



GOLDEN PLAINS SHIRE

ATTACHMENTS

**Under Separate Cover
Council Meeting**

6.00pm Tuesday 23 February 2021

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The background of the report cover is a photograph of window blinds. The blinds are partially open, creating a pattern of light and shadow. A blue semi-transparent overlay is positioned over the right side of the image, containing the title and other text.

Sexual Harassment in Local Government

December 2020

Independent assurance report to Parliament
2020–21: 10

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Sexual Harassment in Local Government

Independent assurance report to Parliament

Ordered to be published

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9 December 2020

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VAGO

Victorian Auditor-General's Office

The Hon Nazih Elasmr MLC
President
Legislative Council
Parliament House
Melbourne

The Hon Colin Brooks MP
Speaker
Legislative Assembly
Parliament House
Melbourne

Dear Presiding Officers

Under the provisions of the *Audit Act 1994*, I transmit my report *Sexual Harassment in Local Government*.

Yours faithfully



Andrew Greaves
Auditor-General

9 December 2020

The Victorian Auditor-General's Office acknowledges Australian Aboriginal peoples as the traditional custodians of the land throughout Victoria. We pay our respect to all Aboriginal communities, their continuing culture and to Elders past, present and emerging.

Sexual Harassment in Local Government | Victorian Auditor-General's Report

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Support options

Sexual harassment can take many forms and result in physical and emotional harm. Our report discusses these issues. If you, or someone you know, have experienced sexual harassment or assault and want support, several options are available.

1800RESPECT—National sexual assault, domestic and family violence counselling service

1800RESPECT provides information, referral and counselling services to people experiencing or at risk of experiencing sexual assault, domestic or family violence. It is also available to friends, family and professionals. 1800RESPECT provides a confidential service 24 hours a day, seven days a week.

Phone: 1800RESPECT (1800 737 732)

www.1800respect.org.au

Employee assistance programs

Local government employees may have access to employee assistance programs that provide free and confidential short-term counselling for workplace and personal issues. Staff can obtain details of the relevant employee assistance program from their council's human resources team.

Centres Against Sexual Assault

Centres Against Sexual Assault are non-profit, government-funded organisations that provide support, counselling and crisis care to child and adult victims of sexual assault and their family. You can find your local centre by visiting www.casa.org.au.

www.casa.org.au

Lifeline

Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24-hour crisis support and suicide prevention services.

Phone: 13 11 14

www.lifeline.org.au

Making a sexual harassment complaint

This audit examines whether local councils provide workplaces that are free from sexual harassment. VAGO does not take or investigate individual complaints. You can make a complaint or seek further information from the following agencies.

Victorian Equal Opportunity and Human Rights Commission

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body that has responsibilities under several pieces of legislation, including the *Equal Opportunity Act 2010*. You can contact the Victorian Equal Opportunity and Human Rights Commission to seek information or have your complaint heard.

The Victorian Equal Opportunity and Human Rights Commission may review complaints or refer them to the Victorian Civil and Administrative Tribunal.

Phone: 1300 292 153

www.humanrights.vic.gov.au

Australian Human Rights Commission

The Australian Human Rights Commission is an independent statutory organisation established under Commonwealth legislation. It promotes human rights in Australia and internationally and investigates complaints about discrimination and human rights breaches.

Phone: 1300 656 419

www.humanrights.gov.au

Victoria Police

The role of Victoria Police is to serve the Victorian community and uphold the law. If you have experienced or witnessed a criminal offence, you should report it to Victoria Police via a local police station. In an emergency, dial 000.

www.police.vic.gov.au

Victorian Civil and Administrative Tribunal

The Victorian Civil and Administrative Tribunal hears and decides civil and administrative legal cases in Victoria. Complainants can apply directly to the tribunal to have a complaint about sexual harassment heard.

Phone: 1300 018 228

www.vcat.vic.gov.au/get-started/equal-opportunity

Audit snapshot

Are Victorian local councils providing workplaces that are free from sexual harassment?

Why this audit is important

Sexual harassment in the workplace is unlawful and can cause significant harm to those who experience it. It can also be costly for employers, exposing them to legal liability and increasing staff turnover.

Under the *Equal Opportunity Act 2010*, employers must take reasonable and proportionate measures to eliminate sexual harassment in their workplaces.

What we examined

We examined whether councils provide their staff and councillors with workplaces free from sexual harassment.

We looked at:

- the prevalence and nature of sexual harassment in councils
- councils' policies, training and communication
- the effectiveness of councils' complaint handling.

Who we examined

We audited five councils as a spread of council type and size:

- Ararat Rural City Council
- Corangamite Shire Council
- Frankston City Council
- Latrobe City Council
- Moreland City Council.

We also conducted a sector-wide survey, which received 9 939 responses from council employees and councillors from across 75 councils.

What we concluded

Councils are not providing workplaces that are free from sexual harassment. More than one in four survey respondents said they had experienced workplace sexual harassment in the last 12 months.

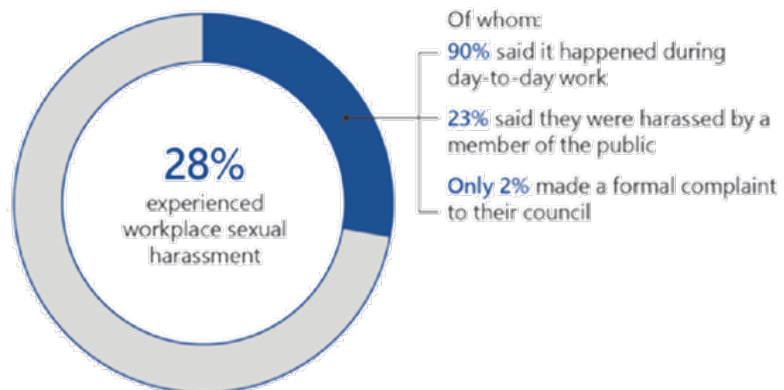
Although councils have the tools that could prevent these experiences, they do not use them to their full advantage. A lack of comprehensive policies, training and communication means councils rarely engage staff in meaningful conversations about sexual harassment and its drivers.

This creates a culture where victims lack confidence to report their experiences. For those who do report, complaint handling is undermined by poor documentation and councils' failure to encourage and support complainants.

Key facts

In June 2020, 75 out of 79 councils took part in our voluntary survey, with 9 939 council employees and councillors responding.

In the last 12 months ...



What we found and recommend

We consulted with the audited agencies and considered their views when reaching our conclusions. The agencies' full responses are in Appendix A.

Understanding sexual harassment in local government

Twenty-eight per cent of surveyed council employees and councillors experienced sexual harassment at work in the 12 months to June 2020.

Unless specified otherwise, the data in this report has a margin of error of ± 5 per cent or less at a confidence level of 95 per cent. This means we can be confident that our survey (VAGO LG Survey 2020) results reflect the experiences of council staff. However, as with any survey, it is important to understand results in the context of the methodology and response rate. Appendix E provides this detail.

Employees at higher risk

Employees from all roles and levels said they had experienced sexual harassment. But based on our survey results, those at greater risk were:

- lesbian, gay, bisexual, trans and gender diverse, queer, questioning, intersex and asexual (LGBTQIA+) persons (48 per cent experienced sexual harassment)
- young women (42 per cent of women aged between 18 and 34 experienced sexual harassment)
- people with disability (41 per cent experienced sexual harassment).

Context of experiences

Understanding the context of sexual harassment is important. It helps councils to identify the drivers behind it and the settings that present the most risks to employee safety. Our survey found that sexual harassment in councils was most likely to occur during day-to-day work. Ninety per cent of respondents who had experienced sexual harassment said it occurred in that context.

The types of sexual harassment that respondents experienced differed. In line with the findings of the Australian Human Rights Commission's (AHRC) 2018 report *Everyone's*

The **margin of error** shows how far away results could be from the true value. If the margin of error is ± 5 per cent, this means the true value could be up to 5 per cent higher or lower than the value presented.

A **confidence level** shows how confident we are that the true value sits within the margin of error.

The margin of error for respondents with disability is ± 7 per cent.

business: Fourth national survey on sexual harassment in Australian workplaces (AHRC National Survey 2018), our survey found that the most common types were:

- intrusive questions about respondent's personal life or appearance
- sexually suggestive comments or jokes that made them feel offended
- inappropriate staring or leering that made them feel intimidated.

Regardless of the context, sexual harassment could have harmful impacts on those who experienced it:

- 25 per cent of respondents who experienced sexual harassment said it negatively impacted their mental health.
- 21 per cent said it lowered their self-esteem and confidence.

Harassment from members of the public

Harassers were most likely to be a co-worker at the same or more senior level. However, sexual harassment from the public also poses a significant risk, especially for employees in customer-facing roles such as:

- aged-care workers
- customer service personnel
- library staff
- pool attendants.

Forty-five per cent of customer-facing employees who had experienced sexual harassment said that a member of the public harassed them.

