

### Training for casual employees

Across employment types, casual employees were the least likely to have received training on sexual harassment. Figure 3C shows that employees on contracts were more likely to have received training than casual staff, but they still received it at a lower rate than ongoing employees.

FIGURE 3C: Training by employment type

Employment type	Received training at current council (%)
Ongoing (full and part-time)	77
Contract (full and part-time)	73
Casual	59

Note: Results shown as percentage of council employees who answered question on training. Because we received fewer survey responses from casuals, the margin of error for their result is ±6 per cent. Casuals may have been less likely to do our survey because they have less access to council computers, and because of stand-downs related to COVID-19.

Source: VAGO LG Survey 2020.

Providing training for casual employees at councils is important, because the nature of their employment may make them less likely to make a complaint when sexual harassment occurs. The AHRC National Survey 2018 found young people in casual work in hospitality and retail were less likely to speak up about sexual harassment because of a fear of losing shifts or employment.

In our survey, casual staff reported experiencing sexual harassment at a lower rate than other employees. However, they were more likely to be:

- women, who experience a higher rate of sexual harassment (Section 2.3)
- in customer-facing roles, facing a risk of harassment from the public (Section 2.4).

Ensuring sexual harassment training reaches casual employees can help to address barriers to reporting and ensure they understand their right to a workplace free of sexual harassment.

### Monitoring training completion

All audited councils provided training attendance records for their online sexual harassment modules. In line with our survey findings, these demonstrated that not all employees had completed training. However, only Ararat’s and Frankston’s records noted reasons why employees had not done so. For example, Ararat’s record noted where employees had not completed training because they were on parental leave.

More detailed training records would allow councils to monitor who has not completed required training.

### Content of training

Training should include enough detail for staff to understand what sexual harassment is and how to respond. Effective training gives employees the skills, knowledge and confidence to apply what they have learnt in the workplace.

“ My personal experience of harassment as a frontline worker included non-consensual touching of my bottom, unwelcome comments and body language and photos stealthily being taken of me without my consent ... As I moved into an administrative role it became clear the council has good policies on sexual harassment, but they were not trickling to the frontline workers.

—Survey respondent

Our survey suggests that training at councils covers the key elements necessary for comprehensive training on sexual harassment. Figure 3D shows that 96 per cent of respondents who received training said it covered acceptable standards of behaviour.

FIGURE 3D: Coverage of sexual harassment in training content

Content	Covered content (%)
Acceptable standards of behaviour and what behaviours are inappropriate	96
Where to seek help or support for myself or co-workers	90
What I should do if I witness sexual harassment	88
My council's workplace policy and procedures	88
Options for reporting sexual harassment	85

Note: Results shown as percentage of respondents who said they had received training at their current council (7 471).

Source: VAGO LG Survey 2020.

However, when we reviewed the training material at audited councils, we found key gaps that make training less comprehensive.

Of the five audited councils ...	This is a gap because ...
none cover bystander interventions in their appropriate behaviour training. Moreland has a separate training course for bystander interventions. However, this is not compulsory for staff and is not specific to sexual harassment.	encouraging bystanders to speak up when they hear or see sexual harassment can be a powerful tool in building a positive and safe workplace.
only Frankston tailors training to reflect council policies and procedures.	training should equip staff to comply with workplace policies and procedures. Tailored training can also provide detail about work settings that are unique to the council or the sector, such as depots and libraries.
Latrobe and Moreland do not provide training for managers on how to respond to complaints of sexual harassment.	managers play a key role in complaint handling and resolution. Eleven per cent of surveyed managers said they would not feel confident in their ability to respond effectively to a complaint of sexual harassment relating to a staff member they supervised.

### 3.3 Leading a culture of respect

Leaders at councils, including CEOs, mayors and councillors, play an important role in creating a respectful workplace that does not tolerate sexual harassment.

Comprehensive policies and training are not effective if employees believe council leaders do not actually support them.

#### Modelling respectful behaviour

Leaders build a culture of respect by modelling respectful behaviour, including calling out inappropriate conduct. Survey respondents gave examples of leaders not modelling respectful behaviour, or failing to call out instances of sexual harassment, making staff lose faith that their council takes harassment seriously.

FIGURE 3E: Leaders not modelling respectful behaviour

“ I had a manager make inappropriate jokes towards a female colleague during a large meeting. I spoke with them after to let them know how it came across and how it made him look (degrading of women) and he was very apologetic. What concerned me was that his boss made no comment or reaction during the meeting, when it was clear by the murmurs and looks around the room, that most felt it was a joke gone too far.

—Survey respondent

“ I was involved with a conversation which occurred at a manager catch up where the CEO was present. [The conversation was] totally inappropriate and uncomfortable with snickering etc. Not one [executive team] member or CEO said anything.

—Survey respondent

“ I have experienced sexual harassment at another council, where the CEO acted inappropriately to myself and other staff. If the CEO behaves in this way then the tone is set for the rest of the organisation. People are unlikely to report if a decision maker is a perpetrator.

—Survey respondent

“ I believe that within my council, there is a councillor who is known to be inappropriate. It seems that this is known about and discussed within leadership. However, as this councillor is still in his role, it leads me to assume that leadership do not take this issue seriously.

—Survey respondent

Note: We have edited quotes for clarity and brevity.

Source: VAGO LG Survey 2020.

Conversely, strong leadership can make victims feel supported to make complaints of sexual harassment:

“ I approached the CEO and informed him of what had happened and was so very grateful to him of his support of me and of pushing human resources team to follow up on investigation with the ... allegations. The CEO was very supportive and for that I truly thank him.

—Survey respondent

### Communication from leaders

Communication from senior leadership builds awareness of how to report sexual harassment if it occurs. Only 31 per cent of survey respondents said their council communicates to them annually about how they are addressing or preventing sexual harassment.

None of the five audited councils could provide evidence of communication from senior council staff, CEOs or mayors about sexual harassment or appropriate behaviours. However, except Moreland, the councils advised that human resources (HR) representatives send emails to staff about appropriate behaviour prior to staff parties.

Communication prior to social events is useful, as it reiterates to staff that the council expects appropriate workplace behaviour to continue in a social setting. However, communication from leadership should reflect that sexual harassment happens in many different settings. As outlined in Section 2.2, victims of harassment were more likely to experience sexual harassment during their day-to-day work than during social functions.

### Staff confidence

Overall, 77 per cent of survey respondents believed their council takes sexual harassment seriously. However, survey respondents were more likely to believe their council takes sexual harassment seriously if:

- their council sent annual communications about how it addresses sexual harassment (94 per cent)
- they received training at their current council (83 per cent)
- they agreed their council communicated a message of zero tolerance (88 per cent).

## 3.4 Addressing resistance and backlash

Organisations can face resistance or backlash from staff when acting to prevent sexual harassment. Examples of resistance include:

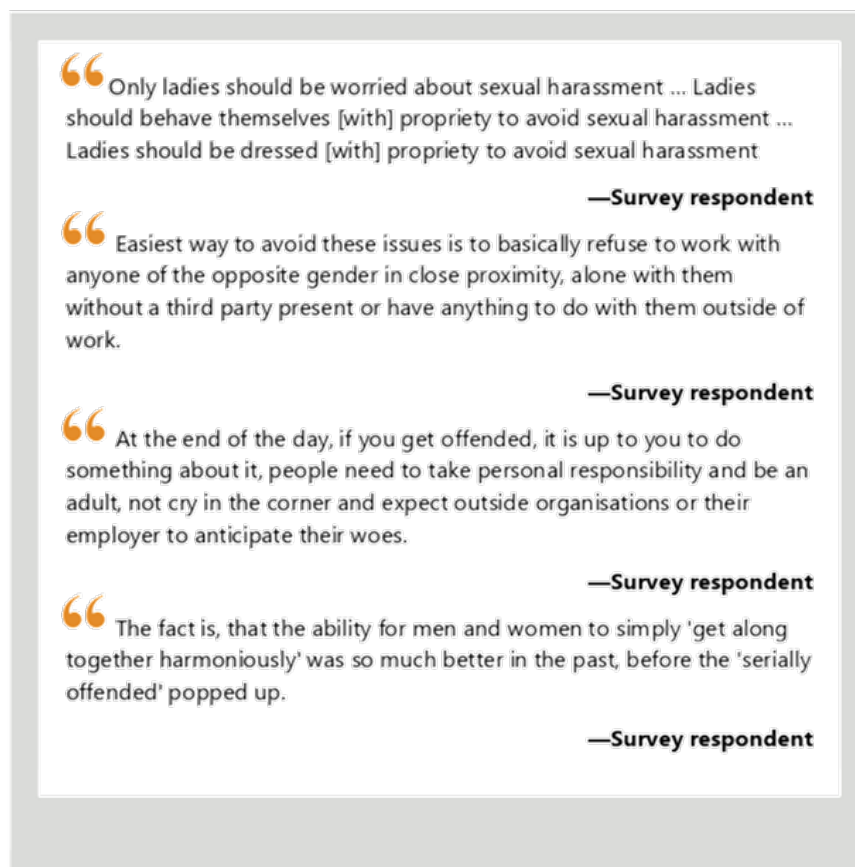
- denying sexual harassment exists
- undermining, bullying, or punishing people who raise concerns about sexual harassment
- disrupting training sessions or refusing to take part
- openly challenging workplace policies and complaint processes.



We found that 9 per cent of respondents did not consider the behaviours listed in Figure 2E in Section 2.2 to be sexual harassment. Thirteen per cent said they considered some of the behaviours, but not all, sexual harassment.

In addition, some survey respondents expressed views that excused or trivialised sexual harassment or described victims as being too sensitive.

FIGURE 3F: **Resistance and backlash**



Note: We have edited quotes for clarity and brevity.

Source: VAGO LG Survey 2020.

These responses highlight the importance of regular training and communication from senior leadership. As outlined in Sections 3.2 and 3.3, the audited councils do not provide in-depth training or regularly communicate about sexual harassment. This makes it difficult for them to:

- understand the level of resistance or backlash among staff
- create opportunities for safe and open dialogue
- educate staff and councillors about sexual harassment
- counter myths or stereotypes about sexual harassment.

# 4.

## Responding to sexual harassment

### Conclusion

Councils do not always support and encourage staff to report their experiences of sexual harassment. Although they offer formal and informal complaint options, victims rarely use them.

When victims do speak out, councils do not always handle their complaints fairly or effectively. For instance, we found examples of councils excusing inappropriate behaviour when staff raised concerns about it. This reduces staff confidence in complaint handling and makes it challenging for victims to report their experiences.

Audited councils lacked full complaint documentation and failed to record why they had stopped investigating some complaints. This sends a message to victims that councils do not take their experiences seriously. It also puts councils at risk if employees challenge their decisions.

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### This chapter discusses:

- Encouraging complaints
  - Handling complaints
  - Recording complaint information
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## 4.1 Encouraging complaints

Employers must support victims to make complaints of sexual harassment and ensure staff know how and where to make a complaint.

### Barriers to making complaints

Of survey respondents who experienced sexual harassment, only:

- 2 per cent made a formal complaint to their council
- 10 per cent told their manager
- 19 per cent told a colleague.

We asked respondents who experienced sexual harassment why they did not make a formal complaint. Figure 4A shows their responses.

FIGURE 4A: Top reasons for not making a formal complaint

Reason	Percentage of respondents (%)
Did not think the behaviour was serious enough	60
Did not think it would make a difference	25
Believed there would be negative consequences for their reputation or career	24
Did not need to, because the harassment stopped	14
Thought the complaint process would be embarrassing or difficult	13

Note: Respondents shown as percentage of those who experienced sexual harassment who did not make a formal complaint (2 753). Results do not total 100 per cent because respondents could select more than one option. Source: VAGO LG Survey 2020.

The most common reason respondents gave for not making a complaint is that they did not think the behaviour was serious enough. However, sexual harassment does not need to be physical, or a criminal offence, to have negative impacts on individuals. In addition, the impacts of frequent low-level sexual harassment can build up over time and make employees feel unsafe at work.

Some respondents told us they were unsure if the unwanted behaviour was serious enough to be considered sexual harassment. This demonstrates the importance of:

- comprehensive training to educate staff on what is and is not sexual harassment (Section 3.2)
- communication from senior leadership that no form of sexual harassment is tolerated (Section 3.3)
- ensuring there are a range of complaint options to suit all forms of harassment (Figure 4B).

“ He was in a director’s position, therefore I didn’t report the numerous verbal advances he was making due to being fearful of not being believed by management and/or potentially losing my job. —Survey respondent

“ No one wanted to report him because he was our manager and there were fears of reprisals if he kept his job. Also there was no middle ground for reporting, it was either a formal complaint/process or nothing. —Survey respondent

## Complaint pathways

Coming forward with a complaint of sexual harassment, as a victim or a bystander, can be challenging. The VEOHRC Guideline outlines that organisations should allow for different reporting options, giving complainants the flexibility to choose the pathway that is right for them. Figure 4B outlines five main pathways.

FIGURE 4B: Complaint pathways

Complaint pathway	Description	Advantages	Disadvantages
Self-managed	Complainant is supported to resolve the matter on their own, for example, by raising the issue with the other person and asking them to change their behaviour.	<ul style="list-style-type: none"> <li>Can resolve issues quickly and quietly</li> <li>Builds respect and preserves working relationships.</li> </ul>	<ul style="list-style-type: none"> <li>Complainants may not feel confident to use this pathway if there is a power imbalance between them and the harasser</li> <li>Could result in victimisation or further harm or leave the complainant feeling isolated or unsupported.</li> </ul>
Anonymous	Complainant advises council of incident(s) of sexual harassment without identifying themselves.	<ul style="list-style-type: none"> <li>Encourages staff to report</li> <li>Enables systematic recording of incidents</li> <li>Provides insight around cultural and behavioural issues.</li> </ul>	<ul style="list-style-type: none"> <li>No outcomes for individual complaints.</li> </ul>
Informal	Parties resolve the issue internally, without a formal investigation. For example, a manager speaks to the person to raise concerns about their behaviour or facilitates a mediation.	<ul style="list-style-type: none"> <li>Less intimidating than a formal complaint and can resolve issues quickly</li> <li>Opportunity for education and to focus on working relationships.</li> </ul>	<ul style="list-style-type: none"> <li>Employers cannot enforce outcomes</li> <li>Loss of corporate knowledge about process and outcome if not recorded.</li> </ul>
Formal	Dealing with a matter using formal internal processes, with documented investigation.	<ul style="list-style-type: none"> <li>Outcomes can be documented and enforced</li> <li>May be necessary if the allegation is serious.</li> </ul>	<ul style="list-style-type: none"> <li>Can take more time or resources</li> <li>Can be demoralising for complainant if complaint is dismissed after a long process.</li> </ul>
External	Referring the matter to an external body such as VEOHRC or Victoria Police.	<ul style="list-style-type: none"> <li>Independent</li> <li>Outcomes may become legally enforceable.</li> </ul>	<ul style="list-style-type: none"> <li>May take longer to resolve</li> <li>Cannot be resolved without participation of the alleged harasser.</li> </ul>

Source: VAGO, based on VEOHRC Guideline.

