



13 August 2021

Ms Libby Mettam MLA
Chair
Community Development and Justice Standing Committee
Legislative Assembly
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Ms Mettam and Committee,

Community Development and Justice Standing Committee Inquiry into sexual harassment of women in the FIFO mining industry

Thank you for initiating this inquiry and for the opportunity to provide a submission.

The attached submission is intended to provide strong confirmation of Chevron's commitment to providing an inclusive workplace where all employees feel safe, respected, and supported to speak up against unacceptable conduct.

Chevron Australia recognises the acute harm caused by sexual harassment and the disproportionate impact these behaviours have on women's wellbeing, careers and participation in the workplace. Chevron has no tolerance for sexual harassment or assault, and we will continue to take action to prevent inappropriate and harmful behaviours.

It is my unequivocal expectation that everyone and anyone who works at a Chevron Australia facility or office, upholds behaviours that support a safe and inclusive work environment.

We are committed to taking actions and having conversations with our workforce that strengthen our culture of safety and inclusion. The Inquiry provides an important opportunity to galvanise these actions, to learn and improve. We are keen to draw upon best practice from your report, findings, and other submissions.

As the operator of oil and gas facilities in remote locations, we welcome the Committee's inclusion of relevant industries beyond the mining industry. We have provided input to the submissions of the Chamber of Minerals and Energy and APPEA and support their recommendations.

We look forward to your report and findings.

Yours sincerely

Christopher Watts
Senior Human Resources Manager – Upstream Australia



Chevron Australia submission to the Community Development and Justice Standing Committee Inquiry into sexual harassment of women in the FIFO mining industry

1. Executive summary

Chevron Australia recognises the acute harm caused by sexual harassment, and the disproportionate impact these behaviours have on women's wellbeing, their careers and participation in the workplace. Chevron has no tolerance for sexual harassment or assault.

We will continue to take action to address inappropriate and harmful behaviours to ensure:

- Our workplaces value diversity and provide a safe and inclusive environment for all to fully participate
- Appropriate policies, procedures and practical measures are in place and effective to prevent sexual and any other kind of harassment, bullying, discrimination or misconduct
- Any incidence of harassment or other misconduct can be reported and addressed with safety and fairness at the forefront of action taken.

The purpose of this submission in addressing the Terms of Reference is to:

- Advise of the policies, resources and practices Chevron Australia uses to provide safe workplaces (Terms ii and iv)
- Outline our understanding of the prevalence, nature, outcomes, and reporting of sexual harassment in FIFO workplaces (Term i)
- Consider the adequacy of the regulatory framework for reporting and addressing sexual harassment (Term iii)

Inappropriate behaviours at work are known to have a serious and damaging effect on individual employees, their families, teams, and the overall culture of the workplace. These behaviours can affect performance, mental, emotional and physical wellbeing, and create a hostile work environment for those who experience and/or witness these behaviours.

The foundation of Chevron's safety culture is a belief that safety incidents are preventable. This is also the case for instances of harassment, and Chevron is committed to preventing and eliminating this behaviour at our workplaces.

Chevron recognises that sustained support of our safety and inclusivity objectives requires a range of policies and measures:

- Cultural and preventative policies and initiatives – including fundamental tenets that guide our way of doing business – supported by specific policies that explicitly describe expectations around respectful behaviours.
- Multiple formal and informal reporting mechanisms that are actively promoted to encourage reporting of behaviours that violate Chevron's and/or legal requirements.
- Training programs available across the workforce in a variety of accessible formats



- Initiatives to encourage employee mental, physical and social wellbeing, both in and outside the workplace
- Encouraging the participation of women at our remote sites
- Setting clear expectations for our contractor partners regarding management of any personnel working on Chevron sites.
- Recruitment practices that reflect a commitment to diversity and inclusion.

These measures are expanded in Section 3 below, with a number of the described initiatives and issues being specific to our remote sites. However, unless otherwise stated, the standards, policies and practices should also be taken to apply across all Chevron Australia workplaces, including our Perth offices.

