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## Australian agencies must declare harassment policies and use of gag orders in RFPs



By Danielle Long | Acting APAC Editor

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Australian agencies will be required to complete a statutory declaration of their status and processes regarding workplace bullying, harassment and assault when pitching for new business.



The Creative Collective's campaign against sexual harassment in ad land

The move has been introduced by leading pitch consultancy Trinity P3 to provide protection for businesses and brands, as well as initiate action on the issues.

From this week any agency pitching for new business through Trinity P3 will be required to; define their status in regard to complaints of workplace bullying, harassment and assault; detail their use of Deeds of Confidentiality and other legal instruments potentially gagging victims and others from reporting such workplace behaviours; and; provide warrants on policies and processes regarding meeting agency obligations as employers in ensuring the safety of their employees and contractors.

While signing the statutory declaration is not mandatory, an agency's compliance or non-compliance will be shared with the client as part of their due diligence.

It comes as DE&I benchmarks and initiatives are being increasingly added to agency KPIs, along with net-zero targets as brands push for suppliers' to match business values.

Trinity P3 CEO Darren Woolley told The Drum the move was an "imperfect solution", but the consultancy was "taking a stand on behalf of our clients".

"Most [brands] don't think about it because they like to assume it's being looked after. The trouble is we've recently had a number of very high-profile events and these things can leave brands exposed."

Woolley said the combination of social media and "cancel culture" could leave brands exposed and this move was in the best interest of the marketers in order to provide a level of protection for brands.

"Over the past 12 months, all of us have heard the wave of stories where particularly female employees have been targeted, bullied, and in some instances assaulted. It has felt like Australian adland might suddenly have its "me too" moment. But then the strictures of our defamation laws worked to ensure nothing happened and the moment faded."

"It became clear that industry-worst-practice had in part, enabled gagging the victims with Deeds of Confidentiality and other legal instruments, leaving them continually victimized, while protecting the perpetrators and their enablers.

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"TrinityP3 has a key role in advising our clients on the agencies they choose to work with. We are trusted to provide insights and knowledge in recommending the best fit agencies for their needs. But there is also a requirement that we inform them of the possible risks and challenges that come with that selection process," said Woolley in a statement.

"If what we are doing helps move forward the solutions, the changes and the transformations that we need then great. And if there is a point in the future when we can stop doing it because the industry has got the mechanism for ensuring this then even better, but until then we're going to keep doing it," said Woolley.

Trinity P3 had approached industry bodies in a bid to create a broad industry solution, however, the proposal was not adopted.

"This was not our first choice. Our first choice was for the industry to develop a way to solve this and we put a proposal to them. However, when that did not happen, our choices were to do nothing or come up with a better solution," said Woolley.

"We're not saying it is perfect, but it is the only thing we found that could possibly work. The impact we want is the industry to step up and come up with a solution."

The move has received mixed responses from agencies and industry bodies.

Sophie Madden, CEO of The Media Federation of Australia (MFA), said the body was open-minded on solutions.

"The safety of industry employees has always been, and continues to be very important to our board and members, and we welcome any initiative that increases accountability and supports safe and respectful workplaces. The MFA will continue its ongoing work on formulating appropriate industry support services for our membership - including guidance, training, minimum standards and policy advice - in addition to the Employee Assistance Programs (EAPs) many of our members already have in place.

"We remain open-minded on initiative suggestions, and we are assessing P3's proposal. We believe consultation and a considered, whole-of-industry approach that includes clients and media owners is the best way forward," said Madden.

The Advertising Council Australia pointed to its DE&I initiative Create Space, which will next week release actions to address issues of inequality, exclusion, and underrepresentation, including creating safer workplaces.

"We recognise that over the past few years there has been considerable media coverage on the significant impact that sexual harassment, bullying and assault have on individuals, their friends, families and communities.

"While this behaviour can occur in any industry and many of our members have strong frameworks and processes in place to ensure the safety and wellbeing of their staff, ACA recognises the need to not only lead by example but support the industry to do better every day."

"While [The Create Space] action plan is designed to support all marginalised groups, the first urgent call to action is to ensure that work is a safe space for female talent and those identifying as female, as a variety of everyday demeaning behaviours, or microaggressions, are undermining their long-term retention and progression into senior leadership.

"Critically, the only thing that will prevent sexual harassment and bullying is an industry culture that simply does not tolerate it. To accelerate this shift in standards and behaviour, we need long-term, multifaceted strategies grounded in data and which engage agency leadership, middle management, clients and the broader advertising ecosystem."

The initiative, which came into effect on Monday 4 July, is already in action in several active pitches. It is currently only in operation in Australia.

It has been praised by influential industry figures such as Cindy Gallop, as well as industry leaders from Leo Burnett CEO Emma Montgomery, Ogilvy Australia CEO Sally Kissane, Thinkerbell CEO Margie Reid, Brent and PWC's CMO Advisory Director Dan Robins, among a host of others. However, several agencies declined to comment to The Drum.

Dan Beaumont, managing partner at The Royals, welcomed the move. "The Royals wholeheartedly support this move from Trinity P3 and we will be signing that declaration every time we're shortlisted for a pitch with them.

We would also encourage all clients to participate in this initiative to increase the rate of change on this issue and ultimately stamp out any kind of bullying, harassment or assault in the workplace or at home.”

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