Except Ararat Rural City Council (Ararat), audited councils' sexual harassment policies and complaint procedures do not mention harassment from customers or members of the public, and so do not address this risk. Additionally, some survey respondents said there is a culture of accepting harassment from the public as part of providing customer service.

Collecting information about sexual harassment

The audited councils do not regularly collect information about the prevalence and context of sexual harassment in their workplaces. None of the five audited councils:

- regularly survey employees about their experiences of sexual harassment at work
- categorise complaints in a way that allows them to identify trends in sexual harassment.

Unlike in the Victorian public service, there is no regular sector-wide survey about sexual harassment or workplace conduct. As a result, aside from our survey, councils have no visibility over the sexual harassment that occurs in their workplaces. Without this information, councils cannot plan and implement the actions necessary to protect their employees or identify trends.

The lack of information will also make it difficult for councils to comply with their new obligations under the *Gender Equality Act 2020*. From June 2021, councils must measure and report on their progress on seven gender equality indicators, one of which concerns workplace sexual harassment.

To help participating councils address sexual harassment, we shared their de-identified survey results with their mayor and chief executive officer (CEO).

We did not audit Local Government Victoria (LGV). However, in consultation with LGV, we have directed a recommendation to LGV to help address the lack of sector-wide information about sexual harassment.

LGV is part of the Department of Jobs, Precincts and Regions. It works with councils to improve practices, provides policy advice to the Minister for Local Government and oversees relevant legislation.

Recommendations about the prevalence of sexual harassment

We recommend that:	Response	
All Victorian councils	<ol style="list-style-type: none"> 1. use findings from the Victorian Auditor-General's 2020 <i>Sexual Harassment in Local Government</i> survey to identify and act on risk factors for council employees and workplaces (see Sections 2.1, 2.2 and 2.3) 	Accepted by all audited councils
	<ol style="list-style-type: none"> 2. collect information about the prevalence and nature of sexual harassment at least once every two years by: <ul style="list-style-type: none"> • conducting workplace surveys • reviewing complaints information (see Section 2.6) 	Accepted by all audited councils
	<ol style="list-style-type: none"> 3. address the risk of sexual harassment by members of the public by: <ul style="list-style-type: none"> • ensuring sexual harassment policies, procedures and training explicitly cover sexual harassment from the public • regularly communicating to customers and staff that the council does not tolerate any form of sexual harassment from the public (see Section 2.4). 	Accepted by all audited councils
Local Government Victoria (Department of Jobs, Precincts and Regions)	<ol style="list-style-type: none"> 4. coordinate discussions with relevant state government authorities, local government peak bodies and councils about the development of a regular data collection methodology to measure the sector-wide prevalence and nature of sexual harassment (see Section 2.6). 	Accepted

Preventing sexual harassment

Under the Victorian *Equal Opportunity Act 2010*, employers have a positive duty to prevent and eliminate sexual harassment in their workplaces. This means councils must take reasonable and proportionate steps to prevent sexual harassment occurring, rather than only respond after it occurs.

Policies

In 2018 the Victorian Public Sector Commission (VPSC) released the *Model Policy for the Prevention of Sexual Harassment in the Workplace* (the model policy). Although it is not compulsory for councils, the model policy outlines the key elements of a comprehensive sexual harassment policy.

All audited councils have policies covering sexual harassment, but they are usually included within broader documents about bullying, appropriate workplace behaviour and discrimination. As a result, policies:

- miss key elements from the model policy that would make them more comprehensive, such as information on bystander interventions and online harassment
- do not provide all relevant information in one document, making them difficult for users to navigate.

Despite these gaps, councils make their policies accessible for staff. Across the sector, 90 per cent of respondents said they knew where to find their council's policy on sexual harassment.

Training

Although all five audited councils provide training on appropriate behaviour, this training is not as effective as it could be because:

- most staff only complete online refresher courses, meaning they miss out on the open discussion and in-depth content of face-to-face training
- training materials do not cover how bystanders can intervene or challenge inappropriate behaviour
- four councils do not tailor training to reflect their own policies and procedures
- three councils do not provide training for managers on how to respond to complaints of sexual harassment.

Face-to-face training does not require employees to meet in person. Live online sessions, where respondents can engage in conversation and ask questions, can achieve the same benefits.

Across the sector, training is not reaching everyone who needs it. Almost one in four survey respondents said they had never received training on appropriate behaviour at their current council.

Casual employees were least likely to receive training. Providing training for casual employees at councils is important because the insecure nature of their employment may present a barrier to reporting.

Impact of training

Without effective training, councils lack a critical tool to prevent sexual harassment and encourage reporting. Respondents who received training were more likely to:

- know how to make a complaint of sexual harassment (89 per cent of respondents who received training compared to 69 per cent of those who did not)
- believe their council takes sexual harassment seriously (83 per cent of respondents who received training compared to 60 per cent of those who did not).

Training is also a valuable tool to increase understanding of sexual harassment and challenge views that excuse or trivialise it. Our survey found that these views exist in councils. For example, 9 per cent of survey respondents did not believe that the unwanted behaviours listed in our survey were sexual harassment. In addition, some survey respondents described victims as being too sensitive.

Leading a culture of respect

Training and policies are not effective if leaders do not visibly promote a culture of respect at the council. There is not enough communication from council leaders to promote this culture:

- None of the five audited councils could provide evidence of communication from senior council staff, CEOs or mayors about sexual harassment or inappropriate behaviours.
- Only 31 per cent of respondents across the sector said their council communicates to them annually about how it is addressing sexual harassment.

Survey respondents also gave examples of leaders not modelling respectful behaviour or calling out sexual harassment, reducing respondents' trust in their council. Almost one in four respondents did not believe, or did not know whether, their council takes sexual harassment seriously.

Recommendations about preventing sexual harassment

We recommend that:

Response

We recommend that:	Response
All Victorian councils <ol style="list-style-type: none"> introduce a standalone sexual harassment policy that: <ul style="list-style-type: none"> aligns with the Victorian Equal Opportunity and Human Rights Commission's <i>Guideline: Preventing and responding to workplace sexual harassment—Complying with the Equal Opportunity Act 2010</i> and the Victorian Public Sector Commission's <i>Model Policy for the Prevention of Sexual Harassment in the Workplace</i> includes clear links to relevant council policies and procedures covers the applicability of council policies to different roles and workplace settings, including councillors, customer-facing staff and members of the public is searchable on council intranet sites or cloud software, and available in hard copy to all staff (see Section 3.1) 	Accepted by all audited councils
<ol style="list-style-type: none"> introduce mandatory training on sexual harassment, or improve existing training, so that at a minimum it: <ul style="list-style-type: none"> includes face-to-face or live online sessions for all staff and councillors at least once every two years (in addition to online modules) covers safe strategies for bystander interventions is tailored to the council's policies, procedures and workplace risk factors (see Section 3.2) 	Accepted by all audited councils
<ol style="list-style-type: none"> communicate a culture of respect in the council by ensuring leaders model respectful behaviour at all times and communicate to all staff at least annually that the council does not tolerate sexual harassment (see Section 3.3). 	Accepted by all audited councils

Responding to sexual harassment

Encouraging complaints

All five audited councils have informal and formal pathways for sexual harassment complaints, allowing complainants to choose the option that suits them. However, these pathways are underutilised. Only 2 per cent of respondents across the sector who experienced sexual harassment made a formal complaint, and only 10 per cent told a manager.

The most common reasons respondents gave for not making a complaint are that they thought:

- the behaviour was not serious enough
- it would not make a difference if they reported it.

Victims may feel more comfortable reporting sexual harassment anonymously. Anonymous complaints provide useful insights on cultural and behavioural issues, even if councils often cannot complete a complaints process with them.

Despite this, only one of the audited councils—Ararat—now allows employees to make anonymous complaints. In response to our audit, Ararat introduced anonymous reporting to its Staff Grievances Policy in August 2020.

Handling complaints

Consistent and fair handling of sexual harassment complaints is critical to meeting a council's positive duty to eliminate sexual harassment.

Three of the five audited councils had at least one documented sexual harassment complaint in the past five years. Each of these had elements of fair and effective complaint handling, including collecting witness statements and ensuring procedural fairness to respondents. However, we found gaps that undermined audited councils' complaint handling, including:

- not informing complainants of the outcome of their complaint
- investigators misunderstanding the legal definition of sexual harassment
- incomplete complaint documentation, including no records of decisions to discontinue an investigation
- failing to support reluctant complainants to continue with their complaint when they expressed reservations.

These gaps may have negative impacts on complainants and expose councils to liability if their decisions are challenged.

In an **informal** process, parties resolve the issue through discussion or mediation. A **formal** process includes an investigation to establish what occurred along with documented findings and outcomes.

