Intersection

Out in the Open

Changing the Culture at Nine Entertainment

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Design and layout

Holy Cow! Creative

Content warning

The content of this report contains references to distressing experiences of inappropriate workplace behaviour including abuse of power or authority, bullying, discrimination, harassment and sexual harassment. The report contains quotes from people who have experienced these behaviours and refers to their serious impact, including suicide.

Support is available for readers if needed at:

1800RESPECT

Counselling 24-hours a day, 7 days a week
Ph: 1800 737 732
www.1800respect.org.au

Lifeline

24-hour crisis support and suicide prevention
Phone: 13 11 14
www.lifeline.org.au

beyondblue

Mental health support
Phone: 1300 224 636
www.beyondblue.org.au

Intersection respects and honours Aboriginal and Torres Strait Islander Elders past, present and future. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.

A note of acknowledgement

Intersection acknowledges that the content of this report will be difficult to read for management, staff and the community alike. We express our sincere gratitude to the former and current employees of Nine Entertainment's Television News and Current Affairs Division, who gave their time to participate in a one-on-one interview and survey with us. It is a privilege to be trusted with your experience. While we heard a range of experiences of the Broadcast workplace, both positive and negative, we are conscious that for some, raising these issues was difficult and distressing. Overwhelmingly, however, employees cited their commitment to the work and desire for Nine to change its culture as the reason for contributing to this Review. For those who contributed to the Review, we trust that you will see your experiences and input reflected in our findings and recommendations.

For the leadership and management of Nine, we recognise that facing into these issues is not easy, and doing so in the public spotlight, harder still. Nine is not alone in dealing with issues of poor workplace culture and no media organisation in Australia is immune from issues of inappropriate workplace behaviours that have resulted in harm. The 2022 National Survey of Sexual Harassment in Australian Workplaces found that the Information, Media and Telecommunications Industry had the highest prevalence rate of workplace sexual harassment across all industries at 64%, almost double the national average of 33%. The industry as a whole has much work to do, and we commend Nine's leadership for taking the decision to commission this independent Review. With the recommendations detailed in this report, Nine now has a comprehensive roadmap for the creation of a safe, respectful and inclusive culture. Additionally, the decision to release this report in full, to have the findings *'out in the open'*, signals a strong commitment to transparency and accountability, a necessary foundation for significant and sustained change. As the largest employer in the media industry, this is an opportunity for Nine to demonstrate strong leadership.

To readers who may share or publicly comment on the content of this report, we encourage you to do so sensitively and to be guided by the National Media Reporting Guidelines to promote the safety and wellbeing of Review participants and anyone impacted by harmful workplace behaviours.

Overwhelmingly, Intersection was told that Nine employees wanted to see cultural change, and that they believed that with the right actions this change was possible. The data collected as part of the Review highlighted that employees at Nine genuinely care for their colleagues, believe in the work they do and want to see the culture improve.

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Executive Summary

1.0   Executive Summary

Every day I would wake up with this knot in my stomach thinking am I going to be screamed at, white-anted or publicly humiliated today, or is it someone else's turn? Watching the humiliation happening to others was almost as bad as being the target, but at the same time you were grateful it wasn't you that day.

Intersection Pty Ltd (Intersection) was engaged by the Nine Entertainment Corporation (Nine) in May 2024 to conduct an independent review of Nine's workplace culture (the Review).

The Review examined the:

- prevalence and nature of abuse of power or authority; bullying, discrimination and harassment; and sexual harassment (together 'inappropriate workplace behaviours')

- impact of these inappropriate workplace behaviours

- drivers and risk factors for these inappropriate workplace behaviours

- available reporting and support options, together with barriers to accessing these

- rates of witnessing inappropriate workplace behaviours and the action (or lack of action) taken by bystanders

- awareness and content of the relevant policies and procedures

- awareness and effectiveness of training.

The Review did not extend to investigating or making findings about any individual incident or allegation.

The Review was a comprehensive examination of workplace culture in the Television News and Current Affairs (Broadcast) Division. In addition, results of a workforce-wide survey provide benchmark data on the prevalence of inappropriate workplace behaviours and other cultural indicators of Nine organisation-wide. To reflect this, findings relating to the Broadcast Division (PART A) and Nine as a whole (PART B) are reported on separately.

This report presents Intersection's findings, analysis and recommendations to support Nine to meet its workplace culture ambitions. It is prepared in the context of Australian laws and standards and is based on a detailed analysis of the qualitative and quantitative data collected throughout the Review. It also takes into account the structural and systemic factors that contribute to inappropriate workplace behaviours/poor culture or pose a risk to the creation of a safe, respectful and inclusive workplace culture. Implementing the recommendations of this report will enable Nine to develop a safe, respectful, and inclusive workplace culture which is key to high performance.

Most importantly, this report and its findings are based on the experiences of individuals who make up the Nine workforce. The voices of Nine's employees are represented in this report through deidentified quotes. The quotes, although expressed in the words of one individual, are illustrative of themes that emerged through the data, and represent the views expressed by many. Some of the experiences of inappropriate workplace behaviour told to Intersection as part of this Review were historical, and relate to individuals who are no longer employed by Nine. Coupled with the analysis of the survey results and accounts of inappropriate workplace behaviours in the last five years, these experiences were deemed to be relevant. The recommendations are designed to address current workplace culture issues at Nine.

1.1 Key findings

Organisations that operate several different businesses, or in different geographic locations, often have sub-cultures that develop due to the nature of work, the physical environment, and differences in leadership. This is the case at Nine.

Overall, the Review found concerning levels of inappropriate workplace behaviours at Nine. These experiences vary by Division. The survey results indicate that the drivers and risk factors for these behaviours are similar for those Divisions with higher prevalence rates of inappropriate workplace behaviours.

1.1.1 Key findings – Broadcast

The Review found very high prevalence rates of **abuse of power or authority** (62%) in the Broadcast Division. Coupled with qualitative data gathered through interviews and submissions, these findings paint a picture of an organisation where accountability is lacking, where decisions in the workplace are made based on personal gain or preference, and where an individual's role or status can be used to bully, harass or to 'punch down'. These practices have created an ecosystem of inequity, where poor performers are not dealt with in real time, if at all; where high performers carry a more significant workload as a result; and where those not perceived to be 'in favour' of leadership are allocated undesirable tasks, shifts or working conditions and denied opportunities for career advancement.

More than half of all employees in the Broadcast Division (57%) also reported experiencing **bullying, discrimination or harassment**. Experiences of public humiliation, 'white-anting', belittling comments or conduct, and aggressive or intimidating behaviour were found to be commonplace and normalised. These behaviours are perpetrated by leaders and peers alike and are often not addressed.

The prevalence of **sexual harassment** in the Broadcast Division is well below the very high industry prevalence rate (64%) and just under the national average across all industries (33%). Nevertheless, nearly a third of Broadcast employees (30%) reported experiencing sexual harassment, with sexually suggestive comments or jokes and intrusive questions about appearance or private life being common behaviours. Although sexual harassment most often occurred at work, social events (where alcohol was present) were found to be a risk factor for sexual harassment.

Known perpetrators of inappropriate workplace behaviours have not been dealt with; rather employees have been warned about interactions with certain individuals, or told to avoid contact with them. In other instances, leaders have attempted to 'cover up' inappropriate workplace behaviours, or to discourage the reporting of incidents.

These behaviours come at a significant human cost.

> *The anxiety I experienced before [each workday] was debilitating. He would humiliate me in front of everyone else on the team.*

> *I have endured thousands of microaggressions over time. It is death by a thousand cuts. …There was a point when I wanted to kill myself.*

The experience of inappropriate workplace behaviours in Broadcast is also gendered. Women reported experiencing all forms of inappropriate workplace behaviours at greater rates than men. Casual sexism and being held to a different standard than men were common experiences for women in the Broadcast Division. Women reported observing and experiencing a higher tolerance for inappropriate workplace behaviours and less confidence that the behaviours would be appropriately addressed.

These inappropriate behaviours are underpinned and enabled by:

- a lack of leadership accountability and skill to identify, prevent and respond to inappropriate workplace behaviours

- power imbalances which manifest in workplace processes and practices that lack transparency and consistency, and result in the unequal treatment of employees

- gender inequality and a lack of diversity including the impact of an appearance based medium for women in the Broadcast Division.

Despite the concerning levels of inappropriate workplace behaviours, employees who participated in this Review indicated that they also held positive views about the level of respect demonstrated within the workplace. Employees spoke of isolated examples of good leadership, a strong culture of peer-to-peer support, and a dedication to the role they play in keeping the community informed about the news despite the challenges of workplace culture.

> *There have been huge changes for the better in the last 2 years, with changes of management in my department, these are all good, and a huge improvement. It's with these changes you realise how toxic our department was, and how we put up with it, as that was how it was … we were used to it … Nine is making some great changes, I definitely feel more respected in the workplace.*

> *I often think to myself, Nine really doesn't deserve to have all these talented people working here. They just don't deserve it. But as colleagues we are each other's support network. The people are the best.*

These positive perceptions, coupled with the organisation's leadership commitment to transparency and accountability, are a strong foundation for cultural change.

1.1.2   Key findings – Nine Entertainment

The survey results show that in the last five years, Nine employees reported the following:

- more than half had experienced or witnessed abuse of power or authority (52%)

- nearly half had experienced bullying, discrimination or harassment (49%)

- nearly a quarter had experienced sexual harassment (24%).

One in six (16%) Nine employees had experienced all three forms of inappropriate workplace behaviours.

The workplace experience at Nine is also gendered. Women experienced all forms of inappropriate workplace behaviours at higher rates than men:

- abuse of power or authority (women: 55%, men: 49%)

- bullying, discrimination or harassment (women: 55%, men: 44%)

- sexual harassment (women: 35%, men: 15%).

The experience across Divisions varied. However, the data clearly shows that inappropriate workplace behaviours are most prevalent in the Broadcast, Radio and Stan Divisions.[1]

Prevalence of inappropriate workplace behaviours in the last five years:

Nine

52% of **Nine** employees had experienced or witnessed **abuse of power or authority**

49% of **Nine** employees had experienced **bullying, discrimination or harassment**

24% of **Nine** employees had experienced **sexual harassment**

By Division:

Broadcast

62% of **Broadcast** employees had experienced or witnessed **abuse of power or authority**

57% of **Broadcast** employees had experienced **bullying, discrimination or harassment**

30% of **Broadcast** employees had experienced **sexual harassment**

Corporate

43% of **Corporate** employees had experienced or witnessed **abuse of power or authority**

47% of **Corporate** employees had experienced **bullying, discrimination or harassment**

18% of **Corporate** employees had experienced **sexual harassment**

Radio

66% of **Radio** employees had experienced or witnessed **abuse of power or authority**

49% of **Radio** employees had experienced **bullying, discrimination or harassment**

29% of **Radio** employees had experienced **sexual harassment**

Digital

41% of **Digital** employees had experienced or witnessed **abuse of power or authority**

38% of **Digital** employees had experienced **bullying, discrimination or harassment**

18% of **Digital** employees had experienced **sexual harassment**

Sales

33% of **Sales** employees had experienced or witnessed **abuse of power or authority**

41% of **Sales** employees had experienced **bullying, discrimination or harassment**

19% of **Sales** employees had experienced **sexual harassment**

Publishing

48% of **Publishing** employees had experienced or witnessed **abuse of power or authority**

43% of **Publishing** employees had experienced **bullying, discrimination or harassment**

20% of **Publishing** employees had experienced **sexual harassment**

Stan*

57% of **Stan** employees had experienced or witnessed **abuse of power or authority**

55% of **Stan** employees had experienced **bullying, discrimination or harassment**

32% of **Stan** employees had experienced **sexual harassment**

Results for Stan are indicative only.

Inappropriate workplace behaviour at Nine is normalised and occurs out in the open. Incidents of inappropriate workplace behaviours at Nine were commonly witnessed by others. Nearly half of Nine employees (44%) had witnessed bullying, discrimination or harassment, and sexual harassment (30%).

Power imbalances, a high-pressure environment, and a workplace culture that tolerates inappropriate workplace behaviours were identified to be the drivers for inappropriate workplace behaviours at Nine.

The Review also found an absence of a safe reporting culture at Nine. The rates of reporting inappropriate workplace behaviours at Nine are very low, with fewer than one in six (15%) victims indicating that they reported the most recent incident of bullying, discrimination or harassment, and fewer than one in ten (7%) reporting the most recent incident of sexual harassment.

1.2   Recommendations

The recommendations in this report have been developed in response to the Review of the Broadcast Division. However, the recommendations are applicable to Nine as a whole, unless otherwise stated.

The recommendations are designed to support Nine to meet its legal obligations, address employee concerns, and foster a workplace culture characterised by safety, respect and inclusion. The recommendations achieve this by addressing the underlying drivers and risk factors which give rise to inappropriate workplace behaviours at Nine.

The recommendations are presented in order of priority:

- **Foundational recommendations** are intended to address the most pressing drivers and risks of inappropriate workplace behaviours at Nine, and to lay the groundwork for building a safe, respectful and inclusive culture.

- **Intermediate recommendations** are targeted at improving the maturity of Nine's culture.

- **Advanced recommendations** are those that ensure the organisation is moving towards best practice in preventing and responding to inappropriate workplace behaviours.

The recommendations have also been categorised using the seven inter-related standards that underpin compliance with the recently introduced Respect@Work positive duty (see section 1.3 below) for all employers: leadership; culture; knowledge; risk management; support; reporting and response; and monitoring, evaluation and transparency (Respect@Work Standards).[2]

While the Respect@Work Standards were designed with the prevention of, and response to, sexual harassment and related positive duty behaviours in mind, they provide employers with a best practice model to prevent and respond to all forms of inappropriate workplace behaviours.[3]

A number of employees shared that they had participated in the Review to demonstrate their support for colleagues and commitment to cultural change at Nine. Intersection encourages Nine to harness this commitment and goodwill by consulting with its employees to inform the implementation of the recommendations outlined below.

#	Recommendation	Description	Respect@Work Standard
Foundational – getting the basics right			
1	**Issue a statement of acknowledgement**	That the Board issue a statement of acknowledgement to all current and former Nine employees acknowledging the harm caused by: • its poor workplace culture • the prevalence of inappropriate workplace behaviours at the organisation • its past insufficient response to those behaviours. The statement should also reference Nine's commitment to cultural change going forward.	Leadership
2	**Share the findings and recommendations of this Review with employees**	That the Board shares the findings and recommendations of this Review with its employees and commits to implementing all of its recommendations.	Leadership/ Monitoring, Evaluation & Transparency
3	**Ensure the Group Leadership Team (GLT), as the senior leadership group of Nine Entertainment, is responsible and accountable for leading cultural change and establishing safe, respectful and inclusive workplaces across the organisation**	That the Board and CEO ensure the GLT have the required behavioural leadership capability to foster a safe, respectful and inclusive workplace culture, to prevent inappropriate workplace behaviours, to respond in a person-centred, trauma-informed way, and to hold perpetrators to account. Where any capability gaps are identified, leaders are to be provided with relevant training, support and resources to develop the required skillset. That workplace culture-related key performance indicators (KPIs) are developed for each individual on the GLT. Performance against these KPIs should be measured and reviewed quarterly in the first instance.	Leadership/ Culture
4	**Ensure the senior leadership of all Divisions, prioritising the Broadcast Division, are responsible and accountable for leading cultural change and establishing safe, respectful and inclusive workplaces**	That the CEO ensures the senior leadership of all Divisions have the required leadership capability to foster a safe, respectful and inclusive workplace culture to prevent inappropriate workplace behaviours, to respond in a person-centred, trauma-informed way and to hold perpetrators to account. Where any capability gaps are identified, leaders are to be provided with relevant training, support and resources to develop the required skillset. That workplace culture-related key performance indicators (KPIs) are developed for each senior leader in the Broadcast Division. Performance against these KPIs should be measured and reviewed quarterly in the first instance.	Leadership/ Culture
5	**Review the resourcing and structure of People and Culture**	That Nine reviews the resourcing and structure of its People and Culture (P&C) function. In implementing this recommendation consideration should be given to: • ensuring that a dedicated P&C representative is onsite or regularly present at each location • rotating P&C representatives between offices, Divisions or areas of responsibility, to ensure objectivity and facilitate consistency • ensuring P&C representatives have the required skills to respond to inappropriate workplace behaviours in a person-centred, trauma-informed way • supporting the implementation of the recommendations in this report.	Leadership/ Support/Risk Management
6	**Invest in a human resources information system and a system that captures performance and development, and training**	That Nine invests in a formal and centralised human resources information system that: • provides employees, people leaders and P&C with visibility of employment entitlements, including leave and remuneration • allows all employees to formally capture overtime and to view approval status • includes a notification system to alert, and appropriately escalate, incidents of excessive overtime, large annual leave balances or periods of extended sick leave to people leaders and senior leaders to manage risk to safety and wellbeing of employees • captures the performance and development process and related activities • tracks training completions.	Support/Risk Management / Knowledge

#	Recommendation	Description	Respect@Work Standard
7	**Continue to invest in an external complaints management system**	That Nine continues to invest in an external complaints management system, which includes an anonymous reporting option to support the management and resolution of complaints. Details of how to access this external complaints system should be widely and regularly communicated to all employees. This system should enable complaints to be made by former employees for at least the next 12 months.	Reporting and Response
8	**Engage an independent external complaints investigator for complaints made in the next 12 months**	That Nine engages an independent external party to investigate any complaints of inappropriate workplace behaviour made in the next 12 months (or longer if required) that progress to an investigation stage. This recommendation is designed to provide additional support to People and Culture while the review identified in recommendation 5 is implemented and to provide confidence to complainants that investigations will be conducted in an impartial and transparent manner.	Reporting and Response
9	**Develop an independent, external process for complaints against Board members or senior leaders**	That Nine develops a process to ensure that reports of inappropriate workplace behaviour made in relation to Board members or senior leaders are immediately referred to an independent and external party for investigation.	Reporting and Response
10	**Review and update the Code of Conduct**	That Nine reviews and updates the Code of Conduct with reference to the role it plays in setting the organisation's standards and expectations regarding workplace behaviour. In conducting this review, Nine should strengthen the language and focus on behavioural standards including explicitly referencing: • Nine's legal obligations to prevent inappropriate workplace behaviours • obligations on leaders for holding perpetrators of inappropriate workplace behaviours to account • sexual harassment (and other positive duty behaviours) and abuse of power or authority • expectations relating to personal and intimate relationships between co-workers. Following the review the updated Code of Conduct should be re-communicated to all employees and workplace participants with clear messaging regarding their obligation to comply with its terms. Consideration should also be given to including an explicit reference in all new employment contracts regarding the Code of Conduct forming a part of the Terms of Employment.	Knowledge/Risk Management

