



Take on Board

Transcript – Deb Coram

Helga Svendsen 0:00

Today on the Take on Board Podcast, I'm speaking with Deb Coram about some of the recent developments in legislation in relation to respect at work. First, let me tell you about Deb. Deb is the CEO of two award winning compliance and governance organisations Safetrac and Boardtrac, which support organisations and their boards to implement programs that help to build a culture of integrity. A lawyer by trade, Deb's international career has spanned New York and the UK, and she is a passionate advocate for business to adopt a staff first ethos, and move beyond the checker box approach to compliance. Welcome to the Take on Board Podcast Deb.

Deb Coram 0:40

Thank you so much, Helga.

Helga Svendsen 0:42

So, Deb, as always, before we talk about the respect at work developments, let's dig a little bit deeper about you. Can you tell me a story about young Deb that tells us a bit about how you got to where you are today?

Deb Coram 0:56

Oh, young Deb wanted to be a vet. But when she watched too much, James Harriet decided that it wasn't a good idea. And moved ahead with wanting to be a lawyer initially to protect the rights of cows. There's an odd position there, but...

Helga Svendsen 1:17

Tell me more. Yeah, protecting the rights of cows. I'm intrigued, you have to tell us more about that.

Deb Coram 1:23

I thought the treatment of cows giving birth on all creatures great and small, was truly insensitive to them, their baby, womanhood.

Helga Svendsen 1:34

They're right.

Deb Coram 1:36

And I thought they needed to be treated with more respect. Now, I never imagined that that would transfer into me actually working for an organisation and running an organisation that is really about maintaining the workplace. I've taken a very long journey to get there. I became a lawyer, I was a lawyer for a number of years. And I actually found, maybe the injustice of the legal system, one that I didn't want to work in, one that protects the rights of those with money, without it, it didn't sit well with me. And I moved on to a passionate interest in technology, and then somehow went full circle back around into compliance and passionately advocate the rights of humans. Now I have done some training courses in cows. And that's where I sit today.

Helga Svendsen 2:28

Well, I'm loving the common themes in there. The two common themes that I'm hearing a passion and cows, but anyway, the cows are a looser thread. But thinking about the respective work developments, maybe let's just start, can you give us some background and context and then maybe tell us what the newest developments are.

Deb Coram 2:49

So the Respect@Work legislation is a result of the recommendations by Kate Jenkins into sexual harassment in the workplace, and what we can be doing to prevent it. There was a total of 66 recommendations made within that report. And of those 12 were recommended legislative amendments, six of which have been formed into legislation that aims to make very clear organisation's obligations in relation to the Sex Discrimination Act, and in sexual discrimination and harassment in the workplace. So obviously critical topics that have been front of mind from I think, probably the inception of the #metoo movement, and then consolidated through the Brittany Higgins issue that has come front and center, that made it's oh so clear to everyone that sexual harassment in the workplace is alive and well in all workplaces, including our top levels of government, and that it's no longer okay that we stand by and don't do anything. We're in the middle of an epidemic of reporting. I'm not going to say it's an increase in incidence. I just think it's an increase in the reporting of those incidents. I will give great credit to the #metoo movement in bringing these incidents to the fore, and women having a voice and those voices being heard. And I think it was probably great timing for many things, that maybe we had a level of power, of women in places that we're able to listen and give credence to this voice. And it's no longer okay that we sit by and let all of these incidents happen without us making positive actions towards change. And whilst we could incidentally say there has been a duty for workplaces, that didn't occur in the workplace

before, simply under the duties of our work, health and safety legislation, which I would argue they are there already. I think we needed to make absolutely crystal clear that there is a positive duty to prevent this sort of thing going on in our workplace. And that is what the legislation aims to address.

Helga Svendsen 5:09

It's kind of extraordinary, isn't it that in, in some ways that in 2021, we are just getting our heads around this. I think if you ask any woman, maybe any person in the workplace, but certainly any woman in the workplace, we know it's been an issue in the workplace for decades on decades. But it is a little bit sad in a way that it's 2021, actually, and this is when we're finally coming to grips with it. But anyway, that's just my editorial side note.