Recommendations about responding to sexual harassment

We recommend that	Response
All Victorian councils	
8. encourage reporting of inappropriate behaviour by: <ul style="list-style-type: none"> • promoting formal and informal complaint channels • allowing for anonymous complaints (see Section 4.1) 	Accepted by all audited councils
9. improve record keeping of sexual harassment complaints by: <ul style="list-style-type: none"> • keeping complete records of all interactions relating to a complaint • documenting decisions to not investigate complaints or to stop investigations, including the rationale for the decision and the name and role of decision makers (see Section 4.3) 	Accepted by all audited councils
10. review complaint procedures to ensure they include: <ul style="list-style-type: none"> • a requirement to inform the complainant of the outcome of the complaint • guidance on how investigators can support reluctant complainants (see Section 4.2). 	Accepted by all audited councils

Councillors

Councillors experience sexual harassment at a similar rate to council employees, but they receive less support and have fewer options to report it. Forty-one councillors across the state, or 30 per cent of councillor respondents, said they had been sexually harassed at work in the last 12 months.

The margin of error for councillors is ± 8 per cent.

Compared to employees, councillor respondents were:

- more likely to be harassed by a councillor or a member of the public
- less likely to receive training
- less likely to know how to access their council's employee assistance program (EAP) for support.

Forty-four per cent of female councillors said they had been sexually harassed in the last 12 months, compared to 19 per cent of male councillors. This can contribute to a culture where women may not seek re-election, making it challenging to address their under-representation in councils. Prior to the October 2020 elections, only 38 per cent of councillors were women, and 13 councils had only one female councillor. This increased to 44 per cent in the October 2020 elections.

Complaint pathways for councillors

At the time of our audit, councillors lacked access to the same informal complaint pathways as employees. Councillor Codes of Conduct at the audited councils were not suited to address sexual harassment because:

- except for Ararat, they require councillors to first attempt to resolve disputes between themselves, making it challenging if a councillor has a complaint against another councillor
- they do not advise councillors that they can make complaints to external bodies, such as the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) or Victoria Police.

Changes to local government legislation mean that councillors can refer any alleged breaches of the standards of conduct, including sexual harassment, to an independent arbiter without first attempting to resolve disputes between themselves.

From the October 2020 council elections onwards, there are standards of conduct that all councils must include in their Councillor Code of Conduct. These standards prohibit sexual harassment.

Recommendations about councillors

We recommend that

Response

All Victorian councils	11. ensure councillors receive training on sexual harassment at least twice per council term (see Section 3.2)	Accepted by all audited councils
	12. ensure councillors are informed of their internal and external options for sexual harassment support and complaints, including: <ul style="list-style-type: none"> • the council's employee assistance program • Councillor Code of Conduct dispute resolution processes • external complaint bodies (see Section 4.1). 	Accepted by all audited councils

1.

Audit context

Sexual harassment in the workplace is unlawful and can have significant negative effects on individuals and their employers. In some cases, sexual harassment is also a criminal offence.

The AHRC National Survey 2018 showed that sexual harassment is common in Australian workplaces. One in three people reported being sexually harassed at work in the past five years.

Under the *Equal Opportunity Act 2010*, organisations must take reasonable and proportionate measures to eliminate sexual harassment in their workplaces. This audit examines the effectiveness of those measures by Victorian local councils.

This chapter provides essential background information about:

- What sexual harassment is
 - Why this audit is important
 - The prevalence of sexual harassment in local government
 - Preventing sexual harassment
 - Responding to sexual harassment
 - The legislation, policy and guidance on sexual harassment for local government
-

1.1 What is sexual harassment?

The Victorian *Equal Opportunity Act 2010* defines sexual harassment as any unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated, and/or intimidated.

Sexual harassment can be physical, verbal or written. Examples include:

- comments about someone's private life or appearance
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive images or objects
- repeated requests to go out on dates
- requests for sex
- sexually explicit emails, text messages or posts on social media
- sexual assault, indecent exposure, physical assault, and stalking (which are also criminal offenses).

Whether the harasser intended to offend is not relevant. What is important is whether a reasonable person would anticipate that the other person would be offended. A single incident can be enough to constitute sexual harassment; it does not need to be a pattern of behaviour.

1.2 Why this audit is important

Sexual harassment in the workplace has negative impacts for individuals, groups, organisations and the broader community. As part of the 2018 AHRC National Inquiry into Sexual Harassment in Australian Workplaces (AHRC National Inquiry), the Australian Department of the Treasury commissioned an independent study which estimated that workplace sexual harassment cost the Australian economy \$2.6 billion in lost productivity and \$900 million in other costs, such as to the health system, legal costs and agency investigations.

Impact on individuals

Sexual harassment can make victims feel unsafe and affect their ability to participate in their workplace. Victims of sexual harassment can experience:

- harm to their mental health
- negative financial impacts
- negative impacts on personal and family relationships.

These impacts can be short or long term and can damage a person's career and livelihood. Bystanders and other impacted employees can experience vicarious trauma, stress or anxiety and 'burnout'.

Impact on employers

Councils can experience economic loss and reputational damage as a result of sexual harassment through:

Vicarious trauma is trauma experienced by those close to a victim or traumatic event from witnessing pain or fear.

Burnout is a state of physical or emotional exhaustion from work-related stress that involves a reduced sense of accomplishment and loss of personal identity.

- litigation
- increased insurance premiums
- high staff turnover
- reduced productivity
- decreased faith in council management.

Sexual harassment can be both a symptom and a cause of poor culture, leading to lower staff morale and a less enjoyable workplace.

1.3 Prevalence

Understanding the prevalence of sexual harassment in a workplace is a key step in effectively eliminating it. This includes who is doing it, where it is happening and whether victims are reporting it.

The AHRC National Survey 2018 found that 39 per cent of women and 26 per cent of men had experienced sexual harassment at work in the previous five years.

1.4 Preventing sexual harassment

In Victoria, employers have a positive duty to prevent and eliminate sexual harassment in their workplaces under the *Equal Opportunity Act 2010*. This means employers must take proactive steps to stop sexual harassment occurring, rather than only respond after it occurs.

Preventative measures include ...	so that employees understand ...
comprehensive sexual harassment policies	<ul style="list-style-type: none"> • their council's stance on sexual harassment • processes for making formal and informal complaints
effective training	<ul style="list-style-type: none"> • what sexual harassment is • their own responsibilities • how to identify and report sexual harassment • where to find policies
communication from senior leadership	<ul style="list-style-type: none"> • that the council has a culture of respect and will not tolerate sexual harassment • they should feel comfortable talking about and reporting sexual harassment
addressing backlash to cultural change	<ul style="list-style-type: none"> • changing culture has benefits for everyone.

1.5 Complaint handling

It is essential that employees feel safe to make a complaint of sexual harassment. Different avenues to make complaints ensure victims have a choice about what process they want to use to resolve their complaint. The AHRC National Survey 2018 found that less than one in five people who had experienced sexual harassment had reported it.

It is important for councils to ...	in order to ...
handle complaints fairly	<ul style="list-style-type: none"> • appropriately support the people involved • create an environment where people come forward • limit legal liability • prevent future sexual harassment.
document the complaint and how they responded	<ul style="list-style-type: none"> • ensure procedures are followed • demonstrate to external reviewers, if the outcome is challenged, that the council dealt with the complaint fairly • ensure appropriate evidence is available if the victim makes an insurance or legal claim • comply with the <i>Public Records Act 1973</i>.

1.6 Relevant agencies

As employers, councils are responsible for preventing and responding to sexual harassment in their workplace. A range of government agencies and peak bodies support and guide councils, as outlined in Figure 1A.

FIGURE 1A: Relevant agencies

Agency	Responsibility	Activities
AHRC	Protecting and promoting human rights in Australia and internationally	<ul style="list-style-type: none"> • runs sexual harassment surveys in the Australian workforce, including the AHRC National Survey 2018 • conducts independent inquiries into human rights issues, such as the AHRC National Inquiry, which received 460 submissions and did 60 public consultations
Australian Local Government Women's Association (ALGWA)	Furthering women's participation, knowledge and understanding of the function of local government	<ul style="list-style-type: none"> • represents female councillors, such as in its 2019 submission to the AHRC National Inquiry • runs education campaigns to encourage women to run for local government • provides networking forums for female councillors to discuss systemic issues

Agency	Responsibility	Activities
LGV (part of the Department of Jobs, Precincts and Regions)	Regulating and supporting councils on behalf of the state government	<ul style="list-style-type: none"> works with councils to improve their business and governance practices provides policy advice to the Minister for Local Government and oversees relevant legislation, including the <i>Local Government Act 2020</i> published the <i>Best practice guide for gender equity in local government</i> in 2018
Municipal Association of Victoria (MAV)	Advocating for councils in Victoria as their peak body	<ul style="list-style-type: none"> provides resources and forums for discussion and networking for gender equality initiatives delivers training for candidates for local government and councillors Ran the <i>Gender Equality and Preventing Violence Against Women Survey of Victorian Councils 2018/2019</i> (2019 MAV survey), which surveyed representatives from 64 councils about the training and policies they deliver on gender equality
VEOHRC	Protecting and promoting human rights according to Victoria's human rights laws	<ul style="list-style-type: none"> provides education resources, training packages and practice guidance regarding sexual harassment conducts investigations into potential systemic and serious matters of sexual harassment, discrimination or victimisation delivers a dispute resolution service for complaints about discrimination, sexual harassment, victimisation and racial or religious vilification

Source: VAGO.