#	Recommendation	Description	Respect@Work Standard
11	**Update workplace behaviour related policies and procedures**	That Nine updates its workplace behaviour policies and procedures to ensure they comply with a best practice approach. In implementing this recommendation the updated workplace behaviour policies and procedures should: • address all forms of inappropriate workplace behaviour, including abuse of power and authority, sexual harassment, victimisation and other positive duty behaviours • identify employer obligations in relation to work health and safety, specifically psychosocial safety • be accessible and adopt a uniform and easy to read format • provide for clear trauma-informed, person-centred and confidential processes • support early resolution where appropriate • identify the range of possible outcomes that may result from a breach of a policy or procedure • include an obligation for communicating the outcome(s) of a complaint to relevant parties • include appropriate alternative reporting pathways when the alleged perpetrator occupies a position of power in relation to the complainant • be accessible to employees and other workplace participants to locate • be regularly communicated to employees and other workplace participants through formal and informal communication and education channels • be reviewed at regular intervals, and approved, by the Board. Workplace behaviour policies and procedures include those which relate to: • inappropriate workplace behaviours • work health and safety • grievances and misconduct.	Knowledge/Risk Management
12	**Review and update the employee Performance and Development process**	That Nine review and update its employee Performance and Development process to ensure it: • reflects best practice • is applied consistently to all employees across the organisation • supports a safe, respectful and inclusive workplace. As part of this review and update process, Nine should consider: • making participation in the annual Performance and Development process mandatory for all employees, and monitoring compliance • providing a transparent and consistent framework of performance assessment which informs reward and recognition measures when performance goals are met or exceeded • providing people leaders with training and support to enable them to effectively conduct the Performance and Development process, including training focused on providing constructive feedback • requiring all employees to include a behavioural goal in their Performance and Development plan that aligns with the standard set in relation to inappropriate workplace behaviours in the updated Code of Conduct and related workplace behaviour policies • gathering anonymous feedback on the behaviour of people leaders from their direct reports and peers, as part of their annual performance reviews.	Culture/Risk Management

#	Recommendation	Description	Respect@Work Standard
13	**Establish a best practice process for recruitment**	That Nine establish and implement an organisation-wide best practice recruitment process, to ensure transparency and oversight for all vacancies, work opportunities and postings. A best practice approach would include measures to: • ensure a breadth of talent and skill to form the candidate pool • enable appropriate independent oversight of recruitment processes and decisions • ensure a merit based and objective assessment of candidates • avoid discrimination and promote diversity. In establishing this process consideration should be given to the following measures: • advertising each Role internally and/or externally • publishing detailed position descriptions and objective selection criteria for each Role • using selection panels comprised of at least two members, with a diversity of backgrounds and experiences, rather than one individual being responsible for selection decisions • providing for independent oversight of all recruitment processes and decisions by someone outside of the relevant Division. This role may be played by P&C (with associated support/training /resourcing to allow it to perform this additional function) • making recruitment decisions within a reasonable and defined timeframe • providing for escalation where this timeframe is exceeded • preserving continuity of service in the context of re-negotiating contracts • developing guidelines for hiring managers to support them implement the process and monitor compliance.	Culture/Risk Management
14	**Establish a transparent and objective process for allocating work, particularly within the Broadcast Division**	That Nine establishes a transparent and objective process for allocating stories and work to content and news production employees such as journalists and producers, particularly within the Broadcast Division. This process should have regard to the hours/days worked by employees, to ensure lawful breaks and adequate rest. Compliance with the process should be monitored.	Culture/Risk Management
15	**Commission an independent equity review of employment arrangements in the Broadcast Division**	That Nine commissions an independent equity review of employment conditions, entitlements and remuneration of all employees in the Broadcast Division. The independent review should have regard to: • equity in employment conditions across roles, grades/seniority, types of employment contracts, remuneration and other working conditions • conditions that may perpetuate gender inequality and the gender pay gap, or be otherwise indirectly discriminatory • making recommendations to ensure remuneration and other employment conditions become a tool for attracting and retaining talent. Consideration should be given to extending this review to other Divisions within Nine.	Culture/Risk Management

#	Recommendation	Description	Respect@Work Standard
16	**Develop a Respect@ Work Risk Management Matrix and supporting governance structure**	That Nine develops: • a risk management matrix that maps the organisation's inappropriate workplace behaviour risks against its risk mitigation and management strategies using the Respect@Work Standards • a governance structure to allocate responsibility for the implementation and management of the risk management matrix. The risk management matrix should be reviewed by the Board regularly (e.g., quarterly). This review should include consideration of key data points at both an organisational and Divisional level including: • workforce profile (e.g., gender, age, tenure, seniority and other diversity data where available) • complaints and their outcomes • reports of inappropriate workplace behaviour • turnover rates • workers compensation claims and payments • Employee Assistance Program usage • absenteeism and sick leave rates • exit interview data • risks identified through this Review • progress of the implementation of the recommendations of this Review.	Culture/Risk Management/ Leadership
Intermediate – improving maturity				
17	**Review and update the Leading@Nine training to better equip people leaders**	That Nine commission an independent expert review of its Leading@Nine training to ensure that it provides people leaders with the knowledge and skills required to: • create a psychologically safe workplace that prioritises safety, respect and inclusion • understand the benefits of diversity, equity and inclusion and how best to achieve this in the workplace • understand the drivers and risk factors for inappropriate workplace behaviours and that these may be different for different employee cohorts • understand their responsibility to model appropriate workplace behaviour • identify, prevent and respond to inappropriate workplace behaviours • receive complaints or disclosures • understand and explain options for resolving complaints according to Nine's policies and procedures • provide person-centred, trauma-informed support to individuals who have experienced or witnessed inappropriate workplace behaviour.	Knowledge/ Leadership/ Support

#	Recommendation	Description	Respect@Work Standard
18	Review and update mandatory training on inappropriate workplace behaviours	That Nine commissions an independent expert review of all its mandatory employee training on inappropriate workplace behaviours to ensure that it: • is engaging and based on best practice adult learning principles • addresses the prevention of, and response to, abuse of power or authority; bullying, discrimination or harassment; sexual harassment; victimisation; and other positive duty behaviours • is relevant to the context of the organisation, including the drivers and risk factors, and impact of inappropriate workplace behaviours • provides employees with active bystander skills • provides employees with information about where they can access relevant policies, procedures and guidance • provides information to employees about available internal and external support options and how they can access these • provides employees with information about how they can report inappropriate workplace behaviours and seek support. All employees should be required to undertake this training upon commencement at Nine and then on an annual basis, and all training evaluated to assess impact. Where possible, in-person training options should be offered to key employee cohorts, including P&C business partners and people leaders. Any training materials should be updated annually to ensure employees are challenged by, and engage with, the content.	Knowledge/ Support
Advanced – moving towards best practice			
19	Establish a network of contact officers	That Nine establishes a network of contact officers to assist employees who have experienced or witnessed inappropriate workplace behaviours. In establishing this network, Nine should provide the contact officers with relevant training to be able to respond to disclosures and complaints of inappropriate workplace behaviour in a person-centred, trauma-informed way.	Support
20	Report to employees annually on complaints and their outcomes	That Nine reports on the nature and number of complaints of inappropriate workplace behaviour received across the organisation, and the outcomes of these complaints to its employees on an annual basis in a de-identified manner. This report should encompass all complaints, not just complaints which progress to a formal investigation.	Monitoring, Evaluation & Transparency
21	Develop a 5-year Diversity and Inclusion Strategy supported by action plans	That Nine develops a 5-year Diversity and Inclusion Strategy for the organisation that is supported by: • a Gender Equality Action Plan • a Reconciliation Action Plan • a Disability Inclusion Action Plan • a Multicultural Inclusion Action Plan. The Diversity and Inclusion Strategy should include measurable outcomes, progress against which should be reported to the Board at least annually. The action plans supporting the strategy should also be reviewed and updated annually.	Culture / Monitoring, Evaluation & Transparency
22	Conduct a further survey in the next 3 years	That Nine conducts another benchmarking survey on the prevalence of inappropriate workplace behaviours in 3 years.	Monitoring, Evaluation & Transparency

1.3　Background

The Review takes place against the backdrop of recent legal changes. Laws regarding safety at work have clarified the role employers play in creating a workplace free from harm. Safety is now clearly understood to refer to both physical and psychosocial safety.

The business case for fostering a culture of safety, respect and inclusion is clear. The introduction of a positive legal duty on employers to prevent workplace sexual harassment (and related behaviours) in 2022, together with the explicit workplace health and safety obligation to eliminate or minimise psychosocial risks, and recent increased employment protections, have raised the bar that employers need to meet.[4]

Respect@Work positive duty

The positive duty applies to a broader range of behaviours than sexual harassment.

The positive duty requires all employers (and other organisations) to take reasonable and proportionate measures to eliminate the following forms of unlawful behaviour as far as possible:

- sex discrimination

- sexual harassment

- harassment on the ground of sex (sex-based harassment)

- subjecting a person to a hostile workplace environment on the ground of sex

- victimisation.[5]

For the purpose of this report these behaviours will be referred to collectively as 'positive duty behaviours'.

In recent years there has been an increased focus on the workplace cultures of media organisations. The media plays a crucial role in the critical analysis and dissemination of information to the public. As the 'fourth estate' in a liberal democracy the media industry operates as the ultimate public accountability mechanism. Due to the central role that media organisations play in society it is imperative that the cultures of these organisations embody the values of safety, respect and inclusion.

> *News is essentially a people business – you are relying on people to share their stories with you and they are relying on you to share them ethically and accurately. We can't perform well if we treat each other poorly.*

1.3.1　About Nine

Nine is an ASX200 public company. It is Australia's largest locally owned media company with investments in television, video on demand, print, digital and radio.

Nine is led by a board of six directors. The senior leaders of Nine are the sixteen members of the Group Leadership Team (GLT).

While Nine commenced its operations as a television station (TCN-9) in 1956, its business has evolved, particularly following its listing on the Australian Stock Exchange in 2013. Since this time, it has expanded beyond television and associated digital news publishing via a number of significant transactions, most notably its merger with Fairfax Media in 2018.

Nine's current business operations are organised into the following Divisions:

- Broadcast, which encompasses Television News and Current Affairs
- Corporate, including Finance, Legal, People and Culture and Marketing
- Digital
- Publishing
- Radio
- Sales
- Stan.

The Broadcast Division is the largest Division employing over a third (35%) of Nine's employees. Stan, while identified as a Division of Nine for group purposes, operates under a separate organisational structure with a separate Chief Executive Officer and enabling functions.

Nine employees by Division[6]:

Division	Employee proportion
Broadcast	35%
Publishing	18%
Sales	15%
Digital	12%
Corporate	8%
Radio	7%
Stan	6%

Nine employees work in each Australian state and territory, with the largest proportion located in New South Wales (63%), followed by Victoria (20%). Overall in the organisation, the gender balance is close to parity with women comprising 46% of the employee base, and men 54%.

1.4   Methodology

The Review was undertaken between June and October 2024. Intersection adopted a mixed methods approach, using both quantitative and qualitative research methods to inform its findings and recommendations. The Review methodology and findings are presented in the context of Australian laws and standards.

The Review is underpinned by the following principles:

- **consultative** – Intersection sought to engage with as many current and former employees as possible, and provided multiple ways in which Broadcast employees could provide us with their views and experiences.

- **trauma-informed and person-centred** – the approach was centred on ensuring the wellbeing of participants, particularly in relation to naturally distressing content. We recognise sharing sensitive and personal experiences can be distressing and provided participants with relevant support information.

- **ethical** – we recognise the inherent dignity of all participants, their autonomy, and that participation is voluntary and informed. All participants whose experiences are reflected in this report provided permission for the information gathered through the survey, interviews and submissions to be used to inform this report. All quotes are reported in a deidentified manner.

- **confidential** – confidentiality and privacy are critical to this process. All information has been collected and used in accordance with legal obligations.

- **evidence-based** – our findings and recommendations are based on evidence gathered throughout this Review, as well as existing academic and social policy research.

The Review gathered data using the following methods:

- **Organisation-wide survey**
  Intersection engaged Qualtrics^{XM} to conduct an anonymous online survey of all Nine employees as part of the Review. A total of 934 completed survey responses were received. This represents a response rate of 19%. The final survey results have a confidence level of 95% with a margin of error of +/-3%.

  To ensure the survey respondent sample was representative of the Nine workforce, the sample was compared to the demographic profile of Nine's employees by gender, geographic location and Division. The data was weighted for geographic location and gender (male and female only) to mitigate for any overrepresentation.

  The language used in the report reflects the statistical significance of the relevant survey results. Due to a smaller sample size, all results reported for Stan should be treated as indicative only.

- **Interviews**
  All employees in the Broadcast Division were invited to complete an expression of interest form to participate in a one-on-one interview with Intersection. Between 18 June and 13 September 2024 Intersection conducted a total of 122 one-on-one interviews, with 85 women and 37 men. Of those interviewed, 93 were current employees and 29 were former employees. Interviews were either conducted in person, by telephone or via MS Teams.

- **Written submissions**
  Broadcast employees were also invited to make a confidential written submission to Intersection to inform the Review. Twelve submissions were received.

- **Desktop review**
  Intersection undertook a desktop review of Nine's policies; procedures; overviews of their training materials; and performance and development process; and other materials related to the scope of the Review.

1.5   Terminology

A list of commonly used terms in this report is provided below.

Abuse of authority	Abuse of authority occurs when a person (or group) exceeds, improperly uses or exploits the legitimate authority that has been delegated to them by the organisation via a role, policy, or other instrument or practice delegating decision-making authority.
	Examples of abuse of authority include exceeding or misusing decision-making authority attached to a role; exceeding or misusing decision-making authority attached to a policy; misusing authority delegated by another role holder; and exercising a discretion unfairly or exceeding reasonable limits to the exercise of a discretion.
Abuse of power	Abuse of power occurs when a person (or a group) improperly uses or exploits their personal, social, or professional attributes, status, or position to secure a personal advantage and/or control, coerce, manipulate, or cause harm to another person.
	Examples of abuse of power include exploiting relationships and networks; exploiting the status associated with a position; intimidation, threats, bullying, discrimination, harassment, abuse or creating a hostile work environment; misusing or improperly leveraging confidential information; and misusing company resources.
Active bystander	Active bystander refers to a person who witnesses inappropriate workplace behaviour and takes some form of action in response.
	See definition of 'witnesses' below.
Bullying	Bullying refers to repeated and unreasonable behaviour directed towards another individual or a group of individuals, where the behaviour creates a risk to health and safety. Examples of bullying include behaving aggressively towards others; teasing or playing practical jokes; pressuring someone to behave inappropriately; excluding someone from work-related events; repeated unjustified criticism of someone's work; and making unreasonable work demands. Employers have a legal obligation to prevent workplace bullying.
Bystander	Bystander refers to a person who witnesses inappropriate workplace behaviour.
	See definition of 'witnesses' below.
Disclosures, reports and complaints	A **disclosure**, as distinct from a formal report or complaint, involves the sharing of information about an incident(s) of inappropriate workplace behaviour with another person. Disclosures can be made to anyone and are usually made to a person who is known and trusted. A person who discloses may not want to make a formal report and may instead be looking for information about resources and support.
	A **formal report or a complaint** refers to providing a formal account or statement about inappropriate workplace behaviour to a person (such as a supervisor or a member of People and Culture) or institution that has the authority to act. A formal report or complaint can be an outcome of a disclosure but it is not the only possible outcome.

Discrimination	Discrimination can be direct or indirect. Discrimination in employment is unlawful.

Direct discrimination occurs when someone is treated less favourably because of a personal characteristic protected by law such as age, sex, gender identity, race or disability. Examples of direct discrimination include not hiring someone because of their sex, or not interviewing someone because of their race.

Indirect discrimination occurs when a requirement that appears to be neutral and the same for everyone in fact has the effect of disadvantaging an individual or group with a particular personal characteristic protected by law, such as age, sex, gender identity, race or disability. At the organisational level this is often in the form of policies and procedures that may be neutral in intent but in practice have an unintended negative impact on particular individuals or groups. The requirement must be unreasonable in order for indirect discrimination to occur. |
| **Harassment** | Harassment is unwelcome behaviour that intimidates, offends, humiliates or creates a hostile working environment. Harassment includes behaviour that targets a person or group because of personal characteristics or attributes that are protected by law and can be discrimination. Employers have a legal obligation to prevent workplace harassment.

Examples of harassment include telling insulting jokes about racial groups; displaying offensive posters or screen savers; making derogatory comments or taunts about someone; pressuring a person to take drugs or to drink alcohol; or physically unwelcome or intimidating behaviours. Unlike bullying, a one-off incident can constitute harassment. |
Inappropriate workplace behaviour(s)	Inappropriate workplace behaviour(s) is used as a collective term within this report to refer to more than one type of behaviour. For example, when referring to abuse of power or authority, sexual harassment, and/or bullying, discrimination or harassment. Some of these behaviours are also unlawful.
Men and women, male and female	Intersection acknowledges that people of diverse genders are affected by inappropriate workplace behaviours. In this report, the terms 'women' and 'men' and 'female' and 'male' are used inclusively. In some instances, the use of these terms reflects the specific language used in interviews, submissions, survey responses or other source material.
Perpetrator	This report uses the term perpetrator to describe a person who has engaged in inappropriate workplace behaviours. The use of the term is not intended to suggest that there has been a finding of unlawful or otherwise inappropriate workplace conduct, or of guilt in relation to an offence (or breach of any law).

Positive duty behaviours	Positive duty behaviours refers to the range of unlawful behaviours that employers have a duty to take reasonable and proportionate measures to eliminate as far as possible under section 47C of the *Sex Discrimination Act 1984* (Cth) and includes:
	• sex discrimination
	• sexual harassment
	• harassment on the ground of sex (sex-based harassment)
	• subjecting a person to a hostile workplace environment on the ground of sex
	• victimisation.
Sexual harassment	Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which, in the circumstances, a reasonable person aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated or intimidated. When it occurs in a work-related context it is unlawful.
	Behaviours that can constitute sexual harassment are varied and can often be labelled as 'joking' or 'banter'. Examples of sexual harassment include unwelcome touching; staring or leering; suggestive comments or jokes; sexually explicit pictures or posters; unwanted invitations to go out on dates; requests for sex; intrusive questions about a person's private life or body; unnecessary familiarity (such as deliberately brushing up against a person); insults or taunts based on sex; sexually explicit physical contact; and sexually explicit emails or text messages.
Victim	This report captures incidents of inappropriate workplace behaviour experienced by Nine employees and shared with Intersection. When describing their experiences, some people use the term 'victim', while others consider that this term is problematic because it may suggest that people who have experienced inappropriate workplace behaviour are helpless or lack agency. This is not our position. In this report, the term victim is used to describe any individual who has experienced inappropriate workplace behaviour.
Witnessed, witnesses and witnessing	Witnessed, witnesses and witnessing are used in the report to refer to a person observing or hearing about (either from the victim or someone else) inappropriate workplace behaviour.

In Their Words

SNAPSHOT OF THE WORKPLACE EXPERIENCE AT NINE

2.0 In their words

A snapshot of the workplace experience at Nine

The quotes captured in this section are representative of what Intersection was told about the employee experience at Nine, both positive and negative, across the organisation. Although expressed in the words of one individual, they represent the views of many. Examples of some of the more egregious incidents of inappropriate workplace behaviours Intersection heard about are not reflected in this report due to their potential identifiability.

The manager has arbitrarily appointed people to jobs that should have been advertised, with no opportunity for other team members to apply. In some cases this has involved the appointment of friends. The result is a team structure that is deeply flawed and ineffective and that is impacting the company's reputation beyond the workplace.

Overall, I think most people at Nine, including my leaders, are working hard to create a safe and inclusive working environment. However, there are still odd small pockets where negative behaviours are tolerated.

There is no point reporting issues – as the management is not interested – people, especially hard workers, are not recognised – bullies thrive and are rewarded.

I have been on ice [by my manager] for speaking up about a story. Everyone calls it "Punishment Island". When I was younger I would be in tears about something like this. I have now become disengaged. I am exhausted by the games.

The recent reports of sexual harassment and bullying being allowed to happen across Nine makes me embarrassed to work for this company. Before I would proudly say I worked for Nine, now if I get asked what I do for a living I change the subject. If the job market wasn't so tough right now I would've resigned and moved on long ago. Also hearing reports of senior management covering up poor behaviour is disgusting and anyone proven to have been involved in poor behaviour or covering up of poor behaviour should be dismissed immediately. However let's be real here, that will NEVER happen and I'm very sceptical this "survey" will lead to any genuine change at all.

