reluctant to take action for fear of being seen as weak, gay and/or unmasculine by their male peers);[28]

- extent to which they perceive sexual harassment to be either an injustice or a socialisation behaviour; or

- extent to which the workplace supports people's advocacy or responds once a complaint is made. (In workplaces without a credible system in place for voicing bystander responses, employees may resort to counterproductive behaviours and responses. These include reduced productivity, absenteeism and sabotage, which can incur significant costs to the organisation).[29]

This paper draws on a number of aligned areas to highlight how they may be useful for developing practical bystander interventions to address sexual harassment in the workplace. These areas include including whistle blowing, organisational ethics, workplace bullying and workplace health and safety. For instance, the research in whistle blowing shows that despite the existence of legislation that allows for whistle blowing, a greater determinant as to whether or not whistle-blowers will act is whether they anticipate anything will change.[30] If there is a perception that there will be minimal change, then it is less likely that people will expose the conduct.

There is also a relatively established body of work that addresses bystander issues in relation to men's violence towards women. These approaches have gained increasing traction as a way for men to prevent and respond to violence and for encouraging non-violent action by men. Their effectiveness is supported by a growing body of evidence.

The focus in this area of bystander action is on prevention by addressing the underlying causes of violence. The aim is to reduce its occurrence and, ultimately, to eliminate it altogether.

Approaches aimed at preventing and responding to violence are often classified according to when they occur:

- before the problem occurs (primary prevention);

- once the problem has begun (secondary prevention); and

- after the problem, extending into longer term responses (tertiary prevention).[31]

Primary prevention strategies focus on the role of bystanders in challenging the attitudes and norms, behaviours, institutional environments and power inequalities that underpin acts of the violence against women.

The vast majority of existing violence prevention initiatives on bystander intervention rely on one or more of three streams of action to effect change: face-to-face education (eg mentors, buddy systems, public pledges), social marketing and communications (eg media) and policy and law.[32]

There is a small but growing body of evidence that demonstrates that supporting bystander intervention strategies can increase the willingness of people to take action, their sense of efficacy in doing so and their actual participation in bystander behaviour.

Legal and organisational challenges for bystander approaches

There are a number of important legal and organisational challenges associated with the translation of bystander approaches from other areas of study to workplace sexual harassment. These include vicarious liability, victimisation and occupational health and safety.

Vicarious liability provisions exist in state and federal anti-discrimination legislation. Under these provisions, an employer will be liable for the discriminatory actions of her, his or its employee or agent unless the employer has taken reasonable steps to prevent the sexual harassment.

The involvement of bystanders, who may include co-workers as well as those in positions of organisational authority who have had sexual harassment reported to them, raises important questions about what an employer must do in order to have taken reasonable steps to prevent sexual harassment from occurring and thus to avoid liability for the conduct of their employees or agents. The related issues of victimisation of bystanders and aiding and abetting are also important in terms of organisational risk.

The way co-workers cooperate within a workplace health and safety framework to establish and maintain a safe and healthy work environment also plays a role in mobilising the support of bystanders. While the focus in this area has been on physical safety, there is increasing recognition of its capacity to also address psycho-social safety elements such as sexual harassment. Importantly, such workplace health and safety strategies have been found to be highly effective.[33] Recent work has also indicated that the involvement of bystanders in workplace safety can lead to reshaping the traditional norms, which influence men's and women's behaviour and are associated with sexual harassment and other gendered forms of mistreatment at work.[34]

Applying bystander approaches to sexual harassment in the workplace

Education about bystander intervention is a potentially invaluable element for preventing sexual harassment in the workforce. Bystander education can teach people to interrupt incidents of sexual harassment or the situations which lead to harassment. It can also teach them to challenge perpetrators and potential perpetrators, to provide support to potential and actual victims

and to speak out against the social norms and inequalities supportive of sexual harassment. However, the effectiveness of education is dependent on its integration within a comprehensive framework of prevention.

Efforts to reduce and prevent workplace sexual harassment will only make real progress if they adopt the principles and strategies shown to constitute best practice in violence prevention. Effective interventions have five generic features, all of which are likely to have relevance for the development of bystander approaches to sexual harassment:

1) adopting multiple strategies to address the problem behaviour, in multiple settings and at multiple levels;[35]

2) demonstrating a sound understanding of both the problem – of the workings and causes of sexual harassment itself – and of how it can be changed;[36]

3) invoking educational, communication and other strategies known to create change – ensuring they focus on determinants of this behaviour, use effective teaching methods and have sufficient duration and intensity to produce change;[37]

4) developing bystander interventions that have regard to the context (ie the social and structural constraints and the operating beliefs and norms);[38] and

5) involving a comprehensive process of impact evaluation that is integrated into program design and implementation.[39]

This paper provides a range of bystander strategies that could be implemented in workplaces to address sexual harassment.

The principles and strategies identified for developing and implementing bystander approaches to sexual harassment in the workplace include:

Principles informing the strategies	Strategies		
	Primary Prevention – training	**Secondary Prevention – reporting and investigating**	**Tertiary Prevention – supporting bystanders**

Design comprehensive programs, using multiple strategies, settings and levels
 	
Develop an appropriate theoretical framework
 	
Incorporate educational, communication and other change strategies
 	
Locate bystander approaches in the relevant context
 	
Include impact evaluation in the bystander approach
	• Design training to:
	  – increase recognition of sexual harassment
	  – include content which addresses different forms of bystander involvement and challenge myths of sexual harassment
	  – address the links between sexual harassment and other forms of gender inequalities
	  – define sexual harassment by focusing on the behavior rather than the response.
	• Make social responsibility norms evident in the workplace; acknowledge bystanders can be individuals or respond collectively
	• Use modeling in training modules to demonstrate how bystanders can assist
	• Deliver training to all employees
		• Respond and investigate complaints in a timely way
		• Allow employees to participate in the design of complaints procedures
		• Establish what constitutes sexual harassment in the organisation
		• Create a workplace environment that allows for reporting sexual harassment
		• Give management credit for taking action to encourage reporting
		• Preserve the anonymity of bystanders who disclose
		• Address the risks of victimisation to the bystander
		• Implement appropriate penalties for harassment when it occurs
		• Provide multiple communication channels for bystanders and targets
		• Acknowledge that some organisational actors are more vulnerable
			• Support bystanders who may have experienced the negative impacts of sexual harassment
			• Enlist the support of bystanders to assist targets of sexual harassment in the longer term
			• Implement ongoing monitoring and evaluation of bystander strategies

Overview and conclusion

Research shows that bystander approaches and interventions can be potent tools in raising awareness of sexual harassment and, ultimately, in eliminating this costly, damaging and increasingly pervasive problem in workplaces.

Part 1 of the paper examines definitions of sexual harassment. It also examines how sexual harassment overlaps with other destructive workplace behaviours which contribute to gender inequality.

Part 2 explores how sexual harassment is perceived by bystanders and the impacts on their psychological well-being and productivity.

Part 3 considers the motivations and actions of bystanders, drawing on other areas of research to understand what bystander responses are likely in different circumstances. These areas of research include whistle blowing, organisational ethics, workplace health and safety and workplace bullying.

Part 4 outlines existing bystander approaches, particularly as a prevention strategy for domestic and family violence, sexual violence and other forms of interpersonal violence.

Part 5 examines the legal and organisational implications of bystander involvement, referring to issues such as vicarious liability, victimisation and workplace health and safety.

Part 6 of the paper proposes an overarching framework that is based on the categorisation of primary, secondary and tertiary prevention in the area of interpersonal violence and incorporates a number of accepted general principles of bystander prevention approaches.

The paper concludes by canvassing a range of strategies relevant to workplace sexual harassment that may be practically employed in workplaces today.

Introduction

Workplace sexual harassment is a persistent and pervasive problem in Australia and elsewhere, demanding new and creative responses. One promising area which may inform prevention and response strategies is bystander approaches. In broad terms, bystander approaches focus on the ways in which individuals who are not the targets of the conduct can intervene in violence, harassment or other anti-social behaviour in order to prevent and reduce harm to others.[40] Although bystander approaches have a long history in relation to intervening in emergencies, they have recently been translated to efforts to engage men and boys in the prevention of sexual violence. Indeed, such strategies are now a common element in contemporary violence prevention education, such as on American university campuses and there is a growing body of scholarship evaluating their effectiveness. Recently, bystander approaches have also been incorporated into initiatives by the Commission to empower young people to take safe steps to respond to cyberbullying[41] and by the Victorian Health Promotion Foundation to prevent and respond to race discrimination.[42] Bystander approaches may be useful in extending efforts to eradicate workplace sexual harassment and in the process, to raise awareness of the problem and change a culture of tolerance towards sexual harassment in organisational settings.

A focus on bystander interventions in workplace sexual harassment is important because targets of sexual harassment, despite significant negative consequences, often respond passively to the conduct – for example, by avoiding the harasser, minimising the behaviours or denying it altogether.[43] This may be because although targets want the behaviour to end, they must balance this objective with avoiding reprisals by the harasser and maintaining their status and reputation in the work environment.[44] Therefore, organisational approaches which rely exclusively on individual complaints made by targets of harassment are unlikely to be successful.[45] On the other hand, enlisting the support of bystanders to intervene during or following an actual event, or to report the behaviour through organisational channels, may be an effective way to extend efforts to eliminate sexual harassment at work.

Research on bystander approaches to sexual harassment has generated a significant number of studies addressing how bystanders perceive sexual harassment. A small body of recent work has also begun to address the potential for bystander interventions in workplace bullying. However, relative to the extensive literature which addresses the prevalence of workplace[46] sexual harassment, the types of conduct that characterise the problem and patterns of reporting, the way in which bystander approaches may be utilised in the workplace to actively prevent or respond to sexual harassment is formative. While general theoretical models are beginning to emerge, these have yet to be tested to any significant extent.

At least two major factors shape this under-examination. First, harassers themselves work to hide their sexually harassing behaviour, using tactics including cover-up, where perpetrators act away from witnesses and hide their actions.[47] Further contributing to the concealment of sexual harassment is that relatively few targets report their experiences using formal organisational grievance procedures and even fewer do so outside the confines of the workplace or to a public hearing.[48] For example, the 2008 AHRC prevalence study on sexual harassment revealed that fewer than one in six respondents who reported sexual harassment had formally reported the incident(s), predominantly because of fear of reprisals and/or an expectation that the response would be inadequate.[49] Even when legal redress is sought, it is rare for direct eyewitness testimony to be available.[50] Furthermore, organisations rarely publicise cases, fearing bad publicity more than they anticipate the benefits of deterring potential harassers. Research also suggests that the hidden nature of sexual harassment can be especially problematic in some work environments and circumstances, such as during deployment in Defence operations where the focus on the mission overshadows other concerns,[51] or during interactions off-site with clients or customers where harassers may perceive less accountability.[52] The hidden nature of sexual harassment means that it may also be methodologically difficult to locate bystanders in the workplace to participate in research.

A second major reason for the dearth of research on bystander interventions in sexual harassment is that research on the subject has evolved as largely separate or isolated from work on other potentially relevant topics, such as whistle blowing, employee voice and violence prevention and in which bystander intervention efforts have featured more centrally. Put another way, studies of sexual harassment tend to theorise and approach the problem as a distinct phenomenon, without adequately considering how it may share features with, or occur along

a spectrum of, other workplace phenomena. Encouragingly however, a recent working paper published by the International Labour Office refers to sexual harassment as one manifestation of gender-based workplace violence, which also includes bullying, mobbing, economic exploitation and harassment based on sex.[53] Supporting this framing of sexual harassment as one component of a broader continuum of gender inequality are studies which reveal a significant co-occurrence of sexually harassing behaviours and other negative gender-based workplace conduct.[54] Also reflecting the problem of the isolation of specific fields of interest is that violence prevention efforts, which include bystander intervention strategies, have focused largely on domestic and dating violence rather than sexual harassment or other damaging conduct which occurs in the workplace. Bystander intervention as a specific focus of violence prevention is also a relatively new field of interest.

In examining broader notions of bystander approaches and how they may be relevant to sexual harassment, it is important to define what is meant by a 'bystander'. Work addressing bystander-related strategies for the prevention and reduction of violence addresses both 'passive' bystanders – those who in simple terms do nothing – and 'active' bystanders – those who act in some way to prevent or reduce sexual harassment. However, existing conceptualisations of both passive and active bystanders have usually been, either explicitly or implicitly, confined to those who directly observe violence. In contrast, this paper adopts a more inclusive definition of 'bystanders'. This definition encompasses those individuals who observe sexual harassment firsthand, but also other organisational actors who do not necessarily directly witness events, but are informed of the conduct via another means. There are two rationales for this more inclusive conceptualisation of bystander.

First, although sexual harassment is often hidden from direct witnesses, there is strong evidence that it has a significant negative psychological impact on observers as well as co-workers who are not direct witnesses.[55] Studies have shown for example that working in an environment that is misogynistic, hostile to women and lax about harassment, leads to similar detrimental effects to those that impact direct targets.[56] The second reason for including those who hear about, as well those who directly observe, sexual harassment in a definition of 'bystander' is research which suggests that it is difficult to disentangle direct observation from second-hand knowledge because individuals often fail to distinguish their personal observations from the suggestions of others.[57]

Bystanders, as we define them here, may include co-workers who are informed of sexual harassment via the workplace grapevine, or via targets themselves who seek emotional support and advice. This broader conceptualisation of bystanders also includes managers or supervisors, human resource employees, workplace ombudsmen and /or equity/harassment contact officers in organisations to whom sexual harassment is reported, either formally, such as where policies and grievance procedures are implemented, or informally,[58] where targets confine reporting to support-seeking or requests for advice.