VPSC is a government agency that aims to strengthen the effectiveness, efficiency and capability of the public sector. Although VPSC does not oversee local councils, it provides valuable resources that councils can use, such as the model policy. VPSC also runs the People Matter Survey (PMS), an annual workforce survey of Victorian public service employees, which covers a range of workplace issues, including sexual harassment.

1.7 Legislation, policy and guidance

Complying with the positive duty

In August 2020, VEOHRC updated its guidance on complying with the positive duty to eliminate sexual harassment. The *Guideline: Preventing and responding to workplace sexual harassment—Complying with the Equal Opportunity Act 2010* (VEOHRC Guideline) sets six minimum standards that employers should meet to fulfil their positive duty to eliminate sexual harassment. Those standards are for organisations to:

- understand their obligations under the *Equal Opportunity Act 2010*
- have a prevention plan

- build organisational capacity
- manage risks
- respond to sexual harassment reports consistently and confidentially, holding harassers to account and ensuring processes are victim-centric
- regularly review, evaluate and improve outcomes and strategies for preventing and addressing sexual harassment.

Being victim-centric means giving the complainant a say in the process, ensuring they are properly supported and that they are not penalised for making a complaint.

The role of councillors

Residents and ratepayers elect councillors for their municipality every four years. Once elected, councillors are responsible for:

- setting the overall direction for the municipality through long-term planning and decision-making
- appointing the council CEO and managing their performance.

Sexual harassment by a councillor towards a fellow councillor or an employee of the council is unlawful under the *Equal Opportunity Act 2010*, just as for employees. However, as they are not contracted employees, councillors are not subject to the same internal disciplinary procedures as staff. For example, a CEO cannot dismiss a councillor.

The *Workplace Injury Rehabilitation and Compensation Act 2013* sets out how employees can access compensation for workplace injuries, including those caused by sexual harassment. This legislation considers councillors to be employees of the council who can access compensation for workplace injuries.

Councillor conduct

In March 2020, the *Local Government Act 2020* came into effect, replacing the *Local Government Act 1989*. The new legislation aims to improve local government democracy, accountability and service delivery.

Under section 139 of the *Local Government Act 2020*, councils must approve a Councillor Code of Conduct within four months of a local government election. This code sets out expectations for councillor behaviour during each four-year term and may include any other matters that the council considers appropriate, such as internal dispute resolution procedures. From the October 2020 elections, these codes must explicitly reference sexual harassment and include mandatory standards of conduct for councillors. These standards specifically prohibit sexual harassment.

Divisions 5 and 7 of Part 6 of the *Local Government Act 2020* provide arrangements for dealing with councillor misconduct, including breaches of the Councillor Code of Conduct. Figure 1B summarises these.

FIGURE 1B: Councillor misconduct processes

Finding	Who can make a complaint	Who can make findings	Potential penalties
Misconduct	A councillor, groups of councillors or the entire council. They must make the complaint within three months of the alleged misconduct.	<ul style="list-style-type: none"> An internal arbiter, appointed by the Principal Councillor Conduct Registrar (the Registrar). The Registrar administers councillor conduct issues across the state under the <i>Local Government Act 2020</i>. A Councillor Conduct Panel, appointed by the Registrar. The Panel is made up of two people, one of whom must be legal practitioner. 	<ul style="list-style-type: none"> directed to apologise suspended for up to a month removed from positions representing the council and chairs of council-delegated committees. directed to attend training or counselling
Serious misconduct	<p>A councillor, groups of councillors or the entire council. They must make the complaint within 12 months of the alleged misconduct.</p> <p>The Chief Municipal Inspector can also initiate the complaint. Their role is to investigate councils, council electoral matters, and possible breaches of the <i>Local Government Act 2020</i>.</p>	A Councillor Conduct Panel, appointed by the Registrar.	<ul style="list-style-type: none"> reprimanded directed to apologise suspended for up to 12 months made ineligible to be chair of council-delegated committees until the end of council's term barred from mayor or deputy mayor positions for the rest of council term (minimum penalty if finding of serious misconduct made)
Gross misconduct	Chief Municipal Inspector	Victorian Civil and Administrative Tribunal	<ul style="list-style-type: none"> disqualified from being a councillor for up to 8 years removed from council

Source: VAGO, from LGV and the *Local Government Act 2020*.

The *Local Government Act 2020* expands the definitions of:

- serious misconduct by a councillor to include sexual harassment of other councillors or council staff
- gross misconduct of a councillor to include 'egregious' sexual harassment but does not define this.

The *Local Government Act 2020* also outlines that the CEO of a council is responsible for managing interactions between staff and councillors.

Gender Equality Act 2020

The *Gender Equality Act 2020* came into effect in February 2020. It aims to improve workplace gender equality in the public sector, including local councils. It introduces new responsibilities for public sector organisations to measure and improve gender equality, including by reducing sexual harassment.

From ...	Councils must complete ...
March 2021	gender impact assessments whenever they make or review a policy, program or service that has a large impact on the public.
June 2021	workplace gender audits every two years to measure progress on seven gender equality indicators, one of which is the prevalence of workplace sexual harassment.
October 2021	<p>Gender Equality Action Plans every four years that outline strategies for promoting gender equality based on the results of their workplace gender audits.</p> <p>progress reports every second year after submitting a Gender Equality Action Plan on any gender equality assessments and progress against their Gender Equality Action Plan.</p>

The *Gender Equality Act 2020* also established the role of Public Sector Gender Equality Commissioner, who will help organisations comply with their new obligations and monitor their progress.

2.

Prevalence of sexual harassment

Conclusion

Councils do not do enough to understand the prevalence and nature of sexual harassment in their workplaces.

We found that sexual harassment happens in every council, across all roles and levels. More than one in four respondents to our survey reported experiencing it in the last 12 months.

Experiences of sexual harassment differ. Some people are at greater risk, including young women and LGBTQIA+ people. Others face different risks because of where they work within a council. Customer-facing staff are the most likely to be harassed by a member of the public.

This chapter discusses:

- How common is sexual harassment?
 - Experiences of sexual harassment
 - Risk factors
 - Sexual harassment from the public
 - Councillors and sexual harassment
 - Collecting information about sexual harassment
-

2.1 How common is sexual harassment?

As outlined in Figure 2A, our survey identified that 28 per cent of surveyed Victorian council employees and 30 per cent of surveyed councillors experienced sexual harassment while at work in the last year.

FIGURE 2A: Prevalence of sexual harassment in local government

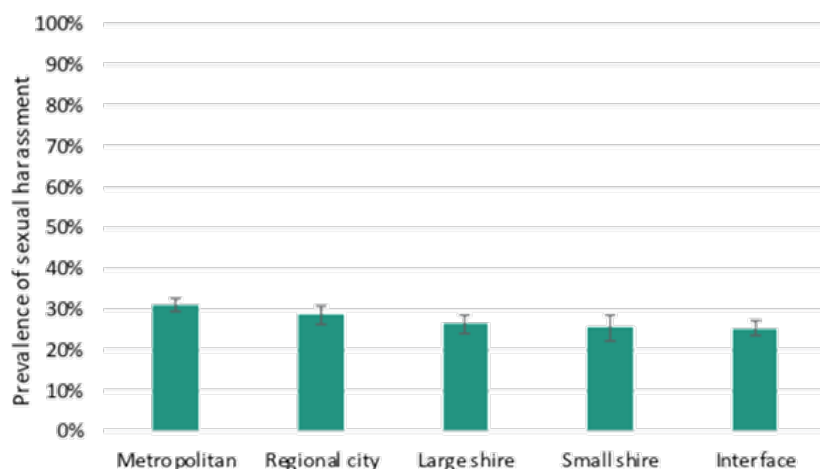


Note: The margin of error for councillors is ± 8 per cent. There were 237 respondents who did not outline whether they were staff or councillors. Of these, 76 (32 per cent) experienced sexual harassment.

Source: VAGO LG Survey 2020.

As shown in Figure 2B, we did not find a significant difference in the prevalence of sexual harassment at metropolitan, regional and rural councils. Although individual council results varied, this could be due to differences in response rate. Three quarters of councils had a prevalence rate between 20 and 35 per cent.

FIGURE 2B: Prevalence by council category



Note: Error bars show the margin of error for each category. See Appendix E for response rates for each category and Appendix F for de-identified individual council results. Interface councils are the municipalities that form a ring around metropolitan Melbourne.