We used to talk about being bullied, harassed or publicly humiliated like you'd talk about the weather. Now when I look back it horrifies me how normalised it had become.

When I was in [location] [Individual] tried to groom me. He also touched me on the bum at the Xmas party and at other times he would rub my legs under the table. In [location] I saw him do it to other women.

It would not be uncommon to be asked or to hear: "Who did you fuck last night?" or "Someone is going to get their dick sucked".

I have seen a female bully/harass a colleague to the point where they resign and then the same female bully then bullies the replacement. And then it happens again. The female bully is smart enough to manage upwards (and puts on a show to others to demonstrate she is not a bully) but behind closed doors will bully others. A snake.

I feel like we are on the right track … What we're doing right now; we need to stick at it. It can't just be a fad or a phase. I feel like we're on the right track now, and we really need to see it through.

I love the work I do, the challenge, the days we make a difference.

The day after it [the inappropriate workplace behaviour] happened, [individual] came up to me to talk about it. I thought she wanted to see if I was ok or if I wanted to do anything about it, but no. She was there to make sure that I didn't say anything, that I didn't complain. She made it very clear that it would not be in my best interests to make an issue out of it.

The executives and Board need to inform themselves about workers' concerns. The engagement survey is rolled out every 12 months and we raise the same concerns and no action is taken – we just get slogans and platitudes in response … "turn over every stone, walk the talk"… I mean this is so hypocritical – are they walking the talk? If the company compels us to live by these slogans and they don't adhere to these behaviours themselves, it makes you question the morals of the senior role holders.

I'd never have spoken to leaders about it [the inappropriate workplace behaviour]. They knew and did nothing.

I have only been at the company a short time, but in my opinion there is a concerning culture amongst senior older men of sexual[ly] inappropriate jokes. There is sexual intimidation against young women and I find this completely unacceptable. I will always call them out.

I love working here at Nine. I love my colleagues. They are why I stay. We produce amazing content. I genuinely think we are the best.

This place is run like a boys' club, and I say that as a male. The "cool kids" (those in charge) are woefully underqualified at best. Decisions are made daily based on personal preference of friends/favours instead of to benefit the business/show/ other employees. An absolute joke of a management structure and I'm shocked it's taken this long to be looked into.

[Individual] was so powerful he could make or break careers. They gave one person too much power. He was accountable to no-one.

I will go as far as saying that what I have seen and read and heard from more than one staff member (who have had this happen to them) presents as an abuse of power by these two managers (particularly one of them). And the people experiencing this abuse are repeatedly suffering. They feel trapped.

When I left Nine I was a shell. I was broken. I had no confidence. I was worried about my income. It was a really horrible time.

In [Division], I have found leadership particularly informed and attuned to wider issues of power, sexual harassment, etc., and have heard second hand about proactive managers talking to female staff to see if they have any issues before anything is reported, rather than a response to. This makes me quite proud of our leadership.

It is drilled into us to never go to HR. They are very much on the side of the company. Their attitude is "it's not our fault this happened".

I had to say something to ensure this does not get overlooked or downplayed because it happened to women. Women were targets of the sexual harassment, for sure. Everyone was a target of the broader, toxic, bullying culture.

Television News and Current Affairs (Broadcast)

3.0 Broadcast Review findings

57%
of Broadcast employees **experienced bullying, discrimination or harassment** over the last five years

62%
of Broadcast employees **experienced abuse of power or authority** over the last five years
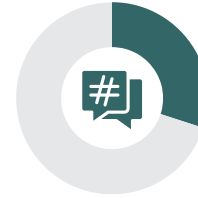
30%
of Broadcast employees **experienced sexual harassment** over the last five years

5%
of Broadcast employees **reported their experience of sexual harassment**

14%
of Broadcast employees **reported their experience of bullying, discrimination or harassment**

3 main reasons for not reporting sexual harassment:

1. Not thinking it was serious enough (44%)

2. Thinking that other people would think they were over-reacting (36%)

3. Fearing negative consequences as a result of making a report (27%)

63%
of women **experienced bullying, discrimination or harassment,** a higher rate than men (52%)

3.1 Prevalence and nature of inappropriate workplace behaviours in the Broadcast Division

3.1.1 Abuse of power and authority

> *My experience has been consistent white-anting, gaslighting, prolific lying by [manager].*

> *I have worked with and under [manager] for many years. It's widely known … that they bully staff. The act of bullying is to intentionally cause emotional harm and that's what [this manager] has done to dozens of employees. They intentionally and repeatedly belittle individuals, who are always below [them] in the workplace structure, until they can't take it anymore. This is a clear abuse of power. Typically this includes picking on one employee for a period of time and then moving on to someone else …. We call this "punishment island". A desolate and dark place no one wants to be. And if you're not on "punishment island" that month, seeing your friends and colleagues there is just as distressing. The bullying has many forms, at times it's yelling at the individual or in other instances it's covert. For years both men and women have not spoken out due to a fear over what will happen to their careers. Both myself and colleagues of mine have experienced bullying numerous times by [Individual].*

Abuse of power or authority

Abuse of power and abuse of authority relate to a person's misuse of their power or authority.

Abuse of power occurs when a person (or a group) improperly uses or exploits their personal, social or professional attributes, status or position to secure a personal advantage and/or control, coerce, manipulate or cause harm to another person.

Examples of abuse of power include exploiting relationships and networks; exploiting the status associated with a position; intimidation, threats, bullying, discrimination, harassment, abuse or creating a hostile work environment; misusing or improperly leveraging confidential information; and misusing company resources.

Abuse of authority occurs when a person (or group) exceeds, improperly uses or exploits the legitimate authority that has been delegated to them by the organisation via a role, policy, or other instrument or practice delegating decision-making authority.

Examples of abuse of authority include exceeding or misusing decision-making authority attached to a role; exceeding or misusing decision-making authority attached to a policy; misusing authority delegated by another role holder; and exercising a discretion unfairly or exceeding reasonable limits to the exercise of a discretion.

The Broadcast Division reported the second highest prevalence rate for abuse of power or authority (62%) in the organisation, after Radio.

The three most cited forms of abuse of power or authority within the Broadcast Division were:

- leadership showing favouritism to a particular individual or group of workers over the victim or others (30%)

- leadership ignoring poor performance, failing to challenge peers who break the rules or ignoring other inequities (27%)

- a person in a position of power putting their own interests and/or professional gain before the interests of the staff or the organisation (24%).

Top 3 most prevalent forms of abuse of power or authority in Broadcast compared to Nine as a whole:

30% **21%**

Showing favouritism to a particular individual or group of workers over the victim or others

27% **21%**

Ignoring poor performance, failing to challenge peers who break the rules or ignoring other inequities

24% **19%**

A person in a position of power putting their own interests and/or professional gain before the interests of the staff or the organisation
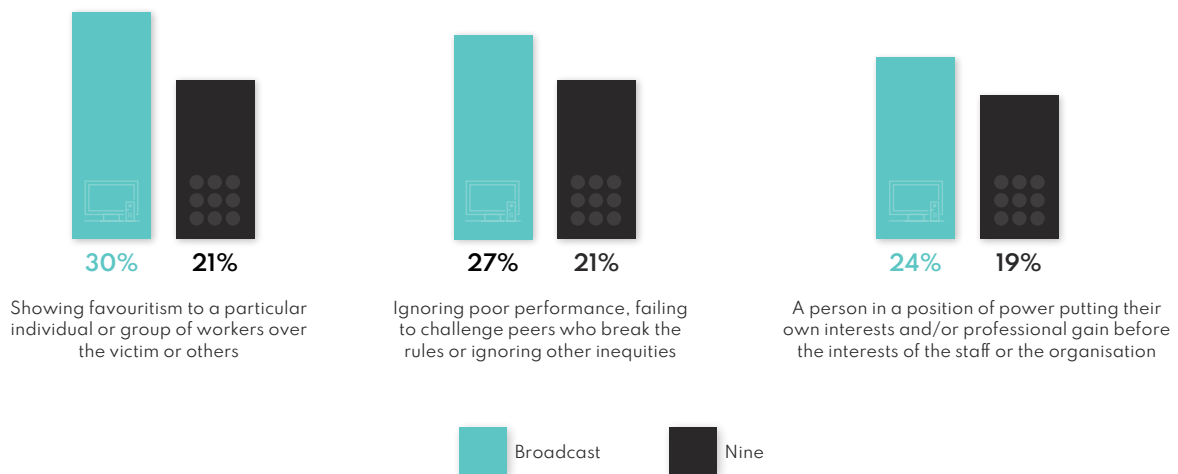
■ Broadcast ■ Nine

The survey data is consistent with the qualitative data collected through the interview and submission process, with many employees within the Broadcast Division sharing that they had experienced or witnessed these behaviours.

The detail provided through the qualitative data spoke to recurring examples of abuse of power or authority within the Broadcast Division, including senior leaders:

- inappropriately sharing confidential information (including complaint related information) about employees internally as well as 'leaking' information externally, often weaponising this information in the context of negotiating employment arrangements

- promoting or appointing employees based on their status or relationships, rather than a merit-based process

- ignoring or taking steps to cover up their own, or other senior leaders' inappropriate workplace behaviour

- 'ghosting' employees, often in relation to queries about employment arrangements or 'desirable' job postings such as with an overseas bureau position, to cover an international event or present/work on a more high-profile program/role

- publicly humiliating those with less power.

These behaviours were perpetrated by both men and women.

[Individual] leaks to shut you up. [Individual] says: "We can ruin you".

Contract negotiations with [Individual 1] were appalling. He said that he likes to keep people on edge and unsure about their future. He would ghost me. He refused to return phone calls in my last negotiations with him. But the attitude was, particularly from [Individual 2], "That's just him".

People are promoted whilst refusing to do all aspects of their job and [it depends] on relationships past and present with [the] higher-ups. Leaving the bad or stressful jobs to those who can't refuse for fear of being retrenched in the future, leading to burnout of those individuals.

[Individual 1] has been shown vision of [Individual 2] creeping on a woman. He laughed and said "that's just him".

The impact of these behaviours on employees has been significant. Many Broadcast employees shared that their mistreatment at work had negatively impacted their mental health and in a number of cases had led them to contemplate self-harm.

> *[Individual] would shame you, stonewall you and you wouldn't know why she would ignore you. I can think of 3 friends/colleagues who have been suicidal because of her.*

> *I worry that one day he'll do something to someone who's super fragile and he'll push them over the edge, and we'll be in big trouble. That last situation when I saw him ripping into someone who's in poor mental health – and I then later saw that person in tears – I was really concerned. If it's not nipped in the bud, if it's not stopped, I'm really worried about what could happen. It's just picking and picking at people until they snap.*

3.1.2   Bullying, discrimination or harassment

3.1.2.1   Experiences of bullying, discrimination or harassment

> *This behaviour is a daily occurrence in the newsroom in particular. Women are constantly bullied into submission and to a point where we have no confidence or self-worth left. If you challenge your male superior, they more often than not respond aggressively and it costs you professionally and financially. [They] … make you feel you're replaceable and should be grateful to work at Nine, despite the fact all the women in the newsroom are accomplished, intelligent and hard working. There's an enormous pay gap due to this fact as well because you'll simply be pushed aside if you have the audacity to believe you're worth more money.*

> *You are essentially bullied (by being ignored for a year) … It feels like being in an abusive relationship. You get shut down for just asking for your entitlements that you have a right to – it comes back at you like you are the problem.*

> *I'm a grown woman, yet somehow they make me feel like an insecure girl who shouldn't speak up. It's caused a lot of mental health issues and self-doubt. My confidence is shattered and I'm resentful because I know that no matter how hard I work, it's highly unlikely I'll be rewarded with a pay increase or promotion in line with what the males in the industry are on. The men look after one another and continue to succeed and grow and the women silently battle with mental health problems as a result of years of bullying and harassment at Nine.*

> *People in positions of power can harass unchallenged. Verbal abuse is common. Shifting the blame is a common occurrence and leadership often supports perpetrators due to bias. Passive aggressive remarks are made constantly. Racist, homophobic and other offensive comments have been made by senior peers and when taken to direct senior leadership there are no consequences.*

While bullying, discrimination and harassment are separately defined and regulated, the behaviours that are captured by these definitions overlap. For example, a racist comment could be considered a form of discrimination or harassment, and where it is repeated, bullying. For this reason, the survey asked Nine employees about a list of behaviours, which depending on the context in which they occurred, could amount to one or more of bullying, discrimination or harassment.

Bullying, discrimination or harassment

Bullying

Bullying refers to repeated and unreasonable behaviour directed towards another individual or a group of individuals, where the behaviour creates a risk to health and safety. Examples of bullying include behaving aggressively towards others; teasing or playing practical jokes; pressuring someone to behave inappropriately; excluding someone from work-related events; repeated unjustified criticism of someone's work; and making unreasonable work demands. Employers have a legal obligation to prevent workplace bullying.

Discrimination

Discrimination can be direct or indirect. Discrimination in employment is unlawful.

Direct discrimination occurs when someone is treated less favourably because of a personal characteristic protected by law, such as age, sex, gender identity, race or disability. Examples of direct discrimination include not hiring someone because of their sex, or not interviewing someone because of their race.

Indirect discrimination occurs when a requirement that appears to be neutral and the same for everyone, in fact has the effect of disadvantaging an individual or group with a particular personal characteristic protected by law, such as age, sex, gender identity, race or disability. At the organisational level this is often in the form of policies and procedures that may be neutral in intent but in practice have an unintended negative impact on particular individuals or groups. The requirement must be unreasonable in order for indirect discrimination to occur.

Harassment

Harassment is unwelcome behaviour that intimidates, offends, humiliates or creates a hostile working environment. Harassment includes behaviour that targets a person or group because of personal characteristics or attributes that are protected by law and can be discrimination. Employers have a legal obligation to prevent workplace harassment.

Examples of harassment include telling insulting jokes about particular racial groups; displaying offensive posters or screen savers; making derogatory comments or taunts about someone; pressuring a person to take drugs or to drink alcohol; or physically unwelcome or intimidating behaviours. Unlike bullying, a one-off incident can constitute harassment.

The Broadcast Division reported the highest proportion of employees who had experienced bullying, discrimination or harassment (57%). Women (63%) in the Broadcast Division experienced these behaviours at higher rates than men (52%).

The three most cited types of bullying, discrimination or harassment experienced by Broadcast employees were:

- belittling or humiliating comments or conduct (29%)

- other behaviours that made the victim feel uncomfortable (27%)

- aggressive or intimidating comments or conduct (27%).

Top 3 most prevalent forms of bullying, discrimination or harassment in Broadcast compared to Nine as a whole:

29%	23%
Belittling or humiliating comments or conduct	

27%	21%
Other behaviours that made the victim feel uncomfortable	

27%	20%
Aggressive or intimidating comments or conduct	

■ Broadcast   ■ Nine
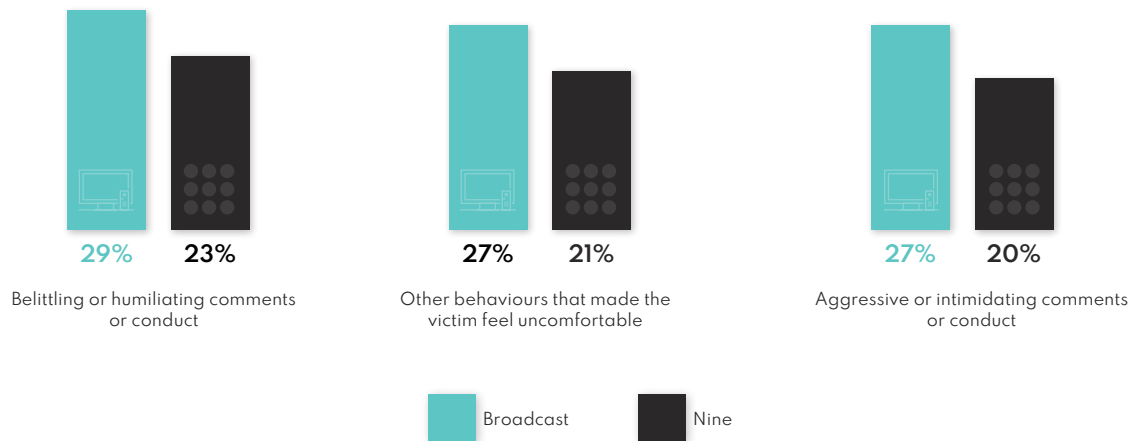
Women reported experiencing each of these three behaviours at higher rates than men.

The qualitative data strongly indicates that the most common experience of bullying, discrimination or harassment in the last five years in the Broadcast Division was characterised by a senior male leader subjecting a woman to these behaviours at her work station or the place where she was working.

> *I was completely bullied out of my job and not allowed to speak about the incident. I lost my career and had no recourse. [Individual] doesn't like being challenged by women.*

> *People will be openly criticised in front of all their colleagues … and left feeling humiliated and belittled. He [Individual] will yell at people across the open plan newsroom, and everyone hears. Most often this is directed at young journalists/reporters.*

> *For the next 45 minutes I was berated and bullied by him [Individual]. I was told no one liked me in the newsroom and was asked am I on the team or off the team, because they didn't really "want me or need me" in the newsroom. I was told to be more like "other" women in the newsroom who just do what they're asked.*

> *My experience left me feeling powerless, intimidated, fearing for my job and at one point suicidal. I was told my requests would make other colleagues suffer – which made me feel guilty. My relationship with my manager has never been the same since – he rarely speaks to me. I now feel that making a basic request for time off can't be made because I'm so intimidated by my boss.*

A number of concerning incidents of senior women bullying, discriminating against and harassing Broadcast employees were also shared with Intersection.

> *I saw a young reporter receive a phone call from [Individual] around 6:30pm. The young reporter walked 30 metres away while having this conversation. Some 5–10 minutes later, the young reporter walked back to the three of us. She was distraught. Crying heavily. She told us that [Individual] had detailed to her everything she had done wrong, and this young reporter felt as if all the good hard work she had done had been ruined, and how it destroyed her confidence and made her feel like she "wasn't good enough".*

> *[She is a] toxic bully. I would cry in my car when I arrived at work because I knew I had to deal with her. She would set you up to look stupid. She would constantly undermine you … She had a real disregard for people's wellbeing. She would say: "A thousand people would kill for this job".*

The experiences shared with Intersection spoke to a culture of pervasive sexism within the Broadcast Division where men's careers are prioritised and women's skills are not valued.

> *It's an unspoken rule that the male reporters are automatically assigned all the serious hard-hitting stories – politics, finance and domestic violence, as if they are the only credible ones that will be taken seriously or considered trustworthy and reliable.*

> *Women reporters seem to be there just to look pretty. Women's right to report seems tied to appearance. A woman presenter was told when she got pregnant "why would you go and do that?" What is more important – the news content or what I look like?!*

> *He would act noticeably differently towards females, especially if they were giving him work. For example, with female producers he was more dictating, he'd say like "you don't know what you're doing", regardless of how experienced they were, like "I know best".*

3.1.2.2   Impacts of bullying, discrimination or harassment

The survey asked questions about the impacts of the most recent incident of bullying, discrimination or harassment.

The three most cited negative impacts of bullying, discrimination or harassment experienced by Broadcast employees were:

- a negative impact on the victim's mental health or a cause of stress (64%)

- a negative impact on the victim's self-esteem and confidence (62%)

- a negative impact on the victim's employment, career or work (46%).

The qualitative data reflected these survey results, illustrating the significant impact this behaviour has on the mental health, wellbeing and confidence of Broadcast employees.