We understand that sustained commitment and evaluation of the effectiveness of these measures is essential to the elimination of sexual harassment and the harm it causes in our workplaces. While our policies, resources and measures are examples of our strong commitment to safety and inclusivity, we recognise a clear opportunity to better understand the impact of these measures, including reporting, and potential improvements we can make to prevent harm.

Regarding the adequacy of regulation, Chevron supports the legislative framework as providing mechanisms for the protection of people on our sites, reporting harm and addressing unsafe and illegal conduct. Nevertheless, given some legislative developments are recent, most notably the *Work Health and Safety Act 2020* (WA) (WHS Act), we welcome ongoing discussions at an industry and regulatory level to ensure best practice and clarity of application of the Act with respect to reporting and addressing sexual harassment and assault, particularly in the context of safety legislation.

Finally, Chevron has appreciated the opportunity to review the Respect@Work¹ report, as well as the draft submissions of the Chamber of Minerals and Energy (WA) and APPEA to this Inquiry. We support the findings and recommendations of those reports and commend them to the Inquiry. We also welcome the willingness of other industry and regulatory participants to share learnings and best practice to support effective, industry-wide action.

2. About Chevron Australia

Chevron Australia is one of Australia's largest producers of essential natural gas, and is engaged in the exploration, production and supply of energy resources to domestic and international markets through its operations onshore and offshore Western Australia.

Chevron Australia operates the following remote facilities in the Pilbara region of Western Australia:

- Gorgon natural gas facilities on Barrow Island.
- WA Oil facilities on Barrow Island
- Wheatstone natural gas facilities comprising a processing plant at Ashburton North and offshore platform in WA Commonwealth waters.

¹"Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces" report by the Australian Human Rights Commission (AHRC) 2020



Our Barrow Island and Wheatstone Platform facilities are necessarily fully FIFO due to their locations on Class A Nature Reserve and in Commonwealth waters, respectively. Our Wheatstone processing plant is primarily FIFO, with a component of residential workforce. Chevron provides housing to accommodate up to 50 families residentially in the Onslow township.

3. Chevron Australia's workplace practices and policies (Terms of Reference ii and iv)

Chevron Australia is committed to workplaces that value diversity and provide a safe and inclusive environment for everyone to fully participate.

We recognise that a range of policies and measures are required to support safety and inclusivity on a sustained basis, including:

- Preventing sexual and any other kind of harassment, bullying or discrimination
- Ensuring that any incidence of harassment or other misconduct can be reported and addressed with safety and fairness at the forefront of action taken.

These policies and measures are expanded by way of practical examples in this section.

3.1 Cultural and preventative policies and initiatives

Chevron has central policies and codes that define our values, culture and the behaviours expected of all employees. These are supported by specific policies around particular matters, such as bullying and harassment, drug and alcohol use and equal opportunity.

Central policies guiding our culture and business conduct include:

- **The Chevron Way (Policy 1)**

This is the company's guiding statement for actions and behaviours. The Chevron Way explicitly values diversity and encourages an inclusive work environment that enables everyone to fully participate and contribute to our work environment.

- **Business Conduct and Ethics Code (Code)**

This explains in practical terms how Chevron supports full compliance with applicable laws and applies ethical principles to business decisions that deliver results the right and responsible way. The code:

- Prohibits actual or threatened violence against anyone who is either on our premises or has contact with employees in the course of their duties. Every threat of violence is serious, and employees are obliged to immediately report any such event.
- Commits Chevron to a workplace free of harassment. If employees or contractors are confronted with harassment, they are asked to use the mechanisms described in 3.2 to report their concerns.

Specific Human Resources policies within Chevron Australia apply explicitly to safe behaviours and set out the expectations, definitions and investigation mechanisms. They include:

- Discrimination, Harassment and Bullying (Policy 277)
- Equal Employment Opportunity (Policy 278)



- Social media guidelines, which requires adherence to Discrimination, Harassment and Bullying Policies in employees' use of social media

Chevron also has a number of **supporting policies and measures** to give practical effect to our commitment to a safe workplace. For example:

- **Controlled Substance (Policy 263) and Alcohol (Policy 264)**
Applies to all operations and covers random screening and for cause testing to ensure fitness for duty requirements are met by Chevron's personnel and contractor personnel.
- **Performance management for employees**
To encourage achievement of business goals in the right way, Chevron's Performance Management system establishes individual employee performance goals that are focused on the behaviours exhibited whilst performing our roles.
- **Safety and security measures**
Established on all sites, including the two Perth office facilities, to ensure the safety and security of workers. These include:
 - **Security of Personnel and Assets (Policy 570)**, which governs the protection and safeguarding of Company personnel and assets Australia wide and the management of reporting requirements when security incidents or losses occur, or employees are impacted as the result of unlawful or Company-prohibited acts.
 - **Dedicated professional security service provider for Chevron** in accordance with the *WA Security and Related Activities (Control) Act 1996* and supporting Regulations.
 - **Lone worker and late worker procedures**, including some special transport arrangements at our remote sites.
 - **Site communications**, such as sign-in acknowledgements, are required for all new arrivals and visitors staying on our sites that explicitly identify site behavioural expectations. Regular site communications – such as Plant Manager notices, pre-starts and resident notices on default television channels – also outline and reinforce behavioural expectations. These communications are under review to ensure they are up-to-date and fit for purpose.
 - **Recreational activities** are offered and include women-only gyms at our larger sites. There is also an offsite process for personnel participating in after-hours activities outside the boundary fence of the Wheatstone Village.

3.2 Reporting and investigative mechanisms and policies

Chevron actively promotes multiple formal and informal mechanisms to encourage reporting of behaviours that violate Chevron's and/or legal requirements. Where appropriate, incidents are referred to authorities and full cooperation is expected in any investigation undertaken by police or other enforcement agencies.

Reporting mechanisms include (but are not limited to):

- The **Chevron Hotline** is a direct formal avenue for reporting activities or behaviours that may violate the law or Chevron policies. This is managed by a third party for independence and is available to anyone who works on a Chevron site or office, regardless of employer. The receiving team ensures all reports are confidentially provided to the relevant role for appropriate



investigation or action to be taken. For example, a complaint on behaviour which, if substantiated, may constitute sexual harassment would be sent through to the Employee Relations Specialist for investigation.

- The **Global Office of Ombuds** is a safe, neutral and independent resource available to the Chevron workforce, irrespective of employment status. Australia has a dedicated Ombuds for our region, with an out-of-country reporting line to facilitate impartiality.
- **Stop Work Authority (SWA)** and Stop Work Responsibility (SWR) describe the responsibility and authority of any individual working in Chevron's operations to stop work when an unsafe condition or act could result in an undesirable event. The process establishes the responsibility and authority of all employees and contractors to stop work in unsafe conditions, including where a person has a reasonable concern that personnel, the environment, or equipment is at risk. While we are not aware of instances where SWA has been used to address harassment or psychosocial safety issues, there is nothing to limit its application in any situation where there is any perceived safety risk and have identified an opportunity to develop this understanding further with our workforce.
- Chevron has employees located across all sites who have been trained as **Contact Officers** to provide confidential support and information on work related issues or concerns that may be covered by the Discrimination, Harassment and Bullying Policy. Employees are encouraged to speak with a Contact Officer if they:
 - Believe they have been a victim of harassment, discrimination, bullying or consider they have been treated unfairly
 - Want to talk with someone about how they feel about a workplace situation
 - Want to understand the options available to them to escalate an issue

The Contact Officer program is managed by the Employee Relations Specialist and is considered a formal resource that employees can utilise if they do not wish to initially discuss a matter with their supervisor. Confidential records are provided to the Specialist after each contact.

- The **Grievance Officer** is a dedicated, independent Human Resources (HR) investigation resource who facilitates the resolution of concerns or complaints that are covered by relevant legislation or Chevron Policy. This is conducted through an independent investigation (or preliminary inquiry) into complaints received through multiple avenues (complainant, contact officer record, HR Business Partner escalation, Supervisor, Chevron Hotline and management). The investigation of workplace conduct matters is designed to be fair to all those involved with the procedure is characterised by assessment, confidentiality, natural justice, fairness and impartiality, truthfulness, and protection from victimisation.
- The **Chevron Health and Medical** team is a dedicated group of health professionals and case coordinators located on site and in Perth who work alongside leaders and HR Business Partners as required. Their role is to anticipate and support the health-related business needs of the workforce, workplace and host communities, as well as develop and implement programs, procedures and policies that proactively support the health of our workforce.
- The **Chevron Security** team is comprised of security professionals located on site and in Perth who work alongside leaders and HR Business Partners as required. Their role is to identify, assess, mitigate, or control the risks associated with the security of our workforce and assets.



