



**Sex Discrimination Commissioner National
Inquiry into Sexual Harassment in
Australian Workplaces**

Submission

February 2019

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While this paper aims to broadly reflect the views of local government in Victoria, it does not purport to reflect the exact views of individual councils.

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1. Introduction

The Municipal Association of Victoria is the peak representative and advocacy body for Victoria's 79 councils. Formed in 1879, the *Municipal Association Act 1907* appointed the MAV the official voice of local government in Victoria. We have a long and proud tradition of supporting councils and councillors. Our role includes advocating for local government interests, building the capacity of Victorian councils and initiating policy development and advice.

Today, the MAV is a driving and influential force behind a strong and strategically positioned local government sector. Our role is to represent and advocate the interests of local government; raise the sector's profile; ensure its long-term security; facilitate effective networks; support councillors; provide policy and strategic advice; capacity building programs; and insurance services to local government.

We are pleased to be able to respond to the Inquiry to identify some of the issues that are specific to the local government sector and other, more general, insights relating to sexual harassment in the workplace.

Victorian local government has more than 43,000 employees and more than 640 councillors (37% female). Victorian councils vary significantly in number of staff, budgets, population and municipality area. Statistics relating to the Victorian local government workforce include;

- More than 60% of employees are female
- More than 60% of the outdoor workforce is over 45 years old
- 11% of the workforce is under 30
- 65% of volunteers are female
- 50% of the workforce has Diploma and above Diploma level qualifications
- 16% of Victorian councils record Aboriginal and Torres Strait Islander (ATSI) participation within their workforce, noting, identification of ATSI is voluntary

2. Member Submissions

The MAV received many submissions from member councils, including a number which identified a high level of understanding of the issues and the introduction of a range of initiatives relating to sexual harassment in the workplace. Many others identified challenges for the sector and sought guidance on best practice approaches from the Sex Discrimination Commission and other bodies on prevention of and response to sexual harassment in the workplace. A small number of individual councillors and council officers made contact to provide their insights and these individuals were encouraged to avail themselves of the opportunity to make a submission to this enquiry on the basis that it was not a public submission.

The majority of member submissions responded to one or more of the Commission's specific questions relating to the

- Experiences and impacts of workplace sexual harassment of elected councillors and local government staff
- Challenges and opportunities in addressing workplace sexual harassment
- The adequacy of the current legal framework to enable effective responses to workplace sexual harassment
- Best practice approaches used by councils to prevent and respond to workplace sexual harassment
- Data that relates to workplace sexual harassment

2.1. Experiences and impacts of workplace sexual harassment of elected councillors and local government staff

The impacts of workplace sexual harassment were varied and from a victim's perspective included;

- Feelings of fear and intimidation
- Increase in avoidant behaviour by victims to circumvent being in the workplace at the same time as the perpetrator
- Thoughts of resignation
- Decrease in productivity and increase in absenteeism
- Exacerbation of pre-existing mental health conditions (particularly anxiety)

Individuals who had complained of sexual harassment in the workplace reported feeling frustrated, angry and unsupported through the experience. Many felt the complaint and investigation processes were unwieldy and that conflicting or ambiguous information was provided to them about the processes. Some were the subject of attempts to dissuade them from making a complaint.

2.2. Challenges and opportunities in addressing workplace sexual harassment

Sexual Harassment Definition

Clarity around the definition of 'sexual harassment' would assist employees and councillors to understand appropriate behaviours. The legal definition of 'sexual harassment', which underpins most council policies is not straightforward and may contribute to lack of action by victims and the consequent persistence of harassing behaviour.

Investigation Processes

A number of councils recognised that investigation processes may act as a deterrent to victims for a variety of reasons, including:

- anonymity not afforded the complainant where investigation reports are not subject to legal professional privilege and may be discoverable
- lack of anonymity in relation to complaints, particularly about a superior, may result in further harassment and/or victimisation, including impacting employment security
- where the complaint relates to a CEO (see 2.3 below)

There is an opportunity for the Commission to provide a workplace investigation framework for employers which would ensure consistency in the management of complaints, transparency and procedural fairness.

Independent Respectful Conduct Adviser

An Independent Respectful Conduct Adviser service (IRCA) should be established to provide all councillors the opportunity to receive impartial, independent, confidential and informal information and guidance for the resolution of sexual harassment and other unacceptable behaviours. An IRCA would provide a sounding board for advice on a councillor's rights and obligations and the reporting avenues open to them.

Workplace insights and scenarios

Some councils identified behaviour by male councillors that falls short of sexual harassment but which contributes to a culture where women are not treated with respect. Examples include speaking over the top of a female councillor or presenter and making derogatory comments based on gender. One council advised that such behaviour has been managed by a female manager pointing out the behaviour to other male councillors after an event and those councillors 'calling out' that behaviour when it occurs.

Younger male members of staff were identified as being less likely to tolerate gender-based derogatory comments in a male dominated outdoor workforce than their older colleagues.

2.3. Adequacy of current legal framework

While many councils had little or no experience of the legal framework relating to sexual harassment complaints and some considered that existing policy and training frameworks sufficient, others identified gaps in the legal framework.

Complaints about CEO

One issue related to the difficulty of managing complaints about a CEO. Current provisions in the Victorian Local Government Act enable a probity auditor to be requested by either the CEO or Mayor where a relevant complaint (including sexual harassment complaints) is made about the CEO. This safeguard is not able to be triggered by a complainant who may have concerns regarding the manner in which the investigation process is conducted. Other concerns relate to the potential of retribution, including fears about employment security, for employees who are involved in such a process. The proposal is that such complaints be referred to an external authority allowing an independent and confidential process for all parties.

Non-disclosure agreements

Frequently non-disclosure agreements are part of any termination due to findings of sexual harassment. While such agreements may protect a council from future legal action they also limit the information that may be provided into an inquiry such as this and constrain a council from providing relevant information relating to that ex-employee to a potential future employer.