Deb Coram 5:37

Look, I would, I would reply to that, that it is said that we're getting on to it. But if you spoke to your grandmother, about what we are doing in our workplaces, and the opportunities that we have, and how much the women's movement has moved into generations, we've actually made extraordinary change. And we have made increasingly rapid movement in towards equality. And if you are to look back at the society that existed for centuries, with essentially a very patriarchal society, which everything was around men, women were indeed their chattels. To this day, we still take their last names and give our children their last names. And so our whole society has been based on these elements of patriarchy, our organisation's have been built and run by men. And, you know, we have over the last two generations effected massive change. And I think we cannot be too critical of that, we can always say change is not fast enough. And it's not enough. And we always need to keep pushing. But we also need to take a pause to go, wow, we are really making steady progress now. And when we look at things like boards and diversity levels, and so forth, the latest watermark search report that came out in recent months. You know, the figures show that, you know, the change in our boards, and our board structures have been massive. Since 2016 the number of ASX 300 companies with one or no female directors has halved. That's in five years, the number of boards which at least 30% of women has tripled. Boards with no women has lowered from 59 in 2016 to 14. So we are making progress. And I get you it's not fast enough. But it is fantastic we're living in this world. But I believe within 6-10 years, I think that we will need to be moving on. And indeed, we should be today to not just focusing on gender diversity, but looking more at things like cultural diversity, which is something else which sadly needs addressing in our society.

Helga Svendsen 7:52

Absolutely. I agree wholeheartedly on all of that. And thank you for being the little voice of hope when I sometimes feel despair about these things, when we had a conversation the other day, and you did exactly the same. So thank you for pulling me up on that as well.

Deb Coram 8:04

That's alright, I think that in change, we need to also give credit to where it's happening so that we don't get despondent, there's so much more we need to do. This is a positive step towards increasing that rate of change. And I very much welcome these amendments.

Helga Svendsen 8:21

So, boards as the responsible party in an organisation for compliance or part of the responsibility for compliance, part of the system that sets the tone from the top, what do boards need to be aware of with the legislative changes and all of the other changes that are coming with Respect@Work, what are boards need to be aware of?

Deb Coram 8:43

So, in terms of what the legislation changes, the sexual discrimination and fair work, the otherwise known as a respected work bill makes the sexual harassment a sackable offense, and makes clearer under the Act that harassing a person on the basis of sex is strictly prohibited. Instead of six months, employees will now have 24 months to lodge a sexual harassment complaint with the Australian Human Rights Commission. That's a really important one because a lot of people once they have had something happen to them, they're traumatized and coming forward with a complaint isn't something that that's necessarily the first thing that they may do. So creating that elongated timeframe is very important. The Bill includes a recognition that sexual harassment is a workplace health and safety issue. And like bullying, it means that victims can apply for an order to stop sexual harassment through the Fair Work Commission. Arguably, that was already there, under the rights of a person under the work, health and safety legislation, but it has been made crystal clear so there is no argument or issue for dissent on that particular point. The new legislation broadens the definition of what constitutes work and by whom and what that means is that vulnerable workers will be covered as well as people working from home. Employees are trying to prove that someone wasn't necessarily at work when they were harassed in the past, and therefore they weren't covered. So this amendment addresses that particular issue. The legislation also closes a loophole in relation to exempting public officials, which surprising to many, judges, members of parliament and their staff were exempt from complaints under the Act, which is really mind blowing for many people, they are now no longer exempt from this legislation. So I think they're probably the main changes in relation to this new Respect@Work report. I think there was hope and disappointment that a positive duty on companies to take steps to prevent sexual harassment, discrimination and victimisation was left out. And certainly both the Labor and the Greens party were pushing for its inclusion. And I think I wouldn't be surprised if that was included at a later occasion. And certainly my advice to any corporation would be that they really do need to be making shift in their cultures to ensure that prevention of sexual harassment is what they should be looking at not just stopping it once it's actually happened.

Helga Svendsen 11:27

So maybe even though there's not the legal requirement at this stage, kind of acting as if there was a positive responsibility on organisations to have that.

Deb Coram 11:37

Look, if I'm an organisation focused on my organisational culture, I do not want these things happening in my workplace. We've seen over and over the negative implications for a company that's brand if our organisation does end up on the papers for all wrong reasons. And whilst that's not a stick, and what you won't be judged by and why you should be doing these things, organisations simply cannot afford for these things to be happening in their workplace, let alone the emotive issue for a staff member that we don't want our staff members to be going through this sort of experience. So I think that increasingly, organisations are going to have to move away from doing the minimal of legislation to sort of check that box to move towards what is the right thing for their staff for creating a healthy workplace. And a healthy workplace has no room whatsoever for any type of sexual harassment. So ensuring our staff are trained and understand what is and isn't sexual harassment and what is and isn't okay, is actually essential to their ongoing viability and should be forming a critical part of their ESG policies and guidance at the board level.

Helga Svendsen 12:47

What are organisations doing to build that safe culture in all ways in the workplace? What should boards be thinking about? What should they be prompting? What should they be doing? Whether it's the boards or, indeed if boards have a people and culture type committee? What should they be thinking about to make sure the operation in your organisation is reflecting a really positive culture?