> *I was broken. I left the newsroom after a year. By the time I left my soul was gone.*

> *I had to leave. I took [a period of time] off because I was so traumatised. I felt so used and I know I couldn't work at Nine again because he would just talk shit about me and undermine me. He has fatally damaged my career.*

> *[the bullying] has had a really significant impact on many people's mental health and wellbeing … Seeing the impact on colleagues directly is really awful … Seeing it unfold is really distressing. It's the news, we're not bloody saving the world … it doesn't need to be so damaging. It's really damaging people who work here.*

> *[Individual] wages psychological warfare on people.*

It was also common for Broadcast employees to speak about the negative impact the behaviour had on the workplace culture, and their employment and careers.

I never experienced the level of intimidation and public bullying that I have at Nine … Everyone has different coping strategies. I learned literally to be quiet. To get from my desk, when I need [to] walk past [Individual's] office, I always try and not make eye contact and move as quietly as I can.

Her modus operandi was to create a culture of fear.

I feel I have been denied opportunities where I could have advanced my career. At the moment I feel as though my career has been wasted because the skills and talents I know I possess have been ignored and undermined.

3.1.3   Sexual harassment

3.1.3.1   Experiences of sexual harassment

I had been warned about him … I was in my 20s … His comments about my body were constant … He made me feel like I was just a piece of meat to be ogled at … and that he was the credible one just because he was the older man … Over time, this eroded my confidence … It just chipped away at it.

Sexual harassment

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which, in the circumstances, a reasonable person, aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated or intimidated. When it occurs in a work-related context it is unlawful.

Behaviours that can constitute sexual harassment are varied and can often be labelled as 'joking' or 'banter'. Examples of sexual harassment include unwelcome touching; staring or leering; suggestive comments or jokes; sexually explicit pictures or posters; unwanted invitations to go out on dates; requests for sex; intrusive questions about a person's private life or body; unnecessary familiarity (such as deliberately brushing up against a person); insults or taunts based on sex; sexually explicit physical contact; and sexually explicit emails or text messages.

The Broadcast Division (30%) reported the second-highest proportion of employees who had experienced sexual harassment. Women (44%) in the Broadcast Division experienced sexual harassment at higher rates than men (19%).

Broadcast Division employees described experiencing a wide range of sexual harassment behaviours, from sexualised comments and jokes, staring and leering, to inappropriate touching, kissing, fondling or groping, as well as indecent exposure and stalking. When asked about the most recent experience of sexual harassment, behaviours reported most frequently were sexually suggestive comments or jokes (37%), intrusive questions about one's private life or physical appearance (25%), and inappropriate physical contact (8%).

In interviews and submissions, Broadcast employees gave examples of senior leaders and managers who were perpetrators of sexual harassment, displaying their 'sexually entitled attitude and behaviour', often on a repeated basis and involving younger and more junior female employees.

[My supervisor] said to me "don't let him touch your boobs". He mainly targeted young women. Women were constantly in tears about their interactions with [Individual].Younger women were scared to speak up.

Some referred to sexual relationships between senior male employees and more junior women in the workplace, in circumstances where there were clear power differentials between the employees involved, and a lack of clear policies around managing relationships at work. This resulted in perceptions of favouritism or preferential treatment on the one hand, or negative impacts on employees who rejected advances or ceased the relationship, on the other.

> *After he sexually harassed me and I started to avoid him, I noticed that I was being passed over for opportunities … But I didn't want to compromise my values and didn't want my association with him to dictate my career. I was in a catch 22 – either I stay near him and risk the rumours that I was being advanced because of being sexually involved with him, or stay away from him and risk the rumours that I had been sexually harassed and now scorned … I really just wanted an environment where I was advanced on merit.*

The most common locations where sexual harassment occurred were in the place where the victim worked (41%), or at a work social event (23%).

> *There was a work function … known for plenty of heavy drinking. At one point in the evening, [Individual] was standing in a circle with myself, my boyfriend at the time … and a few other newsroom colleagues. There were a few harmless jokes about the relationship etc., before [Individual] said to my partner … "You can fuck her in my office if you want … just tell me when you've done it". I don't need to comment on how disgusting this is.*

Broadcast employees also referred to a sexualised atmosphere in some locations, in the context of a broader culture of sexism, describing their workplace as 'misogynistic', a 'boys' club' culture', 'hostile to women', and in which 'profanity, and sexualised and inappropriate comments' were normalised. A few who had worked in Broadcast at Nine over a long period of time shared their views that more recent incidents reflected a more longstanding culture of sexism and sexual harassment that had been permitted to flourish over many years.

> *While we like to believe that the #MeToo movement improved working conditions for women, the Nine newsroom reeked of a man's locker room. I had regularly overheard men … boisterously joke about sexual assault … and objectify women in general … I knew it was a "man's place".*

These experiences encapsulate the range of behaviours that the Respect@Work positive duty obligation on employers is designed to prevent: sex discrimination, sexual harassment, harassment on the ground of sex (sex-based harassment), subjecting a person to a hostile work environment on the ground of sex, and victimisation.

3.1.3.2   Impacts of sexual harassment

The impacts of sexual harassment on victims in the Broadcast Division included negative impacts on mental health (33%), a negative impact on self-esteem and confidence (33%), and negative impacts on employment, career or work (20%).

While just over a third of Broadcast employees said they did not feel worried or distressed at all (36%) by the sexual harassment they experienced, others shared through interviews and submission that as a coping mechanism they had 'minimised' or 'diminished' the behaviour and its impact.

Victims spoke about incidents of sexual harassment leaving them feeling offended, shocked, shaken and upset, distraught, scared and intimidated, disgusted and worthless. One described feeling 'deeply uncomfortable' following the sexual harassment, and that after the incident they could not sleep and it would 'make their skin crawl' when seeing the perpetrator at work.

> *I was offended by that comment, which was sexually suggestive … [Individual] would not have made that comment to a male colleague, so I was upset that he would make it to me. I found that comment to be disrespectful towards me as a woman, placing me as a submissive sexual object asked to do favours for him.*

> *Again, it made me feel worthless and disgusted that such a powerful man could be getting away with this.*

Victims described the impact on their work, leaving them 'confused, exhausted, unable to concentrate', or that they were passed over for opportunities following the sexual harassment. Others spoke about avoiding work functions, leaving their workplaces, moving to different locations, resigning from their jobs or giving up their media careers altogether.

> *I left the newsroom to get away from the sexual harassment.*

> *I've lost count of the fabulous women who have gone by the wayside because of him … I've seen women's careers destroyed.*

The experiences of inappropriate workplace behaviours in the Broadcast Division detailed above, together with the prevalence survey results for the whole of Nine workforce presented in Part B of this report below, demonstrate an unacceptable level of inappropriate workplace behaviours at Nine that have resulted in harm to numerous individuals.

Recommendations

In recognition of the workplace harm experienced, to re-establish trust with employees and to move to a culture marked by transparency and accountability:

1   Issue a statement of acknowledgement

2   Share the findings and recommendations of this Review with employees

3.1.4   Reporting inappropriate workplace behaviours

3.1.4.1   Experiences of reporting

An indicator of a safe, respectful and inclusive workplace is the presence of multiple reporting pathways which are trauma-informed and regularly communicated. Reporting pathways should empower employees to speak up, be confidential, ensure procedural fairness, and safeguard against victimisation.

Almost a third (32%) of Broadcast employees disagreed or strongly disagreed that they 'feel safe and supported to speak up for themselves or others about inappropriate workplace behaviour'. Furthermore, over a third of Broadcast employees (34%) disagreed or strongly disagreed that they 'feel safe and supported to report complaints or raise concerns of inappropriate workplace behaviour'. A third of Broadcast employees (33%) disagreed or strongly disagreed that 'complaints about inappropriate workplace behaviour are taken seriously'.

Intersection was told that Broadcast does not foster a safe reporting culture, and that employees in some instances are actively discouraged from reporting inappropriate workplace behaviour. Employees have lost trust in the organisation's reporting pathways and have come to anticipate negative repercussions for speaking up. This has created a culture of fear in relation to speaking up, and a perception that speaking up will come at a further cost for the victim.

The rates of reporting inappropriate workplace behaviours within the Broadcast Division were very low, with only one in seven (14%) employees indicating that they reported the most recent incident of bullying, discrimination or harassment, and one in twenty (5%) reporting the most recent incident of sexual harassment.

Women (17%) in the Broadcast Division were more likely to report the most recent incident of bullying, discrimination or harassment when compared to men (12%). The data suggests that women in the Broadcast Division were also more likely to report sexual harassment when compared to men.

3.1.4.2   Barriers to reporting

The three most cited reasons provided by victims in the Broadcast Division for not reporting bullying, discrimination or harassment were:

- fearing negative consequences as a result of making a report (42%)

- thinking that other people would think they were over-reacting (38%)

- not thinking it was serious enough (30%).

Top 3 most cited reasons for NOT reporting bullying, discrimination or harassment in Broadcast compared to Nine as a whole:

42%	37%	38%	35%	30%	30%

Fearing negative consequences as a result of making a report

Thinking that other people would think they were over-reacting

Not thinking it was serious enough
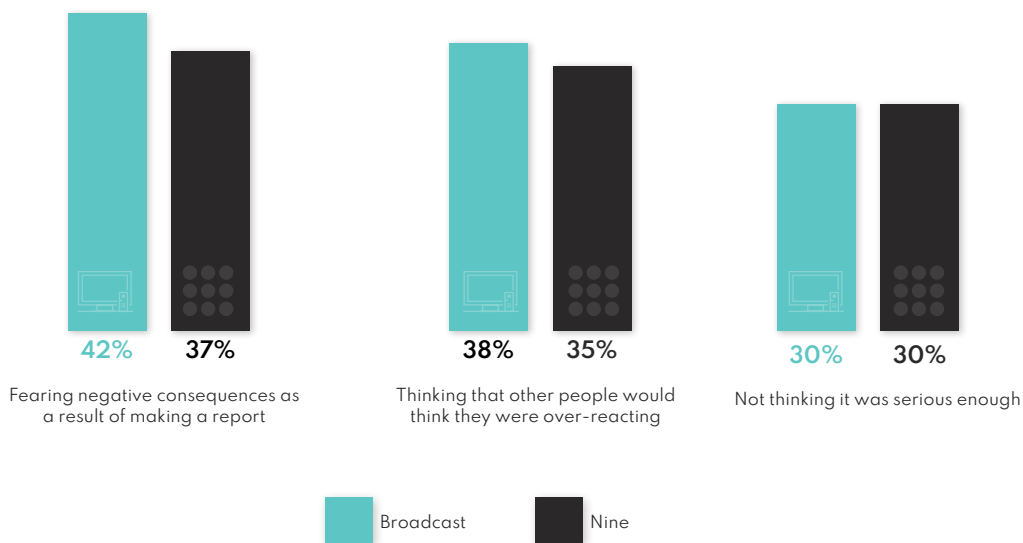
■ Broadcast   ■ Nine

Women in Broadcast were more likely than men to cite these three reasons as barriers to reporting bullying, discrimination or harassment. Men were more likely than women to cite being afraid for their career aspirations as a barrier to reporting.

The three most cited reasons provided by victims for not reporting sexual harassment in Broadcast were:

- not thinking it was serious enough (44%)

- thinking that other people would think they were over-reacting (36%)

- fearing negative consequences as a result of making a report (27%).

The high proportion of employees indicating an incident of sexual harassment not being serious enough to report, speaks to the normalisation of these behaviours in the workplace.

In interviews and submissions, Broadcast employees spoke in detail about the fear of negative consequences.

> *Why didn't I report this behaviour? This comes down to the promotion of a "culture of fear". If you reported anything you would be punished, ignored, or called "negative". You would be assigned stories where you would be set up to fail. You would be denied opportunities.*

> *HR are there to cover things up.*

> *[Individual] then told me I should "never make a HR complaint because then things would get really bad". I felt intimidated and coerced by that comment – it felt like [Individual] was warning me against making a complaint about sexual harassment because he wanted to protect his boys' club.*

> *Channel Nine … destroyed me as a human being. They ghosted me out of a job. I lost my career. This was the price I paid for speaking up. The minute I spoke up my life was over.*

> *I've never spoken to anyone about this before. People told me not to talk to you. I've never spoken before because it's not smart.*

In addition to employees expressing their hesitation to report incidents of inappropriate workplace behaviour to leaders, they also expressed deep distrust and dissatisfaction with People and Culture, often referencing their poor management of reports in the past.

> *I've never, and would never, report any concerns I had about inappropriate behaviour to HR. I have no trust in them, and believe I'd be managed out if I did make a report. And that'd be my advice to anyone who comes to me – do not take any concerns to HR.*

The lack of trust in People and Culture is further highlighted by Broadcast employees' views about the reporting process. Alarmingly:

- a quarter (25%) of Broadcast employees think that it is likely or extremely likely that the person making the complaint would be subject to victimisation

- over a third (37%) of Broadcast employees think that it is unlikely or not at all likely that action would be taken against the person who engaged in the behaviour

- almost a third (30%) of Broadcast employees think that it is unlikely or not at all likely that action would be taken to address the behaviours reported.

The qualitative data highlighted that there is a strong view amongst the Broadcast workforce that People and Culture at Nine:

- represent the employer, and not employees

- 'tick boxes' rather than genuinely try to resolve reports or complaints

- do not adopt a trauma-informed approach

- do not have a strong location based presence

- view complaints as a burden or make employees feel bad for raising a complaint.

They are very much on the side of the company. Their attitude is "it's not our fault this happened". We need a new HR dept. It is a huge failure.

Not a huge amount of faith in the function [human resources] to help me – it's just seen as a group that ticks boxes rather than has a genuine interest to resolve matters.

I have no faith in P&C. I advise people not to go there.

P&C don't exist as a visible department. You can't call them. You can't get help from them.

A number of employees shared negative experiences of reporting to People and Culture:

HR makes me feel like I am a bad person for raising a complaint … that I am a troublemaker. They made me feel like they wanted to sweep the issue under the carpet and that if they ignored me then I would eventually forget about it, or give up. Instead, they should take my issues seriously and support me to resolve them.

I made a bad decision by going to HR. They made me feel as if I was to blame for the [incident].

I had heard from other women that if you raised an issue with HR it went straight back to the person you were raising the issues about and only made things worse.

Best practice approaches to preventing and responding to inappropriate workplace behaviours state that all reporting pathways (including via leaders and P&C) should be psychologically safe, trauma-informed and promote a positive reporting culture. Reporting processes should have safeguards against victimisation and embed principles of procedural fairness. Employees reflected on Nine's response to the recent public allegations of inappropriate workplace behaviour and noted that the organisation's response further discouraged them from speaking up.

… subsequent communication from top leadership and People and Culture made it really clear that reporting these kind of behaviours in the future would be a negative experience. I feel it was handled poorly, and knowing that others were asked to sign NDAs regarding their own experiences means many would never bother reporting incidents in the future.

The barriers to reporting identified in this Review are significant. The creation of a trauma-informed, person-centred inappropriate behaviour reporting framework that provides for multiple reporting options, including anonymous reporting, is critical to establishing a safe-to-speak culture. Additionally, increased visibility of perpetrators being held to account will encourage reporting and provide confidence to employees in reporting systems.

Recommendations

5	Review the resourcing and structure of People and Culture
7	Continue to invest in an external complaints management system
8	Engage an independent external complaints investigator for complaints made in the next 12 months
19	Establish a network of contact officers
20	Report to employees annually on complaints and their outcomes

3.2 Drivers and risk factors of inappropriate workplace behaviours

While members of senior management can authorise this review and act like [one person] is to blame for everything, they're at fault too. The problems at Nine are larger than [one person], and change needs to happen.

The drivers and risk factors of inappropriate workplace behaviours are the systemic, and structural factors that underpin inappropriate workplace behaviours, and can exacerbate the impacts of such behaviours. In the Broadcast Division, the drivers of inappropriate workplace behaviours were found to be a **lack of leadership capability and accountability, power imbalances and gender inequality and lack of diversity.**

For the purposes of this section, a leader refers to any employee with staff management or supervision responsibilities at any level of the organisation.

These drivers, which are often overlapping, manifest into workplace-specific risk factors that increase the likelihood of inappropriate workplace behaviours occurring. In the Broadcast Division, the Review identified the following workplace-specific risks:

- leaders tolerating inappropriate workplace behaviours

- leaders perpetrating inappropriate workplace behaviours

- leaders lacking the required skills to prevent or respond to inappropriate workplace behaviours

- a high-pressure/competitive industry

- workplace environment, systems and processes

- appearance-based medium for women

- lack of diversity

- work-related social events where alcohol is present.

3.2.1 Leadership capability and accountability

The Review found a significant **lack of leadership capability and accountability as a key driver of inappropriate workplace behaviours in the Broadcast Division.** Leaders were reported to tolerate inappropriate workplace behaviours, perpetrate these behaviours themselves, and to be lacking the necessary skills to appropriately prevent or respond to inappropriate workplace behaviours. Leaders are also not seen to be held to the same standard of behaviour that other employees are but are instead provided with greater license to behave inappropriately.

Of course senior leaders were aware of it. They enabled it and helped cover it up. Anyone who claims they didn't know what [Individual] was up to would have to have been … living with their head in a bucket of sand.

Although it's a bit better now, the toxic culture and problems are still there. Just because [Individual] left didn't mean the problem left. All the leaders he picked, who did his dirty work for him, they're still there. Acting the way he was acting. We are all still scared.

3.2.1.1　Leaders tolerating inappropriate workplace behaviours

Half of Broadcast employees (50%) cited leaders tolerating inappropriate workplace behaviour as a specific risk. This is greater than the proportion of Nine employees who identified this as a risk factor (45%). This includes:

- not addressing or reporting instances of inappropriate workplace behaviour

- not taking reports of inappropriate workplace behaviour seriously

- accepting that inappropriate workplace behaviour is part of the industry or workplace culture

- having double standards, for example tolerating inappropriate workplace behaviour from 'high value' employees but not from others

- engaging in or witnessing inappropriate workplace behaviour and staying silent

- not managing the risks of inappropriate workplace behaviour.

The data gathered through interviews and submissions highlights the negative impact this tolerance has on the workplace and on employee wellbeing.

> *[Individual] told me that I hadn't been [the Individual's] first victim and that "there had been others". I was starting to wonder why, if [the Individual] was so well known for harassing women, he was still employed by the network or appropriate actions hadn't been taken by the network to prevent it from continuing?*

> *I mentioned the behaviour to [Individual], my manager. She knew who it was. She said, "He is known for this". I felt relieved and thought, "I am not going to be blamed for this". But then I thought, if you know about him why is he still here? And why [allow him to work] with entry level young women?*

The tolerance of inappropriate workplace behaviours has eroded trust between employees and leaders, fostered a culture that discourages speaking up, and enabled poor behaviours to continue to escalate.

3.2.1.2.　Leaders perpetrating inappropriate workplace behaviours

> *That's when I knew there was, in fact, a deliberate and ongoing culture in [work location], upheld by the almost exclusively male leaders, that enabled men to treat women as sexual objects for their personal gratification, without any consequences.*

Senior leaders and direct managers were often identified by Broadcast employees as the perpetrator of the most recent incidents of inappropriate workplace behaviour. In relation to bullying, discrimination or harassment, over two in five (43%) Broadcast employees indicated that the behaviour was perpetrated by a senior leader, and almost a third (32%) by a direct manager or supervisor. In relation to sexual harassment, over a quarter (27%) of Broadcast employees indicated that the behaviour was perpetrated by a senior leader, and over one in ten (13%) Broadcast employees indicated the perpetrator was their direct manager or supervisor at work.

There is also a strong perception in Broadcast that leaders are not held to account for their actions. Over two in five (43%) of employees disagreed or strongly disagreed that 'fair and reasonable action is taken against anyone who engages in inappropriate workplace behaviour, regardless of their seniority or status'. This is greater than the proportion of Nine employees who disagreed or strongly disagreed (35%).