It would be helpful if the Commission could establish a reporting framework that enabled the reporting of confirmed cases of sexual harassment and enabled access, on whatever terms the Commission determined necessary, by a potential employer regarding the suitability of a prospective employee.

Councillor Conduct Framework and Occupational Health & Safety legislation

The current councillor conduct legislative framework does not provide appropriate pathways for sexual harassment allegations. That framework is premised on councillors addressing conduct matters themselves and this is unrealistic given the power dynamics in workplaces, particularly for elected officials.

The Commission needs to consider the management of sexual harassment in workplaces that are difficult to manage due to power dynamics, including where a council CEO is accountable for Occupational Health and Safety obligations but has no power to direct an individual councillor's behaviour. It is essential that when sexual harassment allegations involving councillors arise, there are clear, effective and timely avenues for effective management for all parties.

Occupational Health and Safety issues such as sexual harassment need to be expressly dealt with in either legislation or regulations.

The City of Melbourne has asked the Victorian Government to consider:

- providing for the Chief Municipal Inspector (CMI) to consider a request by a Council, Councillor or CEO to commission a preliminary investigation, independent of the relevant Council, into whether the conduct of a Councillor presents a serious risk to OH&S. Such an investigation should be conducted in confidence, subject to the confidentiality provisions of the Act, and on a 'without admission' basis - in other words, the fact that a preliminary investigation is taking place is not to be taken as the existence of a problem. The preliminary investigation may result in no action, or in a recommendation from the investigator to Council to take action under the Councillor Conduct Framework, or in a recommendation to the CMI to commence a formal investigation regarding misconduct.
- providing the ability for the CMI to immediately issue 'interim directions' requiring a Councillor to absent themselves from the workplace during a preliminary investigation, if a reasonable person would consider that necessary to protect the health and safety of Councillors, staff or the community.
- including sexual harassment and sexual misconduct within the definitions of serious misconduct, and clarifying that a single incident can be sufficiently problematic to sustain an allegation of gross misconduct, if that incident is seriously inconsistent with the Councillor continuing to function effectively in that role.
- strengthening the sanctions applicable to serious misconduct, if the conduct is considered by a Councillor Conduct Panel to warrant it

2.4. Best Practice approaches to prevention and response

Most submissions identified comprehensive policy and procedure suites and induction and annual refresher training for both councillors and staff as the threshold approach to the prevention and response to workplace sexual harassment. Many also identified additional training, and providing a manual, for councillors following each general election as part of councillor induction.

Providing examples of inappropriate behaviour within the training and policies was noted as an important means of providing clarity about expected behaviours.

Creating and maintaining a workplace culture that doesn't tolerate, and would call out, sexual harassment was noted as key.

'Best practice' approaches identified by councils include:

- the appointment of Gender Equality Officers with a focus on education and prevention of sexual harassment
- the roll-out of policies to the outdoor workforce during a 'health and wellbeing day', including delivery of training using actors in relevant scenarios reinforced expected behaviours, have been effective with a workforce that has been difficult to engage on issues such as sexual harassment

- an Inclusive Leadership Program and follow up Behavioural Expectations Program to increase knowledge, raise awareness, develop skills and promote an organisational culture that is conducive to taking action in relation to sexual harassment
- Leaders' sessions, which includes information about supporting employees who may be experiencing unwanted behaviours in the workplace and processes to address this behaviour
- Gender equity and bystander/upstander training for all staff
- Internal network of trained Gender Equity Advocates delivered 'managing disclosures' training
- Workshop consultation with employees who identify as LGBTQ on their needs to feel safe in the workplace
- Employee assistance programs and associated policies

2.5. Data

Council submissions identified either no sexual harassment complaints or a very low level of complaints. Many had begun capturing data within the past 2 to 5 years, often as part of a broader approach to registering information about workplace grievances.

Some councils identified that the low incidence of complaints may be the result of under-reporting and were actively working towards ensuring that staff had the opportunity to make comments about sexual harassment in a variety of ways, including anonymous staff surveys.

3. Additional matters

Legislation

The MAV's policy supports the legislative changes proposed by the City of Melbourne to the State Government (refer 2.3). Part of these proposed changes were included in the Local Government Bill 2018, which lapsed prior to the State election.

The MAV's position is that it supports the proposed

- Expansion of the councillor conduct principle 'requirement to treat all persons with respect' to include 'avoiding behaviour that constitutes discrimination, harassment (including sexual harassment) or vilification.';
- The addition of sexual harassment as a class of misconduct;
- The addition of sexual harassment of an egregious nature as gross misconduct.

These changes would pave the way for allegations of sexual harassment being considered through each council's Councillor Code of Conduct internal resolution process, through State-appointed Councillor Conduct Panels and, for the most serious allegations, by VCAT.

The potential impact of these processes on the applicant and respondent councillors and those with an obligation to resolve, mediate or arbitrate complaints, means that ahead of any legislative change, comprehensive guidance should be developed in conjunction with the sector as a matter of urgency. The guidance should include process matters such as the management of sensitive information, clarity about what information must be made public by a council, VCAT procedures and investigation protocols, as well as detailing appropriate measures to support the parties.

An overview of the pros and cons of other means of dealing with sexual harassment including the Equal Opportunity, Occupational Health and Safety and crimes legislation should also be developed together with guidance on how to manage the prospect of contemporaneous investigations with differing procedures, sanctions and enforcement.

Social media

Councillors, as local political figures, are increasingly subject to on-line threats. Anecdotal evidence suggests that female councillors are significantly more likely to be subjected to violent and/or sexualised threats and harassment.

The recently completed review of the federal *Enhancing Online Safety Act 2015* recommended the introduction of a single piece of legislation to regulate social media companies. Any reform that requires local filtering by social media companies to prevent such posts being published together with swift action for breaches is strongly supported.