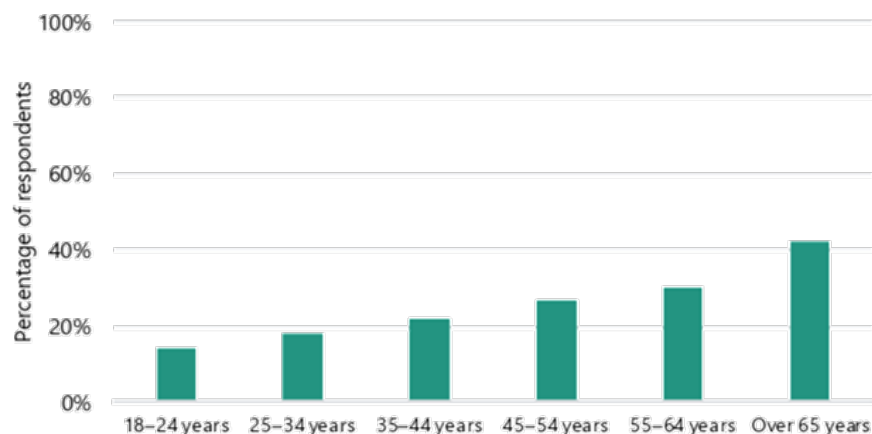
### Self-managed complaints

Across the sector, respondents were most likely to use self-managed complaint pathways. Twenty-four per cent of respondents who experienced sexual harassment said they told the person the behaviour was not okay. However, power dynamics mean this pathway is not equally accessible to all employees. As outlined in Figure 4C, younger respondents were less likely to respond to harassment this way.

“ The harassment had been noticed by many of my colleagues but I laughed it off because I found it humiliating, and I just wanted it to stop. I was also disappointed in myself for not calling it out, but it was always with an audience, and I just found it so embarrassing and I didn't want to draw any attention to it.

—Survey respondent

**FIGURE 4C: Respondents who experienced sexual harassment who self-managed their complaint by age group**



Note: Results shown as percentage of respondents who experienced sexual harassment and provided their age (2 778). Results are comparative for each group, so do not add up to 100 per cent. Self-managed refers to respondents who reacted to experience of sexual harassment by telling the person the behaviour was not okay.  
Source: VAGO LG Survey 2020.

#### Anonymous complaint channels at audited councils

All five audited councils have informal and formal pathways for sexual harassment complaints, allowing complainants to choose the option that suits them. When we began this audit, none allowed for anonymous complaints.

Although anonymous complaints make a proper investigation unlikely, they can:

- encourage complaints from employees who may not feel comfortable coming forward
- provide an avenue for staff to raise lower-level issues they consider not serious enough for a formal complaint.

As outlined in Figure 4A, 60 per cent of respondents did not think the sexual harassment they experienced was serious enough to make a complaint. Almost one quarter of respondents who did not make a complaint said it was because they were worried about negative consequences for their reputation or career.

Anonymous complaint channels can also provide useful insights on cultural and behavioural issues. In the absence of these channels, staff surveys can provide this insight. However, as discussed in Section 2.6, only Frankston uses staff surveys to ask about sexual harassment.

In response to this audit, Ararat reviewed its Staff Grievances Policy in August 2020 to allow for anonymous complaints.



### Complaint pathways for councillors

ALGWA's submission to the AHRC National Inquiry highlighted that barriers to councillors reporting sexual harassment include:

- fear of political retribution or victimisation
- the mayor being the harasser, as the mayor has a mandated role for resolving complaints
- the lack of impartiality in complaints resolution processes when Councillor Codes of Conduct require councillors to first decide among themselves if there has been a breach of the code.

Another barrier is that councillors lack access to the same informal and independent complaint options as staff. This is because dispute resolution processes in Councillor Codes of Conduct are not always appropriate for sexual harassment.

At the time of our audit, at all audited councils except Ararat, councillors had to first attempt to resolve disputes between themselves before accessing formal options. As outlined in Figure 4A, self-management of complaints is inappropriate in some circumstances. Codes of Conduct for the five audited councils also did not outline that, like employees, councillors can make complaints of sexual harassment to external bodies, such as VEOHRC or Victoria Police.

Councillors were also less likely than employees to know how to find support if they experienced sexual harassment. Twenty-nine per cent of surveyed councillors did not know how to access their council's EAP, compared to just 7 per cent of employees.

The *Local Government Act 2020* introduced new requirements for Councillor Codes of Conduct. These changes mean that councillors will not need to attempt to resolve complaints of sexual harassment between themselves. Councillors can refer any alleged breaches of the standards of conduct, including sexual harassment, to an independent arbiter appointed by the Registrar.

### Knowledge of how to make a complaint

Complaint pathways are only useful if employees know about them. Sixteen per cent of survey respondents across the sector said they did not know how to make a formal complaint of sexual harassment to their council. Knowledge of complaint pathways was not equal across employees. Respondents were less likely to know how to make a formal complaint if they:

- had never received training from their council (31 per cent did not know)
- were aged under 34 years (30 per cent did not know)
- had experienced sexual harassment (23 per cent did not know).

This highlights the importance of providing training to all staff and councillors and including detailed information about how to make a complaint (see Section 3.2).

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“The process to stop bullying and harassment is too hard. ... Then people wonder why women do not have equal representation in politics. It's because they are sexually harassed and bullied until they can no longer take it.

—Survey respondent

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The margin of error for councillors is  $\pm 8$  per cent.

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## 4.2 Handling complaints

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

- increases employees' faith in the system, in turn encouraging more people to report
- helps prevent matters escalating to legal proceedings.

Of the audited councils, three 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 that investigators:

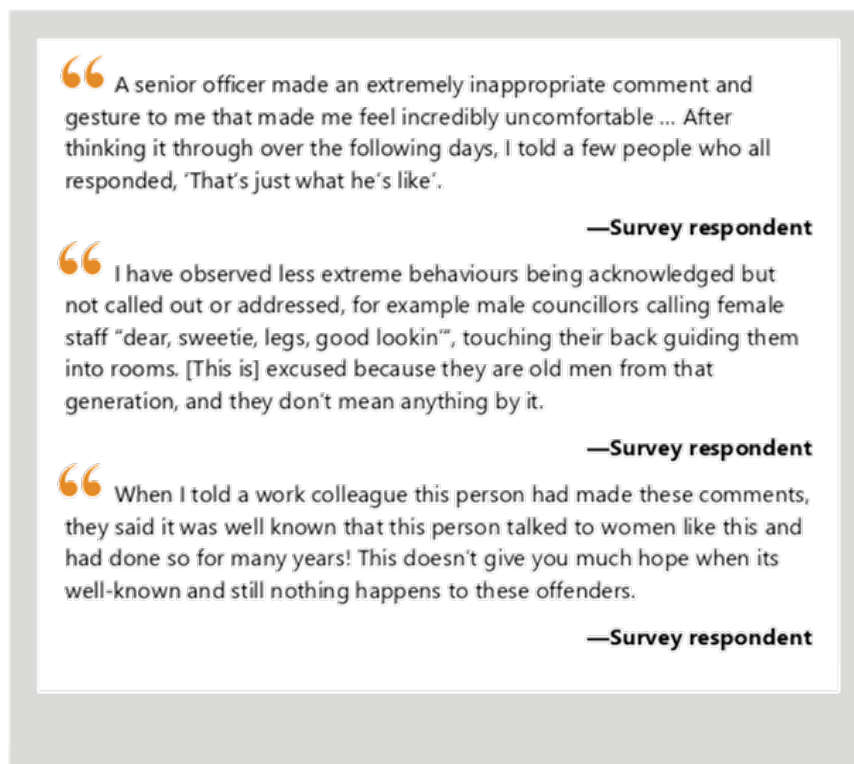
- collected witness statements and evidence where possible
- offered support persons and EAP support to respondents and complainants
- provided respondents with details of allegations in writing
- documented the outcomes of complaints.

However, we found gaps in some complaints that undermined these councils' complaint handling.