An examination of the distinctions and overlap between categories of bystander complicates existing work in the field. However, addressing these complexities is important in examining potential frameworks for bystander interventions in workplace sexual harassment due to the tightly interwoven relationships and legal responsibilities between organisations and employees. Particularly relevant are vicarious liability provisions in the federal Sex Discrimination Act and state legislation which guide the development and implementation of organisational policies, training and grievance procedures. Thus, the consideration of the role of a wide range of organisational actors as 'bystanders' is important in discussions of how effective prevention and response strategies in sexual harassment can be implemented.

This paper aims to build understandings of bystander sexual harassment by bridging what is currently a conceptual divide between a number of areas of research which are, or may be, relevant to understanding how bystander approaches can be used as effective responses to workplace sexual harassment. Importantly, the paper considers sexual harassment as both a specific and legally defined form of sex discrimination and as a manifestation of gender-based workplace violence and a broader 'cultural misogyny' or hostility towards women.[59]

The paper draws on diverse perspectives including existing empirical work on sexual harassment, relevant legal cases, conceptual frameworks explaining bystander behaviours and interventions and work addressing organisational processes and injustices in a range of areas to address what is clearly a promising field of enquiry. In particular, it informs potentially innovative solutions to a costly problem which remains a persistent barrier to organizational effectiveness and national economic priorities and which significantly and negatively affects the safety and well-being of large numbers of individual workers.

Part 1: Sexual harassment: an overview

1.1 Definitions of sexual harassment

Many statutes around the world describe sexually harassment as conduct of a sexual nature which is unwanted or unwelcome and which has the purpose or effect of being intimidating, hostile, degrading, humiliating or offensive.

The *Sex Discrimination Act 1984* (Cth) states

28 A Meaning of sexual harassment

(1) For the purposes of this Division, a person sexually harasses another person (the person harassed) if:

(a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or

(b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

(1A) For the purposes of subsection (1), the circumstances to be taken into account include, but are not limited to, the following:

(a) the sex, age, marital status, sexual preference, religious belief, race, colour, or national or ethnic origin, of the person harassed;

(b) the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;

(c) any disability of the person harassed;

(d) any other relevant circumstance.

(2) In this section:

'conduct of a sexual nature' includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Sexual harassment in Australia is also covered by state based anti-discrimination legislation.

Legislation also frequently refers to vicarious liability, whereby organisations may be held liable unless they can establish they took all reasonable steps to prevent the conduct or that they promptly corrected the behaviour after it became evident.

At an international level, sexual harassment has been recognised and addressed by the International Labour Office, the International Confederation of Free Trade Unions, the European Union and the United Nations Committee on the Elimination of Discrimination Against Women. Under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), sexual harassment has been described as:

Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.[60]

Organisations have responded to the problem of sexual harassment by producing policies and collective agreement clauses, issuing guidance on complying with laws, providing training and introducing complaints procedures.[61] These legal and organisational responses are crucial in the broader suite of attempts to prevent sexual harassment and appropriately respond to it when it does occur. Yet sexual harassment continues to be experienced by many women and some men in a variety of organisational settings. However, like other forms of sexual violence such as rape,[62] the problem often goes unreported.

1.2   Characteristics and manifestations of sexual harassment

Behaviours that define sexual harassment are variously classified, but are often noted to occur on a continuum, from physical forms which are generally considered more serious, such as unwanted touching, sexual propositions and sexual assault, to non-physical forms, which are often thought to be less serious, such as the display of offensive materials, personal insults and ridicule, leering, offensive comments and gestures.[63] However, analogous to research on domestic violence, psychological or emotional abuse may actually be more harmful than physical abuse.[64] Research is also beginning to emerge on the growth in 'cyber-sexual harassment', which involves the display of offensive and sexually explicit visual material using distinct or new media such as the internet and mobile phones.[65]

In terms of who experiences and perpetrates sexual harassment, studies have overwhelmingly demonstrated that most reports of victimisation are by women against men; around 85 percent of complaints are filed by women and around 15 percent by men (where most perpetrators are male).[66] Targets are often vulnerable: divorced or separated women, young women, women with irregular or precarious employment contracts, women in non-traditional jobs, women with disabilities, lesbian women and women from culturally and linguistically diverse communities, gay men and young men.[67]

Sexual harassment is more common in some organisational contexts than others. Cross-sectional and meta-analytic studies consistently demonstrate that harassment is more prevalent in male-dominated occupations and work contexts than in gender-balanced or female-dominated workplaces.[68] Importantly however, it is not the organisational sex-ratios of the workplace *per se* that is associated with an increased likelihood of sexual harassment, but rather organisational environments that are hierarchical, especially blue-collar, male-dominated settings where cultural norms are associated with sexual bravado and posturing and where the denigration of feminine behaviours is sanctioned.[69] Similarly, research has demonstrated that sexual harassment is more pervasive in organisations where there is low sensitivity to the problem of balancing work and personal obligations and where the culture is job- or performance-oriented rather than employee-oriented.[70]

It has been consistently demonstrated that targets of sexual harassment often experience significant negative psychological, health and job-related consequences ranging from anxiety to anger, powerlessness, humiliation, depression and post-traumatic stress disorder, absenteeism, lower job satisfaction, commitment and productivity and employment withdrawal.[71] Sexual harassment is also costly to organisations in terms of employee turnover, reduced morale, absenteeism, the cost of investigations and those arising from legal actions, damage to external reputation and loss of shareholder confidence.[72] Furthermore, sexual harassment is damaging to the broader economy because it undermines workplace productivity, diminishes national competitiveness, stalls development[73] and contributes to women's under-representation in the workplace. Research has shown that closing the gap between male and female employment rates would have important implications for the Australian economy, boosting GDP by an estimated 11 percent.[74]

1.3   The overlap between sexual harassment and other manifestations of gender inequality

Central to our framing of sexual harassment in this paper is how the nature of the problem overlaps with other destructive workplace behaviours, including general bullying, mobbing, racial harassment and sex-based harassment; the latter which is characterised by verbal put-downs, abusive remarks and marginalising behaviours on the basis of sex or gender.[75] Shared features of these workplace phenomena have rarely been explicitly contrasted or linked, but doing so facilitates insights into organisational processes and dynamics and potential solutions to workplace injustices that would not be possible with the use of a singular focus on sexual harassment. These negative workplace behaviours have a number of common elements, including:

- ambiguity about whether the behaviours were intentional;

- a violation of standards of workplace behaviour generally considered to be ethical;

- a reduction in the quality of working life; and

- an undermining of full and equal participation in employment.[76]

At the core of all of these workplace phenomena are also hierarchical power relations. Explanations of the way gendered forms of power manifest in organisations, in the sense of enabling coercion and exploitation,[77] has been at the forefront of attempts to theorise different forms of workplace sexual harassment. As its name suggests, sexual harassment has an explicitly sexual dimension and is distinguished from harassment based on race or disability in that the conduct is similar to other sexual behaviours and thus may be excused as welcome attention.[78] Nonetheless, there is a blurring of different forms of destructive, gender-based workplace conduct, all of which mark workplaces as masculinised spaces which reinforce and perpetuate gendered forms of discrimination and harassment in socially acceptable ways.[79]

Targets of sexual harassment frequently report experiencing multiple forms of mistreatment, including non-sexualised incivility,[80] reflecting a blurring of overt sexualised behaviour at work on the one hand and less visible misogyny on the other. However, this is in contrast to a widely-held view that sexual harassment is confined to a pursuit of sexual expression and gratification. This view has led to policies that focus on policing sexual behaviour at work rather than more covert or less blatant acts that perpetuate gender inequality.[81] As some commentators have noted, a single, sexualised, blatantly lustful act, or 'sledgehammer harassment', may trump the mundane, 'dripping tap' variety characterised by trivial put-downs, but the latter may reveal more about gendered forms of discrimination and harassment than the former.[82] Indeed, there is evidence that corporate Australia is more committed to eliminating sexual harassment specifically, than other, perhaps more subtle forms of sex discrimination and gendered mistreatment.[83] Compounding this problem is the backlash against the supposed dominance of 'political correctness', which is often used to dismiss or discredit the struggle for equal rights for women broadly and to minimise and individualise sexual harassment specifically.[84]

The majority of orthodox feminist theories guiding sexual harassment research account for male to female sexual harassment and assume that both perpetrator and target are heterosexual. However, sexual harassment is also reported by men (both hetero- and homosexual) and lesbian women. For example, ABS data documented that over a 12 month period, 19 percent of women and 12 percent of men experienced some form of harassment (including such behaviours as obscene phone calls, indecent exposure, inappropriate comments about their body or sex life and unwanted sexual touching), while a secondary schools survey found that physical and verbal harassment of boys, largely by other boys, is common in schools.[85] Sexual harassment of men is often structured by male-male hierarchies of power.[86] In order to explain sexual harassment from a sexual orientation perspective, Epstein,[87] drawing on Butler's[88] notion of the heterosexual matrix, suggests that sexual harassment against gay men and lesbian women is 'heterosexist'. That is, individuals are schooled into gender-appropriate heterosexual sexuality which is subsequently rendered compulsory through the punishment of deviance from heterosexual norms of masculinity and prescribed feminine gender roles, via homophobic, antigay biases and gender hostility.[89]

Sexual harassment is acknowledged here as a diverse form of gendered mistreatment which reflects and reinforces inequalities between men and women at work. This framing allows for the development of interventions which build on existing strategies to address workplace sexual harassment, such as the Code of Practice for Employers developed by the Commission[90] and those which address injustices in other areas and spheres of society, such as violence in intimate or other familial relationships. Importantly, the paper also considers how more generic explanations of workplace behaviours and processes might translate to bystander intervention strategies which may help prevent, reduce and remedy sexual harassment specifically, regardless of who is targeted or how it manifests.

Part 2: Sexual harassment from the perspective of bystanders

How do individuals who witness or are aware of sexual harassment in their workplace make sense of this? Referred to in some studies as ambient sexual harassment, the vicarious experience of sexual harassment by bystanders has been explored from a number of perspectives. This section describes the prevalence of the experience, the psychological and productivity impacts and perceptual differences across demographic groups.

2.1   Witnesses to sexual harassment

Research suggests that substantial proportions of employees, even a majority, directly or indirectly witness sexual harassment at work. In one US study, more than 70 percent of women reported observing the sexual harassment of other women in their work environments.[91] Rather more conservatively, the Commission's prevalence survey on sexual harassment in 2008 reported that around 12 percent of the 2005 respondents surveyed (N = 240) reported they had witnessed[92] sexual harassment in the workplace in the last five years. Furthermore, in this survey nearly one in four respondents who had experienced sexual harassment had also witnessed sexual harassment. High rates of bystanding have also been demonstrated in other areas of harassment. In one study, bystander experiences of racial harassment were commonplace occurrences and were as frequent as personal encounters with racial harassment.[93] Employees are also frequently aware of who

among their male co-workers harasses female employees and know when a harassment complaint has been made and is being investigated.[94]

The extent to which individuals are bystanders to workplace sexual harassment is influenced by the incidence of harassment itself across workplaces. Another finding from the Commission's prevalence survey[95] suggested that sexual harassment may cluster in certain workplaces, with around 70 percent of those who stated they had experienced sexual harassment also reporting that it occurred 'commonly' or 'sometimes' in their workplace. It is uncertain whether the co-occurrence was more related to a single perpetrator who harassed multiple targets, or alternatively, whether sexual harassment was perpetrated by multiple harassers in the same workplace. The 'clustering' of sexual harassment in particular workplaces warrants further research attention, especially as it may offer a crucial vantage point from which to examine bystander approaches. However, in workplace cultures in which gendered hostility and incivility is rife, exploring bystander approaches may be complicated by the fact that bystanders might sequentially or simultaneously also experience sexual harassment as a direct target.

Frequent witnessing of sexual harassment, particularly where action may not be taken by an employer to prevent or remedy it, may be an indicator of a workplace culture that tolerates or does not adequately respond to sexual harassment.[96] The number

of employees who witness sexual harassment is an important marker for organisations because employee perceptions of the organisation's tolerance of harassment have more influence on the attitudes and behaviours of employees than the existence of formal rules and regulations, regardless of organisational sex ratios.[97]

2.2 Psychological and social impacts on bystanders

There is a growing recognition that even observing or hearing about the sexual harassment of co-workers can foster bystander stress[98] and other negative outcomes that parallel those experienced by the direct targets of harassment.[99] Such outcomes include reduced health satisfaction, team conflict, declines in financial performance, occupational stress and job withdrawal.[100] Stress experienced by observer and non-observer bystanders has also been demonstrated in a range of other areas. Examples include healthcare workers who hear about traumatic events experienced by patients,[101] community members' responses to widely broadcast catastrophes such as the 9/11 terrorist attacks and Challenger explosion,[102] and youths who have witnessed frequent acts of violence.[103] Studies of both sexual harassment and racial harassment reveal that employees who are victims of direct harassment and who are also aware of their co-workers' harassment, suffer the equivalent of a 'double whammy', with negative occupational, psychological and health-related outcomes over and above the effects of their personal experiences.[104]

It is important to note that observing or even perceiving men's mistreatment of women affects not only targets themselves and other women, but also men. Although theoretical explanations for this are under-developed, possible explanations around either self-interest, or genuine concern for women, have been proposed. The self-interest perspective suggests that men may show declines in well-being because they are afraid of being personally blamed or concerned that they will be perceived as offensive or harassing.[105] The genuine concern view suggests that men may feel empathy or compassion when they observe or hear about the mistreatment of a close female colleague.[106] This would be consistent with a more general explanation of bystander stress which suggests that hearing about negative events provokes distress through an 'other-oriented' emotional response, diffusing among individuals occupying the same environment.[107] Similarly, the concept of oneness has been used to describe a self-other overlap which predicates feelings of empathetic concern and determines direct helping.[108] The concept of oneness has been extended to understanding how bystanders are influenced by other bystanders to the degree that they are in-group rather than out-group members. This issue is discussed further in Part 3.