3.3 Training programs and employee undertakings

Chevron is committed to continually identifying ways to empower all workers to feel safe to report inappropriate workplace behaviours, such as sexual harassment. Training is updated in line with regulatory standards and requirements.

Computer-based training and formal acknowledgement of these standards is mandatory annually for all Chevron employees and a range of contractor personnel working on Chevron sites. Completion and acknowledgement of these modules by the end of each calendar year is required, measured as a performance metric for leadership and escalated in instances of non-completion. These modules include training on:

- Chevron Way and Business Conduct and Ethics Code
- Anti-Bullying Harassment and Discrimination (Policy 277)
- Security Awareness and Vigilance (Policy 570).

Site specific inductions are a further requirement for all visitors and workers travelling to a Chevron-operated site. The induction modules are computer-based training and provide all participants with a clear outline of the expectations of acceptable behaviours.

Additional training is required for business leaders and include:

- **Inclusive Leader training**, which is mandatory for senior leadership positions and offered to all other supervisors and employees. The training aims to:
 - Build an inclusive leader mindset and behaviours.
 - Enhance ability to role model inclusion for all.
 - Learn ways to hold yourself and others accountable for inclusion and behaviours that are not aligned to this.
 - Develop skills needed to lead Chevron to a fully inclusive culture.
- **Coaching** is available for frontline leaders to help those in supervisory roles be inclusive and supportive leaders. Offerings include face-to-face support, as well as third-party providers and platforms that are leading science-based programs with a holistic focus to leader and individual development (e.g. Better-up).

New programs have been identified in response to feedback from our workforce and identified gaps. This year, Chevron is deploying the **Upstander program** to increase awareness of discrimination, bullying and harassment and support individuals in speaking up against these behaviours. This immersive learning, which was identified as a need in 2020, aims to enhance general understanding of what it means to be an Upstander: identifying inappropriate workplace behaviours when they occur and implementing strategies to effectively address and/or report inappropriate behaviours. This training supports our workforce to be Upstanders, not bystanders.



3.4 Employee support

Chevron has a range of initiatives to encourage employee mental, physical and social wellbeing both in and outside the workplace, including opportunities to raise issues and engage in conversations about experiences of gender, privilege, and diversity:

- **Employee Assistance Program (EAP)**

Chevron provides all employees and their immediate family members access to an independent, confidential counselling service. This service is available 24/7 across all sites, with EAP representatives also travelling to our remote locations.

- **Diversity Networks**

Chevron currently has nine employee networks representing the spectrum of diversity in the community: Women's, PRIDE, Boola Moort, Asian Employees, XYZ, Boomers, ENABLED, Somos and Veterans networks. Their focus includes enhancing employee engagement and increasing opportunities for involvement among individuals who may otherwise feel excluded, as well as providing support, connection and the exchange of ideas between employees of similar and diverse backgrounds.

- **Men Advocating Real Change (MARC)**

This global program allows participants to engage in candid conversations about gender, its impact in the workplace, and how to lead change through group-generated advice, insights and best practices. It engages men as partners, change agents and advocates in supporting the development and advancement of everyone at Chevron, while strengthening our culture of inclusion. Each MARC group is comprised of males and females at all levels across the business. They meet regularly to explore materials that prompt conversation about gender and diversity issues and encourage participants to share personal experiences of inclusion while learning by hearing those of others.

- **Wellness program**

Chevron's Wellness Program encourages the workforce to make health and wellness a key priority by providing health information, tools, and resources to help individuals achieve their health goals. Programs include bowel and cervical cancer screening, skin screening, flu vaccination, smoking cessation, blood donation, mental health, yoga, Pilates, mindfulness, massage, and access to a total wellbeing program. The program also hosts specialist guest speakers on a variety of topics.

