



Victorian Equal Opportunity
& Human Rights Commission

Sexual Harassment in The Workplace

**Presentation to the MAV PVAW
Networking Meeting
20 June 2018**

The Victorian Equal Opportunity and Human Rights Commission acknowledges Aboriginal and Torres Strait Islander peoples as First Australians and recognise their culture, history, diversity and deep connection to the land.

Artwork by Joanne Dwyer and Laura Thompson

This artwork symbolises equal opportunity in a natural form.



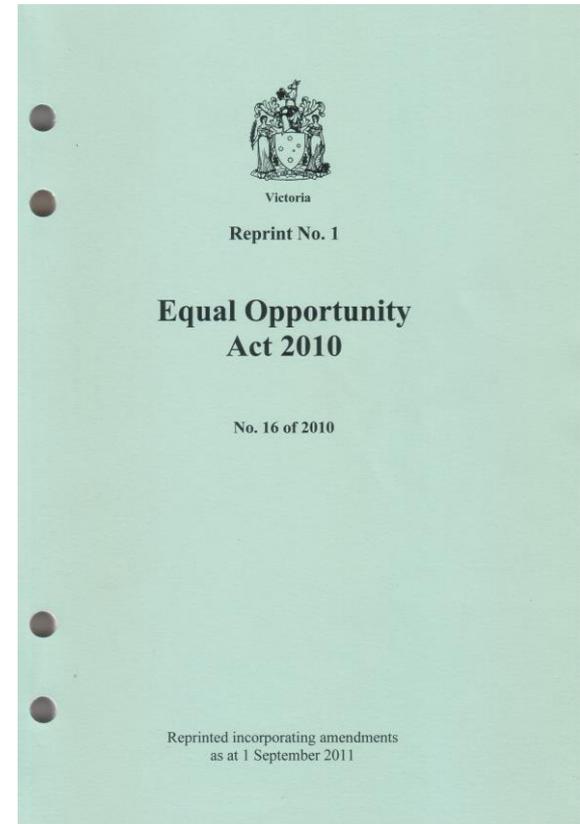
Overview

- **Current state**
 - Key trends and indicators in Victoria
 - Definitions
 - Drivers
- **Strategies**
 - Strategies for to prevent sexual harassment in the workplace and response
- **Current work by the Commission**
 - Conversation starter project

Sexual harassment

- an **unwelcome** sexual advance
- an **unwelcome** request for sexual favours
- any other **unwelcome** conduct of a sexual nature

which a reasonable person having regard to all the circumstances would anticipate that the other person would be offended, humiliated or intimidated.



Our services and functions

- A free information and enquiry service on discrimination, victimisation, sexual harassment, racial or religious vilification, equal opportunity and the Charter.
- A free, fair and timely dispute resolution service for people who may have experienced discrimination, sexual harassment, vilification or victimisation
- Online information
- Education, training and consultancy services

Current indicators and trends in Victoria

Enquiries increasing

Period	Enquiries raising sexual harassment
12 months July 2017 – June 2017	371
12 months July 2017 – May 2018	371

Complaints increasing

Period	Overall number of sexual harassment complaints	Sexual harassment in employment complaints
July 2013 - June 2017	678	
July 2016 - June 2017	131	116
12 months July 2017 – May 2018	131	121

Who is reporting?