Gaps	Examples
Not informing complainants of the outcome of their complaint	Only Moreland informed complainants of the outcome of their complaint. It was the only audited council to include this step in its complaint-handling procedures.
Minimising sexual harassment or misunderstanding its legal definition	<p>In one complaint, investigators told a respondent to 'think about putting [themselves] into a situation where claims like this may be made'. This statement shows bias towards the respondent by suggesting the victim did something to encourage the harassment.</p> <p>In another complaint, investigators described a respondent's unwanted advance on social media as 'unprofessional, not unlawful' and noted that the behaviour was only a problem if the recipient 'says no and [they] continue.' This is not accurate. Sexual harassment is unlawful under the <i>Equal Opportunity Act 2010</i> even if it does not amount to a criminal offence, and it does not need to be repeated.</p>

Using language that excuses or trivialises sexual harassment reduces staff confidence in complaint handling. As outlined in Section 4.1, the second most common reason respondents gave for not making a complaint was that they did not think it would make a difference.

Survey responses from across the sector illustrate that victims can lose faith in their councils when managers or co-workers excuse inappropriate behaviour.

FIGURE 4D: **Excusing behaviour**

Source: VAGO LG Survey 2020.

## Reluctant complainants

As outlined in Section 4.1, a fear of negative consequences is a barrier for victims making complaints. Councils can begin to address this barrier by advising victims that they will support them through a formal complaint process.

In the complaints we reviewed, there was no evidence that audited councils encouraged reluctant complainants to continue with their complaint. In one case, a complainant said they were reluctant to proceed because they ‘did not want to cause any trouble’. Although council HR staff then met with the alleged harasser, there is no evidence that they formally investigated the complaint.

None of the audited councils’ complaint handling procedures consider situations where complainants are reluctant to participate in a formal process. This is partly due to the broadness of their procedures. They apply to a range of inappropriate behaviours, many of which do not have the same barrier to reporting. As part of effective complaint handling, councils should advise all complainants that they have a right to make a formal complaint and that the council will support them to do so.

## Criminal matters

Some types of sexual harassment may also be criminal offences, such as stalking, sexual assault and indecent exposure. The VEOHRC Guideline notes that a complainant has the right to decide whether to report criminal behaviour to the police and that employers should support them to do so.

Complaint handling procedures for all audited councils note that councils should refer potential criminal offences to Victoria Police. Moreland's procedure makes this compulsory. For the other four, investigators have discretion over whether to report, but their procedures offer no guidance on how to support victims who are reluctant to pursue their complaint. This is another example where broad inappropriate behaviour policies fail to reflect the different dynamics of sexual harassment.

### 4.3 Recording complaint information

Councils must keep accurate records of sexual harassment complaints for:

- external reviewers or courts if a party challenges the outcome of a complaint
- compliance with the *Public Records Act 1973*.

None of the sexual harassment complaints we reviewed at audited councils had complete files. Examples of missing documentation included:

- written responses from respondents
- records of meetings with respondents, including one to caution an employee on their behaviour
- summaries of investigation findings.

#### Documenting decisions not to investigate

None of the audited councils documented their rationale when they stopped investigating a complaint. This is a critical gap, as it means future reviewers or courts cannot determine if the council's decision not to investigate was appropriate.

These gaps in documentation also cast doubt over whether audited councils record all the sexual harassment complaints they receive. In one instance, an audited council briefly noted on an employee's personal development plan that there had been two complaints against the employee. The council later explained to us that the complaints were from members of the public concerned about the employee's inappropriate behaviour towards women. The council did not record details of these complaints or investigate them.

#### Systems for recording complaints

Four of the five audited councils have a centralised register for complaints. Corangamite is developing one in response to this audit.

Recording high-level complaint information in a centralised register allows councils to:

- track complaints over time
- identify emerging issues in different units within the council
- address underlying risk factors for sexual harassment
- ensure important information is available for future HR staff.

Even though they had complaint registers, HR departments at audited councils had difficulty providing context for some complaints, because they had not worked at the council when they occurred. Changes in HR staff can lead to a loss of knowledge



about the context of past sexual harassment complaints. A more detailed centralised register, along with complete documentation of all complaints, allows HR personnel to understand the history of complaints at the council.

### Categorising complaints

Complaint registers are most useful if they categorise complaints according to types of behaviour or misconduct. Without this, it is difficult to use registers to identify trends in workplace behaviour.

Except for Corangamite, the audited councils could not readily quantify the number of sexual harassment complaints they had received over the last five years. For example, Latrobe initially provided us with four complaints, only two of which were for sexual harassment. We later identified a further two complaints of sexual harassment on their register.

Frankston, Latrobe and Moreland categorise complaints in their register, but do not use sexual harassment as a category. Instead, they file complaints of sexual harassment under broader labels such as 'conduct' or 'harassment'.

Although Corangamite did not have a centralised register, HR staff could identify the number of complaints because their department was small and had not changed over the period we examined.

### Security of complaint documentation

Complaint documentation contains sensitive and confidential information about employees. We found two instances where audited councils did not keep this documentation secure:

- A previous HR employee at one council stored all complaint documentation on a USB device only, against council record management policy. The employee then took the device with them when they left the council. Although HR staff later retrieved the device, they cannot be certain that the employee did not share or duplicate the information.
- At another council, a 2019 internal audit found that filing cabinets full of employee information were not secure because the HR department kept the keys in a cup in their workspace. In response to the audit, the council provided keys for individual HR employees.

In both instances, the councils identified and corrected issues in information security. However, these examples highlight how individual actions can undermine policies and controls around keeping information confidential.



## APPENDIX A

# Submissions and comments

We have consulted with the Department of Jobs, Precincts and Regions, Ararat, Corangamite, Frankston, Latrobe and Moreland, and we considered their views when reaching our audit conclusions. As required by the *Audit Act 1994*, we gave a draft copy of this report, or relevant extracts, to those agencies and asked for their submissions and comments.

Responsibility for the accuracy, fairness and balance of those comments rests solely with the agency head.

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### Responses were received as follows:

Department of Jobs, Precincts and Regions .....	55
Ararat .....	58
Corangamite.....	62
Frankston.....	66
Latrobe .....	70
Moreland .....	74

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Response provided by the Associate Secretary, Department of Jobs, Precincts  
and Regions



Department of Jobs, Precincts and Regions

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Dear Mr Greaves

Thank you for your letter of 6 November 2020 regarding the VAGO Proposed Report - Sexual Harassment in Local Government.

I am pleased to receive the proposed report and note the important findings contained within it regarding sexual harassment in local government.

The Department of Jobs, Precincts and Regions appreciates the work your office has put into conducting this audit. The department accepts recommendation 4 of the report which proposes that Local Government Victoria 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. Our formal response to the recommendation is enclosed.

We will commence discussions with relevant state and local government agencies by March 2021 on the development of a response to recommendation 4. By June 2021, discussions will occur with the advisory committee on gender equality matters to be established by the Minister for Local Government. By December 2021, we will complete development of the action plan which will be implemented by June 2023.



Response provided by the Associate Secretary, Department of Jobs, Precincts  
and Regions—*continued*

If you require further information, please contact Colin Morrison, Acting Executive Director, Local Government Victoria, of the Department of Jobs, Precincts and Regions by telephone on 0413 276 911.