The preparation of a template social media policy and guidance for understanding how to manage security settings is also recommended.

Councillor Training

The MAV's Councillor Training and Development program is under review and is considering the inclusion of training on Social Media, Workplace Equality and Respect as well as expanding training on councillor conduct, expected behaviours and early interventions.

MAV Preventing Violence Against Women and Promoting Gender Equity Survey

In 2017 56 of 79 Victorian Councils participated in the *MAV Preventing Violence Against Women (PVAW) and Promoting Gender Equity Survey*. (Report attached). Similar surveys were conducted in 2014 and 2015, and the 2017 survey built on, and refined, data previously collected. The Report details how councils are shifting in the work undertaken in these areas and activities undertaken. The activities in relation to the leadership role played by the council and gender equality strategies and plans will contribute to the culture referred to earlier in this submission under *Best Practice Approaches*, that is *Creating and maintaining a workplace culture that doesn't tolerate, and would call out, sexual harassment*.

4. Recommendations

That the Commission;

- Note the information contained in this report
- Note the strong commitment within the Victorian local government sector to prevent sexual harassment in the workplace and to address complaints relating to sexual harassment in a timely, effective, supportive and fair manner
- Seek legislative change that supports clarity around the practical meaning of 'sexual harassment in the workplace', the meaning of 'workplace' and the implementation of Occupational Health and Safety legislation, particularly in respect to councillors and council CEOs
- Ensure legislative change that relates to sexual harassment, including the proposed Local Government Bill, is supported by comprehensive guidance including a process map that identifies all complaint avenues and the processes, sanctions and enforcement mechanisms
- Support reform that regulates social media companies to reduce and manage on-line sexualized threats and harassment and develop policy templates to assist councils, councillors and employees to manage the risk
- Support the establishment of an *Independent Respectful Conduct Adviser service* for councillors
- Support an independent mechanism to consider sexual harassment complaints made about a council CEO

References

Municipal Association of Victoria (May 2018) ‘Municipal Association of Victoria Local Government Preventing Violence Against Women and Promoting Gender Equality Survey 2017’ (*attached*).

Municipal Association of Victoria Local Government Preventing Violence Against Women and Promoting Gender Equality Survey 2017

Survey Report

May 2018

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Introduction

The 2017 Preventing Violence Against Women (PVAW) and Promoting Gender Equality Survey is the third survey that the Municipal Association of Victoria (MAV) have conducted on PVAW and gender equality.

Local government play a key leadership role in promoting gender equality and preventing violence against women. As the level of government closest to the community, councils can model change through organisational policies and procedures, and through the vast range of services they deliver.

The survey aims to develop a benchmark of Victorian councils' engagement in the prevention of violence against women and promotion of gender equality, and how council activities and engagement in this space shifts over time. This survey seeks to understand and measure activity in the 2016/2017 financial year. Similar surveys were conducted in 2014 and 2015. The 2017 survey has built on and refined what has previously been collected to provide a picture of where councils are positioned and how this has changed over time.

The survey is designed to be replicated, and to provide insight into the work and priorities of the local government sector as they relate to the prevention of violence against women and the promotion of gender equality.

Survey data is collected across 10 broad themes: participation; leadership and recognition; policy, planning and implementation; service provision and planning; council workforce; funding; resource utilisation; collaboration; events and communication; and the role of the Municipal Association of Victoria.

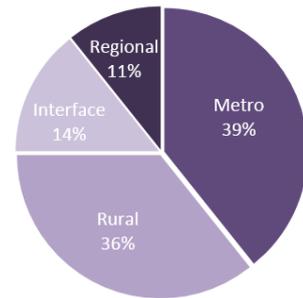
The Municipal Association of Victoria is the legislated peak body for local government in Victoria. We support councils to deliver, partner and lead gender equality and preventing violence against women work in their communities, and to raise the profile of local government's work in this space.

Executive Summary

56 of 79 Victorian councils participated in the MAV Preventing Violence Against Women and Promoting Gender Equality Survey 2017. 22 of these were metropolitan councils, 20 were rural, 8 were interface and the 6 were regional councils.

In the past 12 months (2016-2017), 85% of councils reported they had increased their recognition of the issue of violence against women and the role local government can play.

Council Participation



Acknowledged the role of Local Government in a Leadership Statement

37% of councils surveyed had formally acknowledged the role of the local government level in PVAW and promoting gender equality in a leadership statement. 48% of councils demonstrated that they had a stand-alone PVAW strategy or plan, and 26% that they had a stand-alone gender equality strategy or plan.



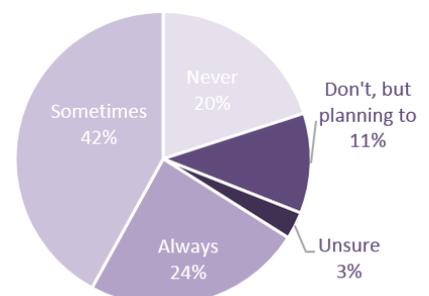
In the 2016/2017 financial year, staff time was dedicated to gender equality and preventing violence against women work in 98% of councils. The average FTE dedicated to this work was 0.5. Separate to staff time, funding was dedicated to preventing violence against women and activities promoting gender equality in 80% of participating councils. Of those who did dedicate funding:



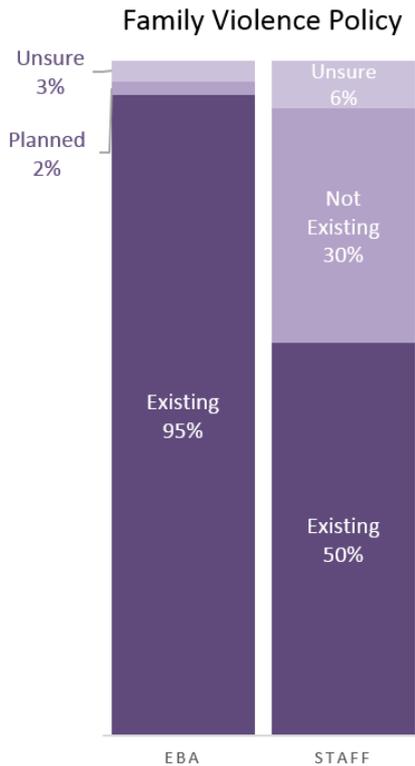
- 32% dedicated over \$20,000 to gender equality and preventing family violence activities
- 27% dedicated \$5,000-10,000 to gender equality and preventing family violence activities
- 20.5% dedicated \$10,000-20,000 to gender equality and preventing family violence activities
- 20.5% dedicated \$0-\$5,000 to gender equality and preventing family violence activities

Separate data for men and women was collected and used to inform policies, service planning, implementation and evaluation by 24% of council respondents. A further 42% indicated that they sometimes collected and used sex disaggregated data.

Collecting Separate Data



13% of councils responded that gender equality, preventing family violence or violence against women was referenced in their Aboriginal and Torres Strait Islander plan. 29% indicated that one or more of these areas were referenced in their council Disability Plan, 27% of councils responded that they were referenced in their Multicultural Plan, and 11% of participants indicated that they were referenced in their Lesbian, Gay, Bisexual, Transgender and Intersex Plan. It is important to note that it is not a requirement of councils to have any of the above plans, with the exception of Disability Plans, and that there is variance between municipalities. Disability Action Plans are required under Section 38 of the Victorian Disability Act 2006, or to be incorporated into Council Plans. For a more detailed breakdown, please view the analysis and discussion section of this report.



Councils can and have taken a leadership role in addressing family violence and violence against women amongst their workforce. 95% of respondents indicated that their council had a family violence clause included in their EBA, and 50% indicated that their council had a Family Violence Policy for staff. Family violence leave was provided to staff in 91% of participating councils. Based on the responses of survey participants, under this provision an average of 14 days per annum organisation wide have been claimed. There are some considerations to be taken into account in interpreting this data. Some respondents did not give meaningful numerical responses to this survey question, and the question format could have been re-framed around hours of leave taken, and not days. In addition to this, there may have been difficulties around gathering this information and barriers of disclosure that may have impacted employees' uptake of family violence leave.

There were some areas in which respondents identified unmet needs for councils in professional development. 78% of respondents indicated that there was an unmet need in local government for training focused on gender equity, and 70% identified that there was an unmet need for prevention of violence against women training. Training focused on family violence in the workplace was identified as an unmet need by 72% of participants. Councils also indicated that there were unmet needs in forums that were topic specific, and that were focused on councillor development.

91% of respondents indicated that their council had participated in or recognised the Victoria Against Violence campaign in 2017, which encompasses the 16 days of activism against gender violence from 25 November to 10 December.



Activity Shift: the evolution of prevention of violence against women work in local government

This survey aims to benchmark Victorian councils' engagement in the prevention of violence against women and promotion of gender equality for the 2016/2017 financial year.

Similar surveys were conducted in 2014, covering the 2013/2014 financial year, and 2015, covering the 2014/2015 financial year. The 2017 survey builds on and refines what has previously been collected to provide a picture of where councils are positioned and how councils have shifted on gender equality and prevention of family violence and prevention of violence against women activity.

While some questions have altered over time in response to emerging trends and concerns for local government, many have remained the same, providing a point of comparison to prior surveys. A brief snapshot of changes over time has been given. For more detailed comparisons, or for access to shifts in data over time in a specific area or pertaining to a particular question, please contact the MAV.

Council participation in the Preventing Violence Against Women and Promoting Gender Equality Survey peaked in 2015, when 66 of the 79 Victorian councils completed the survey. In 2014, 47 councils completed the survey and in 2017 59 councils completed the survey.

Recognition of the issue of violence against women in the 12 months preceding the survey has steadily increased each year. In 2017, 85% of respondents indicated that their councils had increased recognition of the issue of violence against women and the role they could play in prevention. This represents a 7% increase from the 2015 survey, and a 11% increase on the 2014 survey.

In 2017, 48% of respondents indicated that their council had a stand-alone prevention of violence against women plan or strategy. This represents a 13% increase from both 2014 and 2015, where 35% of councils each year indicated that they had a PVAW plan or strategy.

The rates of councils that have indicated in MAV surveys that they have a standalone gender equity or equality strategy has fluctuated over the 4 year period. In 2017, 26% of respondents identified having a standalone gender equality strategy or plan. This represented a decrease from 2015 data, which indicated that 27% of councils had a gender equity or equality strategy or plan. Fluctuation may be a result of a decrease in overall participation rates in the survey between 2015 and 2017. In 2014, 16% of councils identified having a gender equity or equality strategy or plan in place.

The percentage of respondents who indicated that their council has a Family Violence Policy for staff has also increased each year. In 2017, 50% of participating councils indicated that their council had a Family Violence Policy, an 8% increase from 2015 data and a 22% increase from 2014 data.

In the 2014 and 2015 iterations of the survey, councils were asked to identify if they participated in or held activities on the International Day for the Elimination of Violence Against Women on 25 November, also known as White Ribbon Day. In 2013, 95% of participating councils had participated in or held activities on this day. In 2014 this percentage decreased to 80%. In 2015 and 2017, councils were asked whether or not they participated in or held activities during the 16 Days of Activism that spans the Victoria Against Violence Campaign and begins on 25 November. In 2017, 91% of respondents indicated that their councils had participated in the 16 Days, a significant increase from the 34% who identified that their councils had done this in 2015.

Analysis and Discussion

Participation

56 Victorian councils participated in the MAV's Preventing Violence and Promoting Gender Equality Survey in 2017. Of these participating councils, 22 identified as metropolitan councils, 20 as rural councils, 8 as interface councils and 6 as regional city councils.

