



## **Dignity and Equality in the Workplace the Defence Forces An Independent Review**

### **Requests for Submissions**

Thank you for deciding to make an input to this important Review. You are welcome to provide whatever insights and contribution that you feel are appropriate. We have provided a template that reflects our Terms of Reference to prompt you. We have also provided as much space as you require to include content that you feel is going to help us with our work.

#### **CULTURE**

- 1. Is the current culture one that robustly supports and enables the desired workplace being one that promotes, supports and enables dignity and mutual respect with a non-tolerant approach for unacceptable behaviour in the workplace? What aspects are supportive? What aspects take from a workplace which is safe, respectful?**

The Dublin Rape Crisis Centre (DRCC) recognises that to cultivate a workplace that promotes, supports and enables dignity and mutual respect with a non-tolerant approach for unacceptable behaviour, like sexual harassment and abuse, a workplace culture that refutes toxic masculinity and unchecked power dynamics is crucial. The Defence Forces' Third Action Plan for the Implementation of UNSCR 1325 and Related Resolutions 2020-2024<sup>1</sup> (Third Action Plan) acknowledges that both toxic masculinity and unchecked power dynamics have created barriers to achieving their envisioned working environment. Through our work in DRCC, we know that these issues plague society at large and a vast number of workplaces in Ireland. However, it could be suggested, that these issues are exacerbated within the culture of the Defence Forces due their command and control structures. Furthermore, these issues can cause the perpetuation of rape myths and biases, victim-blaming, misunderstandings on the concept of consent, and a rejection of trauma-informed approaches.

In response to combatting these issues, we submit there needs to be a culture shift that makes a clear distinction between command obedience under any circumstances and member's rights to respect and dignity, regardless of the hierarchal position of any party. To encourage this shift in culture, the Defence Forces have a unique opportunity, unlike many other workplaces, to utilise existing, institutional cultural norms and apply them within the context of promoting workplace dignity and respect, whilst separating that of command obedience under any circumstances. The inherent ethos of many, if not all, of the successful operations led by the Defence Forces, is that of teamwork.

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<sup>1</sup> <https://www.military.ie/en/public-information/publications/unscr-1325-and-related-resolutions.pdf>

These innate teamwork skills, required by every member, should be streamlined within the culture of the Defence Forces to tackle hegemonic masculinity and foster dignity and mutual respect. Within an organisation's culture, there are norms that must be abided by to ensure duty objectives are met and the safety of all members are considered. By utilising existing teamwork norms and incorporating them into the concepts of dignity and mutual respect, members are expected to apply these concepts in the line of duty to ensure their team achieves optimum performance standards. Furthermore, they have a responsibility to uphold them, as well as the capacity to be held to account when they do not as they could be putting their colleagues in harm's way. Similarly, a culture that denies hegemonic masculinity and necessitates respect and dignity in the workplace through the lens of teamwork also places responsibility on the Defence Forces leadership to maintain these objectives and to be held to account when they do not, similar to chain of command reprisal when mistakes are made while on missions.

## **FRAMEWORKS, POLICIES, PROCEDURES**

### **2. Are the legislative frameworks, policies, procedures and practices efficient & effective in preventing and addressing incidents of unacceptable behaviour? Please elaborate by reference to specific problem areas or first-hand experience:**

Per testimonies, some of the existing legislative frameworks, policies, and procedures do not appear to be aiding victim/survivors to the extent required by the Defence Forces. DRCC acknowledges and understands the difficulties victim/survivors face when reporting instances of sexual harassment and abuse, in or out of the workplace. In particular to sexual harassment and abuse in the workplace, we have found that a significant number of reports across industries have highlighted how employees are not privy to or have adequate knowledge on existing reporting tools within their own workplaces.<sup>2</sup> Parallel to the Defence Force's work on cultivating dignity at work, it could be beneficial to begin policy reform on how all relevant policies and their functions are efficiently and effectively conveyed to their members. In particular, examining their accessibility will be key to preventing and addressing incidents of unacceptable behaviour.