Complicating issues of the impacts of sexual conduct in the workplace on bystanders is that there is convincing data showing that exposure to such behaviour can still have negative impacts even if it is not unwelcome or unwanted. Examples include a co-worker who sees or hears other employees engaged in sexual banter or crude behaviours where there is a degree of reciprocity, or where the target returns the behaviour or remarks with more of the same.[109]

2.3 Differences in perceptions of sexual harassment

A large body of research has addressed the way in which behaviours which may constitute sexual harassment are perceived by those witnessing them or being informed of them.[110] Generating an understanding of the differences in bystanders' perceptions of sexual harassment can help us to:

- Understand at what threshold bystanders in different demographic categories will believe that sexual harassment has occurred and consequently, when they might be likely to intervene or otherwise respond;

- Design interventions and policies to reduce the general level of acceptance of workplace sexual harassment and the degree of ambiguity that often exists around sexual conduct in the workplace beyond extreme cases;[111] and

- Develop effective training programs and grievance procedures which may harness the potential for bystander interventions to prevent workplace harm.

Research exploring perceptions of sexual harassment has focused attention on such factors as the gender of the bystander (also referred to as an observer), the gender of the target, the seniority of the target/harasser, the characteristics of the behaviour involved and the nature of response from the target. Other, less frequently examined perceptual differences have been explored on the basis of the race/culture of the observer/ target, whether the harassment was cross- or same-sex, the past experiences of the observer and target, target and harasser attractiveness and whether there was a history of a workplace romance. A selection of these extensive research findings follows.

One of the most robust and stable conclusions relating to perceptions of sexual harassment is that women are less accepting than men of sexual behaviour at work and view gender harassment, unwanted sexual attention and sexual coercion as more serious.[112] Importantly however, meta-analyses reveal that while women conceive of a broader range of behaviours as constituting sexual harassment than men, these differences are relatively small[113] and appear to depend on the severity of the perpetrator's actions.[114] Overall, potentially harassing behaviours are not perceived as harassment by either men or women until they become more severe, even if they are frequent.[115] That is, women and men show more perceptual similarities when the attention is verbal, ambiguous, or less frequent.[116] These findings are further complicated by reported differences in perceptions related to the gender of the target and the status of the harasser. For example, men and women are more likely to agree that conduct is sexual harassment when the perpetrator is a supervisor rather than a peer or co-worker.[117] Observers also perceive targets as more credible, view the harasser as more responsible and are more likely to believe that the harassment has actually occurred, when the target reports the behaviour immediately rather than months later.[118]

Women, more than men, also reject a range of 'myths' associated with sexual harassment. These myths include the idea that women fabricate or exaggerate the problem, women have ulterior motives for reporting sexual harassment and sexual harassment is women's own responsibility.[119] Women, compared to men, also attribute more responsibility to harassers and less responsibility to targets,[120] are less likely to blame the victims of sexual harassment,[121] recommend more severe punishments for harassers[122] and are more likely to favour compensating female targets.[123] For example, one study showed that female personnel managers who had sexual harassment reported to them were more likely to take reconciliatory measures or transfer either party, while male personnel managers were more likely to avoid taking any measures.[124]

This persistent gender gap in perceptions of sexual harassment is shaped by men's and women's understandings of gender in general. As with attitudes towards domestic and sexual violence, individuals who support traditional gender roles and relations are more likely to express attitudes tolerant of sexual harassment.[125] Among men in particular, traditional views of men's and gender roles are related to attitudes conducive to the sexual harassment of women.[126]

Both male and female observers are more likely to say sexual harassment has occurred when there is a clear indication that the behaviours are unwelcome, such as assertive responses from the target.[127] In contrast, targets who acquiesce are seen, particularly by other women, as more responsible for the sexual harassment.[128] This victim-blaming tendency triggered by a submissive complainant is also evident in research on rape and suggests that observers place a disproportionate amount of focus on a target of violence.[129] One explanation of victim-blaming is that when targets respond passively, this creates the misperception that the conduct has few serious or immediate consequences which is therefore associated with a low moral intensity or imperative.[130] On the other hand, if the attention continues following the resistance, this seems to clarify for observers that harassment has occurred.[131] Another factor which occurs after the conduct and which is relevant to bystander perceptions is harassers' explanations for their behaviour. Outright denials of their behaviour by harassers have been found to be a very effective method for minimising the seriousness of the conduct in the eyes of observers and more so than other explanations offered by harassers such as excuses, justifications and concessions.[132]

Research findings with respect to the credibility of the target according to their gender and other characteristics have been somewhat mixed. Jones and Remland[133] found that individuals were less tolerant of sexual harassment when the target was female rather than male. Other studies have similarly found that men who complain of sexual harassment are believed less, liked less and punished more than women who complain.[134] An explanation for this is that schema-driven expectancies of observers lead to negative evaluations of individuals who do not conform to expected gender roles.[135] That is, men who report sexual harassment may be seen to violate expectations of what men usually do and are consequently disbelieved or criticised. However, other research has concluded that individuals are less tolerant of sexual harassment when the target is a male[136] or that there are no perceptual distinctions based on the gender of targets.[137]

The tendency to believe and like female complainants is stronger when complainants are physically attractive[138] and equally, married men or unattractive men are more likely to be seen as harassers.[139] This is presumably because perceptions of harassment are premised in part on commonplace stereotypes about romance and men who are married or unattractive may be perceived as less likely to have a genuine romantic interest in the target. Finally, some research suggests that perpetrators of same-sex harassment are evaluated more negatively than are those of other-sex harassment.[140]

2.4 What bystanders do when they observe or are informed of sexual harassment

Bystanders, whether witnessing or learning of sexual harassment, may enact a range of responses. They may provide social guidance which can influence whether targets report the problem or make a formal legal claim,[141] or they may initiate a formal organisational response themselves, or they may intervene during an incident or later confront the harasser.[142] In the Commission's 2008 sexual harassment prevalence survey,[143] the large majority of witnesses took some form of action in response to the harassment, such as talking to or listening to the target (78.4%) or offering advice to the target (80.7%). Furthermore, around one in three (35%) witnesses to sexual harassment made a formal report to their employer and one in three (36.4%) confronted the harasser. Indeed, the proportion of bystanders who took action (around one-third) was more than twice the number of targets who personally made a formal report to their organisations (16%). These results suggest that witnesses, compared to targets, may be less concerned than

targets themselves about potential backlash or personal or occupational reprisals if they report sexual harassment in an advocate role. However, this conclusion is tentative, especially in light of strong evidence reported in Part 3 below suggesting that whistle blowers are frequently victimised.

A qualitative study of three contrasting organisational contexts in a small town in New Zealand also found evidence of groups of women – targets and bystanders – collectively developing a range of unified strategies for containing individual and systemic harassment.[144] However, their ability to do this was dependent on the organisational environment in which they worked and shaped by the type of harassment. In one of the case studies in the New Zealand study – in a meat processing plant – sexism was endemic and deeply entrenched in the attitudes and practices of both management and the predominantly male workforce. In this environment, women rarely made collective complaints to management, perceiving that they were generally unsupportive of women and tolerant of structural barriers which impeded women's careers. These women were so divided, demoralised and concerned with their own daily survival that they had few effective means of changing their situation.[145]

However, there were contrasting solidarity strategies used in the two comparative case studies of a retail store and a bank, where male staff and customers were in the minority and acted in isolation. In these environments, women used strategies such as ensuring there was a witness present when they dealt with certain male staff and customers and avoiding particular customers who were known to engage frequently in harassing behaviour. These strategies of avoiding known harassers included taking lunch hours at strategic times, leaving the counter or work station and asking other staff to cover for them while they retreated to the back office and pre-arranging to be interrupted by phone calls when a confrontation was likely to occur.[146]

Another qualitative study exploring the sexual politics of a large gem mine in remote Australia documented that women were being systematically subjected to a range of offensive behaviours. A group of women organised a series of advertised, women-only meetings held at the mine itself and, in response to a 're-papering of walls and ceiling with pornographic pictures', initiated the formation of an 'Offensive Materials Committee' to gain a broad-based negotiated agreement for the removal of the pin-ups.[147] They also collectively approached their state's Equal Opportunity Commissioner who subsequently visited the mine-site and gave advice about sexual harassment, pin-ups and sex discrimination and ensured that programs on sexism and sexual harassment were run.[148] These examples of collective responses to sexual harassment and gender maltreatment by those who both experienced and witnessed sexual harassment constituted a form of democratic participation aimed at resisting the manipulation of women's gendered identities.

In certain cases, bystanders may only respond to sexual harassment after the incidents have escalated, become public or progressed to court proceedings. In court, the provision of corroborating evidence by witnesses or bystanders also appears to play a critical role in the success of legal cases in sexual harassment. In a recent study of 23 Australian judicial decisions, nine of the 10 cases that were unsuccessful contained statements from the judge making mention of a lack of corroborating evidence to rebut the alleged harasser's denial or reinterpretation of what had happened.[149]

Part 3: The motivations and actions of bystanders: theoretical perspectives on bystander intervention

Models which account for the circumstances under which different bystander responses occur have been evolving since the 1970s, especially in the fields of criminology and social psychology. The notion of bystanders originated with the study of an event in New York where a young woman, Kitty Genovese, was raped and stabbed to death over a period of half an hour. During the attack, 38 witnesses watched from their windows or heard her screaming but were unwilling or unable to effectively intervene. The term bystander apathy was subsequently used to describe the behaviour of people in emergencies who are aware of a violent assault or an injustice but do not attempt any effective intervention.[150] The clearest finding of bystander research in emergency situations is that the motives and actions of bystanders vary and are influenced by the behaviours of other bystanders.[151] While studies revealing the apathy or silence of bystanders in the face of incivility and violence have dominated empirical work in the area, more recently, this inevitability has begun to be questioned.[152]

Compared to older studies, recent research has revealed more nuanced effects of group size and group-level relationships on the likelihood of bystander interventions and in a broader range of situations than emergencies. While very little work has taken an explicitly applied approach in the context of the workplace, there have been a few recent developments. For example, a recent study of workplace bullying suggested that previously silent bystanders begin to support targets when the latter decide to resign, indicating at least a potential for bystanders to act as change agents[153] within their organisations and a willingness to contribute to a culture which does not tolerate harassment.

Typologies of bystanders have also been proposed, for example characterising these individuals as bullies (someone who enjoys the victimisation but does not want to participate), avoidant (someone who denies the existence of the problem), victims (someone who is frozen and frightened to deviate from social norms) or helpful (someone who attempts to defuse the situation).[154]

A recent and promising model which is relevant to bystander issues in the workplace is based on empirical and theoretical work on employee voice, procedural justice and social identification. It proposes a process by which a workplace observer will respond to a perceived justice violation of a co-worker.[155] The model contains 4 propositions which are summarised as follows:

1. When an observer is similar to the target of the injustice, they will identify with them

2. When an observer identifies with the target this increases the likelihood that an event will be noticed and perceived as an injustice

3. When an injustice is perceived, the decision of an observer to respond to or report the injustice is influenced by the organisational environment

4. An observer's decision of whether to use individual strategies or collective strategies depends on the perceived benefits and costs of these options

These propositions are detailed below and draw further on theory and empirical research in a number of aligned areas (eg whistle blowing, organisational ethics, workplace bullying),

as well as sexual harassment research, to highlight how this framework may be useful for developing practical bystander interventions in workplace sexual harassment and also the inherent challenges in doing so.

3.1   Cognitive appraisals by bystanders

The first proposition in the justice violation model suggests that when an observer is similar to the target of the injustice, they will identify with them, especially when the benefits of this identification outweigh the costs. This proposition is based on social identity theory which suggests that individuals categorise themselves and others, ascribe value to those categories and, all other factors being equal, identify more strongly with similar others.[156] However, the social standing of the characteristic shared by the target and the observer dictates the extent to which similarity will result in identification.[157] For example, in studies of bystander intervention in crisis situations, a victim is more likely to receive aid if they are perceived to be of high status or in the 'in-group'.[158] Management studies have also shown that members of high status demographic groups (eg white men) are more likely to exhibit in-group bias than members of low-status demographic groups (eg non-white women).[159] Consistent with this theoretical perspective, US research examining the effects of race on whether sexual harassment judgments had indeed occurred, reports that both black and white observers favour their own race in decisions regarding whether harassment occurred, with white males exhibiting the most racial bias.[160]

An observer is also more likely to identify with a target of injustice if the target is in a position to offer something of value to the observer in the future. The tendency for stronger identification to occur amongst high status 'in-group' members and where something of value can be attained, may be problematic in efforts to engage bystanders. Close identification amongst high status group members may pose a particular challenge where sexual harassment is perpetrated by dominant organisational members or where the targets of sexual harassment are employed in lower level occupational positions who have less potential to offer future organisational benefits to bystanders.

The second proposition in the justice violation model is that when the observer identifies with the target this increases the likelihood that an event will be noticed and perceived as an injustice.[161] The individual bystander faces a decision point about whether the target falls within their 'scope of justice', which involves both weighing the value of similarity and the likelihood of benefits for maintaining a connection with the target, against the potential costs of being associated with a low-status group.[162] Bystanders also scrutinise the reactions of other observers (eg anxious or uncomfortable versus relaxed or nonchalant), to determine the appropriate framing of the situation.[163] In what has been described as 'pluralistic ignorance',[164] bystanders may believe mistakenly that they are in the minority in opposing harassing behaviour.