All data and analysis drawn from the survey is representative of these participating councils only. Survey questions were not compulsory, and survey data is indicative only of responses received. It is important to note, therefore, that while some inferences can be made and that the survey results contribute to building a valuable evidence base, they are not necessarily indicative of the entire state.

Leadership/Recognition

85% of respondents indicated that their council had increased its recognition of the issue of violence against women and the role it can play in prevention in the past 12 months. The remaining 15% indicated that their recognition of the issue, and of the role their council can play has remained about the same. Nobody responded that violence against women was not recognised by their council as an issue.

It is important to note that the 15% of responses that showed council recognition had remained about the same could be indicative in some cases of a strong and longstanding commitment to PVAW and gender equality work. 88% of respondents who indicated that council recognition remained about the same dedicated staff time to prevention of violence against women and gender equality work. 1.5 was the average full time equivalent identified by respondents as dedicated to PVAW and gender equality in these councils, a figure substantially higher than the .5 average full time equivalent identified across all surveyed councils. 75% of respondents that indicated that council recognition remained about the same also dedicated funding that was separate to staff time to PVAW and gender equality activities.

When asked if their council had formally acknowledged the role of the local government level in PVAW and promoting gender equality in a council leadership statement, 37% specified that they had, and a further 27% that they were planning to. 34% had not and 2% were unsure. Respondents were given to opportunity to provide additional examples of leadership through formal acknowledgement in this space. Examples given were primarily around organisational, participation in prevention or equality focused groups and a focus on PVAW within other council plans and strategies. 2 Councils identified White Ribbon Accreditation as an example of leadership through formal acknowledgement.

Policy, Planning and Implementation

Prevention of Violence Against Women and Gender Equity Strategies

Survey results indicated that 48% of councils have a stand-alone prevention of violence against women strategy or plan, with a further 27% indicating that they were planning to develop one. Remaining 25% did not have one.

26% indicated that their council had a stand-alone gender equality strategy or plan and 46% indicated that they were planning on developing one. Remaining 28% did not have one. Some councils indicated that that they had formally acknowledged the role of local government in both gender equality and PVAW plans, with a cross-over 36% of respondents demonstrating that they had both a PVAW and a gender equality strategy or plan in their council.

Aboriginal and Torres Strait Islander, Disability, Multicultural and LGBTI Plans

Respondents were further asked to identify whether gender equality, preventing family violence or violence against women was referenced in their council's Aboriginal and Torres Strait Islander Plan, Disability Plan, Multicultural Plan or Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) Plan.

Aboriginal and Torres Strait Islander Plans:

- 13% mentioned gender equality, preventing family violence or violence against women
- 16% planning on including gender equality, preventing family violence or violence against women
- 29% did not include gender equality, preventing family violence or violence against women
- 9% unsure if gender equality, preventing family violence or violence against women was included
- 33% did not have an Aboriginal Torres Strait Islander Plan

Disability Plans:

Under Section 38 of the Victorian Disability Act 2006, councils are required to prepare Disability Action Plans that identify actions to remove barriers for people with disability, are designed to promote inclusion and participation of people with disabilities, and change attitudes and practices which discriminate against people with disabilities. If a council does not address these issues in their Disability Plan, they are required to do so in their Council Plan. As Disability Action Plans are mandatory, it is probable that those councils who indicated that they did not have a disability plan, have incorporated these actions pertaining to people with disability into their Council Plan.

- 29% mentioned gender equality, preventing family violence or violence against women
- 20% planning on including gender equality, preventing family violence or violence against women
- 37% did not include gender equality, preventing family violence or violence against women
- 7% unsure if gender equality, preventing family violence or violence against women was included
- 7% did not have a Disability Plan

Multicultural Plans:

- 27% mentioned gender equality, preventing family violence or violence against women
- 9% planning on including gender equality, preventing family violence or violence against women
- 26% did not include gender equality, preventing family violence or violence against women
- 5% unsure if gender equality, preventing family violence or violence against women was included
- 33% did not have a Multicultural Plan

Lesbian, Gay, Bisexual, Transgender and Intersex Plans

- 11% mentioned gender equality, preventing family violence or violence against women
- 9% planning on including gender equality, preventing family violence or violence against women
- 17% did not include gender equality, preventing family violence or violence against women
- 2% unsure if gender equality, preventing family violence or violence against women was included
- 61% did not have a LGBTI Plan

Council Policies, Service Planning and Implementation

Respondents were asked to identify ways in which preventing violence against women and gender equality had informed council policies, services planning, and implementation in the following areas. Key examples and those that occurred frequently in each area have been selected for this report, some of which have been aggregated.

Aged Services/Positive Ageing

- Training and education around elder abuse
- Promotion of World Elder Abuse Day
- Common Risk Assessment Framework training

Arts and Culture

- Gender audits of artists
- Participation in the One Million Stars to End Violence project and exhibition

Childcare/Kinder

- Training for all staff in identifying and responding to family violence
- Gender audit of toys and equipment
- Referral information and help cards available at all centres

Communications

- Media campaigns run over the 16 Days of Activism
- Consideration to language, gender, and diversity in council communications
- Training for communications staff

Community Grants

- Gender equality and prevention of violence against women inclusion as a category, and part of criteria
- Sex-disaggregated data used in grant applications and assessment

Community Safety

- Prevention of violence against women and women's safety referenced in council Community Safety Plans

Disability Services

- Violence against women and disability training
- Common Risk Assessment Framework training

Emergency Management

- Prevention of Violence Against Women in Emergencies Action Plan
- The impact of family violence in emergencies reflected in Council Emergency Management Plan
- Family violence after natural disaster workshops
- Help cards available at recovery centres

Facility Design

- Gender neutral and accessible change rooms and toilets
- Female friendly sporting facilities
- Crime Prevention Through Environmental Design utilised

Festivals and Events

- Councils held and participated in International Women's Day events, and White Ribbon events