2016/17

75 complainants alleging sexual harassment – 56 female and 19 male

65 complainants alleged sexual harassment in employment – 46 female and 19 male

2017/18

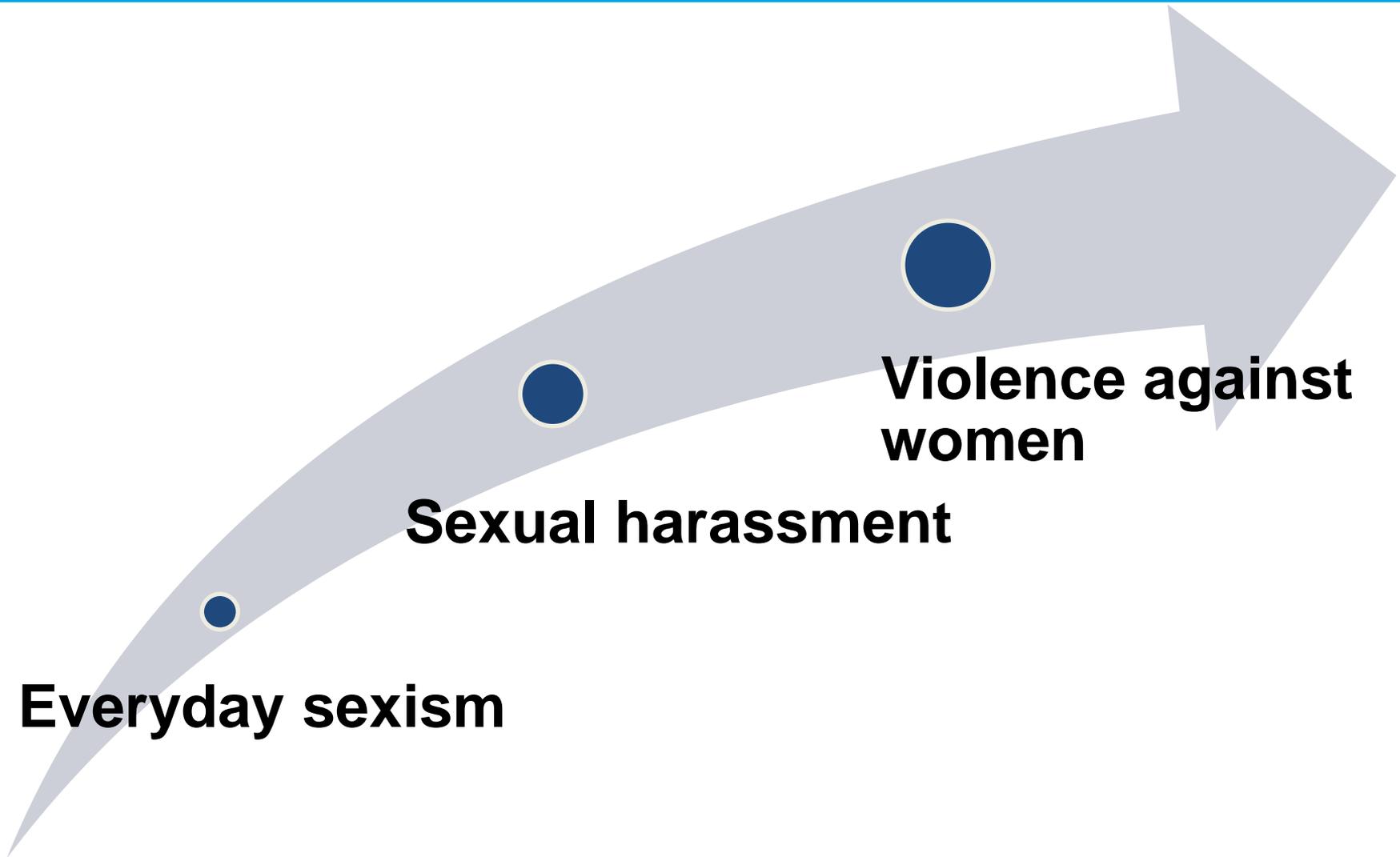
78 complainants alleging sexual harassment – 60 females and 18 males

73 complainants alleging sexual harassment in employment – 58 females and 15 males