However, even when social identification is strong and negative reactions by other observers are evident, there may still be significant uncertainty about whether conduct that may constitute sexual harassment is perceived as an injustice, or is high in 'moral intensity' (see O'Leary-Kelly & Bowes-Sperry 2001 for a review[165]). That is, while some workplace behaviours

such as an act of physical violence, obvious racial slurs or overt bullying may evoke clear perceptions of injustice (whether or not this is acted upon), thresholds for what constitutes sexual harassment are often less clear. However, social identification principles would suggest that bystanders are motivated to interpret ambiguous social sexual behaviour perpetrated by an in-group member as something other than sexual harassment, consequently making them less likely to decide to intervene. This poses a significant challenge to the design of bystander interventions in a range of organisational contexts.

3.2 Bystander intervention decisions

Equity or justice theory purports that individuals, when confronted with an injustice, such as where the norms of reciprocity have been violated, are motivated to behave in ways which restore equity.[166] However, this process is far from straightforward. The third proposition in the justice violation model suggests that when an injustice is perceived, the decision of an observer to express voice (such as reporting the injustice) through organisational channels is influenced by the extent to which the organisation is open to voice and will take the observer's views into account and do something about it. This is related to a person's expectations about psychological safety and the way they weigh up the potential benefits of changing the target's (and by implication their own) work environment, versus being seen as a troublemaker or feeling as though the attempts at change have been futile.[167] This weighing up of likely consequences by bystanders is also reflected in the basic premises of the arousal: cost-reward model[168] which proposes that another person's distress causes physiological arousal in an observer which, in turn, initiates the process of deciding whether to help. This decision involves weighing up the perceived costs of helping versus not helping.

A salient issue in terms of bystander decisions to assist targets in workplace sexual harassment is the nature of preventative and remedial organisational systems, that is, the extent to which the organisational environment supports advocacy for targets and the way the organisation responds once a complaint is made. Without a credible voice system in place, employees may resort to counterproductive behaviours and responses to the observed injustice, such as reduced commitment and productivity, fewer citizenship behaviours, absenteeism and sabotage.[169] Importantly, these same psychological and behavioural responses are directly reflected in the literature attesting to the many costs to organisations of sexual harassment.[170] Thus, justice theories may help explain the more intangible ramifications of sexual harassment and why it is so corrosive, not only for individual targets but for all employees in the broader work environment.

There are indications that masculine norms and identities may also play a part in the likelihood of bystander intervention. In-depth studies of how the desire to appear masculine influenced men's anticipated responses in descriptions of rape scenarios suggested that male bystanders may decide against protecting women, especially if exclusively in the presence of other men, for fear of being seen as weak, gay and/or unmasculine by their male peers.[171] The extent to which this is a problem for encouraging bystander interventions in sexual harassment is unknown, but it would seem to be a potentially relevant issue given that most sexual harassment involves a male harasser and

a female target. Notions of masculine norms may be especially relevant in very male-dominated work settings where sexual harassment has been found to be so problematic.[172]

Another promising model which offers a typology of potential bystander interventions considers two levels of involvement: the degree to which bystanders immerse themselves in the sexual harassment situation (low, high) and the level of intervention immediacy, which is whether the intervention occurs as the sexual harassment event unfolds (high), or later (low).[173] This amounts to four categories of intervention behaviours:

1. Low immediacy-low involvement, such as when an observer privately advises the target to avoid the harasser or when they advise the target to report the incident but do not get personally involved;

2. High immediacy-low involvement, such as when an observer redirects the harasser from the event as it unfolds or interrupts the incident;

3. Low immediacy-high involvement, such as when the observer supports the target when she or he reports the sexual harassment after the event or confronts the harasser after the incident; and

4. High immediacy-high involvement, such as when a bystander instructs the harasser to cease the conduct during the event or publicly encourages the target to report the conduct.

Evidence from the relatively limited work available which addresses individual-level responses to sexual harassment suggests that the kinds of high-level involvement reflected in this model (both high and low immediacy) are relatively infrequent.[174] Many of the supportive actions which were offered by the majority of witnesses in the Commission's prevalence survey[175] were consistent with the low immediacy-low involvement category of response. However, responses which would be consistent with low-immediacy-high-involvement behaviours were also reported, albeit less frequently, such as making a formal complaint and confronting the harasser. The reluctance of bystanders to respond at a high level of involvement to sexual harassment at work is understandable because these responses tend to be more confrontational and therefore risky in terms of potential reprisals. As outlined earlier, perceptions of risk are heightened for individuals who are employed in organisations which lack a credible voice system or where the perpetrator is in a powerful position and part of the dominant group.

This distinction between different levels of bystander involvement – either to take public action 'on the social stage of the organisation'[176] or, simply to be ready to privately support the target emotionally or cognitively[177] – is likely to be important in designing bystander interventions which may prevent sexual harassment. As detailed in Part 2, the level of readiness to be involved is influenced by complex factors such as the characteristics of the bystander, their relationship with the target, perceptions of the situation and the conduct and workplace norms.[178]

Fourth and finally, the justice violation model proposes that the decision regarding whether to use individual strategies or collective strategies to respond to or prevent sexual harassment depends on the perceived benefits and costs of these options.[179]

Collective strategies in the broader area of injustice can include high performance work systems or problem-solving teams. In the context of sexual harassment however, collective strategies would be more likely to comprise actions such as issue selling, defined as rallying all members of a group, such as the strategies outlined in the banking and retail environments and the gem mine outlined earlier. While not often conceived as a strategy *per se*, some research has characterised silence as another collective-level dynamic and drawn attention to the 'silence climates' of some organisations where employees believe that speaking up is not worth the effort or may come with personal costs.[180] In contrast to collective strategies, individual-level strategies may include upward problem solving and formal reporting.

3.3 Whistle blowing

Issues related to reporting through formal organisational channels have been addressed in numerous studies addressing sexual harassment but the process of reporting can also be

conceived of through the lens of whistle blowing. Whistle blowing is a phenomenon defined as when 'organisational members disclose illegal, immoral, or illegitimate practices under the control of their employers, to persons or organisations who may be able to effect action'.[181]

Studies of whistle blowing are rarely aligned with workplace sexual harassment yet definitions of whistle blowers and bystanders who actively respond to workplace injustices show significant overlap. For example, in one study which explicitly linked the reporting of sexual harassment to notions of whistle blowing, Lee, Gibson Heilmann and Near [182] argued that there is no inherent difference between the two. However, they included in their study both targets and bystanders who reported workplace sexual harassment in their definition of whistle blowers, whereas the focus here is on non-targets.

Research addressing whistle blowing may provide useful insights for discussions of bystander interventions, especially around the challenges in encouraging blowing the whistle

on wrongdoing and recommendations for overcoming these challenges. A particular advantage of this area of literature is also that it frequently addresses real life cases which offer a degree of external validity rarely found in many of the experimental vignette studies frequently employed to examine how bystanders perceive sexual harassment.

Whistle blowing can be viewed from a number of theoretical perspectives. From a power perspective,

> whistle-blowing represents an influence process in which the whistle-blower attempts to exert power over the organisation or some of its members, in order to persuade the dominant coalition to terminate the wrongdoing being committed… [while] the dominant coalition, in response, may accept the power action and terminate the wrongdoing or evade termination, retaliating against the whistle-blower in an effort to change the power balance.[183]

However, more closely aligned with frameworks explaining bystander intervention decisions, whistle blowing can also be viewed through justice theories and particularly procedural and distributive justice in organisational models.[184] From the vantage point of whistleblowers (or bystanders), perceptions of procedural justice depend on satisfaction with how the organisation dealt with the report or complaint, such as administering the procedure fairly. In contrast, perceptions of distributive justice depend on the level of satisfaction with the outcome, such as terminating the wrongdoing and not retaliating against the whistle-blower.[185]

The well-documented reluctance of targets of sexual harassment to report their experiences internally, as well as theory proposing that bystanders often carefully consider the risks and potential costs to themselves before intervening to prevent or respond to sexual harassment, suggests many employees do not expect just procedures and/or outcomes from the organisation. Supporting this, a study of military employees who observed wrongdoing but did not report it (ie did not blow the whistle), claimed that the primary reason for remaining silent was that they thought nothing could be done to rectify the situation.[186] Unsurprisingly, the power of the whistle-blower relative to the wrongdoer matters in that powerful whistle blowers are more likely to be effective and less likely to suffer retaliation.[187]

There are a number of significant challenges to encouraging whistle blowing that have particular relevance to sexual harassment. The first is the risk of victimisation or retaliation. Consistent with power explanations, retaliation against whistle blowers is thought to occur because management feel that the whistle blowing threatens the organisation's authority structure, cohesiveness and public image and implies managerial incompetence or carelessness.[188] The Queensland Whistle Blower Study, for example, found that 71 percent of whistle blowers suffered official reprisals and 94 percent were the subject of unofficial reprisals.[189]

Although all Australian states and the ACT have adopted some form of whistle blowing or public interest disclosure protection legislation, the legislation has limited scope.[190] Studies of whistle blowing further reveal that legal sanctions have been largely unsuccessful in encouraging whistle blowing whereas legalistic responses by organisations (such as the development of detailed formal policies that are consistent with legislation and the

implementation of systematic investigations and procedures) are more successful.[191] Thus, despite the existence of laws, employees' behaviour is influenced to a greater extent by what they perceive is likely to happen in their organisations than by legal protections. This line of argument has also been put forward in legal commentary related to sexual harassment. That is, while legal provisions in the federal Sex Discrimination Act and state-based anti-discrimination legislation offer a means of redress for the harms targets of harassment experience, they do not extend to implementing effective, internal, corporate regulation of sexual harassment.[192]

The second significant challenge to encouraging whistle blowing that has relevance to sexual harassment is that situations involving sexual harassment frequently involve a low quality of evidence. This is because sexual harassment frequently occurs away from witnesses (a 'he said, she said' scenario) and direct observation of the wrongdoing is relatively rare. Studies have found quality of evidence to be a significant predictor of whistle blowing and to be lower in cases of sexual harassment and unlawful discrimination than in other cases of legal violation such as safety problems, waste and mismanagement.[193] The Australian Department of Parliamentary Services (2005)[194] has outlined the following methods that are thought to best achieve protection of whistle blowers and the encouragement of whistle blowing:

1. Providing immunity from legal action (such as being exempt from participating in disciplinary or defamation proceedings);

2. Making it a criminal offense to take detrimental action against a person who has made a protected disclosure; and

3. Keeping the whistle blower's identity anonymous.

While there is no guarantee of absolute anonymity to whistle blowers and possible identification will always remain a risk, anonymity is thought to be best achieved by:

- Providing disclosure regimes which operate on the basis of anonymously provided information;

- Excluding the identity of the whistle blower as a subject of investigation; or

- Imposing a duty upon the recipient of the disclosed information not to reveal the discloser's identity.[195]

The findings evident in the whistle blower literature have important implications for bystander interventions in workplace sexual harassment. As this paper has noted, bystanders (in cases of sexual harassment specifically) have rarely been labelled whistle blowers or their responses linked with the way whistle blowers report wrongdoing or injustices. This is despite sexual harassment being a clear example of broader notions of wrongdoing evident in the whistle blower literature and the focus on organisational processes in both areas. Notwithstanding this separation of definitions, theory and research, the similarities raised here point to strong arguments for linking these areas more closely. Attempts to encourage whistle blowing have received significant political emphasis and media attention in recent years, laws continue to be broadened and strengthened and efforts to protect whistle blowers arguably have had strong public support. Therefore, opportunities to leverage such emphasis and support in the area of sexual harassment appear promising.

Part 4: Bystander interventions in violence prevention

Bystanders have received growing attention as a potential means of violence prevention. Amongst efforts oriented towards the primary prevention of domestic and family violence, sexual violence and other forms of interpersonal violence, mobilising bystanders to prevent and respond to violence or to the situations and factors which increase the risk of violence taking place ('bystander intervention'), is understood as an important form of primary prevention and is an increasingly prominent strategy.[196]

In the field of violence prevention, strategies focused on bystander intervention have been primarily developed in relation to specific forms of violence, particularly physical and sexual violence and related forms of coercion and abuse between adults who know each other. However, there has been less attention on bystander intervention for other forms of interpersonal violence such as male-male public violence, child sexual abuse and sexual harassment.

Bystanders, in the violence prevention literature, are understood to be individuals who observe an act of violence, discrimination, or other problematic behaviour, but who are not its direct perpetrator or victim.[197] Rather, bystanders are onlookers, spectators or otherwise present in some sense. However, in some accounts of bystander intervention, the term 'bystander' expands to include those who directly perpetrate violence. For example, in a revision by McMahon and colleagues [198] of a scale for measuring bystander behaviour first developed by

Banyard and colleagues, several items regarding individuals' own practices of sexual consent were included. Such accounts blur the line between bystanders *to* violence and perpetrators *of* violence. In practice of course, individuals who act as prosocial bystanders, intervening in others' violent and violence-supportive behaviours, should 'put their own house in order', ensuring that they do not use violence themselves. Notwithstanding this conflation of terms, it is preferable to reserve the term 'bystander' for those who are not directly involved in the violence in question.

Work on bystanders to violence distinguishes between 'passive' bystanders, who do not act or intervene and 'active bystanders' who take action. Active or 'pro-social' bystanders may take action to:

1. Stop the perpetration of a specific incident of violence;
2. Reduce the risk of violence escalating and prevent the physical, psychological and social harms that may result; and
3. Strengthen the conditions that work against violence occurring.[199]

The following section addresses how bystander interventions are framed as various levels of prevention, the specific behaviours of bystanders that can be encouraged and supported, the kinds of strategies that have been employed in the violence prevention area and the effectiveness of these strategies.