HR/Staff Induction

- Policies and professional development documents reviewed for gender bias
- Gender pay analysis
- Gender audit of job advertisements
- E-learning module to be introduced

Library Services

- Audit of book collection
- Booklist focused on gender equity developed and distributed, with books purchased for library branches
- Family violence referral resources available in libraries

Local Laws

- Allocation of parking permits to women escaping family violence
- Training around pets and processes for housing pets in family violence situations
- Common Risk Assessment Framework training

Maternal Child Health

- Delivery of Baby Makes 3
- Nurses undertake CRAF training
- Referral pathways in place

Multicultural Services

- Interfaith networks advocate for PVAW and gender equity initiatives
- Family violence resources translated into different languages
- Legal rights training for newly arrived communities, with a focus on education around men's legal obligations and women's legal rights

Procurement

- Contractors are required to sign up to council's code of conduct with prevention
- Gender Equality Statement included in procurement documents

Professional Development

- Councils undertaking Act@Work program
- Training provided to staff around prevention of violence against women, understanding family violence, bystander intervention, male privilege and gender inequality, gender analysis and unconscious bias
- Tracking women in leadership development programs

Sport and Leisure Services

- Programs to increase female participation in sport
- Identified in Strategic Recreation Plan
- Focus on female friendly facilities

Youth Services

- Respectful Relationships
- Range of programs and specifically targeting youth cohorts including support to the Aboriginal Family Violence Legal Service in delivering 'Young Luv', awareness raising around bystander action and respectful relationships, Girls Talk/Guys Talk, SEA, START, Q program, International Women's Day events, training and information on pornography and sexuality

Respondents were asked to describe any other areas of council policy, service planning and implementation that references gender equality, preventing family violence or violence against women. A range of areas were given. Examples from respondents include housing strategies, gaming policies, Access, Equity and Inclusion Strategies, Municipal Public Health and Wellbeing Plans, Women's Charters and sport and recreation strategies. Some councils also indicated that staff had undertaken training in this space, and that referral information had been displayed and disseminated across their municipalities.

Service provider and planner

Sex disaggregated data collection

Local government plays a key role as a service provider and planner for the local community. Survey participants were asked to identify whether their council collected and used separate data for men and women to inform policies, service planning, implementation and evaluation. Of the participating councils, 24% indicated that they did collect and use separate data for men and women, 42% that they sometimes did, and a further 11% that they did not, but were planning to. A further 20% of respondents indicated that they did not collect separate data for men and women, and the remaining 3% respondents were unsure as to whether or not separate data was collected by their council.

Respondents were further asked to provide comments or examples of where and how council utilised sex disaggregated data. Common examples of where separate data were used include in Municipal Public Health and Wellbeing Plans, youth services, maternal child and health services, participation in sport and recreation and internal workforce analysis. Some councils commented that they were confident that sex disaggregated data was used widely across their organisation in planning and service provision, while others indicated that it was used on an ad hoc basis, or was dependent on service area.

Prevention of Violence Against Women in Municipal Public Health and Wellbeing Plans

Prevention of violence against women was identified as a priority in 2013-2017 Municipal Public Health and Wellbeing Plans – or in combined MPHWP and Council Plans – by 76% of respondents. The remaining 24% of respondents did not have the prevention of violence against women included in their MPHWP or Council Plans for the 2013-2017 period.

The MAV survey asked respondents to identify whether preventing violence was expected to be a priority in their 2017-2021 MPHWP or combined Council Plans. While survey results indicated that the vast majority of councils (94%) were expecting PVAW to be a priority in their plans, developments in the implementation of recommendations from the Royal Commission into Family Violence will result in all Victorian councils including PVAW in their plans. The Royal Commission into Family Violence was established in February 2015 by the Victorian Government and aimed to acknowledge and address family violence in Victoria, and the consequences and impact it has on communities, families, and individuals. All 227 recommendations of the Commission, finalised in 2016, were committed to by the Victorian Government. Recommendation 94 requires that councils report on proposed measures to reduce family violence and respond to the needs of victims in their Municipal Public Health and Wellbeing Plans or combined Council and MPHWP.

Council workforce

Workforce Dedication to PVAW

98% of survey participants indicated that they had dedicated staff time to preventing family violence and gender equality work in the 2016/17 financial year. While for some councils this work was undertaken via a dedicated position, for the majority prevention of family violence and gender equality work forms a segment of other role(s). The average full time equivalent (FTE) dedicated by councils to this work was 0.5, the median FTE was 0.4 and the mode was represented in the data as 0.2. While this is useful information, it is important to consider when interpreting this data that the survey represents 56 of 79 Victorian councils. It is also important to consider that not all questions were compulsory. This data was further complicated by textual comments in the estimation of FTE, and the difficulty highlighted by some councils in gathering this information where there was no dedicated officer or staff member.

Workforce Policies and Procedures

71% of respondent councils have formally acknowledged the role they can play in preventing violence against women and promoting gender equality throughout their workforce, with a further 20% of councils indicating that they are planning to. At the time of the survey, the remaining 9% of respondent councils indicated that they had not formally acknowledged the role that they can play.

95% of respondents indicated that they had a family violence clause in the enterprise bargaining agreement, with a further 2% planning on introducing a family violence clause. The remaining 3% were either unsure, or did not have this clause in their EBA.

50% of participants in the survey have a family violence policy for staff, and a further 14% are planning to. 30% do not have a family violence policy for staff and the remaining 6% indicated that they were unsure.