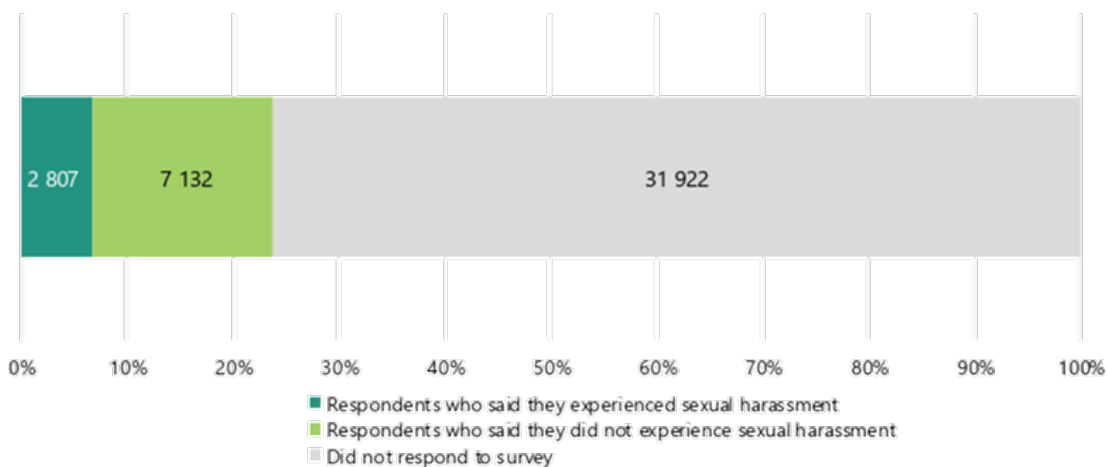
Source: VAGO LG Survey 2020.

Understanding survey results

Although survey data is our best source for understanding the prevalence of sexual harassment, it is dependent on response rates. People who have experienced it may be more likely to complete an optional survey on the topic.

One way to account for this is to assume that everyone who did not do the survey did not experience sexual harassment. This is unlikely, but it helps us understand the minimum rate of sexual harassment in the sector. Based on our results and response rate, at least 7 per cent of the local government sector have experienced sexual harassment in the past 12 months, as outlined in Figure 2C.

FIGURE 2C: Survey results in sector-wide context



Note: Excludes employees from the four non-participating councils and employees without council email addresses.
 Source: VAGO LG Survey 2020.

Prevalence compared to other sectors

Our survey findings indicate that the rate of sexual harassment in local government is similar to comparable sectors, as outlined in Figure 2D.

FIGURE 2D: Prevalence of sexual harassment in workforce surveys

Sector	Year of survey	Survey specific to sexual harassment?	Prevalence of sexual harassment
Victorian local councils (VAGO LG Survey 2020)	2020	Yes	28%
Victorian public sector (PMS)	2019	No	7%
Victorian public sector (VAGO VPS Survey 2019)	2019	Yes	29%
Public administration and safety (AHRC)	2018	Yes	33%
Retail trade (AHRC)	2018	Yes	42%
All sectors (AHRC)	2018	Yes	33%

Note: PMS and VAGO VPS Survey 2019 results refer to departmental staff only; VPS = Victorian Public Service. AHRC survey results cover a five-year period.
 Source: VAGO LG Survey 2020; VPSC PMS Survey 2019; VAGO Survey 2019; AHRC National Survey 2018. See Appendix E for more detail on these surveys.

Comparing the prevalence of sexual harassment across sectors is hard because sample size, design and response rates can impact the results. The 2019 PMS found that 7 per cent of employees in Victorian public sector departments had experienced sexual harassment, which is much lower than our results. However, the PMS is

broader than our survey, asking employees about a range of workplace issues as well as sexual harassment. This means there is less risk that the results over-represent the experience of sexual harassment.

VAGO also surveyed Victorian public sector employees in 2019, asking only about experiences of sexual harassment. This found that 29 per cent of surveyed employees had experienced sexual harassment in the previous 12 months. Our survey of local councils had a similar response rate and survey design, indicating that the prevalence of sexual harassment in local councils is similar to the Victorian public sector.

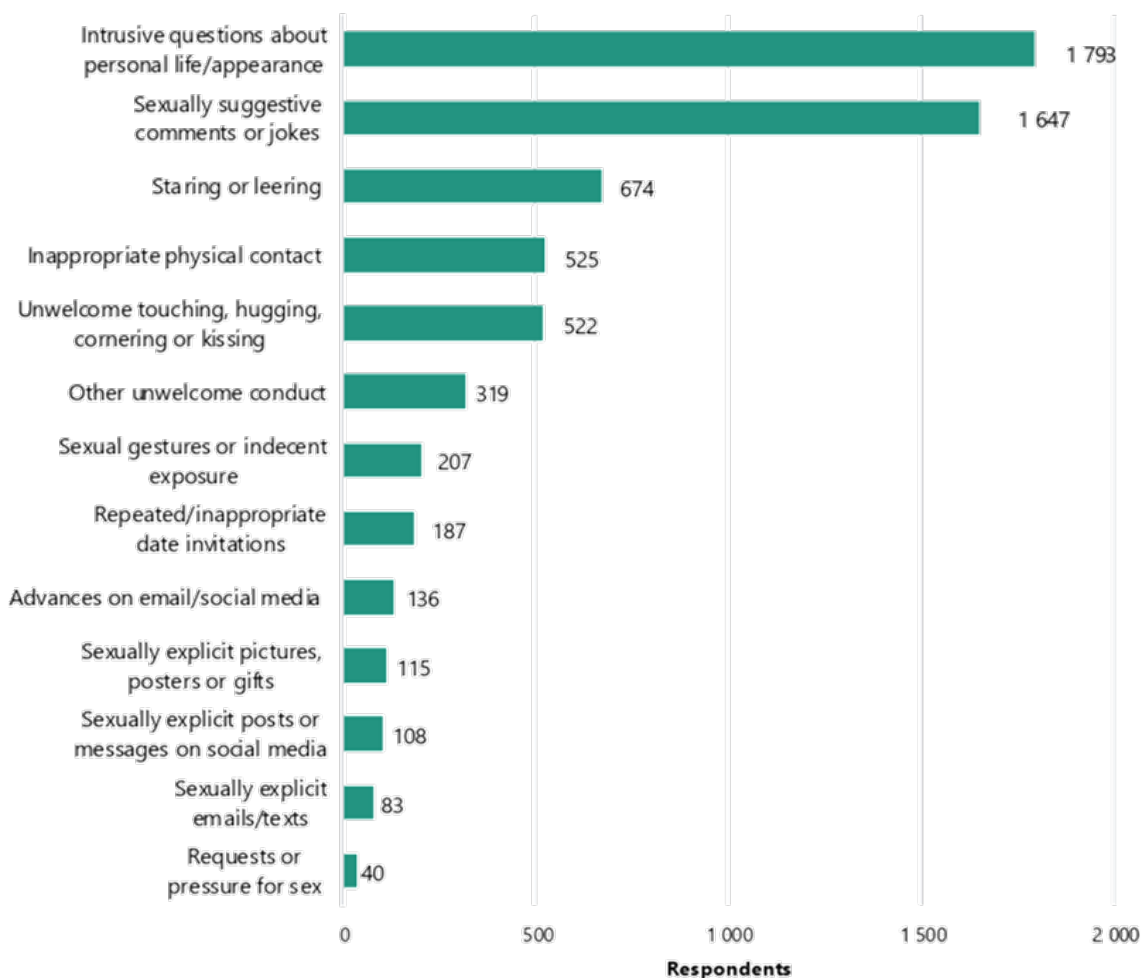
2.2 Experiences of sexual harassment

As shown in Figure 2E, the three most common types of sexual harassment experienced by respondents were:

- intrusive questions about their personal life or appearance
- sexually suggestive comments or jokes
- inappropriate staring or leering.

The AHRC National Survey 2018 also found these were the three most common types of workplace sexual harassment.

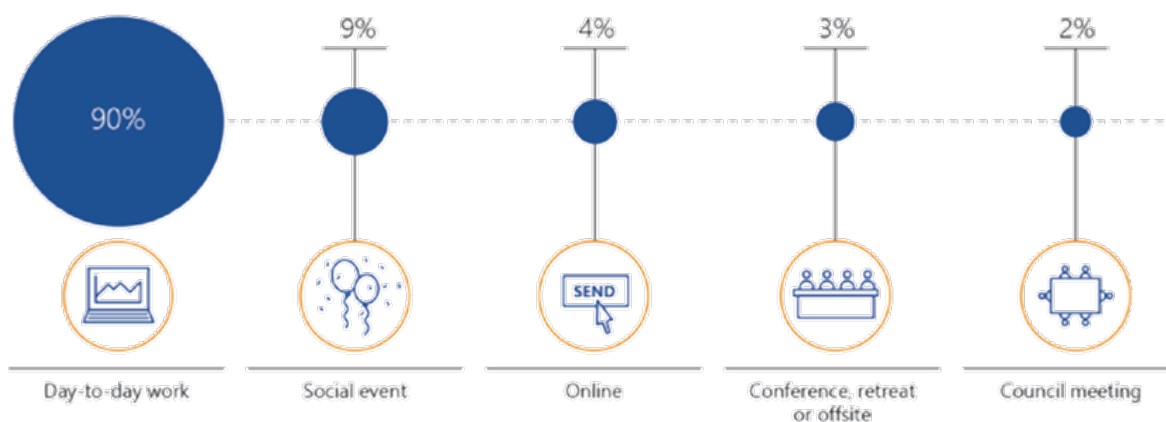
FIGURE 2E: Types of sexual harassment experienced by VAGO LG Survey 2020 respondents



Note: 2 807 respondents said they had experienced at least one of these behaviours at least once in the last 12 months. Respondents could select more than one option.
 Source: VAGO LG Survey 2020.