4.1 The framing of bystander intervention as prevention

Efforts to prevent and reduce domestic violence and sexual violence in the past two decades have been marked by a growing emphasis on both the primary prevention of these forms of violence and on the need to engage men in a range of prevention strategies. The increasing prominence of bystander intervention is informed by both these emphases.

In the last two decades, prevention has become a central focus of community and government efforts to address men's violence against women. This development reflects the recognition that it is important to not only respond to the victims and perpetrators of violence, but also work to prevent violence from occurring in the first place. Efforts have been made to address the underlying causes of violence, in order to reduce its occurrence and ultimately, to eliminate it altogether. Prevention work has only become possible because of years of hard work and dedication by survivors, advocates, prevention educators and other professionals.[200] It is important to note however, that primary prevention efforts complement, but do not replace or take priority over, work with victims and survivors.

Activities to prevent and respond to violence can be classified in a number of ways. One of the most common is a three-part classification of activities according to when they occur in relation to violence:[201]

- Before the problem starts: *Primary* prevention
    - Activities which take place *before* violence has occurred to prevent initial perpetration or victimisation.
- Once the problem has begun: *Secondary* prevention
    - Immediate responses *after* violence has occurred to deal with the short-term consequences of violence, to respond to those at risk and to prevent the problem from occurring or progressing.
- Responding afterwards: *Tertiary* prevention
    - Long-term responses *after* violence has occurred to deal with the lasting consequences of violence, minimise its impact and prevent further perpetration and victimisation.

Primary prevention strategies are implemented before the problem ever occurs. In relation to violence by boys and men against girls and women for example, these early strategies aim to lessen the likelihood of boys and men using violence, or girls and women suffering violence, in the first place. Therefore, primary prevention strategies strive to circumvent violence,[202] remove the causes or determinants of violence, prevent the development of risk factors associated with violence and / or enhance protective factors against violence.[203] They are successful when the first instance of violence is precluded.[204]

Secondary prevention focuses on early identification and intervention, targeting those individuals at high risk for either perpetration or victimisation and working to reduce the likelihood of their further or subsequent engagement in or subjection to violence. In contrast, tertiary prevention is centred on responding after violence has occurred. Activities focus on responding to, or treating the problem, minimising the impact of violence, restoring health and safety and preventing further victimisation and perpetration.[205]

Returning to the notion of whistle blowing outlined in Part 3, whistle blowing can be located primarily within secondary and tertiary forms of prevention, given that actions widely associated with whistle blowing take place at or after the time of specific incidents of wrongdoing. At the same time, as with bystander intervention, one could also understand whistle blowing in a wider sense to include actions taken in order to prevent such incidents from occurring in the first place or to change the antecedents of them, thus 'stretching' the notion of whistle blowing to include its contributions to primary prevention.

Depending on the particular form they take, bystanders' pro-social actions may be understood in terms of any of these three forms of prevention. Most attention to bystanders has focused on their action or inaction at or after the time of specific violent incidents, thus locating bystander intervention within secondary and tertiary forms of prevention. Bystanders can contribute to secondary and tertiary prevention by acting to reverse progress towards violence and to reduce its impact.
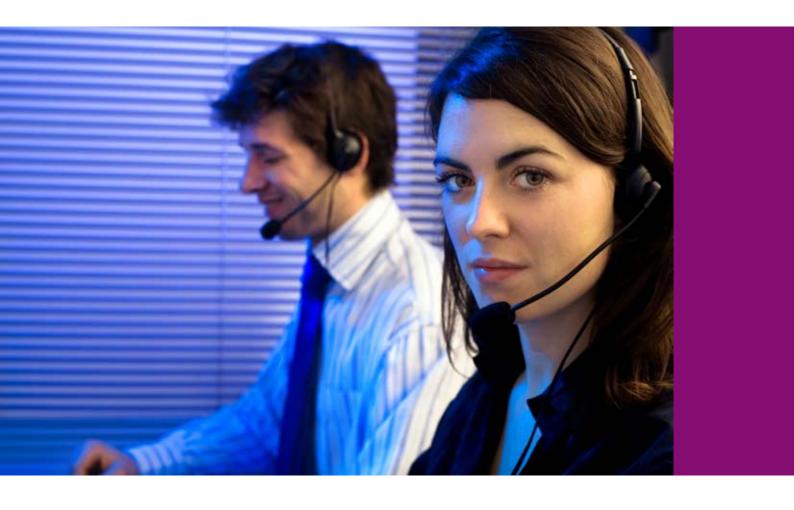
However, bystander intervention is also identified as a strategy of primary prevention precisely because bystanders can take action to prevent initial perpetration or victimisation. An emphasis on the primary prevention of men's violence against women directs attention to the ways in which bystanders can further contribute to primary prevention by working to strengthen the social conditions that work against violence occurring.[206] It invites a focus on the roles individuals can play, not just in responding directly to victims and perpetrators, but in challenging the attitudes and norms, behaviours, institutional environments and power inequalities which feed into violence against women.

4.2 Behaviours in bystander intervention

Approaches to bystander intervention in the field of violence prevention show some terminological and conceptual diversity, if not vagueness. One area of complexity is the nature of bystander interventions at various levels. As explained above, bystanders may intervene productively at various points along the spectrum from primary to secondary and tertiary prevention. It is widely recognised that bystanders can intervene not only in violent behaviour but in the wide range of other behaviours which sustain violent behaviour, such as sexist and violence-supportive jokes and comments to domineering and controlling behaviours by intimate partners in relationships. However, there has been relatively little attention to what kinds of bystander behaviours are relevant for these different forms of prevention and there has been little examination of how such interventions may be mobilised and encouraged.[207]

Another area of conceptual diversity concerns whether bystander interventions are seen as individual, collective or cultural. In research and programming regarding 'bystanders' in the field of violence prevention, bystanders typically are understood to be individual people and there is relatively little framing of bystanders also in terms of collective or institutional actors. At the same time, the notion of workplaces or organisations as passive or prosocial bystanders is evident for example in Powell's review.[208] It is taken for granted in violence prevention scholarship that men's violence against women is sustained in part by institutional and collective factors and forces and that addressing these therefore is crucial to primary prevention.[209]

Plausibly, one could stretch the concept of 'bystander' such that it applied also to organisations and indeed to entire cultures. This definitional move would have value in highlighting the roles

of organisations and cultures in allowing and sustaining such behaviours as domestic violence or sexual harassment and their collective (and indeed legal) responsibilities to change. However, applying the term 'bystander' to collective entities only makes sense if there are ways in which such entities have agency or the capacity to act. Indeed, the notion of the bystander risks losing its value when applied to entities such as entire cultures where a collective capacity to act is either diffuse or non-existent. Therefore, in this discussion the term 'bystander' is reserved for individuals and for institutional entities with some degree of collective agency such as specific organisations or workplaces.

4.3 Existing strategies involving bystander intervention

The growing prominence of bystander intervention is informed by an increasing emphasis in violence prevention on the roles men in particular can play in preventing men's violence against women.[210] This emphasis is visible in both community-based violence prevention programming and state and national plans for the prevention of violence against women.[211]

Primary prevention strategies aimed at men typically emphasise that most men do not use violence against women and that non-violent men can play a positive role in building a world where such violence is unthinkable. In one typical account for example, men have three roles to play: 'Men can prevent violence against women by not personally engaging in violence, by intervening against the violence of other men and by addressing

the causes of violence.'[212] The second and third of these effectively constitute forms of bystander intervention. Bystander intervention (whether framed in these terms or not) then becomes an obvious way in which to mobilise non-violent men's actions to prevent violence. Bystander approaches are evident particularly in the growing number of anti-violence men's groups and networks emerging in North America and elsewhere.[213]

Efforts to engage men in the prevention of men's violence against women have used a wide variety of strategies, but the most common strategies involve various forms of community education, defined broadly here to include face-to-face educational groups and programs and communication and social marketing.[214] Appeals to men as bystanders to other men's violence and violence-supportive behaviour are evident in the curricula and content of a range of face-to-face and media-based initiatives. In addition, some programs centre entirely on a bystander approach. To give some examples, prevention efforts may address rape-supportive attitudes and norms through public information and awareness campaigns in mass media or in particular contexts such as sports and workplaces, education programs, or 'edutainment'. They may address gender inequalities and patriarchal power relations through policies promoting gender equality, skills training in respectful relationships, or community development and the mobilisation of women's and men's networks for change.[215]

Bystander intervention strategies vary along at least two axes: (1) the populations and settings to which they are addressed; and (2) the strategies they use to effect change. In terms of

targeted populations, the majority of educational programs with a bystander intervention component are addressed to children and young people and in school and university settings. Violence prevention education is particularly well developed on college and university campuses in the USA and a number of notable bystander intervention programs in the US take place primarily in such settings, such as Bringing in the Bystander[216] and The Men's Program.[217] Another prominent bystanders program among young adults is the Mentors in Violence Prevention (MVP) program among student athletes and student leaders.[218]

Many violence prevention education programs among young people include components intended to foster individuals' prosocial bystander behaviour. To give a prominent US example, the campaign organised by Men Can Stop Rape, involves a multi-session education program involving 'Men of Strength' clubs and a social marketing campaign focused on the theme, 'My strength is not for hurting'. Similar Australian examples include the Sexual Assault Prevention Program for Secondary Schools[219] and Sex & Ethics.[220]

In addition, some violence prevention initiatives are focused particularly on the creation of settings and contexts which are conducive to prevention, including bystander intervention. A prominent and innovative Australian example is the Australian Football League's (AFL) Respect and Responsibility strategy. The strategy includes the introduction of model anti-sexual harassment and anti-sexual discrimination procedures across the AFL and its Clubs, the development of organisational policies and procedures to ensure a safe, supportive and inclusive environment for women, changes to AFL rules relating to problematic or violent conduct, the education of players and other Club officials, the dissemination of model policies and procedures at community club level and a public education program.[221] Respect and Responsibility addresses bystander intervention in two ways: first, by promoting intervention skills among the players and others it educates and second, by establishing responsibility for preventing violent and disrespectful behaviours directed towards women at the level of the sporting organisation as a whole.

In Australia, various other violence prevention programs are intended to generate change at the level of particular settings or organisational contexts (religious institutions, workplaces, schools and so on).[222] It is unclear to what extent such programs explicitly address individual bystanders to violence, but a typical element in their efforts is encouraging participants to intervene in others' violence or violence-supportive behaviours. Some prevention programs frame their efforts in terms of creating institutional environments and cultures which are conducive to individuals' bystander behaviours, such as some schools programs addressing bullying and other forms of violence or coercion.[223]

The second major axis along which bystander intervention programs vary is the types of strategies used to effect change. The vast majority of existing violence prevention initiatives involving or focusing on bystander intervention rely on one or more of three streams of action to effect change: face-to-face education, social marketing and communications and policy and law. This likely reflects the character of violence prevention in general, with most efforts relying on these strategies rather than other strategies such as community development and mobilisation. Within these three streams of prevention, there is further diversity in the actual processes used. Within face-to-face education, existing strategies include:

- Strategies to build individuals' skills in behaving as active bystanders and their perceived capacity to do so (their self-efficacy);
- The formation of groups or clubs of individuals who act as peer-based educators, mentors and supporters in local contexts such as schools and universities;
- 'Buddy' and befriending schemes;
- Public commitments or pledges to speak up and act in relation to others' violence.[224]

Within social marketing and communications strategies, strategies include:

- Media materials (print, radio, etc.) designed to encourage an orientation towards and involvement in pro-social bystander intervention in particular contexts such as a school or university;
- Media materials directed to larger audiences across communities and countries.

A third stream of prevention addresses itself to collective and institutional contexts, as noted above, through policy and law. While it often uses the strategies to encourage bystander intervention which have already been discussed, it also relies on additional strategies including:

- Policies and institutional commitments;
- Legal and institutional sanctions (for example for workers, managers, or sports players);
- Management plans and processes for particular institutional contexts (such as classrooms, among sports players and so on);
- Law and legislation, including mandatory reporting and 'bystander statutes'.[225]

Some violence prevention initiatives focused on bystander intervention use multiple strategies, such as both face-to-face education and social marketing. For example, Bringing in the Bystander above is complemented by a poster campaign titled Know Your Power: Step In, Speak Up.[226] Men Can Stop Rape's education program is complemented by its 'My strength is not for hurting' media campaign, although the latter is focused on young men's own practices of consent and respect rather than their intervention as a bystander.

4.4 The effectiveness of existing strategies involving bystander intervention

In addressing bystander interventions in violence prevention and how they may translate to workplace sexual harassment, it is important to consider the extent to which strategies to date have been effective. A challenge in establishing this is that evidence regarding the effectiveness of violence prevention efforts in general is limited. Few interventions have been formally evaluated and existing evaluations often are limited methodologically or conceptually.[227]

Nevertheless, there is a small but growing body of evidence demonstrating that bystander intervention strategies can increase participants' willingness to take action, their sense of efficacy in doing so and their actual participation in prosocial bystander behaviour. Some evaluation studies involve simple comparisons of participants' pre- and post-program attitudes

and beliefs, while more sophisticated studies use experimental designs in which participants are compared to a control group who did not undergo the education program. Some studies also are methodologically more robust in using standardised measures of impact, including longer term follow-up of participants, or examining mediators of change. Some examples of evaluations include the following:

- US college students were trained in the Bringing in the Bystander program to recognise potentially problematic situations as they were developing and to intervene safely in disrespectful and sexually coercive interactions. Students showed significant increases in positive bystander behaviour and reductions in rape-supportive attitudes and beliefs compared to students who had not received the training.[228] In a further, pilot study without a control group, the program showed positive results among university students in fraternities and sororities and a men's athletic team.[229]

- Young men who participated in the 16-week 'Men of Strength' clubs organised by Men Can Stop Rape showed improvements in their self-reported likelihood of intervening to prevent violence against women. Pre- and post-program data showed that they were now more likely to intervene when: a young woman was touched inappropriately by her male peers; a man bragged about how far he got with his girlfriend on their last date; or when a young man called another man negative names.[230]

- In a non-experimental evaluation of the Mentors in Violence Prevention (MVP) program among male and female high school students, after the program participants felt more capable of confronting harassing or disrespectful conduct and had greater knowledge of violence against women and reduced violence-supportive attitudes.[231]

- College men who attended The Men's Program reported a greater sense of bystander efficacy and willingness to intervene than a control group of men, as well as showing declines in rape myth acceptance.[232]

Part 5: Legal and organisational implications of bystander approaches for sexual harassment

Having discussed current bystander intervention approaches to violence prevention, the paper now considers some of the organisational and legal challenges in the adoption of bystander approaches.