As part of our research we observed a number of industry types and found an abundance of inefficient reporting mechanisms<sup>3</sup>. Many employees, in those workplace studies, have found that reporting workplace sexual harassment and abuse are often met with lengthy and bureaucratic investigations. These types of internal investigations often lead to re-traumatisation in victim/survivors as they are forced to continue their professional duties whilst also harbouring feelings of uncertainty and a secondary-loss of control. In correlation to the Defence Force's work on cultivating dignity at work, it could be beneficial to ensure the investigative process is time-sensitive and provides the complainant ample amount of information regarding the progression of the investigation when available.

Again, our research found that the vast majority of employees who reported instances of workplace sexual harassment and abuse found the outcome of investigations ineffective. Many reported feelings disillusioned with the policies and the workplace itself after receiving an unsatisfactory response with little to no repercussions for the perpetrator. One way for the Defence Forces to address this issue is to have those conducting investigations manage the expectations of those coming forward.

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<sup>2</sup> <https://www.drcc.ie/policy-advocacy/research-statistics/sexual-harassment-and-abuse-in-the-workplace/>

<sup>3</sup> Ibid page 14

Additionally, the Defence Forces could re-evaluate the appeal process to ensure investigations are conducted adequately, which in turn can act as a tool to instil a level of trust among members who engage in the process. A failure to understand the nature and impact of sexual harassment and abuse will not only impede the capacity to investigate such reports effectively but it will permit perpetrators to continue to offend with a high degree of impunity and will definitely discourage victim/survivors from reporting.

**3. What mechanisms should be in place to allow civilian employees etc. to make complaints against members of the DF?**

Civilian employees should have the ability to make a complaint to the Ombudsman to the Defence Forces through the existing framework to report gender discrimination. Currently, the only individuals who are allowed to make formal complaints to the Ombudsman are serving members of the Defence Forces, former members of the Defence Forces, members of the Reserve Defence Forces, former members of the Defence Forces. The exclusion of civilian employees from this vital reporting tool leaves far too many employees at risk of unrivalled discrimination in the workplace.

**4. Are there barriers to making complaints and in fully engaging in the process? Please elaborate by reference to specific problem areas or first-hand experience:**

To empower individuals wishing to make complaints, efficient, effective, and accessible legislative frameworks, policies, procedures and practices must be in place to prevent and address incidents of unacceptable behaviour. Of particular attention to barriers to accessing justice and supporting whistle-blowers of mistreatment in the workplace like sexual harassment and abuse, there should be a substantial focus on having trauma-informed reporting policies that current mechanisms appear to lack or fail to adequately convey. Many of the individuals from the general public who have come forward with their experiences of abuse or mistreatment, have cited intimidation of the reporting process as a deterring factor in deciding to make formal complaints. The DRCC's expertise within our Justice System Accompaniment Service could be a useful tool or model for the Defence Forces to engage with to combat this alleged issue. This service offers practical information and support, as well as guidance on what to expect when reporting an instance of sexual harassment and abuse. Correspondingly, this service demystifies the reporting process for a lot of victim/survivors and provides them with an outlet to ask an independent service provider questions, without judgement and confidentially, who understand the impacts of trauma. Our service or a service akin and specific to the Defence Forces could be a way to eliminate this alleged barrier to reporting.

Another reported barrier, to accessing justice through existing reporting mechanisms is that of fear of retaliation on career trajectory. The DRCC has noted that when working with victim/survivors of workplace sexual harassment and abuse from the general public, many are acutely aware, prior to reporting, that they could be risking their career by speaking out. This only amplifies the existing effects of trauma due to the instances of mistreatment and creates an environment that could lead to re-victimisation.

Protected disclosures including their scope regarding workplace sexual harassment and abuse is currently under legislative debate.