Family violence leave was provided to council staff for 98% of respondents, with the remaining 2% indicating that they were not sure if family violence leave was provided at their council. The survey asked respondents to nominate the amount of leave provided in their council due to family violence:

- 37% provided 11-20 days for staff under the family violence leave provision
- 17% provided 6-10 days for staff under the family violence leave provision
- 15% provided 1-5 days for staff under the family violence leave provision
- 15% provided unlimited leave for staff under the family violence leave provision
- A further 12% provided unspecified leave for staff under the family violence leave provision
- 4% provided 21-30 days for staff under the family violence leave provision

Nobody indicated that their council provided over 30 days of leave, excluding those who indicated that unlimited leave was available. Based on the responses of survey participants, under this provision an average of 14 days per annum have been claimed. In interpreting this data, it is important to consider that many respondents were unsure of the amount of leave claimed under this provision in their council, and that only 25 councils gave meaningful numerical responses to this question. The question was also framed around number of days taken, and could have been re-framed around hours taken under this provision. It is also important to consider that there may be barriers to uptake of family violence leave surrounding disclosure issues.

Respondents were asked to identify what workplace activity, structures and processes were in place to improve gender equality and prevent family violence and violence against women among their council's workforce. Some examples given by respondents include organisational training, awareness raising, gender equity ambassadors program, gender audits, and internal working groups.

Funding

80% of respondents indicated that their council had dedicated funding – separate to staff time – to preventing family violence and promoting gender equality activities. The remaining 20% indicated that their council had not dedicated funds to this work. Of those who had dedicated funds:

- 32% dedicated over \$20,000 to preventing family violence and gender equality activities
- 27% dedicated \$5,000-10,000 to preventing family violence and gender equality activities
- 20.5% dedicated \$10,000-20,000 to preventing family violence and gender equality activities
- 20.5% dedicated \$0-\$5,000 to preventing family violence and gender equality activities

For 48% of respondents, this funding represented that resourcing remained about the same as the previous year, while for 41% this funding represented an increase in resources. 7% were unsure as to whether this represented an increase or decrease, and 4% indicated that it was a decrease in resourcing from the previous year. Common reasons given for increases in funding include the Royal Commission into Family Violence and funding applications. Resourcing that remained about the same represents sustained and committed funding from councils to PVAW and gender equality, while the current political context has contributed to an overall spike in funding.

Dedication of resources to prevention and to gender equality initiatives was in some cases the result of grant funding. 78% of participants applied for grant funding in the 12 month period prior to the distribution of the survey. Of these, 63% indicated that their applications had been successful, with the remaining 37% indicating that their applications had been unsuccessful. When interpreting this statistic, it is important to consider the framework of the survey. Respondents were asked only if their council had applied for grant funding, and if this had been successful. It did not include opportunities for councils to indicate, other than in the comments section, how many grants they had applied for and how many of these applications had been successful. In addition to this, the survey did not make a distinction between partner organisations and lead applicants. Interpretation of this data needs to give consideration to this, as a distinction was not made clear in the framing of the questions.

Resource Utilisation

A number of resources are available to councils to utilise in their work on the prevention of violence against women and gender equality work. The MAV survey asked respondents to identify whether their council used a number of resources, and then to indicate how effective these resources were to their work.

MAV resources

88% of respondents indicated that they utilised the MAV website, and 95% indicated that they found it either very useful or useful. 87% of participants responded that they utilised the MAV prevention of violence against women e-news, and 100% of respondents to this question indicated that they found the e-news either very useful or useful (46% very useful; 54% useful).

51% of respondents utilised the MAV Preventing Violence Against Women Leadership Statement, with a further 10% indicating that they are planning to. The remaining 39% of respondents either did not utilise the Leadership Statement, or were unsure. 78% of participants utilised the MAV Preventing Violence Against Women Information Sheets, and a further 12% indicated that they were planning to. The remaining respondents did not utilise the information sheets. 97% found the information sheets to be either very useful or useful, and 3% indicated that they did not find them useful. 69% of councils responded that they had utilised the Ten Ways Local Government Can Advance Gender Equity Fact Sheets. A further 15% were planning to. The remaining 16% either did not utilise the fact sheets or were unsure whether their council did or did not utilise this resource.

Other resources

The Victorian Local Government Women's Charter was utilised by 53% of council respondents. 40% either did not use the Charter or indicated that they were unsure. The remaining 7% were planning on utilising the Charter in the future.

81% of respondents indicated that they utilised their regional women's health service, with 97% indicating that they found this resource either very useful or useful. The Partners in Prevention (PiP) network was utilised by 55% of respondents, with 85% finding it either very useful or useful.

85% of respondents utilised the Our Watch website, with 100% of respondents citing that they found it either very useful (66%) or useful (34%). The ANROWS website was utilised by 49% of respondents, with 100% indicating that they found it either very useful (45%) or useful (55%).

The Victorian State Government family violence website was utilised by 76% of respondents, with 91% indicating that they found the family violence website either very useful (22%) or useful (69%).

The Victorian State Government women website was utilised by 65% of participants, with 89% finding the women website either very useful (15%) or useful (74%).

Councils were also asked to share any other resources that they utilised in their work promoting gender equality and preventing violence against women. Common examples shared by respondents included VicHealth resources, information from White Ribbon, and the work of other councils.

Professional development

Survey respondents were asked to identify unmet needs in regards to training or forums in the following areas: councillor forums; topic specific forums; gender equity training; prevention of violence against women training; and, family violence in the workplace training.

44% of respondents identified an unmet need in councillor forums, and 55% identified an unmet need in topic specific forums. 78% of respondents identified an unmet need for gender equity training, and 70% indicated that there was an unmet need for prevention of violence against women training. Family violence in the workplace training was identified as an unmet need by 72% of council participants.

Respondents who identified topic specific forums or as an unmet need were asked to share suggested topics for forums that would further their work. Responses were varied, and included suggestions of both forums and training specifically targeted at local government; regional and rural forums with a wider geographical scope; bystander action; and, workforce focussed sessions.

Collaboration

54% of survey participants indicated that their council convened a committee or network for gender equality, prevention of violence against women or prevention of family violence. A further 5% responded that they did not currently convene a committee or network in any of these areas, but that they were planning to.