The spectre of vicarious liability means that employers must ensure that they recognise and respond appropriately to sexual harassment. In the case of bystander interventions, this raises important questions in terms of where an organisation's legal responsibilities and liabilities begin and end. This section discusses to what extent information communicated by bystanders constitutes organisational knowledge and therefore amounts to a responsibility to investigate or otherwise deal with the problem. It also addresses the potential for victimisation of bystanders which was an issue raised initially in the earlier discussion of whistle blowing. Finally, this section addresses the potential for organisations to mobilise bystanders in raising awareness of and intervening in sexual harassment in a way that is consistent with workplace health and safety frameworks and legislation.

5.1 Vicarious liability and bystanders in positions of organisational authority

Section 106 of the Sex Discrimination Act and state anti-discrimination legislation in Australia references vicarious liability, whereby organisations will be held liable for an employee or agent's discriminatory conduct unless they can establish they took all reasonable steps to prevent the employee from doing the acts[233] (see Markert[234] for a cross-national comparison of sexual harassment law). Australian courts have been found to take a broad interpretation in assigning vicarious liability, including with respect to sexual harassment which occurs off-duty such as at Christmas parties and other social functions and off-premises such as in work carparks, at work-related conferences and on field trips.[235] A decision of the Federal Magistrates Court in *Lee v Smith & Ors*[236] confirms the broad scope of vicarious liability under federal discrimination laws of an employer for acts by employees outside the workplace.[237] The case is significant given the nature of the act for which the employer was held vicariously responsible – a rape – and the context in which the act occurred – a private, social function.[238] Bystanders may make a formal complaint to their employer indicating that they have observed sexual harassment. However, there are myriad of factors which act as powerful deterrents to making a formal report such as: fear of job loss, fear of retribution or retaliation, reluctance to be viewed as a victim, low expectations of procedural justice or the belief that the harasser will not receive any penalty, lack of knowledge of rights and lack of access to external supports such as unions or counselling professionals. Or they may make an informal report, which may include a request that no action is taken in response to the notification. Given, the broad manner in which the court has interpreted the vicarious liability provisions contained in anti-discrimination legislation, it is likely that an employer would be placing itself at risk of liability for discriminatory conduct if it acceded to a bystanders request to do nothing in relation to discriminatory conduct.

There are also related prohibitions to aiding and abetting in section 105 of the Sex Discrimination Act which makes it unlawful for a person to cause, instruct, aid or permit another person to do an act that is unlawful under Division 1 or 2 of Part II of the Act. This does not necessarily require actual knowledge of the unlawfulness of the acts in question, but does require some actual or constructive knowledge of the surrounding circumstances by the respondent.[239] In *Elliott v Nanda*[240] there was evidence indicating that the Commonwealth Employment Service knew that several young women placed with the respondent had made allegations to the effect that they had been sexually harassed in a manner that would constitute discrimination on the ground of sex. Moore J held that the CES had permitted the discrimination to take place as the number of complaints of sexual harassment from that workplace should have alerted the CES to the distinct possibility that any young female sent to work for the doctor was at risk of sexual harassment and discrimination on the basis of sex.[241]

5.2 The victimisation of bystanders in sexual harassment cases

Encouraging bystanders to report or intervene in sexual harassment may also be relevant to vicarious liability provisions insofar as the risks of victimisation to the bystander. That is, if organisations encourage witnesses or supporters to report sexual harassment, or if they encourage or even require, as they sometimes do, that bystanders give evidence in an investigation, they also risk exposing those bystanders to similar retaliatory behaviours as direct targets often experience. Risks to bystanders of victimisation in sexual harassment cases are highly consistent with those found in studies of whistle blowers cited earlier and, just as in the context of whistle blower legislation, frequently occur despite specific provisions in the Sex Discrimination Act that prohibit victimisation in some circumstances.[242] The victimisation of whistle blowers has been described as vilification and the consequences, in terms of character assassination and professional opportunities, as follows:

> They suffer a loss of reputation. Their motives, character, mental stability and trustworthiness become the subject of aspersions. They are often described as disgruntled troublemakers, people who make an issue out of nothing, self-serving publicity seekers, or troubled persons who have distorted and misinterpreted situations due to their own psychological imbalance / irrationality… [They may be] fired or possibly black-listed so that they cannot continue to work in their profession. Those who are not fired may be transferred with prejudice, demoted, given less interesting work (or sometimes no work at all)…They may be denied salary increases. Letters of recommendation will subtly or overtly mention the trouble caused by this employee's actions. Where possible their professional competence will be attacked. Certainly, their professional judgment will be impugned.[243]

Victimisation can be perpetrated by the harasser themselves, or by co-workers who support the harasser, particularly if either of these parties are in organisational positions senior to the bystander or have power over them. In short and similarly to situations involving intimate partner violence or sexual assault, it may not always be safe to intervene. Thus, organisations which encourage bystanders to be proactive in responding to sexual harassment should recognise such legal risks. Further, although legislation protecting whistle blowers exists already in Australia, organisations should expressly communicate to employees that bystanders who report complaints will be protected from victimisation and publicly demonstrate disciplinary measures if victimisation does occur.

Although there do not appear to be any equivalent Australian legal precedents, in a recent US legal case, *Crawford v*

Metropolitan Government of Nashville and Davidson Country,[244] a woman made a retaliation[245] charge against her employer after her employment was terminated following allegations of embezzlement. She had worked for the organisation for 30 years but had recently contributed to an investigation of sexual harassment by a fellow employee against a senior manager in the company. When questioned in the internal investigation, Crawford reported that she too had been sexually harassed by the alleged perpetrator. However, she did not make a direct claim of sexual harassment. The lower courts initially agreed with the employer's arguments that since she had never made a claim of sexual harassment, the law did not protect her. However, the US Supreme Court overturned this ruling saying that the anti-retaliation provision's protection extends to an employee who speaks out about discrimination not on her own initiative, but in answering questions during an employer's internal investigation. However, the judge also raised the issue of whether the precedent might open the door to victimisation claims by fired employees who had expressed opposition in an informal 'water cooler' chat but whose employer only became aware of the opposition later. The judge reasoned that such protections should only apply when the opposition was active and purposive.

5.3 Mobilising bystanders within workplace health and safety legal frameworks

A number of studies and commentaries have called for extending the general obligations that apply with respect to maintaining and ensuring a healthy and safe work environment, to a positive duty to provide an environment free from sexual harassment.[246] This argument rests on the idea that an environment free from sexual harassment can be regarded in analogous terms to an employers' common law duty to take reasonable care of their employees and that sexual harassment is as much an industrial issue as any other workplace hazard.[247] Yet the general manner in which the aims and goals of workplace health and safety legislation have been framed has been predominantly concerned with the physical structure and environment of the workplace, which is apparent in the conventional focus on issues such as providing protective clothing and equipment, guarding dangerous machines and minimising exposure to dangerous chemicals and other substances and the impact of this on occupationally-related illnesses and accidents.[248] Meanwhile, although it has been argued for some time that workplace sexual harassment is a workplace health and safety problem and that theoretical explanations of occupational injury need to explicitly recognise gender,[249] psycho-social hazards have historically been overlooked, as have problems with the way work is organised and structured.[250] More recently, principles which underpin collective workplace health and safety strategies recognise not only the physical workplace and management issues, but also an acknowledgement that hazards may be generated from the way people relate to one another and that harm may arise from singular or combined psychological, biological or socio-cultural factors.[251]

One of the benefits of considering sexual harassment within a workplace health and safety framework is that collective strategies, including bystander interventions, have been well established in this field compared to those which may be effective in addressing gendered mistreatment at work (or other concerns which predominantly impact women or other disadvantaged groups). Another advantage is that workplace health and safety is generally considered seriously by organisations and governments, as evidenced by the host of legislation, measures, agreements, enforcements and indicators which are associated with it. Therefore, including sexual harassment within the scope of workplace health and safety has the potential to leverage off what is considered a high-profile workplace concern. For example, safety has been recognised as a key component of workplace reform, with mechanisms designed to achieve this – benchmarking, total quality management and best practice – being heavily asserted in management and government literature.[252]

The workplace health and safety literature recognises the importance of mobilising the cooperation and involvement of all workers to achieve and maintain a safe work environment. Further, the meaningful participation of workers needs to occur not only in the form of direct involvement in safety, which is often informal, but also in decision-making.[253] Several evidence-based techniques have been identified to increase the occurrence of safe behaviour and/or decrease high risk behaviours.[254] Techniques which potentially involve bystanders are designed to:

- Encourage interpersonal observation and feedback whereby employees learn to systematically observe safety-related work practices of others

- Foster self-esteem, belonging and empowerment by developing cohesiveness amongst work groups through group goal-settings, decreasing the frequency of top-down directives and using self-managed work teams

- Enhance empowerment by offering frequent rewarding/corrective feedback for process activities rather than only for outcomes (such as injury statistics)

- Shift safety from a priority to a value by linking safety with all job aspects including productivity, quality, profitability or efficiency.[255]

A recent and interesting study explored how organisational initiatives designed to enhance safety and effectiveness in high safety risk environments (offshore oil platforms) unintentionally released men from social imperatives towards manly behaviour.[256] The findings may be significant in terms of extending organisational processes developed for safety to bystander interventions for sexual harassment. It revealed that several components of the organisations' safety cultures, while also relevant in terms of ensuring physical safety, were particularly instructive in terms of disrupting the gender status quo which often supports sexual harassment. The safety interventions were directed towards a number of goals, including (a) promoting a collectivist culture (such as valuing safety over production, providing incentives for reporting accidents and safety concerns and encouraging management to be interested in safety); (b) re-defining competence away from infallibility, emotional detachment and aggression; and (c) orientating work towards learning (such as avoiding blame and cover-up and emphasising learning over performance).[257] The conclusions of the study, which were extrapolated to white-collar jobs in mainstream organisations, as well as workplaces characterised by high safety risks, argued that the adoption of certain safety strategies could disrupt men's efforts to prove themselves on masculine dimensions and in the process, create the requisite cultural conditions for 'undoing gender'.[258]

Part 6: Towards a prevention framework

Bystander intervention is a potentially invaluable component of sexual harassment prevention in the workforce. Ideally, bystander education applied to workplace sexual harassment would teach people to interrupt incidents of sexual harassment or the situations which lead to harassment, to challenge perpetrators and potential perpetrators, to provide support to potential and actual victims and to speak out against the social norms and inequalities supportive of sexual harassment. However, the effectiveness of strategies is dependent on its integration within a comprehensive framework of prevention and efforts to reduce and prevent workplace sexual harassment will only make real progress if they adopt the principles and strategies shown to constitute best practice in violence prevention. Over four decades of research and evaluation regarding efforts to prevent other forms of interpersonal violence have produced an emerging consensus regarding the features of effective violence prevention. Effective interventions have five generic features; all of which are likely to have relevance for the development of bystander approaches to sexual harassment.

First, effective violence prevention is comprehensive: it uses multiple strategies to address the problem behaviour and does so in multiple settings and at multiple levels.[259] Multi-level or 'ecological' interventions address a variety of factors associated with sexual harassment at different levels of the social order, from individuals' relationships and communities to local contexts and organisations to wider social forces. Experience from other fields suggests that comprehensive interventions have a greater impact on attitudes, behaviours and social norms[260] than singular or isolated approaches. The section below canvasses a range of bystander intervention strategies that can be considered 'multi-level', in that they are organised around primary, secondary and tertiary themes and 'comprehensive' in that they are aimed at individuals, organisations and society at large.

The second general principle of effective violence prevention which should be applied in workplace sexual harassment is that frameworks should be built on a sound understanding of both the problem – of the workings and causes of sexual harassment itself – and of how it can be changed. In other words, it incorporates both an appropriate theoretical framework for understanding sexual harassment and a theory of change.[261] More information is needed to understand the motivations and actions of bystanders of sexual harassment in different contexts and to guide theoretically appropriate and targeted prevention programs in organisations.[262] However, many of the strategies outlined below draw on emerging forms of effective practice in bystander intervention and research-based explorations of how best to increase the likelihood that bystanders will notice sexual harassment, identify intervention as appropriate, take responsibility for intervening and act.[263]

The third general principle of effective prevention is that it involves educational, communication and other strategies known to create change. For example, strategies addressing sexual harassment should address the factors known to be antecedents to or determinants of this behaviour, use effective teaching methods and have sufficient duration and intensity to produce change.[264] The strategies below incorporate a number of educational, training and communication techniques within organisations found to be effective in changing the behaviours and attitudes of organisational actors. They include approaches which empower individual bystanders, as well as legal and policy mechanisms which protect them in taking action.