The data gathered through the interviews and submissions provides further insight into the nature of the behaviours being perpetrated by leaders.

I've been repeatedly propositioned by my direct manager at Nine over a sustained period of time and I felt like I couldn't say no in a forceful manner because he controlled my pay.

There have been times where [Individual] has shown himself to be a fair and understanding leader, in regards to things like maternity leave, mothers returning to work, illness, child care, family issues, career goals etc. At times [Individual] has shown staff the necessary support. But, it is not always consistent, and it is disheartening to see these qualities almost entirely drowned out by the day-to-day controlling, aggressive and bullying behaviour.

On the one hand it is a really positive environment with all these creative people achieving amazing things with technology, and on the other hand there is catastrophic leadership failure which results in punching down when people are unable to cope with the pressure to perform at a consistently high level.

3.2.1.3   Leaders lacking the skills to appropriately prevent and respond to inappropriate workplace behaviours

Sadly this is a culture where we have manager[s] in their 40s now who have learned their behaviour from others who have been in those roles before … it's a learned style of management and our current managers are continuing to perpetrate it. And people are not qualified to be in the management positions they are … If a plane is crashing you can't just take a passenger and put them in the pilot seat. You need people with the right skills appointed to those management roles. I don't think the Board realises their managers are not equipped to be in the management roles.

Intersection was told that most leaders in Broadcast do not have the skills, or organisational support to obtain these skills, required to prevent or respond to inappropriate workplace behaviours.

Employees identified the following reasons for this lack of skills:

- a lack of people management skills training when leaders are promoted into people management positions
- a lack of senior leaders with people management skills to act as role models
- a lack of desire or willingness to have behaviour-based performance conversations.

The absence of leadership capability to address inappropriate workplace behaviours creates a vacuum in which these behaviours can occur unchecked.

People are in management positions solely because they wanted a promotion, not because they're equipped to deal with the hard decisions and facts of being a manager. I have witnessed plenty of bullying done in front of the bullies' managers but no one has the backbone to take disciplinary action.

In media, and at Nine, the people in management are not managers. They are journos who've been put in management roles, and they've never been given management training. They are not made to be managers. They're all very type A people, made to be go getters and great journos – and that is not necessarily what makes a good manger. They are not nurtured or developed in the management roles, and they have no role models to emulate. For a lot of people in management roles here, Nine is the only place they've ever worked – they don't know any better.

It's a cowboy operation. Managers are ex journos. They don't know how to manage people, and they get no training.

To prevent and respond to inappropriate workplace behaviours, Nine's leaders need to be:

- adequately supported and educated by Nine to ensure that they are aware of their legal obligations to prevent and respond to inappropriate workplace behaviours

- adequately supported and educated by Nine to ensure that they are equipped to respond to incidents of inappropriate workplace behaviour in a trauma-informed manner

- responsible and accountable for implementing appropriate measures to prevent and respond to instances of inappropriate workplace behaviours

- visible in their commitment to a safe, respectful and inclusive workplace

- setting clear expectations and role modelling respectful behaviour.

Leaders – at all levels – must be provided with the tools, training and resources to equip them to meet these standards.

Recommendations
3   Ensure the Group Leadership Team (GLT), as the senior leadership group of Nine as a whole, is responsible and accountable for leading cultural change and establishing safe, respectful and inclusive workplaces across the organisation
4   Ensure the senior leadership of all Divisions, prioritising the Broadcast Division, are responsible and accountable for leading cultural change and establishing safe, respectful and inclusive workplaces
9   Develop an independent, external process for complaints against Board members or senior leaders
17   Review and update the Leading@Nine training to better equip people leaders

3.2.2 High-pressure/competitive industry

The goal is just eyes on screen … at any cost.

When asked which factors contribute to an increased risk of inappropriate workplace behaviours in their workplace, more than half (53%) of Broadcast employees identified a 'high-pressure environment'.

Nine employees identified a number of factors that contributed to the high-pressure environment including:

- winning ratings or 'beating' other media outlets being prioritised over employee wellbeing

- a culture that prioritises the individual over the team

- tight deadlines or time-critical tasks

- the reinforcement of this pressure from senior leaders.

This environment creates what Broadcast employees often referred to as a 'toxic' workplace culture whereby disrespectful and inappropriate workplace behaviours emerge as a result of stress, competition and leadership pressure.

So it's a cycle of screaming really – passing the baton of pressure on, from one level down to the next. It's an ecosystem of pressure … that's what it is. They get the pressure from their boss in Sydney, who gets pressure from the Board and shareholders. It trickles down and what it looks like at each level is different, but it's the same pressure being sent down.

No concern or thought was even given to employee mental health or wellbeing, it was just "Let's hope Channel 7 don't have anything we don't".

News production is an ultra-competitive environment – it can be every man for himself… you undercut and undermine your colleague to get your idea up and get noticed or [throwing] your colleague under the bus to get ahead.

This is the culture that has been allowed to fester in that newsroom. People work 17 hour days, get criticised unfairly and unnecessarily in the middle of it, bawl their eyes out, then feel like they have to shut up and get back to work.

Newsrooms are so unique as a workplace, purely because of the deadline and the stress that people are under constantly – on a daily basis, to have that level of stress is challenging.

3.2.3   Power imbalances and gender inequality

The Review found power imbalances and gender inequality to underpin a number of risks relating to workplace environment, processes and practices that increase the likelihood of inappropriate workplace behaviours.

Power imbalances in Broadcast are experienced in numerous ways. Section 3.1.1 above examines the abuse of power and authority and Section 3.2.4 Workplace environment, processes and practice below illustrates this driver in greater detail.

Gender inequality is the unequal distribution of resources, opportunity and value afforded to people because of their gender. The data suggests that there is a culture at Nine which overtly or subconsciously segregates the workforce by gender resulting in double standards for men and women. This is explored in Section 3.2.6 Appearance-based medium for women below.

3.2.4   Workplace environment, processes and practices

Broadcast employees described a system where decisions relating to the allocation of work or shifts, selection for promotion, continuation of employment, and the ability to take leave or be compensated for overtime worked can only be made by individuals in certain roles, rather than in accordance with established policies and procedures and recorded in a human resources information system. This has created an ecosystem of inequity, where decisions are made based on personal preference or benefit, employment insecurity is weaponised to maximise budget savings, and employees are not able to access adequate breaks or leave.

This system is further perpetuated by a culture that does not consider remuneration as a way of attracting or retaining talent in the organisation. Rather, due to the relatively small size and competitive nature of the industry, individuals were frequently reminded how 'lucky they were to work for Nine', and how easy it would be to replace them due to the number of individuals wanting to work in the Broadcast Division.

Employees spoke about power imbalances and gender inequity when discussing these practices, including:

- exploiting junior employees' desire to succeed in the industry by reinforcing the high competition for roles and sense that junior staff are easily replaceable by those who might be willing to accept lower pay or lesser terms of employment

- failing to implement a regular performance review cycle and remuneration framework, making it difficult for staff to bargain for higher salaries commensurate with performance or comparable roles in the market

- rostering hours of work or assignments in a manner which prevents or discourages staff from taking lawful breaks under applicable industrial instruments

- implementing a 'time in lieu' application system as an alternative to paying overtime and other penalty provisions for extended work hours, which requires approval and often results in an arbitrary amount of leave which is less than the additional hours worked, employees also reported being discouraged from taking the time in lieu they had accumulated

- allocating assignments that provide additional exposure or learning predominantly to staff who comply with onerous rosters and extended hours of work

- minimising or failing to investigate complaints regarding potential underpayment of wages, or lack of compliance with penalty provisions in industrial instruments

- failing to pay staff overtime or other penalty payments by discouraging overtime claims or encouraging employees to not accurately record shift length times

- implementing multiple consecutive short-term contracts and allowing employees to work under expired contracts, further reinforcing the power disparity between employer and employee

- purposely delaying responses to queries in relation to contract negotiations

- implementing an overtime 'buyout provision' in employment contracts whereby employees forfeit overtime and penalty payments on the proviso that their total reward compensates them for reasonable additional overtime each week (a cap which is almost always exceeded given the dynamic and unpredictable nature of news work).

Below are some examples of how employees articulated these practices:

> The reason I am including this, is to paint a picture of the culture which greets young people (mainly women) when they first enter the network. First, there was lying about what we were being employed to do. Then there was a hunger and competitiveness to get off the night shift … and it also created a need at work social functions "get your face in front of the boss" so he would at least know your name. We worked during the night hours when none of our work was seen by any levels of management responsible for career progression. Chatting to the boss was the only way to get off these shifts.

> Nine has a problem with payment. People are made to work hours on end without payment.

> [There is] pressure to work different shifts, for no additional pay, only "days in lieu" which are then very hard to take. Contracts always expire before there is any new contract offered … and there is rarely if ever a chance to negotiate or have a performance review.

> The culture [is] that we should be grateful for being here. [Employees are] often made to work in higher duties roles … with no extra pay. Dangling [a] carrot of an imminent promotion that gets pushed further and further into the future.

Employees noted the negative impact these practices have on the overall workplace culture as well as the mental health and wellbeing of employees. They also noted the negative impact this has on the workplace including high turnover, low morale, and lack of motivation.

This Review identified several structural deficiencies that contribute to the workplace environment risks detailed above. Addressing these will set the foundation for enhanced workplace culture and high performance.

Recommendations	
6	<u>Invest in a human resources information system and a system that captures performance and development, and training</u>
12	<u>Review and update the employee Performance and Development process</u>
13	<u>Establish a best practice process for recruitment</u>
14	<u>Establish a transparent and objective process for allocating work, particularly within the Broadcast Division</u>
15	<u>Commission an independent equity review of employment arrangements in the Broadcast Division</u>

3.2.5   Work practices that do not prioritise people or their safety

> *The impacts on my mental health from working so many days without a proper rest are significant. But they don't care. They just think you are weak even [if] the ask has been unreasonable. And then they use it against you. Saying things like "oh we didn't ask you because we thought you had too much on your plate". Or "don't come crying to us, this is what you asked for". You can't win.*

In addition to the practices discussed above, employees identified other workplace practices that do not prioritise people or their safety. The absence of a people-first approach, and a disregard for safety, contributes to employees experiencing inappropriate workplace behaviour and its associated negative impacts. In particular, employees noted that these practices negatively impacted their mental and physical health.

Examples of concerning workplace practices provided by employees included:

- working long hours and/or many consecutive days without rest, in some instances for months
- being exposed to traumatic events without proper support
- working offsite and/or in unsafe environments.

More than two in five (42%) Broadcast employees identified 'long and/or irregular work hours' as a risk factor which contributed to an increased risk of inappropriate workplace behaviours. This is significantly higher than Nine overall (29%).

Employees spoke about the specific risks associated with common work practices present in journalism including:

- 'bouncing talent' and subsequent exposure to aggressive individuals
- working in dangerous/high-risk conditions (e.g., at protests, door knocking or with individuals who display anti-social behaviour)
- being denied security due to cost/uncertainty of a story progressing
- working in isolation when 'chasing' a story.

> *They wanted you to what they called "bounce the talent" – basically, you roll out with a camera in their face. [People were] often aggressive. Multiple instances of young women being shoved, pushed – there was no security with them. You could request security – but it was often denied as they didn't want the expense of security sitting around with you if you didn't get the story.*

> *I have seen dead bodies pulled form cars, been abused and spat at inside a courtroom, watched people die on the beach in front of me from drowning, and not once … at Nine was I [asked] "Are you OK?" No concern or thought was even given.*

The exposure to multiple work practices that do not prioritise safety puts employees at increased risk of experiencing inappropriate workplace behaviours but can also exacerbate the impact these behaviours have on employees, and the broader workforce who experience this trauma vicariously.

Recommendation

16 Develop a Respect@Work Risk Management Matrix and supporting governance structure

3.2.6   Appearance-based medium for women

The accepted objectification and exploitation of women was identified specifically in Broadcast as an aspect of Nine's culture that allows other gendered inappropriate workplace behaviours to occur. Almost half (47%) of women Broadcast employees selected 'gender inequality/male dominated workplace' as a risk factor for inappropriate workplace behaviour. This is slightly greater than the proportion of women Nine employees who identified this as a risk factor (43%).

Women spoke about experiences of inappropriate workplace behaviours driven by the focus on their appearance including:

- women being promoted into specific roles based on their appearance not skills

- women experiencing sexual harassment, including the common practice of leaders and co-workers openly commenting on the appearance and bodies of women, particularly those who appeared on-air

- women experiencing pregnancy discrimination or harassment as being pregnant 'devalues' a woman's appearance (and therefore value in the workforce)

- women who are care givers being exploited due to their fear about job security

- men being preferenced for high profile stories.

> *They used to say, when they were considering women for roles, that they'd rate her on her "fuckability". They obviously can't say that now – so they say "that woman has star power" instead. But it means the same thing. As [a] woman, you are valued on how attractive you are. Some women get roles that they deserve. But some get appointed to jobs and you're left scratching your head and thinking, why? Then you hear the reason is that they said that she has "star power". That's why she was appointed…It has evolved from overt talking about women's looks and bodies, and it's gone underground now. They still have the same values; they're still commenting on women's looks and seeing that they have "star power" as very attractive females.*

> *Management has learnt in particular that young women will work the longer hours, go the further step in the chase of a story, and complain less – because of ambition. I also heard a manager once remark "give the job to a mother because they're so insecure they'll work twice as hard as a guy".*

The managers took my big stories and gave them to the men to lead the bulletins. The attitude was "the viewers will take a senior male more seriously than you".

A culture that reinforces the idea that a woman's 'value' is based on appearance and not skill or talent increases the likelihood that other forms of gender-based harm will occur.

3.2.7   Lack of diversity

Whilst most of the interviews and submissions focused on gender inequality as the main driver, a lack of diversity more generally was also identified as a risk of inappropriate workplace behaviour at Broadcast. A lack of diversity refers to a workplace, or leadership cohort, that is dominated by individuals with the same or similar characteristics, for example, racial background, gender, sexual orientation, education, linguistic background or otherwise. Examples from the interviews and submissions include:

A lot of what happens at Nine is a broader cultural issue that stems from having a primarily white/ cis/male workplace. We talk so often about diversity here and yet there is absolutely no change to be found over and over.

I think we are an Anglo Celtic workplace and there is a lot of unconscious bias when it comes to hiring and promoting.

My immediate supervisor remarked that a person of a particular race was "pretty good looking" considering their ethnicity, to which I also belong.

One employee spoke to the fact that Broadcast does not represent the racially diverse community it serves:

I think we have a good culture but we are not a multicultural workplace that reflects broader society, and ethnic minorities have been overlooked. I think we also have a slightly masculine culture, which affects women.

A lack of diversity at all levels – but particularly at the senior leadership level – can drive inappropriate workplace behaviours. This is because a homogeneous workplace is less likely to identify the intersecting forms of discrimination and exclusion people from diverse communities are likely to experience.

Recommendation
21   Develop a 5-year Diversity and Inclusion Strategy supported by action plans

3.2.8   Work-related social events where alcohol is present

There is a strong view that drinking is part of the culture at Nine. Intersection heard about a culture where excessive use of alcohol at social events is the norm, where successes and 'wins' in the business are automatically celebrated by drinking, and where employees felt pressure to participate in these events to be seen to be 'part of the team'.

Interviewees spoke about feeling pressured to drink in order to be accepted:

Reporters go for drinks all the time and show up to work hung over the next day. At big events like Christmas parties or press club events, and they have media balls, they all "go" hard.

When asked which factors contribute to an increased risk of inappropriate workplace behaviours in their workplace one in four (25%) employees cited alcohol use. Women (25%) were more likely than men (19%) to

identify this as a risk factor. Women also spoke to Intersection about avoiding work social events where alcohol was to be consumed, which had an impact on their career prospects or working life.

> *I avoided drinking too much and staying out too late, even though those were the rules of the game if you wanted any type of career.*

Broadcast employees indicated that instances of alcohol abuse were laughed off or not dealt with appropriately.

> *He was blind drunk, slurring his words and swaying as he tried to stand. I saw him outside sitting alone with a female friend/colleague of mine. I was told by people who were looking out through the glass that he was trying to kiss her. A senior female staff member was laughing and sent a junior female staff member to try to intervene.*

The use of alcohol was identified by employees as both the catalyst for, and response to, inappropriate workplace behaviours.

As well as being a risk factor for experiencing inappropriate workplace behaviour, alcohol was referred to by Broadcast employees as a coping mechanism to deal with the unsafe and high-pressure working environments they were exposed to or in response to experiencing inappropriate workplace behaviour.

> *There is a big drinking culture. People use alcohol as a coping mechanism.*

The use of alcohol both increases the likelihood of inappropriate behaviours, and can cause long-term physical and psychological harm for employees.

3.3   Witnessing, support and policies

3.3.1   Witnessing inappropriate workplace behaviours

3.3.1.1.   Witnessing bullying, discrimination or harassment

Over half (52%) of Broadcast employees reported witnessing incidents of bullying, discrimination or harassment in the last five years. Women (53%) and men (51%) in the Broadcast Division witnessed bullying, discrimination or harassment at similar rates.

The rate of Broadcast employees directly observing bullying, discrimination or harassment (30%) suggests that incidents of bullying, discrimination or harassment often occur 'out in the open'. This is reinforced by the qualitative data.

> *Multiple staff have been left in tears following interactions with [Individual 1] and [Individual 2]. Sometimes it is blatantly obvious to everyone in the newsroom, other times these workers will be in tears in news camera cars after phone conversations. Camera operators have described the number of young reporters who have cried in their cars as disturbing. Other staff have spoken of going home and crying following interactions during the day that have left them feeling unsettled, humiliated or bullied. One staff member detailed to multiple other employees of "crying all evening" at home following a bullying/threatening incident with the [section] leadership during the day.*

About one in four (26%) Broadcast employees took action in response to witnessing bullying, discrimination or harassment. Men in the Broadcast Division were more likely to take action (30%) when compared to women (21%).

3.3.1.2   Witnessing sexual harassment

Almost four in ten (37%) Broadcast employees reported witnessing incidents of sexual harassment in the last five years. Women (43%) were more likely than men (32%) to witness sexual harassment.

> *On my first day working in the … newsroom, I overheard some of the other female reporters talking about [Individual]. One of them said "Have you even worked at Nine News … if [Individual] hasn't grabbed your ass?".*

> *I've heard of people (male) messaging inappropriate/creepy things to others (females).*

Just over one in ten (12%) Broadcast employees took action in response to witnessing sexual harassment. This is below the rate for Nine employees overall (16%).

3.3.2   Seeking support

3.3.2.1   Experiences of seeking support

Just over a quarter (27%) of Broadcast victims sought support or advice following the most recent incident of bullying, discrimination or harassment. Women in Broadcast (39%) were more likely than men in Broadcast (16%) to seek support or advice in response to bullying, discrimination or harassment. Less than one in ten (7%) Broadcast victims sought support following the most recent incident of sexual harassment.

As for reporting, the qualitative data also suggests that victims in the Broadcast Division sought support or advice at a higher rate than is revealed by the survey data. One potential explanation for this is that those who had experienced inappropriate workplace behaviour and sought support or advice may have been more likely to engage in the interview or submission process.

Broadcast employees who participated in an interview were also asked about their awareness of support options at Nine. Most of those who spoke to Intersection about support were aware of available support options. Broadcast employees spoke about the support provided by peers.

> *I love the job I do and my colleagues are amazing. If you're in tears there is always someone who will support you.*

However, others expressed concerns about a culture of silence and the lack of support provided by the organisation or its managers.