Respondents were also asked if their council participated in any of the following: their local family violence prevention network; prevention of violence against women activities on a regional level; and, if their council participated as a partner in their regional local prevention of violence against women plan.

70% of indicated that their council participated in their local family violence prevention network, with a further 5% indicating that they were planning to. 5% of respondents indicated that there was no family violence prevention network in their region, and a further 5% indicated that they were not aware of any network in their region. 13% did not participate in their local family violence prevention network, and 2% were unsure as to whether their council participated or not.

91% of participant councils were engaged in PVAW activities on a regional level, and 7% were planning to engage in this. 2% of respondents did not participate in PVAW activities on a regional level. 96% indicated that their council was a partner in their regional prevention of violence against women plan, and 2% that their council was planning on becoming a partner.

Events and Communications

Respondents were asked to identify if their council recognised or participated in the Victoria Against Violence Campaign in 2017, which ran from The International Day for the Elimination of Violence Against Women on 25 November to Human Rights Day 10 December. 91% of participants did participate in the Campaign, and the remaining 9% identified that their council had not.

A wide variety of examples were given surrounding council involvement and participation in the Victoria Violence Campaign. White Ribbon related events were common among participant councils, although many activities were undertaken for the duration of the 16 days campaign.

Some examples of participation in the Victoria Against Violence Campaign across the 16 days included social media postings; media publications; coffee cup campaigns; community events; participation in the Walk Against Family Violence; participation in the 'go orange campaign'; and, internal education campaigns and events.

The role of the MAV

The MAV PVAW role

Respondents were asked to identify what they had benefitted from through the MAV Prevention of Violence Against Women role. Options given were: information from newsletters, networks and contacts, information from prevention of violence against women meetings, and information from conversations with the MAV PVAW policy adviser.

88% of participants indicated that they benefitted from information from MAV newsletters. 77% indicated that they benefitted from networks and contacts from the MAV PVAW role. 73% benefitted from information from PVAW meetings. As PVAW meetings are held in the CBD, distance may be a barrier to participation for some regional and rural councils. 70% of councils identified benefitting from information from conversations with the MAV PVAW policy adviser.

Following on from this question, survey respondents were asked to share any relevant examples. Common examples given included: enabling and promoting the sharing of resources and ideas amongst local government; having a central point of reference for gender equality and PVAW work and policy advice; receipt of key updates; and, notifications about grant opportunities.

Advocacy to other levels of government

When asked about the importance of the MAV's role in advocating to and liaising with State and Federal Government on behalf of local government on gender equality and prevention of violence against women issues, the vast majority of respondents indicated that it was very important.

Participants were asked to rank the importance of the MAV's advocacy and liaison role on a scale from 1-5, where 1 was not important at all, 3 was moderately important, and 5 was very important. 78.5% of participants ranked the importance of this role at 5, very important. 12.5% ranked this at 4; 3.5% at 3, moderately important; 3.5% at 2; and 2% at 1, not important at all.

Comments around the importance of this role largely centred around opportunities that the MAV has to advocate for councils as a collective – and to amplify the voice of local government, the capacity of the MAV to be 'heard' across levels of government, the leadership role that the MAV plays, and the capacity for MAV to both participate in and foster partnerships.

MAV Prevention of Violence Against Women Network

75% of survey participants indicated that their council participated in the MAV PVAW Network. The remaining 25% of respondents were asked why they did not participate. In interpreting these statistics, it is important to note that a higher proportion of metropolitan councils for whom the meetings (held in Melbourne CBD) are more accessible responded to the survey. Due to this, the rate of participation suggested by the survey may appear higher. The most common barrier to participation in the network cited was distance, and the logistics of arranging travel from rural and regional councils.

Councils who did participate in the network were asked to rank how effective the coordination of the MAV PVAW network has been; to what extent the network has increased their understanding of how councils can contribute to gender equality and prevention of violence against women efforts; the extent to which the PVAW network has increased their confidence in advocating for greater attention to improving gender equality and the prevention of violence against women; and, the extent to which the network has enhanced their capacity to implement gender equality and prevention of violence against women activities tailored to their local community context. Respondents were asked to rank this on a scale of 1-5, where 5 was very effective, 3 was moderately effective; and 1 was not effective at all.

In response to how effective the coordination of the PVAW network has been, 64% ranked effectiveness 5, very effective; 24% at 4; and, 12% at 3, moderately effective.

Of participants in the MAV PVAW Network who completed the survey, 58% ranked it at 5, very effective, in increasing their understanding of how councils can contribute to gender equality and PVAW efforts; 32% ranked it at 4; and 10% ranked it at 3, moderately effective, in increasing their understanding.

41% of respondents ranked the extent to which the PVAW network had increased their confidence in advocating for greater attention to improving gender equality and the prevention of violence against women at 5, very effective; 37% at 4; and, 22% at 3, moderately effective.

34% of councils ranked the extent to which the PVAW network has enhanced their capacity to implement gender equality and prevention of violence against women activities tailored to their local community context at 5, very effective; 29% at 4; 34% at 3, moderately effective; and 2% at 2.

Peer-to-peer advice

Collaboration is central to preventing violence against women and promoting gender equality work. Networking and the sharing of knowledge and learnings amongst councils in Victoria have developed and enhanced the capacity of the local government sector to embed PVAW and gender equality work. Councils who completed the MAV survey were asked to share any words of wisdom for other councils regarding their prevention of violence against women and promotion of gender equality efforts.

Advice for other councils ranged from the broad to the specific. Some key pieces of advice shared by respondents are listed below:

- Understand the importance of strong and supportive leadership, and foster this from the beginning
- Adjust your language for particular audiences and settings
- Be persistent and just keep going
- Utilise the MAV PVAW Network and policy advisory
- Be patient: it can take time to go from initial conversations and advocacy to action
- Utilise resources from other councils to avoid starting from scratch
- Begin by making quick wins and market your work across the organisation to build its profile
- Remember the progress we have made to date