Fourth, effective prevention is contextualised. It is crafted with an attention to context, both in terms of larger social and structural constraints and with a concern for local beliefs and norms.[265] The importance of contextualising bystander interventions strategies in organisations cannot be understated. Organisational contexts vary according to a myriad of factors including, tasks, values, goals, structural and institutional arrangements, locations and industry norms. This variability affects the fundamental embeddedness of bystanders' perceptions and actions which in turn, impacts the effectiveness of specific interventions. Thus, while all bystander approaches should be consistent with the general principles outlined here, programs cannot be implemented as a one-size-fits-all but rather must be flexible enough so they can be tailored to relevant factors in a particular organisational setting.

The fifth and final general principle for effective prevention is that the framework should involve a comprehensive process of impact evaluation that is integrated into program design and implementation.[266] While there are very few studies which address the effectiveness of programs in relation to sexual harassment specifically, there is a small but growing body of evidence in the violence prevention literature demonstrating that bystander intervention strategies can increase participants' willingness to take action, their sense of efficacy in doing so and their actual participation in prosocial bystander behaviour. Evaluating the effectiveness of bystander intervention strategies – by organisations and by researchers – will contribute to knowledge of which strategies have a positive impact, versus those which are ineffective or even cause harm.

6.1 Translating existing bystander approaches to sexual harassment in organisations

There are significant challenges in identifying how bystander approaches must be crafted for workplace sexual harassment, given that there are both continuities and contrasts between this and other forms of violent, abusive or anti-social behaviour or similar forms in non-workplace settings. A salient example is cyberbullying. Whereas bystanders are often present online when this form of bullying occurs, there may be fewer witnesses to sexual harassment, which tends to be concealed because of perpetrators hiding their actions and because of under-reporting.[267] However, while sexual harassment may be more hidden than cyberbullying, there is strong evidence that bystanders do frequently observe, or at least hear about, workplace sexual harassment, especially where it clusters in certain workplaces.[268] This would support the potential adoption of cyberbullying strategies which are relevant to technology-facilitated sexual harassment in organisational settings.

Another contrast between sexual harassment and other violent behaviours is that the *situations* in which the risk of workplace sexual harassment is elevated may be different from those for other forms of violence and abuse such as sexual assault. Some bystander intervention strategies focus on encouraging bystanders' preventative action in response to markers for high risk for the violent behaviour in question, such as for the sexual assault of college women by college men.[269] For example, Burn's situational model of sexual assault prevention identifies the following high-risk markers: 'women going to a private location with male acquaintances, women left alone by their friends at

a party or bar, intoxication (of potential victim or perpetrator or both), [and] walking or running alone in secluded locations or at night'.[270] While some of these situational elements are relevant for workplace sexual harassment, others are not.

Another example of the potential differentiation of violence prevention in interpersonal situations and workplace sexual harassment is that the risk markers associated with sexual harassment, which should prompt bystanders' interventions, may be distinct. For example, in relation to sexual assault prevention, bystanders are encouraged to intervene when in the presence of a man exhibiting 'pre-rape behaviours' which indicate an increased likelihood of perpetration.[271] Such behaviours include various manifestations of sexual entitlement, power and control, hostility and anger and acceptance of interpersonal violence.[272] Sexual entitlement may be evident in an individual 'touching women with no regard for their wishes, sexualising relationships that are not sexual, inappropriately intimate conversation, sexual jokes at inappropriate times or places, or commenting on women's bodies, preference for impersonal as opposed to emotionally bonded relationship context for sexuality and endorsement of the sexual double standard'.[273]

While many of these behaviours are also correlates of an increased likelihood of perpetrating sexual harassment, there has been little research on the individual-level factors associated with men's perpetration of sexual harassment. While existing scholarship suggests that men who hold hostile sexist attitudes, support rape myths and who are authoritarian are more likely to perpetrate sexual harassment,[274] the lack of strong evidence poses challenges for developing specific recommendations for individual level interventions such as providing negative feedback to harassers or directly intervening in an unfolding sexual harassment event. Importantly however, it is clear that work and organisational environments are at least as important as men's individual orientations in shaping the likelihood of harassment. An environment which is 'permissive' towards sexual harassment is a critical antecedent for this behaviour, as various reviews demonstrate.[275]

It is also important to consider how bystander intervention approaches which are focused on workplace sexual harassment specifically, can reckon with the constraints placed by workplaces themselves. As noted, individuals' ability to intervene in sexually harassing behaviour and its consequences is structured and indeed constrained in powerful ways by the systems, dynamics and laws of organisations. It should also be noted that workplace environments may not be conducive for reporting sexual harassment, where reporting requires bystanders to make a judgment about what behaviour is offensive, which may be unclear (for example, many consensual relationships begin in the workplace). Notwithstanding these challenges, here are some preliminary suggestions, based on existing knowledge, for areas where bystander interventions may be useful. Consistent with the categorisation of bystander intervention strategies in violence prevention, strategies are structured according to when they occur; primary (before the problem starts), secondary (once the problem has begun) and tertiary (longer-term responses). Preventative and remedial strategies related to bystanders may contribute to cultures – in organisations and in society more generally – which acknowledge sexual harassment as a profound and damaging workplace injustice and demonstrate a high level of intolerance for such conduct.

6.2   Primary prevention strategies: Training and education

The evidence presented on perceptual differences in how sexual harassment is viewed by bystanders has a number of potentially important implications for including bystander strategies in the development of organisational training and education. Overall, this evidence suggests bystanders tend to recognise sexual harassment as having occurred and by implication, are more likely to respond: (a) if it occurs between a supervisor and subordinate rather than between co-workers; (b) when there was no previous relationship between the parties; (c) when the target responds assertively, indicating that the behaviour is unwelcome, rather than if they respond passively or acquiesce; and (d) when the behaviours are severe. Taking these factors into account and considering how bystanders may be enlisted to help prevent and respond to workplace sexual harassment, it would seem important that training be designed to lower the

threshold of recognition of sexual harassment and that examples be used which clarify the ambiguity associated with how sexual harassment is defined. This would include challenging certain myths associated with sexual harassment, for example, that perpetrators are always more senior than the target, that men cannot be harassed by other men, or that women fabricate or exaggerate the problem.[276]

Designing the specific content of training and education which includes bystander strategies may usefully adopt some of the lessons learned from bystander interventions designed to address other injustices. As noted in Part 4 which addressed violence prevention for example, bystanders can be mobilised and encouraged to intervene not only while the conduct is occurring, but also in the wide range of behaviours which sustain such events. In the context of the workplace, these behaviours may include sexist and harassment-supportive jokes and comments or behaviours which denigrate certain groups, such as women, gay men or lesbians, or others who do not

conform to stereotypically masculine norms. However, as well as addressing sustaining behaviours, the possibility of 'high involvement' intervention behaviours could also be included in training content, including confronting the harasser or publicly encouraging the target to report the harassment.[277] Importantly however, the potential risks to bystanders of these high-involvement interventions, especially retaliation by the accused person, would also need to be communicated.

Other content that may be incorporated in sexual harassment workplace training in relation to bystanders is strategies to build skills in behaving as active bystanders (improving self-efficacy), facilitating the formation of groups of individuals who act as peer-based educators and mentors such as those evident in workplace health and safety strategies and public commitments to speak up and act in relation to workplace injustices.[278] In a similar way to strategies recommended to prevent cyberbullying, bystander approaches for sexual harassment that is perpetrated on-line or via other technologies, may include instructions to never contribute to harassment or gossip about others on social networking sites or via email and never to forward messages or pictures that may be offensive or upsetting.[279]

The importance of workplace education and training to prevent sexual harassment is no more evident than in studies which suggest that it has an effect on organisational cultures over and above the impact of individual training. That is, widespread training in a workplace is associated with a greater recognition of sexual harassment amongst all employees, regardless of whether individual training has been undertaken.[280] Work on bystander approaches in violence prevention would suggest that those who witness sexual harassment subsequent to being educated about it can challenge the attitudes and norms, behaviours, institutional environments and power inequalities which feed into violence in all its forms, including sexual harassment. The potential for comprehensively delivered training to both raise awareness of sexual harassment (creating a culture of awareness) and prevent it occurring means that organisations should ensure that education is delivered to all employees – at all sites and across all hierarchical levels – and not just to targeted groups or those who volunteer to attend.

Effective workplace education must also address the fundamental links between sexual harassment and wider inequalities, for example by interrogating the constructions of gender and sexuality in a particular organisational context. These constructions inform men's and women's differing perceptions of sexual harassment[281] and help explain the way gendered forms of power manifest in organisations.[282] Studies of whistle blowing are instructive in this sense in that they suggest that 'moral agency' must be developed in the organisation, by orienting and training employees about what the organisation considers wrongful and what to do if wrongdoing is observed. While the development of appropriate workplace training in all organisations should incorporate discussions of the theoretical underpinnings of sexual harassment (power, gender inequality and so on), in some male-dominated workplaces in particular, training may need to also explicitly address behaviours associated with sexual bravado and posturing and incorporate elements which challenge the sanctioning of the denigration of feminine behaviours where it exists.[283]

A rather perplexing finding in the sexual harassment literature is that observers tend to place a disproportionate amount of focus on the target of the violence and their responses, in deciding whether sexual harassment occurred. Passive target responses normalise and lower the moral intensity of conduct that may constitute sexual harassment. This implies a need for training which instructs parties (particularly those in grievance handling roles) to place greater emphasis on the behaviour of the alleged harasser compared to the way the target reacted, since this is likely to reveal more information about whether sexual harassment occurred.

Older research on bystander interventions in emergency situations highlights the importance of making social responsibility norms salient in order to encourage helping behaviours.[284] It is well accepted that men's violence against women is sustained in part by institutional and collective factors and it would therefore seem important that frameworks of workplace training acknowledge that bystanders can be mobilised as individuals, but also as a collective of workers who can help prevent sexual harassment. Supporting this possibility is that co-workers know one another and are likely to be, in most cases, higher in cohesiveness than strangers in emergencies. Workplace training strategies that explicitly acknowledge the idea that fellow employees should work as a collective or team and 'look out for one another', may be effective in harnessing the potential for pro-social bystander behaviours. This has been highlighted in the workplace health and safety literature, where employees are encouraged and trained to observe co-workers' work practices and offer supportive feedback for safe behaviours and corrective feedback for unsafe behaviours and where they are held accountable for such observation and feedback.[285] Fostering practices which catch and correct co-workers' errors may also have the added advantage of countering conventional masculine scripts, thus translating into less rigid, non-stereotyped views of women and consequently, the advancement of gender equality in the workplace.[286]

Modelling, through demonstrations in training, also appear promising in raising the frequency and immediacy of interventions. This is because modeling facilitates employee learning in how and when to take action and because employees' inhibitions toward intervention can be lowered by the role model's previous behaviour.[287] The use of modeling in the context of bystander approaches might include the use of video recorded vignettes, or simply verbal descriptions (which are less resource-intensive to develop), of scenarios where bystanders have effectively assisted a target or safely intervened to prevent or stop sexual harassment. Experience in violence prevention and other fields suggests that education programs which produce behavioural change are those in which the focus is on skills development and there is a clear 'behavioural message'.[288] Bystander training therefore should include practice in the skills of bystander intervention.

The primary prevention strategies canvassed here have focused on those relevant to organisations. However, the persistence of workplace sexual harassment as a damaging phenomenon – to individuals, workplaces and the economy more broadly – suggests there may also be an opportunity for a wider social marketing campaign on bystander approaches which is directed at larger audiences. Violence prevention programs already developed for groups in universities, schools, or other settings could also potentially address how situational and behavioural aspects of the program may translate to the workplace.

6.3 Secondary prevention strategies: Responding to claims of sexual harassment

Having explored the desirable characteristics of education and training in supporting bystanders to prevent and appropriately respond to sexual harassment, this section addresses secondary prevention strategies, that is, after the problem has occurred. The importance of organisational voice mechanisms and grievance procedures feature prominently in this section.

As has been demonstrated in this paper, there is strong emerging evidence in the management and whistle blowing literature of how organisations can design grievance procedures or 'voice systems' to encourage bystander reporting and respond and protect bystanders through the process. It is clear that implementing effective grievance procedures offers organisations significant protection because they enable targets and bystanders to report misconduct internally rather than outside the organisation, thereby avoiding legal proceedings.[289] Indeed, both the sexual harassment and organisational justice literatures indicate that there are significant costs to organisations of ignoring or minimising the development of 'effective voice climates' which deal effectively with complaints of sexual harassment.

Not surprisingly perhaps, many of the existing recommendations suggested for organisations to prevent and appropriately respond to complaints of sexual harassment by targets, would also appear to be important for encouraging bystander intervention strategies. For example, organisational and management studies suggest that enlisting bystanders to support or advocate on behalf of sexual harassment targets relies heavily on voice systems which are characterised by timely responses and investigations and an open and supportive environment where employees – bystanders as well as targets – feel safe to express their views and can expect management to take them into account.[290]

The high frequency with which sexual harassment and non-sexualised incivility co-occur[291] suggests that it is important for organisations to acknowledge sexual harassment as a manifestation of broader gender inequality and to implement organisation-wide efforts to promote a safe, supportive and inclusive environment for women. In work environments which are systemically male-dominated and privileged (eg mining, police work, manufacturing), some studies have suggested that it is important to provide explicitly articulated opportunities for women to collectively and democratically participate in order to challenge prevailing regimes of control and strive for a more inclusive environment.[292] This might include involving women in the development of organisational complaints procedures and other organisational processes which directly affect them. These representative forms of participation, which involve worker input being channeled through formal structures with elected or appointed spokespersons, have demonstrated effectiveness in the workplace health and safety realm because they place concerns within an industrial relations context and can be linked to statutory measures and collective agreements.[293]

Studies of whistle blowing further suggest that legalistic responses within organisations, rather than laws themselves, are needed to successfully encourage and protect bystanders in preventing sexual harassment and other unethical workplace practices. An important first step in the process of protecting bystanders who report sexual harassment on another individual's behalf is for senior management to clearly understand what constitutes wrongdoing and injustice – under the law and with respect to the organisation's own policies – but also from the perspective of societal standards and the penalties they may suffer if they allow the conduct to continue.[294] Within the context of secondary prevention, an important management strategy for encouraging bystanders to report is to create a workplace environment that positively endorses reporting of sexual harassment. This is akin to a number of evidence-based principles in the workplace health and safety literature, such as offering rewards for process activities including coaching safe work behaviours, rather than only rewarding outcomes such as accident or injury rates.[295] Also important in encouraging whistle blowing is for organisations to provide multiple communication channels so that employees can choose to report to someone with whom they are comfortable[296] or who has a lesser direct stake in their everyday work. In larger organisations, this might include nominating sexual harassment contact officers in different areas of the organisation so that targets and bystanders can refer the problem to someone other than their line manager and outside their work team.