As shown in Figure 2F, most sexual harassment occurred during day-to-day work.

FIGURE 2F: Where did the sexual harassment occur?



Note: Results shown as percentage of respondents who experienced sexual harassment (2 807). Results do not total 100 per cent because respondents could select more than one answer.

Source: VAGO LG Survey 2020.

Figure 2G shows that the harasser was most likely to be a co-worker at the same level or a more senior co-worker.

FIGURE 2G: What best describes your workplace relationship with the person who sexually harassed you?



Note: Results shown as percentage of respondents who experienced sexual harassment (2 807). Results do not total 100 per cent because respondents could select more than one answer.

Source: VAGO LG Survey 2020.

Impacts of harassment

Regardless of the type or context, sexual harassment can have harmful impacts on those who experience it. Forty-five per cent of respondents who experienced sexual harassment said they were negatively impacted. Figure 2H shows the type of impact respondents said they experienced.

FIGURE 2H: Impacts of harassment

Impact	Percentage (%)
Impact on mental health	25
Lowered self-esteem and confidence	21
Impact on employment, career or work	4
Deterioration of relationships with partner, family and/or friends	2
Financial loss	1

Note: Results are shown as a percentage of respondents who said they experienced sexual harassment (2 807). Fifty-five per cent of respondents said that it had no impact. Results in table do not add up to 45 per cent because respondents could select more than one answer.

Source: VAGO LG Survey 2020.

Sexual harassment also affects employees' relationships with their council. Some survey respondents said that their experiences:

- worsened their working relationships
- made them lose respect for their colleagues and their council
- lowered their trust in the management at the council.

2.3 Risk factors

Anyone can experience sexual harassment, but some people are at a higher risk. Councils should use this information to better target strategies and communication so that they can give the right level of support to staff and councillors.

Respondents who ...	experienced sexual harassment at a rate of ...	compared to ...
identify as LGBTQIA+	48 per cent	27 per cent of respondents who did not identify as LGBTQIA+
have disability	41 per cent	28 per cent of respondents without disability

“ I left a fantastic position with higher pay and views of promotion for a lower paid position in a council far from home. —Survey respondent

“ It made me feel like my work was not valued and was not important. —Survey respondent

“ It makes me hesitate to take meetings alone. —Survey respondent

“ Incredibly disappointing. I don't want to work with someone like that. The joy goes out of the job. —Survey respondent

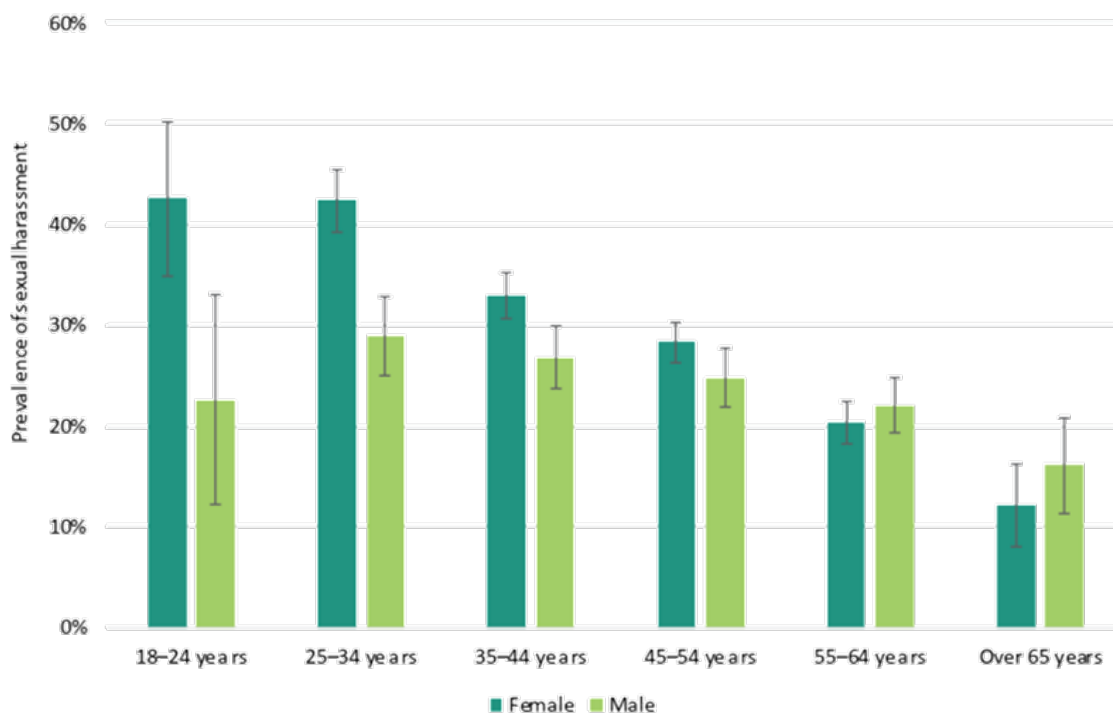
The margin of error for people with disability is ±7 per cent and the margin of error for Aboriginal and Torres Strait Islander respondents is ±14 per cent

Respondents who ...	experienced sexual harassment at a rate of ...	compared to ...
are aged 18 to 34	38 per cent	26 per cent of respondents aged 35 or over
are Aboriginal and Torres Strait Islander people	37 per cent	28 per cent of non-Aboriginal and Torres Strait Islander people
are women	30 per cent	25 per cent of male respondents

Gender and sexuality

The AHRC National Survey 2018 found that women are at a higher risk of sexual harassment at work. This is true for local government as well. As shown in Figure 21, our survey found young women experienced sexual harassment at a greater rate than older and male employees. For respondents over the age of 44, there was no statistically significant difference between prevalence for women and men. We received too few responses from respondents with a self-described gender identity to report on levels of harassment for that cohort.

FIGURE 21: Age and gender



Note: 9 800 respondents identified as either male or female. Error bars show the margin of error for each cohort.
 Source: VAGO LG Survey 2020.

Women were also more likely to suffer negative consequences from sexual harassment compared with men. Forty-nine per cent of women who experienced sexual harassment said it had an impact on them, compared to 33 per cent of men.

The higher rate experienced by young women reflects the gendered nature of sexual harassment. The VEOHRC Guideline notes that gender inequality is a primary driver of workplace sexual harassment. It creates stereotypes about how women and men should behave that can:

- permit sexist or demeaning language
- make women more vulnerable to harassment
- present a barrier to reporting.

One marker of gender inequality in the workplace is low numbers of women in senior leadership positions compared to men. According to MAV, in 2019, women made up 60 per cent of local government employees but only 40 per cent of organisational leaders. Only one sixth of local council CEOs were women. From March 2021, councils will be required to report on the gender make-up of all levels of the workplace and work to improve gender equality under the *Gender Equality Act 2020*.

Gender inequality and stereotypes can also put LGBTQIA+ individuals at higher risk of sexual harassment. Our survey found that almost half of all LGBTQIA+ respondents had experienced sexual harassment in the last 12 months. The VEOHRC Guideline notes that this harassment can stem from homophobic, transphobic or hyper-masculine work environments.

2.4 Sexual harassment from the public

Sexual harassment from members of the public—such as customers, clients or patients—is a significant risk for councils. Figure 2J shows that harassment from the public happens for all groups, but employees in customer-facing roles are at the greatest risk.

FIGURE 2J: Sexual harassment from members of the public

Role of person experiencing harassment	Results (%)
Customer-facing role	45
Councillor	34
Outdoor worker	27
Office/administration	13
All roles	23

Note: Results are shown as a percentage of respondents who experienced sexual harassment (2,807). Respondents could select more than one option. Because there are fewer councillors than staff, the margin of error for councillors is ±8 per cent.

Source: VAGO LG Survey 2020.

Sexual harassment from the public occurs in a variety of contexts, including in aged care, leisure centres and libraries. Survey respondents highlighted that councils do not

“Does anyone really think that a young female like myself feels comfortable telling my team about it? Especially when my team has often talked about how young people these days are sensitive, and about how women are emotional and can't do certain things.”
—Survey respondent

“Another manager has made comments about childcare and that women should just stay home and then we wouldn't need to run childcare.”
—Survey respondent

“[I was] assaulted by a member of the public and called a [homophobic slur]. In front of the team leader and a new employee, my manager laughed as he said, ‘How did he know?’”
—Survey respondent

always take this type of harassment seriously, and that there is a culture of accepting harassment from the public as part of the job.

FIGURE 2K: **Sexual harassment from members of the public**

“ I was shown pornographic images by a customer after he placed his mobile phone down his pants, took a photo of his penis then displayed the image to me which I did not solicit. I was working in isolation at the time and there were two other males with him. When I reported it to my team leader his exact words were ... 'don't think I'm going to report this to the police.'