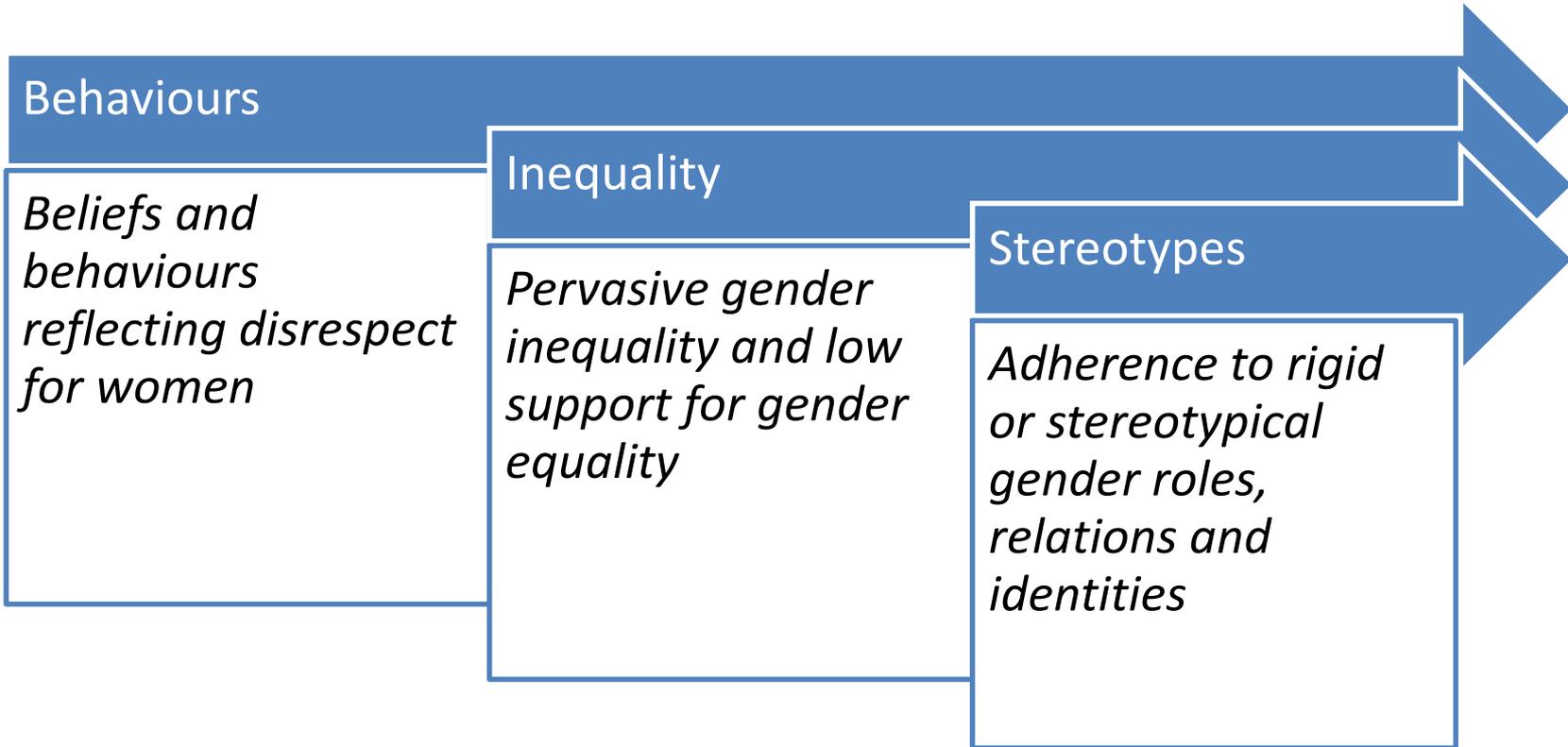
After all this time...

Why do we still have sexual harassment in the workplace?

The facts



Change the Story



Our Watch, *Change the Story* (2015)

Change the Story

GENDERED DRIVERS of violence against women:

CONDONING
of violence
against women

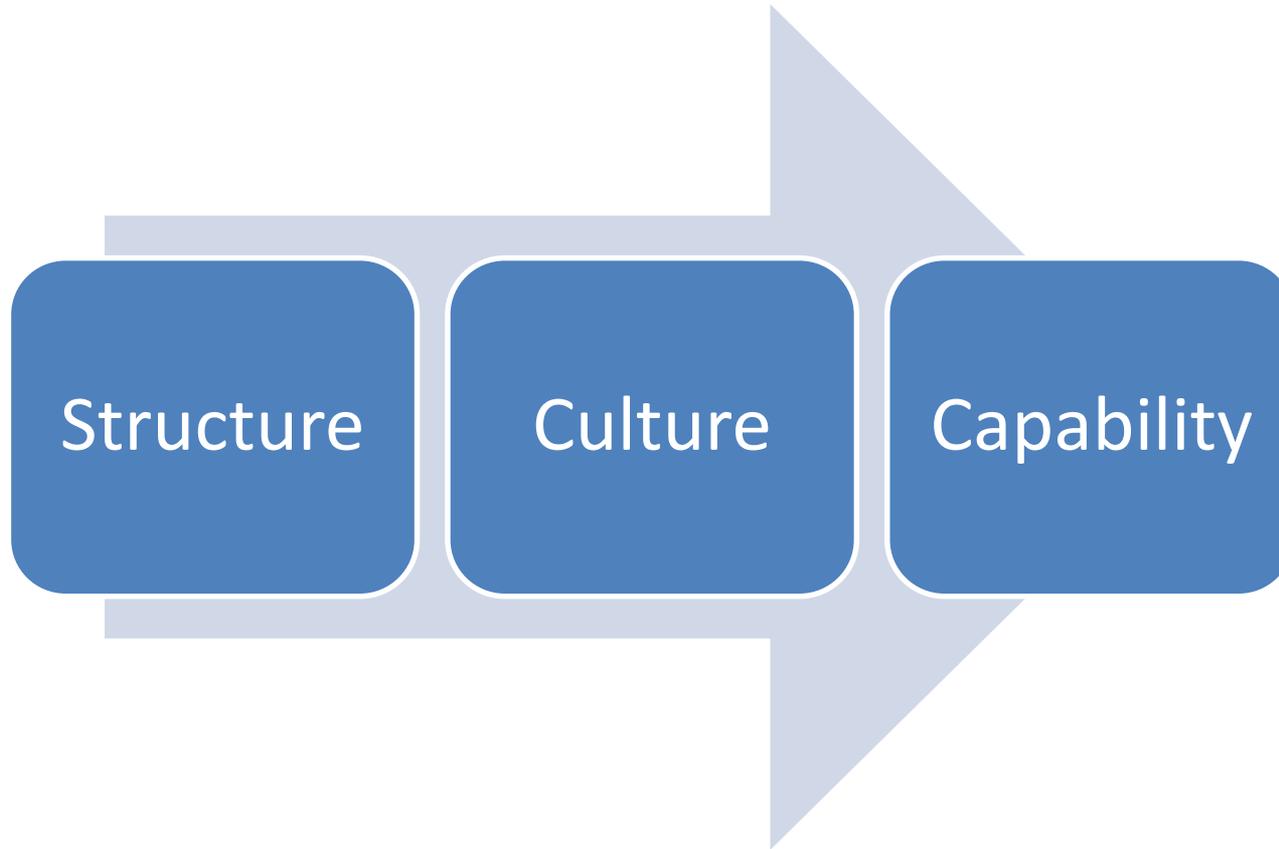
MEN'S CONTROL
of decision-
making and limits
to women's
independence

STEREOTYPED
constructions of
masculinity and
femininity

DISRESPECT
towards women and
male peer relations
that emphasise
aggression

Our Watch, *Change the Story* (2015)

Strategies to prevent and respond



Strategies should target:

- Disrespect towards women as a way of bonding
- Improving the quality of work relationships and engagement
- Sexism, sexual harassment and cultures of exclusion for women
- Active promotion of gender equality and inclusion

1. CHANGE STARTS WITH LEADERSHIP

Leaders must challenge and change cultures and practices that condone or allow sexual harassment to manifest in the workplace.

How?

- Step up to make a statement that the organisation will not tolerate sexual harassment and that complaints and a culture that enables this behaviour will be taken seriously.
- Champion and support a strategy, commitment and resourcing to make a genuine impact.

2. GENDER EQUALITY AUDIT OR REVIEW

Understand the current state of female representation across your organisation.

How?

Conduct a review/audit of gaps & opportunities including:

- number of women in leadership/ exec positions;
- retention and attrition rates;
- promotion rates;
- number of people participating in flexible work practices;
- gender pay equity;
- current policies/ practices on sexual harassment and equal opportunity;
- training attended by staff;
- number of internal and external complaints of sexual harassment lodged.

3. UNDERSTAND EXTENT OF THE ISSUE

Understand the actual and lived behaviours, practices and cultural norms that exist in your organisation, including any barriers to making a formal complaint.

How?

Conduct an annual, confidential staff survey, or engage an objective third party to do so. This will:

- enable staff to anonymously provide information regarding the nature and scope of harassment they have experienced or witnessed;
- uncover perceptions regarding the organisation's commitment to preventing sexual harassment; and
- identify areas for improvement.

4. DEVELOP AN ACTION PLAN

Develop a Positive Duty Action Plan to Promote Gender Equality & Prevent Sexual Harassment.

How?