The whistle blower literature provides some further important lessons for protecting bystanders from victimisation or retaliation when they report sexual harassment. As outlined in Part 3, legalistic strategies include providing immunity from legal action and making it an offence to take detrimental action against a person who has made a disclosure, while organisations should attempt to keep the whistle blower's identity anonymous by excluding them as a subject of the investigation and imposing a duty on the recipient (eg manager, sexual harassment officer) not to reveal the discloser's identity.[297]

Another important component of secondary prevention is the application of appropriate sanctions or penalties when sexual harassment has been found to occur. This demonstrates to employees that organisations can 'walk the talk' and deliver distributive justice, which has a profound impact on the likelihood of further reporting. Indeed, some of the most significant reasons for under-reporting sexual harassment are beliefs that the harasser will not receive any penalty and low expectations by employees that justice will be done.[298]

Implementing grievance procedures which are perceived to be fair (by both targets and their supporters) is important not only for employees, but also for mitigating risks to organisations. This is because perceptions of fairness may influence the likelihood of legal redress being sought outside the organisation.[299] There is some evidence, for example, that observers perceive the use of external investigators in sexual harassment cases to be more fair and less biased than the use of internal investigators.[300] However, such studies are relatively rare and there remains much to be learned about the types of voice mechanisms employees deem to be fair in relation to sexual harassment specifically. However, it seems clear that the potential for bystanders to report sexual harassment is enhanced where organisations proactively seek an understanding of justice perceptions of their employees, especially in developing and modifying grievance and investigative procedures around sexual harassment.

Table 1: Principles and strategies for developing and implementing bystander approaches to sexual harassment

Principles informing the strategies	Strategies		
	Primary Prevention – training	**Secondary Prevention – reporting and investigating**	**Tertiary Prevention – supporting bystanders**

Design comprehensive programs, using multiple strategies, settings and levels
 	
Develop an appropriate theoretical framework
 	
Incorporate educational, communication and other change strategies
 	
Locate bystander approaches in the relevant context
 	
Include impact evaluation in the bystander approach
	• Design training to:
	  – increase recognition of sexual harassment
	  – include content which addresses different forms of bystander involvement and challenge myths of sexual harassment
	  – address the links between sexual harassment and other forms of gender inequalities
	  – define sexual harassment by focusing on the behavior rather than the response.
	• Make social responsibility norms evident in the workplace; acknowledge bystanders can be individuals or respond collectively
	• Use modeling in training modules to demonstrate how bystanders can assist
	• Deliver training to all employees
		• Respond and investigate complaints in a timely way
		• Allow employees to participate in the design of complaints procedures
		• Establish what constitutes sexual harassment in the organisation
		• Create a workplace environment that allows for reporting sexual harassment
		• Give management credit for taking action to encourage reporting
		• Preserve the anonymity of bystanders who disclose
		• Address the risks of victimisation to the bystander
		• Implement appropriate penalties for harassment when it occurs
		• Provide multiple communication channels for bystanders and targets
		• Acknowledge that some organisational actors are more vulnerable
			• Support bystanders who may have experienced the negative impacts of sexual harassment
			• Enlist the support of bystanders to assist targets of sexual harassment in the longer term
			• Implement ongoing monitoring and evaluation of bystander strategies

Developing well-functioning grievance procedures appears to be especially important in certain contexts, such as when targets are employed in precarious and lower level positions and thus are not part of a high status group which is more likely to receive support from bystanders and in a recessionary economy where the potential costs associated with expressing voice are higher than usual for all bystanders.[301] Thus, when developing, implementing and monitoring complaints procedures, organisations need to take account of how they can be used effectively by employees at all levels of the organisational hierarchy and regardless of their contractual arrangements or the financial position of the company at any particular time.

6.4 Tertiary prevention: Dealing with the consequences of sexual harassment

Bystander approaches may be effective in not only preventing sexual harassment from occurring in the first place and in designing effective procedures to respond to the problem once it has occurred, but also in dealing with the longer term impacts of the problem on those affected. In violence prevention, activities focus on responding to, or treating the problem, minimising the impact of violence, restoring health and safety and preventing further victimisation and perpetration.[302] In workplace sexual harassment however, knowledge of the longer term impacts on targets and bystanders is much less reliable and consequently, tertiary prevention strategies are, at best, tentative.

As outlined in Part 1, the negative impacts on targets of sexual harassment and also bystanders, can be significant, including negative psychological, health and job-related consequences.[303] While knowledge of the impacts of sexual harassment generally focus on those that occur in the weeks and months following sexual harassment rather than those in the longer term, these more immediate impacts suggest that bystander approaches may be relevant in two different ways in regards to tertiary prevention. First, given bystanders often experience detriments that parallel those of direct targets,[304] they may require similar longer-term supports following the resolution of a sexual harassment incident or complaint procedure. Such supports may include ongoing external counselling, which should be resourced by the organisation and /or other workplace-level interventions such as job-training opportunities. Second, bystanders may be enlisted to support targets, such as by facilitating a 'buddy system' which may buffer targets from potential negative, longer-term effects.

Other bystander-related strategies which could be considered as tertiary are the ongoing monitoring, evaluation and subsequent modification of organisational processes designed to address sexual harassment (including many of the primary and secondary prevention strategies outlined here). Consistent with the principles for designing the programs themselves, impact evaluations should be underpinned by an appropriate theoretical framework and be considered from multiple levels and with the specific workplace context in mind. While sophisticated studies involving experimental designs and standardised measures of impact are probably more the preserve of researchers than organisations, it is important for organisations to continually monitor programs or strategies designed to mobilise bystanders and assess how they may be constantly improved.

Table 1 above provides a preliminary framework for the development of bystander interventions in workplace sexual harassment, summarising the principles for developing bystander interventions and the primary, secondary and tertiary prevention strategies outlined above.

Conclusion

This research paper has outlined the potential application of new and creative bystander approaches to addressing sexual harassment in the workplace.

Specifically, the paper has integrated studies on sexual harassment with a range of theoretical and empirical research on bystander approaches as they apply in the context of workplace bullying, racial harassment, whistle blowing, violence in intimate relationships, workplace justice frameworks and employee voice.

The research has shown that bystander approaches can be potent tools in preventing and addressing workplace sexual harassment.

However, the adoption, implementation and evaluation of bystander approaches can only be effective for addressing workplace sexual harassment provided they are oriented towards the specific contexts of sexual harassment. They must also be crafted for use in the typical situations in which sexual harassment takes place. And above all, they must be supported by organizational change. Considering such complex issues poses significant challenges. However, this paper has provided some preliminary suggestions for how such strategies can be developed.

Whilst the paper has focused on the way bystander approaches may be relevant to sexual harassment in the workplace, the conclusions are also relevant and applicable to the prevention of sexual harassment in other areas of public life. For example,

while relatively little research has addressed sexual harassment in schools, it is also possible for bystander interventions to be effective in these and related settings. Responding to sexual harassment through bystander interventions may also be relevant in other areas covered by Australian law, including in the provision of goods and services and accommodation.

The paper has demonstrated the potential for bystander approaches to make a real difference in preventing and addressing sexual harassment as a costly and damaging workplace harm.

1   Sexual harassment is understood as both a specific and legally defined form of sex discrimination and as a manifestation of gender-based workplace violence and a broader 'cultural misogyny' or hostility towards women. J Gailey and A Prohaska, 'Knocking off a fat girl: an explanation of hogging, male sexuality and neutralization' (2006) 27 *Deviant Behavior*, pp. 31-49.

2   S Hekkanen and C McEvoy, 'False memories and source-monitoring problems: criterion differences' (2002) 16 *Applied Cognitive Psychology*, pp. 73-85.

3   K Miner-Rubino and L Cortina, 'Beyond targets: consequences of vicarious exposure to misogyny at work' (2007) 92(5) *Journal of Applied Psychology*, pp.1254-1269; J Raver and M Gelfand 'Beyond the individual victim: linking sexual harassment, team processes and team performance' (2005) 48 *Academy of Management Journal*, pp. 387-400.

4   T Glomb, W Tichman, C Hulin, F Drasgow, K Schneider and L Fitzgerald, 'Ambient sexual harassment: an integrated model of antecedents and consequences (1997) 71 *Organizational Behavior & Human Decision Processes,* pp. 309-328; K Miner-Rubino and L Cortina, 'Working in a context of hostility toward women: implications for employees' well-being' (2004) 9 *Journal of Occupational Health Psychology*, pp. 107-122; K Miner-Rubino and L Cortina, 'Beyond targets: consequences of vicarious exposure to misogyny at work' (2007) 92(5) *Journal of Applied Psychology*, pp.1254-1269.

5   The distinction between formal and informal reporting throws up legal and ethical concerns which are addressed in Part 4 of the paper.

6   A Powell, *Review of bystander approaches in support of preventing violence against women*, Victorian Health Promotion Foundation (2011), p. 8-10.

7   Australian Human Rights Commission, *Cyberbullying, Human rights and bystanders* (2010). At http://www.humanrights.gov.au/pdf/bullying/VHB_cyberbullying.pdf.

8   VicHealth, *Review of bystander approaches in support of preventing race-based discrimination,* Victorian Health Promotion Foundation (2010). VicHealth, *More than ready:Bystander action to prevent violence against women in the Victorian community* (2012). At: http://www.vichealth.vic.gov.au/en/Publications/Freedom-from-violence/Bystander-Research-Project.aspx (viewed 29 May 2012).

9   G Scott and B Martin, 'Tactics against sexual harassment: the role of backfire' (2006) 7(4) *Journal of International Women's Studies*, pp. 111-125.

10   J Firestone and R Harris, 'Perceptions of effectiveness of responses to sexual harassment in the US military, 1988 and 1995' (2003) 10(1) *Gender, Work & Organization,* pp. 42–64; R Illies, N Hauserman, S Schwochau and J Stibal, 'Reported incidence rates of work-related sexual harassment in the United States: using meta-analysis to explain reported rate disparities' (2003) 56(3) *Personnel Psychology,* pp. 607-618; D Wear, J Aultman and N Borgers, 'Retheorising sexual harassment in medical education: women students' perceptions at five US medical schools' (2007) 19(1) *Teaching and Learning in Medicine*, pp. 20–29.

11   Australian Human Rights Commission (2008). *Sexual Harassment: Serious Business. Results of the 2008 Sexual Harassment National Telephone Survey*.

12   P McDonald, T Graham and B Martin, 'Outrage management in cases of sexual harassment as revealed in judicial decisions' (2010) 34(2) *Psychology of Women Quarterly,* pp.165-180.

13   United States Department of Defense, *Report of the Defense Task Force on Sexual Assault in the Military Services* (2009), Alexandra, VA: Defense Task Force. Available at http://www.dtic.mil/dtic/tr/fulltext/u2/a545871.pdf (viewed 7 June 2012).

14   H Gettman and M Gelfand, 'When the customer shouldn't be kind: antecedents and consequences of sexual harassment by clients and customers' (2007) 92(3) *Journal of Applied Psychology*, pp. 757-770.

15   J Eveline and M Booth, 'Gender and sexuality in discourse of managerial control: the case of women miners' (2002) 9(5) *Gender, Work & Organization*, pp. 556-578.

16   L Bowes-Sperry L and A O'Leary-Kelly, 'To act or not to act: the dilemma faced by sexual harassment observers' (2005) 30 *Academy of Management Review*, pp. 288-306.

17   B Gutek, *Sex and the workplace* (1985); B Ragins and T Scandura, 'Antecedents and work–related correlates of reported sexual harassment: an empirical investigation of competing hypotheses' (1995) 32(7/8) *Sex Roles,* pp. 429–455; A O'Leary-Kelly, R Paetzold and R Griffin, 'Sexual harassment as aggressive behavior: an actor based perspective' (2000) 25 *Academy of Management Review*, pp. 372-388.

18   C Benavides-Espinoza and G Cunningham, 'Bystanders' reactions to sexual harassment' (2010) 63 *Sex Roles: A Journal of Research*, pp. 201-213.

19   S Fredman, *Women and the law* (1997); D McCann, *Sexual Harassment at Work: National and International Responses* (2005); P McDonald, 'Workplace sexual harassment 30 years on: a review of the literature' (2011, in press) *International Journal of Management Reviews*; P Popovich and M Warren, 'The role of power in sexual harassment as a counterproductive behavior in organizations' (2010) 20 *Human Resource Management Review*, pp. 45-53.

20   The vast majority of this research is grounded in psychological theory and uses vignette-type studies where respondents are presented with written or verbal scenarios and stories describing sexual harassment and are asked for their perceptions. This body of work is also heavily reliant on the use of American undergraduate college student as samples.

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