Yours sincerely



**Penelope McKay**  
Associate Secretary

Date: 17/11/2020

Enc: DJPR Response Action Plan and Timelines

Response provided by the Associate Secretary, Department of Jobs, Precincts and Regions—*continued*

OFFICIAL

Department of Jobs, Precincts and Regions' action plan to address recommendation from report into sexual harassment in local government

No	VAGO recommendation	Action	Completion date
4	Local Government Victoria (Department of Jobs, Precincts and Regions) 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.	<p>Discussion with relevant state and local government agencies on the development of a response to recommendation 4;</p> <p>Discussion of recommendation 4 with the advisory committee on gender equality matters to be established by the Minister for Local Government;</p> <p>Complete development of the action plan to support recommendation 4; and</p> <p>Complete implementation of the action plan.</p>	<p>By Mar 2021</p> <p>By June 2021</p> <p>By Dec 2021</p> <p>By June 2023</p>

## Response provided by the Chief Executive Officer, Ararat





## Response provided by the Chief Executive Officer, Ararat—continued

## Ararat Rural City Council action plan to address recommendations from Audit Report – Sexual Harassment in Local Government

No.	VAGO recommendation	Action	Completion date
1	Use findings from the Victorian Auditor-General's 2020 Sexual Harassment in Local Government survey to identify and act on risk factors for council employees and workplaces (see Section 2.3).	Council is currently developing a comprehensive Equality, Diversity and Inclusion Policy.  Further measures will be included in the 6-monthly OHS Risk Assessment form to address potential risks relating to gender, race, disability and sexuality.	February 2021  30 June 2021
2	Collect information about the prevalence and nature of sexual harassment at least once every two years by: <ul style="list-style-type: none"> <li>conducting workplace surveys</li> <li>reviewing complaints information (see Section 2.6).</li> </ul>	To identify the prevalence of sexual harassment in the workplace Council will develop an employee survey that includes a question regarding individual employee experiences.  The data from the survey will be used to track performance over time and identify trends. It is proposed that this survey will be carried out every two years.  Council have developed a Complaints Register which clearly categorises and captures the type and details of all complaints, including sexual harassment for ex-employees.  A new Human Resource Management System will capture these complaints for current employees utilising the same categories.	30 June 2021  19 October 2020  30 March 2021
3	Address the risk of sexual harassment by members of the public by: <ul style="list-style-type: none"> <li>ensuring sexual harassment policies, procedures and training explicitly cover sexual harassment from the public</li> <li>regularly communicating to customers and staff that the council does not tolerate any form of sexual harassment from the public (see Section 2.4).</li> </ul>	Council adopted the Prevention of Sexual Harassment Policy (Councillors), and a Prevention of Sexual Harassment in the Workplace Policy (employees) was also approved which explicitly include client behaviour towards Councillors, staff and the public encountered in Council building and facilities.  The Complaints Handling Policy was reviewed to include third parties to Council operations and reference to the Prevention of Sexual Harassment Policy.  In addition to Council's annual online compliance training, Council will arrange specific training around the prevention of sexual harassment every two years for Councillors and employees.  The Prevention of Sexual Harassment Policy (Council) is available on Council's website. It was also placed on Council's 'Have your say' section of the website for public comment prior to its endorsement.  Council is arranged for posters to be displayed throughout all Council facilities that promote a zero tolerance to any form of sexual harassment.	15 September 2020 and 18 August 2020  27 August 2020  March 2021 and March 2023  10 September 2020  29 January 2021

Response provided by the Chief Executive Officer, Ararat—continued

4	<p>Introduce a standalone sexual harassment policy that:</p> <ul style="list-style-type: none"> <li>aligns with the Victorian Equal Opportunity and Human Rights Commission's Guideline: Preventing and responding to workplace sexual harassment, Complying with the Equal Opportunity Act 2010 and the Victorian Public Sector Commission's Sexual Harassment Model Policy</li> <li>includes clear links to relevant council policies and procedures</li> <li>covers the applicability of council policies to different roles and workplace settings, including councillors, customer-facing staff and members of the public</li> <li>is searchable on council intranet sites or cloud software, and available in hard copy to all staff (see Section 3.1).</li> </ul>	<p>A Prevention of Sexual Harassment in the Workplace Policy was developed that applies to Council staff, clients and other third parties. This policy was endorsed by the Consultative Committee and the Safety Committee prior to being approved by the Chief Executive Officer.</p> <p>Further Council adopted a Prevention of Sexual Harassment Policy specifically for Council, the Councillors and its clients.</p> <p>Both policies were based on the Victorian Public Sector Commission's Sexual Harassment Model Policy. These policies identify the related policies, procedures and legislation.</p> <p>All Administration and Council Policies are available electronically. Councillors have access to Council policies electronically.</p> <p>Hardcopies have been provided in staffrooms at Councils two main offices for those who do not have access to devices. The location of the hardcopy policies have been posted throughout Council buildings.</p>	<p>18 August 2020</p> <p>15 September 2020</p> <p>10 September 2020</p>
5	<p>Introduce mandatory training on sexual harassment, or improve existing training, so that at a minimum it:</p> <ul style="list-style-type: none"> <li>in addition to online modules, includes face-to-face or live online sessions for all staff and councillors at least once every two years</li> <li>covers safe strategies for bystander interventions</li> <li>is tailored to the council's policies, procedures and workplace risk factors (see Section 3.2).</li> </ul>	<p>In addition to Council's annual online compliance training, Council will arrange specific training in relation to the prevention of sexual harassment and active bystander every two years for employees.</p> <p>Also, Council has incorporated two prevention of sexual harassment training and separate active bystander training for Councillors in its Councillor training schedule for the 2020-2024 Council term.</p> <p>New staff members must complete mandatory induction training on commencement, which includes all policies.</p>	<p>March 2021 March 2023</p> <p>Within 6 weeks of employee commencing</p>
6	<p>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).</p>	<p>The Councillor Code of Conduct details the principles of behaviours which Councillors must adhere to. A review of the Councillor Code of Conduct is currently being undertaken. As part of the review a community engagement process will be undertaken.</p> <p>Staff Code of Conduct details respectful behaviour extensively and the need for supervisors/managers to lead by example.</p> <p>The Prevention of Sexual Harassment in the Workplace Policy will be incorporated into the annual review process to ensure regular communication of the policy.</p>	<p>24 February 2021</p> <p>30 June 2021</p> <p>30 June 2021</p>
7	<p>Encourage reporting of inappropriate behaviour by:</p> <ul style="list-style-type: none"> <li>promoting formal and informal complaint channels</li> <li>allowing for anonymous complaints (see Section 4.1)</li> </ul>	<p>Council reviewed its Staff Grievances Policy to incorporate informal, formal or anonymous complaint reporting.</p> <p>The Prevention of Sexual Harassment in the Workplace Policy informs staff of the process to making an informal, formal or anonymous complaint.</p>	<p>18 August 2020</p>

Response provided by the Chief Executive Officer, Ararat—continued

8	<p>Improve record keeping of sexual harassment complaints by:</p> <ul style="list-style-type: none"> <li>• keeping complete records of all interactions relating to a complaint</li> <li>• 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 4.2).</li> </ul>	<p>A complaint reporting register was created in excel which has the ability to sort entries into the type of incident. All ex-employee data is contained within this register.</p> <p>A new Human Resource Management System will capture these complaints for current employees utilising the same categories.</p> <p>A Workplace Investigations Guideline was developed and approved by the CEO for the receipt and investigation of any reports of sexual harassment. These were developed referencing the <i>IBAC Investigations Guide</i>.</p>	<p>19 October 2020</p> <p>30 March 2021</p> <p>20 October 2020</p>
9	<p>Review complaint procedures to ensure they include:</p> <ul style="list-style-type: none"> <li>• a requirement to inform the complainant of the outcome of the complaint</li> <li>• guidance on how investigators can support reluctant complainants (see Section 4.2).</li> </ul>	<p>The Complaints Handling Policy was reviewed to include a requirement that the decision-maker will respond to the complainant and respondent with a clear decision.</p> <p>Council's Workplace Investigations Guideline details how to support reluctant complainants. This was developed referencing the <i>IBAC Investigations Guide</i>.</p>	<p>27 August 2020</p> <p>20 October 2020</p>
10	<p>Ensure councillors receive training on sexual harassment at least twice per council term (see Section 3.2).</p>	<p>In addition to Council's annual online training, Council has incorporated two Prevention of Sexual Harassment training sessions for Councillors in its Councillor training schedule for the 2020-2024 Council term.</p>	<p>March 2021 and March 2023</p>
11	<p>Ensure councillors are informed of their internal and external options for sexual harassment support and complaints, including:</p> <ul style="list-style-type: none"> <li>• the Council's Employee Assistance Program</li> <li>• Councillor Code of Conduct dispute resolution processes</li> <li>• external complaint bodies (see Section 4.1).</li> </ul>	<p>Councillors have access to Council's Employee Assistance Program as well as staff members. Councillors have been provided with the relevant information and contact details for this program.</p> <p>Councillors were forwarded a copy of the current Councillor Code of Conduct, which outlines the dispute resolution procedures and complaints process.</p> <p>The Councillor Code of Conduct is currently being reviewed and will include the provisions prescribed in the <i>Local Government Act 2020</i>.</p> <p>The Council's Prevention of Sexual Harassment Policy outlines external support and complaint agencies. These include the Equal Opportunity and Human Rights Commission, VCAT and Victoria Police.</p>	<p>11 November 2020</p> <p>6 November 2020</p> <p>24 February 2021</p> <p>15 September 2020</p>

## Response provided by the Chief Executive Officer, Corangamite



Mr Andrew Greaves  
Auditor General  
Victorian Auditor-General's Office  
Level 31/35 Collins Street  
Melbourne Vic 3000

Dear Mr Greaves

**Re: Performance Audit Report - Sexual Harassment in Local Government**

Thank you for your letter dated 6 November 2020, enclosing the proposed report on sexual harassment in local government, and for the opportunity to provide submissions or comments.