- Draw on the data from your audit/review and staff survey
- Consult with staff and experts to develop clear goals, objectives, activities and outputs
- Identify who in the organisation is accountable
- Establish timeframes and commit resources to progressing the actions
- Monitor progress against your baseline

5. DEVELOP / REVIEW POLICIES

Develop strong Anti- Sexual Harassment and Victimisation Policy and Practices.

How?

- Provide clear definitions of sexual harassment and victimisation, and outline behaviours that constitute it
- Raise awareness of employees rights
- Consult with staff when drafting to ensure complaint mechanisms are genuinely accessible and practical
- Include inherent requirements regarding confidentiality, procedural fairness and a nuanced approach to each case
- Promote the policy widely and often

6. COMMUNICATION STRATEGY

Ensure staff are aware of the organisation's position, policies and procedures.

How?

- Leaders should raise them at staff and team meetings
- Communicate position, policies and procedures on the website, intranet, via email etc.
- Regularly test staff awareness and understanding (via survey)

7. EFFECTIVE & MANDATORY STAFF TRAINING

Deliver training for all employees including leaders, supervisors and staff, on policies and steps to prevent and respond to sexual harassment.

How?

Develop training that is:

- tailored to the workplace context and informed by the staff survey;
- mandatory and regular - annually or bi-annually and at staff induction;
- interactive and more than legal compliance - outline definitions and behaviours that are unacceptable; impact of sexual harassment; bystander interventions; how and who to report to; consequences of behaviour; internal and external support services;
- tailored further for managers, supervisors and key contact people within the organisation who have increased responsibility to prevent and respond to sexual harassment.

8. WORKPLACE CULTURE

Ensure employees understand that it is not only the more serious cases of harassment that have detrimental impacts on both individuals and organisations.

How?

Promote positive standards of behaviour through discussion, leadership and modelling.

Normalise ongoing conversations about the organisation's position on sexual harassment and victimisation, to increase confidence and competence to raise concerns and respond.

9. BYSTANDER APPROACHES

Encourage bystanders to intervene or interrupt incidents when they occur.

How?

- Incorporate bystander education into staff training, including the five steps to being an active bystander:
 1. Notice the event
 2. Interpret it as a problem
 3. Feel responsible for helping
 4. Have necessary knowledge and skills
 5. Act.
- Provide staff with a range of strategies on how to interrupt incidents, challenge harassers, support victims and to speak up

Bystander strategies and action

- Say or do something at the time of an incident
- Support the person affected by the behaviour
- Speak with the person who has misbehaved
- Speak with management with or on behalf of the person affected
- Speak with HR about workplace culture problems you notice.

10. RESPONSIVE COMPLAINT PROCESS

Ensure that your organisation takes all complaints of sexual harassment seriously.

How?

- Ensure employees can report to a number of key contact people (managers, HR, contact officers)
- Include external reporting avenues
- Ensure the process is clear, timely and professional
- Refer to internal and external supports available
- Seek feedback from staff on the accessibility and effectiveness of the complaints process

Current Commission Work to address sexual harassment

Conversation Starter Project

In 2018, the Commission will develop a series of 'How To: Conversation Starter' toolkits and an accompanying education package.

Objective:

Build employer and employee confidence and competency in having safe and healthy conversations in the workplace about:

- sexual harassment;
- discrimination relating to pregnancy, parental leave and return to work; and
- requests for flexible working arrangements

Goal

To reduce rates of gender discrimination and sexual harassment in Victorian workplaces by enabling safe and healthy conversations, and addressing the underlying stereotypes, attitudes, behaviours and norms that:

- drive discrimination against pregnant women;
- limit the abilities of parents to participate in the workforce; and
- increase the risk of sexual harassment for women.

Aims

- Provide and test education programmes and materials that address the underlying gender stereotypes that drive gender discrimination and sexual harassment in the workplace.
- Build awareness and skills in workplaces to aptly prevent and respond to sexual harassment and gender-based discrimination.
- Build partnerships across related workplace-centred government bodies and Commissions.
- Increase reporting.

Stages of work

- Knowledge paper
- TOC and evaluation framework
- Develop toolkits via design workshops
- Establish baseline data
- Implement and test toolkit and education program in 7 pilot workplaces (2 councils)
- Evaluate impact

Questions

Resources

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