The report of the Joint Committee on the Pre-Legislative Scrutiny of the General Scheme of the Protected Disclosures (Amendment) Bill 2021<sup>4</sup> includes testimony from the Law Society, the HSE, Raisea concern who all submit that *interpersonal grievances* that do not fall under the scope of a protective disclosure should not include workplace bullying, sexual harassment and abuse. If protected disclosures could be made within these instances, or with similar statutes within the Defence Forces, victim/survivors could be assured that they can report without a fear of retaliation and if retaliation does occur, individuals can be held to account. Furthermore, this can be connected to broader observations made by the Ombudsman for the Defence Forces, who has stated that he currently has limited scope on jurisdiction regarding instances of gender discrimination regarding workplace sexual harassment and abuse.

In our work, we see first-hand the life-long consequences of the trauma and harm caused by sexual violence of all kinds. Many victims suffer in silence. It takes great courage and strength to speak out so for those who do they should encounter a process that is committed to an investigation that is approached in a trauma-informed manner.

## **TRAINING, AWARENESS, PERFORMANCE ASSESMENT & PROMOTION**

### **5. Is the training and awareness provided effective to enable DF personnel to recognize a workplace issue and to intervene appropriately? Please elaborate by reference to specific problem areas or first-hand experience:**

The strategic initiatives regarding training, awareness, performance assessment and promotion of combating sexual harassment and abuse in the Defence Force's Third Action Plan are to be welcomed. Specifically, it is encouraging in Section 2.2.1: Develop and incorporate an unconscious bias training module into existing gender training/briefing programmes; Section 5.1.1: Support the conduct of SGBV investigation training (subject to DFA funding) and investigate further training opportunities and Section 5.1.2: Investigate the requirement for specialist training for medical personnel in the context of SGBV.

These strategic initiatives are encouraging, but there are general and specific objectives that the DRCC finds would be most helpful in promoting the prevention, recognition, and intervention of mistreatment like workplace sexual harassment and abuse. Our training recommendations can also act as a potential collaboration with the Defence Forces akin to Section 2.2 of the Third Action Plan, where external partnership is listed as an objective to promote gender equality.

The following is a list of general objectives that would be beneficial to add to training frameworks:

- Definition of consent
- Rape myths
- Unconsciousness biases
- Trauma-informed approaches to aiding victims of sexual harassment and abuse
- Victim services
- Resiliency

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<sup>4</sup> Recommendation 13 Pg. 40 & 41.

[https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint\\_committee\\_on\\_finance\\_public\\_expenditure\\_and\\_reform\\_and\\_taoiseach/reports/2021/2021-12-16\\_report-of-the-joint-committee-on-the-pre-legislative-scrutiny-of-the-general-scheme-of-the-protected-disclosures-amendment-bill-2021\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_finance_public_expenditure_and_reform_and_taoiseach/reports/2021/2021-12-16_report-of-the-joint-committee-on-the-pre-legislative-scrutiny-of-the-general-scheme-of-the-protected-disclosures-amendment-bill-2021_en.pdf)

The following is a list of workplace-specific objectives that would be beneficial to add to trainings frameworks:

- How to recognise signs of workplace sexual harassment and abuse as a bystander and victim. This knowledge should be irrespective of rank or hierarchy.
- How to respond sensitively to an employee who makes a complaint of sexual harassment or abuse. This knowledge should be irrespective of rank or hierarchy
- Comprehensive understanding of the impact of trauma on behaviour and memory
- Comprehensive understanding of existing procedures, formal or informal, on reporting a complaint of workplace sexual harassment or abuse. This knowledge should be irrespective of rank or hierarchy.
- Comprehensive understanding of existing procedures that ensure the protection of a victim making a complaint of workplace sexual harassment or abuse. This knowledge should be irrespective of rank or hierarchy
- Comprehensive understanding of the responsibility of reporting officers to monitor and follow-up after a complaint of workplace sexual harassment or abuse has taken place.
- Comprehensive understanding of the responsibility of leadership to efficiently and effectively address workplace sexual assault and abuse, as well as understanding who and when leadership can be held accountable for not doing so.