Corangamite Shire Council is very keen to strengthen its organisational culture to ensure sexual harassment is not tolerated. The recommendations contained in the report are accepted.

Enclosed with this letter are Council's responses and proposed actions in relation to each of the recommendations. We will present the Report and Council's Action Plan to Council's Audit and Risk Committee at its December meeting. The Committee will monitor progress against each of the recommendations.

We would like to thank the Audit Team for their constructive and collaborative approach in undertaking this audit.

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrew Mason".

Andrew Mason  
Chief Executive Officer

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[corangamite.vic.gov.au](http://corangamite.vic.gov.au) Social media icons for Instagram, Facebook, Twitter, and YouTube.



Response provided by the Chief Executive Officer, Corangamite—*continued*

No.	VAGO recommendation	Action	Who	Completion Date
1.	Use findings from the VAGO 2020 <i>Sexual Harassment in Local Government</i> survey to identify and act on risk factors for council employees and workplaces	Results of the survey will be used to inform future policy development, particularly in making them more accessible and providing greater clarity on how to report.	CEO	Ongoing
2.	Collect information about the prevalence and nature of sexual harassment at least once every two years by: <ul style="list-style-type: none"> <li>Conducting workplace surveys</li> <li>Reviewing complaints information</li> </ul>	The biennial employee engagement survey will include specific questions about staffs' experience of sexual harassment and other inappropriate behaviours.	MHRR	December 2021
3.	Address the risk of sexual harassment by members of the public by: <ul style="list-style-type: none"> <li>Ensuring sexual harassment policies, procedures and training explicitly cover sexual harassment from the public</li> <li>Regularly communicating to customers and staff that the council does not tolerate any form of sexual harassment from the public</li> </ul>	The next policy review will address these factors. Staff will also be advised how they can report instances of sexual harassment. Councils Customer Service Charter will also be reviewed to incorporate the recommendation.	MHRR MGE	November 2022
5.	Introduce a standalone sexual harassment policy that: <ul style="list-style-type: none"> <li>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>Sexual Harassment Model Policy</i></li> <li>includes clear links to relevant council policies and procedures</li> <li>covers the applicability of council policies to different roles and workplace settings, including councillors, customer-facing staff and members of the public</li> <li>is searchable on council intranet sites or cloud software, and is available in hard copy to all staff</li> </ul>	During the next cyclical review of the Equal Opportunity Policy, sexual harassment will be included in a dedicated policy aligned with the Commission's Guideline.  We will investigate, but currently the intranet does not have the capacity for searchable docs and Council has limited resources for upgrades. Policies are also available on Council's EDMS which does have the ability to search on document content.	MHRR	November 2022



Response provided by the Chief Executive Officer, Corangamite—*continued*

No.	VAGO recommendation	Action	Who	Completion Date
6.	Introduce mandatory training on sexual harassment, or improve existing training, so that at a minimum it: <ul style="list-style-type: none"> <li>in addition to online modules, includes face-to-face or live online sessions for all staff and councillors at least once every two years</li> <li>covers safe strategies for bystander interventions</li> <li>is tailored to the council's policies, procedures and workplace risk factors.</li> </ul>	Council currently provides annual online training for staff and councillors. We will introduce biennial face-to-face training to complement the current online training, covering the minimum requirements as recommended	MHRR	July 2022
7.	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.	Staff are regularly reminded of their obligations with regard to respectful behavior. This will be strengthened to incorporate sexual harassment. The Council and Employee Codes of Conduct require respectful behavior of all individuals, including leaders. The Employee Code of Conduct prohibits sexual harassment. Council will include similar clauses when reviewing the Councillor Code of Conduct	CEO	December 2020
8.	Encourage reporting of inappropriate behaviour by: <ul style="list-style-type: none"> <li>promoting formal and informal complaint channels</li> <li>allowing for anonymous complaints</li> </ul>	At its next review, the Complaints, Grievance and Dispute Procedure will provide for anonymous complaints.  The staff newsletter will promote the Procedure and also formal and informal complaint channels.	MHRR  CEO	July 2022  Ongoing
9.	Improve record keeping of sexual harassment complaints by: <ul style="list-style-type: none"> <li>keeping complete records of all interactions relating to a complaint</li> <li>documenting decisions to not investigate complaints or to stop investigations, including the rationale for the decision and the name and role of decision makers</li> </ul>	Council has commenced the implementation of a register for complaints and also a process for recording for capturing complaints from members of the public.	MHRR	December 2020
10.	Review complaint procedures to ensure they include: <ul style="list-style-type: none"> <li>a requirement to inform the complainant of the outcome of the complaint</li> <li>guidance on how investigators can support reluctant complainants</li> </ul>	Council will incorporate the recommendation in its next review of the Procedure	MHRR	July 2022

Response provided by the Chief Executive Officer, Corangamite—*continued*

No.	VAGO recommendation	Action	Who	Completion Date
11.	Ensure councillors receive training on sexual harassment at least twice per council term	Councillors currently complete online sexual harassment training annually.	CEO	June 2021
12.	Ensure councillors are informed of their internal and external options for sexual harassment support and complaints, including: <ul style="list-style-type: none"> <li>• the council's Employee Assistance Program</li> <li>• Councillor Code of Conduct dispute resolution processes</li> <li>• external complaint bodies</li> </ul>	CEO to discuss as part of review of Councillors Code of Conduct. The options will be included in the Code as well.	CEO	February 2021

Response provided by the Chief Executive Officer, Frankston



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 Enquiries: Phil Cantillon  
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20 November 2020

M Andrew Greaves  
 Auditor General  
 Victorian Auditor-Generals Office  
 Level 31 / 35 Collins St  
 MELBOURNE VIC 3000

Dear Mr Greaves

**PERFORMANCE AUDIT REPORT - SEXUAL HARASSMENT IN LOCAL GOVERNMENT**

I am writing in response to your letter of 6 November 2020 in which you provided the proposed report on Sexual Harassment in Local Government. Frankston City Council takes sexual harassment seriously and we welcome your findings and feedback on how we can improve our approach to dealing with Sexual Harassment in our organisation.

I have discussed the results with my Manager People & Culture, and while we are surprised by the results we are committed to implementing stronger actions to both prevent sexual harassment and to deal with complaints in an appropriate manner. The lack of complaints and the positive results from our most recent staff survey (June 2020) have led us to believe that there were performing well in this area, however your data indicates otherwise.

In response to your survey, we are committed to taking the following actions:

Item	VAGO recommendation	Frankston City Council's response
1.	Use findings from the Victorian Auditor-General's 2020 Sexual Harassment in Local Government survey to identify and act on risk factors for council employees and workplaces.	Council is committed to reducing the risk factors for sexual harassment in the workplace.
2.	Collect information about the prevalence and nature of sexual harassment at least once every two years by: <ul style="list-style-type: none"> <li>conducting workplace surveys;</li> <li>reviewing complaints information.</li> </ul>	FCC conducts bi-annual staff culture surveys, we will ask additional questions related to sexual harassment in our future surveys to better understand the prevalence of sexual harassment and any barriers to reporting.

