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 NORTON ROSE FULBRIGHT

#MeToo & corporate culture

It's time to focus on your organisational health



#MeToo is more than a Hollywood phenomenon – the movement places a firm spotlight on sexual harassment and inappropriate behaviour in the workplace in a way that is just as relevant for Australian businesses.

You only have to look to social media and the press to see sexual harassment allegations being made against government figures, public personalities, board members and senior executives. Often the details are salacious and described exhaustively to ensure that the interest and sympathy of the broader community is garnered. The allegations themselves often indicate that workplace cultures have not adequately changed to reflect community standards and that rogue employees have not been appropriately supervised or managed.

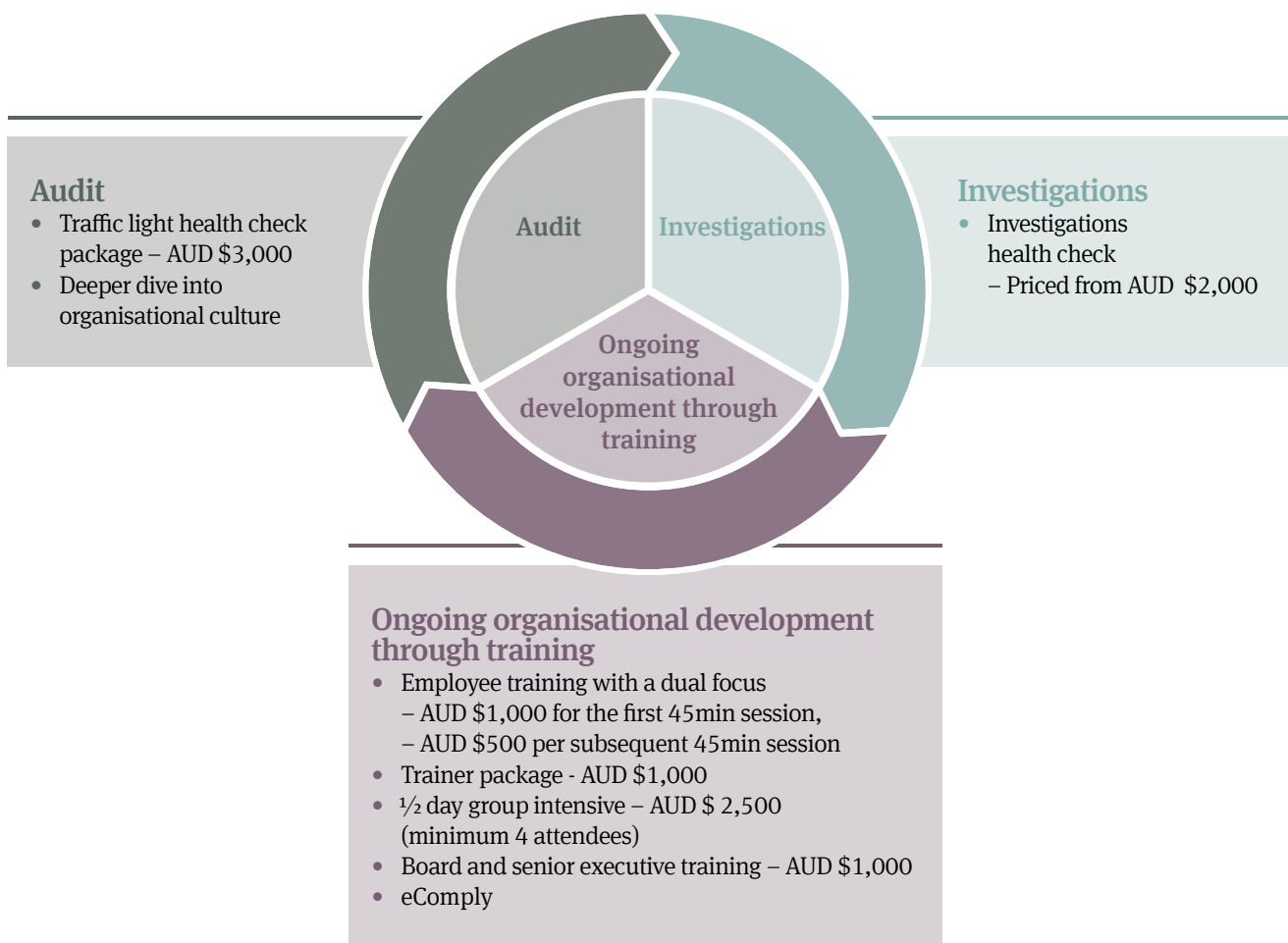
In Australia we are seeing an increase in the number of claims alleging harassment, discrimination and bullying, as well as an increase in the level of damages being sought by claimants. With the Australian Human Rights Commission recently announcing its inquiry into Sexual Harassment in the Workplace, it seems that the #MeToo campaign has kept its momentum and is now likely to drive policy and even legislative change.