3.5 Encouraging the participation of women on remote sites

In recognising the various barriers that can disproportionately affect the ability of women to accept roles at remote locations – particularly those that are fly-in fly-out – Chevron has a range of measures to enhance the potential attractiveness of our site-based roles. Supervisors are also expected to take an active role in the onboarding process to ensure a smooth transition for new or returning employees to site.

- **Leadership** – we currently have women in senior leadership positions in site-based roles, including the Plant Manager at our Wheatstone Plant, the Gorgon Security Manager and a number of Superintendent and Coordinator level roles across both the Gorgon and Wheatstone sites.
- **Flexible return to work options for site-based roles** – options are available for a flexible transition upon return from a period of parental leave or away from the workforce. For example, working a roster arrangement initially in the Perth office before returning to site-based work.



- **Carers and lactation rooms** – these facilities are available at our offices and larger sites.
- **Residential opportunities** – are available and encouraged for our Wheatstone plant, with the accommodation offering suitable for families. The opportunity to reside in Onslow is available to both short and long-term roles, based on business need and as housing availability permits.
- **Onslow social infrastructure, including childcare initiative** – with our joint venture participants (JVPs) in the Wheatstone Project, Chevron Australia has contributed to significant infrastructure upgrades in Onslow town since the project commenced. Most recently, the Wheatstone JVPs, together with other industry partners and the Shire of Ashburton, contributed \$2.4 million to upgrade Onslow's strained childcare services. The project will also be a major ongoing contributor to a new support package to attract and retain the staff needed to manage the upgraded facility.

3.6 Contractor expectations

Chevron's site workforce includes a significant number of contractors. In addition to our permanent contractor workforce, the site contractor workforce increases substantially during turnaround events and other campaigns. It is our expectation that contractors adhere to Chevron standards, and this is built into our communications, onboarding, and contractual arrangements. For example:

- **Contractor forums** are held before major facility events, such as turnarounds, these serve as an opportunity to share Chevron's expectations that contractors must meet.
- **Contractual exhibits** relate to health and safety as well as and industrial relations (employee management) and require management plans that set out how contractors intend to administer these elements, and address – among other matters – the contractor's recruitment procedures, leadership development, workplace grievance processes, performance management and training as well as health and safety.

Contractors must also ensure their personnel comply with all rules, regulations, and standards, and are responsible for the behaviour of their personnel in Chevron facilities (including accommodation). Further, contractors are required to cooperate with and assist Chevron in any investigation related to the behaviour of their personnel in Chevron's facilities.

Third-party contractors are required to implement training programs for their personnel, including (but not limited to) bullying, harassment and discrimination, employee engagement and fair treatment processes. As described in Section 4, these mechanisms provide opportunity for Chevron to be more explicit and consistent about our expectations with respect to reporting and training for psychosocial hazards, including sexual harassment.

3.7 Recruitment practices

Chevron is fully committed to the principles of equal employment opportunity (EEO), which is covered by a standalone policy. Beyond legislation, Chevron values diversity and encourages an inclusive work environment that enables all employees to fully participate and contribute effectively to meet our business objectives.

Recruitment procedures include:

- Interview panels always have more than one interviewer, with gender diversity on the panel.



- All interview panel members are expected to uphold diverse and inclusive values, consistent with The Chevron Way.
- One panel member always acts as an 'unbiased peer' whose role is to actively challenge the selection panel to ensure the best person for the position is hired, and support diversity and inclusion in the hiring process. When recruiting externally, a member of the HR recruitment team holds this position.
- Including the option of flexible work arrangements for all positions by default unless there are clear operational reasons why this cannot be accommodated.
- For internal positions, the selection mechanism also involves a panel including HR representative(s) that is expected to consider diversity in its selections.

As part of our university hiring:

- We aim for 50 per cent gender diversity for candidates who are interviewed and are offered roles
- Successful candidates are offered a mentor who is outside their direct work group

To attract diverse candidates to the workplace we:

- Deliberately use gender neutral language and diverse imagery in our advertising
- Clearly state diversity and inclusion values in recruitment materials.