Deb Coram 13:12

Yeah, it's very interesting. I think we've undergone momentous change in the last, I'm going to say three years were investors and stakeholders are really increasing pressures on companies to be reflective, and to even be leaders in the community within which they operate. And increasingly, we're seeing consumers pressure organisations, by choosing to spend their dollars with organisations with diversity and ethics, and a good culture behind by which they operate, they will quickly move with their feet, if any sort of adverse consequence occurs in an organisation. And so increasingly, the perspective of boards and management, and indeed, we saw through the Financial Services Royal Commission, and the results of national recommendations from that is that governance and culture are critical to the ongoing long term planning of an organisation and indeed, strictly tied to their long term shareholder value. So issues that maybe will once seen as "fluffy" and I put that in inverted commas, are now increasingly becoming business critical. And I've heard people say all these ESG thing, it's a diversion from our strategy and how we can strategize moving forward, I would say that if ESG issues are not front and central to your strategy, then your long term strategy

is extremely flawed. So in terms of how that looks, and how we start to change that perspective, I actually think that compliance needs to be reframed so that we're not looking at it as this nasty box checking activity, but we start to look towards it in terms of integrity, of conduct, and how we go about operating from a what's best for the person is what's best for the organisation type of approach.

Helga Svendsen 15:18

I love that just the switching of language from compliance to integrity. Because what do we need to do to be compliant? I think really does kind of, maybe not encourage a tick a box, but brings to mind a tick a box. Whereas, what do we need to do to operate with integrity? Where's the integrity in our systems, where's the integrity in our organisation has a very different feel to it.

Deb Coram 15:40

It does. And I first learned this very early in my days at Safetrac, and we have a wonderful client, Air New Zealand. And Air New Zealand, was the first organisation that I worked with, that they changed their compliance training, to integrity training. And I believe when you tell your staff to do their compliance training, you get this drain, do I have to look and feel, and I will pay I've done that I've done that training, I've checked that off. Where is integrity isn't just about organisational integrity, it's actually about personal integrity. And by reframing the language in the wording with which we call it, you actually start to put on individual people a sense of their own belief, accountability and integrity in the way they act and conduct themselves. And it makes them take more ownership for their actions and makes them think about well, does this feel right to me, is this me acting with it? And in actual fact, that's the shift that we need all staff to move to, if we really want to change culture. Now, we did introduce the whistleblowing legislation a short while ago, which allowed employees to know that they have a place to go to report behaviours that are not in line with that compliance or integrity culture that was necessary, because so many organisations, were not willing to listen and act on reports, and then treat the person that was reporting that conduct without recrimination. And it's amazing that a number of the companies that I work with, we work with, say that their whistleblower line whilst they have them doesn't get used. And you say, well, that's not great. So well, it is great, because people aren't using their whistleblower line, they're actually using their internal reporting lines. And their internal reporting lines means that they're going to managers, they're going to the clients team, they're going to their legal team, wherever it is, they feel free to say, hey, I've noticed this, this isn't right, we need to do something about it. The organisation says, great, thanks so much for reporting that that's a good point, we'll look at that we'll address it, here's what the action we're going to take, this is what we're going to do. And that to me is when you reach that milestone, that's when you're starting to form a great culture. And it's only when we've reached those cultures where people feel free to stand up and report without fear of recrimination that people feel they're working for a place that takes on the integrity and the language and the requirements of legislation without checking a box without rolling out training just to just to have done it. But to actually train staff in what is and isn't right. And that if something's not

right, that they want to know about it, and they're going to do something about that. And that's where we want to get to.

Helga Svendsen 18:40

Yes, yes, yes, hear, hear. Who are the organisations that are getting this right? And what are their boards doing that helps them get it right?

Deb Coram 18:48

I think the organisation's who are getting it right at the moment are ones who have been doing it for a long time, and who have been focused on this for a long time. One thing that is important for organisations to understand is getting to this culture is a journey. You cannot overnight and boards cannot overnight say we're going to have a good culture. Because that's not how it starts. And I think for some organisations, the point of making cultural change is sometimes overwhelming in terms of the size of that change that needs to occur. And we're almost scratching heads saying, "where do we even start?" Then I could give you examples of volunteer organisations that are staffed mostly by volunteer gentlemen who are perhaps farmers from the country or have worked, not necessarily in corporations, so haven't been exposed to a lot of the new language and a lot of the new gender diversity expectations in organisations. And so they come from that very strict, patriarchal backgrounds. These volunteer organisations are filled with these types of people volunteering their time. Now to try and change the culture in an organisation like that can be truly an overwhelming thing to do. I will also say that political parties, our government is a wholly patriarchal organisation. And yes, we've had women representatives join it. But have we really looked at making sizable change. And workplaces where they have people as a gathering point, and people from many organisations are still providing a workplace. But the people gathering in that workplace are not necessarily their employees, using these sorts of organisations to insist on cultural change is very difficult from a strict compliance point of view. You're saying we want you to behave in this way but you're not my employee. So I can't actually tell you that. Likewise, with volunteers, I'm not paying you money to do this. I'm asking you to give your time. But I want you and I insist on you to act this way. What's your retribution? Are you going to fire them? So there's some really difficult situations that our society we need to be sensitive to, and we get a lot of these organisations come to us and say, What do we do? Where do we even start? And my point to any of those organisations would be, you have to start somewhere.