Seaford » Frankston » Langwarrin » Karingal » Skye » Frankston South » Frankston North » Carrum Downs » Langwarrin South » Sandhurst

Response provided by the Chief Executive Officer, Frankston—*continued*

Item	VAGO recommendation	Frankston City Council's response
3.	<p>Address the risk of sexual harassment by members of the public by:</p> <ul style="list-style-type: none"> <li>ensuring sexual harassment policies, procedures and training explicitly cover sexual harassment from the public;</li> <li>regularly communicating to customers and staff that the council does not tolerate any form of sexual harassment from the public.</li> </ul>	<p>We will update our policies, procedures and training to cover processes for dealing with sexual harassment by members of the public. We will develop specific communications from the CEO to express the organisations zero tolerance for sexual harassment, to be released by end of November 2020.</p>
4.	<p>Introduce mandatory training on sexual harassment, or improve existing training, so that at a minimum it:</p> <ul style="list-style-type: none"> <li>in addition to online modules, includes face-to-face or live online sessions for all staff and councillors at least once every two years;</li> <li>covers safe strategies for bystander interventions;</li> <li>is tailored to the council's policies, procedures and workplace risk factors.</li> </ul>	<p>We are developing an on-line training program for all staff and Councillors to be released in November that includes how to make a complaint and actively encourages complaints.</p> <p>We will develop a face to face course for managers and coordinators on responding to Sexual Harassment complaints from staff and clients. This course will be run between December 2020 and March 2021 and will also form part of our regular training calendar. Both courses include bystander interventions.</p>
5.	<p>Introduce a standalone sexual harassment policy that:</p> <ul style="list-style-type: none"> <li>aligns with the Victorian Equal Opportunity and Human Rights Commission's Guideline: Preventing and responding to workplace sexual harassment, Complying with the Equal Opportunity Act 2010 and the Victorian Public Sector Commission's Sexual Harassment Model Policy;</li> <li>includes clear links to other relevant council policies and procedures;</li> <li>covers the applicability of council policies to different roles and workplace settings, including councillors, customer-facing staff and members of the public;</li> <li>is searchable on council intranet sites or cloud software, and available in hard copy to all staff.</li> </ul>	<p>We have developed a stand-alone Sexual Harassment Policy based on the Vic Gov model policy that includes; how to make a complaint, how the complaint will be handled, and dealing with sexual harassment from customers and members of the public. This policy covers all employees and Councillors. All Frankston City council Policies and procedures are available on our intranet site.</p>

Seaford » Frankston » Langwarrin » Karingal » Skye » Frankston South » Frankston North » Carrum Downs » Langwarrin South » Sandhurst

Response provided by the Chief Executive Officer, Frankston—*continued*

Item	VAGO recommendation	Frankston City Council's response
6.	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.	We will be continually reinforce our organisational values – Kinder, Smarter, Fairer – and ensure these are role modelled by all Councillors and senior staff.
7.	Encourage reporting of inappropriate behaviour by: <ul style="list-style-type: none"> <li>• promoting formal and informal complaint channels;</li> <li>• allowing for anonymous complaints.</li> </ul>	We will advertise on our intranet methods of making a complaint and we have engaged an external anonymous reporting service, Stop-line, to enable anonymous reporting of sexual harassment.
8.	Improve record keeping of sexual harassment complaints by: <ul style="list-style-type: none"> <li>• keeping complete records of all interactions on a complaint;</li> <li>• documenting decisions to not investigate complaints or to stop investigations, including the rationale for the decision and the name and role of decision makers.</li> </ul>	We will design a centralised register to capture complaints, actions taken and resolution.
9.	Review complaint procedures to ensure they include: <ul style="list-style-type: none"> <li>• a requirement to inform complainant of the outcome of the complaint;</li> <li>• guidance on how investigators can support reluctant complainants.</li> </ul>	Our complaint procedures have now been updated and include a requirement to inform the complainant of the outcome. We will training our people managers on how to respond to both formal and informal complaints and to support complainants.
10.	Ensure councillors receive training on sexual harassment at least twice per council term.	We will be developing an on-line training program for all staff and Councillors to be released in November 2020, this forms part of their induction program. A Further face to face session will be delivered early in 2021. All training includes how to make a complaint and actively encourages complaints.
11.	Ensure councillors are informed of their internal and external options for sexual harassment support and complaints, including: <ul style="list-style-type: none"> <li>• the council's Employee Assistance Program</li> <li>• Councillor Code of Conduct dispute resolution processes</li> <li>• external complaint bodies</li> </ul>	Councillors will be provided information through our newly develop Councillor Portal that includes the EAP, Councillor Code of Conduct and our newly appointed external reporting service through Stop-line.

Seaford » Frankston » Langwarrin » Karingal » Skye » Frankston South » Frankston North » Carrum Downs » Langwarrin South » Sandhurst



Response provided by the Chief Executive Officer, Frankston—*continued*

Frankston City Council is committed to improving our organisational culture and eliminating sexual harassment is a key element of that improvement. We welcome VAGO periodic review of our progress in implementing these recommendations. This program of work will be presented to the incoming Council to seek their commitment to a positive outcome for all staff and Councillors.

Yours faithfully



Phil Cantillon  
CHIEF EXECUTIVE OFFICER

## Response provided by the Chief Executive Officer, Latrobe



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SP:SA

23 November 2020

Mr Andrew Greaves  
 Auditor General  
 Victoria Auditor General's Office  
 Level 31/35 Collins Street  
 MELBOURNE VIC 3000

Dear Mr Greaves,

**PERFORMANCE AUDIT REPORT SEXUAL HARASSMENT IN LOCAL GOVERNMENT**

I refer to your request dated 6 November 2020 regarding Latrobe City Council's response to the recommendations of the proposed audit report regarding the recent VAGO audit into Sexual Harassment in Local Government.

With regard to the recommendations listed in the report, council formally advises of the following actions that will be taken to address these recommendations. Our response to each of these points is as follows:

**1. Use findings from the Victorian Auditor-General's 2020 Sexual Harassment in Local Government survey to identify and act on risk factors for council employees and workplaces (see Section 2.3).**

Council will further analyse this data to better identify the areas of our workforce in which sexual harassment is at risk of not being reported.

The findings of this work will better inform our actions to ensure that our policies, training and reporting lines are relevant to all facets of our workforce.

**2. Collect information about the prevalence and nature of sexual harassment at least once every two years by:**

- conducting workplace surveys
- reviewing complaints information (see Section 2.6).

Council will continue to ensure that this information is collected as part of our annual engagement and alignment survey.

Moe 1-29 George Street

Morwell 141 Commercial Road

Churchill Hub 9-11 Philip Parade

Traralgon 34-38 Kay Street

Response provided by the Chief Executive Officer, Latrobe—*continued***3. Address the risk of sexual harassment by members of the public by:**

- 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).

Council will ensure that our patron code of conduct / guidelines reiterate the expectation of our community to treat our employees and volunteers with respect and that sexual harassment from the community will not be tolerated.

Our internal reporting policies will be updated to ensure that our workforce is aware they can report this behaviour internally.

**4. Recommendation 4,**

Council has not provided a response to this point as it is a recommendation for Local Government Victoria only.

**5. Introduce a standalone sexual harassment policy that:**

- aligns with the Victorian Equal Opportunity and Human Rights Commission's Guideline: Preventing and responding to workplace sexual harassment, Complying with the Equal Opportunity Act 2010 and the Victorian Public Sector Commission's Sexual Harassment Model Policy
- 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).

Council commits to the implementation of a standalone sexual harassment policy in accordance with the requirements listed above.

**6. Introduce mandatory training on sexual harassment, or improve existing training, so that at a minimum it:**

- in addition to online modules, includes face-to-face or live online sessions for all staff and councillors at least once every two years
- covers safe strategies for bystander interventions
- is tailored to the council's policies, procedures and workplace risk factors (see Section 3.2).