—Survey respondent

“ I spend a lot of time out in public alone conducting inspections. In doing so I am frequently wolf-whistled and glared at and feel extremely vulnerable.

—Survey respondent

“ I have experienced naked people at work and weird sexual comments from patrons. I have reported it in line with council procedures however I received no real debrief or response to the incidents. It seems to be simply seen as something we have to deal with in libraries and not worthy of discussion.

—Survey respondent

“ I have had patrons take photographs of me, make overt sexual comments to me and even touch me, sometimes quite inappropriately ... management staff in my sector tend to shrug off any mention of sexual harassment as 'not really that bad' or 'just part of dealing with the public'.

—Survey respondent

Note: We have edited quotes for clarity and brevity.

Source: VAGO LG Survey 2020.

Councils are legally responsible for providing a safe workplace for employees. This includes addressing the risk of sexual harassment from the public. Under the *Equal Opportunity Act 2010* councils must take reasonable and proportionate steps to prevent sexual harassment from occurring.

Except for Ararat, the audited councils could do more to include sexual harassment from third parties in policies and complaint procedures.

VEOHRC recommends ...	However ...
including sexual harassment by third parties in sexual harassment policies.	except for Ararat, the audited councils' sexual harassment policies do not cover third parties as potential harassers.
establishing formal procedures, including response actions such as calling the police, or banning a customer from the workplace.	while the audited councils have formal procedures for dealing with unreasonable customer behaviour, only Ararat's refers to sexual harassment.

The audited councils' unreasonable customer procedures focus on loud, rude and violent behaviour. However, as outlined in Section 2.2, the most common types of sexual harassment are not necessarily loud or violent.

As a result, staff may believe that they cannot challenge common forms of sexual harassment from the public because council procedures do not cover them.

Councils should also take proactive measures to prevent sexual harassment from the public, such as:

- putting up signs stating that sexual harassment is unlawful and will not be tolerated
- providing training to staff on dealing with members of the public
- ensuring customer-facing staff know they can refuse service if they feel uncomfortable or unsafe.

2.5 Councillors and sexual harassment

Forty-one councillors across the state, or 30 per cent of councillor respondents, said they had been harassed at work in the last 12 months. Although they experienced sexual harassment at a similar rate to council employees, Figure 2L shows that the context of this harassment was different.

In February 2019, the Victorian branch of ALGWA made a submission to the AHRC National Inquiry. The submission highlighted that female councillors were at risk of sexual harassment from constituents, council staff and fellow councillors, including those from other municipalities.

FIGURE 2L: Context of sexual harassment—councillors and staff

Harassment occurred	Councillors (%)	Staff (%)
by a councillor	71	5
during a council meeting	37	2
by a member of the public	34	22

Note: Results shown as percentage of respondents who experienced sexual harassment (41 councillors and 2 690 staff). Excludes respondents who preferred not to say their role at council. The margin of error for councillors is ±8 per cent.

Source: VAGO LG Survey 2020.

“ I have seen the rape threats and threatened violence against female councillors and I believe that this prevents women going into or staying in these roles.

—Survey respondent

“ As a female councillor ... I have experienced sexual harassment from residents and sexist comments, rather than council employees. There are not any measures to help in this example.

—Survey respondent

“ I will distance myself from local government and never run for election again.

—Survey respondent

Sexual harassment of councillors can contribute to a culture where women may not feel respected and safe. Forty-four per cent of female councillors, compared to 19 per cent of male councillors, reported experiencing sexual harassment. This is a wider gap in prevalence than for employees.

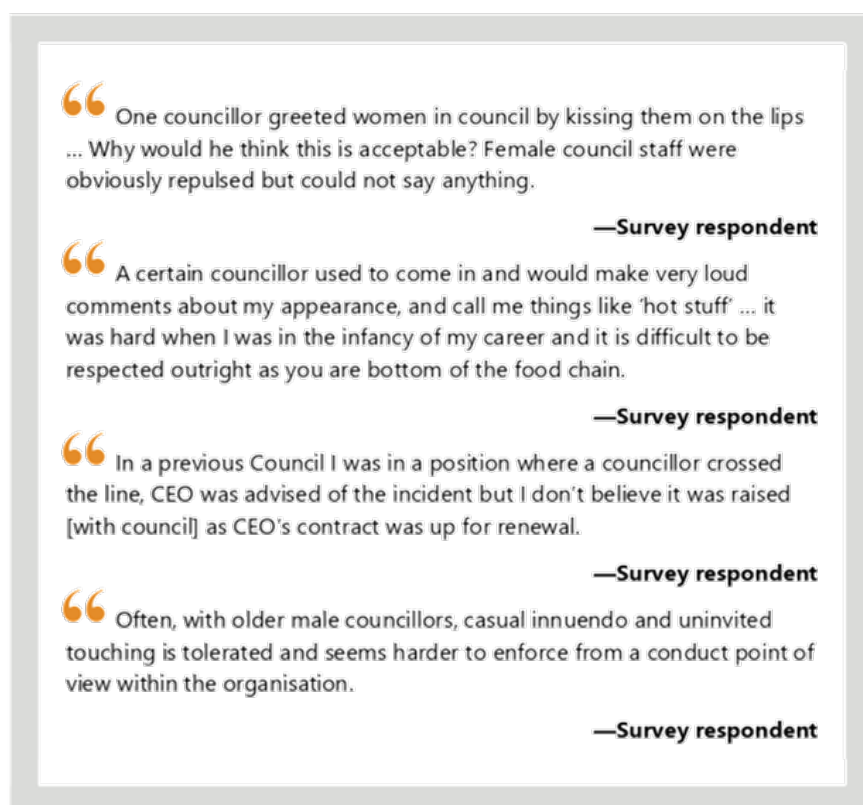
Higher rates of sexual harassment for female councillors present a challenge to addressing their under-representation on local councils. The Victorian Government's Victorian Gender Equality Strategy aims to achieve equal gender representation on local councils by 2025. In the 2016 council elections, only 38 per cent of elected councillors were women, and 13 municipalities elected just one female councillor. This increased to 44 per cent in the October 2020 elections.

Councillors' positions as elected officials mean they face different barriers to reporting sexual harassment, which we discuss further in Section 4.1.

Councillors and staff

Across the sector, 132 surveyed employees said that a councillor had sexually harassed them in the last 12 months. Survey respondents told us that the power dynamic between staff and councillors makes it difficult to report sexual harassment.

FIGURE 2M: **Power dynamic between councillors and staff**



Note: We have edited quotes for clarity and brevity.

Source: VAGO LG Survey 2020.

Of the audited councils, only Ararat and Corangamite Shire Council (Corangamite) have sexual harassment policies that explicitly apply to councillors. As the other three councils' policies do not refer to councillors, staff may not know if or how they can report harassment from a councillor.

2.6 Collecting information about sexual harassment

To prevent sexual harassment, councils first need to understand how common it is and what is driving it in their workplaces. VEOHRC recommends employers carry out anonymous surveys or review exit interviews to gather this information.

Understanding prevalence at a council level

The audited councils do not commonly use workplace surveys to identify rates of sexual harassment. Although all have conducted at least one workplace survey in the last five years, only Frankston City Council (Frankston) asked employees about sexual harassment.

In a 2020 survey, Frankston asked employees whether they agreed that their workplace was free from sexual harassment and gender-based discrimination. Eighty-nine per cent of staff agreed. However, the survey did not ask whether employees had experienced sexual harassment. As a result, it does not tell Frankston how common sexual harassment is, and who is most at risk.

In addition, none of the councils categorise complaints in a way that allows them to identify trends in sexual harassment, which we discuss further in Section 4.3.

Understanding the prevalence of sexual harassment will also help councils to meet the requirements of the *Gender Equality Act 2020*. From June 2021, councils must measure and report on seven gender equality indicators every two years. One of these indicators is the prevalence of workplace sexual harassment.

Understanding prevalence across the sector

Prior to our survey, there was no sector-wide survey in the local government sector about cultural or workforce issues. None of the state agencies or peak bodies overseeing councils run surveys or collect comparative information about sexual harassment or workplace conduct.

Coupled with a lack of workplace surveys at individual councils, it means that the sector has no visibility of the sexual harassment that occurs in its workplaces.

Sector-wide data on sexual harassment would allow councils to:

- understand the prevalence of sexual harassment and how well they are preventing and responding to it
- benchmark their performance against other councils
- track performance over time.

3.

Preventing sexual harassment

Conclusion

Councils are not doing enough to fulfil their positive duty to prevent sexual harassment. Although all audited councils have relevant policies and training, they are not comprehensive enough to be effective.

Audited councils' policies cover broader workplace issues and consequently lack elements that are unique to sexual harassment. Councils also mostly deliver their training through online modules, missing the opportunity to meaningfully engage with staff and challenge outdated views. Across the sector, training misses key groups, including councillors and casual employees.