Chevron Australia has a number of education-to-employment opportunities with a focus on female and indigenous student education and engagement to increase diversity across our workforce and the industry more broadly. For example:

- **Women in Engineering (WiE)**
In partnership with South Metropolitan TAFE, Chevron Australia offers a twenty-week course in the foundation skills needed for employment within the oil and gas industry or higher STEM education pathways. WiE aims to remove barriers that frequently discourage women from entering the resources sector by pairing a supportive learning environment with unique insights shared by women working in a diverse range of industry roles. Participants receive full tuition assistance from Chevron Australia and graduate with a Certificate III in Process Manufacturing.
- **Powering Careers in Energy**
This program offers high school students interested in a career in energy the opportunity to learn about the industry at school. The initiative, which launched in selected high schools across Western Australia in 2012, incorporates studies related to liquefied natural gas into existing academic programs.
- **Aboriginal traineeship program**
Provides participants with the opportunity to gain skills and experience while working towards a formal qualification.
- **Aboriginal school scholarships**
Annual scholarship allowance and mentoring support to secondary Aboriginal students.
- **Apprentice and trainee program**
In partnership with MEGT and supported by a Pathway Coordinator, this program offers FIFO entry level and pipeline apprentice and trainee roles.



Chevron Australia publishes diversity and inclusion information and our Reconciliation Action Plan on our external website for the reference of any potential candidates.

4. Understanding of the prevalence, outcomes, and nature of harassment in the workplace (Term of Reference i)

Chevron is committed to providing a respectful and inclusive workplace, and we fully recognise it is our obligation to act against the behaviours that do not align with our values.

The foundation of Chevron's safety culture is a belief that safety incidents are preventable. This is also the case for instances of harassment, and Chevron is committed to preventing and eliminating this behaviour at our workplaces.

Inappropriate behaviours at work can have a serious and damaging effect on individual employees, their families, teams, and the overall culture of the workplace. We want our employees to feel safe to be themselves and fully participate at work, without being subject to inappropriate behaviours that can affect performance, mental, emotional and physical wellbeing and create a hostile work environment for those who experience and/or witness these behaviours.

While the extensive suite of policies, resources and measures previously described support this commitment, we recognise a clear opportunity remains to better understand their impact and effectiveness. We seek to understand how these measures are experienced and applied in our workplaces and how they could be made more effective in preventing harm. We also recognise the need for an ongoing conversation with our workforce around any challenges and gaps that still need to be addressed, some of which are identified and further expanded below.

4.1 Reporting

With respect to understanding the 'prevalence and nature' of harassment in the workplace, Chevron believes there is an opportunity to examine and validate our reporting data to encourage greater understanding, identification, and reporting of harassment across our workplaces. Confirming and/or addressing the reliability of our reporting data will provide a better understanding of the adequacy of our measures in preventing sexual harassment.

We note that the Respect@Work² report found only 17 per cent of harassment cases are reported and that around one-third of people in the Australian workforce in the previous five years said they had experienced workplace sexual harassment, with a gender split of 39 per cent of women and 26 per cent of men. Taking this as a guide, our data would suggest under-reporting and we are seeking to understand this further.

We have a strong safety culture that empowers everyone on our sites – both employees and contractors – to take responsibility for safety, reinforcing there 'is always time to do it right' and 'what you see you own'. This has established strong reporting for personal and process safety incidents and provides a solid foundation to encourage identification and reporting of behavioural and psychological safety matters.

² "Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces" report by the Australian Human Rights Commission (AHRC) 2020. p119 - 'The 2018 National Survey findings that only about one in five (17%) of people who said they experienced workplace sexual harassment in the last five years made a formal complaint or report'



We can be more explicit and consistent across Chevron and with our third-party contractors about our reporting expectations. We are examining how this can be improved through better communication and consistent contracting arrangements, together with clearer or enhanced industry and/or regulator guidance (see Section 5).

We are sensitive to the reasons why a complainant may choose not to report instances of harassment or assault and will continue to work to ensure that reporting and other processes in themselves do not create or exacerbate harm. Chevron's new, previously described Upstander program aims to specifically to empower and encourage greater reporting.