Council has already taken steps to ensure that our existing modules of training will be revised to ensure we have standalone sexual harassment content in line with our updated policies and procedures.

Response provided by the Chief Executive Officer, Latrobe—*continued*

This content will form part of our mandatory training suite and will be re-taken by staff on a two yearly basis.

- 7. 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).**

Council currently ensures that leaders actively demonstrate Council's values and act in line with the code of conduct. In addition to this, we will embed the above requirement into our annual code of conduct related content, to ensure that leaders are reiterating this message across our workforce.

- 8. Encourage reporting of inappropriate behaviour by:**
- promoting formal and informal complaint channels
  - allowing for anonymous complaints (see Section 4.1).

As previously noted, a review of our policy and procedure will ensure we have formal, informal and anonymous reporting avenues to assist our entire workforce to be able to report sexual harassment in the workplace.

- 9. Improve record keeping of sexual harassment complaints by:**
- 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 4.2).

We currently maintain confidential records on complaints of this nature and will ensure that this continues in line with the findings of the audit and our updated policies in this space.

- 10. Review complaint procedures to ensure they include:**
- a requirement to inform the complainant of the outcome of the complaint
  - guidance on how investigators can support reluctant complainants (see Section 4.2).

This information is part of our overall Grievance Management Procedure and will be incorporated into the standalone sexual harassment procedure that will be developed in accordance with previous comments above.

- 11. Ensure councillors receive training on sexual harassment at least twice per council term (see Section 3.2)**

Response provided by the Chief Executive Officer, Latrobe—*continued*

As part of the implementation of the sexual harassment standalone mandatory training for employees identified previously Council will ensure that this content is part of the Councillor mandatory training suite also.

**12. Ensure councillors are informed of their internal and external options for sexual harassment support and complaints, including:**

- the council's Employee Assistance Program
- Councillor Code of Conduct dispute resolution processes
- external complaint bodies (see Section 4.1).

Council will ensure that Councillors are aware of our policies and procedures regarding sexual harassment and the supports and options available to them if they experience sexual harassment. This will be reflected in our updated procedure regarding the management of sexual harassment.

If you require further information, please contact Sam Amaira, Acting Manager People and Culture on 0419 359 233 or email [Sam.Amaira@latrobe.vic.gov.au](mailto:Sam.Amaira@latrobe.vic.gov.au)

Yours sincerely



STEVEN PIASENTE  
**Chief Executive Officer**



## Response provided by the Chief Executive Officer, Moreland

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Mr Andrew Greaves  
Auditor General  
Victorian Auditor General's Office  
Level 31, 35 Collins Street  
Melbourne VIC 3000

Doc No D20/491141

Dear Mr Greaves,

**RE: Proposed Performance Audit Report Sexual Harassment in Local Government**

Thank you for your letter dated 6 November 2020 providing the proposed report on Sexual Harassment in Local Government in accordance with the *Audit Act 1994* and inviting submissions and comments for inclusion in the final report.

Moreland City Council is committed to providing a positive and safe workplace that is free of sexual harassment which is reflected in our values, training and processes to deal with such matters and welcomes all the recommendations contained in the report. Your report has identified some actions that will further enhance our culture and protect our staff and Councillors from sexual harassment.

In response to the report's recommendations, an action plan has been developed. This includes ensuring all staff and councillors are appropriately trained on their responsibilities to prevent, respond to and report sexual harassment. Specifically, Moreland City Council will improve sustained engagement and embedded organisational approaches including:

- Increasing the accessibility and communication of our policies;
- Refining the way in which we handle, document and categorise complaints of sexual harassment;
- Ensuring Councillors receive appropriate training in sexual harassment;
- Ensuring relevant managers are trained to handle sexual harassment complaints;
- Incorporating our existing bystander training into the compulsory training program;
- Updating policies as recommended in the report.

This paper is 100% recycled

**Response provided by the Chief Executive Officer, Moreland—*continued***

We would like to acknowledge the constructive engagement between the VAGO audit team and staff at Moreland City Council.

Again, thank you for the opportunity to respond to the draft report and we thank the VAGO office for its audit and valuable contribution to this important issue for the sector.

Your sincerely,



Cathy Henderson  
**Chief Executive Officer**

23/11/2020

Cc: Mayor Annalivia Carli Hannan

Response provided by the Chief Executive Officer, Moreland—continued

OFFICIAL: Sensitive

Moreland City Council action plan to address recommendations from Performance Audit Report Sexual Harassment in Local Government

No.	VAGO recommendation	Considerations/Action	Completion date
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 2.3)	Consider all findings and work with the Executive and Branch managers to identify and act on risk factors. As a first step, the action items below demonstrate a willingness to strengthen Council's commitment in ensuring provision of a positive workplace for all employees and councillors.	Ongoing
2	Collect information about the prevalence and nature of sexual harassment at least once every two years by: <ul style="list-style-type: none"> <li>conducting workplace surveys</li> <li>reviewing complaints information (see 2.6)</li> </ul>	Human Resources Unit to work with Organisational Performance Branch to collect information about sexual harassment at work least once every two years by: <ul style="list-style-type: none"> <li>Incorporating relevant questions into staff culture or staff engagement surveys and exit surveys</li> <li>Reviewing complaints information to identify trends.</li> </ul> Explore ways councillors can be incorporated for survey question of this nature.	Biannually (first staff engagement survey to be conducted by 30 June 2021)
3	Address the risk of sexual harassment by members of the public by: <ul style="list-style-type: none"> <li>ensuring sexual harassment policies, procedures and training explicitly cover sexual harassment from the public</li> <li>regularly communicating to customers and staff that the council does not tolerate any form of sexual harassment from the public (see Section 2.4).</li> </ul>	<ul style="list-style-type: none"> <li>Human Resources Unit to update relevant policies, procedures and training to explicitly cover sexual harassment from the public.</li> <li>Human Resources Unit to work with Communications Unit to prepare regular communication to customers and staff messaging that council does not tolerate any form of sexual harassment from the public.</li> </ul>	• 31 May 2021 (update of relevant policies and procedures) and ongoing (i.e. training) • 31 December 2020 (communications to customer and staff will form part of communications plan)

Response provided by the Chief Executive Officer, Moreland—*continued*

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4	<p>Introduce a standalone sexual harassment policy that:</p> <ul style="list-style-type: none"> <li>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>Sexual Harassment Model Policy</i></li> <li>includes clear links to relevant council policies and procedures</li> <li>covers the applicability of roles and workplace settings, including councillors, customer-facing staff and members of the public</li> <li>is searchable on council intranet sites or cloud software, and available in hard copy to all staff (see Section 3.1).</li> </ul>	<ul style="list-style-type: none"> <li>Human Resources Unit to work with the Executive to consider a standalone sexual harassment policy.</li> <li>Notwithstanding the above, the Human Resources Unit will update relevant policies and training to ensure it is understood that sexual harassment is unlawful under the Equal Opportunity Act 2010. Human Resources Unit to update Council relevant policies and to ensure training informs employees and councillors that sexual harassment may have legal consequences for the harasser and Council by referencing that sexual harassment is unlawful under the Equal Opportunity Act 2010 in our policy and training.</li> <li>Update intranet in a way that allows a user to search the term 'sexual harassment' on Council's intranet.</li> </ul>	<ul style="list-style-type: none"> <li>31 May 2021</li> <li>31 May 2021</li> <li>31 May 2021</li> </ul>
5	<p>Improve existing training, so that at a minimum it:</p> <ul style="list-style-type: none"> <li>in addition to online modules, includes face-to-face or live online sessions for all staff and councillors at least once every two years</li> </ul>	<p>Human Resources Unit to work with key stakeholders to review training methods and develop a plan for delivery in 2021 (and ongoing) to better utilise and/or offer alternative training methods to promote Councils Appropriate Workplace Behaviour Policy and other relevant policies.</p>	28 February 2021