> *The culture of not talking is not ok. Managers are afraid of taking responsibility if it turns out you are not ok. So no one ever asks after your wellbeing.*

This lack of support extended to inflexible schedules meaning it was difficult to make appointments with support professionals (for example, psychologists).

There was some discussion about the EAP in the qualitative data. Views on the EAP were mixed. Most employees, though not all, had heard about it. One person noted that the EAP was usually advertised in relation to seeking help following a traumatic story, rather than as a support mechanism for personal workplace matters. Concerns were also expressed that taking time to seek support via the EAP would be viewed as 'weak'.

Those who reported using the EAP said that it had not been very helpful.

> *I did the maximum number of [EAP] sessions available. From memory it just wasn't very good … I'd spend time trying to talk about my experiences and what caused me grief and they'd say "ok shush,*

we need to do this management plan now". I was like, that's not useful for me, that's not how I want to action this … I definitely like the idea it's there. But in terms of using it, it's not that great. It was not helpful at the time … They didn't seem well trained – didn't seem to know how to handle the situation.

Several people said that while they had not used the EAP themselves they had referred others to the program and reported hearing mixed feedback. Some had found it helpful, others indicated that it was a waste of time. A number of employees raised concerns about the confidentiality of the EAP, noting that there were rumours that information disclosed to the EAP provider was shared with the company.

3.3.2.2   Barriers to seeking support

The three most cited reasons provided by victims in the Broadcast Division for not seeking support or advice following the most recent incident of bullying, discrimination or harassment are the same as those cited by victims at Nine overall:

- thinking it would not change things or that nothing would be done (53%)

- it was easier to keep quiet (44%)

- fearing negative consequences for themselves (34%).

These reasons were cited by victims in the Broadcast Division at higher rates compared to victims at Nine as a whole.

The three most common reasons provided for not seeking support or advice in response to the most recent incident of sexual harassment were:

- not thinking it was serious enough (49%)

- it was easier to keep quiet (35%)

- thinking it would not change things or nothing would be done (34%).

3.3.3   Policies, procedures and training

3.3.3.1   Policies, procedures and information

Broadcast employees had lower awareness about the organisation's bullying, discrimination or harassment policies and procedures compared to Nine as a whole. Almost seven in ten (67%) Broadcast employees indicated that they knew about Nine's procedures for reporting or complaining about bullying, discrimination or harassment compared to 74% overall. Almost six in ten (59%) indicated that they knew about a written bullying, discrimination or harassment policy compared to 67% overall.

Broadcast employees were also less likely to know about the organisation's sexual harassment policies and procedures. Over seven in ten (72%) employees indicated that they knew about Nine's procedures for reporting or complaining about sexual harassment. Almost six in ten (59%) employees indicated that they knew about a written sexual harassment policy.

Broadcast employees were also less likely to know where to find the relevant policies and procedures. Of Broadcast employees who indicated that they knew about the organisation's policies or procedures:

- almost three quarters (74%) knew where to find the documents related to bullying, discrimination or harassment

- seven in ten (70%) knew where to find the documents related to sexual harassment.

The prevalence of abuse of power or authority, bullying, discrimination and harassment and sexual harassment detailed above points to unacceptable levels of inappropriate workplace behaviour and harm.

To reduce the prevalence of inappropriate workplace behaviours and ensure accountability for perpetrators it will be necessary to re-establish workplace behaviour expectations consistent with leading practice:

Recommendations
10 Review and update the Code of Conduct
11 Update workplace behaviour related policies and procedures

3.3.3.2 Training

Almost all Broadcast employees reported receiving training on bullying, discrimination and harassment (96%), and sexual harassment (96%) while working at Nine.

Broadcast employees were less likely to find the training useful or extremely useful with just over four in ten indicating that the training provided on:

- bullying, discrimination and harassment was useful or extremely useful (42%)

- sexual harassment was useful or extremely useful (43%).

Broadcast employees were also more likely than Nine employees to indicate that the training provided was not useful or not at all useful with:

- 23% reporting this in relation to bullying, discrimination and harassment

- 22% reporting this in relation to sexual harassment.

The survey data is consistent with the data gathered through the interviews and submissions which indicated that the online training was not fit-for-purpose. Intersection heard that training was:

- viewed as a 'tick a box' exercise

- not appropriately tailored or relevant to Nine's workplace context

- not engaging, which was linked to the eLearning delivery mode.

> *Nine Learning – I don't like it – it's online, you answer questions and if you get a few wrong … it's ridiculous and you have to do it again – it takes ages. It's not helpful.*

> *We have Nine Learning. I feel it's a legal "check box" thing that they do to cover their arses. There are modules, they're not tailored for Nine – they just buy it and slap a Nine logo on front and that's it... The training reeks of just being a corporate "check box" activity.*

The Respect@Work Knowledge Standard requires that all employees understand their obligations in contributing to a safe, respectful and inclusive workplace.

Recommendation
18 Review and update mandatory training on inappropriate workplace behaviours

PART B

Nine Entertainment

4.0   Nine survey results

In addition to the Review of the Broadcast Division, Nine also asked Intersection to conduct an anonymous survey of all Nine employees on the experiences of inappropriate workplace behaviours in the last five years.

Part B of this report presents the whole-of-workforce quantitative data obtained through the survey. A total of 934 completed survey responses were received which represents a response rate of 19%, a very positive and statistically significant sample. The whole of workforce data in this section incorporates responses from across all Divisions including the Broadcast Division. The survey results have been weighted to mitigate for any overrepresentation. The quotes used in this part of the report are drawn from free-text responses in the survey.

This survey data provides Nine with a critical benchmark against which it can measure future progress consistent with Respect@Work Standard 7: Monitoring, Evaluation and Transparency.

Recommendation
22   Conduct a further survey in the next 3 years

4.1   Employee perceptions

Nine employees were asked about their perceptions of Nine as a safe and respectful workplace.

> *Generally, Nine is a safe and respectful place to work. However, some [individuals] in [Division] are frequently known to bully, intimidate, harass, and demean colleagues creating a hostile and high-pressure environment. There is a longstanding culture where this behaviour goes unaddressed, and the [individuals] face no repercussions.*

The vast majority of Nine employees indicated that their workplace is always (33%) or mostly (49%) safe and respectful.

Employees also strongly agreed or agreed that people behave respectfully towards others (69%), and that people were treated fairly and equally regardless of their personal characteristics, such as gender, race or cultural background, sexual orientation, disability or religious beliefs (63%).

Women were significantly less likely to have these positive perceptions of the workplace when compared to men. Over six in ten women (62%) strongly agreed or agreed that people behaved in a respectful way towards others compared to almost three quarters (74%) of men. Similarly, less than six in ten women (58%) strongly agreed or agreed that people are treated fairly or equally regardless of their personal characteristics compared to almost seven in ten (68%) men.

The positive perceptions, and the goodwill they signal, provide a meaningful foundation from which to effect the cultural change that Nine is striving for.

4.2   Prevalence and nature of inappropriate workplace behaviours

While Nine employees indicated that they held positive views about the level of respect demonstrated within the workplace, they also reported concerning levels of inappropriate workplace behaviours. This disconnect between the perceptions of a workplace and its leaders, and the true prevalence of inappropriate workplace behaviours within the same workplace is common across workplaces.

The survey results indicate that both Radio and Stan have similar workplace culture issues to the Broadcast Division. These three divisions have similar prevalence rates for all forms of inappropriate workplace behaviours measured in the survey, and employee experiences indicate a lack of leadership action and accountability as a common driver of inappropriate workplace behaviours across the Divisions.

In contrast, employees from the Publishing, Digital, Sales and Corporate Divisions were generally more likely to share positive experiences of workplace culture and leadership than those in other Divisions.

Nine employees were asked whether they had experienced the following forms of inappropriate workplace behaviours in the last five years:

- abuse of power or authority[7]

- bullying, discrimination or harassment

- sexual harassment.

In the last five years, the survey results indicate that of Nine employees:

- more than half had experienced or witnessed abuse of power or authority (52%)

- nearly half had experienced bullying, discrimination or harassment (49%)

- nearly a quarter had experienced sexual harassment (24%).

One in six (16%) Nine employees had experienced all three forms of inappropriate workplace behaviours.

Percentage of Nine employees who have experienced or witnessed abuse of power or authority, experienced bullying, discrimination and harassment and experienced sexual harassment in the last five years:

1 in 6
Nine employees had experienced all three forms of inappropriate workplace behaviours.

16%

52%
experienced or witnessed **abuse of power or authority**

49%
experienced **bullying, discrimination and harassment**

24%
experienced **sexual harassment**
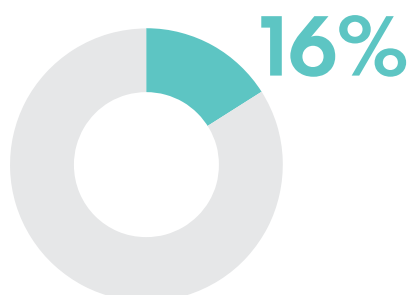
These three categories of inappropriate behaviour: (i) abuse of power or authority, (ii) bullying, discrimination and harassment and (iii) sexual harassment are each examined in greater detail below.

4.2.1   Abuse of power or authority

Abuse of power or authority

Abuse of power and abuse of authority relate to a person's misuse of their power or authority.

Abuse of power occurs when a person (or a group) improperly uses or exploits their personal, social or professional attributes, status or position to secure a personal advantage and/or control, coerce, manipulate or cause harm to another person.

Examples of abuse of power include exploiting relationships and networks; exploiting the status associated with a position; intimidation, threats, bullying, discrimination, harassment, abuse or creating a hostile work environment; misusing or improperly leveraging confidential information; and misusing company resources.

Abuse of authority occurs when a person (or group) exceeds, improperly uses or exploits the legitimate authority that has been delegated to them by the organisation via a role, policy, or other instrument or practice delegating decision-making authority.

Examples of abuse of authority include exceeding or misusing decision-making authority attached to a role; exceeding or misusing decision-making authority attached to a policy; misusing authority delegated by another role holder; and exercising a discretion unfairly or exceeding reasonable limits to the exercise of a discretion.

Abuse of power or authority was the **most prevalent** form of inappropriate workplace behaviour reported by Nine employees, with over half (52%) experiencing or witnessing this type of inappropriate behaviour in the last five years. Women (55%) experienced or witnessed this behaviour at higher rates than men (49%).

The two most common forms of abuse of power or authority were:

Ignoring poor performance,

failing to challenge peers who break the rules or ignoring other inequities

Showing favouritism

to a particular individual or group of workers over the victim or others

The four most common forms of abuse of power or authority behaviours experienced or witnessed were:

- ignoring poor performance, failing to challenge peers who break the rules or ignoring other inequities (21%)

- showing favouritism to a particular individual or group of workers over the victim or others (21%)

- a person exercising their position or status to bully or harass the victim or others (19%)

- a person in a position of power putting their own interests and/or professional gain before the interests of the staff or the organisation (19%).

Prevalence of abuse of power or authority

Question: In the last 5 years, while working at Nine have you personally experienced, seen or heard about any of the following behaviours?

A manager/supervisor/leader ignoring poor performance, failing to challenge peers when they break the rules, or ignoring other inequities in their team	21%
Your manager, supervisor or leader showing favouritism in relation to a particular individual or group of workers over you or others (eg in the allocation of resources or opportunities)	21%
Someone exercising their position or status to bully or harass you or others	19%
A manager/supervisor/leader or someone else in a position of power putting their own interests and/or personal or professional gain before the interests of the staff or the organisation	19%
Being subjected to an uncomfortable or hostile working environment by your manager/supervisor/leader or someone else in a position of power in the organisation	18%
A manager/supervisor/leader or someone else in a position of power shifting blame onto you or other people in more subordinate roles	15%
A manager/supervisor/leader ignoring workplace rules but expecting others to follow them	15%
Having pressure applied on you by your manager/supervisor/leader which places you in a difficult or stressful situation, or forces you to do something which you are not comfortable with	15%
A manager/supervisor/leader making unreasonable and arbitrary demands on you or others in more subordinate roles	14%
Being verbally or physically abused, intimidated or stood over by your manager/supervisor/leader or someone else in a position of power in the organisation	12%
Being humiliated, threatened or mocked by someone or a group of people in a position of power in the organisation	10%
A decision-maker choosing to hire (or not hire someone) based on bias or prejudice	9%

Statistical significance: favouritism – women (25%) and men (18%).

Employees working in New South Wales/Australian Capital Territory (52%) and Victoria (54%) experienced or witnessed abuse of power or authority at higher rates than employees in other jurisdictions. In both jurisdictions women were more likely than men to experience or witness this behaviour.

The prevalence across Nine's different Divisions varied with Radio (66%), Broadcast (62%) and Stan (57%) reporting the highest rates of abuse of power or authority behaviours.[8]

Prevalence of experiencing or witnessing abuse of power or authority in the last five years by Division:

Division	Prevalence of experiencing or witnessing abuse of power or authority in the last five years
Radio	66%
Broadcast	62%
Stan[iv]	57%
Publishing	48%
Corporate	43%
Digital	41%
Sales	33%

Employees who had worked at Nine for one year or less were significantly less likely to have experienced or witnessed the two most common types of abuse of power or authority behaviours (with the exception of poor performance and favouritism), when compared to those who had been with the organisation for longer.

Employees provided the following insights into their experiences:

The way staff have been bullied, harassed, intimidated and controlled in my workplace by aggressive and manipulative behaviour by two senior managers is entirely inexcusable. Nine has either allowed or turned a blind eye to such behaviour to continue for far too long.

Poor performers are never dealt with. There is serious inequality within teams when it comes to output. This places more demands on the high performers.

4.2.2 Bullying, discrimination or harassment

I am routinely verbally abused, intimidated and occasionally (once a year) physically assaulted (pushed, shoved, object thrown at, spat at) while doing my job in public. Little if anything is done about it and it is rarely recognised. It is regarded by managers as a part of the job. It has caused long term damage to [my] mental health.

4.2.2.1   Experiences of bullying, discrimination or harassment

Bullying, discrimination or harassment

Bullying
Bullying refers to repeated and unreasonable behaviour directed towards another individual or a group of individuals, where the behaviour creates a risk to health and safety. Examples of bullying include behaving aggressively towards others; teasing or playing practical jokes; pressuring someone to behave inappropriately; excluding someone from work-related events; repeated unjustified criticism of someone's work; and making unreasonable work demands. Employers have a legal obligation to prevent workplace bullying.

Discrimination
Discrimination can be direct or indirect. Discrimination in employment is unlawful.

Direct discrimination occurs when someone is treated less favourably because of a personal characteristic protected by law such as age, sex, gender identity, race or disability. Examples of direct discrimination include not hiring someone because of their sex, or not interviewing someone because of their race.

Indirect discrimination occurs when a requirement that appears to be neutral and the same for everyone in fact has the effect of disadvantaging an individual or group with a particular personal characteristic protected by law, such as age, sex, gender identity, race or disability. At the organisational level this is often in the form of policies and procedures that may be neutral in intent but in practice have an unintended negative impact on particular individuals or groups. The requirement must be unreasonable in order for indirect discrimination to occur.

Harassment
Harassment is unwelcome behaviour that intimidates, offends, humiliates or creates a hostile working environment. Harassment includes behaviour that targets a person or group because of personal characteristics or attributes that are protected by law and can be discrimination. Employers have a legal obligation to prevent workplace harassment.

Examples of harassment include telling insulting jokes about particular racial groups; displaying offensive posters or screen savers; making derogatory comments or taunts about someone; pressuring a person to take drugs or to drink alcohol; or physically unwelcome or intimidating behaviours. Unlike bullying, a one-off incident can constitute harassment.

Bullying, discrimination or harassment was the **second most prevalent** form of inappropriate workplace behaviour experienced by Nine employees, with almost half (49%) experiencing this type of behaviour in the last five years. Women (55%) were significantly more likely to experience this behaviour than men (44%).

Victims who had experienced bullying, discrimination or harassment in the last five years were most likely to have experienced the most recent incident of this behaviour in either 2024 (43%) or 2023 (44%).

The three most cited types of bullying, discrimination or harassment experienced were:

- belittling or humiliating comments or conduct (23%)

- other behaviours that made the victim feel uncomfortable (21%)

- aggressive or intimidating comments or conduct (20%).

In the vast majority of cases where employees provided details of the 'other behaviours' these fell within the list of identified bullying, discrimination or harassment behaviours provided.

Prevalence of bullying, discrimination or harassment

Question: Have you experienced any of the following behaviours whilst at a Nine workplace or a work-related event in the last 5 years?

Behaviour	%
Belittling or humiliating comments or conduct	23%
Other behaviours that made you feel uncomfortable	21%
Aggressive or intimidating comments or conduct	20%
Repeated undermining of your work/role by colleagues	17%
Being unfairly denied pay or conditions offered to other employees at the same level as you, opportunities for promotion, transfer/secondment, training or professional development opportunities	16%
Deliberately holding back information you need for getting your work done properly	16%
Repeatedly setting unreasonable timelines or constantly changing deadlines	15%
Repeated undermining of your work/role by supervisor	13%
Persistent unjustified criticism or complaints about you or your work	12%
Others spreading malicious or hurtful rumours about you	10%
Deliberate exclusion from work-related events or activities	10%
Being unfairly denied flexible work arrangements, other adjustments or access to leave	9%
Sexist remarks directed at you	7%
Unfair threats to your employment security (eg dismissal, termination, loss or non-renewal of your contract)	6%
Pressure to drink alcohol when you did not want to	5%
Racist remarks directed at you	3%
Pressure to hide or deny your sexual orientation and/or gender identity to fit in or be accepted	2%
Displaying offensive materials including images, videos, texts	2%
Physical violence or threats of physical violence	2%
Homophobic remarks directed at you	1%

Statistical significance: for repeated undermining – Women (20%) and Men (14%), for unfair threats to employment security – men (9%) and women (4%), pressure to hide sexual orientation of gender identity – men (3%) and women (1%), homophobic remarks – men (2%) and women (0%), sexist remarks directed at you - women (11%) and Men (3%)

Bullying, discrimination or harassment was most prevalent in Nine workplaces in Victoria (57%), followed by New South Wales/Australian Capital Territory (48%), and Queensland (44%).

The three Divisions with the largest proportion of employees who had experienced bullying, discrimination or harassment in the last five years were Broadcast (57%), Stan (55%) and Radio (49%).[9]

Prevalence of experiencing bullying, discrimination or harassment in the last five years by Division:

Division	Prevalence of experiencing bullying, discrimination or harassment in the past five years
Broadcast	57%
Stan[10]	55%
Radio	49%
Corporate	47%
Publishing	43%
Sales	41%
Digital	38%

The most recent incident of bullying, discrimination or harassment was most likely to occur at a victim's workstation or where they work (35%) followed by in a meeting with two or more attendees (14%). The public nature of these locations is consistent with the survey finding that over two in five (44%) employees had witnessed bullying, discrimination or harassment at Nine. See Section 4.4.1.1 'Witnessing bullying, discrimination or harassment'.

The majority of victims of bullying, discrimination or harassment had experienced this behaviour more than once in the last five years. Women were more likely than men to experience repeated bullying, discrimination or harassment.

A quarter of victims reported experiencing these behaviours for more than 12 months.[11] Women were more likely than men to experience bullying, discrimination or harassment for more than 12 months.

Bullying, discrimination or harassment at Nine was most often perpetrated by a man (66%) who was most commonly a co-worker or peer (44%), or a senior leader (43%).[12] In the majority of cases the perpetrator was acting alone (53%) and was almost always known to the victim (93%).

Men were most likely to report being bullied, discriminated against or harassed by another man (75%), who was most commonly a senior leader (49%). Women were most likely to report being bullied, discriminated against or harassed by a man (59%) who was most commonly a co-worker or peer (46%).