From our experience, working with our own clients and callers, and more widely with other professionals who interact with victim/survivors of sexual violence, we know that this training requires a participative and experiential approach. By that we mean an approach which includes closed group discussion, case studies, videos, and experiential exercises as well as presentations and lectures. Such training must also include the development of resourcing strategies for participants themselves in order to prevent or reduce vicarious traumatisation and burnout.

**6. Do the performance assessment practices and processes ensure the development of people in the Defence Forces that have the competencies to contribute to a workplace that is based on dignity, equality, mutual respect and undertakes a duty of care?**

Whilst the DRCC does not have an area of expertise on the exact performance assessment practices and processes regarding dignity, equality, mutual respect and undertaking a duty of care in the Defence Forces, there are areas that we can identify that could benefit all employees and further prevent instances of workplace mistreatment like sexual harassment and assault. Given the DRCC's expertise on training competencies and their effectiveness, we would recommend that training on dignity at work be a mandatory objective that is examined during any performance assessment. A focus on such training as a core facet of an optimum performance level, ensures that employees are not only equipped to contribute to a workplace that is based on dignity, equality, mutual respect, but also demonstrates a level of competency to address and combat instances where these values are not being upheld.

**7. Does the promotion system ensure that the leaders of the organisation are promoted and trained so that they can ensure a workplace that ensures equality, dignity and mutual respect?**

Whilst the DRCC does not have an area of expertise on the exact promotion system within the Defence Forces, there are areas that we can identify amongst any workplace regarding promotion systems that could benefit or cause harm to victim/survivors of workplace mistreatment like sexual harassment and abuse. Particularly, we recommend that any promotion system set in place, base its grading scale strictly on merit. A promotion system that rewards tacit compliance by ignoring equality, dignity and mutual respect, to protect perpetrators of mistreatment and ostracise victim/survivors does not have standing in any workplace that seeks to ensure a no-tolerance approach on mistreatment is reached.

By promoting individuals who commit instances of mistreatment or those who are selectively passive in combatting and addressing instances of mistreatment can further traumatise victims, leaving them to feel unsupported and unwelcome in the workplace.

#### **STATUTORY ROLE OF THE MINISTER /DEPARTMENT**

**8. What changes do you feel are needed in the statutory role of the Minister/ Department to make the current culture, policies and procedures more supportive of the desired workplace?**

A conclusion could be drawn from the statements of many victim/survivors that the Minister/Department should call an independent public statutory inquiry to determine the alleged failings of the past. Whilst this is a matter for the Independent Review to discuss and determine, we in DRCC suggest that restorative justice mechanisms warrant exploration. Restorative justice can offer an approach to addressing the harm or the risk of harm by creating a safe facilitated space where the parties are empowered and responsible for the consequences of the act that brought them together.

#### **STRATEGIES AND APPROACHES**

**9. Can you consider what strategies or approaches could prevent unacceptable bad behaviours and support the desirable behaviours, changing the way things are done?**

To cultivate a culture that is safe and equitable for everyone, women in the Defence Forces must be regarded as valued members of the Defence Forces who are offered dignity and mutual respect akin to that which is afforded to their male counterparts. Strategies to achieve this could be promoting the validity of women's military service, empowering women in the Defence Forces', and addressing power dynamic that negatively affect all military personnel regardless of gender. To support these strategies, the Defence Forces should continue to utilise the approaches outlined in the UNSCR 1325 Resolution. In addition, they should consider partnering with external organisations who have expertise in the areas of gender equality, sexual harassment and abuse to support their endeavours to achieve a safe, equitable, and respectful working environment.

**Would you like to be invited to contribute further by interview or focus group or survey? If yes please tick below as appropriate and provide a contact email, postal address or phone number below.**

**Interview:**

**Focus Group:**

**Survey:**

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***\*Please go to the IRG website [www.gov.ie/irgdf](http://www.gov.ie/irgdf) to see the IRG Data Protection Notice\****