Helga Svendsen 21:32

Yeah, just start, just start.

Deb Coram 21:35

That's right. So starting look like and some of the best ways of starting is to listen. So first of all, we listen, we listen to the experiences of those who may be infringed or feel on the male mind. We listen to those who aren't, and why everything is great, then we start to share those experiences with each of the other parties, so that we can start to try and build some empathy, then we can start by talking about what the laws now say and what they are, and what the ramifications are for people if the laws are breached, and that these are no longer just civil ramifications, they're potentially criminal ramifications as well. So the impacts of transgressing legislation are very, very serious. And so these are the ways that we can start and that messaging and how we do that is really important that we make it specific for the organisation and the situation in question. And I think one of the reasons that training and especially compliance training has been given such a bad name in the past is because so often, it's generic, off the shelf training, it has nothing to do with your organisation, it has nothing to do with a person's role, we have to move away from that. And we have to make it specific, we have to make it relevant, we have to make it appropriate to the audience that we're training, we have to make it not really, really long, especially if we've got a learner audience where people have got low levels of education, we need to make it short, sharp, we need to look at translations, we need to look at video, we need to look at audio, we need to look at all these different forms. And sometimes doing that really well actually costs quite a lot of money. And so when I speak to someone who say we've got to do training, and then I say, Okay, well, this is how we should do it, they go, we don't have money for that. So if boards are looking to make change, they need to start opening the purse strings. So this needs to be a priority. So how we start creating change starts with devoting money to exactly these type of initiatives. And I would say it's not the cost of doing it. I would be asking myself, what is the cost of not doing it? Because the potential ramifications of implications of getting this wrong, are getting more and more serious by the day.

Helga Svendsen 24:07

Allocate the resources boards, make sure you put it in there.

Deb Coram 24:10

I think in addition to this, we are not very far off a place where we see that diversity becomes reportable benchmarks for companies. And we're not just looking at profitability of organisations, I think we're really, really close to starting to lean in and we're starting to see it in some organisations that executive remuneration is linked to diversity and targets and other sort of ESG factors that is closing in on boards very, very quickly, that shareholders are going to vote on these factors alongside profitability. So I think with the expectation of a highly demanding consumer market and the pressure that's coming from that market, boards would be prudent to be understanding that this is not a nice to have anymore. This is becoming essential.

Helga Svendsen 25:09

Oh, Deb, I have loved our conversation. What are the key points you want people to take away from what we've talked about today?

Deb Coram 25:16

Ok, so key points. This is a journey. And we're all on it. And very few organisations have this, right. It is a journey of improvement, and we're all on it. And we're all going to continue to get better. And it doesn't matter so much where you're on that journey, it's that you've started it. That would be point one. The second point that I would make is that as to how you start on that journey, needs to be a consultative and inclusive process. And it needs to be one with suitable budgets associated with it, that enable key changes to be made. Thirdly, we need to ensure that we're changing to a point where our staff feel free to report issues without recrimination. And that those reports are things that our organisation values as opposed to, wants to shun from. So the ability to do that, when we've reached that point, we know that we are well on our journey. And I would say that we need to start reframing compliance in terms of integrity of behaviour, I think is a critical thing for us all to do. If I could re label what we do as integrity training, and people would still find us on Google, I would. I would like to see that shift. And I would like to see that organisations are making compliance about them, and about their organisation, and about how they go about these issues about personalising it. And it's about taking the human element out of the legislation and applying it to your organisation, and then creating appropriate materials that actually helped to shift.

Helga Svendsen 27:17

And is there a resource you would like to share with the Take on Board community?

Deb Coram 27:21

Sure, Helga, I could refer people I did a recent podcast with Fear and Greed on cleaning up corporate culture. That's an interesting listen, there's also quite a lot of articles on the Safetrac web site. And we have remarkable staff that are well trained in assisting organisations with this shift. And we if you refer to the safe track website www.safetrac.com.au there's a lot of articles and resources on there.

Helga Svendsen 27:53

Fantastic. Well, we'll make sure we put a link both to the podcast and to the Safetrac website in the show notes so people can find it. Thank you, Deb. It has been a very wide ranging conversation. But one with just so many wonderful pieces of gold in there. So thank you so much for sharing your wisdom with the Take on Board community today.

Deb Coram 28:14

Thank you so much for talking with me. I've really enjoyed it.