4.2.2.2   Impacts of bullying, discrimination or harassment

The survey asked questions about the impacts of the most recent incident of bullying, discrimination or harassment.

The three most cited negative impacts of bullying, discrimination or harassment were:

- a negative impact on the victim's mental health or a cause of stress (64%)

- a negative impact on the victim's self-esteem and confidence (59%)

- a negative impact on the victim's employment, career or work (42%).

A male [presenter] belittling a female [junior staff member] following a minor slip and he continued to berate this person seemingly enjoying humiliating her and making her even more nervous and insecure.

The two of them caused such a turnover of staff, that I cannot believe they (the real issue) were not dealt with sooner. Instead, [Division] (primarily [Individual 1]) willingly turned a blind eye and swept it all under the rug so that they would face no punishment. It took many mental breakdowns and several accusations of inappropriate contact for the [team] to finally intervene and terminate [Individual 3]. The anguish caused by many is on the hands of [Individual 2] and [Individual 1], directly. I could write a novel with the stories of how they mistreated people and caused irreparable damage to them over the years. It's so well known, then roles reporting directly to them are often hard to fill it's joked about, and everyone in the company knows it.

Conversely, just over one in ten (12%) victims indicated that they experienced no long-term consequences from the most recent incident of bullying, discrimination or harassment.

Victims were also specifically asked about the health and wellbeing consequences of the most recent incident they experienced. Over half of victims indicated that they had experienced anxiety (58%), with over four in ten reporting a loss of self-esteem (43%). Other commonly reported health and wellbeing consequences included burnout (35%), sleeplessness (32%) and depression (26%).

4.2.3   Sexual harassment

Sexual harassment

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which, in the circumstances, a reasonable person, aware of those circumstances, would anticipate the possibility that the person would feel offended, humiliated or intimidated. When it occurs in a work-related context it is unlawful.

Behaviours that can constitute sexual harassment are varied and can often be labelled as 'joking' or 'banter'. Examples of sexual harassment include unwelcome touching; staring or leering; suggestive comments or jokes; sexually explicit pictures or posters; unwanted invitations to go out on dates; requests for sex; intrusive questions about a person's private life or body; unnecessary familiarity (such as deliberately brushing up against a person); insults or taunts based on sex; sexually explicit physical contact; and sexually explicit emails or text messages.

4.2.3.1   Experiences of sexual harassment

Sexual harassment was the **third most prevalent** form of inappropriate workplace behaviour experienced by Nine employees, with almost a quarter (24%) experiencing sexual harassment in the last five years.

Notably, national data from 2022 has shown that the information, media and telecommunications industry has the highest industry-wide prevalence of workplace sexual harassment in Australia.[13] The prevalence of sexual harassment at Nine is lower than both the industry average (64%) and the national average across all industries (33%).[14]

As with other inappropriate workplace behaviours experienced by Nine employees, women experienced sexual harassment at significantly greater rates. More than twice as many women (35%) than men (15%) experienced sexual harassment in the last five years.

Victims who had experienced sexual harassment in the last five years were most likely to have experienced the most recent incident of behaviour in 2023 (38%) or 2022 (35%).

A much smaller proportion experienced sexual harassment in 2024 (13%). While several factors may underlie this smaller proportion of victims reporting sexual harassment in this current year (noting it is only a partial year that is being reported on), it is possible that steps taken in response to the events which prompted the Review, such as the increased public attention and scrutiny in relation to the issue, may have had an impact on this. However, although issues of sexual harassment may have been the catalyst for the Review, as the survey data shows, abuse of power or authority, and bullying, discrimination or harassment are more prevalent behaviours at Nine. As one employee observed:
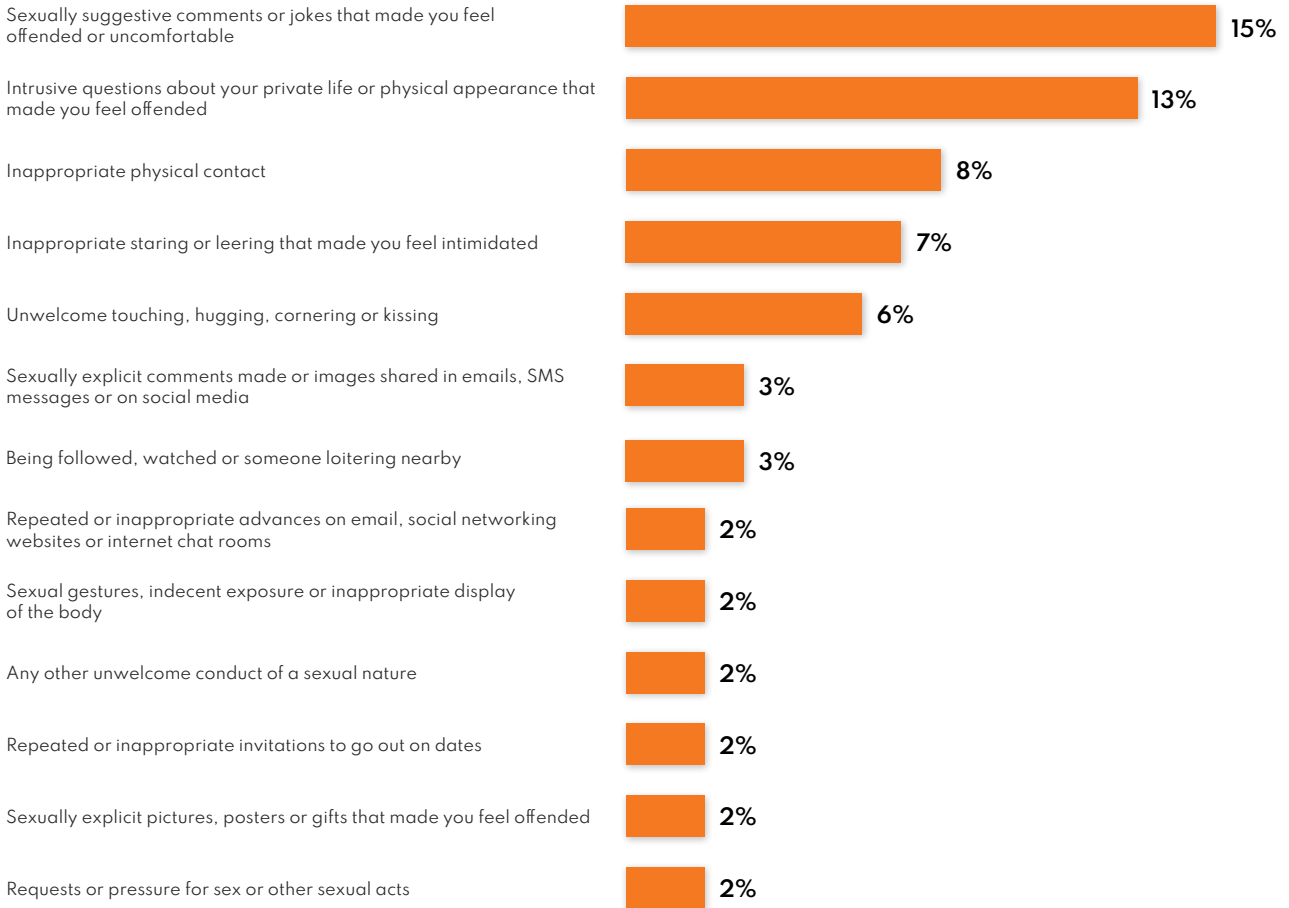
> *The sexual harassers have been knocked out and the bullies have come out.*

The three most cited types of sexual harassment experienced by Nine employees were:

- sexually suggestive comments or jokes (15%)

- intrusive questions about their private life or physical appearance (13%)

- inappropriate physical contact (8%).

Prevalence of sexual harassment

Question: At a Nine workplace or a work-related event, have you ever experienced any of the following behaviours in a way that was unwelcome in the last 5 years?

Behaviour	%
Sexually suggestive comments or jokes that made you feel offended or uncomfortable	15%
Intrusive questions about your private life or physical appearance that made you feel offended	13%
Inappropriate physical contact	8%
Inappropriate staring or leering that made you feel intimidated	7%
Unwelcome touching, hugging, cornering or kissing	6%
Sexually explicit comments made or images shared in emails, SMS messages or on social media	3%
Being followed, watched or someone loitering nearby	3%
Repeated or inappropriate advances on email, social networking websites or internet chat rooms	2%
Sexual gestures, indecent exposure or inappropriate display of the body	2%
Any other unwelcome conduct of a sexual nature	2%
Repeated or inappropriate invitations to go out on dates	2%
Sexually explicit pictures, posters or gifts that made you feel offended	2%
Requests or pressure for sex or other sexual acts	2%

Statistical significance: sexually suggestive comments or jokes (women: 23%, men: 8%), intrusive questions about their private life or physical appearance (women: 18%, men: 8%), inappropriate physical contact (women: 12%, men: 3%), inappropriate staring or leering (women: 11%, men: 3%) , unwelcome touching, hugging ,cornering or kissing (women: 10%, men: 2%) , being followed, watched or someone loitering nearby (women: 5%, men: 1%) , repeated or inappropriate invitations to go out on dates (women: 3%, men: 0%) , repeated or inappropriate advances on email, social networking websites or internet chat rooms (women: 3%, men: 1%).

Sexual harassment was most prevalent in Nine workplaces in Queensland (32%), followed by Western Australia/Northern Territory (31%), Victoria (24%), and New South Wales/Australian Capital Territory (23%).

The three Divisions with the largest proportion of employees who experienced sexual harassment in the last five years were Stan (32%), Broadcast (30%) and Radio (29%).[15]

Prevalence of experiencing sexual harassment in the last five years by Division:

Division	Prevalence of experiencing sexual harassment in the last five years
Stan[16]	32%
Broadcast	30%
Radio	29%
Publishing	20%
Sales	19%
Corporate	18%
Digital	18%

Almost half (45%) of women between the ages of 25–34 reported experiencing sexual harassment, compared to one in six (16%) men of the same ages. This is a much greater gender-based difference when compared to bullying, discrimination or harassment, where women between the ages of 25–34 (54%) reported similar rates to men of the same ages (50%).

The most recent incident of sexual harassment was most likely to occur at a victim's desk or where they work (36%), at a work social event (such as after-work drinks or a function) (32%), or in a social area for employees (such as a break or lunch room) (19%).
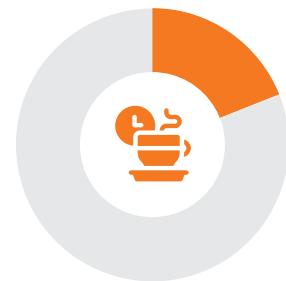
The most recent incident of sexual harassment was most likely to occur:
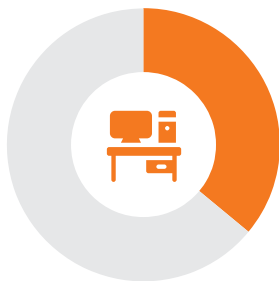
36%
at a victim's desk
or where they work

32%
at a work social event (such as
after-work drinks or a function)

19%
in a social area for employees
(such as a break or lunch room)

Over a third of victims (36%) reported that the most recent incident of sexual harassment they experienced was observed by an average number of 21 bystanders, indicating that these incidents occur out in the open. In contrast, less than one in ten (9%) employees reported directly observing sexual harassment themselves. This suggests a lack of understanding about the range of behaviours that constitute sexual harassment, and potentially speaks to a tolerance for, or the normalisation of, some of these behaviours.

21 people
on average observed an incident of sexual harassment

Victims said that most of these bystanders were their co-workers or peers (87%). Concerningly, more than three in four victims (77%) reported that none of the bystanders intervened during the incident.

For many Nine employees who experienced sexual harassment, it appears to have been repeated behaviour, with some experiencing the behaviour over a long period of time. One in two victims who had experienced sexual harassment in the last five years indicated it was a recurring behaviour, and this was similar for both women and men.

Approximately a quarter of victims had experienced the sexual harassment behaviour for a period of more than two years, with a higher proportion of men than women experiencing the behaviour for this period of time.[17]

Sexual harassment at Nine was most often perpetrated by a man (75%), who was most commonly a co-worker or peer (50%).[18] However, almost a quarter of victims reported that the perpetrator was a senior leader at Nine (23%). In the majority of cases, the perpetrator was acting alone (74%).

Sexual harassment was most commonly perpetrated by:

50%
a co-worker or peer

23%
a senior leader

Higher proportions of men (38%) than women (8%) reported that the perpetrator was a woman, and that the perpetrator was a co-worker or peer (men: 57%, women: 47%). However, a higher proportion of women (25%) than men (20%) reported that the perpetrator was a senior leader.

4.2.3.2   Impacts of sexual harassment

The survey asked questions about the impacts of the most recent incident of sexual harassment.

Over a third of victims (35%) said they experienced no long-term consequences from the most recent incident of sexual harassment. The three most cited negative impacts of sexual harassment were:

- a negative impact on the victim's mental health or a cause of stress (34%)

- a negative impact on the victim's self-esteem and confidence (28%)

- a negative impact on the victim's employment, career or work (19%).

Victims were also specifically asked about the health and wellbeing consequences of the most recent incident they experienced. Over a quarter indicated that they had experienced anxiety (26%), with just over one in six reporting a loss of self-esteem (16%) and just over one in ten reporting sleeplessness (12%) or burnout (12%).

4.2.4   Reporting inappropriate workplace behaviours

4.2.4.1   Experiences of reporting

The rates of reporting inappropriate workplace behaviours at Nine are very low, with less than one in six (15%) victims indicating that they reported the most recent incident of bullying, discrimination or harassment, and less than one in ten (7%) reporting the most recent incident of sexual harassment. This reporting rate for sexual harassment at Nine is significantly lower than the national average of 18%,[19] indicating a lack of trust in reporting mechanisms as identified in Section 3.1.4.

Women were slightly more likely to report the most recent incident of inappropriate workplace behaviour when compared to men:

- for bullying, discrimination or harassment 15% of women reported compared to 14% of men

- for sexual harassment 8% of women reported compared to 6% of men.

Due to low base numbers of individuals who indicated they had reported an incident of sexual harassment, it is not possible to provide further information on the reporting experiences. The information that follows relates to reporting on bullying, discrimination or harassment only.

Victims of bullying, discrimination or harassment were most likely to report their experience to their direct manager or supervisor (63%), followed by a senior leader (48%), and then a representative in People and Culture (44%). Half of those who reported the most recent incident (50%) reported it on the day it occurred or the next working day. Half (50%) of those who had reported the most recent incident of bullying, discrimination or harassment also indicated that their complaint had been finalised.

The three most cited outcomes of reporting for the **victim** were:

- the bullying, discrimination or harassment stopped (25%)

- there were some other consequences (25%)

- they were labelled a trouble maker (24%).

The three most cited outcomes of reporting for the **perpetrator** were:

- they were informally spoken to (23%)

- there were no consequences (22%)

- they apologised (17%).

Approximately one in six (16%) victims who reported the most recent incident indicated that Nine would not tell them what the outcome for the perpetrator was.

When asked about actions taken by Nine as an organisation following their complaint, over half of victims (55%) indicated that there were no changes, and a third said that they didn't know (30%).

Best practice trauma-informed complaint handling practice requires that victims are kept informed of the status of their complaint and that outcomes are communicated following resolution.

Satisfaction rates with the complaint process varied. Almost four in ten (38%) victims who had made a complaint said that they were satisfied or extremely satisfied with the complaint process. However, a similar proportion (39%) indicated that they were not at all satisfied, or not satisfied, with the process.

4.2.4.2 Barriers to reporting

Nine employees who had experienced inappropriate workplace behaviour and had not reported the most recent incident were asked about their reasons for not reporting.

The three most cited reasons provided by victims for not reporting bullying, discrimination or harassment were:

- fearing negative consequences as a result of making a report (37%)

- thinking that other people would think they were over-reacting (35%)

- not thinking it was serious enough (30%).

This fear of negative consequences for making a report, or victimisation, is a significant barrier to a safe reporting culture. Further, it is noted that victimisation on the basis of a complaint is unlawful.

Women (39%) were more likely than men (34%) to indicate that they did not report the most recent incident of bullying, discrimination or harassment because they feared negative consequences as a result of making a report. Women (39%) were also more likely than men (32%) to indicate that they did not report because they thought other people would think they were over-reacting. Similarly, more women (33%) than men (27%) did not report because they did not think the incident was serious enough.

Men (28%) were more likely than women (26%) to indicate that they did not report the most recent incident of bullying, discrimination or harassment because they feared for their career aspirations.

The three most cited reasons provided by victims for not reporting sexual harassment were the same as for bullying, discrimination or harassment, but in a different order:

- not thinking it was serious enough (49%)

- thinking that other people would think they were over-reacting (34%)

- fearing negative consequences as a result of making a report (25%).

Women (52%) were more likely than men (45%) to indicate that they did not report the most recent incident of sexual harassment because they did not think it was serious enough. Women (36%) were also more likely than men to not report because they thought other people would think that they were over-reacting (30%).

The concern that people would think victims were over-reacting or that the incident was not serious enough is indicative of a culture where there is a high tolerance for inappropriate behaviours, and that these behaviours are normalised in the workplace.

In contrast, men were more likely than women to indicate that they had not reported the most recent incident of sexual harassment because:

- they feared negative consequences as a result of making a complaint (men: 27%, women: 24%)

- they had concerns about the confidentiality of the complaint process (men: 27%, women: 14%)

- they thought the complaint process would be embarrassing or difficult (men: 17%, women: 11%).

4.3　Drivers and risk factors contributing to inappropriate workplace behaviours
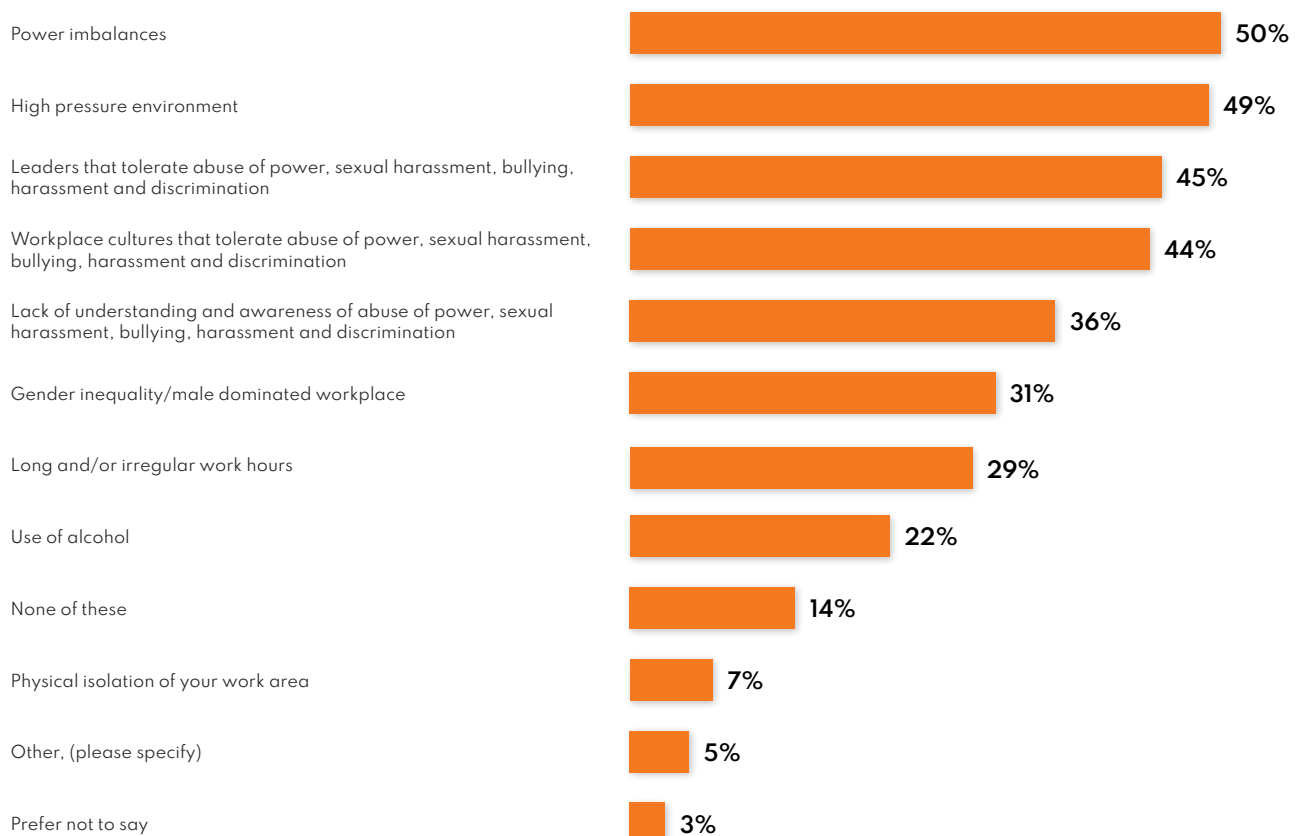
An analysis of the survey results suggests that the drivers and risks identified in the Broadcast Division (see section 3.2 above) are applicable across Nine Entertainment.