In recognition of the impact that inappropriate workplace behaviours can have on an individual's enjoyment of life, awards of damages are increasing significantly. There is also an increased willingness by courts to find that employers and the perpetrators of the inappropriate behaviours are jointly and severally liable for damages awards.

At a time when the spotlight is on corporate culture, it is critical to take action for your organisational health.

With our extensive experience in providing risk advice to companies and defending senior executives, organisations and board members in discrimination and sexual harassment claims, including in some of Australia's most high profile cases, we have developed a comprehensive set of tools for businesses wanting to be more proactive in the age of #MeToo.

Our offering encompasses several fixed fee packages, as well as highly tailored investigations and remediation actions, to cover the entire scope of organisational culture audit, development and continuous improvement.



Organisational health check



Audit

Package 1 – the traffic light option

This includes:

- One hour briefing interview to better understand your organisation's successes and challenges
- A review and suggested amendments of relevant policies (for up to 3 policies)
- A traffic light report which identifies potential risks for your organisation and proposes risk mitigation strategies
- One hour debrief with relevant stakeholders

Package 2 – the deeper dive

This session provides a deeper dive into your culture, systems and policies to identify areas of improvement. This includes:

- Two hour briefing interview to better understand your organisation's successes and challenges
- 2 x 60 minute interviews with each of HR and a senior executive/managing director level representative
- Analysis of existing data in relation to policies, procedures, internal reports
- Review of current training structure and materials
- Production of a report on key risk areas
- Working with your organisation to develop a remediation plan
- Presenting feedback to Board/Senior Management on particular areas of risk and the remediation plan



Training and learning

Package 3 – employee training

We offer training on appropriate workplace behaviour, including sexual harassment, to your employees. Relevant topics will be demonstrated through case studies and hypotheticals to reinforce the standards of acceptable behaviour and to demonstrate best practice in the event of a claim. This package will also focus on bystander training and the action required when sexual harassment is witnessed at work. We can provide multiple training sessions across all locations.

This training has a two-fold focus – to reinforce the standards of acceptable behaviour in the workplace to employees and to provide training that will demonstrate best practice in the event that a claim is made.

Package 4 – train the trainer

We understand that some businesses are focused on driving in-house capability in this area. We have developed a training package that is supported by easy to use written notes for trainers. We will work with your trainer to understand and deliver appropriate workplace behaviour training to your employees. This is an essential tool for businesses that want to take risk based workplace behaviour to the next level.

Package 5 – 1/2 day group intensive

This offering is focused on HR professionals, legal and senior managers. The 1/2 day intensive workshop will expand on the areas discussed in the 45 minute training sessions, including the provision of a practical handout and the use of relevant hypotheticals, a quiz and a role play to practice what you've learned. Unlike the 45 minute session, it will also go through the handling of a complaint, including the investigation process and potential outcomes and discuss risk mitigation strategies using your policies and procedures.

Package 6 – Board and senior executive briefing/training

In this 1 hour session we will provide an overview of the risks, the fundamentals for any organisation and key strategies for managing risks – from dealing with a complaint when it first gets made, establishing a communication strategy and notification to the stock exchange if required.

With our particular expertise from dealing with boards, we focus on the key questions and red flags that board members should be thinking about in relation to organisational risk and crisis management arising from these issues.

Package 7 – ecomply

Our ecomply platform has recently been awarded first place in the LearnX Impact Awards for best compliance training project. We can roll out our online training program on EEO and discrimination quickly and efficiently. We can provide a fixed price quote for ecomply access.



Investigations

Package 8 – Investigation health check

We are able to provide investigation support including:

- **Investigation Report Review:** Conduct a review of draft Investigation Report and provide recommendations on what further steps should/could be taken prior to finalising the report to ensure challenges to the report are minimised - \$2,000
- **Investigation Oversight:** Supporting the investigator by finalising terms of reference, reviewing letters to complainants and respondents, providing advice on procedural issues as they arise, providing advice about managing complex investigation issues, reviewing the draft report, etc. – price will depend on complexity of the investigation
- **Conducting the Investigation:** We will conduct a full investigation on your behalf – price will depend on complexity of the investigation

Instructing us to assist with the above could place the investigation under legal professional privilege.

Contacts

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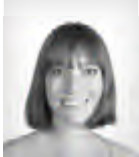
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Norton Rose Fulbright

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Recognized for our industry focus, we are strong across all the key industry sectors: financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare. Through our global risk advisory group, we leverage our industry experience with our knowledge of legal, regulatory, compliance and governance issues to provide our clients with practical solutions to the legal and regulatory risks facing their businesses.

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