4.2 Training

We have identified inconsistencies between the training that is provided by our various third-party contractor companies to their employees. There are also complexities in delivering training to our site-based workforce across multiple shifts. Due to the constraints of operational requirements and ongoing business critical activities, the delivery of training programs (either on site or in Perth) requires significant planning and resources to be available for a sustained period to cover multiple shifts. While these challenges are clearly surmountable, we have observed that there is an opportunity to refine the consistency and reach of our training to provide wider availability and uptake of purposeful and effective programs.

5. Adequacy of legislation, regulations, policies and practices to ensure safety at work (Term of Reference iii)

The following sets out the legal requirements regarding our safe operations and compliance with applicable anti-harassment laws.

The Respect@Work report recognised that WHS laws provide an appropriate framework to address sexual harassment, but they are currently underutilised, in large part due to the lack of any express regulation, code or guidance on sexual harassment.

The Australian Human Rights Commission (AHRC) concluded that this has also led to regulators adopting inconsistent approaches to workplace sexual harassment matter and that additional guidance may assist in clarifying that the existing duty under the WHS laws includes prevention of sexual harassment, rather than creating new obligations.³

Our experience would support that finding, set out as follows.

5.1 Regulation under safety case requirements

Chevron's policy is to protect the safety and health of people, our assets and the quality of the environment and to conduct our operations reliably and efficiently.

Chevron maintains an Incident Investigation and Reporting (II&R) process in accordance with regulatory requirements and our internal Chevron standards. The purpose of the II&R process is to report, classify, record, and investigate incidents and near misses (collectively referred to as

³ "Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces" report by the Australian Human Rights Commission (AHRC) 2020, p521.



events). The lessons learned from investigations can then be leveraged to prevent future events. This process requires the company to investigate health and safety events, including recordable injuries or illnesses which may arise in the workplace.

Under the relevant Chevron management standards, the Operations Manager is responsible to ensure all required event notifications are completed. This includes a requirement to report physical, race-based, and sexual assault.

External regulatory health and safety notification requirements for events in Chevron's operations are also contained within legislation, regulations and safety plans (e.g. safety cases and safety reports) which are applicable to Chevron's operations.

Chevron is required to report specific reportable injuries to the Department of Mines Industry Regulation and Safety (both the WorkSafe and Petroleum Safety divisions) and the National Offshore Petroleum Safety and Environmental Management Authority according to which operations are involved. Many of these reporting obligations require Chevron to report certain illness or injuries in the workplace that meet minimum days away from work thresholds. The reporting requirements are specifically defined in applicable legislation.

II&R processes manage industrial safety events in a highly transparent, investigative manner. Despite their potential application to reporting injury or illness arising from harassment in the workplace, we consider II&R management of sexual harassment or bullying unsuitable in their current format, particularly given the primacy of respecting a complainant's wishes in relation to any reported conduct, as well as confidentiality and support considerations. Additionally, there is a risk that the process itself, including escalation to a third party potentially against the complainant's wishes, could expose them to further psychological harm. As outlined above in Section 4, we are examining how our reporting can be improved through appropriate mechanisms that are sensitive to these objectives.

5.2 Other specific legislation

Sexual harassment is clearly defined as unlawful in the employment context in State equal opportunity and Federal anti-discrimination legislation and is commonly addressed by employers via workplace policies in the employment context. In contrast, sexual harassment is not specifically addressed in workplace health and safety legislation and is instead included as one of many workplace hazards which general safety duties and obligations under WHS legislation apply to.

From a regulatory reporting perspective, WHS legislation requires mandatory reporting for specific consequences that have resulted from a workplace injury or illness. It is often unclear, however, how safety reporting requirements relate to workplace conduct such as sexual harassment in circumstances where the complainant does not report suffering a reportable injury or illness under WHS legislation criteria.

Chevron supports the legislative framework as providing adequate mechanisms for the protection of people on our sites, reporting harm and addressing unsafe and illegal conduct. Nevertheless, given the recent introduction of the WHS Act, Chevron welcomes ongoing discussions and clear guidance at an industry and regulatory level to ensure best practice, and clarity of application to risk factors and the reporting sexual harassment and assault, particularly in the context of safety legislation.