Nine employees were asked which factors contribute to an increased risk of inappropriate workplace behaviours in their workplace. Half (50%) identified power imbalances, almost half (49%) identified the high-pressure environment, and just under half identified leaders (45%) and workplace cultures (44%) that tolerate inappropriate workplace behaviours.

Women (48%) were more likely to identify leaders and cultures that tolerate inappropriate workplace behaviours as a risk factor when compared to men (40%). Employees from the Stan (52%), Digital (50%), Broadcast (46%) and Radio (46%) Divisions were more likely to identify this risk factor than Nine employees overall (44%).[20]

Risk factors that increase the likelihood of inappropriate workplace behaviour

Question: A number of factors may increase the risk of inappropriate behaviour in the workplace. In your opinion, which of the following factors apply to your workplace that may contribute to this risk?

Risk factor	
Power imbalances	50%
High pressure environment	49%
Leaders that tolerate abuse of power, sexual harassment, bullying, harassment and discrimination	45%
Workplace cultures that tolerate abuse of power, sexual harassment, bullying, harassment and discrimination	44%
Lack of understanding and awareness of abuse of power, sexual harassment, bullying, harassment and discrimination	36%
Gender inequality/male dominated workplace	31%
Long and/or irregular work hours	29%
Use of alcohol	22%
None of these	14%
Physical isolation of your work area	7%
Other, (please specify)	5%
Prefer not to say	3%

Statistical significance: Nil specified.

The nature of a high-pressure competitive industry was identified as a risk factor for inappropriate workplace behaviours across Nine. Employees from the Radio (55%), Broadcast (53%) and Digital (52%) Divisions were more likely to identify this risk factor than Nine employees overall (49%).

The risk factors identified in the survey by Nine employees are largely consistent with the drivers and risk factors identified in the Broadcast Division.

Survey results indicate that there is a heightened risk of inappropriate workplace behaviours occurring in the Stan and Radio Divisions.

4.4 Witnessing, support and policies

4.4.1 Witnessing inappropriate behaviours

4.4.1.1 Witnessing bullying, discrimination or harassment

Witnessing bullying, discrimination or harassment in the last five years:

2 in 5
reported witnessing bullying, discrimination or harassment

26%
of bystanders reported that they directly observed the bullying, discrimination or harassment

30%
heard about it directly from the victim

1 in 4
heard about it from people other than the victim

58%
of employees who witnessed bullying, discrimination or harassment did not take any action

More than two in five (44%) Nine employees reported witnessing bullying, discrimination or harassment in Nine workplaces in the last five years.

About one in four (26%) bystanders reported that they directly observed the bullying, discrimination or harassment; just under one third (30%) heard about it directly from the victim; and one quarter (25%) heard about it from people other than the victim.

Employees in the Stan (62%), Radio (60%) and Broadcast (52%) Divisions were most likely to have been bystanders to bullying, discrimination or harassment.[21] These Divisions also reported the highest prevalence of bullying, discrimination or harassment.

Rate of witnessing bullying, discrimination or harassment in the last five years compared to prevalence by Division:

Organisation/Division	Rate of witnessing bullying, discrimination or harassment in the last five years	Prevalence of experiencing bullying, discrimination or harassment in the last five years
Nine overall	44%	49%
Stan[22]	62%	55%
Radio	60%	49%
Broadcast	52%	57%
Corporate	47%	47%
Publishing	37%	43%
Digital	32%	38%
Sales	26%	41%

In some Divisions (Stan and Radio), there was a higher prevalence of witnessing than experiencing bullying, discrimination or harassment.[23] This suggests that, in these Divisions in particular, much of the bullying, discrimination or harassment occurs 'out in the open' and is either directly observed by, or disclosed to, other Nine employees.

Women (46%) and men (43%) witnessed bullying, discrimination or harassment at similar rates. Women (33%) were slightly more likely to hear about this behaviour directly from the victim when compared to men (28%).

Almost one third (30%) of Nine employees who reported witnessing bullying, discrimination or harassment said they took some kind of action in response – that is, they were active bystanders. The most common action taken is noted in the table below.

Prevalence of most common forms of bystander action:

| Bystander action	Prevalence
Talk with or listen to the victim	75%
Offered advice or help to the victim	57%
Reported the bullying, discrimination or harassment	48%
Spoke with the person/people engaging in the behaviour	36%

Most active bystanders reported not experiencing any consequences as a result of taking action (53%). Just over one in ten (12%) said the bullying, discrimination or harassment stopped and just under one in ten (9%) received positive feedback for making a complaint. However, a small number did report facing negative consequences including: being labelled a trouble maker; being ostracised, victimised or ignored; and being denied workplace opportunities, such as training and promotion.

The majority of employees who witnessed bullying, discrimination or harassment (58%) did not take any action.

Bystanders most commonly reported not taking action out of a fear of negative consequences for the victim (45%) or themselves (28%). However, a number also reported not taking action for reasons relating to being unsure of what to do, being hesitant to respond or questioning whether intervention was appropriate. This suggests that some upskilling of employees is needed to ensure that they recognise bullying, discrimination or harassment when it occurs, and are provided with the necessary information and skills to know how they can respond to it.

4.4.1.2   Witnessing sexual harassment

Witnessing sexual harassment in the last five years:

1 in 3
reported witnessing sexual harassment

9%
said they had directly observed sexual harassment themselves
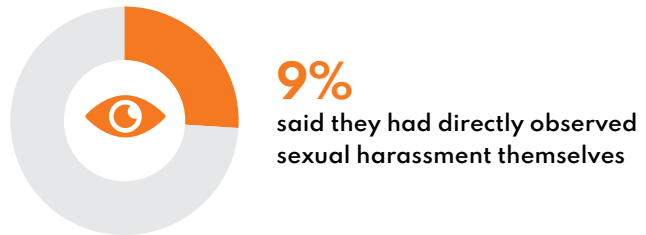
14%
said they heard about it from a person who was sexually harassed

1 in 5
said they heard about it from people other than the person who was sexually harassed

77%
of bystanders **did not intervene** in the last incident of sexual harassment that they observed

Almost one in three (30%) Nine employees reported witnessing sexual harassment in the last five years.

Bystanders reported that they were more likely to hear about incidents than to observe them directly. Almost one in ten (9%) employees said they had directly observed sexual harassment themselves; one in seven (14%) said they heard about it from a person who was sexually harassed; and, one in five (20%) said they heard about it from people other than the person who was sexually harassed.

Employees in the Stan (45%), Broadcast (37%), and Radio (36%) Divisions were most likely to have been bystanders to sexual harassment.[24] Employees in these Divisions also reported the highest prevalence of sexual harassment.

Rate of witnessing sexual harassment in the last five years compared to prevalence by Division:

Organisation/Division	Rate of witnessing sexual harassment in the last five years	Prevalence of experiencing sexual harassment in the last five years
Nine overall	30%	24%
Stan[25]	45%	32%
Broadcast	37%	30%
Radio	36%	29%
Sales	27%	19%
Corporate	23%	18%
Digital	23%	18%
Publishing	22%	20%

In every Division, there was a higher rate of witnessing rather than experiencing sexual harassment. This aligns with victims' reports that many incidents of sexual harassment were witnessed by multiple people.

Women (32%) and men (28%) witnessed sexual harassment at similar rates. However, women (18%) were more likely to hear about sexual harassment directly from the victim, when compared to men (11%), suggesting that victims of sexual harassment at Nine are more comfortable disclosing their experiences to women rather than men.

Only one in six (16%) bystanders took action in response to witnessing sexual harassment. Due to low base numbers it is not possible to report on the nature of the action taken by active bystanders to sexual harassment.

Most commonly, Nine employees reported not taking action out of fear of negative consequences for the victim (27%). Other reasons for not taking action include:

Reasons reported for not taking action after witnessing sexual harassment:

Reason for not taking action	Prevalence
I did not want to make things worse for the person being sexually harassed	27%
I was worried about the negative impact that taking action might have on me	20%
I did not want to get involved	20%
I did not know what to do	12%
I was not sure it was actually harassment	10%
I did not think it was my responsibility	10%

The survey asked Nine employees what occurred as a result of their taking action. The number of employees who responded to this question is small, so it is not possible to draw any conclusions. The data suggests that most employees did not experience consequences as a result of taking bystander action.

However, a small number of employees did report being labelled a trouble maker, being transferred or having their shifts changed.

4.4.2 Seeking support

4.4.2.1 Experiences of seeking support

Just under one third (30%) of victims reported that they sought support or advice following the most recent incident of bullying, discrimination or harassment. Women (34%) sought support or advice at higher rates than men (24%).

Only just over one in ten (12%) victims reported seeking support or advice following the most recent incident of sexual harassment. Women (12%) and men (11%) sought support or advice at similar rates.

Victims of bullying, discrimination or harassment were most likely to seek support or advice from:

- friends or family (64%)

- a co-worker or peer at the same level (43%)

- their direct manager or supervisor at work (29%).

Due to low base numbers it is not possible to report on where victims of sexual harassment sought support or advice.

There were differences observed in relation to where men and women sought support and advice following the most recent incident of bullying, discrimination or harassment. Women (69%) were more likely than men (54%) to seek support from friends or family. Men (33%) were more likely than women (17%) to seek support or advice from a counsellor or psychologist. Men (14%) were also more likely than women (5%) to seek support or advice from a lawyer or legal service.

4.4.2.2 Barriers to seeking support

Over four in five (81%) victims of sexual harassment and almost two in three (61%) victims of bullying, discrimination or harassment did not seek support after the most recent incident.

The three most cited reasons for not seeking support or advice following the most recent incident of bullying, discrimination or harassment were:

- thinking it would not change things or that nothing would be done (47%)

- it was easier to keep quiet (38%)

- fearing negative consequences for themselves (32%).

Women (35%) were more likely than men (28%) to fear negative consequences.

There were gendered differences in relation to the three most cited reasons for not seeking support or advice following the most recent incident of sexual harassment:

- 47% said they didn't think it was serious enough (men: 34%, women: 56%)

- 32% said was easier to keep quiet (men: 35%, women: 30%)

- 31% said they thought people would think they were over-reacting (men: 20%, women: 37%).

4.4.3   Policies, procedures and training

4.4.3.1   Policies, procedures and information

The majority of Nine employees were aware of the organisation's policies and procedures in relation to bullying, discrimination and harassment, and sexual harassment.

Almost three quarters (74%) of employees indicated that they knew about Nine's procedures for reporting or making a complaint about bullying, discrimination or harassment. Almost seven in ten (67%) indicated that they knew about a written bullying, discrimination or harassment policy.

Over three quarters of employees indicated that they knew about Nine's procedures for reporting or making a complaint about sexual harassment (77%). Almost seven in ten (67%) employees indicated that they knew about a written sexual harassment policy.

These high awareness rates of relevant behavioural policies and procedures are positive, however, they are in stark contrast with the prevalence of inappropriate workplace behaviours and uptake of reporting mechanisms at Nine as reported above (see Section 4.2).

Of Nine employees who indicated that they knew about the organisation's policies or procedures:

- almost eight in ten (79%) knew where to find the documents related to bullying, discrimination and harassment

- almost three quarters (74%) knew where to find the documents related to sexual harassment.

This high awareness of where to locate the relevant policies and procedures is also a positive result.

When asked where they would seek information about bullying, discrimination or harassment, the three most cited responses from Nine employees were:

- their direct manager or supervisor at work (41%)

- the People and Culture Manager or equivalent (37%)

- friends or family (29%).

When asked the same question in relation to sexual harassment the three most cited responses from Nine employees were:

- their direct manager or supervisor at work (42%)

- Nine staff intranet (37%)

- the People and Culture Manager or equivalent (34%).

Given that most employees are most likely to seek information from their direct manager or supervisor in relation to all inappropriate workplace behaviour, ensuring this cohort of the workforce is sufficiently skilled to effectively respond in a timely manner will be important.

4.4.3.2 Training

Almost all Nine employees reported receiving training on bullying, discrimination and harassment (95%), and sexual harassment (96%) while working at the organisation. The most common mode of training delivery was via an eLearning module with:

- 96% indicating this is how they received training in relation to bullying, discrimination and harassment

- 94% reporting this is how they received training in relation to sexual harassment.

The majority of employees who had received training indicated that the training was delivered at least once a year for bullying, discrimination and harassment (63%) and sexual harassment (55%).

Almost half of employees (46%) reported attending the most recent training session on bullying, discrimination and harassment in the previous three months. Almost three quarters of employees (74%) reported attending the most recent training session on sexual harassment in the last three months, including over half of employees (52%) who reported attending a session in the previous month. We understand that that this reflects a recent rollout of targeted training in response to the events which prompted the Review.

The majority of employees who received training found the training provided on:

- bullying, discrimination and harassment useful or extremely useful (53%)

- sexual harassment useful or extremely useful (53%).

However, almost one in five employees described the training as 'not useful' or 'not at all useful' with:

- 18% reporting this in relation to bullying, discrimination and harassment

- 19% reporting this in relation to sexual harassment.

Conclusion

5.0   Conclusion

This Review represents an important step for Nine on its path to cultural reform. It has revealed concerning levels of inappropriate workplace behaviour across the organisation.

The Review has found that abuse of power or authority is the most prevalent form of inappropriate workplace behaviour, with over half (52%) of Nine employees reporting that they had experienced or witnessed this. This was closely followed by experiences of bullying, discrimination or harassment (49%) and sexual harassment (24%). The workplace experience at Nine is also gendered. Women experienced all forms of inappropriate workplace behaviours at higher rates than men. Approximately one in six (16%) employees reported experiencing all three forms of inappropriate workplace behaviour.

In addition to the prevalence rates of these inappropriate workplace behaviours, Intersection was told that the usual 'checks and balances' to prevent and address these behaviours are either not in place or are not working well.

These findings speak to the need for Nine to focus on getting the basics right in this reform process. The recommendations outline a framework for action for Nine beginning with foundational improvements and moving towards a best practice approach to creating a safe, respectful and inclusive workplace culture.

Recommendations 16 and 22 specifically provide for Nine to monitor the issues raised in this Review – through a formal risk assessment process and a future benchmarking prevalence survey. These two recommendations speak to the fact that cultural reform is an exercise in continuous improvement and cannot be treated as 'set and forget.' It is important that Nine's Board and senior leaders continue to evaluate the reform process and recognise that the Review reflects a point in time in the organisation.

As Nine implements these recommendations it should keep its people front of mind and seek their input. The high response rate to the survey, and high participation rate in interviews for Broadcast employees, indicate the commitment its employees have to improving Nine as a workplace both for themselves and their colleagues – a sentiment that was shared with Intersection. This commitment provides an important foundation from which Nine can reset its culture and rebuild trust with its employees.

Endnotes

1   Due to a smaller sample size all results reported for Stan should be treated as indicative only.

2   Australian Human Rights Commission, _Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984_ (Cth) (2023).

3   Both employers and a person conducting a business or undertaking must comply with the positive duty.

4   Sex Discrimination Act 1984 (Cth) s 47C; Model Work Health and Safety Regulations, Division 11 (as implemented and adapted in Australian jurisdictions); Model Code of Practice: Managing psychosocial hazards at work (as implemented and adapted in Australian jurisdictions); Code of Practice: Sexual and gender-based harassment (as implemented and adapted in Australian jurisdictions). See also recent amendments to the _Fair Work Act 2009_ (Cth) in relation to casual conversion and the right to disconnect.

5   _Sex Discrimination Act 1984_ (Cth) s 47C.

6   The numbers in this table are rounded.

7   Questions in relation to abuse of power or authority asked employees if they had experienced or witnessed these behaviours.

8   Due to the smaller sample size the results for Stan are indicative only.

9   Due to the smaller sample size the results for Stan are indicative only.

10 Due to the smaller sample size the results for Stan are indicative only.

11 Reported in relation to the most recent experience of bullying, discrimination or harassment.

12 Reported in relation to the most recent experience of bullying, discrimination or harassment.

13 Rates reflect experiences in the five years prior to the national survey. See Australian Human Rights Commission, _Time for respect: Fifth national survey on sexual harassment in Australian workplaces_ (2022) 115.

14 Australian Human Rights Commission, _Time for respect: Fifth national survey on sexual harassment in Australian workplaces_ (2022) 12, 111.

15 Due to the smaller sample size the results for Stan are indicative only.

16 Due to the smaller sample size the results for Stan are indicative only.

17 Reported in relation to the most recent incident of sexual harassment.

18 Reported in relation to the most recent incident of sexual harassment.

19 Australian Human Rights Commission, _Time for respect: Fifth national survey on sexual harassment in Australian workplaces_ (2022) 15.

20 Due to the smaller sample size the results for Stan are indicative only.

21 Due to the smaller sample size the results for Stan are indicative only.

22 Due to the smaller sample size the results for Stan are indicative only.

23 Due to the smaller sample size the results for Stan are indicative only.

24 Due to the smaller sample size the results for Stan are indicative only.

25 Due to the smaller sample size the results for Stan are indicative only.

About Intersection

Intersection Pty Ltd is a boutique consulting firm that focuses on supporting Boards, leaders and organisations to foster safe, respectful and inclusive workplace cultures. Our team of social policy and legal professionals has deep expertise in gender equality, intersectionality, discrimination, human rights and workplace culture reform.

The team at Intersection led and authored the ground-breaking Respect@Work National Inquiry into Sexual Harassment in Australian Workplaces which:

- recommended the introduction of the positive duty to prevent sexual harassment and other related behaviours

- developed the prevention framework which underpins the seven positive duty standards that all employers must comply with, and which aligns with workplace health and safety obligations to eliminate risks to psychosocial safety.

Intersection has a range of offerings to support Boards, leaders and organisations to create safe, respectful and inclusive workplace cultures including:

- independent workplace culture reviews

- advisory services focused on the development of systems and structures, including risk assessments, to promote a positive workplace culture

- Respect@Work Masterclasses

- targeted training, both face-to-face and online.

Our training offerings use leading practice principles of adult learning. Training is available on a range of topics including how to:

- build leadership capability to prevent and respond to inappropriate workplace behaviours

- conduct trauma-informed and person-centred workplace investigations

- equip individuals to be active bystanders.
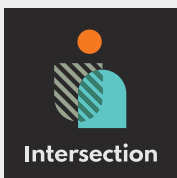
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