Council leaders do not regularly promote a culture of respect that does not tolerate sexual harassment. This further undermines the effectiveness of policies and training and leads to reduced employee trust.

This chapter discusses:

- Sexual harassment policies
 - Training on sexual harassment
 - Leading a culture of respect
 - Addressing resistance and backlash
-

3.1 Sexual harassment policies

A comprehensive sexual harassment policy helps employees understand what sexual harassment is, and where to get help if they witness or experience it.

Adequacy of policies

When we began our audit, none of the audited councils had a standalone sexual harassment policy. Instead, they included their policies and procedures on sexual harassment within broader documents about bullying, appropriate workplace behaviour and discrimination.

Except for Ararat, audited councils' policies lack at least one key element from the model policy.

Of the audited councils ...	As a result, there is a risk that ...
only Ararat outlines that their sexual harassment policy also applies to online interactions.	victims of online harassment at the other councils may not know that they are able to use council complaint processes.
Frankston, Latrobe City Council (Latrobe) and Moreland City Council (Moreland) do not explain that sexual harassment is unlawful under the <i>Equal Opportunity Act 2010</i> in their policy.	employees may not be aware that sexual harassment can have legal consequences for the harasser and the council.
Frankston and Latrobe's policies do not clearly describe formal and informal processes for resolving complaints.	parties to a complaint do not have clear expectations of how the council will handle it. Victims or witnesses may not be confident to report sexual harassment.
Frankston lacks a clear policy statement that says that it will not tolerate sexual harassment.	employees may believe that the council may tolerate some level of sexual harassment and will not treat all complaints seriously.
Corangamite does not provide internal and external support options to victims in its policies.	victims may not know their support options when they experience sexual harassment.

In response to this audit, Ararat published a new standalone sexual harassment policy in August 2020 that complies with the model policy.

Accessibility and communication

Policies are only useful if employees and councillors can find them. Councils should ensure their employees can readily access information about how their council prevents and responds to sexual harassment.

Finding sexual harassment policies

Across the sector, 90 per cent of survey respondents said they knew where to find their council's policy on sexual harassment.

All audited councils make their policies accessible:

- on internal networks such as shared drives or intranet pages
- in hard copy at work sites such as depots.

Latrobe, Frankston and Ararat also present their policies in a way that allows a user to search the term 'sexual harassment' on the council intranet or file system and find the relevant policy. This makes it easier for staff and councillors to find relevant information.

Except for Frankston, the audited councils spread information on sexual harassment across at least three documents. This increases the risk that staff will not find the right information about their obligations and rights.

Communicating about policies

Audited councils do not regularly communicate to staff and councillors about how to find policies on sexual harassment.

Audited councils advised us that their staff learn about policies covering sexual harassment when they commence at the council. Only Frankston routinely communicates to staff and councillors about how and where to find sexual harassment policies. It does this by including information about the policies in its training, which runs every two years. However, as noted in Section 3.2, less than a quarter of survey respondents at Frankston received training at induction.

The 2019 MAV survey found that less than half of surveyed councils actively promote their sexual harassment policies. These results show that a lack of communication about policies is a problem across the sector.

More frequent communication would remind staff of their rights and obligations and ensure they know how to access information to support them if they experience or witness sexual harassment.

“ After our last survey, CEO and other management provided an update that all sexual harassment should be reported. No information was provided about how to report it specifically or the process for how to report it, it was not very reassuring.

—Survey respondent

3.2 Training on sexual harassment

VEOHRC recommends that organisations take positive steps to train all employees on sexual harassment, including all executives, managers and senior staff, investigators and contact officers.

Reliance on online compliance training

Four of the audited councils include sexual harassment training in a suite of online training modules covering employees' legal rights and obligations. For staff who do not have regular access to council IT platforms, such as staff in depots, these councils provide this training face-to-face. Latrobe provides staff with an online training module on appropriate behaviour, but this does not explicitly refer to sexual harassment.

None of the audited councils deliver in-depth face-to-face training on sexual harassment for all staff. Most staff only ever receive training in an online module format, missing out on the advantages of face-to-face training such as:

- more open discussion about appropriate standards of behaviour in the workplace
- a forum for leaders to reiterate expected values and demonstrate a commitment to preventing sexual harassment.

Online training is common across the sector. In the 2019 MAV survey, 53 per cent of councils said they delivered training specifically on sexual harassment. Forty-six per cent of these councils reported using online training methods. Other councils used internal or external trainers to deliver face-to-face training, such as regional women’s health services or external trainers.

Training does not reach everyone

Twenty-four per cent of survey respondents said they had never received training on appropriate behaviour or sexual harassment at their council. People who were least likely to have received training on appropriate behaviour were:

- new employees
- councillors
- casual employees.

Training for new employees

Figure 3A shows that survey respondents who had been at their council under a year were the least likely to have received training. However, there is still a portion of long-term employees who said they had never received training at their current council.

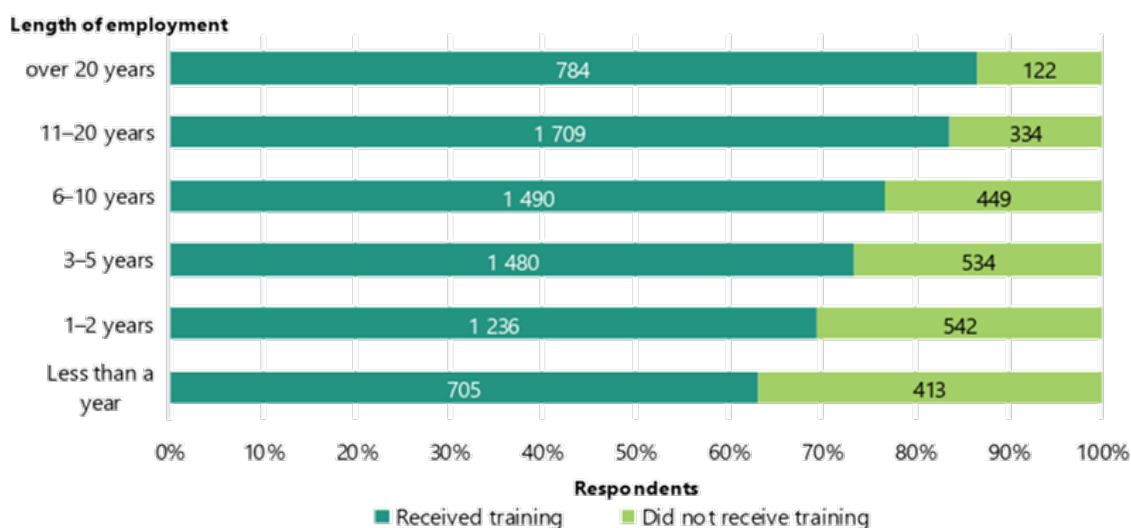
“The only sexual harassment “training” I was given was an online course I had to do between calls on the job. So it was just another box to tick, and the message I am left with is that council really doesn’t take these things very seriously.

—Survey respondent

“The mandated annual re-training on sexual harassment is just a tick box exercise that focuses on the extreme physical assaults, not the day-to-day degrading and demeaning behaviours that need to change.

—Survey respondent

FIGURE 3A: Sexual harassment training by employment length



Note: 9 798 people answered how long they have worked at their council and whether they have received training.
Source: VAGO LG Survey 2020.

All five audited councils advised us that new starters must complete their online module on appropriate behaviour. Despite this, less than half of respondents reported receiving appropriate behaviour training at induction, as shown in Figure 3B.

FIGURE 3B: **Appropriate behaviour training at induction—audited councils**

Council	Percentage of respondents who completed training at induction (%)
Ararat	36
Corangamite	46
Frankston	23
Latrobe	41
Moreland	41

Source: VAGO LG Survey 2020.

This suggests that new starters either:

- do not receive training on sexual harassment at induction
- do not recall whether training they received as part of induction covered sexual harassment.

Training for councillors

Councillors are not receiving the same amount of training on sexual harassment as employees. Sixty per cent of councillors said they had not received training on sexual harassment or appropriate behaviour from their council. LGV's *Best practice guide for gender equity in local government* recommends councils integrate training in gender equity, unconscious bias and bystander training into councillors' professional development.

The margin of error for councillors' is ± 8 per cent.

Except Latrobe, audited councils require councillors to complete online training modules on sexual harassment. However, councils and stakeholders advised us that it is difficult to ensure councillors complete the training, as they are not contracted employees of the council. For example, at one council, only one councillor completed the training in 2018–19.

For councillors elected in the October 2020 elections and those in future years, the *Local Government Act 2020* outlines that they must receive induction training within their first six months as councillors. Councils are responsible for developing their own training, but in relation to sexual harassment it must include:

- serious and gross misconduct under the *Local Government Act 2020*
- gender equality, diversity and inclusiveness
- standards of conduct for councillors, which includes a prohibition on sexual harassment
- the internal arbitration and Councillor Conduct Panel processes (see Section 1.7)
- any practices, protocols or policies in relation to the interaction between members of council staff and councillors.